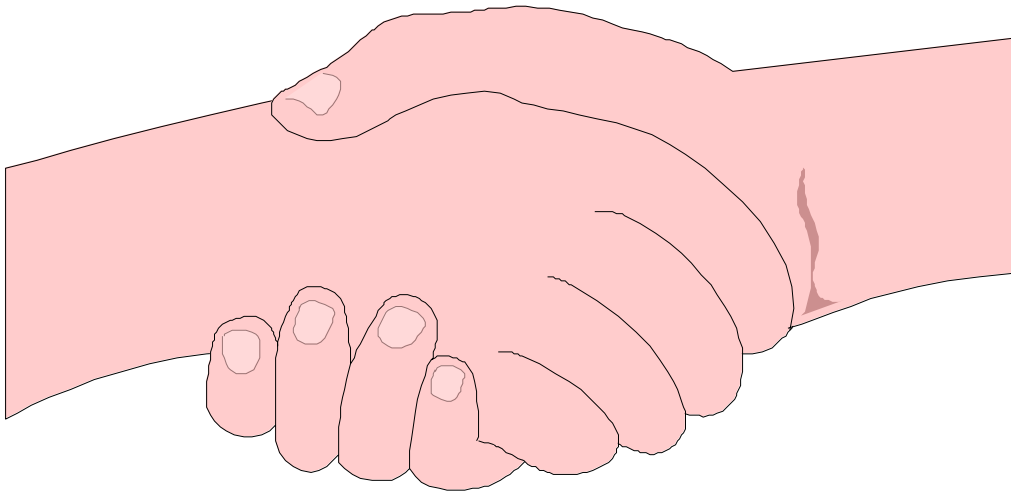


REQUIREMENT FOR CONSENT



"The ideal tyranny is that which is ignorantly self-administered by its victims. The most perfect slaves are, therefore, those which blissfully and unawaredly enslave themselves [\[because of their own legal ignorance\]](#)."
[Dresden James]

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1 The essence of sovereignty: Consent

This memorandum of law will cover the requirement for consent as the foundation of our system of law and government. Why is this subject important? Because we assert that there are only two types of governments:

1. Government by consent: This type of government serves the people from below.

But Jesus called them to Himself and said to them, “You know that those who are considered rulers over the Gentiles lord it over them, and their great ones exercise authority over them. Yet it shall not be so among you; but whoever desires to become great among you shall be your servant. “ And whoever of you desires to be first shall be slave of all. For even the Son of Man did not come to be served, but to serve, and to give His life a ransom for many.”
[Matt. 10:42-45, Bible, NKJV]

2. Terrorist government: This type of government rules from above by force or fraud or both and always results in idolatry toward government. This type of government is described as “the Beast” in Rev. 19:19.

Then all the elders of Israel gathered together and came to Samuel at Ramah, and said to him, “Look, you are old, and your sons do not walk in your ways. Now make us a king to judge us like all the nations [and be OVER them]”.

But the thing displeased Samuel when they said, “Give us a king to judge us.” So Samuel prayed to the Lord. And the Lord said to Samuel, “Heed the voice of the people in all that they say to you; for they have rejected Me [God], that I should not reign over them. According to all the works which they have done since the day that I brought them up out of Egypt, even to this day—with which they have forsaken Me and served other gods [Kings, in this case]—so they are doing to you also [government becoming idolatry]. Now therefore, heed their voice. However, you shall solemnly forewarn them, and show them the behavior of the king who will reign over them.”

So Samuel told all the words of the LORD to the people who asked him for a king. And he said, “This will be the behavior of the king who will reign over you: He will take [STEAL] your sons and appoint them for his own chariots and to be his horsemen, and some will run before his chariots. He will appoint captains over his thousands and captains over his fifties, will set some to plow his ground and reap his harvest, and some to make his weapons of war and equipment for his chariots. He will take [STEAL] your daughters to be perfumers, cooks, and bakers. And he will take [STEAL] the best of your fields, your vineyards, and your olive groves, and give them to his servants. He will take [STEAL] a tenth of your grain and your vintage, and give it to his officers and servants. And he will take [STEAL] your male servants, your female servants, your finest young men, and your donkeys, and put them to his work [as SLAVES]. He will take [STEAL] a tenth of your sheep. And you will be his servants. And you will cry out in that day because of your king whom you have chosen for yourselves, and the LORD will not hear you in that day.”

Nevertheless the people refused to obey the voice of Samuel; and they said, “No, but we will have a king over us, that we also may be like all the nations, and that our king may judge us and go out before us and fight our battles.”
[1 Sam. 8:4-20, Bible, NKJV]

Consistent with the above, Funk and Wagnalls defines “terrorism” as follows:

TER·ROR·ISM noun 1 The act of terrorizing. 2 A system of government that seeks to rule by intimidation. 3 Violent and unlawful acts of violence committed in an organized attempt to overthrow a government.

[Original (pre-Orwellian) Definition of the Word "Terrorism"
Funk and Wagnalls New Practical Standard Dictionary (1946)]

In the American republican form of government, the requirement for consent in all human interactions is the essence and the foundation of all of our sovereignty as human beings. Only by consenting to become “persons” or “individuals” from a statutory perspective can we be detached from that sovereignty.

“The rights of the individual are not derived from governmental agencies, either municipal, state or federal, or even from the Constitution. They exist inherently in every man, by endowment of the Creator, and are merely reaffirmed in the Constitution, and restricted only to the extent that they have been voluntarily surrendered by

1 the citizenship [DOMICILE, not NATIONALITY]¹ to the agencies of government. The people's rights are not
2 derived from the government, but the government's authority comes from the people. The Constitution but states
3 again these rights already existing, and when legislative encroachment by the nation, state, or municipality invade
4 these original and permanent rights, it is the duty of the courts to so declare, and to afford the necessary relief.
5 The fewer restrictions that surround the individual liberties of the citizen, except those for the preservation of the
6 public health, safety, and morals, the more contented the people and the more successful the democracy."
7 [City of Dallas v. Mitchell, 245 S.W. 944 (1922)]

8 "... Our government is founded upon compact. Sovereignty was, and is, in the people"
9 [Glass v. Sloop Betsey, 3 Dall. (U.S.) 6 (1794)]

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

13 "Homo vocabulum est naturae; persona juris civilis. Man (homo) is a term of nature; person (persona) of civil
14 law. "
15 [Black's Law Dictionary, Second Edition (A. D.1910), p. 577)]

16 "the word 'person' in legal terminology is perceived as a general word which normally includes in its scope a
17 variety of entities other than human beings., see e.g. 1, U.S.C. para 1."
18 [Church of Scientology v. US Department of Justice (1979) 612 F.2d. 417 @425]

19 **1.1 Requirement for consent is the FOUNDATION of our system of civil law**

20 This requirement for consent of the governed is also the foundation for our system of law, starting with the Declaration of
21 Independence and going down from there. Anything Not consensual is, by definition, UNJUST per the organic law:

22 "That to secure these rights, governments are instituted among men, deriving their just powers from the consent
23 of the governed."
24 [Declaration of Independence]

25 Some people ignorantly argue that the Declaration of Independence cited above is not "LAW" and they are wrong. The very
26 first enactment of Congress on p. 1 of volume 1 of the Statutes At Large incorporated the Declaration of Independence as the
27 laws of this country. Don't believe us on this critical point? Watch Judge Andrew Napolitano say the same thing. He also
28 says that law is THE MOST VIOLATED provision of law in existence!:

Judge Andrew Napolitano says the Declaration of Independence is LAW enacted by Congress, Exhibit #03.006
<http://sedm.org/Exhibits/ExhibitIndex.htm>

29 The U.S. Supreme Court recognized the above requirement of the Declaration of Independence by holding that there are
30 ONLY two ways that any government civil enactment can acquire the "force of law" against anyone, and both of them require
31 your CONSENT in some form:

32 "All the powers of the government [including ALL of its civil enforcement powers against the public] must be
33 carried into operation by individual agency, either through the medium of public officers, or contracts made
34 with [private] individuals."
35 [Osborn v. Bank of U.S., 22 U.S. 738 (1824)]

36 Consequently, whenever the government seeks to civilly enforce against you, it has the burden of proving ONE of the
37 following two requirements to demonstrate that authority to civilly govern, both of which require consent in some form:

- 38 1. You CONSENTED to either lawfully occupy a public office in the government OR;
- 39 2. You have a contract with them, where the "social compact" that implements the civil law is the "contract".

40 This burden of proof is the SAME burden of proof that YOU have to meet when you sue them: Consent to be sued in writing
41 in the form of a statute expressly waiving sovereign immunity. Sovereign immunity goes BOTH ways because all are equal
42 under our system of law. In a government of delegated powers, you can't delegate sovereign immunity to a "government"
43 without ALSO having the SAME power against them.

¹ See: Why Domicile and Becoming a "Taxpayer" Require Your Consent, Form #05.002; <http://sedm.org/Forms/05-MemLaw/Domicile.pdf>.

"The question is not what power the federal government ought to have, but what powers, in fact, have been given by the people... The federal union is a government of delegated powers. It has only such as are expressly conferred upon it, and such as are reasonably to be implied from those granted. In this respect, we differ radically from nations where all legislative power, without restriction or limitation, is vested in a parliament or other legislative body subject to no restriction except the discretion of its members." (Congress) [*U.S. v. William M. Butler*, 297 U.S. 1 (1936)]

"Derativa potestas non potest esse major primitiva. The power which is derived cannot be greater than that from which it is derived."
[Bouvier's Maxims of Law, 1856;
SOURCE: <http://famguardian.org/Publications/BouvierMaximsOfLaw/BouviersMaxims.htm>]

A violation of the above principal turns government into an unconstitutional civil religion with "supernatural powers" that are greater than their ONLY "natural" source, which is human beings like you who delegated them their powers to begin with. That civil religion is described in:

Socialism: The New American Civil Religion, Form #05.016
<http://sedm.org/Forms/FormIndex.htm>

In a system of government where the Bill of Rights recognizes the sovereignty of all human beings, the only way your rights can be adversely affected is if you consent to lose them or contract them away in exchange for some "benefit". Below is how Black's Law Dictionary defines "consent":

"consent. A concurrence of wills. Voluntarily yielding the will to the proposition of another; acquiescence or compliance therewith. Agreement; approval; permission; the act or result of coming into harmony or accord. Consent is an act of reason, accompanied with deliberation, the mind weighing as in a balance the good or evil on each side. It means voluntary agreement by a person in the possession and exercise of sufficient mental capacity to make an intelligent choice to do something proposed by another. It supposes a physical power to act, a moral power of acting, and a serious, determined, and free use of these powers. Consent is implied in every agreement. It is an act unclouded by fraud, duress, or sometimes even mistake.

Willingness in fact that an act or an invasion of an interest shall take place. Restatement, Second, Torts §10A.

As used in the law of rape "consent" means consent of the will, and submission under the influence of fear or terror cannot amount to real consent. There must be an exercise of intelligence based on knowledge of its significance and moral quality and there must be a choice between resistance and assent. And if a woman resists to the point where further resistance would be useless or until her resistance is overcome by force or violence, submission thereafter is not "consent".

See also Acquiescence; Age of consent; Assent; Connivance; Informed consent;" voluntary
[Black's Law Dictionary, Sixth Edition, p. 305]

The presumption of innocent until proven guilty is an example of the implementation of this principle of consent as the foundation of legal justice within American Jurisprudence.

First, the criminal process presumes that the defendant is innocent until proved guilty. Coffin v. United States, 156 U.S. 432, 453 (1895) (presumption of innocence "lies at the foundation of the administration of our criminal law"). Visible shackling undermines the presumption of innocence and the related fairness of the factfinding process. Cf. Estelle, supra, at 503. It suggests to the jury that the justice system itself sees a "need to separate a defendant from the community at large." Holbrook, supra, at 569; cf. State v. Roberts, 86 N.J. Super., at 162, 206 A.2d., at 202 ("[A] defendant 'ought not be brought to the Bar in a contemptuous Manner; as with his Hands tied together, or any other Mark of Ignominy and Reproach . . . unless there be some Danger of a Rescous [rescue] or Escape'" (quoting 2 W. Hawkins, Pleas 631*631 of the Crown, ch. 28, § 1, p. 308 (1716-1721) (section on arraignments))).
[Deck v. Missouri, 544 U.S. 622 (2005)]

To PRESUME that someone is innocent until proven guilty, is to presume that you need to demonstrate their consent to a specific legal status before the obligations of that status can be enforced against you. For instance, under the above provision, you are presumed to be a "non-resident non-person" and a "non-taxpayer" and therefore "innocent" in relation to the government, unless and until the government PROVES you consented to waive your sovereign immunity, join the social compact, and thereby acquire the obligations of the civil status of STATUTORY "citizen". The end result is that you have to be left alone by the government until they prove that you contracted with them and subsequently violated that "social compact", as the U.S. Supreme Court calls it. That compact is the statutory civil law, as we exhaustively prove in:

1.2 Consent is the ONLY way PUBLIC civil statutes and PRIVATE contracts can acquire the "force of law"

Consent, in fact, is what creates ALL law, whether public or private:

*"Consensus facit legem.
Consent makes the law. A contract is a law between the parties, which can acquire force only by consent."
[Bouvier's Maxims of Law, 1856;
SOURCE: <http://famguardian.org/Publications/BouvierMaximsOfLaw/BouviereMaxims.htm>]*

Only the criminal laws can impose a universal, nonconsensual obligation or "duty" equally upon everyone, and that duty is to refrain from injuring the equal rights of our sovereign "neighbor". This, in fact, is a fulfillment of the second of two great commandments found in Matt. 22:36-40, which requires us to love our neighbor, because you don't hurt people you love:

For the commandments, "You shall not commit adultery," "You shall not murder," "You shall not steal," "You shall not bear false witness," "You shall not covet," and if there is any other commandment, are all summed up in this saying, namely, "You shall love your neighbor as yourself."

Love does no harm to a neighbor; therefore love is the fulfillment of the law.
[Romans 13:9-10, Bible, NKJV]

*"Do not strive with [or try to regulate or control or enslave] a man without cause, if he has done you no harm."
[Prov. 3:30, Bible, NKJV]*

The above concepts were explained more extensively in the What is "law"?, Form #05.048, Section 2, where the only legitimate purpose of enforceable law was described as providing remedies for harm AFTER the harm occurs, but not to PREVENT harm BEFORE it occurs. All remaining laws other than criminal law are civil in nature and require individual consent in some form to be enforceable or to acquire the "force of law". That constructive consent occurs through one of the following three means:

1. Choosing a domicile within the territory of a government that is operating outside of natural law and natural right, and thereby becoming subject to injurious civil laws which undermine rather than protect your rights. See:

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

2. Engaging in a privileged or regulated franchise. Performing the activity implies constructive consent to the regulation of the activity. See:

The "Trade or Business" Scam, Form #05.001
<http://sedm.org/Forms/FormIndex.htm>

3. Signing a government form or application to contractually procure some privileged "benefit", which manifests consent to be subject to the laws that implement the program and causes you to surrender some of your rights in return for a perceived benefit. See:

The Government "Benefits" Scam, Form #05.040
<http://sedm.org/Forms/FormIndex.htm>

1.3 Loss of natural or common law Rights requires CONSENT

The only lawful way that a human being can lose a constitutionally protected PRIVATE right or substitute it for a PUBLIC civil statutory right is therefore:

1. To contract away rights through voluntary, informed, written consent to a PRIVATE party OTHER than a government.

*"Waivers of Constitutional rights not only must be voluntary, but must be knowing, intelligent acts done with sufficient awareness of the relevant circumstances and likely consequences."
[Brady v. U.S., 397 U.S. 742 (1970)]*

- 1 2. To engage in activities that injure the equal rights of others.
2 3. To acquiesce or tacitly consent to injurious behaviors of others that adversely affect our rights.

3 “SUB SILENTIO. Under silence; without any notice being taken. Passing a thing sub silentio may be evidence of
4 consent”
5 [Black’s Law Dictionary, Fourth Edition, p. 1593]

6 “Qui tacet consentire videtur.
7 He who is silent appears to consent. Jenk. Cent. 32.”
8 [Bouvier’s Maxims of Law, 1856;
9 SOURCE: <http://famguardian.org/Publications/BouvierMaximsOfLaw/BouviersMaxims.htm>]

10 This could occur because:

- 11 3.1. We are not aware of what our rights are and therefore do not know that we have standing to sue for their violation.
12 3.2. The cost of litigation to defend our rights is higher than the injury we have suffered, and therefore not economically
13 feasible.
14 3.3. We have been threatened by private employers and financial institutions to acquiesce or suffer either not being
15 hired or being fired for not acquiescing.
16 3.4. We are under some form of financial distress which compels us to make compromises.

17 It is a maxim of law that you can only lose your rights or property through your voluntary consent:

18 “Quod meum est sine me auferri non potest.
19 What is mine cannot be taken away without my consent. Jenk. Cent. 251. Sed vide Eminent Domain.

20 Id quod nostrum est, sine facto nostro ad alium transferi non potest.
21 What belongs to us cannot be transferred to another without our consent. Dig. 50, 17, 11. But this must be
22 understood with this qualification, that the government may take property for public use, paying the owner its
23 value. The title to property may also be acquired, with the consent of the owner, by a judgment of a competent
24 tribunal.”
25 [Bouvier’s Maxims of Law, 1856;
26 SOURCE: <http://famguardian.org/Publications/BouvierMaximsOfLaw/BouviersMaxims.htm>]

27 It is also a maxim of law that you cannot be compelled to surrender your rights and that anything you consent to under the
28 influence of duress is not law and creates no obligation on your part:

29 “Invito beneficium non datur.
30 No one is obliged to accept a benefit against his consent. Dig. 50, 17, 69. But if he does not dissent he will be
31 considered as assenting. Vide Assent.

32 Non videtur consensum retinuisse si quis ex praescripto minantis aliquid immutavit.
33 He does not appear to have retained his consent, if he have changed anything through the means of a party
34 threatening. Bacon’s Max. Reg. 33.”
35 [Bouvier’s Maxims of Law, 1856;
36 SOURCE: <http://famguardian.org/Publications/BouvierMaximsOfLaw/BouviersMaxims.htm>]

37 Furthermore, those who have consented voluntarily, even if misinformed or uninformed at the time of the consent, have no
38 standing in court to sue for an injury as a remedy for any of the consequences of that consent:

39 “Voluntati non fit injuria.
40 He who consents cannot receive an injury. 2 Bouv. Inst. n. 2279, 2327; 4 T. R. 657; Shelf. on mar. & Div. 449.

41 Consensus tollit errorem.
42 Consent removes or obviates a mistake. Co. Litt. 126.

43 Melius est omnia mala pati quam malo concentire.
44 It is better to suffer every wrong or ill, than to consent to it. 3 Co. Inst. 23.

45 Nemo videtur fraudare eos qui sciunt, et consentiunt.
46 One cannot complain of having been deceived when he knew the fact and gave his consent. Dig. 50, 17, 145.”
47 [Bouvier’s Maxims of Law, 1856;
48 SOURCE: <http://famguardian.org/Publications/BouvierMaximsOfLaw/BouviersMaxims.htm>]

1.4 Consent removes equality under the law

The foundation of our republican system of government is absolute equality of treatment and protection under the law. We cover this in:

Requirement for Equal Protection and Equal Treatment, Form #05.033
<http://sedm.org/Forms/FormIndex.htm>

The only way you can therefore become UNEQUAL in relation to either governments or others is to CONSENT in some way to specific actions by those others. In that sense, consent REMOVES equality and replaces it with privilege, inequality, and religious idolatry. That idolatry is, in fact, the greatest sin in the Bible.

The main method of creating inequality under the civil law in fact is civil franchises. Franchises, in turn, can only be enforced against you WITH your consent. Otherwise, the Declaration of Independence says or implies that anything not deriving from consent is inherently UNJUST.

The basis of the common law is absolute EQUALITY of treatment and protection under that law. By “protection” we mean the following:

SEDM Disclaimer
4: Meaning of Words

The word "protection" includes only CRIMINAL, constitutional, and common law protection. It excludes every type of government activity, franchise, or program that requires a [predicate civil status \(Form #13.008\)](#) to enforce, such as "citizen", "resident", "taxpayer", "spouse", Social Security beneficiary, etc. Every attempt to impose, acquire, or enforce a civil status or to enforce duties upon a civil status NOT related to voting or jury service constitutes the following:

- 1. An INJURY and an [INJUSTICE \(Form #05.050\)](#).*
- 2. [Identity Theft \(Form #05.046\)](#).*

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

The basis of the civil statutory law is INEQUALITY between the GOVERNED and the GOVERNORS. Civil statutory law is a franchise, and inequality is the foundation of all franchises. Therefore, the only way that you can surrender the protections of the COMMON LAW and replace the common law with the CIVIL STATUTORY/franchise law is WITH CONSENT demonstrated with evidence on the administrative or judicial record of every proceeding against any government. A failure by the government to satisfy this burden of proof is an unconstitutional taking without compensation under the Fifth Amendment and an eminent domain against private rights without compensation.

Anyone who therefore insists on the ability to enforce a duty to them on your part under civil statutory codes that did not result from a specific identified injury to that person therefore has the burden of providing evidence on the record of any and every litigation that:

1. You expressly consented to the civil duty either directly or indirectly.
2. You had the legal capacity to consent to the duty. Otherwise, involuntary servitude under the Thirteenth Amendment will be the result.
 - 2.1. You can't consent as a minor.
 - 2.2. You can't consent to unilaterally “elect” yourself into a public office. You must be lawfully elected or appointed.
3. You lawfully acquired the civil statutory status to which the public rights attach at the time they were being enforced:
 - 3.1. You cannot be a statutory “driver” if you aren't lawfully and consensually using the public roadways for hire AT THE TIME that the obligations under the vehicle code are being enforced.
 - 3.2. You can't be a statutory “taxpayer” unless you are lawfully and consensually exercising the “functions of a public office” AT THE TIME that a so-called taxable event happened.
 - 3.3. You can't be a statutory “spouse” under the family code of your state if you are not consensually vindicating a public right or privilege under that family code.
 - 3.4. You can't be a “person” or “individual” under federal law unless you are lawfully and consensually exercising the “functions of a public office” under the franchises of the national government AT THE TIME the right is being enforced.

4. You are AWARE that you gave consent. You can't practically expressly give consent without at least being AWARE of it. The consent cannot be "invisible".

"Waivers of Constitutional Rights not only must be voluntary [explicitly consensual], they must be knowingly intelligent [and fully informed and fully educated] acts, done with sufficient awareness of the relevant circumstances and consequences."
[Brady v. U.S., [397 U.S. 742](#) (1970)]

5. The consent was given IN WRITING, and not verbally, and that writing must be introduced into evidence in the court or administrative proceeding enforcing the duty, if there is one.

"Every man is supposed to know the law. A party who makes a contract [or enters into a [franchise](#), which is also a contract] with an officer [of the government] without having it reduced to writing is knowingly accessory to a violation of duty on his part. Such a party aids in the violation of the law."
[Clark v. United States, 95 U.S. 539 (1877)]

6. If the other person enforcing the duty is a government, they have the burden of proving WITH EVIDENCE that you consented to donate otherwise private property to a public use, public purpose, or public office.

"Men are endowed by their Creator with certain unalienable rights, -life, liberty, and the pursuit of happiness;" and to 'secure,' not grant or create, these rights, governments are instituted. That property [or income] which a man has honestly acquired he retains full control of, subject to these limitations: First, that he shall not use it to his neighbor's injury, and that does not mean that he must use it for his neighbor's benefit; second, that if he devotes it to a public use, he gives to the public a right to control that USE; and third, that whenever the public needs require, the public may take it upon payment of due compensation.
[Budd v. People of State of New York, [143 U.S. 517](#) (1892)]

7. If the consent is acquired under a civil franchise, the franchise is offered to people domiciled and physically present in geographical places where the rights given away are NOT "inalienable", and therefore not protected by the Constitution.

*"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 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)]

Recall that the Declaration of Independence says that rights are "inalienable", which means they are INCAPABLE of being given away, even WITH your consent. This means that you must be both domiciled on and physically present on federal territory not protected by the constitution at the time you consented to the civil franchise.

"Indeed, the practical interpretation put by Congress upon the Constitution has been long continued and uniform to the effect [182 U.S. 244, 279] that the Constitution is applicable to territories acquired by purchase or conquest, only when and so far as Congress shall so direct. Notwithstanding its duty to 'guarantee to every state in this Union a republican form of government' (art. 4, 4), by which we understand, according to the definition of Webster, 'a government in which the supreme power resides in the whole body of the people, and is exercised by representatives elected by them,' Congress did not hesitate, in the original organization of the territories of Louisiana, Florida, the Northwest Territory, and its subdivisions of Ohio, Indiana, Michigan, Illinois, and Wisconsin and still more recently in the case of Alaska, to establish a form of government bearing a much greater analogy to a British Crown colony than a republican state of America, and to vest the legislative power either in a governor and council, or a governor and judges, to be appointed by the President. It was not until they had

1 attained a certain population that power was given them to organize a legislature by vote of the people. In all
2 these cases, as well as in territories subsequently organized west of the Mississippi, Congress thought it necessary
3 either to extend to Constitution and laws of the United States over them, or to declare that the inhabitants should
4 be entitled to enjoy the right of trial by jury, of bail, and of the privilege of the writ of habeas corpus, as well as
5 other privileges of the bill of rights."
6 [Downes v. Bidwell, 182 U.S. 244 (1901)]

7 **1.5 Government's purpose for existence: To protect the requirement for consent**

8 The government's whole purpose for existence, in fact, is to respect and protect the requirement for consent in all human
9 interactions by providing civil and criminal judicial remedies for coercion, force, or unlawful duress of every kind AFTER
10 they occur. It cannot fulfill this requirement if it can impose any kind of "duty" upon the American public beyond that of
11 compensating those who are hurt by non-consensual harmful behaviors that injure the equal rights of others. Thomas
12 Jefferson explained it best when he said on this subject:

13 *"With all [our] blessings, what more is necessary to make us a happy and a prosperous people? Still one thing*
14 *more, fellow citizens--**a wise and frugal Government, which shall restrain men from injuring one another, shall***
15 ***leave them otherwise free to regulate their own pursuits of industry and improvement, and shall not take from***
16 ***the mouth of labor the bread it has earned. This is the sum of good government, and this is necessary to close***
17 ***the circle of our felicities.**"*
18 [President Thomas Jefferson, concluding his first inaugural address, March 4, 1801]

19 Governments protect private rights and the requirement for consent in all human interactions by the following means:

- 20 1. Operating ONLY in a CORRECTIVE rather than PREVENTIVE mode in providing remedies for injuries. This
21 condition is the basis for the entire common law, in fact. The requirement for providing remedy is:
 - 22 1.1. There must be a real, flesh and blood party who was injured.
 - 23 1.2. The remedy should come AFTER but not BEFORE the injury occurs.
 - 24 1.3. There must be evidence to prove the injury.
- 25 2. If they enact any civil statute that attempts to act in a PREVENTIVE mode absent a demonstrated injury, then all such
26 statutes:
 - 27 2.1. Behave essentially as a civil franchise.
 - 28 2.2. Require you to expressly consent to the status to which the public right attaches.
 - 29 2.3. Cannot be enforced against those who have NOT expressly consented.
- 30 3. Protecting people's right to contract or not contract by punishing anyone who compels anyone to enter into or terminate
31 any contractual relationship. See Article 1, Section 10 of the United States Constitution, which prohibits any state from
32 impairing the obligation of contracts. Implicit in the phrase "impairing contracts" is any of the following:
 - 33 3.1. FORCING you to contract with anyone else, including the government.
 - 34 3.2. FORCING you to acquire or retain any civil status under an existing OTHER contract or franchise. Such statuses
35 include "citizen", "resident", "taxpayer", "spouse", "driver", etc.
 - 36 3.3. FORCING you to accept or assume the duties associated with any contract or franchise.
- 37 4. Ensuring that government does not compel people to convert their "private property" to "public use". In other words, to
38 punish those who compel others to engage in a privileged, excise taxable activity called a "trade or business" or a "public
39 office". This usually happens when the government compels you to obtain or use an identifying number in corresponding
40 with you. The regulations at 20 C.F.R. §422.103(d) say that the number belongs to the government and not you. It is
41 public property and it is illegal to use public property for a private use. Therefore, whatever you attach the number to
42 becomes "private property donated to a public use" to procure the benefits of a government franchise that destroys all of
43 your constitutional rights:

44 *"Surely the matters in which the public has the most interest are the supplies of food and clothing; yet can it be*
45 *that by reason of this interest the state may fix the price at which the butcher must sell his meat, or the vendor of*
46 *boots and shoes his goods? Men are endowed by their Creator with certain unalienable rights, -life, liberty, and*
47 *the pursuit of happiness; and to 'secure,' not grant or create, these rights, governments are instituted. **That***
48 ***property which a man has honestly acquired he retains full control of, subject to these limitations: First, that***
49 ***he shall not use it to his neighbor's injury, and that does not mean that he must use it for his neighbor's benefit;***
50 ***second, that if he devotes it to a public use, he gives to the public a right to control that use; and third, that***
51 ***whenever the public needs require, the public may take it upon payment of due compensation.**"*
52 [Budd v. People of State of New York, 143 U.S. 517 (1892)]

53 For details on this SCAM, see:

5. Making sure that the court system and legal profession are accessible and affordable to all, so that even those who cannot afford an attorney can still defend their rights. This ensures “equal protection” to all, which is the foundation of all free governments:

“No duty rests more imperatively upon the courts than the enforcement of those constitutional provisions intended to secure that equality of rights which is the foundation of free government.”
[*Gulf, C. & S. F. R. Co. v. Ellis*, [165 U.S. 150](#) (1897)]

6. Educating people in public schools and universities about their rights and how to defend them without the need of a licensed, censored “officer of the court” called an “attorney”. All such attorneys have a conflict of interest and allegiance that will inevitably lead to eventual destruction of the rights of the public at large:

“His [the attorney’s] first duty is to the courts and the public, not to the client, and whenever the duties to his client conflict with those he owes as an officer of the court in the administration of justice, the former must yield to the latter.”
[7 *Corpus Juris Secundum* (C.J.S.), *Attorney & Client*, §4 (1999)]

7. Punishing unlawful duress instituted by private employers and financial institutions that might compel people to participate in “social insurance” if they do not voluntarily consent. This means:
- 7.1. Prosecuting companies that threaten to fire, won’t hire, or sanction workers who do not want to fill out a W-4 and instead hand them the more correct W-8BEN form.
- 7.2. Prosecuting companies who compel the use of Social Security Numbers under 42 U.S.C. §408(a) and state identity theft statutes.
- 7.3. Prosecuting companies that file false information returns against workers who are not lawfully engaged in a public office within the U.S. government.

We might add that an absolute refusal by the Department of Justice to do all of the above things is the main reason that most people participate UNLAWFULLY in the tax system to begin with. This omission constitutes a criminal conspiracy against rights, makes them an accessory after the fact to deprivation of rights, and makes them guilty of misprision of felony.

8. Helping those who cannot afford to help themselves, meaning to help the most underprivileged members of society to defend themselves from coercion and oppression by the most wealthy and influential members.

“Cursed is the one who perverts the justice due the stranger, the fatherless, and widow.” “And all the people shall say, “Amen!”
[Deut. 27:19, Bible, NKJV]

“The LORD watches over the strangers; He relieves the fatherless and widow; But the way of the wicked He turns upside down.”
[Psalm 146:9, Bible, NKJV]

“Defend the fatherless, Plead for the widow.”
[Isaiah 1:17, Bible, NKJV]

“For if you thoroughly amend your ways and your doings, if you thoroughly execute judgment between a man and his neighbor, if you do not oppress the stranger, the fatherless, and the widow, and do not shed innocent blood in this place, or walk after other gods to your hurt, then I will cause you to dwell in this place, in the land that I gave to your fathers forever and ever.”
[Jer. 7:5-7, Bible, NKJV]

Thus says the LORD: “Execute judgment and righteousness, and deliver the plundered out of the hand of the oppressor. Do no wrong and do no violence to the stranger, the fatherless, or the widow, nor shed innocent blood in this place.”
[Jer. 22:3, Bible, NKJV]

“Do not oppress the widow or the fatherless, The alien or the poor. Let none of you plan evil in his heart Against his brother.”
[Zech. 7:10, Bible, NKJV]

In effecting the above goals of protecting “private rights”, governments who are following God’s biblical mandate for GOOD government must pass laws to regulate the “public conduct” of its own public “employees”, officers, and agents. Most federal

law, in fact, is law exclusively for government and not for private persons, and is enacted specifically to prevent federal employees from adversely affecting private rights.

"The power to "legislate generally upon" life, liberty, and property, as opposed to the "power to provide modes of redress" against offensive state action, was "repugnant" to the Constitution. Id., at 15. See also United States v. Reese, 92 U.S. 214, 218 (1876); United States v. Harris, 106 U.S. 629, 639 (1883); James v. Bowman, 190 U.S. 127, 139 (1903). Although the specific holdings of these early cases might have been superseded or modified, see, e.g., Heart of Atlanta Motel, Inc. v. United States, 379 U.S. 241 (1964); United States v. Guest, 383 U.S. 745 (1966), their treatment of Congress' §5 power as corrective or preventive, not definitional, has not been questioned."
[City of Boerne v. Flores, Archbishop of San Antonio, 521 U.S. 507 (1997)]

What the U.S. Supreme Court is saying above is that the government has no authority to tell you how to run your private life. This is contrary to the whole idea of the Internal Revenue Code, whose main purpose is to monitor and control every aspect of those who are subject to it. In fact, it has become the chief means for Congress to implement what we call "social engineering". Just by the deductions they offer, people are incentivized into all kinds of crazy behaviors in pursuit of reductions in a liability that they in fact do not even have. Therefore, the only reasonable thing to conclude is that Subtitle A of the Internal Revenue Code, which would "appear" to regulate the private conduct of all individuals in states of the Union, in fact only applies to federal instrumentalities such as "public offices" in the official conduct of their duties while present in the District of Columbia, which 4 U.S.C. §72 makes the "seat of government". The Internal Revenue Code therefore essentially amounts to a part of the job responsibility and the "employment contract" of "public officers" or "public employees". This was also confirmed by the House of Representatives, who said that only those who take an oath of "public office" are subject to the requirements of the personal income tax. See:

<http://famguardian.org/Subjects/Taxes/Evidence/PublicOrPrivate-Tax-Return.pdf>

1.6 Consent circumscribes the boundary between PUBLIC and PRIVATE, and what is DOMESTIC and FOREIGN²

The requirement for consent circumscribes the legal boundary between PUBLIC and PRIVATE as well as DOMESTIC and FOREIGN in relation to any and every government. The essence of what a "sovereign" is, in fact, is someone who is legislatively foreign in relation to other sovereigns under the civil law, where a sovereign can be a government, human, church, etc. To wit:

Table 1: Consent as the boundary between PUBLIC and PRIVATE as well as DOMESTIC and FOREIGN

Description	Without consent to become a statutory citizen	With consent to the civil statutory law
Type of right	PRIVATE	PUBLIC
Legal status in relation to government	FOREIGN	DOMESTIC
Can acquire a statutory status under statutory civil law such as "taxpayer", "driver"?	NO	YES
Presumptions	All rights are private until proven to be consensually donated to the public	All statuses and rights under statutes are presumed to be PUBLIC until proven to be PRIVATE.

PRIVATE rights by legal definition are beyond the control of all government and have to be left alone as a matter of law. The right to be left alone, in fact, is what justice is defined as.

"The power to "legislate generally upon" life, liberty, and property, as opposed to the "power to provide modes of redress" against offensive state action, was "repugnant" to the Constitution. Id., at 15. See also United States v. Reese, 92 U.S. 214, 218 (1876); United States v. Harris, 106 U.S. 629, 639 (1883); James v. Bowman, 190 U.S. 127, 139 (1903). Although the specific holdings of these early cases might have been superseded or modified, see, e.g., Heart of Atlanta Motel, Inc. v. United States, 379 U.S. 241 (1964); United States v. Guest, 383 U.S. 745

² Portions of the section adapted from: Why Domicile and Becoming a "Taxpayer" Require Your Consent, Form #05.002, Section 11.5; <http://sedm.org/Forms/05-MemLaw/Domicile.pdf>.

(1966), their treatment of Congress' §5 power as corrective or preventive, not definitional, has not been questioned."
[City of Boerne v. Flores, Archbishop of San Antonio, 521 U.S. 507 (1997)]

Only by VOLUNTARILY connecting PRIVATE rights with PUBLIC rights or civil statutory law can such rights be regulated, taxed, or interfered with. Anyone in government asserting a right over your otherwise PRIVATE property has the burden of showing that you consensually donated it to a public use. This was described by the U.S. Supreme Court as follows:

"Men are endowed by their Creator with certain unalienable rights, - 'life, liberty, and the pursuit of happiness;' and to 'secure,' not grant or create, these rights, governments are instituted. That property [or income] which a man has honestly acquired he retains full control of, subject to these limitations: First, that he shall not use it to his neighbor's injury, and that does not mean that he must use it for his neighbor's benefit [e.g. SOCIAL SECURITY, Medicare, and every other public "benefit"]; second, that if he devotes it to a public use, he gives to the public a right to control that use; and third, that whenever the public needs require, the public may take it upon payment of due compensation."

[Budd v. People of State of New York, 143 U.S. 517 (1892)]

The U.S. Supreme Court also described how legal entities and persons transition from being FOREIGN to DOMESTIC in relation to a specific court or venue, which is ONLY with their express consent. This process of giving consent is also called a "waiver of sovereign immunity" and it applies equally to governments, states, and the humans occupying them. To wit:

Before we can proceed in this cause we must, therefore, inquire whether we can hear and determine the matters in controversy between the parties, who are two states of this Union, sovereign within their respective boundaries, save that portion of power which they have granted to the federal government, and foreign to each other for all but federal purposes. So they have been considered by this Court, through a long series of years and cases, to the present term; during which, in the case of The Bank of the United States v. Daniels, this Court has declared this to be a fundamental principle of the constitution; and so we shall consider it in deciding on the present motion. 2 Peters, 590, 91.

Those states, in their highest sovereign capacity, in the convention of the people thereof; on whom, by the revolution, the prerogative of the crown, and the transcendent power of parliament devolved, in a plenitude unimpaired by any act, and controllable by no authority, 6 Wheat. 651; 8 Wheat. 584, 88; adopted the constitution, by which they respectively made to the United States a grant of judicial power over controversies between two or more states. By the constitution, it was ordained that this judicial power, in cases where a state was a party, should be exercised by this Court as one of original jurisdiction. The states waived their exemption from judicial power, 6 Wheat. 378, 80, as sovereigns by original and inherent right, by their own grant of its exercise over themselves in such cases, but which they would not grant to any inferior tribunal. By this grant, this Court has acquired jurisdiction over the parties in this cause, by their own consent and delegated authority; as their agent for executing the judicial power of the United States in the cases specified.

[The State of Rhode Island and Providence Plantations, Complainants v. the Commonwealth of Massachusetts, Defendant, 37 U.S. 657, 12 Pet. 657, 9 L.Ed. 1233 (1838)]

The idea of the above cite is that all civil subject matters or powers by any government NOT expressly consented to by the object of those powers are foreign and therefore outside the civil legal jurisdiction of that government. This fact is recognized in the Declaration of Independence, which states that all just powers derive from the CONSENT of those governed. The method of providing that consent, in the case of a human, is to select a civil domicile within a specific government and thereby nominate a protector under the civil statutory laws of the territory protected by that government. This fact is recognized in Federal Rule of Civil Procedure 17(b), which says that the capacity to sue or be sued is determined by the law of the domicile of the party. Civil statutory laws from places or governments OUTSIDE the domicile of the party may therefore NOT be enforced by a court against the party. This subject is covered further in:

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

A very important aspect of domicile is that whether one is domestic and a citizen or foreign and a non-resident under the civil statutory laws is determined SOLELY by one's domicile, and NOT their nationality. You can be born anywhere in America and yet still be a statutory "non-resident non-person" or "transient foreigner" in relation to any and every state or government within America simply by not choosing or having a domicile within any municipal government in the country. You can also be a statutory "non-resident non-person" in relation to the national government and yet still have a civil domicile within a specific Constitutional state of the Union, because your DOMICILE is foreign, not your nationality.

1 In law, a “non-resident” is called a “foreigner”, “stranger”, “transient foreigner”, "sojourner", or "stateless person". This is
2 an unavoidable result of the fact that states of the Union are:

- 3 1. Sovereign in respect to each other and in respect to federal jurisdiction.
4 2. “foreign countries” or “foreign states” with respect to federal legislative jurisdiction.

5 “The United States Government is a foreign corporation with respect to a state.” [N.Y. v. re Merriam 36 N.E.
6 505, 141 N.Y. 479, affirmed 16 S.Ct. 1073, 41 L.Ed. 287]
7 [[19 Corpus Juris Secundum \(C.J.S.\), Corporations, §884 \(2003\)](#)]

- 8 3. Addressed as “states” rather than “States” in federal law because they are foreign.
9 4. The equivalent of independent nations in respect to federal jurisdiction excepting the subject of foreign affairs.

10 “**The States between each other are sovereign and independent.** They are distinct and separate sovereignties,
11 except so far as they have parted with some of the attributes of sovereignty by the Constitution. **They continue**
12 **to be nations, with all their rights, and under all their national obligations, and with all the rights of nations**
13 **in every particular;** except in the surrender by each to the common purposes and objects of the Union, under the
14 Constitution. The rights of each State, when not so yielded up, remain absolute.”
15 [Bank of Augusta v. Earle, 38 U.S. (13 Pet.) 519, 10 L.Ed. 274 (1839)]

16 The Bible shows how the transition from FOREIGN to DOMESTIC and POLITICAL to LEGAL happens in relation to God
17 in the following passage:

18 2 That at that time ye were without (separated from) Christ, **being aliens (shut out) from the commonwealth**
19 **(Politeo, polis) of Israel, and strangers (xenos or alien) from the covenants of promise, having no hope, and**
20 **without God (atheist) in the world (cosmos):**

21 13 But now in Christ Jesus ye who sometimes were far off are made nigh by the blood of Christ.

22 14 For he is our peace, who hath made both one, and hath broken down the middle wall of partition (hedge or
23 fence) between us;

24 15 Having abolished in his flesh the enmity (hostility), even the law (nomos) of commandments contained in
25 ordinances; for to make in himself of twain one new man (anthropos), so making peace;

26 16 And that he might reconcile both unto God in one body by the cross, having slain (killed) the enmity thereby:

27 17 And came and preached peace to you which were afar off, and to them that were nigh.

28 18 For through him we both have access (freedom or right to enter) by one Spirit unto the Father.

29 19 Now therefore ye are no more strangers (xenos or foreigner or alien) and foreigners (one who lives in a place
30 without citizenship), but fellow citizens (sumpolitai: from polis) with the saints, and of the household (domestic,
31 blood kindred) of God;
32 [Eph. 2:2-19, Bible, KJV (amplified)]

33 Translations of the words and phrases found above into contemporary legal language:

34 **Table 2: Biblical v. Legal use of terms within the Bible relating to domicile**

#	Bible term	Legal meaning within secular law
1	“Christ Jesus”	Our political ruler. In secular terms, civil rulers are “kings” under the civil law.
2	“aliens”	Those with a foreign domicile regardless of the geographical place of birth.
3	“commonwealth”	political entity or state.
4	“covenants of promise”	Social Compact. The Social Compact is implemented by the civil statutory law. Criminal law does not require consent to lawfully enforce, so it technically is not a covenant or agreement.
5	“strangers from the covenants”	Not consenting members of the body politic or the “social compact”. Not protected by the civil statutory law.
6	“having no hope”	fearful because outside the protection and benefit of your king or ruler.
7	“without God”	Without a government civil protector.

#	Bible term	Legal meaning within secular law
8	“middle wall of partition”	Legal boundary between what is just and unjust. The Declaration of Independence says that all just powers of government derive from the CONSENT of the governed. It would be unjust and an act of terrorism to interfere with or even protect the property or rights of those who didn’t consent to RECEIVE the protection.
9	“the enmity (hostility)”	The jealous insistence of self-government and self-ownership and one’s PRIVATE rather than PUBLIC status. Also, the status of being a criminal under God’s law who has not yet been arrested or incarcerated. Under God’s laws, we are all criminals and deserve death, eternal separation from God, prison, and isolation. That’s the story of the Garden of Eden. Adam and Eve had to be kicked out of the Garden after they sinned.
10	“abolished in his flesh . . . even the law (nomos) of commandments contained in ordinances; for to make in himself of twain one new man (anthropos), so making peace;”	Christ abolished the enmity and separation between God and us by becoming a living sacrifice and paying the penalty for our sin demanded by God’s commandments. Hence, we can safely leave the slavery and isolation of our sin and return to fellowship with God. Prisons do the same thing. Criminals must be separated from society by being put in jail. They must fulfill their sentence before they can return to society and fellowship as an equal member once again.

1 Before we become Christians, we are legally separated from God and outside of the protection and “benefit” (blessing) of
2 His laws:

- 3 1. God’s criminal laws “protect” us. His criminal laws protect us even if we don’t consent to the protection. They attach
4 to the LAND we stand on and therefore are called the “law of the land”. Sin has the effect of “uprooting us” from the
5 “protections” of this “law of the land”:

6 *“For the upright will dwell in the land,*
7 *And the blameless will remain in it;*
8 ***But the wicked will be cut off from the earth.***
9 ***And the unfaithful will be uprooted from it.”***
10 *[Prov. 2:21-22, Bible, NKJV]*

- 11 2. God’s civil statutory laws “benefit” or “bless” us. We must consent to become the proper subject of His CIVIL laws,
12 and hence, we must be a party to a COVENANT to receive their “benefits”. Anything that conveys “benefits” or
13 “blessings” is a franchise in legal terminology. Legal evidence of the existence of our covenant with God is the act of
14 baptism. Beyond baptism, our acts of obedience and professed faith also constitutes such legal evidence. James 2.

15 Being “outside” of the protection of a specific system of law as described below is called being “foreign”, a “stranger”,
16 “stateless”, or a “nonresident” in secular legal terms.

17 *2 That at that time ye were without (separated from) Christ, being aliens (shut out) from the commonwealth*
18 *(Politeo, polis) of Israel, and strangers (xenos or alien) from the covenants of promise, having no hope, and*
19 *without God (atheist) in the world (cosmos):*

20 *13 But now in Christ Jesus ye who sometimes were far off are made nigh by the blood of Christ.*

21 *14 For he is our peace, who hath made both one, and hath broken down the middle wall of partition (hedge or*
22 *fence) between us;*

23 While we are “foreign”, a “stranger”, “stateless”, and a “nonresident” in relation to God and His laws, we are usually
24 “domestic”, a statutory “person”, and a “subject” in relation to a political ruler. The Apostle Paul refers to the shedding of
25 this legal identity as “putting on the new man”:

26 *The New Man*

27 *This I say, therefore, and testify in the Lord, that you should no longer walk as the rest of the Gentiles walk, in*
28 *the futility of their mind, having their understanding darkened, **being alienated from the life of God, because of***
29 ***the ignorance that is in them, because of the blindness of their heart; who, being past feeling, have given***
30 ***themselves over to lewdness, to work all uncleanness with greediness.***

1 But you have not so learned Christ, if indeed you have heard Him and have been taught by Him, as the truth is in
2 Jesus: that you put off, concerning your former conduct, the old man which grows corrupt according to the
3 deceitful lusts, and be renewed in the spirit of your mind, and that you put on the new man which was created
4 according to God, in true righteousness and holiness.
5 [Eph. 4:17-24, Bible, NKJV]

6 After we have shed Caesars/Satan's authority over us, we are no longer under Caesar's protection:

7 "But if you are led by the Spirit, you are not under the law."

8 [. . .]

9 "But the fruit of the Spirit is love, joy, peace, longsuffering, kindness, goodness, faithfulness, gentleness, self-
10 control. Against such there is no law."
11 [Galatians 5:18, Bible, NKJV]

12 The "new man" referred to above is actually a TRUSTEE POSITION or "office" within the Bible trust indenture, just like
13 all of man's civil law. The believer then becomes a "foreigner" in relation to Caesar's civil statutory franchise codes and no
14 longer an AGENT of Caesar, but rather of God. You can only have ONE King and ONE domicile and ONE allegiance at a
15 time, or you have a conflict of interest:

16 "All the powers of the government [including ALL of its civil enforcement powers against the public] must be
17 carried into operation by individual agency, either through the medium of public officers, or contracts made
18 with [private] individuals."
19 [Osborn v. Bank of U.S., 22 U.S. 738 (1824)]

20 To redeem us from the corruption of this pagan system of secular law that enslaves us to worshipping false idols called civil
21 rulers, Christ shed His blood for us. When we accept His free gift of salvation through faith, we become "domestic" in
22 relation to God and "foreign" in relation to the world:

23 13 But now in Christ Jesus ye who sometimes were far off are made nigh by the blood of Christ.

24 14 For he is our peace, who hath made both one, and hath broken down the middle wall of partition (hedge or
25 fence) between us;

26 15 Having abolished in his flesh the enmity (hostility), even the law (nomos) of commandments contained in
27 ordinances; for to make in himself of twain one new man (anthropos), so making peace;

28 16 And that he might reconcile both unto God in one body by the cross, having slain (killed) the enmity thereby:

29 17 And came and preached peace to you which were afar off, and to them that were nigh.

30 18 For through him we both have access (freedom or right to enter) by one Spirit unto the Father.

31 19 Now therefore ye are no more strangers (xenos or foreigner or alien) and foreigners (one who lives in a place
32 without citizenship), but fellow citizens (sumpolitai: from polis) with the saints, and of the household (domestic,
33 blood kindred) of God;

34 The Biblical political model for government was based on city states rather than "states". Ancient cities had walls around
35 them and a gate controlling entry and exit. To enter the city, you had to be a STATUTORY "citizen", "resident", or "member"
36 of the city, and swear allegiance to the ruler.

37 Blessed are those who do [OBEY] His commandments [LAWS], that they may have the right to the tree of life,
38 and may enter through the gates into the city. But outside [the city and its protection] are dogs and sorcerers
39 and sexually immoral and murderers and idolaters, and whoever loves and practices a lie.
40 [Rev. 22:14-15, Bible, NKJV]

41 The only way to avoid committing idolatry is to ensure that God is the King of the city you want to be a member of. The
42 Bible book of Nehemiah describes how such a city can be and was built. It describes the rebuilding of the wall around
43 Jerusalem and the restoration of God as the King of the Israelites. To do this, all the people in the new city had to:

44 1. Study God's law.

1 Now all the people gathered together as one man in the open square that was in front of the Water Gate; and they
2 told Ezra the scribe to bring the Book of the Law of Moses, which the LORD had commanded Israel. So Ezra the
3 priest brought the Law before the assembly of men and women and all who could hear with understanding on the
4 first day of the seventh month. Then he read from it in the open square that was in front of the Water Gate from
5 morning until midday, before the men and women and those who could understand; and the ears of all the people
6 were attentive to the Book of the Law.

7 So Ezra the scribe stood on a platform of wood which they had made for the purpose; and beside him, at his right
8 hand, stood Mattithiah, Shema, Anaiah, Urijah, Hilkiah, and Maaseiah; and at his left hand Pedaiah, Mishaël,
9 Malchijah, Hashum, Hashbadana, Zechariah, and Meshullam. And Ezra opened the book in the sight of all the
10 people, for he was standing above all the people; and when he opened it, all the people stood up. And Ezra
11 blessed the LORD, the great God.

12 Then all the people answered, "Amen, Amen!" while lifting up their hands. And they bowed their heads and
13 worshiped the LORD with their faces to the ground.
14 [Nehemiah 8:1-6, Bible, NKJV]

- 15 2. Restore the authority of God's law by SEPARATING themselves from everyone OUTSIDE, meaning the "foreigners",
16 "strangers", and "nonresidents" and confessing their sins. Being SEPARATE and being "sanctified" are equivalent in
17 the context of the Bible. "Sanctified" means "set aside for a purpose", and that purpose of God's purpose and
18 obedience to Him and His divine law.

19 *The People Confess Their Sins*

20 Now on the twenty-fourth day of this month the children of Israel were assembled with fasting, in sackcloth, and
21 with dust on their heads. Then those of Israelite lineage separated themselves from all foreigners; and they stood
22 and confessed their sins and the iniquities of their fathers. And they stood up in their place and read from the
23 Book of the Law of the Lord their God for one-fourth of the day; and for another fourth they confessed and
24 worshiped the Lord their God.
25 [Nehemiah 9:1-3, Bible, NKJV]

26 The basis for our ministry is, in fact, the rebuilding of this wall of separation between church, which is believers as individual
27 humans, and the secular pagan state, which is the heathens around us. See the following discussion about Nehemiah in:

[SEDM About Us Page, Section 2: Mission Statement](http://sedm.org/Ministry/AboutUs.htm)
<http://sedm.org/Ministry/AboutUs.htm>

28 The Heaven we enter after the final judgment called "The New Jerusalem" is described as such a great city. You can't enter
29 this walled city without allegiance to its King, who is Jesus, and without obedience to the laws that make it a safe and pleasant
30 place for EVERYONE. If Jesus is your Savior but NOT your Sovereign Lord and KING, then you can't enter this city!

31 *The New Jerusalem*

32 Then one of the seven angels who had the seven bowls filled with the seven last plagues came to me and talked
33 with me, saying, "Come, I will show you the bride, the Lamb's wife." And he carried me away in the Spirit to a
34 great and high mountain, and showed me the great city, the holy Jerusalem, descending out of heaven from God,
35 having the glory of God. Her light was like a most precious stone, like a jasper stone, clear as crystal. Also she
36 had a great and high wall with twelve gates, and twelve angels at the gates, and names written on them, which
37 are the names of the twelve tribes of the children of Israel: three gates on the east, three gates on the north, three
38 gates on the south, and three gates on the west.

39 Now the wall of the city had twelve foundations, and on them were the names of the twelve apostles of the Lamb.
40 And he who talked with me had a gold reed to measure the city, its gates, and its wall. The city is laid out as a
41 square; its length is as great as its breadth. And he measured the city with the reed: twelve thousand furlongs. Its
42 length, breadth, and height are equal. Then he measured its wall: one hundred and forty-four cubits, according
43 to the measure of a man, that is, of an angel. The construction of its wall was of jasper; and the city was pure
44 gold, like clear glass. The foundations of the wall of the city were adorned with all kinds of precious stones: the
45 first foundation was jasper, the second sapphire, the third chalcedony, the fourth emerald, the fifth sardonyx, the
46 sixth sardius, the seventh chrysolite, the eighth beryl, the ninth topaz, the tenth chrysoprase, the eleventh jacinth,
47 and the twelfth amethyst. The twelve gates were twelve pearls: each individual gate was of one pearl. And the
48 street of the city was pure gold, like transparent glass.
49 [Rev. 21:9-21, Bible, NKJV]

50 The wall keeps the sinners, disobedient, and anarchists (in relation to God's laws) OUT of the city. These people are NOT
51 subject to the laws applicable WITHIN the city, but instead are "foreign", a "stranger", "stateless", or a "nonresident" in

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relation to the civil laws of that place. All laws are prima facie territorial, meaning that they DO NOT apply to people not ON that land or at least domiciled there.

The foregoing considerations would lead, in case of doubt, to a construction of any statute as intended to be confined in its operation and effect to the territorial limits over which the lawmaker has general and legitimate power. 'All legislation is prima facie territorial.' Ex parte Blain, L. R. 12 Ch. Div. 522, 528; State v. Carter, 27 N.J.L. 499; People v. Merrill, 2 Park. Crim. Rep. 590, 596. Words having universal scope, such as 'every contract in restraint of trade,' 'every person who shall monopolize,' etc., will be taken, as a matter of course, to mean only everyone subject to such legislation, not all that the legislator subsequently may be able to catch. In the case of the present statute, the improbability of the United States attempting to make acts done in Panama or Costa Rica criminal is obvious, yet the law begins by making criminal the acts for which it gives a right to sue. We think it entirely plain that what the defendant did in Panama or Costa Rica is not within the scope of the statute so far as the present suit is concerned. Other objections of a serious nature are urged, but need not be discussed.

[[American Banana Co. v. U.S. Fruit](#), 213 U.S. 347 at 357-358]

"The canon of construction which teaches that legislation of Congress, unless a contrary intent appears, is meant to apply only within the territorial jurisdiction of the United States, Blackmer v. United States, supra, at 437, is a valid approach whereby unexpressed congressional intent may be ascertained. It is based on the assumption that Congress is primarily concerned with domestic conditions."

[*Foley Brothers, Inc. v. Filardo*, 336 U.S. 281 (1949)]

"The laws of Congress in respect to those matters [outside of Constitutionally delegated powers] do not extend into the territorial limits of the states, but have force only in the District of Columbia, and other places that are within the exclusive jurisdiction of the national government."

[*Caha v. U.S.*, 152 U.S. 211 (1894)]

"There is a canon of legislative construction which teaches Congress that, unless a contrary intent appears [legislation] is meant to apply only within the territorial jurisdiction of the United States."

[*U.S. v. Spelar*, 338 U.S. 217 at 222.]

In the case of the civil statutory "codes" or protection franchise, you must not only be ON that land, but must CONSENT to be protected by them by consensually choosing a domicile within the jurisdiction of the "state" that civilly protects that land. If you don't choose such a domicile on the land in which you have injured someone, then:

1. The party you injured and you are both protected only by the Constitution and the Common law.
2. You are a "foreign", a "stranger", "stateless", or a "nonresident" in relation to the civil statutory codes of that place.
3. Those who attempt to enforce the civil statutory "codes" against a non-resident are guilty of compelling you to contract under the terms of the "social compact", meaning the civil statutory protection franchise codes.
4. Any case law that is quoted against you is merely "political speech" and propaganda designed to deceive you into obedience to franchise codes that don't apply to you. All case law that is quoted in court must derive from parties "similarly situated", meaning those who are "nonresidents" under the civil statutory franchise codes. This rule is maliciously violated all the time by corrupt judges intent on usurping authority and committing TREASON.
5. If you are a Christian and Jesus is your only King and therefore lawgiver, then you are an agent of a foreign state called "Heaven" and a public officer of the Kingdom of Heaven. You are from the city of "New Jerusalem".

[TITLE 28](#) > [PART IV](#) > [CHAPTER 97](#) > Sec. 1603.
[Sec. 1603. - Definitions](#)

For purposes of this chapter -

(a) A "**foreign state**", except as used in section 1608 of this title, includes a political subdivision of a foreign state or an agency or instrumentality of a foreign state as defined in subsection (b).

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

(1) which is a separate legal person, corporate or otherwise, and

(2) which is an organ of a foreign state or political subdivision thereof, or a majority of whose shares or other ownership interest is owned by a foreign state or political subdivision thereof, and

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

As a public officer, agent, and trustee of God under the Bible trust indenture and someone who is “domestic” in relation to Heaven and “foreign” in relation to Caesar, you are an “ambassador” of God who is subject ONLY to the CIVIL lawgiver you represent.

“Now then, we are ambassadors for Christ, as though God were pleading through us: we implore you on Christ’s behalf, be reconciled to God. For He made Him who knew no sin to be sin for us, that we might become the righteousness of God in Him.”
[2 Cor. 5:20-21, Bible, NKJV]

“Stand therefore, having girded your waist with truth, having put on the breastplate of righteousness, and having shod your feet with the preparation of the gospel of peace; above all, taking the shield of faith with which you will be able to quench all the fiery darts of the wicked one. And take the helmet of salvation, and the sword of the Spirit, which is the word of God; praying always with all prayer and supplication in the Spirit, being watchful to this end with all perseverance and supplication for all the saints—and for me, that utterance may be given to me, that I may open my mouth boldly to make known the mystery of the gospel, for which I am an ambassador in chains; that in it I may speak boldly, as I ought to speak.”
[Eph. 6:14-20, Bible, NKJV]

PARTICULAR PERSONS

4. Public Officials and Employees; Members of the Armed Services
§31 Public Officials and Employees

Ambassadors, consuls, and other public officials residing abroad in governmental service do not generally acquire a domicile in the country where their official duties are performed, but retain their original domicile, although such officials may acquire a domicile at their official residence, if they engage in business or commerce inconsistent with, or extraneous to, their public or diplomatic character.
[Corpus Juris Secundum (C.J.S.), Domicile, §31 (2003);
SOURCE: <http://famguardian.org/TaxFreedom/CitesByTopic/Domicile-28CJS-20051203.pdf>]

Jesus even described how we became “foreign”, a “stranger”, “stateless”, or a “nonresident”:

“If you were of the world, the world would love its own. Yet because you are not of [domiciled within] the world, but I [Jesus] chose you [believers] out of the world, therefore the world hates you. Remember the word that I said to you, ‘A [public] servant is not greater than his [Sovereign] master.’ If they persecuted Me, they will also persecute you. If they kept My word, they will keep yours also [as trustees of the public trust]. But all these things they will do to you for My name’s sake, because they do not know Him [God] who sent Me.”
[Jesus in John 15:19-21, Bible, NKJV]

The phrase “do not know Him who sent Me” is equivalent to someone who has no commercial or legal relationship with God by virtue of not accepting or nominating Him as their CIVIL protector. These people are domiciled on Earth within Caesar’s jurisdiction rather than in Heaven under God’s civil protection. They are therefore practicing idolatry and are under the control of the “wicked one” as Jesus called Him in Matt. 13, 1 John 2, and 1 John 3. They are “worshipping” a false idol called “Caesar” because they have nominated HIM as their pagan civil lawgiver instead of God. The source of law in any society is the GOD of that society and if Caesar’s law deviates from God’s law, then Caesar is the new pagan god:

Then all the elders of Israel gathered together and came to Samuel at Ramah, and said to him, “Look, you are old, and your sons do not walk in your ways. Now make us a king to judge us like all the nations [and be OVER them].”

But the thing displeased Samuel when they said, “Give us a king to judge us.” So Samuel prayed to the Lord. And the Lord said to Samuel, “Heed the voice of the people in all that they say to you; for they have rejected Me [God], that I should not reign over them.” According to all the works which they have done since the day that I brought them up out of Egypt, even to this day—with which they have forsaken Me and served other gods [Kings, in this case]—so they are doing to you also [government becoming idolatry]. Now therefore, heed their voice. However, you shall solemnly forewarn them, and show them the behavior of the king who will reign over them.”
[1 Sam. 8:4-9, Bible, NKJV]

The Bible even describes Jesus as NOT having an Earthly domicile:

Then a certain scribe came and said to Him, “Teacher, I will follow You wherever You go.” And Jesus said to him, “Foxes have holes and birds of the air have nests, but the Son of Man has nowhere to lay His head.”
[Matt. 8:19-20, Bible, NKJV]

1 Consistent with the above analysis, states of the Union:

2 1 Are considered legislatively “foreign” in relation to each other.

3 “For all national purposes embraced by the Federal Constitution, the States and the citizens thereof are one,
4 united under the same sovereign authority, and governed by the same laws. In all other respects the States are
5 necessarily foreign and independent of each other.”
6 [Buckner v. Finley, 2 Pet. 586 (1829)]

7 *Foreign Laws*: “The laws of a foreign country or sister state. In conflicts of law, the legal principles of
8 jurisprudence which are part of the law of a sister state or nation. Foreign laws are additions to our own laws,
9 and in that respect are called ‘jus receptum’.”
10 [Black’s Law Dictionary, 6th Edition, p. 647]

11 2 Are called “foreign states” in relation to the national government.

12 *Foreign States*: “Nations outside of the United States...Term may also refer to another state; i.e. a sister state.
13 The term ‘foreign nations’, ...should be construed to mean all nations and states other than that in which the
14 action is brought; and hence, one state of the Union is foreign to another, in that sense.”
15 [Black’s Law Dictionary, 6th Edition, p. 648]

16 3 Are called “sovereign” because they are legislatively foreign.

17 “Generally, the states of the Union sustain toward each other the relationship of independent sovereigns or
18 independent foreign states, except in so far as the United States is paramount as the dominating government, and
19 in so far as the states are bound to recognize the fraternity among sovereignties established by the federal
20 Constitution, as by the provision requiring each state to give full faith and credit to the public acts, records, and
21 judicial proceedings of the other states...”
22 [81A Corpus Juris Secundum (C.J.S.), United States, §29 (2003)]

23 4 Can only surrender their “foreign status” WITH THEIR express consent.

24 Before we can proceed in this cause we must, therefore, inquire whether we can hear and determine the
25 matters in controversy between the parties, who are two states of this Union, sovereign within their respective
26 boundaries, save that portion of power which they have granted to the federal government, and foreign to each
27 other for all but federal purposes. So they have been considered by this Court, through a long series of years
28 and cases, to the present term; during which, in the case of *The Bank of the United States v. Daniels*, this Court
29 has declared this to be a fundamental principle of the constitution; and so we shall consider it in deciding on the
30 present motion. 2 Peters, 590, 91.

31 Those states, in their highest sovereign capacity, in the convention of the people thereof; on whom, by the
32 revolution, the prerogative of the crown, and the transcendent power of parliament devolved, in a plenitude
33 unimpaired by any act, and controllable by no authority, 6 Wheat. 651; 8 Wheat. 584, 88; adopted the
34 constitution, by which they respectively made to the United States a grant of judicial power over controversies
35 between two or more states. By the constitution, it was ordained that this judicial power, in cases where a state
36 was a party, should be exercised by this Court as one of original jurisdiction. The states waived their exemption
37 from judicial power, 6 Wheat. 378, 80, as sovereigns by original and inherent right, by their own grant of its
38 exercise over themselves in such cases, but which they would not grant to any inferior tribunal. By this grant,
39 this Court has acquired jurisdiction over the parties in this cause, by their own consent and delegated authority;
40 as their agent for executing the judicial power of the United States in the cases specified.

41 [The State of Rhode Island and Providence Plantations, Complainants v. the Commonwealth of Massachusetts,
42 Defendant, 37 U.S. 657, 12 Pet. 657, 9 L.Ed. 1233 (1838)]

43 The same distinctions apply to the PEOPLE within those states in relation to their own state government and even the national
44 government, at least from a CIVIL statutory perspective.

45 “The United States Government is a foreign corporation with respect to a state.” [N.Y. v. re Merriam 36 N.E.
46 505, 141 N.Y. 479; affirmed 16 S.Ct. 1073; 41 L. Ed. 287] [underlines added]
47 [19 Corpus Juris Secundum (C.J.S.), Corporations, §884 (2003)]

48 Why is the national government a “foreign corporation” in respect to a CONSTITUTIONAL state? Because their first and
49 MAIN job is to **leave you alone**, which means treat you as “foreign”, “stateless”, a “nonresident”, and a “stranger” unless
50 and until you SPECIFICALLY CONSENT, demand, and ask to be civilly protected by selecting a civil domicile. As we
51 have just proven, you are an IDIOT and an idolater of you ask Caesar to do this, according to God.

1 "Justice is the end of government. It is the end of civil society. It ever has been, and ever will be pursued, until
2 it be obtained, or until liberty be lost in the pursuit."
3 [James Madison, *The Federalist* No. 51 (1788)]

4
5 PAULSEN, *ETHICS* (Thilly's translation), chap. 9.

6 "Justice, as a moral habit, is that tendency of the will and mode of conduct which refrains from disturbing the
7 lives and interests of others, and, as far as possible, hinders such interference on the part of others. This virtue
8 springs from the individual's respect for his fellows as ends in themselves and as his co equals. The different
9 spheres of interests may be roughly classified as follows: body and life; the family, or the extended individual
10 life; property, or the totality of the instruments of action; honor, or the ideal existence; and finally freedom, or
11 the possibility of fashioning one's life as an end in itself. The law defends these different spheres, thus giving rise
12 to a corresponding number of spheres of rights, each being protected by a prohibition. . . . To violate the rights,
13 to interfere with the interests of others, is injustice. All injustice is ultimately directed against the life of the
14 neighbor; it is an open avowal that the latter is not an end in itself, having the same value as the individual's own
15 life. The general formula of the duty of justice may therefore be stated as follows: Do no wrong yourself, and
16 permit no wrong to be done, so far as lies in your power; or, expressed positively: Respect and protect the right."
17 [Readings on the History and System of the Common Law, Second Edition, Roscoe Pound, 1925, p. 2]

18 "The makers of our Constitution undertook to secure conditions favorable to the pursuit of happiness. They
19 recognized the significance of man's spiritual nature, of his feelings and of his intellect. They knew that only a
20 part of the pain, pleasure and satisfactions of life are to be found in material things. They sought to protect
21 Americans in their beliefs, their thoughts, their emotions and their sensations. They conferred, as against the
22 Government, the right to be let alone - the most comprehensive of rights and the right most valued by civilized
23 men."
24 [Olmstead v. United States, 277 U.S. 438, 478 (1928) (Brandeis, J., dissenting); see also Washington v. Harper,
25 494 U.S. 210 (1990)]

26 "Do not strive with [or try to regulate or control or enslave] a man without cause, if he has done you no harm."
27 [Prov. 3:30, Bible, NKJV]

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

34 You have to SURRENDER your right to be left alone, fire God as your civil protector, and agree to commit idolatry by asking
35 Caesar for civil protection. Once you ask, he will make you into a public officer working WITHIN his corporation and
36 therefore "domestic". Nearly all statutory "persons" are public officers, as we exhaustively prove in:

<p>Why Statutory Civil Law is Law for Government and Not Private Persons, Form #05.037 http://sedm.org/Forms/FormIndex.htm</p>
--

37 If you are not serving WITHIN the above "foreign corporation" of Caesar as a public officer, then you remain "foreign", a
38 "stranger", "stateless", or a "nonresident" in relation to that corporation. While serving WITHIN that corporation as its agent
39 and officer, your effective domicile is the domicile of the corporation, which is the District of Columbia under Federal Rule
40 of Civil Procedure 17(b), as we established in Form #05.002, Section 11.3. If you want to REMAIN "foreign", a "stranger",
41 "stateless", or a "nonresident", then you MUST ensure that you NEVER contract, meaning "fornicate" with The Beast
42 Government (Rev. 19:19) for EITHER civil "protection" or civil "benefits". In other words, you should NEVER consent to
43 surrender your sovereignty or sovereign immunity to become a statutory "person", "citizen", or "resident" under the CIVIL
44 statutory franchise codes:

45 Commerce. ...Intercourse by way of trade and traffic between different peoples or states and the citizens or
46 inhabitants thereof, including not only the purchase, sale, and exchange of commodities, but also the
47 instrumentalities [governments] and agencies by which it is promoted and the means and appliances by which it
48 is carried on..."
49 [Black's Law Dictionary, Sixth Edition, p. 269]

1 "Again, the devil took Him [Jesus] up on an exceedingly high [[civil/legal status above all other humans](#)]
2 mountain, and showed Him all the kingdoms of the world and their glory. And he said to Him, "**All these things**
3 **["BENEFITS"] I will give You if You will fall down [BELOW Satan but ABOVE other humans] and worship**
4 **[serve as a PUBLIC OFFICER] me.**"

5 Then Jesus said to him, "**Away with you, Satan! For it is written, 'You shall worship the LORD your God, and**
6 **Him only you shall serve.'**"

7 Then the devil left Him, and behold, angels came and ministered to Him."
8 [Matt. 4:8-11, Bible, NKJV]
9

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

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

16 So it was, when the Angel of the LORD spoke these words to all the children of Israel, that the people lifted up
17 their voices and wept.
18 [Judges 2:1-4, Bible, NKJV]
19

20 "**You shall make no covenant [contract or franchise] with them [foreigners, pagans], nor with their [pagan**
21 **government] gods [laws or judges].** They shall not dwell in your land [and you shall not dwell in theirs **by**
22 **becoming a "resident" or domiciliary in the process of contracting with them]**, lest they make you sin against Me
23 [God]. For if you serve their [government] gods [under **contract or agreement or franchise**], it will surely be a
24 snare to you."
25 [[Exodus 23:32-33](#), Bible, NKJV]
26

27 'For among My [God's] people are found wicked [covetous public servant] men; **They lie in wait as one who**
28 **sets snares; They set a trap; They catch men.** As a cage is full of birds, **So their houses are full of deceit.**
29 Therefore they have become great and grown rich. They have grown fat, they are sleek; Yes, they surpass the
30 deeds of the wicked; They do not plead the cause, The cause of the fatherless [or the innocent, widows, **or the**
31 **nontaxpayer**]; Yet they prosper, And the right of the needy they do not defend. **Shall I not punish them for these**
32 **things?'** says the Lord. **'Shall I not avenge Myself on such a nation as this?'**

33 "**An astonishing and horrible thing Has been committed in the land: The prophets prophesy falsely, And the**
34 **priests [judges in franchise courts that worship government as a pagan deity] rule by their own power; And My**
35 **people love to have it so. But what will you do in the end?'**
36 [[Jer. 5:26-31](#), Bible, NKJV]
37

38 "The taxpayer-- that's someone who works for the federal government but doesn't have to take the civil service
39 examination."
40 [President Ronald W. Reagan]
41

42 "In the matter of taxation, every privilege is an injustice."
43 [Voltaire]
44

45 "The more you want [privileges], the more the world can hurt you."
46 [Confucius]
47

1 “The Lord is well pleased for His righteousness’ sake; **He will exalt the law and make it honorable. But this is**
2 **a people robbed and plundered! All of them are snared in [legal] holes [by the sophistry of greedy government**
3 **lawyers], and they are hidden in prison houses; they are for prey, and no one delivers; for plunder, and no one**
4 **says, “Restore!”**.”

5 **Who among you will give ear to this? Who will listen and hear for the time to come? Who gave Jacob for**
6 **plunder, and Israel to the robbers? Was it not the Lord, He against whom we have sinned? For they would**
7 **not walk in His ways, nor were they obedient to His law,** therefore He has poured on him the fury of His anger
8 and the strength of battle; it has set him on fire all around, yet he did not know; and it burned him, yet he did not
9 take it to heart.”

10 [Isaiah 42:21-25, Bible, NKJV]

11 If we don’t obey the above commandments, then here is the process of corruption that happens in which we will be
12 DESTROYED. This process of corruption is summarized in an ancient maxim of law:

13 “Protectio trahit subjectionem, subjectio projectionem.
14 Protection draws to it subjection, subjection, protection. Co. Litt. 65.”
15 [Bouvier’s Maxims of Law, 1856]

16 The above maxim of law is described in 1 Sam. 8:19-20:

17 Nevertheless the people refused to obey the voice of Samuel; and they said, “No, but we will have a king over us,
18 that we also may be like all the nations, and that our king may judge us **and go out before us and fight our battles**
19 **[PROTECT us].”**
20 [1 Sam. 8:19-20, Bible, NKJV]

21 The result of trusting Egypt/Babylon/District of Columbia for protection, [franchises, or privileges](#) is the following:

22 Israel Demands a King

23 So Samuel told all the words of the Lord to the people who asked him for a king. And he said, “**This will be the**
24 **behavior of the king who will reign over you: He will take your sons and appoint them for his own chariots**
25 **and to be his horsemen, and some will run before his chariots. He will appoint captains over his thousands**
26 **and captains over his fifties, will set some to plow his ground and reap his harvest, and some to make his**
27 **weapons of war and equipment for his chariots. He will take your daughters to be perfumers, cooks, and bakers.**
28 **And he will take the best of your fields, your vineyards, and your olive groves, and give them to his servants.**
29 **He will take a tenth of your grain and your vintage, and give it to his officers and servants. 16 And he will take**
30 **your male servants, your female servants, your finest young men,[a] and your donkeys, and put them to his**
31 **work. He will take a tenth of your sheep. And you will be his servants. And you will cry out in that day because**
32 **of your king whom you have chosen for yourselves, and the Lord will not hear you in that day.”**
33 [1 Sam. 8:10-18, Bible, NKJV]

35 Futile Confidence in Egypt [Babylon]

36 “Woe to the rebellious children,” says the Lord,
37 “Who take counsel [legal advice], but not of Me,
38 And who devise plans, but not of My Spirit,
39 That they may add sin to sin;
40 Who walk to **go down to Egypt [Babylon],**
41 And have not asked My advice [God’s laws and holy spirit],
42 To strengthen themselves in the strength of Pharaoh [District of Columbia],
43 And to trust in the shadow [franchises] of Egypt!
44 **Therefore the strength of Pharaoh**
45 **Shall be your shame,**
46 **And trust in the shadow of Egypt**
47 **Shall be your humiliation.**
48 For his princes were at Zoan,
49 And his ambassadors came to Hanes.
50 They were all ashamed of a people who could not benefit [franchises] them,
51 Or be help or benefit,
52 But a shame and also a reproach.”
53 [Isaiah 30:1-5, Bible, NKJV]

54 Notice the language “no help or benefit” in the last quote above. God is describing an UNFAIR or UNEQUAL trade wrought
55 out of desperation and which produces “USURY”. We describe this as “the raw deal” scam, which is a euphemism for
56 franchises and the FDR “New Deal”. The Bible reiterates this criticism of the government’s “raw deal scam” in the following:

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For thus says the LORD: "You have sold yourselves for nothing, And you shall be redeemed without money."
[Isaiah 52:3, Bible, NKJV]

The same unequal sale for nothing happened during the famine in Egypt, and also in the first city Babylon between Nimrod and his "victims", where he used the PLUNDER to build his tower to celebrate his vanity. Do you see a pattern here? It's about USURY. For more on the "raw deal scam" and its origin with "protection", see Form #05.002, Section 8.

The only remedy for the usury is:

1. Love. God is love. He who does not love His neighbor does not know God.
2. Empathy.
3. Equality between the governors and the governed from a civil perspective, so that idolatry toward government is IMPOSSIBLE.
4. Requirement for consent of the governed in any and every interaction between the governed and the governors.
5. Contentment, which is the opposite of covetousness.
6. "Meekness", which is a synonym for all the above.

For more on who "Babylon the Harlot" and "Mystery Babylon" is, see:

1. *Devil's Advocate: Lawyers-What We Are Up Against*, SEDM
<http://sedm.org/what-we-are-up-against/>
2. *What is Mystery Babylon? Sermons*, Sermon tapes 8527a through 8537b-Sheldon Emry
<http://sheldonemrylibrary.famguardian.org/CassetteTapedMessages/1985/SheldonEmry/MysteryBabylon/Babylon.htm>
3. *What is Mystery Babylon? Book*-Sheldon Emry
<http://sheldonemrylibrary.famguardian.org/Books/MysteryBabylon/mysterybabylon.htm>
4. *Babylon the Great is Falling*, Jack Hook
<http://famguardian.org/Publications/BabylonTheGreatIsFalling/index.htm>

1.7 Coercion=Force=Violence=Terrorism=INjustice

The opposite of consent is FORCE. Force includes coercion. Any act which forces you to do to anything or results in a non-consensual loss of property is legally defined as "violence" and crime. Here is the definition of "violence" which proves our point:

VIOLENCE. Unjust or unwarranted exercise of force, usually with the accompaniment of vehemence, outrage or fury. People v. McIlvain, 55 Cal.App.2d. 322, 130 P.2d. 131, 134. Force, physical force, force unlawfully exercised, the abuse of force, that force which is employed against common right, against the laws, and against public liberty. Merl. Repert; Anderson-Berney Bldg. Co. v. Lowry, Tex.Civ.App., 143 S.W.2d 401, 403.

"Violence" in labor disputes is not limited to physical contact or injury, but may include picketing conducted with misleading signs, false statements, publicity, and veiled threats by words and acts. Esco Operating Corporation v. Kaplan, 258 N.Y.S. 303. 144 Misc. 646.

VIOLENT. Moving, acting, or characterized, by physical force, especially by extreme and sudden or by unjust or improper force; furious, vehement; as a violent storm or wind; a violent attack: marked by, or due to, strong mental excitement; vehement, passionate; as, violent speech; violent reproaches; produced or effected by force; not spontaneous or natural; unnatural; abnormal; as, a violent death; acting with or exerting great force on the mind, or as evidence; nearly conclusive, as in the phrase, often used in legal contention, violent presumption: great; extreme; used intensively; as a violent contrast in colors, violent pain, passion, etc. Provident Life & Accident Ins. Co. v. Campbell, 18 Tenn.App. 452, 79 S. W.2d 292, 296. [Black's Law Dictionary, Fourth Edition, p. 1742]

In taxation, the word "distrain" is used in place of violent but has the same connotation:

DISTRAIN. To take as a pledge property of another, and keep it until he performs his obligation or until the property is replevied by the sheriff. It was used to secure an appearance in court, payment of rent, performance of services, etc. 3 Bl.Comm. 231; Also, any detention of personal property, whether lawful or unlawful, for any purpose. Wolfe v. Montgomery, 41 S.D. 267, 170 N.W. 158.

DISTRAINT. Seizure; the act of distraining or making a distress. Regional Agr. Credit Corp. v. Griggs County, 73 N.D. 1, 10 N.W.2d. 861, 866.

Violence is an ACTION, and the taking of property is an ACTION. Distrain is VIOLENCE because it is an act that takes property from its rightful owner, just like burglary or a stick up takes property. Property includes physical things as well as RIGHTS which are not physical things. A famous example of “distrain” in the tax code is found in 26 U.S.C. §6331

26 U.S. Code § 6331 - Levy and distraint

(a) Authority of Secretary

If any person liable to pay any tax neglects or refuses to pay the same within 10 days after notice and demand, it shall be lawful for the Secretary to collect such tax (and such further sum as shall be sufficient to cover the expenses of the levy) by levy upon all property and rights to property (except such property as is exempt under section 6334) belonging to such person or on which there is a lien provided in this chapter for the payment of such tax. Levy may be made upon the accrued salary or wages of any officer, employee, or elected official, of the United States, the District of Columbia, or any agency or instrumentality of the United States or the District of Columbia, by serving a notice of levy on the employer (as defined in section 3401(d)) of such officer, employee, or elected official. If the Secretary makes a finding that the collection of such tax is in jeopardy, notice and demand for immediate payment of such tax may be made by the Secretary and, upon failure or refusal to pay such tax, collection thereof by levy shall be lawful without regard to the 10-day period provided in this section.

(b) Seizure and sale of property

The term “levy” as used in this title includes the power of distraint and seizure by any means. Except as otherwise provided in subsection (e), a levy shall extend only to property possessed and obligations existing at the time thereof. In any case in which the Secretary may levy upon property or rights to property, he may seize and sell such property or rights to property (whether real or personal, tangible or intangible).

The above use of “distrain” is the same as the word “violence”. The connection of “distrain” with violence is important, because all forms of terrorism involve violence and we allege throughout our writings that all governments which perform any kind of enforcement against non-consenting non-resident non-person humans are terrorists.

terrorism. “Act of terrorism” means an activity that involves a violent act or an act dangerous to human life that is a violation of the criminal laws of the United States or of any State, or that would be a criminal violation if committed within the jurisdiction of the United States or of any State; and appears to be intended--(i) to intimidate or coerce a civilian population; (ii) to influence the policy of a government by intimidation or coercion, or (iii) to affect the conduct of a government by assassination or kidnapping. 18 U.S.C.A. §3077.
[Black's Law Dictionary, Sixth Edition, p. 1473]

The non-aggression principle of libertarianism means NO coercion, force, violence, or distraint at least in a civil context. Anyone who is NOT a statutory “citizen”, “resident”, or “person” because they have politically and legally disassociated is a “non-resident non-person” who has no civil status. If any type of civil statutory enforcement is attempted against such a private human, it is, by definition, VIOLENCE, FORCE, COERCION, DISTRRAINT, and TERRORISM, all of which are important.

Establishing a connection of FORCE to both VIOLENCE and TERRORISM is also important because once you establish this connection, you can use it to invoke a waiver of official, judicial, and sovereign immunity of the source of the force was a government actor. This will prevent your case against the government from being dismissed for failure to produce evidence of a waiver of sovereign, official, or judicial immunity:

28 U.S. Code § 1605A - Terrorism exception to the jurisdictional immunity of a foreign state

(a) In General.—

(1) No immunity.—

A foreign state shall not be immune from the jurisdiction of courts of the United States or of the States in any case not otherwise covered by this chapter in which money damages are sought against a foreign state for personal injury or death that was caused by an act of torture, extrajudicial killing, aircraft sabotage, hostage taking, or the provision of material support or resources for such an act if such act or provision of material support or resources is engaged in by an official, employee, or agent of such foreign state while acting within the scope of his or her office, employment, or agency.

(2) Claim heard.—The court shall hear a claim under this section if—

(A)

(i)

(I) the foreign state was designated as a state sponsor of terrorism at the time the act described in paragraph (1) occurred, or was so designated as a result of such act, and, subject to subclause (II), either remains so designated when the claim is filed under this section or was so designated within the 6-month period before the claim is filed under this section; or

(II) in the case of an action that is refiled under this section by reason of section 1083(c)(2)(A) of the National Defense Authorization Act for Fiscal Year 2008 or is filed under this section by reason of section 1083(c)(3) of that Act, the foreign state was designated as a state sponsor of terrorism when the original action or the related action under section 1605(a)(7) (as in effect before the enactment of this section) or section 589 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1997 (as contained in section 101(c) of division A of Public Law 104–208) was filed;

(ii) the claimant or the victim was, at the time the act described in paragraph (1) occurred—

(I) a national of the United States;

(II) a member of the armed forces; or

(III) otherwise an employee of the Government of the United States, or of an individual performing a contract awarded by the United States Government, acting within the scope of the employee's employment; and

(iii) in a case in which the act occurred in the foreign state against which the claim has been brought, the claimant has afforded the foreign state a reasonable opportunity to arbitrate the claim in accordance with the accepted international rules of arbitration; or

(B) the act described in paragraph (1) is related to Case Number 1:00CV03110 (EGS) in the United States District Court for the District of Columbia.

(b) Limitations.—An action may be brought or maintained under this section if the action is commenced, or a related action was commenced under section 1605(a)(7) (before the date of the enactment of this section) or section 589 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1997 (as contained in section 101(c) of division A of Public Law 104–208) not later than the latter of—

(1) 10 years after April 24, 1996; or

(2) 10 years after the date on which the cause of action arose.

(c) Private Right of Action.—A foreign state that is or was a state sponsor of terrorism as described in subsection (a)(2)(A)(i), and any official, employee, or agent of that foreign state while acting within the scope of his or her office, employment, or agency, shall be liable to—

(1) a national of the United States,

(2) a member of the armed forces,

(3) an employee of the Government of the United States, or of an individual performing a contract awarded by the United States Government, acting within the scope of the employee's employment, or

(4) the legal representative of a person described in paragraph (1), (2), or (3),

for personal injury or death caused by acts described in subsection (a)(1) of that foreign state, or of an official, employee, or agent of that foreign state, for which the courts of the United States may maintain jurisdiction under this section for money damages. In any such action, damages may include economic damages, solatium, pain and suffering, and punitive damages. In any such action, a foreign state shall be vicariously liable for the acts of its officials, employees, or agents.

(d) Additional Damages.—

After an action has been brought under subsection (c), actions may also be brought for reasonably foreseeable property loss, whether insured or uninsured, third party liability, and loss claims under life and property insurance policies, by reason of the same acts on which the action under subsection (c) is based.

(e) *Special Masters.*—

(1) *In general.*—

The courts of the United States may appoint special masters to hear damage claims brought under this section.

(2) *Transfer of funds.*—

The Attorney General shall transfer, from funds available for the program under section 1404C of the Victims of Crime Act of 1984 (42 U.S.C. 10603c), to the Administrator of the United States district court in which any case is pending which has been brought or maintained under this section such funds as may be required to cover the costs of special masters appointed under paragraph (1). Any amount paid in compensation to any such special master shall constitute an item of court costs.

(f) *Appeal.*—

In an action brought under this section, appeals from orders not conclusively ending the litigation may only be taken pursuant to section 1292(b) of this title.

(g) *Property Disposition.*—

(1) *In general.*—In every action filed in a United States district court in which jurisdiction is alleged under this section, the filing of a notice of pending action pursuant to this section, to which is attached a copy of the complaint filed in the action, shall have the effect of establishing a lien of lis pendens upon any real property or tangible personal property that is—

(A) subject to attachment in aid of execution, or execution, under section 1610;

(B) located within that judicial district; and

(C) titled in the name of any defendant, or titled in the name of any entity controlled by any defendant if such notice contains a statement listing such controlled entity.

(2) *Notice.*—

A notice of pending action pursuant to this section shall be filed by the clerk of the district court in the same manner as any pending action and shall be indexed by listing as defendants all named defendants and all entities listed as controlled by any defendant.

(3) *Enforceability.*—

Liens established by reason of this subsection shall be enforceable as provided in chapter 111 of this title.

(h) *Definitions.*—For purposes of this section—

(1) the term “aircraft sabotage” has the meaning given that term in Article 1 of the Convention for the Suppression of Unlawful Acts Against the Safety of Civil Aviation;

(2) the term “hostage taking” has the meaning given that term in Article 1 of the International Convention Against the Taking of Hostages;

(3) the term “material support or resources” has the meaning given that term in section 2339A of title 18;

(4) the term “armed forces” has the meaning given that term in section 101 of title 10;

(5) the term “national of the United States” has the meaning given that term in section 101(a)(22) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(22));

(6) the term “state sponsor of terrorism” means a country the government of which the Secretary of State has determined, for purposes of section 6(j) of the Export Administration Act of 1979 (50 U.S.C. App.

2405(j)), [1] section 620A of the Foreign Assistance Act of 1961 (22 U.S.C. 2371), section 40 of the Arms Export Control Act (22 U.S.C. 2780), or any other provision of law, is a government that has repeatedly provided support for acts of international terrorism; and

(7) the terms “torture” and “extrajudicial killing” have the meaning given those terms in section 3 of the Torture Victim Protection Act of 1991 (28 U.S.C. 1350 note).

(Added Pub. L. 110–181, div. A, title X, § 1083(a)(1), Jan. 28, 2008, 122 Stat. 338.)

The following sermons establish that the Biblical definition of violence includes enforcement actions by government that violate God’s laws and that the use of violence to defend against such violence is biblically justified. It also establishes that all instances of INJUSTICE are equivalent to violence as biblically defined. For a definition of “injustice”, see section 1.8 later:

1. Tyranny and Self Defense, Pastor John Weaver
<https://youtu.be/yiYPaRNZhdE>
2. In Defense of Violence or Defensive Violence, Pastor John Weaver
<https://youtu.be/FV58JqAYn1E>
3. The Biblical Doctrine of Self Defense, Pastor John Weaver
 - 3.1. Part 1: <https://youtu.be/ou9qO46pqPE>
 - 3.2. Part 2: <https://youtu.be/iKVPkErJnDk>

We electronically searched the entire 160 volume American Jurisprudence 2d legal encyclopedia and couldn’t find even a SINGLE comprehensive definition of “violence”, even though they used the word thousands of times, and especially in the context of criminal law. This is probably because if they did in fact provide such a detailed definition, they would have to admit that the government is the biggest source of violence and terrorism of all. Every civil statutory enforcement proceeding against a statutory “non-resident non-person” is an act of violence and, as you will see later starting in section 1.8, is also an INJUSTICE because it violates the right to be left alone of innocent people who are not parties to the “social compact” or civil contract called the civil statutory “code”. See the following for proof:

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

We explain in our member agreement why any type of civil enforcement against a “non-resident non-person” is both violence and an injustice as follows:

Rather, I simply seek to be LEFT ALONE so that I can civilly govern and support myself and my family and loved ones without any external involvement or interference from any man or vain government of men. The legal definition of “justice”, in fact, is the moral habit of simply leaving people alone and protecting their right to be left alone. Therefore, the goal of my participation in the ministry is “justice” as legally defined.

“The makers of our Constitution undertook to secure conditions favorable to the pursuit of happiness. They recognized the significance of man’s spiritual nature, of his feelings and of his intellect. They knew that only a part of the pain, pleasure and satisfactions of life are to be found in material things. They sought to protect Americans in their beliefs, their thoughts, their emotions and their sensations. They conferred, as against the Government, the right to be let alone – the most comprehensive of rights and the right most valued by civilized men.”
[Olmstead v. United States, 277 U.S. 438, 478 (1928) (Brandeis, J., dissenting); see also Washington v. Harper, 494 U.S. 210 (1990)]

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

“Do not strive with [BOTHER] a man without cause, if he has done you no harm.”
[Prov. 3:30, Bible, NKJV]

“Love does no harm to a neighbor; therefore love is the fulfillment of the law.”

[Romans 13:10, Bible, NKJV]

I shouldn't have to bribe a government "protection racket" or become a customer of government protection called a "resident", "citizen", or "inhabitant" to earn or deserve the right to simply be left alone, and it costs the government NOTHING to leave me alone. My rights attach to the land I stand on and not my STATUTORY CIVIL status anyway.

"It is locality that is determinative of the application of the Constitution, in such matters as judicial procedure, and not the status of the people who live in it."
[Balzac v. Porto Rico, 258 U.S. 298 (1922)]

[SEDM Member Agreement, Form #01.001, Section 1.2; <https://sedm.org/Forms/FormIndex.htm>]

We also emphasize that any so-called "government" which engages in ANY kind of violence OTHER than defensive violence is a "de facto" government as legally defined:

DE FACTO GOVERNMENT. One that maintains itself by a display of force against the will of the rightful legal government and is successful, at least temporarily, in overturning the institutions of the rightful legal government by setting up its own in lieu thereof. *Wortham v. Walker*, 133 Tex. 255, 128 S.W.2d. 1138, 1145.
[Black's Law Dictionary, Fourth Edition, p. 504]

If you want to look at exhaustive court admissible proof demonstrating why the present government is a de facto government as defined above, see;

De Facto Government Scam, Form #05.043
<https://sedm.org/Forms/FormIndex.htm>

1.8 Assent v. Consent

"Consent" is not the same thing as "assent". Below is the definition of "assent":

ASSENT. Compliance; approval of something done; a declaration of willingness to do something in compliance with a request. *Norton v. Davis*, 83 Tex. 32, 18 S.W. 430; *Appeal of Pittsburgh*, 115 Pa. 4, 7 A. 778; To approve, ratify and confirm. *People v. Consolidated Indemnity and Ins. Co.*, 233 App.Div. 74, 251 N.Y.S. 566, 569. It implies a conscious approval of facts actually known, as distinguished from mere neglect to ascertain facts. *White-Wilson-Drew Co. v. Lyon Ratcliff Co.*, C.C.A.Ill., 268 F. 525, 526. Sometimes it is equivalent to "authorize." *Hagerla v. Mississippi River Power Co.*, D.C.Iowa, 202 F. 776, 783. In the sense of the law is a matter of overt acts, not of inward unanimity in motives, design or the interpretation of words. *Triboro Coach Corporation v. New York State Labor Relations Board*, 261 App.Div. 636, 27 N.Y.S.2d 83, 85.

"Assent" is an act of understanding, while "consent" is an act of the will or feelings. *Ilundby v. Hogden*. 202 Wls. 438, 232 N.W. 858, 860, 73 A.L.R. 648. It means passivity or submission which does not include consent. *Perryman v. State*, 63 Ga. App. 819, 12 S. E.2d 388, 390.

Express Assent

That which is openly declared.

Implied Assent

That which is presumed by law.

Mutual Assent

The meeting of the minds of both or all the parties to a contract; the fact that each agrees to all the terms and conditions, in the same sense and with the same meaning as the others. Insurance Co. v. Young, 23 Wall. 107, 23 L.Ed. 152.

[Black's Law Dictionary, Fourth Edition, p. 149]

Wikidiff compares the two as follows:

WIKIDIFF

Requirement for Consent

Copyright Sovereignty Education and Defense Ministry, <http://sedm.org>
Form 05.003, Rev. 11-22-2020

75 of 489

EXHIBIT: _____

https://wikidiff.com/assent/consent	
<p>assent</p> <p>English</p> <p>Verb (<i>en verb</i>)</p> <ul style="list-style-type: none"> To agree to, give approval. * Macaulay <i>The princess assented to all that was suggested.</i> To admit a thing as true. * Bible, Acts xxiv. 9 <i>And the Jews also assented , saying that these things were so.</i> <p>Synonyms</p> <p>* accede *</p> <p>Noun (<i>en noun</i>)</p> <ul style="list-style-type: none"> agreement, act of agreeing <i>I will give this act my assent .</i> <p>Related terms</p> <p>* assentor</p> <p>Synonyms</p> <p>*</p> <p>Anagrams</p> <p>* ----</p>	<p>consent</p> <p>English (<i>wikipedia consent</i>)</p> <p>Verb (<i>en verb</i>)</p> <ul style="list-style-type: none"> To express willingness, to give permission. <i>"I've consented to have the procedure performed.</i> * (<i>rfdate</i>) Shakespeare <i>My poverty, but not my will, consents.</i> (medicine) To cause to sign a consent form. * (obsolete) To grant; to allow; to assent to. * (<i>rfdate</i>) Milton <i>Interpreters will not consent it to be a true story.</i> To agree in opinion or sentiment; to be of the same mind; to accord; to concur. * (<i>rfdate</i>) Bible, Acts viii. 1 <i>And Saul was consenting unto his death.</i> * (<i>rfdate</i>) Fuller <i>Flourishing many years before Wyclif, and much consenting with him in jugdment.</i> <p>Usage notes</p> <p>* This is a catenative verb that takes the <i>to infinitive</i>. See</p> <p>Synonyms</p> <p>* (<i>intransitive</i>) acquiesce, agree, approve, assent, concur,</p> <p>Antonyms</p> <p>* (<i>intransitive</i>) disagree, , oppose</p> <p>Derived terms</p> <p>* consenting</p> <p>Noun (<i>en noun</i>)</p> <ul style="list-style-type: none"> Voluntary agreement or permission. *, II.6: <i>All men know by experience, there be some parts of our bodies which often without any consent of ours doe stirre, stand, and lye down againe.</i> <p>Synonyms</p> <p>* (<i>voluntary agreement</i>) agreement, approval, assent, permission, willingness,</p> <p>Antonyms</p> <p>* (<i>voluntary agreement</i>) dissent, disagreement, opposition, refusal</p> <p>Derived terms</p> <p>* consenter * consentaneous * age of consent</p>

1 So ASSENTING is most often expressed as an ACTION resulting from agreement, whereas CONSENT is the mere
2 expression of agreement. COMPLIANCE and ASSENT would therefore be similar. In most cases, governments and the
3 legal profession engaging in enforcement activities are more concerned with COMPLIANCE and ASSENT than with mere
4 expression of consent or agreement. Consent is usually expressed on paper with a signature, whereas ASSENT is an ACT of
5 compliance with the wishes of the other party.

6 Even in the case of “assent” in the face of a government enforcement action, compliance technically does not satisfy the
7 requirements of “assent”, because people who are ignorant of the law can’t and don’t act out of FACTS or LEGAOL
8 KNOWLEDGE but rather OUT OF FEAR produced through LEGAL IGNORANCE. Note the following excerpt from the
9 definition of “assent” above:

10 *It implies a conscious approval of facts actually known, as distinguished from mere neglect to ascertain facts.*
11 *White-Wilson-Drew Co. v. Lyon Ratcliff Co., C.C.A.Ill., 268 F. 525, 526*

12 **2 The Meaning of “Justice”³**

13 **2.1 Introduction**

14 A very important subject that comes up all the time in the freedom community and especially in the context of litigation is
15 the subject of “justice”. This term is widely misunderstood and quite subjective for most people.

16 Almost universally, everyone says they want “justice” but even among those who want it, there is no agreement on what it
17 means.

18 Among the left, they want “social justice” and equate it with redistribution of wealth and villainizing the producers. Among
19 the right and conservatives, they want legal justice and/or biblical justice. These two approaches are completely incompatible.
20 If we can’t agree on a common definition, then we predict that revolution and anarchy will eventually result sooner rather
21 than later. Therefore, this subject is of EXTREME importance and EVERYONE should study it. It ought to be taught in
22 grammar school.

23 Without a convergence and common agreement throughout society on precisely what it means, true “justice” can NEVER
24 realistically be achieved. We must agree upon a definition in order to know EXACTLY what we are fighting for in the
25 context of this ministry. That is the purpose of this memorandum of law.

26 **2.2 Legal Justice**

27 **2.2.1 Legal definition of “justice”**

28 The essence of the meaning of “justice” in fact, is the right to be “left alone”:

29 *PAULSEN, ETHICS (Thilly's translation), chap. 9.*

30 ***“Justice, as a moral habit, is that tendency of the will and mode of conduct which refrains from disturbing the***
31 ***lives and interests of others, and, as far as possible, hinders such interference on the part of others.*** This virtue
32 *springs from the individual's respect for his fellows as ends in themselves and as his co equals. The different*
33 *spheres of interests may be roughly classified as follows: body and life; the family, or the extended individual*
34 *life; property, or the totality of the instruments of action; honor, or the ideal existence; and finally freedom, or*
35 *the possibility of fashioning one's life as an end in itself. The law defends these different spheres, thus giving rise*
36 *to a corresponding number of spheres of rights, each being protected by a prohibition. . . . To violate the rights,*
37 *to interfere with the interests of others, is injustice. All injustice is ultimately directed against the life of the*
38 *neighbor; it is an open avowal that the latter is not an end in itself, having the same value as the individual's own*
39 *life. The general formula of the duty of justice may therefore be stated as follows: Do no wrong yourself, and*
40 *permit no wrong to be done, so far as lies in your power; or, expressed positively: Respect and protect the right.”*
41 *[Readings on the History and System of the Common Law, Second Edition, Roscoe Pound, 1925, p. 2]*

42 The U.S. Supreme Court stated the above slightly differently:

³ Source: *What is “Justice”?*, Form #05.050; <http://sedm.org/Forms/FormIndex.htm>.

"The makers of our Constitution undertook to secure conditions favorable to the pursuit of happiness. They recognized the significance of man's spiritual nature, of his feelings and of his intellect. They knew that only a part of the pain, pleasure and satisfactions of life are to be found in material things. They sought to protect Americans in their beliefs, their thoughts, their emotions and their sensations. They conferred, as against the Government, the right to be let alone - the most comprehensive of rights and the right most valued by civilized men."

[Olmstead v. United States, 277 U.S. 438, 478 (1928) (Brandeis, J., dissenting); see also Washington v. Harper, 494 U.S. 210 (1990)]

So in the context of "government" as legally defined, the FIRST duty of government is to LEAVE YOU ALONE, and to ONLY enforce that which you have specifically asked for and consented to in a civil context. If they won't do that, then you shouldn't be hiring them to protect your right to be left alone by anyone ELSE through paying them "taxes".

"Justice is the end of government. It is the end of civil society. It ever has been, and ever will be pursued, until it be obtained, or until liberty be lost in the pursuit."

[James Madison, The Federalist No. 51 (1788)]

The Bible also states the foundation of justice by saying:

"Do not strive with [or try to regulate or control or enslave] a man without cause, if he has done you no harm."
[Prov. 3:30, Bible, NKJV]

And finally, Thomas Jefferson agreed with the above by defining "justice" as follows in his First Inaugural Address:

"With all [our] blessings, what more is necessary to make us a happy and a prosperous people? Still one thing more, fellow citizens--a wise and frugal Government, which shall restrain men from injuring one another, shall leave them otherwise free to regulate their own pursuits of industry and improvement, and shall not take from the mouth of labor the bread it has earned. This is the sum of good government, and this is necessary to close the circle of our felicities."

[Thomas Jefferson: 1st Inaugural, 1801. ME 3:320]

Therefore, the word "injustice" means interference with the equal rights of others absent their consent and which constitutes an injury NOT as any law defines it, but as the PERSON who is injured defines it. Under this conception of "justice", anything done with your consent cannot be classified as "injustice" or an injury.

The most obvious form of injustice is a criminal mafia that will continue to disturb and threaten you until you pay them "protection money" in order to essentially procure the PRIVILEGE to be left alone. This is the model upon which the IRS operates: They continue to harass, lien, and levy you administratively, even if you are NOT a statutory "taxpayer" and instead are a non-resident non-person, unless and until you essentially pay them "protection money". Materials on our site prove extensively that a criminal mafia is EXACTLY what the IRS is, including the following memorandum of law:

Origins and Authority of the Internal Revenue Service, Form #05.005
<http://sedm.org/Forms/FormIndex.htm>

The concept of justice explains why a policeman must have "probable cause" in order to detain, arrest, or interrogate you. The presumption is that you have a right to be left alone and the policemen must not disturb your peace unless they have a reasonable cause to do so that is or can be demonstrated with court admissible evidence.

The concept of justice originates from the legal definition of property. The essence and foundation of the "property right", as held by the U.S. Supreme Court, is the right to EXCLUDE ANYONE AND EVERYONE else, from using, controlling, or benefitting from the use of YOUR property:

"We have repeatedly held that, as to property reserved by its owner for private use, 'the right to exclude [others is] one of the most essential sticks in the bundle of rights that are commonly characterized as property.'"
Loretto v. Teleprompter Manhattan CATV Corp., 458 U.S. 419, 433 (1982), quoting Kaiser Aetna v. United States, 444 U.S. 164, 176 (1979). "

[Nollan v. California Coastal Comm'n, 483 U.S. 825 (1987)]

1 "In this case, we hold that the "right to exclude," so universally held to be a fundamental element of the
2 property right,^[11] falls within this category of interests that the Government cannot take without
3 compensation."
4 [Kaiser Aetna v. United States, 444 U.S. 164 (1979)]

5 [11] See, e. g., United States v. Pueblo of San Ildefonso, 206 Ct.Cl. 649, 669-670, 513 F.2d. 1383, 1394 (1975);
6 United States v. Lutz, 295 F.2d. 736, 740 (CA5 1961). As stated by Mr. Justice Brandeis, "[a]n essential element
7 of individual property is the legal right to exclude others from enjoying it." International News Service v.
8 Associated Press, 248 U.S. 215, 250 (1918) (dissenting opinion).

9 The right to exclude that is the essence of the right to PRIVATE property extends not only to other people or businesses, but
10 to ANY and EVERY government, because under the concept of equal protection and equal treatment, all "persons", including
11 artificial "persons" such as government corporations, are EQUAL. The result of exercising your right to exclude the
12 government is that they HAVE to LEAVE THE PROPERTY ALONE, and NOT try to steal it or deceive you into donating
13 it to them. The only lawful basis for interfering with the use or ownership of any kind of property is when the property is
14 abused to INJURE the equal rights of your sovereign neighbor, and that interference can come only AFTER the injury is
15 inflicted, and not before.

16 "The sole end, for which mankind are warranted, individually or collectively... in interfering with the liberty of
17 action of any of their number, is self-protection."
18 [John Stewart Mill, On Liberty, p. 223]

19 "Do not strive with [or try to regulate or control or enslave] a man without cause, **if he has done you no harm.**"
20 [Prov. 3:30, Bible, NKJV]

21 Every remedy provided by a lawful de jure government for the protection of private rights therefore BEGINS with
22 demonstrating a quantifiable PAST and not FUTURE injury to a specific, enumerated natural or constitutional right. That
23 remedy can only be imposed absent our consent when the following two conditions are met:

- 24 1. Someone's else's equal rights have been injured.. AND
- 25 2. A specific injury has resulted from that violation under the common law.
 - 26 2.1. If the remedy is a civil statutory remedy, we must have a domicile within the jurisdiction of the court administering
 - 27 the remedy before it can be invoked.
 - 28 2.2. If the remedy is a civil common law remedy, no domicile is necessary to invoke it in court.
 - 29 2.3. If the remedy is a criminal remedy, the violation occurred on territory protected by the sovereign. Otherwise the
 - 30 act of criminal enforcement against nonresident parties amounts essentially to international terrorism.

31 Fulfillment of the above requirements in a court of law is why those serving as "judges" are referred to as "justices".

32 "Leaving people alone" and "not injuring them" are therefore equivalent. The biblical definition of "love" also fills this
33 requirement not to harm others and thereby to ensure that you "leave them alone".

34 For the commandments, "You shall not commit adultery," "You shall not murder," "You shall not steal," "You
35 shall not bear false witness," "You shall not covet," and if there is any other commandment, are all summed up
36 in this saying, namely, "You shall love your neighbor as yourself."

37 **Love does no harm to a neighbor; therefore love is the fulfillment of the law.**
38 [Romans 13:9-10, Bible, NKJV]

39 In order to sue someone in court for an injury to your private rights under the common law, you must be able to demonstrate
40 an injury. This is called "standing". You don't have the right or the jurisdiction to interfere with others and drag them into
41 court until THEY have injured you and thereby disturbed your right to be left alone. That's what the Readings on the History
42 and System of Common Law book above implies.

43 **2.2.2 Statutory definition of "Justice"**

44 The legal definition of "justice" can be easily discerned by examining HOW "obligations" are created in the civil statutes of
45 your state. A statutory enforcement action, either administrative or judicial, is one in which statutes are used to enforce
46 GOVERNMENT ALLEGED but usually not ACTUAL "obligations" or "duties" upon a non-consenting party. Enforcement

1 actions would be unnecessary if the party was consenting. “operation of law” is the term used in statutes to describe
2 obligations where the party who is the subject of the enforcement is non-consenting.

3 The California Civil Code, Section 1427 defines what an obligation or duty is:

4 *California Civil Code - CIV*
5 *DIVISION 3. OBLIGATIONS [1427 - 3272.9]*
6 *(Heading of Division 3 amended by Stats. 1988, Ch. 160, Sec. 14.)*
7 **PART 1. OBLIGATIONS IN GENERAL [1427 - 1543]** (Part 1 enacted 1872.)
8 **TITLE 1. DEFINITION OF OBLIGATIONS [1427 - [1428.]]** (Title 1 enacted 1872.)

9 **1427.** *An obligation is a legal duty, by which a person is bound to do or not to do a certain thing.*

10 *(Enacted 1872.)*

11 The California Civil Code and California Code of Civil Procedure then describe how obligations may lawfully be created.
12 Section **22.2** of the California Civil Code (“CCC”) shows that the **common law** shall be the rule of decision in all the courts
13 of this State. CCC section **1428** establishes that obligations are legal duties arising either from contract of the parties, or the
14 operation of law (nothing else). CCC section **1708** states that the obligations imposed by operation of law are only to abstain
15 from injuring the person or property of another, or infringing upon any of his or her rights.

16 *California Civil Code - CIV*
17 *DEFINITIONS AND SOURCES OF LAW*
18 *(Heading added by Stats. 1951, Ch. 655, in conjunction with Sections 22, 22.1, and 22.2)*

19 **22.2.** *The common law of England, so far as it is not repugnant to or inconsistent with the Constitution of the*
20 *United States, or the Constitution or laws of this State, is the rule of decision in all the courts of this State. (Added*
21 *by Stats. 1951, Ch. 655.)*

22 -----

23 *California Civil Code – CIV*
24 *DIVISION 3. OBLIGATIONS [1427 - 3272.9]*
25 *(Heading of Division 3 amended by Stats. 1988, Ch. 160, Sec. 14.)*
26 **PART 1. OBLIGATIONS IN GENERAL [1427 - 1543]** (Part 1 enacted 1872.)
27 **TITLE 1. DEFINITION OF OBLIGATIONS [1427 - [1428.]]** (Title 1 enacted 1872.)

28 **[1428.]** *Section Fourteen Hundred and Twenty-eight. An obligation arises either from:*

29 *One — The contract of the parties; or,*

30 *Two — The operation of law. An obligation arising from operation of law may be enforced in the manner*
31 *provided by law, or by civil action or proceeding.*

32 *(Amended by Code Amendments 1873-74, Ch. 612.)*

33 -----

34 *California Civil Code – CIV*
35 *DIVISION 3. OBLIGATIONS [1427 - 3272.9]*
36 *(Heading of Division 3 amended by Stats. 1988, Ch. 160, Sec. 14.)*
37 **PART 3. OBLIGATIONS IMPOSED BY LAW [1708 - 1725]**
38 *(Part 3 enacted 1872.)*

39 **1708.** *Every person is bound, without contract, to abstain from injuring the person or property of another, or*
40 *infringing upon any of his or her rights.*

41 *(Amended by Stats. 2002, Ch. 664, Sec. 38.5. Effective January 1, 2003.)*

42 The phrase “operation of law” uses the word “law” and therefore implies REAL law. REAL law in turn consists of ONLY
43 the common law and the Constitution, as we prove in this document.

Based on the above provisions of the California Civil Code, when anyone from the government seeks to either administratively or judicially enforce a “duty” or “obligation”, such as in tax correspondence, they have the burden of proof to demonstrate.

1. That you expressly consented to a contract with them. This would include:

1.1. Written agreements.

1.2. Trusts.

1.3. Statutory franchises.

This class of obligations is what we call “private law” or “special law” throughout this document. It is NOT “law” in a classical sense.

2. That “operation of law” is involved. In other words, that:

2.1. You injured a specific, identified flesh and blood person and

2.2. The injured party has standing to sue in a civil or common law action.

2.3. The party against whom the enforcement action is imposed DOES NOT consent.

THIS is what we refer to as “PUBLIC law” or “law” in this document.

They must meet the above burden of proof with legally admissible evidence and may not satisfy that burden with either a belief or a presumption. Pursuant to Federal Rule of Evidence 610, neither beliefs or opinions constitute legally admissible evidence. Likewise, a presumption is not legally admissible evidence for the same reason. We cover why presumptions are not evidence in:

Presumption: Chief Weapon for Unlawfully Enlarging Federal Jurisdiction, Form #05.017

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

In practice, they NEVER can meet the above burden of proof and consequently, you will always win when they send you a tax collection notice if you know what you are doing and have read this document! That is PRECISELY why we claim and can prove that the present government is DE FACTO rather than DE JURE, as described in:

De Facto Government Scam, Form #05.043

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

The first option above, contracts, is described in:

Government Instituted Slavery Using Franchises, Form #05.030

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

Any enforcement action that does NOT satisfy the burden of proof or proceeds upon PRESUMPTION in satisfying the above is, by definition:

1. An “injustice”, because it violates your right to be left alone.

2. A violation of due process of law because it is NOT proceeding with evidence. PRESUMPTIONS are NOT “evidence” or a substitute for evidence. See:

Presumption: Chief Weapon for Unlawfully Enlarging Federal Jurisdiction, Form #05.017

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

3. A purely private commercial transaction. As such, if the Plaintiff or the enforcer claim to be a “government”, they:

3.1. Are subject to the Clearfield Doctrine. See *United States v. Winstar Corp.* 518 U.S. 839 (1996).

3.2. Are “purposefully availing themselves” of commerce in an otherwise legislatively but not constitutionally foreign jurisdiction. Hence they waive sovereign, official, and judicial immunity.

3.3. Waive sovereign, official, and judicial immunity under the Foreign Sovereign Immunities Act, 28 U.S.C. Chapter 97.

<https://www.law.cornell.edu/uscode/text/28/part-IV/chapter-97>

4. A non-governmental function. REAL government PROTECTS absolutely owned private property rather than making a business or “trade or business” out of converting it to PUBLIC property or property CONTROLLED by the public.

“For the principal aim of society is to protect individuals in the enjoyment of those absolute rights, which were vested in them by the immutable laws of nature; but which could not be preserved in peace without the mutual

assistance and intercourse, which is gained by the institution of friendly and social communities. Hence it follows, that the first and primary end of human laws is to maintain and regulate these absolute rights of individuals."

"By the absolute rights of individuals we mean those which are so in their primary and strictest sense; such as would belong to their persons merely in a state of nature, and which every man is entitled to enjoy whether out of society or in it." - Ibid.
[William Blackstone, Commentaries (1765)]

"Under basic rules of construction, statutory laws enacted by legislative bodies cannot impair rights given under a constitution. 194 B.R. at 925."
[In re Young, 235 B.R. 666 (Bankr.M.D.Fla., 1999)]

"The rights of the individuals are restricted only to the extent that they have been voluntarily surrendered by the citizenship to the agencies of government."
[City of Dallas v Mitchell, 245 S.W. 944]

"Life, faculties, production—in other words individuality, liberty, property—that is man. And in spite of the cunning of artful political leaders, these three gifts from God precede all human legislation, and are superior to it."
[Frederic Bastiat (b. 1801 - d. 1850), The Law; <http://famguardian.org/Publications/TheLaw/TheLaw.htm>]

[More at: Unalienable Rights Course, Form #12.038; <https://sedm.org/LibertyU/UnalienableRights.pdf>]

5. A request by the Plaintiff and the GOVERNMENT court or administrative enforcer to procure absolutely owned private party.
 - 5.1. That property is, at minimum, the "services" needed to respond to the ILLEGAL and even UNCONSTITUTIONAL enforcement action.
 - 5.2. The property might also include any and all property or services that might be awarded as a consequence of the enforcement proceeding.
6. An attempt to make you into a Merchant under U.C.C. §2-104(1) who is SELLING absolutely owned private property to the Plaintiff or GOVERNMENT administrative enforcer.
7. A request or OFFER by the Plaintiff or GOVERNMENT administrative enforcer to become a Buyer under U.C.C. §2-103(1)(a) of your absolutely owned private property.
8. A request for you to specify any and all CONDITIONS you want to attach to the use, custody, or control of your absolutely owned private property.
 - 8.1. As the absolute owner, you have a PRIVATE and CONSTITUTIONAL right to dictate any and ALL conditions you wish to attach to the use of your property.

"PROPERTY. Rightful dominion over external objects; ownership; the unrestricted and exclusive right to a thing; the right to dispose of the substance of a thing in every legal way, to possess it, to use it and to exclude every one else from interfering with it. Mackeld. Rom. Law, § 265.

Property is the highest right a man can have to anything; being used for that right which one has to lands or tenements, goods or chattels, which no way depends on another man's courtesy. Jackson ex dem. Pearson v. Housel, 17 Johns. 281, 283.

A right imparting to the owner a power of indefinite user, capable of being transmitted to universal successors by way of descent, and imparting to the owner the power of disposition, from himself and his successors per universitatem, and from all other persons who have a spes successions under any existing concession or disposition, in favor of such person or series of persons as he may choose, with the like capacities and powers as he had himself, and under such conditions as the municipal or particular law allows to be annexed to the dispositions of private persons. Aust. Jur. (Campbell's Ed.) § 1103.

The right of property is that sole and despotic dominion which one man claims and exercises over the external things of the world, in total exclusion of the right of any other individual in the universe. It consists in the free use, enjoyment and disposal of all a person's acquisitions, without any control or diminution save only by the laws of the land. 1 Bl.Comm. 138; 2 Bl.Comm. 2, 15.

The word is also commonly used to denote any external object over which, the right of property is exercised. In this sense it is a very wide term, and includes every class of acquisitions which a man can own or have an interest in. See Scranton v. Wheeler, 179 D.S. 141, 21 Sup.Ct. 48, 45 L.Ed. 126; Lawrence v. Hennessey, 165 Mo. 659, 65 S.W. 717; Boston & L.R. Corp. v. Salem & L. R. Co., 2 Gray (Mass.), 35; National Tel. News Co. v. Western Union Tel. Co., 119 Fed. 294, 56 C.C.A. 198, 60 L.R.A. 805; Hamilton v. Rathbone, 175 U.S. 414, 20 Sup.Ct. 155, 44 L.Ed. 219; Stanton v. Lewis, 26 Conn. 449; Wilson v. Ward Lumber Co. (C. C.) 67 Fed. 674.

—Absolute property . In respect to chattels personal property is said to be "absolute" where a man has, solely and exclusively, the right and also the occupation of any movable chattels, so permanent, but may at some times subsist and not at other times; such for example, as the property a man may have in wild animals which he has caught and keeps, and which are his only so long as he retains possession of them. 2 BL Comm. 389.—Real property . A general term for lands, tenements, and hereditaments; property which, on the death of the owner intestate, passes to his heir. Real property is either corporeal or incorporeal. See Code N. Y. § 462 — Separate property . The separate property of a married woman is that which she owns in her own right, which is liable only for her own debts, and which she can incumber and dispose of at her own will.—Special property. Property of a qualified, temporary, or limited nature; as distinguished from absolute, general, or unconditional property. Such is the property of a bailee in the article bailed, of a sheriff in goods temporarily in his hands under a levy, of the finder of lost goods while looking for the owner, of a person in wild animals which he has caught. Stief v. Hart, 1 N.Y. 24; Moulton v. Witherell, 52 Me. 242; Eisendrath v. Knauer, 64 111. 402; Phelps v. People, 72 N.Y. 357.
[Black's Law Dictionary, Second Edition, p. 955]

8.2. If you fail to specify the terms and conditions of the GRANT of your absolutely owned private property to the opposing party, you are PRESUMED to DONATE the property to the Plaintiff or GOVERNMENT enforcer.

CONSENT. An agreement to something proposed, and differs from assent. (q.v.) Wolff, Ins. Nat. part 1, SSSS 27-30; Pard. Dr. Com. part 2, tit. 1, n. 1, 38 to 178. Consent supposes,

1. a physical power to act; 2. a moral power of acting; 3. a serious, determined, and free use of these powers. Fonb. Eq. B; 1, c. 2, s. 1; Grot. de Jure Belli et Pacis, lib. 2, c. 11, s. 6.

2. Consent is either express or implied. Express, when it is given viva voce, or in writing; implied, when it is manifested by signs, actions, or facts, or by inaction or silence, which raise a presumption that the consent has been given.

[...]

8. - 6. Courts of equity have established the rule, that when the true owner of property stands by, and knowingly suffers a stranger to sell the same as his own, without objection, this will be such implied consent as to render the sale valid against the true owner. Story on Ag. Sec. 91, Story on Eq. Jur. Sec. 385 to 390. And courts of law, unless restrained by technical formalities, act upon the principles of justice; as, for example, when a man permitted, without objection, the sale of his goods under an execution against another person. 6 Adolph. & El 11. 469; 9 Barn. & Cr. 586; 3 Barn. & Adolph. 318, note.
[Bouvier's Law Dictionary, Fourth Edition, 1848]

To ensure that you are NEVER victimized by the ILLEGAL or UNCONSTITUTIONAL enforcement actions and especially government or de facto government enforcement actions, we recommend the following resources and/or examples to use in your defense. These documents identify YOU as the Merchant, the enforcer as the Buyer, and specify powerful “default terms and conditions” to the sale of your absolutely owned private property to them:

1. Tax Form Attachment, Form #04.201
<https://sedm.org/Forms/FormIndex.htm>
2. Affidavit of Citizenship, Domicile, and Tax Status, Form #02.001
<https://sedm.org/Forms/FormIndex.htm>
3. Injury Defense Franchise and Agreement, Form #06.027
<https://sedm.org/Forms/FormIndex.htm>

2.2.3 Legal justice can easily be perverted when it is defined as “give every man his due”

This section is prompted by the following question appearing in our Member Forums:

Ministry Introduction: Your Definition of "Justice"

After advising a friend to review materials regarding the Introduction to your Ministry, she raises a valid point on the “Legal definition of Justice”. According to your Form #12.014, It is stated that the legal definition of justice is the right to simply be left alone.

Her concerns as well as mine are these:

1. After clicking the link and reading the entire page including Black's Law Dictionary, we didn't find anywhere where the “legal definition” of Justice is the right to be left alone.

2. After researching the bible, hoping to discover even biblical law that implies justice as simply the right to be left alone, I came up empty handed there as well.

3. No legal dictionary has this meaning, and it appears on the surface that this statement is purely driven by your contempt of the government. Not that that's a bad thing, however, it doesn't reflect "truth" and truth is justice.

I address these issues because that statement seems a bit misleading to the average person whose reading your material for the first time, and might be deterred from moving forward on the Path to Freedom if in fact there is no way to prove the author's perspective of it.

As a member subscriber, I understand the mission at hand, and probably share the same sentiment as the author, however, I feel it my duty to at least address it, as it might be a hindrance to those who are willing to learn from and be a part of this ministry.

[SEDM Member Forum 9.4, SOURCE: <http://sedm.org/forums/topic/ministry-introduction-your-definition-of-justice/#post-122811>]

First of all, the author of the above appears to have missed the definition of "justice" in the context of the common law that we provided in section 2.2 earlier:

PAULSEN, ETHICS (Thilly's translation), chap. 9.

"Justice, as a moral habit, is that tendency of the will and mode of conduct which refrains from disturbing the lives and interests of others, and, as far as possible, hinders such interference on the part of others. This virtue springs from the individual's respect for his fellows as ends in themselves and as his co equals. The different spheres of interests may be roughly classified as follows: body and life; the family, or the extended individual life; property, or the totality of the instruments of action; honor, or the ideal existence; and finally freedom, or the possibility of fashioning one's life as an end in itself. The law defends these different spheres, thus giving rise to a corresponding number of spheres of rights, each being protected by a prohibition. . . . To violate the rights, to interfere with the interests of others, is injustice. All injustice is ultimately directed against the life of the neighbor; it is an open avowal that the latter is not an end in itself, having the same value as the individual's own life. The general formula of the duty of justice may therefore be stated as follows: Do no wrong yourself, and permit no wrong to be done, so far as lies in your power; or, expressed positively: Respect and protect the right." [Readings on the History and System of the Common Law, Second Edition, Roscoe Pound, 1925, p. 2]

The author also overlooked most of the other treatment in section 2.2, which also defined "justice" using the Bible and the U.S. Supreme Court. The fact that the word "justice" does not appear in the authorities cited isn't terribly relevant, because the concept is sound from the authorities provided. The reader too should reread section 2.2 if they are at all uncertain about the meaning of justice.

Second of all, the main source of confusion comes from those who define justice as "giving every man his due". It is quite common, for instance, to see legal definitions of "justice" include the phrase "give every man his due" rather than simply "the right to be left alone". Below are a few notable examples we dug up from various authoritative sources:

Justice, n. Title given to judges, particularly judges of U.S. and state supreme courts, and as well to judges of appellate courts. The U.S. Supreme Court, and most state supreme courts are composed of a chief justice and several associate justices.

Proper administration of laws. In jurisprudence, the constant and perpetual disposition of legal matters or disputes **to render every man his due.**

Commutative justice concerns obligations as between persons (e.g., in exchange of goods) and requires proportionate equality in dealings of person to person; Distributive justice concerns obligations of the community to the individual, and requires fair disbursement of common advantages and sharing of common burdens; Social justice concerns obligations of individual to community and its end is the common good.

In Feudal law, jurisdiction; judicial cognizance of causes or offenses. High justice was the jurisdiction or right of trying crimes of every kind, even the highest. **This was a privilege claimed and exercised by the great lords or barons of the middle ages.** Law justice was jurisdiction of petty offenses.

See also Miscarriage of justice; Obstructing justice.

[Black's Law Dictionary, Sixth Edition, p. 864]

The object of Law is the administration of justice. Law is a body of rule for the systematic and regular public administration of justice. Hence we may ask, at the outset, what is justice?

INSTITUTES OF JUSTINIAN, I, I, sees. 1, 3.

Justice is the set and constant purpose which gives to every man his due. The precepts of law are these: to live honorably, to injure no one, and to "give every man his due".
[[Readings on the History and System of the Common Law, Second Edition, Roscoe Pound, 1925, p. 1](#)]

JUSTICE - The constant and perpetual disposition to render every man his due. Justinian, Inst. b. 1, tit. 1; Co. 2d Inst. 56.
[[Bouvier's Law Dictionary \(1856\)](#)]

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

The above definitions invite a PERVERSION of justice, and especially by judges. This is because:

1. He who writes the rules or definitions always wins. In other words, the CREATOR or GRANTOR of a PUBLIC right (franchise) literally OWNS everyone who exercises that right. See:
1.1. The U.S. Supreme Court:

"These general rules are well settled:

(1) That the United States, when it creates rights in individuals against itself [a "public right", which is a euphemism for a "franchise" to help the court disguise the nature of the transaction], is under no obligation to provide a remedy through the courts. *United States ex rel. Dunlap v. Black*, 128 U.S. 40, 9 Sup.Ct. 12, 32 L.Ed. 354; *Ex parte Atocha*, 17 Wall. 439, 21 L.Ed. 696; *Gordon v. United States*, 7 Wall. 188, 195, 19 L.Ed. 35; *De Groot v. United States*, 5 Wall. 419, 431, 433, 18 L.Ed. 700; *Comegys v. Vasse*, 1 Pet. 193, 212, 7 L.Ed. 108.

(2) That where a statute creates a right and provides a special remedy, that remedy is exclusive. *Wilder Manufacturing Co. v. Corn Products Co.*, 236 U.S. 165, 174, 175, 35 Sup.Ct. 398, 59 L.Ed. 520, Ann. Cas. 1916A, 118; *Arnson v. Murphy*, 109 U.S. 238, 3 Sup.Ct. 184, 27 L.Ed. 920; *Barnet v. National Bank*, 98 U.S. 555, 558, 25 L.Ed. 212; *Farmers' & Mechanics' National Bank v. Dearing*, 91 U.S. 29, 35, 23 L.Ed. 196. Still the fact that the right and the remedy are thus intertwined might not, if the provision stood alone, require us to hold that the remedy expressly given excludes a right of review by the Court of Claims, where the decision of the special tribunal involved no disputed question of fact and the denial of compensation was rested wholly upon the construction of the act. See *Medbury v. United States*, 173 U.S. 492, 198, 19 Sup.Ct. 503, 43 L.Ed. 779; *Parish v. MacVeagh*, 214 U.S. 124, 29 Sup.Ct. 556, 53 L.Ed. 936; *McLean v. United States*, 226 U.S. 374, 33 Sup.Ct. 122, 57 L.Ed. 260; *United States v. Laughlin* (No. 200), 249 U.S. 440, 39 Sup.Ct. 340, 63 L.Ed. 696, decided April 14, 1919."
[*U.S. v. Babcock*, 250 U.S. 328, 39 S.Ct. 464 (1919)]

- 1.2. *O'Reilly Factor, April 8, 2015*, John Piper of the Oklahoma Wesleyan University
http://famguardian.org/Media/20150408_1958-The_O'Reilly_Factor-Dealing%20with%20slanderous%20liberals%20biblically-Everett%20Piper.mp4

2. Congress WRITES the rules in their statutory civil franchises and civil laws. This includes the entire civil code. These "rules" protect ONLY "public rights", not PRIVATE rights. In fact, you have to give up ALL of your natural and constitutional and common law rights to pursue a civil statutory remedy OF ANY KIND. In other words, you have to VOLUNTARILY SURRENDER your SOVEREIGN IMMUNITY to invoke a statutory remedy. This waiver of sovereignty and sovereign immunity under the common law and the Constitution is, in fact, how one becomes a "subject" under any "act of Congress":

"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
f]

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.

Municipal law, thus understood, is properly defined to be "a rule of civil conduct prescribed by the supreme power in a state, commanding what is right and prohibiting what is wrong."

[. . .]

It is also called a rule to distinguish it from a compact or agreement; **for a compact is a promise proceeding from us, law is a command directed to us**. The language of a compact is, "I will, or will not, do this"; that of a law is, "thou shalt, or shalt not, do it." It is true there is an obligation which a compact carries with it, equal in point of conscience to that of a law; but then the original of the obligation is different. **In compacts we ourselves determine and promise what shall be done, before we are obliged to do it; in laws, we are obliged to act without ourselves determining or promising anything at all**. Upon these accounts law is defined to be "a rule."
[Readings on the History and System of the Common Law, Second Edition, Roscoe Pound, 1925, p. 4]

3. The civil franchise code, in turn, only regulates public officers on official business and cannot impair PRIVATE or CONSTITUTIONAL rights. That is why 4 U.S.C. §72 requires public officers to serve in places NOT protected by the Constitution on federal territory within the exclusive jurisdiction of Congress. See:
 - 3.1. Proof That There Is a "Straw Man", Form #05.042
<http://sedm.org/Forms/FormIndex.htm>
 - 3.2. Why Statutory Civil Law is Law for Government and Not Private Persons, Form #05.037
<http://sedm.org/Forms/FormIndex.htm>
4. Judges essentially by fiat write the "definitions" by adding to statutes and case law through presumption and violation of the Rules of Statutory Construction and Interpretation. On the other hand, judges CANNOT violate these rules if statutes are not invoked to determine "what is due". See:

Legal Deception, Propaganda, and Fraud, Form #05.014
<http://sedm.org/Forms/FormIndex.htm>
5. Judges are financially "incentivized" to use the statutory PUBLIC definitions and thereby ENFRANCHISE you and the administration of justice in order to increase their importance, pay, and government revenues.⁴ It makes them into lords over their own franchise "fiefdom":

"franchise court. Hist. A privately held court that (usu.) exists by virtue of a royal grant [privilege], with jurisdiction over a variety of matters, depending on the grant and whatever powers the court acquires over time. In 1274, Edward I abolished many of these feudal courts by forcing the nobility to demonstrate by what authority (quo warrant) they held court. If a lord could not produce a charter reflecting the franchise, the court was abolished. - Also termed courts of the franchise.

Dispensing justice was profitable. Much revenue could come from the fees and dues, fines and amercements. This explains the growth of the second class of feudal courts, the Franchise Courts. They too were private courts held by feudal lords. Sometimes their claim to jurisdiction was based on old pre-Conquest grants ... But many of them were, in reality, only wrongful usurpations of private jurisdiction by powerful lords. These were put down after the famous Quo Warranto enquiry in the reign of Edward I." W.J.V. Windeyer, Lectures on Legal History 56-57 (2d ed. 1949)."
[Black's Law Dictionary, Seventh Edition, p. 668]

6. The definition judges INVENT by illegal means and fiat invites you to use the civil STATUTORY definitions of what is "due" if you or they don't like the common law definitions. This then invites you to become a public officer and therefore "subject" of the government who is INFERIOR. That public officer is called a civil statutory "citizen", "resident", "person", or "taxpayer", etc.

⁴ Watch the following video for proof, right from Supreme Court justice Antonin Scalia: SEDM Exhibit 11.006; <http://sedm.org/Exhibits/ExhibitIndex.htm>.

The reason that so many legal reference sources try to confuse the definition of “justice” and replace “the right to be left alone” with the phrase “give every man his due” is to try to turn justice into a franchise and “benefit” that they can charge for and which you then have an obligation to PAY directly and personally for. That payment usually is demanded through income (franchise) taxes:

“Hominum caus jus constitutum est. Law is established for the benefit of man.”
[Bouvier’s Law Dictionary, 1856; SOURCE:
<http://famguardian.org/Publications/BouvierMaximsOfLaw/BouviersMaxims.htm>]

Franchises are covered in:

Government Instituted Slavery Using Franchises, Form #05.030
<http://sedm.org/Forms/FormIndex.htm>

This type of abuse by judges in collusion with legislators is a perversion of the original meaning of the word so that “justice” can be turned into a profitable franchise and the courts can be turned into a place of business, like the money changers who Jesus got angry at.

“To no one will we sell, to no one will we refuse or delay right or justice.”
[Magna Carta, ch. 40 (1215)]

“Woe to you, scribes [religious leaders] and Pharisees [lawyers], hypocrites! For you pay tithe of mint and anise and cummin [to the false god of government with your attorney licenses and your 501(c)(3) and “privileged” tax exemptions, neither of which any positive law requires], and have neglected the weightier [most important] matters of the law [God’s Law]: justice and mercy and faith [in God, and Truth]. These you ought to have done, without leaving the others undone.”
[Jesus (God) in [Matt. 23:23](#), Bible, NKJV]

Government is a ministry OF GOD that can never be done for profit. The minute it adopts a profit motive or tries to recruit you as a public officer in order to pay you “benefits” is the minute it becomes INJUSTICE. That injustice turns an ELITE class of BENEFACTORS of the franchise loot into plunderers of the oppressed or enfranchised class. It also turns the ballot box and the jury box into a BATTLEGROUND for loot.

“The income tax law under consideration is marked by discriminating features which affect the whole law. It discriminates between those who receive an income of four thousand dollars and those who do not. It thus vitiates, in my judgment, by this arbitrary discrimination, the whole legislation. Hamilton says in one of his papers, (the Continentalist,) “the genius of liberty reprobates everything arbitrary or discretionary in taxation. It exacts that every man, by a definite and general rule, should know what proportion of his property the State demands; whatever liberty we may boast of in theory, it cannot exist in fact while [arbitrary] assessments continue.” 1 Hamilton’s Works, ed. 1885, 270. The legislation, in the discrimination it makes, is class legislation. Whenever a distinction is made in the burdens a law imposes or in the benefits it confers on any citizens by reason of their birth, or wealth, or religion, it is class legislation, and leads inevitably to oppression and abuses, and to general unrest and disturbance in society [e.g. wars, political conflict, violence, anarchy]. It was hoped and believed that the great amendments to the Constitution which followed the late civil war had rendered such legislation impossible for all future time. But the objectionable legislation reappears in the act under consideration. It is the same in essential character as that of the English income statute of 1691, which taxed Protestants at a certain rate, Catholics, as a class, at double the rate of Protestants, and Jews at another and separate rate. Under wise and constitutional legislation every citizen should contribute his proportion, however small the sum, to the support of the government, and it is no kindness to urge any of our citizens to escape from that obligation. If he contributes the smallest mite of his earnings to that purpose he will have a greater regard for the government and more self-respect 597*597 for himself feeling that though he is poor in fact, he is not a pauper of his government. And it is to be hoped that, whatever woes and embarrassments may betide our people, they may never lose their manliness and self-respect. Those qualities preserved, they will ultimately triumph over all reverses of fortune.”

[. . .]

“Here I close my opinion. I could not say less in view of questions of such gravity that go down to the very foundation of the government. If the provisions of the Constitution can be set aside by an act of Congress, where is the course of usurpation to end? The present assault upon capital is but the beginning. It will be but the stepping-stone to others, larger and more sweeping, till our political contests will become a war of the poor against the rich; a war constantly growing in intensity and bitterness.”

“If the court sanctions the power of discriminating taxation, and nullifies the uniformity mandate of the Constitution,” as said by one who has been all his life a student of our institutions, “it will mark the hour when

1 the sure decadence of our present government will commence." If the purely arbitrary limitation of \$4000 in
2 the present law can be sustained, none having less than that amount of income being assessed or taxed for the
3 support of the government, the limitation of future Congresses may be fixed at a much larger sum, at five or ten
4 or twenty thousand dollars, parties possessing an income of that amount alone being bound to bear the burdens
5 of government; or the limitation may be designated at such an amount as a board of "walking delegates" may
6 deem necessary. There is no safety in allowing the limitation to be adjusted except in strict compliance with the
7 mandates of the Constitution which require its taxation, if imposed by direct taxes, to be apportioned among the
8 States according to their representation, and if imposed by indirect taxes, to be uniform in operation and, so far
9 as practicable, in proportion to their property, equal upon all citizens. Unless the rule of the Constitution
10 governs, a majority may fix the limitation at such rate as will not include any of their own number."
11 [Pollock v. Farmers' Loan & Trust Co., 157 U.S. 429 (Supreme Court 1895)]

12
13 "And you shall take no bribe, for a bribe blinds the discerning and perverts the words of the righteous."
14 [Exodus 23:8, Bible, NKJV]

15 "He who is greedy for gain troubles his own house,
16 But he who hates bribes will live."
17 [Prov. 15:27, Bible, NKJV]

18 "Surely oppression destroys a wise man's reason.
19 And a bribe debases the heart."
20 [Ecclesiastes 7:7, Bible, NKJV]

21 Justice implies equity between you and the government, and franchises destroy that equity. If you and the government are
22 truly equal to each other and THEY claim to be "sovereign" then you are too, because all their authority was delegated by
23 WE THE PEOPLE individually. You can't delegate what you don't have. Usury and injustice always happens when private
24 financial interest is allowed to trump justice, equality, and equity between you and the government. By "usury", we mean
25 the abuse of money and franchises to create inequality between people under the law. Justice and "leaving you alone" on the
26 one hand, and franchises and "giving men their due" on the other hand are entirely incompatible with each other. They
27 should NEVER be allowed to be confused, because EVIL and criminal conflict of interest will always result. That evil will
28 happen because of the inequality and subjection that is created through franchises and commerce.

29 "Protectio trahit subjectionem, subjectio projectionem.
30 Protection draws to it subjection, subjection, protection. Co. Litt. 65."
31 [Bouvier's Maxims of Law, 1856;
32 SOURCE: <http://famguardian.org/Publications/BouvierMaximsOfLaw/BouviersMaxims.htm>

33 To choose a domicile within the jurisdiction of a secular and therefore pagan government under civil statutes that impute
34 superior or supernatural powers to the government is to nominate a secular king to be ABOVE you and to FIRE God as your
35 protector:

36 Then all the elders of Israel gathered together and came to Samuel at Ramah, and said to him, "Look, you are
37 old, and your sons do not walk in your ways. Now make us a king to judge us like all the nations [and be OVER
38 them]".

39 But the thing displeased Samuel when they said, "Give us a king to judge us." So Samuel prayed to the Lord.
40 And the Lord said to Samuel, "Heed the voice of the people in all that they say to you; for they have rejected
41 Me [God], that I should not reign over them. According to all the works which they have done since the day that
42 I brought them up out of Egypt, even to this day—with which they have forsaken Me and served other gods
43 [Kings, in this case]—so they are doing to you also [government becoming idolatry]. Now therefore, heed their
44 voice. However, you shall solemnly forewarn them, and show them the behavior of the king who will reign
45 over them."

46 So Samuel told all the words of the LORD to the people who asked him for a king. And he said, "This will be the
47 behavior of the king who will reign over you: He will take [STEAL] your sons and appoint them for his own
48 chariots and to be his horsemen, and some will run before his chariots. He will appoint captains over his
49 thousands and captains over his fifties, will set some to plow his ground and reap his harvest, and some to
50 make his weapons of war and equipment for his chariots. He will take [STEAL] your daughters to be
51 perfumers, cooks, and bakers. And he will take [STEAL] the best of your fields, your vineyards, and your olive
52 groves, and give them to his servants. He will take [STEAL] a tenth of your grain and your vintage, and give
53 it to his officers and servants. And he will take [STEAL] your male servants, your female servants, your finest
54 young men, and your donkeys, and put them to his work [as SLAVES]. He will take [STEAL] a tenth of your
55 sheep. And you will be his servants. And you will cry out in that day because of your king whom you have
56 chosen for yourselves, and the LORD will not hear you in that day."

Nevertheless the people refused to obey the voice of Samuel; and they said, "No, but we will have a king over us, that we also may be like all the nations, and that our king may judge us and go out before us and fight our battles." [1 Sam. 8:4-20, Bible, NKJV]

Judges in civil franchise court try to make justice profitable by saying that the civil STATUTES are what is "due" rather than the Bill of Rights. If you gave a judge a choice of WHICH law he would enforce:

1. Common law or the Constitution that netted him NO money, NO power, and creates extra work executing because it relies on case law instead of statutes.
2. Civil franchise "codes", which are profitable and literally make him the head of his own little fiefdom or "franchise".

...then which one do you think he will ALWAYS choose? This subject is called "choice of law" in the legal field⁵. It's inevitable that the judge will ALWAYS choose civil franchises so he can STEAL the most money and grab the most power. Why even OFFER a judge this option by choosing a domicile, becoming a statutory "citizen" or "resident"? Its insanity and commercial suicide.

"It has long been my opinion, and I have never shrunk from its expression,... that the germ of dissolution of our Federal Government is in the constitution of the Federal Judiciary--an irresponsible body (for impeachment is scarcely a scare-crow), working like gravity by night and by day, gaining a little today and a little tomorrow, and advancing its noiseless step like a thief over the field of jurisdiction until all shall be usurped from the States and the government be consolidated into one. To this I am opposed." [Thomas Jefferson to Charles Hammond, 1821. ME 15:331]

"Contrary to all correct example, [the Federal judiciary] are in the habit of going out of the question before them, to throw an anchor ahead and grapple further hold for future advances of power. They are then in fact the corps of sappers and miners, steadily working to undermine the independent rights of the States and to consolidate all power in the hands of that government in which they have so important a freehold estate." [Thomas Jefferson: Autobiography, 1821. ME 1:121]

"The judiciary of the United States is the subtle corps of sappers and miners constantly working under ground to undermine the foundations of our confederated fabric. They are construing our Constitution from a co-ordination of a general and special government to a general and supreme one alone. This will lay all things at their feet, and they are too well versed in English law to forget the maxim, 'boni iudicis est ampliari jurisdictionem.'" [Thomas Jefferson to Thomas Ritchie, 1820. ME 15:297]

"When all government, domestic and foreign, in little as in great things, shall be drawn to Washington as the center of all power, it will render powerless the checks provided of one government on another and will become as venal and oppressive as the government from which we separated." [Thomas Jefferson to Charles Hammond, 1821. ME 15:332]

"What an augmentation of the field for jobbing, speculating, plundering, office-building ["trade or business" scam] and office-hunting would be produced by an assumption [PRESUMPTION] of all the State powers into the hands of the General Government!" [Thomas Jefferson to Gideon Granger, 1800. ME 10:168]

However, you can't cite the statutes if you are private, because they don't and can't regulate PRIVATE people. The only people this ministry helps are PRIVATE people who don't participate in government franchises.

"Under basic rules of construction, statutory laws enacted by legislative bodies cannot impair rights given under a constitution. 194 B.R. at 925. " [In re Young, 235 B.R. 666 (Bankr.M.D.Fla., 1999)]

Civil statutes are privileges and franchises that only public officers can invoke. Accepting the "benefit" and "protection" of the civil statutes, which create PUBLIC rights (privileges) available only to PUBLIC OFFICERS called STATUTORY (civil) "citizens", is how they recruit you into volunteering to make Pyramids for Pharaoh without straw for free and make you fornicate with the Beast. In effect, they try to bribe you with "benefits" to put PERSONAL interest above the requirements of God's law and even above the requirements of the Constitution.

"Where do wars and fights come from among you? Do they not come from your desires for pleasure [unearned money or "benefits", privileges, or franchises, from the government] that war in your members [and your democratic governments]? You lust [after other people's money] and do not have. You murder [the unborn to

⁵ For a discussion of Choice of Law rules, see: *Federal Jurisdiction*, Form #05.018, Section 3; <http://sedm.org/Forms/FormIndex.htm>.

1 increase your standard of living] and covet [the unearned] and cannot obtain [except by empowering your
2 government to STEAL for you!]. You fight and war [against the rich and the nontaxpayers to subsidize your
3 idleness]. Yet you do not have because you do not ask [the Lord, but instead ask the deceitful government]. You
4 ask and do not receive, because you ask amiss, that you may spend it on your pleasures. **Adulterers and
5 adulteresses! Do you not know that friendship [statutory "citizenship"] with the world [for the governments of
6 the world] is enmity with God?** Whoever therefore wants to be a friend [STATUTORY "citizen", "resident",
7 "inhabitant", "person" franchisee] of the world [or the governments of the world] makes himself an enemy of
8 God."
9 [James 4:4, Bible, NKJV]

10
11 "I [God] brought you up from Egypt [government slavery using franchises] and brought you to the land of which
12 I swore to your fathers; and I said, 'I will never break My covenant with you. And **you shall make no covenant
13 [contract or franchise or agreement of ANY kind] with the inhabitants of this [corrupt pagan] land; you shall
14 tear down their [man/government worshipping socialist] altars.**' But you have not obeyed Me. Why have you
15 done this?"

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

18 So it was, when the Angel of the LORD spoke these words to all the children of Israel, that the people lifted up
19 their voices and wept.
20 [Judges 2:1-4, Bible, NKJV]

21 We demonstrate in the following document how using "giving every man his due" as the definition of justice inevitably
22 perverts and corrupts the finest of people in government because it turns the civil statutory code into a "protection franchise"
23 that makes you into an indentured servant, slave, and whore of the government, often without even your knowledge:

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

24 The only way that the equity and equality that justice demands can be maintained between EVERYONE is to ensure that the
25 ONLY measure for whether an injury has occurred is the criminal law and the constitution and the common law but NOT the
26 civil statutes or franchise codes. Equality between the governed and the governors as the basis for ALL your freedom is
27 covered in the following. You should NEVER surrender that equality, even for a bribe or "benefit":

- 28 1. Requirement for Equal Protection and Equal Treatment, Form #05.033
29 <http://sedm.org/Forms/FormIndex.htm>
30 2. Foundations of Freedom Course, Form #12.021, Video 1: Introduction
31 <http://sedm.org/Forms/FormIndex.htm>

32 The Bible already defines "what is due to others", which is NOTHING. Why, then, would you want to define "justice" as
33 giving people "what is their due"? If you owe others NOTHING, they have NO CHOICE but to "leave you alone", and
34 especially in court:

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

37 Adding ANYTHING to the above definition of "what is due" merely invites what Jesus called "the evil one" (Matt. 5:37)
38 into your life. That method of invitation is dramatized in the following video:

Devil's Advocate: Lawyers-What We Are Up Against, SEDM
<http://sedm.org/what-we-are-up-against/>

39 For those die hard socialists who think the world owes them something for nothing, or that they have the right to abuse their
40 authority as a jurist or a voter to sanction the government to STEAL your money and redistribute it to others, consider the
41 following holding of the U.S. Supreme Court.

42 "**To lay, with one hand, the power of the government on the property of the citizen, and with the other to bestow
43 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)]

"A tax, in the general understanding of the term and as used in the constitution, signifies an exaction for the support of the government. The word has never thought to connote the expropriation of money from one group for the benefit of another."
[[U.S. v. Butler](#), 297 U.S. 1 (1936)]

Consider also what Mark Twain said on the same subject:

"Don't go around saying the world owes you a living. The world owes you nothing. It was here first."
[Mark Twain]

It's a crime and sin to bribe a jurist or a voter, including with "benefits". Any politician who offers more STOLEN loot, meaning an increase in "benefits" to government dependents, indirectly is guilty of that crime. No one receiving such a benefit can vote for any politician offering such "bribes" without becoming a CRIMINAL under both secular law and God's law. That crime is IMPLEMENTED by using franchises to create inequality and impute superior powers to the government. It makes the government into the owner of EVERYTHING and EVERYONE, because ultimately EVERYONE becomes a public officer called a "taxpayer". Property held in the name of the office and associated with the franchise license number, meaning the SSN or Slave Surveillance Number, becomes PUBLIC property you no longer own. That's the ONLY way they can lawfully redistribute wealth: by moving money around that continues to be THEIRS and not YOURS, no matter WHOSE hands it ends up in.

Most of what happens in modern political campaigns would be irrelevant to the average American if the government had no "goodies" or "benefits" to ILLEGALLY bribe voters and jurists with. The bribes are STOLEN money to those who do not wish to participate or who are not allowed to quit. This makes those who receive the bribes into criminals and money launderers. God says it's outside your "delegation order" found in the bible to be able to consent to do this. When you do it, you are a sinner and surrender the protections of His holy law:

"My son, if sinners [socialists, in this case] entice you,
Do not consent [do not abuse your power of choice]
If they say, "Come with us,
Let us lie in wait to shed blood [of innocent "nontaxpayers"];
Let us lurk secretly for the innocent without cause;
Let us swallow them alive like Sheol,
And whole, like those who go down to the Pit:
We shall fill our houses with spoil [plunder];
Cast in your lot [AND YOUR VOTE] among us,
Let us all have one purse [share the STOLEN LOOT]"--

My son, do not walk in the way with them [do not ASSOCIATE with them and don't let the government FORCE you to associate with them either by forcing you to become a "taxpayer"/government whore or a "U.S. citizen"].
Keep your foot from their path;
For their feet run to evil,
And they make haste to shed blood.
Surely, in vain the net is spread
In the sight of any bird;
But they lie in wait for their own blood.
They lurk secretly for their own lives.
So are the ways of everyone who is greedy for gain [or unearned government benefits];

1 *It takes away the life of its owners.”*
2 *[Proverbs 1:10-19, Bible, NKJV]*

3 **2.2.4 What is “law”?**

4 Law is the mechanism for effecting “justice” as legally defined. Below is an excellent definition of HOW it serves this
5 function.

6 **What Is Law?**

7 *What, then, is law? It is the collective organization of the individual right to lawful defense.*

8 *Each of us has a natural right – from God – to defend his person, his liberty, and his property. These are the three*
9 *basic requirements of life, and the preservation of any one of them is completely dependent upon the preservation*
10 *of the other two. For what are our faculties but the extension of our individuality? And what is property but an*
11 *extension of our faculties?*

12 *If every person has the right to defend – even by force – his person, his liberty, and his property, then it follows*
13 *that a group of men have the right to organize and support a common force to protect these rights constantly.*
14 *Thus the principle of collective right – its reason for existing, its lawfulness – is based on individual right. And*
15 *the common force that protects this collective right cannot logically have any other purpose or any other mission*
16 *than that for which it acts as a substitute. Thus, since an individual cannot lawfully use force against the person,*
17 *liberty, or property of another individual, then the common force – for the same reason – cannot lawfully be used*
18 *to destroy the person, liberty, or property of individuals or groups.*

19 *Such a perversion of force would be, in both cases, contrary to our premise. Force has been given to us to defend*
20 *our own individual rights. Who will dare to say that force has been given to us to destroy the equal rights of our*
21 *brothers? Since no individual acting separately can lawfully use force to destroy the rights of others, does it not*
22 *logically follow that the same principle also applies to the common force that is nothing more than the organized*
23 *combination of the individual forces?*

24 *If this is true, then nothing can be more evident than this: The law is the organization of the natural right of lawful*
25 *defense. It is the substitution of a common force for individual forces. And this common force is to do only what*
26 *the individual forces have a natural and lawful right to do: to protect persons, liberties, and properties; to*
27 *maintain the right of each, and to cause justice to reign over us all.*

28 **The Complete Perversion of the Law**

29 *But, unfortunately, law by no means confines itself to its proper functions. And when it has exceeded its proper*
30 *functions, it has not done so merely in some inconsequential and debatable matters. The law has gone further*
31 *than this; it has acted in direct opposition to its own purpose. The law has been used to destroy its own objective;*
32 *It has been applied to annihilating the justice that it was supposed to maintain; to limiting and destroying rights*
33 *which its real purpose was to respect. The law has placed the collective force at the disposal of the unscrupulous*
34 *who wish, without risk, to exploit the person, liberty, and property of others. It has converted plunder into a right,*
35 *defense into a crime, in order to punish lawful defense.*

36 *How has this perversion of the law been accomplished? And what have been the results?*

37 *The law has been perverted by the influence of two entirely different causes: stupid greed and false philanthropy.*
38 *Let us speak of the first.*

39 **A Fatal Tendency of Mankind**

40 *Self-preservation and self-development are common aspirations among all people. And if everyone enjoyed the*
41 *unrestricted use of his faculties and the free disposition of the fruits of his labor, social progress would be*
42 *ceaseless, uninterrupted, and unfailing.*

43 *But there is also another tendency that is common among people. When they can, they wish to live and prosper*
44 *at the expense of others. This is no rash accusation. Nor does it come from a gloomy and uncharitable spirit. The*
45 *annals of history bear witness to the truth of it: the incessant wars, mass migrations, religious persecutions,*
46 *universal slavery, dishonesty in commerce, and monopolies. This fatal desire has its origin in the very nature of*
47 *man – in that primitive, universal, and insuppressible instinct that impels him to satisfy his desires with the least*
48 *possible pain.*

49 **Property and Plunder**

1 Man can live and satisfy his wants only by ceaseless labor, by the ceaseless application of his faculties to natural
2 resources. This process is the origin of property.

3 But it is also true that a man may live and satisfy his wants by seizing and consuming the products of the labor of
4 others. This process is the origin of plunder.

5 Now since man is naturally inclined to avoid pain – and since labor is pain in itself – it follows that men will
6 resort to plunder whenever plunder is easier than work. History shows this quite clearly. And under these
7 conditions, neither religion nor morality can stop it.

8 When, then, does plunder stop? It stops when it becomes more painful and more dangerous than labor.

9 It is evident, then, that the proper purpose of law is to use the power of its collective force to stop this fatal
10 tendency to plunder instead of to work. All the measures of the law should protect property and punish plunder.

11 But, generally, the law is made by one man or one class of men. And since law cannot operate without the sanction
12 and support of a dominating force, this force must be entrusted to those who make the laws.

13 This fact, combined with the fatal tendency that exists in the heart of man to satisfy his wants with the least
14 possible effort, explains the almost universal perversion of the law. Thus it is easy to understand how law, instead
15 of checking injustice, becomes the invincible weapon of injustice. It is easy to understand why the law is used by
16 the legislator to destroy in varying degrees among the rest of the people, their personal independence by slavery,
17 their liberty by oppression, and their property by plunder. This is done for the benefit of the person who makes
18 the law, and in proportion to the power that he holds.

19 [The Law, Frederic Bastiat, SOURCE: <http://famguardian.org/Publications/TheLaw/TheLaw.htm>]

20 For a complete definition of what “law” is that is consistent with the above definition, please see the following short
21 memorandum on our site:

What is “law”?, Form #05.048
<http://sedm.org/Forms/FormIndex.htm>

22 **2.2.5 The original founding documents FORBID welfare or “benefits”. There IS not “legal justice” for the poor⁶**

23 It might surprise the reader to learn that the original founding documents deprived the poor of legal justice. They became
24 dependents and wards of the state under legal disability and were excluded from voting. These founding documents have
25 NEVER been repealed and are still in effect. This subject directly addresses the view of the Founding Fathers toward
26 government welfare and/or benefits.

27 The Founding Fathers explained why public charity is against our constitution:

28 “With respect to the words general welfare, I have always regarded them as qualified by the detail of powers
29 connected with them. To take them in a literal and unlimited sense would be a metamorphosis of the Constitution
30 into a character which there is a host of proofs was not contemplated by its creator.”

31 “If Congress can employ money indefinitely to the general welfare, and are the sole and supreme judges of the
32 general welfare, they may take the care of religion into their own hands; they may appoint teachers in every State,
33 county and parish and pay them out of their public treasury; they may take into their own hands the education of
34 children, establishing in like manner schools throughout the Union; they may assume the provision of the poor;
35 they may undertake the regulation of all roads other than post-roads; in short, every thing, from the highest object
36 of state legislation down to the most minute object of police, would be thrown under the power of Congress....
37 Were the power of Congress to be established in the latitude contended for, it would subvert the very foundations,
38 and transmute the very nature of the limited Government established by the people of America.”

39 “If Congress can do whatever in their discretion can be done by money, and will promote the general welfare,
40 the government is no longer a limited one possessing enumerated powers, but an indefinite one subject to
41 particular exceptions.”

42 [James Madison. House of Representatives, February 7, 1792, On the Cod Fishery Bill, granting Bounties]

⁶ Adapted from: *Social Security: Mark of the Beast*, Form #11.407, Section 4.3; <http://sedm.org/Forms/FormIndex.htm>

1 It has been urged and echoed, that the power “to lay and collect taxes, duties, imposts, and excises, to pay the
2 debts, and provide for the common defense and general welfare of the United States,” amounts to an unlimited
3 commission to exercise every power which may be alleged to be necessary for the common defense or general
4 welfare. No stronger proof could be given of the distress under which these writers labor for objections, than
5 their stooping to such a misconstruction. Had no other enumeration or definition of the powers of the Congress
6 been found in the Constitution, than the general expressions just cited, the authors of the objection might have
7 had some color for it... For what purpose could the enumeration of particular powers be inserted, if these and
8 all others were meant to be included in the preceding general power? Nothing is more natural nor common than
9 first to use a general phrase, and then to explain and qualify it by a recital of particulars... But what would have
10 been thought of that assembly, if, attaching themselves to these general expressions, and disregarding the
11 specifications which ascertain and limit their import, they had exercised an unlimited power of providing for the
12 common defense and general welfare? (Federalists #41)
13 [Federalist #41. Saturday, January 19, 1788, James Madison]

14
15 Congress has not unlimited powers to provide for the general welfare, but only those specifically enumerated.

16 They are not to do anything they please to provide for the general welfare, but only to lay taxes for that purpose.
17 To consider the latter phrase not as describing the purpose of the first, but as giving a distinct and independent
18 power to do any act they please which may be good for the Union, would render all the preceding and subsequent
19 enumerations of power completely useless. It would reduce the whole instrument to a single phrase, that of
20 instituting a Congress with power to do whatever would be for the good of the United States; and as they would
21 be the sole judges of the good or evil, it would be also a power to do whatever evil they please.... Certainly no
22 such universal power was meant to be given them. It was intended to lace them up straightly within the enumerated
23 powers and those without which, as means, these powers could not be carried into effect.

24 That of instituting a Congress with power to do whatever would be for the good of the United States; and, as they
25 would be the sole judges of the good or evil, it would be also a power to do whatever evil they please.
26 [Thomas Jefferson: Opinion on National Bank, 1791. ME 3:148; SOURCE:
27 <http://famguardian.org/Subjects/Politics/ThomasJefferson/jeff1020.htm> and
28 <http://thefederalistpapers.org/founders/jefferson/thomas-jefferson-opinion-on-national-bank-1791>]

29 The following fascinating video describes the origins of the above sentiments by the founding fathers:

America’s Socialist Origins, Prager University
<https://youtu.be/7dAmroKyzGY>

30 The courts also agree with the founding fathers on the subject of public charity:

31 “Grant the validity of this law, and all that Congress would need to do, hereafter, in seeking to take over to its
32 control any one of the great number of subjects of public interest, jurisdiction of which the States have never
33 parted with, and which are reserved to them by the Tenth Amendment, would be to enact a detailed measure of
34 complete regulation of the subject and enforce it by a so-called tax upon departures from it. To give such magic
35 to the word “tax” would be to break down all constitutional limitation of the powers of Congress and completely
36 wipe out the sovereignty of the States.”
37 [Child Labor Tax Case, 259 U.S. 20, 38 (1922)]

38
39 **“To lay, with one hand, the power of the government on the property of the citizen, and with the other to bestow**
40 **it upon favored individuals to aid private enterprises and build up private fortunes, is none the less a robbery**
41 **because it is done under the forms of law and is called taxation. This is not legislation. It is a decree under**
42 **legislative forms.**

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

46 Coulter, J., in Northern Liberties v. St. John’s Church, 13 Pa.St. 104 says, very forcibly, ‘I think the common
47 mind has everywhere taken in the understanding that **taxes are a public imposition, levied by authority of the**
48 **government for the purposes of carrying on the government in all its machinery and operations—that they are**
49 **imposed for a public purpose.**’ See, also Pray v. Northern Liberties, 31 Pa.St. 69; Matter of Mayor of N.Y., 11
50 Johns., 77; Camden v. Allen, 2 Dutch., 398; Sharpless v. Mayor, supra; Hanson v. Vernon, 27 Ia., 47; Whiting v.
51 Fond du Lac, supra.”
52 [[Loan Association v. Topeka, 20 Wall. 655 \(1874\)](#)]

"A tax, in the general understanding of the term and as used in the constitution, signifies an exaction for the support of the government. The word has never thought to connote the expropriation of money from one group for the benefit of another."
[[U.S. v. Butler, 297 U.S. 1 \(1936\)](#)]

Social justice advocates base their idea of egalitarianism on the founding documents such as the Declaration of Independence, which claims that all men are CREATED equal. Unfortunately, social justice advocates confuse "rights" granted by God with civil privileges created and granted by PAGAN government through civil franchise statutes. The "rights" spoken of in the Declaration of Independence cannot be either granted or taken away or even given away to a REAL de jure government. That is why the Declaration calls these rights "unalienable". These rights BEGIN with property rights, because the Declaration of Independence refers to property rights literally as "the pursuit of happiness".

"The provision [[Fourteenth Amendment, Section 1](#)], it is to be observed, places property under the same protection as life and liberty. Except by due process of law, no State can deprive any person of either. The provision has been supposed to secure to every individual the essential conditions for the pursuit of happiness; and for that reason has not been heretofore, and should never be, construed in any narrow or restricted sense."
[[Munn v. Illinois, 94 U.S. 113 \(1876\)](#)]

You must therefore absolutely own YOURSELF and all of your property and not share that ABSOLUTE ownership with any and every government before happiness is even realistically possible at all. In legal terms, that means that there can be neither moities or usufructs that attach to any of your property originating from any government. In other words, you cannot share OWNERSHIP or control over any of your property with ANY government EVER!

"Moiety (moy-ə-tee). 1. A half of something (such as an estate). 2. A portion less than half; a small segment. 3. In customs law, a payment made to an informant who assists the seizure of contraband."
[[Blacks Law Dictionary, Seventh Edition, p. 1021](#)]

USUFRUCT. In [the civil law](#). The right of enjoying a thing, the property of which is vested in another, and to draw from the same all the profit, utility, and advantage which it may produce, provided it be without altering the substance of the thing. Civ.Code La. art. 533. *Mulford v. Le Franc*, 26 Cal. 102; *Modern Music Shop v. Concordia Fire Ins. Co. of Milwaukee*, 131 Misc. 305, 226 N.Y.S. 630, 635.

Under Greek Law. A right attached to the person which may not be inherited. *New England Trust Co. v. Wood, Mass.*, 93 N.E.2d. 547, 549.

Imperfect Usufruct

An imperfect or quasi usufruct is that which is of things which would be useless to the usufructuary if he did not consume or expend them or change the substance of them; as, money, grain, liquors. Civ.Code La. art. 534.

See Quasi Usufruct *infra*.

Legal Usufruct

See that title.

Perfect Usufruct

An usufruct in those things which the usufructuary can enjoy without changing their substance, though their substance may be diminished or deteriorate naturally by time or by the use to which they are applied, as, a house, a piece of land, furniture, and other movable effects. Civ.Code La. art. 534.

Quasi Usufruct

In the civil law. Originally the usufruct gave no right to the substance of the thing, and consequently none to its consumption; hence only an inconsumable thing could be the object of it, whether movable or immovable. But in later times the right of usufruct was, by analogy, extended to consumable things, and therewith arose the distinction between true and quasi usufructs. See *Mackeld. Rom. Law*, §307; Civ.Code La. art. 534. See *Imperfect Usufruct, supra*.
[[Black's Law Dictionary, Fourth Edition, p. 1713](#)]

Real de jure government cannot take away absolutely owned property, so under social justice concepts, property ownership must be a revocable PUBLIC PRIVILEGE rather than an unalienable absolute PRIVATE right:

Ownership. Collection of rights to use and enjoy property, including right to transmit it to others. Trustees of Phillips Exeter Academy v. Exeter, 92 N.H. 473, 33 A.2d. 665, 673. The complete dominion, title, or proprietary right in a thing or claim. The entirety of the powers of use and disposal allowed by law.

The right of one or more persons to possess and use a thing to the exclusion of others. The right by which a thing belongs to someone in particular, to the exclusion of all other persons. The exclusive right of possession, enjoyment, and disposal; involving as an essential attribute the right to control, handle, and dispose.

Ownership of property is either absolute or qualified. The ownership of property is absolute when a single person has the absolute dominion over it, and may use it or dispose of it according to his pleasure, subject only to general laws. The ownership is qualified when it is shared with one or more persons, when the time of enjoyment is deferred or limited, or when the use is restricted. Calif. Civil Code, §§678-680.

There may be ownership of all inanimate things which are capable of appropriation or of manual delivery; of all domestic animals; of all obligations; of such products of labor or skill as the composition of an author, the goodwill of a business, trademarks and signs, and of rights created or granted by statute. Calif. Civil Code, §655.

In connection with burglary, "ownership" means any possession which is rightful as against the burglar.

*See also Equitable ownership; Exclusive ownership; Hold; Incident of ownership; Interest; Interval ownership; Ostensible ownership; Owner; Possession; Title.
[Black's Law Dictionary, Sixth Edition, p. 1106]*

The confusion of social justice advocates of PRIVATE rights with PUBLIC civil privileges is called "equivocation":

equivocation

*EQUIVOCATION, n. Ambiguity of speech; the use of words or expressions that are susceptible of a double signification. Hypocrites are often guilty of equivocation, and by this means lose the confidence of their fellow men. **Equivocation is incompatible with the Christian character and profession.**
[SOURCE: <http://1828.mshaffer.com/d/search/word/equivocation/>]*

***Equivocation** ("to call by the same name") is an informal logical fallacy. It is the misleading use of a term with more than one meaning or sense (by glossing over which meaning is intended at a particular time). It generally occurs with polysemic words (words with multiple meanings).*

Albeit in common parlance it is used in a variety of contexts, when discussed as a fallacy, equivocation only occurs when the arguer makes a word or phrase employed in two (or more) different senses in an argument appear to have the same meaning throughout.⁷

It is therefore distinct from (semantic) ambiguity, which means that the context doesn't make the meaning of the word or phrase clear, and amphiboly (or syntactical ambiguity), which refers to ambiguous sentence structure due to punctuation or syntax.⁸

[Wikipedia: Equivocation, Downloaded 9/15/2015; SOURCE: <https://en.wikipedia.org/wiki/Equivocation>]

The ultimate result of this equivocation by social justice advocates is both a logical fallacy and INJUSTICE, not justice.

Property and Plunder

Man can live and satisfy his wants only by ceaseless labor, by the ceaseless application of his faculties to natural resources. This process is the origin of property.

⁷ Damer, T. Edward (2009), [Attacking Faulty Reasoning: A Practical Guide to Fallacy-free Arguments](#) (6th ed.), Wadsworth, p. 121, ISBN 978-0-495-09506-4

[Fischer, D. H.](#) (June 1970), [Historians' fallacies: toward a logic of historical thought](#), Harper torchbooks (first ed.), New York: HarperCollins, p. 274, ISBN 978-0-06-131545-9, OCLC 185446787

⁸ Damer, T. Edward (2009), [Attacking Faulty Reasoning: A Practical Guide to Fallacy-free Arguments](#) (6th ed.), Wadsworth, p. 123, ISBN 978-0-495-09506-4

1 But it is also true that a man may live and satisfy his wants by seizing and consuming the products of the labor of
2 others. This process is the origin of plunder.

3 Now since man is naturally inclined to avoid pain – and since labor is pain in itself – it follows that men will
4 resort to plunder whenever plunder is easier than work. History shows this quite clearly. And under these
5 conditions, neither religion nor morality can stop it.

6 When, then, does plunder stop? It stops when it becomes more painful and more dangerous than labor.

7 It is evident, then, that the proper purpose of law is to use the power of its collective force to stop this fatal
8 tendency to plunder instead of to work. All the measures of the law should protect property and punish plunder.

9 But, generally, the law is made by one man or one class of men. And since law cannot operate without the sanction
10 and support of a dominating force, this force must be entrusted to those who make the laws.

11 This fact, combined with the fatal tendency that exists in the heart of man to satisfy his wants with the least
12 possible effort, explains the almost universal perversion of the law. Thus it is easy to understand how law, instead
13 of checking injustice, becomes the invincible weapon of injustice. It is easy to understand why the law is used by
14 the legislator to destroy in varying degrees among the rest of the people, their personal independence by slavery,
15 their liberty by oppression, and their property by plunder. This is done for the benefit of the person who makes
16 the law, and in proportion to the power that he holds.
17 [*The Law*, Frederic Bastiat, 1850; SOURCE: <http://famguardian.org/Publications/TheLaw/TheLaw.htm>]

18 Injustice results when law is abused to redistribute property and wealth because in order to do so lawfully, the government
19 must destroy ALL individual private property rights and make the government the real and absolute owner. This approach
20 turns government into a deity with “superior” or “supernatural” powers who must be worshipped for the “privilege” of using
21 or possessing ANY type of property. The right to absolutely own property must be EQUALLY shared by all, not held by
22 government as a monopoly. Government, after all, cannot redistribute wealth lawfully without absolutely owning ALL
23 property and relegating all human beings to mere “qualified owners” as defined below. Otherwise they would be STEALING:

24 *Ownership. Collection of rights to use and enjoy property, including right to transmit it to others. Trustees of*
25 *Phillips Exeter Academy v. Exeter, 92 N.H. 473, 33 A.2d. 665, 673. The complete dominion, title, or proprietary*
26 *right in a thing or claim. The entirety of the powers of use and disposal allowed by law.*

27 *The right of one or more persons to possess and use a thing to the exclusion of others. The right by which a thing*
28 *belongs to someone in particular, to the exclusion of all other persons. The exclusive right of possession,*
29 *enjoyment, and disposal; involving as an essential attribute the right to control, handle, and dispose.*

30 *Ownership of property is either absolute or qualified. The ownership of property is absolute when a single*
31 *person has the absolute dominion over it, and may use it or dispose of it according to his pleasure, subject only*
32 *to general laws. The ownership is qualified when it is shared with one or more persons, when the time of*
33 *enjoyment is deferred or limited, or when the use is restricted. Calif. Civil Code, §§678-680.*

34 *There may be ownership of all inanimate things which are capable of appropriation or of manual delivery; of all*
35 *domestic animals; of all obligations; of such products of labor or skill as the composition of an author, the*
36 *goodwill of a business, trademarks and signs, and of rights created or granted by statute. Calif. Civil Code, §655.*

37 *In connection with burglary, "ownership" means any possession which is rightful as against the burglar.*

38 *See also Equitable ownership; Exclusive ownership; Hold; Incident of ownership; Interest; Interval ownership;*
39 *Ostensible ownership; Owner; Possession; Title.*
40 *[Black's Law Dictionary, Sixth Edition, p. 1106]*

41 2.2.6 Socialism results when governments ignore or try to circumvent the founding documents

42 When the limitations of the founding documents are ignored or circumvented by implementing moities and usufructs against
43 all otherwise absolutely owned private property, then you end up with socialism. Socialism cannot recognize the God-given
44 PRIVATE rights of individuals. The only “sovereign” under socialism is the collective and there are no individual or
45 PRIVATE, absolutely owned rights. Government granted “privileges” and “franchises” take the place of constitutional rights.
46 Principalities and powers in high places (Ephesians 6:12) had to overcome the U.S. Constitution to allow welfare benefits to
47 trap you. This chapter will prove that welfare cannot be a U.S. government function. It is foreign and PRIVATE, but
48 administered locally by an agency of your benefactors. It is available only to those who worship their socialist lords contrary
49 to Luke 22:25. But ye shall not be so.

1 Your Constitution does not allow government to provide ordinary people with entitlements such as welfare or Social Security
2 benefits. It is not a government function to provide entitlements to people. It is not a government function to take care of
3 people. Nor is there any authorized source of funds to take care of people, nor can civil servants receive a paycheck for
4 performing such non-governmental services. And indeed, your Government does not give entitlements to ordinary people.
5 ORDINARY PEOPLE CANNOT QUALIFY FOR FEDERAL BENEFITS. Again: it is not a government function to provide
6 entitlements to people.

7 There is ONLY one way to Constitutionally provide welfare, even Social Security, to individual people. Government has a
8 duty (called by several names "compelling state interest" or "interests which the state may lawfully protect" or "overriding
9 governmental interest") to prevent an individual's death. You can become a ward of government. All you have to do is request
10 that government save your life by applying for relief under any program funded by federal funds. If you applied for federal
11 funded programs under any other circumstance than to save your life, then you falsified a federal application.

12 When your Constitution was being considered for ratification by the State Senates, some people were suspicious of the
13 "general welfare" clause and tried to claim that these two words could authorize any kind of welfare. The general welfare
14 clause in Article 1, Section 8 of your Constitution reads:

15 *"The Congress shall have Power to ... provide for the common Defence and general Welfare of the United*
16 *States;..."*

17 It is an introductory phrase which is followed, after a semi-colon, by a specific list of the 17 things the new government would
18 be authorized to do, such as; to establish post offices, coin money, make treaties, establish standard weights and measures,
19 provide for a Navy, punish pirates, punish counterfeiting, fund a temporary army, declare war, and exercise exclusive
20 jurisdiction over all cases in the future District of Columbia., etc.

21 To counter those rumors that the general welfare clause in the proposed Constitution would authorize any kind of welfare,
22 James Madison, in Federalist Paper #41, explained its clear intent. He stated that it

23 *"is an absurdity" to claim that the General Welfare clause confounds or misleads, because this introductory*
24 *clause is followed by enumeration of specific particulars that explain and qualify the meaning of phrase "general*
25 *welfare".*

26 That's right! YOUR CONSTITUTION WAS RATIFIED UNDER THE ASSURANCE THAT IT WOULD NEVER BE
27 INTERPRETED TO PROVIDE WELFARE TO INDIVIDUALS. And it has not. And indeed, to this very day, your U.S.
28 government cannot and does not provide entitlements to ordinary Americans. Here is the catch: The ONLY way to qualify
29 for entitlements, such as welfare or Social Security, is to become a ward of a foreign authority. The U.S. government
30 administers the foreign program as their agent. SOCIAL SECURITY AND WELFARE REMAIN CONSTITUTIONAL
31 BECAUSE ORDINARY AMERICANS CANNOT QUALIFY FOR ENTITLEMENTS. The Supreme Court says, 92 U.S.
32 551:

33 *"It is the natural consequence of a citizenship which owes allegiance to two sovereignties, and claims protection*
34 *from both. The citizen cannot complain, because he has voluntarily submitted himself to such a form of*
35 *government."*

36 Congress cannot appropriate funds for entitlements to Americans. No one who swears an oath to uphold the Constitution can
37 lawfully spend funds for any entitlement. Government funds can only be spent for legitimate purposes. Examples:

- 38 • In 1792 Congressman and future-President James Madison voted against a congressional appropriation to assist war
39 refugees. He said "I cannot undertake to lay my finger on that article of the Constitution which granted a right to Congress
40 of expending, on objects of benevolence, the money of their constituents."
- 41 • President Franklin Pierce in 1854 vetoed a health care bill to help the mentally ill. He said "*I cannot find any authority*
42 *in the Constitution for public charity.... [this] would be contrary to the letter and the spirit of the Constitution and*
43 *subversive to the whole theory upon which the Union of these States is founded."*
- 44 • In 1897, President Grover Cleveland vetoed an appropriation to provide disaster aid to victims of a Texas drought. His
45 veto stated: "I feel obliged to withhold my approval of the plan to indulge in benevolent and charitable sentiment through
46 the appropriation of public funds... I find no warrant for such an appropriation in the Constitution. The lesson should be
47 constantly enforced that though the people should support the government, the government should not support the
48 people."

1 AND IT DOESN'T. And indeed, to this very day, YOUR U.S. GOVERNMENT CAN NOT AND DOES NOT PROVIDE
2 ENTITLEMENTS TO ORDINARY PEOPLE.

3 It has never been a governmental function to help people. In fact, it would be a crime of embezzlement to use government
4 funds for private use. If you expect welfare to provide for you, then you are "*subversive to the whole theory upon which the*
5 *Union of these States is founded*".

6 Congressman Davy Crockett's famous "[it is not yours to give](#)" speech to Congress also made it clear that welfare to individuals
7 is not Constitutional.

8 Conclusion #1, welfare is prohibited by your constitution. IT HAS NEVER BEEN A GOVERNMENTAL FUNCTION TO
9 HELP PEOPLE

10
11 Jesus Christ said in Luke 22:25: "... they that exercise authority upon them are called benefactors."

12
13 And 2ND Thessalonians 3:6-14 prohibits Christians from associating with freeloaders.

14 Genesis 3:19 requires you to earn your bread from the sweat of your face. This principal was still true when Abraham Lincoln
15 gave his second Inaugural address, March 4, 1865:

16 *"It may seem strange that any men should dare to ask a just God's assistance in wringing their bread from the*
17 *sweat of other men's faces..."*

18 He was speaking of slave owners, but the principle is still true today. IF you expect the law to force others to provide for
19 you, then you are of the same mindset as a slave owner.

20 Those who manage themselves will not accept socialist benefits. Christians will not force others to pay for their retirement.
21 Those who accept benefits do so only by a pledge of allegiance to a worldly master. Perhaps you've chosen the wrong
22 provider.

23 Another interesting document is President Cleveland's June 21, 1886 veto of military pensions. His veto blasted into
24 politicians because a pension would

25 *"urge honest men to become dishonest."*

26 And he refused to pass such a "demoralizing lesson". Military pensions were dishonest in 1886. Federal pensions are still
27 dishonest today. If earned pensions are dishonest, how depraved are those who think of unearned welfare as honest?

28 Conclusion #2, pensions are prohibited by your constitution.

29 By the way, The Federalist Papers are not just some antiquated editorial opinions, they are, according to the Supreme Court
30 in Cohens v. Virginia (6 Wheat), the exact record of the intent of the Constitution.

31 Cohens v. Virginia 19 U.S. 264 at 418

32 *The opinion of the Federalist has always been considered as of great authority. It is a complete commentary on*
33 *our constitution; and is appealed to by all parties in the questions to which that instrument has given birth. Its*
34 *intrinsic merit entitles it to this high rank; and the part two of its authors performed in framing the constitution,*
35 *put it very much in their power to explain the views with which it was framed. These essays having been published*
36 *while the constitution was before the nation for adoption or rejection, and having been written in answer to*
37 *objections founded entirely on the extent of its powers, and on its diminution of State sovereignty, are entitled to*
38 *the more consideration where they frankly avow that the power objected to is given, and defend it.*

39 Just in case you think a law or an amendment changed the intent of your Constitution, Think again. A congressman cannot
40 swear an oath to support and defend your constitution and then suggest an amendment to change something that he is sworn
41 to perpetuate.

1 If you don't believe me, perhaps you can believe the U.S. Supreme Court in S. Carolina v. U.S. 199 U.S. 437 (1905): "The
2 Constitution is a written instrument. As such, its meaning does not alter. That which it meant when it was adopted, it means
3 now..."

4 Busser v. Snyder, 37 ALR 1515:

5 *"An Old Age Assistance Law is prohibited by a constitutional provision that no appropriation shall be made for*
6 *charitable or benevolent purposes to any person."*

7 Conclusion #3, Old Age Assistance is prohibited by your constitution.

8 And if Old Age Assistance Law is prohibited by a constitutional provision, how likely is it that the Supreme Court will ever
9 declare Social Security or Medicare to be constitutional?

10 Also in Busser v. Snyder:

11 *"The term 'poor,' as used by lawmakers, describes those who are destitute and helpless, unable to support*
12 *themselves, and without means of support."*

13 I want you to remember the legal definition of the term "poor" from this Busser case. Destitute, helpless, unable to support
14 themselves, without means of support. The U.S. Supreme Court in 1941 in Edwards v. California used very similar language.
15 Later on, I will show that this is entirely consistent with the *poor laws*. If you cannot take care of yourself, others are allowed
16 to take care of you, EVEN IF YOU DON'T LIKE IT. Just as Christ told you in John 21:18. Hint: since Social Security is
17 only available to those who need these foreign benefits, your confession is sufficient to prove that you cannot take care of
18 yourself.

19 Your constitution has not changed. WELFARE, PENSIONS AND OLD AGE ASSISTANCE REMAIN
20 UNCONSTITUTIONAL. Such things are not within the realm of the United States government, they must remain foreign.
21 The only way to get such assistance is to become a ward of a foreign authority. The U.S. Secretary of the Treasury, as the
22 agent of your foreign masters, will administer the foreign program with "actions, regulations, rules, licenses, orders and
23 proclamations heretofore or hereafter taken..." pursuant to Title 12 United States Code, section 95(b). The Secretary of the
24 Treasury uses this very same multinational authority to issue Social Security Cards.

25 Yet social security and welfare remain legal. Here is a history of what is really going on:

26 The funds for social security, welfare, housing, disaster relief, and now terrorist attack relief, come from the foreign authorities
27 who loan us the national debt. These funds are not appropriated by Congress, but by treaties and trusts administered by the
28 President. In 1933, the U.S. government was threatened by financial emergencies that threatened legitimate constitutional
29 duties. Instead of resorting to direct taxes to collect funds, as was allowed by the Constitution, the government went bankrupt.
30 When the government declared bankruptcy in 1933, it was put under the control of a receivership governed by its creditors.
31 The government provided a (still ongoing) public emergency to administer foreign funds borrowed from the receivership.
32 The U.S. has a duty to secure the assets and income of the federal government as collateral for its creditors. Federal lands
33 were already mortgaged, so the federal government had to secure more collateral as surety on the country's debts. The only
34 assets remaining were the labor of federal people. The U.S. government now uses the labor of its numbered people to secure
35 its debts. To secure the pledge to the creditors, the U.S. has a duty to manage and protect these assets, keep them healthy,
36 and provide for their welfare and enforce their obligations. More details will be provided later.

Here is an anti-welfare anti-tax quote once attributed to Abraham Lincoln: "You cannot strengthen the weak by
weakening the strong. You cannot help small men by tearing down big men. You cannot help the poor by destroying
the rich. You cannot lift the wage earner by tearing down the wage payer. You cannot keep out of trouble by spending
more than your income. You cannot help men permanently by doing for them what they could and should do
themselves."

37 Although this was once published in the Congressional Record, Lincoln scholars now doubt he ever said it.

38 US Supreme Court in Railroad Retirement Board v. Alton Railroad Co., 295 U.S. 330:

1 *"The catalog of means and actions which might be imposed upon an employer in any business, tending to the*
2 *satisfaction and comfort of his employees, seems endless. Provision for free medical attendance, nursing,*
3 *clothing, food, housing, and education of children, and a hundred other matters might with equal propriety by*
4 *proposed as tending to relieve the employee of mental strain and worry. Can it fairly be said that the power of*
5 *Congress to regulate interstate commerce extends to the prescription of any or all of these things? Is it not*
6 *apparent that they are really and essentially related solely to the social welfare of the worker, and therefore*
7 *remote from any regulation of commerce as such? We think the answer is plain. These matters obviously lie*
8 *outside the orbit of congressional power."* [May 6, 1935]

9 Read that again. There are no mandated benefits. The welfare of workers cannot be regulated. Benefits for "the social
10 welfare of the worker" cannot be "imposed upon an employer in any business." No Unemployment Insurance, no Worker's
11 Compensation, no minimum wage, no mandatory disability, first-aid, health or safety (OSHA) regulation, no forced Social
12 Security contributions.

13 Welfare cannot be provided by the U.S. Government. Welfare remains a church and family responsibility. Yet slave owners
14 must provide for their slaves.

15 If you pray to your foreign provider for benefits, then they are your church. Give allegiance to whom allegiance is due.

16 Black's Law Dictionary definition of Allegiance:

17 *"Obligation of fidelity and obedience to government in consideration for protection that government gives. U.S.*
18 *v. Kuhn, D.C.N.Y., 49 F.Supp. 407, 414"*

19 Allegiance is defined by Homeland Security in their [Title 8, Code of Federal Regulations, section 337](#) as a commitment

20 *"... I will perform work of national importance under civilian direction when required by the law; and that I take*
21 *this obligation freely without any mental reservation or purpose of evasion; so help me God"*

22 Is this there a limit to this "work of national importance", or is it an oath to perform unlimited hours of perpetual slavery?
23 Involuntary servitude is prohibited by the 13th Amendment. Voluntary servitude is entirely Constitutional.

24 If you have absolute allegiance to a foreign benefactor, then you must obey their rules.

25 This is the only Constitutional way to qualify for welfare. But you must give up your rights when you give up your
26 responsibility to take care of yourself. Since rights only come with responsibilities, you give up all your rights and are
27 forevermore a ward of the system.

28 But this welfare-for-wards function will waive all your rights. Rights are "*susceptible of restriction only to prevent grave*
29 *and immediate danger to interests which the state may lawfully protect*". You even waive your religious rights to "overriding
30 governmental interest" according to the Supreme Court in U.S. v. Lee ([455 U.S. 252](#)) which ruled that Amish who have
31 obtained SSNs have lost their religious liberty to "overriding governmental interest". Note that the same religious liberties
32 are accorded to Amish who are exempt from SSNs. Amish objectors are exempt from SSNs per section 1402(g) of the
33 Internal Revenue Code (mentioned in the Legislative History of Public Law 99-514 section 4)

34 If you accepted welfare (or even a Social Security Number) under any other circumstance other than grave and immediate
35 danger of death, then you were fraudulently induced to participate in unlawful means to raid the Treasury.

36 Welfare applicants lose their citizenship.

37 A pauper is one who is supported by public funds. Paupers cannot have rights. The Articles of Confederation excluded
38 paupers from ANY rights of citizenship. Article IV of the Articles of Confederation requires

39 *"... the free inhabitants of each of these States, paupers, vagabonds, and fugitives from justice excepted, shall be*
40 *entitled to all privileges and immunities of free citizens in the several States;..."*

41 Social Security numbers can only be assigned to aliens (after 1972) or to those who register to accept federal benefits
42 (according to section 205(c)(2)(B)(i) of the Social Security Act). Yet government benefits are only available to those who
43 are absolutely destitute and without the means to survive.

As you can see, Social Security Cards are only available to those few select people who actually have the authority to convert federal funds to private use, which can deplete the federal treasury.

That's right! If you apply for a Social Security Number, it is either embezzlement of federal funds or it is a confession that you cannot take care of yourself. If you cannot take care of yourself, how could you expect the rights of citizenship? John Locke's Second Treatise of Government Chapter 15 asks the question "For what compact can be made with a man that is not master of his own life?" Once you get a number by signing up for socialist benefits financed in whole or in part from Federal funds, what happens next? You have received unjust enrichment at the expense of others thereby creating a constructive contract. The Social Security Act Title VIII section 801 requires you to pay Social Security AND OTHER TAXES. This is also repeated word-for-word in Section 3101(a) of the Internal Revenue Code:

"In addition to other taxes, there is hereby imposed on the income of every individual a tax equal to the following percentages of the wages..."

A PRIVATE right cannot be taxed. **You waived your right to earn PRIVATE wages, thereby making your earnings PUBLIC STATUTORY "wages" of a public officer on official business that are taxable.** Those who are numbered do not have a right to sell their labor. They have no right to their "own" labor. Their labor belongs to their master. Your take-home living allowance is taxable as a gift.

According to the Supreme Court in Ashwander v. TVA anyone who "avails himself of a benefit" cannot then question the Constitutionality of the law that he benefited from. The Supreme Court WILL NOT consider the case.

Others will represent you. This maxim of law is known as *tacit procuration* This basic law extends much deeper than welfare. You no longer have a right to contract. You are incompetent to represent yourself, and must be represented by a competent attorney. You are allowed to conduct business only through a government created strawman. You are the collateral for the fines he must pay. But you already know that. Proverbs 6:1-11, Proverbs 11:15, Proverbs 17:18, Proverbs 22:26.

Welfare is unconstitutional except for the truly destitute. You received unjust enrichment at the expense of others, and thereby become liable for your public liability. Just like any other deadbeat who has forfeited his right to whatever is seized. You must now pay your fair share. We will learn more about unjust enrichment when we discuss constructive contracts.

You no longer have a PRIVATE right to a PRIVATE bank account. Yes indeed, you cannot buy without a mark of the beast. That biblical "mark of the beast" is what the Federal Trade Commission (F.T.C.) calls a "franchise mark". If you don't want to believe me, will you believe your bank? Take a check from your own checkbook. Look at the line under the signature space. Magnify the line 30 times and read the text. Then confess that you are not a principal owner of a bank account. It is not your account, you are merely signing as an agent of the real owner. You have somehow become the authorized representative of the real owner. NO ONE CAN BUY without a mark of the beast. You can deal with the beast only as a representative of a "fiction of law" that it created. That fiction of law is a public office and is called the "straw man" in the freedom community. See Form #05.042 for proof. It is no wonder the IRS can seize their own account without a judicial determination.

Revelation 13:4 asks the questions: Who is like the beast? And who can make war with the beast? Are you beginning to sense that you are subordinate to, not like, the beast? Are you beginning to sense that you have no authority to make war (confront, challenge) the beast in court?

According to Black's Law Dictionary there is a legal maxim that Protection Draws Subjection:

"The protection of an individual by government is on condition of his submission to the laws, and such submission on the other hand entitles the individual to the protection of the government."

Protectio trahit subjectionem, et subjectio protectionem. Protection draws with it subjection, and subjection protection. 7 Coke, 5a. The protection of an individual by government is on condition of his submission to the laws, and such submission on the other hand entitles the individual to the protection of the government. Broom, Max. 78.

This has always been so. As Blackstone eloquently stated in the introduction to his commentaries on the law, the very essence of laws that require us to obey our creator, also "oblige the inferior to take the will of him on whom he depends..."

That's right! If you cannot agree to their perverted, licentious laws then don't take their protection. You qualify for benefits by agreeing that they are your protector/master/lord/benefactor. If you take their benefits, you must submit whether you like it or not. No matter how evil they become. No matter how much they demand. If you take their benefits, they make your rules. They determine what is right and what is wrong. Your moral values are now dictated from your benefactor. This maxim has always existed. Slaves submit to their lords. Slaves must be provided for. Children must submit to parents.

Conclusion:

Social Security CANNOT BE a program of the United States government.

There are federal statutes (which are required by treaty and by the bankruptcy receivership) that administer Social Security in the United States. Social Security cannot be a United States program. It must remain foreign.

You have already been sold to a world government. Your SS number is much more than the Number of your Name. Read the last item on the manifest in Revelation 18:13. Your soul has been sold.

Title 42 U.S.C. §433(a):

"The President is authorized... to enter into agreements establishing totalization arrangements between the Social Security System established by this subchapter and the social security system of any foreign country"

Lastly, to prove to you that the average American born within and domiciled within a state of the Union is NOT eligible to participate in Social Security, see:

1. *Social Security: Mark of the Beast*, Form #11.407
<http://sedm.org/Forms/FormIndex.htm>
2. *Why You Aren't Eligible for Social Security*, Form #06.001
<http://sedm.org/Forms/FormIndex.htm>
3. *Resignation of Compelled Social Security Trustee*, Form #06.002 – how to terminate ILLEGAL and UNCONSTITUTIONAL participation in government welfare
<http://sedm.org/Forms/FormIndex.htm>

2.2.7 PREVENTIVE justice requires consent and voluntary membership, while CORRECTIVE justice does not

There are two main conditions that courts and government can intervene:

1. PREVENTIVE JUSTICE: BEFORE an injury or likely injury occurs to prevent the injury. This is done usually under the auspices of a franchise contract of some kind, such as the vehicle code, tax code, etc. This is also sometimes called "prospective" enforcement.
2. CORRECTIVE JUSTICE: AFTER a proven injury occurs, to provide financial compensation to undo the damage. This is done using the common law. This is also sometimes called "retrospective" enforcement.

It is very important to recognize that when government acts in a PREVENTIVE mode before an injury occurs against a non-consenting party, they cannot do so without violating the Thirteenth Amendment prohibition on involuntary servitude and the Fifth Amendment prohibition on the taking of property, meaning labor or services. Hence, whenever governments seek to institute PREVENTIVE justice, they must procure your consent in advance of the enforcement action in order to lawfully do so to avoid violating the Fifth or Thirteenth Amendments. It is a maxim of law that anything you consent to cannot form the basis for an injury, remedy, or standing in any court of law:

*"Voluntati non fit injuria.
He who consents cannot receive an injury. 2 Bouv. Inst. n. 2279, 2327; 4 T. R. 657; Shelf. on mar. & Div. 449.*

*Consensus tollit errorem.
Consent removes or obviates a mistake. Co. Litt. 126.*

Melius est omnia mala pati quam malo concentire.
It is better to suffer every wrong or ill, than to consent to it. 3 Co. Inst. 23.

Nemo videtur fraudare eos qui sciunt, et consentiunt.
One cannot complain of having been deceived when he knew the fact and gave his consent. Dig. 50, 17, 145."
[Bouvier's Maxims of Law, 1856;
SOURCE: <http://famguardian.org/Publications/BouvierMaximsOfLaw/BouviersMaxims.htm>]

The civil statutory code is an example of law that implements PREVENTIVE justice. Statutes which implement PREVENTIVE justice are defined as "malum prohibitum":

"Malum prohibitum. *A wrong prohibited; a thing which is wrong because prohibited; an act which is not inherently immoral, but becomes so because its commission is expressly forbidden by positive law; an act involving an illegality resulting from positive law. Compare Malum in se. "*
[Black's Law Dictionary, Sixth Edition, p. 960]

CORRECTIVE justice is different. When an injury can be proven in court with evidence, the party instituting the injury has an implied duty and obligation to provide remedy to his or her victim and the court may compel the perpetrator to supply the remedy, regardless of whether they consent or not. For instance, if another driver damages your vehicle, then he has to reimburse you to fix the damage, whether he wants to or consents to. If he refuses to do so, the court can lien or even order the confiscation of his property. The criminal law is an example of CORRECTIVE justice. Law which implements CORRECTIVE justice is called "malum in se".

MALUM IN SE. *A wrong in itself; an act or case involving illegality from the very nature of the transaction, upon principles of natural, moral, and public law. Story, Ag. B 346. State v. Shedoudy, 45 N.M. 516, 118 P.2d. 280, 287.*

An act is said to be malum In se when it is inherently and essentially evil, that is, immoral in its nature and injurious in its consequences, without any regard to the fact of its being noticed or punished by the law of the state. Such are most or all of the offenses cognizable at common law, (without the denouncement of a statute;) as murder, larceny, etc.
[Black's Law Dictionary, Fourth Edition, p. 1112]

Next, we must consider HOW consent is obtained in the case of PREVENTIVE justice. In practical terms that consent is procured by filling out an application to procure a the "benefits" of a civil status under a government franchise. For example, the penalty or civil provisions of the vehicle code only becomes enforceable against statutory "drivers", who are those that INDIVIDUALLY consented to participate in the vehicle code licensing franchise. For instance, police cannot tow an unregistered vehicle operated by an unlicensed driver. The vehicle has to be registered before it can be towed or else towing it would be THEFT. The act of "registering" it transmutes ownership of the property from ABSOLUTE to QUALIFIED, in which ownership and/or control is shared with the government.

Ownership. *Collection of rights to use and enjoy property, including right to transmit it to others. Trustees of Phillips Exeter Academy v. Exeter, 92 N.H. 473, 33 A.2d. 665, 673. The complete dominion, title, or proprietary right in a thing or claim. The entirety of the powers of use and disposal allowed by law.*

The right of one or more persons to possess and use a thing to the exclusion of others. The right by which a thing belongs to someone in particular, to the exclusion of all other persons. The exclusive right of possession, enjoyment, and disposal; involving as an essential attribute the right to control, handle, and dispose.

Ownership of property is either absolute or qualified. The ownership of property is absolute when a single person has the absolute dominion over it, and may use it or dispose of it according to his pleasure, subject only to general laws. The ownership is qualified when it is shared with one or more persons, when the time of enjoyment is deferred or limited, or when the use is restricted. Calif. Civil Code, §§678-680.

There may be ownership of all inanimate things which are capable of appropriation or of manual delivery; of all domestic animals; of all obligations; of such products of labor or skill as the composition of an author, the goodwill of a business, trademarks and signs, and of rights created or granted by statute. Calif. Civil Code, §655.

In connection with burglary, "ownership" means any possession which is rightful as against the burglar.

See also Equitable ownership; Exclusive ownership; Hold; Incident of ownership; Interest; Interval ownership; Ostensible ownership; Owner; Possession; Title.
[Black's Law Dictionary, Sixth Edition, p. 1106]

1 The act of consenting to share the ownership of otherwise absolutely owned property with the government is called “moiety”:

2 “Moiety (moy-ə-tee). 1. A half of something (such as an estate). 2. A portion less than half; a small segment. 3.
3 In customs law, a payment made to an informant who assists the seizure of contraband.”
4 [Black’s Law Dictionary, Seventh Edition, p. 1021]

5 You can NEVER be free as long as you share either ownership or control of ANY of your property with any government.
6 Everything you have should be “absolutely owned”. The Declaration of Independence describes the right to ABSOLUTELY
7 own property as “the pursuit of happiness”, and it is the most important right you have. Any attempt to dilute or alienate that
8 right is a recipe for UNHAPPINESS:

9 “The provision [[Fourteenth Amendment, Section 1](#)], it is to be observed, places property under the same
10 protection as life and liberty. Except by due process of law, no State can deprive any person of either. The
11 provision has been supposed to secure to every individual the essential conditions for the pursuit of happiness;
12 and for that reason has not been heretofore, and should never be, construed in any narrow or restricted sense.”
13 [[Munn v. Illinois, 94 U.S. 113 \(1877\)](#)]

14 Property that is absolutely owned is PRIVATE property. Property whose ownership or control is shared with any government
15 is PUBLIC property. Property in your custody that is absolutely owned in its entirety by the government is called a “usufruct”:

16 USUFRUCT. In [the civil law](#). The right of enjoying a thing, the property of which is vested in another, and to
17 draw from the same all the profit, utility, and advantage which it may produce, provided it be without altering
18 the substance of the thing. Civ.Code La. art. 533. *Mulford v. Le Franc*, 26 Cal. 102; *Modern Music Shop v.*
19 *Concordia Fire Ins. Co. of Milwaukee*, 131 Misc. 305, 226 N.Y.S. 630, 635.

20 Under Greek Law. A right attached to the person which may not be inherited. *New England Trust Co. v. Wood*,
21 Mass., 93 N.E.2d. 547, 549.

22 Imperfect Usufruct

23 An imperfect or quasi usufruct is that which is if things which would be useless to the usufructuary if he did not
24 consume or expend them or change the substance of them; as, money, grain, liquors. Civ.Code La. art. 534.

25 See Quasi Usufruct *infra*.

26 Legal Usufruct

27 See that title.

28 Perfect Usufruct

29 An usufruct in those things which the usufructuary can enjoy without changing their substance, though their
30 substance may be diminished or deteriorate naturally by time or by the use to which they are applied, as, a house,
31 a piece of land, furniture, and other movable effects. Civ.Code La. art. 534.

32 Quasi Usufruct

33 In the civil law. Originally the usufruct gave no right to the substance of the thing, and consequently none to its
34 consumption; hence only an inconsumable thing could be the object of it, whether movable or immovable. But in
35 later times the right of usufruct was, by analogy, extended to consumable things, and therewith arose the
36 distinction between true and quasi usufructs. See *Mackeld. Rom. Law*, §307; Civ.Code La. art. 534. See *Imperfect*
37 *Usufruct, supra*.

38 [Black’s Law Dictionary, Fourth Edition, p. 1713]

39 If there is anything that you absolutely must have to survive that is absolutely owned by the government or whose ownership
40 is shared with the government, then the government has you by the balls and you become a slave, whether you want to or
41 not:

42 “The rich rules over the poor,
43 And the borrower is servant to the lender.”
44 [Prov. 22:7, Bible, NKJV]

Every type of government franchise at its core is nothing more than a purchase/sale of government property. This includes marriage license, driver license, professional license, the income tax, etc. The abuse of sales or offers of property to create slavery is called usury. Below is the biblical prohibition against usury:

'If one of your brethren becomes poor [desperate], and falls into poverty among you, then you shall help him, like a stranger or a sojourner, that he may live with you. Take no usury or interest from him; but fear your God, that your brother may live with you. You shall not lend him your money for usury, nor lend him your food at a profit. I am the Lord your God, who brought you out of the land of Egypt, to give you the land of Canaan and to be your God. And if one of your brethren who dwells by you becomes poor, and sells himself to you, you shall not compel him to serve as a slave. As a hired servant and a sojourner he shall be with you, and shall serve you until the Year of Jubilee. And then he shall depart from you—he and his children with him—and shall return to his own family. He shall return to the possession of his fathers. For they are My servants, whom I brought out of the land of Egypt; they shall not be sold as slaves. You shall not rule over him with rigor, but you shall fear your God. [Lev. 25:35-43, Bible, NKJV]

Any attempt to COMPEL you to consent to PREVENTIVE justice or to any civil or franchise status that implies consent is ALSO a form of usury and illegal duress. Furthermore, if your rights are “inalienable” as the Declaration of Independence says, then you aren’t even ALLOWED legally to consent. Any attempt by a REAL de jure government to alienate rights that are supposed to be unalienable is itself DURESS:

“An agreement [consensual contract] obtained by duress, coercion, or intimidation is invalid, since the party coerced is not exercising his free will, and the test is not so much the means by which the party is compelled to execute the agreement as the state of mind induced.”⁹ Duress, like fraud, rarely becomes material, except where a contract or conveyance has been made which the maker wishes to avoid. As a general rule, duress renders the contract or conveyance voidable, not void, at the option of the person coerced,¹⁰ and it is susceptible of ratification. Like other voidable contracts, it is valid until it is avoided by the person entitled to avoid it.¹¹ However, duress in the form of physical compulsion, in which a party is caused to appear to assent when he has no intention of doing so, is generally deemed to render the resulting purported contract void.¹²”
[American Jurisprudence 2d, Duress, §21 (1999)]

The essence of ownership is the right to exclude ANYONE and EVERYONE from using or benefitting from the property. If you can’t exclude the government from owning or controlling specific property, then THEY and not YOU are the REAL absolute owner. If the so-called “government” will not provide a way for you to absolutely own ANYTHING, then there is no de jure government. Instead, you live on a FARM and you are government cattle:

[How to Leave the Government Farm](http://youtu.be/Mp1gJ3iF2Ik), Form #12.020
<http://youtu.be/Mp1gJ3iF2Ik>

Everything you own should be PRIVATE and you should NEVER allow any portion of your property to become PUBLIC. That is the ONLY way you can ever be truly happy or truly free. “Pursuit of happiness” mentioned in the Declaration of Independence has been equated by the courts as the right to absolutely and privately own private property. *Munn v. Illinois*, 94 U.S. 113 (1876). The main purpose of establishing government is, in fact, to PREVENT such a conversion. For more information on the mandatory legal separation between PUBLIC and PRIVATE, see:

[Separation Between Public and Private Course](https://sedm.org/LibertyU/SeparatingPublicPrivate.pdf), Form #12.025
FORMS PAGE: <https://sedm.org/Forms/FormIndex.htm>
DIRECT LINK: <https://sedm.org/LibertyU/SeparatingPublicPrivate.pdf>

⁹ *Brown v. Pierce*, 74 U.S. 205, 7 Wall 205, 19 L.Ed. 134

¹⁰ *Barnette v. Wells Fargo Nevada Nat’l Bank*, 270 U.S. 438, 70 L.Ed. 669, 46 S.Ct. 326 (holding that acts induced by duress which operate solely on the mind, and fall short of actual physical compulsion, are not void at law, but are voidable only, at the election of him whose acts were induced by it); *Faske v. Gershman*, 30 Misc.2d. 442, 215 N.Y.S.2d. 144; *Glenney v. Crane* (Tex Civ App Houston (1st Dist)), 352 S.W.2d. 773, writ ref n r e (May 16, 1962); *Carroll v. Fetty*, 121 W.Va. 215, 2 S.E.2d. 521, cert den 308 U.S. 571, 84 L.Ed. 479, 60 S.Ct. 85.

¹¹ *Faske v. Gershman*, 30 Misc.2d. 442, 215 N.Y.S.2d. 144; *Heider v. Unicume*, 142 Or. 416, 20 P.2d. 384; *Glenney v. Crane* (Tex Civ App Houston (1st Dist)), 352 S.W.2d. 773, writ ref n r e (May 16, 1962)

¹² Restatement 2d, Contracts §174, stating that if conduct that appears to be a manifestation of assent by a party who does not intend to engage in that conduct is physically compelled by duress, the conduct is not effective as a manifestation of assent.

2.2.8 The Right to Ignore the State (Civilly)

Private property is the origin of your right to be left alone by the state. Absolute ownership of land is the origin of your right to post “No Trespassing” signs around the property and to control anyone and everyone who sets foot on the property. Without private property, legal “justice” is IMPOSSIBLE. We define “private property” as follows:

SEDM Disclaimer

4. Meaning of Words

The word “private” when it appears in front of other entity names such as “person”, “individual”, “business”, “employee”, “employer”, etc. shall imply that the entity is:

1. In possession of absolute, exclusive ownership and control over their own labor, body, and all their property. In Roman Law this was called “dominium”.
2. On an EQUAL rather than inferior relationship to government in court. This means that they have no obligations to any government OTHER than possibly the duty to serve on jury and vote upon voluntary acceptance of the obligations of the civil status of “citizen” (and the DOMICILE that creates it). Otherwise, they are entirely free and unregulated unless and until they INJURE the equal rights of another under the common law.
3. A “nonresident” in relation to the state and federal government.
4. Not a PUBLIC entity defined within any state or federal statutory law. This includes but is not limited to statutory “person”, “individual”, “taxpayer”, “driver”, “spouse” under any under any civil statute or franchise.
5. Not engaged in a public office or “trade or business” (per 26 U.S.C. §7701(a)(26)). Such offices include but are not limited to statutory “person”, “individual”, “taxpayer”, “driver”, “spouse” under any civil statute or franchise.
6. Not consenting to contract with or acquire any public status, public privilege, or public right under any state or federal franchise. For instance, the phrase “private employee” means a common law worker that is NOT the statutory “employee” defined within 26 U.S.C. §3401(c) or 26 C.F.R. §301.3401(c)-1 or any other federal or state law or statute.
7. Not sharing ownership or control of their body or property with anyone, and especially a government. In other words, ownership is not “qualified” but “absolute”.
8. Not subject to civil enforcement or regulation of any kind, except AFTER an injury to the equal rights of others has occurred. Preventive rather than corrective regulation is an unlawful taking of property according to the Fifth Amendment takings clause.

Every attempt by anyone in government to alienate rights that the Declaration of Independence says are UNALIENABLE shall also be treated as “PRIVATE BUSINESS ACTIVITY” that cannot be protected by sovereign, official, or judicial immunity. So called “government” cannot make a profitable business or franchise out of alienating inalienable rights without ceasing to be a classical/de jure government and instead becoming in effect an economic terrorist and de facto government in violation of Article 4, Section 4.

“No servant [or government or biological person] can serve **two masters**; for either he will hate the one and love the other, or else he will be loyal to the one and despise the other. **You cannot serve God and mammon [government].**”
[Luke 16:13, Bible, NKJV]

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

The best description we have seen of your absolute right to be left alone by the government comes from an author named Herbert Spencer, whose works you can read below:

Selected Works of Herbert Spencer, Constitution Society
<http://constitution.famguardian.org/hs/spencer.htm>

A fascinating essay on “The Right to Ignore the State” is found in the above list below. Indirectly, this essay is a description of “justice” as legally defined, because justice itself is the right to be left alone by EVERYONE:

The Right to Ignore the State, Herbert Spencer
http://constitution.famguardian.org/hs/ignore_state.htm

Herbert Spencer was an incredible prophet and a magnificent defender of laissez-faire. Among his numerous works is *The Man Versus The State*, first published in 1884. That book launched one of the most spirited attacks on statism ever written.

1 He ridiculed the idea that government intervention of any kind "will work as it is intended to work, which it never does." He
2 drew on his tremendous knowledge of history, citing one dramatic case after another of price controls, usury laws, slum
3 clearance laws, and myriad other laws which, touted as compassionate policies, intensified human misery. Below is one of
4 his essays that explores the principles of self-government, which Henry David Thoreau defended in his seminal essay, Civil
5 Disobedience.

6 Not being a lawyer, Spencer did not distinguish WHAT aspect of your connection with the state you may voluntarily abandon,
7 but the implication is quite clear: It is the protection of the civil statutes of the state. Those civil statutes only acquire the
8 "force of law" among those who have voluntarily and consensually chosen a civil domicile within the state, and thereby
9 acquired the statutory civil status of "citizen" or "resident". We cover this subject at length in the following exhaustive free
10 memorandum of law:

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

11 A human being who must be CIVILLY left alone and who is therefore protected ONLY by God's law, the constitution, the
12 criminal law, and the common law is referred to by any one or more of the following names:

- 13 1. "nonresident".
- 14 2. "transient foreigner".
- 15 3. "stateless person".
- 16 4. "in transitu".
- 17 5. "transient".
- 18 6. "sojourner".
- 19 7. "civilly dead".

20 You have an absolute, constitutional right to acquire and retain ANY civil status you want from the above list, and violating
21 that right constitutes criminal identity theft. This is covered in:

Your Exclusive Right to Declare or Establish Your Civil Status, Form #13.008
<https://sedm.org/Forms/FormIndex.htm>

22 Indirectly, what Herbert's essay does is define and identify the legal existence of all the above civil statuses. Judges and
23 government prosecutors intent on STEALING your money or your PRIVATE property sometimes try to mock those who
24 claim to be any of the above civil statuses by falsely calling them "frivolous", even though these are perfectly acceptable civil
25 statuses expressly identified by the courts themselves. They do this as a mind game and guilt trip to prevent you from escaping
26 their usury and the CRIMINAL IDENTITY THEFT that implements it as described below:

Government Identity Theft, Form #05.046
<https://sedm.org/Forms/FormIndex.htm>

27 An entire memorandum of law has been written about those who have the absolute, constitutional right to be left alone as
28 follows:

Non-Resident Non-Person Position, Form #05.020
<https://sedm.org/Forms/FormIndex.htm>

29 Unfortunately, Spencer writes more as a philosopher than a lawyer, and because of this, falls prey to the plight of all
30 philosophers who are legally ignorant. One member in our forums who apologized for being a philosopher who is legally
31 ignorant got the following response in the member forums:

Family Guardian is confused about the definition of socialism

*The bible says that people who focus on philosophy rather than REAL LAW from the Bible are an abomination.
You should study law BEFORE you study philosophy:*

One who turns away his ear from hearing the law,
Even his prayer is an abomination.
[Prov. 28:9, Bible, NKJV]

“Beware lest anyone cheat you through philosophy and empty deceit, according to the
tradition of men, according to the basic principles of the world, and not according to
Christ.”
[Col. 2:8, Bible, NKJV]

[SOURCE: <https://famguardian.org/forums/forums/topic/family-guardian-is-confused-about-the-definition-of-socialism/#post-21640>]

The MAJOR mistake of Spencer, like so many other philosophers before him, is in thinking that ANY MAN can be a legitimate source of law for any civilized society. The Bible identifies God as THE ONLY “lawgiver” and therefore source of law. Isaiah 33:22. Any attempt to make any man the source of law results in religious idolatry, as described in the following:

Why All Man-Made Law is Religious in Nature, Family Guardian Fellowship
<https://famguardian.org/Subjects/LawAndGovt/ChurchVState/WhyAllManmadeLawRelig.htm>

Everything not found in God’s law is, in turn, merely a temporary civil man-made rather than god-made franchise that Christians are FORBIDDEN from consenting to or participating in. They are “non-resident non-persons” to all such law as described in:

Government Instituted Slavery Using Franchises, Form #05.030
<https://sedm.org/Forms/FormIndex.htm>

The remainder of this section after the horizontal line below reprints Spencer’s fascinating essay for the edification of the reader on the subject of what “justice” means. What he calls “the law of equal freedom” is documented in Requirement for Equal Protection and Equal Treatment, Form #05.033. If you like his genre of writing, Lysander Spooner¹³ also lived the same time as him and wrote about many of the same subjects.

The Right to Ignore the State

by Herbert Spencer (1820-1903)

1. The Right to Voluntary Outlawry

As a corollary to the proposition that all institutions must be subordinated to the law of equal freedom, we cannot choose but admit the right of the citizen to adopt a condition of voluntary outlawry. If every man has freedom to do all that he wills, provided he infringes not the equal freedom of any other man, then he is free to drop connection with the state — to relinquish its protection, and to refuse paying toward its support. It is self-evident that in so behaving he in no way trenches upon the liberty of others; for his position is a passive one; and whilst passive he cannot become an aggressor. It is equally self-evident that he cannot be compelled to continue one of a political corporation, without a breach of the moral law, seeing that citizenship involves payment of taxes; and the taking away of a man's property against his will, is an infringement of his rights. Government being simply an agent employed in common by a number of individuals to secure to them certain advantages, the very nature of the connection implies that it is for each to say whether he will employ such an agent or not. If any one of them determines to ignore this mutual-safety confederation, nothing can be said except that he loses all claim to its good offices, and exposes himself to the danger of maltreatment — a thing he is quite at liberty to do if he likes. He cannot be coerced into political combination without a breach of the law of equal freedom; he *can* withdraw from it without committing any such breach; and he has therefore a right so to withdraw.

2. The Immorality of the State

¹³ See: Published Authors: Lysander Spooner, Family Guardian Fellowship;
<https://famguardian.org/PublishedAuthors/Indiv/SpoonerLysander/LysanderSpooner.htm>.

"No human laws are of any validity if contrary to the law of nature; and such of them as are valid derive all their force and all their authority mediately or immediately from this original." Thus writes Blackstone^[1], to whom let all honour be given for having so far outseen the ideas of his time; and, indeed, we may say of our time. A good antidote, this, for those political superstitions which so widely prevail. A good check upon that sentiment of power-worship which still misleads us by magnifying the prerogatives of constitutional governments as it once did those of monarchs. Let men learn that a legislature is *not* "our God upon earth," though, by the authority they ascribe to it, and the things they expect from it, they would seem to think it is. Let them learn rather that it is an institution serving a purely temporary purpose, whose power, when not stolen, is at the best borrowed.

Nay, indeed, have we not seen that government is essentially immoral? Is it not the offspring of evil, bearing about it all the marks of its parentage? Does it not exist because crime exists? Is it not strong, or as we say, despotic, when crime is great? Is there not more liberty, that is, less government, as crime diminishes? And must not government cease when crime ceases, for very lack of objects on which to perform its function? Not only does magisterial power exist *because* of evil; but it exists *by* evil. Violence is employed to maintain it; and all violence involves criminality. Soldiers, policemen, and gaolers; swords, batons, and fetters, are instruments for inflicting pain; and all infliction of pain is in the abstract wrong. The state employs evil weapons to subjugate evil, and is alike contaminated by the objects with which it deals, and the means by which it works. Morality cannot recognize it; for morality, being simply a statement of the perfect law can give no countenance to any thing growing out of, and living by, breaches of that law. Wherefore, legislative authority can never be ethical must always be conventional merely.

Hence, there is a certain inconsistency in the attempt to determine the right position, structure, and conduct of a government by appeal to the first principles of rectitude. For, as just pointed out, the acts of an institution which is in both nature and origin imperfect, cannot be made to square with the perfect law. All that we can do is to ascertain, firstly, in what attitude a legislature must stand to the community to avoid being by its mere existence an embodied wrong; — secondly, in what manner it must be constituted so as to exhibit the least incongruity with the moral law; — and thirdly, to what sphere its actions must be limited to prevent it from multiplying those breaches of equity it is set up to prevent.

The first condition to be conformed to before a legislature can be established without violating the law of equal freedom, is the acknowledgment of the right now under discussion — the right to ignore the state.^[2]

3. The People as the Source of Power

Upholders of pure despotism may fitly believe state-control to be unlimited and unconditional. They who assert that men are made for governments and not governments for men, may consistently hold that no one can remove himself beyond the pale of political organization. But they who maintain that the people are the only legitimate source of power — that legislative authority is not original, but deputed — cannot deny the right to ignore the state without entangling themselves in an absurdity.

For, if legislative authority is deputed, it follows that those from whom it proceeds are the masters of those on whom it is conferred: it follows further, that as masters they confer the said authority voluntarily: and this implies that they may give or withhold it as they please. To call that deputed which is wrenched from men whether they will or not, is nonsense. But what is here true of all collectively is equally true of each separately. As a government can rightly act for the people, only when empowered by them, so also can it rightly act for the individual, only when empowered by him. If A, B, and C, debate whether they shall employ an agent to perform for them a certain service, and if whilst A and B agree to do so, C dissents, C cannot equitably be made a party to the agreement in spite of himself. And this must be equally true of thirty as of three: and if of thirty, why not of three hundred, or three thousand, or three millions?

4. Subordination of Government Authority

Of the political superstitions lately alluded to, none is so universally diffused as the notion that majorities are omnipotent. Under the impression that the preservation of order will ever require power to be wielded by some party, the moral sense of our time feels that such power cannot rightly be conferred on any but the largest moiety of society. It interprets literally the saying that "the voice of the people is the voice of God," and transferring to the one the sacredness attached to the other, it concludes that from the will of the people, that is of the majority, there can be no appeal. Yet is this belief entirely erroneous.

Suppose, for the sake of argument, that, struck by some Malthusian panic, a legislature duly representing public opinion were to enact that all children born during the next ten years should be drowned. Does any one think such an enactment would be warrantable? If not, there is evidently a limit to the power of a majority. Suppose, again, that of two races living together —

1 Celts and Saxons, for example — the most numerous determined to make the others their slaves. Would the authority of the
2 greatest number be in such case valid? If not, there is something to which its authority must be subordinate. Suppose, once
3 more, that all men having incomes under 50 pounds a year were to resolve upon reducing every income above that amount
4 to their own standard, and appropriating the excess for public purposes. Could their resolution be justified? If not, it must be
5 a third time confessed that there is a law to which the popular voice must defer. What, then, is that law, if not the law of pure
6 equity — the law of equal freedom? These restraints, which all would put to the will of the majority, are exactly the restraints
7 set up by that law. We deny the right of a majority to murder, to enslave, or to rob, simply because murder, enslaving, and
8 robbery are violations of that law — violations too gross to be overlooked. But if great violations of it are wrong, so also are
9 smaller ones. If the will of the many cannot supersede the first principle of morality in these cases, neither can it in any. So
10 that, however insignificant the minority, and however trifling the proposed trespass against their rights, no such trespass is
11 permissible.

12 When we have made our constitution purely democratic, thinks to himself the earnest reformer, we shall have brought
13 government into harmony with absolute justice. Such a faith, though perhaps needful for this age, is a very erroneous one.
14 By no process can coercion be made equitable. The freest form of government is only the least objectional form. The rule of
15 the many by the few we call tyranny: the rule of the few by the many is tyranny also; only of a less intense kind. "You shall
16 do as we will, and not as you will," is in either case the declaration: and if the hundred make it to the ninety-nine, instead of
17 the ninety-nine to the hundred, it is only a fraction less immoral. Of two such parties, whichever fulfils this declaration
18 necessarily breaks the law of equal freedom: the only difference being that by the one it is broken in the persons of ninety-
19 nine, whilst by the other it is broken in the persons of a hundred. And the merit of the democratic form of government consists
20 solely in this, that it trespasses against the smallest number.

21 The very existence of majorities and minorities is indicative of an immoral state. The man whose character harmonizes with
22 the moral law, we found to be one who can obtain complete happiness without diminishing the happiness of his fellows. But
23 the enactment of public arrangements by vote implies a society consisting of men otherwise constituted — implies that the
24 desires of some cannot be satisfied without sacrificing the desires of others — implies that in the pursuit of their happiness
25 the majority inflict a certain amount of *unhappiness* on the minority — implies, therefore, organic immorality. Thus, from
26 another point of view, we again perceive that even in its most equitable form it is impossible for government to dissociate
27 itself from evil; and further, that unless the right to ignore the state is recognized, its acts must be essentially criminal.

28 **5. The Limits of Taxation**

29 That a man is free to abandon the benefits and throw off the burdens of citizenship, may indeed be inferred from the
30 admissions of existing authorities and of current opinion. Unprepared as they probably are for so extreme a doctrine as the
31 one here maintained, the radicals of our day yet unwittingly profess their belief in a maxim which obviously embodies this
32 doctrine. Do we not continually hear them quote Blackstone's assertion that "no subject of England can be constrained to pay
33 any aids or taxes even for the defence of the realm or the support of government, but such as are imposed by his own consent,
34 or that of his representative in parliament?" And what does this mean? It means, say they, that every man should have a vote.
35 True: but it means much more. If there is any sense in words it is a distinct enunciation of the very right now contended for.
36 In affirming that a man may not be taxed unless he has directly or indirectly given his consent, it affirms that he may refuse
37 to be so taxed; and to refuse to be taxed, is to cut all connection with the state. Perhaps it will be said that this consent is not
38 a specific, but a general one, and that the citizen is understood to have assented to every thing his representative may do,
39 when he voted for him. But suppose he did not vote for him; and on the contrary did all in his power to get elected some one
40 holding opposite views — what then? The reply will probably be that, by taking part in such an election, he tacitly agreed to
41 abide by the decision of the majority. And how if he did not vote at all? Why then he cannot justly complain of any tax, seeing
42 that he made no protest against its imposition. So, curiously enough, it seems that he gave his consent in whatever way he
43 acted — whether he said yes, whether he said no, or whether he remained neuter! A rather awkward doctrine this. Here stands
44 an unfortunate citizen who is asked if he will pay money for a certain proffered advantage; and whether he employs the only
45 means of expressing his refusal or does not employ it, we are told that he practically agrees; if only the number of others who
46 agree is greater than the number of those who dissent. And thus we are introduced to the novel principle that A's consent to
47 a thing is not determined by what A says, but by what B may happen to say!

48 It is for those who quote Blackstone to choose between this absurdity and the doctrine above set forth. Either his maxim
49 implies the right to ignore the state, or it is sheer nonsense.

50 **6. On Civil and Religious Liberty**

1 There is a strange heterogeneity in our political faiths. Systems that have had their day, and are beginning here and there to
2 let the daylight through, are patched with modern notions utterly unlike in quality and colour; and men gravely display these
3 systems, wear them, and walk about in them, quite unconscious of their grotesqueness. This transition state of ours, partaking
4 as it does equally of the past and the future, breeds hybrid theories exhibiting the oddest union of bygone despotism and
5 coming freedom. Here are types of the old organization curiously disguised by germs of the new — peculiarities showing
6 adaptation to a preceding state modified by rudiments that prophesy of something to come — making altogether so chaotic a
7 mixture of relationships that there is no saying to what class these births of the age should be referred.

8 As ideas must of necessity bear the stamp of the time, it is useless to lament the contentment with which these incongruous
9 beliefs are held. Otherwise it would seem unfortunate that men do not pursue to the end the trains of reasoning which have
10 led to these partial modifications. In the present case, for example, consistency would force them to admit that, on other points
11 besides the one just noticed, they hold opinions and use arguments in which the right to ignore the state is involved.

12 For what is the meaning of Dissent? The time was when a man's faith and his mode of worship were as much determinable
13 by law as his secular acts; and, according to provisions extant in our statute-book, are so still. Thanks to the growth of a
14 Protestant spirit, however, we have ignored the state in this matter — wholly in theory, and partly in practice. But how have
15 we done so? By assuming an attitude which, if consistently maintained, implies a right to ignore the state entirely. Observe
16 the positions of the two parties. "This is your creed," says the legislator; "you must believe and openly profess what is here
17 set down for you." "I shall not do any thing of the kind," answers the non-conformist, "I will go to prison rather." "Your
18 religious ordinances," pursues the legislator, "shall be such as we have prescribed. You shall attend the churches we have
19 endowed, and adopt the ceremonies used in them." "Nothing shall induce me to do so," is the reply; "I altogether deny your
20 power to dictate to me in such matters, and mean to resist to the uttermost." "Lastly," adds the legislator, "we shall require
21 you to pay such sums of money toward the support of these religious institutions, as we may see fit to ask." "Not a farthing
22 will you have from me," exclaims our sturdy Independent: "even did I believe in the doctrines of your church (which I do
23 not), I should still rebel against your interference; and if you take my property, it shall be by force and under protest."

24 What now does this proceeding amount to when regarded in the abstract? It amounts to an assertion by the individual of the
25 right to exercise one of his faculties — the religious sentiment — without let or hindrance, and with no limit save that set up
26 by the equal claims of others. And what is meant by ignoring the state? Simply an assertion of the right similarly to exercise
27 *all* the faculties. The one is just an expansion of the other — rests on the same footing with the other — must stand or fall
28 with the other. Men do indeed speak of civil and religious liberty as different things; but the distinction is quite arbitrary.
29 They are parts of the same whole and cannot philosophically be separated.

30 "Yes they can," interposes an objector; "assertion of the one is imperative as being a religious duty. The liberty to worship
31 God in the way that seems to him right, is a liberty without which a man cannot fulfil what he believes to be Divine commands,
32 and therefore conscience requires him to maintain it." True enough; but how if the same can be asserted of all other liberty?
33 How if maintenance of this also turns out to be a matter of conscience? Have we not seen that human happiness is the Divine
34 will — that only by exercising our faculties is this happiness obtainable — and that it is impossible to exercise them without
35 freedom? And if this freedom for the exercise of faculties is a condition without which the Divine will cannot be fulfilled,
36 the preservation of it is, by our objector's own showing, a duty. Or, in other words, it appears not only that the maintenance
37 of liberty of action *may* be a point of conscience, but that it *ought* to be one. And thus we are clearly shown that the claims
38 to ignore the state in religious and in secular matters are in essence identical.

39 The other reason commonly assigned for nonconformity, admits of similar treatment. Besides resisting state dictation in the
40 abstract, the dissenter resists it from disapprobation of the doctrines taught. No legislative injunction will make him adopt
41 what he considers an erroneous belief; and, bearing in mind his duty toward his fellow-men, he refuses to help through the
42 medium of his purse in disseminating this erroneous belief. The position is perfectly intelligible. But it is one which either
43 commits its adherents to civil nonconformity also, or leaves them in a dilemma. For why do they refuse to be instrumental in
44 spreading error? Because error is adverse to human happiness. And on what ground is any piece of secular legislation
45 disapproved? For the same reason — because thought adverse to human happiness. How then can it be shown that the state
46 ought to be resisted in the one case and not in the other? Will any one deliberately assert that if a government demands money
47 from us to aid in *teaching* what we think will produce evil, we ought to refuse it; but that if the money is for the purpose of
48 *doing* what we think will produce evil, we ought not to refuse it? Yet such is the hopeful proposition which those have to
49 maintain who recognize the right to ignore the state in religious matters, but deny it in civil matters.

50 **7. Progress Hindered by Lack of Social Morality**

The substance of the essay once more reminds us of the incongruity between a perfect law and an imperfect state. The practicability of the principle here laid down varies directly as social morality. In a thoroughly vicious community its admission would be productive of anarchy. In a completely virtuous one its admission will be both innocuous and inevitable. Progress toward a condition of social health — a condition, that is, in which the remedial measures of legislation will no longer be needed, is progress toward a condition in which those remedial measures will be cast aside, and the authority prescribing them disregarded. The two changes are of necessity coordinate. That moral sense whose supremacy will make society harmonious and government unnecessary, is the same moral sense which will then make each man assert his freedom even to the extent of ignoring the state — is the same moral sense which, by deterring the majority from coercing the minority, will eventually render government impossible. And as what are merely different manifestations of the same sentiment must bear a constant ratio to each other, the tendency to repudiate governments will increase only at the same rate that governments become needless.

Let not any be alarmed, therefore, at the promulgation of the foregoing doctrine. There are many changes yet to be passed through before it can begin to exercise much influence. Probably a long time will elapse before the right to ignore the State will be generally admitted, even in theory. It will be still longer before it receives legislative recognition. And even then there will be plenty of checks upon the premature exercise of it. A sharp experience will sufficiently instruct those who may too soon abandon legal protection. Whilst, in the majority of men, there is such a love of tried arrangements, and so great a dread of experiments, that they will probably not act upon this right until long after it is safe to do so.

8. The Coming Decay of the State

It is a mistake to assume that government must necessarily last forever. The institution marks a certain stage of civilization — is natural to a particular phase of human development. It is not essential, but incidental. As amongst the Bushmen we find a state antecedent to government, so may there be one in which it shall have become extinct. Already has it lost something of its importance. The time was when the history of a people was but the history of its government. It is otherwise now. The once universal despotism was but a manifestation of the extreme necessity of restraint. Feudalism, serfdom, slavery, all tyrannical institutions, are merely the most vigorous kinds of rule, springing out of, and necessary to, a bad state of man. The progress from these is in all cases the same — less government. Constitutional forms means this. Political freedom means this. Democracy means this. In societies, associations, joint-stock companies, we have new agencies occupying big fields filled in less advanced times and countries by the State. With us the legislature is dwarfed by newer and greater powers — is no longer master, but slave. "Pressure from without" has come to be acknowledged as ultimate ruler. The triumph of the Anti-Corn Law League is simply the most marked instance yet of the new style of government, that of opinion, overcoming the old style, that of force. It bids fair to become a trite remark that the law-maker is but the servant of the thinker. Daily is Statecraft held in less repute. Even the "Times" can see that "the social changes thickening around us establish a truth sufficiently humiliating to legislative bodies," and that "the great stages of our progress are determined rather by the spontaneous workings of society, connected as they are with the progress of art and science, the operation of nature, and other such unpolitical causes, than by the proposition of a bill, the passing of an act, or any other event of politics or of State." Thus, as civilization advances, does government decay. To the bad it is essential; to the good, not. It is the check which national wickedness makes to itself, and exists only to the same degree. Its continuance is proof of still-existing barbarism. What a cage is to the wild beast, law is to the selfish man. Restraint is for the savage, the rapacious, the violent; not for the just, the gentle, the benevolent. All necessity for external force implies a morbid state. Dungeons for the felon; a strait jacket for the maniac; crutches for the lame; stays for the weak-backed; for the infirm of purpose a master; for the foolish a guide; but for the sound mind in a sound body none of these. Were there no thieves and murderers, prisons would be unnecessary. It is only because tyranny is yet rife in the world that we have armies. Barristers, judges, juries, all the instruments of law, exist simply because knavery exists. Magisterial force is the sequence of social vice, and the policeman is but the complement of the criminal. Therefore it is that we call government "a necessary evil."

What then must be thought of a morality which chooses this probationary institution for its basis, builds a vast fabric of conclusions upon its assumed permanence, selects acts of parliament for its materials, and employs the statesman for its architect? The expediency-philosopher does this. It takes government into partnership, assigns to it entire control of its affairs, enjoins all to defer to its judgment, makes it, in short, the vital principle, the very soul, of its system. When Paley teaches that "the interest of the whole society is binding upon every part of it," he implies the existence of some supreme power by which "that interest of the whole society" is to be determined. And elsewhere he more explicitly tells us that for the attainment of a national advantage the private will of the subject is to give way, and that "the proof of this advantage lies with the legislature." Still more decisive is Bentham when he says that "the happiness of the individuals of whom a community is composed — that is, their pleasures and their security — is the sole end which the legislator ought to have in view, the sole standard in conformity with which each individual ought, as far as depends upon the legislature, to be made to fashion his behavior."

These positions, be it remembered, are not voluntarily assumed; they are necessitated by the premises. If, as its propounder tells us, "expediency" means the benefit of the mass, not of the individual, — of the future as much as of the present, — it presupposes some one to judge of what will most conduce to that benefit. Upon the "utility" of this or that measure the views are so various as to render an umpire essential. Whether protective duties, or established religions, or capital punishments, or poor-laws, do or do not minister to the "general good" are questions concerning which there is such difference of opinion that, were nothing to be done till all agreed upon them, we might stand still to the end of time. If each man carried out, independently of a State power, his own notions of what would best secure "the greatest happiness of the greatest number," society would quickly lapse into confusion. Clearly, therefore, a morality established upon a maxim of which the practical interpretation is questionable involves the existence of some authority whose decisions respecting it shall be final, — that is, a legislature. And without that authority such a morality must ever remain inoperative.

See here, then, the predicament, a system of moral philosophy professes to be a code of correct rules for the control of human beings — fitted for the regulation of the best as well as the worst members of the race — applicable, if true, to the guidance of humanity in its highest conceivable perfection. Government, however, is an institution originating in man's imperfection; an institution confessedly begotten by necessity out of evil; one which might be dispensed with were the world peopled with the unselfish, the conscientious, the philanthropic; one, in short, inconsistent with this same "highest conceivable perfection." How, then, can that be a true system of morality which adopts government as one of its premises?

Author's Endnotes

¹ Sir William Blackstone (1723-1780) was the most renowned of English jurists.

² Hence may be drawn an argument for direct taxation; seeing that only when taxation is direct does repudiation of state burdens become possible.

2.3 Social/Political Justice

2.3.1 Political definition of "Social Justice"

"Social Justice" is used as the justification by statist for transforming a free society where the people are equal to the government into a civil religion that worships government as a pagan deity. Here is a POLITICAL definition of the term from a United Nations report:

"Social justice may be broadly understood as the fair and compassionate distribution of the fruits of economic growth..."

[. . .]

"Social justice is not possible without strong and coherent redistributive policies conceived and implemented by public agencies."

["Social Justice in an Open World: The Role of the United Nations", The International Forum for Social Development, DEPARTMENT OF ECONOMIC AND SOCIAL AFFAIRS, Division for Social Policy and Development, ST/ESA/305" (PDF). New York: United Nations. 2006. p. 16]

According to the above U.N. definition, "social justice" therefore implies:

1. A strong overarching government MUCH more powerful than individuals so it can STEAL from individuals with impunity.

The Law and Charity

You say: "There are persons who have no money," and you turn to the law. but the law is not a breast that fills itself with milk. Nor are the lacteal veins of the law supplied with milk from a source outside the society. Nothing can enter the public treasury for the benefit of one citizen or one class unless other citizens and other classes have been forced to send it in. If every person draws from the treasury the amount that he has put in it, it is true that the law then plunders nobody. But this procedure does nothing for the persons who have no money. It does not promote equality of income. The law can be an instrument of equalization only as it takes from some persons and gives to other persons. When the law does this, it is an instrument of plunder.
[The Law, Frederic Bastiat; SOURCE: <http://famguardian.org/Publications/TheLaw/TheLaw.htm>]

2. A collectivist society, where everything is controlled by the state. Control is synonymous with ownership, because ownership is based on the right to EXCLUDE any and all others from using or benefitting from a thing:

Collectivism: a political or economic theory advocating collective control [e.g. OWNERSHIP] esp. over production and distribution or a system marked by such control.
[Webster's Ninth New Collegiate Dictionary, 1983, ISBN 0-87779-510-X, p. 259]

Property. [. . .]The term is said to extend to every species of valuable right and interest. More specifically, ownership; the unrestricted and exclusive right to a thing; the right to dispose of a thing in every legal way, to possess it, to use it, and to exclude everyone else from interfering with it. That dominion or indefinite right of use or disposition which one may lawfully exercise over particular things or subjects. The exclusive right of possessing, enjoying, and disposing of a thing. The highest right a man can have to anything; being used to refer to that right which one has to lands or tenements, goods or chattels, which no way depends on another man's courtesy.
[Black's Law Dictionary, Fifth Edition, p. 1095]

A government that can take away your property that you haven't hurts someone with is the REAL owner. You are just a custodian over THEIR property if they can do THAT. For more on collectivism, see:

Collectivism and How to Resist It Course, Form #12.024
<http://sedm.org/Forms/FormIndex.htm>

3. A government with superior or supernatural powers above human beings, who are the natural. If it is theft for a human to steal wealth from one and give to another and all people are equal, then the government can't do it either.

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)]

4. No equality between the government and the governed.
5. Coerced servitude to the will of the majority at the expense of the individual.
6. Idolatry, which is the worship or servitude towards anything but God, and ESPECIALLY towards civil rulers.

Then all the elders of Israel gathered together and came to Samuel at Ramah, and said to him, "Look, you are old, and your sons do not walk in your ways. Now make us a king to judge us like all the nations [and be OVER them]".

But the thing displeased Samuel when they said, "Give us a king to judge us." So Samuel prayed to the Lord. And the Lord said to Samuel, "Heed the voice of the people in all that they say to you; for they have rejected Me [God], that I should not reign over them. According to all the works which they have done since the day that I brought them up out of Egypt, even to this day—with which they have forsaken Me and served other gods [Kings, in this case]—so they are doing to you also [government becoming idolatry]. Now therefore, heed their voice. However, you shall solemnly forewarn them, and show them the behavior of the king who will reign over them."

So Samuel told all the words of the LORD to the people who asked him for a king. And he said, "This will be the behavior of the king who will reign over you: He will take [STEAL] your sons and appoint them for his own chariots and to be his horsemen, and some will run before his chariots. He will appoint captains over his thousands and captains over his fifties, will set some to plow his ground and reap his harvest, and some to make his weapons of war and equipment for his chariots. He will take [STEAL] your daughters to be perfumers, cooks, and bakers. And he will take [STEAL] the best of your fields, your vineyards, and your olive groves, and give them to his servants. He will take [STEAL] a tenth of your grain and your vintage, and give it to his officers and servants. And he will take [STEAL] your male servants, your female servants, your finest young men, and your donkeys, and put them to his work [as SLAVES]. He will take [STEAL] a tenth of your

sheep. And you will be his servants [PUBLIC OFFICER SLAVES/WHORES!]. And you will cry out in that day because of your king whom you have chosen for yourselves, and the LORD will not hear you in that day."

Nevertheless the people refused to obey the voice of Samuel; and they said, "No, but we will have a king over us, that we also may be like all the nations, and that our king may judge us and go out before us and fight our battles." [1 Sam. 8:4-20, Bible, NKJV]

7. The resulting government CANNOT be one of delegated powers from the people, because The Sovereign People cannot delegate a power to a government that they themselves do not possess. The following maxims of law prove this point out.

"Derivativa potestas non potest esse major primitive. Wing. Max. 36; Pinch. Law, b.1. c.3, p.11.
The power [sovereign immunity in this case] which is derived cannot be greater than that from which it is derived."
[Bouvier's Law Dictionary Unabridged, 8th Edition, pg. 2131]

"Nemo potest facere per obliquum quod non potest facere per directum. 1 Eden 512.
No one can do that indirectly which cannot be done directly."
[Bouvier's Law Dictionary Unabridged, 8th Edition, pg. 2147]

"Quod per me non possum, nec per alium. 4 Co. 24 b: 11 id. 87a.
What I cannot do in person, I cannot do through the agency of another."
[Bouvier's Law Dictionary Unabridged, 8th Edition, pg. 2159]

For an exhaustive listing of scriptures pertaining to "social justice", see:

Open Bible, Search Page: "Social Justice"
https://www.openbible.info/topics/social_justice

2.3.2 Aristotle's Definition of Justice¹⁴

1

With regards to justice and injustice we must

(1) consider what kind of actions they are concerned with,

(2) what sort of mean justice is, and

(3) between what extremes the just act is intermediate. Our investigation shall follow the same course as the preceding discussions.

We see that all men mean by justice that kind of state of character which makes people disposed to do what is just and makes them act justly and wish for what is just; and similarly by injustice that state which makes them act unjustly and wish for what is unjust. Let us too, then, lay this down as a general basis. For the same is not true of the sciences and the faculties as of states of character. A faculty or a science which is one and the same is held to relate to contrary objects, but a state of character which is one of two contraries does not produce the contrary results; e.g. as a result of health we do not do what is the opposite of healthy, but only what is healthy; for we say a man walks healthily, when he walks as a healthy man would.

Now often one contrary state is recognized from its contrary, and often states are recognized from the subjects that exhibit them; for (A) if good condition is known, bad condition also becomes known, and (B) good condition is known from the things that are in good condition, and they from it. If good condition is firmness of flesh, it is necessary both that bad condition should be flabbiness of flesh and that the wholesome should be that which causes firmness in flesh. And it follows for the most part that if one contrary is ambiguous the other also will be ambiguous; e.g. if 'just' is so, that 'unjust' will be so too.

Now 'justice' and 'injustice' seem to be ambiguous, but because their different meanings approach near to one another the ambiguity escapes notice and is not obvious as it is, comparatively, when the meanings are far apart, e.g. (for here the

¹⁴ Source: *Nicomachean Ethics*, Book V, Aristotle; <http://classics.mit.edu/Aristotle/nicomachaen.5.v.html>.

1 difference in outward form is great) as the ambiguity in the use of kleis for the collar-bone of an animal and for that with
2 which we lock a door. Let us take as a starting-point, then, the various meanings of 'an unjust man'. Both the lawless man and
3 the grasping and unfair man are thought to be unjust, so that evidently both the law-abiding and the fair man will be just. The
4 just, then, is the lawful and the fair, the unjust the unlawful and the unfair.

5 Since the unjust man is grasping, he must be concerned with goods-not all goods, but those with which prosperity and
6 adversity have to do, which taken absolutely are always good, but for a particular person are not always good. Now men pray
7 for and pursue these things; but they should not, but should pray that the things that are good absolutely may also be good for
8 them, and should choose the things that are good for them. The unjust man does not always choose the greater, but also the
9 less-in the case of things bad absolutely; but because the lesser evil is itself thought to be in a sense good, and graspingness
10 is directed at the good, therefore he is thought to be grasping. And he is unfair; for this contains and is common to both.

11 Since the lawless man was seen to be unjust and the law-abiding man just, evidently all lawful acts are in a sense just acts;
12 for the acts laid down by the legislative art are lawful, and each of these, we say, is just. Now the laws in their enactments on
13 all subjects aim at the common advantage either of all or of the best or of those who hold power, or something of the sort; so
14 that in one sense we call those acts just that tend to produce and preserve happiness and its components for the political
15 society. And the law bids us do both the acts of a brave man (e.g. not to desert our post nor take to flight nor throw away our
16 arms), and those of a temperate man (e.g. not to commit adultery nor to gratify one's lust), and those of a good-tempered man
17 (e.g. not to strike another nor to speak evil), and similarly with regard to the other virtues and forms of wickedness,
18 commanding some acts and forbidding others; and the rightly-framed law does this rightly, and the hastily conceived one less
19 well. This form of justice, then, is complete virtue, but not absolutely, but in relation to our neighbour. And therefore justice
20 is often thought to be the greatest of virtues, and 'neither evening nor morning star' is so wonderful; and proverbially 'in justice
21 is every virtue comprehended'. And it is complete virtue in its fullest sense, because it is the actual exercise of complete
22 virtue. It is complete because he who possesses it can exercise his virtue not only in himself but towards his neighbour also;
23 for many men can exercise virtue in their own affairs, but not in their relations to their neighbour. This is why the saying of
24 Bias is thought to be true, that 'rule will show the man'; for a ruler is necessarily in relation to other men and a member of a
25 society. For this same reason justice, alone of the virtues, is thought to be 'another's good', because it is related to our
26 neighbour; for it does what is advantageous to another, either a ruler or a copartner. Now the worst man is he who exercises
27 his wickedness both towards himself and towards his friends, and the best man is not he who exercises his virtue towards
28 himself but he who exercises it towards another; for this is a difficult task. Justice in this sense, then, is not part of virtue but
29 virtue entire, nor is the contrary injustice a part of vice but vice entire. What the difference is between virtue and justice in
30 this sense is plain from what we have said; they are the same but their essence is not the same; what, as a relation to one's
31 neighbour, is justice is, as a certain kind of state without qualification, virtue.

32 2

33 But at all events what we are investigating is the justice which is a part of virtue; for there is a justice of this kind, as we
34 maintain. Similarly it is with injustice in the particular sense that we are concerned.

35 That there is such a thing is indicated by the fact that while the man who exhibits in action the other forms of wickedness acts
36 wrongly indeed, but not graspingly (e.g. the man who throws away his shield through cowardice or speaks harshly through
37 bad temper or fails to help a friend with money through meanness), when a man acts graspingly he often exhibits none of
38 these vices, no, nor all together, but certainly wickedness of some kind (for we blame him) and injustice. There is, then,
39 another kind of injustice which is a part of injustice in the wide sense, and a use of the word 'unjust' which answers to a part
40 of what is unjust in the wide sense of 'contrary to the law'. Again if one man commits adultery for the sake of gain and makes
41 money by it, while another does so at the bidding of appetite though he loses money and is penalized for it, the latter would
42 be held to be self-indulgent rather than grasping, but the former is unjust, but not self-indulgent; evidently, therefore, he is
43 unjust by reason of his making gain by his act. Again, all other unjust acts are ascribed invariably to some particular kind of
44 wickedness, e.g. adultery to self-indulgence, the desertion of a comrade in battle to cowardice, physical violence to anger;
45 but if a man makes gain, his action is ascribed to no form of wickedness but injustice. Evidently, therefore, there is apart from
46 injustice in the wide sense another, 'particular', injustice which shares the name and nature of the first, because its definition
47 falls within the same genus; for the significance of both consists in a relation to one's neighbour, but the one is concerned
48 with honour or money or safety-or that which includes all these, if we had a single name for it-and its motive is the pleasure
49 that arises from gain; while the other is concerned with all the objects with which the good man is concerned.

50 It is clear, then, that there is more than one kind of justice, and that there is one which is distinct from virtue entire; we must
51 try to grasp its genus and differentia.

The unjust has been divided into the unlawful and the unfair, and the just into the lawful and the fair. To the unlawful answers the afore-mentioned sense of injustice. But since unfair and the unlawful are not the same, but are different as a part is from its whole (for all that is unfair is unlawful, but not all that is unlawful is unfair), the unjust and injustice in the sense of the unfair are not the same as but different from the former kind, as part from whole; for injustice in this sense is a part of injustice in the wide sense, and similarly justice in the one sense of justice in the other. Therefore we must speak also about particular justice and particular and similarly about the just and the unjust. The justice, then, which answers to the whole of virtue, and the corresponding injustice, one being the exercise of virtue as a whole, and the other that of vice as a whole, towards one's neighbour, we may leave on one side. And how the meanings of 'just' and 'unjust' which answer to these are to be distinguished is evident; for practically the majority of the acts commanded by the law are those which are prescribed from the point of view of virtue taken as a whole; for the law bids us practise every virtue and forbids us to practise any vice. And the things that tend to produce virtue taken as a whole are those of the acts prescribed by the law which have been prescribed with a view to education for the common good. But with regard to the education of the individual as such, which makes him without qualification a good man, we must determine later whether this is the function of the political art or of another; for perhaps it is not the same to be a good man and a good citizen of any state taken at random.

Of particular justice and that which is just in the corresponding sense, (A) one kind is that which is manifested in distributions of honour or money or the other things that fall to be divided among those who have a share in the constitution (for in these it is possible for one man to have a share either unequal or equal to that of another), and (B) one is that which plays a rectifying part in transactions between man and man. Of this there are two divisions; of transactions (1) some are voluntary and (2) others involuntary- voluntary such transactions as sale, purchase, loan for consumption, pledging, loan for use, depositing, letting (they are called voluntary because the origin of these transactions is voluntary), while of the involuntary (a) some are clandestine, such as theft, adultery, poisoning, procuring, enticement of slaves, assassination, false witness, and (b) others are violent, such as assault, imprisonment, murder, robbery with violence, mutilation, abuse, insult.

3

(A) We have shown that both the unjust man and the unjust act are unfair or unequal; now it is clear that there is also an intermediate between the two unequals involved in either case. And this is the equal; for in any kind of action in which there's a more and a less there is also what is equal. If, then, the unjust is unequal, just is equal, as all men suppose it to be, even apart from argument. And since the equal is intermediate, the just will be an intermediate. Now equality implies at least two things. The just, then, must be both intermediate and equal and relative (i.e. for certain persons). And since the equal intermediate it must be between certain things (which are respectively greater and less); equal, it involves two things; qua just, it is for certain people. The just, therefore, involves at least four terms; for the persons for whom it is in fact just are two, and the things in which it is manifested, the objects distributed, are two. And the same equality will exist between the persons and between the things concerned; for as the latter the things concerned-are related, so are the former; if they are not equal, they will not have what is equal, but this is the origin of quarrels and complaints-when either equals have and are awarded unequal shares, or unequals equal shares. Further, this is plain from the fact that awards should be 'according to merit'; for all men agree that what is just in distribution must be according to merit in some sense, though they do not all specify the same sort of merit, but democrats identify it with the status of freeman, supporters of oligarchy with wealth (or with noble birth), and supporters of aristocracy with excellence.

The just, then, is a species of the proportionate (proportion being not a property only of the kind of number which consists of abstract units, but of number in general). For proportion is equality of ratios, and involves four terms at least (that discrete proportion involves four terms is plain, but so does continuous proportion, for it uses one term as two and mentions it twice; e.g. 'as the line A is to the line B, so is the line B to the line C'; the line B, then, has been mentioned twice, so that if the line B be assumed twice, the proportional terms will be four); and the just, too, involves at least four terms, and the ratio between one pair is the same as that between the other pair; for there is a similar distinction between the persons and between the things. As the term A, then, is to B, so will C be to D, and therefore, alternando, as A is to C, B will be to D. Therefore also the whole is in the same ratio to the whole; and this coupling the distribution effects, and, if the terms are so combined, effects justly. The conjunction, then, of the term A with C and of B with D is what is just in distribution, and this species of the just is intermediate, and the unjust is what violates the proportion; for the proportional is intermediate, and the just is proportional. (Mathematicians call this kind of proportion geometrical; for it is in geometrical proportion that it follows that the whole is to the whole as either part is to the corresponding part.) This proportion is not continuous; for we cannot get a single term standing for a person and a thing.

This, then, is what the just is-the proportional; the unjust is what violates the proportion. Hence one term becomes too great, the other too small, as indeed happens in practice; for the man who acts unjustly has too much, and the man who is unjustly

1 treated too little, of what is good. In the case of evil the reverse is true; for the lesser evil is reckoned a good in comparison
2 with the greater evil, since the lesser evil is rather to be chosen than the greater, and what is worthy of choice is good, and
3 what is worthier of choice a greater good.

4 This, then, is one species of the just.

5 4

6 (B) The remaining one is the rectificatory, which arises in connexion with transactions both voluntary and involuntary. This
7 form of the just has a different specific character from the former. For the justice which distributes common possessions is
8 always in accordance with the kind of proportion mentioned above (for in the case also in which the distribution is made from
9 the common funds of a partnership it will be according to the same ratio which the funds put into the business by the partners
10 bear to one another); and the injustice opposed to this kind of justice is that which violates the proportion. But the justice in
11 transactions between man and man is a sort of equality indeed, and the injustice a sort of inequality; not according to that
12 kind of proportion, however, but according to arithmetical proportion. For it makes no difference whether a good man has
13 defrauded a bad man or a bad man a good one, nor whether it is a good or a bad man that has committed adultery; the law
14 looks only to the distinctive character of the injury, and treats the parties as equal, if one is in the wrong and the other is being
15 wronged, and if one inflicted injury and the other has received it. Therefore, this kind of injustice being an inequality, the
16 judge tries to equalize it; for in the case also in which one has received and the other has inflicted a wound, or one has slain
17 and the other been slain, the suffering and the action have been unequally distributed; but the judge tries to equalize by means
18 of the penalty, taking away from the gain of the assailant. For the term 'gain' is applied generally to such cases, even if it be
19 not a term appropriate to certain cases, e.g. to the person who inflicts a wound and 'loss' to the sufferer; at all events when the
20 suffering has been estimated, the one is called loss and the other gain. Therefore the equal is intermediate between the greater
21 and the less, but the gain and the loss are respectively greater and less in contrary ways; more of the good and less of the evil
22 are gain, and the contrary is loss; intermediate between them is, as we saw, equal, which we say is just; therefore corrective
23 justice will be the intermediate between loss and gain. This is why, when people dispute, they take refuge in the judge; and
24 to go to the judge is to go to justice; for the nature of the judge is to be a sort of animate justice; and they seek the judge as
25 an intermediate, and in some states they call judges mediators, on the assumption that if they get what is intermediate they
26 will get what is just. The just, then, is an intermediate, since the judge is so. Now the judge restores equality; it is as though
27 there were a line divided into unequal parts, and he took away that by which the greater segment exceeds the half, and added
28 it to the smaller segment. And when the whole has been equally divided, then they say they have 'their own'-i.e. when they
29 have got what is equal. The equal is intermediate between the greater and the lesser line according to arithmetical proportion.
30 It is for this reason also that it is called just (sikaion), because it is a division into two equal parts (sicha), just as if one were
31 to call it sichaion; and the judge (sikastes) is one who bisects (sichastes). For when something is subtracted from one of two
32 equals and added to the other, the other is in excess by these two; since if what was taken from the one had not been added
33 to the other, the latter would have been in excess by one only. It therefore exceeds the intermediate by one, and the
34 intermediate exceeds by one that from which something was taken. By this, then, we shall recognize both what we must
35 subtract from that which has more, and what we must add to that which has less; we must add to the latter that by which the
36 intermediate exceeds it, and subtract from the greatest that by which it exceeds the intermediate. Let the lines AA', BB', CC'
37 be equal to one another; from the line AA' let the segment AE have been subtracted, and to the line CC' let the segment Cd
38 have been added, so that the whole line DCC' exceeds the line EA' by the segment CD and the segment CF; therefore it
39 exceeds the line Bb' by the segment CD. (See diagram.)

40 These names, both loss and gain, have come from voluntary exchange; for to have more than one's own is called gaining, and
41 to have less than one's original share is called losing, e.g. in buying and selling and in all other matters in which the law has
42 left people free to make their own terms; but when they get neither more nor less but just what belongs to themselves, they
43 say that they have their own and that they neither lose nor gain.

44 Therefore the just is intermediate between a sort of gain and a sort of loss, viz. those which are involuntary; it consists in
45 having an equal amount before and after the transaction.

46 5

47 Some think that reciprocity is without qualification just, as the Pythagoreans said; for they defined justice without
48 qualification as reciprocity. Now 'reciprocity' fits neither distributive nor rectificatory justice-yet people want even the justice
49 of Rhadamanthus to mean this:

Should a man suffer what he did, right justice would be done -for in many cases reciprocity and rectificatory justice are not in accord; e.g. (1) if an official has inflicted a wound, he should not be wounded in return, and if some one has wounded an official, he ought not to be wounded only but punished in addition. Further (2) there is a great difference between a voluntary and an involuntary act. But in associations for exchange this sort of justice does hold men together-reciprocity in accordance with a proportion and not on the basis of precisely equal return. For it is by proportionate requital that the city holds together. Men seek to return either evil for evil-and if they cannot do so, think their position mere slavery-or good for good-and if they cannot do so there is no exchange, but it is by exchange that they hold together. This is why they give a prominent place to the temple of the Graces-to promote the requital of services; for this is characteristic of grace-we should serve in return one who has shown grace to us, and should another time take the initiative in showing it.

Now proportionate return is secured by cross-conjunction. Let A be a builder, B a shoemaker, C a house, D a shoe. The builder, then, must get from the shoemaker the latter's work, and must himself give him in return his own. If, then, first there is proportionate equality of goods, and then reciprocal action takes place, the result we mention will be effected. If not, the bargain is not equal, and does not hold; for there is nothing to prevent the work of the one being better than that of the other; they must therefore be equated. (And this is true of the other arts also; for they would have been destroyed if what the patient suffered had not been just what the agent did, and of the same amount and kind.) For it is not two doctors that associate for exchange, but a doctor and a farmer, or in general people who are different and unequal; but these must be equated. This is why all things that are exchanged must be somehow comparable. It is for this end that money has been introduced, and it becomes in a sense an intermediate; for it measures all things, and therefore the excess and the defect-how many shoes are equal to a house or to a given amount of food. The number of shoes exchanged for a house (or for a given amount of food) must therefore correspond to the ratio of builder to shoemaker. For if this be not so, there will be no exchange and no intercourse. And this proportion will not be effected unless the goods are somehow equal. All goods must therefore be measured by some one thing, as we said before. Now this unit is in truth demand, which holds all things together (for if men did not need one another's goods at all, or did not need them equally, there would be either no exchange or not the same exchange); but money has become by convention a sort of representative of demand; and this is why it has the name 'money' (nomisma)-because it exists not by nature but by law (nomos) and it is in our power to change it and make it useless. There will, then, be reciprocity when the terms have been equated so that as farmer is to shoemaker, the amount of the shoemaker's work is to that of the farmer's work for which it exchanges. But we must not bring them into a figure of proportion when they have already exchanged (otherwise one extreme will have both excesses), but when they still have their own goods. Thus they are equals and associates just because this equality can be effected in their case. Let A be a farmer, C food, B a shoemaker, D his product equated to C. If it had not been possible for reciprocity to be thus effected, there would have been no association of the parties. That demand holds things together as a single unit is shown by the fact that when men do not need one another, i.e. when neither needs the other or one does not need the other, they do not exchange, as we do when some one wants what one has oneself, e.g. when people permit the exportation of corn in exchange for wine. This equation therefore must be established. And for the future exchange-that if we do not need a thing now we shall have it if ever we do need it-money is as it were our surety; for it must be possible for us to get what we want by bringing the money. Now the same thing happens to money itself as to goods-it is not always worth the same; yet it tends to be steadier. This is why all goods must have a price set on them; for then there will always be exchange, and if so, association of man with man. Money, then, acting as a measure, makes goods commensurate and equates them; for neither would there have been association if there were not exchange, nor exchange if there were not equality, nor equality if there were not commensurability. Now in truth it is impossible that things differing so much should become commensurate, but with reference to demand they may become so sufficiently. There must, then, be a unit, and that fixed by agreement (for which reason it is called money); for it is this that makes all things commensurate, since all things are measured by money. Let A be a house, B ten minae, C a bed. A is half of B, if the house is worth five minae or equal to them; the bed, C, is a tenth of B; it is plain, then, how many beds are equal to a house, viz. five. That exchange took place thus before there was money is plain; for it makes no difference whether it is five beds that exchange for a house, or the money value of five beds.

We have now defined the unjust and the just. These having been marked off from each other, it is plain that just action is intermediate between acting unjustly and being unjustly treated; for the one is to have too much and the other to have too little. Justice is a kind of mean, but not in the same way as the other virtues, but because it relates to an intermediate amount, while injustice relates to the extremes. And justice is that in virtue of which the just man is said to be a doer, by choice, of that which is just, and one who will distribute either between himself and another or between two others not so as to give more of what is desirable to himself and less to his neighbour (and conversely with what is harmful), but so as to give what is equal in accordance with proportion; and similarly in distributing between two other persons. Injustice on the other hand is similarly related to the unjust, which is excess and defect, contrary to proportion, of the useful or hurtful. For which reason injustice is excess and defect, viz. because it is productive of excess and defect-in one's own case excess of what is in its own nature useful and defect of what is hurtful, while in the case of others it is as a whole like what it is in one's own case, but

1 proportion may be violated in either direction. In the unjust act to have too little is to be unjustly treated; to have too much is
2 to act unjustly.

3 Let this be taken as our account of the nature of justice and injustice, and similarly of the just and the unjust in general.

4 6

5 Since acting unjustly does not necessarily imply being unjust, we must ask what sort of unjust acts imply that the doer is
6 unjust with respect to each type of injustice, e.g. a thief, an adulterer, or a brigand. Surely the answer does not turn on the
7 difference between these types. For a man might even lie with a woman knowing who she was, but the origin of his might be
8 not deliberate choice but passion. He acts unjustly, then, but is not unjust; e.g. a man is not a thief, yet he stole, nor an
9 adulterer, yet he committed adultery; and similarly in all other cases.

10 Now we have previously stated how the reciprocal is related to the just; but we must not forget that what we are looking for
11 is not only what is just without qualification but also political justice. This is found among men who share their life with a
12 view to self sufficiency, men who are free and either proportionately or arithmetically equal, so that between those who do
13 not fulfil this condition there is no political justice but justice in a special sense and by analogy. For justice exists only between
14 men whose mutual relations are governed by law; and law exists for men between whom there is injustice; for legal justice
15 is the discrimination of the just and the unjust. And between men between whom there is injustice there is also unjust action
16 (though there is not injustice between all between whom there is unjust action), and this is assigning too much to oneself of
17 things good in themselves and too little of things evil in themselves. This is why we do not allow a man to rule, but rational
18 principle, because a man behaves thus in his own interests and becomes a tyrant. The magistrate on the other hand is the
19 guardian of justice, and, if of justice, then of equality also. And since he is assumed to have no more than his share, if he is
20 just (for he does not assign to himself more of what is good in itself, unless such a share is proportional to his merits-so that
21 it is for others that he labours, and it is for this reason that men, as we stated previously, say that justice is 'another's good'),
22 therefore a reward must be given him, and this is honour and privilege; but those for whom such things are not enough become
23 tyrants.

24 The justice of a master and that of a father are not the same as the justice of citizens, though they are like it; for there can be
25 no injustice in the unqualified sense towards thing that are one's own, but a man's chattel, and his child until it reaches a
26 certain age and sets up for itself, are as it were part of himself, and no one chooses to hurt himself (for which reason there
27 can be no injustice towards oneself). Therefore the justice or injustice of citizens is not manifested in these relations; for it
28 was as we saw according to law, and between people naturally subject to law, and these as we saw are people who have an
29 equal share in ruling and being ruled. Hence justice can more truly be manifested towards a wife than towards children and
30 chattels, for the former is household justice; but even this is different from political justice.

31 7

32 Of political justice part is natural, part legal, natural, that which everywhere has the same force and does not exist by people's
33 thinking this or that; legal, that which is originally indifferent, but when it has been laid down is not indifferent, e.g. that a
34 prisoner's ransom shall be a mina, or that a goat and not two sheep shall be sacrificed, and again all the laws that are passed
35 for particular cases, e.g. that sacrifice shall be made in honour of Brasidas, and the provisions of decrees. Now some think
36 that all justice is of this sort, because that which is by nature is unchangeable and has everywhere the same force (as fire
37 burns both here and in Persia), while they see change in the things recognized as just. This, however, is not true in this
38 unqualified way, but is true in a sense; or rather, with the gods it is perhaps not true at all, while with us there is something
39 that is just even by nature, yet all of it is changeable; but still some is by nature, some not by nature. It is evident which sort
40 of thing, among things capable of being otherwise, is by nature, and which is not but is legal and conventional, assuming that
41 both are equally changeable. And in all other things the same distinction will apply; by nature the right hand is stronger, yet
42 it is possible that all men should come to be ambidextrous. The things which are just by virtue of convention and expediency
43 are like measures; for wine and corn measures are not everywhere equal, but larger in wholesale and smaller in retail markets.
44 Similarly, the things which are just not by nature but by human enactment are not everywhere the same, since constitutions
45 also are not the same, though there is but one which is everywhere by nature the best. Of things just and lawful each is related
46 as the universal to its particulars; for the things that are done are many, but of them each is one, since it is universal.

47 There is a difference between the act of injustice and what is unjust, and between the act of justice and what is just; for a
48 thing is unjust by nature or by enactment; and this very thing, when it has been done, is an act of injustice, but before it is

1 done is not yet that but is unjust. So, too, with an act of justice (though the general term is rather 'just action', and 'act of
2 justice' is applied to the correction of the act of injustice).

3 Each of these must later be examined separately with regard to the nature and number of its species and the nature of the
4 things with which it is concerned.

5 8

6 Acts just and unjust being as we have described them, a man acts unjustly or justly whenever he does such acts voluntarily;
7 when involuntarily, he acts neither unjustly nor justly except in an incidental way; for he does things which happen to be just
8 or unjust. Whether an act is or is not one of injustice (or of justice) is determined by its voluntariness or involuntariness; for
9 when it is voluntary it is blamed, and at the same time is then an act of injustice; so that there will be things that are unjust
10 but not yet acts of injustice, if voluntariness be not present as well. By the voluntary I mean, as has been said before, any of
11 the things in a man's own power which he does with knowledge, i.e. not in ignorance either of the person acted on or of the
12 instrument used or of the end that will be attained (e.g. whom he is striking, with what, and to what end), each such act being
13 done not incidentally nor under compulsion (e.g. if A takes B's hand and therewith strikes C, B does not act voluntarily; for
14 the act was not in his own power). The person struck may be the striker's father, and the striker may know that it is a man or
15 one of the persons present, but not know that it is his father; a similar distinction may be made in the case of the end, and
16 with regard to the whole action. Therefore that which is done in ignorance, or though not done in ignorance is not in the
17 agent's power, or is done under compulsion, is involuntary (for many natural processes, even, we knowingly both perform
18 and experience, none of which is either voluntary or involuntary; e.g. growing old or dying). But in the case of unjust and
19 just acts alike the injustice or justice may be only incidental; for a man might return a deposit unwillingly and from fear, and
20 then he must not be said either to do what is just or to act justly, except in an incidental way. Similarly the man who under
21 compulsion and unwillingly fails to return the deposit must be said to act unjustly, and to do what is unjust, only incidentally.
22 Of voluntary acts we do some by choice, others not by choice; by choice those which we do after deliberation, not by choice
23 those which we do without previous deliberation. Thus there are three kinds of injury in transactions between man and man;
24 those done in ignorance are mistakes when the person acted on, the act, the instrument, or the end that will be attained is other
25 than the agent supposed; the agent thought either that he was not hitting any one or that he was not hitting with this missile
26 or not hitting this person or to this end, but a result followed other than that which he thought likely (e.g. he threw not with
27 intent to wound but only to prick), or the person hit or the missile was other than he supposed. Now when (1) the injury takes
28 place contrary to reasonable expectation, it is a misadventure. When (2) it is not contrary to reasonable expectation, but does
29 not imply vice, it is a mistake (for a man makes a mistake when the fault originates in him, but is the victim of accident when
30 the origin lies outside him). When (3) he acts with knowledge but not after deliberation, it is an act of injustice-e.g. the acts
31 due to anger or to other passions necessary or natural to man; for when men do such harmful and mistaken acts they act
32 unjustly, and the acts are acts of injustice, but this does not imply that the doers are unjust or wicked; for the injury is not due
33 to vice. But when (4) a man acts from choice, he is an unjust man and a vicious man.

34 Hence acts proceeding from anger are rightly judged not to be done of malice aforethought; for it is not the man who acts in
35 anger but he who enraged him that starts the mischief. Again, the matter in dispute is not whether the thing happened or not,
36 but its justice; for it is apparent injustice that occasions rage. For they do not dispute about the occurrence of the act-as in
37 commercial transactions where one of the two parties must be vicious-unless they do so owing to forgetfulness; but, agreeing
38 about the fact, they dispute on which side justice lies (whereas a man who has deliberately injured another cannot help
39 knowing that he has done so), so that the one thinks he is being treated unjustly and the other disagrees.

40 But if a man harms another by choice, he acts unjustly; and these are the acts of injustice which imply that the doer is an
41 unjust man, provided that the act violates proportion or equality. Similarly, a man is just when he acts justly by choice; but
42 he acts justly if he merely acts voluntarily.

43 Of involuntary acts some are excusable, others not. For the mistakes which men make not only in ignorance but also from
44 ignorance are excusable, while those which men do not from ignorance but (though they do them in ignorance) owing to a
45 passion which is neither natural nor such as man is liable to, are not excusable.

46 9

47 Assuming that we have sufficiently defined the suffering and doing of injustice, it may be asked (1) whether the truth in
48 expressed in Euripides' paradoxical words:

1 I slew my mother, that's my tale in brief.

2 Were you both willing, or unwilling both?

3 Is it truly possible to be willingly treated unjustly, or is all suffering of injustice the contrary involuntary, as all unjust action
4 is voluntary? And is all suffering of injustice of the latter kind or else all of the former, or is it sometimes voluntary, sometimes
5 involuntary? So, too, with the case of being justly treated; all just action is voluntary, so that it is reasonable that there should
6 be a similar opposition in either case—that both being unjustly and being justly treated should be either alike voluntary or alike
7 involuntary. But it would be thought paradoxical even in the case of being justly treated, if it were always voluntary; for some
8 are unwillingly treated justly. (2) One might raise this question also, whether every one who has suffered what is unjust is
9 being unjustly treated, or on the other hand it is with suffering as with acting. In action and in passivity alike it is possible to
10 partake of justice incidentally, and similarly (it is plain) of injustice; for to do what is unjust is not the same as to act unjustly,
11 nor to suffer what is unjust as to be treated unjustly, and similarly in the case of acting justly and being justly treated; for it is
12 impossible to be unjustly treated if the other does not act unjustly, or justly treated unless he acts justly. Now if to act unjustly
13 is simply to harm some one voluntarily, and 'voluntarily' means 'knowing the person acted on, the instrument, and the manner
14 of one's acting', and the incontinent man voluntarily harms himself, not only will he voluntarily be unjustly treated but it will
15 be possible to treat oneself unjustly. (This also is one of the questions in doubt, whether a man can treat himself unjustly.)
16 Again, a man may voluntarily, owing to incontinence, be harmed by another who acts voluntarily, so that it would be possible
17 to be voluntarily treated unjustly. Or is our definition incorrect; must we to 'harming another, with knowledge both of the
18 person acted on, of the instrument, and of the manner' add 'contrary to the wish of the person acted on'? Then a man may be
19 voluntarily harmed and voluntarily suffer what is unjust, but no one is voluntarily treated unjustly; for no one wishes to be
20 unjustly treated, not even the incontinent man. He acts contrary to his wish; for no one wishes for what he does not think to
21 be good, but the incontinent man does do things that he does not think he ought to do. Again, one who gives what is his own,
22 as Homer says Glaucus gave Diomedes

23 Armour of gold for brazen, the price of a hundred beeves for nine, is not unjustly treated; for though to give is in his power,
24 to be unjustly treated is not, but there must be some one to treat him unjustly. It is plain, then, that being unjustly treated is
25 not voluntary.

26 Of the questions we intended to discuss two still remain for discussion; (3) whether it is the man who has assigned to another
27 more than his share that acts unjustly, or he who has the excessive share, and (4) whether it is possible to treat oneself unjustly.
28 The questions are connected; for if the former alternative is possible and the distributor acts unjustly and not the man who
29 has the excessive share, then if a man assigns more to another than to himself, knowingly and voluntarily, he treats himself
30 unjustly; which is what modest people seem to do, since the virtuous man tends to take less than his share. Or does this
31 statement too need qualification? For (a) he perhaps gets more than his share of some other good, e.g. of honour or of intrinsic
32 nobility. (b) The question is solved by applying the distinction we applied to unjust action; for he suffers nothing contrary to
33 his own wish, so that he is not unjustly treated as far as this goes, but at most only suffers harm.

34 It is plain too that the distributor acts unjustly, but not always the man who has the excessive share; for it is not he to whom
35 what is unjust appertains that acts unjustly, but he to whom it appertains to do the unjust act voluntarily, i.e. the person in
36 whom lies the origin of the action, and this lies in the distributor, not in the receiver. Again, since the word 'do' is ambiguous,
37 and there is a sense in which lifeless things, or a hand, or a servant who obeys an order, may be said to slay, he who gets an
38 excessive share does not act unjustly, though he 'does' what is unjust.

39 Again, if the distributor gave his judgement in ignorance, he does not act unjustly in respect of legal justice, and his judgement
40 is not unjust in this sense, but in a sense it is unjust (for legal justice and primordial justice are different); but if with knowledge
41 he judged unjustly, he is himself aiming at an excessive share either of gratitude or of revenge. As much, then, as if he were
42 to share in the plunder, the man who has judged unjustly for these reasons has got too much; the fact that what he gets is
43 different from what he distributes makes no difference, for even if he awards land with a view to sharing in the plunder he
44 gets not land but money.

45 Men think that acting unjustly is in their power, and therefore that being just is easy. But it is not; to lie with one's neighbour's
46 wife, to wound another, to deliver a bribe, is easy and in our power, but to do these things as a result of a certain state of
47 character is neither easy nor in our power. Similarly to know what is just and what is unjust requires, men think, no great
48 wisdom, because it is not hard to understand the matters dealt with by the laws (though these are not the things that are just,
49 except incidentally); but how actions must be done and distributions effected in order to be just, to know this is a greater
50 achievement than knowing what is good for the health; though even there, while it is easy to know that honey, wine, hellebore,

cautery, and the use of the knife are so, to know how, to whom, and when these should be applied with a view to producing health, is no less an achievement than that of being a physician. Again, for this very reason men think that acting unjustly is characteristic of the just man no less than of the unjust, because he would be not less but even more capable of doing each of these unjust acts; for he could lie with a woman or wound a neighbour; and the brave man could throw away his shield and turn to flight in this direction or in that. But to play the coward or to act unjustly consists not in doing these things, except incidentally, but in doing them as the result of a certain state of character, just as to practise medicine and healing consists not in applying or not applying the knife, in using or not using medicines, but in doing so in a certain way.

Just acts occur between people who participate in things good in themselves and can have too much or too little of them; for some beings (e.g. presumably the gods) cannot have too much of them, and to others, those who are incurably bad, not even the smallest share in them is beneficial but all such goods are harmful, while to others they are beneficial up to a point; therefore justice is essentially something human.

10

Our next subject is equity and the equitable (to *epieikes*), and their respective relations to justice and the just. For on examination they appear to be neither absolutely the same nor generically different; and while we sometime praise what is equitable and the equitable man (so that we apply the name by way of praise even to instances of the other virtues, instead of 'good' meaning by *epieikestebon* that a thing is better), at other times, when we reason it out, it seems strange if the equitable, being something different from the just, is yet praiseworthy; for either the just or the equitable is not good, if they are different; or, if both are good, they are the same.

These, then, are pretty much the considerations that give rise to the problem about the equitable; they are all in a sense correct and not opposed to one another; for the equitable, though it is better than one kind of justice, yet is just, and it is not as being a different class of thing that it is better than the just. The same thing, then, is just and equitable, and while both are good the equitable is superior. What creates the problem is that the equitable is just, but not the legally just but a correction of legal justice. The reason is that all law is universal but about some things it is not possible to make a universal statement which shall be correct. In those cases, then, in which it is necessary to speak universally, but not possible to do so correctly, the law takes the usual case, though it is not ignorant of the possibility of error. And it is none the less correct; for the error is in the law nor in the legislator but in the nature of the thing, since the matter of practical affairs is of this kind from the start. When the law speaks universally, then, and a case arises on it which is not covered by the universal statement, then it is right, where the legislator fails us and has erred by oversimplicity, to correct the omission-to say what the legislator himself would have said had he been present, and would have put into his law if he had known. Hence the equitable is just, and better than one kind of justice-not better than absolute justice but better than the error that arises from the absoluteness of the statement. And this is the nature of the equitable, a correction of law where it is defective owing to its universality. In fact this is the reason why all things are not determined by law, that about some things it is impossible to lay down a law, so that a decree is needed. For when the thing is indefinite the rule also is indefinite, like the leaden rule used in making the Lesbian moulding; the rule adapts itself to the shape of the stone and is not rigid, and so too the decree is adapted to the facts.

It is plain, then, what the equitable is, and that it is just and is better than one kind of justice. It is evident also from this who the equitable man is; the man who chooses and does such acts, and is no stickler for his rights in a bad sense but tends to take less than his share though he has the law on his side, is equitable, and this state of character is equity, which is a sort of justice and not a different state of character.

11

Whether a man can treat himself unjustly or not, is evident from what has been said. For (a) one class of just acts are those acts in accordance with any virtue which are prescribed by the law; e.g. the law does not expressly permit suicide, and what it does not expressly permit it forbids. Again, when a man in violation of the law harms another (otherwise than in retaliation) voluntarily, he acts unjustly, and a voluntary agent is one who knows both the person he is affecting by his action and the instrument he is using; and he who through anger voluntarily stabs himself does this contrary to the right rule of life, and this the law does not allow; therefore he is acting unjustly. But towards whom? Surely towards the state, not towards himself. For he suffers voluntarily, but no one is voluntarily treated unjustly. This is also the reason why the state punishes; a certain loss of civil rights attaches to the man who destroys himself, on the ground that he is treating the state unjustly.

Further (b) in that sense of 'acting unjustly' in which the man who 'acts unjustly' is unjust only and not bad all round, it is not possible to treat oneself unjustly (this is different from the former sense; the unjust man in one sense of the term is wicked in

a particularized way just as the coward is, not in the sense of being wicked all round, so that his 'unjust act' does not manifest wickedness in general). For (i) that would imply the possibility of the same thing's having been subtracted from and added to the same thing at the same time; but this is impossible-the just and the unjust always involve more than one person. Further, (ii) unjust action is voluntary and done by choice, and takes the initiative (for the man who because he has suffered does the same in return is not thought to act unjustly); but if a man harms himself he suffers and does the same things at the same time. Further, (iii) if a man could treat himself unjustly, he could be voluntarily treated unjustly. Besides, (iv) no one acts unjustly without committing particular acts of injustice; but no one can commit adultery with his own wife or housebreaking on his own house or theft on his own property,

In general, the question 'can a man treat himself unjustly?' is solved also by the distinction we applied to the question 'can a man be voluntarily treated unjustly?'

(It is evident too that both are bad, being unjustly treated and acting unjustly; for the one means having less and the other having more than the intermediate amount, which plays the part here that the healthy does in the medical art, and that good condition does in the art of bodily training. But still acting unjustly is the worse, for it involves vice and is blameworthy-involves vice which is either of the complete and unqualified kind or almost so (we must admit the latter alternative, because not all voluntary unjust action implies injustice as a state of character), while being unjustly treated does not involve vice and injustice in oneself. In itself, then, being unjustly treated is less bad, but there is nothing to prevent its being incidentally a greater evil. But theory cares nothing for this; it calls pleurisy a more serious mischief than a stumble; yet the latter may become incidentally the more serious, if the fall due to it leads to your being taken prisoner or put to death the enemy.)

Metaphorically and in virtue of a certain resemblance there is a justice, not indeed between a man and himself, but between certain parts of him; yet not every kind of justice but that of master and servant or that of husband and wife. For these are the ratios in which the part of the soul that has a rational principle stands to the irrational part; and it is with a view to these parts that people also think a man can be unjust to himself, viz. because these parts are liable to suffer something contrary to their respective desires; there is therefore thought to be a mutual justice between them as between ruler and ruled.

Let this be taken as our account of justice and the other, i.e. the other moral, virtues.

2.4 Biblical Justice

2.4.1 Biblical definition of "justice": God's law is the ONLY measure for whether "justice" is in deed and in fact served by any secular judge

The following Bible dictionary establishes that the only true measure for whether "justice" is in fact served by any judge or prosecutor is the entirety of God's law:

JUSTICE. The word 'justice' occurs 115 times in RSV OT, usually for *mišpāt*, 'judgment', the rule that should guide *JUDGES. In the AV, however, it represents *mišpāt* only once (Jb. 36:17); elsewhere it translates *šedeq* or *šedāqā*. The more frequent rendering of these latter nouns is 'righteousness'; but when *mišpāt* and *šedāqā* appear together AV translates the whole phrase as 'judgment and justice' (e.g. 2 Sa. 8:15; cf. Gn. 18:19), though RSV renders the same combination as 'justice and righteousness'. In AV, therefore, 'justice' must be understood as being the same word as *'RIGHTEOUSNESS', and seldom as denoting the specialized concept of 'fair play', or legal equity, with which the term justice is presently associated. The expression, 'to do (someone) justice', occurs twice, being taken from the corresponding Heb. verbal root *šādaq*, causative, which means 'to declare one right' (2 Sa. 15:4; Ps. 82:3). Similarly, the adjective *šaddiq*, 'righteous', is over 40 times rendered by the adjective 'just', in both vss. In RSV NT, the noun 'justice' represents both *krisis*, 'judgment', and *dikaioσynē*, 'righteousness'. In AV it does not appear; but at over 30 points the adjective *dikaos*, 'righteous', is likewise translated by the English term 'just'.

This biblical concept of justice exhibits development through nine, generally chronological stages.

1. Etymologically, it appears that the root of *šedāqā*, like that of its kindred noun *yōšer*, 'uprightness' (Dt. 9:5), signifies 'straightness', in a physical sense (BDB, p. 841).

2. But already in the patriarchal age *šedāqā* has the abstract meaning of conformity, by a given object or action, to an accepted standard of values, e.g. Jacob's 'honest' living up to the terms of his sheep-contract with Laban (Gn. 30:33). Moses thus speaks of just balances, weights and measures (Lv. 19:36; Dt. 25:15) and insists that Israel's *JUDGES pronounce 'just (AV; righteous, RSV) judgment' (Dt. 16:18, 20). Arguments that are actually questionable may seem, at first glance, to be 'just' (Pr. 18:17; RSV, 'right'); and Christian masters are cautioned to treat their slaves 'justly and fairly' (Col. 4:1). Even inanimate objects may be described as *šedeq*, if they

measure up to the appropriate standards. The phrase, 'paths of ṣeḏeq' (Ps. 23:3), for example, designates walkable paths.

3. Since life's highest standard is derived from the character of deity, 'justice', from the time of Moses and onwards (cf. Dt. 32:4), comes to distinguish that which is God's will and those activities which result from it. Heavenly choirs proclaim, 'Just and true are thy ways' (Rev. 15:3). Recognizing the ultimacy of the will of the Lord, Job therefore asks, 'How can a man be just before God?' (Jb. 9:2; cf. 4:17; 33:12). But even though God stands answerable to no man, still 'to justice he doeth no violence' (37:23, RVmg.); for the actions of the God who acts in harmony with his own standard are always perfect and right (Zp. 3:5; Ps. 89:14). ṣeḏāqā may thus describe Yahweh's preservation of both human and animal life (Ps. 36:6) or his dissociation from vain enterprise (Is. 45:19). In both of the latter verses the EVV translate ṣeḏāqā as 'righteousness'; but it might with greater accuracy be rendered 'regularity' or 'reliability'.

4. By a natural transition, 'justice' then comes to identify that moral standard by which God measures human conduct (Is. 26:7). Men too must 'do justice' (Gn. 18:19) as they walk with deity (Gn. 6:9; Mt. 5:48); for not the hearers, but the doers of the law, are 'just (AV; righteous, RSV) before God' (Rom. 2:13). The attribute of justice is to be anticipated only in the hearts of those who fear God (Lk. 18:2), because justice in the biblical sense begins with holiness (Mi. 6:8; Mk. 6:20; 1 Thes. 2:10) and with sincere devotion (Lk. 2:25; Acts 10:22). Positively, however, the whole-hearted participation of the Gadites in the divinely ordered conquest of Canaan is described as 'executing the just decrees of the Lord' (Dt. 33:21; cf. S. R. Driver, ICC). The need for earnest conformity to the moral will of God lies especially incumbent upon kings (2 Sa. 8:15; Je. 22:15), princes (Pr. 8:15), and judges (Ec. 5:8); but every true believer is expected to 'do justice' (Ps. 119:121, AV; Pr. 1:3; cf. its personification in Is. 59:14). Justice constitutes the opposite of sin (Ec. 7:20) and serves as a marked characteristic of Jesus the Messiah (Is. 9:7; Zc. 9:9; Mt. 27:19; Acts 3:14). In the poetry of the OT there do arise affirmations of self-righteousness by men like David ('Judge me according to my righteousness, and establish the just', Ps. 7:8–9, AV; cf. 18:20–24) or Job ('I am ... just and blameless' Jb. 12:4; cf. 1:1), that might appear incongruous when considered in the light of their acknowledged iniquity (cf. Jb. 7:21; 13:26). The poets' aims, however, are either to exonerate themselves from particular crimes that enemies have laid to their charge (cf. Ps. 7:4) or to profess a genuine purity of purpose and single-hearted devotion to God (Ps. 17:1). 'They breathe the spirit of simple faith and childlike trust, which throws itself unreservedly on God ... and they disclaim all fellowship with the wicked, from whom they may expect to be distinguished in the course of His Providence' (A. F. Kirkpatrick, *The Book of Psalms*, 1906, 1, p. lxxxvii). As Ezekiel described such a man, 'He walks in my statutes ... he is righteous (AV, just), he shall surely live, says the Lord God' (Ezk. 18:9).

5. In reference to divine government, justice becomes descriptive in a particular way of punishment for moral infraction. Under the lash of heaven-sent plagues, Pharaoh confessed, 'The Lord is ṣaddīq, and I and my people are wicked' (Ex. 9:27; cf. Ne. 9:33); and the one thief cried to the other as they were crucified, 'We indeed justly ...' (Lk. 23:41). For God cannot remain indifferent to evil (Hab. 1:13; cf. Zp. 1:12), nor will the Almighty pervert justice (Jb. 8:3; cf. 8:4; 36:17). Even the pagans of Malta believed in a divine nemesis, so that when they saw Paul bitten by a viper they concluded, 'This man is a murderer ... justice has not allowed him to live' (Acts 28:4). God's punitive righteousness is as a consuming fire (Dt. 32:22; Heb. 12:29; *WRATH), and condemnation is just (Rom. 3:8).

6. From the time of the judges and onward, however, ṣeḏāqā comes also to describe his deeds of vindication for the deserving, 'the triumph of the Lord' (Jdg. 5:11). Absalom thus promised a petitioner he 'would give him justice' (2 Sa. 15:4; cf. Ps. 82:3), and Solomon proclaimed that God 'blesses the abode of the righteous (AV, just)' (Pr. 3:33; cf. Ps. 94:15). Divine vindication became also the plea of Isaiah's contemporaries, 'They ask of me the ordinances of justice' (Is. 58:2–3, AV); for though God's intervention might have been delayed (Ec. 7:15; 8:14; cf. Is. 40:27), he yet 'became jealous for his land, and had pity on his people' (Joel 2:18).

7. Such words, however, introduce another aspect, in which divine justice ceases to constitute an expression of precise moral desert and partakes rather of divine pity, love and grace. This connotation appears first in David's prayer for the forgiveness of his crimes over Bathsheba, when he implored, 'Deliver me from bloodguiltiness, O God, thou God of my salvation, and my tongue will sing aloud of thy ṣeḏāqā (deliverance)' (Ps. 51:14). But what David sought was not vindication; for he had just acknowledged his heinous sin and, indeed, his depravity from birth (Ps. 51:5). His petition sought rather for undeserved pardon; and ṣeḏāqā may be translated by simple repetition—O God of my salvation: my tongue shall sing of thy 'salvation'. ṣeḏāqā, in other words, has become redemptive; it is God's fulfilling of his own graciously promised salvation, irrespective of the merits of men (cf. David's same usage in Pss. 31:1; 103:17; 143:1). David's counsellor Ethan thus moves, in the space of two verses, from a reference to God's 'justice [ṣeḏeq according to sense 4 above] and judgment' (Ps. 89:14, AV) to the joyful testimony, 'In thy ṣeḏāqā [promised grace] shall Israel be exalted' (Ps. 89:16, AV; cf. a similar contrast within Is. 56:1). When Isaiah, therefore, speaks of 'a just [AV; righteous, RSV; ṣaddīq] God and a Saviour' (Is. 45:21), his thought is not, 'A just God, and yet at the same time a Saviour', but rather, 'A ṣaddīq God, and therefore a Saviour' (cf. the parallelism of *RIGHTEOUSNESS with salvation in Is. 45:8; 46:13). Correspondingly, we read in the NT that 'if we confess our sins, he is faithful and just [dikaios=faithful to his gracious promise, not, demanding justice] and will forgive our sins' (1 Jn. 1:9). Such concepts of non-judicial 'justice', however, must be limited to those passages in which this usage is specifically intended. In Rom. 3, on the contrary, with its contextual emphasis upon the wrath of God against sin and upon the propitiatory sacrifice of Christ for the satisfaction of the Father's justice, we must continue to understand dikaios (Rom. 3:26) in its traditional sense: 'That he [God] might be just [exacting punishment, according to sense 5 above], and [yet at

the same time] the justifier of him which believeth in Jesus' (AV; see Sanday and Headlam, ICC; *JUSTIFICATION).

8. As a condition that arises out of God's forgiving 'justice', there next appears in Scripture a humanly possessed *ṣeḏāqā*, which is simultaneously declared to have been God's own moral attribute (*ṣeḏāqā* in sense 4 above), but which has now been imparted to those who believe on his grace. Moses thus describes how Abraham's faith served as a medium for imputed righteousness (Gn. 15:6), though one must, of course, observe that his faith did not constitute in itself the meritorious righteousness but was merely 'reckoned' so. He was justified through faith, not because of it (cf. John Murray, *Redemption, Accomplished and Applied*, 1955, p. 155). Habakkuk likewise declared, 'The just shall live by his faith' (Hab. 2:4, AV), though here too the justification derives, not from man's own, rugged 'faithfulness' (RSVmg.), but from his humble dependence upon God's mercy (contrast the self-reliance of the Babylonians, which the same context condemns; and cf. Rom. 1:17; Gal. 3:11). It was God's prophet Isaiah, however, who first spoke directly of 'the heritage of the servants of the Lord ... their *ṣeḏāqā* from me' (Is. 54:17). Of this 'righteousness', A. B. Davidson accurately observed, 'It is not a Divine attribute. It is a Divine effect ... produced in the world by God' (*The Theology of the Old Testament*, 1925, p. 143). That is to say, there exists within Yahweh a righteousness which, by his grace, becomes the possession of the believer (Is. 45:24). Our own righteousness is totally inadequate (Is. 64:6); but 'in Yahweh' we 'are righteous' (*ṣādaq*) (Is. 45:25), having been made just by the imputed merit of Christ (Phil. 3:9). A century later, Jeremiah thus speaks both of Judah and of God himself as a 'habitation of justice' (Je. 31:23; 50:7, AV), i.e. a source of justification for the faithful (cf. Je. 23:6; 33:16, 'Yahweh our righteousness', Theo. Laetsch, *Biblical Commentary, Jeremiah*, 1952, pp. 191–192, 254).

9. But even as God in his grace bestows righteousness upon the unworthy, so the people of God are called upon to 'seek justice' (Is. 1:17) in the sense of pleading for the widow and 'judging the cause of the poor and needy' (Je. 22:16). 'Justice' has thus come to connote goodness (Lk. 23:50) and loving consideration (Mt. 1:19). Further, from the days of the Exile onward, Aram. *ṣiḏqā*, 'righteousness', becomes specialized into a designation for alms or charity (Dn. 4:27), an equivalent expression for 'giving to the poor' (Ps. 112:9; cf. Mt. 6:1). One might therefore be led to conceive of biblical 'justice', particularly in these last three, supra-judicial senses, as involving a certain tension or even contradiction: e.g. *ṣeḏāqā* in its 7th, gracious sense seems to forgive the very crimes that it condemns in its 5th, punitive sense. The ultimate solution, however, appears in the person and work of the Lord Jesus Christ. The ethical example furnished by his sinless life (Heb. 4:15) constitutes the climax of biblical revelation on the moral will of God and far exceeds the perverted though seemingly lofty justice of the scribes and Pharisees (Mt. 5:20). Yet he who commanded men to be perfect, even as their heavenly Father is perfect (Mt. 5:48), exhibited at the same time that love which has no equal, as he laid down his life for his undeserving friends (Jn. 15:13). Here was revealed *ṣeḏāqā*, 'justice', in its ethical stage 5, in its redemptive stage 7, and in its imputed stage 8, all united in one. He came that God might be just and yet the justifier of him that believeth in Jesus (Rom. 3:26) and that we might be found in him, who is made our righteousness and sanctification and redemption (1 Cor. 1:30).

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Below is what God expects of ALL judges, including secular judges:

Unjust Judgments Rebuked.

A Psalm of Asaph.

God stands in the congregation of the mighty;
He judges among the gods.
How long will you judge unjustly
And show partiality to the wicked? Selah.
Defend the poor and fatherless;
Do justice to the afflicted and needy.
Deliver the poor and needy;
Free them from the hand of the wicked.

They do not know, nor do they understand;
They walk about in darkness;
All the foundations of the earth [the fundamental principles of the administration of justice] are unstable.

1 I said, "You are gods;
2 And all of you are children of the Most High.
3 "Nevertheless you will die like men
4 And fall like one of the princes."

5 Arise, O God, judge the earth;
6 For You shall inherit all nations.
7 [Psalm 82:1-8, Bible, NKJV]

8 9 **The Messiah's Triumph and Kingdom**

10 Why do the nations rage,
11 And the people plot a vain thing?
12 The kings of the earth set themselves,
13 And the rulers take counsel together,
14 Against the Lord and against His Anointed, saying,
15 "Let us break Their bonds in pieces
16 And cast away Their cords from us."

17 He who sits in the heavens shall laugh;
18 The Lord shall hold them in derision.
19 Then He shall speak to them in His wrath,
20 And distress them in His deep displeasure:
21 "Yet I have set My King
22 On My holy hill of Zion."

23 "I will declare the decree:
24 The Lord has said to Me,
25 'You are My Son,
26 Today I have begotten You.
27 Ask of Me, and I will give You
28 The nations for Your inheritance,
29 And the ends of the earth for Your possession.
30 You shall break[a] them with a rod of iron;
31 You shall dash them to pieces like a potter's vessel. '"

32 Now therefore, be wise, O kings;
33 Be instructed, you judges of the earth.
34 Serve the Lord with fear,
35 And rejoice with trembling.
36 Kiss the Son, lest He be angry,
37 And you perish in the way,
38 When His wrath is kindled but a little.
39 Blessed are all those who put their trust in Him.
40 [Psalm 2:1-12, Bible, NKJV]

41 **2.4.2 "Biblical Justice" v. "Social/Political Justice"**

42 Before discussing the Christian view of social justice, we need to define terms. Social justice is such a politically charged
43 concept that it can't really be divorced from its modern-day context. Social justice is often used as a rallying cry for many on
44 the left side of the political spectrum. This excerpt from the "Social Justice" entry on Wikipedia is a good definition of this
45 concept:

46 "Social justice is also a concept that some use to describe the movement towards a socially just world. In this
47 context, social justice is based on the concepts of human rights and equality and involves a greater degree of
48 economic egalitarianism through progressive taxation, income redistribution, or even property redistribution.
49 These policies aim to achieve what developmental economists refer to as more equality of opportunity than may
50 currently exist in some societies, and to manufacture equality of outcome in cases where incidental inequalities
51 appear in a procedurally just system."
52 [Wikipedia: Social Justice; https://en.wikipedia.org/wiki/Social_justice]

53 The key word in this definition is the word "egalitarianism." This word, coupled with the phrases "income redistribution,"
54 "property redistribution," and "equality of outcome," says a great deal about social justice. Egalitarianism as a political
55 doctrine essentially promotes the idea that all people should have the same (equal) political, social, economic and civil rights.

1 This idea is based on the foundation of inalienable human rights enshrined in such documents as the Declaration of
2 Independence.

3 Social justice advocates refer to their fallacious pursuit of wealth redistribution as egalitarianism, meaning equality. However,
4 such equality is not realistically possible unless there is absolute equality between humans and the government both under
5 the law and in court. As an economic doctrine, such egalitarianism OF OUTCOME is the driving force behind [socialism](#) and
6 [communism](#). It is economic egalitarianism that seeks to remove the barriers of economic inequality by means of redistribution
7 of wealth and, by implication, redistribution of PROPERTY. To understand the fallacies inherent in this thinking, we must
8 therefore understand the laws of property. We see social justice implemented in social [welfare](#) programs where progressive
9 tax policies take proportionately more money from wealthy individuals in order to raise the standard of living for people who
10 lack the same means. In other words, the government takes from the rich and gives to the poor.

11 The problem with the fallacious doctrine of social justice is twofold:

- 12 1. First, there is a mistaken premise in economic egalitarianism that the rich have become wealthy by exploiting the poor.
13 Much of the socialist literature of the past 150 years promotes this premise. This may have been primarily the case
14 back when Karl Marx first wrote his *Communist Manifesto*, and even today it may be the case some of the time, but
15 certainly not all of the time.
- 16 2. Second, socialist programs tend to create more problems than they solve, meaning that they have many unintended
17 consequences. In other words, they don't work. Welfare, which uses public tax revenue to supplement the income of
18 the underemployed or unemployed, typically has the effect of recipients becoming dependent on the government
19 handout rather than trying to improve their situation. Every place where socialism/communism has been tried on a
20 national scale, it has failed to remove the class distinctions in society. Instead, all it does is replace the
21 nobility/common man distinction with a working class/political class distinction.

22 What, then, is the Christian view of social justice? The Bible teaches that God is a God of justice. In fact, "all his ways are
23 justice" ([Deuteronomy 32:4](#)). Furthermore, the Bible supports the notion of social justice in which concern and care are shown
24 to the plight of the poor and afflicted ([Deuteronomy 10:18](#); [24:17](#); [27:19](#)). The Bible often refers to the fatherless, the widow
25 and the sojourner – that is, people who were not able to fend for themselves or had no support system. The nation of Israel
26 was commanded by God to care for society's less fortunate, and their eventual failure to do so was partly the reason for their
27 judgment and expulsion from the land. Below is the Biblical reason that brought on their expulsion and discipline by God
28 Himself:

29 "Because you did not serve the Lord your God with joy and gladness of heart [[gratitude and thankfulness and](#)
30 [even generosity](#)], for the abundance of everything, therefore you shall serve your enemies [[foreigners](#)], whom the
31 Lord will send against you, in hunger, in thirst, in nakedness, and in need of everything; and He will put a [legal]
32 yoke of iron on your neck [[government franchises, Form #05.030](#)] until He has destroyed you. The Lord will
33 bring a nation [[the District of Criminals](#)] against you from afar, from the end of the earth, as swift as the eagle
34 flies, a nation whose language [[legalese, Form #05.014](#)] you will not understand, a nation of fierce countenance
35 [[narcissistic psychopath lawyers](#)], which does not respect the elderly [[they die on the healthcare waiting list](#)] nor
36 show favor to the young [[legalized abortion](#)]. And they shall eat the increase of your livestock and the produce
37 of your land [[the Great IRS Hoax, Form #11.302](#)], until you are destroyed; they shall not leave you grain or new
38 wine or oil, or the increase of your cattle or the offspring of your flocks, until they have destroyed you."
39 [[Deut. 28:47-51](#), Bible, NKJV]

40 See also [Matt. 25:31-46](#) for a message similar to the above direct from Jesus. Watch the following for a sermon by Tim
41 Keller on the above verse entitled "Generous Justice".

[Generous Justice](#), Tim Keller
https://www.youtube.com/watch?v=280nS1_p2Kk

42 The reason the above judgment happens is described in [Form #05.016, Section 5.4](#). The "Beast" and his "Mark" in
43 [Revelations \(Form #11.407\)](#) are metaphors created by God to help explain what ultimately is exactly the above situation. The
44 "Beast" is a [psychopathic socialist government](#) that wants to become like God and trample everyone underfoot. We must
45 therefore be very selective about who we can or will help because we are so people and resource and donation constrained.
46 The purpose of this warning page is to solicit your help in facilitating that selectivity.

47 In Jesus' Olivet Discourse, He mentions caring for the "least of these" ([Matthew 25:40](#)), and in James' epistle he expounds
48 on the nature of "true religion" ([James 1:27](#)). So, if by "social justice" we mean that society has a moral obligation to care

for those less fortunate, then that is correct. God knows that, due to the fall, there will be widows, fatherless and sojourners in society, and He made provisions in the old and new covenants to care for these outcasts of society. The model of such behavior is Jesus Himself, who reflected God's sense of justice by bringing the gospel message to even the outcasts of society.

However, the Christian notion of social justice is different from the contemporary notion of social justice. The biblical exhortations to care for the poor are more individual than societal.

"Then they also will answer Him, saying, 'Lord, when did we see You hungry or thirsty or a stranger or naked or sick or in prison, and did not minister to You?' Then He will answer them, saying, 'Assuredly, I say to you, inasmuch as you did not do it to one of the least of these, you did not do it to Me.' And these will go away into everlasting punishment, but the righteous into eternal life."
[Matt. 25:44-46, Bible, NKJV]

In other words, each Christian is individually and personally encouraged to do what he can to help the "least of these." Jesus spoke the above words NOT to a "government" but to private individuals. Never did He command GOVERNMENTS to engage in charity or wealth redistribution. Nowhere did God recognize or convey rights to governments or civil rulers. The Ten Commandments in Exodus 20, for instance, NEVER even mention governments. They are all about the individual. Governments are not judged at the final judgment for their FAILURE to engage in charity or welfare. The basis for such biblical commands is found in the second of the two greatest commandments—love your neighbor as yourself ([Matthew 22:39](#)).

Today's notion of social justice replaces the individual with the government, which, through taxation and other means, redistributes wealth. This policy doesn't encourage giving out of love, but resentment from those who see their hard-earned wealth being taken away. These problems point out a bigger rational conflict, which is that charity and force are completely incompatible in the biblical conception of justice. Frederic Bastiat explains why:

The Law and Charity

You say: "There are persons who have no money," and you turn to the law, but the law is not a breast that fills itself with milk. Nor are the lacteal veins of the law supplied with milk from a source outside the society. Nothing can enter the public treasury for the benefit of one citizen or one class unless other citizens and other classes have been forced to send it in. If every person draws from the treasury the amount that he has put in it, it is true that the law then plunders nobody. But this procedure does nothing for the persons who have no money. It does not promote equality of income. The law can be an instrument of equalization only as it takes from some persons and gives to other persons. When the law does this, it is an instrument of plunder [THEFT].
[*The Law*, Frederic Bastiat, 1850; SOURCE: <http://famguardian.org/Publications/TheLaw/TheLaw.htm>]

The type of equalization that Bastiat is describing above is equality of OUTCOME, not equality of OPPORTUNITY. The purpose of biblical justice is to protect equality of opportunity and the restoration of PRIVATE property that is stolen. Therefore, biblical justice is incompatible with social/political justice precisely because charity and force are incompatible and because law is only an instrument of force.

Another difference is that the Christian worldview of social justice doesn't assume the wealthy are the beneficiaries of ill-gotten gain. Wealth is not evil in a Christian worldview, but there is a responsibility and an expectation to be a good steward of one's wealth (because all wealth comes from God). In fact, wealth is viewed by God as a reward or blessing for those who are obedient to His law. Without such a reward or blessing because the government essentially STEALS it through taxation, the result is that there is no incentive to obey God's law and the government essentially disestablishes the church by destroying its foundation. Today's social/political justice operates under the usually FALSE presumption that the wealthy exploit the poor. All such presumptions are both a biblical sin and a violation of "due process of law" in the context of legal justice:

<p><i>Presumption: Chief Weapon for Unlawfully Enlarging Federal Jurisdiction</i>, Form #05.017 http://sedm.org/Forms/FormIndex.htm</p>

A third difference between biblical justice and social/political justice is that, under the Christian concept of stewardship, the Christian can INDIVIDUALLY give to the charities he/she wants to support. For example, if a Christian has a heart for the unborn, he can support pro-life agencies with his time, talent and treasure. Under the contemporary form of social justice, it is those in power within the government who COLLECTIVELY decide who receives the redistributed wealth. We have no control over what the government does with our tax money, and, more often than not, that money goes to charities we might not deem worthy.

Traditionally there have been several main views of legal “justice”. Let us concentrate on just two: retributive justice and distributive justice. Retributive justice goes back at least to Aristotle and means simply, “to each man his due”. It has to do with giving people what they deserve. Thus we speak about ‘just deserts’ and so on.

Retributive justice is a theory of [justice](#) that holds that the best response to a crime is a [punishment](#) proportional to the offense, inflicted because the offender deserves the punishment. Prevention of future crimes ([deterrence](#)) or [rehabilitation](#) of the offender are not considered in determining such punishments. The theory holds that when an offender breaks the law, justice requires that he or she suffer in return. Retribution is different from [revenge](#) because retributive justice is only directed at wrongs, has inherent limits, is not personal, involves no pleasure at the suffering of others^[1] and employs procedural standards.^{[2][3]} Classical texts advocating the retributive view include [De Legibus](#), (106 BC), [Kant's Science of Right](#)^[4] (1790), and [Hegel's Philosophy of Right](#)^[5] (1821).

[Wikipedia: *Retributive justice*; Downloaded 5/21/18; SOURCE:
https://en.wikipedia.org/wiki/Retributive_justice/]

FOOTNOTES:

1. See: [Schadenfreude, sadism](#)
2. Nozick, Robert (1981). [Philosophical Explanations](#). Cambridge, MA: Harvard University Press. pp. 366–368. [ISBN 9780674664791](#).
3. ["Positive' Retributivism and the Meaning of Desert"](#). Stanford Encyclopedia of Philosophy. Retrieved June 2, 2014.
4. Kant, Immanuel. [Science of Right](#).

Under our legal definition of justice earlier in section 2.2, “justice” really means the right to simply be left alone because Aristotle’s definition leaves the door open for people to define anything and everything owned by others as “what is due”. We prove this earlier in section 2.2.3.

“Social justice” and its modern counterpart, distributive justice, on the other hand, is a more recent concept. It has to do with equality of OUTCOME, and redistributing certain goods, including wealth, to ostensibly help out the less fortunate. It is what is most often meant when the left – both secular and religious – speak about “social justice”.

At the risk of oversimplifying matters, it seems that the notion of retributive justice is more closely aligned with biblical notions of justice, while distributive justice is further afield from Scriptural principles primarily because it violates the rights of private property found in the Ten Commandments. But this can hardly be defended adequately in a brief article, even in a most superficial fashion.

We would need to closely examine biblical terms such as justice, righteousness and the like. We would need to look at contemporary economic options as well. And we would need to study the historical record to see whether wealth redistribution has in fact worked, and really helped the poor. But let us tease things out just a bit more here.

Equality of OPPORTUNITY is one thing, but equality of OUTCOME is quite another. To enforce equality of outcome, you have to treat unequals equally, which is neither fair nor just. Given that we are all different (not equal in talents, giftings, motivations, etc), you have to use unequal treatment to get equal results. Many have written on this obvious point. Dr Mark Cooray is as good as anyone here.

In 1988 the Australian law professor wrote an important book entitled, *The Australian Achievement: From Bondage To Freedom*. While the entire volume is quite helpful, I draw your attention to ch. 20: “Equality of Opportunity and Equality of Outcome”. Says Cooray,

“Equality of opportunity is best expressed in the phrase – career open to talents. No arbitrary obstacles should prevent people from achieving those public positions which their talents fit and which their values lead them to seek. Neither birth, nationality, colour, religion, sex nor any other equivalent characteristic should determine the public opportunities that are open to a person – only talent and achievement.

“Thus, equality of opportunity simply spells out the concept of equality before the law. And it has meaning and importance precisely because people are different in their genetic and cultural characteristics, and hence both want to and can pursue different careers. It is important to note that such equality of opportunity does not present any conflict with freedom. Quite the opposite. Equality of opportunity and freedom are two facets of the same basic concept.”

[The Australian Achievement: From Bondage To Freedom, LJM Cooray, 1996; SOURCE:
<http://www.ourcivilisation.com/cooray/btof/chap20.htm>]

He continues,

"Equality of outcome is a radically different concept. Equality of opportunity provides in a sense that all start the race of life at the same time. Equality of outcome attempts to ensure that everyone finishes at the same time. To slightly change what the Dodo said in Alice in Wonderland, 'Everybody must win and all must have prizes'. That is the goal of radical socialism. Everyone must be a winner, everyone must be equal. Socialists do not really point towards absolute equality but they point to vague ideas of fairness and justness."
[The Australian Achievement: From Bondage To Freedom, LJM Cooray, 1996; SOURCE:
<http://www.ourcivilisation.com/cooray/btof/chap20.htm>]

Such policies decrease equality and stymie economic growth:

"This is not merely because they directly attack equality of opportunity in the sense of freedom to pursue an interest or vocation, but because by destroying incentive they inhibit that individual initiative which has been responsible for modern economic progress, growth and development. Modern economic development has systematically raised the lot of the ordinary man to a level of prosperity undreamed of in past ages, when such prosperity was confined to a few."

"This development was the direct result of individual initiative and endeavour within a system which allowed individual incentive and free activity. By directly impinging upon individual incentive and free activity, egalitarian policies and programmes actually inhibit the process of economic growth and development, thus inhibiting the only mechanism in history by which inequality has been systematically, successfully and continuously ameliorated on a large scale."
[The Australian Achievement: From Bondage To Freedom, LJM Cooray, 1996; SOURCE:
<http://www.ourcivilisation.com/cooray/btof/chap20.htm>]

Jewish commentator Michael Medved has just penned a piece on similar themes. He begins this way:

"For more than a hundred years liberals and conservatives have been arguing over the true meaning of justice. The left emphasizes just outcomes – seeking smaller gaps between rich and poor, and a comparably dignified standard of living for all members of society."

"The right stresses just procedures – making sure that individuals keep the fruits of their own labors and remain secure in their property, without seizure by their neighbors or by government. Liberals accept unequal, potentially unfair treatment by government in order to achieve fair results; conservatives accept unequal, potentially unfair results so long as every citizen receives fair and comparable treatment by government."

"These arguments have raged for generations without definitive resolution, but that doesn't mean that both sides are right, or that the questions that divide them offer no final answers. In fact, key Biblical passages provide a strong indication that conservative concepts of economic justice comport far more closely to the religious and philosophical foundations of western civilization."
[Which Side is God On?, Michael Medved; SOURCE:
<https://townhall.com/columnists/michaelmedved/2010/09/01/which-side-is-god-on-n1104336>]

He explores various biblical texts, and draws upon some commentary by Jewish thinkers:

"For instance, a key passage in the Book of Leviticus (19:15) declares: 'You shall not commit a perversion of justice; you shall not favor the poor and you shall not honor the great; with righteousness (Tzedek) shall you judge your fellow.' Amazingly, the Bible warns us not to 'favor the poor' even before we're instructed 'not to honor the great,' because partiality for the unfortunate counts as an even stronger human temptation."

"And what about all the Biblical demands, in both Old and New Testaments, to show compassion to widows, orphans and the poor? Rabbi Shlomo Yitzchaki (Rashi), the 11th century giant who became the most influential of all Torah expositors, explains that the verse in Leviticus draws an all-important, eternal distinction between charity and justice: 'Do not say that since the wealthy man is obligated to help the poor one, it is proper for a judge to rule in favor of the poor litigant so that he will be supported in dignity. The Torah insists that justice be rendered honestly; charity may not interfere with it.'"

"In other words, assistance for the destitute remains an individual obligation on God-fearing individuals, but should not bring a tilt to the law to favor the less fortunate. It is no coincidence, surely, that this crucial verse in Leviticus appears just two sentences away from the most famous declaration in all the Bible: 'You shall love your neighbor as yourself' (19:18). This famous line makes clear that the same God who wants us to deal kindly with our fellow human beings, also requires that we respect and honor ourselves."

1 *"You don't demean or damage yourself for the sake of your fellow; the Bible consistently backs the conservative*
2 *supposition that we help others best when we help ourselves. If such Biblical passages strongly support the*
3 *conservative conception of justice, then why are so many churches, synagogues and divinity schools filled with*
4 *outspokenly liberal clergy?"*
5 *[Which Side is God On?, Michael Medved; SOURCE:*
6 <https://townhall.com/columnists/michaelmedved/2010/09/01/which-side-is-god-on-n1104336/>

7 Far more needs to be said about this difficult subject. But this may help to clear up some muddled thinking, and help us to be
8 clearer on what biblical justice is all about. It is at least far more than the usual notions of social justice being peddled today.
9 And it certainly is more than just state-enforced wealth redistribution or equality of OUTCOME enforced by law.

10 Basically, there is a tension between a God-centered approach to social justice and a man-centered approach to social justice.
11 The man-centered approach sees the government in the role of savior, bringing in a utopia through government policies. In
12 short, it advocates religious idolatry, where rulers are endowed by fiat and absent God's authority with superior or
13 supernatural powers above ordinary natural biological men. This approach, in fact, was Satan's sin: Seeking to be equal to
14 or above God, and therefore to be above the authority of any single man or woman.

15 The God-centered approach, on the other hand, sees Christ as Savior, bringing heaven to earth when He returns. At His return,
16 Christ will restore all things and execute perfect justice. Until then, Christians express God's love and justice by showing
17 kindness and mercy to those less fortunate on a personal and individual basis, but NEVER compelled by any "law" or
18 collective or secular organization. In fact, if such compulsion is attempted, then we claim that the source of such compulsion:

- 19 1. Is not "law" as classically defined. See section 2.2.2 earlier and:

What is "law"?, Form #05.048
<http://sedm.org/Forms/FormIndex.htm>

- 20 2. Is private law, special law, and a civil franchise to which you must personally and individually and EXPRESSLY
21 consent. See:

Government Instituted Slavery Using Franchises, Form #05.030
<http://sedm.org/Forms/FormIndex.htm>

- 22 3. Is being ILLEGALLY and/or unconstitutionally enforced if the ENFORCER proceeds to enforce on a mere
23 PRESUMPTION instead of having to prove BEFORE enforcement that you consented to it in writing and were present
24 or domiciled in a place NOT protected by the Constitution where your PRIVATE rights are "unalienable" according to
25 the Declaration of Independence.

- 26 4. Is being misrepresented if it is called "law" or given the "force of law" without putting the words "private" or "special"
27 in front of it. See:

Legal Deception, Propaganda, and Fraud, Form #05.014
<http://sedm.org/Forms/FormIndex.htm>

28 That is why our official position is that charity and grace are limited EXCLUSIVELY to the individual, the family, and the
29 church and NEVER the government.

30 **2.5 Corruption of the government: Turning "Legal Justice" into "Social Justice"**

31 The following subsections describe how "legal justice" is illegally and unconstitutionally and even criminally converted to
32 "social justice" within a governmental system.

33 The main engine of corruption is government franchises. We discuss government franchises in the following courses:

- 34 1. *Government Franchises Course*, Form #12.012
35 <https://sedm.org/Forms/FormIndex.htm>
36 2. *Government Instituted Slavery Using Franchises*, Form #05.030
37 <https://sedm.org/Forms/FormIndex.htm>
38 3. *The Government "Benefits" Scam*, Form #05.040
39 <https://sedm.org/Forms/FormIndex.htm>

40 For more on government corruption, see the following resources on our site:

- 41 1. *Corruption, Scams, and Frauds*, Family Guardian Fellowship

<https://famguardian.org/Subjects/Scams/scams.htm>

2. Government Corruption, Form #11.401-detailed evidence on how our government has become corrupted.

<https://sedm.org/home/government-corruption/>

3. Government Corruption: Causes and Remedies Course, Form #12.026

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

4. How Scoundrels Corrupted Our Republican Form of Government, Family Guardian Fellowship

<https://famguardian.org/Subjects/Taxes/Evidence/HowScCorruptOurRepubGovt.htm>

2.5.1 “Legal justice” v. “Social/Political justice”

Let’s now compare “Legal justice” with “Social/Political justice”:

Table 3: Legal justice v. Social/Political Justice

#	Characteristic	“Legal Justice”	“Social/Political Justice”
1	Equality between government and governed under the civil law	Yes	No
2	Promotes equality of RESULT	No	Yes
3	Promotes equality UNDER THE LAW for ALL	Yes	No. Government has “superior or supernatural” powers.
4	Type of equality promoted	Equality of OPPORTUNITY	Equality of RESULT (See communist manifesto)
5	Ownership/control of all property	Individuals	Government
6	Private property permitted	Yes	No
7	Sovereign within the system of government	Individual	Democratic majority
8	Biblical idolatry of individual in relation to government?	No	Yes
9	Implemented through what law system	Common law and equity	Civil statutory law that behaves as a franchise. Everyone is PRIVILEGED under the franchise .
10	Participation in the collective is	Voluntary and must be consented to	Coerced
11	Rights	Are unalienable and require consent to give away in relation to government.	Are revocable “privileges” that can be taken away by the majority. Hence they are PUBLIC PRIVILEGES, rather than REAL, unalienable rights.
12	Source of “rights”	God	Government grantor/creator
13	Contribution to paying for any and all rights	Absolute and exclusive	Zero. Completely irresponsible and insist on STEALING from another person or group or the rich.
14	Political issues and personal commitment to those issues defined mainly by	Morality, religion, and rationality (the spirit).	Personal economic expediency/need (the flesh).

A fascinating scientific study comparing conservatives to liberals validates the above table. See:

The Moral Roots of Liberals and Conservatives, Jonathan Haidt, TED

http://www.ted.com/talks/jonathan_haidt_on_the_moral_mind.html

For collectivists and statists, “rights” really mean the following:

the notion of "rights" is a mere term of entitlement, indicative of a claim for any possible desirable good, no matter how important or trivial, abstract or tangible, recent or ancient. It is merely an assertion of desire, and a declaration of intention to use the language of rights to acquire said desire.

1 *In fact, since the program of social justice inevitably involves claims for government provision of goods, paid for*
2 *through the efforts of others, the term actually refers to an intention to use force to acquire one's desires. Not to*
3 *earn desirable goods by rational thought and action, production and voluntary exchange, but to go in there and*
4 *forcibly take [STEAL] goods from those who can supply them!*
5 *[O'Neill, Ben (2011-03-16) [The Injustice of Social Justice](#), Mises Institute]*

6 Don't allow "statists" or "collectivists" to pervert your language or redefine "justice" in the courtroom to mean "social
7 justice". Don't allow them to perpetuate the superiority of the collective or government over the individual by this perversion
8 of the definition. When you hear the term "social justice" from any politician, NEVER vote for him. "Social justice"=
9 SOCIALISM. Insist on absolute equality at all times between the government and the governed, which we describe as the
10 FOUNDATION of all your freedom in:

[Foundations of Freedom Course](#), Form #12.021, Video 1: Introduction
FORMS PAGE: <http://sedm.org/Forms/FormIndex.htm>
VIDEO: <http://www.youtube.com/watch?v=P3ggFibd5hk>

11 If you allow them to redefine justice, you will ultimately become a human sacrifice to a pagan civil religion or "collective".
12 The "altar" where the sacrifice will occur is the judge's bench, which is the altar of "Baal". Hence "Bailiff".

13 For a fascinating short video that demonstrates how the meaning of "justice" is perverted by adding the word "social" in front
14 of it, see:

[What is Social Justice?](#), Prager University
<https://www.youtube.com/watch?v=rtBvQj2k6xo>

15 The above video concludes about "Social Justice" the following:

- 16 1. "Social justice" is incompatible with freedom or a free society where all are equal under the law.
- 17 2. Social justice requires an elite set of privileged few in the government to decide how to redistribute wealth, and the
18 concentration of power this creates is dangerous to freedom.
- 19 3. The only institution capable of imposing or coercing "social justice" is the state.
- 20 4. Its advocates have no concrete definition for "social justice", because if they defined what it meant, they would
21 discredit themselves.
- 22 5. It means whatever its champions want it to mean.
- 23 6. "Social Justice"="good things" no one needs to ARGUE for and No one DARE be against.
- 24 7. "Social Justice" targets its conservative opponents as people who want to ENFORCE or COERCE THEIR values onto
25 others. The opposite is the real truth, because "social justice" requires a coercive state in every area of life, while with
26 LEGAL justice, the state only gets involved when there is a real, quantifiable injury to a RIGHT rather than a
27 PRIVILEGE.
- 28 8. Those who oppose "social justice" are inevitably branded as "greedy". The most frequent social group who are
29 unjustly branded as "greedy" are conservatives or the right.
- 30 9. "Social Justice" is a tool of propaganda used by collectivists to get otherwise conservative people to unknowingly
31 accept socialism and collectivism.
- 32 10. The use of the term is most appealing to the lower class as a method to mobilize and engage them into a commercial
33 war against the upper class in the jury box and the ballot box. The commercialization of either the jury box or the
34 ballot box creates a CRIMINAL conflict of interest and is illegal. It is essentially used as a recruitment mechanism for
35 socialist organizers to recruit those who will abuse their voting power and jury service to STEAL from the rich and fill
36 their pocket with the plunder by whatever means necessary.

37 *"Here I close my opinion. I could not say less in view of questions of such gravity that go down to the very*
38 *foundation of the government. If the provisions of the constitution can be set aside by an act of congress, where*
39 *is the course of usurpation [abuse of taxation power for THEFT and wealth transfer] to end? The present assault*
40 *[WAR!] upon capital [PRIVATE property] is but the beginning. It will be but the stepping-stone to others, larger*
41 *and more sweeping, till our political contests [in the jury box and the ballot box between the HAVES and the*
42 *HAVE NOTS] will become a war of the poor against the rich,-a war constantly growing in intensity and bitterness.*
43 *'If the court sanctions the power of discriminating [UNEQUAL or GRADUATED] taxation, and nullifies the*
44 *uniformity mandate of the constitution,' as said by one who has been all his life a student of our institutions, 'it*
45 *will mark the hour when the sure decadence of our present government will commence.'*"
46 *[Pollock v. Farmers Loan and Trust Co., 157 U.S. 429 (1895)]*

For an article that deals more with the subject of “social justice”, see:

Wikipedia: Social Justice; Downloaded 8/21/2014
http://en.wikipedia.org/wiki/Social_justice

For a complete treatment of the legal definition of “justice”, see:

Requirement for Consent, Form #05.003, Section 3
<http://sedm.org/Forms/FormIndex.htm>

2.5.2 “Justice” in your interactions with government

Let’s apply these concepts of justice to the way the government interacts with you personally. The minute that anyone does any of the following without your EXPRESS WRITTEN consent absent duress:

1. Interferes with or administratively penalizes the exercise of any constitutional right. In the constitution, this kind of penalty is called a “Bill of Attainder” and it is unconstitutional.
2. Treats you unequally. See Form #05.033.
3. Forces any status upon you such as “taxpayer”, “citizen”, “resident”, “spouse”, “driver”, etc.
4. Procures your consent to anything by any method you did not authorize. For instance, they PRESUME you consented rather than procure your consent in writing, even though you told them that the ONLY method by which you can or will consent is IN WRITING.
5. Compels you to contract with them or makes you a party to a contract or government franchise that you do not expressly consent to.
6. Calls anything voluntary while REFUSING to defend your ABSOLUTE RIGHT NOT to volunteer. This is FRAUD and it’s a crime.
7. Imputes or assumes any kind of fiduciary duty on your part towards anyone else absent express written consent. All such presumptions are a violation of due process of law that we call “theft by presumption”.
8. Enforces civil statutory laws of any jurisdiction that you are not domiciled within and therefore protected by. This is criminal identity theft. See Form #05.046.
9. Demands or takes any kind of property without rendering its equivalent in value. This is theft in violation of the Fifth Amendment takings clause. Due process of law requires a court trial before any taking of property. Taking it administratively can only be done WITHIN government and against public officers.
10. Enforces any obligation associated with any civil status upon you, such as franchisee, public officer, etc. They FIRST have the obligation to produce evidence in writing in court that you consented to the civil status and that you are serving on federal territory where the status is domiciled before they can take it under the Fifth Amendment. If they don’t, they are engaging in criminal identity theft as documented in Form #05.046.
11. As a government:
 - 11.1. Refuses to recognize or protect private rights.
 - 11.2. Insists that ALL your property is public property that the government has title to and you are a transferee or trustee over.
 - 11.3. Refuses to offer a status on government forms of “not subject but not exempt” or “other”, and thus compels you to choose a status that is within their jurisdiction as a public officer.
12. Converts private property or RIGHTS to property to a public use, public office, or public purpose without your EXPRESS consent, INCLUDING through the process of taxation. Yes, “taxes” are involuntary for “taxpayers”, but only AFTER you VOLUNTEER to become a statutory “taxpayer” by signing up for a government franchise while physically situated in a place not protected by the constitution, and AFTER they protect your right to NOT participate or volunteer. Otherwise, we are really dealing with what the U.S. Supreme Court calls “robbery in the name of taxation”. See Form #12.025.
13. Abuses its taxation power to redistribute wealth between private humans:

“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.”

1 “Nor is it taxation. ‘A tax,’ says Webster’s Dictionary, ‘is a rate or sum of money assessed on the person or
2 property of a citizen by government for the use of the nation or State.’ ‘Taxes are burdens or charges imposed
3 by the Legislature upon persons or property to raise money for public purposes.’ Cooley, Const. Lim., 479.”
4 [[Loan Association v. Topeka, 20 Wall. 655 \(1874\)](#)]

5 . .then an act of terrorism, theft, and possibly even slavery or involuntary servitude has occurred, all of which are torts
6 cognizable under the state or federal constitutions and the common law.

7 The way that governments ensure that they are not the object of civil injustice and are “let alone” is by enforcing the
8 requirement that whenever anyone wants to sue them, they must produce consent to be sued published as a positive law
9 statute. This is called “sovereign immunity”:

10 *A state's freedom from litigation was established as a constitutional right through the Eleventh Amendment.*
11 *The inherent nature of sovereignty prevents actions against a state by its own citizens without its consent.* [491
12 U.S. 39] In *Atascadero*, 473 U.S. at 242, we identified this principle as an essential element of the constitutional
13 checks and balances:

14 The “constitutionally mandated balance of power” between the States and the Federal Government was adopted
15 by the Framers to ensure the protection of “our fundamental liberties.” [Garcia v. San Antonio Metropolitan
16 Transit Authority, 469 U.S. 528, 572 (Powell, J., dissenting)]. By guaranteeing the sovereign immunity of the
17 States against suit in federal court, the Eleventh Amendment serves to maintain this balance.
18 [[Great Northern Ins. Co. v. Read, 322 U.S. 47, 51 \(1944\)](#)]

19 Likewise, all the authority possessed by both the state and federal governments is delegated by We The People to them. The
20 people cannot delegate an authority collectively that they individually do not ALSO possess.

21 *“The question is not what power the federal government ought to have, but what powers, in fact, have been given*
22 *by the people... **The federal union is a government of delegated powers. It has only such as are expressly***
23 ***conferred upon it, and such as are reasonably to be implied from those granted.*** In this respect, we differ
24 radically from nations where all legislative power, without restriction or limitation, is vested in a parliament or
25 other legislative body subject to no restriction except the discretion of its members.” (Congress)
26 [[U.S. v. William M. Butler, 297 U.S. 1 \(1936\)](#)]

27 Both the Constitution and the Declaration of Independence require that “all men are created equal” and that all “persons”,
28 including governments, are treated equally IN EVERY RESPECT. That means that no creation of men, including a
29 government, can have any more authority than a single man. All “persons”, whether human or artificial are, in fact EQUAL
30 in every respect, with the possible exception that artificial entities are not protected by the Bill of Rights. This is covered
31 further in:

<p><u><i>Requirement for Equal Protection and Equal Treatment</i></u>, Form #05.033 http://sedm.org/Forms/FormIndex.htm</p>

32 No government can or should therefore have or be able to enforce any more authority than a single human being. This means
33 that if the government claims “sovereign immunity” and insists that it cannot be sued without its express written consent,
34 then the government, in turn, when it is enforcing any civil liability against ANY American, has the EQUAL burden to
35 produce evidence of THEIR consent IN WRITING to be sued. That consent must, in turn, be given by a person domiciled
36 in a place OTHER than that protected by the U.S.A. Constitution, because the Declaration of Independence says the rights of
37 people in states of the Union are “unalienable”, which means they CANNOT be sold, bargained away, or transferred by ANY
38 process, including a franchise or contract, even WITH consent.

39 *“We hold these truths to be self-evident, that **all men are created equal, that they are endowed by their Creator***
40 ***with certain unalienable Rights**, that among these are Life, Liberty and the pursuit of Happiness.--That to secure*
41 *these rights, Governments are instituted among Men, deriving their just powers from the consent of the governed,*
42 *–“*
43 [Declaration of Independence]

44 *“Unalienable. Inalienable; incapable of being aliened, that is, sold and transferred.”*
45 [Black’s Law Dictionary, Fourth Edition, p. 1693]

46 Therefore, the only people who can lawfully “alienate” any Constitutional right in relation to a real, de jure government by
47 exercising their right to contract, are those NOT protected by the Constitution and who therefore are either domiciled on
48 federal territory or situated abroad, which also is not protected by the Constitution.

Any attempt to treat any government as having more power, authority, or rights than a single human, in fact, constitutes idolatry. The source of all government power in America is The Sovereign People as individuals, who are human beings and no civil statutory “persons”. Any power that did not come from this “natural” source is, therefore “supernatural”, and all religions are based on the worship of such “supernatural beings” or “superior beings”.

“Religion. Man’s relation to Divinity, to reverence, worship, obedience, and submission to mandates and precepts of supernatural or superior beings. In its broadest sense includes all forms of belief in the existence of superior beings exercising power over human beings by volition, imposing rules of conduct, with future rewards and punishments. Bond uniting man to God, and a virtue whose purpose is to render God worship due him as source of all being and principle of all government of things. Nikulnikoff v. Archbishop, etc., of Russian Orthodox Greek Catholic Church, 142 Misc. 894, 255 N.Y.S. 653, 663.”
[Black’s Law Dictionary, Sixth Edition, p. 1292]

By “worship”, we really mean “obedience” to the dictates of the supernatural or superior being.

“worship 1. chiefly Brit: a person of importance—used as a title for various officials (as magistrates and some mayors) 2: reverence [obedience] offered a divine being or supernatural power; also: an act of expressing such reverence 3: a form of religious practice with its creed and ritual 4: extravagant respect or admiration for or devotion to an object of esteem <~ the dollar>.”
[Webster’s Ninth New Collegiate Dictionary, 1983, ISBN 0-87779-510-X, p. 1361]

In these respects, both law and religion are twin sisters, because the object of BOTH is “obedience” and “submission” to a “sovereign” of one kind or another. Those in such “submission” are called “subjects” in the legal field. The only difference between REAL religion and state worship is WHICH sovereign: God or man:

“Obedientia est legis essentia. Obedience is the essence of the law. 11 Co. 100.”
[Bouvier’s Maxims of Law, 1856;
SOURCE: <http://famguardian.org/Publications/BouvierMaximsOfLaw/BouviersMaxims.htm>]

A quick way to determine whether you are engaging in idolatry is to look at whether the authority being exercised by a so-called “government” has a “natural” source, meaning whether any human being who is not IN the government can lawfully exercise such authority. If they cannot, you are dealing with a state-sponsored religion and a de facto government rather than a REAL, de jure government. The nature of that de facto government is described in:

Socialism: The New American Civil Religion, Form #05.016
<http://sedm.org/Forms/FormIndex.htm>

Lastly, we discuss the concept of “justice” in the context of franchises and your right to contract later in:

Requirement for Consent, Form #05.003, Section 9.10.4: Justice in the context of franchises and your right to contract
<http://sedm.org/Forms/FormIndex.htm>

2.5.3 The Criminality and Injustice of Turning Legal Justice into a Statutory Franchise or Privilege

“The practice of law, sir, is a privilege, especially in Federal Court. You’re close to losing that privilege in this court, Mr. Stillely.”
[Great IRS Hoax, Form #11.302, Section 4.4.12 and 6.11.1. From the trial of Dr. Phil Roberts]

This section will prove that it is not only unconstitutional but illegal and even criminal to turn “justice” into a statutory franchise or privilege. In any legal system of justice, the most important methods of ensuring the integrity and fairness of the process is:

1. Equality between the government and all litigants. See Form #05.033.
2. Impartial judges and juries free of conflict of interest.

These elements are the foundation of “due process”, in fact, as we exhaustively explain in Form #05.045. Many legal, philosophical, and logical problems result from turning justice into a for-profit business because of the conflict of interest that it creates that can destroy due process. The main method of turning justice into a for-profit business is government franchises, so we must examine how franchises can cause “justice” to not only become “injustice”, but to produce crime as well.

The main method of turning a PRIVATE right into a PUBLIC privilege is by imposing the ability to take it away from the party without their express consent free of coercion of any kind. Ownership, after all, is the right to EXCLUDE any and ALL others, including governments, from using or benefitting from the use of the property. Anyone in the legal profession or the government who insists that they have the ability to deny you the service or property you seek without denying it to everyone else equally is, in effect, STEALING the property and violating the constitutional requirement for equal protection and equal treatment. This kind of discrimination produces and encourages extortion and/or usury because if the thing needed is especially important and even essential to your survival or well-being, there is a limitless number of things they could demand from you in exchange for the right to restore the thing you seek or need. The thing the government demands in return to restore the thing they are threatening to take away is called a “benefit” in franchise parlance. The British Magna Carta recognizes the denial of justice and turning it into a profitable franchise as follows:

“To no-one will we sell or deny of delay right or justice.”

[Magna Carta, National Archives; SOURCE: <https://www.archives.gov/exhibits/featured-documents/magna-carta/translation.html>]

We discuss franchises at length in the following memorandum of law:

Government Instituted Slavery Using Franchises, Form #05.030
<https://sedm.org/Forms/FormIndex.htm>

As we point out in the above document over and over, all government franchises involve grants of government property with conditions or strings attached. The “strings” attached require you to surrender some type of valuable property in order to procure the government property you seek. Under the Uniform Commercial Code (U.C.C.), government franchises turn the government into the “Merchant” (U.C.C. §2-104(1)) offering property and you become the “Buyer” (U.C.C. §2-103(1)(a)) seeking and “bidding” to exchange their otherwise private property for the property sought. Under such circumstances, the Merchant always prescribes the terms of the sale and has the right to refuse sale if the Buyer either does not accept the terms or wants to modify them.

In the case of “justice”, the government property sought are “judicial services”, “court services”, “police protection”, and “jails”. The cost of delivering all of these forms of property must be paid for in a way that does not jeopardize or undermine the chief characteristics of justice itself. There are lots of ways that justice can be undermined or denied in the process of raising revenue to pay for administering it. The following list identifies a few of these ways that we have personally observed, but the list is in fact ENDLESS:

1. Threatening any litigant with sanctions if they attempt to relitigate any issue in the future, and especially in the case of issues the court REFUSES its constitutional duty to even address. This approach by any judge in fact amounts to criminal obstruction of justice, threatening a protected witness, and witness tampering. These types of issues are what we call “Third Rail Issues”:

Third rail of politics

The **third rail** of a nation's politics is a metaphor for any issue so controversial that it is “charged” and “untouchable” to the extent that any politician or public official who dares to broach the subject will invariably suffer politically.

It is most commonly used in North America. Though commonly attributed to Tip O'Neill,^[1] Speaker of the United States House of Representatives during the Reagan presidency, it seems to have been coined by O'Neill aide Kirk O'Donnell in 1982 in reference to Social Security.^[2]

The metaphor comes from the high-voltage third rail in some electric railway systems. Stepping on this usually results in electrocution, and the use of the term in politics relates to the risk of “political death” that a politician would face by tackling certain issues.

[Wikipedia: “Third rail of politics”, Downloaded 6/6/2018; SOURCE: https://en.wikipedia.org/wiki/Third_rail_of_politics]

1
2 FOOTNOTES:

3 1. Rick Shenkman. *"When Did Social Security Become the Third Rail of American Politics?"*. George Mason
4 University. Retrieved 21 October 2014.

5 2. William Safire (8 February 2007). *"On Language: Third Rail"*. The New York Times. Retrieved 21 October
6 2014.

7 2. Denying justice as a service to specific classes or groups of people based on some arbitrary criteria such as ethnicity,
8 sexual orientation, gender, religious beliefs, etc.

9 3. Charging so much for the service that the people at the bottom of the economic ladder can't afford it. Thus, the poor
10 are discriminated against and can easily be abused by the rich without legal consequence.

11 4. Prosecuting people for failing to pay taxes that pay for police protection, while not prosecuting officers who fail to
12 render the protection paid for. See:

Why Domicile and Becoming a "Taxpayer" Require Your Consent, Form #05.002, Section 8
<https://sedm.org/Forms/FormIndex.htm>

13 5. Appointing and paying a court-appointed and court-selected attorney who is licensed and therefore beholden to the
14 court at the expense of the best interests of the client. See:

Petition for Admission to Practice, Family Guardian Fellowship
<https://famguardian.org/Subjects/LawAndGovt/LegalEthics/PetForAdmToPractice-USDC.pdf>

15 6. The judge orders the court reporter to withhold the court transcript and then orders the text changed to remove
16 something that he said that would undermine the government, get him in trouble. That way, you as the litigant
17 discriminated upon or treated illegally by the judge do not have proof that he is doing it. This is criminal obstruction of
18 justice and also criminally tampers with the court reporter as a witness.

19 7. Allowing judges to serve over both CONSTITUTIONAL issues and FRANCHISE issues and to decide which of the
20 two types of law to apply. That choice is called "choice of law" and it is discussed in Form #05.018, Section 3. Judges
21 whose pay and benefit derives from franchises will always try to switch the choice of law from CONSTITUTIONAL
22 to STATUTORY FRANCHISE as a way to increase their own revenues or lower the taxes they pay for those
23 franchises. For instance, allowing a state criminal judge whose revenues or commissions derive from traffic tickets to
24 preside over a case involving unlicensed driving against someone who is PRIVATE and not a franchisee and who has
25 CONSTITUTIONAL rights but wants not STATUTORY PRIVILEGES. This causes the judge to PRETEND that the
26 party is subject to the statute when they are not in order to unlawfully enlarge government revenue and his own pay
27 and benefits. This is a criminal violation of 18 U.S.C. §208 and a civil violation of 28 U.S.C. §144, and 28 U.S.C.
28 §455.

29 8. Instituting a commission program to reward police officers for writing tickets that produce revenue. This is an illegal
30 abuse of the police power for civil or revenue purposes. See:

Sovereignty for Police Officers Course, Form #12.022
<https://sedm.org/Forms/FormIndex.htm>

31 9. Censoring the court record by:

32 9.1. Telling you what to say in a pleading.

33 9.2. Denying the filing of specific types of pleadings.

34 9.3. Rejecting the pleading because it is too long.

35 9.4. Publishing court rules that limit the size of pleadings and thus criminally suborning perjury by preventing you
36 from telling the WHOLE truth.

37 10. Hearing a case where one of the litigants before the court is a friend of the judge or has a commercial relationship with
38 him/her. Judges are required to recuse themselves in such a case.

39 11. Sanctioning people OTHER than licensed attorneys for any of their activities in the court other than contempt relating
40 to disobeying court orders. Court rules pertain only to officers of the court, including those relating to sanctions.
41 Private humans are not officers of the court. See Federal Rules of Civil Procedure.

42 12. Causing a surrender of any right, and especially constitutional right, against the government or a specific government
43 actor in exchange for the ability to file suit. Examples might include:

44 12.1. Waiving the right of trial by jury in exchange for the PRIVILEGE of being able to file a suit. Traffic court, Tax
45 Court, and Family Court don't have a jury or a jury box and you aren't even allowed to request one. You are
46 presumed to have waived those rights when you signed up for the franchise, even though those rights are
47 UNALIENABLE, according to the Declaration of Independence.

- 12.2. Making the rules of court arbitrary or not publishing them. This deprives litigants of the constitutional requirement for “reasonable notice” of what is expected of them and allows court officers to arbitrarily discriminate. See Form #05.022.
13. Instituting a conflict of interest, usually financial, among those judging the case, acting as witnesses, or serving as jurists. This would include:
- 13.1. Allowing judges or jurors to serve on trials involving taxes where they are either taxpayers or tax consumers.
 - 13.2. Allowing judges to preside over trials involving companies they invested in.
 - 13.3. Subsidizing judges with financial incentives for a specific outcome of the case, such as commissions for convictions.
 - 13.4. Subsidizing court witnesses to testify in a way that produces a specific outcome of the case. For instance, paying witnesses a money award if their testimony produces a conviction.
 - 13.5. Tampering with or bribing jurists by telling them, for instance, that they will or will not be audited by the IRS for testifying in a certain way.
 - 13.6. Telling juries hearing tax cases that their tax bill will go up if they don’t convict the defendant and thereby FORCE him or her to “pay their fair share”.
 - 13.7. Recruiting witnesses against you who are in jail and who are told they will be released if they testify in a certain way.
 - 13.8. Telling a party among a group of people being convicted that they will get immunity and not be prosecuted if they testify against their cohorts.
14. Destroying all constitutional rights and replacing them with privileges by:
- 14.1. Forcing you to invoke the statutory law in order to get a remedy INSTEAD of the Constitution. See Form #05.037.
 - 14.2. Dismissing or penalizing cases that invoke the Constitution as a remedy INSTEAD of the statutes. See Form #05.010.
 - 14.3. Refusing to hear cases of people present on land but not domiciled on that land. See Form #05.002.
15. Censoring people from filing future actions in court. This happens all the time with people who use arguments in court that the courts don’t want to deal with and which expose and prosecute government corruption.
16. Making the ruling unpublished in cases against the government where the government loses. Thus, you and other litigants may not use the win as an authority to win in future cases. This prejudices all cases in favor of the government and usually involves criminal obstruction of justice by the judge who made his ruling unpublished. See: <http://Nonpublication.com>
17. Making presumptions about the litigant or his status without evidence on the record of the proceeding which prejudice the litigant and favor the government. For instance, PRESUMING that they are a statutory “U.S. citizen” instead of a non-resident state national, thus making them liable for every act of Congress instead of immune from acts of Congress. See:
- 17.1. Why You are a “national”, “state national”, and Constitutional but not Statutory Citizen, Form #05.006 <https://sedm.org/Forms/FormIndex.htm>
 - 17.2. Presumption: Chief Weapon for Unlawfully Enlarging Federal Jurisdiction, Form #05.017 <https://sedm.org/Forms/FormIndex.htm>
 - 17.3. Non-Resident Non-Person Position, Form #05.020 <https://sedm.org/Forms/FormIndex.htm>

All of the above examples involve interfering with justice or the ability to litigate of specific litigants to advantage usually the government at the expense of the litigant. The biblical term for the above tactics is “usury”, and the Bible forbids it. The types of activities turn “justice” into a franchise and are often litigated in franchise courts:

“franchise court. Hist. A privately held court that (usu.) exists by virtue of a royal grant [privilege], with jurisdiction over a variety of matters, depending on the grant and whatever powers the court acquires over time. In 1274, Edward I abolished many of these feudal courts by forcing the nobility to demonstrate by what authority (quo warranto) they held court. If a lord could not produce a charter reflecting the franchise, the court was abolished. - Also termed courts of the franchise.

Dispensing justice was profitable. Much revenue could come from the fees and dues, fines and amercements. This explains the growth of the second class of feudal courts, the Franchise Courts. They too were private courts held by feudal lords. Sometimes their claim to jurisdiction was based on old pre-Conquest grants ... But many of them were, in reality, only wrongful usurpations of private jurisdiction by powerful lords. These were put down after the famous Quo Warranto enquiry in the reign of Edward I.” W.J.V. Windeyer, Lectures on Legal History 56-57 (2d ed. 1949).”
[Black’s Law Dictionary, Seventh Edition, p. 668]

Notice the above language: “private courts held by feudal lords”. Judges who enforce their own franchises within the courtroom by imputing a franchise status against those protected by the Constitution but who are not lawfully allowed to alienate their rights or give them away are acting in a private capacity to benefit themselves personally. That private capacity is associated with a de facto government in which greed is the only uniting factor. Contrast this with love for our neighbor, which is the foundation of a de jure government. When judges act in such a private, de facto capacity, the follow results:

1. The judge is the “feudal lord” and you become his/her personal serf.
2. Rights become privileges, and the transformation usually occurs at the point of a gun held by a corrupt officer of the government intent on enlarging his/her pay check or retirement check. And he/she is a CRIMINAL for proceeding with such a financial conflict of interest:

[TITLE 18 > PART I > CHAPTER 11 > § 208](#)
[§ 208. Acts affecting a personal financial interest](#)

(a) Except as permitted by subsection (b) hereof, **whoever, being an officer or employee of the executive branch of the United States Government, or of any independent agency of the United States, a Federal Reserve bank director, officer, or employee, or an officer or employee of the District of Columbia, including a special Government employee, participates personally and substantially as a Government officer or employee, through decision, approval, disapproval, recommendation, the rendering of advice, investigation, or otherwise, in a judicial or other proceeding, application, request for a ruling or other determination, contract, claim, controversy, charge, accusation, arrest, or other particular matter in which, to his knowledge, he, his spouse, minor child, general partner, organization in which he is serving as officer, director, trustee, general partner or employee, or any person or organization with whom he is negotiating or has any arrangement concerning prospective employment, has a financial [or personal/private] interest—**

Shall be subject to the penalties set forth in section [216](#) of this title.

3. Equality and equal protection are replaced with the following consequences under a franchise:
 - 3.1. Privilege.
 - 3.2. Partiality.
 - 3.3. Bribes.
 - 3.4. Servitude and slavery.
4. The franchise statutes are the “bible” of a pagan state-sponsored religion. The bible isn’t “law” for non-believers, and franchise statutes aren’t “law” for those who are not consensually occupying a public office in the government as a public officer representing statutory public offices such as “citizen”, “resident”, “taxpayer”, “driver”, etc. See:

[Socialism: The New American Civil Religion](#), Form #05.016
<http://sedm.org/Forms/FormIndex.htm>
5. You join the religion by “worshipping”, and therefore obeying what are actually voluntary franchises. The essence of “worship”, in fact, is obedience to the dictates of a superior being. Franchises make your public servants into superior beings and replace a republic with a dulocracy. “Worship” and obedience becomes legal evidence of consent to the franchise.

“And the Lord said to Samuel, “Heed the voice of the people in all that they say to you; for they have rejected Me [God], that I should not reign over them. According to all the works which they have done since the day that I brought them up out of Egypt, even to this day—with which they have forsaken Me and served [as PUBLIC OFFICERS/FRANCHISEES] other gods [Rulers or Kings, in this case]—so they are doing to you also [government becoming idolatry].”
[1 Sam 8:4-20, Bible, NKJV]

6. “Presumption” serves as a substitute for religious “faith” and is employed to create an unequal relationship between you and your public servants. It turns the citizen/public servant relationship with the employer/employee relationship, where you are the employee of your public servant. See:

[Presumption: Chief Weapon for Unlawfully Enlarging Federal Jurisdiction](#), Form #05.017
<http://sedm.org/Forms/FormIndex.htm>
7. “Taxes” serve as a substitute for “tithes” to the state-sponsored church of socialism that worships civil rulers, men and creations of men instead of the true and living God.
8. The judge’s bench becomes:
 - 8.1. An altar for human sacrifices, where YOU and your property are the sacrifice. All pagan religions are based on sacrifice of one kind or another.
 - 8.2. What the Bible calls a “throne of iniquity”:

1 **"Shall the throne of iniquity, which devises evil by law, have fellowship with You?"** They gather
2 together against the life of the righteous, and condemn innocent blood. But the Lord has been my defense, and
3 my God the rock of my refuge. He has brought on them their own iniquity, and shall cut them off in their own
4 wickedness; **the Lord our God shall cut them off.**
5 [Psalm 94:20-23, Bible, NKJV]

- 6 9. All property belongs to this pagan god and you are just a custodian over it as a public officer. You have EQUITABLE
7 title but not LEGAL title to the property you FALSELY BELIEVE belongs to you. The Bible franchise works the
8 same way, because the Bible says the Heavens and the Earth belong the LORD and NOT to believers. Believers are
9 "trustees" over God's property under the Bible trust indenture. Believers are the "trustees":

10 *"Indeed heaven and the highest heavens belong to the LORD your God, also the earth with all that is in it."*
11 [Deut. 10:15, Bible, NKJV]

12
13 *"The ultimate ownership of all property is in the State; individual so-called "ownership" is only by virtue of
14 Government, i.e., law, amounting to mere user; and use must be in accordance with law and subordinate to the
15 necessities of the State."*

16 [Senate Document #43, Senate Resolution No. 62, p. 9, paragraph 2, 1933]

17 SOURCE: <http://www.famguardian.org/Subjects/MoneyBanking/History/SenateDoc43.pdf>

- 18 10. The court building is a "church" where you "worship", meaning obey, the pagan idol of government.

19 *"Now, Mr. Speaker, this Capitol is the civic temple of the people, and we are here by direction of the people to
20 reduce the tariff tax and enact a law in the interest of all the people. This was the expressed will of the people at
21 the polls, and you promised to carry out that will, but you have not kept faith with the American people."*
22 [44 Cong.Rec. 4420, July 12, 1909; Congressman Heflin talking about the enactment of the Sixteenth
23 Amendment]

- 24 11. The licensed attorneys are the "deacons" of the state sponsored civil religion who conduct the "worship services"
25 directed at the judge at his satanic altar/bench. They are even ordained by the "chief priests" of the state supreme
26 court, who are the chief priests of the civil religion.
27 12. Pleadings are "prayers" to this pagan deity. Even the U.S. Supreme Court still calls pleadings "prayers", and this is no
28 accident.
29 13. Like everything that SATAN does, the design of this state-sponsored satanic church of socialism that worships men
30 instead of God is a cheap IMITATION of God's design for de jure government found throughout the Holy Bible.

31 NOW do you understand why in Britain, judges are called "your worship"? Because they are like gods:

32 **"worship 1. chiefly Brit: a person of importance—used as a title for various officials (as magistrates and**
33 **some mayors) 2: reverence offered a divine being or supernatural power; also: an act of expressing such**
34 **reverence 3: a form of religious practice with its creed and ritual 4: extravagant respect or admiration for or**
35 **devotion to an object of esteem <~ the dollar>."**
36 [Webster's Ninth New Collegiate Dictionary, 1983, ISBN 0-87779-510-X, p. 1361]

37
38 Psalm 82 (Amplified Bible)
39 A Psalm of Asaph.

40 **GOD STANDS** in the assembly [of the representatives] of God; **in the midst of the magistrates or judges** He
41 gives judgment [as] among the gods.

42 **How long will you [magistrates or judges] judge unjustly and show partiality to the wicked?** Selah [pause, and
43 calmly think of that]!

44 *Do justice to the weak (poor) and fatherless; maintain the rights of the afflicted and needy.*

45 *Deliver the poor and needy; rescue them out of the hand of the wicked.*

46 **[The magistrates and judges] know not, neither will they understand; they walk on in the darkness [of**
47 **complacent satisfaction]; all the foundations of the earth [the fundamental principles upon which rests the**
48 **administration of justice] are shaking.**

I said, You are gods [since you judge on My behalf, as My representatives]; indeed, all of you are children of the Most High.

But you shall die as men and fall as one of the princes.

*Arise, O God, judge the earth! For to You belong all the nations.
[Psalm 82, Amplified Bible]*

The above is not only unethical, but it has also been declared unconstitutional by the U.S. Supreme Court:

*"It has long been established that a State may not impose a penalty upon those who exercise a right guaranteed by the Constitution." Frost & Frost Trucking Co. v. Railroad Comm'n of California, 271 U.S. 583. "Constitutional rights would be of little value if they could be indirectly denied," Smith v. Allwright, 321 U.S. 649, 644, or manipulated out of existence,' Gomillion v. Lightfoot, 364 U.S. 339, 345."
[Harman v. Forssenius, 380 U.S. 528 at 540, 85 S.Ct. 1177, 1185 (1965)]*

The above ruling recognizes what is called "The Unconstitutional Conditions Doctrine" of the U.S. Supreme Court. That doctrine is further explored in:

Government Instituted Slavery Using Franchises, Form #05.030, Section 28.2: Unconstitutional Conditions Doctrine
<https://sedm.org/Forms/FormIndex.htm>

If you would like to know more about legal ethics and how it can be used to prevent and prosecute the enfranchisement of "justice" itself, see:

Law and Government Page, Section 14, Family Guardian Fellowship
<https://famguardian.org/Subjects/LawAndGovt/LawAndGovt.htm>

2.5.4 Equality of Opportunity v. Equality of Outcome

A free government is based on equality of OPPORTUNITY. A socialist government is based on equality of OUTCOME. These two approaches are the basis for LEGAL justice and SOCIAL justice respectively. The table below compares the two approaches:

Table 4 Equality of Opportunity v. Equality of Outcome

#	Characteristic	Equality of OUTCOME	Equality of OPPORTUNITY
1	Type of justice	Social Justice	Legal Justice
2	Political party	Democrat (left)	Republican (right)
3	Sovereign power in government derives from	The Collective	The Individual
4	Legal system based mainly on	Government franchises	Common law/constitution
5	Absolute property ownership is mainly in	Government/Collective	Individual
6	Abuse of taxation system to redistribute wealth from rich to poor? (unconstitutional)	Yes	No
7	Incentive to work	Minimum (state handouts discourage work)	Maximum
8	Private property allowed?	No. All property is owned by the state and its distribution is controlled and regulated	Yes
9	Competition in the marketplace?	No	Yes
10	Degree of personal freedom	Minimum	Maximum
11	State power	Maximum	Minimum
12	Civil status of those regulated	PUBLIC officer (e.g. STATUTORY "citizen", "resident", "taxpayer", "U.S. Person", etc.)	Private non-resident non-person
13	People attracted to this approach	Low income, low ability, low motivation, low self-confidence	Rich, high ability

#	Characteristic	Equality of <i>OUTCOME</i>	Equality of <i>OPPORTUNITY</i>
14	Age group with political majority usually	Younger	Older
15	Effective domicile of participants (citizens, residents)	Federal territory no protected by the Constitution	Constitutional state

The reason that equality of OUTCOME takes root in a society is because losers petition government to STEAL from the winners. Those who can win a race don't want equality of outcome. Losers want equality of outcome because they benefit more from it. When the number of losers who are voters outnumbers the number of winners, then democracy forces the political system toward the Left in the above table. Lobbying by the winners using money and PACs pulls the political approach to the right of the above table.

The great failing of equality of OUTCOME is that:

- The state is the only one with absolute ownership of property. Everyone else has only equitable ownership shared with the state.
 - The sharing of property ownership is called "moiety" in the legal field.
 - If the government did NOT have a monopoly on absolute ownership of all property, property redistribution with the taxation system would be illegal and impossible and could be prosecuted as theft.
- There is no separation between PUBLIC and PRIVATE because there is no PRIVATE. Everyone is a public officer receiving the benefits and privileges of government franchises. See:
Separation Between Public and Private Course, Form #12.025
<https://sedm.org/Forms/FormIndex.htm>
- There is no happiness. The Declaration of Independence identifies absolute ownership of property as the origin of ALL happiness. "pursuit of happiness" in the Declaration of Independence has been equated by the courts as the right to ABSOLUTELY OWN property. Only the collective can have absolute ownership in a system based on equality of OPPORTUNITY, which leaves everyone else at the mercy of the state literally as CHATTEL of the state.

"The provision [Fourteenth Amendment, Section 1], it is to be observed, places property under the same protection as life and liberty. Except by due process of law, no State can deprive any person of either. The provision has been supposed to secure to every individual the essential conditions for the pursuit of happiness; and for that reason has not been heretofore, and should never be, construed in any narrow or restricted sense."
[Munn v. Illinois, 94 U.S. 113 (1876)]

- Legal justice is impossible, because there is no absolute equality of absolute ownership of property between the state and the individual. Legal justice DEMANDS that ALL are equal, which means INDIVIDUALS are equal in all rights with the GOVERNMENT in court and under the law.
- The political system under equality of outcome devolves to socialism, statism, and idolatry, because of the inequality created by the inability of the individual to absolutely own anything. See:
Socialism: The New American Civil Religion, Form #05.016
<https://sedm.org/Forms/FormIndex.htm>
- The government inevitably becomes tyrannical, because it can use its monopoly over absolute ownership of all property to control any and every aspect of personal behavior, leaving the individual with little freedom or autonomy.

Because of all of the problems listed above that result from abusing law to implement equality of OUTCOME, those who try to abuse the legal system to implement it are the ULTIMATE hypocrites: They produce equality of all cows, but they turn the country into a big farm, make the government into the farm owner, and turn all cows into property of the farmer, as we show in the video below:

How to Leave the Government Farm, SEDM
<https://youtu.be/Mp1gJ3iF2Ik>

The following video explains how this works:

The Truth About Equality: Outcome vs. Opportunity, Stefan Molyneux
<https://youtu.be/cGgN9rwIYG0>

1 Lastly, here is what the U.S. Supreme Court said about the abuse of the legal system or the courts to effect equality of
2 OUTCOME rather than equality of OPPORTUNITY:

3 "It being self-evident that, unless all things are held in common, some persons must have more property than
4 others, it is from the nature of things impossible to uphold freedom of contract and the right of private property
5 without at the same time recognizing as legitimate those inequalities of fortune that are the necessary result of
6 the exercise of those rights.

7 "The Fourteenth Amendment recognizes "liberty" and "property" as coexistent human rights, and debars the
8 states from any unwarranted interference with either.

9 "Since a state may not strike down the rights of liberty or property directly, it may not do so indirectly, as by
10 declaring in effect that the public good requires the removal of those inequalities that are but the normal and
11 inevitable result of the exercise of those rights, and then invoking the police power in order to remove the
12 inequalities, without other object in view.

13 "The Fourteenth Amendment debars the states from striking down personal liberty or property rights or
14 materially restricting their normal exercise excepting so far as may be incidentally necessary for the
15 accomplishment of some other and paramount object, and one that concerns the public welfare. The mere
16 restriction of liberty or of property rights cannot, of itself, be denominated "public welfare" and treated as a
17 legitimate object of the police power, for such restriction is the very thing that is inhibited by the Amendment.
18 [236 U.S. 31]"
19 [Coppage v. Kansas, 236 U.S. 1 (1915)]

20 Notice the very telling phrase "unless all things are held in common". What they are saying is that the only way to make
21 equality of OUTCOME legal is for the government to absolutely own EVERYTHING. In other words, that all property is
22 PUBLIC property and there is no PRIVATE property. That is the essence of socialism and collectivism:

23 Collectivism: a political or economic theory advocating collective control [e.g. OWNERSHIP] esp. over
24 production and distribution or a system marked by such control.
25 [Webster's Ninth New Collegiate Dictionary, 1983, ISBN 0-87779-510-X, p. 259]

26 Socialism n (1839) 1: any of various economic and political theories advocating collective or governmental
27 ownership and administration of the means of production and distribution of goods 2 a: a system of society or
28 group living in which there is no private property b: a system or condition of society in which the means of
29 production are owned and controlled by the state 3: a stage of society in Marxist theory transitional between
30 capitalism and communism and distinguished by unequal distribution of goods and pay according to work done.
31 [Webster's Ninth New Collegiate Dictionary, 1983, ISBN 0-87779-510-X, p. 1118]

32 For more information on socialism, read:

[Socialism: The New American Civil Religion](https://sedm.org/Forms/FormIndex.htm), Form #05.016
<https://sedm.org/Forms/FormIndex.htm>

33 **2.6 What Justice is NOT or what is "injustice"**

34 On the opening page of our website, we define INJUSTICE in item 12 as follows:

35 **SEDM Website, Opening Page**

36 Welcome to our religious fellowship and ministry. We are a [First Amendment](#), not-for-profit, unincorporated,
37 unregistered, non-privileged, non-denominational religious fellowship and ministry. Our [Mission](#) is to honor, to
38 love, and to obey our Lord and God by teaching, reading, learning, and obeying [His Holy Law and Word](#), putting
39 Him first, and loving our neighbor by keeping the government as our servant and His steward for truth and
40 justice. As described in [Heb. 4:12](#) and like Jesus in [Rev. 1:16](#), we seek to use the [word and law of God](#) as a sharp
41 sword to expose and cut off [corruption](#) wherever it is found, and ESPECIALLY in government. [His word and law](#)
42 is also our armor and shield as we combat the corruption as described in [Eph. 6:11-20](#) and [Psalm 91](#). See the
43 following for authorities on why we, and [especially Christians](#), must learn law:

44 [Authorities on why we must PERSONALLY learn, follow, and enforce man's law and God's](#)
45 [law](#)

46 Our goal is to inspire, empower, motivate, and educate mainly those born or naturalized in the [USA \(and NOT](#)
47 ["U.S."\)](#) and who are Members in how to love, honor, obey, glorify, and lift up our Sovereign Lord above every

king, ruler, government, and [Earthly law](#) at a personal and very practical level and in every area of our lives. This is the essence of our religious worship and the essence, according to the Bible, of how we love our God. Our ministry accomplishes the above goals by emphasizing:

1. [Legal education](#) focused on both [God's law](#) and [man's law](#).
2. [Religious liberty, faith and worship](#).
3. Law enforcement and legal activism.
4. [Self government](#): Internal rather than external government.
5. [Personal responsibility](#), good citizenship, [human sovereignty \(as an agent of the only sovereign, who is God\)](#).
6. Nonviolent, lawful exercise of non-partisan [activism](#) in pursuit of [ONLY religious goals](#).
7. A return of a lawful, limited, accountable, and Constitutional government which is God's servant, rather than His enemy or His competitor for the allegiance, obedience, affections and worship of the Sovereign People, "We the People"
8. Exposing, publicizing, and opposing [socialism, corruption, and violations of the Constitution](#) and the law by government employees and officials.
9. [Exercising our First Amendment right of self-government exclusively under the civil laws of our God](#).
10. Protecting and expanding the [separation of powers doctrine](#), and especially the [separation of church, which is believers](#), from state, which is the unbelieving people and governments around them.
11. [Emphasizing and restoring the role of PRIVATE property](#) in the freedom of each individual and [its use as a defense against government oppression or corruption](#).
12. The pursuit of legal "justice", which means absolutely owned private property, and equality of TREATMENT and OPPORTUNITY under [REAL LAW \(Form #05.048\)](#). The following would be INJUSTICE, not JUSTICE:
 - 12.1 Outlawing or refusing to recognize or enforce [absolutely owned private property \(Form #12.025\)](#).
 - 12.2 Imposing equality of OUTCOME by law, such as by abusing taxing powers to redistribute wealth. See [Form #11.302](#).
 - 12.3 Any attempt by government to use judicial process or administrative enforcement to enforce any civil obligation derived from any source OTHER than express written consent or to an injury against the equal rights of others demonstrated with court admissible evidence. See [Form #05.003](#).
 - 12.4 Implementing or enforcing any [civil franchise \(Form #05.030\)](#). This enforces superior powers on the part of the government as a form of inequality and results in religious idolatry. This includes making justice into a civil public privilege or turning CONSTITUTIONAL PRIVATE citizens into STATUTORY PUBLIC citizens engaged in a public office and a franchise ([Form #05.006](#)).

Not only would the above be INJUSTICE, it would outlaw HAPPINESS, because the right to absolutely own private property is equated with "the pursuit of happiness" in the Declaration of Independence, according to the U.S. Supreme Court. See [Form #05.050](#) for the definition of "justice". [Click here](#) to view a video on why all franchises produce selfishness, unhappiness, inequality, and ingratitude.

All of our worship, educational materials, and classes focus on the above goals. This is a fulfillment of the commandments of the Lord governing the relationship of believers to the world available below:

[Commandments About Relationship of Believers to the World](#)

[SEDM Website, Opening Page; SOURCE: <http://sedm.org>]

For more on the main source of INJUSTICE, read the following referenced in item 12 above:

[Government Instituted Slavery Using Franchises](#), Form #05.030
FORMS PAGE: <https://sedm.org/Forms/FormIndex.htm>
DIRECT LINK: <https://sedm.org/Forms/05-MemLaw/Franchises.pdf>

2.7 Abuses of the term “justice” to accomplish “injustice”¹⁵



A new Pro-government legal principle has been released from Vorkutlag labor camp.

You are familiar with the liberals screaming “collusion” and “obstruction of justice” in relation to the president, but did you know that YOU may be charged with obstruction of justice at any time by the super police.

If you criticize a cop, that is obstruction of justice.

If you ask a cop why he stopped you, that is obstruction of justice.

If you refuse to get out of your car when the cop starts shouting orders at you, that is obstruction of justice.

Eric Peters Auto reports:

“A new principle forms the basis of American criminal justice. It is that innocence is irrelevant. More accurately, it is an obstruction.

It gets in the way of what government wants – which is to bully and control everyone.

The former requirement in law – and general custom – that *conviction* had to precede *punishment* and that *evidence* to suggest wrongdoing had to precede *investigation* has been thrown in the woods – so to speak – in favor of making things easier for the criminal justice system by assuming *everyone* is a criminal.”

As the *Boston Herald* [reports](#) about Roger Stone:

“After his arraignment on witness tampering, obstruction and lying to Congress, a rattled Stone was quoted as saying [29 agents ‘pounded on the door,’ pointed automatic weapons at him and ‘terrorized’ his wife and dogs.](#) Stone was taken away in handcuffs, the sixth associate of President Trump to be indicted in Special Counsel Robert Mueller’s probe into Russian meddling in the 2016 election. All the charges have been related to either lying or tax evasion, with no evidence of so-called ‘collusion’ with Russia emerging to date.”

[Roger Stone, Boston Herald, 1/26/2019; SOURCE: <https://www.bostonherald.com/2019/01/26/fbis-roger-stone-raid-sends-chilling-message/>]

In case you haven’t noticed. The touchy-feely democrats with the help of Republicans in Name Only (RINOS) are redefining obstruction of justice:

If you remain silent, that is obstruction of justice.

If you say, “I don’t know” that is obstruction of justice.

¹⁵ Source: *Are You Obstructing Justice?*, Nike Insights, 6/15/2019; SOURCE: <https://nikeinsights.famguardian.org/forums/topic/are-you-obstructing-justice/>.

- 1 If you say, "I haven't been drinking," or "I don't do drugs," that's obstruction of justice.
- 2 If you demand to see a warrant, that is obstruction of justice.
- 3 If you claim you are innocent, that is obstruction of justice.
- 4 If you demand your due process rights, that is obstruction of justice.
- 5 If you believe you are innocent until proven guilty, that is obstruction of justice.
- 6 If you demand evidence or proof of claim, that is obstruction of justice.
- 7 If you claim you your 1st, 2nd, 4th, 5th, 6th, 7th, or 10th Amendment rights, that is obstruction of justice.
- 8 If you demand a trial by jury that is obstruction of justice.
- 9 If you demand a fair and impartial jury, that is obstruction of justice.
- 10 If you demand to see a writ of probable cause, that is obstruction of justice.
- 11 If you demand to know what law your broke, that is obstruction of justice.
- 12 If you want to know by what authority the officer stopped you, that is obstruction of justice.
- 13 If you don't submit to a urine test, blood test, drug test, DNA test, fingerprinting, or don't pull your pants down so that can
14 search you for contraband, that is obstruction of justice.
- 15 If you plead "innocent" of a traffic violation in magistrate court, that is obstruction of justice.
- 16 If you don't incriminate yourself, that is obstruction of justice.
- 17 If you don't submit to a strip and body cavity search, that is obstruction of justice.
- 18 If you say you don't owe the IRS \$67,000 in past due taxes, that is obstruction of justice.
- 19 If you resist a beating, whipping, cussing, criticism, or grand slam body slam on the pavement in front of your children, that
20 is obstruction of justice.
- 21 If you don't allow a cop to come in and search your home without a warrant, that is obstruction of justice.
- 22 If you refuse a breathalyzer test, that is obstruction of justice
- 23 If you don't say "I'm guilty" and jump into the leg irons and cuffs, that is obstruction of justice.
- 24 If you don't do what the cop orders, give him all your cash, and get down on your knees and say "baaa, baaa, baaa blue lives
25 matter, but mine doesn't" then you are obstructing justice.
- 26 This is a country run by mafia-like figures that believe in the total subjection of the total man to total government.
- 27 Prosecutors aim at only one thing: discouraging dissent, and reminding the populace that resistance to tyranny of the police
28 state is futile, and that it is a mark of good citizenship to be totally compliant and to give the government everything it wants.

2.8 God's Biblical Prescription to Restore "Legal Justice"

It should interest the reader to know that God prescribes EXACTLY how to restore justice to our society and put government back in its ten mile square legal box or "district" in the District of Columbia. We explain how this is done in the following document on our site.

Sovereignty and Freedom Points and Authorities, Litigation Tool #10.018, Preface
<https://sedm.org/Litigation/LitIndex.htm>

Everything after the line below derives from the Preface in the above document. It explains how to restore justice from a biblical perspective.

PREFACE

Litigation to fight corruption is time consuming and risk prone. Most people do not have time in their busy schedule to devote to disciplined and sustained litigation or lack the discipline to do accurate credible research. The most pressing problem in the freedom community is therefore to equip God's Gideon Army to fight government corruption efficiently, effectively, and to avoid being discredited or undermined in the process. The most frequent method for undermining these activities by corrupt government actors is to attack the authorities relied upon in pleadings and label inaccurate or erroneous authorities as the product of an idiot or deranged mind.

Points and Authorities

Points and authorities in general refer to the important points that are discussed in a case and the authorities that are relied on. A memorandum of points and authorities is often filed along with a motion, and brief in support of the motion. Points and authorities explain why the law authorizes the judge [should desire] to take the requested action. The term points and authorities comes from the fact that the legal discussion makes certain points followed by citations to legal authority (usually a court decision or statute) supporting each point. Basically this memorandum provides an outline of the various points or counts that plaintiff or defendant wishes to raise and the authorities for the same.

[USLegal.com: *Points and Authorities*; SOURCE: <https://definitions.uslegal.com/p/points-and-authorities/>]

This document is therefore intended to prevent malicious or slanderous accusations, protect the credibility of the freedom community, and to save tremendous amounts of time doing legal research so that more and better litigation can be accomplished and won in the fight against corruption.

This document contains quotes from the very people who are the instigators of the corruption this document fights. The best way to disarm your opponent is with his own statements and tactics. This is a fulfillment of the Sun Tzu proverbs of war:

"If you know the enemy and know yourself, you need not fear the result of a hundred battles. If you know yourself but not the enemy, for every victory gained you will also suffer a defeat. If you know neither the enemy nor yourself, you will succumb in every battle."

[Sun Tzu, *The Art of War*; SOURCE: https://www.goodreads.com/author/quotes/1771.Sun_Tzu]

This document is free and not protected by a "pay wall". While it is sorely needed and could potentially produce enormous revenue, we decided to offer it for free so that it will receive the widest possible dissemination and benefit from the widest audience of not our critics, but our members. We welcome your CONSTRUCTIVE feedback on how to improve this document or make it useful in the widest possible range of situations faced by freedom fighters. You may submit that feedback at the following location. You must be a Basic Member and be logged in to submit such feedback:

SEDM Forum 9.4: Errata reports
<https://sedm.org/forums/forum/9-sedm-ministry-members-only/94-errata-reports/>

This document is not intended as a marketing tool and it would not be trustworthy under God's law if the main motivation for producing it was filthy lucre:

1 And when Simon saw that through the laying on of the apostles' hands the Holy Spirit was given, he offered them
2 money, saying, "Give me this power also, that anyone on whom I lay hands may receive the Holy Spirit."

3 But Peter said to him, "Your money perish with you, because you thought that the gift of God could be purchased
4 with money! You have neither part nor portion in this matter, for your heart is not right in the sight of God.
5 Repent therefore of this your wickedness, and pray God if perhaps the thought of your heart may be forgiven you.
6 For I see that you are poisoned by bitterness and bound by iniquity."

7 Then Simon answered and said, "Pray to the Lord for me, that none of the things which you have spoken may
8 come upon me."
9 [[Acts 8:18-24](#), Bible, NKJV]

10 The ULTIMATE way of studying and knowing your opponent is to study his own words and tactics. This document is
11 intended as the ultimate codification and organization of such study.

12 This book started out several years ago as a simple project to identify and collect a few statements of legal import from the
13 public record that might determine the veracity of the theory that the American governments are to have limited authority
14 over the lives of the American people, and that the states of the Union and the federal government are separate, distinct, and
15 foreign to each other and have separate and distinct sovereignties and jurisdictions. We originally thought we might find as
16 many as thirty or forty citations in support of this understanding. As we reviewed various historical, legal, and otherwise
17 authoritative documents, we were led from one source to another so that we soon had collected many more citations than
18 what we had originally thought existed. As we continued to chase references, our total grew to more than 1700 citations-with
19 no end in sight! Nearly all of these cites support some aspect of the theory that forms the basis of our investigation. And our
20 investigation is not exhaustive by any means.

21 Early in the collection process we decided to create a computer file that would contain some of the best statements as extracts
22 from these sources. Many of the statements are so strongly and beautifully worded that we became convinced that they should
23 be preserved in a new format for the benefit of those who love the historical understanding of freedom in America and
24 especially for those who may not have ready access to the library resources of a metropolitan area. This document is the result
25 of that effort. We have meticulously copied these authorities exactly as the issues have been stated in this document.

26 Our investigation shows that American society is drifting away from government by constitutional limitation and toward
27 government by administrative privilege and franchises. Despite the constitutional requirement that all governments in
28 America must be republic in form, and all officials must be democratically elected, in reality our governments are neither
29 republics nor democracies. Except for a few rare instances, the American governments, both state and federal, function as
30 dulocracies. From Black's Law Dictionary, Fourth Edition, a dulocracy is:

31 "a government where servants and slaves have so much license and privilege [franchises] that they domineer."

32 The Bible describes this inversion of political affairs where PUBLIC servants become rulers instead of servants:

33 *There is an evil I have seen under the sun,*
34 *As an error proceeding from the ruler:*
35 *Folly is set in great dignity,*
36 *While the rich sit in a lowly place.*
37 *I have seen servants on horses,*
38 *While princes walk on the ground like servants.*
39 [[Eccl. 10:5-7](#), Bible, NKJV]

40 The Bible and the U.S. Supreme Court both describe EXACTLY, from a legal perspective, WHEN AND HOW you
41 personally facilitate this inversion of public servants. It is done with grants of government property that have legal strings
42 attached. This grant and the obligations attached to the grant are collectively what we call "government franchises" on our
43 website. The word "privilege" in fact is synonymous with grants of property and the legal strings attached to the grant.

44 "The rich rules over the poor,
45 And the borrower is servant to the lender."
46 [[Prov. 22:7](#), Bible, NKJV]

47 "The State in such cases exercises no greater right than an individual may exercise over the use of his own
48 property when leased or loaned to others. The conditions upon which the privilege shall be enjoyed being stated
49 or implied in the legislation authorizing its grant, no right is, of course, impaired by their enforcement. The

recipient of the privilege, in effect, stipulates to comply with the conditions. It matters not how limited the privilege conferred, its acceptance implies an assent to the regulation of its use and the compensation for it.”
[Munn v. Illinois, 94 U.S. 113 (1876)]

Curses of Disobedience [to God's Laws]

“The alien [Washington, D.C. is legislatively “alien” in relation to states of the Union] who is among you shall rise higher and higher above you, and you shall come down lower and lower [malicious destruction of EQUAL PROTECTION and EQUAL TREATMENT by abusing FRANCHISES]. He shall lend to you [Federal Reserve counterfeiting franchise], but you shall not lend to him; he shall be the head, and you shall be the tail.

“Moreover all these curses shall come upon you and pursue and overtake you, until you are destroyed, because you did not obey the voice of the LORD your God, to keep His commandments and His statutes which He commanded you. And they shall be upon you for a sign and a wonder, and on your descendants forever.

“Because you did not serve [ONLY] the LORD your God with joy and gladness of heart, for the abundance of everything, therefore you shall serve your [covetous thieving lawyer] enemies, whom the LORD will send against you, in hunger, in thirst, in nakedness, and in need of everything; and He will put a yoke of iron [franchise codes] on your neck until He has destroyed you. The LORD will bring a nation against you from afar [the District of CRIMINALS], from the end of the earth, as swift as the eagle flies [the American Eagle], a nation whose language [LEGALESE] you will not understand, a nation of fierce [coercive and fascist] countenance, which does not respect the elderly [assassinates them by denying them healthcare through bureaucratic delays on an Obamacare waiting list] nor show favor to the young [destroying their ability to learn in the public FOOL system]. And they shall eat the increase of your livestock and the produce of your land [with “trade or business” franchise taxes], until you [and all your property] are destroyed [or STOLEN/CONFISCATED]; they shall not leave you grain or new wine or oil, or the increase of your cattle or the offspring of your flocks, until they have destroyed you.
[Deut. 28:43-51, Bible, NKJV]

The problem with all such loans or grants is that they can theoretically attach ANY condition they want to the loan or grant. If the property is something that is life threatening to do without, then they can destroy ALL of your constitutional rights and you will have no remedy.

“But when Congress creates a statutory right [a “privilege” or “public right” in this case, such as a “trade or business”], it clearly has the discretion, in defining that right, to create presumptions, or assign burdens of proof, or prescribe remedies; it may also provide that persons seeking to vindicate that right must do so before particularized tribunals created to perform the specialized adjudicative tasks related to that right. FN35 Such provisions do, in a sense, affect the exercise of judicial power, but they are also incidental to Congress' power to define the right that it has created. No comparable justification exists, however, when the right being adjudicated is not of congressional creation. In such a situation, substantial inroads into functions that have traditionally been performed by the Judiciary cannot be characterized merely as incidental extensions of Congress' power to define rights that it has created. Rather, such inroads suggest unwarranted encroachments upon the judicial power of the United States, which our Constitution reserves for Art. III courts.”
[Northern Pipeline Const. Co. v. Marathon Pipe Line Co., 458 U.S. 50, 102 S.Ct. 2858 (1983)]

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.

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]

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.

James Madison, whose notes were used to draft the Bill of Rights, predicted this perversion of the Constitutional design, when he said the following:

"With respect to the words general welfare, I have always regarded them as qualified by the detail of powers connected with them. To take them in a literal and unlimited sense would be a metamorphosis of the Constitution into a character which there is a host of proofs was not contemplated by its creator."

"If Congress can employ money indefinitely to the general welfare, and are the sole and supreme judges of the general welfare, they may take the care of religion into their own hands; they may appoint teachers in every State, county and parish and pay them out of their public treasury; they may take into their own hands the education of children, establishing in like manner schools throughout the Union; they may assume the provision of the poor; they may undertake the regulation of all roads other than post-roads; in short, every thing, from the highest object of state legislation down to the most minute object of police, would be thrown under the power of Congress.... Were the power of Congress to be established in the latitude contended for, it would subvert the very foundations, and transmute the very nature of the limited Government established by the people of America."

"If Congress can do whatever in their discretion can be done by money, and will promote the general welfare, the government is no longer a limited one possessing enumerated powers, but an indefinite one subject to particular exceptions."

[James Madison. House of Representatives, February 7, 1792, On the Cod Fishery Bill, granting Bounties]

The term "general welfare" as used above is, in fact, the basis for the entire modern welfare state that will eventually lead to a massive financial collapse crisis worldwide.¹⁶ Anyone who therefore supports such a system is ultimately an anarchist intent on destroying our present dysfunctional government and thereby committing the crime of Treason:¹⁷

Socialism: The New American Civil Religion, Form #05.016
<https://sedm.org/Forms/05-MemLaw/SocialismCivilReligion.pdf>

The Bible also describes how to REVERSE this inversion, how to restore our constitutional rights, and how to put public servants back in their role as servants rather than masters. Note that accepting custody or "benefit" or grants of government property in effect behaves as an act of contracting, because it accomplishes the same effect, which is to create implied "obligations" in a legal sense:

"For the Lord your God will bless you just as He promised you; **you shall lend to many nations, but you shall not borrow**; you shall reign over many nations, but they shall not reign over you."
[Deut. 15:6, Bible, NKJV]

¹⁶ For details on the devastating political effects of the modern welfare state, see: Communism, Socialism, Collectivism Page, Section 10: Welfare State, Family Guardian Fellowship, https://famguardian.org/Subjects/Communism/Communism.htm#Welfare_State.

¹⁷ In the landmark case of Steward Machine Co. v. Davis, 310 U.S. 548 (1937) legalizing social security, the U.S. Supreme Court had the following to say about the treason of inverting the relationship of the states to the federal government:

"If the time shall ever arrive when, for an object appealing, however strongly, to our sympathies, the dignity of the States shall bow to the dictation of Congress by conforming their legislation thereto, when the power and majesty and honor of those who created shall become subordinate to the thing of their creation, I but feebly utter my apprehensions when **I express my firm conviction that we shall see 'the beginning of the end.'**"
[Steward Machine Co. v. Davis, 310 U.S. 548, 606 (1937)]

"The Lord will open to you His good treasure, the heavens, to give the rain to your land in its season, and to bless all the work of your hand. **You shall lend to many nations, but you shall not borrow.**"
[Deut. 28:12, Bible, NKJV]

"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]

"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]

Following the above commandments requires not signing up for and quitting any and all government benefits and services you may have consensually signed up for or retained eligibility for. All such applications and/or eligibility is called "special law" in the legal field.

"special law. One relating to particular persons or things; one made for individual cases or for particular places or districts; one operating upon a selected class, rather than upon the public generally. A private law. A law is "special" when it is different from others of the same general kind or designed for a particular purpose, or limited in range or confined to a prescribed field of action or operation. A "special law" relates to either particular persons, places, or things or to persons, places, or things which, though not particularized, are separated by any method of selection from the whole class to which the law might, but not such legislation, be applied. Utah Farm Bureau Ins. Co. v. Utah Ins. Guaranty Ass'n, Utah, 564 P.2d. 751, 754. A special law applies only to an individual or a number of individuals out of a single class similarly situated and affected, or to a special locality. Board of County Com'rs of Lemhi County v. Swensen, Idaho, 80 Idaho 198, 327 P.2d. 361, 362. See also Private bill; Private law. Compare General law; Public law."
[Black's Law Dictionary, Sixth Edition, pp. 1397-1398]

We also prove that all such "special law" is not "law" in a classical sense, but rather an act of contracting, because it does not apply equally to all. It is what the U.S. Supreme Court referred to as "class legislation" in Pollock v. Farmers Loan and Trust in which they declared the first income tax unconstitutional:

"The income tax law under consideration is marked by discriminating features which affect the whole law. It discriminates between those who receive an income of four thousand dollars and those who do not. It thus vitiates, in my judgment, by this arbitrary discrimination, the whole legislation. Hamilton says in one of his papers, (the Continentalist,) "the genius of liberty reprobates everything arbitrary or discretionary in taxation. It exacts that every man, by a definite and general rule, should know what proportion of his property the State demands; whatever liberty we may boast of in theory, it cannot exist in fact while [arbitrary] assessments continue." 1 Hamilton's Works, ed. 1885, 270. The legislation, in the discrimination it makes, is class legislation. **Whenever a distinction is made in the burdens a law imposes or in the benefits it confers on any citizens by reason of their birth, or wealth, or religion, it is class legislation, and leads inevitably to oppression and abuses, and to general unrest and disturbance in society [e.g. wars, political conflict, violence, anarchy].** It was hoped and believed that the great amendments to the Constitution which followed the late civil war had rendered such legislation impossible for all future time. But the objectionable legislation reappears in the act under consideration. It is the same in essential character as that of the English income statute of 1691, which taxed Protestants at a certain rate, Catholics, as a class, at double the rate of Protestants, and Jews at another and separate rate. Under wise and constitutional legislation every citizen should contribute his proportion, however small the sum, to the support of the government, and it is no kindness to urge any of our citizens to escape from that obligation. If he contributes the smallest mite of his earnings to that purpose he will have a greater regard for the government and more self-respect 597*597 for himself feeling that though he is poor in fact, he is not a pauper of his government. And it is to be hoped that, whatever woes and embarrassments may betide our people, they may never lose their manliness and self-respect. Those qualities preserved, they will ultimately triumph over all reverses of fortune."

[Pollock v. Farmers' Loan & Trust Co., 157 U.S. 429 (Supreme Court 1895)]

To realistically apply the above biblical prohibitions against contracting with any government so as to eliminate the reversal of roles and destroy the dulocracy, see:

Path to Freedom, Form #09.015

<https://sedm.org/Forms/09-Procs/PathToFreedom.pdf>

Section 5 of the above document in particular deals with how to eliminate the dulocracy. Section 5.6 also discusses the above mechanisms.

The idea of a present day dulocracy is entirely consistent with the theme of our website, which is the abuse of government franchises and privileges to destroy PRIVATE rights, STEAL private property, promote unhappiness, and inject malice and vitriol into the political process, as documented in:

Government Instituted Slavery Using Franchises, Form #05.030

FORMS PAGE: <https://sedm.org/Forms/FormIndex.htm>

DIRECT LINK: <https://sedm.org/Forms/05-MemLaw/Franchises.pdf>

The U.S. Supreme Court and the Bible both predicted these negative and unintended consequences of the abuse of government franchises, when they said:

*"Here I close my opinion. I could not say less in view of questions of such gravity that they go down to the **very foundations of the government**. If the provisions of the Constitution can be set aside by an act of Congress, where is the course of usurpation to end?"*

*The present **assault upon capital** [THEFT! and WEALTH TRANSFER by unconstitutional CONVERSION of PRIVATE property to PUBLIC property] is but the beginning. **It will be but the stepping stone to others larger and more sweeping**, until our political contest will become war of the poor against the rich; a war of growing intensity and bitterness."*

[Pollock v. Farmers' Loan & Trust Co., 157 U.S. 429, 158 U.S. 601 (1895), hearing the case against the first income tax passed by Congress that included people in states of the Union. They declared that first income tax UNCONSTITUTIONAL, by the way]

*"Where do wars and fights come from among you? **Do they not come from your desires for pleasure [unearned money or "benefits", privileges, or franchises, from the government] that war in your members [and your democratic governments]? You lust [after other people's money] and do not have**. You murder [the unborn to increase your standard of living] and covet [the unearned] and cannot obtain [except by empowering your government to STEAL for you!]. You fight and war [against the rich and the nontaxpayers to subsidize your idleness]. Yet you do not have because you do not ask [the Lord, but instead ask the **deceitful government**]. You ask and do not receive, because you ask amiss, that you may spend it on your pleasures. **Adulterers and adulteresses! Do you not know that friendship [statutory "citizenship"] with the world [for the governments of the world] is enmity with God?** Whoever therefore wants to be a friend [STATUTORY "citizen", "resident", "inhabitant", "person" franchisee] of the world [or **the governments of the world**] makes himself an enemy of God."*

[James 4:4, Bible, NKJV]

The "foundations of the government" spoken of above are PRIVATE property, separation between public and private, and equality of treatment and opportunity, which collectively are called "legal justice", as we point out on our opening page:

Our ministry accomplishes the above goals by emphasizing:

*12. The pursuit of **legal "justice"** (Form #05.050), which means **absolutely owned private property** (Form #10.002), and **equality of TREATMENT and OPPORTUNITY** (Form #05.033) under **REAL LAW** (Form #05.048). The following would be INJUSTICE, not JUSTICE:*

*12.1 Outlawing or refusing to recognize or enforce **absolutely owned private property** (Form #12.025).*

12.2 Imposing equality of OUTCOME by law, such as by abusing taxing powers to redistribute wealth. See Form #11.302.

12.3 Any attempt by government to use judicial process or administrative enforcement to enforce any civil obligation derived from any source OTHER than express written consent or to an injury against the equal rights of others demonstrated with court admissible evidence. See [Form #09.073](#) and [Form #12.040](#).

12.4 Offering, implementing, or enforcing any [civil franchise \(Form #05.030\)](#). This enforces superior powers on the part of the government as a form of inequality and results in religious idolatry. This includes making justice into a civil public privilege ([Form #05.050, Section 13](#)) or turning CONSTITUTIONAL PRIVATE citizens into STATUTORY PUBLIC citizens engaged in a public office and a franchise ([Form #05.006](#)).

Not only would the above be INJUSTICE, it would outlaw HAPPINESS, because the right to absolutely own private property is equated with “the pursuit of happiness” in the Declaration of Independence, according to the U.S. Supreme Court. See [Form #05.050](#) for the definition of “justice”. [Click here](#) to view a video on why all franchises produce selfishness, unhappiness, inequality, and ingratitude.
[SEDM Website, Opening Page; SOURCE: <http://sedm.org>]

Too many public servants have assumed absolute authority over the people they are supposed to serve. This REVERSAL of roles and making the SERVANTS into the MASTERS was never the intent of the Founding Fathers who established the American governments as republics where the rights of the people are to be paramount and the sovereignty of the governments are limited by the rights of the people. Sovereignty in America is not based on the same premise as sovereignty in Europe. Sovereignty in Europe was based on the notion of the Divine Right of Kings where the king's sovereignty was absolute and the people were his subjects. Sovereignty in America is based on the notion that citizens are endowed by the Creator with unalienable rights and then lend their permission to the governments to carry out certain, limited responsibilities on their behalf. In a republican form of government, the government is never allowed to overstep its authority or trample on the rights of the citizen no matter how egalitarian the political arguments may be.

Jesus Himself also emphasized that public SERVANTS should never become RULERS or have superior authority to the people they are supposed to SERVE when He said the following.

“You know that the rulers of the Gentiles [unbelievers] lord it over them [govern from ABOVE as pagan idols] , and those who are great exercise authority over them [supernatural powers that are the object of idol worship]. Yet it shall not be so among you; but whoever desires to become great among you, let him be your servant [serve the sovereign people from BELOW rather than rule from above]. And whoever desires to be first among you, let him be your slave—just as the Son of Man did not come to be served, but to serve, and to give His life a ransom for many.”
[[Matt. 20:25-28](#), Bible, NKJV]

Notice the word “ransom for many” in the above. This is an admission that Jesus acknowledges that cunning public servant lawyers have KIDNAPPED our legal identity from the protection of God’s law and that legal identity has been transported to a legislatively foreign jurisdiction, the District of Criminals. We exhaustively prove this with evidence in the following memorandum of law:

[Government Identity Theft](#), Form #05.042
<https://sedm.org/Forms/05-MemLaw/GovernmentIdentityTheft.pdf>

Jesus also states in Matt. 20:25-28 that it is the DUTY and obligation of every Christian to fight this corruption of our political system. The Holy Bible is our Delegation of Authority to do precisely this, in fact, and to restore God to His proper role as the ruler of ALL nations and ALL politicians and the only rightful Lawgiver of all human law. That delegation of authority is described in:

[Delegation of Authority Order from God to Christians](#), Form #13.007
<https://sedm.org/Forms/13-SelfFamilyChurchGovnce/DelOfAuthority.pdf>

This book is a compilation of extracts from many sources dealing with the role of the American governments in American society. The extracts are taken from both federal and state authorities establishing the jurisdictional authority of the federal and state governments with special attention to sovereignty, citizenship, federal taxation, and remedies for the innocent. These quotations span the entire time of the American experience and represent the fundamental understanding that serves as the basis for the American legal system. The majority of the quotations are from the United States Supreme Court, other federal courts, and the state supreme courts and other state courts of record. (We have also relied heavily on California statutes since we both live in California. Those who live in some other state will have to search the statute books in that jurisdiction to find similar statutes.) The quotations do not originate with any particular political party or political movement, but represent the fundamental nature of the American legal system from the beginning of American society to the present. And because we

have been careful to quote the exact wording, including the apparent mistakes, none of what is presented in this book represents the opinions of anyone outside of some official capacity or learned legal scholars.

In some instances, bureaucrats have argued against the notion that the individual could rely on these fundamental rights against the government, thus creating the impression that these sources should be classified as frivolous or "top secret". We have facetiously placed those words on the cover of this book. Fortunately, all of the sources quoted herein are part of the public record. And they must be part of the public record because it is the fundamental right of the people of America to both know what their governments are doing and to control their governments for the benefit of the individual as well as society. Honest government cannot operate in secret.

This document is a research tool to assist the reader in learning more about the history and limited authority of the American governments.

"The only thing new under the sun is the history you do not know."
[SEDM]

We submit this material to the reader carefully preserved in the original words with virtually no comments of our own, but with liberal cross-references to other citations, and three indexes for researching the original citations, topics of interest, and terms. Hopefully, this will assist in researching issues of interest and allow the reader to arrive at one's own conclusions based upon what the "authorities" have stated from the beginning of the American experience through to the present. We believe this research demonstrates the time-worn notion that there is a seamless web of the law.

However, there are a few cases, certainly less than 100 of those we could find, that seem to be somewhat in conflict with the historical theme that the American governments have limited authority, and that the states of the Union and the federal government are separate and distinct governments and have separate and distinct sovereignties and jurisdictions. The reader should be aware that the cites presented herein are merely the citations that deal with the issues under investigation. Throughout American history the truth about the fundamental nature of American society and the rights and responsibilities of the American people have occasionally been marred and distorted by perverted teachings shrouded in the most egalitarian language. This has been done even by those who claim to know the truth and sometimes even by those whose responsibility it is to interpret the law. This misinformation shows disrespect for and works against the people and against the best and highest ideals of a free society. It is the reader's responsibility to carefully determine whether or not the context for any particular citation applies to one's own circumstance.

We entered this investigation with a high respect for the words of history and the American legal system, and this research confirms that the American legal system, when properly used, has worked in favor of the individual and against the bureaucracies of the governments. This document is our contribution in helping to educate Americans who wish to rely on their unalienable, God given, common-law rights as opposed to some governmentally granted, administrative privilege. In writing this book it is our intention to help make a difference in the lives of those who struggle against a monolithic bureaucracy gone sour on the American dream. We believe that those who serve the people must be required to obey the law, for beyond the line of due process and law lies the domain of usurpation and tyranny. We believe that the greatest need in the world today is that individuals should choose to do what is right simply because it is the right thing to do even though taking a stand for the truth may cost one some suffering and sacrifice. One of the lessons of history is that freedom is costly and that each generation must be prepared to meet the cost of preserving freedom.

We gratefully acknowledge the vision of the following people and organizations in the production of this document:

1. Charles V. Darnell, DhSc., who contributed several of the cites in this book. He is author of the following:

<i>The Fundamental Nature of the Federal Income Tax</i> , Form #05.035 https://sedm.org/LibertyU/FundNatureOfFIT.pdf

2. Gerald Allan Brown, Ed.D. He is author of the following:

<i>The Legal Basis for the Term "Nonresident Alien"</i> , Form #05.036 https://sedm.org/Forms/05-MemLaw/LegalBasisForTermNRALien.pdf

3. Robert E. Schaefer who helped us begin our search for truth in this field of knowledge.
4. Robert F. Huntsman who through his vision and invaluable research assistance, helped in locating many of the citations contained in this document.
5. Sovereignty Education and Defense Ministry (SEDM), which:
 - 5.1. Provided several quotes in Section 4.

5.2. Provided the entire content of Section 11, which originated from the following document:

Famous Quotes About Rights and Liberty, Form #08.011
<https://sedm.org/Forms/08-PolicyDocs/FamousQuotes.pdf>

6. Family Guardian Fellowship, whose citizenship research is found in Section 3.1 and derives from the following document on their website:

Why You are a "national", "state national", and Constitutional but not Statutory Citizen, Family Guardian Fellowship
<https://famguardian.org/Publications/WhyANational/WhyANational.pdf>

Without their assistance the scope of this book would not be nearly so broad nor as complete.

This document is a work in progress. We would appreciate your generous donations in order that it can be maintained, improved, and reach the widest possible audience. You can make your donations at the link below:

<https://sedm.org/product/donation/>

2.9 Biblical Hope for Justice¹⁸

What godly man is not stunned by the evil in this age?

Christian are often bewildered by God's delay in judging wicked men pulling the strings behind the corruption of our time. They carry a private grief in their soul as they see officials promoting evil in the apparatus of government.

What shall we do?

Psalm 46:10 Be still, and know that I am God: I will be exalted among the heathen, I will be exalted in the earth.

Psalm 27:13-14 I had fainted, unless I had believed to see the goodness of the LORD in the land of the living. Wait on the LORD: be of good courage, and he shall strengthen thine heart: wait, I say, on the LORD.

Psalm 91:1 The LORD reigneth; let the people tremble: he sitteth between the cherubims; let the earth be moved.

What shall we pray?

We pray for the salvation of our friends and neighbors, but we also pray for judgment to be poured down on the wicked. We pray imprecatory prayers and rest our hope for justice on the following grounds:

Psalm 1:4 The ungodly are not so: but are like the chaff which the wind driveth away.

Psalm 21:8-9 Thine hand shall find out all thine enemies: thy right hand shall find out those that hate thee. Thou shalt make them as a fiery oven in the time of thine anger: the LORD shall swallow them up in his wrath, and the fire shall devour them.

Psalm 33:10 The LORD bringeth the counsel of the heathen to nought: he maketh the devices of the people of none effect.

Psalm 33:1-2 Fret not thyself because of evildoers, neither be thou envious against the workers of iniquity. For they shall soon be cut down like the grass, and wither as the green herb.

Psalm 36:11-12 Let not the foot of pride come against me, and let not the hand of the wicked remove me. There are the workers of iniquity fallen: they are cast down, and shall not be able to rise.

Psalm 76:10 Surely the wrath of man shall praise thee: the remainder of wrath shalt thou restrain.

Psalm 94:22-23 But the LORD is my defence; and my God is the rock of my refuge. And he shall bring upon them their own iniquity, and shall cut them off in their own wickedness; yea, the LORD our God shall cut them off.

¹⁸ SOURCE: *The Hope for Justice*, Nike Insights; <https://nikeinsights.famguardian.org/forums/topic/the-hope-for-justice/>.

Psalm 97:1, 3 The Lord reigneth . . . A fire goeth before him, and burneth up his enemies round about.

Psalm 109:8, 28 Let his days be few; and let another take his office . . . Let mine adversaries be clothed with shame, and let them cover themselves with their own confusion, as with a mantle.

Psalm 145:20 The Lord keeps all who love Him, But all the wicked He will destroy.

Isaiah 1:24 Therefore saith the Lord, the LORD of hosts, the mighty One of Israel, Ah, I will ease me of mine adversaries, and avenge me of mine enemies:

Jeremiah 17:17-18 Be not a terror unto me: thou art my hope in the day of evil. Let them be confounded that persecute me, but let not me be confounded: let them be dismayed, but let not me be dismayed: bring upon them the day of evil, and destroy them with double destruction.

1 Peter 3:12 For the eyes of the Lord are over the righteous, and his ears are open unto their prayers: but the face of the Lord is against them that do evil.

2 Peter 2:9 The Lord knoweth how to deliver the godly out of temptations, and to reserve the unjust unto the day of judgment to be punished:

2.10 Conclusions

We will now concisely summarize the findings of this document:

1. The rationale for all advocates of “justice” is equality of all.
2. Legal justice is defined as the “right to be left alone”. It carries with it the notion of equality:
 - 2.1. Between and among all humans AND
 - 2.2. Between humans and the government that SERVES them both under REAL law and in court.
3. The foundation of legal justice is the right of ABSOLUTELY OWNED, PRIVATE property. The right to absolutely own and control private property is the ORIGIN of your right to own yourself and to exclude all others from using or benefitting from your body or your labor.
4. The right to ABSOLUTELY own PRIVATE property is the origin of the phrase “pursuit of happiness” in the Declaration of Independence.
5. The right of PRIVATE property recognized in the Declaration of Independence is an INALIENABLE right, which means a right that a REAL government can NEVER take away, and which we cannot lawfully even CONSENT to give away to a REAL de jure government.

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

“Unalienable. Inalienable; incapable of being aliened, that is, sold and transferred.”
[Black’s Law Dictionary, Fourth Edition, p. 1693]

6. “Social Justice” advocates equality of OUTCOME, whereas “Legal Justice” advocates equality of OPPORTUNITY and equality of TREATMENT under the law.
7. The result of “Social Justice” is that it advocates EXTREME INEQUALITY between humans and governments in a legal sense. This inconvenient fact is avoided and suppressed by Social Justice warriors because it undermines their public support and their credibility. It therefore:
 - 7.1. Violates the principle of equality of all because it places the government above all humans in rights and privileges and turns the government into a “dulocracy”.

“A government where servants and slaves have so much license and privilege that they domineer; predominance of slaves”
[Wikipedia: Dulocracy, Downloaded 9/28/17; SOURCE: <https://en.wiktionary.org/wiki/dulocracy/>]

Notice the use of the word “license” and “privilege”: They betray the abuse of franchises to place the government above the governed in the eyes of the law. See:

7.2. Advocates HYPOCRISY and should be resolutely criticized, just as Jesus resolutely criticized the Pharisees for the same reason.

8. The ONLY way that Inequality between humans and governments can be implemented without violating the constitution is using voluntarily civil franchises and your explicit or implied consent that make their enforcement lawful. Learn how they work! See:

9. Social justice is defined as the power to abuse government and the law to redistribute property and wealth. It depends on:
- 9.1. No PRIVATE property ownership.
 - 9.2. Absolute ownership of all property by government.
 - 9.3. Converting all private property ownership from ABSOLUTE to QUALIFIED.
 - 9.4. Sharing ownership of all private property with the government.
10. Social justice is entirely incompatible with legal justice because social justice requires the ELIMINATION of all private property. Since private property is the foundation of legal justice, then the two cannot coexist.
11. The reason politicians like to promote social justice INSTEAD of legal justice is because it artificially, unconstitutionally, and ILLEGALLY expands their power beyond what the founding documents, the Constitution, and the Founding Fathers intended. The lust for political power and money is behind all such ILLEGAL efforts.
12. The poor and the indigent are not entitled to legal justice. The founders referred to them as “paupers and vagabonds” under the original Articles of Confederation. Indigents are not entitled to rights and everything is a privilege for such parties. They are “wards of the state”.
13. The purpose of the Ten Commandments found in the Bible at Exodus 20 is to protect PRIVATE property.
- 13.1. These commandments do NOT recognize ANY kind of government ownership of ANYTHING.
 - 13.2. Most of these commandments are violated by instituting “social justice”, because it eliminates private property and therefore undermines just about every commandment.
14. Biblical justice requires that PEOPLE, FAMILIES, and CHURCHES are the only entities allowed to administer charity and welfare. The Bible NEVER authorizes governments to engage in such activities. In fact, Christ is described as the JUDGE and REMEDY for government corruption, not a GOVERNMENT advocate or protector. In fact, God describes GOVERNMENTS as “LESS THAN NOTHING AND WORTHLESS”:

The Son of Man Will Judge the Nations

*31 “When the Son of Man comes in His glory, and all the holy angels with Him, then He will sit on the throne of His glory. 32 **All the nations will be gathered before Him, and He will separate them one from another, as a shepherd divides his sheep from the goats.** 33 **And He will set the sheep on His right hand, but the goats on the left.** 34 Then the King will say to those on His right hand, ‘Come, you blessed of My Father, inherit the kingdom prepared for you from the foundation of the world: 35 for I was hungry and you gave Me food; I was thirsty and you gave Me drink; I was a stranger and you took Me in; 36 I was naked and you clothed Me; I was sick and you visited Me; I was in prison and you came to Me.’ [Matt. 25:31-36, Bible, NKJV]*

*“Arise, O God, judge the earth; **For You [God] shall inherit all nations [and governments of nations].**” [Psalm 82:8, Bible, NKJV]*

*“Behold, **the nations [and governments and politicians of the nations] are as a drop in the bucket, and are counted as the small dust on the scales.**” [Isaiah 40:15, Bible, NKJV]*

*“**All the inhabitants of the earth are reputed as nothing;** He does according to His will in the army of heaven And among the inhabitants of the earth. No one can restrain His hand Or say to Him, ‘What have You done?’” [Daniel 4:35, Bible, NKJV]*

*“**All nations [and governments] before Him [God] are as nothing,** and they are counted by Him **less than nothing and worthless.**” [Isaiah 40:17, Bible, NKJV]*

*“**He [God] brings the princes [and Kings and Presidents] to nothing; He makes the judges of the earth useless.**” [Isaiah 40:23, Bible, NKJV]*

1 *"Indeed **they [the governments and the men who make them up in relation to God] are all worthless; their***
2 ***works are nothing;** their molded images [and their bureaus and agencies and **usurious "codes" that are not law]***
3 *are wind [and vanity] and confusion."*
4 *[Isaiah 41:29, Bible, NKJV]*

- 5 15. Biblical justice and social justice are entirely incompatible because social justice requires the government to supplant
6 individuals, families, and churches as the ONLY source of charity and grace authorized by God Himself. The founders
7 described the result of doing this below. The man who said the following, in fact, was the scribe who personally
8 penned the ENTIRE constitution and from whose notes the constitution was assembled:

9 *"With respect to the words general welfare, I have always regarded them as qualified by the detail of powers*
10 *connected with them. To take them in a literal and unlimited sense would be a metamorphosis of the Constitution*
11 *into a character which there is a host of proofs was not contemplated by its creator."*

12 *"If Congress can employ money indefinitely to the general welfare, and are the sole and supreme judges of the*
13 *general welfare, they may take the care of religion into their own hands; they may appoint teachers in every*
14 *State, county and parish and pay them out of their public treasury; they may take into their own hands the*
15 *education of children, establishing in like manner schools throughout the Union; they may assume the*
16 *provision of the poor; they may undertake the regulation of all roads other than post-roads; in short, every*
17 *thing, from the highest object of state legislation down to the most minute object of police, would be thrown*
18 *under the power of Congress.... Were the power of Congress to be established in the latitude contended for, it*
19 *would subvert the very foundations, and transmute the very nature of the limited Government established by*
20 *the people of America."*

21 *"If Congress can do whatever in their discretion can be done by money, and will promote the general welfare,*
22 *the government is no longer a limited one possessing enumerated powers, but an indefinite one subject to*
23 *particular exceptions."*
24 *[James Madison. House of Representatives, February 7, 1792, On the Cod Fishery Bill, granting Bounties; More*
25 *quotes like this can be found in Form #05.020, Section 5.1]*

- 26 16. The proper purpose of law is to organize and centralize the protection of PRIVATE property and PRIVATE rights.
27 Any OTHER use:

28 16.1. Replaces equality and justice with INEQUALITY and privilege.

29 16.2. Amounts to abuse, slavery, and THEFT.

30 16.3. Organizes INJUSTICE.

31 16.4. Disestablishes government and replaces a DE JURE government with a DE FACTO government. See

De Facto Government Scam, Form #05.043

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

32 16.5. Replaces a DE JURE government with a private, for profit corporation that cannot exercise official, judicial, or
33 sovereign immunity. See:

Corporatization and Privatization of the Government, Form #05.024

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

34 16.6. Results in the establishment of an unconstitutional civil religion in which government has superior or supernatural
35 powers. See:

Socialism: The New American Civil Religion, Form #05.016

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

36 The above are confirmed and explained by:

The Law, Frederic Bastiat

<https://famguardian.org/Publications/TheLaw/TheLaw.htm>

- 37 17. The purpose of establishing government is to protect ABSOLUTELY owned PRIVATE property of individual human
38 beings.

39 17.1. That protection BEGINS with preventing such property from being converted to PUBLIC property or from being
40 REDISTRIBUTED without the EXPRESS LAWFUL consent of the owner.

41 17.2. Without that kind of protection, there IS:

42 17.2.1. No real government. The government is replaced by a terrorist mafia and the country turns into a "farm"
43 and the people into "farm animals":

How to Leave the Government Farm, SEDM

<https://youtu.be/Mp1gJ3iF2Ik>

44 17.2.2. No real "law". See:

What is "law"?, Form #05.048

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

17.2.3. No “happiness”, because “pursuit of happiness” is defined by the Declaration of Independence as the right to ABSOLUTELY OWN private property not subject to control or regulation by the government.
17.3. The Declaration of Independence FORBIDS human consent to the conversion of PRIVATE property to PUBLIC property by calling property rights “unalienable”. Therefore, there is no way to lawfully convert ABSOLUTELY owned private property to PUBLIC property, franchises, privileges, charity, or “benefits”. See:

Separation Between Public and Private Course, Form #12.025

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

18. The main legal mechanism by which PRIVATE property and PRIVATE rights are converted to PUBLIC property and the mechanism that facilitates wealth redistribution is through the use of government franchises. For details, see:

Government Instituted Slavery Using Franchises, Form #05.030

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

19. The ONLY way to overcome all of the above legal and constitutional limitations is to:

19.1. Confuse language to hide or protect the perpetrators of CRIMINAL and UNCONSTITUTIONAL activity. The following document on our site describes HOW that confusion is perpetrated:

Legal Deception, Propaganda, and Fraud, Form #05.014

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

19.2. Abuse the confusion in legal language to engage in criminal identity theft:

Government Identity Theft, Form #05.046

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

20. If you want to be entirely immune from legal abuse, property theft of social justice warriors, you must:

20.1. Abandon all government franchises.

20.2. Remove yourself from legal domicile.

20.3. Abandon all civil statuses, such as “citizen”, “resident”, “taxpayer”, “person”, “individual”, “spouse”, “driver”, etc.

20.4. Become a statutory “non-resident non-person”, as described in:

Non-Resident Non-Person Position, Form #05.020

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

21. You have an absolute, First Amendment right to be a “non-resident non-person”. See:

Your Exclusive Right to Declare or Establish Your Civil Status, Form #13.008

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

22. If you want to avoid arguments with social justice warriors and always win arguments with them, ensure that:

22.1. You understand the various contexts in which legal terms can be used and are able to distinguish the contexts.

22.2. You define all terms and their contexts carefully before any discussion or debate.

22.3. Ask them the definition of words they are using if they introduce new words.

22.4. Make it IMPOSSIBLE for them to use “equivocation” to confuse contexts so that they can stealthily try to STEAL from you.

See:

Legal Deception, Propaganda, and Fraud, Form #05.014

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

2.11 Resources for Further Study and Rebuttal

If you would like to study the subjects covered in this short memorandum in further detail, may we recommend the following authoritative sources, and also welcome you to rebut any part of this pamphlet after you have read it and studied the subject carefully yourself just as we have:

1. *Sovereignty and Freedom Page*, Section 7.4: Justice, Family Guardian Website

<https://famguardian.org/Subjects/Freedom/Freedom.htm#Justice>

2. *Wisdom, Philosophy, and Morality Page*, Section 3: Ethics and Morality, Family Guardian Fellowship

<https://famguardian.org/Subjects/Wisdom/Wisdom.htm>

3. *The Truth About Equality: Outcome vs. Opportunity* (OFFSITE LINK) -Stefan Molyneux

<https://youtu.be/cGGn9rwIYG0>

4. *The Law*, Form #11.403-book by Frederic Bastiat about the proper purpose of law

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

5. *Sovereignty Forms and Instructions Online*, Form #10.004, Cites by Topic: “justice”.

<http://famguardian.org/TaxFreedom/CitesByTopic/justice.htm>

6. *Foundations of Freedom Course*, Form #12.021, Video 2: Freedom, Sovereignty, and Justice
<http://sedm.org/Forms/FormIndex.htm>
7. *What is "law"?*, Form #05.048-law is the vehicle used to produce or enforce "justice". This short memorandum defines what true "law" really is. This subject is widely misunderstood because law is not taught in public schools.
<http://sedm.org/Forms/FormIndex.htm>
8. *Justice and Compassion in Biblical Law*, Richard Hiers, Scribd (OFFSITE LINK) -detailed treatment of Biblical justice
<https://id.scribd.com/document/83851708/Justice-and-Compassion-in-Biblical-Law>
9. *This Evil Social Justice Mindset Threatens All*-Jordan Peterson
<https://youtu.be/kPbxqorbds4>
10. *Socialism: The New American Civil Religion*, Form #05.016, Section 11.1.1: "Social Justice" as the justification for the transformation – SEDM
<http://sedm.org/Forms/05-MemLaw/SocialismCivilReligion.pdf>
11. *Social Security: Mark of the Beast*, Form #11.407-establishes that government benefits, wealth redistribution, and socialism are unconstitutional and violate the Bible.
<http://sedm.org/Forms/FormIndex.htm>
12. *Why You Aren't Eligible for Social Security*, Form #06.001
<http://sedm.org/Forms/FormIndex.htm>
13. *Resignation of Compelled Social Security Trustee*, Form #06.002-how to stop ILLEGAL and UNCONSTITUTIONAL participation in Social Security.
<http://sedm.org/Forms/FormIndex.htm>
14. *Policy Document: Members Who Reenter the Franchise System*, Form #08.017-notice to those who become compliant members and later go back to the government system of franchises and benefits.
<http://sedm.org/Forms/FormIndex.htm>
15. *Laws of the Bible*, Form #13.001-this memorandum organizes and describes God's law, which is the foundation of justice and righteousness in the western world. Some people refer to its laws as "natural law" and it is the foundation of the common law.
<http://sedm.org/Forms/FormIndex.htm>
16. *What Happened to Justice?*, Form #06.012 -why you can't get justice in federal court and what you can do about it
<http://sedm.org/Forms/FormIndex.htm>
17. *Michael Sandel Course on Justice*, Harvard University
<http://justiceharvard.org/>
18. *What is Social Justice?*, Prager University
<https://www.youtube.com/watch?v=rtBvQj2k6xo>
19. *Doing Justice and Mercy*, Pastor Tim Keller
<https://youtu.be/u8Fn4vTTXHM>
20. *Social Justice: Not What You Think It Is*, Heritage Foundation
<http://www.heritage.org/poverty-and-inequality/report/social-justice-not-what-you-think-it>
21. *Thomas Jefferson on Politics and Government*, Section 30: The Justice System
<http://famguardian.org/Subjects/Politics/ThomasJefferson/jeff1275.htm>
22. *Wester Theories of Justice*, Internet Encyclopedia of Philosophy
<http://www.iep.utm.edu/justwest/>
23. *Aristotle's Conception of Justice*, Anton-Hermann Chroust, David L. Osborn, Notre Dame Law Review, Volume 17, Issue 2, Article 2
<http://scholarship.law.nd.edu/cgi/viewcontent.cgi?article=3967&context=ndlr>
24. *Nichomachean Ethics*, Aristotle-The authoritative statement of Aristotle's ethical system
<http://classics.mit.edu/Aristotle/nicomachaen.html>
25. *Law and Government Page*, Family Guardian Website-discusses how the government operates and how it becomes corrupted.
<http://famguardian.org/Subjects/LawAndGovt/LawAndGovt.htm>

3 Consent from a religious perspective

3.1 God only relates to People who consent through covenants¹⁹

God is a gentleman. He only relates to His people by consensually contracting with them. These contracts are called “covenants” in the Bible. Contracts are civil agreements. Covenants are religious agreements. And contracts...by definition...always have conditions that are binding on **both** parties

The entire Bible, in fact, describes the eternal covenant between God and His followers. It tells the history of all the consequences of both obeying and disobeying that covenant. The disobedience began when Eve ate the fruit and thereby violated the covenant. See Genesis 3. The consequence of that disobedience was separation from God by being kicked out of the Garden. Sin always alienates and separates the sinner from those who are injured by the sin. The area outside the Garden of Eden, in effect, became a “jail” used to house lawbreakers and covenant breakers akin to the prison that societies put their criminals in. The only exit out of that jail here on Earth was guarded by cherubim so that Adam and Eve could not reenter after they left, just like there are guards preventing escape from prisons. Genesis 3:24. Jail and ultimately Hell itself are where all covenant breakers must inevitably go. Hell, in fact, is a place of eternal separation from God because of disobedience to His covenant.

There are four elements to all covenants or contracts:

1. Mutual exchange of lawful benefits.
2. Explicit conditions of performance binding on both parties.
3. Both parties act freely without duress.
4. There is a penalty clause for failing to fulfill the conditions of the contract.

The fundamental element in the religious contract with God is the exchange of benefits. When benefits are offered and accepted ...obligations are incurred and a contract goes live and online (so to speak).

The covenant with God puts our relationship to God on a sound rational basis...as opposed to only a mystical basis. We cannot merely believe or pray to be in God’s good graces...under the covenant we know God’s will...**we know what we have to do.**

And we know what the penalty will be if we don’t fulfill the conditions of the contract. Failing to live up to the conditions of our contract with God is sin. And it activates the penalty clause. When God applies the penalty for breaking our contract with him...he is not acting without mercy. He **must** apply the penalty clause because...**Both** parties must act and fulfill the agreed upon conditions of the contract.

Even God must act according to his covenant promises. Read Psalm 44...not as a prayer...because it is not a prayer...it is a covenant story. And in that psalm the Israelites...politely but firmly...inform God that he has always been quick to fulfill his covenant promises...but now he is slow to perform under the contract...even though the Israelites are holding to their part of the agreement. They ask God why he is asleep...then they demand that he awake and arise and do as he promised.

Look at some of the early covenants God made with His people in the Bible:

1. Adam and Eve in the Garden of Eden.
2. Story of Noah and the flood.
3. Father Abraham.
4. Moses and the Ten Commandments.

You see all of the elements that define a contract in these covenants.

¹⁹ Adapted from “*Is The Covenant With God Unconditional Love?*”, Boundaries for Effective Ministry, <http://www.boundaries-for-effective-ministry.org/the-covenant.html>.

1 Those who hold fast to the idea that God loves them unconditionally do not know the Scriptures. When the rich man asks
2 Jesus how to obtain eternal life (Mt 19:16ff) Jesus tells him to keep the Commandments. The Commandments are the
3 covenant conditions for getting to heaven and eternal life.

4 The Mosaic Covenant between God and his people underlies the salvation promised in The New Testament. This point is
5 made elaborately in the gospel of John...

- 6 1. If you love me you will keep my commandments (Jn 14:15)...
- 7 2. Whoever has my commandments and observes them is the one who loves me (Jn 14:21)...
- 8 3. Whoever does not love me does not keep my words (Jn 14:24)

9 No one can read those words and hold that there are no conditions on the loving relationship between God and his people.
10 And the loving part of the contract...the covenant relationship...is that God binds himself to perform as agreed. We can trust
11 him.

12 If people's contracts with God are in default none of their good works will save them (Mt 7:21ff). God has promised.
13 So...those in ministry who help form and direct the spiritual lives of the people always need to ask:

14 *"Do you keep the Commandments?"*

15 Because the very definition of ministry is acting to bring **both minister and people closer to God.**

16 Attributing unconditional love to God is a Christian heresy because it prevents us from believing ourselves accountable and
17 liable to penalty for disobeying the terms of the covenant between God and his people. Any attempt to separate Christians
18 from the penalties called for under the covenant:

- 19 1. Turns Jesus essentially into a liability insurance salesman from the wrath of God.
- 20 2. Turns Christianity into a fire insurance program from the fires of hell.
- 21 3. Turns tithes into liability insurance premiums.

22 *But Peter said to him, "Your money perish with you, because you thought that the gift of God could be*
23 *purchased with money! You have neither part nor portion in this matter, for your heart is not right in the sight*
24 *of God. Repent therefore of this your wickedness, and pray God if perhaps the thought of your heart may be*
25 *forgiven you. For I see that you are poisoned by bitterness and bound by iniquity."*

26 *Then Simon answered and said, "Pray to the Lord for me, that none of the things which you have spoken may*
27 *come upon me."*
28 *[Acts 8:18-24, Bible, NKJV]*

- 29 4. Turns the church into a place of business, which is the ONLY thing Jesus ever got angry about. See Matt 21:12-17.

30 *Then Jesus went into the temple of God and drove out all those who bought and sold in the temple, and overturned*
31 *the tables of the money changers and the seats of those who sold doves. And He said to them, "It is written, 'My*
32 *house shall be called a house of prayer,' but you have made it a 'den of thieves.'"*
33 *[Matt. 21:12-13, Bible, NKJV]*

34 The above type of corruption was instituted originally by the Catholic Church, which during the dark ages offered
35 "indulgences", which were advanced permission to sin and be forgiven offered for a generous fee to the church. Here is how
36 one prominent biblical scholar describes this corruption and commercialization of Christianity, which he calls paganism:

37 *What such revivalism and pietism espouses is a limited liability universe in God's name. It is thus atheism under*
38 *the banner of Christ. It claims freedom from God's sovereignty and denies predestination. It denies the law, and*
39 *it denies the validity of the curses and blessings of the law. Such a religion is interested only in what it can get*
40 *out of God: hence, "grace" is affirmed, and "love," but not the law, nor God's sovereign power and decree. But*
41 *smorgasbord religion is only humanism, because it affirms the right of man to pick and choose what he wants; as*
42 *the ultimate arbiter of his fate, man is made captain of his soul, with an assist from God. Pietism thus offers*
43 *limited liability religion, not Biblical faith.*

44 *According to Heer, the medieval mystic Eckhart gave to the soul a "sovereign majesty together with God. The*
45 *next step was taken by the disciple, Johannes of Star Alley, who asked if the word of the soul was not as mighty*

as the word of the Heavenly Father."²⁰ In such a faith, the new sovereign is man, and unlimited liability is in process of being transferred to God.

In terms of the Biblical doctrine of God, absolutely no liabilities are involved in the person and work of the Godhead. God's eternal decree and sovereign power totally govern and circumscribe all reality, which is His creation. Because man is a creature, man faces unlimited liability; his sins have temporal and eternal consequences, and he cannot at any point escape God. Van Til has summed up the matter powerfully:

"The main point is that if man could look anywhere and not be confronted with the revelation of God then he could not sin in the Biblical sense of the term. Sin is the breaking of the law of God. God confronts man everywhere. He cannot in the nature of the case confront man anywhere if he does not confront him everywhere. God is one; the law is one. If man could press one button on the radio of his experience and not hear the voice of God then he would always press that button and not the others. But man cannot even press the button of his own self-consciousness without hearing the requirement of God."²¹

But man wants to reverse this situation. Let God be liable, if He fails to deliver at man's request. Let man declare that his own experience pronounces himself to be saved, and then he can continue his homosexuality or work in a house of prostitution, all without liability. Having pronounced the magic formula, "I accept Jesus Christ as my personal lord and savior," man then transfers almost all the liability to Christ and can sin without at most more than a very limited liability. Christ cannot be accepted if His sovereignty, His law, and His word are denied. To deny the law is to accept a works religion, because it means denying God's sovereignty and assuming man's existence in independence of God's total law and government. In a world where God functions only to remove the liability of hell, and no law governs man, man works his own way through life by his own conscience. Man is saved, in such a world, by his own work of faith, of accepting Christ, not by Christ's sovereign acceptance of him. Christ said, "Ye have not chosen me, but I have chosen you" ([John 15:16](#)). The pietist insists that he has chosen Christ; it is his work, not Christ's. Christ, in such a faith, serves as an insurance agent, as a guarantee against liabilities, not as sovereign lord. This is paganism in Christ's name.

In paganism, the worshipper was not in existence. **Man did not worship the pagan deities, nor did services of worship occur. The temple was open every day as a place of business. The pagan entered the temple and bought the protection of a god by a gift or offering. If the god failed him, he thereafter sought the services of another. The pagan's quest was for an insurance, for limited liability and unlimited blessings, and, as the sovereign believer, he shopped around for the god who offered the most. Pagan religion was thus a transaction, and, as in all business transactions, no certainty was involved. The gods could not always deliver, but man's hope was that, somehow, his liabilities would be limited.**

The "witness" of pietism, with its "victorious living," is to a like limited liability religion. A common "witness" is, "Praise the Lord, since I accepted Christ, all my troubles are over and ended." The witness of Job in his suffering was, "Though he slay me, yet will I trust him" ([Job 13:15](#)). St. Paul recited the long and fearful account of his sufferings after accepting Christ: in prison, beaten, shipwrecked, stoned, betrayed, "in hunger and thirst,...in cold and nakedness" ([II Cor. 11:23-27](#)). Paul's was not a religion of limited liability nor of deliverance from all troubles because of his faith.

The world is a battlefield, and there are casualties and wounds in battle, but the battle is the Lord's and its end is victory. To attempt an escape from the battle is to flee from the liabilities of warfare against sinful men for battle with an angry God. To face the battle is to suffer the penalties of man's wrath and the blessings of God's grace and law.

[The Institutes of Biblical Law, Rousas John Rushdoony, The Craig Press, Library of Congress Catalog Card Number 72-79485,1973, pp. 664-669]

If you would like to learn more about the fascinating subject of this section, please see:

[The Unlimited Liability Universe](http://www.famguardian.org/Subjects/Spirituality/Articles/UnlimitedLiabilityUniverse.htm), Family Guardian Fellowship
<http://www.famguardian.org/Subjects/Spirituality/Articles/UnlimitedLiabilityUniverse.htm>

3.2 The Main difference between God and Satan is How they Procure your Consent and Cooperation

The method by which consent is procured characterizes the main distinction, in fact, between the nature of God and the nature of Satan.

²⁰ Friedrich Heer, *The Intellectual History of Europe*, p. 179.

²¹ Cornelius Van Til, *A Letter on Common Grace* (Philadelphia: Presbyterian and Reformed Publishing Company, 1955), p. 40 f.

1. God always procures your consent voluntarily and with full disclosure.
 - 1.1. He motivates people primarily through love.
 - 1.2. He gave you a whole book full of his Truth, His Covenants, and His promises and described in excruciating detail everything that happened both to those who accepted his covenant voluntarily and those who didn't.
 - 1.3. He wants to talk to you constantly through prayer.
 - 1.4. He manifests Himself continually through the Holy Spirit, which is what most people call our conscience.
 - 1.5. Everywhere we go, the Truth of the laws found in His Holy book are demonstrated to us in everything that happens.
 - 1.6. He doesn't force you to do anything, but instead lets experience teach you what is right and wrong continually.
2. Satan always procures your consent through force, fraud, and deceit and without full disclosure.
 - 2.1. He motivates people primarily through fear.
 - 2.2. He exploits, magnifies, and propagates the human weaknesses that are the source of all of his power, including fear, ignorance, and presumption. He intends to make you a prisoner of your own sin and weakness. John 8:34-35.
 - 2.3. He is called the father of lies. [John 8:44](#)
 - 2.4. He is called the deceiver. [Rev. 12:9](#), [John 8:44](#).
 - 2.5. Everything he does produces alienation and separation from God and promotes sin.
 - 2.6. He acts out of pride and covetousness.
 - 2.7. He seeks to destroy God and everything that was created in God's image, which means all of human kind and the entire earth.

The key to being a mature Christian is to be able to discern the subtle differences between God and Satan in procuring our consent, cooperation, and allegiance and to recognize these forces at work in all the people we interact with, and especially those in government. We are the sheep and our God is the good Shepherd. If we are to avoid harm, we must recognize our shepherd and follow Him, but avoid Satan, who is a stranger, a thief, and a destroyer. To God, Satan is a "sheep poacher". The parable of the Good Shepherd tells this story clearly in [John 10:1-11](#):

"Most assuredly, I say to you, he who does not enter the sheepfold by the door, but climbs up some other way, the same is a thief and a robber. But he who enters by the door is the shepherd of the sheep. To him the doorkeeper opens, and the sheep hear his voice; and he calls his own sheep by name and leads them out. And when he brings out his own sheep he goes before them; and the sheep follow him, for they know his voice." Jesus used this illustration, but they did not understand the things which He spoke to them.

Then Jesus said to them again, "Most assuredly, I say to you, I am the door of the sheep. All who enter came before Me are thieves and robbers, but the sheep did not hear them. I am the door. If anyone enters by Me he will be saved, and will go in and out and find pasture. The thief does not come except to steal, and kill, and to destroy. I have come that they may have life, and that they may have it more abundantly. I am the good shepherd. The good shepherd gives His life for the sheep."

If Jesus came today, would you as His sheep know His voice and recognize Him as your Shepherd? Would you be able to distinguish Him from the Antichrist? [1 John 2:18](#) and [2 John 1:7](#) warn us that there will be many false prophets and antichrists. Have you studied God's word and put on the Armor of God ([Eph 6:11-17](#)) so that you will be able to discern these false prophets and teachers and recognize your Shepherd? The table below will hopefully help you with that process of discernment and judgment. If you as a Christian are unwilling or unable to exercise that level of judgment because you have been taught a false standard of not judging, then may God help your soul because there is no hope for you where you are going:

"The lips of the righteous nourish many, but fools die for lack of judgment."
[[Prov. 10:21](#), Bible, NKJV]

"Judge not according to appearance, but judge righteous judgment."
[Jesus speaking in [John 7:24](#), Bible, NKJV]

Table 5: Comparison of God with Satan

#	God/Jesus/Holy Spirit	Satan
1	Manifestation of:	Manifestation of:
1.1	Christ (Matt. 1:18-25)	Antichrist (1 John 2:18,22 , 1 John 4:7 , 2 John 1:7)
1.2	Church (Rev. 19:7-8 , Eph. 5:22-25)	Babel/Babylon/State (Gen 10:8-10 , Rev. 17 , Dan. 4:28-33)
1.3	Church is bride of Christ (Eph. 5:22-24)	Sinful city is Harlot of Satan (Rev. 17:1-6)
1.4	The grace and love of God (Rom. 6:14 , 1 John 4:7 , Rom. 7:6)	The law of man (Rom. 7:1-2 , Heb. 10:1)

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EXHIBIT: _____

#	God/Jesus/Holy Spirit	Satan
1.5	Faith in God (John 6:29)	Confidence in men/"princes"/government (see Psalm 118:8-9 , Rev. 18:7)
1.6	Worship God (Exodus 20:1-11)	Worship Baal/false god (1 Kings 18:20-21)
1.7	Obedience (Deu. 12:28 , Acts 5:29)	Rebellion (Gen. 3:4-5)
1.8	Communion with God and each other (Heb. 11:10 , Heb. 10:25)	Isolation (Prov. 18:1 , Rev. 18:7)
1.9	Righteousness (John 5:30)	Sin (John 8:44) Prostitution (Prov. 6:24-29 , Hosea 4:11) Lying (Exodus 20:16) Fornication (Eph. 5:5 , 1 Cor. 6:18) Adultery (Exodus 20:14) Homosexuality (Lev. 18:22 , 1 Cor. 6:18) Pride (Prov. 6:16-17 , Prov. 8:13) Envy/covetousness (Exodus 20:17) Stealing (Exodus 20:15) Disdain for correction (Prov. 10:7 , 13:18 , 29:1) Conspiracy (Prov. 6:18) Murder (Exodus 20:13) Divorce (Mal. 2:16 , Mark 10:2-9)
2	Names of:	Names of:
2.1	Son Of Man (Dan. 7:13 , Matt. 8:20 , Matt. 19:28 , Matt. 20:18)	Lucifer (Is. 14:12)
2.2	Jesus Christ (Rom. 1:3)	dragon, serpent of old (Rev. 20:2)
2.3	Elohim	the wicked one (Eph. 6:16)
2.4	Yahweh	god of this age (2 Cor. 4:4)
2.5	Prince of Peace (Isa. 9:6)	prince of this world (John 12:31 , 14:30)
2.6	Prince of Life (Acts 3:15)	prince of power (Eph. 2:2)
2.7	prince of the kings of the earth (Rev. 1:5)	devil (Jas. 4:7 , Rev. 12:9)
2.8	Savior (1 Tim. 4:10)	anointed cherub (Eze. 28:14)
2.9	Beloved (Eph. 1:6)	Beast (Rev. 19:19-21)
3	Designs of, to:	Designs of, to:
3.1	Be God/creator of all things (Gen. 1)	Be like God/imitator (Isaiah 14:14)
3.2	Do God's work (Luke 2:49 , John 6:38) Destroy Satan's work (Heb. 2:14 , 1 John 3:8)	Undo God's work (Mark 4:15)
3.3	Help (Heb. 13:6)	Slander (Job 1:9-11)
3.4	Draw people to God (John 6:44)	Make people turn away from God (Job 2:4-5)
3.5	Give eternal life (John 10:10,28)	Murder (John 8:44)
3.6	Secure God's worship among men (Exodus 20:1-11)	Secure mankind's worship (Luke 4:6-8)
3.7	Emancipate and give us liberty (Gal. 5:1)	Enslave (John 8:34)
3.8	Watchful and sober (1 Thess. 5:6)	Works in the night while people are asleep to sow tares and strife (Matt. 13:24-32)
3.9	Judge righteously (John 5:30)	Instigate evil (John 13:2,27)
4	Character of:	Character of:
4.1	Sovereign, omnipotent (Rev. 19:6 , Jer. 32:17,27)	A being created by God (Eze. 28:12-19 , Isaiah 14:12-21)
4.2	Unselfish (Phil. 2:3-4) Servant (Matt. 20:25-28)	Selfish (Gen. 3:4-5)
4.3	Humble (Phil 2:8) Meek (1 Pet. 3:4 , Matt. 5:5)	Proud, vain, covetous (Gen. 4:3-4 , Isaiah 14:13-15)
4.4	Brings life (John 3:16 , John 10:10)	Murderer (John 8:44)
4.5	Just and true (Rev. 15:3)	Deceiver (Rev. 12:9 , John 8:44)
4.6	Source of all truth (John 14:6)	Father of lies (John 8:44)

#	God/Jesus/Holy Spirit	Satan
4.7	Defender (Ps. 59:1); Shephard (Gen. 49:24) Advocate (1 John 2:1)	Adversary (1 Pet. 5:8) Tempter (Matt. 4:3 , 1 Thess. 3:5)
4.8	Righteous (Ps. 145:17 ; 1 John 3:29)	sinner (1 John 3:4-10)
4.9	Wise (Acts 15:18)	Vain (Isaiah 14:13)
4.10	Obedient to God (John 8:28-29) Obedient unto death (Phil. 2:8)	Disobedient toward God (Gen 3:4-5 , Eph. 2:2)
4.11	Light (Gen. 1:4 , 1 John 1:5 , John 8:12)	darkness (Luke 11:34 , Acts 26:18) lost (John 17:12)
4.12	Peaceful (Rom. 14:19-20 , James 3:18)	Contentious (Prov. 18:6)
4.13	Righteous judge (2 Tim. 4:8)	Self-righteous (Prov. 12:15)
4.14	Brief, terse (Matt. 5:37)	Wordy (Eccl. 10:12-14)
4.15	Forgiving (Ex. 34:7)	Wrathful (Eph. 2:3)
4.16	Loving (John 3:16 ; 1 John 4:21)	Hating (1 John 2:9-11)
4.17	Pure in heart (Matt. 5:8)	Originally perfect in his ways (Eze. 28:15) Corrupted by affluence (Eze. 28:16)
4.18	Full of <i>Godly</i> wisdom (Prov. 2:1-9)	Full of <i>worldly</i> wisdom but pride and vanity corrupted his wisdom (Eze. 28:12,17)
4.19	Faithful (Heb. 10:23)	Unfaithful/harlot (Rev. 17)
5	Methods:	Methods:
5.1	Invisible (John 1:18)	Disguises himself (2 Cor. 11:13-14)
5.2	Not the author of doubt (1 Cor. 14:33) Made known (Ps. 103:7)	Insinuates doubt (Gen. 3:1)
5.3	Perfect (Ps. 18:30)	Misuses scripture (Matt. 4:5-6)
5.4	Uses love (1 John 4:8, 16)	Uses schemes (2 Cor. 2:11)
5.5	Healer (Ex. 15:26)	Afflicts believers (Luke 13:16)
6	Executes judgment:	Judgment upon:
6.1	Executes great white throne judgment (Rev. 20:11-15)	Bound (Mark 3:27)
6.2	Captures and destroys Satan (Rev. 19:20-21)	Cast out (John 12:31)
6.3	Judges living and dead (Acts 10:42)	Judged (John 16:11)
6.4		Bruised (Rom. 16:20)
6.5		Assigned to hell (Matt. 25:41)

1 3.3 Satan needs your CONSENT to do absolutely everything he does to hurt you

2 Like God, Satan needs your consent to do anything and everything he does that might hurt you. The following sermon by a
3 well know pastor proves this:

Believer's Authority, Andrew Wommack, January 2, 2013
<http://www.awmi.net/tv/2013/week1>

4 The following compelling video also presents a fictional conversation between Satan and a Lawyer in which he is trying to
5 procure the consent of the lawyer. It is from the movie Devil's Advocate starring Keanu Reeves and Al Pacino. It personifies
6 the conclusions of this section as well.

Devil's Advocate: Lawyers-What We Are Up Against, SEDM
<http://sedm.org/what-we-are-up-against/>

7 4 The true meaning of "voluntary"

8 Next, we will analyze what "voluntary" really means. Black's Law Dictionary deceptively defines the word "voluntary" as
9 follows:

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1 *voluntary. "Unconstrained by interference; unimpelled by another's influence; spontaneous; acting of oneself.*
2 *Coker v. State, 199 Ga. 20, 33 S.E.2d. 171, 174. Done by design or intention. Proceeding from the free and*
3 *unrestrained will of the person. Produced in or by an act of choice. Resulting from free choice, without*
4 *compulsion or solicitation. The word, especially in statutes, often implies knowledge of essential facts. Without*
5 *valuable consideration; gratuitous, as a voluntary conveyance. Also, having a merely nominal consideration;*
6 *as, a voluntary deed."*
7 *[Black's Law Dictionary, Sixth Edition, p. 1575]*

8 Remember, lawyers licensed by a corrupted government with a conflict of interest wrote the above and the goal they had was
9 to keep you from seeing the real truth so they could perpetuate their livelihood and prestige. They tip-toed around the real
10 issue by using "free choice" and "free will", without explaining from where these two things originate. This is what we call
11 "legal peek-aboo". The result is that they told you everything about the word "voluntary" *except* the most important thing,
12 which is the relationship of the word to "consent". You can throw out all that lawyer double-speak crap above and replace
13 the definition with the following, which is very simple and easy to comprehend and which speaks the complete truth:

14 *"voluntary. Proceeding of one's own initiative from consent derived without duress, force, or fraud being*
15 *applied. Proceeding with the informed and full knowledge and participation of the person or entity against whom*
16 *any possibly adverse consequences or liabilities may result, and which the consenting party wills and wishes to*
17 *happen."*

18 The reason duress cannot exist in order for a law or contract to be enforceable is that any contract or commitment made in
19 the presence of duress is void or voidable, according to the American Jurisprudence (Am.Jur) Legal Encyclopedia:

20 *"An agreement [consensual contract] obtained by duress, coercion, or intimidation is invalid, since the party*
21 *coerced is not exercising his free will, and the test is not so much the means by which the party is compelled to*
22 *execute the agreement as the state of mind induced. ²² Duress, like fraud, rarely becomes material, except where*
23 *a contract or conveyance has been made which the maker wishes to avoid. As a general rule, duress renders the*
24 *contract or conveyance voidable, not void, at the option of the person coerced, ²³ and it is susceptible of*
25 *ratification. Like other voidable contracts, it is valid until it is avoided by the person entitled to avoid it. ²⁴*
26 *However, duress in the form of physical compulsion, in which a party is caused to appear to assent when he has*
27 *no intention of doing so, is generally deemed to render the resulting purported contract void. ²⁵"*
28 *[American Jurisprudence 2d, Duress, §21 (1999)]*

29 All governments are established EXCLUSIVELY for the protection of PRIVATE rights. The first step in protecting private
30 rights, in turn, is to prevent them from being converted into public rights and public property without the consent of the
31 owner. Therefore, anyone in government who calls anything voluntary is committing FRAUD if they refuse to protect your
32 right to NOT volunteer by:

- 33 1. Readily recognizing that those who do NOT consent exist. For instance, recognizing and protecting the fact that:
 - 34 1.1. Not everyone is a "driver" under the vehicle code, and it is OK to travel WITHOUT a "license" or permission
 - 35 from the government if you are not using the roadways to conduct business activity.
 - 36 1.2. "nontaxpayers" or "persons other than statutory taxpayers" exist.
 - 37 1.3. You are encouraged and allowed to get married WITHOUT a state license and write your own marriage contract.
 - 38 The family code is a franchise and a contract. Since you have a right NOT to contract, then you have a right to
 - 39 write your own marriage contract that excludes ANY participation by the government or any right by the
 - 40 government to write the terms of the marriage contract.
- 41 2. Prosecuting those who engage in any of the following activities that injure non-consenting parties:
 - 42 2.1. Institute duress against people who are compelled to misrepresent their status on a government form as a
 - 43 precondition of doing business. Banks and employers do this all the time and it is CRIMINAL.

²² Brown v. Pierce, 74 U.S. 205, 7 Wall 205, 19 L.Ed. 134

²³ Barnette v. Wells Fargo Nevada Nat'l Bank, 270 U.S. 438, 70 L.Ed. 669, 46 S.Ct. 326 (holding that acts induced by duress which operate solely on the mind, and fall short of actual physical compulsion, are not void at law, but are voidable only, at the election of him whose acts were induced by it); Faske v. Gershman, 30 Misc.2d. 442, 215 N.Y.S.2d. 144; Glenney v. Crane (Tex Civ App Houston (1st Dist)), 352 S.W.2d. 773, writ ref n r e (May 16, 1962); Carroll v. Fetty, 121 W.Va. 215, 2 S.E.2d. 521, cert den 308 U.S. 571, 84 L.Ed. 479, 60 S.Ct. 85.

²⁴ Faske v. Gershman, 30 Misc.2d. 442, 215 N.Y.S.2d. 144; Heider v. Unicume, 142 Or. 416, 20 P.2d. 384; Glenney v. Crane (Tex Civ App Houston (1st Dist)), 352 S.W.2d. 773, writ ref n r e (May 16, 1962)

²⁵ Restatement 2d, Contracts §174, stating that if conduct that appears to be a manifestation of assent by a party who does not intend to engage in that conduct is physically compelled by duress, the conduct is not effective as a manifestation of assent.

- 2.2. PRESUME that you are a consenting party and franchisee, such as a “taxpayer”, “driver”, “spouse”, etc. We call this “theft by presumption”, because such a presumption associates you with the obligations of a status you do not have because you didn’t consent to have it.
3. Providing forms and checkboxes on existing forms that recognize those who don’t consent or volunteer, such as a “nontaxpayer” or “non-resident non-person” block on tax withholding forms.
 4. Providing a block on their forms that says “Not subject but not statutorily ‘exempt’”. An “exempt” person is, after all, someone who is otherwise subject but is given a special exclusion for a given situation. One can be “not subject” without being statutorily “exempt”.
 5. Providing forms and remedies for those who are either nonresidents or those who have been subjected to duress to misrepresent their status as being a franchisee such as a “taxpayer”.
 6. Providing a REAL, common law, non-franchise court, where those who are not party to the franchise can go to get a remedy that is just as convenient and inexpensive as that provided to franchisees. Example: U.S. Tax Court Rule 13(a) says that only franchisees called statutory “taxpayers” can petition the court, and yet there is not equally convenient remedy for NONTAXPAYERS and judges in district court harass, threaten and penalize those who are “nontaxpayer”.
 7. Dismissing all cases filed in franchise courts such as U.S. Tax Court by “nontaxpayers” and stopping all collection activity against those who are not statutory franchisees called “taxpayers”. Otherwise, the practical effect is that the party petitioning the court is electing him or herself into a public office and engaging in the criminal activity of impersonating a public officer franchisee called a “taxpayer” in violation of 18 U.S.C. §912.

It is a maxim of law that gross negligence is equivalent to FRAUD. If they CALL something “voluntary” and yet refuse to ENFORCE all the above, it is gross negligence and therefore fraud under the common law:

Lata culpa dolo aequiparatur.
Gross negligence is equal to fraud.
[Bouvier’s Maxims of Law, 1856;
SOURCE: <http://famguardian.org/Publications/BouvierMaximsOfLaw/BouviersMaxims.htm>]

A failure to implement all of the above by those who call themselves “government” is also a violation of the requirement for “equal protection of the law” that is the foundation of the United States Constitution. Any organization that calls itself a “government” and that does NOT provide ALL the remedies indicated above is a de facto government that is engaging in “selective enforcement” to benefit itself personally and financially and has a criminal conflict of financial interest. Here is how the U.S. Supreme Court describes such a de facto government:

“It must be conceded that there are [PRIVATE] rights [and property] in every free government beyond the control of the State [or any judge or jury]. A government which recognized no such rights, which held the lives, liberty and property of its citizens, subject at all times to the disposition and unlimited control of even the most democratic depository of power, is after all a despotism. It is true that it is a despotism of the many--of the majority, if you choose to call it so--but it is not the less a despotism.”
[Loan Assoc. v. Topeka, 87 U.S. (20 Wall.) 655, 665 (1874)]

The de facto government described above that REFUSES to do the MAIN job it was created to do of protecting PRIVATE rights is extensively described in:

[De Facto Government Scam](http://sedm.org/Forms/FormIndex.htm), Form #05.043
<http://sedm.org/Forms/FormIndex.htm>

The Declaration of Independence says that all just powers of government derive from the “consent” of the governed, which implies that anything not consensual is unjust. “Consent” is the real issue, not “free will”. When a government lawyer is prosecuting a rape perpetrator, he doesn’t talk about whether the woman “volunteered” to have sex by failing to fight her attacker. Instead, he talks about whether she “consented”.

“As used in the law of rape ‘consent’ means consent of the will, and submission under the influence of fear or terror cannot amount to real consent. *There must be an exercise of intelligence based on knowledge of its significance and moral quality and there must be a [free, uncoerced] choice between resistance and assent. And if a woman resists to the point where further resistance would be useless or until her resistance is overcome by force or violence, submission thereafter is not ‘consent’.*”
[Black’s Law Dictionary, Sixth Edition, p. 305, emphasis added]

1 Somehow, these same federal prosecutors, when THEY become the “financial rapists” of the citizenry, suddenly magically
2 and mysteriously “forget” about the requirement for the same kind of “consent” in the context of taxes on the labor of a
3 human being. Like the all too frequent political scandals that haunt American politics, they develop “selective amnesia”
4 about the fact that slavery and involuntary servitude were outlawed by the Thirteenth Amendment, and that taxes on labor
5 are slavery. For no explicable or apparent reason that they are willing to admit, they mysteriously replace the forbidden
6 “consent” word with a nebulous “voluntary compliance” so there is just enough “cognitive dissonance” to keep the jury in
7 fear and doubt so they can be easily manipulated to do the government’s illegal lynching of a fellow citizen. Who better than
8 a lawyer would use language to disguise the criminal nature of their acts? Apparently, financial rape is OK as long as the
9 government is doing the raping and as long as government lawyers are careful to use “politically correct” words to describe
10 the rape like “voluntary compliance”. Do women being raped “voluntarily comply” with their rapists at the point they quit
11 fighting? We think not, and the same thing could be said of those who do not wish to participate in a corrupted and
12 unconstitutionally administered tax system under protest.

13 In a free country such as we have in America, consent is mandatory in every human interaction. The basis for protecting
14 rights within such an environment is the free exercise of our power to contract. All law in a society populated by Sovereigns
15 is based on our right to contract. If we are entering into a consensual relationship with another party where risk may be
16 involved, we can write a contract or agreement to define the benefits and liabilities resulting from that relationship and use
17 the court system to ensure adherence to the contract.

18 ***Contract.** An agreement between two or more [sovereign] persons which creates an obligation to do or not to*
19 *do a particular thing. As defined in Restatement, Second, Contracts §3: “A contract is a promise or a set of*
20 *promises for the breach of which the law gives a remedy, or the performance of which the law in some way*
21 *recognizes as a duty.” A legal relationships consisting of the rights and duties of the contracting parties; a*
22 *promise or set of promises constituting an agreement between the parties that gives each a legal duty to the other*
23 *and also the right to seek a remedy for the breach of those duties. Its essentials are competent parties, subject*
24 *matter, a legal consideration, mutuality of agreement, and mutuality of consideration. Lamoureux v. Burrillville*
25 *Racing Ass’n, 91 R.I. 94, 161 A.2d. 213, 215.*

26 *Under U.C.C., term refers to total legal obligation which results from parties’ agreement as affected by the Code.*
27 *Section 1-201(11). As to sales, “contract” and “agreement” are limited to those relating to present or future*
28 *sales of goods, and “contract for sale” includes both a present sale of goods and a contract to sell goods at a*
29 *future time. U.C.C. §2-106(a).*

30 *The writing which contains the agreement of parties with the terms and conditions, and which serves as a proof*
31 *of the obligation*
32 *[Black’s Law Dictionary, Sixth Edition, p. 322]*

33 Our personal rights and our ability to protect them through our power to contract is the essence of our sovereignty and our
34 rightful ownership over our life, liberty, and property. There are several ways in which we use our power to contract as a
35 means of protection:

- 36 1. The U.S. Constitution and our state constitutions are all contracts between us and our public servants. Every public
37 servant must swear an oath to uphold and defend this contract. Willful violation of this Contract is called “Treason” and
38 is punishable by death. These contracts, in fact, are the ones responsible for the creation of all federal and state
39 governments. See section 4.6.4 of the Great IRS Hoax, Form #11.302, where Lysander Spooner analyzed the nature of
40 the Constitution as a contract.
- 41 2. Marriage licenses are a contract between us, the state, AND our partner. There are THREE, not TWO parties to this
42 contract. In that sense, getting a marriage license makes us into a polygamist. Signing this contract makes us subject to
43 the Family Code in our state. We cannot be subject to these codes any other way, because Common Law Marriage is
44 not recognized in most states.
- 45 3. Employment agreements are contracts between us and our prospective employer.
- 46 4. Trust deeds on property are contracts between the buyer, the finance company, and the county government.
- 47 5. Citizenship is contract between you and the government. The only party to the contract who can revoke the contract is
48 you, and NOT your government. This is described in section 4.12.10 and following of the free Great IRS Hoax, Form
49 #11.302.

50 In the Bible, contracts are called “covenants” or “promises” or “commandments”. In law, contracts are called “compacts”:

51 *“**Compact,** n. An agreement or contract between persons, nations, or states. Commonly applied to working*
52 *agreements between and among states concerning matters of mutual concern. A contract between parties, which*
53 *creates obligations and rights capable of being enforced and contemplated as such between the parties, in their*

1 distinct and independent characters. A mutual consent of parties concerned respecting some property or right
2 that is the object of the stipulation, or something that is to be done or forborne. See also Compact Clause;
3 Confederacy; Interstate compact; Treaty.”
4 [Black’s Law Dictionary, Sixth Edition, p. 281]

5 In the context of government, the Great IRS Hoax, Form #11.302 section 4.4.1 shows that our government is a “government
6 by compact”, which is to say that the Constitution is a contract between us, who are the Masters, and our public servants,
7 who are our servants and agents:

8 “In Europe, the executive is synonymous with the sovereign power of a state...where it is too commonly acquired
9 by force or fraud, or both...In America, however the case is widely different. Our government is founded upon
10 compact [consent expressed in a written contract called a Constitution or in positive law]. Sovereignty was,
11 and is, in the people [as individuals: that’s you!].”
12 [Glass v. The Sloop Betsey, 3 (U.S.) Dall 6]

13 The U.S. Supreme Court agreed that all laws in any civil society are based on collective consent of the Sovereign when it
14 held the following:

15 “Undoubtedly no single nation can change the law of the sea. That law is of universal obligation, and no statute
16 of one or two nations can create obligations for the world. Like all the laws of nations, it rests upon the common
17 consent of civilized communities.”
18 [The Scotia, 81 U.S. (14 Wall.) 170 (1871)]

19 The legal profession has been trying to escape revealing the Master/Servant fiduciary relationship established by the contract
20 and trust indenture called our Constitution by removing such important words as “public servant” from the legal dictionary,
21 but the relationship still exists. Ever wonder what happened to that word? Greedy lawyer tyrants and the politicians who
22 license and oppress them don’t want you knowing who is in charge or you acting like a the Master that you are.

23 The Constitution governs our horizontal relationship with our fellow man, which the Bible calls our “neighbor”. Likewise,
24 the Bible governs our vertical relationship with our Creator and it is the origin of all our earthly rights. Our rights are Divine
25 rights direct from God Himself. The Declaration of Independence says so. We as believers in God are bound by the contract
26 or covenant called the Bible to obey our Master and Maker, who is God. This makes us into His temporary fiduciaries and
27 servants and ambassadors while we are here on earth.

28 “I am your servant; give me discernment that I may understand your [God’s] testimonies [laws].”
29 [Psalm 119:125, Bible, NKJV]

30 “In Your [God’s] mercy cut off my enemies, and destroy all those who afflict my soul; for I am Your servant.”
31 [Psalm 143:12, Bible, NKJV]

32 If we violate our treaty or contract with God by violating His laws found in the Bible and thereby injure our neighbor or
33 fellow American, then we must be stripped by God Himself of our stewardship and most of the benefits and blessings of the
34 contract that created it by using the “police powers” we delegated to our public servants. One of the greatest benefits and
35 rewards of respecting and keeping our contract and covenant with God, of course, is personal sovereignty, liberty, and the
36 right to rule and direct the activities of our public servants:

37 “Now the Lord is the Spirit; and where the Spirit of the Lord is, there is liberty.”
38 [2 Cor. 3:17, Bible, NKJV]

39 “Humble yourselves in the sight of the Lord, and He will lift you up [above your public servants and
40 government].”
41 [James 4:10, Bible, NKJV]

42 The reason we must be divested of our sovereignty as a criminal member of society is that we can’t be allowed to direct the
43 activities of a government using our political rights unless we continually demonstrate mature love and concern for our fellow
44 man, because the purpose of government is to protect and not harm our neighbor. Unless we know how to govern ourselves
45 and protect and love our neighbor and not harm him, then we certainly can’t lead or teach our public servants to do it! If we
46 violate the very purpose of government with our own personal actions in hurting others, we simply can’t and shouldn’t be
47 allowed to direct those who would keep us from being injured by such activities because doing so would be a conflict of
48 interest.

It shouldn't come as a surprise that there are limits on our right and power to contract within a republican system of government. These limits apply not only to our private contracts with other sovereign entities, but also to our ability to delegate authority to the governments we created through the written contract called the U.S. Constitution. The U.S. Supreme Court held the following about these limits in respect to our ability to write "law" that can be enforced against society generally:

"In Calder v. Bull, which was here in 1798, Mr. Justice Chase said, that there were acts which the Federal and State legislatures could not do without exceeding their authority [from GOD!], and among them he mentioned a law which punished a citizen for an innocent act; a law that destroyed or impaired the lawful private [labor] contracts [and labor compensation, e.g. earnings from employment through compelled W-4 withholding] of citizens; a law that made a man judge in his own case; and a law that took the property from A [the worker] and gave it to B [the government or another citizen, such as through social welfare programs]. 'It is against all reason and justice,' he added, 'for a people to intrust a legislature with such powers, and therefore it cannot be presumed that they have done it. They may command what is right and prohibit what is wrong; but they cannot change innocence into guilt, or punish innocence as a crime, or violate the right of an antecedent lawful private [employment] contract [by compelling W-4 withholding, for instance], or the right of private property. To maintain that a Federal or State legislature possesses such powers [of THEFT!] if they had not been expressly restrained, would, in my opinion, be a political heresy altogether inadmissible in all free republican governments.' 3 Dall. 388."
[Sinking Fund Cases, 99 U.S. 700 (1878)]

In the quote below, the U.S. Supreme Court has also held that that no man can be compelled to participate in any government welfare or social benefit program.

"Men are endowed by their Creator with certain unalienable rights, -life, liberty, and the pursuit of happiness;" and to 'secure,' not grant or create, these rights, governments are instituted. That property which a man has honestly acquired he retains full control of, subject to these limitations:

*[1] First, that he shall not use it to his neighbor's injury, and that does not mean that he must use it for his neighbor's benefit;
[2] second, that if he devotes it to a public use, he gives to the public a right to control that use; and
[3] third, that whenever the public needs require, the public may take it upon payment of due compensation.*
[Budd v. People of State of New York, 143 U.S. 517 (1892)]

Notice the Supreme Court held:

"he shall not use it [his property or labor or income] to his neighbor's injury, and that does not mean that he must [or can be required by the government] use it for his neighbor's benefit".

Since over 56% of all federal expenditures go to pay for social benefit programs (see section 1.12 earlier), then it also stands to reason that no one can be compelled to participate in the federal income tax that funds those programs. The secret the government uses to part a fool and his money through the fraudulent administration of the tax laws is item (2) in the quote above, whereby the lies of the IRS cause us to unwittingly donate our private property to a "public use" and give the government free control over it. This is what happens when we inadvertently connect our labor or assets to a "public office" or a "trade or business" by:

1. Not defining words found on government forms, and thereby giving the recipient and the government an excuse to connect us to laws illegally by "words of art" by abusing unconstitutional presumption.
2. Not selecting the correct status on government forms. All government forms PRESUME the statutory and not common meaning of the term. You do not have any status found in federal law if you are not resident on the land, not domiciled there, and not consenting to any legal or contractual relationship with them.
3. Using government property, the Social Security Number or Taxpayer Identification Number, in connection with our otherwise private labor.
4. Filling out the wrong tax form such as the W-4 and thereby fraudulently misrepresenting ourself as a statutory government "employee" per 26 U.S.C. §3401(c).
5. Filing information returns (IRS Forms W-2, 1042-S, 1098, and 1099) on ourselves which are FALSE in most cases.
6. Refusing to correct or remedy those who file false information returns in our name in violation of 26 U.S.C. §7434 and 26 U.S.C. §7206.

5 Your Power to Contract

5.1 The power to define the significance of your OWN words is the ORIGIN of your right to contract

The status that you voluntarily associate with yourself under a specific contract, compact, or written law is the method by which you exercise the unalienable right to contract and associate. Because it is the DUTY of all governments to protect your inalienable right to contract and associate, then they also have a duty to protect you or your property from being connected with any civil statutory or legal status that you did not expressly consent to:

"As independent sovereignty, it is State's province and duty to forbid interference by another state or foreign power with status of its own citizens. Roberts v. Roberts (1947) 81 CA.2d. 871, 185 P.2d. 381. "
[Black's Law Dictionary, 4th Ed., p 1300]

The First Amendment guarantees us a right of freedom from compelled association and, by implication, freedom from being connected with any statutory status that implies either legal or political association with any specific government:

Just as there is freedom to speak, to associate, and to believe, so also there is freedom not to speak, associate, or believe "The right to speak and the right to refrain from speaking [on a government tax return, and in violation of the Fifth Amendment when coerced, for instance] are complementary components of the broader concept of 'individual freedom of mind.' Wooley v. Maynard, [430 U.S. 703] (1977). Freedom of conscience dictates that no individual may be forced to espouse ideological causes with which he disagrees:

"[A]t the heart of the First Amendment is the notion that the individual should be free to believe as he will, and that in a free society one's beliefs should be shaped by his mind and by his conscience rather than coerced by the State [through illegal enforcement of the revenue laws]." Aboud v. Detroit Board of Education [431 U.S. 209] (1977)

Freedom from compelled association is a vital component of freedom of expression. Indeed, freedom from compelled association illustrates the significance of the liberty or personal autonomy model of the First Amendment. As a general constitutional principle, it is for the individual and not for the state to choose one's associations and to define the persona which he holds out to the world.
[First Amendment Law, Barron-Dienes, West Publishing, ISBN 0-314-22677-X, pp. 266-267]

Likewise, the U.S. Constitution at Article 1, Section 10 implicitly grants us a right to be free from being forced to contract with or enter into a franchise with any government. This implies that once again, you cannot lawfully be compelled to assume any specific status or obligation associated with any status under any government civil law.

Independent of these views, there are many considerations which lead to the conclusion that the power to impair contracts, by direct action to that end, does not exist with the general government. In the first place, one of the objects of the Constitution, expressed in its preamble, was the establishment of justice, and what that meant in its relations to contracts is not left, as was justly said by the late Chief Justice, in Hepburn v. Griswold, to inference or conjecture. As he observes, at the time the Constitution was undergoing discussion in the convention, the Congress of the Confederation was engaged in framing the ordinance for the government of the Northwestern Territory, in which certain articles of compact were established between the people of the original States and the people of the Territory, for the purpose, as expressed in the instrument, of extending the fundamental principles of civil and religious liberty, upon which the States, their laws and constitutions, were erected. By that ordinance it was declared, that, in the just preservation of rights and property, 'no law ought ever to be made, or have force in the said Territory, that shall, in any manner, interfere with or affect private contracts or engagements bona fide and without fraud previously formed.' The same provision, adds the Chief Justice, found more condensed expression in the prohibition upon the States against impairing the obligation of contracts, which has ever been recognized as an efficient safeguard against injustice; and though the prohibition is not applied in terms to the government of the United States, he expressed the opinion, speaking for himself and the majority of the court at the time, that it was clear 'that those who framed and those who adopted the Constitution intended that the spirit of this prohibition should pervade the entire body of legislation, and that the justice which the Constitution was ordained to establish was not thought by them to be compatible with legislation of an opposite tendency.' 8 Wall. 623. [99 U.S. 700, 765] Similar views are found expressed in the opinions of other judges of this court. In Calder v. Bull, which was here in 1798, Mr. Justice Chase said, that there were acts which the Federal and State legislatures could not do without exceeding their authority, and among them he mentioned a law which punished a citizen for an innocent act; a law that destroyed or impaired the lawful private contracts of citizens; a law that made a man judge in his own case; and a law that took the property from A. and gave it to B. 'It is against all reason and justice,' he added, 'for a people to intrust a legislature with such powers, and therefore it cannot be presumed that they have done it. They may command what is right and prohibit what is wrong; but they cannot change innocence into guilt, or punish innocence as a crime, or violate the right of an antecedent lawful private contract, or the right of private property. To maintain that

a Federal or State legislature possesses such powers if they had not been expressly restrained, would, in my opinion, be a political heresy altogether inadmissible in all free republican governments.' 3 Dall. 388.

In *Ogden v. Saunders*, which was before this court in 1827, Mr. Justice Thompson, referring to the clauses of the Constitution prohibiting the State from passing a bill of attainder, an ex post facto law, or a law impairing the obligation of contracts, said: 'Neither provision can strictly be considered as introducing any new principle, but only for greater security and safety to incorporate into this charter provisions admitted by all to be among the first principles of our government. No State court would, I presume, sanction and enforce an ex post facto law, if no such prohibition was contained in the Constitution of the United States; so, neither would retrospective laws, taking away vested rights, be enforced. Such laws are repugnant to those fundamental principles upon which every just system of laws is founded.'

In the *Federalist*, Mr. Madison declared that laws impairing the obligation of contracts were contrary to the first principles of the social compact and to every principle of sound legislation; and in the *Dartmouth College Case* Mr. Webster contended that acts, which were there held to impair the obligation of contracts, were not the exercise of a power properly legislative, [99 U.S. 700, 766] as their object and effect was to take away vested rights. 'To justify the taking away of vested rights,' he said, 'there must be a forfeiture, to adjudge upon and declare which is the proper province of the judiciary.' Surely the Constitution would have failed to establish justice had it allowed the exercise of such a dangerous power to the Congress of the United States.

In the second place, legislation impairing the obligation of contracts impinges upon the provision of the Constitution which declares that no one shall be deprived of his property without due process of law; and that means by law in its regular course of administration through the courts of justice. Contracts are property, and a large portion of the wealth of the country exists in that form. Whatever impairs their value diminishes, therefore, the property of the owner; and if that be effected by direct legislative action operating upon the contract, forbidding its enforcement or transfer, or otherwise restricting its use, the owner is as much deprived of his property without due process of law as if the contract were impounded, or the value it represents were in terms wholly or partially confiscated.
[*Sinking Fund Cases*, 99 U.S. 700 (1878)]

Examples of statutory franchise statuses we cannot be compelled to accept or assume the obligations of absent consent include:

1. "taxpayer" or "employer" under the Internal Revenue Code, Subtitle A "trade or business" franchise.
2. "spouse" under the family code of your state.
3. "driver" under the vehicle code of your state.
4. "citizen" or "resident" under the civil statutory law of your state.

Because we have an unalienable right of freedom from compelled association under the First Amendment and a right NOT to be compelled to contract with any government, then it stands to reason that NO ONE can either associate a status with you that you do not expressly consent to or impose the obligations of any legal status upon you without your express consent in some form. The minute they either threaten you to declare any status on a government form you don't consent to or instigate any kind of coercion or intimidation in connecting you with a specific statutory civil status is the minute that they are:

1. Tampering with a witness in criminal violation of 18 U.S.C. §1512, because all government forms signed under penalty of perjury constitute the testimony of a witness.
2. Violating constitutional rights, if they are acting as an officer of any government such as a statutory "withholding agent" under 26 U.S.C. §7701(a)(16).
3. Engaging in a constitutional tort.
4. Compelling you to contract.
5. Engaging in identity theft, by using your identity for commercial purposes without your express consent.

When people exercise their sovereign right to contract, they usually reduce their agreement to a writing signed by the parties to the agreement. The presence of their signature on the contract constitutes "prima facie evidence" of their consent.

"Prima facie. Lat. At first sight; on the first appearance; on the face of it; so far as can be judged from the first disclosure; presumably; a fact presumed to be true unless disproved by some evidence to the contrary. State ex rel. Herbert v. Whims, 68 Ohio.App. 39, 28 N.E.2d. 596, 599, 22 O.O. 110. See also *Presumption*"
[*Black's Law Dictionary*, Sixth Edition, p. 1189]

Every contract usually includes a "Definitions" section at the beginning identifying the meaning of every important "term" used in the agreement itself so as to associate the parties with a specific status and standing, and to leave no room for doubt

or misunderstanding about the significance of the rights conveyed by the contract or agreement. Contracts that do not include such a definitions section:

1. Increase the likelihood of litigation caused by misunderstandings about the meaning of the contract.
2. Are more difficult and costly to enforce in court because they encourage unnecessary litigation.
3. Are more likely to be dismissed by judges because the contract itself is effectively “void for vagueness”.
4. Convey undue discretion to the fact finders during litigation, whether it be the judge or the jury.
5. Encourage corrupt government officials with a conflict of interest to abuse their discretion to benefit either themselves personally or the agency they work for.
6. Turn a society of law into a society of men. Anything that conveys discretion to any man to interpret meaning or significance turns disputes into “political” rather than “legal” questions.
7. “Politicize the court” and violate the separation of powers doctrine by encouraging judges and courts to act in a political capacity rather than a legal capacity. Only the Executive and Legislative Branches can lawfully act in a political capacity. Everything courts do must be expressly spelled out in the law itself.

The parties who create the contract, in turn, are the only ones who can lawfully define the meaning of all “terms” in the contract. This fact is exhaustively established in the following memorandum of law:

Your Exclusive Right to Declare or Establish Your Civil Status, Form #13.008
<http://sedm.org/Forms/FormIndex.htm>

Any attempt by third parties in the government to define, expand the definitions, or re-define terms used in a contract between private parties that they are not also a party to, in fact constitutes:

1. A corrupt interference with your Constitutional right to contract.
2. Involuntary servitude in violation of the Thirteenth Amendment prohibition against involuntary servitude if the consequence of the definition or re-definition:
 - 2.1. Associates a duty to anyone in the government with either party.
 - 2.2. Associates a status under a government franchise with either party. All government rights attach to a status under a franchise, such as “taxpayer”, “spouse”, “driver”, etc.
3. Theft and a violation of the Fifth Amendment takings clause, if the “taker” of property or rights to property works for the government. Remember: All rights are property and anyone who claims any right against you that did not originate from your express consent in effect is STEALING from you and is a thief.

It is therefore of extreme importance that every contract or agreement between two private parties who want to avoid government interference with their right to contract MUST:

1. Carefully define every term used in the contract.
2. Define all terms in the contract as NOT being associated with any status or meaning under federal or state statutory law. Nearly all statutory civil law, in fact, is law that can and does regulate the conduct of ONLY officers of the government and not private human beings. See:

Why Statutory Civil Law is Law for Government and Not Private Persons, Form #05.037
<http://sedm.org/Forms/FormIndex.htm>
3. Define any agency exercised on behalf of either party to EXCLUDE agency on behalf of any government as a public officer or franchisee.
4. Define the LOCATION of the transaction as being outside of federal territory in a place protected by the Constitution. This means the transaction must be outside the statutory “United States” as defined in 26 U.S.C. §7701(a)(9) and (a)(10) .
5. Define the laws and jurisdictions under which disputes are resolved to EXCLUDE statutory law and mandate common law and equity.
6. Associate both parties to the contract as private human beings and not public offices or franchisees under statutory law.

Implementing the above guidance when you contract has the practical effect of:

1. Contracting the government OUT of your life and the relationship you have with the other parties to the contract.
2. Removing any and all discretion from government judges, prosecutors, and bureaucrats.

3. Avoiding being connected with any and every government franchise, public right, or “benefit” and thereby not subject to income taxation.

Even after implementing the guidance in this section, some corrupt judges have been known to try to stick the government camel’s nose inside the tent of your life by unlawfully expanding the definition of words through the abuse of the words “includes” and “including”. This tactic is described below:

Legal Deception, Propaganda, and Fraud, Form #05.014
<http://sedm.org/Forms/FormIndex.htm>

When they try to use word games to STEAL from you and ENSLAVE you to law that pertains only to government actors, the optimal response is to:

1. Respond to their interference with a criminal complaint or charge of slavery and theft. Attach the complaint to the pleadings of the proceeding to ensure that it ends up in the records of the proceeding.
2. Indicate that the parties to the litigation are under duress, and that ALL the consequences of the duress become the responsibility of those instituting the duress, and not the parties to the contract.
3. Identify the judge’s abuse of discretion as beyond his delegated authority and therefore the act of a PRIVATE person not acting as an officer of the government or officer of the court.
4. Identify the judge’s abuse of discretion as “purposeful availment” of commerce within YOUR sphere of PRIVATE property interest, consent to, and an “appearance” in your own franchise court and franchise contract. Then invoke the terms of your own franchise and make yourself into the franchise judge in TWO legal actions being conducted simultaneously in the records of the court. This tactic is employed in the following MANDATORY attachment to all pleadings filed in any federal court against any government or government actor:

Federal Pleading/Motion/Petition Attachment, Litigation Tool #01.002
<http://sedm.org/Litigation/LitIndex.htm>

The only hope that anyone can have of ever winning against any enemy is to invoke the same weapons in your defense that they employ in their offense, and to insist that you have the right to do so under the constitutional requirement for equal protection and equal treatment as described in:

Requirement for Equal Protection and Equal Treatment, Form #05.033
<http://sedm.org/Forms/FormIndex.htm>

5.2 The three methods for exercising our Constitutional right to contract

Within the legal field, there are three distinct ways that we exercise our right to contract and thereby surrender a portion of our private rights or become the target of enforcement actions by the government:

1. Contract between two private parties: see Article 1, Section 10 of the Constitution. We can sign a contract or consent to a contract by our behavior, and thereby forfeit our rights in pursuit of the benefits or special privileges that result from availing oneself of the contract.
2. Government “codes” or “statutes” which are not enacted positive law and which therefore are a voluntary private contract between you and the state. An example is marriage licenses and the family law codes in most states which implement them are in fact entirely voluntary. If you don’t volunteer or consent to get a marriage license, then you aren’t obligated to comply with the family code in most states, and especially those that do not recognize “common law marriage”.
3. Enacted positive law. Law which the people directly or indirectly consented to because their elected representatives “enacted” it into positive law.

The above list is in order of priority. The first two are based on our private right to contract. The last one is based on our ability to contract collectively as a group called a “state” with the public servants who will enforce and protect our rights using the law/contract. The parties to the contract are our representatives and the public servants who will enforce the contract they enact called a “Public law”. In a society such as we have which is populated with sovereigns, our private power to contract supersedes enacted positive law and in some cases is also used as a substitute for positive law in cases where positive law cannot be enacted. No government, as we pointed out earlier in section 8.10.1, has the power to interfere with our private

1 right to contract. Likewise, no state has the ability to interfere with the right of the federal government to contract with private
2 people in the states to provide “social services” such as Medicare, Social Security, etc.

3 Below is a tabular summary that graphically depicts who the parties are to each of the above three types of contracts and what
4 form the contract takes in each case. The purpose of each of the three types of contract is to protect and defend the rights of
5 the parties:

6 Table 6: The three methods for exercising our right to contract

#	Type of contract	Form of contract	Enforcer of contract	PARTIES TO THE CONTRACT		
				Two consenting parties	The government and individually consenting parties	The “state” and every person individually
1	Contract between two private parties	Private, notarized, recorded contract	Parties to contract and their counsel	X		
2	Government “code” that is not positive law	Government application for benefits	IRS, Social Security Administration		X	
3	Enacted positive law	Positive laws	Attorney General			X

7 The second option above is called a “franchise” in the legal field:

8 **FRANCHISE. A special privilege conferred by government on individual or corporation, and which does not**
9 **belong to citizens of country generally of common right.** *Elliott v. City of Eugene*, 135 Or. 108, 294 P. 358, 360.
10 *In England it is defined to be a royal privilege in the hands of a subject.*

11 *A “franchise,” as used by Blackstone in defining quo warranto, (3 Com. 262 [4th Am. Ed.] 322), had reference*
12 *to a royal privilege or branch of the king’s prerogative subsisting in the hands of the subject, and must arise from*
13 *the king’s grant, or be held by prescription, but today we understand a franchise to be some special privilege*
14 *conferred by government on an individual, natural or artificial, which is not enjoyed by its citizens in general.*
15 *State v. Fernandez*, 106 Fla. 779, 143 So. 638, 639, 86 A.L.R. 240.

16 **In this country a franchise is a privilege or immunity of a public nature, which cannot be legally exercised**
17 **without legislative grant. To be a corporation is a franchise.** *The various powers conferred on corporations are*
18 *franchises. The execution of a policy of insurance by an insurance company [e.g. Social Insurance/Socialist*
19 *Security], and the issuing a bank note by an incorporated bank [such as a Federal Reserve NOTE], are*
20 *franchises. People v. Utica Ins. Co., 15 Johns., N.Y., 387, 8 Am.Dec. 243. But it does not embrace the property*
21 *acquired by the exercise of the franchise. Bridgeport v. New York & N. H. R. Co., 36 Conn. 255, 4 Arn.Rep. 63.*
22 *Nor involve interest in land acquired by grantee. Whitbeck v. Funk, 140 Or. 70, 12 P.2d. 1019, 1020. In a*
23 **popular sense, the political rights of subjects and citizens are franchises, such as the right of suffrage, etc.**
24 **Pierce v. Emery, 32 N.H. 484; State v. Black Diamond Co., 97 Ohio.St. 24, 119 N.E. 195, 199, L.R.A. 1918E,**
25 **352.**

26 *Elective Franchise. The right of suffrage: the right or privilege of voting in public elections.*

27 *Exclusive Franchise. See Exclusive Privilege or Franchise.*

28 *General and Special. The charter of a corporation is its “general” franchise, while a “special” franchise consists*
29 *in any rights granted by the public to use property for a public use but-with private profit. Lord v. Equitable Life*
30 *Assur. Soc., 194 N.Y. 212, 81 N.E. 443, 22 L.R.A.,N.S., 420.*

31 *Personal Franchise. A franchise of corporate existence, or one which authorizes the formation and existence of*
32 *a corporation, is sometimes called a “personal” franchise, as distinguished from a “property” franchise, which*
33 *authorizes a corporation so formed to apply its property to some particular enterprise or exercise some special*
34 *privilege in its employment, as, for example, to construct and operate a railroad. See Sandham v. Nye, 9 Misc.Rep.*
35 *541, 30 N.Y.S. 552.*

1 *Secondary Franchises. The franchise of corporate existence being sometimes called the "primary" franchise of a*
2 *corporation, its "secondary" franchises are the special and peculiar rights, privileges, or grants which it may,*
3 *receive under its charter or from a municipal corporation, such as the right to use the public streets, exact tolls,*
4 *collect fares, etc. State v. Topeka Water Co., 61 Kan. 547, 60 P. 337; Virginia Canon Toll Road Co. v. People,*
5 *22 Colo. 429, 45 P. 398 37 L.R.A. 711. The franchises of a corporation are divisible into (1) corporate or general*
6 *franchises; and (2) "special or secondary franchises. The former is the franchise to exist as a corporation, while*
7 *the latter are certain rights and privileges conferred upon existing corporations. Gulf Refining Co. v. Cleveland*
8 *Trust Co., 166 Miss. 759, 108 So. 158, 160.*

9 *Special Franchisee. See Secondary Franchises, supra.*
10 *[Black's Law Dictionary, Fourth Edition, pp. 786-787]*

11 If you would like an exhaustive analysis of franchises, the following excellent memorandum of law explains exactly how
12 they work:

Government Instituted Slavery Using Franchises, Form #05.030
<http://sedm.org/Forms/FormIndex.htm>

13 Franchises often operate as the equivalent of an "invisible adhesion contract" in the legal field:

14 *"Adhesion contract. Standardized contract form offered to consumers of [government] goods and services on*
15 *essentially "take it or leave it" basis without affording consumer realistic opportunity to bargain and under such*
16 *conditions that consumer cannot obtain desired product or services except by acquiescing in form contract.*
17 *Distinctive features of adhesion contract is that weaker party has no realistic choice as to its terms. Cubic Corp.*
18 *v. Marty, 4 Dist., 185 C.A.3d. 438, 229 Cal.Rptr. 828, 833; Standard Oil Co. of Calif. v. Perkins, C.A.Or., 347*
19 *F.2d. 379, 383. Recognizing that these contracts are not the result of traditionally "bargained" contracts, the*
20 *trend is to relieve parties from onerous conditions imposed by such contracts. However, not every such contract*
21 *is unconscionable. Lechmere Tire and Sales Co. v. Burwick, 360 Mass. 718, 720, 721, 277 N.E.2d. 503."*
22 *[Black's Law Dictionary, Sixth Edition, p. 40]*

23 Adhesion contracts have only come into vogue in the last century because of the corporatization of America and the
24 monopolistic power that these large corporations have over the economy. If we didn't have such large, government
25 sanctioned, corporate monopolies within specific segments of our economy, the sovereign People would have enough choice
26 that they would *never* knowingly consent to an "adhesion contract" because they could entertain other competitive options.
27 This concept of monopolistic coercion of the public also applies to the federal government. 28 U.S.C. §3002(15)(A) identifies
28 the "United States" government as a "corporation". It also happens to be the largest corporation in the world which has a
29 virtual monopoly in certain market segments. It has abused this monopolistic power to coerce people into complying with
30 what amounts to an "invisible adhesion contract" called the Internal Revenue Code. What makes this particular contract
31 "invisible" is the fact that our public servants positively refuse to help you or notify you of precisely what activity or action
32 makes you a party to this private contract. They do this because they don't want anyone escaping their control so that
33 everyone will be trapped in their usurping spider web of tyranny, lies, and deceit. Hence, we had to write this memorandum
34 so you would understand all the nuances of this invisible contract and thus make an informed choice about whether you wish
35 to be party to it. In response to publishing the terms of this "stealth contract" within our book, the government has repeatedly
36 harassed, threatened, and persecuted us in an effort to keep the truth away from public view. Section 4.4.16 of the Great IRS
37 Hoax, Form #11.302 reveals some of the many devious ways that dishonest and evil public servants attempt to conceal, avoid,
38 or hide the requirement for consent in their interactions with the public. If you haven't read that section, then we recommend
39 going back and doing so now before you proceed further.

40 On the subject of "invisible adhesion contracts", you might want to visit the Family Guardian Website and read a fascinating
41 series of articles by George Mercier on the subject at:

Invisible Contracts, George Mercier, Form #11.107
<http://sedm.org/Forms/FormIndex.htm>

42 Our public dis-servants often use the second option above, the "invisible adhesion contract", quite deviously in order to pass
43 statutes that "*appear*" to impose a mandatory obligation on their surface, but which in fact are not "law" and are entirely
44 voluntary and only simply "directory" in nature:

45 *"Directory. A provision in a statute, rule of procedure, or the like, which is a mere direction or instruction of no*
46 *obligatory force, and involving no invalidating consequence for its disregard, as opposed to an imperative or*
47 *mandatory provision, which must be followed. The general rule is that the prescriptions of a statute relating to*

1 the performance of a public duty are so far directory that, though neglect of them may be punishable, yet it does
2 not affect the validity of the acts done under them, as in the case of statute requiring an officer to prepare and
3 deliver a document to another officer on or before a certain day.”
4 [Black’s Law Dictionary, Sixth Edition, p. 460]

5 The second option above, by the way, is an extension of both our and the government’s right to contract. The government
6 writes the contract as a statute but doesn’t enact it into positive law. This makes it simply a “proposal” that we can choose
7 to accept or not to accept. The contract provides some benefit or “privilege” that people or the states want, which is usually
8 some form of protection or some entitlement to a financial benefit. An example would be welfare “benefits”. When a person
9 or a state accept the benefit of the statute, then they must obey the REST of the contract, even if they did not explicitly consent
10 in writing to the rest of the contract. In the case of receipt of federal welfare benefits, one requirement is that all states who
11 want to receive the benefit MUST require those applying for driver’s licenses to provide a Slave Surveillance Number, for
12 instance. This approach is simply a devious legal extension of The Golden Rule:

13 “He who owns the gold rules.”

14 In the case of our current federal government, by the way, the gold they are ruling with is stolen! It is loot! Here is how the
15 U.S. Supreme Court describes it:

16 “The Government urges that the Power Company is estopped to question the validity of the Act creating the
17 Tennessee Valley Authority, and hence that the stockholders, suing in the right of the corporation, cannot [297
18 U.S. 323] maintain this suit. The principle is invoked that one who accepts the benefit of a statute cannot
19 be heard to question its constitutionality. Great Falls Manufacturing Co. v. Attorney General, 124 U.S. 581;
20 Wall v. Parrot Silver & Copper Co., 244 U.S. 407; St. Louis Casting Co. v. Prendergast Construction Co., 260
21 U.S. 469.”
22 [Ashwander v. Tennessee Valley Auth., 297 U.S. 288 (1936)]

23 “...when a State willingly accepts a substantial benefit from the Federal Government, it waives its immunity
24 under the Eleventh Amendment and consents to suit by the intended beneficiaries of that federal assistance.”
25 [Papasan v. Allain, 478 U.S. 265 (1986)]

26 In effect, a statute that is not positive law but which confers a government “privilege” or a “benefit”, becomes a “roach trap”.
27 They set the trap by writing the statute that implements the benefit program, and those who walk into the legal trap must obey
28 their new landlord to get out of the trap. This kind of trickery is called “privilege-induced slavery” in section 4.4.12 of the
29 Great IRS Hoax, Form #11.302. We will simply refer to it as the “roach trap statutes” or franchises throughout the rest of
30 this book. Do you want your public servants treating you like an insect because that is what you have become? The easiest
31 way to avoid the “roach trap” is never to accept any government benefit. Those who are sovereign cannot be dependent in
32 any respect and won’t walk into such a trap to begin with. Another way to avoid “roach trap statutes” is to qualify one’s
33 consent when applying for the benefit by explicitly stating the terms under which one consents. If the receiving agency
34 accepts your application, then they accepted the terms of your proposed new or replacement “contract”. This, by the way, is
35 the vehicle we recommend for those who insist on filing “tax returns” with the government: making them into conditional
36 self-assessments with tons of strings attached.

37 **IMPORTANT!:** Only those who are party to “roach trap” statutes and the “constructive contract” and “constructive trust”
38 they describe should be using or citing anything from them! If you aren’t a “taxpayer”, and are not subject to the Internal
39 Revenue Code, then don’t go citing anything from the Internal Revenue Code in a federal or state court pleading or in
40 correspondence with the government. The minute you claim any “privilege” or “benefit” from using or quoting any part of
41 the Internal Revenue Code is the minute you portray yourself as “taxpayer”! WATCH OUT! The courts calls this “purposeful
42 availment” and it is the main method for waiving your sovereign immunity. People who aren’t subject to federal law shouldn’t
43 be benefiting from it in any way. The only exception to this rule are positive laws elsewhere in the U.S. Code such as Title
44 18, the Criminal Code, which applies to all crimes committed by federal employees or on federal property. The Great IRS
45 Hoax, Form #11.302 covers this subject of not citing federal statutes to protect your rights in section 4.3.8 entitled “Why you
46 shouldn’t cite federal statutes as authority for protecting your rights.

47 The U.S. Supreme Court has also agreed with the conclusions of this section, by declaring that the payment of taxes is “quasi-
48 contractual”, which means that the Internal Revenue Code must be the contract or agreement!

49 “Even if the judgment is deemed to be colored by the nature of the obligation whose validity it establishes, and
50 we are free to re-examine it, and, if we find it to be based on an obligation penal in character, to refuse to enforce
51 it outside the state where rendered, see *Wisconsin v. Pelican Insurance Co.*, 127 U.S. 265, 292, et seq. 8 S.Ct.

1370, compare *Fauntleroy v. Lum*, [210 U.S. 230](#), 28 S.Ct. 641, **still the obligation to pay taxes is not penal. It is a statutory liability, quasi contractual in nature, enforceable, if there is no exclusive statutory remedy, in the civil courts by the common-law action of debt or indebitatus assumpsit.** *United States v. Chamberlin*, [219 U.S. 250](#), 31 S.Ct. 155; *Price v. United States*, [269 U.S. 492](#), 46 S.Ct. 180; *Dollar Savings Bank v. United States*, 19 Wall. 227; and see *Stockwell v. United States*, 13 Wall. 531, 542; *Meredith v. United States*, 13 Pet. 486, 493. **This was the rule established in the English courts before the Declaration of Independence.** *Attorney General v. Weeks*, Bunbury's Exch. Rep. 223; *Attorney General v. Jewers and Batty*, Bunbury's Exch. Rep. 225; *Attorney General v. Hatton*, Bunbury's Exch. Rep. [296 U.S. 268, 272] 262; *Attorney General v. —*, 2 Ans.Rep. 558; see *Comyn's Digest* (Title 'Dett,' A, 9); 1 Chitty on Pleading, 123; cf. *Attorney General v. Sewell*, 4 M.&W. 77. “
[*Milwaukee v. White*, [296 U.S. 268](#) (1935)]

Below is the meaning of “quasi-contract” from the above quote:

“Quasi contract. An obligation which law creates in absence of agreement; it is invoked by courts where there is unjust enrichment. Andrews v. O'Grady, 44 Misc.2d. 28, 252 N.Y.S.2d. 814, 817. Sometimes referred to as implied-in-law contracts (as a legal fiction) to distinguish them from implied-in-fact contracts (voluntary agreements inferred from the parties' conduct). Function of "quasi-contract" is to raise obligation in law where in fact the parties made no promise, and it is not based on apparent intention of the parties. Fink v. Goodson-Todman Enterprises, Limited, 9 C.A.3d. 996, 88 Cal.Rptr. 679, 690. See also Contract.”
[*Black's Law Dictionary, Sixth Edition, p. 1245*]

The weak point of roach trap laws or franchises and the point upon which we can attack and undermine them is that:

1. The benefit must indeed be tangible. Without some mutual tangible benefit voluntarily and freely accepted, which is called “consideration” in the legal field, a valid contract or agreement cannot be formed. Every valid legal contract must include an offer, acceptance, mutual consideration and obligation, and mutual informed consent. In the case of the Internal Revenue Code, it ought to be quite obvious that if payment is voluntary and consensual under Subtitle A, there is absolutely no tangible “benefit” whatsoever that can result from “volunteering” or “consenting” to become a federal serf as a person living in a state of the Union.
2. It must be a “benefit” as each party independently defines “benefit” absent any duress or influence. It ceases to be a “benefit” if only one party, such as the government offeror, is able to define “benefit” in court.
 - 2.1. The benefit to each individual party must be clearly described in the agreement or contract and if it isn't, the contract or agreement isn't valid because it has no MUTUAL consideration and MUTUAL obligation.
 - 2.2. If only one party can define the term “benefit” and the other is prevented from introducing evidence in court that there not only wasn't a benefit to him or her, but in fact it was an INJURY, then we're really talking about extortion and racketeering, rather than an act of contracting.
 - 2.3. If the party offering the “benefit” has a monopoly on the service or product to the point of being able to compel what is called an “adhesion contract”, then the contract or agreement is unenforceable as unconscionable.
3. Either party must be able to quit the arrangement at any time by abandoning right to receive the benefit without additional penalty.
 - 3.1. Merely calling it “voluntary” and yet hypocritically interfering with and not protecting the ability to QUIT is FRAUD.
 - 3.2. Every form offering the benefit should have a status block that allows you to correctly describe yourself as a NON-consenting party not required to participate and protected in exercising their right to NOT participate. That means the status block must contain options for “nonresident”, “non-person”, and/or “nontaxpayer” and applicants people should not be punished if they add these statuses if they are missing from the form.

Invito beneficium non datur.

No one is obliged to accept a benefit against his consent. Dig. 50, 17, 69. But if he does not dissent he will be considered as assenting. Vide Assent.

Potest quis renunciare pro se, et suis, juri quod pro se introductum est.

A man may relinquish, for himself and his heirs, a right which was introduced for his own benefit. See 1 Bouv. Inst. n. 83.

Quilibet potest renunciare juri pro se inducto.

Any one may renounce a law introduced for his own benefit. To this rule there are some exceptions. See 1 Bouv. Inst. n. 83.

[Bouvier's Maxims of Law, 1856,
SOURCE: <http://famguardian.org/Publications/BouvierMaximsOfLaw/BouviersMaxims.htm>]

4. The benefit also cannot derive from the absence of force, fraud, or illegal duress upon the person in receipt of the benefit. That would be criminal racketeering. Compelled receipt of a benefit is nothing but slavery and involuntary servitude cleverly disguised as government "benevolence".

Commodum ex injuri su non habere debet.
No man ought to derive any benefit of his own wrong. Jenk. Cent. 161.

Quae inter alios acta sunt nemini nocere debent, sed prodesse possunt.
Transactions between strangers may benefit, but cannot injure, persons who are parties to them. 6 Co. 1.

Injuria propria non cadet in beneficium facientis.
One's own wrong shall not benefit the person doing it.

Quae inter alios acta sunt nemini nocere debent, sed prodesse possunt.
Transactions between strangers may benefit, but cannot injure, persons who are parties to them. 6 Co. 1.
[Bouvier's Maxims of Law, 1856,
SOURCE: <http://famguardian.org/Publications/BouvierMaximsOfLaw/BouviersMaxims.htm>]

The only people who could possibly "benefit" from the present corrupt communistic, socialistic and collectivist system, in fact, are parasites and thieves who intend from the beginning to draw more out of the government than they put in. God's law, however, tells us that no righteous government has any moral authority to be taxing and pillaging the successful members of society in order to subsidize and reward this kind of thievery, failure, and government dependency:

**"My son, if sinners [socialists, in this case] entice you,
Do not consent [do not abuse your power of choice]
If they say, "Come with us,
Let us lie in wait to shed blood [of innocent "nontaxpayers"];
Let us lurk secretly for the innocent without cause;
Let us swallow them alive like Sheol,
And whole, like those who go down to the Pit:
We shall fill our houses with spoil [plunder];
Cast in your lot among us,
Let us all have one purse [share the stolen LOOT]"--**

**My son, do not walk in the way with them [do not ASSOCIATE with them and don't let the government
FORCE you to associate with them either by forcing you to become a "taxpayer"/government whore or a
"U.S. citizen"].**
Keep your foot from their path;
For their feet run to evil,
And they make haste to shed blood.
Surely, in vain the net is spread
In the sight of any bird;
**But they lie in wait for their own blood.
They lurk secretly for their own lives.
So are the ways of everyone who is greedy for gain [or unearned government benefits];
It takes away the life of its owners."**
[Proverbs 1:10-19, Bible, NKJV]

Furthermore, the U.S. Supreme Court has held several times that the government cannot manipulate Constitutional rights out of existence either directly or indirectly, which means they can't abuse their taxing powers or their power to contract in order to deceive people into bargaining away their Constitutional rights:

*"It has long been established that a State may not impose a penalty upon those who exercise a right guaranteed by the Constitution." Frost & Frost Trucking Co. v. Railroad Comm'n of California, 271 U.S. 583. "Constitutional rights would be of little value if they could be indirectly denied," Smith v. Allwright, 321 U.S. 649, 644, or manipulated out of existence," Gomillion v. Lightfoot, 364 U.S. 339, 345."
[Harman v. Forssenius, 380 U.S. 528 at 540, 85 S.Ct. 1177, 1185 (1965)]*

When we signed our first tax return or IRS W-4 form, which were knowingly false as far as our public dis-servants were concerned, the government didn't explicitly inform us as "nationals" and "non-resident NON-persons" who have rights that we would be giving away those rights by lying to the government in admitting that we are a "U.S. individual" in the upper

left corner of the form. In fact, the government didn't even want you to know that you were consenting to anything by submitting the form. Did you ever notice, for instance, that the upper left corner of the IRS Form W-4 says "Employee's Withholding Allowance Certificate", and yet within the Treasury Regulations that the government knows you will probably never read in your lifetime, they instead call this same form a "Withholding Agreement"? Sneaky, huh?

26 C.F.R. Sec. 31.3401(a)-3 Amounts deemed wages under voluntary withholding agreements.

(a) In general.

Notwithstanding the exceptions to the definition of wages specified in section 3401(a) and the regulations thereunder, **the term "wages" includes the amounts described in paragraph (b)(1) of this section with respect to which there is a voluntary withholding agreement in effect under section 3402(p).** References in this chapter to the definition of wages contained in section 3401(a) shall be deemed to refer also to this section (Section 31.3401(a)-3).

(b) Remuneration for services

(1) Except as provided in subparagraph (2) of this paragraph, the amounts referred to in paragraph (a) of this section include any remuneration for services performed by an employee for an employer which, without regard to this section, does not constitute wages under section 3401(a). For example, remuneration for services performed by an agricultural worker or a domestic worker in a private home (amounts which are specifically excluded from the definition of wages by section 3401(a)(2) and (3), respectively) are amounts with respect to which a voluntary withholding agreement may be entered into under section 3402(p). See Sections 31.3401(c)-1 and 31.3401(d)-1 for the definitions of "employee" and "employer".

Who is doing the agreeing here, anyway? IT'S YOU!! Your public servants don't want you to know that they need your consent to take your money. They want the process of giving consent to be "invisible" to you so that you are tricked into believing that participation in payroll withholding is mandatory. Your devious politicians and government lawyer "servants" have been playing tricks on you like this for decades, and most Americans have been blissfully unaware of these devious machinations until this book came out. Consequently then, it must be presumed in the context of the IRS Form W-4 fraud documented above that we never provided sufficiently informed or voluntary consent, which the U.S. Supreme Court interprets to mean that we never made any choice or provided any "consent" at all:

"Waivers of constitutional rights not only must be voluntary but must be knowing, intelligent acts done with sufficient awareness of the relevant circumstances and likely consequences."
[Brady v. U.S., 397 U.S. at 749, 90 S.Ct. 1463 at 1469 (1970)]

Laws that are not "positive law" are described simply as "prima facie evidence of law" and may not be cited as admissible evidence in any criminal or civil trial. Prima facie evidence is rebuttable evidence that is actually a presumption rather than evidence:

1 U.S.C. §204: Codes and Supplements as evidence of the laws of United States and District of Columbia; citation of Codes and Supplements

Sec. 204. - Codes and Supplements as evidence of the laws of United States and District of Columbia; citation of Codes and Supplements

In all courts, tribunals, and public offices of the United States, at home or abroad, of the District of Columbia, and of each

State, Territory, or insular possession of the United States -

(a) United States Code. -

The matter set forth in the edition of the Code of Laws of the United States current at any time shall, together with the then current supplement, if any, establish prima facie [by presumption] the laws of the United States, general and permanent in their nature, in force on the day preceding the commencement of the session following the last session the legislation of which is included: Provided, however, That whenever titles of such Code shall have been enacted into positive law the text thereof shall be legal evidence of the laws therein contained, in all the courts of the United States, the several States, and the Territories and insular possessions of the United States.

Of the above three methods for exercising our right to contract, the Internal Revenue Code falls into the category of item 3 above: Legislation or statutes which is not enacted into positive law and which are therefore not “law”, and whose enforcement provisions are not published in the Federal Register. See the following for evidence of the missing enforcement regulations at:

Federal Enforcement Authority within States of the Union, Form #05.032
<http://sedm.org/Forms/FormIndex.htm>

Consequently, because the Internal Revenue Code

1. Is not “positive law”
2. Has **no** enforcement regulations provisions published in the Federal Register as required by 5 U.S.C. §553(a) and 44 U.S.C. §1505(a).

Then the Internal Revenue Code:

1. Only becomes “law” against those who expressly consent to it and thereby become franchisees called “taxpayers” as defined in 26 U.S.C. §7701(a)(14).
2. Is private law or contract law. All franchises are contracts between the grantor and the grantee that activate upon mutual consent and the receipt of mutual consideration.
3. Can lawfully be enforced only against federal “public officers” and federal instrumentalities who are “effectively connected” to U.S. government income if it is enforced at all, and all those serving in this capacity had to consent to serve in that capacity at some point. The reason is because federal public officers basically must observe their employment contract, which includes the implied agreement to pay “kickbacks” to the federal government out of their pay called “income taxes”. These “kickbacks” are recorded and accounted for on a “return”, which is a return of the government’s property to its rightful owner.

For all persons other than federal statutory “employees” or “public officers” lawfully engaged in the “trade or business” franchise, the Internal Revenue Code is nothing more than a voluntary contract which each individual must choose for himself or herself whether he or she individually wants the “benefits” of. Those who choose to avail themselves of the “benefits” of this constructive voluntary private “contract” reveal their consent and intent by declaring themselves to be federal “employees” on the IRS Form W-4 or “employers” on an SSA Form SS-4 and submitting it directly to the IRS or indirectly, through their private, non-federal employer. When they elect to avail themselves of this contract, they will be treated by the government in every respect relating to “taxes” like any typical federal “employee”, “instrumentality”, or office, even if they in fact are not, even if they may not lawfully do so, and even if they deny having done so. Note, however, that in the vast majority of cases, those who submit the IRS Forms W-4 or SS-4 had to LIE in order to avail themselves of the contract because there are 280+ million Americans but only about 2,000 elected or appointed federal “employees” who lawfully hold public office. Once they perjure themselves on the W-4 by claiming they are federal “employees” under penalty of perjury, now the government has them trapped because they have given the government court-admissible evidence that they are federal “employees”. If they then later claim they were deceived or tricked in filling out the form, the government can try to blackmail them by saying they committed perjury on the form. Checkmate!

Another way to challenge the “roach trap” in court is simply to show that statistically, the statute one is subject to does not “benefit”, but instead harms people and societies. Once you can prove that it isn’t a benefit but in fact a harm to the people, the government loses its ability to enforce its’ contract upon the recipient. The sole purpose of both law and government is to protect and not harm society. Government cannot exceed that boundary no matter what. The Supreme Court explained why this is as follows:

“The great principle is this: because the constitution will not permit a state to destroy, it will not permit a law involving the power to destroy.”
[Providence Bank v. Billings, 29 U.S. 514 (1830)]

The last point we want to make about “roach trap statutes” or franchises in relation to income taxation is that the U.S. Supreme Court has already held that their main benefit, which is the Social Security and Medicare benefits that go with the payment of income taxes, is NOT, and I repeat NOT, a contract.

1 *"We must conclude that **a person covered by the Act has not such a right in benefit payments**... This is not to*
2 *say, however, that Congress may exercise its power to modify the statutory scheme free of all constitutional*
3 *restraint."*
4 *[Fleming v. Nestor , 363 U.S. 603 (1960)]*

5 Therefore, payment by the government of benefits is not contractual, it is discretionary according to the Supreme Court.
6 Where there is no contract, there can be no breach of contract or harm to the benefit recipient. Therefore, payment to the
7 government for these so-called "benefits" through income taxation cannot be contractual either. Equal protection of the laws
8 guaranteed by Section 1 of the Fourteenth Amendment demands this. Not only that, but anyone who takes out anything more
9 than exactly what they put in, is a THIEF! The Bible says that all such thieves MUST be forced to pay back DOUBLE what
10 they stole to the victims of the theft:

11 *"If a man [the government, in this case] delivers to his neighbor [a citizen, in this case] money or articles to keep,*
12 *and it is stolen out of the man's house [our out of his paycheck], **if the thief is found, he shall pay double**. If the*
13 *thief is not found, then the master of the house shall be brought to the judges to see whether he has put his hand*
14 *into his neighbor's goods."*
15 *[Exodus 22:7-8, Bible, NKJV]*

16 The "victim" of the theft, in this case, are all the "nontaxpayers" who never wanted to participate in this bankrupt
17 humanistic/socialist tax and welfare-state system to begin with. If people cannot lawfully be permitted to take out more than
18 they put in because it would be theft, then why have the socialist program to begin with? All it will do is encourage those
19 who receive the benefit to abuse their voting power to compel the government to STEAL from their fellow working citizens,
20 in violation of 18 U.S.C. §597, which IS positive law, by the way.

21 **5.3 "Consent" v. "Agreement"**

22 The relationship between "consent" and "agreement" is very important and will be treated in depth within this section. These
23 two words are NOT synonymous. Consent is always an agreement and concurrence of the wills between two or more parties.
24 Consent actively seeks the proposed thing to happen. Not all agreements, however, are a concurrence of wills. An agreement
25 entered into in the presence of duress is an example where consent is lacking. Understanding this concept becomes very
26 important in a legal context in cases involving government enforcement actions such as willful failure to file a tax return.

27 It would be a contradiction to say that you could consent under duress. No one wills something they are forced into accepting.
28 It would be a contradiction to say that you could consent to fraud. There can be no concurrence of wills when one party is
29 agreeing to something different than is represented (e.g. words of art). Fraud and duress may produce agreement, but they
30 can never produce consent. And the Declaration of Independence requires your **consent** when the government acts.

31 Agreements also are not "law" in a classical sense, which is why they are classified instead as "compacts" and private law.

32 *Municipal law, thus understood, is properly defined to be "a rule of civil conduct prescribed by the supreme*
33 *power in a state, commanding what is right and prohibiting what is wrong."*

34 [. . .]

35 *It is also called a rule to distinguish it from a compact or agreement; **for a compact is a promise proceeding***
36 ***from us, law is a command directed to us**. The language of a compact is, "I will, or will not, do this"; that of a*
37 *law is, "thou shalt, or shalt not, do it." It is true there is an obligation which a compact carries with it, equal in*
38 *point of conscience to that of a law; but then the original of the obligation is different. **In compacts we ourselves***
39 ***determine and promise what shall be done, before we are obliged to do it; in laws, we are obliged to act without***
40 ***ourselves determining or promising anything at all**. Upon these accounts law is defined to be "a rule."*
41 *[Readings on the History and System of the Common Law, Second Edition, Roscoe Pound, 1925, p. 4]*

42 That is why the Internal Revenue Code, Subtitles A through C are not "law" in a classical sense, for instance, but technically
43 are a franchise, and all franchises are compacts, contracts, or agreements of one sort or another.

44 ***"It is generally conceded that a franchise is the subject of a contract between the grantor and the grantee, and***
45 ***that it does in fact constitute a contract when the requisite element of a consideration is present.**"²⁶ Conversely,*

²⁶ Larson v. South Dakota, 278 U.S. 429, 73 L.Ed. 441, 49 S.Ct. 196; Grand Trunk Western R. Co. v. South Bend, 227 U.S. 544, 57 L.Ed. 633, 33 S.Ct. 303; Blair v. Chicago, 201 U.S. 400, 50 L.Ed. 801, 26 S.Ct. 427; Arkansas-Missouri Power Co. v. Brown, 176 Ark. 774, 4 S.W.2d. 15, 58 A.L.R. 534; Chicago General R. Co. v. Chicago, 176 Ill. 253, 52 N.E. 880; Louisville v. Louisville Home Tel. Co., 149 Ky. 234, 148 S.W. 13; State ex rel. Kansas City v. East Fifth Street R. Co., 140 Mo. 539, 41 S.W. 955; Baker v. Montana Petroleum Co., 99 Mont. 465, 44 P.2d. 735; Re Board of Fire Comrs. 27 N.J. 192, 142

a franchise granted without consideration is not a contract binding upon the state, franchisee, or pseudo-franchisee.²⁷ “
[36 American Jurisprudence 2d, Franchises, §6: As a Contract (1999)]

Not all agreements can truthfully be characterized as legal evidence of consent. Agreements can take the following forms, some of which are evidence of consent, and some of which are not:

1. Express consent:

1.1. Vocal agreement. This is called a “parole contract”.

1.2. In writing. For instance, a written contract.

2. Implied consent:

2.1. A specific action evidencing consent under the terms of the transaction proposed.

2.2. Inaction or silence when enforcement of the thing proposed is attempted against the person against whom it was proposed.

For example, consider a stick up. Someone approaches you in a dark alley with a gun, and says:

“This be a fuckin’ stickup. Gimme everything in your wallet or I’m gonna shoot you.”

You hand them the wallet and they walk away with it. Has there been a concurrence of wills? You agreed because you handed them the wallet, and that action might be construed as evidence of “implied consent” described above. However, you were under duress and were in fear. As we proved earlier, anything done in the presence of such fear or terror cannot truthfully be characterized as a “meeting of the minds”.

“As used in the law of rape ‘consent’ means consent of the will, and submission under the influence of fear or terror cannot amount to real consent.

There must be an exercise of intelligence based on knowledge of its significance and moral quality and there must be a [free, uncoerced] choice between resistance and assent. And if a woman resists to the point where further resistance would be useless or until her resistance is overcome by force or violence, submission thereafter is not ‘consent’.
[Black’s Law Dictionary, Sixth Edition, p. 305, emphasis added]

Why is there no meeting of the minds? Because:

1. You didn’t WILL or wish that the transaction should happen.
2. As soon as the criminal leaves the scene, you are going to call the police and have him arrested for a crime. A crime, after all, is anything done to you that injures you and which was accomplished without your consent.

Here is yet one more example that helps illustrate the difference between “consent” and “agreement”. If you fill out a government form that proposes a commercial transaction with the government and connects the applicant to a federal “benefit” or franchise, but:

1. You are compelled under duress by some third party bank or financial institution to fill out and submit a government form such as a tax withholding form. The duress originates from the fact that the form is submitted under penalty of perjury, and the company demanding it threatens to either not hire you, to fire you, or to not do business (DISCRIMINATE under the color of law, no less) if you don’t fill out a SPECIFIC form and put a SPECIFIC thing on the form. Hence, they are instituting the crime of tampering with a federal witness in violation of 18 U.S.C. §1512, as well as conspiracy to commit perjury, perjury, and subornation of perjury in violation of 18 U.S.C. §§1001, 1542, and 1621.
2. You know that the form is the WRONG form and that filling it out will constitute fraud and perjury.

A.2d. 85; Chrysler Light & P. Co. v. Belfield, 58 N.D. 33, 224 N.W. 871, 63 A.L.R. 1337; Franklin County v. Public Utilities Com., 107 Ohio.St. 442, 140 N.E. 87, 30 A.L.R. 429; State ex rel. Daniel v. Broad River Power Co., 157 S.C. 1, 153 S.E. 537; Rutland Electric Light Co. v. Marble City Electric Light Co., 65 Vt. 377, 26 A. 635; Virginia-Western Power Co. v. Commonwealth, 125 Va. 469, 99 S.E. 723, 9 A.L.R. 1148, cert den 251 U.S. 557, 64 L.Ed. 413, 40 S.Ct. 179, disapproved on other grounds Victoria v. Victoria Ice, Light & Power Co. 134 Va 134, 114 S.E. 92, 28 A.L.R. 562, and disapproved on other grounds Richmond v. Virginia Ry. & Power Co., 141 Va. 69, 126 S.E. 353.

²⁷ Pennsylvania R. Co. v. Bowers, 124 Pa. 183, 16 A. 836.

3. You write on the form or on an attachment to it that you were under duress to fill it out and that it is FALSE, and that the institutor of the duress is the responsible party for why it is false, because they are actively interfering with filling it out with correct information or with using a DIFFERENT and MORE CORRECT form that accurately describes your status.
4. In self-defense, you attach to the compelled form a list of definitions for what the words on the form mean, all of which are the complete opposite of those found in the Internal Revenue Code and which place you, your property, and your domicile outside of the statutory but not constitutional “United States” and outside of federal jurisdiction.
5. You submit a criminal complaint to the requesting that the IRS prosecute the institutor of the duress for conspiracy to defraud the United States in violation of 18 U.S.C. §287, impersonating a public officer in violation of 18 U.S.C. §912.
6. The IRS deliberately engages in “selective enforcement” by refusing to prosecute the institutor of the duress so that they can fill their pockets with STOLEN plunder.

. . . Then could the withholding forms you submit be counted as an “agreement”? For instance, 26 C.F.R. §31.3401(a)-3(a) and 26 C.F.R. §31.3402(p) identify the IRS Form W-4 as an “agreement”, but if you know you are not the statutory federal “employee” described in the upper left corner of the form and also in 26 U.S.C. §3401(d) and 5 U.S.C. §2105, isn’t the agreement the product of “error” and thus, the consent VOID based on the above analysis? Therefore, all alleged “taxes” resulting from the coerced exchange in fact are THEFT and not “taxes” as legally defined? Isn’t the only difference between theft and a “donation” the consent of the original owner? Incidentally a form that you can use to attach to tax withholding paperwork that in fact does all the above, and which is MANDATORY in the case of all members in handling their tax withholding, is the following form on our website:

[Tax Form Attachment](http://sedm.org/Forms/FormIndex.htm), Form #04.201
<http://sedm.org/Forms/FormIndex.htm>

The filing of a tax return, for instance, under the fear of reprisal cannot therefore truthfully be characterized as “voluntary compliance”. Compliance is enforced through the authority of law. That which is voluntary CANNOT lawfully be enforced. Which is it? This phrase is in fact an oxymoron, a contradiction, and cognitive dissonance. Aristotle said that all such contradictions can never lead to truth. We might also add they can never lead to justice.

Implicit in the exercise of one’s right to contract is the right to prescribe:

1. WHAT FORM consent must take before it becomes legal evidence of agreement.
2. What constitutes sufficient consideration so as to make the resulting contract or agreement enforceable.
3. The meaning of silence or acquiescence. For instance, the person giving consent has a right to declare that silence or acquiescence SHALL NOT constitute “agreement”, or evidence of consent, and that the only form that agreement may take is a written, signed, notarized contract.

So long as reasonable notice is given to the offeror of the contract or agreement in advance of the transaction proposed, the notice given then prescribes and limits the form that the agreement must take to make it legal evidence of consent. For instance, during the civil war, the United States government enacted a law prescribing what form that contracts with the government must take by stating that all contracts MUST be in writing and that parole contracts were forbidden. This enactment was discussed at length in *Clark v. United States*, 95 U.S. 539 (1877), which held on the subject the following in response to Congress’ enactment:

"Every man is supposed to know the law. A party who makes a contract [or enters into a franchise, which is also a contract] with an officer [of the government] without having it reduced to writing is knowingly accessory to a violation of duty on his part. Such a party aids in the violation of the law."
[*Clark v. United States*, 95 U.S. 539 (1877)]

Based on the concept of equal rights and equal protections, if the government can prescribe what form its contracts must take, then we as the source of all of their delegated power must also have the SAME EQUAL right.

The legal definition of “consent” also establishes under what circumstances an agreement becomes INSUFFICIENT evidence of consent. Paragraph 9 is the paragraph to pay attention to:

CONSENT. An agreement to something proposed, and differs from assent. (q.v.) Wolff, Ins. Nat. part 1, SSSS 27-30; Pard. Dr. Com. part 2, tit. 1, n. 1, 38 to 178. Consent supposes, 1. a physical power to act; 2. a moral power

of acting; 3. a serious, determined, and free use of these powers. Fonb. Eq. B; 1, c. 2, s. 1; Grot. de Jure Belli et Pacis, lib. 2, c. 11, s. 6.

2. Consent is either express or implied. Express, when it is given viva voce, or in writing; implied, when it is manifested by signs, actions, or facts, or by inaction or silence, which raise a presumption that the consent has been given.

3. - 1. When a legacy is given with a condition annexed to the bequest, requiring the consent of executors to the marriage of the legatee, and under such consent being given, a mutual attachment has been suffered to grow up, it would be rather late to state terms and conditions on which a marriage between the parties should take place; 2 Ves. & Beames, 234; Ambl. 264; 2 Freem. 201; unless such consent was obtained by deceit or fraud. 1 Eden, 6; 1 Phillim. 200; 12 Ves. 19.

4. - 2. Such a condition does not apply to a second marriage. 3 Bro. C. C. 145; 3 Ves. 239.

5. - 3. If the consent has been substantially given, though not modo et forma, the legatee will be held duly entitled to the legacy. 1 Sim. & Stu. 172; 1 Meriv. 187; 2 Atk. 265.

6. - 4. When trustees under a marriage settlement are empowered to sell "with the consent of the husband and wife," a sale made by the trustees without the distinct consent of the wife, cannot be a due execution of their power. 10 Ves. 378.

7. - 5. Where a power of sale requires that the sale should be with the consent of certain specified individuals, the fact of such consent having been given, ought to be evinced in the manner pointed out by the creator of the power, or such power will not be considered as properly executed. 10 Ves. 308. Vide, generally, 2 Supp. to Ves. jr. 161, 165, 169; Ayliffe's Pand. 117; 1 Rob. Leg.. 345, 539.

8. - 6. Courts of equity have established the rule, that when the true owner of property stands by, and knowingly suffers a stranger to sell the same as his own, without objection, this will be such implied consent as to render the sale valid against the true owner. Story on Ag. Sec. 91 Story on Eq. Jur. Sec. 385 to 390. And courts of law, unless restrained by technical formalities, act upon the principles of justice; as, for example, when a man permitted, without objection, the sale of his goods under an execution against another person. 6 Adolph. & El 11. 469; 9 Barn. & Cr. 586; 3 Barn. & Adolph. 318, note.

9. The consent which is implied in every agreement is excluded, 1. By error in the essentials of the contract; is, if Paul, in the city of Philadelphia, buy the horse of Peter, which is in Boston, and promise to pay one hundred dollars for him, the horse at the time of the sale, unknown to either party, being dead. This decision is founded on the rule that he who consents through error does not consent at all; non consentiunt qui errant. Dig. 2, 1, 15; Dig. lib. 1, tit. ult. 1. 116, Sec. 2. 2. Consent is excluded by duress of the party making the agreement. 3. Consent is never given so as to bind the parties, when it is obtained by fraud. 4. It cannot be given by a person who has no understanding, as an idiot, nor by one who, though possessed of understanding, is not in law capable of making a contract, as a feme covert. See Bouv. Inst. Index, h.t.
[Bouvier's Law Dictionary, Fourth Edition, 1848]

Therefore, an "agreement", whatever form it takes, is NOT evidence of consent under the following enumerated circumstances:

1. By error in the essentials of the contract. This decision is founded on the rule that he who consents through error does not consent at all; non consentiunt qui errant. Dig. 2, 1, 15; Dig. lib. 1, tit. ult. 1. 116, Sec. 2.
2. In the presence of duress against the party making the agreement.
3. In the presence of fraud against either party.
4. If given by a person who has no understanding, as an idiot, nor by one who, though possessed of understanding, is not in law capable of making a contract, as a feme covert. See Bouv. Inst. Index, h.t.

If you look at later versions of law dictionaries, and especially Black's Law dictionaries, the above elements that render an agreement invalid are much less clearly explained and the word "acquiescence" is added to the definition of "consent" to create an opportunity for judicial and government abuses that are so prevalent today surrounding the requirement for consent. The definition of consent from Black's Law Dictionary, Sixth Edition proves this. Note the underlined and highlighted text:

consent. "A concurrence of wills. **Voluntarily** yielding the will to the proposition of another; **acquiescence or compliance therewith.** Agreement; approval; permission; the act or result of coming into harmony or accord. Consent is an act of reason, accompanied with deliberation, the mind weighing as in a balance the good or evil on each side. It means **voluntary** agreement by a person in the possession and exercise of sufficient mental capacity to make an intelligent choice to do something proposed by another. It supposes a physical power to act,

a moral power of acting, and a serious, determined, and free use of these powers. Consent is implied in every agreement. It is an act unclouded by fraud, duress, or sometimes even mistake.

Willingness in fact that an act or an invasion of an interest shall take place. Restatement, Second, Torts §10A.

As used in the law of rape "consent" means consent of the will, and submission under the influence of fear or terror cannot amount to real consent. There must be an exercise of intelligence based on knowledge of its significance and moral quality and there must be a choice between resistance and assent. And if a woman resists to the point where further resistance would be useless or until her resistance is overcome by force or violence, submission thereafter is not "consent".

See also Acquiescence; Age of consent; Assent; Connivance; Informed consent; "voluntary" [Black's Law Dictionary, Sixth Edition, p. 305]

In the above definition, what constituted a whole paragraph in Bouvier's regarding what constitutes valid agreement is reduced to a single sentence. They also completely eliminated the requirement that the person consenting does not have complete understanding of the thing agreed to, even though it STILL applies:

"It is an act unclouded by fraud, duress, or sometimes even mistake."

The above form of censorship leaves dishonest judges and government prosecutors way too much "wiggle room" to abuse the rights of the people they are supposed to be protecting, and is no doubt deliberate.

A closely related subject to that of "consent" is the concept of "willfulness" in the context of tax crimes. Every tax crime has willfulness as a prerequisite. An act or omission to act committed "willfully" is one which one knew he or she had an obligation to do under an existing law they were in fact subject to but which they deliberately and defiantly refused to do.

1. Definition of "willful" from Black's Law Dictionary:

willful. Proceeding from a conscious motion of the will; voluntary; knowingly deliberate. Intending the result which actually comes to pass; designed; intentional; purposeful; not accidental or involuntary.

Premeditated; malicious; done with evil intent, or with a bad motive or purpose, or with indifference to the natural consequence; unlawful; without legal justification.

An act or omission is "willfully" done, if done voluntarily and intentionally and with the specific intent to do something the law forbids, or with the specific intent to fail to do something the law requires to be done; that is to say, with bad purpose either to disobey or to disregard the law. It is a word of many meanings, with its construction often influenced to its context. *Screws v. United States*, 325 U.S. 91, 101, 65 S.Ct. 1031, 1035, 89 L.Ed. 1495.

A willful act may be described as one done intentionally, knowingly, and purposely, without justifiable excuse, as distinguished from an act done carelessly, thoughtlessly, heedlessly, or inadvertently. A willful act differs essentially from a negligent act. The one is positive and the other negative. [Black's Law Dictionary, Sixth Edition, p. 1599]

2. U.S. Supreme Court definition of "willful":

"The Court, in fact, has recognized that the word 'willfully' in these statutes generally connotes a voluntary, intentional violation of a known legal duty. It has formulated the requirement of willfulness as 'bad faith or evil intent,' *Murdock*, 290 U.S., at 398, or 'evil motive and want of justification in view of all the financial circumstances of the taxpayer,' *Spies*, 317 U.S., at 498, or knowledge that the taxpayer 'should have reported more income than he did.' *Sansone*, 380 U.S., at 353. See *James v. United States*, 366 U.S. 213, 221 (1961); *McCarthy v. United States*, 394 U.S. 459, 471 (1969).

This longstanding interpretation of the purpose of the recurring word "willfully" promotes coherence in the group of tax crimes. In our complex tax system, uncertainty often arises even among taxpayers who earnestly wish to follow the law. The Court has said, "It is not the purpose of the law to penalize frank difference of opinion or innocent errors made despite the [412 U.S. 346, 361] exercise of reasonable care." *Spies*, 317 U.S., at 496. Degrees of negligence give rise in the tax system to civil penalties. The requirement of an offense committed "willfully" is not met, therefore, if a taxpayer has relied in good faith on a prior decision of this Court. *James v. United States*, 366 U.S., at 221-222. Cf. *Lambert v. California*, 355 U.S. 255 (1957). The Court's consistent interpretation of the word "willfully" to require an element of mens rea implements the pervasive intent of Congress to construct penalties that separate the purposeful tax violator from the well-meaning, but easily confused, mass of taxpayers.

1 Until Congress speaks otherwise, we therefore shall continue to require, in both tax felonies and tax
2 misdemeanors that must be done "willfully," the bad purpose or evil motive described in *Murdock, supra*. We
3 hold, consequently, that the word "willfully" has the same meaning in 7207 that it has in 7206(1) . Since the only
4 issue in dispute in this case centered on willfulness, it follows that a conviction of the misdemeanor would clearly
5 support a conviction for the felony. 9 Under these circumstances a lesser-included-offense instruction was not
6 required or proper, for in the federal system it is not the function of the jury to set the penalty. *Berra v. United*
7 *States, 351 U.S., at 134 -135. [412 U.S. 346, 362]"*
8 [[United States v. Bishop, 412 U.S. 346 \(1973\)](#), *Emphasis added*]

9 The above definitions of "willful" recognize the limitations upon what constitutes evidence of consent and therefore
10 "agreement", as described earlier:

- 11 1. Your belief cannot be the product of error. This recognizes the element in the definition of "consent" in which it said
12 that evidence of consent is invalid if it is the product of error. An example of an "innocent error" would be
13 misinterpreting a "word of art".

14 The Court has said, "It is not the purpose of the law to penalize frank difference of opinion or innocent errors
15 made despite the [412 U.S. 346, 361] exercise of reasonable care." *Spies, 317 U.S., at 496*. Degrees of
16 negligence give rise in the tax system to civil penalties.
17 [[United States v. Bishop, 412 U.S. 346 \(1973\)](#), *Emphasis added*]

- 18 2. You must have a legal status to which the SPECIFIC duty in question attaches and be aware that you have that status.
19 For instance, the U.S. Supreme Court above refers only to "taxpayers", meaning that you must be a "taxpayer" and
20 declare yourself a "taxpayer" and act like a "taxpayer" before you can actually BE a "taxpayer" and therefore in fact
21 THE SUBJECT of the duty defined in the "trade or business" franchise agreement codified in Internal Revenue Code,
22 Subtitle A. In other words, you must consent to be party to the franchise before the franchise agreement can be
23 enforced against you.
- 24 3. You must KNOW you have a legal duty. This is equivalent to the requirement in the definition of "consent" which
25 states that consent given by a person who has no understanding is NOT valid.
- 26 4. You must have SOMETHING which constitutes legally admissible evidence upon which to base the belief that you
27 have that duty. This is consistent with the legal definition of consent, in which duress cannot be present. Any
28 authority the government claims to impose a "duty" upon you must be based on legally admissible evidence, and if it is
29 not, then your belief about the duty is based on duress. For instance, the Internal Revenue Code is identified in 1
30 U.S.C. §204 as "prima facie evidence", meaning a PRESUMPTION and not REAL evidence. Statutory presumptions,
31 according to the U.S. Supreme Court, DO NOT constitute legal evidence of ANYTHING. All presumption that causes
32 an injury or deprivation of constitutional rights, unless consensual, is unconstitutional and a tort, as exhaustively and
33 described in:

<p><i>Presumption: Chief Weapon for Unlawfully Enlarging Federal Jurisdiction</i>, Form #05.017 http://sedm.org/Forms/FormIndex.htm</p>

34 Defenses commonly used by defendants in federal court against the criminal charge of "willful failure to file" a tax return
35 under 26 U.S.C. §7203 focus primarily upon the authority and quality of the evidence upon which a person relied in making
36 the determination that they DID NOT have the duty prescribed or the status to which the duty attaches. Below is a list of
37 some of the defenses:

- 38 1. Defendants argue that they cannot understand the law and that they have tried to read it.
- 39 2. Defendants argue that they sought professional advice, relied on the professional advice, and therefore rationally
40 concluded that they had no duty.
- 41 3. Defendant's cite cases from the U.S. Supreme Court establishing the basis for the fact that they don't have the status to
42 which the duty attaches.

43 Even in catholic sacramental theology one cannot commit a grievous (i.e. mortal) sin without full CONSENT of the will.
44 Will, meaning a desire for something to actually happen, is a necessary component for consent. One commits an accident of
45 manslaughter when they didn't know the gun was loaded, but they consent when they commit premeditated murder.

46 Based on all the above, we argue that it is simply not possible to willfully fail to file a tax return because:

- 47 1. The entire Internal Revenue Code is identified in 1 U.S.C. §204 as "prima facie evidence", which means that THE
48 WHOLE THING is nothing but a big statutory presumption.

2. Statutory and judicial presumptions that prejudice or injure constitutional rights are unconstitutional, a violation of due process of law, and a tort, according to the U.S. Supreme Court.

"It is apparent 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."
[Bailey v. Alabama, 219 U.S. 219 (1911)]

3. Organic law in the Declaration of Independence FORBIDS us to "alienate" our constitutional rights in relation to a real government by describing those rights as "inalienable", which in turn means that they cannot be sold, bargained away, or transferred by ANY process, including a commercial franchise offered by said government:

"Unalienable. Inalienable; incapable of being aliened, that is, sold and transferred."
[Black's Law Dictionary, Fourth Edition, p. 1693]

The net result of this provision is that:

- 3.1. WE HAVE NO AUTHORITY to contract away rights protected by the constitution in relation to a real, de jure government. The paper below confirms this, and was written by a law professor:

Unconstitutional Conditions: The Irrelevance of Consent, Philip Hamburger
<http://sedm.org/LibertyU/UnconstitutionalConditions-Hamburger,Philip-SSRN-id2021682.pdf>

- 3.2. Even signing a government form giving away rights may not be construed as "agreement", because it is a product of error, and error renders consent VOID, according to the definitions earlier.
- 3.3. Those who contract with the government must be domiciled on the government's territory, and that federal territory may not be protected by the Constitution, so that they have no rights to "alien" and therefore the organic law is not violated in the process of contracting with the government. The way the government avoids this limitation is by deceiving people into falsely declaring themselves to be a statutory "U.S. citizen" domiciled on federal territory pursuant to 8 U.S.C. §1401.
4. The only thing that can turn a presumption into a fact is YOUR CONSENT prescribed ONLY in the manner that YOU and not THEY prescribe, since you are the party consenting. This is entirely consistent with the fact that the Internal Revenue Code is a private law franchise and an excise that hinges on your consent to act as a public officer within the U.S. government in relation to the parties you are doing business with. Before a contract is signed, it is not law. After it is signed, it becomes legal evidence and "law".
5. Federal courts are FORBIDDEN by the Declaratory Judgments Act, 28 U.S.C. §2201(a), from declaring your status in the context of taxes. Hence, they cannot bestow the status of "taxpayer" against you without your consent. They also therefore cannot do indirectly what they cannot do directly, but ASSUMING you are one or CALLING you one. This is another way of saying that YOU are the "customer" of their protection racket, and the customer is ALWAYS right. YOU must volunteer for the public office in the U.S. government called "taxpayer" and if they don't protect your right not to volunteer, they are engaging in involuntary servitude in violation of the Thirteenth Amendment. You have an unalienable right to contract and to associate or disassociate, and the status YOU CHOOSE for yourself is how you exercise that right. Nearly all government law is, in fact, a civil franchise, and all franchises are contracts, including the Internal Revenue Code, Subtitles A and C. This is further proven in the following:

Your Exclusive Right to Declare or Establish Your Civil Status, Form #13.008
<http://sedm.org/Forms/FormIndex.htm>

Consent requires mutual willfulness between parties. Now by using the word willful, the federal government lays the foundation for considering whether you could willfully fail to file, willfully fail to perform a known, and consented to, legal duty (they beg the question by introducing earlier tax returns as evidence of consent, but it's only evidence of agreement obtained by fraud and duress). You would have had to give willful consent (not mere agreement which can be made under fraud and duress) to be a filer in the first place. You would have consented to being a taxpayer, you would have had a concurrence of wills on that point.

But, you can never give your consent under fraudulent representations or under duress...even if you're happy to agree to pay "your fair share." The best you could do, because of the fraud involved, would be to agree without consent. Just as a man might agree to turn over his wallet to an assailant with a knife, the duress prevents consent. There is no concurrence of wills or meeting of minds.

Now, when you sign under penalty of perjury, a form which contains words of art, words that do not have an agreed upon meaning between the presenter of the form, the IRS, and the signer of the form, the alleged taxpayer. Can you give your

1 consent, an act of your will, on that form? Can two wills concur, two minds meet, when the terms are made up of words that
2 lead to different understanding?

3 If the 'legal duty' to file a tax return used words that had two opposite meanings, one a common law meaning and the other a
4 legal definition that contradicted the common law meaning, and the legal meaning was not stated as such, could one ever
5 willfully sign such a tax return, give their consent to a "Known" legal duty?

6 If there was no consent in the first place to a known legal duty, could you withdraw that consent by WILLFULLY failing to
7 file a document inherently deceptive, such as an IRS Form 1040? You would not have offended against a concurrence of
8 wills because the IRS understands one thing by its words and the alleged taxpayer another. There was no concurrence of
9 wills, no meeting of minds. So you couldn't have "failed" and willfully failed, to carry out a consented to legal duty. Since
10 there was no willful consent, because of fraudulent words of art and duress, the fear of IRS penalties and reprisal, there cannot
11 be willful non-consent, or withdrawal of consent, to file.

12 The government's willful failure to file charge appears to have no meaning whatsoever, not even a meaning defined by words
13 of art.

14 If you never consented to file, because the IRS made it impossible to consent by introducing elements of fraud, per words of
15 art, and duress by threats of penalty, they cannot maintain that you violated that consent and thereby created a cause of action.

16 The average American doesn't understand four important facts about the requirement for consent:

- 17 1. They don't know their consent is always required by the government per the Declaration of Independence.
- 18 2. They don't know that the government almost always gets their **agreement** but not their **consent** as required.
- 19 3. They don't see the relationship between signing government forms and consent or agreement. They don't understand
20 that the government acting through its forms elicits their agreement to whatever the government is proposing. They
21 don't understand that this process directly relates to applying to register to vote, casting a ballot, applying for social
22 security, assessing oneself for donations of "income" on the IRS Form 1040, etc.
- 23 4. They don't know that they can actually withhold their consent from government proposals and demands, either with a
24 simple no, or by "agreeing" [not consenting] and signing government forms or cooperating with the government, the
25 way one might cooperate with a mugger, "under duress."

26 Consent, a concurrence of wills, a meeting of minds, a desire on the part of both parties for something to happen, is necessary
27 and lawfully required whether one is applying for a driver license, responding to a traffic violation, or refusing to convict at
28 the prosecutor's behest in a criminal trial. In criminal trials, withholding consent from the legislature, the prosecutor and the
29 court, is the foundation of jury nullification. That activity is described below:

Jury Nullification: Empowering the Jury as the Fourth Branch of Government, Form #09.010
<http://sedm.org/Forms/FormIndex.htm>

30 So whether one is responding to a parking ticket, or reprimanding the legislature, prosecutor and court in the jury room,
31 consent of the governed is first and foremost at the heart of responding to all government related activity.

32 The above is completely consistent with the following:

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

33 **6 Things you CANNOT lawfully consent to**

34 **6.1 God forbids believers to contract away rights to government or civil rulers**²⁸

35 Here is the First Commandment from Exodus 20:1-6:

²⁸ Adapted from "*First Commandment: Thou Shalt Not Choose Slavery to Earthly Government*", Boundaries for Effective Ministry, <http://www.boundaries-for-effective-ministry.org/first-commandment.html>.

1 *I.I, the Lord, am your God, who [acted and] brought you out of the land of Egypt, that place of slavery.*
2 *[Therefore...]*

3 *2.You shall not have other gods besides me.*

4 God makes it clear that the state gods of Pharaoh could not release them from slavery. Though Pharaoh was obstinate in
5 keeping the Israelites in slavery...he could not prevent the God of Israel from delivering them.

6 Then God claimed the allegiance that the Israelites formerly had for the Pharaoh. Allegiance is a covenant between a people
7 and their protector. From now on God would be the only protector of the Israelites.

8 These are the elements of the First Commandment. And it's easy enough to recite. However to understand the
9 Commandment, there are four things to take note of so that you can grasp what obligations you incur under this, the first
10 condition of God's covenant with humanity.

11 The First Commandment is First because:

- 12 1. In any contract, with God or with humanity, from time immemorial to the present day, the parties to the contract must
13 be clearly identified.
- 14 2. And God identifies himself as the one God who can act in the world, the one not made of stone, or wood or any other
15 inert substance. He is the God who acted and brought his chosen people out of slavery (which they did not always think
16 was a good idea [Ex 16:2, 17:3]).
- 17 3. That means they must not choose slavery ever again though they were inclined to (Ex 16:2).
- 18 4. God makes clear that loving him is not pious sentimentality played out amid hymns and incense...**but love is actively**
19 **keeping the Commandments**. He reiterates this in Matthew. 19:17ff and John 14:15,21,23,24.

20 That means that we today cannot choose slavery, it is prohibited by the First Commandment. Slavery means to be unable to
21 choose (makes sense!) and follow God's law when man's law conflicts with it.

22 For example, if a police officer pulls you over for doing 100 mph in a 35 mph zone...you cannot say "Sorry officer, I only
23 obey God's law and he doesn't have speed limits". Speed limits do not offend God's law.

24 But, if you are the Christian administrator of a Christian hospital...and you have subjected the institution to man's law...and
25 man's law requires your medical staff to perform partial birth abortions...then as a slave to man's law you have a conflict with
26 God's law...Thou shalt not murder...and as a slave you have no choice. To choose slavery, a condition where you can only
27 do what your master dictates, is to repudiate and reject the Lord God...who proves over and over that he will provide for us
28 (Mt 6:25ff).

29 The Lord says to Moses...

30 *"I have heard the complaints of the children of Israel. Speak to them, saying, 'At twilight you shall eat meat, and*
31 *in the morning you shall be filled with bread. And you shall know that I am the LORD your God.'"*
32 *[Exodus 16:12, Bible, NKJV]*

33 Only the living God could even make such a promise...and deliver on it. Inert carved idols cannot. To believe that stones,
34 bones, religious talismans and such like contain living power over what happens to you is simply magical thinking...pagan
35 mysticism. The serpent convinced Eve in the Garden of Eden (Gn 3:4) that a piece of fruit had the power to make her like
36 God!! Go figure. To believe inert objects have divine power to benefit you is an idea God rejects at once in the First
37 Commandment...Thou shalt not have strange gods before me.

38 Only the living God can create and give you benefits. And he always wants something in return...

39 *"Keep my Commandments".*

40 Like the Israelites, who yearned to go back to Egypt and enjoy the known benefits of the Pharaoh.. we often want the source
41 of our benefits and sustenance to be based on the mostly empty political promises of earthly government...founded in Karl
42 Marx's ten commandments and often called Christian socialism.

God's ministers, the ones he chooses and relies upon to bring his people safely home, enslave themselves to being agents of the state by preaching the 'commandments' of an earthly master and promising not to preach God's Commandments, the first of which is you shall not repudiate the Lord without punishment by returning to slavery under earthly 'Pharaohs'

Christian ministers make this promise to earthly government by consenting to silence themselves about God's law when...for example...they sign the I.R.C. Section 501(c)(3) application and seek and consent to be governed by earthly masters. And the earthly government warns them that they need not apply for government restrictions on their ability to preach God's law. Or by presiding at marriage ceremonies as licensed agents of the state and not as agents of God (you cannot be both...you cannot serve God and mammon).

That's how those who volunteer to show allegiance to human-made law...when it conflicts with God's law...violate God's First Commandment prohibition against returning to 'Egypt' and embracing slavery.

Understood correctly, the First Commandment is to reject slavery. And the reason is because "I am, the Lord your God who brought you out of slavery". God cannot bring you out of slavery and then authorize you to choose it. That would be a contradiction and contradictions are never true...they are always false. And God...the source of truth...cannot be false.

And there is a good reason why the first thing God does for his people is to bring them out of slavery. You cannot contract with anyone who...like a slave...cannot give their free consent. And even God must have our consent to govern us because he created us to be free and have choice so that we could even choose sin...as did Adam and Eve in the Garden of Eden.

God sought the Israelites consent to be His people. The Lord said to Moses

"I will now rain down bread from heaven for you. Each day the people are to go out and gather their daily portion [and no more!]; thus will I test them, to see whether they follow my instructions or not."

The Israelites were only to take what they needed and not display a lack of trust by storing up more food than their daily portion. God tested their faith to see if they believed he would continue to provide for them. Jesus reiterates this in Matthew's gospel (Matt. 6:25ff). But...disliking the hardships...and fearing that God could not be trusted...on their way to a land of freedom... and yearning to renew their indentured servant relationship to Pharaoh...the Israelites were free to withhold their consent and to reject God.

Isn't it unbelievable that the Israelites... moved outside their comfort zone by God's rescuing them from slavery...would complain like this...

Why did you bring us out of Egypt? Did we not tell you this in Egypt, when we said, 'Leave us alone. Let us serve the Egyptians'? Far better for us to be the slaves of the Egyptians than to die in the desert."
[Ex 14:11-12]

So what might prevent you from obeying the First Commandment. What and who (including yourself) might you be a slave to that requires you to displace God's law with man's law or your own law based solely on your feelings? Or what inert objects do you believe to have beneficial or evil power over you? Certain crystals prescribed by "new wave" religions? In what ways do you promulgate human law even when it contradicts God's law.

And isn't it a wonderful law when someone says to you "You shall NOT be a slave"?

6.2 You cannot consent to perform an illegal act without criminal consequences

Courts have repeatedly refused to enforce any contract or provision within a contract in which you consented to perform an act that was illegal or criminal. Here are a few examples:

1. You cannot consent to fill out IRS Form W-4 withholding allowance certificate as a PRIVATE human being not lawfully occupying a public office in the U.S. and not state government, nor can you lawfully claim or enforce, either judicially or administratively, any "benefits" that accrued from the government through the use of this fraudulent mechanism. See:

<p><i>Why Your Government is Either a Thief or You are a "Public Officer" for Income Tax Purposes</i>, Form #05.008 http://sedm.org/Forms/FormIndex.htm</p>

2. You cannot consent to serve as a jurist or a voter to hear a case involving taxes or “benefits” if you personally are either a statutory “taxpayer” or a benefit recipient. That would be a criminal conflict of interest in violation of 18 U.S.C. §208. The government cannot lawfully:
- 2.1. Bribe voters or jurists.
 - 2.2. Recruit those who are bribed with government “benefits” into serving.
 - 2.3. Allow anyone to serve as either a judge or a “fact finder” in any trial in which they have a pecuniary interest. See 28 U.S.C. §144, 28 U.S.C. §455, and 18 U.S.C. §201.
3. You cannot consent to have information returns filed against you if you are not lawfully serving in a public office in the U.S. government. Information returns include IRS Forms W-2, 1042-S, 1098, and 1099, etc. That would be the crime of impersonating a public officer in violation of 18 U.S.C. §912, and filing fraudulent information returns in violation of 26 U.S.C. §7203. See:
- Correcting Erroneous Information Returns*, Form #04.001
<http://sedm.org/Forms/FormIndex.htm>
4. If you agreed to murder someone for hire and after you did it, the person you conspired with refused to pay you, then you cannot civilly sue him to pay you, even though he otherwise consented and even promised to pay you.

6.3 Non-franchisees cannot lawfully consent to the jurisdiction of a franchise court

This section derives indirectly from the previous section, in which you cannot consent to perform an illegal act. In this section, we will prove that non-franchisees CANNOT consent to appear in a franchise court and that both THEY and the administrative judge hearing the case are committing a CRIME if they do not dismiss the case from the franchise court.

Most civil statutory law enacted by government is enacted as a civil franchise that is only enforceable against public officers in the U.S. government. See:

Why Statutory Civil Law is Law for Government and Not Private Persons, Form #05.037
<http://sedm.org/Forms/FormIndex.htm>

Before the government can license, regulate, or tax an activity through a franchise, they have to make the unauthorized activity unlawful so that the purpose of the regulation is to protect the public from the unlawful exercise of the activity. For instance, tobacco can kill people, which is why those selling it need a stamp to do so and must be licensed and regulated by Alcohol, Tobacco, and Firearms (A.T.F.).

Those expressly authorized or “licensed” to perform the harmful activity therefore are treated as public officers in the government who can be administratively supervised by franchise courts in the Executive Branch of the government. This is exhaustively proven in:

Government Instituted Slavery Using Franchises, Form #05.030
<http://sedm.org/Forms/FormIndex.htm>

Those not expressly authorized to perform the harmful licensed activity as PUBLIC OFFICERS then become PRIVATE human beings who may not lawfully be supervised by an administrative franchise court in the Executive Branch. If a PRIVATE, unlicensed human being appears in a franchise court, they are therefore committing the crime of impersonating a public officer in violation of 18 U.S.C. §912 if the judge agrees to hear the case or refuses to dismiss it. This is proven in:

Federal Enforcement Authority within States of the Union, Form #05.032
<http://sedm.org/Forms/FormIndex.htm>

A PRIVATE human being cannot unilaterally “elect” themselves into public office by filling out a government application such as a license or “Taxpayer Identification Number” application. Franchises do not CREATE public offices, but rather constrain those ALREADY elected or appointed INTO public offices by the LAWFUL means described in Title 5 of the United States Code. We cover this in *Government Instituted Slavery Using Franchises*, Form #05.030, Sections 11 and 12. AFTER they are LAWFULLY elected or appointed as public officers, they are limited to serving ONLY in the District of Columbia and not elsewhere, pursuant to 4 U.S.C. §72. Therefore, all franchises can ONLY be enforced against those serving WHILE on the job in the District of Columbia “and not elsewhere”. Any attempt to violate this restriction:

1. Violates the separation of powers doctrine, by allowing the administrative franchise courts in the Executive Branch to exercise functions reserved for the Judicial Branch.
2. Turns a de jure government into a de facto government. See:

De Facto Government Scam, Form #05.043
<http://sedm.org/Forms/FormIndex.htm>
3. Causes franchise judges to conspire with litigants before them to impersonate a public officer in criminal violation of 18 U.S.C. §912 if they agree to hear rather than dismiss the case.
4. Causes an unlawful conversion of PRIVATE property into PUBLIC property, in violation of 18 U.S.C. §654 by the administrative franchise judge and the Department of Justice attorney.

The U.S. Tax Court, for instance, is an administrative franchise court in the Executive, rather than Judicial branch of the national government. Pursuant to 26 U.S.C. §7441, the U.S. Tax Court functions under Article I of the Constitution rather than Article III, and may only supervise activities of public officers WITHIN the U.S. government. That is why the first word in the acronym "I.R.S." means INTERNAL: It is INTERNAL to the government and a tax upon public officers WITHIN the government and serving on federal territory or statutory "States", and not upon either PRIVATE people or those domiciled within constitutional states of the Union. We analyze this corruption and abuse of the tax system in:

Government Instituted Slavery Using Franchises, Form #05.030, Sections 23
<http://sedm.org/Forms/FormIndex.htm>

The founding fathers in writing the U.S. Constitution relied on a book entitled *The Spirit of Laws*, by Charles de Montesquieu as the design for our republican form of government. In that book, Montesquieu describes how freedom is ended within a republican government, which is when the judicial branch exercises any of the functions of the executive branch.

"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]

Franchise courts such as the U.S. Tax Court were identified by the U.S. Supreme Court in *Freytag v. Commissioner*, 501 U.S. 868 (1991) as exercising Executive Branch powers. Hence, such franchise courts are the most significant source of destruction of freedom and liberty in this country, according to Montesquieu. Other similar courts include family court and traffic court. We also wish to point out that the effect he criticizes also results when:

1. Any so-called "court" entertains "political questions". Constitutional courts are not permitted to act in this capacity and they cease to be "courts" in a constitutional sense when they do. The present U.S. Tax Court, for instance, was previously called the "Board of Tax Appeals" so that people would not confuse it with a REAL court. They renamed it to expand the FRAUD.
2. Litigants are not allowed to discuss the law in the courtroom or in front of the jury or are sanctioned for doing so. This merely protects efforts by the corrupt judge to substitute HIS will for what the law actually says and turns the jury from a judge of the law and the facts to a policy board full of people with a financial conflict of interest because they are "taxpayers". This sort of engineered abuse happens all the time both in U.S. Tax Court and Federal District and Circuit courts on income tax matters.

3. Judges are permitted to add anything they want to the definition and are not required to identify the thing they want to include within the statutory definition. This is equivalent to exercising the powers of the legislative branch. See:

Legal Deception, Propaganda, and Fraud, Form #05.014
<http://sedm.org/Forms/FormIndex.htm>

4. A franchise court is the only administrative remedy provided and PRIVATE people are punished financially or inconvenienced for going to a constitutional court.

5. Judges in any court are allowed to wear two hats: a political hat when they hear franchises cases and a constitutional hat for others. This is how the present de facto federal district and circuit courts operate. This creates a criminal financial conflict of interest.

6. Franchise courts refuse to dismiss cases and stay enforcement against private citizens who are not legitimate public officers within the SAME branch of government as THEY are. It is a violation of the separation of powers for one branch of government to interfere with the personnel or functions of another.

7. Judges in franchise courts are allowed the discretion to make determinations about the status of the litigants before them and whether they are “franchisees” called “taxpayers”, “drivers”, etc. When they have this kind of discretion, they will always abuse it because of the financial conflict of interest they have. Such decisions must always be made by impartial decision makers who are not ALSO franchisees. That is why 28 U.S.C. §2201(a) forbids the exercise of this type of discretion by federal district and circuit judges.

Note that Montesquieu warns that franchise courts are the means for introducing what he calls “arbitrary control”:

“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.”

The U.S. Supreme Court has recognized that the exercise of such “arbitrary control” is repugnant to the Constitution. The reason is that it turns a “society of law” into a “society of men”:

“The government of the United States has been emphatically termed a government of laws, and not of men. It will certainly cease to deserve this high appellation, if the laws furnish no remedy for the violation of a vested legal right.”
[Marbury v. Madison, 5 U.S. 137, 163 (1803)]

*“When we consider the nature and the theory of our institutions of government, the principles upon which they are supposed to rest, and review the history of their development, **we are constrained to conclude that they do not mean to leave room for the play and action of purely personal and arbitrary power.**”*
[Yick Wo v. Hopkins, 118 U.S. 356, 369, 6 S. Sup.Ct. 1064, 1071]

6.4 You cannot lawfully consent individually to enlarge ANY of the civil powers of government and if you do, the obligations created are UNENFORCEABLE

A very important aspect of consent that needs to be treated in detail is the issue of whether you can consent to enlarge the civil powers of government beyond those defined in the constitution. We will treat this important subject in this section. This section deals with PERSONAL consent, not the collective consent manifested as a voter or a jurist.

The first place to look at how to address this subject is the Declaration of Independence, which in effect says that your RIGHTS are “unalienable”:

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

What is the legal definition of an “unalienable right”?:

“Unalienable. Inalienable; incapable of being aliened, that is, sold and transferred.”
[Black’s Law Dictionary, Fourth Edition, p. 1693]

The above means that you AREN’T allowed by law to alienate a right in relation to a REAL, de jure government. Notice the phrase “sold and transferred”. Franchises are the MAIN method by which rights are “sold and transferred” to governments. Hence:

Requirement for Consent

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Form 05.003, Rev. 11-22-2020

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EXHIBIT: _____

1. Any attempt to alienate a constitutional right produces NO obligation or loss of property on your part.
2. Franchises cannot be offered to people protected by the constitution or enforced against them.

On a more basic level, the Declaration of Independence, which is organic or fundamental law published in Statutes At Large by the VERY first act of the United States congress, recognizes that the ONLY authority for establishing civil government is the protection of PRIVATE rights. Anything that does NOT accomplish that objective is, by implication, NOT a “government function” and instead is the action of a PRIVATE, for PROFIT corporation. Below is how we approach this subject in the SEDM Member Agreement, Form #01.001, Section 1.2:

SEDM Member Agreement, Form #01.001, Section 1.2

It's unconstitutional to convert Constitutional rights into “privileges” anyway, and the only place such a conversion can lawfully occur is on federal territory not protected by the Constitution and where rights don't exist. Otherwise, the Declaration of Independence says my Constitutional rights are “inalienable”, which means they are incapable of being sold, exchanged, transferred, or bargained away in relation to a REAL, de jure government by ANY means, including through any government franchise. A lawful de jure government cannot be established SOLELY to protect PRIVATE rights and at the same time:

REAL de jure Judges cannot serve two masters, Justice and Money/Mammon, without having a criminal conflict of interest and converting the Public Trust into a Sham Trust. Anyone who therefore claims the authority to use franchises to entice me to surrender or destroy the private rights which all just government were established ONLY to protect cannot lawfully or truthfully claim to be a “government” and is simply a de facto private corporation, a usurper, and a tyrant pretending to be a government. In fact, I believe it constitutes an “invasion” within the meaning of Article 4, Section 4 of the United States Constitution as well as an act of international terrorism for the federal government to either offer or enforce any national franchise within any constitutional state of the Union, or for any state of the Union to condone or allow such activity. See:

1. Make a profitable business or franchise out of DESTROYING, taxing, regulating, and compromising rights and enticing people to surrender those same inalienable rights. See Government Instituted Slavery Using Franchises, Form #05.030, <http://sedm.org/Forms/FormIndex.htm>.
2. Refuse to protect or even recognize the existence of private rights. This includes:
 - 2.1. Prejudicially presuming that there are no private rights because everyone is the subject of statutory civil law. All statutory civil law regulates GOVERNMENT conduct, not private conduct. See Why Statutory Civil Law is Law for Government and Not Private Persons, Form #05.037, <http://sedm.org/Forms/FormIndex.htm>.
 - 2.2. Compelling people to engage in public franchises by forcing them to use Social Security Numbers. See Resignation of Compelled Social Security Trustee, Form #06.002, <http://sedm.org/Forms/FormIndex.htm>.
 - 2.3. Presuming that all those interacting with the government are officers and employees of the government called “persons”, “U.S. citizens” or “U.S. residents”, “individuals”, “taxpayers” (under the income tax franchise), “motorists” (under the driver's license franchise), “spouses” (under the marriage license Franchise), etc. The First Amendment protects our right NOT to contract or associate with such statuses and to choose any status that we want and be PROTECTED in that choice from the adverse and injurious presumptions of others. See Your Exclusive Right to Declare or Establish Your Civil Status, Form #13.008, <http://sedm.org/Forms/FormIndex.htm>.
 - 2.4. Refusing the DUTY to prosecute employers who compel completing form W-4, which is the WRONG form for most Americans.
 - 2.5. Refusing to prosecute those who submit false information returns against people NOT engaged in public offices within the government in the District of Columbia. See Correcting Erroneous Information Returns, Form #04.001, <http://sedm.org/Forms/FormIndex.htm>.
3. Refuse to recognize anyone's right and choice not to engage in franchises such as a “trade or business” or to quit any franchise they may have unknowingly signed up for.
 - 3.1. Refusing to provide or hiding forms that allow you to quit franchises and/or telling people they can't quit. For instance, Social Security Administration hides the form for quitting Social Security and tells people they aren't allowed to quit. This is SLAVERY in violation of the Thirteenth Amendment.
 - 3.2. Offering “exempt” status on tax forms but refusing to provide or even recognize a “not subject” or “nontaxpayer” option. These two statuses are completely different and mutually exclusive. See Flawed Tax Arguments to Avoid, Form #08.004, Section 8.13, <http://sedm.org/Forms/FormIndex.htm>.
 - 3.3. Refusing to file corrected information returns that zero out false reports of third parties, interfering with their filing, or not providing a form that the VICTIM, rather than the filer can use, to correct them. See Correcting Erroneous Information Returns, Form #04.001, <http://sedm.org/Forms/FormIndex.htm>.
 - 3.4. Refusing to provide a definition of “trade or business” in their publication that would warn most Americans that they not only aren't involved in it, but are committing a CRIME to get involved in it in violation of 18 U.S.C. §912.
4. Deprive people of a remedy for the protection of private rights by turning all courts into administrative franchise/property courts in the Executive Branch instead of the Judicial Branch, such as Traffic Court,

Family Court, Tax Court, and all federal District and Circuit Courts. See: [What Happened to Justice? Form #06.012](#); <http://sedm.org/Forms/FormIndex.htm>. This forces people to fraudulently declare themselves a privileged franchisee such as a “taxpayer” before they can get a remedy. See Tax Court Rule 13(a), which says that only “taxpayers” can petition Tax Court.

5. Make a profitable business out of penalizing or taxing crime. Note that we don't object to REPARATIONS that go to the VICTIM, but PENALTIES that go to the government. Any government that profits from crime is always going to try to foster and promote more of it and the more profitable it is, the more motivated they become to undertake this kind of abuse. This kind of CRIMINAL conflict of interest will always corrupt any governmental system and undermine the security of private rights that is the reason governments are created for to begin with. See:
[Why the Government Needs Crime](#), R. Lee Wrights;
<http://famguardian.org/Subjects/LawAndGovt/LegalEthics/WhyGovernmentNeedsCrime.htm>
[De Facto Government Scam, Form #05.043](#); <http://sedm.org/Forms/FormIndex.htm>

Next we must define the MAIN methods for alienating constitutional rights or transferring those rights to the government:

1. By expressly consenting to give them up, usually in writing.
2. By acquiescing to acquire a specific civil franchise status on a government application to which PUBLIC or GOVERNMENT rights attach, such as filling out any form that identifies you as a “citizen”, “resident”, “taxpayer”, “driver”, “spouse”, etc.
3. By identifying yourself as a constitutional ALIEN, or any status associated with constitutional alienage. All constitutional aliens are privileged. We might also add that the only “taxpayers” under the Internal Revenue Code are constitutional “aliens”, and hence, you can’t lawfully consent to be a “taxpayer” as a constitutional CITIZEN.

“Residents, as distinguished from citizens, are aliens who are permitted to take up a permanent abode in the country. Being bound to the society by reason of their [intention of] dwelling in it, they are subject to its laws so long as they remain there, and, being protected by it, they must defend it, although they do not enjoy all the rights of citizenship. They have only certain privileges which the law, or custom, gives them. Permanent residents are those who have been given the right of perpetual residence. They are a sort of citizen of a less privileged character, and are subject to the society without enjoying all its advantages. Their children succeed to their status; for the right of perpetual residence given them by the State passes to their children.”
[The Law of Nations, p. 87, E. De Vattel, Volume Three, 1758, Carnegie Institution of Washington; emphasis added.]

The last item above forms the root of the word “ALIENate”, in fact. Even Jesus Christ Himself recognized that only Constitutional aliens can be statutory “taxpayers”, which may be why the angry crowd (of “taxpayers”) accused Him of being a tax protester in Luke 23:2:

And when he had come into the house, Jesus anticipated him, saying, “What do you think, Simon? From whom do the kings [governments] of the earth [lawfully] take customs or taxes, from their sons [citizens and subjects] or from strangers [statutory “aliens”, which are synonymous with “residents” in the tax code, and exclude “citizens”]?”

Peter said to Him, “From strangers [statutory “aliens”/“residents” ONLY. See [26 C.F.R. §1.1-1\(a\)\(2\)\(ii\)](#) and [26 C.F.R. §1.1441-1\(c\)\(3\)](#)].”

Jesus said to him, “Then the sons [of the King, Constitutional but not statutory “citizens” of the Republic, who are all sovereign “nationals” and “nonresidents”] are free [sovereign over their own person and labor. e.g. [SOVEREIGN IMMUNITY](#)].”
[Matt. 17:24-27, Bible, NKJV]

Next, we will show instances where legal authorities have recognized the inability of EITHER a constitutional State or a sovereign human being to ALIENATE a constitutional right:

1. God said in the Bible that believers cannot elect a King to be ABOVE them or judge them. Consequently, they cannot DELEGATE their authority to govern their own lives to any government or public servant. Indirectly, this means that all those working in the government can NEVER be anything BUT YOUR servant:

Then all the elders of Israel gathered together and came to Samuel at Ramah, and said to him, “Look, you are old, and your sons do not walk in your ways. Now make us a king to judge us like all the nations [and be OVER them]”.

But the thing displeased Samuel when they said, “Give us a king to judge us.” So Samuel prayed to the Lord. And the Lord said to Samuel, “Heed the voice of the people in all that they say to you; for they have rejected

1 Me [God], that I should not reign over them. According to all the works which they have done since the day that
2 I brought them up out of Egypt, even to this day—with which they have forsaken Me and served other gods
3 [Kings, in this case]—so they are doing to you also [government becoming idolatry]. Now therefore, heed their
4 voice. However, you shall solemnly forewarn them, and show them the behavior of the king who will reign
5 over them.”

6 So Samuel told all the words of the LORD to the people who asked him for a king. And he said, “This will be the
7 behavior of the king who will reign over you: He will take [STEAL] your sons and appoint them for his own
8 chariots and to be his horsemen, and some will run before his chariots. He will appoint captains over his
9 thousands and captains over his fifties, will set some to plow his ground and reap his harvest, and some to
10 make his weapons of war and equipment for his chariots. He will take [STEAL] your daughters to be
11 perfumers, cooks, and bakers. And he will take [STEAL] the best of your fields, your vineyards, and your olive
12 groves, and give them to his servants. He will take [STEAL] a tenth of your grain and your vintage, and give
13 it to his officers and servants. And he will take [STEAL] your male servants, your female servants, your finest
14 young men, and your donkeys, and put them to his work [as SLAVES]. He will take [STEAL] a tenth of your
15 sheep. And you will be his servants. And you will cry out in that day because of your king whom you have
16 chosen for yourselves, and the LORD will not hear you in that day.”

17 Nevertheless the people refused to obey the voice of Samuel; and they said, “No, but we will have a king over us,
18 that we also may be like all the nations, and that our king may judge us and go out before us and fight our battles.”
19 [1 Sam. 8:4-20, Bible, NKJV]

- 20 2. The American Jurisprudence 2d Legal Encyclopedia states that Constitutional States are not bound by conditions
21 proposed by Congress upon them joining the Union. Notice they even use the same word “bargain” found in the
22 definition of “unalienable”:

23 “Congress, in admitting a state, cannot restrict such state by bargain. The state, by so contracting with Congress,
24 is in no way bound by such a contract [compact], however irrevocable it is stated to be. It is said that subject to
25 the restraint and limitations of the Federal Constitution, the states have all the sovereign powers of independent
26 nations over all persons and things within their respective territorial limits.”
27 [16 American Jurisprudence 2d, Constitutional law, §281 (1999)]

- 28 3. The U.S. Supreme Court stated that the States CANNOT consent to enlarge the authority of Congress beyond what the
29 Constitution allows:

30 “The determination of the Framers Convention and the ratifying conventions to preserve complete and
31 unimpaired state [and personal] self-government in all matters not committed to the general government is
32 one of the plainest facts which emerges from the history of their deliberations. And adherence to that
33 determination is incumbent equally upon the federal government and the states. State powers can neither be
34 appropriated on the one hand nor abdicated on the other. As this court said in Texas v. White, 7 Wall. 700,
35 725, ‘The preservation of the States, and the maintenance of their governments, are as much within the design
36 and care of the Constitution as the preservation of the Union and the maintenance of the National government.
37 The Constitution, in all its provisions, looks to an indestructible Union, composed of indestructible States.’ Every
38 journey to a forbidden end begins with the first step; and the danger of such a step by the federal government in
39 the direction of taking over the powers of the states is that the end of the journey may find the states so despoiled
40 of their powers, or what may amount to the same thing so [298 U.S. 238, 296] relieved of the responsibilities
41 which possession of the powers necessarily enjoins, as to reduce them to little more than geographical
42 subdivisions of the national domain. It is safe to say that if, when the Constitution was under consideration, it
43 had been thought that any such danger lurked behind its plain words, it would never have been ratified.”
44 [Carter v. Carter Coal Co., 298 U.S. 238 (1936)]

- 45 4. A U.S. Supreme Court doctrine called the “Unconstitutional Conditions Doctrine” says that it is unconstitutional for
46 any government agency or public servant to place conditions upon their services that would “alienate” a constitutional
47 right:

48 “It has long been established that a State may not impose a penalty upon those who exercise a right guaranteed
49 by the Constitution.” Frost & Frost Trucking Co. v. Railroad Comm’n of California, 271 U.S. 583. “Constitutional
50 rights would be of little value if they could be indirectly denied,’ Smith v. Allwright, 321 US. 649, 644, or
51 manipulated out of existence,’ Gomillion v. Lightfoot, 364 U.S. 339, 345.”
52 [Harman v. Forssenius, 380 U.S. 528 at 540, 85 S.Ct. 1177, 1185 (1965)]

53 For more information on the Unconstitutional Conditions Doctrine, see:

54 4.1. Great IRS Hoax, Form #11.302, Section 4.2.11

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

56 4.2. Government Instituted Slavery Using Franchises, Form #05.030, Section 28.2

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

4.3. Tax DVD, Unconstitutional Conditions Doctrine Research, SEDM. Includes several law review articles. See /Franchises/UnconstCondit/ folder.

<https://sedm.org/tax-dvd/>

5. The American Jurisprudence 2d Legal Encyclopedia says that it is inconsistent with the duties of all public officers to attempt to undermine the protection of PRIVATE rights. Hence, those attempting to do so are acting OUTSIDE the authority of their office and become liable for a tort constitutional:

"As expressed otherwise, the powers delegated to a public officer are held in trust for the people and are to be exercised in behalf of the government or of all citizens who may need the intervention of the officer.²⁹ Furthermore, the view has been expressed that all public officers, within whatever branch and whatever level of government, and whatever be their private vocations, are trustees of the people, and accordingly labor under every disability and prohibition imposed by law upon trustees relative to the making of personal financial gain from a discharge of their trusts.³⁰ That is, a public officer occupies a fiduciary relationship to the political entity on whose behalf he or she serves,³¹ and owes a fiduciary duty to the public.³² It has been said that the fiduciary responsibilities of a public officer cannot be less than those of a private individual.³³ Furthermore, it has been stated that any enterprise undertaken by the public official which tends to weaken public confidence and undermine the sense of security for individual rights is against public policy.³⁴" [63C American Jurisprudence 2d, Public Officers and Employees, §247 (1999)]

6. The U.S. Supreme Court stated that the sovereign People themselves CANNOT interfere with, bargain away, or limit the police powers of the states because such rights are "unalienable". Implicit in the concept is that they cannot DELEGATE police powers to the national government either.

"By the tenth amendment, 'the powers not delegated to the United States by the constitution, nor prohibited by it to the states, are reserved to the states, respectively, or to the people.' Among the powers thus reserved to the several states is what is commonly called the 'police power,'-that inherent and necessary power, essential to the very existence of civil society, and the safeguard of the inhabitants of the state against disorder, disease, poverty, and crime. 'The police power belonging to the states in virtue of their general sovereignty,' said Mr. Justice STORY, delivering the judgment of this court, 'extends over all subjects within the territorial limits of the states, and has never been conceded to the United States.' Prigg v. Pennsylvania, 16 Pet. 539, 625. This is well illustrated by the recent adjudications that a statute prohibiting the sale of illuminating oils below a certain fire test is beyond the constitutional power of congress to enact, except so far as it has effect within the United States (as, for instance, in the District of Columbia) and without the limits of any state; but that it is within the constitutional power of a state to pass such a statute, even as to oils manufactured under letters patent from the United States. U.S. v. Dewitt, 9 Wall. 41; Patterson v. Kentucky, 97 U.S. 501. [135 U.S. 100, 128] The police power includes all measures for the protection of the life, the health, the property, and the welfare of the inhabitants, and for the promotion of good order and the public morals. It covers the suppression of nuisances, whether injurious to the public health, like unwholesome trades, or to the public morals, like gambling-houses and lottery tickets. Slaughter-House Cases, 16 Wall. 36, 62, 87; Fertilizing Co. v. Hyde Park, 97 U.S. 659; Phalen v. Virginia, 8 How. 163, 168; Stone v. Mississippi, 101 U.S. 814. This power, being essential to the maintenance of the authority of local government, and to the safety and welfare of the people, is inalienable. As was said by Chief Justice WAITE, referring to earlier decisions to the same effect: 'No legislature can bargain away the public health or the public morals. The people themselves cannot do it, much less their servants. The supervision of both these subjects of governmental power is continuing in its nature, and they are to be dealt with as the special exigencies of the moment may require. Government is organized with a view to their preservation, and cannot divest itself of the power to provide for them. For this purpose the largest legislative discretion is allowed, and the discretion cannot be parted with any more than the power itself.' Stone v. Mississippi, 101 U.S. 814, 819. See, also, Butchers' Union, etc., Co. v. Crescent City, etc., Co., 111 U.S. 746,

²⁹ State ex rel. Nagle v. Sullivan, 98 Mont. 425, 40 P.2d. 995, 99 A.L.R. 321; Jersey City v. Hague, 18 N.J. 584, 115 A.2d. 8.

³⁰ Georgia Dep't of Human Resources v. Sistrunk, 249 Ga. 543, 291 S.E.2d. 524. A public official is held in public trust. Madlener v. Finley (1st Dist), 161 Ill.App.3d. 796, 113 Ill.Dec. 712, 515 N.E.2d. 697, app gr 117 Ill.Dec. 226, 520 N.E.2d. 387 and revd on other grounds 128 Ill.2d. 147, 131 Ill.Dec. 145, 538 N.E.2d. 520.

³¹ Chicago Park Dist. v. Kenroy, Inc., 78 Ill.2d. 555, 37 Ill.Dec. 291, 402 N.E.2d. 181, appeal after remand (1st Dist) 107 Ill.App.3d. 222, 63 Ill.Dec. 134, 437 N.E.2d. 783.

³² United States v. Holzer (CA7 Ill), 816 F.2d. 304 and vacated, remanded on other grounds 484 U.S. 807, 98 L.Ed. 2d 18, 108 S.Ct. 53, on remand (CA7 Ill) 840 F.2d. 1343, cert den 486 U.S. 1035, 100 L.Ed. 2d 608, 108 S.Ct. 2022 and (criticized on other grounds by United States v. Osser (CA3 Pa) 864 F.2d. 1056) and (superseded by statute on other grounds as stated in United States v. Little (CA5 Miss) 889 F.2d. 1367) and (among conflicting authorities on other grounds noted in United States v. Boylan (CA1 Mass) 898 F.2d. 230, 29 Fed.Rules.Evid.Serv. 1223).

³³ Chicago ex rel. Cohen v. Keane, 64 Ill.2d. 559, 2 Ill.Dec. 285, 357 N.E.2d. 452, later proceeding (1st Dist) 105 Ill.App.3d. 298, 61 Ill.Dec. 172, 434 N.E.2d. 325.

³⁴ Indiana State Ethics Comm'n v. Nelson (Ind App), 656 N.E.2d. 1172, reh gr (Ind App) 659 N.E.2d. 260, reh den (Jan 24, 1996) and transfer den (May 28, 1996).

1 753, 4 S.Sup.Ct.Rep. 652; *New Orleans Gas Co. v. Louisiana Light Co.*, 115 U.S. 650, 672, 6 S.Sup.Ct.Rep.
2 252; *New Orleans v. Houston*, 119 U.S. 265, 275, 7 S.Sup.Ct.Rep. 198.”
3 [*Leisy v. Hardin*, 135 U.S. 100 (1890)]

4 Consistent with the content of this section, we have posted the following legal treatise on our website written by a law
5 professor who rightly concludes that the people cannot be allowed or compelled or required to consent to a violation of the
6 constitution by any government or public servant:

Unconstitutional Conditions: The Irrelevance of Consent, Philip Hamburger

LOCAL COPY: <http://sedm.org/LibertyU/UnconstitutionalConditions-Hamburger,Philip-SSRN-id2021682.pdf>

SSRN: http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2021682

7 If you would like our own detailed analysis of the Unconstitutional Conditions Doctrine, please see:

Government Instituted Slavery Using Franchises, Form #05.030, Section 28.2: The Unconstitutional Conditions
Doctrine

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

8 Finally, if you would like to read several more law review articles like the above on what the U.S. Supreme Court calls “The
9 Unconstitutional Conditions Doctrine”, please see:

Tax DVD, Unconstitutional Conditions Doctrine Research, SEDM. Includes several law review articles. See
/Franchises/UnconstCondit/ folder.

<https://sedm.org/tax-dvd/>

10 **7 How people voluntarily enslave themselves**

11 *"The ideal tyranny is that which is ignorantly self-administered by its victims. The most perfect slaves are,*
12 *therefore, those which blissfully and unawaredly enslave themselves."*
13 [*Dresden James*]

14 There are a number of devious techniques in the legal field in which the covetous government creates at least the
15 APPEARANCE, albeit ILLEGALLY, that people have voluntarily enslaved themselves by essentially CONSENTING, often
16 unknowingly, to the abuse. Below are the TWO most prevalent ways.

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

20 [. . .]

21 **6. The Court will not pass upon the constitutionality of a statute at the instance of one who has availed**
22 **himself of its benefits.** FN7 *Great Falls Mfg. Co. v. Attorney General*, 124 U.S. 581, 8 S.Ct. 631, 31 L.Ed. 527;
23 *Wall v. Parrot Silver & Copper Co.*, 244 U.S. 407, 411, 412, 37 S.Ct. 609, 61 L.Ed. 1229; *St. Louis Malleable*
24 *Casting Co. v. Prendergast Construction Co.*, 260 U.S. 469, 43 S.Ct. 178, 67 L.Ed. 351. FN7 *Compare Electric*
25 *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,
26 43 L.Ed. 316; *Leonard v. Vicksburg, etc., R. Co.*, 198 U.S. 416, 422, 25 S.Ct. 750, 49 L.Ed. 1108.
27 [*Ashwander v. Tennessee Valley Authority*, 297 U.S. 288, 56 S.Ct. 466 (1936)]

28 FN7 See *Magill v. Browne*, Fed.Cas. No. 8952, 16 Fed.Cas. 408; 6 Words and Phrases, 5583, 5584; A J. Lien,
29 “Privileges and Immunities of Citizens of the United States,” in *Columbia University Studies in History,*
30 *Economics, and Public Law*, vol. 54, p. 31.

31
32 *"The words "privileges" and "immunities," like the greater part of the legal phraseology of this country, have*
33 *been carried over from the law of Great Britain, and recur constantly either as such or in equivalent expressions*
34 *from the time of Magna Charta. For all practical purposes they are synonymous in meaning, and originally*
35 *signified a peculiar right or private law conceded to particular persons or places **whereby a certain individual***
36 ***or class of individuals was exempted from the rigor of the common law.** Privilege or immunity is conferred*
37 *upon any person when he is invested with a legal claim to the exercise of special or peculiar rights, authorizing*
38 *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
]

The above methods of REMOVING the protections of the common law and the constitution from the INALIENABLE rights [rights that CANNOT lawfully be given away, even WITH consent] that are protected by them has been described by the U.S. Congress as the ESSENCE of communism itself! This is especially true when you add games with legal words of art to remove even the STATUTORY limitations upon the conduct of the government. See Legal Deception, Propaganda, and Fraud, Form #05.014.

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 [duress] and violence [or using THEFT via income taxes]. Holding that doctrine, its role as the agency of a hostile [legislatively but not constitutionally] 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

God's laws say that a wicked or unfaithful people will be "cut off from the earth" meaning divorced from the protections of God's laws (the COMMON LAW) and of their legal domicile. What he really means is "become the victims of legal identity theft". That criminal identity theft by covetous public servants is thoroughly described in:

Government Identity Theft, Form #05.046

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

By "wicked", we believe He means "ignorant, lazy, presumptuous, or covetous". The above two mechanisms are the means for doing this:

*"For the upright will dwell in the land,
And the blameless will remain in it;
But the wicked will be cut off from the earth,
And the unfaithful will be uprooted from it."
[Prov. 2:21-22, Bible, NKJV]*

How do the upright “dwell in the land”? By having a legal domicile there! How are they “uprooted from it”? By engaging in franchises or acting in a representative capacity. We hope that by now, you understand that:

1. Those who engage in government franchises act as “public officers” or agents of the government.
2. Engaging in a franchise and operating in a representative capacity are therefore synonymous.

Consequently, God’s laws recognize that franchises are the main method to uproot a wicked people from His protection, the protection of His laws, and their legal domicile in order that they may be legally kidnapped and moved to another jurisdiction. The mechanisms for effecting that kidnapping are recognized by Federal Rule of Civil Procedure 17(b) above.

The application of the two mechanisms is examined more completely in the following subsections.

7.1 Consent is what creates the “person” or “individual” who is the only proper subject of government civil law

Domicile mentioned in section 8.3 is an example of a “protection franchise”. Nearly all civil statutory laws enacted by governments:

1. Pertain only to government instrumentalities such as public officers or statutory “employees” (which are also “public officers” per 5 U.S.C. §2105(a)).
2. Are all universally implemented as voluntary franchises. Examples of franchises are anything that requires a license, is called a license, or which conveys a “benefit” or “public right” of any kind, such as Social Security, Medicare, Unemployment insurance, etc. Social Security Numbers and Taxpayer Identification Numbers function as “de facto license numbers” for government franchises. See:

About SSNs and TINs on Government Forms and Correspondence, Form #05.012

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

3. Create a legal statutory status called “person”, “individual”, “employee”, “citizen”, and/or “taxpayer” and associate those who consent to the franchise with this VOLUNTARY status.
 - 3.1. Those who refer to themselves with this legal status are evidencing their consent to the franchise and also are exercising their political right of association protected by the First Amendment.
 - 3.2. Those who are referred to by others as having this status and who don’t rebut it are also presumed to consent to the terms of the franchise.
 - 3.3. Those who acquire or “procure” the status such “taxpayer” or “person” under the franchise contract exercise their First Amendment right to associate and their right to contract by associating their formerly PRIVATE property, including their birthname, with government property called the Social Security Number. 20 C.F.R. §422.103(d) says the number belongs to the government and therefore is government property. It is illegal and theft to use public property for a private use or to benefit anyone other than its owner, which is the government. That is called theft. Hence, those possessing or using said number are presumed to consent to acting as “public officers” for the government in receipt, custody, and control of public property as trustees of the public trust. A “public officer”, after all, is legally defined as anyone in receipt or control of the property of the public, including said numbers or the Social Security card it is associated with. Notice the phrase “independent power to control the property of the public” within the legal definition of “public office” below:

“Public office. The right, authority, and duty created and conferred by law, by which for a given period, either fixed by law or enduring at the pleasure of the creating power, an individual is invested with some portion of the sovereign functions of government for the benefit of the public. Walker v. Rich, 79 Cal.App. 139, 249 P. 56, 58. An agency for the state, the duties of which involve in their performance the exercise of some portion of the sovereign power, either great or small. Yaselli v. Goff, C.C.A., 12 F.2d. 396, 403, 56 A.L.R. 1239; Lacey v. State, 13 Ala.App. 212, 68 So. 706, 710; Curtin v. State, 61 Cal.App. 377, 214 P. 1030, 1035; Shelmadine v. City of Elkhart, 75 Ind.App. 493, 129 N.E. 878. State ex rel. Colorado River Commission v. Frohmiller, 46 Ariz. 413, 52 P.2d. 483, 486. Where, by virtue of law, a person is clothed, not as an incidental or transient authority, but for such time as de- notes duration and continuance, with Independent power to control the property of the public, or with public functions to be exercised in the supposed interest of the people, the service to be compensated by a stated yearly salary, and the occupant having a designation or title, the position so created is a public office. State v. Brennan, 49 Ohio.St. 33, 29 N.E. 593. [Black’s Law Dictionary, Fourth Edition, p. 1235]

4. Cannot be enforced against those who don’t consent to the franchise agreement by submitting a signed application on a government form.

1 These facts spring from the reality that it is “repugnant to the constitution” to regulate private conduct WITH THE CIVIL
2 LAW. By “private conduct” we mean anything *other* than public/governmental conduct:

3 *When one becomes a member of society, he necessarily parts with some rights or privileges which, as an*
4 *individual not affected by his relations to others, he might retain. "A body politic," as aptly defined in the*
5 *preamble of the Constitution of Massachusetts, "is a social compact by which the whole people covenants with*
6 *each citizen, and each citizen with the whole people, that all shall be governed by certain laws for the common*
7 *good." This does not confer power upon the whole people to control rights which are purely and exclusively*
8 *private, Thorpe v. R. & B. Railroad Co., 27 Vt. 143; but it does authorize the establishment of laws requiring*
9 *each citizen to so conduct himself, and so use his own property, as not unnecessarily to injure another. This is*
10 *the very essence of government, and 125*125 has found expression in the maxim sic utere tuo ut alienum non*
11 *laedas. From this source come the police powers, which, as was said by Mr. Chief Justice Taney in the License*
12 *Cases, 5 How. 583, "are nothing more or less than the powers of government inherent in every sovereignty, . .*
13 *. that is to say, . . . the power to govern men and things."*

14 [Munn v. Illinois, 94 U.S. 113 (1876),

15 SOURCE: http://scholar.google.com/scholar_case?case=6419197193322400931]

16
17 *"The power to "legislate generally upon" life, liberty, and property [of PRIVATE citizens], as opposed to the*
18 *"power to provide modes of redress" against offensive state action, was "repugnant" to the Constitution. Id., at*
19 *15. See also United States v. Reese, 92 U.S. 214, 218 (1876); United States v. Harris, 106 U.S. 629, 639 (1883);*
20 *James v. Bowman, 190 U.S. 127, 139 (1903). Although the specific holdings of these early cases might have been*
21 *superseded or modified, see, e.g., Heart of Atlanta Motel, Inc. v. United States, 379 U.S. 241 (1964); United*
22 *States v. Guest, 383 U.S. 745 (1966), their treatment of Congress' §5 power as corrective or preventive, not*
23 *definitional, has not been questioned."*

24 [City of Boerne v. Flores, Archbishop of San Antonio, 521 U.S. 507 (1997)]

25 To regulate private conduct with the civil law would, in fact, not only be repugnant to the Constitution, but would violate the
26 very purpose of the establishment of government, which is to protect PRIVATE rights, and would constitute involuntary
27 servitude and slavery in violation of the Thirteenth Amendment. Remember also that the Thirteenth Amendment prevents
28 slavery EVERYWHERE, including on federal territory. Therefore, even if they can kidnap your identity and transport it to
29 the federal zone, they STILL need your consent to fill the public office called “taxpayer” that is the surety for their reckless
30 expense of public monies to bribe you to vote for them³⁵:

31 *"That it does not conflict with the Thirteenth Amendment, which abolished slavery and involuntary servitude,*
32 *except as a punishment for crime, is too clear for argument. Slavery implies involuntary servitude—a state of*
33 *bondage; the ownership of mankind as a chattel, or at least the control of the labor and services of one man for*
34 *the benefit of another, and the absence of a legal right to the disposal of his own person, property, and services*
35 *[in their entirety]. This amendment was said in the Slaughter House Cases, 16 Wall, 36, to have been intended*
36 *primarily to abolish slavery, as it had been previously known in this country, and that it equally forbade Mexican*
37 *peonage or the Chinese coolie trade, when they amounted to slavery or involuntary servitude and that the use of*
38 *the word 'servitude' was intended to prohibit the use of all forms of involuntary slavery, of whatever class or*
39 *name."*

40 [Plessy v. Ferguson, 163 U.S. 537, 542 (1896)]

41 *"Other authorities to the same effect might be cited. It is not open to doubt that Congress may enforce the*
42 *Thirteenth Amendment by direct legislation, punishing the holding of a person in slavery or in involuntary*
43 *servitude except as a punishment for a crime. In the exercise of that power Congress has enacted these sections*
44 *denouncing peonage, and punishing one who holds another in that condition of involuntary servitude. This*
45 *legislation is not limited to the territories or other parts of the strictly national domain, but is operative in the*
46 *states and wherever the sovereignty of the United States extends. We entertain no doubt of the validity of this*
47 *legislation, or of its applicability to the case of any person holding another in a state of peonage, and this whether*
48 *there be municipal ordinance or state law sanctioning such holding. It operates directly on every citizen of the*
49 *Republic, wherever his residence may be."*

50 [Clyatt v. U.S., 197 U.S. 207 (1905)]

51 In law, all franchises are considered contracts:

³⁵ We also wish to emphasize that it is a CRIME to try to bribe anyone to procure a public office, meaning it is a CRIME to bribe an otherwise private party to assume a public office in the U.S. government, and to do so with public monies. See 18 U.S.C. §210. The IRS therefore has to commit a crime before it can convert a private human being outside its jurisdiction to waive sovereign immunity and misrepresent their status as a resident alien “taxpayer” if they started out as a “non-resident NON-person”.

As a rule, franchises spring from contracts between the sovereign power and private citizens, made upon valuable considerations, for purposes of individual advantage as well as public benefit,³⁶ and thus a franchise partakes of a double nature and character. So far as it affects or concerns the public, it is publici juris and is subject to governmental control. The legislature may prescribe the manner of granting it, to whom it may be granted, the conditions and terms upon which it may be held, and the duty of the grantee to the public in exercising it, and may also provide for its forfeiture upon the failure of the grantee to perform that duty. But when granted, it becomes the property of the grantee, and is a private right, subject only to the governmental control growing out of its other nature as publici juris.³⁷
[American Jurisprudence 2d, Franchises, §4: Generally (1999)]

One thing that all government franchises have in common is that they are private civil law that can only acquire the “force of law” by your express or implied consent. They can’t be enforced against those who didn’t sign up for the franchise and thereby consent to procure the “benefit” of the franchise.

1. Before a human being consents to a franchise:
 - 1.1. They are PRIVATE and not public parties.
 - 1.2. Their rights to all their property are protected by the common law and NOT the statutory civil law.
 - 1.3. No government can regulate the use of their PRIVATE property.
 - 1.4. They are not “persons”, “individuals”, or “citizens” under statutory civil law.
2. AFTER they have consented to the franchise:
 - 2.1. They become “franchisees” and statutory “persons” under the franchise agreement. For example, within the Internal Revenue Code, Subtitle A “trade or business” franchise agreement, franchisees are called: “taxpayers”, “persons”, and “individuals”.
 - 2.2. Whatever formerly private property they had which becomes public property connected to the franchise is now subject to government control. The method of connecting private property to a public franchise in the case of income taxes consists in associating it with government property, which in this case is the Social Security Number. 20 C.F.R. §422.103(d) says that the Social Security Number belongs NOT to the holder, but to the GOVERNMENT. It is a crime to mix public and private property together and that crime is called conversion. Therefore, when the two types of property are comingled, private property has to change character to public property. To wit, the phrase “donates it to a public use” as used below means to convert private property into public property by associated it with a PUBLIC number:

“Men are endowed by their Creator with certain unalienable rights, -life, liberty, and the pursuit of happiness;’ and to ‘secure,’ not grant or create, these rights, governments are instituted. That property [or income] which a man has honestly acquired he retains full control of, subject to these limitations: First, that he shall not use it to his neighbor’s injury, and that does not mean that he must use it for his neighbor’s benefit [e.g. SOCIAL SECURITY, Medicare, and every other public “benefit”]; second, that if he devotes it to a public use, he gives to the public a right to control that use; and third, that whenever the public needs require, the public may take it upon payment of due compensation.”
[Budd v. People of State of New York, [143 U.S. 517](#) (1892)]

In recognition of how consent creates jurisdiction, look at what the Ninth Circuit Court of Appeals said on the subject of whether consenting to the jurisdiction of a court can give that court jurisdiction:

Pacemaker argues that in the federal system a party may not consent to jurisdiction, so that the parties cannot waive their rights under Article III. The maxim that parties may not consent to the jurisdiction of federal courts is not applicable here. The rule is irrelevant because it applies only where the parties attempt to confer upon an Article III court a subject matter jurisdiction that Congress or the Constitution forbid. See, e.g., *Jackson v. Ashton*, 33 U.S. (8 Peters), 148, 148-49, 8 L.Ed. 898 (1834); *Mansfield, Coldwater & Lake Michigan Railway Co. v. Swan*, 111 U.S. 379, 28 L.Ed. 462, 4 S.Ct. 510 (1884). The limited jurisdiction of the federal courts and the need to respect the boundaries of federalism underlie the rule. In the instant case, however, the subject matter, patents, is exclusively one of federal law. The Supreme Court has explicitly held that Congress may “confer upon federal courts jurisdiction conditioned upon a defendant’s consent.” *Williams v. Austrian*, 331 U.S. 642, 652, 91 L.Ed. 1718, 67 S.Ct. 1443 (1947); see *Harris v. Avery Brundage Co.*, 305 U.S. 160, 83 L.Ed. 100, 59 S.Ct. 131 (1938). The litigant waiver in this case is similar to waiver of a defect in jurisdiction over the person, a waiver federal courts permit. *Hoffman v. Blaski*, 363 U.S. 335, 343, 4 L.Ed.2d. 1254, 80 S.Ct. 1084 (1960).

³⁶ *Georgia R. & Power Co. v. Atlanta*, 154 Ga. 731, 115 S.E. 263; *Lippencott v. Allander*, 27 Iowa 460; *State ex rel. Hutton v. Baton Rouge*, 217 La. 857, 47 So.2d. 665; *Tower v. Tower & S. Street R. Co.* 68 Minn 500, 71 N.W. 691.

³⁷ *Georgia R. & Power Co. v. Atlanta*, 154 Ga. 731, 115 S.E. 263; *Lippencott v. Allander*, 27 Iowa 460; *State ex rel. Hutton v. Baton Rouge*, 217 La. 857, 47 So.2d. 665; *Tower v. Tower & S. Street R. Co.* 68 Minn 500, 71 N.W. 691.

Now do you know why the government uses private banks and financial institutions to compel the use of their STINKING slave surveillance numbers?:

1. They want to produce legal evidence that you consented to become a statutory “taxpayer” and therefore cannot sue over their enforcement of the Internal Revenue Code.
2. They want to produce legal evidence that you consent to donate formerly private property to a public use, public purpose, and public office in order to procure the “benefits” of the “trade or business” and public officer franchise.
3. They want to make it “look” like you are purposefully availing yourself of commerce within the legislative jurisdiction of the national government, and thereby waiving sovereign immunity under the Foreign Sovereign Immunities Act (F.S.I.A.), 28 U.S.C. Chapter 97.
4. They want to use privatized enforcement to compel you to donate your private property to the government without compensation, and leave you with no standing or recourse in court to avoid giving it away without compensation. Such a surrender might occur when they respond, usually ILLEGALLY, to an administrative Notice of Levy pursuant to 26 U.S.C. §6331(a), by surrendering your property rather than insisting that the IRS has to go to court like everyone else to recover civil liabilities.

Most people don’t realize, however, that there is recourse. Essentially what these financial institutions and private employers are doing is STEALING for the government. While acting in the capacity of a statutory “withholding agent” (per 26 U.S.C. §7701(a)(16)), they are in fact “public officers” within the government and are subject to all the same constraints as the government. For instance, 12 U.S.C. §90 and 31 C.F.R. §202.2 make these entities into agents and officers of the United States government who therefore must abide by all the same constitutional constraints that would otherwise pertain to government actors.

For further details on how franchises operate, please see:

Government Instituted Slavery Using Franchises, Form #05.030
<http://sedm.org/Forms/FormIndex.htm>

Consistent with the above, all civil law is divided up into two classes:

1. Statutory law: Operates upon government officers, agents and instrumentalities only, who most freedom researchers would call your “straw man”. This type of law is always implemented as a voluntary franchise which acquires the “force of law” only by your express consent, either implied or express. This is the only law that most lawyers learn in this day and age. The object of such laws in all cases is a “public office”, which is the “res” against all legal proceedings relating to the office pertain. This public office and the officer who operates in a representative capacity as an officer of the “United States” federal corporation in filling the office are regulated by Federal Rule of Civil Procedure 17(b) and 17(d):

*“Res. Lat. **The subject matter of a trust [the Social Security Trust or the “public trust”/“public office”, in most cases] or will [or statutes/legislation].** In the civil law, a thing; an object. As a term of the law, this word has a very wide and extensive signification, including not only things which are objects of property, but also such as are not capable of individual ownership. And in old English law it is said to have a general import, comprehending both corporeal and incorporeal things of whatever kind, nature, or species. By “res,” according to the modern civilians, is meant everything that may form an object of rights, in opposition to “persona,” which is regarded as a subject of rights. “Res,” therefore, in its general meaning, comprises actions [or CONSEQUENCES of choices and CONTRACTS/AGREEMENTS you make by procuring BENEFITS] of all kinds; while in its restricted sense it comprehends every object of right, except actions. This has reference to the fundamental division of the Institutes that all law relates either to persons, to things, or to actions.*

***Res is everything that may form an object of rights and includes an object, subject-matter or status. In re Riggle’s Will, 11 A.D.2d. 51 205 N.Y.S.2d. 19, 21, 22. The term is particularly applied to an object, subject-matter, or status, considered as the defendant [hence, the ALL CAPS NAME] in an action, or as an object against which, directly, proceedings are taken.** Thus, in a prize case, the captured vessel is “the res”; and proceedings of this character are said to be in rem. (See In personam; In Rem.) “Res” may also denote the action or proceeding, as when a cause, which is not between adversary parties, is entitled “In re _____”. [Black’s Law Dictionary, Sixth Edition, pp. 1304-1306]*

2. Common law. Law for private parties only and not government officers, agents, or instrumentalities. It operates upon equity and is founded in the notion that all men and all creations of men (including governments and corporations) are

equal. This implies that no creation of men can have any more rights or privileges than a single man. Few people in the legal profession learn the common law, but it is always available as an alternative to statutory law and can and should be invoked MOST of the time to defend your constitutional rights.

The basic principle we want to emphasize in this analysis is therefore that you must “assimilate” yourself into the for profit government corporation and become one of its “public officers” by signing up for a franchise before their civil statutes can acquire the “force of law” against you. The office created by the application for the franchise then becomes the subject of all legislation that can or does regulate the officer filling the office. That subject, in law, is called a “res”. The statutes and regulations that implement the franchise are what we will call “administrative law” later in section 8.9, and this administrative law functions as the equivalent of an “employment agreement” for those volunteering into public employment.

An example illustrating the content of this section is in order to drive some important points home. If someone creates a contract and signs it and then sticks it on the table in front of you, it isn’t “law” as far as you are concerned and you aren’t the “person” defined in the agreement.

*“Consensus facit legem.
Consent makes the law. A contract is a law between the parties, which can acquire force only by consent.”*
[Bouvier’s Maxims of Law, 1856;
SOURCE: <http://famguardian.org/Publications/BouvierMaximsOfLaw/BouviersMaxims.htm>]

Once you put pen to the paper and sign the contract or demonstrate behavior that evidences your express or implied consent to the contract, the contract becomes “law” between the parties. Before you signed the contract, it was simply a proposal. It acquires the “force of law” only AFTER you consent. This, in fact, is the method by which the Internal Revenue Code was “enacted”. It is identified in 1 U.S.C. §204 as “prima facie evidence”, which means PRESUMED to be evidence. Since:

1. All presumption against a private party protected by the Constitution is unconstitutional and unlawful,
2. You must be presumed INNOCENT until proven guilty, meaning a “nontaxpayer” until the GOVERNMENT, as moving party, proves you expressly consented to the franchise and thereby acquired the status of “taxpayer”.

...then the franchise contract or agreement can’t pertain to you as “prima facie evidence”. It doesn’t become REAL evidence of an obligation or liability on your part until you demonstrate your consent to be bound by it, for instance, by:

1. Using a Social Security Number or Taxpayer Identification Number. 26 C.F.R. §301.6109-1 says that Taxpayer Identification numbers may only be used by those engaged in a “trade or business”, which is statutorily defined as a “public office” in the U.S. government. PRIVATE parties CANNOT use numbers and must become public officers in order to use said numbers.
2. Filling out a form that describes the applicant as a “taxpayer”, “employee”, statutory “U.S. citizen” or “U.S. resident”. The IRS Form W-4, for instance, identifies the applicant in the upper left corner as an “employee”, NOT in a common law sense, but in a STATUTORY sense under the terms of the franchise that it implements.
3. Citing provisions of the franchise agreement in your defense. This is called “purposeful availment” by the courts and causes an implied surrender of sovereign immunity under 28 U.S.C. §1605(a)(2) that turns a non-resident alien into a “resident alien”.
4. Seeking commercial “benefits” under the franchise agreement codified in Internal Revenue Code, Subtitles A and C, such as:
 - 4.1. “trade or business” deductions under 26 U.S.C. §162.
 - 4.2. A graduated, reduced rate of tax in 26 U.S.C. §1. “Nonresident aliens” may not claim such “benefits” and pay a HIGHER flat 30% rate on earnings originating ONLY within the “United States”, meaning the GOVERNMENT.
 - 4.3. “earned income credits” under 26 U.S.C. §32.

If you would like to know more about why all civil statutory law pertains almost exclusively to government and why government instrumentalities and officers are the only proper subject of them, please see:

[Why Statutory Civil Law is Law for Government and Not Private Persons](http://sedm.org/Forms/FormIndex.htm), Form #05.037
<http://sedm.org/Forms/FormIndex.htm>

If you would like to see detailed proof of the existence of the public officer “straw man” who is the only proper subject of nearly all civil statutory law and how to avoid being “elected” into the office involuntarily, please see:

7.2 The process by which the people VOLUNTARILY enslave themselves

Larken Rose has put together a very good video showing the process by which people VOLUNTARILY enslave themselves. He appears to have named the video after the Jones Plantation in Ghana, in which Jim Jones convinced all of his followers to commit mass suicide by drinking cyanide laced Kool-Aide. We highly recommend this video. You can watch it at the link below:

The Jones Plantation, Larken Rose
<http://www.youtube.com/watch?v=vb8Rj5xkDPk#>

7.3 Compulsory Civic Service: You SECRETLY volunteered!

Put on your thinking caps and ponder this:

All de jure governments are created for the following two purposes ONLY:

1. Secure PRIVATE, UNALIENABLE rights, and
2. Govern those who consent.

All powers that government wields come from a delegation of POWER from "someone else". In America's case, that delegation of power is from those who had that power in the first place - the PEOPLE.

"The question is not what power the federal government ought to have, but what powers, in fact, have been given by the people... The federal union is a government of delegated powers. It has only such as are expressly conferred upon it, and such as are reasonably to be implied from those granted. In this respect, we differ radically from nations where all legislative power, without restriction or limitation, is vested in a parliament or other legislative body subject to no restriction except the discretion of its members." (Congress)
[U.S. v. William M. Butler, 297 U.S. 1 (1936)]

"A State does not owe its origin to the Government of the United States, in the highest or in any of its branches. It was in existence before it. It derives its authority from the same pure and sacred source as itself: The voluntary and deliberate choice [CONSENT!] of the people...A State is altogether exempt from the jurisdiction of the Courts of the United States, or from any other exterior authority, unless in the special instances when the general Government has power derived from the Constitution itself."
[Chisholm v. Georgia, 2 Dall. (U.S.) 419 (Dall.) (1794)]

The people cannot delegate any authority either collectively or individually that they themselves do not personally possess. If those powers and the rights giving rise to those powers are unalienable as the Declaration of Independence states, the people MUST STILL retain them, because you can't lawfully or rationally surrender or consent to give up a right that is defined in organic law as being "unalienable".

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

"Unalienable. Inalienable; incapable of being aliened, that is, sold and transferred."
[Black's Law Dictionary, Fourth Edition, p. 1693]

Likewise, the "creator of government", The People, cannot become inferior to its creation. Or can it?

"CITIZEN - ... Citizens are members of a political community who, in their associative capacity, have established or submitted themselves to the dominion of government for the promotion of the general welfare and the protection of their individual as well as collective rights."

A constitutional "citizen" who ESTABLISHES a government, and who then SUBMITTED to it by calling himself a STATUTORY "citizen" has thus surrendered his original status as a sovereign. But what about the people who did not give consent to be governed as statutory "citizens"? Did THEY submit and drop in status to become "subjects"?

Not according to the law on the books!

THAT IS THE BIG SECRET.

A statutory citizen is "subject" to the government or submitted to it. One need not be a civil statutory "citizen", however, and can choose instead to be a non-resident constitutional but not statutory citizen. Such a person is called a "nationals" per 8 U.S.C. §1101(a)(21). Constitutional and statutory citizens are mutually exclusive to each other. One cannot lawfully be the CREATOR of government as a constitutional citizen and yet ALSO be a SUBJECT to that same government and a statutory citizen.

No one can be born a statutory "citizen" under 8 U.S.C. §1401 in the United States of America, if compulsory civic duties (submission) are imposed. That's involuntary servitude banned by the 13th Amendment. However, involuntary servitude is not banned in the "United States, in Congress assembled".

(Read the 13th and 14th Amendments very carefully).

Consider these:

*"It will be admitted on all hands that with the exception of the powers granted to the states and the federal government, through the Constitutions, the **people** of the several states are unconditionally **sovereign** within their respective states."*

[Ohio L. Ins. & T. Co. v. Debolt, 16 How. 416, 14 L.Ed. 997]

*"In America, however, the case is widely different. Our government is founded upon compact. **Sovereignty** was, and is, in the **people**."*

[Glass v. The Sloop Betsey, 3 Dall 6 (1794)]

*"Sovereignty itself is, of course, not subject to law, for it is the author and source of law; but in our system, while sovereign powers are delegated to the agencies of government, **sovereignty** itself remains with the **people**, by whom and for whom all government exists and acts."*

[Yick Wo v. Hopkins, 118 U.S. 356, 370 (1886)]

If the American people are the sovereigns, but statutory "citizens" per 8 U.S.C. §1401 or constitutional Fourteenth Amendment "citizens of the United States" are subjects, how did "All Americans" become subject citizens at birth?

According to the 13th Amendment, involuntary servitude was abolished in the United States of America... except after conviction. But civic duties are compulsory - with penalties for failure to perform.

The Supreme Court has held, in Butler v. Perry, 240 U.S. 328 (1916), that the Thirteenth Amendment does not prohibit:

"enforcement of those duties which individuals owe to the state, such as services in the army, militia, on the jury, etc."

In Selective Draft Law Cases, 245 U.S. 366 (1918), the Supreme Court ruled that the military draft was not "**involuntary servitude**".

If compulsory military service is NOT INVOLUNTARY, then it must be voluntary servitude.

OR

If compulsory military service is not a violation of the 13th Amendment, then the involuntary servitude under compulsion must be OUTSIDE of their jurisdiction (the States united).

1 13th Amendment prohibits involuntary servitude "within the United States, or any place subject to their jurisdiction."

2 14th Amendment and 8 U.S.C. §1401 both impose citizenship upon persons

3 ". . . born or naturalized in the United States, and subject to the jurisdiction thereof".

4 Why didn't the legal beagles write, "and subject to THEIR jurisdiction" in the Fourteenth Amendment just like they did in
5 the Thirteenth Amendment? Because they weren't referring to the States united (plural). They were referring to the Federal
6 government (United States), in the singular.

7 "FEDERAL CORPORATIONS - The United States government is a foreign corporation with respect to a state."
8 [19 Corpus Juris Secundum (C.J.S.), Foreign Corporations, §§883,884 (2003)]

9 How many Americans were born "subjects" of a foreign corporation or "subject" to federal civil statutory law?

10 "It is no longer open to question that the general government, unlike the states, Hammer v. Dagenhart, 247 U.S.
11 251, 275, 38 S.Ct. 529, 3 A.L.R. 649, Ann.Cas.1918E 724, possesses no inherent power in respect of the internal
12 affairs of the states; and emphatically not with regard to legislation."
13 [Carter v. Carter Coal Co., 298 U.S. 238, 56 S.Ct. 855 (1936)]

14 Somebody in Washington, D.C. thinks that all of us are their subjects, when they enact compulsory obligations on the
15 citizenry. Or more accurately, we were tricked into claiming that we were theirs to command. Here is how the Beast itself
16 describes this trickery, keeping in mind that we are being recruited essentially into COMMUNISM:

17 TITLE 50 > CHAPTER 23 > SUBCHAPTER IV > Sec. 841.
18 Sec. 841. - Findings and declarations of fact

19 *The Congress finds and declares that the Communist Party of the United States [consisting of the IRS, DOJ, and*
20 *a corrupted federal judiciary], although purportedly a political party, is in fact an instrumentality of a conspiracy*
21 *to overthrow the [de jure] Government of the United States [and replace it with a de facto government ruled by*
22 *the judiciary]. It constitutes an authoritarian dictatorship [IRS, DOJ, and corrupted federal judiciary in*
23 *collusion] within a [constitutional] republic, demanding for itself the rights and privileges [including immunity*
24 *from prosecution for their wrongdoing in violation of Article 1, Section 9, Clause 8 of the Constitution] accorded*
25 *to political parties, but denying to all others the liberties [Bill of Rights] guaranteed by the Constitution. Unlike*
26 *political parties, which evolve their policies and programs through public means, by the reconciliation of a wide*
27 *variety of individual views, and submit those policies and programs to the electorate at large for approval or*
28 *disapproval, the policies and programs of the Communist Party are secretly [by corrupt judges and the IRS in*
29 *complete disregard of the tax laws] prescribed for it by the foreign leaders of the world Communist movement*
30 *[the IRS and Federal Reserve]. Its members [the Congress, which was terrorized to do IRS bidding recently by*
31 *the framing of Congressman James Traficant] have no part in determining its goals, and are not permitted to*
32 *voice dissent to party objectives. Unlike members of political parties, members of the Communist Party are*
33 *recruited for indoctrination [in the public schools by homosexuals, liberals, and socialists] with respect to its*
34 *objectives and methods, and are organized, instructed, and disciplined [by the IRS and a corrupted judiciary] to*
35 *carry into action slavishly the assignments given them by their hierarchical chieftains. Unlike political parties,*
36 *the Communist Party [thanks to a corrupted federal judiciary] acknowledges no constitutional or statutory*
37 *limitations upon its conduct or upon that of its members. The Communist Party is relatively small numerically,*
38 *and gives scant indication of capacity ever to attain its ends by lawful political means. The peril inherent in its*
39 *operation arises not from its numbers, but from its failure to acknowledge any limitation as to the nature of its*
40 *activities, and its dedication to the proposition that the present constitutional Government of the United States*
41 *ultimately must be brought to ruin by any available means, including resort to force and violence [or using income*
42 *taxes]. Holding that doctrine, its role as the agency of a hostile foreign power [the Federal Reserve and the*
43 *American Bar Association (A.B.A.)] renders its existence a clear present and continuing danger to the security*
44 *of the United States. It is the means whereby individuals are seduced into the service of the world Communist*
45 *movement, trained to do its bidding, and directed and controlled in the conspiratorial performance of their*
46 *revolutionary services. Therefore, the Communist Party should be outlawed*

47 Of course, such a statement must be construed to be evidence of insanity. Why, how could millions be so foolish as to
48 surrender their birthright and endowment from their Creator, in exchange for the glorious benefits of participation in national
49 socialism and civil liberties?

50 "Everybody" born in American MUST be citizens... right?

51 "The better to secure and perpetuate mutual friendship and intercourse among the people of the different states
52 in this union, the free inhabitants of each of these states, ...shall be entitled to all privileges and immunities of
53 free citizens in the several states..."

Here's another proof that there ARE STATUTORY non-citizen American nationals.

https://www.pcip.gov/PreExistingConditionPlan_EnrollmentForm_082310_508.pdf

Under Section 3, there's a box to check :

[] I am a noncitizen national of the United States.

{You should note that the check box for "U.S. citizens" makes mention that they MUST provide a socialist insecurity number.}

Remember, American nationals, if domiciled upon private property, within the United States of America, are the sovereign people. They are not obligated to serve, to perform civic duties. Shucks - they're not even "persons" liable.

*"In common usage, the term 'person' does not include the sovereign, [and] statutes employing the [word] are ordinarily construed to exclude it."
[Wilson v. Omaha Indian Tribe, 442 U.S. 653, 667, 61 L.Ed2. 153, 99 S.Ct. 2529 (1979) (quoting United States v. Cooper Corp. 312 U.S. 600, 604, 85 L.Ed. 1071, 61 S.Ct. 742 (1941))]*

*"A Sovereign cannot be named in any statute as merely a 'person' or 'any person'".
[Wills v. Michigan State Police, 105 L.Ed. 45 (1989)]*

*"All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside."
[14th Amendment, Section 1.]*

Are you their "person"/"subject" or are you one of the sovereign people?

Are you a "slave" of government or are you served BY PUBLIC SERVANTS in government?

SUBJECT - One that owes allegiance to a sovereign and is governed by his laws.

*"...Men in free governments are subjects as well as citizens; as citizens they enjoy rights and franchises; as subjects they are bound to obey the laws. The term is little used, in this sense, in countries enjoying a republican form of government."
[Black's Law Dictionary, Sixth Edition, p. 1425]*

*"... the term 'citizen,' in the United States, is analogous to the term 'subject' in the common law; the change of phrase has resulted from the change in government. ... he who before was a 'subject of the King' is now a citizen of the State."
[State v. Manuel, 20 N.C. 144 (1838)]*

Did you knowingly change your form of government from the "republican form" (where the people AS INDIVIDUALS are sovereign) to the "democratic form" (where the whole body of citizens or the socialist "collective" are sovereign)?

If this seems unbelievable, you will have to read it for yourself, available in any county courthouse law library.

Everything done "to us" is by our consent to be subjects under their dominion.

But the day that 51% of the American people:

1. Learn that their consent is required.
2. Know the mechanisms by WHICH they consent. . .and
3. Withdraw consent.

. . .is the day that their SCAM implodes.

7.4 Consenting to the jurisdiction of Court

The process of consenting to the jurisdiction of a court is called an “appearance”:

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

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

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

Those who do not consent to the jurisdiction of a specific court:

1. Cannot enter an “appearance” in the court and must insist on the record that they do not consent and are not making an “appearance”.
2. May ONLY challenge jurisdiction of the court and do so by what is called “special visitation”.
3. If they are the respondent or defendant, must place the burden of proof upon the Plaintiff or Petitioner to prove WITH EVIDENCE on the record of the proceeding that the court HAS jurisdiction to hear the case.

Another very important consideration is that jurisdiction over the parties cannot be conferred ONLY with the mutual consent of the parties:

U.S. Code Annotated, Article III-The Judiciary:

UNITED STATES CODE ANNOTATED
CONSTITUTION OF THE UNITED STATES
ARTICLE III--THE JUDICIARY
Current through P.L. 106-73, approved 10-19-1999
Section 2, Clause 1. Jurisdiction of Courts

Consent of the parties cannot confer subject matter jurisdiction on federal court, nor can party ever waive its right to challenge the subject matter jurisdiction of the court. *United Indus. Workers, Service, Transp., Professional Government of North America of Seafarers' Intern. Union of North America, Atlantic, Gulf, Lakes and Inland Waters Dist. AFL-CIO, (Local No. 16) on Behalf of Bouton v. Government of Virgin Islands, C.A.3 (Virgin Islands) 1993, 987 F.2d. 162.*

Federal jurisdiction cannot be conferred upon court by consent of parties, nor may its absence be waived. *Commonwealth Land Title Ins. Co. v. U.S., D.Conn.1991, 759 F.Supp. 87.*

United States district court has only limited jurisdiction, depending upon either the existence of a federal question or diverse citizenship of the parties, and where such elements of jurisdiction are wanting district court cannot proceed, even with the consent of the parties. *Wolkstein v. Port of New York Authority, D.C.N.J.1959, 178 F.Supp. 209.*

Parties may not by stipulation invoke judicial power of United States in litigation which does not present actual "case or controversy." Sosna v. Iowa, U.S.Iowa 1975, 95 S.Ct. 553, 419 U.S. 393, 42 L.Ed.2d. 532; Memphis Light, Gas and Water Division v. Craft, Tenn.1978, 98 S.Ct. 1554, 436 U.S. 1, 56 L.Ed.2d. 30.

Parties may not confer jurisdiction either upon the Supreme Court of the United States or a United States District Court by stipulation. *California v. LaRue, U.S.Cal.1972, 93 S.Ct. 390, 409 U.S. 109, 34 L.Ed.2d. 342, rehearing denied 93 S.Ct. 1351, 410 U.S. 948, 35 L.Ed.2d. 615.*

Parties may not by stipulation invoke judicial power of the United States in litigation which does not present an actual case or controversy. *Citizens Concerned for Separation of Church and State v. City and County of Denver*, C.A.10 (Colo.) 1980, 628 F.2d 1289, certiorari denied 101 S.Ct. 3114, 452 U.S. 963, 69 L.Ed.2d. 975.

Federal courts are not bound by factual stipulations that impact on their jurisdiction; hence, courts are not bound by stipulations on which existence of a "case or controversy" might turn. *Occidental of Umm al Qaywayn, Inc. v. A Certain Cargo of Petroleum Laden Aboard Tanker Dauntless Colocotronis*, C.A.5 (La.) 1978, 577 F.2d 1196, certiorari denied 99 S.Ct. 2857, 442 U.S. 928, 61 L.Ed.2d. 296.

Parties cannot invoke jurisdiction of federal court by stipulating to jurisdictional requirement of standing. *Vannatta v. Keisling*, D.Or.1995, 899 F.Supp. 488, affirmed 151 F.3d 1215, certiorari denied 119 S.Ct. 870, 142 L.Ed.2d. 771.

Before a court can have jurisdiction over a suit, it must be proven on the record with evidence to have:

1. The Plaintiff must satisfy all the elements of "standing" to sue. Those elements are:
 - 1.1. Injury: There must be an injury against your rights or property as the Plaintiff. The injury in fact is concrete and particularized and is actual or imminent, not conjectural or hypothetical.
 - 1.1.1. The actual or threatened injury required by art. III may exist solely by virtue of statutes creating legal rights, the invasion of which creates standing. U.S.C.A.Const. art. 3, § 1 et seq. Warth v. Seldin, 95 S.Ct. 2197 (U.S.N.Y.,1975)
 - 1.1.2. Injury includes "an invasion of a legally protected interest". Arizonans for Official English v. Arizona, 117 S.Ct. 1055 (U.S.Ariz.,1997)
 - 1.1.3. Ordinarily, litigant must assert his own legal rights and interests, and cannot rest his claim to relief on legal rights or interests of third parties, even when the very same allegedly illegal act that affects litigant also affects third party. U.S. Dept. of Labor v. Triplett, 110 S.Ct. 1428 (U.S.W.Va. 1990)
 - 1.1.4. Economic injury is not the only kind of injury that can support a plaintiff's constitutional standing to bring suit. Village of Arlington Heights v. Metropolitan Housing Development Corp., 97 S.Ct. 555 (U.S.Ill.,1977)
 - 1.2. Causation. The injury must be fairly traceable to the challenged action of the defendant.
 - 1.3. Redressability. It is likely, as opposed to merely speculative, that the injury will be redressed by a favorable decision by the court. U.S.C.A. Const. Art. 3, § 2, cl. 1.
 - 1.3.1. Redress or remedy may be specified in a statute.
 - 1.3.2. Redress or remedy may be specified in a contract or franchise that binds the parties to the suit.
 - 1.3.3. If no statute authorizing redress can be identified, authority to grant redress may be demonstrated by identifying a prior similar case in which redress was afforded by the court.
2. In personam jurisdiction over both parties. This is established by one or more of the following:
 - 2.1. Service of summons upon the party WITHIN the district the court services. OR
 - 2.2. A voluntary "appearance" within that court.

"The plaintiff in error insists that the Pennsylvania court had no jurisdiction to proceed against it; consequently the judgment it rendered was void for the want of the due process of law required by the 14th Amendment. If the defendant had no such actual, legal notice of the Pennsylvania suit as would bring it into court, or if it did not voluntarily appear therein by an authorized representative, then the Pennsylvania court was without jurisdiction, and the conclusion just stated would follow, even if the judgment would be deemed conclusive in the courts of that commonwealth.
[Old Wayne Mut. Life Assn v. McDonough, 204 U.S. 8 (1907)]

3. One of the following two types of jurisdiction:
 - 3.1. Territorial jurisdiction in cases in which the common law is invoked. The injury or damaged property must have been physically located within the territory serviced by the court.

"Legislation is presumptively territorial and confined to limits over which the law-making power has jurisdiction. *American Banana Company v. United Fruit Co.*, 213 U.S. 347, 357, 29 S.Sup.Ct. 511, 16 Ann. Cas. 1047. "
[Sandberg v. McDonald, 248 U.S. 185 (1918)]

The foregoing considerations would lead, in case of doubt, to a construction of any statute as intended to be confined in its operation and effect to the territorial limits over which the lawmaker has general and legitimate power. 'All legislation is prima facie territorial.' Ex parte Blain, L. R. 12 Ch. Div. 522, 528; State v. Carter, 27 N.J.L. 499; People v. Merrill, 2 Park. Crim. Rep. 590, 596. Words having universal scope, such as 'every contract in restraint of trade,' 'every person who shall monopolize,' etc., will be taken, as a matter of course, to mean only everyone subject to such legislation, not all that the legislator subsequently may be able to catch. In the case of the present statute, the improbability of the United States attempting to make acts done in Panama

or Costa Rica criminal is obvious, yet the law begins by making criminal the acts for which it gives a right to sue. We think it entirely plain that what the defendant did in Panama or Costa Rica is not within the scope of the statute so far as the present suit is concerned. Other objections of a serious nature are urged, but need not be discussed.

[*American Banana Co. v. U.S. Fruit*, 213 U.S. 347 at 357-358]

"In *Foley Bros. v. Filardo*,¹² we had occasion to refer to the 'canon of construction which teaches that legislation of Congress, unless a contrary intent appears, is meant to apply only within the territorial jurisdiction of the United States * * *.' That presumption, far from being overcome here, is doubly fortified by the language of this statute and the legislative purpose underlying it. "

[*U.S. v. Spelar*, 338 U.S. 217 at 222 (1949)]

3.2. Subject matter jurisdiction over the subject of the suit granted by statute. For instance, if the court is a federal court and the matter involves state domiciled parties not present on federal territory, a "federal question" must be involved which attaches to federal property of some kind, such as federal territory, federal franchises, diversity of citizenship, or domiciliaries of the federal zone.

If the above elements are lacking, the court cannot proceed, even WITH the mutual consent or stipulation of the parties to the suit.

Rule 12(h)(3) of the Federal Rules of Civil Procedure provides that 'whenever it appears by suggestion of the parties or otherwise that the court lacks jurisdiction of the subject matter, the court shall dismiss the action.' A court lacking jurisdiction cannot render judgment but must dismiss the cause at any stage of the proceedings in which it becomes apparent that jurisdiction is lacking. *Bradbury v. Dennis*, 310 F.2d. 73 (10th Cir. 1962), cert. denied, 372 U.S. 928, 83 S.Ct. 874, 9 L.Ed.2d. 733 (1963). The party invoking the jurisdiction of the court has the duty to establish that federal jurisdiction does exist, *Wilshire Oil Co. of Texas v. Riffe*, 409 F.2d. 1277 (10th Cir. 1969), but, since the courts of the United States are courts of limited jurisdiction, there is a presumption against its existence. *City of Lawton, Okla. v. Chapman*, 257 F.2d. 601 (10th Cir. 1958). Thus, the party invoking the federal court's jurisdiction bears the burden of proof. *Becker v. Angle*, 165 F.2d. 140 (10th cir. 1947).

If the parties do not raise the question of lack of jurisdiction, it is the duty of the federal court to determine the matter sua sponte. *Atlas Life Insurance Co. v. W. I. Southern Inc.*, 306 U.S. 563, 59 S.Ct. 657, 83 L.Ed. 987 (1939); *Continental Mining and Milling Co. v. Migliaccio*, 16 F.R.D. 217 (D.C. Utah 1954). Therefore, lack of jurisdiction cannot be waived and jurisdiction cannot be conferred upon a federal court by consent, inaction or stipulation. *California v. LaRue*, 409 U.S. 109, 93 S.Ct. 390, 34 L.Ed.2d. 342 (1972); *Natta v. Hogan*, 392 F.2d. 686 (10th Cir. 1968); *Reconstruction Finance Corp. v. Riverview State Bank*, 217 F.2d. 455 (10th Cir. 1955). [*Basso v. Utah Power and Light Company*, 495 F.2d. 906 (1974)]

To reiterate the elements needed to challenge jurisdiction, Federal Rule of Civil Procedure 12(b) provides the escape clause from federal prosecution for the Citizens of the 50 states:

Federal Rules of Civil Procedure
Rule 12. Defenses and Objections

(b) "...the following defenses may at the option of the pleader be made by motion:

(1) lack of jurisdiction over the subject matter.

(2) lack of jurisdiction over the person.

...A motion making any of these defenses shall be made **before pleading**..

(h)(3) "Whenever it appears by suggestion of the parties or otherwise that the court lacks jurisdiction of the subject matter, the court shall **dismiss** the action."

Below is an example where the Ninth Circuit Court of Federal Appeals recognized a case where they had jurisdiction in which consent of the parties was involved but jurisdiction was challenged:

"Pacemaker argues that in the federal system a party may not consent to jurisdiction, so that the parties cannot waive their rights under Article III. The maxim that parties may not consent to the jurisdiction of federal courts is not applicable here. The rule is irrelevant because it applies only where the parties attempt to confer upon an Article III court a subject matter jurisdiction that Congress or the Constitution forbid. See, e.g., *Jackson v. Ashton*, 33 U.S. (8 Peters), 148, 148-49, 8 L.Ed. 898 (1834); *Mansfield, Coldwater & Lake Michigan Railway Co. v. Swan*, 111 U.S. 379, 28 L.Ed. 462, 4 S.Ct. 510 (1884). The limited jurisdiction of the federal courts and the need to respect the boundaries of federalism underlie the rule. In the instant case, however, the subject matter,

patents, is exclusively one of federal law. The Supreme Court has explicitly held that Congress may "confer upon federal courts jurisdiction conditioned upon a defendant's consent." Williams v. Austrian, 331 U.S. 642, 652, 91 L.Ed. 1718, 67 S.Ct. 1443 (1947); see Harris v. Avery Brundage Co., 305 U.S. 160, 83 L.Ed. 100, 59 S.Ct. 131 (1938). The litigant waiver in this case is similar to waiver of a defect in jurisdiction over the person, a waiver federal courts permit. Hoffman v. Blaski, 363 U.S. 335, 343, 4 L.Ed.2d 1254, 80 S.Ct. 1084 (1960)." [Pacemaker Diagnostic Clinic of America Inc. v. Instrumedix Inc., 725 F.2d. 537 (9th Cir. 02/16/1984)]

The three cases cited above where defendants may consent involved:

1. Bankruptcy in which the case was brought in federal bankruptcy court RATHER than state court and the defendant consented for the federal bankruptcy court instead of the state court to hear the case. None of the cases involved a subject matter NOT expressly granted by Congressional statute to the specific court in question.
2. Patent enforcement which is exclusively granted to federal and not state courts.

An example of situation in which your consent is expressly required is when you litigate in federal court and the judge delegates management of the case to a magistrate judge. 28 U.S.C. §636 requires that BOTH litigants must consent for the magistrate to preside before his orders are enforceable. A statement on the record of the case by a specific litigant that he/she/it does NOT consent to the magistrate renders the orders of the magistrate MOOT and without the "force of law".

A SPECIFIC and important example where federal courts may NOT hear a case because they have no subject matter or in personam jurisdiction and the case is NOT a "federal question" is a civil or criminal tax enforcement case brought in federal court against a state domiciled PRIVATE party who was the victim of false information returns and was otherwise a nontaxpayer NOT subject to the Internal Revenue Code. For such a case:

1. The court is PROHIBITED by 28 U.S.C. §2201(a) from declaring the victim of the false information return to be a statutory "taxpayer" subject to the Internal Revenue Code
2. The court CANNOT do INDIRECTLY what they cannot do DIRECTLY by PRESUMING that the defendant is a statutory "Taxpayer".
3. If the case is a criminal case, the defendant would have to commit the crime of IMPERSONATING A PUBLIC OFFICER in violation of 18 U.S.C. §912 to even enter a plea.
4. The defendant, even if he/she WAS served with a summons within the exterior limits of the federal judicial district, was not WITHIN federal territory if he was on state land. Therefore he/she was NOT within the FEDERAL district and hence, the court had no in personam jurisdiction over the defendant.
5. If the court does not impose and invoke the Foreign Sovereign Immunities Act (F.S.I.A.), 28 U.S.C. Chapter 97 and EXPRESSLY identify at least ONE provision within 28 U.S.C. §1605 that the defendant satisfies, they are causing the defendant to criminally impersonate a statutory "U.S. citizen" (per 8 U.S.C. §1401, 26 U.S.C. §3121(e), and 26 C.F.R. §1.1-1(c)) in violation of 18 U.S.C. §911.

Lastly, we wish to emphasize an important point about the meaning of an "appearance". An "appearance" is when you consent to the jurisdiction of a specific court. The problem with making an "appearance" is that it functions as the legal equivalent of a "blank check" for the judge to do WHATEVER THE HELL HE WANTS, and usually at your expense rather than the government's expense. Behind the idea of consent to anything is:

1. Choice NOT to consent and no adverse consequences for FAILURE to consent.
2. The ability to specify a SUBSET of the things that are being offered that one consents to and no more.
3. Advance knowledge of EXACTLY what they are consenting to and what SPECIFICALLY they are getting as a "benefit" in exchange for what they are consenting to.

But in the case of the de facto government "protection racket" called civil "court":

1. They are enforcing the equivalent of a contract between the parties called the "social compact".
2. They do NOT protect your right to NOT consent to the compact.
3. If they enforce the civil provisions of the social compact against you without your consent because you REFUSE to make an "appearance", they are, in effect, compelling you to contract with them under the social compact. This is truly ironic because governments are created to PROTECT your right to both CONTRACT and NOT CONTRACT, and yet the only means they have to protect that right is to FORCE you to contract with THEM.

4. They will not respect or protect your right of CHOICE. For instance, they will not allow you to INDIVIDUALLY QUALIFY SPECIFIC aspects of the exercise of their jurisdiction that you DO NOT consent to and therefore that they CANNOT exercise.

The foundation of our system of jurisprudence is equality of ALL under REAL law, and yet, the government can't even acquire STATUTORY jurisdiction without making you UNEQUAL and a statutory franchisee, usually WITHOUT your lawful consent. For instance, when you want to sue them civilly, the government MUST expressly waive its sovereign immunity by:

1. Expressly consenting to be sued by statute.
2. Expressly specifying in a statute every aspect of how and where they may be sued and for what.

And yet, de facto government REFUSES its constitutional duty to allow you, who are supposed to be EQUAL to every other legal person under the law INCLUDING "government", the SAME sovereign immunity. For instance, they will NOT permit YOU to EXPRESSLY DEFINE the manner in which you waive YOUR sovereign immunity within the court you are making an "appearance" within. Instead, the only choice they give you is to write a blank check that lets the judge do whatever the HELL he wants and then demand that you BEND OVER in front of him every time the judge gets a hard on in front of you. This is:

1. Religious idolatry, where the judge had supernatural powers that no human being is permitted to have.
2. Total hypocrisy.
3. A complete denial of equal protection and equal treatment that is the foundation of our system of jurisprudence. See:

Requirement for Equal Protection and Equal Treatment, Form #05.033
<http://sedm.org/Forms/FormIndex.htm>

Hence, there is no such thing as a "voluntary appearance" or "voluntary consent" to the jurisdiction of a specific court. Instead, the court behaves as a franchise and the government behaves as a "parens patriae" pagan deity that has supernatural powers. In effect, all courts amount to the establishment of a state sponsored religion in violation of the First Amendment in which:

1. The object of worship is the collective majority within a democracy and COMMERCIAL BENEFITS rather than the INDIVIDUAL and his/her INALIENABLE rights.
2. Franchise contract behaves as the equivalent of a state sponsored bible.
3. "Worship" is the equivalent of obeying the franchise contract and admitting one is a privileged franchisee such as a statutory "taxpayer", "driver", "U.S. citizen", "U.S. person", etc.
4. The judge is the priest.
5. The court is a church building.
6. The altar is the judge's bench.
7. The "well" in the courtroom and the door into the well is the method by which you consent to the worship service and join the church.
8. "Worship services" are hearings in court.
9. When worship services are held, human sacrifices are made and YOU and your otherwise PRIVATE PROPERTY are the human being sacrificed.
10. Licensed attorneys are the "deacons" who conduct the worship services.
11. The deacons are "ordained" by the chief priests in the state sponsored church called the "Supreme Court", which is really the church headquarters.
12. Those who attempt to preserve and protect their absolute equality in relation to the government running the court by any of the following means are maliciously penalized, harassed, sanctioned, and discriminated against:
 - 12.1. Invoking the common law and equity rather than statute law. Recall that all civil statutory law is law for government and not private persons. See:
Why Statutory Civil Law is Law for Government and Not Private Persons, Form #05.037
<http://sedm.org/Forms/FormIndex.htm>
 - 12.2. Challenging the jurisdiction of the court to hear the case because they are not lawfully participating in a government franchise and do not and cannot consent to participate.
13. Those who refuse to JOIN the church by either NOT participating in government franchises and/or NOT making an "appearance" are subjected to the equivalent of commercial genocide. They are deprived of the ability to function commercially by not being issued ID and not being able to petition the CHURCH court.

Below is an example where the U.S. Supreme Court identified itself and all courts as a “benefit” and therefore a franchise:

*Chief Justice Marshall had long before observed in Rose v. Himely, 4 Cranch, 241, 269, 2 L.Ed. 608, 617, that, upon principle, the operation of every judgment must depend on the power of the court to render that judgment. In Williamson v. Berry, 8 How. 495, 540, 12 L.Ed. 1170, 1189, it was said to be well settled that the jurisdiction of any court exercising authority over a subject 'may be inquired into in every other court when the proceedings in the former are relied upon and brought before the latter by a party **claiming the benefit [franchise] of such proceedings,**' and that the rule prevails whether 'the decree or judgment has been given in a court of admiralty, chancery, ecclesiastical court, or court of common law, or whether the point ruled has arisen under the laws of nations, the practice in chancery, or the municipal laws of states.' In his Commentaries on the Constitution, Story, 1313, referring to Mills v. Duryee, 7 Cranch, 481, 484, 3 L.Ed. 411, 413, and to the constitutional requirement as to the faith and credit to be given to the records and judicial proceedings of a state, said: "But this does not prevent an inquiry into the jurisdiction of the court in which the original judgment was given, to pronounce it; or the right of the state itself to exercise authority over the person or the subject-matter. The Con- [204 U.S. 8, 17] stitution did not mean to confer [upon the states] a new power or jurisdiction, but simply to regulate the effect of the acknowledged jurisdiction over persons and things within the territory."*
[*Old Wayne Mut. Life Assn v. McDonough*, 204 U.S. 8 (1907)]

8 Government and consent

The following subsections will deal with how the requirement for consent of the governed identified in the Declaration of Independence constrains all government action in the civil statutory realm.

8.1 How are civil legal obligations toward government lawfully created?

We began this document in section 1.8 with a definition of “justice”, which was defined as the right to be left alone. We said that the only condition in which that right can lawfully be disturbed without the consent of the owner is when:

1. Someone’s else’s equal rights have been injured.. AND
2. A specific injury has resulted to a protected party from that violation under the common law.
 - 2.1. If the remedy is a civil statutory remedy, we must have a domicile within the jurisdiction of the court administering the remedy before it can be invoked.
 - 2.2. If the remedy is a civil common law remedy, no domicile is necessary to invoke it in court.
 - 2.3. If the remedy is a criminal remedy, the violation occurred on territory protected by the sovereign. Otherwise the act of criminal enforcement against nonresident parties amounts essentially to international terrorism.

It is the above criteria that authorizes courts to interpose to provide remedy for the injury. Eligibility to receive such a remedy is called “standing”. By the courts. Those who bring a civil or common law suit without “standing” will have their case dismissed under Federal Rule of Civil Procedure 12(b)(6). The remainder of this section will deal primarily with items 2.1 and 2.2. Item 2.3, criminal enforcement, is self-evident.

We said earlier in section 1.1 that ALL the government’s civil statutory authority over any member of the public derives directly and exclusively from contracts with the public or from public offices.

"All the powers of the government [including ALL of its civil enforcement powers against the public] must be carried into operation by individual agency, either through the medium of public officers, or contracts made with [private] individuals."
[*Osborn v. Bank of U.S.*, 22 U.S. 738 (1824)]

This section will relate the above issue back to the general methods by which civil statutory obligations enacted into law are created.

8.1.1 Statutory definitions of “operation of law”

The California Civil Code, Section 1427 defines what an obligation or duty is:

*California Civil Code - CIV
DIVISION 3. OBLIGATIONS [1427 - 3272.9]
(Heading of Division 3 amended by Stats. 1988, Ch. 160, Sec. 14.)*

PART 1. OBLIGATIONS IN GENERAL [1427 - 1543] (Part 1 enacted 1872.)
TITLE 1. DEFINITION OF OBLIGATIONS [1427 - [1428.]] (Title 1 enacted 1872.)

1427. An obligation is a legal duty, by which a person is bound to do or not to do a certain thing.

(Enacted 1872.)

The California Civil Code and California Code of Civil Procedure then describe how obligations may lawfully be created. Section **22.2** of the California Civil Code (“CCC”) shows that the **common law** shall be the rule of decision in all the courts of this State. CCC section **1428** establishes that obligations are legal duties arising either from contract of the parties, or the operation of law (nothing else). CCC section **1708** states that the obligations imposed by operation of law are only to abstain from injuring the person or property of another, or infringing upon any of his or her rights.

California Civil Code - CIV
DEFINITIONS AND SOURCES OF LAW
(Heading added by Stats. 1951, Ch. 655, in conjunction with Sections 22, 22.1, and 22.2)

22.2. The common law of England, so far as it is not repugnant to or inconsistent with the Constitution of the United States, or the Constitution or laws of this State, is the rule of decision in all the courts of this State. (Added by Stats. 1951, Ch. 655.)

California Civil Code – CIV
DIVISION 3. OBLIGATIONS [1427 - 3272.9]
(Heading of Division 3 amended by Stats. 1988, Ch. 160, Sec. 14.)
PART 1. OBLIGATIONS IN GENERAL [1427 - 1543] (Part 1 enacted 1872.)
TITLE 1. DEFINITION OF OBLIGATIONS [1427 - [1428.]] (Title 1 enacted 1872.)

[1428.] Section Fourteen Hundred and Twenty-eight. An obligation arises either from:

One — The contract of the parties; or,

Two — The operation of law. An obligation arising from operation of law may be enforced in the manner provided by law, or by civil action or proceeding.

(Amended by Code Amendments 1873-74, Ch. 612.)

California Civil Code – CIV
DIVISION 3. OBLIGATIONS [1427 - 3272.9]
(Heading of Division 3 amended by Stats. 1988, Ch. 160, Sec. 14.)
PART 3. OBLIGATIONS IMPOSED BY LAW [1708 - 1725]
(Part 3 enacted 1872.)

1708. Every person is bound, without contract, to abstain from injuring the person or property of another, or infringing upon any of his or her rights.

(Amended by Stats. 2002, Ch. 664, Sec. 38.5. Effective January 1, 2003.)

Therefore, when anyone from the government seeks to enforce a “duty” or “obligation”, such as in tax correspondence, they have the burden of proof to demonstrate.

3. That you expressly consented to a contract with them. This is one of the two mechanisms recognized in Osborn v. Bank of U.S., 22 U.S. 738 (1824) ...OR
4. That “operation of law” is involved. In other words, that you injured a specific, identified flesh and blood person and that such a person has standing to sue in a civil or common law action.

They must meet the above burden of proof with legally admissible evidence and may not satisfy that burden with either a belief or a presumption. Pursuant to Federal Rule of Evidence 610, neither beliefs or opinions constitute legally admissible evidence. Likewise, a presumption is not legally admissible evidence for the same reason. We cover why presumptions are not evidence in:

Requirement for Consent

Copyright Sovereignty Education and Defense Ministry, <http://sedm.org>
Form 05.003, Rev. 11-22-2020

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EXHIBIT: _____

The first one of the above two options, contracts, is pretty simple and requires no further explanation. The second one is a lot more complicated. It is complicated because of the relationship of public offices to contracts. You cannot serve in a public office, for instance, WITHOUT contracting with the government. Below is an explanation why from the U.S. Supreme Court. Notice the phrase “accepts an office”, meaning CONTRACTS or AGREES:

“It is true, that the person who accepts an office may be supposed to enter into a compact to be answerable to the government, which he serves, for any violation of his duty; and, having taken the oath of office, he would unquestionably be liable, in such case, to a prosecution for perjury in the Federal Courts. But because one man, by his own act, renders himself amenable to a particular jurisdiction, shall another man, who has not incurred a similar obligation, be implicated? If, in other words, it is sufficient to vest a jurisdiction in this court, that a Federal Officer is concerned; if it is a sufficient proof of a case arising under a law of the United States to affect other persons, that such officer is bound, by law, to discharge his duty with fidelity; a source of jurisdiction is opened, which must inevitably overflow and destroy all the barriers between the judicial authorities of the State and the general government. Any thing which can prevent a Federal Officer from the punctual, as well as from an impartial, performance of his duty; an assault and battery; or the recovery of a debt, as well as the offer of a bribe, may be made a foundation of the jurisdiction of this court; and, considering the constant disposition of power to extend the sphere of its influence, fictions will be resorted to, when real cases cease to occur. A mere fiction, that the defendant is in the custody of the marshal, has rendered the jurisdiction of the King’s Bench universal in all personal actions.”

[United States v. Worrall, 2 U.S. 384 (1798)]

SOURCE: http://scholar.google.com/scholar_case?case=3339893669697439168/

Public offices, in turn, are a type of franchise.

“Is it a franchise? A franchise is said to be a right reserved to the people by the constitution, as the elective franchise. Again, it is said to be a privilege conferred by grant from government, and vested in one or more individuals, as a public office. Corporations, or bodies politic are the most usual franchises known to our laws.”
[People v. Ridgley, 21 Ill. 65, 1859 W.L. 6687, 11 Peck 65 (Ill., 1859)]

All franchises involve the GRANT of government property with conditions. The office itself conveys “rights”, meaning “public rights” to those exercising it. Those rights are property, in fact. A public officer is, in fact, someone who is in charge of the property of the public, meaning PUBIC property:

“Public office. The right, authority, and duty created and conferred by law, by which for a given period, either fixed by law or enduring at the pleasure of the creating power, an individual is invested with some portion of the sovereign functions of government for the benefit of the public. Walker v. Rich, 79 Cal.App. 139, 249 P. 56, 58. An agency for the state, the duties of which involve in their performance the exercise of some portion of the sovereign power, either great or small. Yaselli v. Goff, C.C.A., 12 F.2d. 396, 403, 56 A.L.R. 1239; Lacey v. State, 13 Ala.App. 212, 68 So. 706, 710; Curtin v. State, 61 Cal.App. 377, 214 P. 1030, 1035; Shelmadine v. City of Elkhart, 75 Ind.App. 493, 129 N.E. 878. State ex rel. Colorado River Commission v. Frohmiller, 46 Ariz. 413, 52 P.2d. 483, 486. Where, by virtue of law, a person is clothed, not as an incidental or transient authority, but for such time as de- notes duration and continuance, with Independent power to control the property of the public, or with public functions to be exercised in the supposed interest of the people, the service to be compensated by a stated yearly salary, and the occupant having a designation or title, the position so created is a public office. State v. Brennan, 49 Ohio.St. 33, 29 N.E. 593.
[Black’s Law Dictionary, Fourth Edition, p. 1235]

The “public office” they are referring to above is a franchise that is the origin of the “status” to which statutory obligations and powers attach. The U.S. Supreme Court refers to these powers and obligations as the “clothing” of what in effect is a “straw man”. They are like the WORK uniform of an otherwise PRIVATE party, who is acting in a fiduciary capacity on behalf of the public. An example of such a “status” is “President of the United States”. In legal parlance, this civil “status” is called a “res”:

“Res. Lat. The subject matter of a trust [the Social Security Trust or the "public trust"/"public office", in most cases] or will [or legislation]. In the civil law, a thing; an object. As a term of the law, this word has a very wide and extensive signification, including not only things which are objects of property, but also such as are not capable of individual ownership. And in old English law it is said to have a general import, comprehending both corporeal and incorporeal things of whatever kind, nature, or species. By "res," according to the modern civilians, is meant everything that may form an object of rights, in opposition to "persona," which is regarded as a subject of rights. "Res," therefore, in its general meaning, comprises actions [or CONSEQUENCES of choices and CONTRACTS/AGREEMENTS you make by procuring BENEFITS] of all kinds; while in its restricted sense it comprehends every object of right, except actions. This has reference to the fundamental division of the Institutes that all law relates either to persons, to things, or to actions.

Res is everything that may form an object of rights and includes an object, subject-matter or status. In *re Riggle's Will*, 11 A.D.2d. 51 205 N.Y.S.2d. 19, 21, 22. **The term is particularly applied to an object, subject-matter, or status, considered as the defendant [hence, the ALL CAPS NAME] in an action, or as an object against which, directly, proceedings are taken.** Thus, in a prize case, the captured vessel is "the res"; and proceedings of this character are said to be in rem. (See *In personam*; *In Rem*.) "Res" may also denote the action or proceeding, as when a cause, which is not between adversary parties, is entitled "*In re* _____".
[Black's Law Dictionary, Sixth Edition, pp. 1304-1306]

The civil status that represents the "res", in turn, is governed by the law of domicile:

"There are certain general principles which control the disposition of this case. They are, in the main, well settled; the difficulty lies in their application to the particular facts of the case in hand. **It is elementary that "every state has an undoubted right to determine the status, or domestic and social condition, of the persons domiciled within its territory, except in so far as the powers of the states in this respect are restrained, or duties and obligations imposed upon them by the constitution of the United States."** *Strader v. Graham*, 10 How. 93. **Again, the civil status is governed universally by one single principle, namely, that of domicile, which is the criterion established by law for the purpose of determining the civil status; for it is on this basis that the personal rights of a party, — that is to say, the law which determines his majority or minority, his marriage, succession, testacy, or intestacy, — must depend.** *Udny v. Udny*, L. R., 1 H.L.Sc. 457.
[*Woodward v. Woodward*, 11 S.W. 892, 87 Tenn. 644 (Tenn., 1889)]

The human being filling the public office and the office itself can have two completely independent and mutually exclusive domiciles. The office of "President of the United States", for instance, is domiciled in the District of Columbia, under Federal Rule of Civil Procedure 17(b), whereas the human being filling it and when off duty, can have a completely different domicile in a state of the Union. See *District of Columbia v. Murphy*, 314 U.S. 441 (1941) for more on this subject.

We also further investigated what "operation of law" means from other sources. Below are some authorities we have found on the subject:

Wikipedia: *Operation of Law*, Downloaded 9/3/2013

The phrase "**by operation of law**" is a **legal term** that indicates that a right or liability has been created for a party, irrespective of the intent of that party, because it is dictated by existing legal principles. **For example, if a person dies without a will, his heirs are determined by operation of law. Similarly, if a person marries or has a child after his or her will has been executed, the law writes this pretermitted spouse or pretermitted heir into the will if no provision for this situation was specifically included.** *Adverse possession*, in which title to land passes because non-owners have occupied it for a certain period of time, is another important right that vests by operation of law.^[1]

Events that occur by operation of law do so because courts have determined over time that the rights thus created or transferred represent what the intent of the party would have been, had they thought about the situation in advance; or because the results fulfilled the settled expectations of parties with respect to their property; or because legal instruments of title provide for these transfers to occur automatically on certain named contingencies.

Rights that arise by operation of law often arise by design of certain contingencies set forth in a legal instrument. If a **life estate** is created in a tract of land, and the person by whose life the estate is measured dies, title to the property reverts to the original grantor – or, possibly, to the grantor's legal heirs – by operation of law. Nothing needs to be put in writing to affirm that this will happen. *Joint tenants* with rights of survivorship create a similar situation. Joint tenants with rights of survivorship deeds are always taken in equal shares, and when one joint tenant dies, the other tenants equally acquire title by virtue of the terms of the **conveyance** itself, by operation of law.

Rights or liabilities created by operation of law can also be created involuntarily, because a contingency occurs for which a party has failed to plan (e.g. failure to write a will); or because a specific condition exists for a set period of time (e.g. adverse possession of property or creation of an easement; failure of a court to rule on a motion within a certain period automatically defeating the motion; failure of a party to act on a filed complaint within a certain time causing dismissal of the case); or because an existing legal relationship is invalidated, but the parties to that relationship still require a mechanism to distribute their rights (e.g. under the Uniform Commercial Code, where a contract for which both parties have performed partially is voided, the court will create a new contract based on the performance that has actually been rendered and containing reasonable terms to accommodate the expectations of the parties).

Because title to property that arises by operation of law is usually contingent upon proof of certain contingencies, and title records may not contain evidence of those contingencies, legal proceedings are sometimes required to turn title that arises by operation of law into **marketable title**.

[SOURCE: http://en.wikipedia.org/wiki/Operation_of_law]

*"Operation of law. This term expresses **the manner in which rights, and sometimes liabilities, devolve upon a person by the mere application to the particular transaction of the established rules of law, without the act or co-operation of the party himself.**"*

[Black's Law Dictionary, Fourth Edition, p. 1243]

So in addition to the definition of "operation of law" in the California Civil Code, we also learn from the above that it means the operation of law ABSENT the express consent of the parties involved, but which ALSO involves an injury.

*"Operation of law. This term expresses **the manner in which rights, and sometimes liabilities, devolve upon a person by the mere application to the particular transaction of the established rules of law, without the act or co-operation of the party himself.**"*

[Black's Law Dictionary, Fourth Edition, p. 1243]

And here is yet another definition, which gives an example of a specific situation that gives rise to "operation of law":

Operation of Law

The manner in which an individual acquires certain rights or liabilities through no act or cooperation of his or her own, but merely by the application of the established legal rules to the particular transaction.

For example, when an individual dies intestate, the laws of Descent and Distribution provide for the inheritance of the estate by the heir. The property of the decedent is said to be transferred by operation of law.

West's Encyclopedia of American Law, edition 2. Copyright 2008 The Gale Group, Inc. All rights reserved.

[The Free Dictionary (9/15/2013), Farlex;

SOURCE: <http://legal-dictionary.thefreedictionary.com/Operation+of+law>]

So in other words, "operation of law" describes how the courts will operate in probate when people DIE and are not available to dispose of their rights to property.

8.1.2 Example: Operation of Law in Probate

The above definitions are indeed very telling! They explain why:

1. 26 U.S.C. §1040 deals with "estates and trusts".
2. When IRS collects delinquent taxes:
 - 2.1. They describe the "Type of tax" on the collection notice as "1040 tax".
 - 2.2. The IRS positively refuses to explain whether "1040 tax" described on their collection notice refers to the FORM or the SECTION of the Internal Revenue Code. If they admitted the truth, they would have to admit they are collecting estate taxes of a dead straw man public office. Their collection notices are designed to deceive you into becoming the transferee and executor for this dead "straw man" public office. The statutory "taxpayer" is the DEAD straw man entity that you animate by volunteering. 26 U.S.C. §§6901 and 6903 require you to be a "transferee" and/or executor of the dead straw man's estate to go into tax court

For an interesting article on the above, see:

Sovereignty Forms and Instructions Online, Form #10.004, INSTRUCTIONS: 0.6. How the IRS traps you into liability by making you a fiduciary for a dead "straw man", Family Guardian Fellowship
<http://famguardian.org/TaxFreedom/Instructions/0.6HowIRSTrapsYouStrawman.htm>

The interesting point about the statutory "person" and "taxpayer" mentioned in the internal revenue code is that all statutory "taxpayers" are public officers, and therefore, "operation of law" isn't REALLY involved, but rather contract or franchise law. The statutes presuppose a PREDUCATE civil status of "person" and public officer. We prove this in:

1. *Why Statutory Civil Law is Law for Government and Not Private Persons*, Form #05.037
<https://sedm.org/Forms/FormIndex.htm>

2. *Why Your Government is Either a Thief or You are a "Public Officer" for Income Tax Purposes*, Form #05.008
<https://sedm.org/Forms/FormIndex.htm>
3. *Proof That There Is a "Straw Man"*, Form #05.042
<https://sedm.org/Forms/FormIndex.htm>

Therefore, if the IRS were enforcing an obligation under the Internal Revenue Code relating to probate, then:

1. The origin of their authority to enforce would arise from CONTRACT and NOT "operation of law". That contract is your oath of office.
2. They would have the burden of proving that:
 - 2.1. You were a public officer on official business and that the estate was owned by the OFFICE rather than the OFFICER.
 - 2.2. You were lawfully elected or appointed to the office.
 - 2.3. The office was being exercised ONLY where it was "expressly authorized" under 4 U.S.C. §72, meaning the District of Columbia by default.
 - 2.4. That you had the legal capacity to consent to fill the office at the time you expressly consented, because not domiciled on land under the exclusive jurisdiction of a state of the Union, where rights are UNALIENABLE and cannot lawfully be alienated, even WITH your consent. That means you were physically either abroad or on federal territory. Otherwise, duress is involved.

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

"Unalienable. Inalienable; incapable of being aliened, that is, sold and transferred."
[Black's Law Dictionary, Fourth Edition, p. 1693]

What the courts and the IRS will try to do in order to AVOID the above burden of proof is any of the following. All these techniques constitutes CONSTRUCTIVE fraud and result in what we call "the matrix" being foisted upon you that the fraud produces:

1. Silently pretend or presume that STATUTORY "taxpayers" and "persons" are private humans.
2. Falsely state that STATUTORY "taxpayers" and "persons" are private humans. Keep in mind that they aren't accountable for ANYTHING they say or write and therefore can make such statements WITHOUT accountability or penalty and will definitely do so BECAUSE they know they aren't accountable. See:

Reasonable Belief About Income Tax Liability, Form #05.007
<https://sedm.org/Forms/FormIndex.htm>

3. Falsely call you "frivolous" without providing proof of same. See:

Responding to "Frivolous" Penalties or Accusations, Form #05.027
<https://sedm.org/Forms/FormIndex.htm>

4. Try to illegally expand the definitions in the Internal Revenue Code by violating the Rules of Statutory Construction and hope your legal ignorance allows them to get away with it. This method is exhaustively documented in:

Legal Deception, Propaganda, and Fraud, Form #05.014
<https://sedm.org/Forms/FormIndex.htm>

The wide prevalence of the above DISHONEST tactics of DECEPTION and THEFT of private property by government actors are why we say that we live in a matrix and that you are cattle on a government farm. We will collapse as a civilization if we don't fix this deception, as Former Secretary of State Rex Tillerson insightfully pointed out in the following:

Former Secy. of State Tillerson Says Government Avoidance of Truth and Deception Undermines the Government
<https://sedm.org/former-secy-of-state-tillerson-says-government-avoidance-of-truth-and-deception-undermines-the-government/>

If you don't know the above and don't enforce your right to DEMAND that they meet the ENTIRE burden of proof UNDER PENALTY OF PERJURY in an ACCOUNTABLE manner, then you will surely be a victim of criminal identity theft, as described in:

8.1.3 False or contradictory definitions of “operation of law”

Here are some more revealing definitions of “operation of law” giving more context for the term:

Divorce Source Encyclopedia: Operation of Law (9/15/2013)

Operation of Law - the way the law works.

Application in Divorce

Operation of law is to the law as gravity is to the Earth: it is there and it is how the world works.

Operation of law is a legal fiction that describes how a *duty* or *status* is conferred upon a person, not as a result of his or her actions, but as a result of a *judgment* of a court or established legal *process*, which is sometimes called *Black Letter Law*.

Many common legal practices are said to work by operation of law.

In marriage, many of the rights and obligations that come to the parties are said to work by operation of law.
*For example, the practice of a married woman taking the name of her husband works by operation of law. After she marries, a woman simply changes her name to her husband's because the practice and the *precedent* for doing so have been established. No other *action* is required of her.*
[Divorce Source Encyclopedia: Operation of Law (9/15/2013), SOURCE:
<http://www.divorcesource.com/ds/encyclopedia/operation-of-law-2337.shtml>]

operation of law

*The application of rights and **responsibilities because of a person or property's status, relationships, location, or other such factors independent of one's express agreement** to assume responsibilities or another's express agreement to grant rights. Here are some examples of things that happen by operation of law:*

- *When a premises owner takes possession of mislaid personal property, he or she becomes a gratuitous bailee with a duty to use ordinary care to return the property to the true owner.*
 - *The death of the principal terminates an agency relationship.*
 - *Bankruptcy of the principal terminates an agency relationship.*
 - *Joint tenancies with rights of survivorship are severed when one joint tenant transfers his or her interest or a creditor seizes his or her interest.*
 - *In some states, when property has been dedicated to public usage, such as a park, and that usage is abandoned or relinquished, the property reverts back to the original grantor or his or her heirs.*
 - *Title to real property is said to be acquired by operation of law when it is acquired by adverse possession, by intestate succession (descent), or by virtue of another's will (devise).*
 - *A domicile by operation of law is an assigned domicile for persons who are incapable of making legal choices, such as minor children and persons declared mentally incompetent.*
 - *Title to condemned property taken under a power of eminent domain passes on the day the condemnation declaration is filed, whether or not the parties have agreed upon a price or the former owner has signed any documents.*
 - *A gift made in contemplation of death is automatically revoked if the donor recovers or if the donee dies before the donor.*
 - *A will leaving property to one's spouse is considered revoked in some states if the parties obtain a divorce.*
- [The Free Dictionary (9/15/2013), Farlex;*
SOURCE: <http://financial-dictionary.thefreedictionary.com/Operation+of+law>]

"An attorney who accepts a judicial office effects, by operation of law, a termination of any existing relation of attorney and client,"³⁸ and if the judge has been a member of a law partnership, he or she may be considered as voluntarily abandoning both the practice of law and the partnership.³⁹

³⁸ 7 American Jurisprudence 2d, Attorneys at Law § 147 (1999).

³⁹ 59A American Jurisprudence 2d, Partnership § 844 (1999).

"And there may be cases where a person expressly agrees to become responsible for the result of a litigation, or where such a responsibility is cast upon him by the operation of law without an agreement, and where the doctrine of conclusiveness of judgments against persons liable over is held to be applicable in the absence of notice of the action in which the judgment is rendered."⁴⁰

[American Jurisprudence 2d, Judgments, §680 (1999)]

Note some important consequences of the above references relating to "operation of law":

1. "operation of law" creates CIVIL obligations, liabilities, or rights toward a SPECIFIC legal "person" under the civil statutory law ONLY.
2. The civil statutory obligations created by "operation of law" are a product of your consent indirectly, because they cannot attach until your consent produces the civil status that they attach to.
3. The rights created, which are PUBLIC rights rather than PRIVATE rights, attach to the civil STATUS of the "person", and not to the land like the Constitution does.
4. The legal "person", in turn, that is the subject of the obligation is created by you choosing civil domicile within the jurisdiction of the government grantor that created the statute that implements the mechanism for "operation of law". Without satisfying the domicile prerequisite, "operation of law" cannot occur per Federal Rule of Civil Procedure 17.
5. The civil obligations created are triggered by a combination of all the following:
 - 5.1. A specific action or situation.
 - 5.2. The civil "persons" involved having a specific legal status BEFORE the triggering activity or situation occurs. That civil status, in turn, MUST be created by an act of consent on their part. For instance, they must be MARRIED SPOUSES under the Family Code BEFORE obligations arise under the Family Code civil franchise. See:

Your Exclusive Right to Declare or Establish Your Civil Status, Form #13.008
<http://sedm.org/Forms/FormIndex.htm>
6. The situation triggering the need for "operation of law" often gives rise to the need for "expedience" for a specific franchise court to act in delivering a specific CIVIL remedy because:
 - 6.1. The parties themselves are either dead or not legally present in the proceeding and yet property needs to be transferred or disposed of after their death.. .OR
 - 6.2. The parties seek a remedy not otherwise available under the common law but which are considered a "benefit" of the specific franchise status they are enforcing. For instance, they seek the "benefits", meaning the "public rights", conferred by the Family Code against the parties to the statutory licensed marriage because the party is asking for a divorce.

We can see based on the above enumerated list that the definitions of "operation of law" presented earlier can't possibly be entirely correct because they contradict themselves and contradict our prior analysis. For instance:

1. They say the "operation of law" attaches to people having a SPECIFIC status and not to ALL people generally.

The application of rights and responsibilities because of a person or property's status, relationships, location, or other such factors independent of one's express agreement to assume responsibilities or another's express agreement to grant rights.

[The Free Dictionary (9/15/2013), Farlex;

SOURCE: <http://financial-dictionary.thefreedictionary.com/Operation+of+law/>]

2. They say the "operation of law" creates an obligation INDEPENDENT of the consent of the person.
3. Yet, they don't explain how the STATUS which is the object of the civil obligation can be created WITHOUT the consent of the party. In fact, the ONLY way it can attach is WITH THE CONSENT of the party who is the subject of the obligation. They are essentially trying to deceive the reader into believing that they have to obey the obligations of a franchise through "operation of law" that they never expressly consented to by playing tricks with "civil status". This is an absurdity, because it would result in theft and involuntary servitude. For instance:

⁴⁰ Kruger v. California Highway Indem. Exchange, 201 Cal. 672, 258 P. 602, cert den 275 U.S. 568, 72 L.Ed. 430, 48 S.Ct. 141; United States Fidelity & Guaranty Co. v. Williams, 148 Md. 289, 129 A. 660; Jones v. Bozeman, 45 Tenn.App. 141, 321 S.W.2d. 832; United States Fidelity & Guaranty Co. v. Paulk (Tex Civ App) 15 S.W.2d. 100; Costello v. Bridges United States Fidelity & Guaranty Co. v. Cochrane, 81 Wash. 192, 142 P. 687.

- 1 3.1. You can't have a status under the civil law WITHOUT first choosing a domicile within the government authoring
2 the civil law. Therefore, indirectly your consent is STILL required.
- 3 3.2. You can't be a "person" under the civil law without a domicile within the government authoring the civil law.
- 4 3.3. Those WITHOUT a domicile in a specific municipality are foreign and nonresident under the civil laws of that
5 government, not because of their nationality but because of their domicile. They are therefore not subject to those
6 civil laws.
- 7 3.4. You can't have the status of "spouse" under the Family Code of a specific state without FIRST having a domicile
8 within the state authoring that Family Code. You only acquire that status after APPLYING, meaning
9 CONSENTING, to become a statutory "spouse" by completing a marriage license application. Those who never
10 applied for a statutory marriage in California, for instance, cannot be "spouses" under the Family Code because
11 the state does not recognize "common law marriage" as a means to acquire the civil status of "married" or
12 "spouse" under their civil provisions of the Family Code franchise.
- 13 4. They don't say but should say that if you want to avoid the obligation created through the "operation of law", meaning
14 the franchise agreement, you should avoid consenting to or acquiring the civil status or franchise to which the
15 obligation attaches. For instance:
- 16 4.1. If you don't want the civil provisions of the vehicle code enforced against you in traffic court, which is a civil
17 franchise court, then don't apply to become a "driver" by filling out a "driver license" application.
- 18 4.2. If you don't want the civil provisions of the Family Code enforced against you, then don't apply for a marriage
19 license and instead substitute your own private marriage contract that completely removes the jurisdiction of the
20 Family Code from the relationship.

21 It ought to go obvious to the reader that the right to contract HAS to include the right to contract the GOVERNMENT
22 OUT of the relationship to the OTHER parties in the contract. Ownership of property, after all, includes the right to
23 EXCLUDE everyone else, including the government, from using or possessing or benefitting from the property, and
24 rights are property. To argue otherwise is to argue that there is no private property and therefore NO government,
25 because the ONLY reason governments are created is to protect private property of ONLY those who CONSENT to be
26 protected by contract or agreement.

- 27 5. They don't say but should say that if you never consented to the civil status to which the obligation attaches "by
28 operation of law", and yet you become the target of enforcement on the part of the government to compel you to
29 perform the obligation, then a criminal theft, identity theft, and involuntary servitude is occurring. The identity theft
30 involved is that of associating you with the civil "status" to which the obligation attaches without your express consent
31 demonstrated in a way that only you can or should define. They can't simply PRESUME you had that status and
32 instead have the burden of PROVING you consented to it, because they are the moving party enforcing the obligation.
33 Otherwise, we call it "theft by presumption".

34 *"It is apparent that a constitutional prohibition cannot be transgressed indirectly by the creation of a statutory
35 presumption any more than it can be violated by direct enactment. The power to create presumptions is not a
36 means of escape from constitutional restrictions."
37 [Bailey v. Alabama, 219 U.S. 219 (1911)]*

38 Just so you don't think we are making this stuff up, below is a discussion of "marriage" as a civil status which ties together
39 the principles discussed so far. It shows that the "civil status" of the individual attaches to their domicile, and that the status
40 extinguishes when they change domicile:

41 *But now comes the difficult question, which is raised in this way: Mrs. McCreery having resided in the state of
42 Illinois for more than 20 months before she instituted her action for divorce against Charles W. McCreery, and,
43 under the statute law of Illinois, service upon an absent defendant may be made by publication of the summons
44 in some newspaper in that state, to be fixed by the court, It is contended, first, that it is always in the power of a
45 state, through her courts, to establish the status of her own citizens, and that this was done in the case of Mrs.
46 McCreery. Now, if marriage, by operation of law, creates the status of wife in Mrs. McCreery when she removes
47 her domicile to that state, and such status is a res, then, under Pennoyer v. Neff, Tillinghast v. Lumber Co.,
48 Moore v. Machine Co., Toms v. Railroad Co., and especially Gibson v. Everett, supra, there would be a res in
49 the state of Illinois, upon which the courts of the state of Illinois might fasten, by attachment or similar process,
50 which would enable them to pass upon the right to relieve Mrs. McCreery from her marital relation to Charles
51 W. McCreery, as her husband, notwithstanding his absence, and service by publication alone. If marriage is a
52 civil contract, whereby the domicile of the husband is the domicile of the wife, and whereby the contract
53 between them was to be located in that domicile, it is difficult to see how the absence in another state of either
54 party to such contract from the state where was located the domicile of the marriage could be said to carry
55 such contract to another state, even if we were to concede that an idea, a mental apprehension, or metaphysical
56 existence could be transmuted so as to become capable of attaching to it some process of a court, whereby it
57 might be said to be under the exclusive jurisdiction of such court. If Mrs. McCreery could carry that res in the
58 state of Illinois, then Mr. McCreery had the same res in the state of South Carolina at the same time. In other
59 words, the same thing could be in two distinct places at one and the same time, which res the courts of Illinois*

1 would have the power to control as if it were a physical entity, and which res the courts of South Carolina
2 would have the power, at the same moment of time, to control as if it were a physical entity. Such a conclusion
3 would be absurd. The justice who delivered the opinion in the case of Pennoyer v. Neff, supra, by way of
4 illustration merely, purely as a dictum, —for that case had no earthly connection with marriage, —did say in that
5 opinion: "To prevent any misapprehension of the views expressed in this opinion, it is proper to observe that we
6 do not mean to assert, by anything we have said, that a state may not authorize proceedings to determine the
7 status of one of its citizens to a nonresident, which would be binding within this state [italics ours], though made
8 without service of process, or personal notice to the nonresident. The jurisdiction which every state possesses,
9 to determine the civil status and capacity of all of its inhabitants, involves authority to prescribe the conditions
10 on which proceedings which affect them may be commenced and carried on within its territory. The state, for
11 example, has absolute right to prescribe the conditions upon which the marriage relation between its own
12 citizens shall be created, and the causes for which it may be dissolved. [Italics ours.] One of the parties guilty
13 of acts for which, by the law of the state, a dissolution may be granted, may have removed to a state where no
14 dissolution is granted. The complaining party would therefore fail, if a divorce were sought in the state of the
15 defendant; and if application could not be made to the tribunals of the complainant's domicile in such cases, and
16 proceedings be there instituted without personal service of process, or personal notice to the offending party, the
17 injured citizen would be without redress." Now, if the remarks, as dictum alone, of Mr. Justice Field, were
18 intended to be restricted by him to cases where the marriage contract was executed while the domicile of both
19 parties was in that state, and where the laws of such state authorized the granting of divorces, we suppose it
20 correctly sets forth the law that should govern in such a case. But if it is intended to announce that such a
21 conclusion would be proper in a case where a marriage contract was made in a state where both were domiciled,
22 and in a state where divorce is not allowed, and where one of the parties to such contract of marriage should
23 remove to a state where divorces are allowed, and there institute an action for divorce, causing the other party
24 to the marriage contract to be served by publication alone, to which said latter party paid no attention, and a
25 judgment for divorce was granted, we submit that such judgment is erroneous, so far as the same relates to the
26 absent defendant, by the decisions of the supreme court of the United States. The defendant has the right to
27 interpose as a defense to such wrong that he has been denied [22 S.E. 186] due process of law; to interpose for
28 his protection from such judgment the fourteenth amendment to the constitution of the United States, which
29 provides, "No state shall make or enforce any law which shall abridge the privileges or immunities of citizens
30 of the United States." It was concerning this very protection under this fourteenth amendment that Mr. Justice
31 Field, in the case of Pennoyer v. Neff, supra, said: "Since the adoption of the fourteenth amendment to the
32 federal constitution, the validity of such judgments [where no personal service was made, or appearance
33 entered, or pleading made] may be directly questioned, and their enforcement in the states restricted, on the
34 ground that proceedings in a court of justice to determine the personal rights and obligation of parties over
35 whom, the court has no jurisdiction do not constitute due process of law." (Italics ours.)

36 Charles W. McCreery, and Rhoda, his wife, whether it be said their contract should be governed by the laws of
37 the state of New York, where the marriage was solemnized, or whether of the state of South Carolina, which was
38 the husband's domicile, and where he is still domiciled, and where the marriage was to be performed, never
39 agreed that their rights, duties, and liabilities as husband or wife should be determined by the state of Illinois,
40 or that the determination of these rights, duties, and liabilities might be had in an action for divorce for saevitia,
41 where service upon either of them might be made by publication; and when, therefore, a judgment of this last-
42 named state was rendered in an action to which Charles W. McCreery was no real party, such judgment was
43 a nullity as to him. In the opinion of Mr. Justice Field, he further said on this point: "Whatever difficulty may be
44 experienced in giving to these terms ['due process of law'] a definition which will embrace every permissible
45 exertion of power affecting private rights, and exclude such as is forbidden, there can be no doubt as to their
46 meaning, when applied to judicial proceedings. They then mean a course of legal proceedings according to those
47 rules and principles which have been established in our system of jurisprudence for the protection and
48 enforcement of private rights. To give such proceeding any validity, there must be a tribunal competent by its
49 constitution—that is, by the law of its creation—to pass upon the subject-matter of the suit; and, if that involves
50 merely a determination of the personal liability of the defendant, he must be brought within its jurisdiction by
51 service of process within the state, or his voluntary appearance." Can there be any doubt but the judgment of
52 the court of the state of Illinois does directly impinge upon the personal rights and liabilities, under the contract
53 of marriage, of Charles W. McCreery with Rhoda McCreery? By that contract her personal presence with him
54 was his right It was his privilege, under his contract of marriage, to receive at her hands those ministrations
55 incident to the marriage state. To allow this Illinois judgment to be effective as a divorce, as to Charles W.
56 McCreery, cannot be law. In Hull v. Hull, 2 Strob. Eq. 174, it was held that Gideon J. Hull having married his
57 wife while both were domiciled in the state of Connecticut, under whose laws it was competent for either party
58 to obtain a divorce for desertion, and in such a suit service might be made by publication, and he having deserted
59 his wife, and thereafter she having procured a divorce from him, a vinculo matrimonii, in an action wherein he
60 was served by publication, such divorce was valid. This judgment was rendered because the marriage contract
61 between them was said to have been made with all the provisions of the laws of Connecticut pertaining to
62 marriage, including divorce, which had become part, and parcel of such contract of marriage. And this was done
63 and adjudged notwithstanding the state of South Carolina did not allow divorces."
64 [McCreery v. Davis, 44 S.C. 195, 28 L.R.A. 655, 22 S.E. 178, 51 Am. St. Rep. 794 (S.C., 1895)]

65 To relate this analysis to taxation, the income tax is a franchise and excise tax upon public offices in the government. This
66 is covered in:

The predicate "status" of "taxpayer" requires the party to be a public officer, and that public office can ONLY be created by the express CONSENT of both the government AND the volunteering officer. This is exhaustively proven in:

You cannot unilaterally "elect" yourself into a public office by filling out a tax or other franchise form in order to volunteer to BECOME a public officer. That would be the crime of impersonating a public officer under 18 U.S.C. §912 and many other crimes. The office must exist and be LAWFULLY created under Title 5 of the United States Code BEFORE the party can even lawfully BECOME a public officer and therefore a statutory "taxpayer". Hence, "operation of law" **cannot** be involved because consent of the officer to BECOME an officer is involved. Therefore, CONTRACT is the only method for creating the income tax liability and that contract is a FRANCHISE contract or agreement.

"It is generally conceded that a franchise is the subject of a contract between the grantor and the grantee, and that it does in fact constitute a contract when the requisite element of a consideration is present."⁴¹ Conversely, a franchise granted without consideration is not a contract binding upon the state, franchisee, or pseudo-franchisee."⁴² "
[36 American Jurisprudence 2d, Franchises, §6: As a Contract (1999)]

The above analysis is why the U.S. Supreme Court calls the income tax a "quasi contract".

"...still the obligation to pay taxes is not penal. It is a statutory liability, quasi contractual in nature, enforceable, if there is no exclusive statutory remedy, in the civil courts by the common-law action of debt or indebitatus assumpsit. United States v. Chamberlin, 219 U.S. 250, 31 S.Ct. 155; Price v. United States, 269 U.S. 492, 46 S.Ct. 180; Dollar Savings Bank v. United States, 19 Wall. 227; and see Stockwell v. United States, 13 Wall. 531, 542; Meredith v. United States, 13 Pet. 486, 493. This was the rule established in the English courts before the Declaration of Independence. Attorney General v. Weeks, Bunbury's Exch. Rep. 223; Attorney General v. Jewers and Batty, Bunbury's Exch. Rep. 225; Attorney General v. Hatton, Bunbury's Exch. Rep. [296 U.S. 268, 272] 262; Attorney General v. —, 2 Ans.Rep. 558; see Comyn's Digest (Title 'Dett,' A, 9); 1 Chitty on Pleading, 123; cf. Attorney General v. Sewell, 4 M.&W. 77. "
[Milwaukee v. White, 296 U.S. 268 (1935)]

Ironically, the U.S. Supreme Court contradicts itself in the above by calling the obligation "indebitatus assumpsit", meaning an ASSUMED debt. Why? Because they also held earlier that "taxes" are NOT debts!

The most obvious, and, as it seems to us, the most rational answer to this question is that Congress must have had in contemplation debts originating in contract or demands carried into judgment, and only debts of this character. This is the commonest and most natural use of the word. Some strain is felt upon the understanding when an attempt is made to extend it so as to include taxes imposed by legislative authority, and there should be no such strain in the interpretation of a law like this.

We are the more ready to adopt this view because the greatest of English elementary writers upon law, when treating of debts in their various descriptions, gives no hint that taxes come within either, [Footnote 5] while American state courts of the highest authority have refused to treat liabilities for taxes as debts in the ordinary sense of that word, for which actions of debt may be maintained.

⁴¹ Larson v. South Dakota, 278 U.S. 429, 73 L.Ed. 441, 49 S.Ct. 196; Grand Trunk Western R. Co. v. South Bend, 227 U.S. 544, 57 L.Ed. 633, 33 S.Ct. 303; Blair v. Chicago, 201 U.S. 400, 50 L.Ed. 801, 26 S.Ct. 427; Arkansas-Missouri Power Co. v. Brown, 176 Ark. 774, 4 S.W.2d. 15, 58 A.L.R. 534; Chicago General R. Co. v. Chicago, 176 Ill. 253, 52 N.E. 880; Louisville v. Louisville Home Tel. Co., 149 Ky. 234, 148 S.W. 13; State ex rel. Kansas City v. East Fifth Street R. Co., 140 Mo. 539, 41 S.W. 955; Baker v. Montana Petroleum Co., 99 Mont. 465, 44 P.2d. 735; Re Board of Fire Comrs. 27 N.J. 192, 142 A.2d. 85; Chrysler Light & P. Co. v. Belfield, 58 N.D. 33, 224 N.W. 871, 63 A.L.R. 1337; Franklin County v. Public Utilities Com., 107 Ohio.St. 442, 140 N.E. 87, 30 A.L.R. 429; State ex rel. Daniel v. Broad River Power Co., 157 S.C. 1, 153 S.E. 537; Rutland Electric Light Co. v. Marble City Electric Light Co., 65 Vt. 377, 26 A. 635; Virginia-Western Power Co. v. Commonwealth, 125 Va. 469, 99 S.E. 723, 9 A.L.R. 1148, cert den 251 U.S. 557, 64 L.Ed. 413, 40 S.Ct. 179, disapproved on other grounds Victoria v. Victoria Ice, Light & Power Co. 134 Va. 134, 114 S.E. 92, 28 A.L.R. 562, and disapproved on other grounds Richmond v. Virginia Ry. & Power Co., 141 Va. 69, 126 S.E. 353.

⁴² Pennsylvania R. Co. v. Bowers, 124 Pa. 183, 16 A. 836.

The first of these cases was that of *Pierce v. City of Boston*, [Footnote 6] 1842, in which the defendant attempted to set off against a demand of the plaintiff certain taxes due to the city. The statute allowed mutual debts to be set off, but the court disallowed the right to set off taxes. This case went, indeed, upon the construction of the statute of Massachusetts, and did not turn on the precise point before us, but the language of the court shows that taxes were not regarded as debts within the common understanding of the word.

The second case was that of *Shaw v. Pickett*, [Footnote 7] in which the Supreme Court of Vermont said,

"The assessment of taxes does not create a debt that can be enforced by suit, or upon which a promise to pay interest can be implied. It is a proceeding in invitum."

The next case was that of the *City of Camden v. Allen*, [Footnote 8] 1857. That was an action of debt brought to recover a tax by the municipality to which it was due. The language of the Supreme Court of New Jersey was still more explicit: **"A tax, in its essential characteristics," said the court, "is not a debt nor in the nature of a debt. A tax is an impost levied by authority of government upon its citizens or subjects for the support of the state. It is not founded on contract or agreement. It operates in invitum. A debt is a sum of money due by certain and express agreement. It originates in and is founded upon contracts express or implied."**
[*Lane County v. Oregon*, 74 U.S. 7 Wall. 71 71 (1868)]

The U.S. Supreme Court is obviously schizophrenic, because they call income taxes "assumed debts" and yet contradict themselves by saying that they are not "debts". They disguise this contradiction by using Latin to disguise the phrase "assumed debt" by calling it "indebitatus assumpsit". Earth calling the U.S. Supreme Court! Is anyone home upstairs?

There are MUCH bigger problems with the U.S. Supreme Court's interpretation of taxes as "quasi contracts" or "assumed debts" than that above. Under our Constitution, ALL are equal. We prove this in:

<p><u>Requirement for Equal Protection and Equal Treatment</u>, Form #05.033 http://sedm.org/Forms/FormIndex.htm</p>
--

"Taxes" are merely fees for government services. Hence, we have some HUGE questions and contradictions in our mind presented by the U.S. Supreme Court's approach toward taxation.

1. How can the government perform a service for you without your express consent, call it a "benefit" even though you regard it as an INJURY, create a bogus debt by merely UNCONSTITUTIONALLY PRESUMING it exists, and file liens documenting the debt and yet NOT give you the SAME ability as an EQUAL to do the same thing when they demand YOUR private property or services?
2. Don't they need your consent to treat you UNEQUALLY?
3. If they don't need your consent to treat you UNEQUALLY in relation to them, then why doesn't the SAME requirement apply EQUALLY toward them when you are enforcing an obligation AGAINST them for YOUR services or property that were literally STOLEN by a simple and unconstitutional presumption that you OWED money without even a written contract or evidence of consent of any kind?
4. Isn't the fact that they are SUPERIOR and UNEQUAL toward you, and that they acquired that inequality without your consent evidence that they have created an unconstitutional "Title of nobility"?
5. Doesn't that unconstitutional "title of nobility" that judges created essentially by judicial fiat also make government into a religion in which:
 - 5.1. They have "supernatural powers"?
 - 5.2. "Taxes" are the tithes?
 - 5.3. The obligations they are enforcing amount to "worship" of that unconstitutional religion?
 - 5.4. "Judges" are the priests?
 - 5.5. Courts are the churches?
 - 5.6. Attorneys are the deacons of the church?
 - 5.7. "Pleadings" are called "prayers"?
 - 5.8. "Worship services" amount to hearings in the court church building?

Are you beginning to see why God says the following about all governments?

"Indeed *they [the governments and the men who make them up in relation to God] are all worthless; their works are nothing*; their molded images [and their bureaus and agencies and usurious "codes" that are not law] are wind [and vanity] and confusion."
[*Isaiah 41:29*, Bible, NKJV]

1 To succinctly summarize this section:

- 2 1. Lawful de jure governments may not civilly enforce the statutory civil law against you without demonstrating consent
- 3 to a contract or agreement. As a bare minimum, that contract is the social compact that acquires the “force of law”
- 4 upon you choosing a domicile within their jurisdiction.
- 5 2. “operation of law” describes what happens AFTER the consent is given. The law “operates” on the status created by
- 6 the consent.
- 7 3. Without consent demonstrated in some form, any effort to enforce a civil public right or obligation is a trespass against
- 8 private property, slavery (if they obligate a specific human), and/or theft.
- 9 4. All the following statutory “civil statuses” constitute prima facie evidence that consent has been given to a specific
- 10 protection franchise. If you fail to deny that you have these statuses, you probably will be PRESUMED by judges to
- 11 HAVE them. Watch out!:
- 12 4.1. “citizen” per 8 U.S.C. §1401.
- 13 4.2. “resident” per 26 U.S.C. §7701(b)(1)(A).
- 14 4.3. “person” under 26 U.S.C. §§6671(b) and 7343.
- 15 4.4. “employee” under 5 U.S.C. §2105.
- 16 5. It is up to you whenever you interact with any and every government to ensure that you state clearly and
- 17 unambiguously on all forms or in the attachments to the government forms that:
- 18 5.1. You do not consent to any civil status or obligation by virtue of filling out the application.
- 19 5.2. You are not seeking a “benefit” or franchise privilege of any kind.
- 20 5.3. You reserve all rights pursuant to U.C.C. §1-308.
- 21 5.4. Any forms submitted are submitted under illegal duress. You may even want to list all the criminal laws violated
- 22 because of the duress and the source of the duress so they can be prosecuted.
- 23 5.5. You want to be told by the government recipient of the form that you are NOT ELIGIBLE for the benefit sought
- 24 because you do not have the status that is the prerequisite to receive the benefit or do not consent to the
- 25 obligations needed to deliver the benefit.
- 26 5.6. You should also define your terms in the form such that if they say they can’t accept the form, then they mean
- 27 that you are NOT ELIGIBLE and cannot give consent to BECOME eligible. You can then use their rejection of
- 28 the application to prove that you DO NOT have the civil status that the party instituting the duress was trying to
- 29 compel you to procure illegally.

30 **8.2 The Social Contract/Compact**⁴³

31 **8.2.1 Introduction**

32 In law, the words “compact” and “contract” are equivalent:

33 *“**Compact**, n. An agreement or contract between persons, nations, or states. Commonly applied to working*

34 *agreements between and among states concerning matters of mutual concern. A contract between parties, which*

35 *creates obligations and rights capable of being enforced and contemplated as such between the parties, in their*

36 *distinct and independent characters. **A mutual consent of parties concerned respecting some property or right***

37 ***that is the object of the stipulation, or something that is to be done or forborne.** See also Compact clause;*

38 *Confederacy; Interstate compact; Treaty.”*

39 *[Black’s Law Dictionary, Sixth Edition, p. 281]*

40 All civil societies are based on “compact” and therefore “contract”. Here is how the U.S. Supreme Court describes this

41 compact and therefore contract.

42 *“Yet, it is to be remembered, and that whether in its real origin, or in its artificial state, allegiance, as well as*

43 *fealty, rests upon lands, and it is due to persons. Not so, with respect to Citizenship, which has arisen from the*

44 *dissolution of the feudal system and is a substitute for allegiance, corresponding with the new order of things.*

45 ***Allegiance and citizenship, differ, indeed, in almost every characteristic. Citizenship is the effect of compact***

46 ***[CONTRACT!]; allegiance is the offspring of power and necessity. Citizenship is a political tie; allegiance is***

47 ***a territorial tenure. Citizenship is the charter of equality; allegiance is a badge of inferiority. Citizenship is***

48 ***constitutional; allegiance is personal. Citizenship is freedom; allegiance is servitude. Citizenship is***

49 ***communicable; allegiance is repulsive. Citizenship may be relinquished; allegiance is perpetual. With such***

50 ***essential differences, the doctrine of allegiance is inapplicable to a system of citizenship; which it can neither***

51 ***serve to controul, nor to elucidate.** And yet, even among the nations, in which the law of allegiance is the most*

⁴³ Source: *Why Domicile and Becoming a “Taxpayer” Require Your Consent*, Form #05.002, Section 7; <http://sedm.org/Forms/FormIndex.htm>.

1 firmly established, the law most pertinaciously enforced, there are striking deviations that demonstrate the
2 invincible power of truth, and the homage, which, under every modification of government, must be paid to the
3 inherent rights of man....**The doctrine is, that allegiance cannot be due to two sovereigns; and taking an oath**
4 **of allegiance to a new, is the strongest evidence of withdrawing allegiance from a previous, sovereign....**
5 [Talbot v. Janson, 3 U.S. 133 (1795); From the syllabus but not the opinion;
6 SOURCE:
7 <http://www.law.cornell.edu/supct/search/display.html?terms=choice%20or%20conflict%20and%20law&url=/s>
8 upct/html/historics/USSC_CR_0003_0133_ZS.html]

9 Note the sentence: **“Citizenship is the effect of compact [CONTRACT!]”**. By calling yourself a “citizen”, you:

- 10 1. Identify yourself as a consenting party to the social compact/contract.
- 11 2. Make yourself subject to the civil laws that implement the contract.
- 12 3. Consent to be governed by the sovereignty executing that social contract.

13 Even the author of The Law Of Nations, which is the document upon which the U.S.A. Constitution was based by the founding
14 fathers, acknowledged that all civilizations are based upon compact and contract, called this contract the "social compact",
15 and said that when the government fails to be accountable for the protection sought, those being protected have a right to
16 leave said society.⁴⁴ Notice that the author, Vattel, refers to the parties to the social compact as "contracting parties".

17 *The Law of Nations, Book I: Of Nations Considered in Themselves*
18 § 223. Cases in which a citizen has a right to quit his country.

19 *There are cases in which a citizen has an absolute right to renounce his country, and abandon it entirely — a*
20 *right founded on reasons derived from the very nature of the **social compact**.*

21 *1. If the citizen cannot procure subsistence in his own country, it is undoubtedly lawful for him to seek it elsewhere.*
22 *For, political or civil society being entered into only with a view of facilitating to each of its members the means*
23 *of supporting himself, and of living in happiness and safety, it would be absurd to pretend that a member, whom*
24 *it cannot furnish with such things as are most necessary, has not a right to leave it.*

25 *2. If the body of the society, or he who represents it, absolutely fail to discharge their obligations [of protection]*
26 *towards a citizen, the latter may withdraw himself. For, if one of the contracting parties does not observe his*
27 *engagements, the other is no longer bound to fulfil his; as the contract is reciprocal between the society and its*
28 *members. It is on the same principle, also, that the society may expel a member who violates its laws.*

29 *3. If the major part of the nation, or the sovereign who represents it, attempt to enact laws relative to matters*
30 *in which the social compact cannot oblige every citizen to submission, those who are averse to these laws have*
31 *a right to quit the society, and go settle elsewhere. For instance, if the sovereign, or the greater part of the nation,*
32 *will allow but one religion in the state, those who believe and profess another religion have a right to withdraw,*
33 *and take with them their families and effects. For, they cannot be supposed to have subjected themselves to the*
34 *authority of men, in affairs of conscience;³ and if the society suffers and is weakened by their departure, the blame*
35 *must be imputed to the intolerant party; for it is they who fail in their observance of the social compact — it is*
36 *they who violate it, and force the others to a separation. We have elsewhere touched upon some other instances*
37 *of this third case, — that of a popular state wishing to have a sovereign (§ 33), and that of an independent nation*
38 *taking the resolution to submit to a foreign power (§ 195).*
39 *[The Law of Nations, Book I, Section 223, Vattel; SOURCE:*
40 http://famguardian.org/Publications/LawOfNations/vattel_01.htm#§%20224.%20Emigrants]

41 8.2.2 **Government violation of the Social Contract/Compact**

42 Item #2 at the end of the previous section, in which a government fails to discharge its obligation of “protection”, includes
43 any one or more of the following:

- 44 1. Government refuses to protect you from GOVERNMENT abuses or violations of your rights.
- 45 2. Government refuses to recognize or protect EXCLUSIVELY PRIVATE rights.
 - 46 2.1. Confuses NATURAL “rights” with statutory franchise “privileges” by calling them BOTH “rights”.
 - 47 2.2. Interferes with common law protections for private rights and compels ONLY statutory remedies. Hence, they
48 compel all those who are injured to become public officers in the government and surrender all their private rights
49 and private property, because statutory remedies only apply to public officers in the government and not private
50 humans. See:

⁴⁴ See Article 1, Section 8, Clause 10 of the United States Constitution, which mentions the “Law of Nations”.

- 2.3. Makes a business or profitable franchise out of alienating PRIVATE rights that are supposed to be inalienable according to the Declaration of Independence. This is most often done through either offering or enforcing public franchises anywhere, and especially within states of the Union. Franchises, by definition, convert PRIVATE rights into PUBLIC rights, usually WITHOUT the consent of the owner. This causes government to do the OPPOSITE for which it was established, which is the protection of ONLY PRIVATE rights.
- 2.4. Makes a crime out of exercising PRIVATE or CONSTITUTIONAL rights. For instance, they make it a crime to operate a conveyance WITHOUT PERMISSION from the government in the form of a license. The license in turn is then used to ILLEGALLY make you into a public officer called a “driver” without your consent and often without your knowledge.
3. Government enforces unequal authority or rights to itself that they refuse to recognize that you also have.
 - 3.1. Absolute equality is the foundation of ALL of your freedom, as held by the U.S. Supreme Court. *Gulf, C. & S.F.R. Co. v. Ellis*, 165 U.S. 150 (1897).
 - 3.2. Inequality under the law violates the constitutional requirement for equal protection and equal treatment.
 - 3.3. Inequality causes government to become a civil religion in which you are the worshipper, and they are the god with superior or supernatural powers.
 - 3.4. The main method of introducing inequality is offering or enforcing franchises within a constitutional state, which is prohibited by the U.S. Supreme Court. *License Tax Cases*, 72 U.S. 462, 18 L.Ed. 497, 5 Wall. 462, 2 A.F.T.R. 2224 (1866).
 - 3.5. They will undermine equality by refusing to enforce your equal right to sovereign immunity or their burden of proving that you consensually waived it. In a government of delegated powers, they can have no more rights than you have and if they violate this concept, they are creating a religion in which taxes are tithes.
4. Government lies with impunity about anything, and especially about what the law requires or about their responsibilities under the law.
5. Government refuses to be responsible for the injuries they cause you or abuse sovereign immunity to protect themselves from culpability for said injuries.
6. Government refuses to allow you to stop subsidizing it or stop being a “customer” of its protection called a “citizen” or “resident”, and hence indirectly interferes with the ONLY method of peacefully procuring relief from their usurpations. This leaves no option OTHER than violence, and hence anarchy. Hence, they promote violence and anarchy with such policies.

"If money is wanted by Rulers who have in any manner oppressed the People, [the People] may retain [their money] until their grievances are redressed, and thus peaceably procure relief, without trusting to despised petitions or disturbing the public tranquility."
[Journals of the Continental Congress, Wednesday, October 26, 1774]

7. Government refuses to allow you to abandon any and all civil statuses or franchises to which public rights attach. This includes:
 - 7.1. Hides statuses on government forms that would allow you to NOT be a customer for the specific service they are offering.
 - 7.2. Hides forms or not offering forms to quit.
 - 7.3. Says you can't quit.
 - 7.4. Presumes that any or all people have the civil status that allows them to regulate and control you, and that you can acquire said status WITHOUT your express consent in some form.
 - 7.5. Calls participation “voluntary” and yet hypocritically refuses to protect your right to NOT volunteer.
8. Government kidnaps your civil legal identity and transports it to a legislatively foreign jurisdiction by enforcing legislatively foreign law upon you. They do this by:
 - 8.1. Quotes or enforces foreign law not from your domicile against you.
 - 8.2. Violates Federal Rule of Civil Procedure 17(b).
 - 8.3. Uses irrelevant law or case law from a foreign jurisdiction as the equivalent of “political propaganda” designed to mislead people into obedience to it.
 - 8.4. Violates or misrepresents choice of law rules.
9. Government PRESUMES that any or all of the above are a “benefit” and then forces you to pay for it in the form of “taxes”, even though YOU identify it as an INJURY and NOT a “benefit”. All such “presumptions” are a violation of due process of law.

“Cujus est commodum ejus debet esse incommodum.

1 He who receives the benefit should also bear the disadvantage.”

2 “Que sentit commodum, sentire debet et onus.

3 He who derives a benefit from a thing, ought to feel the disadvantages attending it. 2 Bouv. Inst. n. 1433.”

4 [Bouvier’s Maxims of Law, 1856;

5 SOURCE: <http://famguardian.org/Publications/BouvierMaximsOfLaw/BouviersMaxims.htm>]

7 8.2.3 Rousseau’s description of the Social Contract/Compact

8 The terms of the “social compact” at the heart of every civilized society are exhaustively described in the following classic
9 book by Jacques Rousseau written just before the U.S. Constitution was written:

The Social Contract or Principles of Political Right, Jean Jacques Rousseau, 1762

HTML: <http://famguardian.org/Publications/TheSocialContract-Rousseau/Rousseau%20Social%20Contract.htm>

PDF: http://famguardian.org/Publications/TheSocialContract-Rousseau/The_social_contract.pdf

10 Rousseau is also widely regarded as the father of socialism. In chapter 8 of the above book he even describes all governments
11 as what he calls a “civil religion”. Here is the way Rousseau describes the “social compact” that forms the foundation of all
12 societies:

13 *There is but one law which, from its nature, needs unanimous consent. This is the social compact; for civil*
14 *association is the most voluntary of all acts. Every man being born free and his own master, no one, under any*
15 *pretext whatsoever, can make any man subject without his consent. To decide that the son of a slave is born a*
16 *slave is to decide that he is not born a man.*

17 *If then there are opponents when the social compact is made, their opposition does not invalidate the contract,*
18 *but merely prevents them from being included in it. They are foreigners among citizens. When the State is*
19 *instituted, residence constitutes consent; to dwell within its territory is to submit to the Sovereign.*⁴⁵

20 *Apart from this primitive contract, the vote of the majority always binds all the rest.* This follows from the
21 contract itself. But it is asked how a man can be both free and forced to conform to wills that are not his own.
22 How are the opponents at once free and subject to laws they have not agreed to?

23 I retort that the question is wrongly put. *The citizen gives his consent to all the laws, including those which are*
24 *passed in spite of his opposition, and even those which punish him when he dares to break any of them.* The
25 constant will of all the members of the State is the general will; by virtue of it they are citizens and free⁴⁶. When
26 in the popular assembly a law is proposed, what the people is asked is not exactly whether it approves or rejects
27 the proposal, but whether it is in conformity with the general will, which is their will. Each man, in giving his
28 vote, states his opinion on that point; and the general will is found by counting votes. When therefore the opinion
29 that is contrary to my own prevails, this proves neither more nor less than that I was mistaken, and that what I
30 thought to be the general will was not so. If my particular opinion had carried the day I should have achieved the
31 opposite of what was my will; and it is in that case that I should not have been free.

32 *This presupposes, indeed, that all the qualities of the general will still reside in the majority: when they cease*
33 *to do so, whatever side a man may take, liberty is no longer possible.*

34 In my earlier demonstration of how particular wills are substituted for the general will in public deliberation, I
35 have adequately pointed out the practicable methods of avoiding this abuse; and I shall have more to say of them
36 later on. I have also given the principles for determining the proportional number of votes for declaring that will.
37 A difference of one vote destroys equality; a single opponent destroys unanimity; but between equality and
38 unanimity, there are several grades of unequal division, at each of which this proportion may be fixed in
39 accordance with the condition and the needs of the body politic.

40 There are two general rules that may serve to regulate this relation. First, the more grave and important the
41 questions discussed, the nearer should the opinion that is to prevail approach unanimity. Secondly, the more the
42 matter in hand calls for speed, the smaller the prescribed difference in the numbers of votes may be allowed to

⁴⁵ This should of course be understood as applying to a free State; for elsewhere family, goods, lack of a refuge, necessity, or violence may detain a man in a country against his will; and then his dwelling there no longer by itself implies his consent to the contract or to its violation.

⁴⁶ At Genoa, the word *Liberty* may be read over the front of the prisons and on the chains of the galley-slaves. This application of the device is good and just. It is indeed only malefactors of all estates who prevent the citizen from being free. In the country in which all such men were in the galleys, the most perfect liberty would be enjoyed.

1 *become: where an instant decision has to be reached, a majority of one vote should be enough. The first of these*
2 *two rules seems more in harmony with the laws, and the second with practical affairs. In any case, it is the*
3 *combination of them that gives the best proportions for determining the majority necessary.*
4 *[The Social Contract or Principles of Political Right, Jean Jacques Rousseau, 1762, Book IV, Chapter 2]*

5 Note how Rousseau describes those who are not party to the social contract as “foreigners”:

6 *“If then there are opponents when the social compact is made, their opposition does not invalidate the contract,*
7 *but merely prevents them from being included in it. They are foreigners among citizens. When the State is*
8 *instituted, residence constitutes consent; to dwell within its territory is to submit to the Sovereign.”*

9 We also clarify the following about Rousseau’s comments above:

- 10 1. Those who are parties to the social compact are called “citizens” if they were born in the country and “residents” if
11 they were born in a foreign country, who together are called “inhabitants” or “domiciliaries”.
- 12 2. The “foreigner” he is talking about is either a statutory “alien” (foreign national), a “nonresident”, or a “non-resident
13 non-person” in the case of a state domiciled state national.
- 14 3. When Rousseau says **“Apart from this primitive contract, the vote of the majority always binds all the rest.”**,
15 what he means by “the rest” is “the rest of the inhabitants, citizens, or residents”, but NOT “nonresidents” or “transient
16 foreigners”. This is implied by his other statement: **“If then there are opponents when the social compact is made,**
17 **their opposition does not invalidate the contract, but merely prevents them from being included in it. They are**
18 **foreigners among citizens.”**
- 19 4. Rousseau says that: **“When the State is instituted, residence constitutes consent; to dwell within its territory is to**
20 **submit to the Sovereign.”** Here are some key points about this statement:
 - 21 4.1. What he means by “residence” is a political and voluntary act of association and consent, and NOT physical
22 presence in a specific place.
 - 23 4.2. Those who have made this choice of “residence” and thereby politically associated with and joined with a specific
24 political “state” acquire the status under the social contract called “resident” or “citizen”. Those who have not
25 associated are called “transient foreigners”, “strangers”, or “in transitu”.
 - 26 4.3. The choice of “residence” is protected by the First Amendment right of association and freedom from compelled
27 association. Those who are humans physically on land protected by the Constitution cannot lawfully be
28 FORCED to acquire any civil status under the civil statutes of any government, INCLUDING “resident” or
29 “residence”. Note that this prohibition does not affect artificial entities or fictions of law, such as businesses or
30 especially corporations.
- 31 5. All rights under the social contract attach to the statuses under the contract called “citizen”, “resident”, “inhabitant”, or
32 “domiciliary”. In that sense, the contract behaves as a franchise or what we call a “protection franchise”. You are not
33 protected by the franchise unless you procure a civil status under the franchise called “citizen” or “resident”.
- 34 6. In a legal sense, to say that one is “in the state” or “dwelling in the state” really means that:
 - 35 6.1. A human being has consented to the social contract and thereby become a “government contractor”.
 - 36 6.2. Consent creates the “res” or legal fiction called “person” within the civil statutory codes/franchises.
 - 37 6.3. The legal fiction of “person” created by your consent is an officer or public officer within the government
38 corporation. The U.S. Supreme Court associates two civil statuses to all governments: 1. “Body corporate”; 2.
39 Body politic.⁴⁷

⁴⁷ “Both before and after the time when the Dictionary Act and § 1983 were passed, **the phrase “bodies politic and corporate” was understood to include the [governments of the] States**. See, e.g., J. Bouvier, 1 A Law Dictionary Adapted to the Constitution and Laws of the United States of America 185 (11th ed. 1866); W. Shumaker & G. Longsdorf, Cyclopedic Dictionary of Law 104 (1901); Chisholm v. Georgia, 2 U.S. (2 Dall.) 419, 447, 1 L.Ed. 440 (1793) (Iredell, J.); id., at 468 (Cushing, J.); Cotton v. United States, 52 U.S. (11 How.) 229, 231, 13 L.Ed. 675 (1851) (“**Every sovereign State is of necessity a body politic, or artificial person**”); Poindexter v. Greenhow, 114 U.S. 270, 288, 5 S.Ct. 903, 29 L.Ed. 185 (1885); McPherson v. Blacker, 146 U.S. 1, 24, 13 S.Ct. 3, 6, 36 L.Ed. 869 (1892); Heim v. McCall, 239 U.S. 175, 188, 36 S.Ct. 78, 82, 60 L.Ed. 206 (1915). See also United States v. Maurice, 2 Brock. 96, 109, 26 F.Cas. 1211 (CC Va.1823) (Marshall, C.J.) (“**The United States is a government, and, consequently, a body politic and corporate**”); Van Brocklin v. Tennessee, 117 U.S. 151, 154, 6 S.Ct. 670, 672, 29 L.Ed. 845 (1886) (same). Indeed, the very legislators who passed § 1 referred to States in these terms. See, e.g., Cong. Globe, 42d Cong., 1st Sess., 661-662 (1871) (Sen. Vickers) (“What is a State? Is *79 it not a **body politic and corporate**?”); id., at 696 (Sen. Edmunds) (“A State is a corporation”).

The reason why States are “bodies politic and corporate” is simple: just as a corporation is an entity that can act only through its agents, “[t]he State is a political corporate body, can act only through agents, and can command only by laws.” Poindexter v. Greenhow, *supra*, 114 U.S., at 288, 5 S.Ct. at 912-913. See also Black’s Law Dictionary 159 (5th ed. 1979) (“**Body politic or corporate**”: “A social compact by which the whole people covenants with each citizen, and each citizen with the whole people, that all shall be governed by certain laws for the common good”). As a “**body politic and corporate**,” a State falls squarely within the Dictionary Act’s definition of a “person.”

While it is certainly true that the phrase “**bodies politic and corporate**” referred to private and public corporations, see ante, at 2311, and n. 9, this fact does not draw into question the conclusion that this phrase also applied to the States. Phrases may, of course, have multiple referents. Indeed, each and every

- 6.4. The legal fiction of “person” created by your consent is called the “straw man”.⁴⁸
- 6.5. The legal fiction of “person” created by your consent is legally but not physically “within” that corporation because it represents the corporation.
- 6.6. The effective domicile of the legal fiction of “person” is the place of incorporation of the state it represents under Federal Rule of Civil Procedure 17.
- 6.7. The government, as author of the statute conveying the privilege of the statutes, is the creator. It is therefore the OWNER of all those who exercise the privilege by virtue of invoking the status of “person” in pursuit of remedies under the franchise.⁴⁹
7. Your corrupt politicians have therefore written this social contract in such a way that consenting to it makes you a public officer within the government, even though such a corruption of the de jure system is clearly beyond its legislative intent. See:
- De Facto Government Scam*, Form #05.043
<http://sedm.org/Forms/FormIndex.htm>
8. It is a violation of due process of law, theft, slavery, and even identity theft to:
- 8.1. PRESUME that by virtue of physically occupying a specific place, that a person has consented to take up “residence” there and thereby consented to the social contract and the civil laws that implement it.
- 8.2. Interfere with one’s choice of political association and consent to the social compact by refusing to accept any piece of paper that declares one a “nonresident”.
- 8.3. Impose the status of “citizen” or “resident” against those who do not consent to the social contract.
- 8.4. Enforce any provision of the social contract against a non-consenting party.
- 8.5. Connect the status of “citizen” or “resident” with a public office in the government or use that unlawfully created office as method to impose any duty upon said party. Why? Because the Thirteenth Amendment forbids “involuntary servitude”.

The above considerations are the ONLY reason why Abraham Lincoln could truthfully claim in his famous Gettysburg Address that the United States government is “a government of the people, by the people, and for the people”.

8.2.4 Breaches of the Social Compact subject to judicial remedy

If you are injured and take the party who injured you into a civil court, the judge, in fact, is really acting as a trustee of the social contract/compact in enforcing that contract between you and the other party. All governments in the USA, in fact, are “trustees”:

“Whatever these Constitutions and laws validly determine to be property, it is the duty of the Federal Government, through the domain of jurisdiction merely Federal, to recognize to be property.

*“And this principle follows from the structure of the respective Governments, State and Federal, and their reciprocal relations. **They are different agents and trustees of the people of the several States, appointed with different powers and with distinct purposes, but whose acts, within the scope of their respective jurisdictions, are mutually obligatory.**”*
[Dred Scott v. Sandford, 60 U.S. 393 (1856)]

dictionary cited by the Court accords a broader realm-one **2317 that comfortably, and in most cases explicitly, includes the sovereign-to this phrase than the Court gives it today. See 1B. Abbott, Dictionary of Terms and Phrases Used in American or English Jurisprudence 155 (1879) (“[T]he term **body politic** is often used in a general way, as meaning the state or the sovereign power, or the city government, without implying any distinct express incorporation”); W. Anderson, A Dictionary of Law 127 (1893) (“**Body politic**”: “The governmental, sovereign power: a city or a State”); Black’s Law Dictionary 143 (1891) (“**Body politic**”: “It is often used, in a rather loose way, to designate the state or nation or sovereign power, or the government of a county or municipality, without distinctly connoting any express and individual corporate charter”); 1A. Burrill, A Law Dictionary and Glossary 212 (2d ed. 1871) (“**Body politic**”: “A body to take in succession, framed by policy”; “[p]articularly*80 applied, in the old books, to a Corporation sole”); id., at 383 (“Corporation sole” includes the sovereign in England).

[Will v. Michigan Dept. of State Police, 491 U.S. 58, 109 S.Ct. 2304 (U.S.Mich.,1989)]

⁴⁸ See: *Proof That There Is a “Straw Man”*, Form #05.042; <http://sedm.org/Forms/FormIndex.htm>.

⁴⁹ See: *Hierarchy of Sovereignty: The Power to Create is the Power to Tax*, Family Guardian Fellowship; <http://famguardian.org/Subjects/Taxes/Remedies/PowerToCreate.htm>.

Both parties to the lawsuit must be parties to the social contract and therefore “citizens” or “residents” within the jurisdiction you are civilly suing. If the defendant you are suing is NOT party to the social contract, they are called a “nonresident” who is therefore protected from being civilly sued by:

1. The “Foreign Sovereign Immunities Act”, codified at 28 U.S.C. Part IV, Chapter 97 starting at section 1602.
2. The “Minimum Contacts Doctrine” elucidated by the U.S. Supreme Court in *International Shoe Co. v. Washington*, 326 U.S. 310 (1945). This doctrine states that it is a violation of due process to bring a nonresident into a foreign court to be sued unless certain well defined standards are met. Here is how the federal courts describe this doctrine:

In International Shoe Co. v. Washington, 326 U.S. 310 (1945), the Supreme Court held that a court may exercise personal jurisdiction over a defendant consistent with due process only if he or she has "certain minimum contacts" with the relevant forum "such that the maintenance of the suit does not offend 'traditional notions of fair play and substantial justice.' " Id. at 316 (quoting Milliken v. Meyer, 311 U.S. 457, 463 (1940)). Unless a defendant's contacts with a forum are so substantial, continuous, and systematic that the defendant can be deemed to be "present" in that forum for all purposes, a forum may exercise only "specific" jurisdiction - that is, jurisdiction based on the relationship between the defendant's forum contacts and the plaintiff's claim.

[. . .]

In this circuit, we analyze specific jurisdiction according to a three-prong test:

(1) The non-resident defendant must purposefully direct his activities or consummate some transaction with the forum or resident thereof; or perform some act by which he purposefully avails himself of the privilege of conducting activities in the forum, thereby invoking the benefits and protections of its laws;

(2) the claim must be one which arises out of or relates to the defendant's forum-related activities; and

(3) the exercise of jurisdiction must comport with fair play and substantial justice, i.e. it must be reasonable.

Schwarzenegger v. Fred Martin Motor Co., 374 F.3d. 797, 802 (9th Cir. 2004) (quoting Lake v. Lake, 817 F.2d. 1416, 1421 (9th Cir. 1987)). The first prong is determinative in this case. We have sometimes referred to it, in shorthand fashion, as the "purposeful availment" prong. Schwarzenegger, 374 F.3d. at 802. Despite its label, this prong includes both purposeful availment and purposeful direction. It may be satisfied by purposeful availment of the privilege of doing business in the forum; by purposeful direction of activities at the forum; or by some combination thereof.

[Yahoo! Inc. v. La. Ligue Contre Le Racisme Et L'Antisemitisme, 433 F.3d. 1199 (9th Cir. 01/12/2006)]

Why does all this matter? Because what if you are a nonresident and the U.S. government wants to sue you for a tax liability? They can't take a nonresident (in relation to federal territory) and a “nontaxpayer” into a Federal District Court and must instead sue you in a state court under the above requirements. Even their own Internal Revenue Manual says so:

*Internal Revenue Manual (I.R.M.)
9.13.1.5 (09-17-2002)
Witnesses In Foreign Countries*

1. Nonresident aliens physically present in a foreign country cannot be compelled to appear as witnesses in a United States District Court since they are beyond jurisdiction of United States officials. Since the Constitution requires confrontation of adverse witnesses in criminal prosecutions, the testimony of such aliens may not be admissible until the witness appears at trial. However, certain testimony for the admissibility of documents may be obtained under 18 USC §3491 et seq. without a "personnel" appearance in the United States. Additionally, 28 USC §1783 et seq. provides limited powers to induce the appearance of United States citizens physically present in a foreign country.

[SOURCE: <http://www.irs.gov/irm/part9/ch13s01.html>]

The other great thing about being a nonresident, is that the statute of limitations under civil law DO NOT apply to you and do not limit your rights or the protection of those rights.

1. If you invoke the common law rather than statutory law, you have an unlimited amount of time to sue a federal actor for a tort. All such statutes of limitations are franchises to which BOTH parties to the suit must be contractors under the social contract/compact in order to enforce.

2. If only one party is a “citizen” or a “resident” protected by the social contract, and the other party is protected by the Constitution but not the civil law implementing the social contract, then the Constitution trumps the civil law and becomes self-executing under what is called a Constitutional Tort Action.

Why do we say these things? Because what you think of as civil law, in most cases, is really only a private law franchise for government officers and statutory “employees”, as exhaustively proven in the following document:

Why Statutory Civil Law is Law for Government and Not Private Persons, Form #05.037
<http://sedm.org/Forms/FormIndex.htm>

Under the concepts in the above document, a “statute of limitations” is an example of a “privilege and immunity” afforded to ONLY government officers and statutory “employees” when the OTHER party they injure is also a government officer or employee in some capacity. If the injured party is not party to the social compact and franchise but is protected by the Constitution, then the statutes of limitations cannot be invoked under the franchise.

8.2.5 TWO social compacts in America

In the United States (the country), there are, in fact TWO “social contracts” or “social compacts”, and each protects a different subset of the overall population.

“It is clear that Congress, as a legislative body, exercise two species of legislative power: the one, limited as to its objects, but extending all over the Union: the other, an absolute, exclusive legislative power over the District of Columbia. The preliminary inquiry in the case now before the Court, is, by virtue of which of these authorities was the law in question passed?”
[Cohens v. Virginia, 19 U.S. 264, 6 Wheat. 265, 5 L.Ed. 257 (1821)]

You can only be a party to ONE of these two social contracts/compacts at a time, because you can only have a domicile in ONE jurisdiction at a time. These two jurisdictions that Congress legislates for are:

1. The states of the Union under the requirements of the Constitution of the United States. In this capacity, it is called the “federal/general government”.
2. The U.S. government, the District of Columbia, U.S. possessions and territories, and enclaves within the states. In this capacity, it is called the “national government”. The authority for this jurisdiction derives from Article 1, Section 8, Clause 17 of the United States Constitution. All laws passed essentially amount to municipal laws for federal property, and in that capacity, Congress is not restrained by either the Constitution or the Bill of Rights. We call the collection of all federal territories, possessions, and enclaves within the states “the federal zone” throughout this document.

The “separation of powers doctrine” is what created these two separate and distinct social compacts and jurisdictions. Each has its own courts, unique types of “citizens”, and laws. That doctrine is described in:

Government Conspiracy to Destroy the Separation of Powers, Form #05.023
<http://sedm.org/Forms/FormIndex.htm>

The U.S. Supreme Court has identified the maintenance of separation between these two distinct jurisdictions as THE MOST IMPORTANT FUNCTION OF ANY COURT. Are the courts satisfying their most important function, or have they bowed to political expediency by abusing deception and words of art to entrap and enslave you in what amounts to a criminal conspiracy against your constitutional rights? Have the courts become what amounts to a modern day Judas, who sold the truth for the twenty pieces of silver they could STEAL from you through illegal tax enforcement by abusing word games?

“The idea prevails with some, indeed it has found expression in arguments at the bar, that we have in this country substantially two national governments; one to be maintained under the Constitution, with all of its restrictions; the other to be maintained by Congress outside the independently of that instrument, by exercising such powers [of absolutism] as other nations of the earth are accustomed to.. I take leave to say that, if the principles thus announced should ever receive the sanction of a majority of this court, a radical and mischievous [SATANIC] change in our system of government will result. We will, in that event, pass from the era of constitutional liberty guarded and protected by a written constitution into an era of legislative absolutism.. It will be an evil [SATANIC] day for American liberty if the theory of a government outside the supreme law of the land finds lodgment in our constitutional jurisprudence. No higher duty rests upon this court than to exert its full authority to prevent all violation of the principles of the Constitution.”
[Downes v. Bidwell, 182 U.S. 244 (1901)]

WHICH of the two social compacts are you party to? Your choice of domicile determines that. It CAN'T legally be both because you can only have a domicile in ONE place at a time. Furthermore, if you have been deceived by corrupt politicians and "words of art" into becoming a party to BOTH social compacts, you are serving TWO masters, which is forbidden by the Holy Bible:

"No one can serve two masters [two employers, for instance]; for either he will hate the one and love the other, or else he will be loyal to the one and despise the other. You cannot serve God and mammon [government]."
[Matt 6:24, Bible, NKJV. Written by a tax collector]

8.2.6 The TWO social contracts/compacts CANNOT lawfully overlap and you can't be subject to BOTH at the same time

We might also add that franchises and the right to contract that they are based upon cannot lawfully be used to destroy the separation between these two distinct jurisdictions. Preserving that separation is, in fact, the heart and soul of the United States Constitution. That is why the U.S. Supreme Court held the following:

*"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 [e.g. LICENSE as part of a franchise] 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 [e.g. LICENSE] 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)]

Notice the language "**Congress cannot authorize [e.g. LICENSE] a trade or business within a State in order to tax it.**". All licensed activities are, in fact, franchises and excise taxes are what implement them and pay for them. The income tax itself, in fact, is such a franchise. See the following for exhaustive proof:

<p>The "Trade or Business" Scam, Form #05.001 http://sedm.org/Forms/FormIndex.htm</p>

On the subject of whether Christians can be party to or consent to what the courts call "the social compact" and contract, God Himself says the following:

"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]

Why did God warn Christians in this way? Because Rev. 19:19 identifies political rulers as "The Beast", and contracting with them MAKES you an officer of and one of them. And as their officer or public officer participating in their franchises, you can't avoid "serving them", and hence, violating the First Commandment NOT to serve other pagan gods, among which are included civil rulers or governments.

Now let's discuss how the courts treat the issue of the social compact to confirm what we have said in this section. The first federal corporation established outside of federal territory was the original Bank of the United States commissioned by Congress. That bank invaded the state of Ohio and began operating there. The state sought to penalize and tax it out of existence and the bank refused to pay the state penalties and taxes. When the state seized assets of the bank for nonpayment of taxes, the case went before the U.S. Supreme Court. The court held that the bank:

1. Was a federal but not state corporation and therefore NOT a constitutional “person” or “citizen” under the judiciary clauses of the Constitution.
2. Was an office within the national government.
3. Was exempt from state taxes and penalties.

The case also held that the ONLY way that federal law can be enforced within a state of the Union was if EITHER a public office was involved (which is federal government property), OR if the bank had a contract with the government (which is ALSO federal government property).

“All the powers of the government [including ALL of its civil enforcement powers against the public] must be carried into operation by individual agency, either through the medium of public officers, or contracts made with [private] individuals.”
[Osborn v. Bank of U.S., 22 U.S. 738 (1824)]

The above holding brings up some crucial points about civil jurisdiction in courts of justice:

1. The government can only regulate and control its own agents, officers, and statutory “employees”. That control is exercised through the civil statutes it enacts, in fact.
2. Federal corporations, such as the original Bank of the United States that was the subject of the above case, are creations of, agents of, and instrumentalities of the national government.
3. Contracts with the government create agency BUT NOT NECESSARILY PUBLIC OFFICE on behalf of the government.
4. Public offices are also evidence of agency on behalf of the government.
5. If you are not a public officer and have no contracts with the government, they can’t civilly regulate or control you because you are PRIVATE and they have no jurisdiction over EXCLUSIVELY private conduct.
6. If a government takes you into civil court seeking to enforce an obligation they claim you have to the government, then they as the moving party MUST satisfy the burden of proving ONE or more of the following two things in order to establish their jurisdiction:
 - 6.1. That you are lawfully occupying a public office OR...
 - 6.2. You have a contract with them and therefore are acting as their agent.

8.2.7 Challenging the enforcement of the Social Contract in a Court of law

The Social Contract is enforced, usually illegally, by judges and government prosecutors in court against unwitting and often unwilling and non-consenting parties. By “Social Compact” in this section, we mean and intend the following. We DO NOT mean the CRIMINAL code or criminal law:

1. Civil statutory “code”.
2. Civil franchises.
3. Penal code.
4. Rules of court.

The boundary between what is lawful and unlawful in a civil context is determined solely by whether there is a flesh and blood PHYSICAL injured party.

For the commandments, “You shall not commit adultery,” “You shall not murder,” “You shall not steal,” “You shall not bear false witness,” “You shall not covet,” and if there is any other commandment, are all summed up in this saying, namely, “You shall love your neighbor as yourself.”

Love does no harm to a neighbor; therefore love is the fulfillment of the law.
[Romans 13:9-10, Bible, NKJV]

*“Do not strive with [or try to regulate or control or enslave] a man without cause, **if he has done you no harm.**”*
[Prov. 3:30, Bible, NKJV]

*“With all [our] blessings, what more is necessary to make us a happy and a prosperous people? Still one thing more, fellow citizens--**a wise and frugal Government, which shall restrain men from injuring one another, shall leave them otherwise free to regulate their own pursuits of industry and improvement, and shall not take from***

the mouth of labor the bread it has earned. This is the sum of good government, and this is necessary to close the circle of our felicities."

[Thomas Jefferson: 1st Inaugural, 1801. ME 3:320]

"The makers of our Constitution undertook to secure conditions favorable to the pursuit of happiness. They recognized the significance of man's spiritual nature, of his feelings and of his intellect. They knew that only a part of the pain, pleasure and satisfactions of life are to be found in material things. They sought to protect Americans in their beliefs, their thoughts, their emotions and their sensations. They conferred, as against the Government, the right to be let alone - the most comprehensive of rights and the right most valued by civilized men."

[Olmstead v. United States, [277 U.S. 438, 478](#) (1928) (Brandeis, J., dissenting); see also Washington v. Harper, [494 U.S. 210](#) (1990)]

If there is no injured party, then all of the above types of civil franchises have no "force of law" against a non-consenting party and any legal proceeding to enforce them constitutes an INJUSTICE rather than JUSTICE.

PAULSEN, ETHICS (Thilly's translation), chap. 9.

"Justice, as a moral habit, is that tendency of the will and mode of conduct which refrains from disturbing the lives and interests of others, and, as far as possible, hinders such interference on the part of others. This virtue springs from the individual's respect for his fellows as ends in themselves and as his co equals. The different spheres of interests may be roughly classified as follows: body and life; the family, or the extended individual life; property, or the totality of the instruments of action; honor, or the ideal existence; and finally freedom, or the possibility of fashioning one's life as an end in itself. The law defends these different spheres, thus giving rise to a corresponding number of spheres of rights, each being protected by a prohibition. . . . To violate the rights, to interfere with the interests of others, is injustice. All injustice is ultimately directed against the life of the neighbor; it is an open avowal that the latter is not an end in itself, having the same value as the individual's own life. The general formula of the duty of justice may therefore be stated as follows: Do no wrong yourself; and permit no wrong to be done, so far as lies in your power; or, expressed positively: Respect and protect the right." [Readings on the History and System of the Common Law, Second Edition, Roscoe Pound, 1925, p. 2]

Some questions you can ask to reveal the false presumptions protecting that enforcement and the illegality of that enforcement of the above types of "rules" include the following:

"At this point it behooves us to consider the myth of the "social contract". Many apologists for the status quo assert that we are all born as parties to a contract – and that, as a consequence, we are all subject to liabilities defined by the state or [national] government. In other words, in return for the various benefits, real or imagined, that we receive from the government, we owe the government a portion of whatever resources we derive from our experience of life. We should note that the only people who promote this myth are those who want to spend our money or to exercise power over us through the enforcement of edicts forbidding mala prohibita. They would have us believe that they have a valid claim on the money that we receive in exchange for our creativity and productivity."

Those enforcing the social contract or statutory franchise "benefits" are therefore demanded to answer the following questions on the record to justify and validate the alleged "force of law" they claim to have be exercising:

1. Isn't it a maxim of law that civil law exists for the "benefit" of man?

"Hominum caus jus constitutum est. Law is established for the benefit of man."

[Bouvier's Maxims of Law, 1856;

<https://famguardian.org/Publications/BouvierMaximsOfLaw/BouviereMaxims.htm>]

2. Isn't it true that I have a RIGHT to refuse any and every "benefit"? "Invito beneficium non datur. No one is obliged to accept a benefit against his consent. Dig. 50, 17, 69. But if he does not dissent he will be considered as assenting. Vide Assent."

"Potest quis renunciare pro se, et suis, juri quod pro se introductum est. A man may relinquish, for himself and his heirs, a right which was introduced for his own benefit. See 1 Bouv. Inst. n. 83."

"Quilibet potest renunciare juri pro se inducto. Any one may renounce a law introduced for his own benefit. To this rule there are some exceptions. See 1 Bouv. Inst. n. 83."

[Bouvier's Maxims of Law, 1856;

<https://famguardian.org/Publications/BouvierMaximsOfLaw/BouviereMaxims.htm>]

3. Who gets to decide what a "benefit" is? You or the government? If the people are the "sovereigns" according to the Supreme Court, then aren't they the "customer" who gets to decide if something "benefits" them instead of the state?

4. If I am NOT the one who defines "benefit" in the context of this proceeding, don't we have unconstitutional slavery disguised as government benevolence?

5. What if I define the alleged "consideration" or "benefit" provided by the government as an INJURY? Doesn't that make it IMPOSSIBLE for me to "receive a "benefit" from the government and therefore owe a corresponding "obligation"?

"Que sentit commodum, sentire debet et onus. He who derives a benefit from a thing, ought to feel the disadvantages attending it. 2 Bouv. Inst. n. 1433."
[Bouvier's Maxims of Law, 1856;
<https://famguardian.org/Publications/BouvierMaximsOfLaw/BouviersMaxims.htm>]

6. Shouldn't any government seeking to enforce the provisions of the social compact and/or civil statutes that implement it have the burden of proving to a disinterested third party the existence of a "benefit" AND consent to receive it BEFORE they may commence the enforcement action? Aren't they presumed to be STEALING if they DON'T satisfy this burden of proof?

"All rights and property are PRESUMED to be EXCLUSIVELY PRIVATE and beyond the control of government or the CIVIL statutory franchise codes unless and until the government meets the burden of proving, WITH EVIDENCE, on the record of the proceeding that:

1. A SPECIFIC formerly PRIVATE owner consented IN WRITING to convert said property to PUBLIC property.
2. The owner was either abroad, domiciled on, or at least PRESENT on federal territory NOT protected by the Constitution and therefore had the legal capacity to ALIENATE a Constitutional right or relieve a public servant of the fiduciary obligation to respect and protect the right. Those physically present but not necessarily domiciled in a constitutional but not statutory state protected by the constitution cannot lawfully alienate rights to a real, de jure government, even WITH their consent.
3. If the government refuses to meet the above burden of proof, it shall be CONCLUSIVELY PRESUMED to be operating in a PRIVATE, corporate capacity on an EQUAL footing with every other private corporation and which is therefore NOT protected by official, judicial, or sovereign immunity."

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

7. Isn't it a violation of due process of law to PRESUME that I consented? Aren't all presumptions that prejudice constitutional rights UNCONSTITUTIONAL and a violation of due process of law?

8. When and how did I sign or consent to this so-called contract and the civil statutory code that implements it?

9. Isn't all of my property ABSOLUTELY owned and EXCLUSIVELY PRIVATE if I don't consent to ANYTHING the government offers?

10. Does this social contract promise to give me something that I actually perceive or define as a "benefit"?

11. If so, am I free to acquire that which I want in other ways?

12. Does the government have a monopoly on "protection" and if so, doesn't this violate the Sherman Antitrust Act?

13. Does this contract contain a valid exit clause? If so WHERE?

14. Does this contract specify the quid pro quo that tells me what I am to contribute and what I am to receive in return?

15. Is there any legal limit at all to what I must pay to reimburse the cost of the benefit, and if there isn't, don't we have an unconscionable adhesion contract? For instance, if I decide to limit the SCOPE of my consent to

obeying *ONLY* the civil codes regulating voting and jury service and choose to be a "nonresident" for all other purposes, will the government respect my right to participate in *ONLY* these two franchises and *LEAVE ME ALONE* and not make the target of the enforcement of any other civil statute?

16. Does the social contract specify what actions on the part of government constitute a breach of the contract and the penalties that attach thereto? If not, there is no reciprocal obligation so it can't possibly be enforceable against me as a contract as legally defined.

17. Does this contract affirm my absolute right to withdraw from the contract and *NOT* consent? In other words, do all forms that implement the "benefit" recognize and provide administrative remedies to *QUIT* without being a "participating", "person", "individual", etc?

18. If the contract does *NOT* recognize nonparticipants or the right to quit, isn't the requirement for equal protection that is the foundation of all law violated?

19. Am I punished for trying to withdraw participation? If so, how can participation truthfully be called "voluntary"?

For more on the concept of government "benefits" described above and the SCAM that they represent, see:

The Government "Benefits" Scam, Form #05.040
<https://sedm.org/Forms/FormIndex.htm>

The following legal authorities are useful in establishing that there *MUST* be consent to the "social compact", what form the consent must take, and why in some cases even consent is insufficient to give it the "force of law" in your specific case:

1. *Requirement for Consent*, Form #05.002
DIRECT LINK: <http://sedm.org/Forms/05-MemLaw/Consent.pdf>
FORMS PAGE: <http://sedm.org/Forms/FormIndex.htm>
2. SEDm Liberty University, Section 2.5: Requirement for Consent
<http://sedm.org/LibertyU/LibertyU-SinglePg.htm#2.5>. **REQUIREMENT FOR CONSENT**
3. *Sovereignty Forms and Instructions Online*, Form #10.004, Cites by Topic: "consent"
<http://famguardian.org/TaxFreedom/CitesByTopic/consent.htm>
4. *Sovereignty Forms and Instructions Online*, Form #10.004, Cites by Topic: "voluntary"
<http://famguardian.org/TaxFreedom/CitesByTopic/voluntary.htm>
5. *"Sovereign" = "Foreign"*, Family Guardian Fellowship. Extracted from Great IRS Hoax, section 4.4.7. Establishes that those who don't consent are "foreign".
<http://famguardian.org/Subjects/Freedom/Sovereignty/Sovereign=Foreign.htm>
6. Unconstitutional Conditions: The Irrelevance of Consent, Philip Hamburger - The article by a law professor concludes that private or state consent cannot justify the federal government in going beyond its legal limits. The Constitution's limits on the government are legal limits imposed with the consent of the people. Therefore, neither private nor state consent can alter these limits or otherwise enlarge the federal government's constitutional power.
 - 6.1. Local backup copy (OFFSITE LINK)
<http://sedm.org/LibertyU/UnconstitutionalConditions-Hamburger,Philip-SSRN-id2021682.pdf>
 - 6.2. SSRN (OFFSITE LINK)
http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2021682
7. *CONSENT of the Governed: The Freeman Movement Defined* (FULL FILM) (OFFSITE LINK)
https://youtu.be/I2X_MHHalbA
8. *Manufacturing Consent*, Noam Chomsky (OFFSITE LINK)
<https://youtu.be/AnrBQEAM3rE>
9. *Slavery by Consent*, Youtube (OFFSITE LINK)
<https://www.youtube.com/watch?v=Qaczr9DU3jY&list=PL696E35661E8711BF>
10. *The Ethics of Consent*, Franklin G Miller
http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1140256
11. *Behavioral Law and Economics: The Assault on Consent, Will, and Dignity*, Mark D. White, CUNY College of Staten Island
http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1274444
12. *The Scale of Consent*, Tom W. Bell, Chapman University
http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1322180
13. *Problem of Intention*, Mathew Francis Philip, India University

http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1162013

14. *The Moral Limits of Consent as a Defense in the Criminal Law*, Dennis J. Baker, King's College London, School of Law
http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1973331
15. *Consenting Under Stress*, Hila Keren, Hebrew University of Jerusalem
http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2012013
16. *The Social Foundations of Law*, Martha Albertson Fineman
http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2132230

8.3 **Domicile: You aren't subject to civil law without your explicit voluntary consent**

The purpose of establishing government is solely to provide "protection". Those who wish to be protected by a specific government under the civil law must expressly consent to be protected by choosing a domicile within the civil jurisdiction of that specific government.

1. Those who have made such a choice and thereby become "customers" of the protection afforded by government are called by any of the following names under the civil laws of the jurisdiction they have nominated to protect them:
 - 1.1. "citizens", if they were born somewhere within the country which the jurisdiction is a part.
 - 1.2. "residents" (aliens) if they were born within the country in which the jurisdiction is a part
 - 1.3. "inhabitants", which encompasses both "citizens", and "residents" but excludes foreigners
 - 1.4. "persons".
 - 1.5. "individuals".
2. Those who have not become "customers" or "protected persons" of a specific government are called by any of the following names within the civil laws of the jurisdiction they have refused to nominate as their protector and may NOT be called by any of the names in item 1 above:
 - 2.1. "nonresidents"
 - 2.2. "transient foreigners"
 - 2.3. "stateless persons"
 - 2.4. "in transitu"
 - 2.5. "transient"
 - 2.6. "sojourner"
 - 2.7. "alien friends"

In law, the process of choosing a domicile within the jurisdiction of a specific government is called "*animus manendi*". That choice makes you a consenting party to the "civil contract", "social compact", and "private law" that attaches to and therefore protects all "inhabitants" and things physically situated on or within that specific territory, venue, and jurisdiction. In a sense then, your consent to a specific jurisdiction by your choice of domicile within that jurisdiction is what creates the "person", "individual", "citizen", "resident", or "inhabitant" which is the only proper subject of the civil laws passed by that government. In other words, choosing a domicile within a specific jurisdiction causes an implied waiver of sovereign immunity, because the courts admit that the term "person" does not refer to the "sovereign":

*"Since in common usage, **the term person does not include the sovereign**, statutes not employing the phrase are ordinarily construed to exclude it."*
[United States v. Cooper Corporation, 312 U.S. 600 (1941)]

"Sovereignty itself is, of course, not subject to law for it is the author and source of law;"
[Yick Wo v. Hopkins, 118 U.S. 356 (1886)]

*"There is no such thing as a power of inherent Sovereignty in the government of the United States. In this country **sovereignty resides in the People**, and Congress can exercise no power which they have not, by their Constitution entrusted to it: All else is withheld."*
[Juilliard v. Greenman, 110 U.S. 421 (1884)]

Those who have become customers of government protection by choosing a domicile within a specific government then owe a duty to pay for the support of the protection they demand. The method of paying for said protection is called "taxes". In earlier times this kind of sponsorship was called "tribute".

Even for civil statutory laws that are enacted with the consent of the majority of the governed, we must still explicitly and individually consent to be subject to them before they can be enforced against us.

Requirement for Consent

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Form 05.003, Rev. 11-22-2020

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EXHIBIT: _____

1 "When a change of government takes place, from a monarchial to a republican government, the old form is
2 dissolved. Those who lived under it, and did not choose to become members of the new, had a right to refuse their
3 allegiance to it, and to retire elsewhere. By being a part of the society subject to the old government, they had not
4 entered into any engagement to become subject to any new form the majority might think proper to adopt. That
5 the majority shall prevail is a rule posterior to the formation of government, and results from it. It is not a rule
6 upon mankind in their natural state. There, every man is independent of all laws, except those prescribed by
7 nature. He is not bound by any institutions formed by his fellowmen without his consent"
8 [Cruden v. Neale, 2 N.C., 2 S.E. 70 (1796)]

9 This requirement for the consent to the protection afforded by government is the foundation of our system of government,
10 according to the Declaration of Independence: consent of the governed. The U.S. Supreme Court admitted this when it said:

11 "The people of the United States resident within any State are subject to two governments: one State, and the
12 other National; but there need be no conflict between the two. The powers which one possesses, the other does
13 not. They are established for different purposes, and have separate jurisdictions. Together they make one whole,
14 and furnish the people of the United States with a complete government, ample for the protection of all their rights
15 at home and abroad. True, it may sometimes happen that a person is amenable to both jurisdictions for one and
16 the same act. Thus, if a marshal of the United States is unlawfully resisted while executing the process of the
17 courts within a State, and the resistance is accompanied by an assault on the officer, the sovereignty of the United
18 States is violated by the resistance, and that of the State by the breach of peace, in the assault. So, too, if one
19 passes counterfeited coin of the United States within a State, it may be an offence against the United States and
20 the State: the United States, because it discredits the coin; and the State, because of the fraud upon him to whom
21 it is passed. This does not, however, necessarily imply that the two governments possess powers in common, or
22 bring them into conflict with each other. It is the natural consequence of a citizenship [92 U.S. 542, 551] which
23 owes allegiance to two sovereignties, and claims protection from both. **The citizen cannot**
24 **complain, because he has voluntarily submitted himself**
25 **to such a form of government.** He owes allegiance to the two departments, so to
26 speak, and within their respective spheres must pay the penalties which each exacts for disobedience to its laws.
27 In return, he can demand protection from each within its own jurisdiction."
28 [United States v. Cruikshank, 92 U.S. 542 (1875) [emphasis added]

29 How, then, did you "voluntarily submit" yourself to such a form of government and thereby contract with that government
30 for "protection"? If people fully understood how they did this, many of them would probably immediately withdraw their
31 consent and completely drop out of the corrupted, inefficient, and usurious system of government we have, now wouldn't
32 they? We have spent six long years researching this question, and our research shows that it wasn't your nationality as a
33 "national" of a legislatively but not constitutionally foreign state pursuant to 8 U.S.C. §1101(a)(21) that made you subject to
34 their civil laws. Well then, what was it?

35 ***It was your voluntary choice of domicile!***

36 How do we know this? Look at the language above:

37 *"The people of the United States resident within any State are subject to two governments"*

38 There are therefore TWO prerequisites to becoming a "subject" under the civil statutory protection franchise:

- 39 1. You must have the civil status of "resident" under the statutes of the state, and that status is VOLUNTARY. If it is
40 coerced, the First Amendment prohibition against compelled association and the prohibition against compelled
41 contracting under the "social compact" is violated.
- 42 2. You must be DOMICILED within the state because you can't have a civil status WITHOUT such a domicile.
43 Domicile, like civil statuses, is also voluntary and cannot be compelled.⁵⁰

44 In fact, the following types of Americans DO have the right to complain if:

- 45 1. The government calls "citizen" status voluntary but positively refuses to recognize or protect your right to NOT be a
46 STATUTORY "citizen" while retaining your nationality and "national" status. This:
 - 47 1.1. Violates the First Amendment and effectively compels you to contract with the government for civil protection.
 - 48 1.2. Makes the statement on their part that "citizen" status is voluntary a FRAUD.

⁵⁰ See: *Why Domicile and Becoming a "Taxpayer" Require Your Consent, Form #05.002*, Section 11.16.

2. The government PRESUMES that domicile and residence are equivalent, in order to:
 - 2.1. Usurp civil jurisdiction over you that they do not otherwise have.
 - 2.2. Evade the requirement to satisfy their burden of proving on the record that you were “purposefully” and consensually availing yourself of commerce within their civil jurisdiction with people who wanted to be regarded as protected “citizens” or “residents” in the context of YOUR interactions with them. They aren’t required to be “citizens” or “residents” for ALL PURPOSES, but only for those that they want to be.
3. The government refuses to recognize your right to be a STATUTORY “citizen” for some purposes but a statutory “non-resident non-person” for other purposes. Since you have a constitutional right to NOT contract and NOT associate, then you ought to be able to choose in each specific case or service offered by government whether you want that specific service, rather than being forced to be a “customer” of government for EVERYTHING if you sign up for ANYTHING. That’s called an unconscionable or adhesion contract. The U.S. Supreme Court has also held that not being able to do this is a violation of what they call the “Unconstitutional Conditions Doctrine”.
4. You were treated as a statutory “citizen” without your consent.
5. You were PRESUMED to be a statutory citizen absent your express written consent.
6. You are PRESUMED to have a civil domicile within the jurisdiction of a court you are appearing before. In the case of federal courts, this presumption is usually false.
7. Your government opponent PRESUMES that STATUTORY citizens and CONSTITUTIONAL citizens are equivalent. They are NOT.
8. The government PRESUMES that because you are born or naturalized in a place, that you are a STATUTORY “citizen”. This presumption is FALSE. Those born or naturalized are CONSTITUTIONAL citizens but not necessarily STATUTORY citizens subject to federal law.
9. The government does not provide a way on ALL of its forms to describe those who do NOT consent to statutory citizen status or ANY civil status subject to government law.
10. The government interferes with or refuses to protect your right to change your status to remove yourself from their civil jurisdiction.

The “citizen” the Supreme Administrative Court is talking about above is a statutory “citizen” and not a constitutional “citizen”, and the only way you can become subject to statutory civil law is to have a domicile within the jurisdiction of the sovereign. Below is a legal definition of “domicile”:

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

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

Notice the phrase “civil laws” above and the term “claim to be protected”. What they are describing is a contract to procure the protection of the government, from which a “claim” arises. Those who are not party to the domicile/protection contract have no such claim and are immune from the civil jurisdiction of the government. In other words, they have no “civil status” under the laws of that protectorate:

"There are certain general principles which control the disposition of this case. They are, in the main, well settled; the difficulty lies in their application to the particular facts of the case in hand. It is elementary that every state has an undoubted right to determine the status, or domestic and social condition, of the persons domiciled within its territory, except in so far as the powers of the states in this respect are restrained, or duties and obligations imposed upon them by the constitution of the United States." Strader v. Graham, 10 How. 93. Again, the civil status is governed universally by one single principle, namely, that of domicile, which is the criterion established by law for the purpose of determining the civil status; for it is on this basis that the

personal rights of a party, — that is to say, the law which determines his majority or minority, his marriage, succession, testacy, or intestacy, — must depend. Uday v. Uday, L. R., 1 H.L.Sc. 457.
[Woodward v. Woodward, 11 S.W. 892, 87 Tenn. 644 (Tenn., 1889)]

Another implication of the above is that if the STATES have the right to determine civil status, then the people AS INDIVIDUALS from which all their power was delegated have the right to determine their OWN civil status. This right derives from the right to contract and associate and every sovereignty has it. See:

Your Exclusive Right to Declare or Establish Your Civil Status, Form #13.008
<http://sedm.org/Forms/FormIndex.htm>

In fact, there are two categories and four unique ways to become subject to the civil STATUTORY jurisdiction of a specific government. These ways are:

1. Domicile by choice: Choosing domicile within a specific jurisdiction.
2. Domicile by operation of law. Also called domicile of necessity:
 - 2.1. Representing an entity that has a domicile within a specific jurisdiction even though not domiciled oneself in said jurisdiction. For instance, representing a federal corporation as a public officer of said corporation, even though domiciled outside the federal zone. The authority for this type of jurisdiction is, for instance, Federal Rule of Civil Procedure 17(b) .
 - 2.2. Becoming a dependent of someone else, and thereby assuming the same domicile as that of your care giver. For instance, being a minor and dependent and having the same civil domicile as your parents. Another example is becoming a government dependent and assuming the domicile of the government paying you the welfare check.
 - 2.3. Being committed to a prison as a prisoner, and thereby assuming the domicile of the government owning or funding the prison.

In addition to the above, one can ALSO become subject involuntarily to the COMMON LAW and not CIVIL STATUTORY jurisdiction of a specific court by engaging in commerce on the territory protected by a specific government and thereby waiving sovereign immunity under:

1. The Foreign Sovereign Immunities Act (F.S.I.A.), 28 U.S.C. §1605.
2. The Minimum Contacts Doctrine, which implements the Fourteenth Amendment. See International Shoe Co. v. Washington, 326 U.S. 310 (1945) .
3. The Longarm Statutes of the state jurisdiction where you are physically situated at the time. For a list of such state statutes, see:
 - 3.1. SEDM Jurisdictions Database, Litigation Tool #09.003
<http://sedm.org/Litigation/LitIndex.htm>
 - 3.2. SEDM Jurisdictions Database Online, Litigation Tool #09.004
<http://sedm.org/Litigation/LitIndex.htm>

We allege that if the above rules are violated then the following consequences are inevitable:

1. A crime has been committed. That crime is identity theft against a nonresident party and it involves using a person's legal identity as a "person" for the commercial benefit of someone else without their express consent. Identity theft is a crime in every jurisdiction within the USA. The SEDM Jurisdictions Database, Litigation Tool #09.003 indicated above lists identity theft statutes for every jurisdiction in the USA.
2. If the entity disregarding the above rules claims to be a "government" then it is acting instead as a private corporation and must waive sovereign immunity and approach the other party to the dispute in EQUITY rather than law, and do so in OTHER than a franchise court. Franchise courts include U.S. District Court, U.S. Circuit Court, Tax Court, Traffic Court, and Family Court. Equity is impossible in a franchise court.

See also Clearfield Trust Co. v. United States, 318 U.S. 363, 369 (1943) ("The United States does business on business terms") (quoting United States v. National Exchange Bank of Baltimore, 270 U.S. 527, 534 (1926)); Perry v. United States, supra at 352 (1935) ("When the United States, with constitutional authority, makes contracts [or franchises], it has rights and incurs responsibilities similar to those of individuals who are parties to such instruments. There is no difference . . . except that the United States cannot be sued without its consent") (citation omitted); United States v. Bostwick, 94 U.S. 53, 66 (1877) ("The United States, when they contract with their citizens, are controlled by the same laws that govern the citizen in that behalf"); Cooke v. United States, 91 U.S. 389, 398 (1875) (explaining that when the United States "comes down from its position

1 of sovereignty, and enters the domain of commerce, it submits itself to the same laws that govern individuals
2 there").

3 See Jones, 1 Cl.Ct. at 85 ("Wherever the public and private acts of the government
4 seem to commingle, a citizen or corporate body must by supposition be
5 substituted in its place, and then the question be determined whether the
6 action will lie against the supposed defendant"); O'Neill v. United States, 231 Ct.Cl.
7 823, 826 (1982) (sovereign acts doctrine applies where, "[w]here [the] contracts exclusively between private
8 parties, the party hurt by such governing action could not claim compensation from the other party for the
9 governing action"). The dissent ignores these statements (including the statement from Jones, from which case
10 Horowitz drew its reasoning literally verbatim), when it says, post at 931, that the sovereign acts cases do not
11 emphasize the need to treat the government-as-contractor the same as a private party.
12 [United States v. Winstar Corp. 518 U.S. 839 (1996)]

13 Below are some interesting facts about domicile that we have discovered through our extensive research on this subject:

- 14 1. Domicile is based on where you currently live or have lived in the past. You can't choose a domicile in a place that
15 you have never physically been to.
- 16 2. Domicile is a voluntary choice that only you can make. It acts as the equivalent of a "protection contract" between you
17 and the government. All such contracts require your voluntary "consent", which the above definition calls "intent".
18 That "intent" expresses itself as "allegiance" to the people and the laws of the place where you maintain a domicile.

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

- 27 3. Domicile cannot be established without a coincidence of living or having lived in a place and voluntarily consenting to
28 live there "permanently".
- 29 4. Domicile is a protected First Amendment choice of political association. Since the government may not lawfully
30 interfere with your right of association, they cannot lawfully select a domicile for you or interfere with your choice of
31 domicile.
- 32 5. Domicile is what is called the "seat" of your property. It is the "state" and the "government" you voluntarily nominate
33 to protect your property and your rights. In effect, it is the "weapon" you voluntarily choose that will best protect your
34 property and rights, not unlike the weapons that early cavemen crafted and voluntarily used to protect themselves and
35 their property.
- 36 6. Domicile is not just where you PHYSICALLY LIVE, but where you WANT TO LIVE and where you CONSENT TO
37 LIVE AND BE CIVILLY PROTECTED. No one can dictate what you consent to and therefore no one can lawfully
38 choose your domicile and therefore the place where you are a STATUTORY "taxpayer" EXCEPT you. See:
39 Why Domicile and Becoming a "Taxpayer" Require Your Consent, Form #05.002
40 <http://sedm.org/Forms/FormIndex.htm>
- 41 7. In America, there are TWO separate and distinct jurisdictions one may have a domicile within, and only one of the two
42 is subject to federal income taxation:
- 43 7.1. Federal territory. Called the "United States" in federal statutes.
- 44 7.2. States of the Union. Legislatively foreign states not subject to federal jurisdiction.

45 "It is clear that Congress, as a legislative body, exercise two species of legislative power: the one, limited as to
46 its objects, but extending all over the Union: the other, an absolute, exclusive legislative power over the District
47 of Columbia. The preliminary inquiry in the case now before the Court, is, by virtue of which of these authorities
48 was the law in question passed?"
49 [Cohens v. Virginia, 19 U.S. 264, 6 Wheat. 265, 5 L.Ed. 257 (1821)]

- 48 8. Whether one is "foreign" or "alien" from a legislative perspective is determined by their civil DOMICILE, and NOT
49 their NATIONALITY. One can be a national of the country United States*** by being born in a state of the Union,
50 and yet be the following relative to the jurisdiction of the national government if domiciled outside of federal territory:
51 8.1. A statutory "non-resident non-person" if no engaged in a public office.

8.2. A statutory “nonresident alien” (per 26 U.S.C. §7701(b)(1)(B)) if engaged in a public office. In this case, the OFFICE is the legal “person” that has a domicile on federal territory while the OFFICER filling said office has legislatively foreign domicile.

9. Those who are neither domiciled on federal territory nor representing an entity domiciled there are not subject to federal statutory civil law or income taxation as confirmed by Federal Rule of Civil Procedure 17(b). These people are called any of the following in relation to the federal/national government:

9.1. Statutory “non-resident non-persons”

9.2. “nonresidents”.

9.3. “transient foreigners”.

9.4. “sojourners”.

9.5. “[stateless persons](#)” in relation to federal jurisdiction.

10. The government cannot lawfully coerce you to choose a domicile in a place. A government that coerced you into choosing a domicile in their jurisdiction is engaging in a “protection racket”, which is highly illegal. A coerced domicile it is not a domicile of your choice and therefore lawfully confers no jurisdiction or rights upon the government:

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

[Conflicts in a Nutshell, David D. Siegel and Patrick J. Borchers, West Publishing, p. 24]

11. Domicile is a method of lawfully delegating authority to a “sovereign” to protect you. That delegation of authority causes you to voluntarily surrender some of your rights to the government in exchange for “protection”. That protection comes from the civil and criminal laws that the sovereign passes, because the purpose of all government and all law is “protection”. The U.S. Supreme Court calls this delegation of authority “allegiance”. To wit:

“Allegiance and protection [by the government from harm] are, in this connection, reciprocal obligations. The one is a compensation for the other; allegiance for protection and protection for allegiance.”

[Minor v. Happersett, 88 U.S. (21 Wall.) 162, 166-168 (1874)]

12. All allegiance must be voluntary, which is why only consenting adults past the age of majority can have a legal domicile. The following facts confirm this conclusion:

12.1. Minors cannot choose a domicile, but by law assume the domicile of their parents.

12.2. Incompetent or insane persons assume the domicile of their caregivers.

13. It is perfectly lawful to have a domicile in a place OTHER than the place you currently live. Those who find themselves in this condition are called “transient foreigners”, and the only laws they are subject to are the criminal laws in the place they are at.

“Transient foreigner. One who visits the country, without the intention of remaining.”

[Black's Law Dictionary, Sixth Edition, p. 1498]

14. There are many complicated rules of “presumption” about how to determine the domicile of an individual:

14.1. You can read these rules on the web at:

[28 Corpus Juris Secundum \(C.J.S.\), Domicile \(2003\)](#)

<http://famguardian.org/TaxFreedom/CitesByTopic/Domicile-28CJS-20051203.pdf>

14.2. The reason that the above publication about domicile is so complicated and long, is that its main purpose is to disguise the *voluntary, consensual* nature of domicile or remove it entirely from the decisions of courts and governments so that simply being present on the king's land makes one into a “subject” of the king. This is not how a republican form of government works and we don't have a monarchy in this country that would allow this abusive approach to law to function.

“Yet, it is to be remembered, and that whether in its real origin, or in its artificial state, allegiance, as well as fealty, rests upon lands, and it is due to persons. Not so, with respect to Citizenship, which has arisen from the dissolution of the feudal system and is a substitute for allegiance, corresponding with the new order of things. Allegiance and citizenship, differ, indeed, in almost every characteristic. Citizenship is the effect of compact

[CONTRACT!]; allegiance is the offspring of power and necessity. Citizenship is a political tie; allegiance is a territorial tenure. Citizenship is the charter of equality; allegiance is a badge of inferiority. Citizenship is constitutional; allegiance is personal. Citizenship is freedom; allegiance is servitude. Citizenship is communicable; allegiance is repulsive. Citizenship may be relinquished; allegiance is perpetual. With such essential differences, the doctrine of allegiance is inapplicable to a system of citizenship; which it can neither serve to controul, nor to elucidate. And yet, even among the nations, in which the law of allegiance is the most firmly established, the law most pertinaciously enforced, there are striking deviations that demonstrate the invincible power of truth, and the homage, which, under every modification of government, must be paid to the inherent rights of man.....The doctrine is, that allegiance cannot be due to two sovereigns; and taking an oath of allegiance to a new, is the strongest evidence of withdrawing allegiance from a previous, sovereign...." [Talbot v. Janson, 3 U.S. 133 (1795); From the syllabus but not the opinion; SOURCE: http://www.law.cornell.edu/supct/search/display.html?terms=choice%20or%20conflict%20and%20law&url=/supt/html/histories/USSC_CR_0003_0133_ZS.html]

14.3. These rules of presumption relating to domicile may only lawfully act in the absence of express declaration of your domicile provided to the government in written form or when various sources of evidence conflict with each other about your choice of domicile.

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

14.4. The purpose for these rules are basically to manufacture the "presumption" that courts can use to "ASSUME" or "PRESUME" that you consented to their jurisdiction, even if in fact you did not explicitly do so. All such prejudicial presumptions which might adversely affect your Constitutionally guaranteed rights are unconstitutional, according to the U.S. Supreme Court:

1) [8:4993] *Conclusive presumptions affecting protected interests:*

A conclusive presumption may be defeated where its application would impair a party's constitutionally-protected liberty or property interests. In such cases, conclusive presumptions have been held to violate a party's due process and equal protection rights. [Vlandis v. Kline (1973) [412 U.S. 441](#), 449, 93 S.Ct. 2230, 2235; Cleveland Bd. of Ed. v. LaFleur (1974) [414 U.S. 632](#), 639-640, 94 S.Ct. 1208, 1215-presumption under Illinois law that unmarried fathers are unfit violates process] [*Federal Civil Trials and Evidence, Rutter Group, paragraph 8:4993, p. 8K-34*]

14.5. The purpose for these complicated rules of presumption is to avoid the real issue, which is whether you voluntarily consent to the civil jurisdiction of the government and the courts in an area, because they cannot proceed civilly without your express consent manifested as a voluntary choice of domicile. In most cases, if litigants knew that all they had to do to avoid the jurisdiction of the court was to not voluntarily select a domicile within the jurisdiction of the court, most people would become "transient foreigners" so the government could do nothing other than just "leave them alone".

15. You can choose a domicile any place you want. The only requirement is that you must ensure that the government or sovereign who controls the place where you live has received "reasonable notice" of your choice of domicile and of their corresponding obligation to protect you.

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

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

Notice the phrase “This right of domicile. . . is not established unless the person makes sufficiently known his intention of fixing there, either tacitly or by an express declaration.”

16. The process of notifying the government that you have nominated them as your protector occurs based on how you fill out usually government and financial forms such as:

16.1. Driver’s license applications. You cannot get a driver’s license in most states without selecting a domicile in the place that you want the license from. See:

Defending Your Right to Travel, Form #06.010

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

16.2. Voter registration. You cannot register to vote without a domicile in the place you are voting.

16.3. Jury summons. You cannot serve as a jurist without a domicile in the jurisdiction you are serving in.

16.4. Financial forms. Any form that asks for your “residence”, “permanent address”, or “domicile”.

16.5. Tax withholding forms.

17. Tax liability originates from one’s choice of legal domicile and the obligation to pay for “protection” that attaches to that domicile:

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

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

18. The U.S. Supreme Court has, in fact, held that those WITHOUT a domicile within a jurisdiction and who are therefore nonresidents and who become the target of tax enforcement by a legislatively “foreign” jurisdiction that they are not domiciled within are the victims of EXTORTION, and possibly even crime:

“The power of taxation, indispensable to the existence of every civilized government, is exercised upon the assumption of an equivalent rendered to the taxpayer in the protection of his person and property, in adding to the value of such property, or in the creation and maintenance of public conveniences in which he shares -- such, for instance, as roads, bridges, sidewalks, pavements, and schools for the education of his children. If the taxing power be in no position to render these services, or otherwise to benefit the person or property taxed, and such property be wholly within the taxing power of another state, to which it may be said to owe an allegiance, and to which it looks for protection, the taxation of such property within the domicil of the owner partakes rather of the nature of an extortion than a tax, and has been repeatedly held by this Court to be beyond the power of the legislature, and a taking of property without due process of law. Railroad Company v. Jackson, 7 Wall. 262; State Tax on Foreign-Held Bonds, 15 Wall. 300; Tappan v. Merchants' National Bank, 19 Wall. 490, 499; Delaware &c. R. Co. v. Pennsylvania, 198 U.S. 341, 358. In Chicago &c. R. Co. v. Chicago, 166 U.S. 226, it was held, after full consideration, that the taking of private property [199 U.S. 203] without compensation was a denial of due process within the Fourteenth Amendment. See also Davidson v. New Orleans, 96 U.S. 97, 102; Missouri Pacific Railway v. Nebraska, 164 U.S. 403, 417; Mt. Hope Cemetery v. Boston, 158 Mass. 509, 519.”

[Union Refrigerator Transit Company v. Kentucky, 199 U.S. 194 (1905)]

19. If you want provide unambiguous legal notice to the state of your choice to disassociate with them and become a “transient foreigner” in the place where you live who is not subject to the civil laws, you can use the following free form:

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

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

We emphasize that there is no method OTHER than domicile available in which to consent to the civil laws of a specific place. None of the following conditions, for instance, may form a basis for a prima facie presumption that a specific human being consented to be civilly governed by a specific municipal government:

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EXHIBIT: _____

1. Simply being born and thereby becoming a statutory “national” (per 8 U.S.C. §1101(a)(21)) of a specific country is NOT an exercise of personal discretion or an express act of consent.
2. Simply living in a physical place WITHOUT choosing a domicile there is NOT an exercise of personal discretion or an express act of consent.

The subject of domicile is a complicated one. Consequently, we have written a separate memorandum of law on the subject if you would like to investigate this fascinating subject further:

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

8.4 Consent circumscribes the legislative boundary between FOREIGN and DOMESTIC

The U.S. Supreme Court described how legal entities and persons transition from being FOREIGN to DOMESTIC in relation to a specific court or venue, which is ONLY with their express consent. This process of giving consent is also called a "waiver of sovereign immunity" and it applies equally to governments, states, and the humans occupying them. To wit:

Before we can proceed in this cause we must, therefore, inquire whether we can hear and determine the matters in controversy between the parties, who are two states of this Union, sovereign within their respective boundaries, save that portion of power which they have granted to the federal government, and foreign to each other for all but federal purposes. So they have been considered by this Court, through a long series of years and cases, to the present term; during which, in the case of The Bank of the United States v. Daniels, this Court has declared this to be a fundamental principle of the constitution; and so we shall consider it in deciding on the present motion. 2 Peters, 590, 91.

Those states, in their highest sovereign capacity, in the convention of the people thereof; on whom, by the revolution, the prerogative of the crown, and the transcendent power of parliament devolved, in a plenitude unimpaired by any act, and controllable by no authority, 6 Wheat. 651; 8 Wheat. 584, 88; adopted the constitution, by which they respectively made to the United States a grant of judicial power over controversies between two or more states. By the constitution, it was ordained that this judicial power, in cases where a state was a party, should be exercised by this Court as one of original jurisdiction. The states waived their exemption from judicial power, 6 Wheat. 378, 80, as sovereigns by original and inherent right, by their own grant of its exercise over themselves in such cases, but which they would not grant to any inferior tribunal. By this grant, this Court has acquired jurisdiction over the parties in this cause, by their own consent and delegated authority; as their agent for executing the judicial power of the United States in the cases specified.

[The State of Rhode Island and Providence Plantations, Complainants v. the Commonwealth of Massachusetts, Defendant, 37 U.S. 657, 12 Pet. 657, 9 L.Ed. 1233 (1838)]

The idea of the above cite is that all civil subject matters or powers by any government NOT expressly consented to by the object of those powers are foreign and therefore outside the civil legal jurisdiction of that government. This fact is recognized in the Declaration of Independence, which states that all just powers derive from the CONSENT of those governed. The method of providing that consent, in the case of a human, is to select a civil domicile within a specific government and thereby nominate a protector under the civil statutory laws of the territory protected by that government. This fact is recognized in Federal Rule of Civil Procedure 17(b), which says that the capacity to sue or be sued is determined by the law of the domicile of the party. Civil statutory laws from places or governments OUTSIDE the domicile of the party may therefore NOT be enforced by a court against the party. This subject is covered further in:

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

A very important aspect of domicile is that whether one is domestic and a citizen or foreign and an “non-resident non-person” under the civil statutory laws is determined SOLELY by one's domicile, and NOT their nationality. You can be born anywhere in America and yet still be a statutory “non-resident non-person” in relation to any and every state or government within America simply by not choosing or having a domicile within any municipal government in the country. You can also be a statutory “non-resident non-person” in relation to the national government and yet still have a civil domicile within a specific state of the Union, because your DOMICILE is foreign, not your nationality.

8.5 Christians are forbidden by God's law from consenting to ANYTHING governments offer or do

In law, those who consent IN NO WAY to anything the government does or offers are called “sovereign”, “foreign”, “stranger”, “transient foreigner”, “sojourner”, “stateless person”, or simply a “nonresident”. Gods laws say that Christians MUST remain this way and therefore must, indirectly, retain their sovereignty.

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]*

*"Do you not know that friendship with the world is enmity with God? Whoever therefore wants to be a friend ["citizen", "resident", "taxpayer", "inhabitant", or "subject"] under a king or political ruler] of the world [or any man-made kingdom other than God's Kingdom] makes himself an enemy of God. "
[James 4:4, Bible, NKJV]*

*"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" in the process of contracting with them], lest they make you sin against Me [God]. For if you serve their gods [under contract or agreement or franchise], it will surely be a snare to you. "
[Exodus 23:32-33, Bible, NKJV]*

*"Pure and undefiled religion before God and the Father is this: to visit orphans and widows in their trouble, and to keep oneself unspotted from the world [the obligations and concerns of the world]. "
[James 1:27, Bible, NKJV]*

*"You shall have no other gods [including political rulers, governments, or Earthly laws] before Me [or My commandments]."
[Exodus 20:3, Bible, NKJV]*

"Then all the elders of Israel gathered together and came to Samuel [the priest in a Theocracy] at Ramah, and said to him, 'Look, you [the priest within a theocracy] are old, and your sons do not walk in your ways. Now make us a king [or political ruler] to judge us like all the nations [and be OVER them]'.

*"But the thing displeased Samuel when they said, 'Give us a king [or political ruler] to judge us.' So Samuel prayed to the Lord. And the Lord said to Samuel, 'Heed the voice of the people in all that they say to you; for they have rejected Me [God], that I should not reign over them. According to all the works which they have done since the day that I brought them up out of Egypt, even to this day—with which they have forsaken Me [God as their ONLY King, Lawgiver, and Judge] and served other gods—so they are doing to you also [government or political rulers becoming the object of idolatry]."
[1 Sam. 8:4-8, Bible, NKJV]*

"Do not walk in the statutes of your fathers [the heathens], nor observe their judgments, nor defile yourselves with their [pagan government] idols. I am the LORD your God: Walk in My statutes, keep My judgments, and do

1 them; hallow My Sabbaths, and they will be a sign between Me and you, that you may know that I am the LORD
2 your God."
3 [Ezekial 20:10-20, Bible, NKJV]

4 **8.6 Those who do not consent to ANYTHING offered by a government are called “sovereign”** 5 **and legislatively “foreign” in relation to that specific government**

6 Those who are following God’s law as described in the previous section by refusing to consent to ANYTHING and
7 EVERYTHING offered by any government will find that they inevitably acquire the civil status of “sovereign” and
8 legislatively but not necessarily Constitutionally “foreign” in relation to all governments. This section will explain in detail
9 why this is, its legal implications, and will explain why it is the only way one can truly be “free” in any sense of the word.

10 Many Americans naturally cringe at the idea of being called a “foreigner” in their own country. The purpose of this section
11 is to explain why there is nothing wrong with maintaining the status of being “foreign” and why it is the ONLY way to
12 preserve and protect the separation of powers that was put into place by the very wise founding fathers for the explicit purpose
13 of protecting our sacred Constitutional Rights.

14 The U.S. Supreme Court described how legal entities and persons transition from being FOREIGN to DOMESTIC in relation
15 to a specific court or venue, which is ONLY with their express consent. This process of giving consent is also called a "waiver
16 of sovereign immunity" and it applies equally to governments, states, and the humans occupying them. To wit:

17 ***Before we can proceed in this cause we must, therefore, inquire whether we can hear and determine the matters***
18 ***in controversy between the parties, who are two states of this Union, sovereign within their respective***
19 ***boundaries, save that portion of power which they have granted to the federal government, and foreign to each***
20 ***other for all but federal purposes.*** So they have been considered by this Court, through a long series of years
21 and cases, to the present term; during which, in the case of *The Bank of the United States v. Daniels*, this Court
22 has declared this to be a fundamental principle of the constitution; and so we shall consider it in deciding on the
23 present motion. 2 Peters, 590, 91.

24 *Those states, in their highest sovereign capacity, in the convention of the people thereof; on whom, by the*
25 *revolution, the prerogative of the crown, and the transcendant power of parliament devolved, in a plenitude*
26 *unimpaired by any act, and controllable by no authority, 6 Wheat. 651; 8 Wheat. 584, 88; adopted the*
27 *constitution, by which they respectively made to the United States a grant of judicial power over controversies*
28 *between two or more states. **By the constitution, it was ordained that this judicial power, in cases where a state***
29 ***was a party, should be exercised by this Court as one of original jurisdiction. The states waived their exemption***
30 ***from judicial power, 6 Wheat. 378, 80, as sovereigns by original and inherent right, by their own grant of its***
31 ***exercise over themselves in such cases, but which they would not grant to any inferior tribunal. By this grant,***
32 ***this Court has acquired jurisdiction over the parties in this cause, by their own consent and delegated authority;***
33 ***as their agent for executing the judicial power of the United States in the cases specified.***

34 *[The State of Rhode Island and Providence Plantations, Complainants v. the Commonwealth of Massachusetts,*
35 *Defendant, 37 U.S. 657, 12 Pet. 657, 9 L.Ed. 1233 (1838)]*

36 The idea of the above cite is that all civil subject matters or powers by any government NOT expressly consented to by the
37 object of those powers are foreign and therefore outside the civil legal jurisdiction of that government. This fact is recognized
38 in the Declaration of Independence, which states that all just powers derive from the CONSENT of those governed. The
39 method of providing that consent , in the case of a human, is to select a civil domicile within a specific government and
40 thereby nominate a protector under the civil statutory laws of the territory protected by that government. This fact is
41 recognized in Federal Rule of Civil Procedure 17(b), which says that the capacity to sue or be sued is determined by the law
42 of the domicile of the party. Civil statutory laws from places or governments OUTSIDE the domicile of the party may
43 therefore NOT be enforced by a court against the party. This subject is covered further in:

<p>Why Domicile and Becoming a “Taxpayer” Require Your Consent, Form #05.002 http://sedm.org/Forms/FormIndex.htm</p>
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44 A very important aspect of domicile is that whether one is domestic and a citizen or foreign under the civil statutory laws is
45 determined SOLELY by one's domicile, and NOT their nationality. You can be born anywhere in America and yet still be a
46 statutory alien in relation to any and every state or government within America simply by not choosing or having a domicile
47 within any municipal government in the country. You can also be a statutory "nonresident alien" in relation to the national
48 government and yet still have a civil domicile within a specific state of the Union, because your DOMICILE is foreign, not
49 your nationality.

Consistent with the above analysis of how one transitions from FOREIGN to DOMESTIC through CONSENT are the following corroborating authorities.

1. The Declaration of Independence, which says that all JUST powers derive ONLY from the “consent of the governed”. Anything not consensual is therefore unjust and does not therefore have the “force of law” or any civil jurisdiction whatsoever against those not consenting.

DECLARATION OF INDEPENDENCE, 1776

"We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness.--That to secure these rights, Governments are instituted among Men, deriving their just powers from the consent of the governed."
[Declaration of Independence, 1776]

2. The concept of “comity” in legal field:

comity. *Courtesy; complaisance; respect; a willingness to grant a privilege, not as a matter of right, but out of deference and good will. Recognition that one sovereignty allows within its territory to the legislative, executive, or judicial act of another sovereignty, having due regard to rights of its own citizens. Nowell v. Nowell, Tex.Civ.App., 408 S.W.2d. 550, 553. In general, principle of "comity" is that courts of one state or jurisdiction will give effect to laws and judicial decisions of another state or jurisdiction, not as a matter of obligation, but out of deference and mutual respect. Brown v. Babbitt Ford, Inc., 117 Ariz. 192, 571 P.2d. 689, 695. See also Full faith and credit clause.*
[Black's Law Dictionary, Sixth Edition, p. 267]

3. The Foreign Sovereign Immunities Act (F.S.I.A.), 28 U.S.C. Part 4, Chapter 97.
4. The Minimum Contacts Doctrine, U.S. Supreme Court of the U.S. Supreme Court. See International Shoe Co. v. Washington, 326 U.S. 310 (1945).
5. The Longarm Statutes within your state. Each state has statutes authorizing nonresidents and therefore foreign sovereigns to waive their sovereign immunity in civil court.

Going along with the notion of the Separation of Powers Doctrine, U.S. Supreme Court is the concept of “sovereignty”. Sovereignty is the foundation of all government in America and fundamental to understanding our American system of government. Below is how President Theodore Roosevelt, one of our most beloved Presidents, describes “sovereignty”:

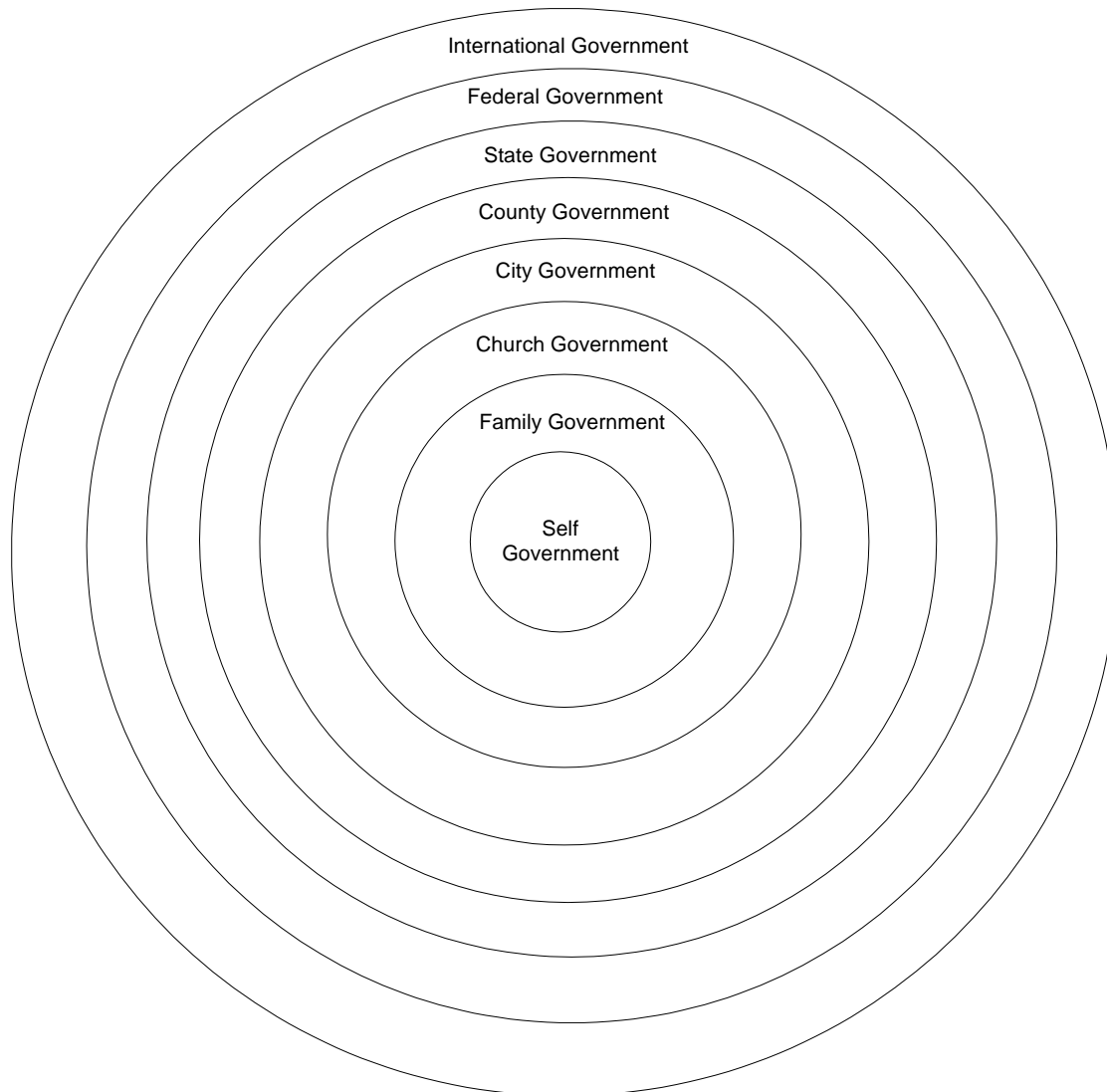
"We of this mighty western Republic have to grapple with the dangers that spring from popular self-government tried on a scale incomparably vaster than ever before in the history of mankind, and from an abounding material prosperity greater also than anything which the world has hitherto seen.

As regards the first set of dangers, it behooves us to remember that men can never escape being governed. Either they must govern themselves or they must submit to being governed by others. If from lawlessness or fickleness, from folly or self-indulgence, they refuse to govern themselves then most assuredly in the end they will have to be governed from the outside. They can prevent the need of government from without only by showing they possess the power of government from within. A sovereign cannot make excuses for his failures; a sovereign must accept the responsibility for the exercise of power that inheres in him; and where, as is true in our Republic, the people are sovereign, then the people must show a sober understanding and a sane and steadfast purpose if they are to preserve that orderly liberty upon which as a foundation every republic must rest."
[President Theodore Roosevelt; Opening of the Jamestown Exposition; Norfolk, VA, April 26, 1907]

In this section, we will cover some very important implications of sovereignty within the context of government authority and jurisdiction generally. We will analyze these implications both from the standpoint of relations WITHIN a government and the relationship that government has with its citizens and subjects. This is expanded upon the subject of sovereignty in the context of taxes in sections 5.2.2 and 5.2.3 of the **Great IRS Hoax**, Form #11.302.

Sovereignty can exist within individuals, families, churches, cities, counties, states, nations, and even international bodies. This is depicted in the “onion diagram” below, which shows the organization of personal, family, church, and civil government graphically. The boundaries and relations between each level of government are defined by God Himself, who is the Creator of all things and the Author of the user manual for it all, His Holy Book. Each level of the “onion” below is considered sovereign, independent, and “foreign” with respect to all the levels external to it. Each level of the diagram represents an additional layer of protection for those levels within it, keeping in mind that the purpose of government at every level is “protection” of the sovereigns which it was created to serve and which are within it in the diagram below:

1 **Figure 1: Hierarchy of sovereignty**



2

3 The interior levels of the above onion govern and direct the external levels of the onion. For instance, citizens govern and
4 direct their city, county, state, and federal governments by exercising their political right to vote and serve on jury duty. Here
5 is how the Supreme Court describes it:

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

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

15 City governments control their state governments by directing elections, controlling what appears on the ballot, and
16 controlling how much of the property and sales tax revenues are given to the states. State government exercise their authority

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over the federal government by sending elected representatives to run the Senate and by controlling the “purse” of the federal government when direct taxes are apportioned to states.

Sovereignty also exists within a single governmental unit. For instance, in the Separation of Powers Doctrine, U.S. Supreme Court by showing how a “republican form of government” divides the federal government into three distinct, autonomous, and completely independent branches that are free from the control of the other branches. Therefore, the Executive, Legislative, and Judicial departments of both state and federal governments are “foreign” and “alien” with respect to the other branches.

Sovereignty is defined in man’s law as follows, in Black’s Law Dictionary:

“Sovereignty. *The supreme, absolute, and uncontrollable power by which any independent state is governed; supreme political authority; paramount control of the constitution and frame of government and its administration; self sufficient source of political power, from which all specific political powers are derived; the international independence of a state, combined with the right and power of regulating its internal affairs without foreign dictation; also a political society, or state, which is sovereign and independent. Chisholm v. Georgia, 2 Dall. 455, 1 L.Ed. 440; Union Bank v. Hill, 3 Cold., Tenn 325; Moore v. Shaw, 17 Cal. 218, 79 Am.Dec. 123; State v. Dixon, 66 Mont. 76, 213 P. 227.”*
[Black’s Law Dictionary, Fourth Edition (1951), p. 1568]

“Sovereignty” consists of the combination of legal authority and responsibility that a government, man, woman, or artificial entity has within our American system of jurisprudence. The key words in the above definition of sovereignty are: “foreign”, “uncontrollable”, and “independence”. A “sovereign” is:

1. A servant and fiduciary of all sovereigns internal to it.
2. Not subject to the legislative or territorial jurisdiction of any external sovereign. This is because he is the “author” of the law that governs the external sovereign and therefore not subject to it.

“Sovereignty itself is, of course, not subject to law, for it is the author and source of law...While sovereign powers are delegated to...the government, sovereignty itself remains with the people.”
[Yick Wo v. Hopkins, 118 U.S. 356 (1886)]

3. “Foreign” but not a privileged “alien” with respect to other external sovereigns, from a legal perspective. This means that:
 - 3.1. The purpose of the laws of the sovereign at any level is to establish a fiduciary duty to protect the rights and sovereignty of all those entities which are internal to a sovereignty.
 - 3.2. The existence of a sovereign may be acknowledged and defined, but not limited by the laws of an external sovereign.
 - 3.3. The rights and duties of a sovereign are not prescribed in any law of an external sovereign.
4. “Independent” of other sovereigns. This means that:
 - 4.1. The sovereign has a duty to support and govern itself completely and to not place any demands for help upon an external sovereign.
 - 4.2. The moment a sovereign asks for “benefits” or help, it ceases to be sovereign and independent and must surrender its rights and sovereignty to an external sovereign using his power to contract in order to procure needed help.

The purpose of the Constitution is to preserve “self-government” and independence at every level of sovereignty in the above onion diagram:

“The determination of the Framers Convention and the ratifying conventions to preserve complete and unimpaired state [and personal] self-government in all matters not committed to the general government is one of the plainest facts which emerges from the history of their deliberations. And adherence to that determination is incumbent equally upon the federal government and the states. State powers can neither be appropriated on the one hand nor abdicated on the other. As this court said in Texas v. White, 7 Wall. 700, 725, ‘The preservation of the States, and the maintenance of their governments, are as much within the design and care of the Constitution as the preservation of the Union and the maintenance of the National government. The Constitution, in all its provisions, looks to an indestructible Union, composed of indestructible States.’ Every journey to a forbidden end begins with the first step; and the danger of such a step by the federal government in the direction of taking over the powers of the states is that the end of the journey may find the states so despoiled of their powers, or-what may amount to the same thing-so [298 U.S. 238, 296] relieved of the responsibilities which possession of the powers necessarily enjoins, as to reduce them to little more than geographical subdivisions of the national domain. It is safe to say that if, when the Constitution was under consideration, it had been thought that any such danger lurked behind its plain words, it would never have been ratified. “
[Carter v. Carter Coal Co., 298 U.S. 238 (1936)]

Below are some examples of the operation of the above rules for sovereignty within the American system of government:

1. No federal law prescribes a duty upon a person who is a “national” but not a “citizen” under federal law, as defined in 8 U.S.C. §1101(a)(21) , 8 U.S.C. §1101(a)(22)(B), or 8 U.S.C. §1452. References to “nationals” within federal law are rare and every instance where it is mentioned is in the context of duties and obligations of public servants, rather than the “national himself” or herself.
2. Human beings who have not expressly and in writing contracted away their rights are “sovereign”. Here is how the U.S. Supreme Court describes it:

"There is a clear distinction in this particular case between an individual and a corporation, and that the latter has no right to refuse to submit its books and papers for an examination at the suit of the State. The individual may stand upon his constitutional rights as a citizen. He is entitled to carry on his private business in his own way. His power to contract is unlimited. He owes no such duty to the State, since he receives nothing therefrom, beyond the protection of his life and property. His rights are such as existed by the law of the land long antecedent to the organization of the State, and can only be taken from him by due process of law, and in accordance with the constitution. Among his rights are a refusal to incriminate himself, and the immunity of himself and his property from arrest or seizure except under a warrant of the law. He owes nothing to the public so long as he does not trespass upon their rights."
[Hale v. Henkel, [201 U.S. 43](#), 74 (1905)]

3. States of the Union and the Federal government are both immune from lawsuits against them by “nationals”, except in cases where they voluntarily consent by law. This is called “sovereign immunity”. Read the Supreme Court case of *Alden v. Maine*, [527 U.S. 706](#) (1999) for exhaustive details on the constitutional basis for this immunity.
4. States of the Union are “foreign” with respect to the federal government for the purposes of legislative jurisdiction. In federal law, they are called “foreign states” and they are described with the lower case word “states” within the U.S. Code and in upper case “States” in the Constitution. Federal “States”, which are actually territories of the United States (see 4 U.S.C. §110(d)) are spelled in upper case in most federal statutes and codes. States of the Union are immune from the jurisdiction of federal courts, except in cases where they voluntarily consent to be subject to the jurisdiction. The federal government is immune from the jurisdiction of state courts and international bodies, except where it consents to be sued as a matter of law. This is called “sovereign immunity”.

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

Foreign Laws: “The laws of a foreign country or sister state. In conflicts of law, the legal principles of jurisprudence which are part of the law of a sister state or nation. Foreign laws are additions to our own laws, and in that respect are called ‘jus receptum’.”
[Black’s Law Dictionary, Sixth Edition, p. 647]

5. The rules for surrendering sovereignty are described in the “Foreign Sovereign Immunities Act”, which is codified in 28 U.S.C. §§1602-1611. A list of exceptions to the act in 28 U.S.C. §1605 define precisely what behaviors cause a sovereign to surrender their sovereignty to a fellow sovereign.

The key point we wish to emphasize throughout this section is that a sovereign is “foreign” with respect to all other external (outside them within the onion diagram) sovereigns and therefore not subject to their jurisdiction. In that respect, a sovereign is considered a “foreigner” of one kind or another in the laws of every sovereign external to it. For instance, a person who is a “national” but not a subject “citizen” under federal law, as defined in 8 U.S.C. §1101(a)(21) and/or 8 U.S.C. §1452, is classified as a “nonresident alien” within the Internal Revenue Code. He is “alien” to the code because he is not subject to it and he is a “nonresident” because he does not maintain a domicile in the federal zone. This is no accident, but simply proof in the law itself that such a person is in deed and in fact a “sovereign” with respect to the government entity that serves him. Understanding this key point is the foundation for understanding the next chapter, where we will prove to you with the government’s own laws that most Americans born in and living within states of the Union, which are “foreign states” with respect to federal jurisdiction, are:

1. Statutory “non-resident non-persons” if they are not engaged in a public office.
2. “nonresident aliens” as defined under 26 U.S.C. §7701(b)(1)(B) if they are engaged in a public office in the national government.
3. Not “persons” or “individuals” within federal civil law, including the Internal Revenue Code. You can’t be a “person” or an “individual” within federal law unless you either have a domicile within federal jurisdiction or contract with the

federal government to procure an identity or “res” within their jurisdiction and thereby become a “res-ident”. The U.S. Supreme Court has held that the rights of human beings are unalienable, which means they can’t be bargained or contracted away through any commercial process. Therefore, domicile is the only lawful source of jurisdiction over human beings.

“Men are endowed by their Creator with certain unalienable rights, -life, liberty, and the pursuit of happiness;’ and to ‘secure,’ not grant or create, these rights, governments are instituted. That property [or income] which a man has honestly acquired he retains full control of. . .”
[Budd v. People of State of New York, 143 U.S. 517 (1892)]

Furthermore, the Bible says we can’t contract with “the Beast”, meaning the government and therefore, we have no delegated authority to give away our rights to the government:

“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” in the process of contracting with them], lest they make you sin against Me [God]. For if you serve their gods [under contract or agreement or franchise], it will surely be a snare to you.”
[Exodus 23:32-33, Bible, NKJV]

4. Not “nonresident alien individuals”. You can’t be a “nonresident alien individual” without first being an “individual” and therefore a “person”. 26 U.S.C. §7701(c) defines the term “person” to include “individuals”. Instead, they are “non-resident NON-persons”.
5. “foreign” or “foreigners” with respect to federal jurisdiction. All of their property is classified as a “foreign estate” under 26 U.S.C. §7701(a)(31). In the Bible, this status is called a “stranger”:

“You shall neither mistreat a stranger nor oppress him, for you were strangers in the land of Egypt.”
[Exodus 22:21, Bible, NKJV]

“And if a stranger dwells with you in your land, you shall not mistreat him.”
[Leviticus 19:33, Bible, NKJV]

6. Not “foreign persons”. You can’t be a “foreign person” without first being a “person”.
7. “nontaxpayers” if they do not earn any income from within the “federal zone” or that is connected with an excise taxable activity called a “trade or business”, which is defined in 26 U.S.C. §7701(a)(26) as a public office in the United States government.
8. Not qualified to sit on a jury in a federal district court, because they are not “citizens” under federal law.

Now do you understand why the Internal Revenue Code defines the term “foreign” as follows? They don’t want to spill the beans and inform you that you are sovereign and not subject to their jurisdiction! The definition of "foreign" in the Internal Revenue Code defines the term ONLY in the context of corporations, because the government only has civil statutory jurisdiction over PUBLIC statutory "persons" that they created and who are therefore engaged in a public office, of which federal corporations are a part:

26 U.S. Code § 7701 - Definitions

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

(3) Corporation

The term “corporation” includes associations, joint-stock companies, and insurance companies.

(4) Domestic

The term “domestic” when applied to a corporation or partnership means created or organized in the United States or under the law of the United States or of any State unless, in the case of a partnership, the Secretary provides otherwise by regulations.

(5) Foreign

The term “foreign” when applied to a corporation or partnership means a corporation or partnership which is not domestic.

Requirement for Consent

The reason they defined "foreign" as they did above is that:

1. The power to tax is the power to create. They can't tax what they didn't create, meaning they can't tax PRIVATE human beings. PRIVATE human beings are not statutory "persons" or "taxpayers" within the Internal Revenue Code UNLESS they are serving in public offices within the national and not state government.
2. They know they only have jurisdiction over PUBLIC entities lawfully engaged in public offices WITHIN the government, all of which they CREATED by statute.
3. The term "United States" in statutes has TWO possible meanings in statutes such as the I.R.C.: 1. The GEOGRAPHICAL "United States" consisting of Federal territory, 2. The "United States" federal corporation 28 U.S.C. §3002(15)(A).
4. Most uses of "United States" within the I.R.C. rely on the SECOND definition, including the term "sources within the United States" found in 26 U.S.C. §864(c)(3).
5. They want to promote false presumption about federal jurisdiction by making everyone falsely believe that they are a statutory "person" or "taxpayer" and therefore a public office in the national government. Acting as a "public officer" makes an otherwise private human being INTO a public office and therefore LEGALLY but not GEOGRAPHICALLY "within" the "United States" federal corporation.
6. They want to create and exploit "cognitive dissonance" by appealing to the aversion of the average American to being called a "foreigner" or "non-resident non-person" with respect to his own federal government.
7. They want to mislead and deceiving Americans into believing and declaring on government forms that they are statutory rather than constitutional "U.S. citizens" pursuant to 8 U.S.C. §1401 who are subject to their corrupt laws instead of "nationals" but not a "citizens" pursuant to 8 U.S.C. §1101(a)(21). The purpose is to compel you through constructive fraud to associate with and conduct "commerce" (intercourse/fornication) with "the Beast" as a statutory "U.S. citizen", who is a government whore. They do this by the following means:
 - 7.1. Using "words of art" to encourage false presumption.
 - 7.2. Using vague or ambiguous language that is not defined and using political propaganda instead of law to define the language.

Keep in mind the following with respect to a "foreigner" and the status of being a statutory "non-resident non-person" and therefore sovereign:

1. What makes you legislatively "foreign" in respect to a specific jurisdiction or venue is a foreign civil DOMICILE, not a foreign NATIONALITY.
2. Federal Rule of Civil Procedure 17(b) is the method of enforcing your foreign status, because it recognizes that those who are not domiciled on federal territory are beyond the civil statutory jurisdiction of the CIVIL court. This does NOT mean that you are beyond the jurisdiction of the COMMON law within that jurisdiction, but simply not beyond the civil STATUTORY control of that jurisdiction.
3. The only way an otherwise PRIVATE human being not domiciled on federal territory can be treated AS IF they are is if they are lawfully engaged in a public office within the national and not state government.
4. There is nothing wrong with being an "alien" in the tax code, as long as we aren't an alien with a "domicile" on federal territory, which makes us into a "resident". The taxes described under Subtitle A of the Internal Revenue Code are upon "aliens" at home and "residents" abroad who have a presence or legal domicile within federal exclusive jurisdiction. This is covered in section 5.4.19 of the *Great IRS Hoax*, Form #11.302.
5. A "nonresident alien" is not an "alien" and therefore not a "taxpayer" in most cases. 8 U.S.C. §1101(a)(3) and 26 C.F.R. §1.1441-1(c)(3)(i) both define an "alien" as "any person who is neither a citizen nor national of the United States". 26 U.S.C. §7701(b)(1)(B) defines a "nonresident alien" as "neither a citizen of the United States nor a resident of the United States (within the meaning of subparagraph (A))".
6. A "nonresident alien" who is also an "alien" may elect under 26 U.S.C. §6013(g) or [26 U.S.C. §7701\(b\)\(4\)](#) to be treated as a "resident" by filing the wrong tax form, the 1040, instead of the more proper 1040NR form. Since that election is a voluntary act, then income taxes are voluntary for nonresident aliens.
7. A "nonresident alien" who is a state national may not lawfully elect to become a "resident alien" or a "resident" pursuant to 26 U.S.C. §6013(g) or [26 U.S.C. §7701\(b\)\(4\)](#).
8. The only way that a "nonresident alien" who is also a state national can lawfully become domiciled in a place is if he or she or it physically moves to that place and then declares an intention to remain permanently and indefinitely. When the nonresident alien does this, it becomes a statutory citizen of that place, not a "resident alien".
9. Only "aliens" can have a "residence" within the Internal Revenue Code pursuant to 26 C.F.R. §1.871-2. State nationals or "non-citizen nationals of the United States**" under 8 U.S.C. §1408 cannot lawfully be described as having a "residence" because that word is nowhere defined to include anything other than "aliens".

If you would like to learn more about the rules that govern sovereign relations at every level, please refer to the table below:

Table 7: Rules for Sovereign Relations/Government

#	Sovereignty	Governance and Relations with other Sovereigns Prescribed By	
		God's law	Man's law
1	Self government	Bible Family Constitution, Form #13.003	Criminal code. All other "codes" are voluntary and consensual.
2	Family government	Bible Family Constitution, Form #13.003 Sovereign Christian Marriage, Form #06.009	Family Code in most states, but only for those who get a state marriage license.
3	Church government	Bible Family Constitution, Form #13.003	Not subject to government jurisdiction under the Separation of Powers Doctrine
4	City government	Bible	Municipal code
5	County government	Bible	County code
6	State government	Bible	United State Constitution State Constitution State Code
7	Federal government	Bible	United State Constitution Statutes at Large United States Code Code of Federal Regulations
8	International government	Bible	Law of Nations , Vattel

NOTES:

1. The *Sovereign Christian Marriage*, Form #06.009 book above may be downloaded from the Family Guardian Website at:
<http://sedm.org/Forms/FormIndex.htm>
2. The *Family Constitution*, Form #13.003 above may be downloaded for free from the Family Guardian Website at:
<http://sedm.org/Forms/FormIndex.htm>
3. Man's laws may be referenced on the Family Guardian Website at:
<http://famguardian.org/TaxFreedom/LegalRef/LegalResrchSrc.htm>
4. God's laws are summarized on the Family Guardian Website below:
http://famguardian.org/Subjects/LawAndGovt/ChurchVState/BibleLawIndex/bl_index.htm
5. You can read *The Law of Nations* book mentioned above on the Family Guardian Website at:
<http://famguardian.org/Publications/LawOfNations/vattel.htm>

This concept of being a "foreigner" or statutory "non-resident non-person" as a sovereign is also found in the Bible as well. Remember what Jesus said about being free?:

*"Ye shall know the Truth and the Truth shall make you free."
[John 8:32, Bible, NKJV]*

We would also add to the above that the Truth shall also make you a "non-resident non-person" under the civil statutory "codes"/franchises of your own country! Below are a few examples why:

*"Adulterers and adulteresses! Do you now know that friendship [and "citizenship"] with the world [or the governments of the world] is enmity with God? **Whoever therefore wants to be a friend ["citizen" or "taxpayer" or "resident" or "inhabitant"] of the world makes himself an enemy of God.**"
[James 4:4, Bible, NKJV]*

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

*"**I am a stranger in the earth**; Do not hide Your commandments [laws] from me."
[Psalm 119:19, Bible, NKJV]*

*"**I have become a stranger to my brothers, and an alien to my mother's children**; because zeal for Your [God's] house has eaten me up, and the reproaches of those who reproach You have fallen on me."
[Psalm 69:8-9, Bible, NKJV]*

It is one of the greatest ironies of law and government that the only way you can be free and sovereign is to be "foreign" or what the Bible calls a "stranger" of one kind or another within the law, and to understand the law well enough to be able to describe exactly what kind of "foreigner" you are and why, so that the government must respect your sovereignty and thereby leave you and your property alone.

"The makers of our Constitution undertook to secure conditions favorable to the pursuit of happiness. They recognized the significance of man's spiritual nature, of his feelings and of his intellect. They knew that only a part of the pain, pleasure and satisfactions of life are to be found in material things. They sought to protect Americans in their beliefs, their thoughts, their emotions and their sensations. They conferred, as against the Government, the right to be let alone - the most comprehensive of rights and the right most valued by civilized men."

[*Olmstead v. United States*, 277 U.S. 438, 478 (1928) (Brandeis, J., dissenting); see also *Washington v. Harper*, 494 U.S. 210 (1990)]

The very object of "justice" itself is to ensure that people are "left alone". The purpose of courts is to enforce the requirement to leave our fellow man alone and to only do to him/her what he/she expressly consents to and requests to be done:

PAULSEN, *ETHICS* (Thilly's translation), chap. 9.

"Justice, as a moral habit, is that tendency of the will and mode of conduct which refrains from disturbing the lives and interests of others, and, as far as possible, hinders such interference on the part of others. This virtue springs from the individual's respect for his fellows as ends in themselves and as his co equals. The different spheres of interests may be roughly classified as follows: body and life; the family, or the extended individual life; property, or the totality of the instruments of action; honor, or the ideal existence; and finally freedom, or the possibility of fashioning one's life as an end in itself. The law defends these different spheres, thus giving rise to a corresponding number of spheres of rights, each being protected by a prohibition. . . . To violate the rights, to interfere with the interests of others, is injustice. All injustice is ultimately directed against the life of the neighbor; it is an open avowal that the latter is not an end in itself, having the same value as the individual's own life. The general formula of the duty of justice may therefore be stated as follows: Do no wrong yourself, and permit no wrong to be done, so far as lies in your power; or, expressed positively: Respect and protect the right." [Readings on the History and System of the Common Law, Second Edition, Roscoe Pound, 1925, p. 2]

A person who is "sovereign" must be left alone as a matter of law. There are several examples of this important principle of sovereignty in operation in the Bible as well. For example:

Then Haman said to King Ahasuerus, "There is a certain people scattered and dispersed among the people in all the provinces of your kingdom; their laws are different from all other people's, and they do not keep the king's laws [are FOREIGN with respect to them and therefore sovereign]. Therefore it is not fitting for the king to let them remain. If it pleases the king, let a decree be written that they be destroyed, and I will pay ten thousand talents of silver into the hands of those who do the work, to bring it into the king's treasuries." [Esther 3:8-9, Bible, NKJV]

In the Bible, when the Jews were being embarrassed and enslaved by surrounding heathen populations, they responded in the Book of Nehemiah by building a wall around their city and being self-contained and self-governing to the exclusion of the "aliens" and "foreigners" around them, who were not believers. This is their way of not only restoring self-government, but of also restoring God as their King and Sovereign, within what actually amounted to a "theocracy":

"The survivors [Christians] who are left from the captivity in the province are there in great distress and reproach. The wall [of separation between "church", which was the Jews, and "state", which was the heathens around them] of Jerusalem is also broken down, and its gates are burned with fire." [Neh. 1:3, Bible, NKJV]

Then I said to them, "You see the distress that we are in, how Jerusalem lies waste, and its gates are burned with fire. Come and let us build the wall of [of separation in] Jerusalem that we may no longer be a reproach." And I told them of the hand of my God which had been good upon me, and also of the king's words that he had spoken to me. So they said, "Let us rise up and build." Then they set their hands to this good work.

But when Sanballat the Horonite, Tobiah the Ammonite official, and Geshem the Arab heard of it, they laughed at us and despised us, and said, "What is this thing that you are doing? Will you rebel against the king?"

So I answered them, and said to them, "The God of heaven Himself will prosper us; therefore we His servants will arise and build [the wall of separation between church and state]..." [Neh. 3:17-18, Bible, NKJV]

The "wall" of separation between "church", which was the Jews, and "state", which was the surrounding unbelievers and governments, they were talking about above was not only a physical wall, but also a legal one as well! The Jews wanted to be "separate", and therefore "sovereign" over themselves, their families, and their government and not be subject to the surrounding heathens and nonbelievers around them. They selected Heaven as their "domicile" and God's laws as the basis

for their self-government, which was a theocracy, and therefore became "strangers" on the earth who were hated by their neighbors. The Lord, in wanting us to be sanctified and "separate" as His "bride", is really insisting that we also be a "foreigner" or "stranger" with respect to our unbelieving neighbors and the people within the heathen state that has territorial jurisdiction where we physically live:

*"Come out from among them [the unbelievers and [government idolaters](#)]
And be separate ["sovereign" and "foreign"], says the Lord.
Do not touch what is unclean [corrupted],
And I will receive you.
I will be a Father to you,
And you shall be my sons and daughters,
Says the Lord Almighty."
[\[2 Corinthians 6:17-18, Bible, NKJV\]](#)*

When we follow the above admonition of our Lord to become "sanctified" and therefore "separate", then we will inevitably be persecuted, just as Jesus warned, when He said:

*"If the world hates you, you know that it hated Me before it hated you. If you were of the world, the world would love its own. **Yet because you are not of the world, but I chose you out of the world, therefore the world hates you. Remember the word that I said to you, 'A servant is not greater than his master.' If they persecuted Me, they will also persecute you.** If they kept My word, they will keep yours also. **But all these things they will do to you for My name's sake, because they do not know Him who sent Me. If I had not come and spoken to them, they would have no sin, but now they have no excuse for their sin.** He who hates me hated My father also. **If I had not done among them the works which no one else did, they would have no sin; but now they have seen and also hated both Me and My Father.** But this happened that the word might be fulfilled which is written in their law, 'They hated Me without a cause.'"
[\[John 15:18-25, Bible\]](#)*

The persecution will come precisely and mainly because we are sovereign and therefore refuse to be governed by any authority except God and His sovereign Law. Now do you understand why Christians, more than perhaps any other faith, have been persecuted and tortured by governments throughout history? The main reason for their relentless persecution is that they are a threat to government power because they demand autonomy and self-government and do not yield their sovereignty to any hostile ("foreign") power or law other than God and His Holy law. This is the reason, for instance, why the Roman Emperor Nero burned Christians and their houses when he set fire to Rome and why he made them part of the barbaric gladiator spectacle: He positively hated anyone whose personal sovereignty would make his authority and power basically irrelevant and moot and subservient to a sovereign God. He didn't like being answerable or accountable to anyone, and especially not to an omnipotent and omnipresent God. He viewed God as a competitor for the affections and the worship of the people. This is the very reason why we have "separation of church and state" today as part of our legal system: to prevent this kind of tyranny from repeating itself. This same gladiator spectacle is also with us today in a slightly different form. It's called an "income tax trial" in the federal church called "district court". Below are just a few examples of the persecution suffered by Jews and Christians throughout history, drawn from the Bible and other sources, mainly because they attempted to fulfill God's holy calling to be sanctified, separate, sovereign, a "foreigner", and a "stranger" with respect to the laws, taxes, and citizenship of surrounding heathen people and governments:

1. The last several years of the Apostle John's life were spent in exile on the Greek island of Patmos, where he was sent by the Roman government because he was a threat to the power and influence of Roman civil authorities. During his stay there, he wrote the book of Revelation, which was a cryptic, but direct assault upon government authority.
2. Every time Israel was judged in the [Book of Judges](#), they came under "tribute" (taxation and therefore slavery) to a tyrannical king.
3. Abraham's great struggles for liberty were against overreaching governments, [Genesis 14](#), [20](#).
4. Isaac struggled against overreaching governments [Gen 26](#).
5. Egyptian Pharaohs enslaved God's people, [Ex. 1](#).
6. Joshua's battle was against 31 kings in Canaan.
7. Israel struggled against the occupation of foreign governments in the [Book of Judges](#)
8. David struggled against foreign occupation, [2 Samuel 8](#), [10](#)
9. Zechariah lost his life in [2 Chronicles](#) for speaking against a king.
10. Isaiah was executed by Manasseh.
11. Daniel was oppressed by Officials who accused him of breaking a Persian statutory law.
12. Jesus was executed by a foreign power [Jn. 18ff](#).
13. Jesus was a victim of Israel's kangaroo court, the Sanhedrin.
14. The last 1/4 of the [Book of Acts](#) is about Paul's defense against fraudulent accusations.

1 15. The last 6 years of Paul's life was spent in and out prison defending himself against false accusations.

2 Taxation is the primary means of destroying the sovereignty of a person, family, church, city, state, or nation. Below is the
3 reason why, from a popular bible dictionary:

4 **“TRIBUTE.** Tribute in the sense of an impost paid by one state to another, as a mark of subjugation, is a common
5 feature of international relationships in the biblical world. The tributary could be either a hostile state or an ally.
6 Like deportation, its purpose was to weaken a hostile state. Deportation aimed at depleting the man-power. The
7 aim of tribute was probably twofold: to impoverish the subjugated state and at the same time to increase the
8 conqueror's own revenues and to acquire commodities in short supply in his own country. As an instrument of
9 administration it was one of the simplest ever devised: the subjugated country could be made responsible for the
10 payment of a yearly tribute. Its non-arrival would be taken as a sign of rebellion, and an expedition would then
11 be sent to deal with the recalcitrant. This was probably the reason for the attack recorded in Gn. 14.
12 [New Bible Dictionary. Third Edition. Wood, D. R. W., Wood, D. R. W., & Marshall, I. H. 1996, c1982, c1962,
13 InterVarsity Press: Downers Grove]

14 If you want to stay “sovereign”, then you had better get used to the following:

- 15 1. Supporting yourself and governing your own families and churches, to the exclusion of any external sovereignty. This
- 16 will ensure that you never have to surrender any aspect of your sovereignty to procure needed help.
- 17 2. Learning and obeying God’s laws.
- 18 3. Being an “foreigner”, “stranger”, or “nonresident alien” in your own land.
- 19 4. Being persecuted by the people and governments around you because you insist on being “foreign” and “different” from
- 20 the rest of the “sheep” around you.

21 If you aren’t prepared to do the above and thereby literally “earn” the right to be free and “sovereign”, just as our founding
22 fathers did, then you are literally wasting your time to read further in this book. Doing so will make you into nothing more
23 than an informed coward. Earning liberty and sovereignty in this way is the essence of why America is called:

24 *“The land of the free and the home of the brave.”*

25 It takes courage to be brave enough to be different from all of your neighbors and all the other countries in the world, and to
26 take complete and exclusive responsibility for yourself and your loved ones. Below is what happened to the founding fathers
27 because they took this brave path in the founding of this country. Most did so based on the Christian principles mentioned
28 above. At the point when they committed to the cause, they renounced their British citizenship and because “aliens” with
29 respect to the British Government, just like you will have to do by becoming a “national” but not a “citizen” under federal
30 law:

31 **And, for the support of this Declaration, with a firm reliance on the protection of Divine Providence, we**
32 **mutually pledge to each other our lives, our fortunes, and our Sacred honor**

33 *Have you ever wondered what happened to the fifty-six men who signed the Declaration of Independence? This*
34 *is the price they paid:*

35 *Five signers were captured by the British as traitors, and tortured before they died. Twelve had their homes*
36 *ransacked and burned. Two lost their sons in the revolutionary army, another had two sons captured. Nine of the*
37 *fifty-six fought and died from wounds or hardships resulting from the Revolutionary War.*

38 *These men signed, and they pledged their lives, their fortunes, and their sacred honor!*

39 *What kind of men were they? Twenty five were lawyers or jurists. Eleven were merchants. Nine were farmers or*
40 *large plantation owners. One was a teacher, one a musician, one a printer. Two were manufacturers, one was a*
41 *minister. These were men of means and education, yet they signed the Declaration of Independence, knowing full*
42 *well that the penalty could be death if they were captured.*

43 *Almost one third were under forty years old, eighteen were in their thirties, and three were in their twenties. Only*
44 *seven were over sixty. The youngest, Edward Rutledge of South Carolina, was twenty-six and a half, and the*
45 *oldest, Benjamin Franklin, was seventy. Three of the signers lived to be over ninety. Charles Carroll died at the*
46 *age of ninety-five. Ten died in their eighties.*

47 *The first signer to die was John Morton of Pennsylvania. At first his sympathies were with the British, but he*
48 *changed his mind and voted for independence. By doing so, his friends, relatives, and neighbors turned against*
49 *him. The ostracism hastened his death, and he lived only eight months after the signing. His last words were, "tell*

1 *them that they will live to see the hour when they shall acknowledge it to have been the most glorious service that*
2 *I ever rendered to my country."*

3 *Carter Braxton of Virginia, a wealthy planter and trader, saw his ships swept from the seas by the British navy.*
4 *He sold his home and properties to pay his debts, and died in rags.*

5 *Thomas McKean was so hounded by the British that he was forced to move his family almost constantly. He*
6 *served in the Congress without pay, and his family was kept in hiding. His possessions were taken from him, and*
7 *poverty was his reward.*

8 *The signers were religious men, all being Protestant except Charles Carroll, who was a Roman Catholic. Over*
9 *half expressed their religious faith as being Episcopalian. Others were Congregational, Presbyterian, Quaker,*
10 *and Baptist.*

11 *Vandals or soldiers or both, looted the properties of Ellery, Clymer, Hall, Walton, Gwinnett, Heyward, Rutledge,*
12 *and Middleton.*

13 *Perhaps one of the most inspiring examples of "undaunted resolution" was at the Battle of Yorktown. Thomas*
14 *Nelson, Jr. was returning from Philadelphia to become Governor of Virginia and joined General Washington just*
15 *outside of Yorktown. He then noted that British General Cornwallis had taken over the Nelson home for his*
16 *headquarters, but that the patriots were directing their artillery fire all over the town except for the vicinity of his*
17 *own beautiful home. Nelson asked why they were not firing in that direction, and the soldiers replied, "Out of*
18 *respect to you, Sir." Nelson quietly urged General Washington to open fire, and stepping forward to the nearest*
19 *cannon, aimed at his own house and fired. The other guns joined in, and the Nelson home was destroyed. Nelson*
20 *died bankrupt, at age 51.*

21 *Caesar Rodney was another signer who paid with his life. He was suffering from facial cancer, but left his sickbed*
22 *at midnight and rode all night by horseback through a severe storm and arrived just in time to cast the deciding*
23 *vote for his delegation in favor of independence. His doctor told him the only treatment that could help him was*
24 *in Europe. He refused to go at this time of his country's crisis and it cost him his life.*

25 *Francis Lewis's Long Island home was looted and gutted, his home and properties destroyed. His wife was thrown*
26 *into a damp dark prison cell for two months without a bed. Health ruined, Mrs. Lewis soon died from the effects*
27 *of the confinement. The Lewis's son would later die in British captivity, also.*

28 *"Honest John" Hart was driven from his wife's bedside as she lay dying, when British and Hessian troops invaded*
29 *New Jersey just months after he signed the Declaration. Their thirteen children fled for their lives. His fields and*
30 *his grist mill were laid to waste. All winter, and for more than a year, Hart lived in forests and caves, finally*
31 *returning home to find his wife dead, his children vanished and his farm destroyed. Rebuilding proved too be too*
32 *great a task. A few weeks later, by the spring of 1779, John Hart was dead from exhaustion and a broken heart.*

33 *Norris and Livingston suffered similar fates.*

34 *Richard Stockton, a New Jersey State Supreme Court Justice, had rushed back to his estate near Princeton after*
35 *signing the Declaration of Independence to find that his wife and children were living like refugees with friends.*
36 *They had been betrayed by a Tory sympathizer who also revealed Stockton's own whereabouts. British troops*
37 *pulled him from his bed one night, beat him and threw him in jail where he almost starved to death. When he was*
38 *finally released, he went home to find his estate had been looted, his possessions burned, and his horses stolen.*
39 *Judge Stockton had been so badly treated in prison that his health was ruined and he died before the war's end,*
40 *a broken man. His surviving family had to live the remainder of their lives off charity.*

41 *William Ellery of Rhode Island, who marveled that he had seen only "undaunted resolution" in the faces of his*
42 *co-signers, also had his home burned.*

43 When we are following the Lord's calling to be sovereign, separate, "foreign", and a "stranger" with respect to a corrupted
44 state and our heathen neighbors, below is how we can describe ourselves from a legal perspective:

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

47 *"For God is the King of all the earth: Sing praises with understanding."*
48 *[[Psalm 47:7](#), Bible, NKJV]*
49

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

2. The laws which apply to all civil litigation relating to us are from the domicile of the Heavenly sovereign we represent, which are the Holy Bible pursuant to:

2.1. God's Laws found in our memorandum of law below:

[Laws of the Bible, Form #13.001](#)

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

2.2. [Federal Rule of Civil Procedure 17\(b\)](#)

2.3. [Federal Rule of Civil Procedure 44.1](#)

3. Our "[domicile](#)" is the Kingdom of God on Earth, and not within the jurisdiction of any man-made government. We can have a domicile on earth and yet not be in the jurisdiction of any government because the Bible says that God, and not man, owns the WHOLE earth and all of Creation. We are therefore "transient foreigners" and "stateless persons" in respect to every man-made government on earth. See the following for details:

[Why Domicile and Becoming a "Taxpayer" Require Your Consent](#), Form #05.002
<http://sedm.org/Forms/FormIndex.htm>

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

4. We are "[non-resident non-persons](#)" under federal statutory civil law.

5. We are CONSTITUTIONAL but not STATUTORY "citizens" and "[nationals](#)" but not "[citizens](#)" under federal statutory civil law. The reason this must be so is that a statutory "[citizens of the United States](#)" (who are born anywhere in America and domiciled within exclusive federal jurisdiction under [8 U.S.C. §1401](#)) may not be classified as an instrumentality of a foreign state under [28 U.S.C. §1332\(c\)](#) and (d) and [28 U.S.C. §1603\(b\)](#). See our article entitled [Why You are a "national", "state national", and Constitutional but not Statutory Citizen, Form #05.006](#) for further details and evidence.

6. We are not and cannot be "[residents](#)" of any earthly jurisdiction without having a conflict of interest and violating the first four Commandments of the [Ten Commandments](#) found in [Exodus 20](#). Heaven is our exclusive legal "[domicile](#)", and our "permanent place of abode", and the source of [ALL](#) of our permanent protection and security. We cannot and should not rely upon man's vain earthly laws as an idolatrous substitute for Gods sovereign laws found in the Bible. Instead, only God's laws and the Common law, which is derived from God's law, are suitable protection for our God-given rights.

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

7. We are Princes (sons and daughters) of the only true King and Sovereign of this world, who is God.

*"You [Jesus] are worthy to take the scroll,
And to open its seals;
For You were slain,
And have redeemed us to God by Your blood
Out of every tribe and tongue and people and nation,
And have made us kings and priests to our God;
And we shall reign on the earth."
[Rev. 5:9-10, Bible, NKJV]*

And when he had come into the house, Jesus anticipated him, saying, "What do you think, Simon? From whom do the kings [governments] of the earth [lawfully] take customs or taxes, from their sons [citizens and subjects] or from strangers [statutory "aliens", which are synonymous with "residents" in the tax code, and exclude "citizens"]?"

Peter said to Him, "From strangers [statutory "aliens"]/"residents" ONLY. See 26 C.F.R. §1.1-1(a)(2)(ii) and 26 C.F.R. §1.1441-1(c)(3)."

Jesus said to him, "Then the sons [of the King, Constitutional but not statutory "citizens" of the Republic, who are all sovereign "nationals" and "nonresidents"] are free [sovereign over their own person and labor. e.g. SOVEREIGN IMMUNITY]."
[Matt. 17:24-27, Bible, NKJV]

8. We are "Foreign Ambassadors" and "Ministers of a [Foreign State](#)" called Heaven. We are exempt from taxation by any other foreign government, including the U.S. government, pursuant to [26 U.S.C. §892\(a\)\(1\)](#) who are obligated to stop withholding using IRS Form W-8EXP, which specifically exempts foreign government officials from taxation. The U.S. Supreme Court said in *U.S. v. Wong Kim Ark* below that "ministers of a foreign state" may not be "citizens of the United States" under the [Fourteenth Amendment](#) to the United States Constitution.

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

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

9. Our dwelling, which is a "temporary and not permanent place of abode", is a "Foreign Embassy". Notice we didn't say "residence", because only "[residents](#)" (aliens) can have a "residence" under 26 C.F.R. §1.871-2(b).
10. We are protected from federal government persecution by [18 U.S.C. §112](#) and the [Foreign Sovereign Immunities Act of 1976](#).
11. We are a "[stateless person](#)" within the meaning of [28 U.S.C. §1332\(a\)](#) immune from the jurisdiction of the [federal courts, which are all Article IV, legislative, territorial courts](#). We are "stateless" because we do not maintain a domicile within the "state" defined in [28 U.S.C. §1332\(d\)](#) , which is a federal territory and excludes states of the Union.
12. We are not allowed under God's law to conduct "[commerce](#)" or "intercourse" with "the Beast" by sending to it our money or receiving benefits we did not earn. Black's Law Dictionary defines "[commerce](#)" as "intercourse". The Bible defines "the Beast" as the "kings of the earth"/political rulers in Rev. 19:19:

"Commerce. ...Intercourse by way of trade and traffic between different peoples or states and the citizens or inhabitants thereof, including not only the purchase, sale, and exchange of commodities, but also the instrumentalities [governments] and agencies by which it is promoted and the means and appliances by which it is carried on..."
[Black's Law Dictionary, Sixth Edition, p. 269]

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

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

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

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

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

http://travel.state.gov/law/info/judicial/judicial_693.html

8.7 Comity

An important form of official “consent” is called “comity” in the legal field. Black’s Law Dictionary defines “comity” as follows:

“comity. Courtesy; complaisance; respect; a willingness to grant a privilege, not as a matter of right, but out of deference and good will. Recognition that one sovereignty allows within its territory to the legislative, executive, or judicial act of another sovereignty, having due regard to rights of its own citizens. Nowell v. Nowell, Tex.Civ.App., 408 S.W.2d. 550, 553. In general, principle of “comity” is that courts of one state or jurisdiction will give effect to laws and judicial decisions of another state or jurisdiction, not as a matter of obligation, but out of deference and mutual respect. Brown v. Babbitt Ford, Inc., 117 Ariz. 192, 571 P.2d. 689, 695. See also Full faith and credit clause.”
[Black’s Law Dictionary, Sixth Edition, p. 267]

Comity is the reason why countries and even sister states of the Union do the following for each other, even though no law requires them to:

1. Extradite criminals wanted in another country.
2. Provide military aid.
3. Accept immigrants or refugees from other countries.

Comity is usually used to describe the actions of states of the Union in relation to the federal government. Below is how the U.S. Supreme Court describes the sovereignty of the states, and the fact that it cannot compel states to do anything in relation to each other:

“This court has declined to take jurisdiction of suits between states to compel the performance of obligations which, if the states had been independent nations, could not have been enforced judicially, but only through the political departments of their governments. Thus, in Kentucky v. Dennison, 24 How. 66, where the state of Kentucky, by her governor [127 U.S. 265, 289] applied to this court, in the exercise of its original jurisdiction, for a writ of mandamus to the governor of Ohio to compel him to surrender a fugitive from justice, this court, while holding that the case was a controversy between two states, decided that it had no authority to grant the writ.”
[State of Wisconsin v. Pelican Insurance Company, 127 U.S. 265 (1888)]

The U.S. Supreme Court also said that “comity” may not be employed to enlarge the powers of the federal government in relation to the states.

Where Congress exceeds its authority relative to the States, therefore, the departure from the constitutional plan cannot be ratified by the “consent” of state officials. An analogy to the separation of powers among the branches of the Federal Government clarifies this point. The Constitution’s division of power among the three branches is violated where one branch invades the territory of another, whether or not the encroached-upon branch approves the encroachment. In Buckley v. Valeo, 424 U.S. 1, 118 -137 (1976), for instance, the Court held that Congress had infringed the President’s appointment power, despite the fact that the President himself had manifested his consent to the statute that caused the infringement by signing it into law. See National League of Cities v. Usery, 426 U.S., at 842, n. 12. In INS v. Chadha, 462 U.S. 919, 944 -959 (1983), we held that the legislative veto violated the constitutional requirement that legislation be presented to the President, despite Presidents’ approval of hundreds of statutes containing a legislative veto provision. See id., at 944-945. The constitutional authority of Congress cannot be expanded by the “consent” of the governmental unit whose domain is thereby narrowed, whether that unit is the Executive Branch or the States.

State officials thus cannot consent to the enlargement of the powers of Congress beyond those enumerated in the Constitution. Indeed, the facts of this case raise the possibility that powerful incentives might lead both federal and state officials to view departures from the federal structure to be in their personal interests. Most citizens recognize the need for radioactive waste disposal sites, but few want sites near their homes. As a result, while it would be well within the authority of either federal or state officials to choose where the disposal sites will be, it is likely to be in the political interest of each individual official to avoid being held accountable to the voters for the choice of location. If [505 U.S. 144, 183] a federal official is faced with the alternatives of choosing a location or directing the States to do it, the official may well prefer the latter, as a means of shifting responsibility for the eventual decision. If a state official is faced with the same set of alternatives - choosing a location or having Congress direct the choice of a location - the state official may also prefer the latter, as it may permit the avoidance of personal responsibility. The interests of public officials thus may not coincide with the Constitution’s intergovernmental allocation of authority. Where state officials purport to submit to the direction of Congress in this manner, federalism is hardly being advanced.”

[New York v. United States, 505 U.S. 144 (1992)]

1 A departure from the Constitutional plan for taxation therefore cannot be ratified by the acquiescence or “comity” of a state
2 without violating the Constitution. Only We the People individually and personally can ratify such a departure. When they
3 do this, their consent must be fully informed and procured completely absent duress. The only way we can ratify such a
4 departure as a “state” or nation is therefore to amend the Constitution. We cannot write a “code”, such as the Internal Revenue
5 Code, that circumvents the Constitution, breaks down the separation of powers, and does so through compulsion or
6 enforcement. Consequently, we cannot lawfully:

- 7 1. Write a “private law”, command or allow our public servants to deceive the public by portraying it as a “public law”,
8 and then empower an independent contractor, which is not an agency of the federal government, such as the IRS, to
9 enforce it against those who do not consent individually to obey it absent duress.
- 10 2. Allow our state government to look the other way and acquiesce to abuses or usurpations by the federal government.

11 Below is how the U.S. Supreme Court describes how “comity” can affect the tax system, from a case where it was talking
12 about Social Security. Notice they don’t mention anything about “consent” of the state, or where or how that consent is
13 procured from the state or the individual who might be the subject of the tax. In that sense, they have violated the very
14 purpose of the Constitution, which is to respect and protect the requirement for consent in every human interaction:

15 *A nondiscriminatory taxing measure that operates to defray the cost of a federal program by recovering a fair*
16 *approximation of each beneficiary's share of the cost is surely no more offensive to the constitutional scheme*
17 *than is either a tax on the income earned by state employees or a tax on a State's sale of bottled water. 18 The*
18 *National Government's interest in being compensated for its expenditures is only too apparent. More*
19 *significantly perhaps, such revenue measures by their very nature cannot possess the attributes that led Mr.*
20 *Chief Justice Marshall to proclaim that the power to tax is the power [435 U.S. 444, 461] to destroy. There is*
21 *no danger that such measures will not be based on benefits conferred or that they will function as regulatory*
22 *devices unduly burdening essential state activities. It is, of course, the case that a revenue provision that forces a*
23 *State to pay its own way when performing an essential function will increase the cost of the state activity. But*
24 *Graves v. New York ex rel. O'Keefe, and its precursors, see 306 U.S., at 483 and the cases cited in n. 3, teach that*
25 *an economic burden on traditional state functions without more is not a sufficient basis for sustaining a claim of*
26 *immunity. Indeed, since the Constitution explicitly requires States to bear similar economic burdens when*
27 *engaged in essential operations, see U.S. Const., Amdts. 5, 14; Pennsylvania Coal Co. v. Mahon, 260 U.S. 393*
28 *(1922) (State must pay just compensation when it "takes" private property for a public purpose); U.S. Const., Art.*
29 *I, 10, cl. 1; United States Trust Co. v. New Jersey, 431 U.S. 1 (1977) (even when burdensome, a State often must*
30 *comply with the obligations of its contracts), it cannot be seriously contended that federal exactions from the*
31 *States of their fair share of the cost of specific benefits they receive from federal programs offend the*
32 *constitutional scheme.*

33 *Our decisions in analogous context support this conclusion. We have repeatedly held that the Federal*
34 *Government may impose appropriate conditions on the use of federal property or privileges and may require*
35 *that state instrumentalities comply with conditions that are reasonably related to the federal interest in*
36 *particular national projects or programs. See, e. g., Ivanhoe Irrigation Dist. v. McCracken, 357 U.S. 275, 294 -*
37 *296 (1958); Oklahoma v. Civil Service Comm'n, 330 U.S. 127, 142 -144 (1947); United States v. San Francisco,*
38 *310 U.S. 16 (1940); cf. National League of Cities v. Usery, 426 U.S. 833, 853 (1976); Fry v. United States, 421*
39 *U.S. 542 (1975). A requirement that States, like all other users, pay a portion of the costs of the benefits they*
40 *enjoy from federal programs is surely permissible since it is closely related to the [435 U.S. 444, 462] federal*
41 *interest in recovering costs from those who benefit and since it effects no greater interference with state*
42 *sovereignty than do the restrictions which this Court has approved.*

43 A clearly analogous line of decisions is that interpreting provisions in the Constitution that also place limitations
44 on the taxing power of government. See, e. g., U.S. Const., Art. I, 8, cl. 3 (restricting power of States to tax
45 interstate commerce); 10, cl. 3 (prohibiting any state tax that operates "to impose a charge for the privilege of
46 entering, trading in, or lying in a port." Clyde Mallory Lines v. Alabama ex rel. State Docks Comm'n, 296 U.S.
47 261, 265 -266 (1935)). These restrictions, like the implied state tax immunity, exist to protect constitutionally
48 valued activity from the undue and perhaps destructive interference that could result from certain taxing
49 measures. The restriction implicit in the Commerce Clause is designed to prohibit States from burdening the free
50 flow of commerce, see generally Complete Auto Transit, Inc. v. Brady, 430 U.S. 274 (1977), whereas the
51 prohibition against duties on the privilege of entering ports is intended specifically to guard against local
52 hindrances to trade and commerce by vessels. See Packet Co. v. Keokuk, 95 U.S. 80, 85 (1877).

53 *Our decisions implementing these constitutional provisions have consistently recognized that the interests*
54 *protected by these Clauses are not offended by revenue measures that operate only to compensate a government*
55 *for benefits supplied. See, e. g., Clyde Mallory Lines v. Alabama, supra (flat fee charged each vessel entering*
56 *port upheld because charge operated to defray cost of harbor policing); Evansville-Vanderburgh Airport*
57 *Authority v. Delta Airlines, Inc., 405 U.S. 707 (1972) (\$1 head tax on explaining commercial air passengers*
58 *upheld under the Commerce Clause because designed to recoup cost of airport facilities). A governmental body*
59 *has an obvious interest in making those who specifically benefit from its services pay the cost and, provided that*
60 *the charge is structured to compensate the government for the benefit conferred, there can be no danger of the*

kind of interference [435 U.S. 444, 463] with constitutionally valued activity that the Clauses were designed to prohibit.
[Massachusetts v. United States, 435 U.S. 444 (1978)]

The U.S. Supreme Court also agreed that one of the may consequences of the Social Security system was to break down the separation of powers between the states and the federal government and allow the feds to coerce and intimidate the states. This result alone ought be sufficient reason not to participate in the system:

"A state may enter into contracts; but a state cannot, by contract or statute, surrender the execution, or a share in the execution, of any of its governmental powers either to a sister state or to the federal government, any more than the federal government can surrender the control of any of its governmental powers to a foreign nation. The power to tax is vital and fundamental, and, in the highest degree, governmental in character. Without it, the state could not exist. Fundamental also, and no less important, is the governmental power to expend the moneys realized from taxation, and exclusively to administer the laws in respect of the character of the tax and the methods of laying and collecting it and expending the proceeds.

The people of the United States, by their Constitution, have affirmed a division of internal governmental powers between the federal government and the governments of the several states-committing to the first its powers by express grant and necessary implication; to the latter, or [301 U.S. 548, 611] to the people, by reservation, 'the powers not delegated to the United States by the Constitution, nor prohibited by it to the States.' The Constitution thus affirms the complete supremacy and independence of the state within the field of its powers. Carter v. Carter Coal Co., 298 U.S. 238, 295, 56 S.Ct. 855, 865. The federal government has no more authority to invade that field than the state has to invade the exclusive field of national governmental powers; for, in the oft-repeated words of this court in Texas v. White, 7 Wall. 700, 725, 'the preservation of the States, and the maintenance of their governments, are as much within the design and care of the Constitution as the preservation of the Union and the maintenance of the National government.' The necessity of preserving each from every form of illegitimate intrusion or interference on the part of the other is so imperative as to require this court, when its judicial power is properly invoked, to view with a careful and discriminating eye any legislation challenged as constituting such an intrusion or interference. See South Carolina v. United States, 199 U.S. 437, 448, 26 S.Ct. 110, 4 Ann.Cas. 737.

[...]

By these various provisions of the act, the federal agencies are authorized to supervise and hamper the administrative powers of the state to a degree which not only does not comport with the dignity of a quasi-sovereign state-a matter with which we are not judicially concerned-but which deny to it that supremacy and freedom from external interference in respect of its affairs which the Constitution contemplates-a matter of very definite judicial concern. I refer to some, though by no means all, of the cases in point.

In the License Cases, 5 How. 504, 588, Mr. Justice McLean said that the federal government was supreme within the scope of its delegated powers, and the state governments equally supreme in the exercise of the powers not delegated nor inhibited to them; that the states exercise their powers over everything connected with their social and internal condition; and that over these subjects the federal government had no power. 'They appertain to the State sovereignty as exclusively as powers exclusively delegated appertain to the general government.'

In Tarble's Case, 13 Wall. 397, Mr. Justice Field, after pointing out that the general government and the state are separate and distinct sovereignties, acting separately and independently of each other within their respective spheres, said that, except in one particular, they stood in the same independent relation to each other as they would if their authority embraced distinct territories. The one particular referred to is that of the supremacy of the authority of the United States in case of conflict between the two.

In Farrington v. Tennessee, 95 U.S. 679, 685, this court said, 'Yet every State has a sphere of action where the authority of the national government may not intrude. Within that domain the State is as if the union were not. Such are the checks and balances in our complicated but wise system of State and national polity.'

'The powers exclusively given to the federal government,' it was said in Worcester v. State of Georgia, 6 Pet. 515, 570, 'are limitations upon the state authorities. But [301 U.S. 548, 615] with the exception of these limitations, the states are supreme; and their sovereignty can be no more invaded by the action of the general government, than the action of the state governments can arrest or obstruct the course of the national power.'

The force of what has been said is not broken by an acceptance of the view that the state is not coerced by the federal law. The effect of the dual distribution of powers is completely to deny to the states whatever is granted exclusively to the nation, and, conversely, to deny to the nation whatever is reserved exclusively to the states. 'The determination of the Framers Convention and the ratifying conventions to preserve complete and unimpaired state self-government in all matters not committed to the general government is one of the plainest facts which emerges from the history of their deliberations. And adherence to that determination is incumbent equally upon the federal government and the states. State powers can neither be appropriated on the one hand

1 nor abdicated on the other.' Carter v. Carter Coal Co., supra, 298 U.S. 238 , at page 295, 56 S.Ct. 855, 866.
2 The purpose of the Constitution in that regard does not admit of doubt or qualification; and it can be thwarted
3 no more by voluntary surrender from within than by invasion from without.

4 Nor may the constitutional objection suggested be overcome by the expectation of public benefit resulting from
5 the federal participation authorized by the act. Such expectation, if voiced in support of a proposed constitutional
6 enactment, would be quite proper for the consideration of the legislative body. But, as we said in the Carter Case,
7 supra, 298 U.S. 238 , at page 291, 56 S.Ct. 855, 864, 'nothing is more certain than that beneficent aims, however
8 great or well directed, can never serve in lieu of constitutional power.' Moreover, everything which the act seeks
9 to do for the relief of unemployment might have been accomplished, as is done by this same act for the relief of
10 the misfortunes of old age, with- [301 U.S. 548, 616] out obliging the state to surrender, or share with another
11 government, any of its powers.

12 If we are to survive as the United States, the balance between the powers of the nation and those of the states
13 must be maintained. There is grave danger in permitting it to dip in either direction, danger-if there were no
14 other-in the precedent thereby set for further departures from the equipoise. The threat implicit in the present
15 encroachment upon the administrative functions of the states is that greater encroachments, and encroachments
16 upon other functions, will follow.

17 For the foregoing reasons, I think the judgment below should be reversed. ”
18 [Steward Machine Company v. Davis, 301 U.S. 548 (1937)]

19 **8.8 Federalism**

20 Federalism is the mechanism by which the sovereignty of the States and the People are preserved out of respect for the
21 requirements of the Tenth Amendment to the United States Constitution, which states:

22 United States Constitution
23 Tenth Amendment

24 The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved
25 to the States respectively, or to the people.

26 Federalism is advanced primarily but not exclusively through the following means:

- 27 1. Requirement for comity when acting extra-territorially. Whenever the federal government wishes to exercise
28 extraterritorial jurisdiction within a state of the Union, which is a foreign state for the purposes of federal legislative
29 jurisdiction, it must respect the requirement for “comity”, which means that it must pursue the consent of the parties to
30 the action.

31 “Every State or nation possesses an exclusive sovereignty and jurisdiction within her own territory, and her laws
32 affect and bind all property and persons residing within it. It may regulate the manner and circumstances under
33 which property is held, and the condition, capacity, and state of all persons therein, and also the remedy and
34 modes of administering justice. And it is equally true that no State or nation can affect or bind property out of
35 its territory, or persons not residing [domiciled] within it. No State therefore can enact laws to operate beyond
36 its own dominions, and if it attempts to do so, it may be lawfully refused obedience. Such laws can have no
37 inherent authority extraterritorially. This is the necessary result of the independence of distinct and separate
38 sovereignities.”

39 “Now it follows from these principles that whatever force or effect the laws of one State or nation may have in
40 the territories of another must depend solely upon the laws and municipal regulations of the latter, upon its
41 own jurisprudence and polity, and upon its own express or tacit consent.”
42 [Dred Scott v. John F.A. Sanford, 60 U.S. 393 (1856)]
43

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

2. The separation of powers between the states and the federal government in order to preserve a “diffusion of sovereign power”. This means that a state may not delegate any of its powers conferred by the Constitution to the Federal Government, and likewise, that the federal government may not delegate any of its powers to any state of the Union:

"To the contrary, the Constitution divides authority between federal and state governments for the protection of individuals. State sovereignty is not just an end in itself: "Rather, federalism secures to citizens the liberties that derive from the diffusion of sovereign power." Coleman v. Thompson, 501 U.S. 722, 759 (1991) (BLACKMUN, J., dissenting). "Just as the separation and independence of the coordinate branches of the Federal Government serve to prevent the accumulation of excessive power in any one branch, a healthy balance of power between the States and the Federal Government will reduce the risk of tyranny and abuse from either front." Gregory v. [505 U.S. 144, 182] Ashcroft, 501 U.S., at 458. See The Federalist No. 51, p. 323. (C. Rossiter ed. 1961).

Where Congress exceeds its authority relative to the States, therefore, the departure from the constitutional plan cannot be ratified by the "consent" of state officials. An analogy to the separation of powers among the branches of the Federal Government clarifies this point. The Constitution's division of power among the three branches is violated where one branch invades the territory of another, whether or not the encroached-upon branch approves the encroachment. In Buckley v. Valeo, 424 U.S. 1, 118-137 (1976), for instance, the Court held that Congress had infringed the President's appointment power, despite the fact that the President himself had manifested his consent to the statute that caused the infringement by signing it into law. See National League of Cities v. Usery, 426 U.S., at 842, n. 12. In INS v. Chadha, 462 U.S. 919, 944-959 (1983), we held that the legislative veto violated the constitutional requirement that legislation be presented to the President, despite Presidents' approval of hundreds of statutes containing a legislative veto provision. See id., at 944-945. The constitutional authority of Congress cannot be expanded by the "consent" of the governmental unit whose domain is thereby narrowed, whether that unit is the Executive Branch or the States.

State officials thus cannot consent to the enlargement of the powers of Congress beyond those enumerated in the Constitution. Indeed, the facts of this case raise the possibility that powerful incentives might lead both federal and state officials to view departures from the federal structure to be in their personal interests. Most citizens recognize the need for radioactive waste disposal sites, but few want sites near their homes. As a result, while it would be well within the authority of either federal or state officials to choose where the disposal sites will be, it is likely to be in the political interest of each individual official to avoid being held accountable to the voters for the choice of location. If [505 U.S. 144, 183] a federal official is faced with the alternatives of choosing a location or directing the States to do it, the official may well prefer the latter, as a means of shifting responsibility for the eventual decision. If a state official is faced with the same set of alternatives - choosing a location or having Congress direct the choice of a location - the state official may also prefer the latter, as it may permit the avoidance of personal responsibility. The interests of public officials thus may not coincide with the Constitution's intergovernmental allocation of authority. Where state officials purport to submit to the direction of Congress in this manner, federalism is hardly being advanced. "
[New York v. United States, 505 U.S. 144 (1992)]

3. Parties domiciled in states of the Union may not consent to the jurisdiction of the federal courts where no subject matter jurisdiction exists within the Constitution, because it would unlawfully enlarge the jurisdiction of the federal government beyond the clear boundaries enumerated in the Constitution of the United States.

*Pacemaker argues that in the federal system a party may not consent to jurisdiction, so that the parties cannot waive their rights under Article III. The maxim that parties may not consent to the jurisdiction of federal courts is not applicable here. The rule is irrelevant because it applies only where the parties attempt to confer upon an Article III court a subject matter jurisdiction that Congress or the Constitution forbid. See, e.g., Jackson v. Ashton, 33 U.S. (8 Peters), 148, 148-49, 8 L.Ed. 898 (1834); Mansfield, Coldwater & Lake Michigan Railway Co. v. Swan, 111 U.S. 379, 28 L.Ed. 462, 4 S.Ct. 510 (1884). The limited jurisdiction of the federal courts and the need to respect the boundaries of federalism underlie the rule. In the instant case, however, the subject matter, patents, is exclusively one of federal law. The Supreme Court has explicitly held that Congress may "confer upon federal courts jurisdiction conditioned upon a defendant's consent." Williams v. Austrian, 331 U.S. 642, 652, 91 L.Ed. 1718, 67 S.Ct. 1443 (1947); see Harris v. Avery Brundage Co., 305 U.S. 160, 83 L.Ed. 100, 59 S.Ct. 131 (1938). The litigant waiver in this case is similar to waiver of a defect in jurisdiction over the person, a waiver federal courts permit. Hoffman v. Blaski, 363 U.S. 335, 343, 4 L.Ed.2d. 1254, 80 S.Ct. 1084 (1960).
[Pacemaker Diagnostic Clinic of America Inc. v. Instromedix Inc., 725 F.2d. 537 (9th Cir. 02/16/1984)]*

The best descriptions of federalism are found in presidential executive orders. Below is an example:

Executive Order 12612--Federalism

Source: The provisions of Executive Order 12612 of Oct. 26, 1987, appear at 52 FR 41685, 3 CFR, 1987 Comp., p. 252, unless otherwise noted.

By the authority vested in me as President by the Constitution and laws of the United States of America, and in order to restore the division of governmental responsibilities between the national government and the States that

was intended by the Framers of the Constitution and to ensure that the principles of federalism established by the Framers guide the Executive departments and agencies in the formulation and implementation of policies, it is hereby ordered as follows:

Section 1. Definitions. For purposes of this Order:

- (a) "Policies that have federalism implications" refers to regulations, legislative comments or proposed legislation, and other policy statements or actions that have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government.
- (b) "State" or "States" refer to the States of the United States of America, individually or collectively, and, where relevant, to State governments, including units of local government and other political subdivisions established by the States.

Sec. 2. Fundamental Federalism Principles. In formulating and implementing policies that have federalism implications, Executive departments and agencies shall be guided by the following fundamental federalism principles:

- (a) Federalism is rooted in the knowledge that our political liberties are best assured by limiting the size and scope of the national government.
- (b) The people of the States created the national government when they delegated to it those enumerated governmental powers relating to matters beyond the competence of the individual States. All other sovereign powers, save those expressly prohibited the States by the Constitution, are reserved to the States or to the people.
- (c) The constitutional relationship among sovereign governments, State and national, is formalized in and protected by the Tenth Amendment to the Constitution.
- (d) The people of the States are free, subject only to restrictions in the Constitution itself or in constitutionally authorized Acts of Congress, to define the moral, political, and legal character of their lives.
- (e) In most areas of governmental concern, the States uniquely possess the constitutional authority, the resources, and the competence to discern the sentiments of the people and to govern accordingly. In Thomas Jefferson's words, the States are "the most competent administrations for our domestic concerns and the surest bulwarks against antirepublican tendencies."
- (f) The nature of our constitutional system encourages a healthy diversity in the public policies adopted by the people of the several States according to their own conditions, needs, and desires. In the search for enlightened public policy, individual States and communities are free to experiment with a variety of approaches to public issues.
- (g) Acts of the national government--whether legislative, executive, or judicial in nature--that exceed the enumerated powers of that government under the Constitution violate the principle of federalism established by the Framers.
- (h) Policies of the national government should recognize the responsibility of--and should encourage opportunities for--individuals, families, neighborhoods, local governments, and private associations to achieve their personal, social, and economic objectives through cooperative effort.
 - (i) In the absence of clear constitutional or statutory authority, the presumption of sovereignty should rest with the individual States. Uncertainties regarding the legitimate authority of the national government should be resolved against regulation at the national level.

Sec. 3. Federalism Policymaking Criteria. In addition to the fundamental federalism principles set forth in section 2, Executive departments and agencies shall adhere, to the extent permitted by law, to the following criteria when formulating and implementing policies that have federalism implications:

- (a) There should be strict adherence to constitutional principles. Executive departments and agencies should closely examine the constitutional and statutory authority supporting any Federal action that would limit the policymaking discretion of the States, and should carefully assess the necessity for such action. To the extent practicable, the States should be consulted before any such action is implemented. Executive Order No. 12372 ("Intergovernmental Review of Federal Programs") remains in effect for the programs and activities to which it is applicable.
- (b) Federal action limiting the policymaking discretion of the States should be taken only where constitutional authority for the action is clear and certain and the national activity is necessitated by the presence of a problem of national scope. For the purposes of this Order:
 - (1) It is important to recognize the distinction between problems of national scope (which may justify Federal action) and problems that are merely common to the States (which will not justify Federal action because individual States, acting individually or together, can effectively deal with them).
 - (2) Constitutional authority for Federal action is clear and certain only when authority for the action may be found in a specific provision of the Constitution, there is no provision in the Constitution prohibiting Federal action, and the action does not encroach upon authority reserved to the States.
- (c) With respect to national policies administered by the States, the national government should grant the States the maximum administrative discretion possible. Intrusive, Federal oversight of State administration is neither necessary nor desirable.
- (d) When undertaking to formulate and implement policies that have federalism implications, Executive departments and agencies shall:
 - (1) Encourage States to develop their own policies to achieve program objectives and to work with appropriate officials in other States.
 - (2) Refrain, to the maximum extent possible, from establishing uniform, national standards for programs and, when possible, defer to the States to establish standards.

(3) When national standards are required, consult with appropriate officials and organizations representing the States in developing those standards.

Sec. 4. Special Requirements for Preemption.

- (a) To the extent permitted by law, Executive departments and agencies shall construe, in regulations and otherwise, a Federal statute to preempt State law only when the statute contains an express preemption provision or there is some other firm and palpable evidence compelling the conclusion that the Congress intended preemption of State law, or when the exercise of State authority directly conflicts with the exercise of Federal authority under the Federal statute.
- (b) Where a Federal statute does not preempt State law (as addressed in subsection (a) of this section), Executive departments and agencies shall construe any authorization in the statute for the issuance of regulations as authorizing preemption of State law by rule-making only when the statute expressly authorizes issuance of preemptive regulations or there is some other firm and palpable evidence compelling the conclusion that the Congress intended to delegate to the department or agency the authority to issue regulations preempting State law.
- (c) Any regulatory preemption of State law shall be restricted to the minimum level necessary to achieve the objectives of the statute pursuant to which the regulations are promulgated.
- (d) As soon as an Executive department or agency foresees the possibility of a conflict between State law and Federally protected interests within its area of regulatory responsibility, the department or agency shall consult, to the extent practicable, with appropriate officials and organizations representing the States in an effort to avoid such a conflict.
- (e) When an Executive department or agency proposes to act through adjudication or rule-making to preempt State law, the department or agency shall provide all affected States notice and an opportunity for appropriate participation in the proceedings.

Sec. 5. Special Requirements for Legislative Proposals. Executive departments and agencies shall not submit to the Congress legislation that would:

- (a) Directly regulate the States in ways that would interfere with functions essential to the States' separate and independent existence or operate to directly displace the States' freedom to structure integral operations in areas of traditional governmental functions;
- (b) Attach to Federal grants conditions that are not directly related to the purpose of the grant; or
- (c) Preempt State law, unless preemption is consistent with the fundamental federalism principles set forth in section 2, and unless a clearly legitimate national purpose, consistent with the federalism policymaking criteria set forth in section 3, cannot otherwise be met.

Sec. 6. Agency Implementation.

- (a) The head of each Executive department and agency shall designate an official to be responsible for ensuring the implementation of this Order.
- (b) In addition to whatever other actions the designated official may take to ensure implementation of this Order, the designated official shall determine which proposed policies have sufficient federalism implications to warrant the preparation of a Federalism Assessment. With respect to each such policy for which an affirmative determination is made, a Federalism Assessment, as described in subsection (c) of this section, shall be prepared. The department or agency head shall consider any such Assessment in all decisions involved in promulgating and implementing the policy.
- (c) Each Federalism Assessment shall accompany any submission concerning the policy that is made to the Office of Management and Budget pursuant to Executive Order No. 12291 or OMB Circular No. A-19, and shall:
 - (1) Contain the designated official's certification that the policy has been assessed in light of the principles, criteria, and requirements stated in sections 2 through 5 of this Order;
 - (2) Identify any provision or element of the policy that is inconsistent with the principles, criteria, and requirements stated in sections 2 through 5 of this Order;
 - (3) Identify the extent to which the policy imposes additional costs or burdens on the States, including the likely source of funding for the States and the ability of the States to fulfill the purposes of the policy; and
 - (4) Identify the extent to which the policy would affect the States' ability to discharge traditional State governmental functions, or other aspects of State sovereignty.

Sec. 7. Government-wide Federalism Coordination and Review.

- (a) In implementing Executive Order Nos. 12291 and 12498 and OMB Circular No. A-19, the Office of Management and Budget, to the extent permitted by law and consistent with the provisions of those authorities, shall take action to ensure that the policies of the Executive departments and agencies are consistent with the principles, criteria, and requirements stated in sections 2 through 5 of this Order.
- (b) In submissions to the Office of Management and Budget pursuant to Executive Order No. 12291 and OMB Circular No. A-19, Executive departments and agencies shall identify proposed regulatory and statutory provisions that have significant federalism implications and shall address any substantial federalism concerns. Where the departments or agencies deem it appropriate, substantial federalism concerns should also be addressed in notices of proposed rule-making and messages transmitting legislative proposals to the Congress.

Sec. 8. Judicial Review.

This Order is intended only to improve the internal management of the Executive branch, and is not intended to create any right or benefit, substantive or procedural, enforceable at law by a party against the United States, its agencies, its officers, or any person.

An example of the operation of Federalism to constrain the extraterritorial jurisdiction of the federal government in a judicial setting is found in the U.S. Supreme Court ruling below. Note that the court is addressing a situation where Congress is acting extraterritorially upon land within a state of the Union that is not within its exclusive or general jurisdiction of the federal government:

Respondents contend that Congress is without power, in view of the immunity doctrine, thus to subject a State to suit. We disagree. Congress enacted the FELA in the exercise of its constitutional power to regulate [377 U.S. 191] interstate commerce. Second Employers' Liability Cases, 223 U.S. 1. While a State's immunity from suit by a citizen without its consent has been said to be rooted in "the inherent nature of sovereignty," Great Northern Life Ins. Co. v. Read, supra, 322 U.S. 47, 51,[9] the States surrendered a portion of their sovereignty when they granted Congress the power to regulate commerce.

This power, like all others vested in congress, is complete in itself, may be exercised to its utmost extent, and acknowledges no limitations other than are prescribed in the constitution. . . . If, as has always been understood, the sovereignty of congress, though limited to specified objects is plenary as to those objects, the power over commerce with foreign nations, and among the several States, is vested in congress as absolutely as it would be in a single government, having in its constitution the same restrictions on the exercise of the power as are found in the constitution of the United States.

Gibbons v. Ogden, 9 Wheat. 1, 196-197. Thus, as the Court said in United States v. California, supra, 297 U.S. at 184-185, a State's operation of a railroad in interstate commerce

must be in subordination to the power to regulate interstate commerce, which has been granted specifically to the national government. The sovereign power of the states is necessarily diminished to the extent of the grants of power to the federal government in the Constitution. . . . [T]here is no such limitation upon the plenary power to regulate commerce [as there is upon the federal power to tax [377 U.S. 192] state instrumentalities]. The state can no more deny the power if its exercise has been authorized by Congress than can an individual.

By empowering Congress to regulate commerce, then, the States necessarily surrendered any portion of their sovereignty that would stand in the way of such regulation. Since imposition of the FELA right of action upon interstate railroads is within the congressional regulatory power, it must follow that application of the Act to such a railroad cannot be precluded by sovereign immunity.{10}

Recognition of the congressional power to render a State suable under the FELA does not mean that the immunity doctrine, as embodied in the Eleventh Amendment with respect to citizens of other States and as extended to the State's own citizens by the Hans case, is here being overridden. It remains the law that a State may not be sued by an individual without its consent. Our conclusion is simply that Alabama, when it began operation of an interstate railroad approximately 20 years after enactment of the FELA, necessarily consented to such suit as was authorized by that Act. By adopting and ratifying the Commerce Clause, the States empowered Congress to create such a right of action against interstate railroads; by enacting the FELA in the exercise of this power, Congress conditioned the right to operate a railroad in interstate commerce upon amenability to suit in federal court as provided by the Act; by thereafter operating a railroad in interstate commerce, Alabama must be taken to have accepted that condition and thus to have consented to suit.

[B]y engaging in interstate commerce by rail, [the State] has subjected itself to the commerce power, and is liable for a violation of the . . . Act, as are other [377 U.S. 193] carriers. . . .

United States v. California, supra, 297 U.S. at 185; California v. Taylor, supra, 353 U.S. at 568. We thus agree that

[T]he State is liable upon the theory that, by engaging in interstate commerce by rail, it has subjected itself to the commerce power of the federal government.

* * * *

It would be a strange situation indeed if the state could be held subject to the [Federal Safety Appliance Act] and liable for a violation thereof, and yet could not be sued without its express consent. The state, by engaging in interstate commerce, and thereby subjecting itself to the act, must be held to have waived any right it may have had arising out of the general rule that a sovereign state may not be sued without its consent.

Maurice v. State, supra, 43 Cal.App.2d at 275, 277, 110 P.2d. at 710-711. Accord, Higginbotham v. Public Belt R. Comm'n, supra, 192 La. 525, 550-551, 188 So. 395, 403; Mathewes v. Port Utilities Comm'n, supra.[11] [377 U.S. 194]

Respondents deny that Alabama's operation of the railroad constituted consent to suit. They argue that it had no such effect under state law, and that the State did not intend to waive its immunity or know that such a waiver would result. Reliance is placed on the Alabama Constitution of 1901, Art. I, Section 14 of which provides that "the State of Alabama shall never be made a defendant in any court of law or equity"; on state cases holding that neither the legislature nor a state officer has the power to waive the State's immunity;[12] and on cases in this Court to the effect that whether a State has waived its immunity depends upon its intention and is a question of state law [377 U.S. 195] only. Chandler v. Dix, 194 U.S. 590; Palmer v. Ohio, 248 U.S. 32; Ford Motor Co. v. Department of Treasury, 323 U.S. 459, 466-470. **We think those cases are inapposite to the present situation, where the waiver is asserted to arise from the State's commission of an act to which Congress, in the exercise of its constitutional power to regulate commerce, has attached the condition of amenability to suit.** More pertinent to such a situation is our decision in Petty v. Tennessee-Missouri Bridge Comm'n, supra. That was a suit against a bi-state authority created with the consent of Congress pursuant to the Compact Clause of the Constitution. We assumed arguendo that the suit must be considered as being against the States themselves, but held nevertheless that, by the terms of the compact and of a proviso that Congress had attached in approving it,[13] the States had waived any immunity they might otherwise have had. In reaching this conclusion, we rejected arguments, like the one made here, based on the proposition that neither [377 U.S. 196] of the States, under its own law, would have considered the language in the compact to constitute a waiver of its immunity. The question of waiver was, we held, one of federal law. It is true that this holding was based on the inclusion of the language in an interstate compact sanctioned by Congress under the Constitution. But **such compacts do not present the only instance in which the question whether a State has waived its immunity is one of federal law.** **This must be true whenever the waiver is asserted to arise from an act done by the State within the realm of congressional regulation; for the congressional power to condition such an act upon amenability to suit would be meaningless if the State, on the basis of its own law or intention, could conclusively deny the waiver and shake off the condition.** The broad principle of the Petty case is thus applicable here: where a State's consent to suit is alleged to arise from an act not wholly within its own sphere of authority, but within a sphere -- whether it be interstate compacts or interstate commerce -- subject to the constitutional power of the Federal Government, **the question whether the State's act constitutes the alleged consent is one of federal law. Here, as in Petty, the States by venturing into the congressional realm "assume the conditions that Congress under the Constitution attached."** 359 U.S. at 281-282.
[Parden v. Terminal R. Co., 377 U.S. 184 (1964)]

Note in the above case that extraterritorial jurisdiction was procured by the federal government within the exterior limits of a "foreign state", which was a state of the Union, by the commission of an act by the state in the context of its private business ventures, which act constituted interstate commerce. The state indicated that it did not consent to the jurisdiction of the federal government, but their consent was implied by the combination of the Constitution, which is a "contract" or "compact", as well as an act falling within the USA Constitution for which Congress was granted exclusive authority over the state by the state's own ratification of said "compact" as a member of the Union. In that sense, the Constitution creates the equivalent of an "implied contract" or "quasi contract" which can be used to regulate all activities covered by the contract extraterritorially, even among parties who were unaware of the implied contract and did not explicitly or individually consent. Below is a definition of "implied contract" from Black's Law Dictionary:

CONTRACT. [. . .] An implied contract is one not created or evidenced by the explicit agreement of the parties, but inferred by the law, as a matter of reason and justice from their acts or conduct, the circumstances surrounding the transaction making it a reasonable, or even a necessary, assumption that a contract existed between them by tacit understanding. Miller's Appeal, 100 Pa. 568, 45 Am.Rep. 394; Landon v. Kansas City Gas Co., C.C.A.Kan., 10 F.2d. 263, 266; Caldwell v. Missouri State Life Ins. Co., 230 S.W. 566, 568, 148 Ark. 474; Cameron, to Use of Cameron, v. Eynon, 332 Pa. 529, 3 A.2d. 423, 424; American La France Fire Engine Co., to Use of American La France & Foamite Industries, v. Borough of Shenandoah, C.C.A.Pa., 115 F.2d. 886, 867.

Implied contracts are sometimes subdivided into those "implied in fact" and those "implied in law," the former being covered by the definition just given, while the latter are obligations imposed upon a person by the law, not in pursuance of his intention and agreement, either expressed or implied, but even against his will and design, because the circumstances between the parties are such as to render it just that the one should have a right, and the other a corresponding liability, similar to those which would arise from a contract between them. This kind of obligation therefore rests on the principle that whatsoever it is certain a man ought to do that the law will suppose him to have promised to do. And hence it is said that, while the liability of a party to an express contract arises directly from the contract, it is just the reverse in the case of a contract "implied in law," the contract there being Implied or arising from the liability. Bliss v. Hoy, 70 Vt. 534, 41 A. 1026; Kellum v. Browning's Adm'r. 231 Ky. 308. 21 S.W.2d. 459, 465. But obligations of this kind are not properly contracts at all, and should not be so denominated. There can be no true contract without a mutual and concurrent intention of the parties. Such obligations are more properly described as "quasi contracts." Union Life Ins. Co. v. Glasscock, 270 Ky. 750, 110 S.W.2d. 681, 686, 114 A.L.R. 373.
[Black's Law Dictionary, Fourth Edition, p. 395]

1 If you want to investigate the matter of federalism further, we highly recommend the following succinct summary from our
2 SEDM Liberty University, Section 2.4:

Cooperative Federalism, Form #05.034
<http://sedm.org/Forms/FormIndex.htm>

3 **8.9 Understanding Administrative Law**⁵¹

4 What you are about to read is very provocative and likely to shock, but educate, many of you. Some of you will likely be
5 inspired to do likewise, but just as you see those disclaimers which say, "Experts - do not try this at home," so I say,

6 *"Do not try mimicking this at home. Remember, when reality and common sense run up against politics and lust*
7 *for money, the former two will not register in the courts."*

8 We have all heard the term "Administrative Law." Administrative Law is everywhere in society, and affects everyone of us.
9 But despite our familiarity, how many people really know what "Administrative Law" is? Most people see the word "Law"
10 and automatically think it is some kind of a special law passed by either Congress, our state legislators, or our city councils,
11 etc. No matter where we are in our experience and knowledge of Administrative Law, we all tend to feel deep down inside,
12 "I just do not like it." It is that same sort of feeling when we drive down the highway and pass a police car with its lights
13 flashing, having pulled over a car. You don't naturally think, "Boy, I'm pleased to see that police officer out here on the
14 highway performing us a public service." Rather, you are more likely to think, "Boy, I'm glad it's him he pulled over, and not
15 me." Just as hearing from the Internal Revenue Service, "public service" is probably the last thing that enters your mind.

16 Administrative Law demands things of us that intrude into our personal lives, our homes, our businesses. It makes us comply
17 with certain codes, inspects us, demands arbitrary taxes and payment in advance of establishing liability, calls us into account
18 before boards composed of political appointees having conflicts of interests, all without the benefit of a trial by jury of your
19 peers.

20 Administrative Law governs us, to name only a few, in our relation to our children through CPS, our right to contract through
21 the State Contractor's License Board, our businesses through Business Licenses and Worker's Compensation Boards which
22 provide a feeding frenzy for lawyers, and even our pleasurable moments through Fishing and Gaming Licenses, our travel
23 through DMV, etc., etc., and so on without end. In fact, all of our lives in every area is governed by administrative agencies
24 and their "laws," and there is near nothing that is not regulated and licensed by some agency. It would almost seem that life's
25 existence itself is but a special privilege of government that is revocable upon whim. Whatever happened to "... governments
26 are instituted among men, deriving their just powers from the consent of the governed..."?

27 As some of you may already know, none of the protections set forth in the U.S. Constitution has any application whatsoever
28 upon the enforcement and carrying out of "Administrative Law." So we shout with outrage at the government, "You're
29 violating my Constitutional rights," and you ask, "What gives? Is Administrative Law superior to, and above, the Constitution
30 of the United States, which is the supreme Law of this Land?"

31 I am now going to pull the veil off the mystery of "Administrative Law," and let you in on a secret that no government wants
32 you to know. Some of you are going to laugh at the simplicity of the matter, once I tell you. "Administrative Law" is not
33 some esoteric law passed by some legislative body. "Administrative Law" simply means "Contract Agreement." But if
34 government called it what it really was, everyone would know what is going on. But by the government calling it
35 "Administrative Law," few understand it, and think, "Oh my goodness, I don't want to go to jail because I violated
36 Administrative Law." What you must implicitly remember is that Administrative Law and Police Powers are diametrically
37 opposed to each other. They cannot co-exist in the same context. Like oil and water, they can never mix. But governments
38 do not want you to know that. If there were any form of police power exerted to enforce "Administrative Law," it would
39 clearly fly in the face of the Constitution. So all governments exercise fraud when they take "Administrative Law" beyond
40 "the consent of the governed," Declaration of Independence.

41 Every time you hear the term "Administrative Law," you must correctly think "Contract Agreement." If everyone thought
42 that way, people would automatically ask themselves the logical question: "Where's the contract?". But government does
43 not want you to think in terms of "Contracts," nor the fact that there can ever be police powers involved in the enforcement

⁵¹ By: Ron Branson, Author/Founder J.A.I.L., <http://www.jail4judges.org>.

of a contract. If you fail to show up for work, can your boss call up the police and send them out to arrest you? No! This is true even if your boss happens to be the city, or the chief of police. Police powers are limited only to criminal acts, never contract disputes. These are totally separate and exclusive jurisdictions.

The U.S. Constitution specifically forbids all fifty states of this country from passing any law that interferes with any individual's right of contract, or, if the person so chooses, the right not to contract.

*"No state shall...make any...law impairing the obligation of contracts."
[Constitution, Article 1, Section 10, Clause 1]*

The right to contract necessarily establishes the right not to contract. Just like the First Amendment to Congress:

*"Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof;"
[First Amendment]*

so also in Article 1, Section 10, it says that no state shall make any law that impairs the free exercise of the right to contract or not to contract. Now how does this Constitutional prohibition to states apply to such state administrative agencies as the "State Contractor's License Board?" Ah, yes, and note, we are not here even challenging this as an Administrative Law, but rather the very authority of the State itself to even "make" such an administrative agency that presumes to govern the right to contract. In other words, the Legislature was acting unconstitutionally when they even considered "making" such a law, whether the law passed by a majority vote or not. In other words, it was null and void the very moment it was "passed." One could just imagine the untold hundreds of billions of dollars that would invigorate the entire economy of this country if states could not interfere with, or tax our constitutional right to contract, or not to contract, with whosoever we pleased.

Contracts are very much a necessary part of all of our lives, and we all understand the meaning of agreements and keeping our word. Contracts always must contain a consideration, and are made voluntarily for the mutual benefit of each of the parties entering them.

I am going to explain the legitimate uses of contracts, and then proceed to what they have been transmuted into by the State. In a legitimate contract, for instance, and I speak to those married, remember the days when you went out on dates with that special person that made your heart throb? You fell in love and the two of you decided, for the mutual benefit of both of you, to get married. You voluntarily appeared before a minister who asked you the question, "Do you, Sharon, take Steven to be your lawfully wedded husband?" In which you replied, "I do!" You were under no obligation to agree. Remember, wherever one may say "Yes" or "I do" they equally have the right to say, "No," or "I don't," to wit, "Do you, Steven, take Sharon to be your lawfully wedded wife?" which could equally be responded to with, "No, I do not!" Of course, what a way to shock everyone and ruin a marriage ceremony. Without both parties agreeing equally to the full terms and conditions, there can be no "Administrative Law," oops, I mean, "Contract Agreement."

(For the benefit of those of you reading this who are ministers, I would like to take a sidebar. What are those commonly heard words that come from your lips, "...lawfully wedded wife?" I ask you, is there an "unlawfully wedded wife," or an "unlawfully wedded husband?" How did those words get in the marriage vow? Why not just ask, "Do you, Steven, take Sharon to be your wife?" Ah, it is the State trying to stick their foot in the door and become a third party to the marriage "Contract Agreement." I ask you, is it a crime to get married? Must couples have government's permission to get married? The government thinks so. But does the government have constitutional authority to do so? Absolutely not.

Consider the marriage license. A license is a special grant of permission from the government to do that which is otherwise illegal. People are now being convicted of "practicing law without a license," so I ask you, are couples who refuse marriage licenses guilty of practicing marriage without a license? We are instructed in the Bible, "Whoso findeth a wife findeth a good thing, and obtaineth favour of the LORD." Prov. 18:22. Yes, and remember that famous quote, "Render therefore unto Caesar the things which are Caesar's; and unto God the things that are God's, Matt. 22:21, and "What therefore God hath joined together, let not man put asunder." Matt. 19:6. Would it not be just as appropriate if God were to say, "What therefore God has 'licensed,' let not man license?" Of course! Are you not therefore rendering to Caesar that which is God's? And are you not doing it "By the power vested in you by the State of [fill in state], I now pronounce you man and wife." And what about this so-called doctrine beaten into our heads by the courts of "Separation of Church and State?" End of sidebar.)

Let's next turn to the "Contract Agreement" of Civil Service Employment. You open the newspaper and see an ad placed by the City of Ten Buck Two, saying "Now hiring." You go and apply for the job and you are hired. Whether it be secretary, street cleaner, or police officer, you enter a Civil Service Contract, and receive a mutual benefit, i.e., a paycheck. If you were

1 to receive no consideration from the city, you would be merely a slave. Neither the city nor you were under duress, you both
2 receive a consideration, and established a legitimate "Contract Agreement." The city wishes to call it "Administrative Law."
3 After being hired, if there arises a dispute, you cannot shout, "My Constitutional Rights were violated," for you are now under
4 Civil Service protection, and are not entitled to a jury trial nor any of the protections of the Constitution, for now it is
5 Administrative Law that controls, and the Constitution has no application whatsoever.

6 Now let's take this a step further, and talk about a ticket. I once was mailed a ticket through the mail offering me an
7 "Administrative Review." I wrote back to this administrative agency by certified mail with return receipt, and with a sworn
8 declaration attached stating that I had never entered into a "Contract Agreement" with them, and that such contract did not
9 exist. I further demanded that they respond with a counter-declaration stating that I had indeed entered into a "Contract
10 Agreement" with them, and thus bring the question into issue. (An uncontested declaration stands as the truth. No counter-
11 declaration, no dispute.) I also demanded that they attach of copy of the contract we had between us as evidence to support
12 their contention.

13 This administrative agency just did not know what to do, so they just declared my "request for an Administrative Review"
14 untimely, despite the certified mail proving otherwise. They then stated that I now owed them more than twice the amount
15 they originally demanded of me. However, as you note, I did not ask for an "Administrative Review." Rather my only issue
16 was the appropriateness and legitimacy of the agency "offering" me the administrative review. If you received a letter from
17 Moscow, Russia accusing you of failing to possess a license from the Moscow Aviation Flight Board, and offering you an
18 administrative review, would you ask for an administrative review?

19 Further, in my communication to this administrative body, which further baffled them, I asked:

20 *"When you say you are offering me an 'Administrative Review,' it implies I am now on appeal. Was there a trial*
21 *in which I have already been found guilty, and that I now should appeal that decision? I never received a notice*
22 *of such trial. When was the trial? Who sat in judgment? What was the basis of his or her findings? What is the*
23 *particular clause in the "Contract Agreement" I have been found guilty of violating?"*

24 You see, my questions were entirely logical and practical, but they just did not know how to deal with me. So they just forged
25 ahead with enforcement as if I said nothing. This resulted in my lawsuit against them which went all the way to the U.S.
26 Supreme Court twice, once through the state courts, and then all the way through the federal, the issue in federal court being
27 deprivation of due process of law. There was not one court, neither state, nor federal, that would address a single issue I
28 presented in my lawsuit. This suit resulted in five long years of litigation, and the agency admittedly spent over \$100,000.00
29 defending itself, and demanded of me that I should pay them for their time from what started out to be \$55.

30 This case resulted in my filing a criminal complaint against the defendants with the U.S. Attorney, and petitioning Congress
31 to open impeachment proceedings against five federal judges for conspiracy to commit extortion, accompanied with a copy
32 of the proposed Federal J.A.I.L. Bill, with my instant case as an example of why Congress should pass J.A.I.L. into law.
33 Everything grew very quiet. No one would say anything.

34 All this over the implied assumption that I had entered into a "Contract Agreement" that did not exist, and never did exist.

35 Here in Los Angeles, the city dispenses bureaucrats throughout the city to search your home. However, the city likes to refer
36 to it as "inspection." Although the U.S. Constitution provides:

37 *"The right of the people to be secure in their persons, houses, papers and effects, against unreasonable searches*
38 *and seizure shall not be violated, and no warrants shall issue, but upon probable cause, supported by oath or*
39 *affirmation, and particularly describing the place to be searched, and the persons or things to be seized"*
40 *[Fourth Amendment]*

41 these bureaucrats come to you "for your good," as a "public service." They charge you money for their services, and exercise
42 police power, having neither oath or affirmation, warrant, or probable cause, mandating you "volunteer" to accept their
43 searches. If you refuse to volunteer, they turn you over to the city prosecutor who will prosecute you for failure to comply
44 with the program. If you think these bureaucrats are bribe-free, you have a shock coming. Many hint at and suggest that they
45 can arrange special treatment for you, or that they can make things very bad for you.

1 We have now come to the point in this country where the public's common acceptance that we are administrative subjects,
2 that a mere suggestion by a government bureaucrat has now become law, and one is guilty by the simple allegation of whatever
3 charge these bureaucrats wish to lay upon them without appeal to the Constitution.

4 Approximately seven years ago I was stopped by a police officer. He "offered" to engage me into a contract with him. The
5 problem with his contract offer was that it was imposed upon me by the threat of my going immediately to jail, and that of
6 having my car stolen. Under criminal constitutional standards he was required to take me before a magistrate at least within
7 48 hours of his conducting my arrest. He did not wish to do that however, so for his convenience, not mine, he asked me to
8 enter into a contract with him. But what was my consideration in this contract? Was it that I didn't have to go to jail
9 immediately? Nay, for that is like placing a gun to one's head and asking them to voluntarily write a check, which is called
10 "Robbery" in the criminal codes.

11 This nice policeman told me that by signing his ticket, I was not waiving any of my rights. I read it, and all it said was that I
12 promised to appear before the clerk of the court authorized to receive bail by a certain date. I went ahead and took the
13 comfortable route, and signed his contract under duress, "agreeing" to appear before the court clerk as opposed to going to
14 jail. I then went to the clerk of the court by the date specified and asked if she was the clerk of the court authorized to accept
15 bail. She said "Yes." I then told her who I was, and that since she was the authorized person before whom I had promised to
16 appear, I needed her signature showing I had fulfilled my promise. She refused. Gee, what's wrong with these people? They
17 demand my signature to show up before them under threat of going to jail. I show up as they ask and request their signature
18 to show that I have complied, and they refuse. They do not respect you for keeping your promise to them. It seems they are
19 not satisfied, and they want something more from you than they made you promise. Hmmm, it seems to me that not all the
20 terms of the contract were revealed when the officer said all I had to do was appear in front of the clerk. I must have been
21 defrauded.

22 What they really wanted, and now demanded, was that I appear before a commissioner, not a judge, when originally I was
23 entitled under the Constitution to appear before a magistrate for a determination of probable cause of my arrest by the kind
24 police officer. The officer must have lied to me when I was clearly told that I would not be waiving any of my rights. But a
25 waiver of my rights under the Constitution requires my voluntary and knowledgeable consent with a consideration in the pie
26 for me. But I never got the pie. This "Contract Agreement" does not seem to be like saying "I do" at the altar and getting a
27 wife, or "I agree" at the Civil Service interview, and getting a paycheck.

28 This commissioner bullied me, trying to induce me by force to enter into his offered contract agreement, when in no way was
29 he qualified to act or perform pursuant to the Fourth Amendment requirements of a magistrate.

30 When he failed to convince me that it was in my best interest that I should voluntarily agree to his contract, he proceeded to
31 unilaterally enter me into his contract whether I agreed to it or not. And of course, it was done with "my best interest at
32 heart." He's an educated man, and has graduated from law school. So why didn't he know that a contract requires my
33 voluntary consent? Having waived my rights for me (which is an impossibility), he now tells me that I am going to appear
34 for trial on the date he chose for me, and that I am going to sign a promise to appear. I told him, "NO! I am not going to sign
35 such a contract agreement!" He became very wrath, and I was immediately arrested, chained to thieves, con artists, and
36 extortionists and thrown into jail for not agreeing to sign.

37 At least one of the sheriff's deputies handling me expressed disbelief at what she was hearing that I was arrested for not
38 agreeing to sign on to the commissioner's offer. Here they were digging through my pockets and relieving me of all my
39 possessions, and my crime is failing to accept an offer. This could only be a civil charge at best, but refusing to contract is
40 not a violation of a contract. I had not even agreed to the deprivation of a magistrate to appear before this commissioner.

41 No sooner had they illegally processed me into the Los Angeles County jail system, that they wanted to get rid of me. Under
42 California statute, no person can be jailed on an alleged infraction, but here I was in jail. The fact is, neither the courts nor
43 the administrative boards know how to deal with the rare individual who sensibly raises questions about the existence of a
44 contract, so they just bully forward with police power enforcement, and address nothing.

45 The deputies told me they were putting me out of jail, but that I must come back to court on the date specified by the
46 commissioner. I told them "No! I did not agree to appear." They told me that if I did not appear, I would be arrested. I said
47 that I was already under arrest, so just keep me in jail until you are finished with me. They said, we can't do that, we don't
48 have the money to keep you here. I said, "I'm not here to save you money. If you want me, just keep me here. If you don't
49 want me, put me out." So they threw me out of jail to get rid of me, and I never showed up later. In the meantime, I

1 commenced suit against the commissioner for kidnapping, holding me hostage and demanding ransom for my release. (His
2 ransom was my signature, for he said when I gave him my signature, I would be free to go. Of course, that was why I was in
3 jail because I did not agree to that.)

4 In my civil suit against the commissioner, I had him totally defenseless, and the trial judge hearing the case knew it. There
5 was absolutely no way the commissioner could lawfully wiggle off, but since when do judges do things lawfully? The trial
6 judge knew the commissioner was naked, and had no jurisdiction whatsoever for what he did to me. He slammed his hands
7 down on the bench and said, "Mr. Branson, in all my twenty years' career on the bench, I have never met a person like you."
8 He then quoted the words found in my complaint, "Just keep me in jail until you are finished with me."

9 This judge could see the potential chaotic conditions if every person which was stopped by the cops stated "Just keep me in
10 jail until you are finished with me." I was supposed to fear losing my job, my reputation and companionship and capitulate.
11 He knew that if everybody did what I was doing, the entire system would fall apart. I was suddenly costing government
12 mucho money to the tune of thousands upon thousands of dollars when the whole idea was to make some money from me.
13 This lawsuit continued for years all the way up to the U.S. Supreme Court, yet not one judge would address the issues of my
14 contract case.

15 I now refer to a humorous situation that sounds like make-believe. An acquaintance of mine was called into court by one of
16 the ABC "public service" administrative agencies to be cross-examined to discover information from him to be used against
17 him. He was asked to take the witness stand. They asked him to raise his right hand after which the clerk of the court said,
18 "Do you solemnly swear to tell the truth, the whole truth, and nothing but the truth, so help you God?" He responded, "No,
19 I do not!" Everyone in the court gasped. (Remember, the right to say "Yes" also includes the right to say "No!") The judge
20 instructed the clerk to re-read the swearing-in again, supposing that he just did not understand the question. He responded
21 the second time,

22 *"I heard you the first time, and my answer is, No, I do not!"*

23 You can imagine the uncomfortable and embarrassing situation into which this placed the judge. He asked why he would not
24 swear to tell the truth, and he said,

25 *"The Bible says, 'Let God be true, but every man a liar,' " (referring to Rom. 3:4), and "I am a man, and a liar."*

26 The judge came unglued and threatened him with jail if he did not swear to tell the truth. He responded,

27 *"Judge, you asked me a straight-forward question requiring either a yes, or a no answer. I gave you a straight-*
28 *forward answer to your question, and that was No, I do not. You can't say I did not answer your question, for I*
29 *did answer it, but you just don't like my answer. If you didn't want to hear my answer, then don't ask me the*
30 *question. And judge, on what basis do you threaten me with jail? Is it because I answered your question truthfully?*
31 *Or is it because you wanted me to lie, and I didn't do it? Or is it because you believe I am lying to you when I tell*
32 *you I am a man, and a liar?"*

33 The judge threw him in jail for three days, after which he brought him forth to swear him in again. He said,

34 *"Judge, my answer to you is still the same as three days ago. I am still a man, and still a liar, and no amount of*
35 *jail time can change that."*

36 The judge again threatened him with jail, to which he responded:

37 *"On what basis do you threaten me with jail? Is it because I answered your question truthfully, and you want me*
38 *to lie? Or is it because you believe I am lying to you when I tell you I am a man, and a liar?"*

39 The system just does not know how to handle people who question the actions of government when all the government is
40 only trying to get your approval to what they do to you. If you don't agree to the Contract Agreement, then they do you the
41 favor of "agreeing" for you even if it is against your will, without consideration. As I say, this is not quite like you saying "I
42 do" at the altar, but the judge spake and it was so.

43 Other examples are, when you are called to jury duty, the judge makes you raise your right hand and agree to follow the law
44 as interpreted to you by the judge. But wait, it is not the judge or the jurors who are entitled to a jury trial, but the defendant
45 who is constitutionally entitled to a fully informed and unencumbered jury which must judge on both the law and the facts.

Here we have a judge seeking to induce the defendant's jurors to conspire with him against the defendant. How can the judge, in conspiracy with the jurors, lawfully agree to waive the rights of the defendant? They can't. It is the defendant that is entitled to a fair and impartial trial,

*"In all criminal prosecutions, the accused shall enjoy ... an impartial jury." Jurors who have been induced to conspire with the judge cannot possibly be "an impartial jury."
[Fifth Amendment, U.S. Constitution]*

Then there are the various taxing agencies who want you to enter into a "Contract Agreement" with them. They kindly provide you with a pre-printed line on their forms to agree with their offer of a "Contract Agreement." But if you choose not to accept their offer, can one go to jail? Not constitutionally. However, they somehow want you to believe that if you do not accept their offer, then you are obligated to comply with their "Imposed Criminal Administrative Law," for after all, you don't want to go to jail because you violated the law.

Remember, anything that requires your signature, or a swearing thereto in order to give it application, is not law, but a contract. A contract must entail:

1. Being fully cognizant of all its terms.
2. Agreeing to all those terms.
3. Having equal right to say yes or no.
4. Offering you a consideration to which you would rather have than retaining your constitutional rights and saying no.
5. Being totally done without duress in any way.

Anything otherwise fails the test of a contract.

8.10 "Public Law" or "Private Law"?

The most important subject to study in the legal field is how to distinguish what is "law" FOR YOU PERSONALLY and what is not. This is a subject that is not taught in law schools, because lawyers and politicians want you to believe that everything they enact into law imposes an immediate obligation upon you, which is simply not true in the vast majority of cases. Many laws, in fact, are simply "directory in nature", meaning that you have an option to obey them but they cannot be lawfully enforced if you don't.

*"**Directory.** A provision in a statute, rule of procedure, or the like, which is a mere direction or instruction of no obligatory force, and involving no invalidating consequence for its disregard, as opposed to an imperative or mandatory provision, which must be followed. The general rule is that the prescriptions of a statute relating to the performance of a public duty are so far directory that, though neglect of them may be punishable, yet it does not affect the validity of the acts done under them, as in the case of statute requiring an officer to prepare and deliver a document to another officer on or before a certain day."
[Black's Law Dictionary, Sixth Edition, p. 460]*

This section and the following subsections will therefore concern themselves with teaching the reader how discern between legislation which imposes an affirmative obligation and liability, and that which is merely "directory in nature" and of no obligatory force IN YOUR SPECIFIC CASE. We will prove that the origin of all civil law in America is informed, voluntary consent and that where there is no consent, there is no enforceable civil legal right to anything. This is a very important subject, because it will help you to modify your behavior with the goal of freeing you from obeying many legal enactments of your servant government which:

1. Are not in fact "law" in your specific case.
2. Are simply "directory in nature" and of no obligatory force.
3. Are "special law" or "private law" that apply only to a particular group of persons and things that you are not a part of.
4. Are "private law" disguised as "public law" to deceive you into obedience.
5. Apply only to government employees or public offices and not to the general public as a whole.

By helping you to discern what is "obligatory" and what is "directory", we don't mean to suggest any of the following:

1. That the Internal Revenue Code or the Social Security Act are not "law". They absolutely are for those domiciled on federal territory who have consented to occupy and lawfully occupy a public office in the federal and not state government and thereby become franchisees called "taxpayers" as defined in 26 U.S.C. §7701(a)(14) .

2. That there are no “persons” subject to them.
3. That Internal Revenue Code, Subtitle A doesn’t apply to anyone. Rather, the group of persons who are subject to it is far more limited than most people realize.
4. That statutory “taxpayers” as defined in 26 U.S.C. §7701(a)(14) are not subject to the Internal Revenue Code.
5. That there are no statutory “taxpayers”.

In covering this important subject, we will learn to distinguish between “public law” and “private law”, and we will demonstrate their relationship to “positive law”. We will also hopefully give you the words and tools to argue these issues in a court of law so that you avoid many of the legal traps, or what the U.S. Supreme Court calls “springes”, that many freedom lovers commonly fall into.

8.10.1 Public v. Private law

As the Great IRS Hoax, Form #11.302 says in sections 3.3 and 4.4.3, the purpose of law, like the purpose of government, is to protect us from harming each other, in fulfillment of the second great commandment to love our neighbor found in the Bible in Matt. 22:39. The only means by which law can afford that protection is to:

1. Prohibit and punish harmful behaviors.
2. Leave men otherwise free to regulate and fully control their own lives.

Thomas Jefferson agreed with the above conclusions when he said:

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

In the above sense, law is a negative concept: It provides a remedy for past harm but has no moral authority to prevent or promote or mandate any other type of behavior, including the public good. De jure law acts only upon those who institute past injury. When it acts upon FUTURE conduct or in a PREVENTIVE rather than CORRECTIVE role, it requires the CONSENT of those who are affected by its preventive role. Otherwise, involuntary servitude and theft of property is the result, where “rights” are property.

The very basis of the government’s police powers, in fact, is only to provide a remedy for past harm but not to compel any other behavior. Since the Constitution in the Fourteenth Amendment, Section 1 mandates “equal protection of the laws” to everyone, then all laws dealing with such protection must be “public” and affect everyone equally in society:

“Public law. A general classification of law, consisting generally of constitutional, administrative, criminal, and international law, concerned with the organization of the state, the relations between the state and the people who compose it, the responsibilities of public officers to the state, to each other, and to private persons, and the relations of states to one another. An act which relates to the public as a whole. It may be (1) general (applying to all persons within the jurisdiction), (2) local (applying to a geographical area), or (3) special (relating to an organization which is charged with a public interest).

That portion of law that defines rights and duties with either the operation of government, or the relationships between the government and the individuals, associations, and corporations.

That branch or department of law which is concerned with the state in its political or sovereign capacity, including constitutional and administrative law, and with the definition, regulation, and enforcement of rights in cases where the state is regarded as the subject of the right or object of the duty, --including criminal law and criminal procedure, --and the law of the state, considered in its quasi private personality, i.e., as capable of holding or exercising rights, or acquiring and dealing with property, in the character of an individual. That portion of law which is concerned with political conditions; that is to say, with the powers, rights, duties, capacities, and incapacities which are peculiar to political superiors, supreme and subordinate. In one sense, a designation given to international law, as distinguished from the laws of a particular nation or state. In another sense, a law or statute that applies to the people generally of the nation or state adopting or enacting it, is denominated a public law, as contradistinguished from a private law, affecting an individual or a small number of persons.

See also General law. Compare Private bill; Private law; Special law.”

In a Republican form of government, passage of all public laws requires the explicit consent of the governed. That consent is provided through our elected representatives and is provided collectively rather than individually. Any measure passed by a legislature which:

1. Does not limit itself to prohibiting and punishing harmful behaviors.
2. Does not apply to everyone equally (equal protection of the laws).
3. Was passed without the consent of the governed.

. . . is therefore voluntary and cannot be called a "Public law". Any law that does not confine itself strictly to public protection and which is enforced through the police powers of the state is classified as "Private Law", "Special Law", "Administrative Law", or "Civil Law". The only way that such measures can adversely affect our rights or become enforceable against anyone is by the exercise of our private right to contract. We must consent individually to anything that does not demonstrably prevent harm. Anything that we privately consent to and which affects only those who consent is called "private law".

"Private law. That portion of the law which defines, regulates, enforces, and administers relationships among individuals, associations, and corporations. As used in contradistinction to public law, the term means all that part of the law which is administered between citizen and citizen, or which is concerned with the definition, regulation, and enforcement of rights in cases where both the person in whom the right inheres and the person upon whom the obligation is incident are private individuals. See also Private bill; Special law. Compare Public Law."

[Black's Law Dictionary, Sixth Edition, p. 1196]

Since the foundation of this country, the U.S. Congress has had two sections of laws they pass in the Statutes at Large: Public Law and Private Law. Every year, the Statutes at Large are published in two volumes: Public Law and Private Law. In many cases, a bill they pass will identify itself as "public law" and be published in the volume labeled "Public law" when in fact it has provisions that are actually "private law". Then they will obfuscate the definitions or not include definitions, called "words of art", so as to fool you into thinking that what is actually a private law is a public law. In effect, they will procure your consent through constructive fraud and deceit using the very words of the law itself.

***"Shall the throne of iniquity, which devises evil by law, have fellowship with You?"** They gather together against the life of the righteous, and condemn innocent blood. But the Lord has been my defense, and my God the rock of my refuge. He has brought on them their own iniquity, and shall cut them off in their own wickedness; **the Lord our God shall cut them off.**"*
[Psalm 94:20-23, Bible, NKJV]

Question: Who else but wicked lawmakers could the Bible be referring to in the above scripture? Now do you know why the book of Revelation refers to the "kings of the earth" as "the Beast" in Rev. 19:19?

We'll now provide an enlightening table comparing "public law" and "private law" as a way to summarize what we have learned so far:

1 **Table 8: Public v. Private/Special law**

#	Characteristic	Public law	Private/Special law
1	Consent provided	Collectively	Individually
2	Party consenting	Elected representatives	Individuals
3	Your consent provided	Indirectly	Directly
4	Consent procured through	Offer of enhanced protection/security	Offer of special “privilege” or benefits, which are usually financial in nature
5	Consent manifested by you through	Voting for your elected representatives	Signing the contract Engaging in certain regulated, or licensed activities. E.g.: Contractor’s License, Business License, Marriage License, etc.
6	When consent procured through fraud or duress or absent constitutional authority or fully informed consent, law is called	“Decree under legislative form” (see <i>Loan Assoc. v. Topeka</i> , 87 U.S. 655 (1974)) Unconstitutional act Tyranny	Adhesion contract Usury Extortion Racketeering
7	Tyranny and dishonesty in government manifested by	Confusing Public law with private law Obfuscating law using “words of art”	Refusing to identify the privileged activities Making “excise taxes” on privileges appear like unavoidable “direct taxes” Making that which is a “code” and not positive law to appear as though it is
8	Proposed version that has not yet been ratified is called	“Bill”	Offer Proposal Bid
9	Ratified/enacted version called	“Statute” “Legislation” “Enactment” “Positive law”	“Contract” “Code”
10	Law affects	Everyone equally within the territorial jurisdiction of the government (equal protection)	Only parties who provided consent
11	Those subject to the law are called	“Subject to” “Liable”	“Liable”
12	Limits upon content of law?	Limited by Constitution	Limited only by what parties will agree/consent to
13	Enforceability of enacted/ratified version	Requires implementing regulations published in the federal register	May be enforced by statute and without implementing regulations
14	Territorial enforcement authority	Limited to territorial jurisdiction of enacting government	Can be enforced only in federal court if Federal government is party. Can be enforced only in state court if state government is a party. This is a result of the Separation of Powers Doctrine.
15	Examples of language within such a law	“All persons...” “Every person...” “All individuals...”	“A person...” “An individual...” “A person subject to...”

2 Now let’s apply what we have learned in this section to a famous example: The Ten Commandments. We will demonstrate
3 for you how to deduce the nature of each commandment as being either “public law” or “private law”. The rules are simple:

1. Everything that says “thou shalt NOT” or uses the word “no” and carries with it a punishment is a “public law”.
2. Everything that says “thou shalt” is a “private law” that is essentially a voluntary contract. It has no punishment for disobedience but usually has a blessing for obedience.

To start off, we will list each of the Ten Commandments, from Exodus 20:3-17, NKJV:

1. "You shall have no other gods before Me.
2. "You shall not make for yourself a carved image-- any likeness of anything that is in heaven above, or that is in the earth beneath, or that is in the water under the earth; ⁵you shall not bow down to them nor serve them. For I, the LORD your God, am a jealous God, visiting the iniquity of the fathers upon the children to the third and fourth generations of those who hate Me, ⁶but showing mercy to thousands, to those who love Me and keep My commandments.
3. "You shall not take the name of the LORD your God in vain, for the LORD will not hold him guiltless who takes His name in vain.
4. "Remember the Sabbath day, to keep it holy. Six days you shall labor and do all your work, but the seventh day is the Sabbath of the LORD your God. In it you shall do no work: you, nor your son, nor your daughter, nor your male servant, nor your female servant, nor your cattle, nor your stranger who is within your gates. For in six days the LORD made the heavens and the earth, the sea, and all that is in them, and rested the seventh day. Therefore the LORD blessed the Sabbath day and hallowed it.
5. "Honor your father and your mother, that your days may be long upon the land which the LORD your God is giving you.
6. "You shall not murder.
7. "You shall not commit adultery.
8. "You shall not steal.
9. "You shall not bear false witness against your neighbor.
10. "You shall not covet your neighbor's house; you shall not covet your neighbor's wife, nor his male servant, nor his female servant, nor his ox, nor his donkey, nor anything that is your neighbor's."

Now some statistics on the above commandments based on our analysis in this section:

1. Commandments 1,2,3,6,7,8,9,10 are “public law”. They are things you cannot do and which apply equally to everyone. Disobeying these laws will harm either ourself or our neighbor, will offend God, and carry with them punishments for disobedience.
2. Commandments 4 and 5 are “private law”, and apply only to those who consent. Blessings flow from obeying them but no punishment is given for disobeying them anywhere in the Bible. Below is an example of the blessings of obedience to this “private law”:

"Honor your father and your mother, that your days may be long upon the land which the LORD your God is giving you"
[Exodus 20:12, Bible, NKJV].

"Honor your father and your mother, as the LORD your God has commanded you, that your days may be long, and that it may be well with you in the land which the LORD your God is giving you."
[Deut. 5:16, Bible, NKJV]

3. The first four commandments deal with our vertical relationship with God, our Creator, in satisfaction of the first Great Commandment to love our God found in Matt. 22:37.
4. The last six commandments deal with our horizontal, earthly relationship with our neighbor, in satisfaction of the second of two Great Commandments to love our neighbor found in Matt. 22:39.

How do we turn a “private law” into a “public law”? Let’s use the fifth commandment above to “honor your father and mother”. Below is a restatement of that “private law” that makes it a “public law”. A harmful behavior of “cursing” is being given the punishment of death:

"He who curses father or mother, let him be put to death."
[Exodus 21:17, Bible, NKJV]

The other interesting thing to observe about our deceitful public servants is that if they want to trick you into complying with law that they know you are not subject to, then they will:

1. Want to label everything they pass, including “private law”, as “public law”.
- Mix and confuse private law with public law and make the two indistinguishable. For instance, when they propose a bill, they will call it a “public law” and then load it down with a bunch of pork barrel “private law” provisions.
- Make it so confusing and difficult to distinguish what is public law from what is private law, that people will just give up and be forced to assume falsely that everything is “public law”. The result is the equivalent of “government idolatry”: Assuming authority that does not lawfully exist.
- Call those who figure out their ruse and call them on it “frivolous” so that they don’t have to take responsibility for KNOWING that they are deceiving and injuring the public rather than protecting them as the Constitution requires.

One last important concept needs to be explained about how to distinguish Public Law or Private law. When reading a statute or code, if the law uses such phrases as “All persons..” or “Everyone..” or “All individuals..”, then it applies equally to everyone and therefore is most likely a “public law”. If the code uses such phrases as “An individual...” instead of “All individuals..”, then it is probably a private or special law that only applies to those who consent to it. The only element necessary in addition to such language in order to make such a section of code into “law” is the consent of the governed, which means the section of code must be formally enacted by the sovereigns within that system of government. If it was never enacted through such consent of the governed, then it can’t be described as “law”, except possibly to those specific individuals who, through either an explicit signed written agreement or their conduct, express their consent to be bound by it.

8.10.2 Positive Law

There are only two types of governments: government by consent (contract) or terrorist government. All governments that operate by force or fraud rather than consent are terrorist governments. The [Declaration of Independence](#) says that all just powers of the United States government derive from the consent of the governed.

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

Absent individual, explicit, and voluntary consent for everything that government does in this country, a civil law may not be enforced and may not adversely affect our Constitutional rights to life, liberty or property. In a Republic of free and sovereign People who have unalienable constitutional rights, any government that disregards the requirement for consent is essentially acting unjustly and involving itself in organized crime, extortion, and terrorism. A law which is enforceable because the people either individually or collectively consented explicitly to it is called *positive law*:

*“Positive law. Law actually and specifically enacted or adopted [consented to] by proper authority for the government of an organized jural society. See also Legislation.”
[Black’s Law Dictionary, Sixth Edition, p. 1162]*

“Proper authority” above is the people’s elected representatives, because all power in this country derives from We The People.

*“In the United States, sovereignty resides in the people...the Congress cannot invoke sovereign power of the People to override their will as thus declared.”
[Perry v. U.S., 294 U.S. 330 (1935)]*

*“Sovereignty itself is, of course, not subject to law, for it is the author and source of law...While sovereign powers are delegated to...the government, sovereignty itself remains with the people.”
[Yick Wo v. Hopkins, 118 U.S. 356 (1886)]*

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

There is only one exception to the above rule, which is that a person who commits a crime that injures the rights of a fellow sovereign thereby surrenders his own rights because he has broken his covenant with God to “love his neighbor” (see Gal 5:14), which is one of only two great commandments in the Bible (see Matt. 22:39, Bible). Such an exception as this, however, does not at all apply to so-called “crimes” within the Internal Revenue Code, because no one’s “rights” are adversely

1 impacted by those who refuse to pay such government “extortion under the color of law”. If you choose not to consent to
2 become a “taxpayer”, you may cause other “taxpayers” to lose “privileges” (government socialist handouts) by refusing to
3 participate, but other “taxpayers” don’t lose any of their constitutional rights if you refuse to subsidize the evil and socialism
4 that is embodied in the Internal Revenue Code. In fact, the “crimes” listed in 26 U.S.C. §§7201 to 7217 are not “tax crimes”
5 for the average American, because:

- 6 1. Those who are “nontaxpayers” are not subject to it. We’ll cover this further later.
- 7 2. There is no statute which creates a liability and there is no evidence of consent to abide by it. Therefore, it is not law for
8 those who have not consented in some way, who therefore become “nontaxpayers”. See:

Your Rights as a Nontaxpayer, Form #08.008

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

- 9 3. Subtitle A of the Internal Revenue does not describe a “tax” as legally defined by the Supreme Court, because revenues
10 collected are being paid to private people who are not federal “employees” or a “public purpose”. See:

Why Your Government is Either a Thief or You are a “Public Officer” for Income Tax Purposes, Form #05.008

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

11 When federal courts choose to illegally enforce the criminal provisions of the Internal Revenue Code, which is not positive
12 law, against those in states of the Union who are not in fact and in deed “public officers” engaged in a “trade or business”
13 within the United States government, they are prosecuting people for what is called “malum prohibitum acts”. They are also
14 involved in treason against the Constitution if they acquiesce to or aid in the prosecution of private parties who are not in fact
15 federal “employees”, who live in states of the Union and outside of federal territorial jurisdiction.

16 *“Malum prohibitum. A wrong prohibited; a thing which is wrong because prohibited; an act which is not*
17 *inherently immoral, but becomes so because its commission is expressly forbidden by positive law; an act*
18 *involving an illegality resulting from positive law. Compare Malum in se. “*
19 *[Black’s Law Dictionary, Sixth Edition, p. 960]*

20 Treason, by the way, is punishable by death under 18 U.S.C. §2381. See section 5.1.2 of the *Great IRS Hoax*, Form #11.302
21 book for a complete explanation of this concept. They are committing treason because they are not enforcing a “tax” as
22 legally defined. “Taxes” can ONLY go to support public employees on official business and cannot constitutionally be used
23 for any other purpose:

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

28 *Nor is it taxation. ‘A tax,’ says Webster’s Dictionary, ‘is a rate or sum of money assessed on the person or*
29 *property of a citizen by government for the use of the nation or State.’ ‘Taxes are burdens or charges imposed*
30 *by the Legislature upon persons or property to raise money for public purposes.’ Cooley, Const. Lim., 479.”*
31 [\[Loan Association v. Topeka, 20 Wall. 655 \(1874\)\]](#)

32 The legislation passed by Congress in pursuance of the authority delegated to it by the Constitution of the United States
33 (which is “positive law”) is organized by subject in the 50 titles of the U.S. Code. Each title of the U.S. Code covers a
34 different subject area. For instance, Title 26 covers Internal Revenue: that is, revenue gathered within the territorial
35 jurisdiction of the federal government, which is limited to the territories and possessions of the United States and the District
36 of Columbia, collectively called the “federal zone” throughout this book.

37 Within the U.S. Code, certain titles are enacted into “positive law” while others are not. Those that are not enacted into
38 positive law may safely be regarded as “private law”. Those that are should be regarded as “public law”. 1 U.S.C. §204 lists
39 which Titles are positive law and which are not. Only those titles that are enacted into positive law have the potential
40 to become binding generally upon all legal “persons” within the territorial jurisdiction of the federal government. However,
41 before this can happen, an agency of the federal government within the Executive Branch must choose to step forward under
42 the leadership of the President of the United States and voluntarily consent to take responsibility for executing the statute by
43 writing implementing regulations giving the statutes force and effect, and publishing those enforcement regulations in the
44 Federal Register for public review and comment. Below is a definition of the Federal Register from Black’s Law Dictionary:

45 *“Federal Register. The Federal Register, published daily, is the medium for making available to the public*
46 *Federal agency regulations and other legal documents of the executive branch. These documents cover a wide*
47 *range of Government activities. An important function of the Federal Register is that it includes proposed*

changes (rules, regulations, standards, etc.) of governmental agencies. Each proposed change published carries an invitation for any citizen or group to participate in the consideration of the proposed regulation through the submission of written data, views, or arguments, and sometimes by oral presentations. Such regulations and rules as finally approved appear therefore in the Code of Federal Regulations.”
[Black’s Law Dictionary, Fifth Edition, p. 551]

The above description explains that the Federal Register also serves as the means by which notice is given to the general public that laws by Congress can and will be enforced by rules and regulations that may adversely affect their rights. “Due notice” to all of the affected parties is considered an essential and fundamental element of Constitutional “due process”. Here is how the U.S. Supreme Court describes it:

“An elementary and fundamental requirement of due process in any proceeding which is to be accorded finality is notice reasonably calculated, under the circumstances, to apprise interested [and affected] parties of the pendency of the action and afford them an opportunity to present their objections.”
[Mullane v. Central Hanover Bank & Trust Co., 339 U.S. 306, 314 (1950)]

These regulations are then subsequently published in the Code of Regulations (hereafter C.F.R.) after they are published in the Federal Register. The C.F.R. then becomes the means by which Federal Government employees are informed of the limits of their conduct when implementing the laws they are authorized and required to enforce under the authority of the Constitution. The public record built during the public review process then becomes the means by which the courts enforce the regulations against the public, because it helps establish legislative intent of both the agency and the public.

44 U.S.C. §1505(a) (which is positive law) requires that every document or order which has “general applicability and legal effect” to all persons must be printed in the Federal Register. In other words, if the statute and the regulations that implement it haven’t been published in the Federal Register, then the statute is unenforceable against the general public. This means that all positive laws, including both the statutes and the regulations that implement them, must appear in the Federal Register before one can reasonably conclude that the general public has been properly placed on notice about a law according to which they must control their conduct.

TITLE 44 > CHAPTER 15 > Sec. 1505.
Sec. 1505. - Documents to be published in Federal Register

(a) Proclamations and Executive Orders; Documents Having General Applicability and Legal Effect; Documents Required To Be Published by Congress.

There shall be published in the Federal Register -

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

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

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

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

If a positive law statute was passed by the Legislative branch for which no agency in the Executive Branch ever claimed responsibility and for which no implementing regulations were ever published in the Federal Register, that statute would be a “dead law” that effectively is unenforceable against anything but federal employees, the military, and federal benefit recipients. Note that paragraph (a)(1) in the above statute says no implementing regulations are required in the context of federal officers, agents, or employees.

“...the Act’s civil and criminal penalties attach only upon violation of the regulation promulgated by the Secretary; if the Secretary were to do nothing, the Act itself would impose no penalties on anyone...The Government urges that since only those who violate these regulations [not the Code] may incur civil or criminal penalties, it is the actual regulations issued by the Secretary of the Treasury, and not the broad authorizing language of the statute, which are to be tested against the standards of the Fourth Amendment; and that when so tested they are valid.”
[Calif. Bankers Assoc. v. Shultz, 416 U.S. 21, 44, 39 L.Ed.2d. 812, 94 S.Ct. 1494]

An example of such “dead laws” are the campaign finance reforms passed during the early 2000’s by Congress. They are not enforced. Does that surprise you? There is one important exception to these general rules for positive law, and that exception is that any act of Congress that affects only federal employees in the Executive branch acting only in their official capacity need not be published in the Federal Register and need not have implementing regulations in order to be enforceable. This exception is found in 44 U.S.C. §1505(a)(1), which we showed above. This same exception also appears a second time in 5 U.S.C. §553(a)(2):

*TITLE 5--GOVERNMENT ORGANIZATION AND EMPLOYEES
PART I--THE AGENCIES GENERALLY
CHAPTER 5--ADMINISTRATIVE PROCEDURE
SUBCHAPTER II--ADMINISTRATIVE PROCEDURE
Sec. 553. Rule making*

*(a) This section applies, according to the provisions thereof,
except to the extent that there is involved--
(1) a military or foreign affairs function of the United States;
or
(2) a matter relating to agency management or personnel or to
public property, loans, grants, benefits, or contracts.*

Some say that while the Internal Revenue Code may not be “positive law”, there ARE or at least MAY BE sections within it that ARE positive law. They will look at the legislative notes on a section of the code and find the Congressional Acts that it references and conclude that because the Act that the section was based on was a positive law and because it was passed AFTER the Internal Revenue Code was repealed in 1939, then that section and only that section is “positive law”. That may very well be true. However, the government has the burden of proving in each case, usually as the moving party, that the section they are citing is positive law for each case or instance where they use it. To do otherwise would be to violate due process of law using false presumption and disrespect the requirement for consent in every aspect of government.

1 U.S.C. §204 describes the applicability of statutes within the U.S. Code based on whether they are “positive law”, which we will now show below. We have broken 1 U.S.C. §204(a) into two clauses, with each one numbered in the cite below. Everything after the “[1]” would be clause 1 and everything after the “[2]” would be clause 2.

1 U.S.C. §204: Codes and Supplements as evidence of the laws of United States and District of Columbia; citation of Codes and Supplements

Sec. 204. - Codes and Supplements as evidence of the laws of United States and District of Columbia; citation of Codes and Supplements

In all courts, tribunals, and public offices of the United States, at home or abroad, of the District of Columbia, and of each

State, Territory, or insular possession of the United States -

(a) United States Code. -

[1] The matter set forth in the edition of the Code of Laws of the United States current at any time shall, together with the then current supplement, if any, establish prima facie [by presumption] the laws of the United States, general and permanent in their nature, in force on the day preceding the commencement of the session following the last session the legislation of which is included:

[2] Provided, however, That whenever titles of such Code shall have been enacted into positive law the text thereof shall be legal evidence of the laws therein contained, in all the courts of the United States, the several States, and the Territories and insular possessions of the United States.

The above statute shows three jurisdictions: (1) Clause 1 shows the “United States”, which is defined as the District of Columbia under 4 U.S.C. §72; (2) Clause 2 adds the States of the Union and Territories to the jurisdiction. We have therefore created a table to show each of the three jurisdictions and the applicability of “positive law” and “prima facie law” in each of the three cases based on the foregoing discussion.

Table 9: Applicability of laws of United States to various jurisdictions

#	Description	Applicable Jurisdiction		
		District of Columbia Only ("United States")	States of the Union ("several States")	Territories and Insular Possessions
1	Jurisdiction of Clause 1 of 1 U.S.C. §204(a) above	X		
2	Jurisdiction of Clause 2 of 1 U.S.C. §204(a) above	X	X	X
3	Type of law	Prima facie law Not "positive law"	Positive law	Positive law
4	Regulations must be published in Federal Register?	No	Yes	Yes
5	"State" defined in	28 U.S.C. §1332(d)	Constitution 26 U.S.C. §4612 State-State of the Union	4 U.S.C. §110(d) State=Territory 26 U.S.C. §3121(e)
6	When no implementing regulations published in the Federal Register, statutes can <u>only</u> apply to	Federal employees, agencies, military, and benefit recipients (see 44 U.S.C. §1505(a)(1) and 5 U.S.C. §553(a))	No one	No one
7	Jurisdiction of federal district courts assigned to this area by	These laws <u>are</u> excluded by 28 U.S.C. §1366 28 U.S.C. §1603	Not excluded by 28 U.S.C. §1366	Not excluded by 28 U.S.C. §1366
8	Sections from U.S. Code that are applicable exclusively here are called	"Code section"	"Statute" "Legislation" "Law"	"Statute" "Legislation" "Law"
9	Type of law applying here is	Private law	Public law	Public law

Therefore, based on the above, we can safely conclude the following:

- Sections from the U.S. Code that are not positive law can only apply in the District of Columbia and no place else.
- All law applying exclusively to the District of Columbia is "Private law" that applies only to federal employees, agencies, military, and benefit recipients.
- Sections of the U.S. Code which are not positive law:
 - May not be called "law" or a "statute" or "legislation", because they were never enacted by the consent of the governed. Consent of the sovereign is the only thing that can create "law", "statutes", or "legislation".
 - Fall in the category of "all needful rules" found in Article 4, Section 3, Clause 2 of the United States Constitution and are intended only to manage government and not private property. They in effect are "compacts" that apply to those who consent, rather than "law" or "positive law" that applies to everyone.

An example of wording that can be used to make law positive is in the Fifth Amendment to the U.S. Constitution. By starting out "No person..." it is clear that no one is excluded. In statutes, a phrase such as "any person is required" is used to indicate that the statute applies to anyone. When Congress omits the word "is" from such a phrase, making it read "any person required" (as in 26 U.S.C. §7203), it is saying that this law only applies to a specific person. This is not a positive law, it is a "special law" or "private law" which became "law" by virtue of the consent of that specific individual. It only applies to the person who exercised his personal choice (sovereignty) to become effectively connected with it by accepting some duty that made him a "person required," i.e. the person in section 7343 of the I.R. Code who is under a duty to perform the act in respect of which the violation occurs.

Acquiescence to the legal consequence of non-positive law legislation is possible only when a person makes himself subject to that legislation, i.e. a Federal Government statutory "employee", instrumentality, or contractor, as to income belonging to the U.S. Government. Once a person is effectively connected with a law, he is required to obey it. If a person is not "effectively connected" with such a law, a violation of that law is not legally possible. For example, it is impossible for a person who is not connected with the U.S. Government's (called a "trade or business") income or within federal jurisdiction to be under a legal obligation or condition to perform some act or duty with regard to such income. When no legal duty exists, the consequences of Internal Revenue Code section 7203 cannot be legally forced upon him.

Lastly, if you are engaged in litigation against "the Beast", be very careful in your use of the word "law". Anyone who refers to any code section within the Internal Revenue Code as "law" during a court trial:

- Is committing FRAUD, because there are two great classes of statutes: "law", and "compact", and they are enforcing the equivalent of a compact or franchise rather than a positive law or "law":

Municipal law, thus understood, is properly defined to be "a rule of civil conduct prescribed by the supreme power in a state, commanding what is right and prohibiting what is wrong."

[...]

It is also called a rule to distinguish it from a compact or agreement; **for a compact is a promise proceeding from us, law is a command directed to us.** The language of a compact is, "I will, or will not, do this"; that of a law is, "thou shalt, or shalt not, do it." It is true there is an obligation which a compact carries with it, equal in point of conscience to that of a law; but then the original of the obligation is different. **In compacts we ourselves determine and promise what shall be done, before we are obliged to do it; in laws, we are obliged to act without ourselves determining or promising anything at all.** Upon these accounts law is defined to be "a rule."
[Readings on the History and System of the Common Law, Second Edition, Roscoe Pound, 1925, p. 4]

"[l]aw . . . must be not a special rule for a particular person or a particular case, but . . . the general law . . . ' so that **every citizen shall hold his life, liberty, property and immunities under the protection of the general rules which govern society.**"
[Hurtado v. California, 110 U.S. 516, 535-536 (1884)]

2. Is making a "presumption" that cannot be supported with evidence. All "presumption" is a violation of due process in the legal realm. An unchallenged presumption becomes fact in any legal proceeding. Watch out!

"The principle that there is a presumption of innocence in favor of the accused is the undoubted law, axiomatic and elementary, and its enforcement lies at the foundation of the administration of our criminal law."
[Coffin v. United States, 156 U.S. 432, 453 (1895)]

"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)]

Thus the Court held that presumptions, while often valid (and some of which, I think, like the presumption of death based on long unexplained absence, may perhaps be even salutary in effect), must not be allowed to stand where they abridge or deny a specific constitutional guarantee. It is one thing to rely on a presumption to justify conditional administration of the estate of a person absent without explanation for seven years, see *Cunnius v. Reading School District*, [198 U.S. 458](#); compare *Scott v. McNeal*, [154 U.S. 34](#); it would be quite another to use the presumption of death from seven years' absence to convict a man of murder. I do not think it can be denied that use of the statutory presumptions in the case before [380 U.S. 63, 81] us at the very least seriously impaired Gainey's constitutional right to have a jury weigh the facts of his case without any congressional interference through predetermination of what evidence would be sufficient to prove the facts necessary to convict in a particular case. [...]

For all the foregoing reasons, I think that these two statutory presumptions by which Congress has tried to relieve the Government of its burden of proving a man guilty and to take away from courts and juries the function and duty of deciding guilt or innocence according to the evidence before them, unconstitutionally encroach on the functions of courts and deny persons accused of crime rights which our Constitution guarantees them. The most important and most crucial action the courts take in trying people for crime is to resolve facts. This is a judicial, not a legislative, function. I think that in passing these two sections Congress stepped over its constitutionally limited bounds and encroached on the constitutional power of courts to try cases. I would therefore affirm the judgment of the court below and grant Gainey a new trial by judge and jury with all the protections accorded by the law of the land.
[United States v. Gainly, [380 U.S. 63](#) (1965)]

Legislation declaring that proof of one fact of group of facts shall constitute prima facie evidence of an ultimate fact in issue is valid if there is a rational connection between what is proved and what is to be inferred. A prima facie presumption casts upon the person against whom it is applied the duty of going forward with his evidence on the particular point to which the presumption relates. A statute creating a presumption that is arbitrary, or that operates to deny a fair opportunity to repel it, violates the due process clause of the Fourteenth Amendment. Legislative fiat may not take the place of fact in the judicial determination of issues involving life, liberty, or property. *Manley v. Georgia*, [279 U.S. 1](#) , 49 S.Ct. 215, 73 L.Ed. -, and cases cited.
[Western and Atlantic Railroad v. Henderson, [279 U.S. 639](#) (1929)]

1 "[I]t is unconstitutional for a legislature to remove from the jury the assessment of facts that increase the
2 prescribed range of penalties to which a criminal defendant is exposed. It is equally clear that such facts must
3 be established by proof beyond a reasonable doubt."
4 [McMillan v. Pennsylvania, 477 U.S. 79 (1986)]

- 5 3. Has transformed "prima facie evidence" of law into legally admissible evidence if unchallenged. See 1 U.S.C. §204,
6 which says that the Internal Revenue Code is "prima facie" evidence, which means "presumed to be true" unless
7 rebutted.
- 8 4. Is implying that you, the litigant, gave your consent in some form to be bound by the legal provision which they are
9 referring to. This makes you look like a bad American and a criminal if you don't challenge their presumption.
- 10 5. When their presumption of the existence of "law" is challenged, the moving party must shoulder the burden of
11 showing what form the consent was given. If they do not meet the burden of proof, then you should object to their
12 use of the word "law" in any and all cases. You should refer to all statements about such "law" as "hearsay" until
13 proven with other than "prima facie evidence".

14 Let us now summarize some important things we have learned about positive law:

- 15 1. Whether a statute is positive law is helpful in establishing WHERE it may lawfully be enforced. Statutes which are not
16 positive law may not be lawfully enforced in states of the Union.
- 17 2. Statutes which are not positive law may be enforced only in the District of Columbia.
- 18 3. The Internal Revenue Code is not positive law. Therefore, it is "law" but may not be lawfully enforced inside states of
19 the Union, except possibly against "federal employees", who according to Federal Rule of Civil Procedure 17(b) are
20 subject to the laws of the District of Columbia when acting in a representative capacity for the federal corporation called
21 the "United States", and which is defined in 28 U.S.C. §3002(15)(A). That federal corporation is a domiciled "U.S.
22 citizen", and so they become "U.S. citizens" when representing the corporation as federal "employees".

23 **8.10.3 How Private Law Acquires the "Force of Law"**

24 A very important thing to understand is exactly HOW a private law franchise statute acquires what is called "the force of
25 law". By "force of law", we mean the legal authority to enforce it against a SPECIFIC person. This issue can be resolved
26 by asking and answering the following important questions.

- 27 1. FOR EXACTLY WHOM does the franchises statute have the "force of law". In other words, what "status" under the
28 franchise statute does the authority to enforce attach to?
- 29 2. HOW does one lawfully acquire the "status" that is associated with the right to enforce it?
- 30 3. WHERE, meaning ON WHAT TERRITORY, may the status lawfully exist?
- 31 4. Is domicile a prerequisite for acquiring said status, or is individual consent the only mechanism required to acquire the
32 status.
- 33 5. If domicile is a prerequisite, then did you have a domicile in the correct place at the time you signed up?
- 34 6. Did you have the capacity to lawfully consent at the time you signed up for the benefit or franchise?

35 Those who consent individually to a private law are the only ones subject to its provisions. For them, such an enactment is
36 referred to as "special law":

37 "special law. One relating to particular persons or things; one made for individual cases or for particular places
38 or districts; one operating upon a selected class, rather than upon the public generally. A private law. A law is
39 "special" when it is different from others of the same general kind or designed for a particular purpose, or limited
40 in range or confined to a prescribed field of action or operation. A "special law" relates to either particular
41 persons, places, or things or to persons, places, or things which, though not particularized, are separated by any
42 method of selection from the whole class to which the law might, but not such legislation, be applied. Utah Farm
43 Bureau Ins. Co. v. Utah Ins. Guaranty Ass'n, Utah, 564 P.2d. 751, 754. A special law applies only to an individual
44 or a number of individuals out of a single class similarly situated and affected, or to a special locality. Board of
45 County Com'rs of Lemhi County v. Swensen, Idaho, 80 Idaho 198, 327 P.2d. 361, 362. See also Private bill;
46 Private law. Compare General law; Public law."
47 [Black's Law Dictionary, Sixth Edition, pp. 1397-1398]

48 All "special laws" are by individual consent of the parties only. "Special law" is a subset of and a type of "private law". An
49 example of "special law" is a private contract between individuals.

In the context of governments, “special laws” usually deal with procuring “privileges” or “franchises” relating to a regulated or licensed activity and they are implemented usually as civil laws that “activate” when you choose a domicile or residence within the jurisdiction of the sovereign grantor of the franchise. An example would be Social Security. You can only become subject to the provisions of the Social Security Act by signing up for it using the SSA Form SS-5. Any one or more of the following renders the SS franchise unenforceable and without the “force of law”:

1. Never consented to it.
2. Did not have the capacity to lawfully consent because still a minor.
3. Were signed up for it by SOMEONE ELSE, such as their parents.
4. Were forced to participate by either being harmed or threatened with harm, whether physical or financial, if you did not sign up. This is called duress, which voids contracts.
5. Were not eligible when they signed up because they were not a statutory “U.S. citizen” or “permanent resident” as required by 20 C.F.R. §422.104.
6. Quit the program using forms and procedures available from the agency such as SSA Form 521.
7. Were not lawfully engaged in a public office in the U.S. government at the time they connected a specific transaction to the franchise by using the SSN or Social Security card in connection with a specific transaction.
8. Were not lawfully engaged in a public office in the U.S. Government at the time they signed up. Government benefits cannot lawfully be offered to the private public, nor can such benefits lawfully be used to entice people into “electing” themselves into public office. All franchises require that the participants must occupy a public officer BEFORE they sign up. No provision within the Social Security Act, in fact, authorizes the CREATION of any new public offices. It is a crime to pay public monies to private parties, or to bribe private people to unlawfully accept a public office using public monies.

“To lay with one hand the power of the government on the property of the citizen, and with the other bestow it on favored individuals...is nonetheless robbery because it is done under the form of law and is called taxation.”
[Loan Association v. Topeka, 20 Wall. 655 (1874)]

“A tax, in the general understanding of the term and as used in the constitution, signifies an exaction for the support of the government. The word has never thought to connote the expropriation of money from one group for the benefit of another.”
[U.S. v. Butler, 297 U.S. 1 (1936)]

For those who meet any of the above criteria:

1. The Social Security Act is not enforceable against them and may not adversely affect their PRIVATE rights. It is “foreign” and “alien” to the jurisdiction and forum within which they are domiciled or resident.
2. The Social Security Act does not have “the force of law”.
3. The Social Security Act does not apply and is irrelevant.
4. All enforcement of the franchise conducted against the non-participant is a criminal trespass in violation of 18 U.S.C. §241.
5. Any and all withholdings and all funds collected through the illegal enforcement, lien, or levy must be immediately returned to the non-participant NOT under the franchise contract, but under the rules of equity. The franchise contract is always SILENT on the matter of NON-PARTICIPANTS and the common law is the only thing that protects NON-PARTICIPANTS. A non-participant who quotes the franchise contract as a remedy is an IDIOT who contradicts themselves in invoking the “privileges and protections” of the franchise contract available only to participants:

*“A claim against the United States is a right to demand money from the United States.”⁵² Such claims are sometimes spoken of as gratuitous in that they cannot be enforced by suit without statutory consent.⁵³ **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.**⁵⁴ **If, for example, money or property***

⁵² United States ex rel. Angarica v. Bayard, 127 US 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 US 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).

⁵³ Blagge v. Balch, 162 US 439, 40 L Ed 1032, 16 S Ct 853.

⁵⁴ Wilson v. Shaw, 204 U.S. 24, 51 L.Ed. 351, 27 S.Ct. 233.

1 of an innocent person goes into the federal treasury by fraud to which a government agent was a party, the
2 United States cannot [lawfully] hold the money or property against the claim of the injured party.⁵⁵
3 [American Jurisprudence 2d, United States, §45]

- 4 6. The Social Security Act does not satisfy the “choice of law rules” because the national government has no equitable
5 “property interest” in the matter under consideration pursuant to Article 4, Section 3, Clause 2 of the United States
6 Constitution and all property of the defendant (you) is therefore ENTIRELY AND EXCLUSIVELY PRIVATE property
7 beyond the civil control of the government.
8 7. The party is a “nonresident” and not a statutory “resident”, “alien”, or “citizen” under the franchise contract, agreement,
9 or compact.
10 8. It constitutes CRIMINAL “simulation of legal process” to enforce the Social Security Act against the party in any court.

11 *“A person commits the offense of simulating legal process if he or she “recklessly causes to be delivered to*
12 *another any document that simulates a summons, complaint, judgment, or other court process with the intent to .*
13 *. . . cause another to submit to the putative authority of the document; or take any action or refrain from taking*
14 *any action in response to the document, in compliance with the document, or on the basis of the document.”*
15 [Texas Penal Code Annotated, § 32.48(a)(2)]

- 16 9. Article 4, Section 3, Clause 2 legislative franchise courts such as U.S. District Courts may not lawfully hear the disputes
17 involving such parties. Only CONSTITUTIONAL courts under Article III of the Constitution in which both the judge
18 and jury do not participate in the franchise and have no financial conflict of interest in the matter may hear the case. See:

Government Instituted Slavery Using Franchises, Form #05.030, Section 25
<http://sedm.org/Exhibits/ExhibitIndex.htm>

19 The same arguments apply to Subtitle A of the Internal Revenue Code, which is the individual income tax and behaves as a
20 franchise contract, or what the U.S. Supreme Court calls a “quasi-contract”⁵⁶:

- 21 1. The Declaration of Independence, which is organic law, says that the rights of those protected by the Constitution are
22 “unalienable”, which means that they cannot lawfully be sold, bargained away, or transferred through any commercial
23 process, including that of a franchise:

24 *“Unalienable. Inalienable; incapable of being aliened, that is, sold and transferred.”*
25 [Black’s Law Dictionary, Fourth Edition, p. 1693]

26 The consequence of “alienating” a constitutional right is that you in fact become a “resident alien” under a franchise
27 contract. The IRS Form 1040, for instance, is ONLY for use by “resident aliens”.

- 28 2. Only certain selected groups of people are even lawfully allowed to consent to the provisions of the code under Subtitle
29 A. Nearly all of these people hold a “public office” in the United States government and are engaged in a “trade or
30 business”, which is a privileged, regulated, and taxable activity.
31 3. Those who consented to the Internal Revenue Code by procuring the privilege of taking any kind of deductions or credits
32 under 26 U.S.C. Sections 32 or 162 or who signed a “contract” called a W-4 or a 1040 become subject to its provisions.
33 4. Those subject to the provisions of the Internal Revenue Code are defined as statutory “taxpayers” in 26 U.S.C.
34 §7701(a)(14) under the franchise and they must comply with ALL of its provisions, including the criminal provisions.
35 5. Those in states of the Union who never explicitly consented and CANNOT lawfully consent to be subject to the Internal
36 Revenue Code because protected by the Constitution and unable to “alienate” their rights in relation to a real de jure
37 government are called “nontaxpayers”. For them:
38 5.1. Its provisions are not “law” and are irrelevant.
39 5.2. They may not be the target of IRS enforcement actions.
40 5.3. All IRS notices directed at “taxpayers” may not be sent to them.
41 6. A government which wants to STEAL your money through fraud will try to hide the mandatory requirement for consent
42 so that you falsely believe compliance is mandatory:
43 6.1. They will try to make the process of consenting “invisible” and keep you unaware that you are consenting.
44 6.2. They will remove references to “nontaxpayers” off their website.
45 6.3. When asked about whether the “code” is voluntary, they will lie to you and tell you that it isn’t.
46 6.4. They will pretend like a “private law” is a “public law”.

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

⁵⁶ See Milwaukee v. White, 296 U.S. 268 (1935).

6.5. They will ensure that all paperwork, such as the W-4, in which you consent hides the fact that it is a contract or agreement. Look at the W-4 form: Do you see any reference to the word “agreement” on it? Well guess what, it’s an agreement and you didn’t even know. The regulations at 26 C.F.R. §31.3401(a)-3(a) say it’s an “agreement”, which is a contract. Why didn’t your public SERVANTS tell you this? Because they want to fool you into thinking that participation is mandatory and that the Internal Revenue Code is a “public law”, when in fact, it is a “private law” that you must consent to in order to be subject to.

On a few very rare occasions, some people have gotten employees of the IRS to admit some of the above facts. Below is a link to a remarkable letter signed by an IRS Disclosure Officer, Cynthia Mills, which admits that the Internal Revenue Code is “special law” and is essentially voluntary and avoidable:

SEDM Exhibit #09.023
<http://sedm.org/Exhibits/ExhibitIndex.htm>

The important thing to remember is that statutes that are not positive law are not legal evidence of an obligation, but simply “prima facie evidence”, meaning that they are a presumption. It is a violation of due process of law to deny rights protected by the constitution based on a presumption. Hence, that which is not positive law:

1. Cannot possibly have the “force of law” against you absent your consent.
2. Cannot be transformed by any judge into legal evidence of an obligation without violating due process of law.
3. Acquires the “force of law” by you quoting or using its provisions, which implies that you are accepting what the courts call “the benefits and protections of the law”. In other words, you consent receive the “benefits” or “privileges” of the franchise and hence are automatically subject to its provisions.

CALIFORNIA CIVIL CODE
DIVISION 3. OBLIGATIONS
PART 2. CONTRACTS
CHAPTER 3. CONSENT
[Section 1589](#)

1589. A voluntary acceptance of the benefit of a transaction is equivalent to a consent to all the obligations arising from it, so far as the facts are known, or ought to be known, to the person accepting.

8.10.4 Justice in the context of franchises and your right to contract

The whole notion of “justice” implies the requirement of positive law in all dealings with the public. The only way that positive law can be enacted is through the consent of those it is enforced against, which the Declaration of Independence calls “the consent of the governed”. Below is a definition of “justice” from Easton’s Bible Dictionary which clearly proves this:

JUSTICE — is rendering to **everyone** [equally, whether citizen or alien] that which is his due. It has been distinguished from equity in this respect, that while **justice means merely the doing [of] what positive law demands**, equity means the doing of what is fair and right in every separate case.⁵⁷
[Easton’s Bible Dictionary, 1996]

We would also add to the above definition that:

1. Enforcing anything BUT “positive law”.
2. Enforcing anything unequally against one group or class of persons more than another.
3. Taking more tax as a percentage from one group than another.

...equates with INjustice or the OPPOSITE of justice, in our view. When we look up the definition of “justice” in the legal dictionary, however, lawyers try to hide its relationship to “positive law”. Below is the definition of “justice” from Black’s Law Dictionary, Sixth Edition:

Justice, *n.* Title given to judges, particularly judges of U.S. and state supreme courts, and as well to judges of appellate courts. The U.S. Supreme Court, and most state supreme courts are composed of a chief justice and several associate justices.

⁵⁷Easton, M. 1996, c1897. *Easton’s Bible dictionary*. Logos Research Systems, Inc.: Oak Harbor, WA

Proper administration of laws. In jurisprudence, the constant and perpetual disposition of legal matters or disputes to render every man his due.

Commutative justice concerns obligations as between persons (e.g., in exchange of goods) and requires proportionate equality in dealings of person to person; Distributive justice concerns obligations of the community to the individual, and requires fair disbursement of common advantages and sharing of common burdens; Social justice concerns obligations of individual to community and its end is the common good.

In Feudal law, jurisdiction; judicial cognizance of causes or offenses. High justice was the jurisdiction or right of trying crimes of every kind, even the highest. This was a privilege claimed and exercised by the great lords or barons of the middle ages. Law justice was jurisdiction of petty offenses.

See also Miscarriage of justice; Obstructing justice.
[Black's Law Dictionary, Sixth Edition, p. 864]

Apparently, only pastors can be trusted to tell the truth about the meaning of “justice”, because Pharisees/lawyers with Mercedes payments to make aren’t going to undermine their livelihood and make their job moot by telling the truth. Common to both the ecclesiastical and the legal dictionary definitions of “justice” above, however, is the notion of “rendering to every man his due”. The world owes NOTHING to any man. As the Great IRS Hoax, Form #11.302 says at the beginning of section 4.1:

“Don't go around saying the world owes you a living. The world owes you nothing. It was here first.”
[Mark Twain]

The only thing that can be “owed” or “due” to a man is that which he has earned or procured under contract to some other free agent. What is owed to him is considered “property”, and the government’s most fundamental obligation is to protect our right to property. Therefore, the whole notion of “justice” originates from the exercise of our right to contract. All law, in fact, is an extension of our right to contract, as we said in the previous sections, because it is created with our consent, behaves as a contract, and conveys to us certain rights and benefits that courts have a sacred duty to protect. Even the U.S. Supreme Court recognized this fact, when it said:

“Independent of these views, there are many considerations which lead to the conclusion that the power to impair contracts [either the Constitution or the Holy Bible], by direct action to that end, does not exist with the general [federal] government. In the first place, one of the objects of the Constitution, expressed in its preamble, was the establishment of justice, and what that meant in its relations to contracts is not left, as was justly said by the late Chief Justice, in Hepburn v. Griswold, to inference or conjecture. As he observes, at the time the Constitution was undergoing discussion in the convention, the Congress of the Confederation was engaged in framing the ordinance for the government of the Northwestern Territory, in which certain articles of compact were established between the people of the original States and the people of the Territory, for the purpose, as expressed in the instrument, of extending the fundamental principles of civil and religious liberty, upon which the States, their laws and constitutions, were erected. By that ordinance it was declared, that, in the just preservation of rights and property, 'no law ought ever to be made, or have force in the said Territory, that shall, in any manner, interfere with or affect private contracts or engagements bona fide and without fraud previously formed.' The same provision, adds the Chief Justice, found more condensed expression in the prohibition upon the States [in Article 1, Section 10 of the Constitution] against impairing the obligation of contracts, which has ever been recognized as an efficient safeguard against injustice; and though the prohibition is not applied in terms to the government of the United States, he expressed the opinion, speaking for himself and the majority of the court at the time, that it was clear 'that those who framed and those who adopted the Constitution intended that the spirit of this prohibition should pervade the entire body of legislation, and that the justice which the Constitution was ordained to establish was not thought by them to be compatible with legislation [or judicial precedent] of an opposite tendency.’ 8 Wall. 623. [99 U.S. 700, 765] Similar views are found expressed in the opinions of other judges of this court.”
[Sinking Fund Cases, 99 U.S. 700 (1878)]

The reason the U.S. Supreme Court had to state the above is that if it did not, it would be sanctioning public servants to violate the right to contract of We the People, by disrespecting the Constitution itself, which is a contract. The U.S. Supreme Court also recognized that state Constitutions are “contracts” as well, when it said:

“A state can no more impair the obligation of a contract by her organic law [constitution] than by legislative enactment; for her constitution is a law within the meaning of the contract clause of the national constitution. Railroad Co. v. [115 U.S. 650, 673] McClure, 10 Wall. 511; Ohio Life Ins. & T. Co. v. Debolt, 16 How. 429; Sedg. St. & Const. Law, 637 And the obligation of her contracts is as fully protected by that instrument against impairment by legislation as are contracts between individuals exclusively. State v. Wilson, 7 Cranch, 164; Providence Bank v. Billings, 4 Pet. 514; Green v. Biddle, 8 Wheat. 1; Woodruff v. Trapnall, 10 How. 190; Wolff v. New Orleans, 103 U.S. 358.”
[New Orleans Gas Company v. Louisiana Light Company, 115 U.S. 650 (1885)]

You can also electronically search, as we have, the entire 50+ volume legal encyclopedia called American Jurisprudence 2d Legal Encyclopedia for a definition of “justice” and you will not find one. Think about just how absurd this is: The entire purpose of law, government, and the legal profession is justice, as revealed by the founding fathers in Federalist Paper #51:

“Justice is the end of government. It is the end of civil society. It ever has been, and ever will be pursued, until it be obtained, or until liberty be lost in the pursuit.”
[James Madison, *The Federalist* No. 51 (1788)]

...and yet the largest legal reference and encyclopedia on law in the country, American Jurisprudence 2d Legal Encyclopedia, doesn’t even define exactly what “justice” is as revealed here! The foundation of justice is enforcing ONLY positive law. The foundation of positive law is consent. Therefore, to ignore the requirement for positive law is to ignore the requirement for “consent of the governed”, which is the very foundation of our system of government starting with the Declaration of Independence and going down from there. Here, in fact, is how the U.S. Supreme Court describes the relationship of the Declaration of Independence to our system of jurisprudence:

*“No language is more worthy of frequent and thoughtful consideration than these words of Mr. Justice Matthews, speaking for this court, in *Yick Wo v. Hopkins*, 118 U.S. 356, 369, 6 S.Sup.Ct. 1064, 1071: ‘When we consider the nature and the theory of our institutions of government, the principles upon which they are supposed to rest, and review the history of their development, we are constrained to conclude that they do not mean to leave room for the play and action of purely personal and arbitrary power.’ The first official action of this nation declared the foundation of government in these words: ‘We hold these truths to be self-evident, [165 U.S. 150, 160] that all men are created equal, that they are endowed by their Creator with certain unalienable rights, that among these are life, liberty, and the pursuit of happiness.’ **While such declaration of principles may not have the force of organic law, or be made the basis of judicial decision as to the limits of right and duty, and while in all cases referenced must be had to the organic law of the nation for such limits, yet the latter is but the body and the letter of which the former is the thought and the spirit, and it is always safe to read the letter of the constitution in the spirit of the Declaration of Independence. No duty rests more imperatively upon the courts than the enforcement of those constitutional provisions intended to secure that equality of rights which is the foundation of free government.**”*
[*Gulf, C. & S. F. R. Co. v. Ellis*, 165 U.S. 150 (1897)]

Ignoring the requirement for positive law in all interactions of the government with its citizens and subjects is therefore INjustice, not justice. Now do you understand Jesus’ condemnation of the Pharisees/Lawyers, when he said:

*“Woe to you, scribes and Pharisees [lawyers], hypocrites! For you pay tithe of mint and anise and cummin, and **have neglected the weightier matters of the [God's] law: justice** and mercy and faith. These you ought to have done [FIRST], without leaving the others undone.”*
[[Matthew 23:23](#), Bible, NKJV]

This is very telling indeed. If lawyers and judges had to admit what REAL justice was and that it consisted of enforcing ONLY “positive law” enacted with the full authority of “consent of the governed”, then they would have to admit that most of what our present day government does amounts to INjustice, because they are implementing that which is not specifically authorized by any public law, and which therefore only applies to those who individually consent to it. To give you just a few examples of private law that is wrongfully enforced as though it were positive public law, consider the following important private laws:

1. Title 42, which contains the Social Security, FICA, and Medicare codes, is not positive law. Therefore, these are strictly voluntary programs that no one can be compelled to participate in, and certainly not those domiciled in a state of the Union. The U.S. Supreme Court confirmed this, when it called Social Security “not coercive”, which means unenforceable unless individual consent is provided:

*“There remain for consideration the contentions that the state act is invalid because its enactment was coerced by the adoption of the Social Security Act, and that it involves an unconstitutional surrender of state power. **Even though it be assumed that the exercise of a sovereign power by a state, in other respects valid, may be rendered invalid because of the coercive effect of a federal statute enacted in the exercise of a power granted to the national government, such coercion is lacking here.** [301 U.S. 495, 526] **It is unnecessary to repeat now those considerations which have L.Ed. to our decision in the *Chas. C. Steward Machine Co. Case*, that the Social Security Act has no such coercive effect. As the Social Security Act is not coercive in its operation, the Unemployment Compensation Act cannot be set aside as an unconstitutional product of coercion.** The United States and the State of Alabama are not alien governments. They coexist within the same territory. Unemployment within it is their common concern. Together the two statutes now before us embody a cooperative legislative effort by state and national governments for carrying out a public purpose common to both, which neither could fully achieve without the cooperation of the other. The Constitution does not prohibit such cooperation.”*
[[Carmichael v. Southern Coal and Coke Co.](#), 301 U.S. 495 (1937)]

2. Title 50, which contains the Military Selective Service Act and describes how men may be “drafted”, is not positive law. Therefore, participation is voluntary for people in states of the Union. The only persons it can pertain to are “U.S. citizens” domiciled in the federal zone. See: <http://famguardian.org/Subjects/Military/Draft/NotSubjectToDraft.htm>
3. Title 26, which is the Internal Revenue Code, is not positive law. Neither has there ever been any attempt by any court that we are aware of to decide which of its provisions are indeed positive law. Therefore, its provisions must be voluntary for everyone, and especially for those domiciled in states of the Union.

Instead, our public “servants” have turned our government into a money-making corporation (see 28 U.S.C. §3002(15)(A)) intent on maximizing “corporate profit” by plundering the most that it can from people it is supposed to instead be protecting, rather than plundering. They have become PREDATORS, not PROTECTORS.

Lastly, there are only two ways that courts can lawfully ignore the requirement for “consent of the governed”. Those two ways are:

1. To fool you into signing away your rights via a contract or to involve yourself in some act that creates a presumption that you waived your rights. Most often, this method relies on some government benefit program such as Social Security to make you a federal “employee”. Participating in such benefit programs makes participation in federal taxation “quasi-contractual”, as the Supreme Court calls it. See *Milwaukee v. White*, 296 U.S. 268 (1935)
2. To kidnap your legal identity and “domicile” and to physically place it in a location where consent of the governed is not legally required. That place is the “federal zone”, as revealed throughout this book. See, for instance, 26 U.S.C. §7408(d) or 26 U.S.C. §7701(a)(39), and 26 C.F.R. §301.6109-1(g) for examples of how this type of devious fraud is effected against those domiciled in states of the Union and outside of exclusive/general federal jurisdiction.

As you will learn throughout the remainder of this chapter, both of the above devious and dishonest tactics are used to assault and undermine the sovereignty of the people both in the Internal Revenue Code and daily in the federal courts. Whichever of the above two devious tricks they pull on you, we wish to remind the readers of the following fact, that most people overlook when litigating to defend their rights:

“In all legal actions bearing upon legal rights, the moving party asserting the right, which is the government in most cases, has the burden of proving with a preponderance of evidence that the defendant gave his consent in some form, or that you maintained a legal domicile in a place where consent was not required. Absent such proof, there is no way to enforce a government regulation or statute that is not positive law against the defendant. Strictly satisfying this requirement in all legal proceedings is the very essence and definition of ‘due process’ as we understand it.”
[Family Guardian Fellowship]

8.11 Sovereign Immunity

A subject closely related to both the requirement for consent and to federalism is the judicial doctrine known as “sovereign immunity”. “Sovereign immunity” is the method for protecting the requirement of express consent on the part of the government before it can be civilly sued in either its own courts or in foreign courts. Before a government can be sued in its own courts, it has to expressly waive sovereignty immunity by statute and thereby CONSENT to be civilly sued. Those seeking to sue a government or government agent in court must expressly invoke the statute that waives sovereign immunity or their case will be dismissed for lack of standing under Federal Rule of Civil Procedure 12(b)(6).

8.11.1 Definition

Sovereignty implies autonomy and the right to be left alone by other sovereigns. States of the Union are sovereign in respect to the federal government and the people within them are sovereign in respect to their respective state governments. These principles are reflected in a judicial doctrine known as “sovereign immunity”.

*The exemption of the United States from being impleaded without their consent is, as has often been affirmed by this court, as absolute as that of the crown of England or any other sovereign. In *Cohens v. Virginia*, 6 Wheat. 264, 411, Chief Justice MARSHALL said: ‘The universally-received opinion is that [106 U.S. 196, 227] no suit can be commenced or prosecuted against the United States.’ In *Beers v. Arkansas*, 20 How. 527, 529, Chief Justice TANEY said: ‘It is an established principle of jurisprudence, in all civilized nations, that the sovereign cannot be sued in its own courts, or in any other, without its consent and permission; but it may, if it thinks proper, waive this privilege, and permit itself to be made a defendant in a suit by individuals, or by another state. And as this permission is altogether voluntary on the part of the sovereignty, it follows that it may prescribe the terms and*

conditions on which it consents to be sued, and the manner in which the suit shall be conducted, and may withdraw its consent whenever it may suppose that justice to the public requires it.' In the same spirit, Mr. Justice DAVIS, delivering the judgment of the court in *Nichols v. U.S.* 7 Wall. 122, 126, said: 'Every government has an inherent right to protect itself against suits, and if, in the liberality of legislation they are permitted, it is only on such terms and conditions as are prescribed by statute. **The principle is fundamental, applies to every sovereign power, and, but for the protection which it affords, the government would be unable to perform the various duties for which it was created.**' See, also, *U.S. v. Clarke*, 8 Pet. 436, 444; *Cary v. Curtis*, 3 How. 236, 245, 256; *U.S. v. McLemore*, 4 How. 286, 289; *Hill v. U.S.*, 9 How. 386, 389; *Reese v. Walker*, 11 How. 272, 290; *De Groot v. U.S.* 5 Wall. 419, 431; *U.S. v. Eckford*, 6 Wall. 484, 488; *The Siren*, 7 Wall. 152, 154; *The Davis*, 10 Wall. 15, 20; *U.S. v. O'Keefe*, 11 Wall. 178; *Case v. Terrell*, 11 Wall. 199, 201; *Carr v. U.S.* [98 U.S. 433](#), 437; *U.S. v. Thompson*, [98 U.S. 486](#), 489; *Railroad Co. v. Tennessee*, [101 U.S. 337](#); *Railroad Co. v. Alabama*, [101 U.S. 832](#) [*U.S. v. Lee*, [106 U.S. 196](#) (1882)]

Below is a definition of "sovereign immunity" from Black's Law Dictionary, Fifth Edition:

Sovereign immunity. Doctrine precludes litigant from asserting an otherwise meritorious cause of action against a sovereign or a party with sovereign attributes **unless sovereign consents to suit**. *Principe Compania Naviera, S. A. v. Board of Com'rs of Port of New Orleans*, D.C.La., 333 F.Supp. 353, 355. Historically, the federal and state governments, and derivatively cities and towns, were immune from tort liability arising from activities which were governmental in nature. Most jurisdictions, however, have abandoned this doctrine in favor of permitting tort actions with certain limitations and restrictions. See *Federal Tort Claims Act*; *Governmental immunity*; *Tort Claims Acts*.
[Black's Law Dictionary, Fifth Edition, p. 1252]

Notice the phrase above "unless the sovereign **consents** to the suit". The inherent legal presumption that all courts and governments must operate under is that all natural persons, artificial persons, "associations", "states" or "political groups":

1. Are inherently sovereign.

"The **rights** of sovereignty extend to all **persons** and things not privileged, that are within the **territory**. They extend to all strangers **resident** therein; not only to those who are **naturalized**, and to those who are domiciled therein, having taken up their abode with the intention of permanent residence, but also to those whose residence is transitory. All strangers are under the protection of the sovereign while they are within his territory and owe a temporary allegiance in return for that protection."
[*Carlisle v. United States*, [83 U.S. 147, 154](#) (1873)]

2. Have a right to be "left alone" by the government and their neighbor:

"The makers of our Constitution undertook to secure conditions favorable to the pursuit of happiness. They recognized the significance of man's spiritual nature, of his feelings and of his intellect. They knew that only a part of the pain, pleasure and satisfactions of life are to be found in material things. They sought to protect Americans in their beliefs, their thoughts, their emotions and their sensations. **They conferred, as against the Government, the right to be let alone - the most comprehensive of rights and the right most valued by civilized men.**"
[*Olmstead v. United States*, [277 U.S. 438, 478](#) (1928) (Brandeis, J., dissenting); see also *Washington v. Harper*, [494 U.S. 210](#) (1990)]

3. Can **only** surrender a portion of their sovereignty and the rights that inhere in that sovereignty through their explicit (in writing) or implicit (by their behavior) consent in some form.

Quod meum est sine me auferri non potest.
What is mine cannot be taken away without my consent. *Jenk. Cent. 251. Sed vide Eminent Domain.*

Id quod nostrum est, sine facto nostro ad alium transferri non potest.
What belongs to us cannot be transferred to another without our consent. *Dig. 50, 17, 11.* But this must be understood with this qualification, that the government may take property for public use, paying the owner its value. The title to property may also be acquired, with the consent of the owner, by a judgment of a competent tribunal.
[*Bouvier's Maxims of Law*, 1856;
SOURCE: <http://famguardian.org/Publications/BouvierMaximsOfLaw/BouviersMaxims.htm>]

4. Possess **EQUAL** sovereignty. The foundation of our Constitution is equal protection. No group of men or "state" or government can have any more rights than a single man, because all of their powers are delegated to them by the people they serve and were created to protect:

"But arbitrary selection can never be justified by calling it classification. The equal protection demanded by the fourteenth amendment forbids this. No language is more worthy of frequent and thoughtful consideration than these words of Mr. Justice Matthews, speaking for this court, in *Yick Wo v. Hopkins*, 118 U.S. 356, 369, 6 S.Sup.Ct. 1064, 1071: 'When we consider the nature and the theory of our institutions of government, the principles upon which they are supposed to rest, and review the history of their development, we are constrained to conclude that they do not mean to leave room for the play and action of purely personal and arbitrary power.' The first official action of this nation declared the foundation of government in these words: 'We hold these truths to be self-evident, [165 U.S. 150, 160] that all men are created equal, that they are endowed by their Creator with certain unalienable rights, that among these are life, liberty, and the pursuit of happiness.' While such declaration of principles may not have the force of organic law, or be made the basis of judicial decision as to the limits of right and duty, and while in all cases reference must be had to the organic law of the nation for such limits, yet the latter is but the body and the letter of which the former is the thought and the spirit, and it is always safe to read the letter of the constitution in the spirit of the Declaration of Independence. No duty rests more imperatively upon the courts than the enforcement of those constitutional provisions intended to secure that equality of rights which is the foundation of free government." [Gulf, C. & S. F. R. Co. v. Ellis, 165 U.S. 150 (1897)]

In other words, everyone has a natural, inherent right of ownership over their own life, liberty, and property granted by the Creator which can only be taken away by their own consent. The Declaration of Independence recognizes this natural right, when it says:

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

The purpose for the establishment of all governments is therefore to protect these natural, God-given rights or what the U.S. Supreme Court calls "liberty interests". Neither the Constitution, nor any enactment of Congress passed in furtherance of it confers these rights, but simply recognizes and protects these natural, God-given rights. The U.S. Supreme Court admitted this when it said:

"Men are endowed by their Creator with certain unalienable rights, -life, liberty, and the pursuit of happiness; and to 'secure,' not grant or create, these rights, governments are instituted. That property [or income] which a man has honestly acquired he retains full control of. . ." [Budd v. People of State of New York, 143 U.S. 517 (1892)]

In law, all rights are identified as "property". This is confirmed by the definition of "property" in Black's Law Dictionary, which says that "It extends to every species of valuable right":

"Property. That which is peculiar or proper to any person; that which belongs exclusively to one. In the strict legal sense, an aggregate of rights which are guaranteed and protected by the government. *Fulton Light, Heat & Power Co. v. State*, 65 Misc.Rep. 263, 121 N.Y.S. 536. The term is said to extend to every species of valuable right and interest. More specifically, ownership; the unrestricted and exclusive right to a thing; the right to dispose of a thing in every legal way, to possess it, to use it, and to exclude everyone else from interfering with it. That dominion or indefinite right of particular things or subjects. The exclusive right of possessing, enjoying, and disposing of a thing. The highest right a man can have to anything; being used to refer to that right which one has to lands or tenements, goods or chattels, which no way depends on another man's courtesy.

The word is also commonly used to denote everything which is the subject of ownership; corporeal or incorporeal, tangible or intangible, visible or invisible, real or personal; everything that has an exchangeable value or which goes to make up wealth or estate. It extends to every species of valuable right and interest, and includes real and personal property, easements, franchises, and incorporeal hereditaments, and includes every invasion of one's property rights by actionable wrong. *Labberton v. General Cas. Co. of America*, 53 Wash.2d. 180, 332 P.2d. 250, 252, 254.

[. . .]

Property within constitutional protection, denotes group of rights inhering in citizen's relation to physical thing, as right to possess, use and dispose of it. *Cereghino v. State By and Through State Highway Commission*, 230 Or. 439, 370 P.2d. 694, 697." [Black's Law Dictionary, Sixth Edition, p. 1216]

Sovereign immunity can apply just as readily to governments as it can to individuals. A person who doesn't consent to any aspect of government civil jurisdiction and who has no legal "domicile" or "residence" within that government's jurisdiction

is called a “foreign sovereign”, and he or she or it is protected by the Foreign Sovereign Immunities Act found at 28 U.S.C. Part IV, Chapter 97:

Foreign Sovereign Immunities Act (F.S.I.A.), 28 U.S.C. Part IV, Chapter 97
<https://www.law.cornell.edu/uscode/text/28/part-IV/chapter-97>

Courts are not reluctant at all to recognize the principle of sovereign immunity in the context of foreign governments whose existence they officially recognize. They must do this because if they don’t, they won’t get any cooperation from these governments, which they frequently need in dealing with international problems. However, they are frequently *much less willing* to recognize the equally inherent and divinely inspired sovereignty of natural persons or individuals because they don’t want to interfere with their ability to con these people or entities into volunteering for their commercial insurance, license, franchise, and other scams described above. Earlier courts, however, were much more honorable and therefore willing to recognize this inherent sovereignty of natural persons. Below is one often quoted example used within the freedom community:

"The individual may stand upon his constitutional rights as a citizen. He is entitled to carry on his private business in his own way. His power to contract is unlimited. He owes no duty to the State or to his neighbor to divulge his business, or to open his doors to an investigation, so far as it may tend to criminate him. He owes no such duty to the State, since he receives nothing therefrom, beyond the protection of his life and property. His rights are such as existed by the law of the land long antecedent to the organization of the State, and can only be taken from him by due process of law, and in accordance with the Constitution. Among his rights are a refusal to incriminate himself, and the immunity of himself and his property from arrest or seizure except under a warrant of the law. He owes nothing to the public so long as he does not trespass upon their rights."
[Hale v. Henkel, [201 U.S. 43](#), 74 (1906)]

8.11.2 How sovereign immunity relates to federalism

The notion of sovereign immunity also provides a way to explain how the principle of federalism works, as we described it in the previous section:

1. States of the Union qualify as “foreign states” and “foreign sovereigns” in relation to the federal government within the context of statutory but not constitutional law.
2. “Citizens” and municipalities within these “foreign states” and “foreign sovereigns” may be described as “instrumentalities of a foreign state”, by virtue of the fact that they directly administer the affairs of the foreign state they occupy as voters and jurists and “taxpayers”.

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

For purposes of this chapter—

- (a) A “foreign state”, except as used in section 1608 of this title, includes a political subdivision of a foreign state or an agency or instrumentality of a foreign state as defined in subsection (b).
- (b) An “agency or instrumentality of a foreign state” means any entity—
- (1) which is a separate legal person, corporate or otherwise, and
 - (2) which is an organ of a foreign state or political subdivision thereof, or a majority of whose shares or other ownership interest is owned by a foreign state or political subdivision thereof, and
 - (3) which is neither a citizen of a State of the United States as defined in section 1332 (c) and (d) of this title, nor created under the laws of any third country.

3. The Supreme Court recognized how “citizens” administer the government they created and continue to sustain with their tax dollars and as voters and jurists when they said:

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

4. When these “foreign states” and “foreign sovereigns” wish to cooperate in achieving a common goal, they may voluntarily band together and under the principles of “comity”, may enact laws prescribing and recognizing these international agreements:

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1 "comity. Courtesy; complaisance; respect; a willingness to grant a privilege, not as a matter of right, but out of
2 deference and good will. Recognition that one sovereignty allows within its territory to the legislative, executive,
3 or judicial act of another sovereignty, having due regard to rights of its own citizens. *Nowell v. Nowell*,
4 *Tex.Civ.App.*, 408 S.W.2d. 550, 553. In general, principle of "comity" is that courts of one state or jurisdiction
5 will give effect to laws and judicial decisions of another state or jurisdiction, not as a matter of obligation, but
6 out of deference and mutual respect. *Brown v. Babbitt Ford, Inc.*, 117 Ariz. 192, 571 P.2d. 689, 695. See also
7 Full faith and credit clause."
8 [Black's Law Dictionary, Sixth Edition, p. 267]

9 5. Federalism simply describes the principle whereby:

- 10 5.1. No one of these co-equal sovereign and foreign states may exercise legislative jurisdiction within the borders of a
11 fellow foreign state.
- 12 5.2. When jurisdiction is asserted within one of these states by the federal government, then explicit proof of consent
13 must be produced in some form in order for the courts to enforce the legal rights or activities that it is regulating or
14 administering. This is consistent with item [28 U.S.C. §1605\(b\)\(1\)](#) within the Foreign Sovereign Immunities Act
15 (F.S.I.A.), which says that states may surrender their sovereign immunity by their consent.
- 16 5.3. The consent required to be demonstrated under the principles of federalism can be either explicit (in writing or by
17 legislative enactment) or implicit (by their conduct). For example, when a foreign state of the Union engages in
18 *interstate commerce*, it is "presumed" pursuant to Article 1, Section 8, Clause 3 of the constitution to have
19 "consented" to the jurisdiction of the federal government to regulate said commerce and to obey all enactments of
20 Congress which might lawfully regulate said commerce. Here is how the U.S. Supreme Court described this
21 concept:

22 "Recognition of the congressional power to render a State suable under the FELA does not mean that the
23 immunity doctrine, as embodied in the Eleventh Amendment with respect to citizens of other States and as
24 extended to the State's own citizens by the *Hans* case, is here being overridden. It remains the law that a State
25 may not be sued by an individual without its consent. **Our conclusion is simply that Alabama, when it began**
26 **operation of an interstate railroad approximately 20 years after enactment of the FELA, necessarily consented**
27 **to such suit as was authorized by that Act.** By adopting and ratifying the Commerce Clause, the States empowered
28 Congress to create such a right of action against interstate railroads; by enacting the FELA in the exercise of
29 this power, Congress conditioned the right to operate a railroad in interstate commerce upon amenability to suit
30 in federal court as provided by the Act; by thereafter operating a railroad in interstate commerce, Alabama must
31 be taken to have accepted that condition and thus to have consented to suit."
32 [[Parden v. Terminal R. Co.](#), 377 U.S. 184 (1964)]

33 **8.11.3 Waivers of sovereign immunity**

34 Only either by one of the following mechanisms can the sovereign immunity of the state explicitly or implicitly waived,
35 respectively:

- 36 1. By the express consent of the sovereign in statutory form or
- 37 2. By the state electing to engage in "private business concerns" in a foreign jurisdiction and thereby waiving sovereign
38 immunity under the Foreign Sovereign Immunities Act (F.S.I.A.), 28 U.S.C. Chapter 97. The courts call this by any of
39 the following names, all of which are a method of legally reaching out of state parties who are nonresident in relation
40 to the forum.:
- 41 2.1. Minimum Contacts Doctrine. See: *International Shoe Co. v. Washington*, 326 U.S. 310 (1945).
- 42 2.2. Longarm Jurisdiction.
- 43 2.3. "Purposeful availment".

44 Below is a case highlighting the above principles:

45 **When a State engages in ordinary commercial ventures, it acts like a private person, outside the area of its**
46 **"core" responsibilities, and in a way unlikely to prove essential to the fulfillment of a basic governmental**
47 **obligation. A Congress that decides to regulate those state commercial activities rather than to exempt the State**
48 **likely believes that an exemption, by treating the State differently from identically situated private persons,**
49 **would threaten the objectives of a federal regulatory program aimed primarily at private conduct.** Compare,
50 e.g., 12 U.S.C. §1841(b) (1994 ed., Supp. III) (exempting state companies from regulations covering federal bank
51 holding companies); 15 U.S.C. §77c(a)(2) (exempting state-issued securities from federal securities laws); and
52 29 U.S.C. §652(5) (exempting States from the definition of "employer[s]" subject to federal occupational safety
53 and health laws), with 11 U.S.C. §106(a) (subjecting States to federal bankruptcy court judgments); 15 U.S.C.
54 §1122(a) (subjecting States to suit for violation of Lanham Act); 17 U.S.C. §511(a) (subjecting States to suit for
55 copyright infringement); 35 U.S.C. §271(h) (subjecting States to suit for patent infringement). And a Congress
56 that includes the State not only within its substantive regulatory rules but also (expressly) within a related system

of private remedies likely believes that a remedial exemption would similarly threaten that program. See *Florida Prepaid Postsecondary Ed. Expense Bd. v. College Savings Bank*, ante, at ____ (Stevens, J., dissenting). It thereby avoids an enforcement gap which, when allied with the pressures of a competitive marketplace, could place the State's regulated private competitors at a significant disadvantage.

These considerations make Congress' need to possess the power to condition entry into the market upon a waiver of sovereign immunity (as "necessary and proper" to the exercise of its commerce power) unusually strong, for to deny Congress that power would deny Congress the power effectively to regulate private conduct. Cf. California v. Taylor, 353 U.S. 553, 566 (1957). At the same time they make a State's need to exercise sovereign immunity unusually weak, for the State is unlikely to have to supply what private firms already supply, nor may it fairly demand special treatment, even to protect the public purse, when it does so. Neither can one easily imagine what the Constitution's founders would have thought about the assertion of sovereign immunity in this special context. These considerations, differing in kind or degree from those that would support a general congressional "abrogation" power, indicate that Parden's holding is sound, irrespective of this Court's decisions in Seminole Tribe of Fla. v. Florida, 517 U.S. 44 (1996), and Alden v. Maine, ante, p. ____. [*College Savings Bank v. Florida Prepaid Postsecondary Education Expense*, 527 U.S. 666 (1999)]

Under the principles of sovereign immunity, it is internationally and universally recognized by every country and nation and court on earth that every nation or state or individual or group are entitled to sovereign immunity and may only surrender a portion of that sovereignty or natural right over their property by committing one or more acts within a list of specific qualifying acts. Any one of these acts then constitute the equivalent of "constructive or implicit consent" to the jurisdiction of the courts within that forum or state. These qualifying acts include any of the following, which are a summary of those identified in the Foreign Sovereign Immunities Act above:

1. Being a statutory "citizen" or "domiciliary" of the Forum or State in question. See [28 U.S.C. §1603\(b\)\(3\)](#).

An "agency or instrumentality of a foreign state" means any entity—which is neither a citizen of a State of the United States as defined in section [1332](#) (c) and (d) of this title, nor created under the laws of any third country. [[28 U.S.C. §1603\(b\)\(3\)](#)]

2. Foreign state has waived its immunity either explicitly or by implication, notwithstanding any withdrawal of the waiver which the foreign state may purport to effect except in accordance with the terms of the waiver. See [28 U.S.C. §1605\(b\)\(1\)](#).
3. Commercial Activity within the Forum or State. See [28 U.S.C. §1605\(b\)\(2\)](#).
 - 3.1. Action based upon a commercial activity carried on in the Forum or State by the foreign state; or
 - 3.2. Upon an act performed in the Forum or State in connection with a commercial activity of the foreign state elsewhere; or upon an act outside the territory of the Forum or State in connection with a commercial activity of the foreign state elsewhere and that act causes a direct effect in the Forum or State.
4. Rights to property taken in violation of international law. See [28 U.S.C. §1605\(b\)\(3\)](#).
 - 4.1. Rights in property taken in violation of international law are in issue and that property or any property exchanged for such property is present in the Forum or State in connection with a commercial activity carried on in the Forum or State by the foreign state; or
 - 4.2. That property or any property exchanged for such property is owned or operated by an agency or instrumentality of the foreign state and that agency or instrumentality is engaged in a commercial activity in the Forum or State.
5. Rights in property in the Forum or State acquired by succession or gift or rights in immovable property situated in the Forum or State are in issue. See [28 U.S.C. §1605\(b\)\(4\)](#).
6. Money damages for official acts of officials of foreign state which cause injury, death, damage, loss of property in the Forum or State. Not otherwise encompassed in paragraph 3 above in which money damages are sought against a foreign state for personal injury or death, or damage to or loss of property, occurring in the Forum or State and caused by the tortious act or omission of that foreign state or of any official or employee of that foreign state while acting within the scope of his office or employment. See [28 U.S.C. §1605\(b\)\(4\)](#). Except this paragraph shall not apply to:
 - 6.1. any claim based upon the exercise or performance or the failure to exercise or perform a discretionary function regardless of whether the discretion be abused, or
 - 6.2. any claim arising out of malicious prosecution, abuse of process, libel, slander, misrepresentation, deceit, or interference with contract rights;
7. Contracts between private party and foreign state: See [28 U.S.C. §1605\(b\)\(6\)](#). Action is brought, either to enforce an agreement made by the foreign state with or for the benefit of a private party to submit to arbitration all or any differences which have arisen or which may arise between the parties with respect to a defined legal relationship, whether contractual or not, concerning a subject matter capable of settlement by arbitration under the laws of the Forum or State, or to confirm an award made pursuant to such an agreement to arbitrate, if,
 - 7.1. The arbitration takes place or is intended to take place in the Forum or State,

- 7.2. The agreement or award is or may be governed by a treaty or other international agreement in force for the Forum or State calling for the recognition and enforcement of arbitral awards,
- 7.3. The underlying claim, save for the agreement to arbitrate, could have been brought in a Forum or State court under this section or section 1607, or (D) paragraph (1) of this subsection is otherwise applicable; or
8. Money damages for acts of terrorism by foreign state: Not otherwise covered by paragraph 3 in which money damages are sought against a foreign state for personal injury or death that was caused by an act of torture, extrajudicial killing, aircraft sabotage, hostage taking, or the provision of material support or resources (as defined in section 2339A of title 18) for such an act if such act or provision of material support is engaged in by an official, employee, or agent of such foreign state while acting within the scope of his or her office, employment, or agency. See 28 U.S.C. §1605(b)(7). Except that the court shall decline to hear a claim under this paragraph:
- 8.1. if the foreign state was not designated as a state sponsor of terrorism under section 6(j) of the Export Administration Act of 1979 (50 App. U.S.C. §2405 (j)) or section 620A of the Foreign Assistance Act of 1961 (22 U.S.C. §2371) at the time the act occurred, unless later so designated as a result of such act or the act is related to Case Number 1:00CV03110(EGS) in the Forum or State District Court for the District of Columbia; and
- 8.2. even if the foreign state is or was so designated, if—
- 8.2.1. the act occurred in the foreign state against which the claim has been brought and the claimant has not afforded the foreign state a reasonable opportunity to arbitrate the claim in accordance with accepted international rules of arbitration; or
- 8.2.2. neither the claimant nor the victim was a national of the Forum or State (as that term is defined in section 101(a)(22) of the Immigration and Nationality Act) when the act upon which the claim is based occurred.

From the above list, two items are abused by your public servants more frequently than any others in order to unwittingly destroy your sovereignty, your inherent sovereign immunity, and to unlawfully expand their jurisdiction beyond the clear limits described by the United States Constitution:

1. Item 1: How they or you describe your citizenship and domicile. The federal government abuses their authority to write laws and print forms by writing them in such a vague way that they appear to create a presumption that you are a statutory “citizen” with a legal domicile within their jurisdiction. They do this by:
- 1.1. Only offering you one option to describe your citizenship on their forms, which is a “U.S. citizen”. This creates a presumption that you are a statutory “U.S. citizen” pursuant to 8 U.S.C. §1401 who is domiciled within their exclusive jurisdiction. Since they don’t offer you the option to declare yourself a state citizen or state national, then most people wrongfully presume that there is no such thing or that they are not one, even though they are. See: Why You are a “national”, “state national”, and Constitutional but not Statutory Citizen, Form #05.006 <http://sedm.org/Forms/FormIndex.htm>
- 1.2. Using citizenship terms on their forms which are not described in any federal statute, such as “U.S. citizen”. This term is nowhere used in Title 8 of the U.S. Code. The only similar term is “citizen and national of the United States”, which is defined in 8 U.S.C. §1401.
- 1.3. Deliberately confusing “domicile” with “nationality” so as to make them appear EQUIVALENT, even though they emphatically are NOT.
- 1.4. Deliberately confusing CONSTITUTIONAL citizens with STATUTORY citizens. These two groups are mutually exclusive and non-overlapping.
- 1.5. Deliberately confusing POLITICAL status under the constitution with CIVIL status under statutory law. These two things are mutually exclusive and NOT equivalent.
2. Item 3: The government connects you to commerce within their legislative jurisdiction. They do this by:
- 2.1. Presuming that you are connected to commerce by virtue of using a Social Security Number or Taxpayer Identification Number.
- 2.2. Presuming that you CONSENSUALLY used the number, even though in most cases, its use was COMPELLED or the product of some form of duress on the part of one or more parties to a specific commercial transaction. Without presuming consent, they cannot enforce the franchise statutes against you.
- 2.3. Terrorizing and threatening banks and financial institutions to unlawfully coerce their customers to provide a Social Security Number or Taxpayer Identification Number in criminal violation of 42 U.S.C. §408. Any financial account that has a federally issued number associated with it is presumed to be private properly donated to a public use in order to procure a privilege from the government, whether it be a tax deduction associated with a “trade or business” (public office) as described in 26 U.S.C. §162, or “social insurance” in the case of Socialist Security.
- 2.4. Making false, prejudicial, and unconstitutional presumptions about the meaning of the term “United States”, which is defined in 26 U.S.C. §7701(a)(9) and (a)(10) as the District of Columbia in the context of Subtitle A of the

Internal Revenue Code and nowhere expanded to include any area within the exclusive jurisdiction of a state of the Union. See:

Presumption: Chief Weapon for Unlawfully Enlarging Federal Jurisdiction, Form #05.017
<http://sedm.org/Forms/FormIndex.htm>

Why are the above methods of waiving sovereign immunity and the rights of sovereignty associated with them nearly universally recognized by every country, court, and nation on earth? Because:

1. These rights come from God, and God is universally recognized by people and cultures all over the world.
2. Everyone deserves, needs, and wants as much authority, autonomy, and control over their own life and property as they can get, consistent with the equal rights of others. In other words, they have a right of being self-governing. Of this subject, one of our most revered Presidents, Teddy Roosevelt, said:

"We of this mighty western Republic have to grapple with the dangers that spring from popular self-government tried on a scale incomparably vaster than ever before in the history of mankind, and from an abounding material prosperity greater also than anything which the world has hitherto seen."

As regards the first set of dangers, it behooves us to remember that men can never escape being governed. Either they must govern themselves or they must submit to being governed by others. If from lawlessness or fickleness, from folly or self-indulgence, they refuse to govern themselves then most assuredly in the end they will have to be governed from the outside. They can prevent the need of government from without only by showing they possess the power of government from within. A sovereign cannot make excuses for his failures; a sovereign must accept the responsibility for the exercise of power that inheres in him; and where, as is true in our Republic, the people are sovereign, then the people must show a sober understanding and a sane and steadfast purpose if they are to preserve that orderly liberty upon which as a foundation every republic must rest."
[President Theodore Roosevelt; Opening of the Jamestown Exposition; Norfolk, VA, April 26, 1907]

3. You cannot deserve or have a "right" to what you are not willing to give in equal measure to others. This is the essence of what Christians call "The Golden Rule", which Jesus Himself revealed as follows:

"Therefore, whatever you want men to do to you, do also to them, for this is the Law and the Prophets."
[Matt. 7:12, Bible, NKJV]

Everyone understands the concept of "explicit consent", because everyone understands the idea of exercising your right to contract in order to exchange some of your rights to obtain something you deem valuable. Usually, explicit consent requires a written contract of some kind in order to be enforceable against an otherwise "foreign sovereign". The part of the consent equation that most people have trouble with is the idea of "implied consent".

"Implied consent. That manifested by signs, actions, or facts, or by inaction or silence, which raise a presumption that the consent has been given. For example, when a corporation does business in a state it impliedly consents to be subject to the jurisdiction of that state's courts in the event of tortious conduct, even though it is not incorporated in that state. Most every state has a statute implying the consent of one who drives upon its highways to submit to some type of scientific test or tests measuring the alcoholic content of the driver's blood. In addition to implying consent, these statutes usually provide that if the result of the test shows that the alcohol content exceeds a specified percentage, then a rebuttable presumption of intoxication arises."
[Black's Law Dictionary, Fifth Edition, pp. 276-277]

8.11.4 Why PEOPLE can invoke sovereign immunity against governments or government actors

People have sovereign immunity just like governments. The courts have repeatedly affirmed that all the powers of government are delegated from the people and therefore, they can possess no power that the people themselves AS INDIVIDUALS do not ALSO possess. This section contains evidence you can use to prove this as a fact in court:

1. In the United States, ALL sovereignty resides not in the government, but in the people.

"There is no such thing as a power of inherent sovereignty in the government of the United States...In this country sovereignty resides in the people, and Congress can exercise no power which they have not, by their Constitution entrusted to it. All else is withheld."
[Juilliard v. Greenman, 110 U.S. 421 (1884):]

"In the United States, sovereignty resides in the people...the Congress cannot invoke sovereign power of the People to override their will as thus declared."

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2. All powers of the federal and state governments derive from and are delegated by We the People through our state and federal constitutions.

"Sovereignty itself is, of course, not subject to law, for it is the author and source of law... While sovereign powers are delegated to... the government, sovereignty itself remains with the people."
[Yick Wo v. Hopkins, 118 U.S. 356 (1886):]

"Whatever these Constitutions and laws validly determine to be property, it is the duty of the Federal Government, through the domain of jurisdiction merely Federal, to recognize to be property.

"And this principle follows from the structure of the respective Governments, State and Federal, and their reciprocal relations. They are different agents and trustees of the people of the several States, appointed with different powers and with distinct purposes, but whose acts, within the scope of their respective jurisdictions, are mutually obligatory."
[Dred Scott v. Sandford, 60 U.S. 393 (1856)]

3. Every species of legislative power and authority that the government possesses is therefore explicitly delegated to it by We the People. This concept is called "enumerated powers" by the courts.
4. The People cannot delegate an authority that they themselves do not inherently possess.

"Derivativa potestas non potest esse major primitiva.⁵⁸
The power which is derived cannot be greater than that from which it is derived."
[Bouvier's Law Dictionary Unabridged, 8th Edition, pg. 2131]

"Quod per me non possum, nec per alium..⁵⁹
What I cannot do in person, I cannot do through the agency of another."
[Bouvier's Law Dictionary Unabridged, 8th Edition, pg. 2159]

5. The method by which people voluntarily delegate their authority is by choosing a domicile within the state or government and thereby nominating a "protector" who now has a legal right to enforce the payment of "tribute" or "protection money" in order to sustain the protection that was asked for.
6. Those who have not nominated a protector by voluntarily choosing a domicile within the state thereby reserve ALL their natural rights.
7. Since governments inherently possess "sovereign immunity", then We the People must also possess that authority, because the government cannot have any authority that the people did not, but their Constitution and their choice of domicile, delegate to it.
8. The foundation of the Constitution is the notion of equal protection of the law, whereby all are equal under the law. This concept is documented, for instance, in section 1 of the Fourteenth Amendment. This notion carries with it the requirement that every "person" has equal rights under the law:
8.1. The only way that rights can be "unequal" within any given population is for you to consensually give up some of them, for instance, by procuring some government "privilege".
8.2. If the government is treating you differently than someone else, by, for instance, making you pay more money for the same service that someone else is paying for, then it is engaging in unequal protection. Therefore, it is safe to conclude that this service has nothing to do with protection and is a private, for-profit government business not authorized by the Constitution.

If you would like to learn more about the above summation, we enthusiastically endorse the following excellent FREE electronic book which exhaustively and constitutionally analyzes all of these concepts:

Treatise on Government, Joel Tiffany
<http://famguardian.org/Publications/TreatiseOnGovernment/TreatOnGovt.pdf>

⁵⁸ Wing. Max. 36: Pinch. Law, b. 1. c. 3, p. 11.

⁵⁹ 4 Co. 24 b: 11 id. 87 a.

8.11.5 How PEOPLE waive sovereign immunity in relation to governments

Understanding the concepts in the previous section is the key to unlocking what many freedom lovers instinctively regard as “the fraud of the income tax”. Most freedom lovers understand that the federal government has no territorial jurisdiction within states of the Union, but they simply *do not* understand where the lawful authority of federal courts derives to treat them as either “residents” as defined in [26 U.S.C. §7701\(b\)\(1\)\(A\)](#) or “U.S. persons” as defined in [26 U.S.C. §7701\(a\)\(30\)](#). The key to unraveling this puzzle is to understand that the courts are silently “presuming” that at some time in the past, you voluntarily availed yourself of a commercial federal “privilege” and thereby waived your sovereign immunity under [28 U.S.C. §1605\(a\)\(2\)](#). An example of how this waiver occurred is by signing up for the Social Security program on an SSA Form SS-5. When you signed up for that program:

1. You made a decision to conduct “commerce” within the legislative jurisdiction of the sovereign.
2. Pursuant to [28 U.S.C. §1605\(a\)\(2\)](#), you surrendered or “waived” sovereign immunity.
3. Your status changed from that of a “non-resident NON-person” to a “resident alien” as defined in [26 U.S.C. §7701\(b\)\(1\)\(A\)](#).
4. You became a legal “resident” who is “present” within the forum. A “resident” is a “res”, which is a legal thing, which is “identified” within the forum. You in essence “procured” a legal identity within the forum that the forum recognizes in the courts, even though you may never have been physically present or domiciled in the federal zone.
5. You made a decision to act in a representative capacity as a “public official” engaged in a “trade or business”. This person is a “trustee” of a Social Security Trust that is domiciled in the District of Columbia. Pursuant to [Federal Rule of Civil Procedure 17\(b\)](#), [26 U.S.C. §7701\(a\)\(39\)](#), and [26 U.S.C. §7408\(d\)](#), your effective domicile under the terms of the Social Security Franchise Agreement as an “agent” acting in a representative capacity for the “trust” that it creates then becomes the District of Columbia, regardless of where you physically reside.
6. You consented to the jurisdiction of the federal courts to supervise and administer the benefit for all.
7. You implicitly agreed to waive all rights that might otherwise have been injured in complying with the obligations arising out of the program:

“The Government urges that the Power Company is estopped to question the validity of the Act creating the Tennessee Valley Authority, and hence that the stockholders, suing in the right of the corporation, cannot [297 U.S. 323] maintain this suit. The principle is invoked that one who accepts the benefit of a statute cannot be heard to question its constitutionality. Great Falls Manufacturing Co. v. Attorney General, 124 U.S. 581; Wall v. Parrot Silver & Copper Co., 244 U.S. 407; St. Louis Casting Co. v. Prendergast Construction Co., 260 U.S. 469.”
[Ashwander v. Tennessee Valley Auth., 297 U.S. 288 (1936)]

“...when a State willingly accepts a substantial benefit from the Federal Government, it waives its immunity under the Eleventh Amendment and consents to suit by the intended beneficiaries of that federal assistance.”
[Papasan v. Allain, 478 U.S. 265 (1986)]

Use of a Social Security Number, in most cases, is all the evidence that the courts will usually need in order to conclude that you “voluntarily consent” to participate in the program. Consequently, either using an SSN or TIN or allowing others to use one against you *without* objecting constitutes what the courts would say is “prima facie evidence of consent” to be bound by the Social Security Act as well as all the provisions of the Internal Revenue Code, Subtitle A. These two “codes” form the essence of a “federal employment agreement” or “contract”, which all who receive government benefits become bound by. In essence, failure to deny evidence of consent creates a presumption of consent. This process is described in the legal field by the following names and you can also find it in [Federal Rule of Civil Procedure 8\(b\)\(6\)](#), which says that a failure to deny constitutes an admission for the purposes of meeting the burden of proving a fact:

1. Implied consent.
2. Constructive consent.
3. Tacit procurement.

“Procuration.. Agency; proxy; the act of constituting another one's attorney in fact. The act by which one person gives power to another to act in his place, as he could do himself. Action under a power of attorney or other constitution of agency. Indorsing a bill or note "by procuration" is doing it as proxy for another or by his authority. The use of the word procuration (usually, per procuratione, or abbreviated to per proc. or p. p.) on a promissory note by an agent is notice that the agent has but a limited authority to sign.

An express procuration is one made by the express consent of the parties. An implied or tacit procuration takes place when an individual sees another managing his affairs and does not interfere to prevent it. Procurations are

also divided into those which contain absolute power, or a general authority, and those which give only a limited power. Also, the act or offense of procuring women for lewd purposes. See also Proctor.”
[Black’s Law Dictionary, Fifth Edition, pp. 1086-1087]

Notice the above phrase “act or offense of procuring women for lewd purposes”. This describes basically the act of hiring a WHORE, and that is EXACTLY what you become if condone or allow the government do this to you, folks! This fact explains EXACTLY who Babylon the Great Harlot is as described in the Bible Book of Revelation. Babylon the Great Harlot is a symbol or metaphor for all those who are willing to trade their virtue, allegiance, or control over their property or liberty over to a government in exchange for a life of pleasure, ignorance, luxury, and irresponsibility. She is fornicating with “The Beast”, which is described in Revelation 19:19 as “the kings of the earth”, who today are our modern corrupted political rulers.

4. Retraxisit by tacit procurement. This is where you withdraw your standing to claim rights in any matter as Plaintiff.

“Retraxit. Lat. He has withdrawn. A retraxit is a voluntary renunciation by plaintiff in open court of his suit and cause thereof, and by it plaintiff forever loses his action. Virginia Concrete Co. v. Board of Sup’rs of Fairfax County, 197 Va. 821, 91 S.E.2d. 415, 419. It is equivalent to a verdict and judgment on the merits of the case and bars another suit for the same cause between the same parties. Datta v. Staab, 343 P.2d. 977, 982, 173 C.A.2d 613. Under rules practice, this is accomplished by a voluntary dismissal. Fed.R.Civi1 P. 41(a).”
[Black’s Law Dictionary, Fifth Edition, pp. 1183-1185]

The courts won’t document and will vociferously avoid explaining or justifying these prejudicial presumptions about the use of government identifying numbers because if they did, then you would understand where their jurisdiction derives and withdraw yourself from it and destroy the only source of their jurisdiction. The courts also know that all “presumption” is a violation of due process that is unconstitutional if it undermines your Constitutional rights so they will never call it what it is because it will destroy most of their authority and importance. This is exhaustively explained in the following pamphlet:

Presumption: Chief Weapon for Unlawfully Enlarging Federal Jurisdiction, Form #05.017
<http://sedm.org/Forms/FormIndex.htm>

Therefore, the above is just something you have to know and practical experience has taught us that this is the truth. If you would like to learn more about how the above process is used to lawfully deceive and enslave the legally ignorant and unsuspecting American “sheep” public at large, read the following fascinating and very enlightening document:

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

8.11.6 How corrupt governments illegally procure “implied consent” of People to waive their sovereign immunity

According to the courts, the waivers of sovereign immunity by the U.S. government cannot lawfully be procured through “implied consent” and must be EXPLICITLY stated in writing. Hence, the SAME standard applies to PEOPLE by implication, under the concept of equal protection and equal treatment that is the foundation of the United States Constitution.

In analyzing whether Congress has waived the immunity of the United States, we must construe waivers strictly in favor of the sovereign, see McMahon v. United States, 342 U.S. 25, 27 (1951), and not enlarge the waiver “beyond what the language requires,” Ruckelshaus v. Sierra Club, 463 U.S. 680, 685-686 (1983), quoting Eastern Transportation Co. v. United States, 272 U.S. 675, 686 (1927). The no-interest rule provides an added gloss of strictness upon these usual rules.

“[T]here can be no consent by implication or by use of ambiguous language. Nor can an intent on the part of the framers of a statute or contract to permit the recovery of interest suffice where the intent is not translated into affirmative statutory or contractual terms. The consent necessary to waive the traditional immunity must be express, and it must be strictly construed.” United States v. N. Y. Rayon Importing Co., 329 U. S., at 659. [Library of Congress v. Shaw, 478 U.S. 310 (1986)]

The Declaration of Independence affirms that the rights of PEOPLE are unalienable in relation to a real government. Hence, they are INCAPABLE of waiving sovereign immunity in relation to a real de jure government:

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

[Declaration of Independence]

“Unalienable. Inalienable; incapable of being aliened, that is, sold and transferred.”
[Black’s Law Dictionary, Fourth Edition, p. 1693]

Nevertheless, what Jesus called the “money changers” have taken over the civil temple called “government” and have turned the purpose of their creation on its head by making a profitable business out of ALIENATING rights that are supposed to be UNALIENABLE. Obviously, the FIRST step in protecting PRIVATE rights is to ensure that they are not converted into PUBLIC rights or government property without the EXPRESS, WRITTEN, FULLY INFORMED CONSENT of the original owner. This section describes some of the mechanisms by which they breach their fiduciary duty to protect PRIVATE rights using stealthful mechanisms such as “implied consent”.

Below are some examples of “implied consent” to waive sovereign immunity, to help illustrate how corrupted governments try to evade the above requirement often without the knowledge of the party IMPLIEDLY consenting, in some cases.

1. When a person in the course of business affairs or a nation in the presence of a treaty with another nation willingly tolerates a breach of contract or treaty, they give their silent consent to the violation and thereby surrender any rights which might have been encroached thereby.

Supposing this not to be a tax for inspection purposes, *has Congress consented to its being laid? It is certain that Congress has not expressly consented. But is express consent necessary? There is nothing in the Constitution which says so. There is nothing in the practice of men, or in the Municipal Law of men, or in the practice of nations, or the Law of nations that says so. Silence gives consent, is the rule of business life. A tender of bank bills is as good as one of coin, unless the bills are objected to. To stand by, in silence, and see another sell your property, binds you. These are mere instances of the use of the maxim in the Municipal Law. In the Law of Nations, it is equally potent. Silent acquiescence in the breach of a treaty binds a Nation. (Vattel, ch. 16, sec. 199, book 1. See book 2, sec. 142, et seq. as to usucaption and prescription, and sec. 208 as to ratification.*

Express consent, then, not being necessary, is there anything from which consent may be implied? There is-length of time. The Ordinance was passed the 24th of January, 1842, and has been in operation ever since. If Congress had been opposed to the Ordinance, it had but to speak, to be obeyed. It spoke not-it has never spoken: therefore, it has not been opposed to the Ordinance, but has been consenting to it.

4. Say, however, that Congress has not consented to the Ordinance, then the most that can be maintained is, that the Ordinance stands subject to “the revision and control of Congress.” It stands a Law-a something susceptible of revision and control-not a something unsusceptible of revision and control as a void thing would be. [Padelford, Fay & Co. v. Mayor and Aldermen of City of Savannah, 14 Ga. 438, W.L. 1492, (1854)]

2. When a statutory “driver”/franchisee “drives” (conducts profitable commercial activity on the public roadways) in a state, he implicitly consents to a blood-alcohol test if required by a police officer who has some probable cause to believe that he is intoxicated.
3. When a person commits a crime (violation of a criminal or penal code) on the territory of a foreign state and thereby injures the equal rights of fellow sovereigns, they are deemed to implicitly consent to a surrender of their own rights. They do not need a domicile or residence on the territory of the sovereign in order to become subject to the criminal laws of that sovereign. This is because every nation, state, or foreign sovereign has an inherent and natural right of self-defense. Implicit in this right is the God-given authority to use whatever force is necessary to prevent an injury to their person, property, or liberty from the malicious or harmful acts of others.
4. When a man sticks his pecker in a hole, he is presumed to implicitly consent to all the obligations arising out of such a “privilege”. This includes implied consent to pay all child support obligations that might accrue in the future by virtue of such an act. Marriage licenses are the state’s vain attempt to protect the owner of the hole from being injured by either irresponsible visitors or their poor discretion in choosing or allowing visitors, and not a whole lot more. In this context, as in nearly all other contexts, the government offers a privilege or “license” which essentially amounts to a form of “liability insurance”. You can only benefit from the insurance program by voluntarily “signing up” when you make application to procure the license.
5. When a person avails themselves of a commercial statutory or franchise “benefit” or “privilege” offered by the government, they implicitly consent to be bound by all the obligations arising out of it.

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DIVISION 3. OBLIGATIONS
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1589. A voluntary acceptance of the benefit of a transaction is equivalent to a consent to all the obligations arising from it, so far as the facts are known, or ought to be known, to the person accepting.

Below are some examples of statutory franchise “benefits” that might fit this description, all of which amount to the equivalent of private insurance offered by what amounts to a for profit, government-owned corporation :

- 5.1. Social Security.
- 5.2. Medicare.
- 5.3. Unemployment insurance.
- 5.4. Federal employment. Anyone who exercises their right to contract in order to procure federal employment implicitly agrees to be bound by all of Title 5 of the United States Code.
- 5.5. Registering a vehicle. You are not required to register your vehicle in a state. Most people do it to provide added protection of their ownership over the vehicle. When they procure this privilege, they also confer upon the state the right to require those who drive the vehicle to use a license. A vehicle that is not so registered, and especially by a non-domiciled person, can lawfully be driven by such a person without the need for a driver’s license.
- 5.6. Professional licenses. A “license” is legally defined as permission by the state to do that which is otherwise illegal. A professional licenses is simply an official recognition of a person’s professional status. It is illegal to claim the benefits of that recognition unless you possess the license. The government has moral and legal authority to prevent you only from engaging in criminal and harmful behaviors, not ALL behaviors. Therefore, the only thing they can lawfully “license” are potentially harmful activities, such as manufacturing or selling alcohol, drugs, medical equipment, or toxic substances. Any other type of license, such as an attorney license, is a voluntary privilege that they cannot prosecute you for refusing to engage in.
- 5.7. Driver’s licenses. All states can only issue or require driver’s licenses of those domiciled in federal areas or territory within the exterior limit of the state. They cannot otherwise regulate the free exercise of a right. Since federal territory or federal areas are the only place where these legal rights do NOT exist, then this is the only place they can lawfully regulate the right to travel.
- 5.8. Statutory marriage. Most states have outlawed common law marriage. Consequently, the only way you can become subject to the Family Code in your state is to voluntarily procure a government license to marry.

When a foreign state explicitly (in writing) or implicitly (through their conduct) consents to the jurisdiction of a sister Forum or State, they are deemed to be “present” within that state legally, but not necessarily physically. Here is how the Ninth Circuit Court of Federal Appeals describes this concept:

In International Shoe Co. v. Washington, 326 U.S. 310 (1945), the Supreme Court held that a court may exercise personal jurisdiction over a defendant consistent with due process only if he or she has "certain minimum contacts" with the relevant forum "such that the maintenance of the suit does not offend 'traditional notions of fair play and substantial justice.' " Id. at 316 (quoting Milliken v. Meyer, 311 U.S. 457, 463 (1940)). Unless a defendant's contacts with a forum are so substantial, continuous, and systematic that the defendant can be deemed to be "present" in that forum for all purposes, a forum may exercise only "specific" jurisdiction - that is, jurisdiction based on the relationship between the defendant's forum contacts and the plaintiff's claim.

[. . .]

In this circuit, we analyze specific jurisdiction according to a three-prong test:

- (1) *The non-resident defendant must purposefully direct his activities or consummate some transaction with the forum or resident thereof; or perform some act by which he purposefully avails himself of the privilege of conducting activities in the forum, thereby invoking the benefits and protections of its laws;*
- (2) *the claim must be one which arises out of or relates to the defendant's forum-related activities; and*
- (3) *the exercise of jurisdiction must comport with fair play and substantial justice, i.e. it must be reasonable.*

Schwarzenegger v. Fred Martin Motor Co., 374 F.3d. 797, 802 (9th Cir. 2004) (quoting Lake v. Lake, 817 F.2d. 1416, 1421 (9th Cir. 1987)). The first prong is determinative in this case. We have sometimes referred to it, in shorthand fashion, as the "purposeful availment" prong. Schwarzenegger, 374 F.3d. at 802. Despite its label, this prong includes both purposeful availment and purposeful direction. It may be satisfied by purposeful availment of the privilege of doing business in the forum; by purposeful direction of activities at the forum; or by some combination thereof.

[Yahoo! Inc. v. La. Ligue Contre Le Racisme Et L'Antisemitisme, 433 F.3d. 1199 (9th Cir. 01/12/2006)]

9 Government avoidance of legal requirement for consent

Absolutely all the problems with government documented in this memorandum BEGIN with the abuse of consent. Here is the mechanism for abuse:

1. Public servants seek to escape the chains of the constitution and perjure their oath to support and defend it by devious means, usually because of the love of money.

"In questions of power...let no more be heard of confidence in man, but bind him down from mischief by the chains of the Constitution."
[Thomas Jefferson: Kentucky Resolutions, 1798]

2. The only means provided by which they can accomplish their devious plot without legal liability is to do one of the following:
 - 2.1. Seek the consent, usually by surreptitious means, of the people who are injured by it.
 - 2.2. Create the equivalent of a de facto status crime, whereby people are compelled to acquire a status that implies consent to their dastardly deeds. This includes statutory "citizen", "resident", "inhabitant", "person", "taxpayer", etc.

On this subject, see the following:

"Volunt non fit injuria.
He who consents cannot receive an injury. 2 Bouv. Inst. n. 2279, 2327; 4 T. R. 657; Shelf. on mar. & Div. 449.

Consensus tollit errorem.
Consent removes or obviates a mistake. Co. Litt. 126.

Melius est omnia mala pati quam malo consentire.
It is better to suffer every wrong or ill, than to consent to it. 3 Co. Inst. 23.

Nemo videtur fraudare eos qui sciunt, et consentiunt.
One cannot complain of having been deceived when he knew the fact and gave his consent. Dig. 50, 17, 145."
[Bouvier's Maxims of Law, 1856;
SOURCE: <http://famguardian.org/Publications/BouvierMaximsOfLaw/BouviersMaxims.htm>]

3. The corrupted government proclaims through propaganda that your right to contract is UNLIMITED, thus implying that the bounds of the constitution can be broken simply with your consent.

"The individual may stand upon his constitutional rights as a citizen. He is entitled to carry on his private business in his own way. His power to contract is unlimited."
[Hale v. Henkel, 201 U.S. 43, 74 (1906)]

4. Like the Serpent and Eve, they offer criminal bribes funded with STOLEN money to get you to sign up for a socialist franchise "benefit" program.⁶⁰ They are criminal bribes because it is illegal to bribe you to become a public officer and you can't unilaterally "elect" yourself into a public office by filling out any government form, even WITH your consent. This program:
 - 4.1. Treats you as an uncompensated public officer or statutory "employee" within the government.
 - 4.2. Treats all your property as GOVERNMENT property.
 - 4.3. Creates and expands a huge Ponzi scheme.
 - 4.4. Forces you to sign up for any and every other program they want you to participate in. For instance, driver licensing has the prerequisite that you must ALSO participate in Social Security, because providing an SSN is a prerequisite for getting a driver license in most states.
5. If you complain about the trap they set by litigating in court, they will say that by voluntarily accepting a "benefit", you can't complain of an injury and dismiss your case.

⁶⁰ In Genesis 3, the Serpent tempted Eve by offering two things that represented LIMITED LIABILITY and thereby IRRESPONSIBILITY. It offered her that she would NOT suffer the consequence of DEATH for eating the fruit and would be like a god. The chief characteristic of being a god is that one is NOT accountable to ANYONE for their actions. More on this subject in: *The Unlimited Liability Universe, Family Guardian Fellowship*, <http://famguardian.org/Subjects/Spirituality/Articles/UnlimitedLiabilityUniverse.htm>

1 “The Government urges that **the Power Company is estopped to question the validity of the Act creating the**
2 **Tennessee Valley Authority**, and hence that the stockholders, suing in the right of the corporation, cannot [297
3 U.S. 323] maintain this suit. **The principle is invoked that one who accepts the benefit of a statute cannot**
4 **be heard to question its constitutionality. Great Falls Manufacturing Co. v. Attorney General, 124 U.S. 581;**
5 **Wall v. Parrot Silver & Copper Co., 244 U.S. 407; St. Louis Casting Co. v. Prendergast Construction Co., 260**
6 **U.S. 469.**“
7 [Ashwander v. Tennessee Valley Auth., 297 U.S. 288 (1936)]
8

9 CALIFORNIA CIVIL CODE
10 DIVISION 3. OBLIGATIONS
11 PART 2. CONTRACTS
12 CHAPTER 3. CONSENT
13 [Section 1589](#)
14

15 1589. A voluntary acceptance of the benefit of a [government benefit] transaction is equivalent to a consent to
16 all the obligations [and legal liabilities] arising from it, so far as the facts are known, or ought to be known, to
17 the person accepting.

18 Note that the above process ALWAYS begins with creating at least the APPERANCE that you consented to whatever
19 dastardly thing they want to do with you and which usually violates the Constitution. At least one law professor has studied
20 whether it is lawful and constitutional for you to consent to CIRCUMVENT the constitution, and concludes that it ISN'T:

Unconstitutional Conditions: The Irrelevance of Consent, Philip Hamburger BACKUP COPY: http://sedm.org/LibertyU/UnconstitutionalConditions-Hamburger.Phip-SSRN-id2021682.pdf DIRECT LINK: http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2021682

21 The following subsections will deal with techniques abused by corrupted governments and public servants to eliminate, hide,
22 or avoid procuring your consent when they are enforcing civil obligations against you. Most of the time, the avoidance is
23 done through deceit and trickery using “words of art”. Your job is to learn how this trickery occurs so you can prevent being
24 victimized by it. We call this avoidance of the requirement for consent a communist plot because the U.S. Congress defines
25 “communism” as any and every attempt to escape the bounds of the Constitution:

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

28 The Congress finds and declares that the Communist Party of the United States [consisting of the IRS, DOJ, and
29 a corrupted federal judiciary], although purportedly a political party, is in fact an instrumentality of a conspiracy
30 to overthrow the [de jure] Government of the United States [and replace it with a de facto government ruled by
31 the judiciary]. It constitutes an **authoritarian dictatorship [IRS, DOJ, and corrupted federal judiciary in**
32 **collusion]** within a [constitutional] republic, demanding for itself the rights and [privileges](#) [including immunity
33 from prosecution for their wrongdoing in violation of [Article 1, Section 9, Clause 8 of the Constitution](#)] accorded
34 to political parties, but **denying to all others the liberties [Bill of Rights] guaranteed by the Constitution.** Unlike
35 political parties, which evolve their policies and programs through public means, by the reconciliation of a wide
36 variety of individual views, and submit those policies and programs to the electorate at large for approval or
37 disapproval, the policies and programs of the Communist Party are secretly [by corrupt judges and the IRS in
38 complete disregard of the tax laws] prescribed for it by the foreign leaders of the world Communist movement
39 [the IRS and Federal Reserve]. Its members [the Congress, which was terrorized to do IRS bidding recently by
40 the framing of [Congressman James Traficant](#)] have no part in determining its goals, and are not permitted to
41 voice dissent to party objectives. Unlike members of political parties, members of the Communist Party are
42 recruited for indoctrination [in the public schools by homosexuals, liberals, and socialists] with respect to its
43 objectives and methods, and are organized, instructed, and disciplined [by the IRS and a corrupted judiciary] to
44 carry into action slavishly the assignments given them by their hierarchical chieftains. **Unlike political parties,**
45 **the Communist Party [thanks to a corrupted federal judiciary] acknowledges no constitutional or statutory**
46 **limitations upon its conduct or upon that of its members.** The Communist Party is relatively small numerically,
47 and gives scant indication of capacity ever to attain its ends by lawful political means. **The peril inherent in its**
48 **operation arises not from its numbers, but from its failure to acknowledge any limitation as to the nature of its**
49 **activities, and its dedication to the proposition that the present constitutional Government of the United States**
50 **ultimately must be brought to ruin by any available means, including resort to force and violence [or using income**
51 **taxes]. Holding that doctrine, its role as the agency of a hostile foreign power [the Federal Reserve and the**
52 **American Bar Association (ABA)] renders its existence a clear present and continuing danger to the security of**
53 **the United States.** It is the means whereby individuals are seduced into the service of the world Communist
54 movement, trained to do its bidding, and directed and controlled in the conspiratorial performance of their
55 revolutionary services. Therefore, the Communist Party should be outlawed

9.1 Introduction

Exclusively PRIVATE rights and PRIVATE property are beyond the civil legislative control of de jure government because they are protected by the U.S.A. Constitution.

"The power to 'legislate generally upon' life, liberty, and property, as opposed to the 'power to provide modes of redress' against offensive state action, was 'repugnant' to the Constitution. Id., at 15. See also United States v. Reese, 92 U.S. 214, 218 (1876); United States v. Harris, 106 U.S. 629, 639 (1883); James v. Bowman, 190 U.S. 127, 139 (1903). Although the specific holdings of these early cases might have been superseded or modified, see, e.g., Heart of Atlanta Motel, Inc. v. United States, 379 U.S. 241 (1964); United States v. Guest, 383 U.S. 745 (1966), their treatment of Congress' §5 power as corrective or preventive, not definitional, has not been questioned."
[City of Boerne v. Flores, Archbishop of San Antonio, 521 U.S. 507 (1997)]

Before governments may civilly control, tax, or regulate anything they must do one or more of the following:

1. Convert the ownership of PRIVATE PROPERTY they want to control from EXCLUSIVELY PRIVATE to either PUBLIC or QUALIFIED PRIVATE. Essentially, you are tricked into donating your PRIVATE property or a portion of it to a PUBLIC use and thereby giving the public the right to CONTROL that use.

"Men are endowed by their Creator with certain unalienable rights, - 'life, liberty, and the pursuit of happiness;' and to 'secure,' not grant or create, these rights, governments are instituted. That property [or income] which a man has honestly acquired he retains full control of, subject to these limitations: First, that he shall not use it to his neighbor's injury, and that does not mean that he must use it for his neighbor's benefit [e.g. SOCIAL SECURITY, Medicare, and every other public "benefit"]; second, that if he devotes it to a public use, he gives to the public a right to control that use; and third, that whenever the public needs require, the public may take it upon payment of due compensation."
[Budd v. People of State of New York, 143 U.S. 517 (1892)]

2. Convert the CIVIL STATUS of the person engaging in the activity or owning the PRIVATE PROPERTY they want to control from PRIVATE to PUBLIC. In other words, to change you:
 - 2.1. From a CONSTITUTIONAL "person" to a statutory "person" and therefore public officer. A statutory person is not protected by the constitution under the civil law because they have availed themselves of a "benefit" and thereby waived their Constitutional rights to exchange them for "privileges".

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 [AND the constitution]. 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. 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.
[Paul v. Virginia, 8 Wall. 168, 19 L.Ed. 357]

- 2.2. From a human being to an officer of a government corporation called a "person".

For proof of the above, see:

All Statutory Civil Law is Law for Government and not Private Persons, Form #05.037
<http://sedm.org/Forms/FormIndex.htm>

The most important means of surreptitiously accomplishing the above conversions from PRIVATE to PUBLIC is through the abuse of statutory civil franchises. Here is how the covetous conspiratorial politicians accomplish the two main goals:

1. Use propaganda and deceit to confuse the line between PUBLIC and PRIVATE by:
 - 1.1. PRESUMING or ASSUMING that STATUTORY "persons" are the same as CONSTITUTIONAL "persons". They are NOT. This includes defining the terms "citizen" or "resident" as franchisees who are public officers instead of constitutional "persons".

"Citizens of the United States within the meaning of this Amendment must be natural and not artificial persons; a corporate body is not a citizen of the United States."¹⁴

¹⁴ *Insurance Co. v. New Orleans*, 13 Fed.Cas. 67 (C.C.D.La. 1870). Not being citizens of the United States, corporations accordingly have been declared unable "to claim the protection of that clause of the Fourteenth Amendment which secures the privileges and immunities of citizens of the United States against abridgment or impairment by the law of a State." *Orient Ins. Co. v. Daggs*, 172 U.S. 557, 561 (1869). This conclusion was in harmony with the earlier holding in *Paul v. Virginia*, 75 U.S. (8 Wall.) 168 (1869), to the effect that corporations were not within the scope of the privileges and immunities clause of state citizenship set out in Article IV, Sec. 2. See also *Selover, Bates & Co. v. Walsh*, 226 U.S. 112, 126 (1912); *Berea College v. Kentucky*, 211 U.S. 45 (1908); *Liberty Warehouse Co. v. Tobacco Growers*, 276 U.S. 71, 89 (1928); *Grosjean v. American Press Co.*, 297 U.S. 233, 244 (1936).
[Annotated Fourteenth Amendment, Congressional Research Service,
SOURCE: <http://www.law.cornell.edu/amdt14a.html>]

- 1.2. Calling franchises "law", when in fact they are PRIVATE law that does not apply generally to all. In other words, confusing PRIVATE law with PUBLIC law.

"[I]aw . . . must be not a special rule for a particular person or a particular case, but. . . the general law . . . so that **every citizen shall hold his life, liberty, property and immunities under the protection of the general rules which govern society.**"
[*Hurtado v. California*, 110 U.S. 516, 535-536 (1884)]

Municipal law, thus understood, is properly defined to be "a rule of civil conduct prescribed by the supreme power in a state, commanding what is right and prohibiting what is wrong."

[. . .]

It is also called a rule to distinguish it from a compact or agreement; **for a compact is a promise proceeding from us, law is a command directed to us.** The language of a compact is, "I will, or will not, do this"; that of a law is, "thou shalt, or shalt not, do it." It is true there is an obligation which a compact carries with it, equal in point of conscience to that of a law; but then the original of the obligation is different. **In compacts we ourselves determine and promise what shall be done, before we are obliged to do it; in laws, we are obliged to act without ourselves determining or promising anything at all.** Upon these accounts law is defined to be "a rule."
[*Readings on the History and System of the Common Law*, Second Edition, Roscoe Pound, 1925, p. 4]

2. Write PRIVATE law franchises for government employees and officials that imposes a tax, duty, or obligation.
3. Mislead and confuse private employers in states of the Union into volunteering to become federal PUBLIC instrumentalities, agents, and "public officers" in the process of implementing this private law that doesn't apply to them. See:
<http://famguardian.org/Subjects/Taxes/Articles/IRSNotResponsible.htm>
4. Offer BRIBES to otherwise PRIVATE people to entice them to sign up for the franchises and thereby illegally and criminally impersonate a public officer:

"The principle of democracy is corrupted not only when the spirit of equality is extinct [BECAUSE OF FRANCHISES!], but likewise when they fall into a spirit of extreme equality, and when each citizen would fain be upon a level with those whom he has chosen to command him. Then the people, incapable of bearing the very power they have delegated, want to manage everything themselves, to debate for the senate, to execute for the magistrate, and to decide for the judges.

When this is the case, virtue can no longer subsist in the republic. The people are desirous of exercising the functions of the magistrates, who cease to be revered. The deliberations of the senate are slighted; all respect is then laid aside for the senators, and consequently for old age. If there is no more respect for old age, there will be none presently for parents; deference to husbands will be likewise thrown off, and submission to masters. This license will soon become general, and the trouble of command be as fatiguing as that of obedience. Wives, children, slaves will shake off all subjection. No longer will there be any such thing as manners, order, or virtue.

We find in Xenophon's Banquet a very lively description of a republic in which the people abused their equality. Each guest gives in his turn the reason why he is satisfied. "Content I am," says Chamides, "because of my poverty. When I was rich, I was obliged to pay my court to informers, knowing I was more liable to be hurt by them than capable of doing them harm. **The republic constantly demanded some new tax of me; and I could not decline paying. Since I have grown poor, I have acquired authority; nobody threatens me; I rather threaten others. I can go or stay where I please. The rich already rise from their seats and give me the way. I am a king, I was**

before a slave: I paid taxes to the republic, now it maintains [PAYS “BENEFITS” TO] me: I am no longer afraid of losing: but I hope to acquire.”

The people fall into this misfortune when those in whom they confide, desirous of concealing their own corruption, endeavour to corrupt them. To disguise their own ambition, they speak to them only of the grandeur of the state; to conceal their own avarice, they incessantly flatter theirs.

The corruption will increase among the corruptors, and likewise among those who are already corrupted. The people will divide the public money among themselves [to pay “BENEFITS”], and, having added the administration of affairs to their indolence, will be for blending their poverty with the amusements of luxury. But with their indolence and luxury, nothing but the public treasure [“BENEFITS”] will be able to satisfy their demands.

We must not be surprised to see their suffrages [VOTES at the ballot box] given for money [GOVERNMENT “BENEFITS”]. It is impossible to make great largesses to the people without great extortion: and to compass this, the state must be subverted. The greater the advantages they seem to derive from their liberty, the nearer they approach towards the critical moment of losing it. Petty tyrants arise who have all the vices of a single tyrant. The small remains of liberty soon become insupportable; a single tyrant starts up, and the people are stripped of everything, even of the profits of their corruption.’

[The Spirit of Laws, Baron Charles de Montesquieu,

SOURCE: http://famguardian.org/Publications/SpiritOfLaws/sol_08.htm#002]

5. Obfuscate the terms and definitions in the franchise to confuse PRIVATE and PUBLIC persons and property:
- 5.1. Make it appear that said law applies universally to everyone, including those in the states of the Union, when in fact it does not.
 - 5.2. Compel the courts and the IRS to mis-interpret and mis-enforce the Internal Revenue Code, by for instance, making judges into “taxpayers” who have a financial conflict of interest whenever they hear a tax case.
- Montesquieu in his The Spirit of Laws, which is the document the founders used to write the Constitution, describes this process of corruption as merging POLITICAL law with CIVIL law, and thereby turning EVERYONE into an “employee” and/or OFFICER of the government whose “pay” is the “benefits” of franchises. Political law is law for the government ONLY, and not the PRIVATE citizen:

The Spirit of Laws, Book XXVI, Section 15

15. That we should not regulate by the Principles of political Law those Things which depend on the Principles of civil Law.

As men have given up their natural independence to live under political laws, they have given up the natural community of goods to live under civil laws.

By the first, they acquired [PUBLIC] liberty; by the second, [PRIVATE] property. We should not decide by the laws of [PUBLIC] liberty, which, as we have already said, is only the government of the community, what ought to be decided by the laws concerning [PRIVATE] property. It is a paralogism to say that the good of the individual should give way to that of the public; this can never take place, except when the government of the community, or, in other words, the liberty of the subject is concerned; this does not affect such cases as relate to private property, because the public good consists in every one's having his property, which was given him by the civil laws, invariably preserved.

Cicero maintains that the Agrarian laws were unjust; because the community was established with no other view than that every one might be able to preserve his property.

Let us, therefore, lay down a certain maxim, that whenever the public good happens to be the matter in question, it is not for the advantage of the public to deprive an individual of his property, or even to retrench the least part of it by a law, or a political regulation. In this case we should follow the rigour of the civil law, which is the Palladium of [PRIVATE] property.

Thus when the public has occasion for the estate of an individual, it ought never to act by the rigour of political law; it is here that the civil law ought to triumph, which, with the eyes of a mother, regards every individual as the whole community.

If the political magistrate would erect a public edifice, or make a new road, he must indemnify those who are injured by it; the public is in this respect like an individual who treats with an individual. It is fully enough that it can oblige a citizen to sell his inheritance, and that it can strip him of this great privilege which he holds from the civil law, the not being forced to alienate his possessions.

After the nations which subverted the Roman empire had abused their very conquests, the spirit of liberty called them back to that of equity. They exercised the most barbarous laws with moderation: and if any one should doubt the truth of this, he need only read Beaumanoir's admirable work on jurisprudence, written in the twelfth century.

They mended the highways in his time as we do at present. He says, that when a highway could not be repaired, they made a new one as near the old as possible; but indemnified the proprietors at the expense of those who reaped any advantage from the road.⁴³ They determined at that time by the civil law; in our days, we determine by the law of politics.

[The Spirit of Laws, Charles de Montesquieu, 1758, Book XXVI, Section 15;
SOURCE: http://famguardian.org/Publications/SpiritOfLaws/sol_11.htm#001]

6. Introduce new franchise courts that may not hear constitutional issues and force PRIVATE people into the courts. This includes “traffic court”, “family court”, and “tax court”. This has the practical effect of DESTROYING their rights because it removes constitutional and jury protections. Franchise judges are in the Executive Branch rather than the Judicial Branch, and act in a POLITICAL rather than LEGAL capacity. They cannot act impartially and will always side with the government:

“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]

7. Gag franchise judges in the Executive Branch from exposing the FRAUD by prohibiting them from entering declaratory judgments in the case of “taxes” per the Declaratory Judgments Act, 28 U.S.C. §2201(a). This act can only apply to statutory franchisees called “taxpayers”, but judges illegally apply it to NONTAXPAYERS as a way to undermine and destroy the protection of private rights. It is a TORT when they do this.

8. When Americans discover that eligibility to franchises is the origin of government jurisdiction and try to quit, agencies administering the program will tell people two contradictory statements:

- 8.1. That they ARE NOT allowed to quit. In the case of Social Security, this is NOT true, because there are processes and procedures to quit that are HIDDEN from the public. See:

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

- 8.2. That participating is “voluntary”. If you CANNOT quit, it CANNOT be “voluntary”. Furthermore, if OTHER people like your parents can sign you up WITHOUT your consent or even knowledge, as in the case of Social Security, you can NEVER escape the program or the obligations of the franchise program.

Thus they interfere with their ability to escape jurisdiction and authority of those who administer the program. As long as “benefit” eligibility is preserved and people are FORBIDDEN to quit, there ARE no constitutional rights in the context of any federal benefit program:

“The Government urges that the Power Company is estopped to question the validity of the Act creating the Tennessee Valley Authority, and hence that the stockholders, suing in the right of the corporation, cannot [297 U.S. 323] maintain this suit. The principle is invoked that one who accepts the benefit of a statute cannot be heard to question its constitutionality. Great Falls Manufacturing Co. v. Attorney General, 124 U.S. 581; Wall v. Parrot Silver & Copper Co., 244 U.S. 407; St. Louis Casting Co. v. Prendergast Construction Co., 260 U.S. 469.”

9. Interfere with remedies for protecting PRIVATE rights in constitutional courts by:

9.1. Refusing to allow litigants to invoke ONLY the common law and the constitution rather than statutory civil franchise law in their defense. This has the practical effect of exercising a THEFT of constitutional rights and an eminent domain over those rights without compensation and in violation of the Fifth Amendment Takings Clause.

9.2. CONFUSING CRIMINAL statutes with PENAL statutes. Most civil franchises are enforced as PENAL law rather than CRIMINAL law. They are heard in criminal courts to fool the litigants into thinking that they are CRIMINAL in nature. However, PENAL law requires DOMICILE and CONSENT to the franchise before the penalty provisions may be enforced, and you should demand that the government PROVE with evidence that you lawfully consented to the franchise by engaging in a public office BEFORE you could even be eligible to participate or receive the “benefits” of said franchise. See:

Government Instituted Slavery Using Franchises, Form #05.030, Section 16
<http://sedm.org/Forms/FormIndex.htm>

9.3. Forcing litigants into a franchise court even though they may NOT go there without committing a crime. Only public officers can go into FRANCHISE courts in the Executive Branch. If a PRIVATE human who is not a public officer or franchisee goes into a FRANCHISE court, he/she/it is criminally impersonating a public officer. See:

The Tax Court Scam, Form #05.039
<http://sedm.org/Forms/FormIndex.htm>

9.4. Illegally transferring controversies in state courts involving constitutional rights to federal FRANCHISE courts, thus manipulating the right out of existence. See:

Opposition to Removal from State to Federal Court, Litigation Tool #11.001
<http://sedm.org/Litigation/LitIndex.htm>

9.5. PRESUMING that the parties before it are STATUTORY “persons”, “citizens”, or “residents” if litigants to not claim otherwise, thus removing them from the protections of the constitution. See:

Citizenship, Domicile, and Tax Status Options, Form #10.003
<http://sedm.org/Forms/FormIndex.htm>

9.6. Abusing choice of law rules to FORCE only statutory civil franchise remedies on the parties to litigation. See:

Federal Jurisdiction, Form #05.018, Section 3
<http://sedm.org/Forms/FormIndex.htm>

10. Illegally and unconstitutionally invoke sovereign, judicial, or official immunity to protect those in government who willfully:

10.1. Enforce the PUBLIC franchise against those PRIVATE people who do not consent to participate.

10.2. Violate the constitutional rights of others by exceeding their lawful authority, and thereby become a mafia protection racket for wrongdoers in violation of [18 U.S.C. §1951](#). This tactic has the effect of making the District of Columbia into the District of Criminals and a haven for financial terrorists who exploit the legal ignorance and conflict of interest of their coworkers and tax professionals to enrich themselves.

The Bible warned us this was going to happen, when it said:

*“Shall the throne of iniquity, which devises evil by law, have fellowship with You? They gather together against the life of the righteous, and condemn innocent blood. But the Lord has been my defense, and my God the rock of my refuge. He has brought on them their own iniquity, and shall cut them off in their own wickedness; **the Lord our God shall cut them off.**”*
[Psalm 94:20-23, Bible, NKJV]

Who else but corrupted lawmakers and public servants could “devise evil by law”? In this white paper, we will therefore:

1. Provide extensive evidentiary support which conclusively proves the above assertions beyond a shadow of a doubt.
2. Try to provide to you some tools and techniques to enforce the requirement for consent in all interactions you have with the government.
3. Show you how to discern exactly WHO a particular law is written for, so that you can prove it isn’t you and instead is only federal instrumentalities, agents, and “public officers”.
4. Teach you to discern the difference between “public law” that applies EQUALLY to all and “private law” that only applies to those who individually consent.
5. Teach you how to discern what form the “constructive consent” must take in the process of agreeing to be subject to the provisions of a “private law”, and how public employees very deviously hide the requirement for consent to fool you into believing that a private law is a “public law” that you can’t question or opt out of.

6. Show you how public servant legislators twist the law to change its purpose of protecting the public to protecting the public servants and the plunder they engage in. For more information on this, see:

The Law, Frederick Bastiat
<http://famguardian.org/Publications/TheLaw/TheLaw.htm>

9.2 Why and how the government deceives you into believing that “private law” is “public law” in order to PLUNDER and ENSLAVE you unlawfully

9.2.1 Constraints on government legislative power

Public servants in the Legislative Branch know that:

1. It is FRAUD to call any private law or franchise contract they enact “LAW” without preceding it with either “PUBLIC” or “PRIVATE”. “Law” in a classical sense must apply equally to ALL members of society whether they consent or not. This means that private law franchises are not “law” in a classical sense, but merely compacts or contracts:

“Municipal law, thus understood, is properly defined to be “a rule of civil conduct prescribed by the supreme power in a state, commanding what is right and prohibiting what is wrong.”

[...]

It is also called a rule to distinguish it from a compact or agreement; for a compact is a promise proceeding from us, law is a command directed to us. The language of a compact is, “I will, or will not, do this”; that of a law is, “thou shalt, or shalt not, do it.” It is true there is an obligation which a compact carries with it, equal in point of conscience to that of a law; but then the original of the obligation is different. In compacts we ourselves determine and promise what shall be done, before we are obliged to do it; in laws, we are obliged to act without ourselves determining or promising anything at all. Upon these accounts law is defined to be “a rule.”

[Readings on the History and System of the Common Law, Second Edition, Roscoe Pound, 1925, p. 4]

“[l]aw . . . must be not a special rule for a particular person or a particular case, but . . . the general law . . . so that every citizen shall hold his life, liberty, property and immunities under the protection of the general rules which govern society.”

[Hurtado v. California, 110 U.S. 516, 535-536 (1884)]

2. All legislation is prima facie territorial, meaning that it is limited to the territory that they have exclusive jurisdiction over.

“It is a well established principle of law that all federal regulation applies only within the territorial jurisdiction of the United States unless a contrary intent appears.”

[Foley Brothers, Inc. v. Filardo, 336 U.S. 281 (1949)]

“The laws of Congress in respect to those matters [outside of Constitutionally delegated powers] do not extend into the territorial limits of the states, but have force only in the District of Columbia, and other places that are within the exclusive jurisdiction of the national government.”

[Caha v. U.S., 152 U.S. 211 (1894)]

“There is a canon of legislative construction which teaches Congress that, unless a contrary intent appears [legislation] is meant to apply only within the territorial jurisdiction of the United States.”

[U.S. v. Spelar, 338 U.S. 217 at 222.]

3. They cannot civilly reach those with a foreign domicile, meaning a domicile outside their territory, such as a constitutional state of the Union, per Federal Rule of Civil Procedure 17(b).
4. The only lawful way they can legislatively reach outside their exclusive jurisdiction is through debt or contracts.

Debt and contract [franchise agreement, in this case] are of no particular place.

Locus contractus regit actum.

The place of the contract [franchise agreement, in this case] governs the act.
[Bouvier's Maxims of Law, 1856;
SOURCE: <http://famguardian.org/Publications/BouvierMaximsOfLaw/BouviarsMaxims.htm>]

5. Both debt and contracts require consent of the other party to the relationship.
6. Consent cannot be PRESUMED, but must be PROVEN by those who are enforcing a duty under the contract or franchise.
7. The only way they can lawfully through legislation reach outside their territory and inside the “cookie jar”, which are the legislatively “foreign states” called states of the Union, is through the operation of “private law” for nearly all subject matters except interstate and foreign commerce.

9.2.2 How they deceive you into thinking that PRIVATE law is PUBLIC law that you must obey

Corrupt and covetous governments know that since private law requires explicit consent and that most people would not voluntarily give up their life, liberty, property, or sovereignty, that the only way they are going to procure such consent is by fooling them into believing that private law is public law that everyone MUST obey. They do this by the following means:

1. They will pretend like a “private law” is a “public law”. This is done by calling voluntary franchises “law” rather than “PRIVATE law”.
2. They will deny attempts to characterize their activities truthfully as “private law” both in the laws they publish and their court rulings.
3. They will call their enactment a “code” but never refer to it as a “law”. It doesn’t become “law” for anyone until they explicitly consent to it. All “law” implicitly conveys rights to the parties, and no rights exist where there is no one who consents to a “code”! Look at 1 U.S.C. §204 and you will see that Title 26 of the Internal Revenue Code is never referred to as a “law” but simply a “Title”.
4. They will define those who are “subject” as including “citizens or residents”, but define “citizen” or “resident” as a voluntary statutory franchise rather than a CONSTITUTIONAL “citizen”. Thus, consent is given indirectly by simply volunteering for the “citizen” or “resident” franchise. When you point out that duties cannot be imposed upon CONSTITUTIONAL “citizens” because it violates the Thirteenth Amendment and that the “citizen” or “resident” is a public office in the government, they will FRAUDULENTLY deny that this is true. For an example of this, see the definition of “U.S. person” in 26 U.S.C. §7701(a)(30) .
5. They will call those who consent “residents” and those who don’t consent “aliens” or “transient foreigners”. By doing this, they aren’t implying that you LIVE within their jurisdiction, but instead that you are a party to their private law contract who has a “res”, which is a collection of rights and benefits “ident”-ified within their jurisdiction. Sneaky, huh?

Resident. “Any person who occupies a dwelling within the State, has a present intent to remain within the State for a period of time, and manifests the genuineness of that intent by establishing an ongoing physical presence within the State together with indicia that his presence within the State is something other than merely transitory in nature. The word “resident” when used as a noun means a dweller, habitant or occupant; one who resides or dwells in a place for a period of more, or less, duration; it signifies one having a residence, or one who resides or abides. [Hanson v. P.A. Peterson Home Ass’n, 35 Ill.App.2d. 134, 182 N.E.2d. 237, 240] [Underlines added]

Word “resident” has many meanings in law, largely determined by statutory context in which it is used. [Kelm v. Carlson, C.A.Ohio, 473 F.2d. 1267, 1271]
[Black’s Law Dictionary, Sixth Edition, p. 1309]

The term “the State” they are referring to in the case of most private law usually means “the government” and not the people that it serves. Everyone who is party to the private law or special law usually are agents, public officers, or “employees” of the government in one form or another. See the following for proof:

Why Your Government is Either a Thief or You are a “Public Officer” for Income Tax Purposes, Form #05.008
<http://sedm.org/Forms/FormIndex.htm>

6. They will try to make the process of consenting “invisible” and keep you unaware that you are consenting.
7. When you contact them to notify them that you have withdrawn your consent and rescinded your signatures on any forms you filled out, they will LIE to you by telling you that there is no way to quit the program.
8. They will remove references to people who don’t consent off their website and from their publications. They will also forbid their employees, through internal policy, from recognizing, helping, or communicating with those who did not consent. For instance, they will refuse to recognize the existence of “nontaxpayers” or people who are not “licensed” or privileged in some way. These people are the equivalent of “aliens” as far as they are concerned.

9. When asked about whether the “code” is voluntary, they will lie to you and tell you that it isn’t, and that EVERYONE is obligated to obey it, even though only those who consent in fact are. They will ensure that when they lie to you in this way, they:

9.1. Will act stupid so they can protect their plausible deniability and thereby shield themselves from legal liability for their lies.

9.2. Will protect their lie with a disclaimer. See:

*"IRS Publications, issued by the National Office, explain the law in plain language for taxpayers and their advisors... While a good source of general information, publications should not be cited to sustain a position."
[Internal Revenue Manual (I.R.M.), Section 4.10.7.2.8 (05-14-1999)]*

10. They will commit constructive fraud by abusing the rules of statutory construction to include things in definitions that do not appear anywhere within the law in order to make “private law” look like “public law” that applies to everyone. See:

Legal Deception, Propaganda, and Fraud, Form #05.014

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

11. They will ensure that all paperwork that you sign in which you consent hides the fact that it is a contract or agreement. Look at the W-4 form: Do you see any reference to the word “agreement” on it? Well guess what, it’s an agreement and you didn’t even know. The regulations at 26 C.F.R. §31.3401(a)-3(a) say it’s an “agreement”, which is a contract. Why didn’t your public SERVANTS tell you this? Because they want to fool you into thinking that participation is mandatory and that the Internal Revenue Code is a “public law”, when in fact, it is a “private law” that you must consent to in order to be subject to.

The government will play all the above games because deep down, they know their primary duty is to protect you, and that the only people they can really regulate or control are their own “public officers” or “employees” (5 U.S.C. §2105(a)) in the process of protecting you. Therefore, they have to make you LOOK like one of their own employees or agents or contractors in order to get ANY jurisdiction over you. They do this by associating a status with you that is connected to federal employment or office:

*"The power to "legislate generally upon" life, liberty, and property, as opposed to the "power to provide modes of redress" against offensive state action, was "repugnant" to the Constitution. Id., at 15. See also United States v. Reese, 92 U.S. 214, 218 (1876); United States v. Harris, 106 U.S. 629, 639 (1883); James v. Bowman, 190 U.S. 127, 139 (1903). Although the specific holdings of these early cases might have been superseded or modified, see, e.g., Heart of Atlanta Motel, Inc. v. United States, 379 U.S. 241 (1964); United States v. Guest, 383 U.S. 745 (1966), their treatment of Congress' §5 power as corrective or preventive, not definitional, has not been questioned."
[City of Boerne v. Flores, Archbishop of San Antonio, 521 U.S. 507 (1997)]*

9.2.3 How to know when you are being tricked

How can we know this is happening for any given interaction with the government? It’s really quite simple. Let us give you an example. Just about every municipality in the country has a system of higher education. Every one of them charges TWO rates for their tuition: 1. Resident; 2. Nonresident. The Constitution in Section 1 of the Fourteenth Amendment requires “equal protection”, which means EVERYONE, resident or nonresident, is EQUAL under the law. It’s logical to ask:

"How can they discriminate against nonresidents by charging them a significantly higher rate of college tuition than residents without violating the equal protection clauses of the Constitution? Why hasn't someone litigated this in court already and fixed this injustice?"

The answer is that:

1. The municipality has created a PRIVATE corporation under the authority of PRIVATE law.
2. Those who partake of the benefits of this PRIVATE corporation are partaking of a PRIVILEGE, and can only procure the PRIVILEGE by consenting to the contract codified within the laws of the municipality.
3. The written application for the benefit constitutes the “consent” to the contract, even though the complete terms of the contract do not appear on the contract itself. In practice, the terms of the contract, like the laws themselves, are so voluminous that it would be impractical to publish them on the form used to apply for the benefit. Therefore, the terms are deliberately left out so that the applicant, in practical effect, is signing a BLANK CHECK! The government, by rewriting its laws, can change the terms of the contract at any time without your explicit consent!

CALIFORNIA CIVIL CODE
DIVISION 3. OBLIGATIONS
PART 2. CONTRACTS
CHAPTER 3. CONSENT

Section 1589

1589. A voluntary acceptance of the benefit of a transaction is equivalent to a consent to all the obligations arising from it, so far as the facts are known, or ought to be known, to the person accepting.

4. The method for providing “reasonable notice” of the terms of the “constructive contract” or “implied contract” is by publication of a “code” by the municipality within its municipal ordinances. They call it a “code” because it isn’t law until someone consents to it! In that sense, it is an “invisible contract”, because most people never read the laws that their government publishes and couldn’t read or research the law if their life depended on it. The GOVERNMENT/public schools, in fact, are deliberately engineered to ensure that those who attend them are dysfunctional in the legal field so that the sheep and future citizens who graduate will end up in lifetime economic and political servitude to a privileged priesthood and cabal of judges and lawyers because of their own legal ignorance. The federal and state courts have repeatedly affirmed that everyone has a duty to seek out, read, and know the law:

“But it must be remembered that all are presumed to know the law, and that whoever deals with a municipality [the District of Columbia, and the “United States” which is a synonym for are both “municipalities”] is bound to know the extent of its powers. Those who contract with it, or furnish it supplies, do so with reference to the law, and must see that limit is not exceeded. With proper care on their part and on the part of the representatives of the municipality, there is no danger of loss.”

[San Francisco Gas Co. v. Brickwedel , 62 Cal. 641 (1882).

See also Dore v. Southern Pacific Co. (1912), 163 Cal. 182, 124 P. 817; People v. Flanagan (1924), 65 Cal.App. 268, 223 P. 1014; Lincoln v. Superior Court (1928), 95 Cal.App. 35, 271 P. 1107; San Francisco Realty Co. v. Linnard (1929), 98 Cal.App. 33, 276 P. 368]

“Every citizen of the United States is supposed to know the law. . . ”
[Floyd Acceptances, 7 Wall (74 U.S. 169) 666 (1869)]

“Of course, ignorance of the law does not excuse misconduct in any one, least of all in a sworn officer of the law. But this is a quasi criminal action, and in fixing the penalty to be imposed the court should properly take into account the motives and purposes which actuated the accused. Applying these considerations, we think the requirements of the situation will be satisfied by a judgment suspending the respondent from practice for a limited time.”

[In re McCowan, 177 Cal. 93, 170 P. 1100 (1917)]

“It is one of the fundamental maxims of the common law that ignorance of the law excuses no one. If ignorance of the law could in all cases be the foundation of a suit in equity for relief, there would be no end of litigation, and the administration of justice would become in effect impracticable. There would be but few cases in which one party or the other would not allege it as a ground for exemption from legal liability, and the extent of the legal knowledge of each individual suitor would be the material fact on which judgment would be founded. Instead of trying the facts of the case and applying the law to such facts, the time of the court would be occupied in determining whether or not the parties knew the law at the time the contract was made or the transaction entered into. The administration of justice in the courts is a practical system for the regulation of the transactions of life in the business world. It assumes, and must assume, that all persons of sound and mature mind know the law, otherwise there would be no security in legal rights and no certainty in judicial investigations.”

[Daniels v. Dean, 2 Cal.App. 421, 84 P. 332 (1905)]

“Every man is supposed to know the law. A party who makes a contract with an officer [of the government] without having it reduced to writing is knowingly accessory to a violation of duty on his part. Such a party aids in the violation of the law.”

[Clark v. United States, 95 U.S. 539 (1877)]

Even the Bible itself condemns those who don’t read, learn, or obey the law!:

“One who turns his ear from hearing the law [God’s law or man’s law], even his prayer is an abomination.”
[Prov. 28:9, Bible, NKJV]

“But this crowd that does not know [and quote and follow and use] the law is accursed.”
[John 7:49, Bible, NKJV]

"Salvation is far from the wicked, For they do not seek Your statutes."
[Psalm 119:155, Bible, NKJV]

The fundamental injustices in the above SCHEME are the following:

1. The contract, BEFORE IT WAS SIGNED, was not "law" for the applicant, but simply a "code". Private law is not "law" for those who are not subject to it. Only those who explicitly consent to it are subject and only for them can it be called "law". The contract "activates" and becomes "law" only AFTER it is consented to. Before it is consented to, it is simply a "proposal" or an "offer".
2. It is therefore unreasonable for any court of law to infer that the a person has a "duty" to read or learn or know that which is not "law" for him or that doesn't pertain to him. Therefore, there is no way that it can use the maxim of law that "everyone is supposed to know the law" as an excuse to PRESUME that he the applicant had "reasonable notice" of the terms of a contract that were never spelled out on the application itself. No court, we might add, has ever said:

"Every citizen of the United States is supposed to read and know and learn 'codes' but not 'laws' that don't pertain to him."

3. The municipality has deprived other PRIVATE corporations of equal protection who are engaged in the same competitive activity as the government's competitive PRIVATE corporation. For instance:
 - 3.1. Other competing private corporations are not allowed to publish their administrative regulations within the municipal code like the government does. Why not?
 - 3.2. Other private corporations do not enjoy the same kind of subsidies from the municipality as the state-run schools do.
 - 3.3. Other private corporations cannot assert "sovereign immunity" to protect their PRIVATE business activities like the government can.

The way out of the above quagmire for people dealing with the government is simply to write the following on every government form, so that you don't surrender any rights under it:

"All rights reserved without prejudice, U.C.C. §1-308"

9.3 Abuses of sovereign immunity

There are yet other ways that the government abuses this deception to unlawfully protect and enlarge its PRIVATE business pursuits, such as junior college, Social Security, Medicare, etc. The Supreme Court has created a judicial doctrine not found within the Constitution called "sovereign immunity", which requires that both the federal government and the states of the Union may not be sued in their own courts without their consent.

The exemption of the United States from being impleaded without their consent is, as has often been affirmed by this court, as absolute as that of the crown of England or any other sovereign. In Cohens v. Virginia, 6 Wheat. 264, 411, Chief Justice MARSHALL said: 'The universally-received opinion is that [106 U.S. 196, 227] no suit can be commenced or prosecuted against the United States.' In Beers v. Arkansas, 20 How. 527, 529, Chief Justice TANEY said: 'It is an established principle of jurisprudence, in all civilized nations, that the sovereign cannot be sued in its own courts, or in any other, without its consent and permission; but it may, if it thinks proper, waive this privilege, and permit itself to be made a defendant in a suit by individuals, or by another state. And as this permission is altogether voluntary on the part of the sovereignty, it follows that it may prescribe the terms and conditions on which it consents to be sued, and the manner in which the suit shall be conducted, and may withdraw its consent whenever it may suppose that justice to the public requires it.' In the same spirit, Mr. Justice DAVIS, delivering the judgment of the court in Nichols v. U.S. 7 Wall. 122, 126, said: 'Every government has an inherent right to protect itself against suits, and if, in the liberality of legislation they are permitted, it is only on such terms and conditions as are prescribed by statute. The principle is fundamental, applies to every sovereign power, and, but for the protection which it affords, the government would be unable to perform the various duties for which it was created.' See, also, U.S. v. Clarke, 8 Pet. 436, 444; Cary v. Curtis, 3 How. 236, 245, 256; U.S. v. McLemore, 4 How. 286, 289; Hill v. U.S., 9 How. 386, 389; Recside v. Walker, 11 How. 272, 290; De Groot v. U.S. 5 Wall. 419, 431; U.S. v. Eckford, 6 Wall. 484, 488; The Siren, 7 Wall. 152, 154; The Davis, 10 Wall. 15, 20; U.S. v. O'Keefe, 11 Wall. 178; Case v. Terrell, 11 Wall. 199, 201; Carr v. U.S. 98 U.S. 433, 437; U.S. v. Thompson, 98 U.S. 486, 489; Railroad Co. v. Tennessee, 101 U.S. 337; Railroad Co. v. Alabama, 101 U.S. 832. [U.S. v. Lee, 106 U.S. 196 (1882)]

A state's freedom from litigation was established as a constitutional right through the Eleventh Amendment. The inherent nature of sovereignty prevents actions against a state by its own citizens without its consent. [49]

U.S. 39] In *Atascadero*, 473 U.S. at 242, we identified this principle as an essential element of the constitutional checks and balances:

The "constitutionally mandated balance of power" between the States and the Federal Government was adopted by the Framers to ensure the protection of "our fundamental liberties." [*Garcia v. San Antonio Metropolitan Transit Authority*, 469 U.S. 528, 572 (Powell, J., dissenting)]. By guaranteeing the sovereign immunity of the States against suit in federal court, the Eleventh Amendment serves to maintain this balance. [*Great Northern Ins. Co. v. Read*, 322 U.S. 47, 51 (1944)]

States and the federal government both have historically abused the confusion between "private law" and "public law" so that they could unlawfully and unjustly assert "sovereign immunity" to protect what actually amounts to PRIVATE business enterprises and PRIVATE municipal and federal corporations they have set up for their own pecuniary benefit. The U.S. Supreme Court has repeatedly said that when a government engages in PRIVATE business concerns, it surrenders its sovereign immunity to suit and devolves to that of a private business corporation as far as standing in court:

"When a State engages in ordinary commercial ventures, it acts like a private person, outside the area of its 'core' responsibilities, and in a way unlikely to prove essential to the fulfillment of a basic governmental obligation."
[*College Savings Bank v. Florida Prepaid Postsecondary Education Expense*, 527 U.S. 666 (1999)]

"What, then, is meant by the doctrine that contracts are made with reference to the taxing power resident in the State, and in subordination to it? Is it meant that when a person lends money to a State, or to a municipal division of the State having the power of taxation, there is in the contract a tacit reservation of a right in the debtor to raise contributions out of the money promised to be paid before payment? That cannot be, because if it could, the contract (in the language of Alexander Hamilton) would 'involve two contradictory things: an obligation to do, and a right not to do; an obligation to pay a certain sum, and a right to retain it in the shape of a tax. It is against the rules, both of law and of reason, to admit by implication in the construction of a contract a principle which

goes in destruction of it.' *The truth is, States and cities, when they borrow money and contract to repay it with interest, are not acting as sovereignties.* They come down to the level of ordinary individuals. Their contracts have the same meaning as that of similar contracts between private persons. Hence, instead of there being in the undertaking of a State or city to pay, a reservation of a sovereign right to withhold payment, the contract should be regarded as an assurance that such a right will not be exercised. A promise to pay, with a reserved right to deny or change the effect of the promise, is an absurdity."

Is, then, property, which consists in the promise of a State, or of a municipality of a State, beyond the reach of taxation? We do not affirm that it is. A State may undoubtedly tax any of its creditors within its jurisdiction for the debt due to him, and regulate the amount of the tax by the rate of interest the debt bears, if its promise be left unchanged. A tax thus laid impairs no obligation assumed. It leaves the contract untouched. But until payment of the debt or interest has been made, as stipulated, we think no act of State sovereignty can work an exoneration from what has been promised to the [446] creditor; namely, payment to him, without a violation of the Constitution. The true rule of every case of property founded on contract with the government is this: It must first be reduced into possession, and then it will become subject, in common with other similar property, to the right of the government to raise contributions upon it. It may be said that the government may fulfil this principle by paying the interest with one hand, and taking back the amount of the tax with the other. But to this the answer is, that, to comply truly with the rule, the tax must be upon all the money of the community, not upon the particular portion of it which is paid to the public creditors, and it ought besides to be so regulated as not to include a lien of the tax upon the fund. The creditor should be no otherwise acted upon than as every other possessor of money; and, consequently, the money he receives from the public *can then only be a fit subject of taxation when it is entirely separated' (from the contract), 'and thrown undistinguished into the common mass.'* 3 Hamilton, Works, 514 et seq. Thus only can contracts with the State be allowed to have the same meaning as all other similar contracts have. [*Murray v. City of Charleston*, 96 U.S. 432 (1877)]

Moreover, if the dissent were correct that the sovereign acts doctrine permits the Government to abrogate its contractual commitments in "regulatory" cases even where it simply sought to avoid contracts it had come to regret, then the Government's sovereign contracting power would be of very little use in this broad sphere of public activity. We rejected a virtually identical argument in *Perry v. United States*, 294 U.S. 330 (1935), in which Congress had passed a resolution regulating the payment of obligations in gold. **We held that the law could not**

be applied to the Government's own obligations, noting that "the right to make binding obligations is a competence attaching to sovereignty." Id. at 353.

See also *Clearfield Trust Co. v. United States*, 318 U.S. 363, 369 (1943) ("The United States does business on business terms") (quoting *United States v. National Exchange Bank of Baltimore*, 270 U.S. 527, 534 (1926)); *Perry v. United States*, supra at 352 (1935) ("When the United States, with constitutional authority, makes contracts, it has rights and incurs responsibilities similar to those of individuals who are parties to such instruments. There is no difference . . . except that the United States cannot be sued without its consent") (citation omitted); *United States v. Bostwick*, 94 U.S. 53, 66 (1877) ("The United States, when they contract with their citizens, are controlled by the same laws that govern the citizen in that behalf"); *Cooke v. United States*, 91 U.S. 389, 398 (1875) (explaining that when the United States "comes down from its position of sovereignty, and enters the domain of commerce, it submits itself to the same laws that govern individuals there").

See *Jones*, 1 Cl.Ct. at 85 ("Wherever the public and private acts of the government seem to commingle, a citizen or corporate body must by supposition be substituted in its place, and then the question be determined whether the action will lie against the supposed defendant"); *O'Neill v. United States*, 231 Ct.Cl. 823, 826 (1982) (sovereign acts doctrine applies where, "[w]here [the] contracts exclusively between private parties, the party hurt by such governing action could not claim compensation from the other party for the governing action"). The dissent ignores these statements (including the statement from *Jones*, from which case *Horowitz* drew its reasoning literally verbatim), when it says, post at 931, that the sovereign acts cases do not emphasize the need to treat the government-as-contractor the same as a private party.
[*United States v. Winstar Corp.* 518 U.S. 839 (1996)]

How does the government abuse sovereign immunity to protect PRIVATE business activities? Let's use the Internal Revenue Code, for example, which we now know is "private law":

1. The Internal Revenue Code is identified as a "code" and not a "law" in 1 U.S.C. §204. In fact, it is a "code" of repealed laws. 53 Stat. 1 REPEALED the entire Internal Revenue Code, leaving no "law" left to enforce.
2. No court ruling we have ever read at the supreme court or district court level acknowledges whether the Internal Revenue Code is either "private law" or "public law". This is deliberate, because they want to perpetuate the FRAUD and FALSE PRESUMPTION in the minds of the American public and the legal profession that it is "public law" that applies to everyone.
3. Those who claim to be "nontaxpayers" not subject to the private law that is the Internal Revenue Code preserve all their constitutional rights and are free to challenge the constitutionality of the enforcement of any provision of this "code" against them in any court of law.

"The revenue laws are a code or system in regulation of tax assessment and collection. They relate to taxpayers, and not to nontaxpayers. The latter are without their scope. No procedure is prescribed for nontaxpayers, and no attempt is made to annul any of their rights and remedies in due course of law. With them Congress does not assume to deal, and they are neither of the subject nor of the object of the revenue laws..."
[*Long v. Rasmussen*, 281 F. 236 (1922)]

"Revenue Laws relate to taxpayers [instrumentalities, officers, employees, and elected officials of the national but not federal Government] and not to non-taxpayers [American Citizens/American Nationals not subject to the exclusive jurisdiction of the Federal Government]. The latter are without their scope. 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)]

4. When "nontaxpayers" have historically challenged the constitutionality of UNLAWFULLY enforcing provisions of the franchise "contract" called the Internal Revenue Code, Subtitle A against those who never consented to it, federal courts have repeatedly and unlawfully invoked provisions within the contract itself that don't apply to the litigant as an excuse to circumvent the challenge. For instance, the Anti-Injunction Act, 26 U.S.C. §7421 says that federal courts may not restrain or interfere with the assessment or collection of any "tax".

TITLE 26 > Subtitle F > CHAPTER 76 > Subchapter B > § 7421
§ 7421. Prohibition of suits to restrain assessment or collection

(a) Tax

Except as provided in sections 6015 (e), 6212 (a) and (c), 6213 (a), 6225 (b), 6246 (b), 6330 (e)(1), 6331 (i), 6672 (c), 6694 (c), and 7426 (a) and (b)(1), 7429 (b), and 7436, no suit for the purpose of restraining the assessment or collection of any tax shall be maintained in any court by any person, whether or not such person is the person against whom such tax was assessed.

(b) *Liability of transferee or fiduciary*

No suit shall be maintained in any court for the purpose of restraining the assessment or collection (pursuant to the provisions of chapter 71) of—

(1) the amount of the liability, at law or in equity, of a transferee of property of a taxpayer in respect of any internal revenue tax, or

(2) the amount of the liability of a fiduciary under section [3713 \(b\)](#) of title [31](#), United States Code [41](#) in respect of any such tax.

5. In effect, the courts in unlawfully enforcing provisions of the contract against those who are not parties to it are abusing legislatively created sovereign immunity to protect PRIVATE business activity. This is CLEARLY unconstitutional if it injures the Constitutionally guaranteed PRIVATE rights of litigants who are “nontaxpayers” not subject to the “code”/“contract”.

The net result of the abuse of sovereign immunity to protect the PRIVATE business activity documented within the Internal Revenue Code, Subtitle A is:

1. Involuntary servitude in violation of the Thirteenth Amendment.
2. Peonage in violation of 18 U.S.C. §1581 and 42 U.S.C. §1994.
3. Enticement into slavery in violation of 18 U.S.C. §1583. The W-4 says nothing about the fact that it is an “agreement” or contract even though the regulations at 26 C.F.R. §31.3401(a)-3 and statute at 26 U.S.C. §3402(p) identify it as such. If the IRS tells anyone that they HAVE to sign and consent to what is actually a voluntary agreement, they are enticing the person into slavery, and yet the federal courts refuse to hold them accountable for such criminal activity.
4. Conspiracy against rights in violation of 18 U.S.C. §241.
5. Conflict of interest on the part of federal judges, who are both “taxpayers” subject to the extortion and recipients of benefits and laundered money proceeding from the extortion, in violation of 28 U.S.C. §§144 and 455.
6. Racketeering and extortion in violation of 18 U.S.C. §1951.
7. Kidnapping in violation of 18 U.S.C. §1201. 26 U.S.C. §7701(a)(39) and 26 U.S.C. §7408(d) both allow federal judges to “kidnap” the legal identities of persons subject to the Internal Revenue Code and make them into the equivalent of domiciliaries of the District of Columbia for the purposes of the Internal Revenue Code. By imposing these provisions against parties who do not consent to be “taxpayers” and who are “nontaxpayers” not subject to any provision of the Internal Revenue Code, they are engaging in kidnapping and identity theft. Do you REALLY think the Internal Revenue Code would need provisions like this if the federal government REALLY had jurisdiction within states of the Union to collect income taxes pursuant to Internal Revenue Code, Subtitle A?

Judges in federal courts must certainly be aware of all of the above, which is why they positively refuse their constitutional duty to protect your private constitutional rights by admitting that Internal Revenue Code, Subtitle A is “private law” and not “public law”, that only applies to those who consent, and then explaining to the parties to the lawsuit EXACTLY what form that consent takes so that they receive reasonable notice of the rights they are surrendering by engaging in PRIVATE business activity with a government that has made a BUSINESS out of effectively STEALING from you under the color but without the actual authority of law. This is the biggest travesty of justice in our time. Through this constructive fraud, they have effectively criminalized private property, personal responsibility and exclusively enjoying your own life, liberty, and property, thus making slaves out of us all. The Civil War did not end slavery by any means. It has simply taken a slightly altered and more “stealthy” form. Some things never change, do they? Of this FRAUD and abuse of law to deceive and enslave people, Lysander Spooner said:

“What, then, is legislation?

It is an assumption by one man, or body of men, of absolute, irresponsible dominion over all other men whom they can subject to their power.

It is an assumption by one man, or body of men, of a right to subject all other men to their will and their service.

It is an assumption by one man, or body of men, of a right to abolish outright all the natural rights, all the natural liberty of all other men; to make all other men their slaves; to arbitrarily dictate to all other men what they may, and may not do; what they may, and may not, have; what they may, and may not, be.

1 *It is, in short, the assumption of a right to banish the principle of human rights, the principle of justice itself, from*
2 *off the earth, and set up their own personal will, pleasure, and interest in its place.*

3 *All this, and nothing less, is involved in the very idea that there can be any such thing as legislation that is*
4 *obligatory upon those upon whom it is imposed."*
5 *[Lysander Spooner in 1882]*

6 If you would like to read more of this man's fascinating readings, see:

<http://www.lysanderspooner.org/>

7 **9.4 Invisible consent: The weapon of tyrants**

8 There are many situations in which we create at least the APPEARANCE of consenting and may not even realize it. Here
9 are some legal definitions and maxims that demonstrate this process of invisible consent:

10 *"SUB SILENTIO. Under silence; without any notice being taken. Passing a thing sub silentio may be evidence of*
11 *consent"*
12 *[Black's Law Dictionary, Fourth Edition, p. 1593]*

13 *"Qui tacet consentire videtur.*
14 *He who is silent appears to consent. Jenk. Cent. 32."*
15 *[Bouvier's Maxims of Law, 1856;*
16 *SOURCE: <http://famguardian.org/Publications/BouvierMaximsOfLaw/BouviersMaxims.htm>]*
17

18 It is very important for us to understand how the process of procuring your consent works so that it can be reversed and used
19 in your defense against tyrants in government who want to abuse their delegated authority to STEAL from you.

20 We established throughout this document that only consent in some form can produce a "law" within a Republican
21 government populated by Sovereigns. This is also confirmed by the following maxim of law:

22 *Consensus facit legem.*
23 *Consent makes the law. A contract [INCLUDING a "social compact"] is a law between the parties, which can*
24 *acquire force only by consent.*
25 *[Bouvier's Maxims of Law, 1856;*
26 *SOURCE: <http://famguardian.org/Publications/BouvierMaximsOfLaw/BouviersMaxims.htm>]*

27 Where The People are Sovereign, the only way you can lose rights is to give them away by exercising your right to contract.
28 The type of consent manifested determines the type of "law" that is produced by the act of consenting. *Collective* consent
29 produces "public law". *Individual* consent produces "private law" or "special law". Section 8.10.1 earlier showed that within
30 the realm of private law, the consent that produces the individual contractual obligation can be manifested or implied in
31 several ways:

- 32 1. By a signed instrument that identifies itself as a contract or agreement. For instance, the IRS Form W-4 is identified in
33 Treasury Regulations [26 C.F.R. §31.3401\(a\)-3\(a\)](#) as an "agreement", which means a private contract between you and
34 Uncle Sam to procure "social insurance". The only people who are allowed to procure social insurance under the Internal
35 Revenue Code are "employees", so when you procure such insurance, you have to consent to be treated as a federal
36 "employee". Note, for instance, that 26 U.S.C. Subtitle C, Chapter 21, Subchapter A, which is the FICA program, is
37 entitled "Tax on Employees", which means you are a federal "employee" if you participate in the program. 5 U.S.C.
38 §552a(a)(13), which is the Privacy Act, also identifies you as "federal personnel". You become the equivalent of an
39 uncompensated federal "employee" until you begin collecting retirement benefits.
- 40 2. By certain behavior which implicates a person as being associated with the contract. For instance:
41 2.1. The only people with a legal obligation to file tax returns are those "subject to" and "liable for" something under
42 the Internal Revenue Code. If you are a "nontaxpayer" and you file one of these, you implicitly imply yourself to
43 be a "taxpayer".
44 2.2. The only people who litigate in family court are those who volunteered to be subject to the Family Code. The only
45 people subject to the Family Code in most states are those who obtained a state marriage license. Many states that
46 issue marriage licenses do not recognize common law marriage. This means you can only become subject to the
47 Family Code and government control of your family by volunteering.
- 48 3. By applying for a license to engage in a privileged, regulated, or taxable activity. For instance:

- 3.1. Applying for a business license implies intent to be subject to business taxation, because a Taxpayer Identification Number is asked for on the application and the application implies that failure to provide the number will result in the application not being granted.
- 3.2. Applying for driver's license implies that you are engaged in revenue-taxable commercial activities upon the public roadways and that you agree to pay taxes upon such activity. That is why you must supply a Social Security Number when you apply for a driver's license: so they can enforce the payment of taxes upon your commercial activities.

Of the above three methods of manifesting consent, the last two are not recognized as a voluntary process by the average American, but in fact they are. A government run by covetous tyrants will do everything that it can to make the process of consenting to something invisible or to make the activity look involuntary or unavoidable. Therefore, they will usually elect the last two of the above three methods to in effect force or compel people to become privileged, regulated, and taxable. In most cases, this process of compelled consent is illegal, but few Americans realize why it is illegal and therefore do not prosecute the abuse. Tyrannical governments make the process of procuring consent invisible by:

1. Making false and unconstitutional presumptions about the status of a person based on their behavior. For instance:
 - 1.1. If you send in a tax return, then the IRS will "assume" that you must be a "taxpayer" who has income exceeding the exemption amount. Therefore, the penalty provisions of the Internal Revenue Code apply to you. In fact, this is not true if the amount of gross income on the return is zero. You can't be a taxpayer without taxable income. Without taxable income, regardless of whether you sent in a return or not, you can't be subject to any other provision of the Internal Revenue Code.
 - 1.2. When the IRS sends you a collection notice and you don't respond, then they will assume that you agree and basically "Default" you. In most cases, you don't, but they in effect assume that you therefore "consent" to whatever determination they might make about you that results from your failure to respond.
 - 1.3. If your employer sent the IRS a Form W-2, then the I.R.S. will assume that you completed a W-4 and are subject to the Internal Revenue Code contract. This is simply not true, and in fact, we show later in this chapter that those who never signed a W-4 should never have W-2's filed on them and if they do have any such forms, the amount of statutory "wages" must be zero.
 - 1.4. If you apply for a Social Security Number, then you must maintain a "domicile" in the federal zone. This also is untrue, because the SSA Form SS-5 and the SSA Program Operations Manual System (POMS) does not tell the whole truth about what a "U.S. citizen" is, and the fact that most Americans born in the states on nonfederal land are NOT "U.S. citizens" as defined under 8 U.S.C. §1401.
 - 1.5. If you receive an IRS Form 1099, then you must be engaged in a privileged activity called a "trade or business". This also is untrue, as is explained in:
 - 1.5.1. Section 5.6.14 and following of the *Great IRS Hoax*, Form #11.302.
 - 1.5.2. *Correcting Erroneous Information Returns*, Form #04.001
<https://sedm.org/Forms/FormIndex.htm>
 - 1.6. If you send in an IRS Form 1040, then the IRS will assume that you have a domicile in the District of Columbia, even though you actually live elsewhere. According to IRS Published Products Catalog, Document 7130, the IRS Form 1040 may only be used by either citizens (statutory "U.S. citizens" under 8 U.S.C. §1401) or residents (aliens), both of whom have a domicile in the "United States", which is defined in 26 U.S.C. §7701(a)(9) and (a)(10) as the District of Columbia.
2. Interfering with your ability to challenge their false and prejudicial presumptions by:
 - 2.1. Excluding your evidence from the proceeding.
 - 2.2. Calling you "frivolous" without entering evidence on the record PROVING that you are incorrect.
3. Not mentioning anything about "agreement" or "contract" on the form, but only in the regulations that usually only the agency will read. This is the case of the IRS Form W-4. How many of you knew that the W-4 form was indeed a binding legal contract? The regulations in turn can and do bind only government officers and agents and not private people. By hiding their secrets in the regulations that only regulate activities of government actors, indirectly they are admitting that the statute sought to be enforced only binds the government and not the general public.
4. Destroying or interfering with all other alternatives to what the government is offering so that you must accept the government's offer. For instance
 - 4.1. Those who do not wish to get a state-issued marriage license may lawfully draft their own private contract and record it at the county recorder. The government's method for interfering with this process is to refuse to record anything at the recorder's office other than government-issued applications. In many cases, they will not allow parties to record private contracts, because it undermines their monopoly.

- 1 4.2. Those who do not wish to obtain a Taxpayer Identification Number are often refused in opening bank accounts as
2 a matter of bank policy rather than as a requirement of law. This forces private individuals into becoming taxpayers
3 subject to IRS supervision just in order to conduct their financial affairs.
- 4 4.3. Those who do not wish to pay property tax may elect to quitclaim their property to an unnamed third party and file
5 the quitclaim with the county recorder. At that point, the government cannot enforce the payment of property
6 taxes because it does not know who the property owner is. Some county governments interfere with this tactic by
7 refusing to record such documents, even though this is perfectly legal and an extension of our protected right to
8 contract. We have a right to keep our private contracts secret from the government if we wish, and to not have the
9 government account for or track who owns our property if we choose.
- 10 5. Inviting you to attend a court hearing at “federal church”, also called “district court”:
- 11 5.1. The judge will use non-positive law franchise statute and PRESUME you are a party to it. For instance, he/she will
12 PRESUME that you are a “taxpayer” unless you prove you are not. See 26 U.S.C. §7491. This is a prejudice to
13 your constitutional rights and according to the Supreme Court, is a violation of due process. See:
14 <http://famguardian.org/TaxFreedom/CitesByTopic/Presumption-RPG-Federal.pdf>
- 15 5.2. If you show up and do not do any of the following, the judge will usually falsely PRESUME that you are subject
16 to exclusive and general federal jurisdiction.
- 17 5.2.1. Appear by special rather than general appearance. A general appearance subjects you to the general rather
18 than special jurisdiction of the court.
- 19 5.2.2. Do not challenge jurisdiction in your response. Jurisdiction is “assumed” if you do not challenge it.
- 20 5.2.3. Do not claim diversity jurisdiction under 28 U.S.C. §1332. Consequently, they will assume you are a
21 domiciliary of the federal zone and that you are subject to the exclusive jurisdiction of the federal government.
- 22 5.3. The judge will falsely assume that you are subject to whatever code or title you quote in your pleading. You can’t
23 cite a code or statute that you aren’t subject to.
- 24 5.4. The judge will falsely assume that you agree with everything you didn’t explicitly disagree with in your response
25 to the government’s Complaint. This creates a tremendous burden of effort to deflect false government charges if
26 the government’s pleading is long.

27 Consequently, we must be very aware of the use of the above tactics in procuring or establishing evidence of our consent.
28 We can give consent without even realizing it, if we are ignorant of the law and of legal process and especially the false
29 presumptions which it employs. The key to preserving our God-given rights is to understand how these tactics of procuring
30 “invisible consent” by false presumption operate and to openly and forcefully challenge their exercise on every occasion that
31 they are employed.

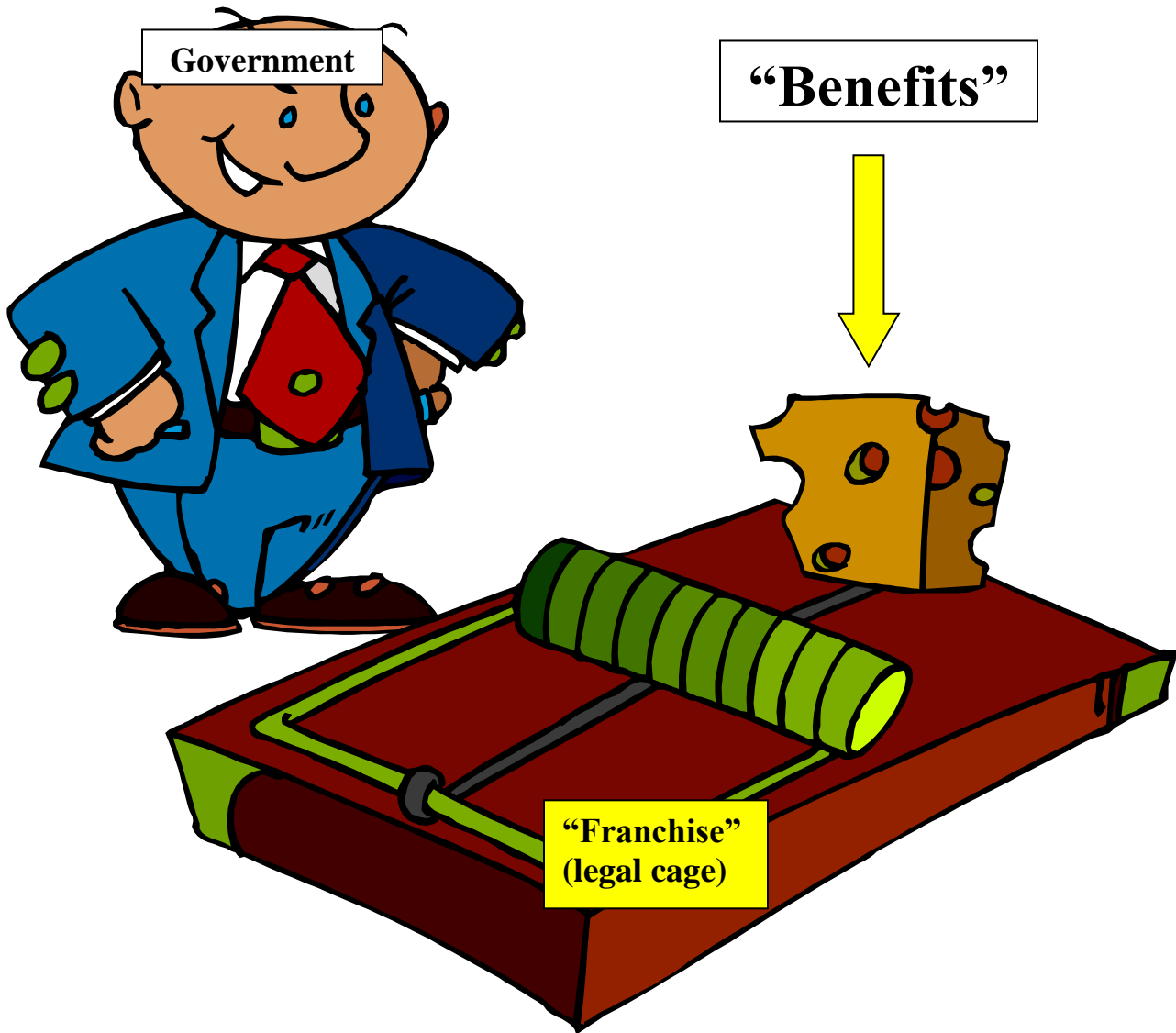
32 As you can see from the previous discussion, understanding PRESUMPTIONS and the violations of due process of law they
33 perpetuate is KEY to avoiding and preventing the government from invisibly acquiring your consent. The subject of
34 presumptions is exhaustively covered in:

Presumption: Chief Weapon for Unlawfully Enlarging Federal Jurisdiction, Form #05.017
<http://sedm.org/Forms/FormIndex.htm>

35 The subject of “invisible consent” is further discussed in the following resources on our website:

Invisible Contracts, George Mercier, Form #11.107
<http://sedm.org/Forms/FormIndex.htm>

1 **9.5 Government Franchises: Consenting to these will destroy ALL your other rights**



2

3 Government franchises are the main method used by covetous public servants to destroy your PRIVATE rights and/or convert
4 your private rights to public rights against your will, undermine your sovereignty, and destroy equal protection by making
5 themselves superior to you. However, they cannot injure you without your consent to participate, which you should not give.
6 The following subsections describe the basic aspects of franchises that you need to know about.

7 The courts call "franchises" by various pseudo names to disguise the nature of the inferior relation to the government of
8 "franchisees", such as "public right" or "privilege". Franchises include:

9 1. A public office:

10 *"Is it a franchise? A franchise is said to be a right reserved to the people by the constitution, as the elective*
11 *franchise. Again, it is said to be a privilege conferred by grant from government, and vested in one or more*
12 *individuals, as a public office. Corporations, or bodies politic are the most usual franchises known to our laws."*
13 *[People v. Ridgley, 21 Ill. 65, 1859 W.L. 6687, 11 Peck 65 (Ill., 1859)]*

14 2. All federal and state income taxes. See:

The "Trade or Business" Scam, Form #05.001
<http://sedm.org/Forms/FormIndex.htm>

3. Domicile in the forum state, which causes one to end up being one of the following:
 - 3.1. Statutory "U.S. citizen" pursuant to 8 U.S.C. §1401 if a domestic national.
 - 3.2. Statutory "Permanent resident" pursuant to 26 U.S.C. §7701(b)(1)(A) if a foreign national.
4. Becoming a notary public. This makes the applicant into a "public official" commissioned by the state government.

Chapter 1
Introduction
§1.1 Generally

A notary public (sometimes called a notary) is a public official appointed under authority of law with power, among other things, to administer oaths, certify affidavits, take acknowledgments, take depositions, perpetuate testimony, and protect negotiable instruments. Notaries are not appointed under federal law; they are appointed under the authority of the various states, districts, territories, as in the case of the Virgin Islands, and the commonwealth, in the case of Puerto Rico. The statutes, which define the powers and duties of a notary public, frequently grant the notary the authority to do all acts justified by commercial usage and the "law merchant".
[Anderson's Manual for Notaries Public, Ninth Edition, 2001, ISBN 1-58360-357-3]

5. Becoming a registered "voter" rather than an "elector".
6. Serving as a jurist. 18 U.S.C. §201(a)(1) says that all persons serving as federal jurists are "public officials".
7. Internal Revenue Code §501(c)(3) status for churches. Churches that register under this program become government "trustees" and "public officials" that are part of the government. Is THIS what you call "separation of church and state"? See:

Taxation of Churches and ChurchGoers, Family Guardian Website, Spirituality Page, Section 8
<http://famguardian.org/Subjects/Spirituality/spirituality.htm>

8. Most but not all licensed activities, such as:
 - 8.1. Attorney licenses. All attorneys are "officers of the court" and the courts in turn are part of the government. See:

Why You Don't Want to Hire an Attorney, Family Guardian Fellowship
<http://famguardian.org/Subjects/LawAndGovt/LegalEthics/Corruption/WhyYouDontWantAnAtty/WhyYouDontWantAnAttorney.htm>

- 8.2. Marriage licenses. See:

Sovereign Christian Marriage, Form #06.009
<http://sedm.org/Forms/FormIndex.htm>

- 8.3. Driver's licenses. See:

Defending Your Right to Travel, Form #06.010
<http://sedm.org/Forms/FormIndex.htm>

- 8.4. Professional licenses.

- 8.5. Fishing licenses.

9. All government "benefits", including, but not limited to:

- 9.1. Social Security benefits. See:

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

- 9.2. Medicare.

- 9.3. Medicaid.

10. FDIC insurance of banks. 31 C.F.R. §202.2 says all FDIC insured banks are "agents" of the federal government and therefore "public officers".

11. Participation of banks in the federal Reserve System. 12 U.S.C. §90 makes all "national banks" that are part of the Federal Reserve System into "agents of the government".

12. Patents.

13. Copyrights.

The U.S. Supreme Court acknowledged that private conduct is beyond the reach of the government and that certain harmful, and therefore regulated activities may require the actors to be "public officers" when it held the following.

"One great object of the Constitution is to permit citizens to structure their private relations as they choose subject only to the constraints of statutory or decisional law. [500 U.S. 614, 620]

To implement these principles, courts must consider from time to time where the governmental sphere [e.g. "public purpose" and "public office"] ends and the private sphere begins. Although the conduct of private parties lies beyond the Constitution's scope in most instances, governmental authority may dominate an activity to such an extent that its participants must be deemed to act with the authority of the government and, as a

1 result, be subject to constitutional constraints. This is the jurisprudence of state action, which explores the
2 "essential dichotomy" between the private sphere and the public sphere, with all its attendant constitutional
3 obligations. *Moose Lodge, supra*, at 172."

4 [...]

5 Given that the statutory authorization for the challenges exercised in this case is clear, the remainder of our state
6 action analysis centers around the second part of the *Lugar* test, whether a private litigant, in all fairness, must
7 be deemed a government actor in the use of peremptory challenges. Although we have recognized that this aspect
8 of the analysis is often a fact-bound inquiry, see *Lugar, supra*, 457 U.S. at 939, our cases disclose certain
9 principles of general application. Our precedents establish that, in determining whether a particular action or
10 course of conduct is governmental in character, it is relevant to examine the following:

11 [1] the extent to which the actor relies on governmental assistance and benefits, see *Tulsa Professional*
12 *Collection Services, Inc. v. Pope*, 485 U.S. 478 (1988); *Burton v. Wilmington Parking Authority*, 365 U.S. 715
13 *(1961)*;

14 [2] whether the actor is performing a traditional governmental function, see *Terry v. Adams*, 345 U.S. 461
15 *(1953)*; *Marsh v. Alabama*, 326 U.S. 501 (1946); cf. *San Francisco Arts & Athletics, Inc. v. United States*
16 *Olympic Committee*, 483 U.S. 522, 544 -545 (1987);

17 [3] and whether the injury caused is aggravated in a unique way by the incidents of governmental authority, see
18 *Shelley v. Kraemer*, 334 U.S. 1 (1948).

19 Based on our application of these three principles to the circumstances here, we hold that the exercise of
20 peremptory challenges by the defendant in the District Court was pursuant to a course of state action.
21 [*Edmonson v. Leesville Concrete Company*, 500 U.S. 614 (1991)]

22 Note that the "statutory or decisional law" they are referring to above are ONLY.

- 23 1. Criminal law.
24 2. Franchises that you consensually engage in using your right to contract.

25 For an explanation of why this is, see:

Why Statutory Civil Law is Law for Government and Not Private Persons, Form #05.037
<http://sedm.org/Forms/FormIndex.htm>

26 If you want an exhaustive analysis of how franchises such as the Internal Revenue Code Subtitles A through C operate, please
27 see the following:

Government Instituted Slavery Using Franchises, Form #05.030
<http://sedm.org/Forms/FormIndex.htm>

28 **9.5.1 Summary of the effects of franchises**

29 Nearly every type of government-issued "benefit", license, or "privilege" you could possibly procure requires the participant
30 to be a "public officer", "public official", "fiduciary", "alien", "resident", "transferee", or "trustee" of the government of one
31 kind or another with a "residence" on federal territory.

32 "All the powers of the government [including ALL of its civil enforcement powers against the public] must be
33 carried into operation by individual agency, either through the medium of public officers, or contracts made
34 with [private] individuals."
35 [*Osborn v. Bank of U.S.*, 22 U.S. 738 (1824)]

36 The application or license to procure the "benefits" of the franchise constitutes the contract mentioned above that creates the
37 "RES" which is "IDENT-ified" within the government's legislative jurisdiction on federal territory. Hence "RES-
38 IDENT"/"resident".

39 "Res. Lat. The subject matter of a trust [the Social Security Trust or the "public trust"/"public office", in most
40 cases] or will [or legislation]. In the civil law, a thing; an object. As a term of the law, this word has a very wide
41 and extensive signification, including not only things which are objects of property, but also such as are not

capable of individual ownership. And in old English law it is said to have a general import, comprehending both corporeal and incorporeal things of whatever kind, nature, or species. By "res," according to the modern civilians, is meant everything that may form an object of rights, in opposition to "persona," which is regarded as a subject of rights. "Res," therefore, in its general meaning, comprises actions [or CONSEQUENCES of choices and CONTRACTS/AGREEMENTS you make by procuring BENEFITS] of all kinds; while in its restricted sense it comprehends every object of right, except actions. This has reference to the fundamental division of the Institutes that all law relates either to persons, to things, or to actions.

Res is everything that may form an object of rights and includes an object, subject-matter or status. In re Riggle's Will, 11 A.D.2d. 51 205 N.Y.S.2d. 19, 21, 22. The term is particularly applied to an object, subject-matter, or status, considered as the defendant [hence, the ALL CAPS NAME] in an action, or as an object against which, directly, proceedings are taken. Thus, in a prize case, the captured vessel is "the res"; and proceedings of this character are said to be in rem. (See In personam; In Rem.) "Res" may also denote the action or proceeding, as when a cause, which is not between adversary parties, is entitled "In re _____".
[Black's Law Dictionary, Sixth Edition, pp. 1304-1306]

The "subject matter or status" they are talking about includes all privileged statuses such as "taxpayer", "benefit recipient", or statutory "U.S. citizen" (8 U.S.C. §1401), or statutory "U.S. resident (alien)" (26 U.S.C. §7701(b)(1)(A)). Even domicile is a type of franchise--a "protection franchise", to be precise. This "res-ident" is what most people in the freedom community would refer to as your "straw man". If a state-issued license or benefit is at issue, the territory that the privilege or franchise attaches to is federal territory that is usually in a federal area within the exterior limits of the state. This "res-ident" is what most people in the freedom community would refer to as your "straw man". If it is a state-issued license or benefit, that federal territory is usually in a federal area within the exterior limits of the state. The reason all licenses must presume federal territory is that licenses usually regulate the exercise of rights protected by the Constitution and the Bill of Rights portion of the Constitution does not apply on federal territory.

"Indeed, the practical interpretation put by Congress upon the Constitution has been long continued and uniform to the effect [182 U.S. 244, 279] that the Constitution is applicable to territories acquired by purchase or conquest, only when and so far as Congress shall so direct. Notwithstanding its duty to 'guarantee to every state in this Union a republican form of government' (art. 4, 4), by which we understand, according to the definition of Webster, 'a government in which the supreme power resides in the whole body of the people, and is exercised by representatives elected by them,' Congress did not hesitate, in the original organization of the territories of Louisiana, Florida, the Northwest Territory, and its subdivisions of Ohio, Indiana, Michigan, Illinois, and Wisconsin and still more recently in the case of Alaska, to establish a form of government bearing a much greater analogy to a British Crown colony than a republican state of America, and to vest the legislative power either in a governor and council, or a governor and judges, to be appointed by the President. It was not until they had attained a certain population that power was given them to organize a legislature by vote of the people. In all these cases, as well as in territories subsequently organized west of the Mississippi, Congress thought it necessary either to extend to Constitution and laws of the United States over them, or to declare that the inhabitants should be entitled to enjoy the right of trial by jury, of bail, and of the privilege of the writ of habeas corpus, as well as other privileges of the bill of rights."
[Downes v. Bidwell, 182 U.S. 244 (1901)]

Consent to the franchise contract is therefore what creates the statutory "person" and "individual", or "res-ident" who is the only proper subject of the franchise in the otherwise foreign jurisdiction. In fact, we refer to all statutory "residents" simply as "government contractors". Below is an example of how this identity theft and kidnapping occurs in fraudulently creating this "res-ident". The word of art "trade or business" is defined as "the functions of a public office" in 26 U.S.C. §7701(a)(26). When one indicates that they are engaged in the privileged "trade or business"/public office activity, they at that point are treated as and presumed to be "resident aliens" within the meaning of the Internal Revenue Code:

26 C.F.R. §301.7701-5 Domestic, foreign, resident, and nonresident persons. (4-1-04)

A domestic corporation is one organized or created in the United States, including only the States (and during the periods when not States, the Territories of Alaska and Hawaii), and the District of Columbia, or under the law of the United States or of any State or Territory. A foreign corporation is one which is not domestic. A domestic corporation is a resident corporation even though it does no business and owns no property in the United States. A foreign corporation engaged in trade or business within the United States is referred to in the regulations in this chapter as a resident foreign corporation, and a foreign corporation not engaged in trade or business within the United States, as a nonresident foreign corporation. A partnership engaged in trade or business within the United States is referred to in the regulations in this chapter as a resident partnership, and a partnership not engaged in trade or business within the United States, as a nonresident partnership. Whether a partnership is to be regarded as resident or nonresident is not determined by the nationality or residence of its members or by the place in which it was created or organized.
[Amended by T.D. 8813, Federal Register: February 2, 1999 (Volume 64, Number 21), Page 4967-4975]

"Consensus facit legem.
 Consent makes the law. A contract is a law between the parties, which can acquire force only by consent."
 [Bouvier's Maxims of Law, 1856;
 SOURCE: <http://famguardian.org/Publications/BouvierMaximsOfLaw/BouviersMaxims.htm>]

Applying for any kind of "privilege" or franchise from the government or engaging in the activity that constitutes the privilege therefore amounts to your constructive consent to be treated as a "[resident alien](#)" who is [domiciled](#) on federal territory and who has no constitutional rights. The following articles and forms describe this straw man and provide tools to notify the government that you have [disconnected](#) yourself from this "straw man" who is the "public officer" that is the only proper or lawful subject of most federal legislation:

1. [Why Your Government is Either a Thief or You are a "Public Officer" for Income Tax Purposes](#), Form #05.008
2. [Proof That There Is a "Straw Man"](#), Form #05.042
<http://sedm.org/Forms/FormIndex.htm>
3. [IRS Form 56: Notice Concerning Fiduciary Relationship](#), Form #04.204
<http://sedm.org/Forms/FormIndex.htm>
4. [Affidavit of Corporate Denial](#), Form #02.004
<http://sedm.org/Forms/FormIndex.htm>

Participating in federal franchises has the following effects upon the legal status of various types of "persons" listed below. The right column describes the status of the "public officer" you represent while you are acting in that capacity. The right column is a judicial creation not found directly in the statutes and which results from the application of the [Foreign Sovereign Immunities Act \(F.S.I.A.\), 28 U.S.C. §1605](#). It does not describe your own private status. This "public officer" in the right column is the "straw man" that is the subject of nearly all federal legislation that could or does regulate your conduct. Without the existence of the straw man, the [Thirteenth Amendment](#) would make it illegal to enforce federal civil law against human beings because of the prohibition against involuntary servitude.

Table 10: Effect of participating in franchises upon your status

Entity type	Sovereign status within federal civil law WITHOUT franchises	Status in federal civil law AFTER accepting franchise
Human being born within and domiciled within a state of the Union	"Non-resident NON-person"	"Resident alien" "Nonresident alien" "Nonresident alien individual"
	Private man or woman	"Public officer" Trustee of the "public trust"
	Constitutional but not statutory "citizen" (See Why You Are a "national", "state national", and Constitutional but not Statutory Citizen)	Statutory " U.S. citizen " pursuant to 8 U.S.C. §1401 because representing a federal corporation under 28 U.S.C. §3002(15)(A) which is a "citizen" pursuant to Federal Rule of Civil Procedure 17(b) NOT a constitutional "citizen of the United States" pursuant to Fourteenth Amendment
	"Stateless person" "Transient foreigner"	Inhabitant
	Foreigner	Domestic person " U.S. person " (26 U.S.C. §7701(a)(30)) Domiciliary
	State of the Union	Statutory " State " as defined in 4 U.S.C. §110(d) (see Federal Trade Zone Act, 1934, 19 U.S.C. 81a-81u)
Trust	Foreigner	Domestic person
	Foreign estate (26 U.S.C. §7701(a)(31))	" U.S. person " (26 U.S.C. §7701(a)(30))
	Nonstatutory trust	Statutory trust
State corporation	Foreigner	Domestic person
	Foreign estate (26 U.S.C. §7701(a)(31))	" U.S. person " (26 U.S.C. §7701(a)(30))
Federal corporation	Domestic person " U.S. person " "Person" (already privileged)	Domestic person " U.S. person " (26 U.S.C. §7701(a)(30)) "Person" (already privileged)

WARNING: Participating in ANY government franchise can leave you entirely without standing or remedy in any federal court! Essentially, by eating out of the government's hand, you are SCREWED, BLACK AND BLUED, and TATTOOED!

"These general rules are well settled:

(1) That the United States, when it creates rights in individuals against itself [a "public right", which is a euphemism for a "franchise" to help the court disguise the nature of the transaction], is under no obligation to provide a remedy through the courts. United States ex rel. Dunlap v. Black, 128 U.S. 40, 9 Sup.Ct. 12, 32 L.Ed. 354; Ex parte Atocha, 17 Wall. 439, 21 L.Ed. 696; Gordon v. United States, 7 Wall. 188, 195, 19 L.Ed. 35; De Groot v. United States, 5 Wall. 419, 431, 433, 18 L.Ed. 700; Comegys v. Vasse, 1 Pet. 193, 212, 7 L.Ed. 108.

(2) That where a statute creates a right and provides a special remedy, that remedy is exclusive. Wilder Manufacturing Co. v. Corn Products Co., 236 U.S. 165, 174, 175, 35 Sup.Ct. 398, 59 L.Ed. 520, Ann. Cas. 1916A, 118; Arnsion v. Murphy, 109 U.S. 238, 3 Sup.Ct. 184, 27 L.Ed. 920; Barnet v. National Bank, 98 U.S. 555, 558, 25 L.Ed. 212; Farmers' & Mechanics' National Bank v. Dearing, 91 U.S. 29, 35, 23 L.Ed. 196. Still the fact that the right and the remedy are thus intertwined might not, if the provision stood alone, require us to hold that the remedy expressly given excludes a right of review by the Court of Claims, where the decision of the special tribunal involved no disputed question of fact and the denial of compensation was rested wholly upon the construction of the act. See Medbury v. United States, 173 U.S. 492, 198, 19 Sup.Ct. 503, 43 L.Ed. 779; Parish v. MacVeagh, 214 U.S. 124, 29 Sup.Ct. 556, 53 L.Ed. 936; McLean v. United States, 226 U.S. 374, 33 Sup.Ct. 122, 57 L.Ed. 260; United States v. Laughlin (No. 200), 249 U.S. 440, 39 Sup.Ct. 340, 63 L.Ed. 696, decided April 14, 1919."

[U.S. v. Babcock, 250 U.S. 328, 39 S.Ct. 464 (1919)]

For a detailed exposition of why the above is true, see also [Allen v. Graham, 8 Ariz.App. 336, 446 P.2d. 240 \(Ariz.App. 1968\)](#). Signing up for government entitlements hands them essentially a blank check, because they, and not you, determine the cost for the service and how much you will pay for it beyond that point. This makes the public servant into your Master and beyond that point, you must lick the hands that feed you. Watch Out! NEVER, EVER take a hand-out from the government of ANY kind, or you'll end up being their CHEAP WHORE. The Bible calls this WHORE "Babylon the Great Harlot". Remember: Black's Law Dictionary defines "commerce", e.g. commerce with the GOVERNMENT, as "intercourse". Bend over!

"Commerce. ...Intercourse [BEND OVER!] by way of trade and traffic between different peoples or states and the citizens or inhabitants thereof, including not only the purchase, sale, and exchange of commodities, but also the instrumentalities [governments] and agencies by which it is promoted and the means and appliances by which it is carried on..."

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

Government franchises and licenses are the main method for destroying the sovereignty of the people pursuant to [28 U.S.C. §1603\(b\)\(3\)](#) and [28 U.S.C. §1605\(a\)\(2\)](#). They are also the MAIN method that our public servants abuse to escape the straight jacket chains of the constitution. Below is an admission by the U.S. Supreme Court of this fact in relation to Social Security:

"We must conclude that a person covered by the Act has not such a right in benefit payments... This is not to say, however, that Congress may exercise its power to modify the statutory scheme free of all constitutional restraint."

[Flemming v. Nestor, [363 U.S. 603](#) (1960)]

For further details on how franchises destroy rights and undermine the constitutional requirement for equal protection, read the [Sovereignty Forms and Instructions Manual, Form #10.005, Sections 1.4 through 1.11](#).

1 9.5.2 Definition

2 Black's Law Dictionary defines a "franchise" as follows:

3 *FRANCHISE. A special privilege conferred by government on individual or corporation, and which does not*
4 *belong to citizens of country generally of common right. Elliott v. City of Eugene, 135 Or. 108, 294 P. 358, 360.*
5 *In England it is defined to be a royal privilege in the hands of a subject.*

6 *A "franchise," as used by Blackstone in defining quo warranto, (3 Com. 262 [4th Am. Ed.] 322), had reference*
7 *to a royal privilege or branch of the king's prerogative subsisting in the hands of the subject, and must arise from*

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the king's grant, or be held by prescription, but today we understand a franchise to be some special privilege conferred by government on an individual, natural or artificial, which is not enjoyed by its citizens in general. *State v. Fernandez*, 106 Fla. 779, 143 So. 638, 639, 86 A.L.R. 240.

In this country a franchise is a privilege or immunity of a public nature, which cannot be legally exercised without legislative grant. To be a corporation is a franchise. The various powers conferred on corporations are franchises. The execution of a policy of insurance by an insurance company [e.g. *Social Insurance/Socialist Security*], and the issuing a bank note by an incorporated bank [such as a *Federal Reserve NOTE*], are franchises. *People v. Utica Ins. Co.*, 15 Johns., N.Y., 387, 8 Am.Dec. 243. But it does not embrace the property acquired by the exercise of the franchise. *Bridgeport v. New York & N. H. R. Co.*, 36 Conn. 255, 4 Arn.Rep. 63. Nor involve interest in land acquired by grantee. *Whitbeck v. Funk*, 140 Or. 70, 12 P.2d. 1019, 1020. **In a popular sense, the political rights of subjects and citizens are franchises, such as the right of suffrage. etc. Pierce v. Emery, 32 N.H. 484; State v. Black Diamond Co., 97 Ohio.St. 24, 119 N.E. 195, 199, L.R.A. 1918E, 352.**

Elective Franchise. The right of suffrage: the right or privilege of voting in public elections.

Exclusive Franchise. See *Exclusive Privilege or Franchise*.

General and Special. The charter of a corporation is its "general" franchise, while a "special" franchise consists in any rights granted by the public to use property for a public use but-with private profit. *Lord v. Equitable Life Assur. Soc.*, 194 N.Y. 212, 81 N.E. 443, 22 L.R.A.,N.S., 420.

Personal Franchise. A franchise of corporate existence, or one which authorizes the formation and existence of a corporation, is sometimes called a "personal" franchise. as distinguished from a "property" franchise, which authorizes a corporation so formed to apply its property to some particular enterprise or exercise some special privilege in its employment, as, for example, to construct and operate a railroad. See *Sandham v. Nye*, 9 Misc.Rep. 541, 30 N.Y.S. 552.

Secondary Franchises. The franchise of corporate existence being sometimes called the "primary" franchise of a corporation, its "secondary" franchises are the special and peculiar rights, privileges, or grants which it may, receive under its charter or from a municipal corporation, such as the right to use the public streets, exact tolls, collect fares, etc. *State v. Topeka Water Co.*, 61 Kan. 547, 60 P. 337; *Virginia Canon Toll Road Co. v. People*, 22 Colo. 429, 45 P. 398 37 L.R.A. 711. The franchises of a corporation are divisible into (1) corporate or general franchises; and (2) "special or secondary franchises. The former is the franchise to exist as a corporation, while the latter are certain rights and privileges conferred upon existing corporations. *Gulf Refining Co. v. Cleveland Trust Co.*, 166 Miss. 759, 108 So. 158, 160.

Special Franchisee. See *Secondary Franchises*, *supra*.
[*Black's Law Dictionary*, Fourth Edition, pp. 786-787]

The following are contemporary synonyms for the word "franchise". In earlier times at the founding of this country, franchises were called "patronage".

1. "public right".
2. "publici juris".
3. "privilege".
4. "excise taxable privilege".
5. "public office".
6. "Congressionally created right".
7. "trade or business" (see 26 U.S.C. §7701(a)(26)).

All franchises are contracts between the grantor, which is the government, and the grantee, which is the private citizen:

As a rule, **franchises spring from contracts between the sovereign power and private citizens**, made upon valuable considerations, for purposes of individual advantage as well as public benefit,⁶¹ and thus a franchise partakes of a double nature and character. **So far as it affects or concerns the public, it is publici juris and is subject to governmental control. The legislature may prescribe the manner of granting it, to whom it may be granted, the conditions and terms upon which it may be held, and the duty of the grantee to the public in exercising it, and may also provide for its forfeiture upon the failure of the grantee to perform that duty.** But

⁶¹ *Georgia R. & Power Co. v. Atlanta*, 154 Ga. 731, 115 S.E. 263; *Lippencott v. Allander*, 27 Iowa 460; *State ex rel. Hutton v. Baton Rouge*, 217 La. 857, 47 So.2d. 665; *Tower v. Tower & S. Street R. Co.* 68 Minn 500, 71 N.W. 691.

when granted, it becomes the property of the grantee, and is a private right, subject only to the governmental control growing out of its other nature as publici juris.⁶²
[American Jurisprudence 2d, Franchises, §4: Generally (1999)]

The term “publici juris” as used above is defined as follows:

“Publici juris /pjblassay jllns/. Lat. Of public right. The word "public" in this sense means pertaining to the people, or affecting the community at large; that which concerns a multitude of people; and the word "right," as so used, means a well-founded claim; an interest; concern; advantage; benefit. This term, as applied to a thing or right, means that it is open to or exercisable by all persons. It designates things which are owned by "the public;" that is, the entire state or community, and not by any private person. When a thing is common property, so that anyone can make use of it who likes, it is said to be publici juris; as in the case of light, air, and public water.”
[Black's Law Dictionary, Fifth Edition, p. 1106]

Franchises are therefore an outgrowth of your absolute right to contract and they require either implicit or explicit consent in order for the terms of the franchise agreement to be enforceable against you. They are public property. Based on the last definition, they ALWAYS result in a conversion of YOUR formerly private property to public property, a public use, a public purpose, and/or public office in the government, which is a polite way of saying that all those who participate must do all the following in order to participate:

1. Donate their PRIVATE property to the public in order to qualify for “benefits”.
2. Surrender their right to own private property.
3. Transform from a sovereign to a subject and a serf.
4. Transform from a de jure citizen to nothing more than a federal “employee” or public officer on official business.
5. Join a socialist collective.
6. Consent to transform a de jure government into a de facto private corporate monopoly that not only doesn’t protect private rights, but systematically destroys them and makes them illegal for all practical purposes.
7. Consent to allow your donations to the franchise to be illegally used to bribe other people to expand and perpetuate “the system” and Ponzi scheme.

9.5.3 Basis for the legal authority to establish government franchises

The basis for the legal authority to establish government franchises is the right to preemptively protect the public from harmful or injurious activities:

1. This form of “protection” is called “regulation”.
2. Civil statutory law implements the regulation.
3. The Executive Branch of the government institutes all enforcement actions that do the regulating.
4. The regulation or enforcement CANNOT lawfully be instituted against EXCLUSIVELY PRIVATE people or activities. The right to regulate EXCLUSIVELY private rights and private property is repugnant to the constitution.
5. Those who are the subject of the regulation have to volunteer to be regulated by filling out a government application. The process of APPLYING is synonymous with the implied consent of the applicant to BE civilly regulated. Such applications are called by any of the following name:
 - 5.1. License application. Examples: Driver License or Contractor License applications.
 - 5.2. Registration. Examples: Vehicle registration or voter registration.
 - 5.3. Application for a Social Security Number card, SSA Form SS-5.
 - 5.4. Application for a Taxpayer Identification Number (TIN), I.R.S. Form W-9.
6. The process of applying for the “benefit” of the protection afforded by the regulation:
 - 6.1. Constitutes implied or constructive consent to donate formerly PRIVATE property to a public use, public purpose, or public office in order to procure the “benefits” of the franchise.
 - 6.2. Changes the status of the property associated with the application or license number from ABSOLUTE ownership to QUALIFIED ownership. You become the QUALIFIED owner and the GOVERNMENT becomes the LEGAL owner, who can take the property away from you if you violate the terms of the franchise.

⁶² Georgia R. & Power Co. v. Atlanta, 154 Ga. 731, 115 S.E. 263; Lippencott v. Allander, 27 Iowa 460; State ex rel. Hutton v. Baton Rouge, 217 La. 857, 47 So.2d. 665; Tower v. Tower & S. Street R. Co. 68 Minn 500, 71 N.W. 691.

- 6.3. Changes the status applicant into the equivalent of a public officer in the government managing public property. A public officer, after all, is legally defined as a person in charge of the property of the public, which property is the “benefit” or property conveyed or granted to the applicant.
- 6.4. Is interpreted by courts of justice as what is called a “purposeful availment” of commerce within the legislative jurisdiction of the government grantor which waives sovereign immunity under the Foreign Sovereign Immunities Act (F.S.I.A.), 28 U.S.C. Chapter 97, and the Longarm Statutes of your state.
7. Those who have not VOLUNTARILY applied or who are threatened with illegal enforcement when they DO NOT apply may not lawfully become the target of civil regulation of their activities or conduct. For instance, a nonresident PRIVATE human being NOT lawfully engaged in a public office and NOT using the public roadways for hire, if he is indicted or convicted of driving without a license, is the subject of criminal duress, simulation of legal process, witness tampering, and international terrorism.
8. The output of the application process results in the transfer of SPECIFIC material property that REMAINS government property AFTER the applicant receives it, and therefore constitutes a REVOCABLE TEMPORARY USE/PRIVILEGE. The right to take back the property is the method of REVOKING the franchise or privilege. Such property might include:
- 8.1. Driver license.
 - 8.2. Social Security Card.
 - 8.3. Government ID.
 - 8.4. Resident ID card.
 - 8.5. Professional license.
 - 8.6. USA passport.
 - 8.7. License to practice law.
 - 8.8. Vehicle license plate and registration card.
 - 8.9. Resident green card.
9. Consonant with the civil regulation of the applicant is the right to extract “fees” and/or “taxes” that pay for the “benefit” of the regulation. This would include vehicle registration fees, property taxes, Social Security deductions, etc.
- 9.1. If the fees collected pay for any purpose OTHER than DIRECTLY delivering the regulation under ONLY that specific franchise, then a “revenue scheme” and abuse has occurred.
 - 9.2. If the franchise forces you to sign up for ANOTHER not directly related franchise, it is an abuse and a tort. For instance, if the driver licensing forces you to provide a Social Security Number, then indirectly they are forcing you to sign up for YET ANOTHER franchise not directly related to safe travel on the roadways. This violates the unconstitutional conditions doctrine of the U.S. Supreme Court.

The most flagrant and blatant abuse of franchises is to:

1. Establish them to prevent an activity that the applicant does NOT regard as harmful or which does not in fact protect anything or anyone but the undeserving.
2. Establish them PRIMARILY for revenue (the love of money), and then to PRETEND that some public injury will occur if they are NOT instituted that in fact is NOT an injury according to the intended applicants or participants. Many examples come to mind, such as Obamacare, Social Security, Medicare, etc.
3. Extract fees and taxes FAR BEYOND the cost of administering the regulation.
4. Make each and every franchise into a gateway to FORCE the applicant to be subject to ANY AND EVERY OTHER franchise offered by the government. This is called an “adhesion contract” and it is unconscionable. For instance, force everyone signing up for driver licenses to become a statutory “U.S. citizen” domiciled on federal territory and subject to ANY and ALL federal law, even though the separation of powers doctrine does NOT permit it.
5. Illegally prosecute those who do not consent to participate for “failure to obtain a license”.
6. Redistribute the excess fees generated for totally unrelated purposes to bribe voters to expand the franchise and the corresponding revenues, in what amounts to a Ponzi scheme.

We describe the above combination of tactic as socialism and define it as follows:

“Ineptocracy (in-ep-toc'-ra-cy) - a system of government where the least capable to lead are elected by the least capable of producing, and where the members of society least likely to sustain themselves or succeed, are rewarded with goods and services paid for by the confiscated wealth of a diminishing number of producers.”

*Synonyms: Electile dysfunction.
[SEDM Political Dictionary]*

1 Lastly, there are some very important things to realize about franchises should you find yourself litigating against their illegal
2 enforcement in court:

- 3 1. The common law furnishes remedies ONLY for PAST civil injuries. Other than possibly the subject of injunctions, it
4 does not affect and cannot affect FUTURE conduct.
- 5 2. The common law requires an INJURED PARTY to file the suit against.
6 2.1. Most franchise violations do not HAVE an injured party.
7 2.2. Without a specific injured party, there can be no damages and therefore no jurisdiction to civilly sue.
- 8 3. Whenever the legislature intends to PREVENT FUTURE injury rather than provide a remedy for PAST injury, then it
9 must do so WITH the consent of the party. The reason is that only by your consent can they deprive you of the
10 exercise of a right that did NOT injure a SPECIFIC other person:

11 *"Volunt non fit injuria.*

12 *He who consents cannot receive an injury. 2 Bouv. Inst. n. 2279, 2327; 4 T. R. 657; Shelf. on mar. & Div. 449.*

13 *Consensus tollit errorem.*

14 *Consent removes or obviates a mistake. Co. Litt. 126.*

15 *Melius est omnia mala pati quam malo concentire.*

16 *It is better to suffer every wrong or ill, than to consent to it. 3 Co. Inst. 23.*

17 *Nemo videtur fraudare eos qui sciunt, et consentiunt.*

18 *One cannot complain of having been deceived when he knew the fact and gave his consent. Dig. 50, 17, 145."*

19 *[Bouvier's Maxims of Law, 1856;*

20 *SOURCE: <http://fanguardian.org/Publications/BouvierMaximsOfLaw/BouviersMaxims.htm>]*

- 21 4. Civil penalties for actions that have no injured party are an example of franchises that are operating in a
22 PREVENTIVE rather than CORRECTIVE mode, because they have no injury or injured party.
23 4.1. They are also called "infractions" and they can only be instituted against those who CONSENT by applying for a
24 "license".
25 4.2. Absent consent, then they are called a "bill of attainder" if instituted against a non-franchisee or licensee. All
26 such penalties are ILLEGAL and unconstitutional.
- 27 5. Most courts that administer franchises are NOT in fact "courts" as constitutionally defined, but the equivalent of
28 arbitration boards within the Executive Branch. Thus, for the purposes of administering penalties, they do not satisfy
29 the criteria for a "court" within the meaning of the constitutional prohibitions against "bills of attainder":

30 *United States Constitution*

31 *Article I, Section. 10*

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

- 35 6. Because all franchises are considered "contracts" from a civil legal perspective, then no government official can
36 lawfully interfere with enforcing the contract AGAINST you that you consented to by filling out a government
37 application for the "benefit". That would amount to essentially protecting you from your own ignorance. Caveat
38 emptor.
- 39 7. It is perfectly within your rights to choose to do business with those who are UNLICENSED within any and every field
40 or occupation. It is within your rights because:
41 7.1. Government cannot compel you to contract with them by forcing the Seller to be a licensed public officer.
42 7.2. You have a right to contract the government OUT of your life and your business interactions.
43 7.3. Governments are established to PROTECT your right to either contract or NOT contract with ANY and
44 EVERYONE else. Hence, they have to protect you from being forced to contract with THEM.
45 7.4. When this approach is taken, the Seller who would normally be licensed should document in writing that it is the
46 intention of BOTH parties to ensure that the government is not involved and that they are BOTH acting in an
47 EXCLUSIVELY PRIVATE capacity beyond the regulation by any government.
48 7.5. If a government violates this provision or prosecutes the seller for being unlicensed, then they are engaging in a
49 mafia protection racket and committing a criminal tort.

9.5.4 Franchise operation in a simplified nutshell

This section presents a simplified description of how franchises operate that is useful to the common man and as a conversation piece at social events.

To fully understand how franchises work, one must understand the nature of “property” from a legal perspective. Below is a definition:

“Property. That which is peculiar or proper to any person; that which belongs exclusively to one. In the strict legal sense, an aggregate of rights which are guaranteed and protected by the government. *Fulton Light, Heat & Power Co. v. State*, 65 Misc.Rep. 263, 121 N.Y.S. 536. The term is said to extend to every species of valuable right and interest. More specifically, ownership; the unrestricted and exclusive right to a thing; the right to dispose of a thing in every legal way, to possess it, to use it, and to exclude everyone else from interfering with it. That dominion or indefinite right of use or disposition which one may lawfully exercise over particular things or subjects. The exclusive right of possessing, enjoying, and disposing of a thing. The highest right a man can have to anything; being used to refer to that right which one has to lands or tenements, goods or chattels, which no way depends on another man's courtesy.

The word is also commonly used to denote everything which is the subject of ownership, corporeal or incorporeal, tangible or intangible, visible or invisible, real or personal, everything that has an exchangeable value or which goes to make up wealth or estate. It extends to every species of valuable right and interest, and includes real and personal property, easements, franchises, and incorporeal hereditaments, and includes every invasion of one's property rights by actionable wrong. *Labberton v. General Cas. Co. of America*, 53 Wash.2d. 180, 332 P.2d. 250, 252, 254.

Property embraces everything which is or may be the subject of ownership, whether a legal ownership. or whether beneficial, or a private ownership. *Davis v. Davis. TexCiv-App.*, 495 S.W.2d. 607. 611. Term includes not only ownership and possession but also the right of use and enjoyment for lawful purposes. *Hoffmann v. Kinealy, Mo.*, 389 S.W.2d. 745, 752.

Property, within constitutional protection, denotes group of rights inhering in citizen's relation to physical thing, as right to possess, use and dispose of it. *Cereghino v. State By and Through State Highway Commission*, 230 Or. 439, 370 P.2d. 694, 697.

Goodwill is property, *Howell v. Bowden, TexCiv. App.*, 368 S.W.2d. 842, &18; as is an insurance policy and rights incident thereto, including a right to the proceeds, *Harris v. Harris*, 83 N.M. 441,493 P.2d. 407, 408.

Criminal code. "Property" means anything of value. including real estate, tangible and intangible personal property, contract rights, choses-in-action and other interests in or claims to wealth, admission or transportation tickets, captured or domestic animals, food and drink, electric or other power. Model Penal Code. Q 223.0. See also Property of another, infra. Dusts. Under definition in Restatement, Second, Trusts, Q 2(c), it denotes interest in things and not the things themselves.
[Black's Law Dictionary, Fifth Edition, p. 1095]

The idea of owning property carries with it the right to exclude all others from using said property and the right to control HOW the property is used by others in every particular. The right to control how people use your property is how franchises and trusts are created, in fact. One's right to control their property, who uses it, and how they use it is defensible in court by the owner as a matter of equity.

When one takes federal money, which is property, it always comes with regulatory strings attached. Well, they are not so much as "strings" but rather, they are massive - sized chain links, linking the federal benefit recipient to the U.S. Government in a way that always requires the surrender by the Citizen/benefit recipient, of some Right. Here is how a book on the common law describes the method by which distributing government property called “benefits” can be used to control the recipient:

How, then, are purely equitable obligations created? For the most part, either by the acts of third persons or by equity alone. But how can one person impose an obligation upon another? By giving property to the latter on the terms of his assuming an obligation in respect to it. At law there are only two means by which the object of the donor could be at all accomplished, consistently with the entire ownership of the property passing to the donee, namely: first, by imposing a real obligation upon the property; secondly, by subjecting the title of the donee to a condition subsequent. The first of these the law does not permit; the second is entirely inadequate. Equity, however, can secure most of the objects of the doner, and yet avoid the mischiefs of real obligations by imposing upon the donee (and upon all persons to whom the property shall afterwards come without value or with notice) a personal obligation with respect to the property; and accordingly this is what equity does. It is in this way that all trusts are created, and all equitable charges made (i. e., equitable hypothecations or liens created) by testators in their wills. In this way, also, most trusts are created by acts inter vivos, except in those

cases in which the trustee incurs a legal as well as an equitable obligation. In short, as property is the subject of every equitable obligation, so the owner of property is the only person whose act or acts can be the means of creating an obligation in respect to that property. Moreover, the owner of property can create an obligation in respect to it in only two ways: first, by incurring the obligation himself, in which case he commonly also incurs a legal obligation; secondly, by imposing the obligation upon some third person; and this he does in the way just explained.

[Readings on the History and System of the Common Law, Second Edition, Roscoe Pound, 1925, p. 543]

The U.S. Supreme Court describes the above process as follows:

“When Sir Matthew Hale, and the sages of the law in his day, spoke of property as affected by a public interest, and ceasing from that cause to be juris privati solely, that is, ceasing to be held merely in private right, they referred to

[1] property dedicated [DONATED] by the owner to public uses, or

[2] to property the use of which was granted by the government [e.g. Social Security Card], or

[3] in connection with which special privileges were conferred [licenses].

Unless the property was thus dedicated [by one of the above three mechanisms], or some right bestowed by the government was held with the property, either by specific grant or by prescription of so long a time as to imply a grant originally, the property was not affected by any public interest so as to be taken out of the category of property held in private right.”

[Munn v. Illinois, 94 U.S. 113, 139-140 (1876)]

The “title of the donee” that Roscoe Pound is referring to above, in the case of government franchises, for instance, is “taxpayer” and or “citizen”. The following maxims of law implement the above principle of equity:

Cujus est commodum ejus debet esse incommodum.
He who receives the benefit should also bear the disadvantage.

Que sentit commodum, sentire debet et onus.
He who derives a benefit from a thing, ought to feel the disadvantages attending it. 2 Bouv. Inst. n. 1433.
[Bouvier’s Maxims of Law, 1856;
SOURCE: <http://famguardian.org/Publications/BouvierMaximsOfLaw/BouviersMaxims.htm>]

The principle that borrowing or requesting someone else’s property makes the borrower/requester the servant of the lender is also biblical in origin. Keep in mind that the thing borrowed need NOT be “money” and can be ANY KIND OF PROPERTY, from a legal perspective:

*“The rich rules over the poor,
And the borrower is servant to the lender.”*
[Prov. 22:7, Bible, NKJV]

What kind of government property can be GRANTED/SOLD to you that might impose an obligation upon you as the “donee”? How about any of the following, all of which are treated as GOVERNMENT property and not PRIVATE property. Receipt or use of any of the following types of property creates a prima facie presumption that you are a public officer “donee” exercising agency on behalf of the government, which agency is the other half of the mutual “consideration” involved in the implied contract regulating the use of the property:

1. Any kind of “status” you claim to which legal rights attach under a franchise. Remember: All “rights” are property”!
These types of rights are called “public rights” by the courts. This includes:
 - 1.1. “taxpayer” (Internal Revenue Code “trade or business” franchise).
 - 1.2. “citizen” or “resident” (civil law protection franchise).
 - 1.3. “driver” (Vehicle Code of your state).
 - 1.4. “spouse” (Family Code of your state, which is a voluntary franchise).
2. A Social Security Card. 20 C.F.R. §422.103(d) says the card and the number belong to the U.S. government.
3. A “Taxpayer Identification Number” (TIN) issued under the authority of 26 U.S.C. §6109. All “taxpayers” are public officers in the U.S. government. Per 26 C.F.R. §301.6109-1, use of the number provides prima facie evidence that the user is engaged in official government business called a “trade or business”, which is defined in 26 U.S.C. §7701(a)(26) as “the functions of a public office” (in the U.S. and not state government).

- 1 4. Any kind of license. Most licenses say on the back or in the statutes regulating them that they are property of the
2 government and must be returned upon request. This includes:
3 4.1. Driver's licenses.
4 4.2. Contracting licenses.
5 5. A USA Passport. The passport indicates on page 6, note 2 that it is property of the U.S. government and must be
6 returned upon request. So does 22 C.F.R. §51.7.
7 6. Any kind of government ID, including state Resident ID cards. Nearly all such ID say they belong to the government.
8 This includes Common Access Cards (CACs) used in the U.S. military.
9 7. A vehicle license plate. Attaching it to the car makes a portion of the vehicle public property.
10 8. Stock in a public corporation. All stock holders in corporations are regarded by the courts as GOVERNMENT
11 CONTRACTORS!

12 *"The court held that the first company's charter was a contract between it and the state, within the protection of*
13 *the constitution of the United States, and that the charter to the last company was therefore null and void., Mr.*
14 *Justice DAVIS, delivering the opinion of the court, said that, if anything was settled by an unbroken chain of*
15 *decisions in the federal courts, it was that an act of incorporation was a contract between the state and the*
16 *stockholders, 'a departure from which now would involve dangers to society that cannot be foreseen, would*
17 *shock the sense of justice of the country, unhinge its business interests, and weaken, if not destroy, that respect*
18 *which has always been felt for the judicial department of the government.'"*
19 *[New Orleans Gas Co. v. Louisiana Light Co., 115 U.S. 650 (1885)]*

20 Essentially, Uncle Sam is in the property renting business, and the above types of property are the thing being rented:

21 *"We have repeatedly held that the Federal Government may impose appropriate conditions on the use of*
22 *federal property or privileges and may require that state instrumentalities comply with conditions that are*
23 *reasonably related to the federal interest in particular national projects or programs.* See, e. g., *Ivanhoe*
24 *Irrigation Dist. v. McCracken*, 357 U.S. 275, 294 -296 (1958); *Oklahoma v. Civil Service Comm'n*, 330 U.S. 127,
25 *142-144* (1947); *United States v. San Francisco*, 310 U.S. 16 (1940); cf. *National League of Cities v. Usery*, 426
26 *U.S. 833, 853* (1976); *Fry v. United States*, 421 U.S. 542 (1975). *A requirement that States, like all other users,*
27 *pay a portion of the costs of the benefits they enjoy from federal programs is surely permissible since it is*
28 *closely related to the [435 U.S. 444, 462] federal interest in recovering costs from those who benefit and since*
29 *it effects no greater interference with state sovereignty than do the restrictions which this Court has approved."*
30 *[Massachusetts v. United States, 435 U.S. 444 (1978)]*

31 Once they lend you government property essentially as a "bribe", you consent to be treated as a de facto "public officer" in
32 the government. A "public officer" is, after all, legally defined as someone who is in charge of the property of the public.
33 Receipt and temporary custody of the valuable property of the public therefore constitutes your "employment consideration"
34 to act as a public officer!:

35 *"Public office.* The right, authority, and duty created and conferred by law, by which for a given period, either
36 fixed by law or enduring at the pleasure of the creating power, an individual is invested with some portion of the
37 sovereign functions of government for the benefit of the public. *Walker v. Rich*, 79 Cal.App. 139, 249 P. 56, 58.
38 An agency for the state, the duties of which involve in their performance the exercise of some portion of the
39 sovereign power, either great or small. *Yaselli v. Goff*, C.C.A., 12 F.2d. 396, 403, 56 A.L.R. 1239; *Lacey v. State*,
40 13 Ala.App. 212, 68 So. 706, 710; *Curtin v. State*, 61 Cal.App. 377, 214 P. 1030, 1035; *Shelmadine v. City of*
41 *Elkhart*, 75 Ind.App. 493, 129 N.E. 878. *State ex rel. Colorado River Commission v. Frohmiller*, 46 Ariz. 413, 52
42 P.2d. 483, 486. *Where, by virtue of law, a person is clothed, not as an incidental or transient authority, but for*
43 *such time as de- notes duration and continuance, with Independent power to control the property of the public,*
44 *or with public functions to be exercised in the supposed interest of the people, the service to be compensated by*
45 *a stated yearly salary, and the occupant having a designation or title, the position so created is a public office.*
46 *State v. Brennan*, 49 Ohio.St. 33, 29 N.E. 593.
47 *[Black's Law Dictionary, Fourth Edition, p. 1235]*

48 Why do they use property as the means to effect or create the franchise? The reason is because they have jurisdiction over
49 their property WHEREVER it is situated, including within states of the Union.

50 *"The Constitution permits Congress to dispose of and to make all needful rules and regulations respecting the*
51 *territory or other property belonging to the United States. This power applies as well to territory belonging to*
52 *the United States within the States, as beyond them. It comprehends all the public domain, wherever it may be.*
53 *The argument is, that the power to make 'ALL needful rules and regulations' 'is a power of legislation,' 'a*
54 *full legislative power;' 'that it includes all subjects of legislation in the territory,' and is without any limitations,*
55 *except the positive prohibitions which affect all the powers of Congress.* Congress may then regulate or prohibit
56 slavery upon the public domain within the new States, and such a prohibition would permanently affect the
57 capacity of a slave, whose master might carry him to it. And why not? Because no power has been conferred on
58 Congress. This is a conclusion universally admitted. *But the power to 'make rules and regulations respecting*

1 the territory' is not restrained by State lines, nor are there any constitutional prohibitions upon its exercise in
2 the domain of the United States within the States; and whatever rules and regulations respecting territory
3 Congress may constitutionally make are supreme, and are not dependent on the situs of 'the territory.' "
4 [Dred Scott v. Sandford, 60 U.S. 393, 509-510 (1856)]

5 If they didn't use the lending of their property to reach you, they would otherwise, not have civil jurisdiction over those
6 domiciled in a legislatively (but not constitutionally) foreign state such as a Constitutional state of the Union through their
7 civil law, since all law is prima facie territorial and they don't own and don't have civil jurisdiction over Constitutional states
8 of the Union:

9 "It is a well established principle of law that all federal regulation applies only within the territorial jurisdiction
10 of the United States unless a contrary intent appears."
11 [Foley Brothers, Inc. v. Filardo, 336 U.S. 281 (1949)]

12 "The laws of Congress in respect to those matters [outside of Constitutionally delegated powers] do not extend
13 into the territorial limits of the states, but have force only in the District of Columbia, and other places that are
14 within the exclusive jurisdiction of the national government."
15 [Caha v. U.S., 152 U.S. 211 (1894)]

16 "There is a canon of legislative construction which teaches Congress that, unless a contrary intent appears
17 [legislation] is meant to apply only within the territorial jurisdiction of the United States."
18 [U.S. v. Spelar, 338 U.S. 217 at 222.]

19 Ultimately, however, what your corrupted public servants are doing is both criminal and illegal. None of the franchises they
20 administer expressly authorize the creation of any new public offices in the government, but rather add benefits to EXISTING
21 public offices. If they abuse public funds and programs to bribe otherwise PRIVATE people to accept the duties of a public
22 office, the U.S. Code says this is a serious crime:

23 [TITLE 18 > PART 1 > CHAPTER 11 > § 210](#)
24 [§ 210. Offer to procure appointive public office](#)

25 Whoever pays or offers or promises any money or thing of value, to any person, firm, or corporation in
26 consideration of the use or promise to use any influence to procure any appointive office or place under the
27 United States for any person, shall be fined under this title or imprisoned not more than one year, or both.

28
29 [TITLE 18 > PART 1 > CHAPTER 11 > § 211](#)
30 [§ 211. Acceptance or solicitation to obtain appointive public office](#)

31 Whoever solicits or receives, either as a political contribution, or for personal emolument, any money or thing of
32 value, in consideration of the promise of support or use of influence in obtaining for any person any appointive
33 office or place under the United States, shall be fined under this title or imprisoned not more than one year, or
34 both.

35 Whoever solicits or receives anything of value in consideration of aiding a person to obtain employment under
36 the United States either by referring his name to an executive department or agency of the United States or by
37 requiring the payment of a fee because such person has secured such employment shall be fined under this title,
38 or imprisoned not more than one year, or both. This section shall not apply to such services rendered by an
39 employment agency pursuant to the written request of an executive department or agency of the United States.

40 If you collude with your criminal public servants in this FRAUD by accepting the bribe and carry on the charade of pretending
41 to be a public officer, you too become a criminal who is impersonating a public officer. You also become hated in God's
42 eyes because you are simultaneously trying to serve two masters, meaning God and Caesar:

43 [TITLE 18 > PART 1 > CHAPTER 43 > § 912](#)
44 [§ 912. Officer or employee of the United States](#)

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

1 "No one can serve two masters; for either he will hate the one and love the other, or else he will be loyal to the
2 one and despise the other. You cannot serve God and mammon [unrighteous gain or any other false god]."⁶³
3 [Jesus in Matt. 6:24, Bible, NKJV]

4 Everything they give you will always be a GRANT with corresponding obligations rather than a GIFT. Everything they give
5 you will always have legal strings attached that make the property they give you into a Trojan Horse designed to destroy and
6 enslave you. The legal name for this is a "quid pro quo". The proverb "Beware of Greeks bearing gifts." definitely applies
7 to everything the government does. Please keep these critical facts in mind as you try and decide whether you want you and
8 your family to give the corrupted U.S. Government the right to intrude into your personal health care. Also keep in mind that
9 under the concept of equal protection, you can use the SAME tactic to entrap and prejudice the government and defend
10 yourself from this tactic.

11 Here is this principle of equity in action, as espoused by the U.S. Supreme Court in *Fullilove v. Klotznick*, 448 U.S. 448, at
12 474 (1990) . What the U.S. Supreme Court is describing is the basic principle for how franchises operate and how they are
13 used to snare you. In a 6 -3 decision that dealt with the 10% minority set - aside issue, the Court held the following:

14 " . . . Congress has frequently employed the Spending Power to further broad policy objectives... by conditioning
15 receipt of federal moneys upon compliance by the recipient... with federal statutory and administrative directives.
16 This Court has repeatedly upheld... against constitutional challenge... the use of this technique to induce
17 governments and private parties to cooperate voluntarily with federal policy."
18 [*Fullilove v. Klotznick*, 448 U.S. 448, at 474 (1990)]

19 When those who are unknowingly party to a franchise challenge the constitutionality or violation of due process resulting
20 from the enforcement of the franchise provisions against them, here is how the U.S. Supreme Court has historically responded:

21 "We can hardly find a denial of due process in these circumstances, particularly since it is even doubtful that
22 appellee's burdens under the program outweigh his benefits. It is hardly lack of due process for the
23 Government to regulate that which it subsidizes."
24 [*Wickard v. Filburn*, 317 U.S. 111, 63 S.Ct. 82 (1942)]

25 The key to the effect of the conveyance of property is the NATURE of the funds or property conveyed by the government.
26 If it was property of the government at the time it was conveyed, then it is a subsidy and conveys rights to the government.
27 If, on the other hand, the property was someone else's property temporarily granted to the government under a franchise of
28 the REAL owner, it ceases to be a subsidy and cannot convey any rights to the government under ITS franchise, because the
29 government is not the rightful owner of the property. That is why everything that members of the Ministry convey to the
30 government is identified legally not as a gift, but a PRIVILEGE, on the following form. Section 6 establishes what we call
31 an "anti-franchise franchise" which reverses the relationship between the parties and makes all those who receive monies
32 from the sender into officers and servants of the sender under franchise contract:

<p>33 <u>Tax Form Attachment</u>, Form #04.201 34 http://sedm.org/Forms/FormIndex.htm</p>

35 If you want to win at this game, you have to use all the same weapons and tactics as your enemy and INSIST vociferously
36 on complete equality of treatment and rights as the Constitution mandates. You can't do that until you have identified and
37 fully understand how all of the weapons function.

38 Here is yet more proof of why those who accept government benefits cannot assert their constitutional rights as a defense to
39 challenge the statutes that regulate the benefit. The language below comes from the Brandeis rules for the U.S. Supreme
40 Court:

41 *The principle is invoked that one who accepts the benefit of a statute cannot be heard to question its*
42 *constitutionality. Great Falls Manufacturing Co. v. Attorney General, 124 U.S. 581, 8 S.Ct. 631, 31 L.Ed. 527;*
43 *Wall v. Parrot Silver & Copper Co., 244 U.S. 407, 37 S.Ct. 609, 61 L.Ed. 1229; St. Louis, etc., Co., v. George C.*
Prendergast Const. Co., 260 U.S. 469, 43 S.Ct. 178, 67 L.Ed. 351."
44 [*Ashwander v. Tennessee Valley Authority*, 297 U.S. 288, 56 S.Ct. 466 (1936)]

45 What the court is saying in the above statute is that those who accept federal benefits HAVE NO CONSTITUTIONAL
RIGHTS and have voluntarily surrendered ALL such rights!

⁶³The New King James Version. 1996, c1982 . Thomas Nelson: Nashville

1 Here is how franchises enslave and entrap you:

- 2 1. Congress borrows money in your name (like they were using your credit card) from the private Federal Reserve Bank.
3 You and your descendants must pay this money back at interest.

4 *"I sincerely believe ... that banking establishments are more dangerous than standing armies, and that the*
5 *principle of spending money to be paid by posterity under the name of funding is but swindling futurity on a large*
6 *scale."*
7 *[Thomas Jefferson to John Taylor, 1816]*

- 8 2. Congress wants to further its broad policy objectives (like making America a socialist state under a "unitary
9 executive"...or invading another country for its natural resources.)
10 3. So Congress offers private people and state and foreign governments BRIBES using the money borrowed/STOLEN in
11 #1. above...On condition that those private people and state and foreign governments cooperate "VOLUNTARILY"
12 with federal policy.
13 4. Federal policy is whatever federal judges and other bureaucrats say it is.
14 5. Among the "federal policy" you must comply with is for them to be able to lawfully and administratively take from
15 you ANY amount of money they want to fund their program. This is done through false information return reporting,
16 IRS administrative levies that would otherwise be a constitutional tort, etc. if you had not consented to them in
17 advance.
18 6. In short, once you accept the bribe, you change from being the BOSS of your public servants into their
19 "employee"/officer and cheap whore. They turn the relationship upside down with trickery and words of art.
20 7. If you create your own franchise (we call it an anti-franchise franchise) and call EVERYTHING you pay them a
21 privilege and use their own game rules against them, they will hypocritically and unlawfully apply different rules
22 against themselves than they apply to you, in violation of the requirement for equal protection. If they are going to
23 defend the above method of acquiring rights, they have to defend your EQUAL right to play the same rules with them
24 and prohibit themselves from abusing sovereign immunity to make the game rules unequal. They call what you give to
25 them a non-refundable gift in 31 U.S.C. §321(d), and yet everything they give to you is a mere temporary
26 transfer/privilege that makes you their voluntary, uncompensated public officer. HYPOCRITES!

27 Notice the word "voluntarily" in Fullilove v. Klotznick above. The federal government cannot coerce a state citizen not
28 domiciled on federal land and not taking money from King Congress. The only way the federal government can make you a
29 subject of itself and rule over you, and tax you, is by your CONSENT in taking federal "benefits" (bribes... to entice you to
30 agree to its jurisdiction – The Declaration of Independence requires the federal government to get your consent in order to
31 exercise its powers).

32 Parents tell their children:

33 *"As long as you live in my house...you play by my rules."*

34 The federal government says, and the Supreme Court agrees:

35 *"As long as you take money from me...you play by my rules (e.g. compulsory health care...compulsory flu*
36 *injections...compulsory education for your children in government schools...federal income tax...etc.,) not by*
37 *constitutional rules."*

38 Now...:

- 39 1. Are you a free self-determining citizen of your state...or are you a subject of the federal government?
40 2. Did you sign the social security APPLICATION (giving your consent) for your newborn children to be subjects of
41 federal bureaucrats and tyrants?

42 We use the term "state citizen" in the same sense that the reader understands it.

43 If you are a subject of the federal government, and have made your children subjects of the federal government by writing
44 them off as privileged tax deductions on a federal tax return, the U.S. Supreme Court has held over and over that you cannot
45 bring constitutional challenges against the federal government in federal court. Federal judges will dismiss you... and rightly
46 so... for "lack of standing".

"These general rules are well settled:

(1) That the United States, when it creates rights in individuals against itself [a "public right", which is a euphemism for a "franchise" to help the court disguise the nature of the transaction], is under no obligation to provide a remedy through the courts. *United States ex rel. Dunlap v. Black*, 128 U.S. 40, 9 Sup.Ct. 12, 32 L.Ed. 354; *Ex parte Atocha*, 17 Wall. 439, 21 L.Ed. 696; *Gordon v. United States*, 7 Wall. 188, 195, 19 L.Ed. 35; *De Groot v. United States*, 5 Wall. 419, 431, 433, 18 L.Ed. 700; *Comegys v. Vasse*, 1 Pet. 193, 212, 7 L.Ed. 108.

(2) That where a statute creates a right and provides a special remedy, that remedy is exclusive. *Wilder Manufacturing Co. v. Corn Products Co.*, 236 U.S. 165, 174, 175, 35 Sup.Ct. 398, 59 L.Ed. 520, Ann. Cas. 1916A, 118; *Arnson v. Murphy*, 109 U.S. 238, 3 Sup.Ct. 184, 27 L.Ed. 920; *Barnet v. National Bank*, 98 U.S. 555, 558, 25 L.Ed. 212; *Farmers' & Mechanics' National Bank v. Dearing*, 91 U.S. 29, 35, 23 L.Ed. 196. Still the fact that the right and the remedy are thus intertwined might not, if the provision stood alone, require us to hold that the remedy expressly given excludes a right of review by the Court of Claims, where the decision of the special tribunal involved no disputed question of fact and the denial of compensation was rested wholly upon the construction of the act. See *Medbury v. United States*, 173 U.S. 492, 198, 19 Sup.Ct. 503, 43 L.Ed. 779; *Parish v. MacVeagh*, 214 U.S. 124, 29 Sup.Ct. 556, 53 L.Ed. 936; *McLean v. United States*, 226 U.S. 374, 33 Sup.Ct. 122, 57 L.Ed. 260; *United States v. Laughlin* (No. 200), 249 U.S. 440, 39 Sup.Ct. 340, 63 L.Ed. 696, decided April 14, 1919."
[*U.S. v. Babcock*, 250 U.S. 328, 39 S.Ct. 464 (1919)]

Since the Constitution offers no remedy to statutory "subjects" and serfs of the federal government when Rights [which state citizens have surrendered for a bribe] are violated, what is it they actually celebrate on the 4th of July by waving those federal flags made in COMMUNIST China? Hmmm...

What is really going on is that there is an invisible war being waged against your constitutional rights by people who are supposed to be serving and protecting you, but who have stealthily and invisibly transformed from protectors into predators. As a result of these stealthful transformations, Americans are largely unaware that they are a conquered people. The conquerors are statutory but not constitutional aliens from a legislatively foreign land called the District of Columbia, who bribed you to put on chains and go not into a physical cage, but a LEGAL cage called a franchise. This is the same thing that Jacob did to Esau, his brother, in the Bible: Persuaded him to give up his freedom and inheritance for a stinking bowl of pottage. Here is the way the Bible dictionary describes it, wherein "taxes" used to be called "tribute" in biblical times:

"TRIBUTE. Tribute in the sense of an impost paid by one state to another, as a mark of subjugation, is a common feature of international relationships in the biblical world. The tributary could be either a hostile state or an ally. Like deportation, its purpose was to weaken a hostile state. Deportation aimed at depleting the man-power. The aim of tribute was probably twofold: to impoverish the subjugated state and at the same time to increase the conqueror's own revenues and to acquire commodities in short supply in his own country. As an instrument of administration it was one of the simplest ever devised: the subjugated country could be made responsible for the payment of a yearly tribute. Its non-arrival would be taken as a sign of rebellion, and an expedition would then be sent to deal with the recalcitrant. This was probably the reason for the attack recorded in Gn. 14.
[New Bible Dictionary. Third Edition. Wood, D. R. W., Wood, D. R. W., & Marshall, I. H. 1996, c1982, c1962, InterVarsity Press: Downers Grove]

Your devious conquerors are doing and will continue to do EVERYTHING in their power to keep you in their legal cage as their SATANIC SEX SLAVE, PRISONER, and WHORE. This is the same whore that the Bible refers to as "Babylon the Great Harlot" in the Book of Revelation. By "sex", we mean commerce between you and a corrupted de facto government that loves money more than it loves YOUR freedom. Black's Law defines "commerce", in fact, as "intercourse" and therefore "sex" in a figurative sense:

"Commerce. ...Intercourse by way of trade and traffic between different peoples or states and the citizens or inhabitants thereof, including not only the purchase, sale, and exchange of commodities, but also the instrumentalities [governments] and agencies by which it is promoted and the means and appliances by which it is carried on..."
[Black's Law Dictionary, Sixth Edition, p. 269]

Here are the things your covetous conquerors have done and will continue to do to compel you, AT GUNPOINT, to bend over and be a good little whore, or be slapped silly with what the Constitution calls a "bill of attainder" for rattling your legal cage:

1. They will willfully lie to you in their publications with judicial impunity about what the law requires. See:

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

- 1 2. They will tempt you with socialist bribes called “benefits”. See:
The Government “Benefits” Scam, Form #05.040
<http://sedm.org/Forms/FormIndex.htm>
- 2 3. They will rig their forms so that it is impossible to truthfully declare your status, leaving as the only options available
3 statuses that connect you to consent to their franchises, even if you DO NOT consent.
- 4 4. If you already ate the bait and signed up, they will falsely tell you that you aren’t allowed to quit, meaning that you are
5 a slave FOR LIFE.
- 6 5. They will hide the forms and procedures that can be used to quit the franchise by removing them from their website,
7 but still making them available to people who specifically ask.
- 8 6. They will make false, prejudicial, and self –serving presumptions or determinations about your status that they are not
9 allowed to do until AFTER you expressly consent to give them that authority IN WRITING and they will do so in
10 violation of due process of law. See:
Presumption: Chief Weapon for Unlawfully Enlarging Federal Jurisdiction, Form #05.017
<http://sedm.org/Forms/FormIndex.htm>
- 11 7. They will deceive you with “words of art”. See:
Legal Deception, Propaganda, and Fraud, Form #05.014
<http://sedm.org/Forms/FormIndex.htm>
- 12 8. They will publish false propaganda encouraging third parties to file knowingly false and fraudulent reports about your
13 status such as information returns that constitute prima facie evidence of consent to participate in government
14 franchises. Such reports include IRS Forms W-2, 1042-S, 1098, and 1099. See:
Correcting Erroneous Information Returns, Form #04.001
<http://sedm.org/Forms/FormIndex.htm>
- 15 9. They will willfully refuse or omit to prosecute the filers of false information returns, thus compelling you to unlawfully
16 and criminally impersonate a public officer who is compelled to fill a position as a franchisee. It is called theft by
17 omission and it is also a criminal conspiracy against your constitutional rights. Both OMISSIONS and
18 COMMISSIONS that cause injury to you are CRIMES. They might even protect criminals filing these false reports
19 INSTEAD of the victims.
- 20 10. They will disestablish all constitutional courts that could serve as a remedy against such abuses and replace them with
21 statutory franchise courts that can’t recognize or even rule on Constitutional issues or rights. See:
What Happened to Justice?, Form #06.012
<http://sedm.org/Forms/FormIndex.htm>
- 22 11. They will use “selective enforcement” of the tax laws as a way to silence and punish those who expose their
23 monumental scam. They don’t need to torture you physically. All they have to do is destroy your ability to survive
24 commercially, and it is as good as putting you in jail and subjecting you to physical torture.
- 25 12. They will remove the subject of law from the curricula in public schools, so that they can do all the above things
26 without you even realizing it is happening so that you don’t become alarmed as they tighten the bars of your cage.

27 Welcome to the Matrix, Neo! Agent Smith with the IRS is waiting for you in the next room. See:

The REAL Matrix, Stefan Molyneux
YOUTUBE: <http://www.youtube.com/watch?v=P772Eb63qIY&>
LOCAL COPY: <https://sedm.org/media/the-real-matrix/>

28 **9.5.5 Where franchises may lawfully be enforced**

29 The important thing to remember about franchises is that Congress is FORBIDDEN from creating franchises within states of
30 the Union. Why? Because:

- 31 1. The Declaration of Independence, which is organic law, says our constitutional rights are “unalienable”.
- 32 2. An “unalienable right” is one that you AREN’T ALLOWED BY LAW to consent to give away in relation to a real, de
33 jure government! Such a right cannot lawfully be sold, bargained away, or transferred through any commercial
34 process, INCLUDING A FRANCHISE. Hence, even if we consent, the forfeiture of such rights is unconstitutional,
35 unauthorized, and a violation of the fiduciary duty to the public officer we surrender them to.

36 “Unalienable. Inalienable; incapable of being aliened, that is, sold and transferred.”
37 [Black’s Law Dictionary, Fourth Edition, p. 1693]

3. The only place you can lawfully give up constitutional rights is where they physically do not exist, which is among those domiciled on AND physically present on federal territory not part of any state of the Union.

"Indeed, the practical interpretation put by Congress upon the Constitution has been long continued and uniform to the effect [182 U.S. 244, 279] that the Constitution is applicable to territories acquired by purchase or conquest, only when and so far as Congress shall so direct. Notwithstanding its duty to 'guarantee to every state in this Union a republican form of government' (art. 4, 4), by which we understand, according to the definition of Webster, 'a government in which the supreme power resides in the whole body of the people, and is exercised by representatives elected by them,' Congress did not hesitate, in the original organization of the territories of Louisiana, Florida, the Northwest Territory, and its subdivisions of Ohio, Indiana, Michigan, Illinois, and Wisconsin and still more recently in the case of Alaska, to establish a form of government bearing a much greater analogy to a British Crown colony than a republican state of America, and to vest the legislative power either in a governor and council, or a governor and judges, to be appointed by the President. It was not until they had attained a certain population that power was given them to organize a legislature by vote of the people. In all these cases, as well as in territories subsequently organized west of the Mississippi, Congress thought it necessary either to extend to Constitution and laws of the United States over them, or to declare that the inhabitants should be entitled to enjoy the right of trial by jury, of bail, and of the privilege of the writ of habeas corpus, as well as other privileges of the bill of rights."
[Downes v. Bidwell, 182 U.S. 244 (1901)]

4. All de jure governments are created exclusively to protect PRIVATE RIGHTS. The way you protect them is to LEAVE THEM ALONE and not burden their exercise in any way. A lawful de jure government cannot and does not protect your rights by making a business out of destroying, regulating, and taxing their exercise, implement the business as a franchise, and hide the nature of what they are doing as a franchise and an excise. This would cause and has caused the money changers to take over the charitable public trust and "civic temple" and make it into a whorehouse in violation of the Constitutional trust indenture. This kind of money changing in fact, is the very reason that Jesus flipped tables over in the temple out of anger: Turning the bride of Christ and God's minister for justice into a WHORE. The nuns are now pimped out and the church is open for business for all the statutory "taxpayer" Johns who walk in.

The above explains why:

1. The geographical definitions within every franchise we have seen, including the Income Tax, Social Security, etc., limit themselves to federal territory exclusively and include no part of any state of the Union.
2. The Unconstitutional Conditions Doctrine of the U.S. Supreme Court, limits what you can consent to in the context of franchises.
3. The U.S. Supreme Court held the following about licenses enforced in areas protected by the Constitution, keeping in mind that licensing implements franchises:

"...the acceptance of a license, in whatever form, will not impose upon the licensee an obligation to respect or to comply with any provisions of the statute . . . that are repugnant to the Constitution of the United States."
[Power Mfg. Co. v. Saunders, 274 U.S. 490 (1927)]

9.5.6 How franchises are stealthily introduced and propagated by a corrupted government within jurisdictions outside their territory

The states of the Union are foreign and alien and sovereign in respect to the national government. Maintaining that separation of legislative powers, in fact, is one of the main purposes of the United States Constitution:

*"We start with first principles. The Constitution creates a Federal Government of enumerated powers. See U.S. Const., Art. I, § 8. As James Madison wrote, "[t]he powers delegated by the proposed Constitution to the federal government are few and defined. Those which are to remain in the State governments are numerous and indefinite." The Federalist No. 45, pp. 292-293 (C. Rossiter ed. 1961). This constitutionally mandated division of authority "was adopted by the Framers to ensure protection of our fundamental liberties." Gregory v. Ashcroft, 501 U.S. 452, 458 (1991) (internal quotation marks omitted). "Just as the separation and independence of the coordinate branches of the Federal Government serves to prevent the accumulation of excessive power in any one branch, a healthy balance of power between the States and the Federal Government will reduce the risk of tyranny and abuse from either front." Ibid.
[U.S. v. Lopez, 514 U.S. 549 (1995)]*

In order to break down this separation of powers and enact law that regulates the conduct of nonresident and alien parties domiciled in a legislatively foreign state such as a state of the Union, the national government has to use contracts and

franchises to unlawfully reach outside of federal territory. It is a maxim of law that debt and contract know no place, meaning that they can be enforced anywhere.

Debt and contract [franchise agreement, in this case] are of no particular place.

Locus contractus regit actum.

The place of the contract [franchise agreement, in this case] governs the act.

[Bouvier's Maxims of Law, 1856;

SOURCE: <http://fanguardian.org/Publications/BouvierMaximsOfLaw/BouviarsMaxims.htm>]

Those who are domiciled in a state of the Union, in order to acquire a “commercial existence”, identity, or right in a legislatively but not necessarily constitutionally foreign jurisdiction such as the federal zone are mandatorily required to become privileged. Here is an explanation of this phenomenon by the U.S. Supreme Court. They are talking about CONSTITUTIONAL and not STATUTORY aliens. Note also that legislatively foreign and alien inhabitants who are FOREIGN NATIONALS NOT within any state of the Union must be treated as possessing an “implied license” to do business in a foreign jurisdiction, which in this case is the national government, and therefore become privileged “resident aliens”. It is also a violation of the Constitution for the national government to treat those born in or domiciled within Constitutional states of the Union the same as FOREIGN nationals because it deprives them of the “privileges and immunities of [CONSTITUTIONAL] citizens of the United States” and thereby “alienates” their constitutional rights:

The reasons for not allowing to other aliens exemption 'from the jurisdiction of the country in which they are found' were stated as follows: 'When private individuals of one nation [states of the Unions are "nations" under the law of nations] spread themselves through another as business or caprice may direct, mingling indiscriminately with the inhabitants of that other, or when merchant vessels enter for the purposes of trade, it would be obviously inconvenient and dangerous to society, and would subject the laws to continual infraction, and the government to degradation, if such individuals or merchants did not owe temporary and local allegiance, and were not amenable to the jurisdiction of the country.' Nor can the foreign sovereign have any motive for wishing such exemption. His subjects thus passing into foreign countries are not employed by him, nor are they engaged in national pursuits. Consequently, there are powerful motives for not exempting persons of this description from the jurisdiction of the country in which they are found, and no one motive for requiring it. The implied license, therefore, under which they enter, can never be construed to grant such exemption.' 7 Cranch, 144.

In short, the judgment in the case of The Exchange declared, as incontrovertible principles, that the jurisdiction of every nation within its own territory is exclusive and absolute, and is susceptible of no limitation not imposed by the nation itself; that all exceptions to its full and absolute territorial jurisdiction must be traced up to its own consent, express or implied; that upon its consent to cede, or to waive the exercise of, a part of its territorial jurisdiction, rest the exemptions from that jurisdiction of foreign sovereigns or their armies entering its territory with its permission, and of their foreign ministers and public ships of war; and that the implied license, under which private individuals of another nation enter the territory and mingle indiscriminately with its inhabitants, for purposes of business or pleasure, can never be construed to grant to them an exemption from the jurisdiction of the country in which they are found. See, also, Carlisle v. U.S. (1873) 16 Wall. 147, 155; Radich v. Hutchins (1877) 95 U.S. 210; Wildenhus' Case, 120 U.S. 1, 7 Sup.Ct. 385 (1887); Chae Chan Ping v. U.S. (1889) 130 U.S. 581, 603, 604, 9 Sup.Ct. 623.

[United States v. Wong Kim Ark, 169 U.S. 649, 18 S.Ct. 456, 42 L.Ed. 890 (1898)]

The above is another way of expressing the operation of the Foreign Sovereign Immunities Act (F.S.I.A.), 28 U.S.C. Chapter 97, in which 28 U.S.C. §1605 identifies the criteria by which foreign sovereigns such as states of the Union, and the inhabitants within them “waive sovereignty immunity” and become subject to the jurisdiction of otherwise foreign law. Those mechanisms imply that when one “purposefully avails” himself of commerce in a foreign jurisdiction, they are to be deemed “resident aliens” within that otherwise foreign jurisdiction, but only for the purposes of THAT specific transaction and not generally.

[TITLE 28 > PART IV > CHAPTER 97 > § 1605](#)

[§ 1605. General exceptions to the jurisdictional immunity of a foreign state](#)

(a) A foreign state shall not be immune from the jurisdiction of courts of the United States or of the States in any case—

(2) in which the action is based upon a commercial activity carried on in the United States by the foreign state; or upon an act performed in the United States in connection with a commercial activity of the foreign state elsewhere; or upon an act outside the territory of the United States in connection with a commercial activity of the foreign state elsewhere and that act causes a direct effect in the United States;

The key is the phrase “purposeful availment”. If you did not consent to do business in the forum, and instead had your money stolen by an ignorant payroll clerk or financial institution and sent to the corrupt United States, then that government:

1. Becomes the custodian over STOLEN money.
2. Becomes a “bailee” and “transferee” in temporary possession of property rightfully belonging to the party who was the subject of unlawful withholding and/or reporting.
3. Is required to return the funds, even if no law or even the franchise agreement itself authorizes the return of funds. Hence, a statutory “tax return” available ONLY to statutory franchisees called “taxpayers” need not be filled out and a NON-statutory claim should suffice.

*“A claim against the United States is a right to demand money from the United States. ⁶⁴ Such claims are sometimes spoken of as gratuitous in that they cannot be enforced by suit without statutory consent. ⁶⁵ **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.** ⁶⁶ **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.** ⁶⁷”*
[American Jurisprudence 2d, United States, §45 (1999)]

“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)]

California Civil Code
Section 2224

“One who gains a thing by fraud, accident, mistake, undue influence, the violation of a trust, or other wrongful act, is, unless he or she has some other and better right thereto, an involuntary trustee of the thing gained, for the benefit of the person who would otherwise have had 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]

4. May be sued in state court under a REPLEVIN action without invoking the franchise contract because the party whose funds were stolen did not consent to be a franchisee and therefore never “purposefully availed” themselves of the franchise or the commercial consequences of the franchise.

Here is how the above process of recovering funds unlawfully taken against a nonresident party as described in the FSIA:

[TITLE 28 > PART IV > CHAPTER 97 > § 1605](#)
[§ 1605. General exceptions to the jurisdictional immunity of a foreign state](#)

(a) A foreign state shall not be immune from the jurisdiction of courts of the United States or of the States in any case—

⁶⁴ United States ex rel. Angarica v. Bayard, 127 U.S. 251, 32 L.Ed. 159, 8 S.Ct. 1156, 4 A.F.T.R. 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).

⁶⁵ Blagge v. Balch, 162 U.S. 439, 40 L.Ed. 1032, 16 S.Ct. 853.

⁶⁶ Wilson v. Shaw, 204 U.S. 24, 51 L.Ed. 351, 27 S.Ct. 233.

⁶⁷ Bull v. United States, 295 US 247, 79 L.Ed. 1421, 55 S.Ct. 695, 35-1 USTC ¶ 9346, 15 AFTR 1069; United States v. State Bank, 96 US 30, 96 Otto 30, 24 L.Ed. 647.

(3) in which rights in property taken in violation of international law are in issue and that property or any property exchanged for such property is present in the United States in connection with a commercial activity carried on in the United States by the foreign state; or that property or any property exchanged for such property is owned or operated by an agency or instrumentality of the foreign state and that agency or instrumentality is engaged in a commercial activity in the United States;

Below is the sequence of events that creates implied consent to the franchise, creates the legal “person”, “individual”, and “resident”, transports your identity to federal territory, places it within the jurisdiction of a federal FRANCHISE court, and creates what the courts call a “federal question” to be heard ONLY in a federal court. In other words, the franchise agreement dictates choice of law that kidnaps your identity and moves it outside the protections of state law and the constitution and onto federal territory.

1. Through deceit, fraud, and adhesion contracts within financial account applications and employment withholding paperwork, you are illegally coerced or to apply to receive and become a custodian of government property. The legal definition of “public office” confirms that a public officer is, in fact, someone who manages public property. The property you receive is the Social Security Card, Social Security Number, and the Taxpayer Identification Number. These numbers act as the equivalent of de facto license numbers giving permission from the state for you to engage in “the functions of a public office”. IRS Regulations at 26 C.F.R. §301.6109-1 confirm that the use of the number is ONLY mandatory in the case of those engaging in a “trade or business”, which is defined in 26 U.S.C. §7701(a)(26) as “the functions of a public office”.

“Public office. The right, authority, and duty created and conferred by law, by which for a given period, either fixed by law or enduring at the pleasure of the creating power, an individual is invested with some portion of the sovereign functions of government for the benefit of the public. Walker v. Rich, 79 Cal.App. 139, 249 P. 56, 58. An agency for the state, the duties of which involve in their performance the exercise of some portion of the sovereign power, either great or small. Yaselli v. Goff, C.C.A., 12 F.2d. 396, 403, 56 A.L.R. 1239; Lacey v. State, 13 Ala.App. 212, 68 So. 706, 710; Curtin v. State, 61 Cal.App. 377, 214 P. 1030, 1035; Shelmadine v. City of Elkhart, 75 Ind.App. 493, 129 N.E. 878. State ex rel. Colorado River Commission v. Frohmiller, 46 Ariz. 413, 52 P.2d. 483, 486. Where, by virtue of law, a person is clothed, not as an incidental or transient authority, but for such time as de- notes duration and continuance, with Independent power to control the property of the public, or with public functions to be exercised in the supposed interest of the people, the service to be compensated by a stated yearly salary, and the occupant having a designation or title, the position so created is a public office. State v. Brennan, 49 Ohio.St. 33, 29 N.E. 593. [Black’s Law Dictionary, Fourth Edition, p. 1235]

2. The USE of said public property and de facto license and the number that goes with it constitutes “prima facie implied consent” to engage in the franchise and accept all of its terms and conditions. Hence, your implied consent makes you into a PRESUMED, DE FACTO public officer and transferee managing federal property. Any commercial transaction you connect the de facto license number to constitutes consent to donate the FRUITS of the transaction to a public purpose in order to receive the benefits of a government franchise.
3. Implied consent to the franchise contract creates “agency” on the part of the applicant. All contracts create agency, which as a bare minimum consists of delivering the “consideration” called for under the contract. The courts and the government illegally treat this agency as a public office as described in 26 U.S.C. §7701(a)(26). They do this unlawfully, because NO WHERE in the Internal Revenue Code are the creation of any new public offices in the government authorized by the use of any tax form or any identifying number. The “consideration” they define by fiat as consisting of obedience to the laws and dictates of a legislatively foreign jurisdiction.
4. Third parties are LIED TO by the IRS into producing FALSE legal evidence that connects PRIVATE people with a public office. For instance, IRS FALSELY tells everyone that:
 - 4.1. Every payment IN A LEGISLATIVELY FOREIGN JURISDICTION AND OUTSIDE THEIR TERRITORY must be reported using information returns such as IRS Forms W-2, 1042-S, 1098, and 1099.
 - 4.2. The reports MUST contain Taxpayer Identification Numbers, Employer Identification Numbers, and Social Security Numbers, all of which are ONLY mandatory in the case of those lawfully occupying a public office in ONLY the District of Columbia and not elsewhere pursuant to 4 U.S.C. §72.This has the practical effect of “electing” third parties into a public office without their consent, and in most cases ALSO without even their knowledge. Since they aren’t aware how the SCAM works, they never bother to rebut the FALSE evidence and hence, are compelled to act as a de facto public officer in criminal violation of 18 U.S.C. §912 and to satisfy all the obligations of the office WITHOUT any real compensation. See:

Correcting Erroneous Information Returns, Form #04.001

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

5. The public office (the “trade or business”) that is fraudulently created using your implied consent means that you:

- 5.1. Are acting in a representative capacity on behalf of a federal corporation, which in this case is the national government.
- 5.2. Are a statutory “U.S. citizen”, because the United States federal corporation you represent is a statutory but not constitutional citizen.

“A corporation is a citizen, resident, or inhabitant of the state or country by or under the laws of which it was created, and of that state or country only.”
[19 Corpus Juris Secundum (C.J.S.), Corporations, §886 (2003)]

6. Federal Rule of Civil Procedure 17(b) is used to transport your identity to the District of Columbia, because that is where “U.S. Inc.” is domiciled and located, who is the REAL party in interest for those acting in a representative capacity.

IV. PARTIES > Rule 17.
Rule 17. Parties Plaintiff and Defendant; Capacity

(b) Capacity to Sue or be Sued.

Capacity to sue or be sued is determined as follows:

(1) for an individual who is not acting in a representative capacity, by the law of the individual's domicile;
(2) for a corporation[the “United States”, in this case, or its officers on official duty representing the corporation], by the law under which it was organized [laws of the District of Columbia]; and
(3) for all other parties, by the law of the state where the court is located, except that:
(A) a partnership or other unincorporated association with no such capacity under that state's law may sue or be sued in its common name to enforce a substantive right existing under the United States Constitution or laws; and
(B) 28 U.S.C. §§754 and 959(a) govern the capacity of a receiver appointed by a United States court to sue or be sued in a United States court.
[SOURCE: <http://www.law.cornell.edu/rules/frcp/Rule17.htm>]

7. The franchise contract is then used to transport your identity against your will to the Domicile of “U.S. Inc.” in what Mark Twain calls “the District of Criminals”. For example, 26 U.S.C. §7701(a)(39) and 26 U.S.C. §7408(d) are used to transport your identity to the District of Columbia under the Internal Revenue Code The “citizen or resident” they are talking about is the PUBLIC OFFICE, and NOT the human being and OFFICER filling the office.

TITLE 26 > Subtitle F > CHAPTER 79 > § 7701
§ 7701. Definitions

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

(39) Persons residing outside United States

*If any citizen or resident of the United States does not reside in (and is not found in) any United States judicial district, such citizen or resident **shall be treated as residing in the District of Columbia for purposes of any provision of this title** relating to—*

(A) jurisdiction of courts, or

(B) enforcement of summons

TITLE 26 > Subtitle F > CHAPTER 76 > Subchapter A > § 7408
§ 7408. Actions to enjoin specified conduct related to tax shelters and reportable transactions

(d) Citizens and residents outside the United States

*If any citizen or resident of the United States does not reside in, and does not have his principal place of business in, any United States judicial district, such citizen or resident **shall be treated for purposes of this section as residing in the District of Columbia.***

9.5.7 How private parties abuse franchises to compel you to contract with the government

Since all franchises are contracts or agreements that acquire the force of law ONLY by your express or implied consent, then any of the following activities represent an attempt to contract with the government grantor of the franchise:

1. Using a government form available only to franchisees.
2. Invoking or claiming any status within a government franchise. Such statuses include the following statutory statuses:
 - 2.1. "U.S. citizen", "U.S. resident", "U.S. person", or "taxpayer" (under the Internal Revenue Code).
 - 2.2. "Employee" under 26 U.S.C. §3401(c).
 - 2.3. "Employer" under 26 U.S.C. §3401(d).
 - 2.4. "Spouse" (under the Family Code of your state).
 - 2.5. "Driver" (under the Vehicle Code of your state).
 - 2.6. "Buyer" or "Seller" (under the FIRPTA provisions of the Internal Revenue Code, as described in Income Taxation of Real Estate Sales, Form #05.028).
3. Invoking or claiming any right or privilege within a government franchise. For instance:
 - 3.1. Receiving or being eligible to receive Social Security Benefits.
 - 3.2. Invoking a graduated and thereby REDUCED rather than fixed rate of tax under 26 U.S.C. §1.
 - 3.3. Invoking Earned income Credits under 26 U.S.C. §32.
 - 3.4. Invoking "trade or business" deductions available ONLY to those lawfully engaged in a public office within the U.S. and not State government under 26 U.S.C. §162.

As a risk reduction strategy, the legal departments of most companies will insist that all the people they deal with AGREE or CONSENT to be in a privileged status by insisting that they meet one of the above criteria. This is their technique essentially of:

1. Producing evidence to defend themselves from damages they cause to their clients by their ILLEGAL honoring of a levy or lien against a "nontaxpayer".
2. Producing evidence that you CONSENTED to be privileged, and therefore do not have standing in court to claim an injury against them.
3. Preventing themselves from becoming the target for IRS enforcement because they might be misconstrued as violating provisions within the Internal Revenue Code "trade or business" franchise agreement.

Keenly aware of the above, private companies such as escrow companies, financial services companies, businesses, and employers typically will tacitly compel you to contract with the government using the following means:

1. Invoking statutory franchise statuses on their application forms for service or the contracts (real estate sales contracts, for instance) that are the output of their services.
2. Saying they won't do business with you or provide the service you contract with them for unless:
 - 2.1. You invoke a statutory franchise status.
 - 2.2. You agree not to remove references to statutory statuses on their forms or output of their services.
 - 2.3. Submit knowingly FALSE withholding forms that misrepresent your status as a statutory "individual", "nonresident alien individual", or "taxpayer".
3. Secretly filing reports that connect you franchise statuses without your knowledge, as retribution for insisting that they NOT misrepresent your status in their records. Such reports include
 - 3.1. Currency Transaction Report (CTR), Form 8300. See:

Demand for Verified Evidence of "Trade or Business" Activity: Currency Transaction Report, Form #04.008
<http://sedm.org/Forms/FormIndex.htm>
 - 3.2. Suspicious Activity Report (S.A.R.) filed with the FINCEN of the Dept. of Treasury.

As an example of the above, here is a provision that a real estate escrow company put within a sales contract that FORCES the Seller to be subject to FIRPTA who would not otherwise be, as a precondition of the sale. Any astute reader will ensure that such provisions are NOT in THEIR land sale contract. This is an example of PRIVATE PARTIES compelling you into a privileged state and therefore destroying your constitutional rights.

Figure 2: FIRPTA provision within land sale contract

- 3i. 130. **IRS and FIRPTA Reporting:** Seller agrees to comply with IRS reporting requirements. If applicable, Seller agrees to complete, sign, 131. and deliver to Escrow Company a certificate indicating whether Seller is a foreign person or a non-resident alien pursuant to the 132. Foreign Investment in Real Property Tax Act ("FIRPTA"). Buyer and Seller acknowledge that if the Seller is a foreign person, the 133. Buyer must withhold a tax equal to 10% of the purchase price, unless an exemption applies.

1

2 The following defensive strategies should be pointed out in response to such CRIMINAL tactics by escrow companies:

- 3 1. FIRPTA only pertains to "United States" properties, which are properties physically located in a territory or possession
4 in which the United States government has outright or equity ownership of the entire property or a portion thereof.
5 This is covered in SEDM Forms #04.214, and 05.028.
- 6 2. An exclusively PRIVATE party who is not managing PUBLIC property does not have any status under the Internal
7 Revenue Code. All "individuals" and "persons" within the Internal Revenue Code are public officers or
8 instrumentalities within the U.S. government.
- 9 3. By including the above provision within a land sale contract against an otherwise exclusively PRIVATE party who is
10 not a public officer "taxpayer", they are acting as the equivalent of employment recruiters for the national government,
11 and doing so ILLEGALLY and in violation of 18 U.S.C. §§912, 201, 208, and 210.
- 12 4. One cannot, by exercising their right to contract with an otherwise PRIVATE party, LAWFULLY do any of the
13 following without criminally impersonating a public officer within the U.S. Government:
14 4.1. Invoke any franchise status, including "individual", "nonresident alien INDIVIDUAL", "taxpayer", "person", etc.
15 4.2. Invoke any privilege, payment, or "benefit" within a franchise. It is ILLEGAL for the government to pay
16 "benefits" to exclusively PRIVATE parties or to abuse their taxing power to redistribute wealth or "benefits"
17 among otherwise PRIVATE parties.
- 18 5. An exclusively PRIVATE party not acting as a public officer within the U.S. government at the time of executing the
19 above transaction would be committing perjury under penalty of perjury to sign any form that connects them to any
20 franchise status, benefit, or eligibility for benefit in violation of [18 U.S.C. §1542](#), [18 U.S.C. §1001](#), and [18 U.S.C.](#)
21 [§1621](#) if the document or any of its attachment requires a perjury statement.
- 22 6. All attempts by third parties you do business with that encourage you to put knowingly false statements on the
23 application for their services of the output of their services constitute a conspiracy to commit perjury.
- 24 7. It is VERY important to define ALL terms on all forms you fill out as being OTHER than the terms used in any state or
25 federal law. The contract provisions above, for instance, did not precisely define all terms, thus delegating UNDUE
26 DISCRETION to both the clerk receiving the form or the judge or jury viewing the form in future legal proceeding to
27 define the term in a way that needlessly benefits the government at your expense. The following form prevents such
28 abuse of language in the context of taxation and is an excellent and highly recommended way to prevent such abuses:

[Tax Form Attachment](#), Form #04.201
<http://sedm.org/Forms/FormIndex.htm>

- 29 8. All forms signed under penalty of perjury become testimony of a witness. It is a crime in violation of 18 U.S.C. §1512
30 and state law to tamper with, advise, or threaten such a witness to change or alter their testimony, and especially to
31 change it to something that they KNOW is false. That means they can't threaten you, withhold service from you, or
32 punish you in any way because they don't like what you put on their forms, or don't like the attachments you mandate
33 to their forms.
- 34 9. To protect oneself from such stealthful attempts by third parties to recruit you into a public office in the government,
35 you should ensure that the crimes and misrepresentations described herein are thoroughly and completely documented
36 IN WRITING in the administrative record of the party who attempted it AND in your own records, and that such
37 documentation is served upon them with the following form providing proof that you formally did so. This will
38 produce the evidence you will later need to prosecute the perpetrator of these injuries. They will try to avoid this by
39 talking with you on the phone or in person, but you should hang up the phone and tell them you want their responses
40 and ALL communications IN WRITING signed by a specific person in the company so that they CANNOT avoid
41 producing evidence admissible in court of their own wrongdoing:

[Certificate/Proof/Affidavit of Service](#), Form #01.002
<http://sedm.org/Forms/FormIndex.htm>

42 The greatest irony of all is that governments are CREATED to PROTECT your right to PRIVATELY CONTRACT, and yet
43 every opportunity where you could invoke their authority to protect the exercise of that right turns into an opportunity to
44 FORCE you to contract with THEM. They in effect through deceptive "words of art" attempt to INSERT themselves as
45 parties INTO EVERY contract, and then use that relationship to STEAL FROM, and ENSLAVE both parties to the contract
46 to themselves and extract AS MUCH wealth from the transaction as they want without contributing ANYTHING to the

transaction that either party regards as having any value at all. That's TOTALLY EVIL. The right to contract, if it is a right at all, certainly includes the right to contract the government OUT of the relationship between the parties. Here is how the U.S. Supreme Court describes the right of the federal government to INTERFERE with rather than PROTECT your PRIVATE right to contract:

Independent of these views, there are many considerations which lead to the conclusion that the power to impair contracts, by direct action to that end, does not exist with the general government. In the first place, one of the objects of the Constitution, expressed in its preamble, was the establishment of justice, and what that meant in its relations to contracts is not left, as was justly said by the late Chief Justice, in *Hepburn v. Griswold*, to inference or conjecture. As he observes, at the time the Constitution was undergoing discussion in the convention, the Congress of the Confederation was engaged in framing the ordinance for the government of the Northwestern Territory, in which certain articles of compact were established between the people of the original States and the people of the Territory, for the purpose, as expressed in the instrument, of extending the fundamental principles of civil and religious liberty, upon which the States, their laws and constitutions, were erected. By that ordinance it was declared, that, in the just preservation of rights and property, 'no law ought ever to be made, or have force in the said Territory, that shall, in any manner, interfere with or affect private contracts or engagements bona fide and without fraud previously formed.' The same provision, adds the Chief Justice, found more condensed expression in the prohibition upon the States against impairing the obligation of contracts, which has ever been recognized as an efficient safeguard against injustice; and though the prohibition is not applied in terms to the government of the United States, he expressed the opinion, speaking for himself and the majority of the court at the time, that it was clear 'that those who framed and those who adopted the Constitution intended that the spirit of this prohibition should pervade the entire body of legislation, and that the justice which the Constitution was ordained to establish was not thought by them to be compatible with legislation of an opposite tendency.' 8 Wall. 623. [99 U.S. 700, 765] Similar views are found expressed in the opinions of other judges of this court. In *Calder v. Bull*, which was here in 1798, Mr. Justice Chase said, that there were acts which the Federal and State legislatures could not do without exceeding their authority, and among them he mentioned a law which punished a citizen for an innocent act; a law that destroyed or impaired the lawful private contracts of citizens; a law that made a man judge in his own case; and a law that took the property from A. and gave it to B. 'It is against all reason and justice,' he added, 'for a people to intrust a legislature with such powers, and therefore it cannot be presumed that they have done it. They may command what is right and prohibit what is wrong; but they cannot change innocence into guilt, or punish innocence as a crime, or violate the right of an antecedent lawful private contract, or the right of private property. To maintain that a Federal or State legislature possesses such powers if they had not been expressly restrained, would, in my opinion, be a political heresy altogether inadmissible in all free republican governments.' 3 Dall. 388.

In *Ogden v. Saunders*, which was before this court in 1827, Mr. Justice Thompson, referring to the clauses of the Constitution prohibiting the State from passing a bill of attainder, an ex post facto law, or a law impairing the obligation of contracts, said: 'Neither provision can strictly be considered as introducing any new principle, but only for greater security and safety to incorporate into this charter provisions admitted by all to be among the first principles of our government. No State court would, I presume, sanction and enforce an ex post facto law, if no such prohibition was contained in the Constitution of the United States; so, neither would retrospective laws, taking away vested rights, be enforced. Such laws are repugnant to those fundamental principles upon which every just system of laws is founded.'

In the *Federalist*, Mr. Madison declared that laws impairing the obligation of contracts were contrary to the first principles of the social compact and to every principle of sound legislation; and in the *Dartmouth College Case* Mr. Webster contended that acts, which were there held to impair the obligation of contracts, were not the exercise of a power properly legislative, [99 U.S. 700, 766] as their object and effect was to take away vested rights. 'To justify the taking away of vested rights,' he said, 'there must be a forfeiture, to adjudge upon and declare which is the proper province of the judiciary.' Surely the Constitution would have failed to establish justice had it allowed the exercise of such a dangerous power to the Congress of the United States.

In the second place, legislation impairing the obligation of contracts impinges upon the provision of the Constitution which declares that no one shall be deprived of his property without due process of law; and that means by law in its regular course of administration through the courts of justice. Contracts are property, and a large portion of the wealth of the country exists in that form. Whatever impairs their value diminishes, therefore, the property of the owner; and if that be effected by direct legislative action operating upon the contract, forbidding its enforcement or transfer, or otherwise restricting its use, the owner is as much deprived of his property without due process of law as if the contract were impounded, or the value it represents were in terms wholly or partially confiscated.
[*Sinking Fund Cases*, 99 U.S. 700 (1878)]

9.5.8 How franchises are lawfully abused as snares by corrupt rulers to trap and enslave the innocent and the ignorant and Undermine the Constitutional separation of powers

Franchises are the method of choice in a free society by which the innocent, the sinful, or the ignorant are cunningly snared, abused and enslaved to the whims of civil rulers LAWFULLY.

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1 “The hand of the diligent will rule, but the lazy man will be put to **forced labor** [slavery!].”
2 [Prov. 12:24, Bible, NKJV]

3 Since participation is at least theoretically consensual and contractual, then no one who participates can claim an injury
4 cognizable in a real, Article III court under the common law:

5 *Volunt non fit injuria.*
6 *He who consents cannot receive an injury. 2 Bouv. Inst. n. 2279, 2327; 4 T. R. 657; Shelf. on mar. & Div. 449.*

7 *Consensus tollit errorem.*
8 *Consent removes or obviates a mistake. Co. Litt. 126.*

9 *Melius est omnia mala pati quam malo concentire.*
10 *It is better to suffer every wrong or ill, than to consent to it. 3 Co. Inst. 23.*

11 *Nemo videtur fraudare eos qui sciunt, et consentiunt.*
12 *One cannot complain of having been deceived when he knew the fact and gave his consent. Dig. 50, 17, 145.*
13 *[Bouvier's Maxims of Law, 1856;*
14 *SOURCE: <http://famguardian.org/Publications/BouvierMaximsOfLaw/BouviereMaxims.htm>]*

15 Everything the government gives you or promises you, and which is commonly called a “benefit” is, in fact, a snare used to
16 entice you into servitude to them because everything they give you will always have strings attached. The snare is not
17 physical, but legal and contractual. The mechanism of the snare works as follows:

18 **Catching Wild Pigs**

19 *A chemistry professor in a large college had some exchange students in the class. One day while the class was in*
20 *the lab the Professor noticed one young man (exchange student) who kept rubbing his back, and stretching as if*
21 *his back hurt.*

22 *The professor asked the young man what was the matter. The student told him he had a bullet lodged in his back.*
23 *He had been shot while fighting communists in his native country who were trying to overthrow his country's*
24 *government and install a new communist government.*

25 *In the midst of his story he looked at the professor and asked a strange question. He asked, 'Do you know how to*
26 *catch wild pigs?'*

27 *The professor thought it was a joke and asked for the punch line. The young man said this was no joke. 'You catch*
28 *wild pigs by finding a suitable place in the woods and putting corn on the ground. The pigs find it and begin to*
29 *come every day to eat the free corn. When they are used to coming every day, you put a fence down one side of*
30 *the place where they are used to coming. When they get used to the fence, they begin to eat the corn again and*
31 *you put up another side of the fence. They get used to that and start to eat again. You continue until you have all*
32 *four sides of the fence up with a gate in the last side. The pigs, who are used to the free corn, start to come through*
33 *the gate to eat, you slam the gate on them and catch the whole herd.*

34 *Suddenly the wild pigs have lost their freedom. They run around and around inside the fence, but they are caught.*
35 *Soon they go back to eating the free corn. They are so used to it that they have forgotten how to forage in the*
36 *woods for themselves, so they accept their captivity.*

37 *The young man then told the professor that is exactly what he sees happening to America. The government keeps*
38 *pushing us toward socialism and keeps spreading the free corn out in the form of programs such as supplemental*
39 *income, tax credit for unearned income, tobacco subsidies, dairy subsidies, payments not to plant crops (CRP),*
40 *welfare, medicine, drugs, etc.. While we continually lose our freedoms -- just a little at a time.*

41 *One should always remember: There is no such thing as a free lunch! Also, a politician will never provide a*
42 *service for you cheaper than you can do it yourself.*

43 *Also, if you see that all of this wonderful government 'help' is a problem confronting the future of democracy in*
44 *America, you might want to send this on to your friends. If you think the free ride is essential to your way of life*
45 *then you will probably delete this email, but God help you when the gate slams shut!*

46 *Keep your eyes on the newly elected politicians who are about to slam the gate on America.*

47 Those who want to trap animals lay out “bait” and rig the door of the trap to slam shut when the animal grabs the bait. People
48 can be trapped just as easily as animals and it happens all the time. For the government, this “bait” is called “benefits”. You

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1 “grab” or consume this bait by filling out an “application” such as a SSA Form SS-5, or IRS Forms W-7 or W-9. The courts
2 call this process of grabbing the bait and waiving your sovereign immunity “purposeful availment”.⁶⁸ Beyond the point of
3 taking the bait, you become a public officer in the government corporation. Hence, the “cage”, from a legal perspective, is a
4 corporation and the animal in the cage is a public officer. Why? Because the government can’t lawfully pay public funds to
5 private people. Therefore, you must be assimilated into the government corporation as a public officer and a public “person”
6 in order to lawfully receive the payment or “benefit” and in effect, become one of them.

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

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

14 Coulter, J., in *Northern Liberties v. St. John’s Church*, 13 Pa.St., 104 says, very forcibly, ‘I think the common
15 mind has everywhere taken in the understanding that taxes are a public imposition, levied by authority of the
16 government for the purposes of carrying on the government in all its machinery and operations—that they are
17 imposed for a public purpose.’ See, also *Pray v. Northern Liberties*, 31 Pa.St. 69; *Matter of Mayor of N.Y.*, 11
18 Johns., 77; *Camden v. Allen*, 2 Dutch., 398; *Sharpless v. Mayor*, supra; *Hanson v. Vernon*, 27 Ia., 47; *Whiting v.*
19 *Fond du Lac*, supra.”
20 [[Loan Association v. Topeka](#), 20 Wall. 655 (1874)]

21 Why must they assimilate you into the federal corporation called “government” as a public officer rather than just a private
22 worker or simply a human being? Because the only human beings they can lawfully impose duties upon are those who
23 consent to do so by contract and all franchises are contracts between the government grantor and the formerly private person.
24 Otherwise, the Thirteenth Amendment prohibits “involuntary servitude”. It doesn’t prohibit **VOLUNTARY SERVITUDE**.

25 Like every type of animal trap, the cage or trap is chained to the ground and destroys the mobility, liberty, sovereignty, and
26 freedom of those who eat or who are even eligible to eat the “bait”. That cage, in legal contemplation, is portable and can be
27 moved wherever the owner deems proper for their malicious purposes. By examining 26 U.S.C. §§7701(a)(9) and (a)(10),
28 7701(a)(39), and §7408(d), we see that both the cage and the headquarters of Babylon the Great Harlot federal corporation

⁶⁸ See, for instance, [Yahoo! Inc. v. La. Ligue Contre Le Racisme Et L’Antisemitisme](#), 433 F.3d. 1199 (9th Cir. 01/12/2006), in which the court held the following, which is entirely consistent with the Foreign Sovereign Immunities Act (F.S.I.A.), 28 U.S.C. §1605 et seq:

In this circuit, we analyze specific jurisdiction according to a three-prong test:

(1) The non-resident defendant must purposefully direct his activities or consummate some transaction with the forum or resident thereof; or perform some act by which he purposefully avails himself of the privilege of conducting activities in the forum, thereby invoking the benefits and protections of its laws;

(2) the claim must be one which arises out of or relates to the defendant’s forum-related activities; and

(3) the exercise of jurisdiction must comport with fair play and substantial justice, i.e. it must be reasonable.

Schwarzenegger v. Fred Martin Motor Co., 374 F.3d. 797, 802 (9th Cir. 2004) (quoting *Lake v. Lake*, 817 F.2d. 1416, 1421 (9th Cir. 1987)). The first prong is determinative in this case. We have sometimes referred to it, in shorthand fashion, as the “purposeful availment” prong. *Schwarzenegger*, 374 F.3d. at 802. Despite its label, this prong includes both purposeful availment and purposeful direction. It may be satisfied by purposeful availment of the privilege of doing business in the forum; by purposeful direction of activities at the forum; or by some combination thereof.

We have typically treated “purposeful availment” somewhat differently in tort and contract cases. In tort cases, we typically inquire whether a defendant “purposefully direct[s] his activities” at the forum state, applying an “effects” test that focuses on the forum in which the defendant’s actions were felt, whether or not the actions themselves occurred within the forum. See Schwarzenegger, 374 F.3d. at 803 (citing *Calder v. Jones*, 465 U.S. 783, 789-90 (1984)). By contrast, in contract cases, we typically inquire whether a defendant “purposefully avails itself of the privilege of conducting activities” or “consummate[s] [a] transaction” in the forum, focusing on activities such as delivering goods or executing a contract. See *Schwarzenegger*, 374 F.3d. at 802. However, this case is neither a tort nor a contract case. Rather, it is a case in which Yahoo! argues, based on the First Amendment, that the French court’s interim orders are unenforceable by an American court.

called the “United States” is the District of Columbia, or what Mark Twain calls “The District of Criminals”. Therefore you are chained to the District of Criminals because you are representing an office in the District of Columbia. The chain or cage:

1. Attaches to you at the point you consent by filling out the application for the “benefit”. Even if you were threatened and intimidated to fill out the form and thereby render it void, the government will look the other way by deliberately omitting to prosecute the source of the duress because doing so would stop the legal plunder.
2. Consists of the franchise contract that obligates you, the trapped animal, into economic and political servitude to the whims of bureaucrats in the government. This is your half of the “consideration” that forms the contract.
3. Attaches you to a legal “status” such as that of a statutory “taxpayer” (26 U.S.C. §7701(a)(14)), “citizen” (8 U.S.C. §1401), “benefit recipient”, or “federal personnel” (see 5 U.S.C. §552a(a)(12)). Only those who have this “status” can be the object of enforcement of the franchise contract. This status can ONLY be procured through your consent, as demonstrated in the following:

Your Exclusive Right to Declare or Establish Your Civil Status, Form #13.008
<http://sedm.org/Forms/FormIndex.htm>

The following document proves that the “bait” or “benefit” they snare you with, like the bait in real animal traps, was actually worth NOTHING from a legal standpoint because it created no real “right” to anything cognizable in a court of law:

The Government “Benefits” Scam, Form #05.040
<http://sedm.org/Forms/FormIndex.htm>

None of these concepts ought to be new or unfamiliar to Christians who regularly read the word of God. The very first city described in the Bible, which was Babylon, was established by a man name Nimrod who was described as a “mighty hunter”. What he hunted were MEN, and he did so by establishing cities full of “benefits” to lure them into the city from out of their agrarian primitive dwellings. To wit:

Cush begot Nimrod; he began to be a mighty one on the earth. ⁹ He was a mighty hunter before the LORD; therefore it is said, “Like Nimrod the mighty hunter before the LORD.” ¹⁰ And the beginning of his kingdom was Babel, Erech, Accad, and Calneh, in the land of Shinar. ¹¹ From that land he went to Assyria and built Nineveh, Rehoboth Ir, Calah, ¹² and Resen between Nineveh and Calah (that is the principal city). [Gen. 10:8-12, Bible, NKJV]

You can learn the story of Nimrod by listening to the following sermon on our website:

SEDM Sermons Page, Section 4.1: Statism
<http://sedm.org/Sermons/Sermons.htm>

The following video very powerfully proves that all present nations and countries are, in fact, simply “people farms” for “government livestock”, where YOU are the livestock!:

The REAL Matrix, Stefan Molyneux
YOUTUBE: <http://www.youtube.com/watch?v=P772Eb63qIY&>
LOCAL COPY: <https://sedm.org/media/the-real-matrix/>

The Bible also speaks directly, through the prophet Jeremiah, about those “who devise evil by law” as a way to trap and enslave men. The “snares” they are referring to, at least in the area of government and the legal field, are franchises. The phrase “fearing the Lord” is defined in Proverbs 8:13 as hating, and by implication punishing and preventing violation of God’s laws such as those described here:

*“ Let us now fear the LORD our God,
Who gives rain, both the former and the latter, in its season.
He reserves for us the appointed weeks of the harvest.”
Your iniquities have turned these things away, [filling out government forms for “benefits”]
And your sins have withheld good from you.
‘ For among My people are found wicked men [the District of Criminals, who are foreigners posing as
protectors];
They lie in wait as one who sets snares;
They set a trap;
They catch men.
As a cage is full of birds,*

1 So their houses are full of deceit. [in their usurious “codes” that are not law, but contracts]
2 Therefore they have become great and grown rich. [by stealing and spending TRILLIONS of dollars from those
3 who were unjustly compelled to participate in government franchises]
4 They have grown fat, they are sleek;
5 Yes, they surpass the deeds of the wicked;
6 They do not plead the cause, [who pleads such a cause?: LAWYERS!]
7 The cause of the fatherless; [or the “nontaxpayer”]
8 Yet they prosper,
9 And the right of the needy [or the “nontaxpayer”] they do not defend.
10 **Shall I not punish them for these things?’ says the LORD.**
11
12 ‘ Shall I not avenge Myself on such a nation as this? ’
13 **“An astonishing and horrible thing**
14 **Has been committed in the land:**
15 The prophets [pastors in 501c3 “privileged” churches] prophesy falsely,
16 **And the priests [judges, who preside over a civil religion of socialism that worships the “state”] rule by their**
17 **own power;**
18 **And My people love to have it so.**
19 **But what will you do in the end?”**
20 [Jeremiah 5:24-31, Bible, NKJV]

21 It is interesting to note that our most revered founding fathers understood these concepts and warned against engaging in
22 contracts or alliances, and by implication “franchises”, with any government, when they said:

23 “My ardent desire is, and my aim has been...to comply strictly with all our engagements foreign and domestic;
24 **but to keep the United States free from political connections with every other Country. To see that they may be**
25 **independent of all, and under the influence of none. In a word, I want an American character, that the powers**
26 **of Europe may be convinced we act for ourselves and not for others** [as “public officers”]; this, in my judgment,
27 is the only way to be respected abroad and happy at home.”
28 [George Washington, (letter to Patrick Henry, 9 October 1775);
29 Reference: The Writings of George Washington, Fitzpatrick, ed., vol. 34 (335)]

30 “About to enter, fellow citizens, on the exercise of duties which comprehend everything dear and valuable to you,
31 it is proper that you should understand what I deem the essential principles of our government, and consequently
32 those which ought to shape its administration. I will compress them within the narrowest compass they will bear,
33 stating the general principle, but not all its limitations. Equal and exact justice to all men, of whatever state or
34 persuasion, religious or political; **peace, commerce, and honest friendship with all nations – entangling**
35 **alliances [contracts, treaties, franchises] with none;**”
36 [Thomas Jefferson, First Inaugural Address, March 4, 1801]

37 The Bible also disdains contracts, covenants, and franchises with those who are not believers and especially with foreign
38 governments:

39 “Take heed to yourself, lest you make a covenant or mutual agreement [contract, franchise agreement] with the
40 inhabitants of the land to which you go, lest it become a snare in the midst of you.”
41 [Exodus 34:12, Bible, Amplified version]

42 Franchises are the main method by which malicious public servants in the government have systematically and
43 surreptitiously:

- 44 1. Corrupted the original purpose of the charitable public trust called “government” and usurped it in order to:
 - 45 1.1. Unconstitutionally expand their power and influence.
 - 46 1.2. Increase the pecuniary benefits of those serving the government.
 - 47 1.3. Deprive most Americans of equal protection that is the foundation of the United States Constitution.
- 48 2. Exceeded their territorial jurisdiction very deliberately put there for the protection of private rights.

49 *Debitum et contractus non sunt nullius loci.*
50 *Debt and contract [franchise agreement, in this case] are of no particular place.*

51
52 *Locus contractus regit actum.*
53 *The place of the contract [franchise agreement, in this case] governs the act.*
54 [Bouvier’s Maxims of Law, 1856;
55 SOURCE: <http://famguardian.org/Publications/BouvierMaximsOfLaw/BouviersMaxims.htm>]

- 56 3. Destroyed the separation of powers between the states and the federal government put there by the founding fathers for
57 the protection of our liberties. Franchises are abused to pay bribes to state officials to disregard and invade the rights of

those under their care and protection by condoning the illegal enforcement of federal statutory civil law and within their borders. See:

Government Conspiracy to Destroy the Separation of Powers, Form #05.023

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

4. Enforced federal statutory law directly against persons domiciled outside their territorial jurisdiction in states of the Union who do not work for the government and avoided the requirement to publish implementing enforcement regulations in the Federal Register. See:

Federal Enforcement Authority within States of the Union, Form #05.032

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

5. Introduced and expanded communism and socialism within America and inducted Americans unwittingly into the service of these causes:

[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 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**. 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 the tax laws] 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 recently 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 schools 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**. 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 (A.B.A.)] renders its existence a clear present and continuing danger to the security of the United States. It is the means whereby individuals are seduced into the service of the world Communist movement, trained to do its bidding, and directed and controlled in the conspiratorial performance of their revolutionary services. Therefore, the Communist Party should be outlawed*

For further details, see:

Socialism: The New American Civil Religion, Form #05.016

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

6. Created the "administrative state", whereby federal agencies are empowered to directly and unconstitutionally supervise the activities of otherwise private citizens and enforce federal statutory law against them. This sort of intrusion is repugnant to the Constitution:

"The power to "legislate generally upon" life, liberty, and property, as opposed to the "power to provide modes of redress" against offensive state action, was "repugnant" to the Constitution. Id., at 15. See also United States v. Reese, 92 U.S. 214, 218 (1876) ; United States v. Harris, 106 U.S. 629, 639 (1883) ; James v. Bowman, 190 U.S. 127, 139 (1903). Although the specific holdings of these early cases might have been superseded or modified, see, e.g., Heart of Atlanta Motel, Inc. v. United States, 379 U.S. 241 (1964) ; United States v. Guest, 383 U.S. 745 (1966) , their treatment of Congress' \$5 power as corrective or preventive, not definitional, has not been questioned."

[City of Boerne v. Flores, Archbishop of San Antonio, 521 U.S. 507 (1997)]

7. Caused a destruction of sovereign immunity and rights of persons domiciled in states of the Union that brings them under the control of the foreign law system that makes up the U.S. Code. See [28 U.S.C. §1605](#).

1 "If men, through fear, fraud, or mistake, should in terms renounce or give up any natural right, the eternal law
2 of reason and the grand end of society would absolutely vacate such renunciation. The right to freedom being a
3 gift of ALMIGHTY GOD, it is not in the power of man to alienate this gift and voluntarily become a slave."
4 [Samuel Adams, 1772]

- 5 8. Invaded the exclusive sovereignty of families and churches over charitable causes. Only churches and families can
6 lawfully engage in charitable causes. The U.S. Supreme Court has said that the government may not use its power to tax
7 to compel anyone to subsidize "benefits", whether charitable or not, to the public at large:

8 "Men are endowed by their Creator with certain unalienable rights, -life, liberty, and the pursuit of happiness;'
9 and to 'secure,' not grant or create, these rights, governments are instituted. That property [or income] which a
10 man has honestly acquired he retains full control of, subject to these limitations: First, that he shall not use it
11 to his neighbor's injury, and that does not mean that he must use it for his
12 neighbor's benefit [e.g. SOCIAL SECURITY, Medicare, and every other
13 public "benefit"]; second, that if he devotes it to a public use, he gives to the public a right to control
14 that use; and third, that whenever the public needs require, the public may take it upon payment of due
15 compensation."
16 [Budd v. People of State of New York, [143 U.S. 517](#) (1892)]
17

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

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

25 Coulter, J., in Northern Liberties v. St. John's Church, 13 Pa.St. 104 says, very forcibly, 'I think the common
26 mind has everywhere taken in the understanding that taxes are a public imposition, levied by authority of the
27 government for the purposes of carrying on the government in all its machinery and operations—that they are
28 imposed for a public purpose.' See, also Pray v. Northern Liberties, 31 Pa.St. 69; Matter of Mayor of N.Y., 11
29 Johns., 77; Camden v. Allen, 2 Dutch., 398; Sharpless v. Mayor, supra; Hanson v. Vernon, 27 Ia., 47; Whiting v.
30 Fond du Lac, supra."
31 [Loan Association v. Topeka, 20 Wall. 655 (1874)]
32

WARNING: Participating in ANY government franchise can leave you entirely without standing or remedy in any federal court! Essentially, by eating out of the government's hand, you are SCREWED, BLACK AND BLUED, and TATTOOED!

"These general rules are well settled: (1) That the United States, when it creates rights in individuals against itself [a "public right", which is a euphemism for a "franchise" to help the court disguise the nature of the transaction], is under no obligation to provide a remedy through the courts. United States ex rel. Dunlap v. Black, 128 U.S. 40, 9 Sup.Ct. 12, 32 L.Ed. 354; Ex parte Atocha, 17 Wall. 439, 21 L.Ed. 696; Gordon v. United States, 7 Wall. 188, 195, 19 L.Ed. 35; De Groot v. United States, 5 Wall. 419, 431, 433, 18 L.Ed. 700; Comegys v. Vasse, 1 Pet. 193, 212, 7 L.Ed. 108. (2) That where a statute creates a right and provides a special remedy, that remedy is exclusive. Wilder Manufacturing Co. v. Corn Products Co., 236 U.S. 165, 174, 175, 35 Sup.Ct. 398, 59 L.Ed. 520, Ann. Cas. 1916A, 118; Arnsen v. Murphy, 109 U.S. 238, 3 Sup.Ct. 184, 27 L.Ed. 920; Barnet v. National Bank, 98 U.S. 555, 558, 25 L.Ed. 212; Farmers' & Mechanics' National Bank v. Dearing, 91 U.S. 29, 35, 23 L.Ed. 196. Still the fact that the right and the remedy are thus intertwined might not, if the provision stood alone, require us to hold that the remedy expressly given excludes a right of review by the Court of Claims, where the decision of the special tribunal involved no disputed question of fact and the denial of compensation was rested wholly upon the construction of the act. See Medbury v. United States, 173 U.S. 492, 198, 19 Sup.Ct. 503, 43 L.Ed. 779; Parish v. MacVeagh, 214 U.S. 124, 29 Sup.Ct. 556, 53 L.Ed. 936; McLean v. United States, 226 U.S. 374, 33 Sup.Ct. 122, 57 L.Ed. 260; United States v. Laughlin (No. 200), 249 U.S. 440, 39 Sup.Ct. 340, 63 L.Ed. 696, decided April 14, 1919.: [U.S. v. Babcock, 250 U.S. 328, 39 S.Ct. 464 (1919)]

For a detailed exposition of why the above is true, see also [Allen v. Graham, 8 Ariz.App. 336, 446 P.2d. 240 \(Ariz.App. 1968\)](#). Signing up for government entitlements hands them essentially a blank check, because they, and not you, determine the cost for the service and how much you will pay for it beyond that point. This makes the public servant into your Master and beyond that point, you must lick the hands that feed you. Watch Out! NEVER, EVER take a hand-out from the government of ANY kind, or you'll end up being their CHEAP WHORE. The Bible calls this WHORE "Babylon the

Great Harlot". **Remember:** Black's Law Dictionary defines "commerce", e.g. commerce with the GOVERNMENT, as "intercourse". Bend over!

***Commerce.** ...**Intercourse** by way of trade and traffic between different peoples or states and the citizens or inhabitants thereof, including not only the purchase, sale, and exchange of commodities, but also the instrumentalities [**governments**] and agencies by which it is promoted and the means and appliances by which it is carried on..."*

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

Government franchises and licenses are the main method for destroying the sovereignty of the people pursuant to [28 U.S.C. §1603](#)(b)(3) and [28 U.S.C. §1605](#)(a)(2) . They are also the MAIN method that our public servants abuse to escape the straight jacket limits of the constitution. Below is an admission by the U.S. Supreme Court of this fact in relation to Social Security:

*"We must conclude that a person covered by the Act has not such a right in benefit payments... This is not to say, however, that Congress may exercise its power to modify the statutory scheme **free of all constitutional restraint.**"*

[Flemming v. Nestor, [363 U.S. 603](#) (1960)]

For further details on how franchises destroy rights and undermine the constitutional requirement for equal protection, read the [Sovereignty Forms and Instructions Manual, Form #10.005, Form #10.005 Sections 1.4 through 1.11.](#)

Those who exercise their right to contract in procuring a franchise become "residents" of the forum or jurisdiction where the other party to the franchise agreement resides or where the agreement itself specifies. In the context of the Internal Revenue Code, Subtitle A "trade or business" franchise agreement, the agreement itself, in [26 U.S.C. §§7701](#)(a)(39) and [7408](#)(d), specifies where the parties to the agreement MUST litigate all disputes. That place is the District of Columbia for all persons who have no domicile in the District of Columbia because they are either domiciled in a foreign country or a state of the Union.

9.6 The Internal Revenue Code is not Public or Positive Law, but Private Law

9.6.1 The Internal Revenue Code repealed itself and all prior revenue statutes when it was codified in 1939

There have been three major versions of the Internal Revenue Code since its inception: 1939, 1954, 1986. If you trace the history of the current Internal Revenue Code, you will find that it began with the 1939 code. All revenue laws prior to the 1939 Internal Revenue Code were repealed when the 1939 code was enacted, as evidenced by 53 Stat. 1, Section 4. In addition to repealing all the previous revenue laws, the 1939 code repealed itself! Below is the language of the repeal:

AN ACT

To consolidate and codify the internal revenue laws of the United States.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the laws of the United States hereinafter codified and set forth as a part of this act under the heading "Internal Revenue Title" are hereby enacted into law.

SEC. 2. CITATION.—This act and the internal revenue title incorporated herein shall be known as the Internal Revenue Code and may be cited as "I. R. C.".

SEC. 3. EFFECTIVE DATE.—Except as otherwise provided herein, this act shall take effect on the day following the date of its enactment.

SEC. 4. REPEAL AND SAVINGS PROVISIONS.—(a) The Internal Revenue Title, as hereinafter set forth, is intended to include all general laws of the United States and parts of such laws, relating exclusively to internal revenue, in force on the 2d day of January 1939 (1) of a permanent nature and (2) of a temporary nature if embraced in said Internal Revenue Title. **In furtherance of that purpose, all such laws and parts of laws codified herein, to the extent they relate exclusively to internal revenue, are repealed, effective, except as provided in section 5, on the day following the date of the enactment of this act.**

(b) Such repeal shall not affect any act done or any right accruing or accrued, or any suit or proceeding had or commenced in any civil cause before the said repeal, but all rights and liabilities under said acts shall continue, and may be enforced in the same manner, as if said repeal had not been made; nor shall any office, position,

employment, board, or committee, be abolished by such repeal, but the same shall continue under the pertinent provisions of the Internal Revenue Title.

(c) All offenses committed, and all penalties or forfeitures incurred under any statute hereby repealed, may be prosecuted and punished in the same manner and with the same effect as if this act had not been passed.

(d) All acts of limitation, whether applicable to civil causes and proceedings, or to the prosecution of offenses, or for the recovery of penalties or forfeitures, hereby repealed shall not be affected thereby, but all suits, proceedings, or prosecutions, whether civil or criminal, for causes arising, or acts done or committed, prior to said repeal, may be commenced and prosecuted within the same time as if this act had not been passed.

(e) The authority vested in the President of the United States, or in any officer or officers of the Treasury Department, by the law as it existed immediately prior to the enactment of this act, hereafter to give publicity to tax returns required under any internal revenue law in force immediately prior to the enactment of this act or any information therein contained, and to furnish copies thereof and to prescribe the terms and conditions upon which such publicity may be given or such copies furnished, and to make rules and regulations with respect to such publicity, is hereby preserved. And the provisions of law authorizing such publicity and prescribing the terms, conditions, limitations, and restrictions upon such publicity and upon the use of the information gained through such publicity and the provisions of law prescribing penalties for unlawful publicity of such returns and for unlawful use of such information are hereby preserved and continued in full force and effect.

SEC. 5. CONTINUANCE OF EXISTING LAW.—Any provision of law in force on the 2d day of January 1939 corresponding to a provision contained in the Internal Revenue Title shall remain in force until the corresponding provision under such Title takes effect.

SEC. 6. ARRANGEMENT, CLASSIFICATION, AND CROSS REFERENCES.—The arrangement and classification of the several provisions of the Internal Revenue Title have been made for the purpose of a more convenient and orderly arrangement of the same, and, therefore, no inference, implication or presumption of legislative construction shall be drawn or made by reason of the location or grouping of any particular section or provision or portion thereof, nor shall any out-line, analysis, cross reference, or descriptive matter relating to the contents of said Title be given any legal effect.

SEC. 7. EFFECT UPON SUBSEQUENT LEGISLATION.—The enactment of this act shall not repeal nor affect any act of Congress passed since the 2d day of January 1939, and all acts passed since that date shall have full effect as if passed after the enactment of this act; but, so far as such acts vary from, or conflict with, any provision contained in this act, they are to have effect as subsequent statutes, and as repealing any portion of this act inconsistent therewith.

SEC. 8. COPIES AS EVIDENCE OF ORIGINAL.—Copies of this act printed at the Government Printing Office and bearing its imprint shall be conclusive evidence of the original Internal Revenue Code in the custody of the Secretary of State.

SEC. 9. PUBLICATION.—The said Internal Revenue Code shall be published as a separate part of a volume of the United States Statutes at Large, with an appendix and index, but without marginal references; the date of enactment, bill number, public and chapter number shall be printed as a headnote.

SEC. 10. INTERNAL REVENUE TITLE.—The Internal Revenue Title, heretofore referred to, and hereby and herein enacted into law, is as follows:..
[Internal Revenue Code of 1939, 53 Stat. 1]

You can find the 1939 Internal Revenue Code language above on the web at:

Internal Revenue Code of 1939

<http://www.famguardian.org/Disks/LawDVD/Federal/RevenueActs/Revenue%20Act%20of%201939.pdf>

Subsequent versions of the 1939 code did not enact Title 26 of the United States Code into positive law either. There have been two major revisions of the Internal Revenue Code since the 1939 code: 1954 Code and 1986 Code. Both of these codes referred to themselves simply as “amendments”, but what they amended was a repealed code that was dead! If you look at the list of amendments in the 1954 code, it doesn’t even list the sections of the previous 1939 code that were changed, and the reason it doesn’t is because it is amending a dead, inactive, and repealed code! That is why the Internal Revenue Code is not only not positive law, but does not appear to be enacted law at all. Instead, it is a “code of repealed laws” that have no force and effect at all against anyone who does not explicitly consent in some way. Consequently, any legal trials based on the Internal Revenue Code are simply religious inquisitions and not valid legal proceedings by any stretch of the imagination.

The “enactment” of the I.R.C. of 1954 was not the enactment into law of *everything* contained in that title, it was only the designation of the 1954 code as the new official “prima facie evidence” of the actual laws being represented by “code” (some of the more significant of which-- such as what is reflected in chapter 24 of the current code-- had been enacted after 1939). That is, prior to the 1954 code, the 1939 code was the official prima facie (conveniently indicative, but not legally definitive) evidence of the actual law-in-force. With the adoption of the 1954 code, the new version became that official “prima facie evidence”.

Even the limited significance of this “enactment” is not as significant as it appears at first glance, because even the replacement of the 1939 code as prima facie evidence of the statutes is only partial. Section 7851 of the 1954 code contains extensive specifications as to which parts of the 1939 code are replaced by 1954 provisions, and to which specific things those limited replacements apply, making clear that much of the 1939 code remains the official codified representation of the actual statutes. For instance, Section 7851(a)(1)(A) reads as follows:

(1) SUBTITLE A.—

(A) Chapters 1, 2, 4, and 6 of this title shall apply only with respect to taxable years beginning after December 31, 1953, and ending after the date of enactment of this title, and with respect to such taxable years, chapters 1 (except sections 143 and 144) and 2, and section 3801, of the Internal Revenue Code of 1939 are hereby repealed.

The new 1954 code is a far less useful version, as it turns out. This is because those portions of the 1954 code purporting to represent laws-in-force prior to 1939 (which includes the vast majority of the internal revenue laws currently in effect) are actually just representations of the 1939 code representations of those laws, and with a great deal of consolidation and rearrangement (ostensibly for the purpose of brevity or better organization). Only those statutes passed since the last 1939 code had been published are freshly represented in the 1954 code, a fact expressed in its “Derivation Tables” referenced at the end of this section.

The same is true of the “1986 code” (which is, in fact, nothing but the 1954 code with a new name, per Pub. L. 99-514, Sec. 2, Oct. 22, 1986, 100 Stat. 2095), which is why the derivation tables for that version contain no references to the 1954 code at all, but refer directly back to the 1939 code as the source from which all older statutory representations are derived.

“Of the 50 titles, only 23 have been enacted into positive (statutory) law. These titles are 1, 3, 4, 5, 9, 10, 11, 13, 14, 17, 18, 23, 28, 31, 32, 35, 36, 37, 38, 39, 44, 46, and 49. When a title of the Code was enacted into positive law, the text of the title became legal evidence of the law. Titles that have not been enacted into positive law are only prima facie evidence of the law. In that case, the Statutes at Large still govern.”

[United States Government Printing Office Website;

SOURCE: <http://www.gpoaccess.gov/uscode/about.html>]

“Certain titles of the Code have been enacted into positive law, and pursuant to section 204 of title 1 of the Code, the text of those titles is legal evidence of the law contained in those titles. The other titles of the Code are prima facie evidence of the laws contained in those titles. The following titles of the Code have been enacted into positive law: 1, 3, 4, 5, 9, 10, 11, 13, 14, 17, 18, 23, 28, 31, 32, 35, 36, 37, 38, 39, 40, 44, 46, and 49.”

[United States House of Representatives Office of the Law Revision Counsel;

SOURCE: <http://uscode.house.gov/about/info.shtml>]

It will therefore be observed that title 26 is not an enacted title, either when it was first codified in 1939 or in any enactment since.

If you would like to see a history of the genesis of each section of the current Internal Revenue Code published by the U.S. government, see the following:

Derivations of Code Sections of the Internal Revenue Codes of 1939 and 1954, Litigation Tool #09.007

<http://sedm.org/Litigation/LitIndex.htm>

Finally, if you would like exhaustive proof of how the Internal Revenue Code has been used to create a state-sponsored religion in which “presumption” acts as a substitute for religious faith, and the object of worship is the government rather than the true and living God, see:

Socialism: The New American Civil Religion, Form #05.016

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

1 **9.6.2 The Internal Revenue Code is not public law or positive law, but private law that only applies to those who**
2 **individually consent**

3 You can find a list of specific titles of the U.S. Code that are positive law by examining 1 U.S.C. §204. In addition, each
4 Title of the U.S. Code indicates whether or not it contains positive law. As an example, Title One, General provisions, starts
5 out with:

6 *"This title has been made positive law by section 1 of the act of July 30, 1947, ch. 388, 61 Stat. 633, which*
7 *provided in part that: 'Title 1 of the United States Code entitled 'General Provisions,' is codified and enacted*
8 *into positive law and may be cited as '1 U.S.C. Sec....'"*

9 Whereas Title 26 makes no statement that it is positive law. Congress just says that I.R. Codes were "enacted" and how they
10 may be cited, but never explicitly says they are "positive law". That means they don't obligate you to anything without your
11 explicit consent in some form. In that sense, they are "private law" and amount essentially to a contract for federal
12 employment.

13 No reference to the I.R. Code being positive law either in 1 U.S.C. §204 or in the "Title" itself confirms that it is "private
14 law" that applies to specific "persons" rather than "all persons generally".

15 *"The foregoing considerations would lead, in case of doubt, to a construction of any statute as intended to be*
16 *confined in its operation and effect to the territorial limits over which the lawmaker has general and legitimate*
17 *power. 'All legislation is prima facie territorial.' Ex parte Blain, L. R. 12 Ch. Div. 522, 528; State v. Carter, 27*
18 *N.J.L. 499; People v. Merrill, 2 Park. Crim. Rep. 590, 596. Words having universal scope, such as 'every*
19 *contract in restraint of trade,' 'every person who shall monopolize,' etc., will be taken, as a matter of course,*
20 *to mean only everyone subject to such legislation, not all that the legislator subsequently may be able to catch.*
21 *In the case of the present statute, the improbability of the United States attempting to make acts done in Panama*
22 *or Costa Rica criminal is obvious, yet the law begins by making criminal the acts for which it gives a right to sue.*
23 *We think it entirely plain that what the defendant did in Panama or Costa Rica is not within the scope of the*
24 *statute so far as the present suit is concerned. Other objections of a serious nature are urged, but need not be*
25 *discussed."*
26 *[American Banana Co. v. U.S. Fruit, 213 U.S. 347 at 357-358]*

27 *"The law of Congress in respect to those matters do not extend into the territorial limits of the states, but have*
28 *force only in the District of Columbia, and other places that are within the exclusive jurisdiction of the national*
29 *government."*
30 *[Caha v. United States, 152 U.S. 211 (March 5, 1894)]*

31 These specific "persons" are public officers who chose to become "effectively connected" with the U.S. Government income.
32 All such "persons" and "individuals" are employees, instrumentalities, agencies within the U.S. Government. They cannot
33 be private parties because the Supreme Court has held that the ability to regulate private conduct is "repugnant to the
34 Constitution":

35 *"The power to 'legislate generally upon' life, liberty, and property [of PRIVATE citizens], as opposed to the*
36 *'power to provide modes of redress' against offensive state action, was 'repugnant' to the Constitution. Id., at*
37 *15. See also United States v. Reese, 92 U.S. 214, 218 (1876); United States v. Harris, 106 U.S. 629, 639 (1883);*
38 *James v. Bowman, 190 U.S. 127, 139 (1903). Although the specific holdings of these early cases might have been*
39 *superseded or modified, see, e.g., Heart of Atlanta Motel, Inc. v. United States, 379 U.S. 241 (1964); United*
40 *States v. Guest, 383 U.S. 745 (1966), their treatment of Congress' §5 power as corrective or preventive, not*
41 *definitional, has not been questioned."*
42 *[City of Boerne v. Flores, Archbishop of San Antonio, 521 U.S. 507 (1997)]*

43 This is confirmed, for instance, by:

- 44 1. 26 U.S.C. §6331(a), which is the ONLY person against whom levy and distraint (enforcement) may be instituted.
45 2. 26 U.S.C. §7343, which defines "person" for the purposes of the criminal provisions of the Internal Revenue Code as:

46 *"...an officer or employee of a corporation, or a member or employee of a partnership, who as such officer,*
47 *employee, or member is under a duty to perform the act in respect of which the violation occurs."*

- 48 3. 26 U.S.C. §6671(b), which defines "person" for the purposes of the penalty provisions of the Internal Revenue Code as:

49 *"...an officer or employee of a corporation, or a member or employee of a partnership, who as such officer,*
50 *employee, or member is under a duty to perform the act in respect of which the violation occurs."*

Incidentally, the “duty” they are talking about above is fiduciary duty as a “transferee” over federal payments. This fiduciary duty is then defined in 26 U.S.C. §6903. The fiduciary duty was created when you signed up to be a “trustee” for the Social Security Trust by signing and submitting SSA Form SS-5. A trustee is a person who has a fiduciary duty to the Beneficiary of the trust. Your elected representatives in the District of Columbia are the beneficiary of the trust, which has a domicile in the District of Columbia pursuant to Federal Rule of Civil Procedure 17(b). See the following for exhaustive details on this scam:

Resignation of Compelled Social Security Trustee, Form #06.002

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

Another very important point about codes that are not “positive law” needs to be made here, which is that those codes within the U.S. code which are not “positive law”, such as the Internal Revenue Code, are described simply as “prima facie evidence” of law. 1 U.S.C. §204 and the notes thereunder describe the Internal Revenue Code as a “code” or a “title”, but NEVER as a “law”. Below is the text of 1 U.S.C. §204 to demonstrate this:

TITLE 1 > CHAPTER 3 > §204

§204. Codes and Supplements as evidence of the laws of United States and District of Columbia; citation of Codes and Supplements

In all courts, tribunals, and public offices of the United States, at home or abroad, of the District of Columbia, and of each State, Territory, or insular possession of the United States—

(a) United States Code.—

The matter set forth in the edition of the Code of Laws of the United States current at any time shall, together with the then current supplement, if any, establish prima facie the laws of the United States, general and permanent in their nature, in force on the day preceding the commencement of the session following the last session the legislation of which is included: Provided, however, That whenever titles of such Code shall have been enacted into positive law the text thereof shall be legal evidence of the laws therein contained, in all the courts of the United States, the several States, and the Territories and insular possessions of the United States.

The term “prima facie evidence” is a fancy legal term or “word of art” that simply means “presumed to be law until rebutted with substantive evidence”. “Prima facie” means “presumed”:

“Prima facie. Lat. At first sight; on the first appearance; on the face of it; so far as can be judged from the first disclosure; **presumably; a fact presumed to be true unless disproved by some evidence to the contrary.** State ex rel. Herbert v. Whims, 68 Ohio.App. 39, 28 N.E.2d. 596, 599, 22 O.O. 110. See also Presumption”
[Black’s Law Dictionary, Sixth Edition, p. 1189]

Based on the discussion of “presumption” at:

Presumption: Chief Weapon for Unlawfully Enlarging Federal Jurisdiction, Form #05.017

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

...and the detailed coverage of “due process” starting in section 5.4.14 of the Great IRS Hoax, Form #11.302, we know that anything involving “presumption” is not only a Biblical sin under Psalm 19:12-13 and Numbers 15:30, but also is a violation of “due process”.

“The power to create [false] presumptions is not a means of escape from constitutional restrictions,”
[New York Times v. Sullivan, 376 U.S. 254 (1964)]

This court has never treated a presumption as any form of evidence. See, e.g., A.C. Aukerman Co. v. R.L. Chaides Constr. Co., 960 F.2d. 1020, 1037 (Fed.Cir.1992) (“[A] presumption is not evidence.”); see also Del Vecchio v. Bowers, 296 U.S. 280, 286, 56 S.Ct. 190, 193, 80 L.Ed. 229 (1935) (“[A] presumption cannot acquire the attribute of evidence in the claimant’s favor.”); New York Life Ins. Co. v. Gamer, 303 U.S. 161, 171, 58 S.Ct. 500, 503, 82 L.Ed. 726 (1938) (“[A] presumption is not evidence and may not be given weight as evidence.”). Although a decision of this court, Jensen v. Brown, 19 F.3d. 1413, 1415 (Fed.Cir.1994), dealing with presumptions in VA law is cited for the contrary proposition, the Jensen court did not so decide.
[Routen v. West, 142 F.3d. 1434 C.A.Fed.,1998]

“Conclusive presumptions affecting protected interests: A conclusive presumption may be defeated where its application would impair a party’s constitutionally-protected liberty or property interests. In such cases,

conclusive presumptions have been held to violate a party's due process and equal protection rights. [Vlandis v. Kline (1973) 412 U.S. 441, 449, 93 S.Ct. 2230, 2235; Cleveland Bd. of Ed. v. LaFleur (1974) 414 U.S. 632, 639-640, 94 S.Ct. 1208, 1215-presumption under Illinois law that unmarried fathers are unfit violates process]" [Federal Civil Trials and Evidence, Rutter Group, paragraph 8:4993, p. 8K-34]

"But where the conduct or fact, the existence of which is made the basis of the statutory presumption, itself falls within the scope of a provision of the Federal Constitution, a further question arises. It is apparent 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. And the state may not in this way interfere with matters withdrawn from its authority by the Federal Constitution, or subject an accused to conviction for conduct which it is powerless to proscribe." [Bailey v. State of Alabama, 219 U.S. 219 (1911)]

It is a violation of due process to "assume" or "presume" that anything is "law" unless it was enacted into positive law and evidence is entered on the record of same. Positive law is the only legitimate or admissible evidence that the people ever consented to the enforcement of an enactment, and without such explicit consent, no enactment is enforceable nor may it adversely affect a person's rights. Once again, the Declaration of Independence says that all just powers derive from "consent", which implies that any compulsion by government absent consent is unjust. The only exception to this rule is the criminal laws, which could not function properly if consent of the criminal was required. "Presumption", in fact, is the OPPOSITE of "due process", as the definition of "due process" admits in Black's Law Dictionary:

"Due process of law. Law in its regular course of administration through courts of justice. Due process of law in each particular case means such an exercise of the powers of the government as the settled maxims of law permit and sanction, and under such safeguards for the protection of individual rights as those maxims prescribe for the class of cases to which the one in question belongs. A course of legal proceedings according to those rules and principles which have been established in our systems of jurisprudence for the enforcement and protection of private rights. To give such proceedings any validity, there must be a tribunal competent by its constitution—that is, by the law of the creation—to pass upon the subject-matter of the suit; and, if that involves merely a determination of the personal liability of the defendant, he must be brought within its jurisdiction by service of process within the state, or his voluntary appearance. Pennoyer v. Neff, 95 U.S. 714, 24 L.Ed. 565. Due process of law implies the right of the person affected thereby to be present before the tribunal which pronounces judgment upon the question of life, liberty, or property, in its most comprehensive sense; to be heard, by testimony or otherwise, and to have the right of controverting, by proof, every material fact which bears on the question of right in the matter involved. If any question of fact or liability be conclusively be presumed [rather than proven] against him, this is not due process of law [and in fact is a VIOLATION of due process.]" [Black's Law Dictionary, Sixth Edition, p. 500; Emphasis added]

How do we rebut the false "presumption" that the Internal Revenue Code is law using admissible evidence? One way to rebut the fact that the Internal Revenue Code is "law" is to present section 4 of the 1939 Internal Revenue Code itself, located in 53 Stat. 1, and show that the code repealed all prior revenue laws as well as itself, and therefore is unenforceable. You can also present 1 U.S.C. §204 to show that it is not "law" or "positive law", but is "presumed to be law". Since all presumption which prejudices Constitutional rights is a violation of due process, then the code cannot be used as a substitute for real positive law evidence. The only reason this wouldn't work in a court of law is because a tyrant judge with a conflict of interest (in violation of 18 U.S.C. §208 and 28 U.S.C. §455) who is subject to IRS extortion won't allow such evidence to be admitted at trial because it is too likely to reduce his federal retirement benefits. However, if we put the evidence in our IRS administrative record BEFORE the trial by attaching it to the certified mail correspondence we send them, and keep the original correspondence and the notarized proof that we mailed it, then the corrupt judge can no longer keep it out of evidence and may not grant a motion "in limine" by the Department of Injustice to exclude it as evidence at trial. Our administrative record with the IRS is ALWAYS admissible as evidence.

The authority of the IRS is limited to seeing that a proper "return" (kickback) of U.S. Government property (income) is made by Federal Government "employees" and fiduciaries (Trustees) in the name of "tax". The tax is actually corporate profit that is kicked back to the mother corporation, which is defined as the "United States" in 28 U.S.C. §3002(15)(A). When IRS employees act upon property not within the authority given them by the I.R. Code, they are NOT acting in behalf of the U.S. government and must personally accept the consequences of their illegal actions.

IRS employees and government welfare recipients such as tax attorneys have invented a number of specious and false arguments relating to the fact that the Internal Revenue Code is not "positive law". They will try to exploit your legal ignorance in order to deceive you into thinking that it IS positive law by any one of the following statements. Some have

observed these false statements being made by Mr. Rookyard (http://www.geocities.com/b_rookard/) as he was debated him on the Sui Juris Forums (<http://suijuris.net>). The information below was used to “checkmate” him on each of these issues and thereby exposed his fraud to the large audience there. We have cataloged each false statement and provided a rebuttal you can use against it:

1. **FALSE STATEMENT #1:** “Everything in the Statutes at Large is ‘positive law’. The IRC was published in the Statutes at Large. Therefore, the Internal Revenue Code MUST be positive law.”
2. **REBUTTAL TO FALSE STATEMENT #1:** Not everything in the Statutes at Large is “positive law”, in fact. Both the current Social Security Act and the current Internal Revenue Code (the 1986 code) were published in the Statutes at Large and 1 U.S.C. §204 indicate that NEITHER Title 26 (the Internal Revenue Code) nor Title 42 (the Social Security Act) of the U.S. Code are “positive law”. Therefore, this is simply a false statement. If you would like to see the evidence for yourself, here it is:
 - 2.1. 1 U.S.C. §204:
<https://www.law.cornell.edu/uscode/text/1/204>
 - 2.2. 1986 Internal Revenue Code, 100 Stat 2085:
<http://www.famguardian.org/Disks/LawDVD/Federal/RevenueActs/Revenue%20Act%20of%201986.pdf>
 - 2.3. Current Social Security Act: http://www.ssa.gov/OP_Home/ssact/comp-toc.htm
3. **FALSE STATEMENT #2:** “The Statutes at Large, 53 Stat. 1, say the 1939 Internal Revenue Code was ‘enacted’. Anything that is ‘enacted’ is ‘law’. Therefore, the 1939 Internal Revenue Code and all subsequent versions of it MUST be positive law.”
4. **REBUTTAL TO FALSE STATEMENT #2:** A repeal of a statute can be enacted, and it produces no new “law”. Seeing the word “enacted” in the Statutes of Law does not therefore necessarily imply that new “law” was created. In fact, you can go over both the current version of 1 U.S.C. §204 and all of its predecessors all the way back to 1939 and you will not find a single instance where the Internal Revenue Code has ever been identified as “positive law”. If you think we are wrong, then show us the proof or shut your presumptuous and deceitful mouth.
5. **FALSE STATEMENT #3:** “The Internal Revenue Code does not need to be ‘positive law’ in order to be enforceable. Federal courts and the I.R.S. call it ‘law’ so it must be ‘law’.”
6. **REBUTTAL TO FALSE STATEMENT #3:** The federal courts are a foreign jurisdiction with respect to a state national domiciled in his state on land not subject to exclusive federal jurisdiction under Article 1, Section 8, Clause 17 and who has no contracts or fiduciary relationships with the federal government. This is covered extensively in the *Tax Fraud Prevention Manual*, Form #06.008, Chapter 6. Your statement represents an abuse of case law for political rather than legal purposes as a way to deceive people. Even the IRS’ own Internal Revenue Manual (I.R.M.), Section 4.10.7.2.9.8 says that cases below the Supreme Court may not be cited to sustain a position. Furthermore, if you read the cases to which you are referring, you will find out that the party they were talking about was a “taxpayer”. Because the Internal Revenue Code has no liability statute under Subtitle A, then the only way a person can become a “taxpayer” is by consenting to abide by the Code. If he consented, then the code becomes “law” for him. This is why even the U.S. Supreme Court itself refers to the income tax as “voluntary” in *Flora v. United States*, 362 U.S. 145 (1960). Consent is the ONLY thing that can produce “law”, as we covered in previous sections. The Internal Revenue Code is private law, special law, and contract law that only applies to those who explicitly consent by signing a contract vehicle, such as Forms W-4, an SS-5, or a 1040. Since all of these forms produce an obligation, then all of them are contracts. The obligation cannot exist without signing them, nor can the IRS lawfully or unilaterally assess a person on an IRS Form 1040 under 26 U.S.C. §6020(b) who does not first consent. See section 5.4.15 of the *Great IRS Hoax*, Form #11.302 for details on this scam.

9.6.3 The “Tax Code” is a state-sponsored Religion, not a “law” for people domiciled in states of the Union

“Preach the Word; be prepared in season and out of season [by diligent study of this book and God’s Word]; correct, rebuke and encourage—with great patience and careful instruction. For the time will come when men [in the legal profession or the judiciary] will not put up with sound [legal] doctrine [such as that found in this book]. Instead, to suit their own desires, they [our covetous public dis-servants] will gather around them a great number of teachers [court-appointed “experts”, “licensed” government whores called attorneys and CPA’s, and educators in government-run or subsidized public schools and liberal universities] to say what their itching ears want to hear. They will turn their ears away from the truth and turn aside to [government and legal-profession] myths[and fables]. But you [the chosen of God and His servants must], keep your head in all situations, endure hardship, do the work of an evangelist, discharge all the duties of your [God’s] ministry.”

[2 Tim. 4:2-5, Bible, NKJV]

As a consequence of the considerations in the previous section about the requirement for “positive law”, one may safely conclude the following with regard to the Internal Revenue “Code”:

1. The Internal Revenue Code is not positive law, and therefore imposes no obligation upon anyone except federal “public officers”, agents, and contractors and those who consented (called “elected” in IRS publications) to be treated as one of these, even if they in fact are not. Instead, it is “special law”, which applies to particular persons and things and not to all people generally throughout the country. Personal consent is required to give the Internal Revenue Code the status of enforceable law, and we can choose to withhold our consent with no adverse legal consequence.
2. The Internal Revenue Code effectively amounts to an offer and a proposal by the government to put you under their “special protection” from the abuses and tyranny of the IRS. If you accept their offer, you are a party to a private contract with them and are in receipt of taxable federal privileges. The privilege you agreed to accept was that of being left alone and not harassed by the IRS for your decision to keep or retain whatever money and property is left over after the Federal Mafia has raped and pillaged their share from your estate.
3. Every contract requires four things to be valid:
 - 3.1. An offer: The Internal Revenue Code.
 - 3.2. Informed and voluntary Consent/Acceptance. Both parties must voluntarily accept the terms of the offer and duress may not be used to procure consent.
 - 3.3. Mutual Consideration: Something valuable that both parties receive from the agreement.
 - 3.4. Mutual assent. Both parties were fully informed about the rights they were surrendering and the consideration they were receiving in return, and all terms of the contract were fully disclosed in writing.
4. In the case of the voluntary contract called the Internal Revenue Code, the consideration is the right to be left alone after you pay the IRS a large bribe and that essentially amounts to “protection money”. Keeping whatever is left over after you bribe them and pay them their extortion is the consideration you derive from this private contract. This is not, however, true consideration, mind you, because it is not an exercise of free will. Instead, if you don’t accept the contract, then you become the target of IRS harassment and terrorism, may lose your job (especially your federal job) and be persecuted by your coworkers for being a “crackpot”. Voluntary consent is impossible under such conditions. Therefore, it is impossible for you to agree to such a legal contract, which is why the government never bothers to disclose it to begin with!
5. The contract is also void on its face because it was not based on informed consent. The IRS and the government never fully disclosed to you the terms of their “invisible adhesion contract”, and chances are you never even read any part of the contract by reading Title 26 for yourself. As a matter of fact, they have exercised every opportunity available to stifle and persecute those freedom advocates who were trying to educate others about the nature of this contract. Consequently, like the marriage license you never should have gotten, you signed away your whole life and all your rights by filing your first 1040 or W-4 form and thereby declaring yourself to be a “taxpayer” under penalty of perjury.

“Waivers of Constitutional rights not only must be voluntary, but must be knowing, intelligent acts done with sufficient awareness of the relevant circumstances and likely consequences.”
[Brady v. U.S., 397 U.S. 742 (1970)]

“The question of a waiver of a federally guaranteed constitutional right is, of course, a federal question controlled by federal law. There is a presumption against the waiver of constitutional rights, see, e.g. Glasser v. United States, 314 U.S. 60, 70-71, 86 L.Ed. 680, 699, 62 S.Ct. 457, and for a waiver to be effective it must be clearly established that there was an ‘intentional relinquishment or abandonment of a known right or privilege.’ Johnson v. Zerbst, 304 U.S. 458, 464, 82 L.Ed. 1461, 1466, 58 S.Ct. 1019, 146 A.L.R. 357.”
[Brookhart v. Janis, 384 U.S. 1, 86 S.Ct. 1245, 16 L.Ed.2d. 314 (1966)]

6. The decision to accept the terms of the Internal Revenue Code franchise contract also involved fraud on the part of the government. The employees of the IRS who directly or indirectly influenced you to make the decision to accept the contract also never fully disclosed to you that they had no authority to enforce the Internal Revenue Code to begin within the place you physically are. If they never had authority to enforce the Internal Revenue Code against a private citizen who is not employed by the federal government, then they couldn’t offer to stop doing that which they were never authorized to do to begin with! Therefore, they deceived you to believe that they really were giving you something of value (a “benefit” or “consideration”) that they had the legal authority to provide, which is the absence of lawful enforcement actions directed against you. In effect, they convinced you to pay for something that they didn’t have the legal authority to provide to begin with! It’s all based on fraud.

Unquestionably, the concealment of material facts that one is, under the circumstances, bound to disclose may constitute actionable fraud. 3 Indeed, one of the fundamental tenets of the Anglo-American law of fraud is that fraud may be committed by a suppression of the truth (suppressio veri) as well as by the suggestion of falsehood

(suggestio falsi). 4 It is, therefore, equally competent for a court to relieve against fraud whether it is committed by suppression of the truth—that is, by concealment—or by suggestion of falsehood. 5

[...]

Where failure to disclose a material fact is calculated to induce a false belief, the distinction between concealment and affirmative misrepresentation is tenuous. Both are fraudulent. 11 **An active concealment has the same force and effect as a representation which is positive in form.** 12 The one acts negatively, the other positively; both are calculated, in different ways, to produce the same result. 13 **The former, as well as the latter, is a violation of the principles of good faith.** It proceeds from the same motives and is attended with the same consequences; 14 and the deception and injury may be as great in the one case as in the other. [37 American Jurisprudence 2d, Fraud and Deceit, §144 (1999)]

“Fraud vitiates every transaction and all contracts. Indeed, the principle is often stated, in broad and sweeping language, that fraud destroys the validity of everything into which it enters, and that it vitiates the most solemn contracts, documents, and even judgments. 8 **Fraud, as it is sometimes said, vitiates every act, which statement embodies a thoroughly sound doctrine when it is properly applied to the subject matter in controversy and to the parties thereto and in a proper forum.** As a general rule, fraud will vitiate a contract notwithstanding that it contains a provision to the effect that no representations have been made as an inducement to enter into it, or that either party shall be bound by any representation not contained therein, or a similar provision attempting to nullify extraneous representations. Such provisions do not, in most jurisdictions, preclude a charge of fraud based on oral representations.” [37 American Jurisprudence 2d, Fraud and Deceit, §144 (1999)]

Since the people living in the states never enacted the Internal Revenue Code into “positive law”, then they as the “sovereigns” in our system of government never consented to enforce it upon themselves collectively. “Positive law” is the only evidence that the people ever explicitly consented to enforcement actions by their government, because legislation can only become positive law by a majority of the representatives of the sovereign people voting (consenting) to enact the law. Since the people never consented, then the “code” cannot be enforced against the general public. The Declaration of Independence says that all just powers of government derive from the “consent” of the governed. Anything not consensual is, ipso facto, unjust by implication. In fact, the sovereign People REPEALED, not ENACTED the Internal Revenue Code. It has been nothing but a repealed law since 1939, in fact. An examination of the Statutes at Large, 53 Stat. 1, Section 4, reveals that the Internal Revenue Code and all prior revenue laws were REPEALED. See:

SEDM Exhibit #05.027

<http://sedm.org/Exhibits/ExhibitIndex.htm>

Even state legislatures recognize that the Internal Revenue Code is not law. Below is a cite from the Oregon Revised Statutes (ORS), section 316.012, which refers to the Internal Revenue Code. Notice below the use of the phrase “laws of the United States or to the Internal Revenue Code”. If the Internal Revenue Code were “law”, then that phrase would be redundant, now wouldn’t it?:

Oregon Revised Statutes

316.012 Terms have same meaning as in federal laws; federal law references. Any term used in this chapter has the same meaning as when used in a comparable context in the laws of the United States relating to federal income taxes, unless a different meaning is clearly required or the term is specifically defined in this chapter. Except where the Legislative Assembly has provided otherwise, any reference in this chapter to **the laws of the United States or to the Internal Revenue Code**:

(1) Refers to **the laws of the United States or to the Internal Revenue Code** as they are amended and in effect:

(a) On December 31, 2002; or

(b) If related to the definition of taxable income and attributable to a change in **the laws of the United States or in the Internal Revenue Code** that is enacted after December 31, 2005, as applicable to the tax year of the taxpayer.

(2) Refers to **the laws of the United States or to the Internal Revenue Code** as they are amended and in effect and applicable for the tax year of the taxpayer, if the reference relates to:

[SOURCE: <http://landru.leg.state.or.us/ors/316.html>]

Here is what one book on the common law candidly admits. Note that the Harvard law professor writing the book, Roscoe Pound, describes TWO classes of statutes: 1. “law”; 2. “compact”, meaning franchise:

Municipal law, thus understood, is properly defined to be "a rule of civil conduct prescribed by the supreme power in a state, commanding what is right and prohibiting what is wrong."

[...]

*It is also called a rule to distinguish it from a compact or agreement; **for a compact is a promise proceeding from us, law is a command directed to us.** The language of a compact is, "I will, or will not, do this"; that of a law is, "thou shalt, or shalt not, do it." It is true there is an obligation which a compact carries with it, equal in point of conscience to that of a law; but then the original of the obligation is different. **In compacts we ourselves determine and promise what shall be done, before we are obliged to do it; in laws, we are obliged to act without ourselves determining or promising anything at all.** Upon these accounts law is defined to be "a rule."
[Readings on the History and System of the Common Law, Second Edition, Roscoe Pound, 1925, p. 4]*

If the Internal Revenue Code is not “positive law”, but a voluntary franchise contract or “compact” as indicated above, then what exactly is it? It is a de facto state-sponsored Federal/Political Religion. Below is how one Christian Writer describes this state-sponsored de facto religion:

*“There is a war on. Since 1975, hundreds of thousands of Christians in the United States have become aware of the threat to Christianity posed by humanism. It is amazing how long it took for Christians to recognize that humanism is a rival religion: about a century.”
[75 Bible Questions Your Instructors Pray You Won’t Ask, Gary North, 1984, 1988, ISBN 0-930462-03-3, p. 1]*

You can read the above free book yourself at the address below:

[75 Bible Questions Your Instructors Pray You Won’t Ask, Gary North, 1984, 1988, ISBN 0-930462-03-3
http://famguardian.org/Subjects/Spirituality/Articles/75BibleQuestions.pdf](http://famguardian.org/Subjects/Spirituality/Articles/75BibleQuestions.pdf)

The Internal Revenue Code is “de facto” because there is no positive law passed by Congress that actually implements it. Only those who consent to follow it can have any legal obligation to follow it, because it prescribes no legal duties upon anyone but federal public officers, statutory “employees” (5 U.S.C. §2105(a)), contractors, agencies, and benefit recipients. Its existence outside of the federal workplace, such as in the lives of private Americans living or working in the states of the Union, was created and continues to be maintained by constructive fraud using “judge-made law”, which is de facto law put in place by the edicts of covetous criminals sitting on the federal bench. This type of law can only exist as long as there are guns and prisons in the hands of government thieves and idolaters, but as soon as the unlawful duress stops, so does the “[in]voluntary compliance”, as the government likes to call it. Remember what the First Amendment says?:

*“Congress shall make no law respecting the establishment of religion or prohibiting the free exercise thereof.”
[First Amendment]*

The First Amendment doesn’t say anything at all about “judges making law”, so that is exactly what our corrupted state and federal judiciaries have done! A religion is simply a “voluntary” association of people who espouse certain common beliefs and behaviors, the object of which is to reverence or hold in high esteem a “superior being”. If that superior being is anything but the true living God mentioned in the Bible, then we are involved in pagan idol worship.

*“Religion, Man's relation to Divinity, to reverence, worship, obedience, and submission to mandates and precepts of supernatural or **superior beings**. In its broadest sense includes all forms of belief in the existence of superior beings exercising power over human beings by volition, imposing rules of conduct, with future rewards and punishments. Bond uniting man to God, and a virtue whose purpose is to render God worship due him as source of all being and principle of all government of things. *Nikulnikoff v. Archbishop, etc., of Russian Orthodox Greek Catholic Church*, 142 Misc. 894, 255 N.Y.S. 653, 663.”
[Black’s Law Dictionary, Sixth Edition, p. 1292, emphasis added]*

Our society is based on “equal protection of the laws” (see section 4.4.4 of the Great IRS Hoax, Form #11.302 and Requirement for Equal Protection and Equal Treatment, Form #05.033), so there simply can’t be any “superior beings” in America, but the judiciary has changed all that with “judge made law” so that judges become the object of idol worship. We call this “neo-religion” or state-sponsored pagan federal religion “The Civil Religion of Socialism”. This religion is thoroughly described in detail in the free pamphlet below:

Unlike Christianity, the foundation of this state-sponsored judicial religion is fear, not love. This state religion of humanism and socialism is based entirely on “the power to destroy”, which is why it produces fear and why people comply at all. In that sense, it is Satanic and evil. The only basis for a righteous justice system is “the power to create” and not the “power to destroy”, as was pointed out in section 5.1.1 of the Great IRS Hoax, Form #11.302.

“The great principle is this: because the constitution will not permit a state to destroy, it will not permit a law involving the power to destroy. [. . .] They decided against the tax; because the subject had been placed beyond the power of the states, by the constitution. They decided, not on account of the subject, but on account of the power that protected it; they decided that a prohibition against destruction was a prohibition against a law involving the power of destruction.”
[Providence Bank v. Billings, 29 U.S. 514 (1830)]

The “law” described above that is doing the destruction to our society presently is “judge made law”, and not statutes passed by Congress. The superior being that is being worshipped in this false religion is “The Beast”, mentioned in the book of Revelation Chapters 17 and 18 in the Bible. That book describes “The Beast” as the political rulers (politicians, Congressmen, Judges, and the President) of the earth. The worship and servitude of this “Beast” occurs mostly out of fear but also because of ignorance and laziness, as was shown in section 4.4.13 of the Great IRS Hoax, Form #11.302.

“And I saw the beast, the kings [political rulers] of the earth, and their armies [of nonbelievers under a democratic form of government], gathered together to make war against Him [God] who sat on the horse and against His army.”
[Revelation 19:19, Bible, NKJV]

Those who took the mark of this “Beast”, the Socialist Security Number, will be the first to be judged and condemned by God, as described in Revelation 16:1-2. See the book below:

This Beast is personified by the corruption evident in the political realm and the Federal and state Judiciaries in their treasonous and illegal enforcement of our revenue codes (not “laws”, but “codes”). The judges in courts everywhere have become the “Priests” of this pagan neo-religion, and by virtue of the fact that they are ignoring the federal and state Constitutions and are not being held accountable for such Treason, everything that comes out of their mouth becomes law, or “common law” or “judge-made law”:

“Judge-made law. A phrase used to indicate judicial decisions which construe away the meaning of statutes, or find meanings in them the legislature never intended. It is perhaps more commonly used as meaning, simply, the law established by judicial precedent and decisions. Laws having their source in judicial decisions as opposed to laws having their source in statutes or administrative regulations.”
[Black’s Law Dictionary, Sixth Edition, p. 841]

This “judge-made law” has created a new, “de facto” government that is in complete conflict with the “de jure” government described by our federal and state Constitutions and the public acts that implement them. This process of corruption graphically in section 6.3 of the Great IRS Hoax, Form #11.302, where it is proven that the Executive, Legislative, and Judicial branches have conspired over the last 100 years to strip us of our Constitutional rights by destroying the separation of powers and thereby make us into tax slaves residing on the “federal plantation” called the federal zone. Only a pagan “god” called a “judge” can create law out of nothing and without explicit consent of the people found in the Constitution. Only a pagan “god” called a “judge” can deprive the people of “equal protection” by protecting IRS wrongdoers while coercing those who refuse to consent to their abuses. Only a pagan “god” can create man-made “law” which conflicts with the Ten Commandments and the Constitution and do so with impunity.

“...it must be recognized that in any culture the source of law is the god of that society. If law has its source in man’s reason, then reason is the god of that society. If the source is an oligarchy, or in a court, senate, or ruler, then that source is the god of that system.”

[. . .]

1 *Modern humanism, the religion of the state, locates law in the state and thus makes the state, or the people as*
2 *they find expression in the state, the god of the system. As Mao Tse-Tung has said, "Our God is none other than*
3 *the masses of the Chinese people." [2] In Western culture, law has steadily moved away from God to the people*
4 *(or the state) as its source, although the historic power and vitality of the West has been in Biblical faith and law.*

5 *"Third, in any society, any change of law is an explicit or implicit change of religion. Nothing more clearly*
6 *reveals, in fact, the religious change in a society than a legal revolution. When the legal foundations shift from*
7 *Biblical law to humanism, it means that the society now draws its vitality and power from humanism, not from*
8 *Christian theism.*

9 *"Fourth, no disestablishment of religion as such is possible in any society. A church can be disestablished, and*
10 *a particular religion can be supplanted by another, but the change is simply to another religion. Since the*
11 *foundations of law are inescapably religious, no society exists without a religious foundation or without a law-*
12 *system which codifies the morality of its religion."*
13 *[The Institutes of Biblical Law, Rousas John Rushdoony, The Craig Press, Library of Congress Catalog Card*
14 *Number 72-79485,1973, pp. 4-5]*

15 The purpose of the "Civil Religion of Socialism" is to steal the sovereignty of the People and to replace it with a dictatorship
16 and a totalitarian police state devoid of individual rights. This is accomplished through "judge-made law" and social
17 engineering in the tax "code". The result is that the people comply out of their desire to take the path of least resistance which
18 minimizes fear and personal liability. The Internal Revenue Code is just such a voluntary federal religion. When we join
19 this feudal religion and figuratively move our "domicile" and our primary political "allegiance" to the federal plantation
20 under 26 U.S.C. §7701(a)(9) and (a)(10), 26 U.S.C. §7701(a)(39) and 26 U.S.C. §7408(d). By doing so, we surrender our
21 sovereignty, turn it over to the Congress, and become "subjects" who live on the "federal plantation" (federal zone), which
22 we call the "matrix". To join such a state-sponsored religion, we need only lie about our status as federal "employees" on
23 either a W-4 or submit an IRS Form 1040 with a nonzero liability. Once we shift our primary allegiance from God to the
24 "state", Congress becomes our new "king" because they can pass any statute and it will apply to us, including those statutes
25 that are not "positive law", and they can disregard the need for implementing regulations because they don't need
26 implementing regulations for federal "employees". The benefits of this religion are that we are insulated from responsibility
27 for ourselves and from fear of the IRS or the government. Acceptance of this religion represents a formal and complete
28 transfer of sovereignty over your person, labor and property from you to your public "dis-servants". You turn over
29 responsibility for yourself to the government in exchange for them taking care of you when you get old or unemployed. You
30 become federal property: a slave, in effect, through the operation of a voluntary contract called the Internal Revenue Code.
31 This, friends, is nothing short of idolatry, in stark violation of the First Commandment in the Ten Commandments (see Exodus
32 20 in the Bible) to not have any other idols before God. We are supposed to trust God, not government, to provide for us.
33 Trusting government is putting the vanity of man ahead of the grace and majesty and sovereignty of God.

34 *"It is better to trust the Lord*
35 *Than to put confidence in man.*
36 *It is better to trust in the Lord*
37 *Than to put confidence in princes [or government, or the 'state']. "*
38 *[Psalm 118:8-9]*

39 Such man-centric (rather than God-centric) idolatry is the worst of all sins described in the Bible, and a sin for which God
40 repeatedly and violently killed those who committed it. Refer to sections 4.1 and 4.4.1 through 4.4.13 of the Great IRS Hoax,
41 Form #11.302 for an in-depth exposition backing up these conclusions. This type of idolatry describes the original sin of
42 Lucifer, who wanted to do it "his [man's] way" instead of God's way.⁶⁹ God pronounced a death sentence upon us for the
43 original sin of Adam and Eve, and He said life would be a struggle as a consequence of this death sentence meted out under
44 His sovereign Law.

45 *"Cursed is the ground for your sake;*
46 *In toil you shall eat of it*
47 *All the days of your life.*
48 *Both thorns and thistles it shall bring forth for you,*
49 *And you shall eat the herb of the field.*
50 *In the sweat of your face you shall eat bread*
51 *Till you return to the ground,*
52 *For out of it you were taken;*
53 *For dust you are,*
54 *And to dust you shall return."*
55 *[Genesis 3:17-19, Bible, NKJV]*

⁶⁹ See Isaiah 14:12-21.

1 Ever since the original fall described above, we have been trying to escape God's sovereign judgment and punishment for
2 our sin by escaping liability for ourselves and accountability to Him. We have been doing this by making an atheistic
3 government into our false god, parent, caretaker, and social insurance company. The purpose of law within a society based
4 on this "Civil Religion of Socialism" is to facilitate irresponsibility and thereby undermine God's sovereignty by interfering
5 with the curse He put on us for our original sin and disobedience against His sovereign command. This was described much
6 more thoroughly in section 4.4.10 of the *Great IRS Hoax*, Form #11.302, entitled "The Unlimited Liability Universe" if you
7 would like to investigate further. In so doing, we fornicate with the Beast, which is the political rulers of the world. Black's
8 Law Dictionary defines "commerce" as "intercourse".

9 *"Commerce. ...Intercourse by way of trade and traffic between different peoples or states and the citizens*
10 *or inhabitants thereof, including not only the purchase, sale, and exchange of commodities, but also the*
11 *instrumentalities [governments] and agencies by which it is promoted and the means and appliances by which it*
12 *is carried on..."*
13 *[Black's Law Dictionary, Sixth Edition, p. 269]*

14 When we, as natural persons, send our money to the government or receive money from the government, we are involved in
15 "intercourse". The Bible in Isaiah 54:5-6 describes God as the "husband" of believers and it describes believers as His
16 "bride". We as His bride are committing adultery and fornication when we conduct "commerce" with the government as
17 private individuals. See section 4.4.13 of the *Great IRS Hoax*, Form #11.302 for a complete explanation of this analogy that
18 is quite frightening and completely fulfills the prophesy found in the book of Revelation in the Bible.

19 Now that we have established that the "Tax Code" is in fact a state sponsored religion, we will now document the core
20 "beliefs" that make up this false religion. We will also show why every one of these beliefs not only cannot be substantiated
21 with facts or law, but also that the *opposite* can be established with admissible evidence, scientifically provable facts, and
22 law. This comparison and analysis builds upon section 4.4.13 of the *Great IRS Hoax*, Form #11.302 entitled "Our
23 Government has become Idolatry and a False Religion", where we proved that our government has become a god, and that
24 this was done essentially by destroying the "equal protection of the laws" that is the foundation of freedom in this country,
25 and thereby making the public servants into gods because they do not have to abide by the same rules as everyone else does.

1 **Table 11: Comparison of Political Religion v. Christianity**

2

<i>Belief</i>	<i>The false belief of “cult members”</i>	<i>The truth</i>	<i>Proof of the truth found in which section of the Great IRS Hoax, Form #11.302 book</i>
View of government	Government does good things for people and would never do bad things.	People working in government are human, make mistakes, and in the context of money, have been known to lie, deceive, and persecute those who insist on a law-abiding revenue collection system.	4.3.1, 4.3.2, 4.3.12
Purpose of government	Minimize risk and personal responsibility. Promote good. Decriminalize sinful behaviors. Act as a big parent for everyone.	To keep people from hurting each other and leave all other subjects at the discretion of the people.	4.3.1, 4.3.4
View of freedom in this country	Declaration of Independence says all just powers are based on the “consent of the governed”. I am free because no one forces me to do anything.	Americans are not free because taxes on labor are slavery in violation of the Thirteenth Amendment. The IRS collects without the authority of law or the explicit consent of the people. Consent is required and therefore the IRS is a terrorist organization because it ignores the requirement for consent. If you want to find out how “free” you are, then just	1 to 9.6.5
Citizenship	Everyone born in America is a “U.S. citizen” under federal law and under 8 U.S.C. §1401	People born in states of the Union and not on federal property are “citizens of the United States” under Section 1 of the Fourteenth Amendment but do not come under the jurisdiction of nearly all federal laws, including 8 U.S.C. §1401.	4.11 to 4.11.12
Meaning of the word “tax”	“Taxes” are money we pay the government to be spent however the democratic majority decides they want to spend it	The power of the government cannot be used for wealth redistribution, because this would be legalized theft, and theft is a sin and a crime, no matter who does it	5.1.2
Federal jurisdiction	The federal government has unlimited jurisdiction within states	The federal government only has delegated authority within states of the Union that derives directly from the Constitution. This authority is limited exclusively to mail fraud, counterfeiting, treason, and slavery. All other subject matters come under the exclusive police powers of the states.	5.2 to 5.1.9

<i>Belief</i>	<i>The false belief of “cult members”</i>	<i>The truth</i>	<i>Proof of the truth found in which section of the Great IRS Hoax, Form #11.302 book</i>
View of American justice system	Our justice system is fair and lawful. There is no conflict of interest anywhere.	Conflict of interest occurs every day all day in federal courtrooms. It is a conflict of interest in violation of 18 U.S.C. §208 for any judge or jurist to hear a case in which they have a financial interest, and yet federal judges and jurors routinely participate in tax trials while at the same time either being “taxpayers” who are jealous of the accused for not paying his “fair share”, or they are in receipt of socialist benefits derived from other people who participate in the IRS scam. This scam started in 1918, which was the first year that federal judges were made into “taxpayers” and subject to IRS extortion. As long as a federal judge risks an audit by IRS for not helping them prosecute tax resisters, justice is impossible in any courtroom. As long as attorneys are licensed by the government, it is impossible to get impartial representation in a court either. Attorney licensing started about the same time as judges became “taxpayers”, during the 1930’s in this country.	6.9 to 6.9.12
Nature of IRS publications	The IRS and the government tell the truth in the IRS publications and in their phone support..	The IRS publications are deceptive because they omit the most important parts of the truth.	3.19
Federal judges	Federal judges are honorable men who have no conflict of interest when hearing tax trials.	Since federal judges were put on the income tax rolls starting in 1918 and put under IRS terrorism, there has been no justice in the federal courtroom in the context of income taxes since then.	See: http://famguardian.org/TaxFreedom/Forms/Discovery/Deposition/WhyCourtsCantAddressQuestions.htm
Purpose of law	To promote good and public policy	To punish harm and leave all other subjects at the discretion of the individual.	3.3 to 3.6
IRS authority	IRS has legal authority to enforce the income tax, including assessments, penalties, and require people to keep records.	The Internal Revenue Code is not positive law, but special law. The entire title was never enacted into positive law (see 1 U.S.C. 204) and can’t be, because abuse of the government’s taxing power to accomplish theft can never be made into law. The Internal Revenue Code was repealed in 1939 and now essentially amounts to a state-sponsored federal religion which is by the federal judiciary using “malicious abuse of legal process”.	5.4.9 to 5.4.12, Chapter 7
Requirement to pay taxes	Everyone should pay their “fair share”. This is a political, not legal requirement., which makes it a religion, not a law.	“Fair share” is determined by law, and we don’t have a law. The Internal Revenue Code, which is not law, also has no enforcement regulations so that even if it was law, it could not be enforced by the IRS. Therefore, there is no requirement for the average American to pay anything under the Internal Revenue Code.	5.1.2, 5.4.1 to 5.4.36, 5.6 to 5.6.21

<i>Belief</i>	<i>The false belief of “cult members”</i>	<i>The truth</i>	<i>Proof of the truth found in which section of the Great IRS Hoax, Form #11.302 book</i>
Requirement to file a return	Everyone, and especially patriotic “U.S. citizens”, must file a return	There must be a legal “liability” existing in a positive law federal statute that applies to American in the states before there is a liability to file a return. No such statutes, nor regulations that implement them, exist. All prosecutions for willful failure to file amount to “malicious abuse of legal process” and “terrorism” by government judges and prosecutors in the absence of positive law.	5.5 to 5.5.9
Relationship between religious belief and government	God comes first in my life as a Christian.	God comes second in the lives of those who pay federal taxes, because the government gets the “first fruits” before God gets His, in violation of Prov. 3:9-10. This is idolatry in violation of the first four commandments.	4.1, 4.3.3 to 4.3.15
View of my church’s relationship to the government	My pastor is neutral and objective in his view of government, and is under no duress at all by the government.	Most pastors are extensions of the government because they are privileged under 26 U.S.C. §501(c)(3). With this privileged status comes an obligation to not speak out against the government or corruption in the government, for fear of losing tax exempt status that was never really needed anyway because the federal government had no jurisdiction over them to begin with. There is no separation of church and state as long as IRS is able to abuse its power to persecute churches who expose their illegal activities by pulling their 501(c)(3) status and subjecting them to audits and harassment.	4.3.6 to 4.3.13

One of the things you hear church pastors talk about quite often is how Satan is the great imitator. Satan imitates God's design for everything. Satan, in fact, is quoted as saying:

*"I will ascend into heaven,
I will exalt my throne above the stars of God;
I will also sit on the mount of the congregation
On the farthest sides of the north;
I will ascend above the heights of the clouds,
I will be like the Most High."*
[Isaiah 14:13-14, Bible, NKJV]

The Bible also says that Satan is in control of this world and the governments of the world. See Matt. 4:8-11, John 14:30-31. Our tax system, in fact, is an imitation of God's design for the church and has all the trappings of a church. Going back to our definition of "religion" once again to prove this:

"Religion. Man's relation to Divinity, to reverence, worship, obedience, and submission to mandates and precepts of **supernatural or superior beings.** In its broadest sense includes all forms of belief in the existence of superior beings exercising power over human beings by volition, imposing **rules of conduct** [law], with future rewards and punishments [penal provisions or "benefits"]. Bond uniting man to God, and a virtue whose purpose is to render God worship [obedience] due him as source of all being and principle of all government of things. *Nikulnikoff v. Archbishop, etc., of Russian Orthodox Greek Catholic Church*, 142 Misc. 894, 255 N.Y.S. 653, 663."
[Black's Law Dictionary, Sixth Edition, p. 1292]

Based on the criteria in the above table, we can see that the Internal Revenue Code has all the essential characteristics of a "religion" and a church and thereby imitates God's design:

1. "Belief" in a superior being, which is the federal judge and our public "servants". This reversal of roles, whereby the public "servants" become the ruling class is called a "dulocracy" in law.

"Dulocracy. A government where servants and slaves have so much license and privilege that they domineer."
[Black's Law Dictionary, Sixth Edition, p. 501]

2. The capitol, Washington D.C., is the "political temple" or headquarters of this false religious cult. Don't believe us? During the Congressional debates of the Sixteenth Amendment in 1909, one Congressman amazingly admitted as much. The Sixteenth Amendment is the income tax amendment that was later fraudulently ratified in 1913. Notice the use of the words "civic temple" and "faith" in his statement, which are no accident.

*"Now, Mr. Speaker, **this Capitol is the civic temple of the people**, and we are here by direction of the people to reduce the tariff tax and enact a law in the interest of all the people. This was the expressed will of the people at the polls, and you promised to carry out that will, but **you have not kept faith with the American people**."
[44 Cong.Rec. 4420, July 12, 1909; Congressman Heflin talking about the enactment of the Sixteenth Amendment]*

If you want to read the above amazing admission for yourself, see the following:

16th Amendment Congressional Debates, Family Guardian Fellowship
<http://famguardian.org/TaxFreedom/History/Congress/1909-16thAmendCongrRecord.pdf>

3. This false and evil religion meets all the criteria for being described as a "cult", because:
 - 3.1. The cult imposes strict rules of conduct that are thousands of pages long and which are far more restrictive than any other religious cult.
 - 3.2. Participating in it is harmful to our rights, liberty, and property.
 - 3.3. The "cult" is perpetuated by keeping the truth secret from its members. Our Great IRS Hoax, Form #11.302 contains 2,000+ pages of secrets that our public servants and the federal judiciary have done their best to keep cleverly hidden and obscured from public view and discourse. When these secrets come out in federal courtrooms, the judges make the case unpublished so the American people can't learn the truth about the misdeeds of their servants in government. Don't believe us? Read the proof for yourself:
<http://www.nonpublication.com/>
 - 3.4. Those who try to abandon this harmful cult are threatened and harassed illegally and unconstitutionally by covetous public dis-servants. For an example, see:
<http://www.irs.gov/compliance/enforcement/article/0,,id=119332,00.html>

4. No scientifically proven basis for belief. False belief is entirely based on false presumption, which in turn is promoted by:
- 4.1. A “prima facie” code such as the Internal Revenue Code that doesn’t acquire the force of law until you expressly consent to it in some way. “Prima facie” means “presumed to be law”.
 - 4.2. Propaganda and “brainwashing” by the media and public schools and cannot stand public scrutiny or scientific investigation because it cannot be substantiated.
 - 4.3. Deceptive IRS publications that don’t tell the whole truth. See section 3.16 of the Great IRS Hoax, Form #11.302 for proof.
5. The false government “god” is the “source of all being and principle of all government”. Those who refuse to comply are illegally stripped of their property rights, their security, and their government employment by a lawless federal judiciary in retaliation for demanding the rule of written positive law. They cease to have a commercial existence or “being” as a punishment for demanding the “rule of law” instead of “rule of men” in our country. Their credit rating is destroyed and their property is illegally confiscated as punishment for failure to comply with the whims, wishes, and edicts of an “imperial judiciary” and its henchmen, the IRS.
6. The false religion has its own “bible”, which is all 9,500 pages of the “Infernal (Satanic) Revenue Code”. This “scripture” or “bible” was written by the false prophets, who are our political leaders in Congress. It was written to further their own political (church) ends. Former Treasury Secretary Paul O’Neil calls the Internal Revenue Code:

“9,500 pages of gibberish.”

[Treasury Secretary Paul O’Neil, SOURCE:

<http://famguardian.org/TaxFreedom/Evidence/OrgAndDuties/IRSExhibit-PaulONEill-IRSCo9500PgsOfGibberish.pdf>]

7. Federal courtrooms are where “worship services” are held for the cult. Even the seats are the same as church pews! The participants dress and act like they are at church and dress like Mormon missionaries. This worship service amounts to devil worship, because its purpose is to help criminals working for the government to enforce in a federal courtroom that which does not have “the force of law” in the case of the private party who has been victimized by it because no consent and therefore “waiver of sovereign immunity” was every substantiated on the record of the proceedings. In that sense, we are participating in Treason against the Constitution by aiding and abetting it. By subsidizing this madness and fraud, we are also bribing public officials in violation of 18 U.S.C. §201.
- 7.1. Worship services begin with a religious event.
- 7.1.1. The taking of an oath is a religious event.

Jurare est Deum in testum vocare, et est actus divini cultus.

To swear is to call God to witness, and is an act of religion. 3 Co. Inst. 165. Vide 3 Bouv. Inst. n. 3180, note; 1 Benth. Rat. of Jud. Ev. 376, 371, note.

[Bouvier’s Maxims of Law, 1856;

SOURCE: <http://famguardian.org/Publications/BouvierMaximsOfLaw/BouviersMaxims.htm>]

- 7.1.2. Before the worship services begin, observers and the jury must stand up when the judge enters the room. This too is an act of “worshipping and reverencing” their superior being, who in fact is a pagan deity.

Religion. *Man’s relation to Divinity, to reverence, worship, obedience, and submission to mandates and precepts of supernatural or superior beings [JUDGES, in this case]. In its broadest sense includes all forms of belief in the existence of superior beings exercising power over human beings by volition, imposing rules of conduct, with future rewards and punishments. Bond uniting man to God, and a virtue whose purpose is to render God worship due him as source of all being and principle of all government of things. Nikulnikoff v. Archbishop, etc., of Russian Orthodox Greek Catholic Church, 142 Misc. 894, 255 N.Y.S. 653, 663. [Black’s Law Dictionary, Sixth Edition, p. 1292]*

- 7.2. The worship ceremony, at least in the context of taxes, is conducted in the figurative dark, like a séance. The Bible describes Truth as “light”. Any ceremony where the entire truth is not considered is conducted in the dark.
- 7.2.1. The judge is gagged by the law from speaking the truth by the legislature in the case of franchisees called statutory “taxpayers” (26 U.S.C. §7701(a)(14)) but NOT in the case of anyone else. 28 U.S.C. §2201(a).
- 7.2.2. The judge forbids others from speaking the ONLY truth, which is the law itself. In tax trials, judges very commonly forbid especially defendants from quoting or using the law in front of the jury. Those who disregard this prohibition are sentenced to contempt of court.

“One who turns his ear from hearing the law [God’s law or man’s law], even his prayer [and ESPECIALLY his trial] is an abomination.”

[Prov. 28:9, Bible, NKJV]

- 1 7.2.3. Jurists who have never read or learned the law in public school are not even aware of what they are enforcing.
2 Therefore, they become agents of the judge instead of the law.
- 3 7.2.4. The law library in the court building forbids jurors from going in and reading the law they are enforcing, and
4 especially while serving as jurists. They are supposed to be supervising the judge in executing the law, and
5 they can't fulfill that duty as long as they have never learned and are forbidden from reading the law while
6 serving as jurors.
- 7 7.2.5. The judge does everything in his power to destroy the weapons of the nongovernmental opponent by excluding
8 everything he can and excluding none of the government's evidence. This basically results in a vacuum of
9 truth in the courtroom.

10 *The first one to plead his cause seems right, Until his neighbor comes and examines him.*
11 *[Prov. 18:17, Bible, NKJV]*

12 *"The hypocrite with his mouth destroys his neighbor, But through knowledge the righteous will be*
13 *delivered."*
14 *[Prov. 11:9, Bible, NKJV]*

- 15 8. The "deacons" of the church are attorneys who are "licensed" to practice law in the church by the chief priests of the
16 church.
- 17 8.1. They too have been "brainwashed" in both public school and law school to focus all their effort on procedure,
18 presentation, and managing their business. They learn NOTHING about history, legislative intent, or natural law,
19 which are the very foundations of law.
- 20 8.2. The Statutes At Large published by Congress are the only real law and legally admissible evidence, in most cases.
21 See [1 U.S.C. §204](#). Yet, it is so expensive and inconvenient to read the Statutes At Large online that for all practical
22 purposes, it is off limits to all attorneys. For instance, it costs over \$7 per page to even VIEW the Statutes at Large
23 in the largest online legal reference service, Westlaw.
- 24 8.3. Because they are licensed to practice law, the license is used as a vehicle to censor and control the attorneys from
25 speaking the truth in the courtroom. Consequently, they usually blindly follow what the priest, ahem, I mean
26 "judge" orders them to do and when they don't, they have their license pulled and literally starve to death.
- 27 9. The greatest sin in the government church called court is willful violations of the law. All tax crimes carry "willfulness"
28 as a prerequisite. God's law and Christianity work exactly the same way. The greatest sin in the Holy Bible is to
29 blaspheme the Holy Spirit, which is equivalent of doing something that you KNOW is wrong. See Matt. 12:32, Mark
30 3:29, Luke 12:10.
- 31 10. The judge, like the church pastor, wears a black robe and chants in Latin. Many legal maxims are Latin phrases that
32 have no meaning to the average citizen, which is the very same thing that happens in Catholic churches daily across the
33 country.
- 34 11. The jury are the twelve disciples of the judge, rather than of the Truth or the law or their conscience. Their original
35 purpose was as a check on government abuse and usurpation, but judges steer them away from ruling in such a manner
36 and being gullible sheep raised in the public "fool" system, they comply to their own injury.
- 37 11.1. Those who are not already members of the cult are not allowed to serve on juries. The judge or the judge's
38 henchmen, his "licensed attorneys" who are "officers of the court", dismiss prospective jurists who are not cult
39 members during the voir dire (jury selection) phase of the tax trial. The qualifications that prospective jurists must
40 meet in order to be part of the "cult" are at least one of the following:
- 41 11.1.1. They collect government benefits based on income taxes and don't want to see those benefits reduced or
42 stopped. The only people who can collect federal benefits under enacted law and the Constitution are federal
43 employees. Therefore, they must be federal employees. Since jurists are acting as "voters", then receipt of
44 any federal benefits makes them into a biased jury in the context of income taxes and violates 18 U.S.C. §597,
45 which makes it illegal to bribe a voter. The only way to eliminate this conflict of interest is to permanently
46 remove public assistance or to recuse/disqualify them as jurists.
- 47 11.1.2. They faithfully pay what they "think" are "income taxes". They are blissfully unaware that in actuality,
48 the 1040 return is a federal employment profit and loss statement.
- 49 11.1.3. They believe or have "faith" in the cult's "bible", which is the Infernal Revenue Code and falsely believe
50 it has the "FORCE law" in their particular case. Instead, 1 U.S.C. §204 legislative notes says it is NOT
51 positive law, but simply "presumed" to be law. Presumptions is a violation of due process and therefore illegal
52 under the Sixth Amendment in the case of human beings.
- 53 11.1.4. They are ignorant of the law and were made so in a public school. They therefore must believe whatever
54 any judge or attorney tells them about "law". This means they will make a good lemming to jump off the cliff
55 with the fellow citizen who is being tried.

1 11.2. Juries are FORBIDDEN in every federal courthouse in the country from entering the law library while serving on
2 a jury because judges don't want jurists reading the law and finding out that judges are misrepresenting it in the
3 courtroom. Don't believe us? Then call the law library in any federal court building and ask them if jurists are
4 allowed to go in there and read the law while they are serving. Below are the General Order 228C, Federal District
5 Court in San Diego proving that jurors are not allowed to use the court law library while serving. Notice jurors are
6 not listed as authorized to use the library in this order:

7 <http://famguardian.org/Disks/TaxDVD/Evidence/JudicialCorruption/GenOrder228C-Library.pdf>

8 11.3. Unlike every other type of federal trial, judges forbid discussing the law in a tax trial. Could it be because we don't
9 have any real PUBLIC LAW that is tax law and he doesn't want to admit it?

10 11.4. Public (government) schools deliberately don't teach law or the Constitution either, so that the public become sheep
11 that the government can shear and rape and pillage.

12 11.5. Federal judges also warn juries these days NOT to vote on their conscience, as juries originally did and were
13 encouraged to do. He does this to steer or direct the jury to do his illegal and unconstitutional dirty work. He turns
14 the jury effectively into an angry lynch mob and thereby maliciously abuses legal process for his own personal
15 benefit in violation of 18 U.S.C. §208. He helps get the jury angry at the defendant by giving them the idea that
16 their "tax" bill will be bigger because the defendant refuses to "pay their fair share".

17 12. Those who refuse to worship the false god and false religion (which the Bible describes in the book of Revelation as "the
18 Beast") are "exorcised" from society by being put into jail so that they don't spread the truth about the total lack of lawful
19 authority to institute income taxation within states of the Union. They are jailed as political prisoners by communist
20 judges and socialist fellow citizens, just like in the Soviet Union. You can read more about this at:

21 <http://famguardian.org/Publications/SocialSecurity/TOC.htm>

22 13. The lawyers representing both sides are licensed by the pope/judge and therefore will pay homage to and cooperate with
23 him fully or risk losing their livelihood and becoming homeless. Every tax trial has THREE prosecutors who are there
24 to prosecute you: your defense attorney, the opposing U.S. attorney, and the judge, all of whom are on the take. Attorneys
25 have a conflict of interest and it is therefore impossible for them to objectively satisfy the fiduciary duty to their clients
26 which they have under the law. You can read more about this scam at:

27 <http://famguardian.org/Subjects/LawAndGovt/LegalEthics/PetForAdmToPractice-USDC.pdf>

28 14. "Future rewards and punishments", which are political persecution in a courtroom using our uninformed neighbors
29 acting as jurors as a weapon against us and by exploiting their fear of the government, envy and jealousy directed against
30 the rich or those who dare to demand the authority of law before they will pay "their fair share", or those who challenge
31 being compelled to subsidize the government benefit payments to these jurors with their labor.

32 15. Tax preparation businesses all over the country like H.R. Block are where "confession" is held annually to "deacons" of
33 the federal church/cult.

34 16. Representatives of this church/cult, such as the Department of Justice and the IRS, dress the same as Mormon
35 missionaries.

36 17. Those who participate in this cult can write-off or deduct their contributions just like donations to any church. State
37 income taxes, for instances, are deductible from federal gross income.

38 18. The false god/idol called government gets the "first fruits" of our labor, before the Lord even gets one dime, using payroll
39 deductions. Some employers treat the payroll deduction program like it is a law to be followed religiously, even though
40 it is not. This is a violation of Prov. 3:9, which says:

41 *"Honor the LORD with your possessions, And with the firstfruits of all your increase;"*
42 *[Prov. 3:9, Bible, NKJV]*

43 Yes, people, the government has made itself into a religion and a church, at least in the realm of taxation. The problem with
44 this corruption of our government is that the U.S. Supreme Court said they cannot do it:

45 *"The 'establishment of religion' clause of the First Amendment means at least this: **neither a state nor the***
46 ***Federal Government can set up a church.** Neither can pass laws which aid one [state-sponsored political]*
47 *religion, aid all religions, or prefer one religion over another. Neither can force or influence a person to go to*
48 *or to remain away from church against his will, or force him to profess a belief or disbelief in any religion. No*
49 *person can be punished for entertaining or professing religious beliefs or disbeliefs, for church attendance or*
50 *non-attendance. **No tax in any amount, large or small, can be levied to support any religious activities or***
51 ***institutions, whatever they may be called, or whatever form they may adopt to teach or practice religion.***
52 ***Neither a state nor the Federal Government can, openly or secretly, participate in the affairs of any religious***
53 ***organizations or groups and vice versa.**"*
54 *[Everson v. Bd. of Ed., 330 U.S. 1, 15 (1947)]*

1 **“[T]he Establishment Clause is infringed when the government makes adherence to [a STATE-SPONSORED**
2 **PAGAN LEGAL] religion relevant to a person's standing in the political community.** Direct government action
3 endorsing religion or a particular religious practice is invalid under this approach, because it sends a message
4 to nonadherents that they are outsiders, not full members of the political community, and an accompanying
5 message to adherents that they are insiders, favored members of the political community.”.
6 [Wallace v. Jaffree, 472 U.S. 69 (1985)]

7 Can we prove with evidence that this false political religion is a “cult”? Below is the definition of “cult” from Easton’s Bible
8 Dictionary:

9 *“cults, illicit non-Israelite forms of worship. Throughout the history of ancient Israel, there were those who*
10 *participated in and fostered the growth of cults (cf. 2 Kings 21). These cults arose from Canaanite influence in*
11 *the land of Israel itself and from the influence of neighboring countries. One of the main tasks of the prophets*
12 *was to return the people to the proper worship of God and to eliminate these competing cults (1 Kings 18:20-40).*
13 *See also Asherah; Baal; Chemosh; Harlot; High Place; Idol; Milcom; Molech; Queen of Heaven; Tammuz;*
14 *Topheth; Worship; Zeus.*⁷⁰ “

15 Since the belief and worship of people is directed at other than a monotheistic Christian God, the government has become a
16 “cult”. It has also become a dangerous or harmful cult. Below is the description of “dangerous cults” from the Microsoft
17 Encarta Encyclopedia 2005:

18 *“V. Dangerous Cults*

19 *Some cults or alternative religions are clearly dangerous: They provoke violence or antisocial acts or place their*
20 *members in physical [or financial] danger. A few have caused the deaths of members through mass suicide or*
21 *have supported violence, including murder, against people outside the cult. Sociologists note that violent cults*
22 *are only a small minority of alternative religions, although they draw the most media attention.*

23 ***Dangerous cults tend to share certain characteristics. These groups typically have an exceedingly***
24 ***authoritarian leader who seeks to control every aspect of members' lives and allows no questioning of***
25 ***decisions. Such leaders may hold themselves above the law or exempt themselves from requirements made of***
26 ***other members of the group. They often preach a doomsday scenario that presumes persecution from forces***
27 ***outside the cult and a consequent need to prepare for an imminent Armageddon, or final battle between good and***
28 ***evil. In preparation they may hoard firearms. Alternatively, cult leaders may prepare members for suicide, which***
29 ***the group believes will transport it to a place of eternal bliss”***
30 [Microsoft © Encarta © Reference Library 2005. © 1993-2004 Microsoft Corporation. All rights reserved.]

31 To summarize then:

- 32 1. A “cult” is “dangerous” if it promotes activities that are harmful. Giving away one’s earnings and sovereignty is harmful
33 if not done knowingly, voluntarily, and with full awareness of what one was giving up. This is exactly what people do
34 who file or pay monies to the government that no law requires them to pay.
- 35 2. Dangerous cults are authoritarian and have stiff mainly “political penalties” for failure to comply. The federal judiciary
36 dishes out stiff penalties to people who refuse to join or participate in the dangerous cult, even though there is no “law”
37 or positive law authorizing them to do so and no implementing regulation that authorizes any kind of enforcement action
38 for the positive law. These penalties are as follows:
 - 39 2.1. Jail time.
 - 40 2.2. Persecution from a misinformed jury who has been deliberately tampered with by the judge to cover up government
41 wrongdoing and prejudice the case against the accused.
 - 42 2.3. Exorbitant legal fees paying for an attorney in order to resist the persecution.
 - 43 2.4. Loss of reputation, credit rating, and influence in society.
 - 44 2.5. Deprivation of property and rights to property because of refusal to comply.
- 45 3. The dangerous cult of the Infernal (Satanic) Revenue Code also seeks to control every aspect of the members lives. The
46 tax code is used as an extensive, excessive, and oppressive means of political control over the spending and working
47 habits of working Americans everywhere. The extent of this political control was never envisioned or intended by our
48 Founding Fathers, who wanted us to be completely free of the government. Members of the cult falsely believe that
49 there is a law requiring them to report every source of earnings, every expenditure in excruciating detail. They have to
50 sign the report under penalty of perjury and be thrown in jail for three years if even one digit on the report is wrong. The

⁷⁰Achtemeier, P. J., Harper & Row, P., & Society of Biblical Literature. 1985. *Harper's Bible dictionary*. Includes index. (1st ed.). Harper & Row: San Francisco

IRS, on the other hand, isn't responsible for the accuracy of anything, including their publications, phone support, or even their illegal assessments. In that sense, they are a false god, because they play by different and lesser rules than everyone else.

4. The cult of the Infernal Revenue Code also "preaches a doomsday scenario that presumes persecution from forces outside the cult". This is a religion based on fear, and the fear originates both from ignorance about the law and with what will happen to the members who leave the cult or refuse to comply with all the requirements of the cult. The doomsday messages are broadcast from the IRS and DOJ website, public affairs section, where they target famous personalities for persecution because of failure to participate in the cult, and when successful, use the result as evidence that they too will be severely persecuted for failure to participate. This is no different than what the Communists did in Eastern Europe, where they put a big wall around East Berlin 100 miles long to force people to remain under communist rule. They patrolled the wall by guards, dogs, and weapons, and highly publicized all escape attempts in which people were killed, maimed, or murdered. This negative publicity acted as a warning and deterrent against those who might think of escaping.
5. The cult of the Infernal (Satanic) Revenue Code also prepares people for spiritual suicide and Armageddon. Remember, the term "Armageddon" comes from the Bible book of Revelation, where doomsday predictions describe what will happen to those who allowed government to become their false god. Those who did so, and who accepted the government's "mark" called the Social Security Number, will be the first to be judged and persecuted and injured, according to Revelation. This is the REAL Armageddon folks!

"So the first [angel] went and poured out his bowl [of judgment] upon the earth, and a foul and loathsome sore came upon the men who had the mark of the beast [political rulers] and those who worshiped his image [on the money]."
[Rev. 16:2, Bible, NKJV]

Only those who do not accept the government's mark will reign with Christ in Heaven:

"And I saw thrones, and they sat on them, and judgment was committed to them. Then I saw the souls of those who had been beheaded for their witness to Jesus and for the word of God, who had not worshiped the beast or his image, and had not received his mark on their foreheads or on their hands. And they lived and reigned with Christ for a thousand years."
[Rev. 20:4, Bible, NKJV]

Surprisingly, the U.S. Congress, who are the REAL criminals and cult leaders who wrote the "Bible" that started this dangerous "cult of the Infernal Revenue Code", also described the cult as a form of "communism". Here is the unbelievable description, right from the Beast's mouth, of the dastardly corruption of our legal and political system which it willfully did and continues to perpetuate and cover up:

[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 a 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 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. 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 the tax laws] 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 recently 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 schools 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. 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

1 *the American Bar Association (A.B.A.) renders its existence a clear present and continuing danger to the security*
2 *of the United States. It is the means whereby individuals are seduced into the service of the world Communist*
3 *movement, trained to do its bidding, and directed and controlled in the conspiratorial performance of their*
4 *revolutionary services. Therefore, the Communist Party should be outlawed*

5 That's right folks: We now live under communism stealthily disguised as "democracy", and which is implemented *exactly*
6 the same way it was done in Eastern Europe. It's just a little better hidden than it was in Europe, but it's still every bit as real
7 and evil. Take a moment to review section 2.7.1 of the Great IRS Hoax, Form #11.302 if you want to compare our system
8 of government with Pure Communism. The "wall" between east and west like the one in Berlin is an invisible "legal wall"
9 maintained by the federal judiciary and the legal profession, who keep people (the "slaves" living on the federal plantation)
10 from escaping the communism and regaining their freedom and complete control over their property, their labor, and their
11 lives. Those who participate in the federal income tax system by living on this figurative "federal plantation" essentially are
12 treated as government "employees". In order to join this dangerous cult, all they have to do is use an IRS Form W-4 or 1040
13 to lie or deceive the federal government into believing that they are "U.S. citizens" and "employees", who under the Internal
14 Revenue Code are actually and only privileged "public officers" of the United States government. This is what it means to
15 have income "effectively connected with a trade or business", as described throughout the code, because "trade or business"
16 is defined in 26 U.S.C. 7701(a)(26) as "the functions of a [privileged, excise taxable] public office [in the United States
17 Government]". If you would like to know how this usurious and unconstitutional federal employee kickback program is used
18 to perpetuate the fraud, read section 5.6.11 of the Great IRS Hoax, Form #11.302. A whole book has been written about how
19 the "federal employee kickback program" works called IRS Humbug, written by Frank Kowalik, and it is a real eye opener
20 that we highly recommend.

21 All the earnings of these slaves living on this federal plantation are treated in law (not physically, but by the courts) as
22 originating from a gigantic monopoly called the "United States" government which, based on the way it has been acting, is
23 actually nothing but a big corporation (see 28 U.S.C. §3002(15)(A)) a million times more evil than what happened to Enron
24 and which will eventually destroy everyone, including those who refuse to participate in the "cult", if we continue to
25 complacently tolerate its usurpations and violations of the Constitution and God's laws. The book of Revelation in the Bible
26 describes exactly how the destruction will occur, and it even gives this big corporation a name called "The Beast". The
27 people living on the federal corporate plantation are called "Babylon the Great Harlot", which is simply an assembly of
28 ignorant, lazy, irresponsible, and dependent people living under a pure, atheistic commercial democracy who are ignorant
29 and complacent about government, law, truth, and justice. They have been dumbed-down in the school system and taught to
30 treat government as their friend, not realizing that this same government has actually become the worst abuser of their rights.

31 ***Wake up people!***

32 *"And I heard another voice from heaven [God] saying, 'Come out of her [Babylon the Great Harlot, a democratic*
33 *state full of socialist non-believers], my people [Christians], lest you share in her sins, and lest you receive of her*
34 *plagues.'"*
35 *[Revelation 18:4, Bible, NKJV]*

36 **9.6.4 How you were duped into signing up for the socialism franchise and joining the state-sponsored religious** 37 **cult**

38 It might surprise you to find that if you are a "taxpayer", then at one point or another, you probably unknowingly volunteered
39 to become a public officer in the government, even if you never set foot in a federal building or worked for the federal
40 government! That process of volunteering is accomplished using the IRS Form W-4, which says at the top "**Employee**
41 **Withholding Allowance Certificate**" and this is the nexus that connects you to the Beast. When you signed that W-4 form
42 and submitted it with a perjury oath in violation of Matt. 5:34, then:

- 43 1. You consented to be treated as a public officer of the federal government called an "employee" within 26 C.F.R.
44 §31.3401(c)-1. The upper left corner of the form identifies you as a statutory but not ordinary "employee" as defined in
45 26 U.S.C. §3401(c) and 5 U.S.C. §2105, both of whom are public officers in the U.S. government acting in a
46 representative capacity as an officer of the federal corporation, "U.S. Inc." pursuant to 28 U.S.C. §3002(15)(A). The
47 federal government has always had nearly totalitarian authority over its officers, "employees", and instrumentalities.

48 *"The restrictions that the Constitution places upon the government in its capacity as lawmaker, i.e., as the*
49 *regulator of private conduct, are not the same as the restrictions that it places upon the government in its capacity*
50 *as employer. We have recognized this in many contexts, with respect to many different constitutional guarantees.*
51 *Private citizens perhaps cannot be prevented from wearing long hair, but policemen can. Kelley v. Johnson, 425*
52 *U.S. 238, 247 (1976). Private citizens cannot have their property searched without probable cause, but in many*
53 *circumstances government employees can. O'Connor v. Ortega, 480 U.S. 709, 723 (1987) (plurality opinion); id.,*

at 732 (SCALIA, J., concurring in judgment). Private citizens cannot be punished for refusing to provide the government information that may incriminate them, but government employees can be dismissed when the incriminating information that they refuse to provide relates to the performance of their job. *Gardner v. Broderick*, [497 U.S. 62, 95] 392 U.S. 273, 277 -278 (1968). With regard to freedom of speech in particular: Private citizens cannot be punished for speech of merely private concern, but government employees can be fired for that reason. *Connick v. Myers*, 461 U.S. 138, 147 (1983). Private citizens cannot be punished for partisan political activity, but federal and state employees can be dismissed and otherwise punished for that reason. *Public Workers v. Mitchell*, 330 U.S. 75, 101 (1947); *Civil Service Comm'n v. Letter Carriers*, 413 U.S. 548, 556 (1973); *Broadrick v. Oklahoma*, 413 U.S. 601, 616 -617 (1973).”
[*Rutan v. Republican Party of Illinois*, 497 U.S. 62 (1990)]

Every action you do, including your earnings from private life, are considered to be done on “official federal business” at that point and you are a “Kelly Girl” or temp working for your private employer representing Uncle Sam. Your private employer then became a “trustee” over what then became government earnings and not your earnings and the IRS Form 1040 is the profit and loss statement for this new business trust. Your new boss and idol to be worshipped is the federal government, and not God. Your continued obedience to the IRS is evidence that you worship this false god.

2. By virtue of being a federal public officer and officer of the “U.S. Inc.” federal corporation, then you became “effectively connected with a trade or business” because “trade or business” is defined in 26 U.S.C. §7701(a)(26) as “the functions of a public office”. 26 C.F.R. §1.1-1(a)(2)(ii) and 26 C.F.R. §1.861-8(f)(1)(iv) reveal that only “aliens” (residents) and “nonresident aliens” with income “effectively connected with a trade or business” can have “taxable income” or be the proper subject of the code. The process of becoming “effectively connected” with federal income was done through what is called an “election” in the Internal Revenue Code. This “election” is made upon either filing a form W-4 that authorizes withholding or an IRS Form 1040 that indicates a nonzero liability. This contractual act of “election” can be revoked using the procedures described in section 5.3.6 of the *Great IRS Hoax*, Form #11.302, which are further described in Chapter 1 of the following:

Sovereignty Forms and Instructions Manual, Form #10.005
<http://sedm.org/Forms/FormIndex.htm>

3. Once your earnings contractually became “effectively connected with a trade or business”, at least a portion of them became “public property” and the federal government gained “in rem” jurisdiction over them by virtue of Article 4, Section 3, Clause 2 of the U.S. Constitution, even if that property is not situated on federal land or otherwise within exclusive federal jurisdiction. The portion of your earnings that are considered “public property” over which they have jurisdiction is that portion which you owe in “taxes” (kickbacks) at the end of the year. If you resist efforts to collect property in your custody that always has belonged to the government, then all actions against you will be a “replevin”, meaning an action against the property under your control and not against the “person”, which is you.

“Replevin. An action whereby the owner or person entitled to repossession of goods or chattels may recover those goods or chattels from one who has wrongfully distrained or taken or who wrongfully detains such goods or chattels. *Jim’s Furniture Mart, Inc. v. Harris*, 42 Ill.App.3d. 488, 1 Ill.Dec. 176, 176, 356 N.E.2d. 175, 176. Also refers to a provisional remedy that is an incident of a replevin action which allows the plaintiff at any time before judgment to take the disputed property from the defendant and hold the property pendente lite. Other names for replevin include Claim and delivery, Detinue, Revendication, and Sequestration (q.v.).”
[*Black’s Law Dictionary*, Sixth Edition, p. 1299]

4. Because your earnings as a federal public officer are “public property”, then under 5 U.S.C. §553(a)(2) and 44 U.S.C. §1505(a)(1), there is no need to publish implementing regulations in the Federal Register governing the management of that property. Because you volunteered to be treated as a federal “employee”, you already consented to the terms of the implied employment agreement found in the Internal Revenue Code between your new “employer” (the federal government) and you. Those who don’t want to be “effectively connected” simply don’t pursue federal employment or volunteer to fill out any forms that would indicate they are “effectively connected”.
5. Because you are an “employee” and are treated under the Internal Revenue Code, Subtitles A and C as a “person” whose every action is in the context of federal employment, then all monies paid to the IRS at that point literally do support the “government”, because everything you do in your private life is done essentially as a government “employee”. Therefore, the Internal Revenue Code literally does describe a “tax” at that point because it does support only the government, of which you are part 24 hours a day, 7 days a week. The only thing the government can spend money on is a “public purpose”, which means the only thing they can compensate you for is services as a federal “employee”:

“Public purpose. In the law of taxation, eminent domain, etc., this is a term of classification to distinguish the objects for which, according to settled usage, the government is to provide, from those which, by the like usage, are left to private interest, inclination, or liberality. The constitutional requirement that the purpose of any tax, police regulation, or particular exertion of the power of eminent domain shall be the convenience, safety, or welfare of the entire community and not the welfare of a specific individual or class of persons [such as, for instance, federal benefit recipients as individuals]. “Public purpose” that will justify expenditure of public money

generally means such an activity as will serve as benefit to community as a body and which at same time is directly related function of government. *Pack v. Southwestern Bell Tel. & Tel. Co.*, 215 Tenn. 503, 387 S.W.2d. 789, 794.

The term is synonymous with governmental purpose. As employed to denote the objects for which taxes may be levied, it has no relation to the urgency of the public need or to the extent of the public benefit which is to follow; **the essential requisite being that a public service or use shall affect the inhabitants as a community, and not merely as individuals.** A public purpose or public business has for its objective the promotion of the public health, safety, morals, general welfare, security, prosperity, and contentment of all the inhabitants or residents within a given political division, as, for example, a state, the sovereign powers of which are exercised to promote such public purpose or public business."

[Black's Law Dictionary, Sixth Edition, p. 1231, Emphasis added]

6. As a federal public officer or statutory "employee" per 5 U.S.C. §2105, you surrendered your sovereign immunity as a "non-resident NON-person" and made an election under 26 U.S.C. §6013(g) to be treated as a privileged "alien" and a "resident" who no longer has control over his earnings. Here is how the U.S. Supreme Court describes it:

A nondiscriminatory taxing measure that operates to defray the cost of a federal program by recovering a fair approximation of each beneficiary's share of the cost is surely no more offensive to the constitutional scheme than is either a tax on the income earned by state employees or a tax on a State's sale of bottled water. 18 The National Government's interest in being compensated for its expenditures is only too apparent. More significantly perhaps, such revenue measures by their very nature cannot possess the attributes that led Mr. Chief Justice Marshall to proclaim that the power to tax is the power [435 U.S. 444, 461] to destroy. There is no danger that such measures will not be based on benefits conferred or that they will function as regulatory devices unduly burdening essential state activities. It is, of course, the case that a revenue provision that forces a State to pay its own way when performing an essential function will increase the cost of the state activity. But *Graves v. New York ex rel. O'Keefe*, and its precursors, see [306 U.S., at 483](#) and the cases cited in n. 3, teach that an economic burden on traditional state functions without more is not a sufficient basis for sustaining a claim of immunity. Indeed, since the Constitution explicitly requires States to bear similar economic burdens when engaged in essential operations, see U.S. Const., Amdts. 5, 14; *Pennsylvania Coal Co. v. Mahon*, [260 U.S. 393](#) (1922) (State must pay just compensation when it "takes" private property for a public purpose); U.S. Const., Art. I, 10, cl. 1; *United States Trust Co. v. New Jersey*, [431 U.S. 1](#) (1977) (even when burdensome, a State often must comply with the obligations of its contracts), it cannot be seriously contended that federal exactions from the States of their fair share of the cost of specific benefits they receive from federal programs offend the constitutional scheme.

Our decisions in analogous context support this conclusion. We have repeatedly held that the Federal Government may impose appropriate conditions on the use of federal property or privileges and may require that state instrumentalities comply with conditions that are reasonably related to the federal interest in particular national projects or programs. See, e. g., *Ivanhoe Irrigation Dist. v. McCracken*, [357 U.S. 275, 294](#) - 296 (1958); *Oklahoma v. Civil Service Comm'n*, [330 U.S. 127, 142](#) -144 (1947); *United States v. San Francisco*, [310 U.S. 16](#) (1940); cf. *National League of Cities v. Usery*, [426 U.S. 833, 853](#) (1976); *Fry v. United States*, [421 U.S. 542](#) (1975). **A requirement that States, like all other users, pay a portion of the costs of the benefits they enjoy from federal programs is surely permissible since it is closely related to the [435 U.S. 444, 462] federal interest in recovering costs from those who benefit and since it effects no greater interference with state sovereignty than do the restrictions which this Court has approved.**

A clearly analogous line of decisions is that interpreting provisions in the Constitution that also place limitations on the taxing power of government. See, e. g., U.S. Const., Art. I, 8, cl. 3 (restricting power of States to tax interstate commerce); 10, cl. 3 (prohibiting any state tax that operates "to impose a charge for the privilege of entering, trading in, or lying in a port." *Clyde Mallory Lines v. Alabama ex rel. State Docks Comm'n*, [296 U.S. 261, 265](#) -266 (1935)). These restrictions, like the implied state tax immunity, exist to protect constitutionally valued activity from the undue and perhaps destructive interference that could result from certain taxing measures. The restriction implicit in the Commerce Clause is designed to prohibit States from burdening the free flow of commerce, see generally *Complete Auto Transit, Inc. v. Brady*, [430 U.S. 274](#) (1977), whereas the prohibition against duties on the privilege of entering ports is intended specifically to guard against local hindrances to trade and commerce by vessels. See *Packet Co. v. Keokuk*, [95 U.S. 80, 85](#) (1877).

Our decisions implementing these constitutional provisions have consistently recognized that the interests protected by these Clauses are not offended by revenue measures that operate only to compensate a government for benefits supplied. See, e. g., *Clyde Mallory Lines v. Alabama*, *supra* (flat fee charged each vessel entering port upheld because charge operated to defray cost of harbor policing); *Evansville-Vanderburgh Airport Authority v. Delta Airlines, Inc.*, [405 U.S. 707](#) (1972) (\$1 head tax on explaining commercial air passengers upheld under the Commerce Clause because designed to recoup cost of airport facilities). A governmental body has an obvious interest in making those who specifically benefit from its services pay the cost and, provided that the charge is structured to compensate the government for the benefit conferred, there can be no danger of the kind of interference [435 U.S. 444, 463] with constitutionally valued activity that the Clauses were designed to prohibit.

[*Massachusetts v. United States*, 435 U.S. 444 (1978)]

7. As a public officer or “employee”, the federal courts exercise jurisdiction over you as a trustee, and fiduciary as described in 26 U.S.C. §6903. If you fail to properly discharge your duties and return profits of your employment to the mother corporation, you violate your fiduciary duty and your employment contract, the Internal Revenue Code, and become subject to federal but not state jurisdiction. Below is how the legal encyclopedia American Jurisprudence 2d describes claims by the United States against its employees and officers:

“The interest to be recovered as damages for the delayed payment of a contractual obligation to the United States is not controlled by state statute or local common law.⁷¹ In the absence of an applicable federal statute, the federal courts must determine according to their own criteria the appropriate measure of damages.⁷² State law may, however, be adopted as the federal law of decision in some instances.⁷³”
[American Jurisprudence 2d, United States, §42: Interest on claim (1999)]

The same process above is also accomplished by completing and signing and submitting the IRS Form 1040 to the IRS. 26 C.F.R. §1.1-1(a)(2)(ii) and 26 C.F.R. §1.861-8(f)(1)(iv) both specifically say that the only biological people who earn “taxable income” are those with income “effectively connected with a trade or business”, and these are the only sections anywhere in the Internal Revenue Code or implementing regulations which we could find that refer to the earnings of a biological person as being taxable. By submitting a 1040 with a nonzero “taxable income” to the IRS or an IRS Form W-4 to a GOVERNMENT statutory “employer”, you are essentially signing a contract with the federal government. Below are the terms of that “adhesion contract”:

“For you, brethren, have been called to liberty; only do not use liberty as an opportunity for the flesh, but through love serve one another.”
[Gal. 5:13, Bible, NKJV]

1. **Benefits/consideration:**

1.1. You can surrender responsibility for yourself to your public servants and live a life of luxury and complacency at government expense. That life of luxury is described in Rev. 18:3:

1.1.1. Your new false god, the government, will now take care of you like it takes care of the rest of its own: counterfeiting money or stealing it from your neighbor to take care of you when you get old. You have joined the Mafia’s retirement system and they will take care of you, so long as you are politically correct.

1.1.2. You have imperceptibly and unknowingly joined Babylon the Great Harlot, and the process was transparent to you so you don’t have to fear the inevitable consequences of God’s wrath for your decision. To wit:

For all the nations [and socialist people’s] have drunk of the wine of the wrath of her fornication, the kings [political rulers] of the earth have committed fornication [commerce] with her, and the merchants [corporations] of the earth have become rich through the abundance of her luxury.”

And I heard another voice from heaven saying, “Come out of her, my people, lest you share in her sins, and lest you receive of her plagues. For her sins have reached^[2] to heaven, and God has remembered her iniquities.”
[Rev. 18:3-5, Bible, NKJV]

1.2. Your life while on earth will be a comfortable and “safe” life free of consequence or responsibility. It will be a life that rewards failure, dependency, and irresponsibility, and punishes, taxes, and persecutes success and entrepreneurship. You will be a “subject federal citizen” who surrendered all his rights and abdicated his godly stewardship:

TITLE 42 > CHAPTER 21 > SUBCHAPTER I > Sec. 1981.
Sec. 1981. - Equal rights under the law

(a) Statement of equal rights

All persons within the jurisdiction of the United States [. . .], shall be subject to like punishment, pains, penalties, taxes, licenses, and exactions [and IRS extortions] of every kind, and to no other.

⁷¹ West Virginia v. United States, 479 U.S. 305, 93 L.Ed.2d. 639, 107 S.Ct. 702.

⁷² West Virginia v. United States, 479 U.S. 305, 93 L.Ed.2d. 639, 107 S.Ct. 702.

⁷³ West Virginia v. United States, 479 U.S. 305, 93 L.Ed.2d. 639, 107 S.Ct. 702.

You will live in a very temporary man-made, egalitarian socialist utopia free of God or liability to obey His laws. Those churches who criticize this result as immoral are persecuted by pulling their I.R.C. 501(c)(3) exemption and raping and pillaging and seizing their assets. The government will enforce with its unjust laws not only equality of opportunity, but equality of RESULT, by abusing its taxing powers to redistribute wealth from the “haves” to the “have-nots and parasites” of society.

- 1.3. Your political “mafia protectors” will abuse their lawmaking power to indemnify you from liability for all of the following sins and violations of God’s eternal laws. Their lawmaking power will be used as a “license to sin” free of consequence:

1.3.1. Bad parenting. The government will take care of your kids if you screw up. They will become “wards of the state” who won’t come knocking on your door when you get older because Uncle will take care of them instead.

1.3.2. Selfishness in churches. The government will take over the charity business with Welfare, Medicare, and Social Security so that churches don’t have to bother with charity anymore and can keep all their tithes for vain and self-serving purposes like gymnasiums, new buildings, raises for the pastor, and after-school care programs.

1.3.3. Homosexuality. Leviticus 18:22 forbids homosexuality and says it is an abomination to be hated and for which God will judge. The government, on the other hand, will decriminalize it and even promote gay marriages, causing eternal damnation for all those who practice it after they die. Your politicians will either decriminalize it or offer to do so in order to procure your votes at election time.

1.3.4. Abortion. Exodus 20:13 and Prov. 31:8-9 say abortion is murder and violates God’s law. Politicians promise to decriminalize it in order to bribe promiscuous single people to vote for them.

1.3.5. Adultery. The Ten Commandments in Exodus 20:14 makes adultery a sin. King David was punished and persecuted by God for his violation of this law. Yet government, in race to bribe voters for votes, has replaced lifelong Holy Matrimony with temporary civil unions, thus making

1.3.5.1. Marriage into a form of legalized prostitution

1.3.5.2. Marriage licenses into prostitution licenses

1.3.5.3. Family court judges into “pimps”

1.3.5.4. Family law attorneys into tax collectors for the pimp.

Without Holy Matrimony virtually eliminated and replaced with temporary civil unions, there can be no such thing as adultery. All children born to parents practicing this form of prostitution give birth to bastard children under God’s law who have no right to inheritance. Consequently, the state will steal their inheritance through inheritance taxes. See:

<http://famguardian.org/Subjects/FamilyLaw/Marriage/InDefenseOfMarriage.htm>

1.3.6. Fornication. God says in 1 Cor. 6:18 and 1 Thess. 4:3-6 not to fornicate. Yet the government panders to the sinful nature of people by loosening FCC rules for lewdness on TV, teaching children in high school sex education class *how to fornicate* without having babies. They teach “safe sex”, but avoid teaching “abstinence”, thus contributing to the decay of society and the sacredness of Holy Matrimony.

1.3.7. Laziness. No need to be in a hurry to find a job because government will support me indefinitely if I don’t.

*“The hand of the diligent will rule, but the lazy man will be put to **forced labor** [government slavery!].”
[Prov. 12:24, Bible, NKJV]*

1.3.8. Borrowing money. The Great IRS Hoax, Form #11.302 shows in section 2.8.11 that God’s laws, such as Rom. 13:8, Deut. 15:6, Deut. 28:12, Deut. 23:19 say we should not borrow or go into debt or charge interest to our brother. Yet our politicians actually encourage debt through the tax code by allowing write-offs.

- 1.4. You gain the right to demand that the government subsidize and encourage your sinful behaviors by offering you “tax deductions” for sins that it wants you to commit in its name. For instance:

1.4.1. You can demand on your tax return the “privilege” to demand that the government allow you to exempt or deduct interest on debt, as a way to encourage you to go into debt, even though debt violates God’s laws found in Rom. 13:8, Deut. 15:6, Deut. 28:12, Deut. 23:19.

1.4.2. You can “write off” those kids you never wanted by claiming them as deductions, as long as you make them into “taxpayers” and government “whores” by giving them “Slave Surveillance Numbers”. The government will then use the SSN as a way to chain your kids and their kids to the federal plantation for the rest of their lives. Is that kind of treachery of your kids worth \$3,000 in deductions per year? Shouldn’t they have the right to make an informed choice when they reach adulthood whether or not they want to be “taxpayers” or have an SSN?

2. Responsibilities and Liabilities:

- 2.1. You must accept the Mark of the Beast, the Slave Surveillance Number (SSN). This number is simply a number used to track federal property, which you then become.
- 2.2. You become a federal “employee” on official business 24 hours a day, 7 days a week because:
- 2.2.1. When “employed”, you become a subcontractor to the federal government and a fiduciary over earnings that actually belong to the government and which are paid to you as a “trustee” of federal property by your federal “employer”.
- 2.2.2. Your “straw man”, who has the Slave Surveillance Number (SSN) attached to it, actually becomes the recipient of your earnings and you become the “trustee”. The straw man has “legal title” and you have “equitable title”. You cease to be the “trustee” and achieve “legal title” ONLY AFTER you have given the government their “fair share” according to whatever your benefactors at the IRS say you are entitled to keep. In other words, you get the “spoils” and the “leftovers” after the government has taken whatever it wants and picked the bones clean.
- 2.2.3. Any money you spend on yourself that came from the government disguised as an “entitlement” or “benefit” and which you did not directly earn with your own personal labor in effect becomes “employment income” that controls your *private*, personal behavior. The Supreme Court said in *Loan Assoc. v. Topeka*, [87 U.S. \(20 Wall.\) 655](#), 665 (1874), that a legitimate “tax” can only be spent on the support of the “government”. If you spend government entitlements on *yourself* instead of in furtherance of an official government function, then you become a thief and a criminal who is abusing government funds for personal gain. Therefore, it must be presumed that you are on “official business” 24 hours a day, 7 days a week or you would have to be thrown in jail for embezzlement.
- 2.3. Because you are a federal “employee” 24 hours a day, 7 days a week, then you, all of your earnings, and your personal and real property become federal property subject to federal jurisdiction under Article 4, Section 3, Clause 2 of the U.S. Constitution, regardless of where it physically exists. The government has an “equity interest” in your property which you gave to them by identifying yourself as a federal “employee” with a Slave Surveillance Number.
- 2.4. You become an “officer of a corporation”, which is the federal corporation called the United States government as defined in [28 U.S.C. §3002](#)(15)(A). As such, you become the proper legal subject of most penalty statutes within the Internal Revenue Code such as [26 U.S.C. §6671](#)(b) and [26 U.S.C. §7343](#), which only apply penalties to “officers of corporations”.
- 2.5. You become a “resident” (alien) living on the federal plantation situated in the District of Columbia (see [26 U.S.C. §7701](#)(a)(39)) and 26 U.S.C. §7408(d). None of the property or labor the government “harvests” from its slaves on the plantation can be considered stolen property, because everyone living on the federal plantation presumably “volunteered” to be there by signing the form W-4 and 1040.
- 2.6. You and your property become surety for endless government debt in violation of Prov. 6:1-5. The whole function of the IRS, in fact, is to manufacture fraudulent debt instruments called “assessments” without lawful authority and to thereby put people into perpetual debt slavery to their government in violation of the Thirteenth Amendment prohibition against “peonage” (slavery to pay off a debt), and “involuntary servitude”.
- 2.7. You become “an individual” and a “natural person” in the context of the Internal Revenue Code and become subject to the code in its entirety. This is called being “effectively connected with a trade or business” in the code.
- 2.8. Since you already admitted you are a “taxpayer”, which is a government “whore”, by furnishing an federal identifying number and specifying a liability on a tax form, then the burden of proof shifts to you to prove that you don’t earn “Taxable income” under 26 U.S.C. §7491. Your Constitutional right of being “innocent until proven guilty” is now completely reversed. You are guilty of being a government “whore” until you prove you are innocent.
- 2.9. All of your earnings become “effectively connected with a trade or business in the [federal] United States”, which means they are treated as though they originated from the Federal Government, even if they didn’t. All those who are “effectively connected” are essentially parties to an implied “employment” contract with the federal government. In effect, you became a federal “contractor” and the money you earn is theirs until you settle accounts with the prime contractor by submitting a tax return. This “return” is actually a return of property actually belonging to the federal government:

“THE”+ “IRS”= “THEIRS”

- 2.10. Whenever you are given a political or a legal choice as a jurist or voter or a parent, you have an obligation to do whatever you must in order to ensure the flow of your share of the stolen “loot” from the public servant thieves you work for in the federal judiciary and the IRS.
- 2.10.1. As a jurist, you must rule against all those people who try to exit the fraudulent revenue collection system or who try to reform the corruption within the system.

2.10.2. As a voter, you must vote for the candidate who promises the most stole “loot”.

2.10.3. As a parent, you must train your children that they have a duty to participate in the tax system, because that is where your retirement is going to come from!

The above is EVIL! It is the essence of socialism. Christians cannot be socialists. All socialists worship government as their false god. This is Satan worship and idolatry, because it is man/government-centric instead of God centric. The Bible calls such rebellion and mutiny of God’s laws “witchcraft” in 1 Sam 15:22-23. Such idolatry is punishable by death under God’s law (see Ezekial 9 in the Bible). The same kind of rebellion by our public servants of the Constitution is also punishable by death under 18 U.S.C. §2381.

Based on the above analysis, the only ethical and moral way to avoid the “roach trap statute” called the Internal Revenue Code is to not accept any social welfare benefit. This is a very important point. The Foreign Sovereign Immunities Act (F.S.I.A.), codified in 28 U.S.C. Chapter 97, in fact, clearly identifies why this is the case. 28 U.S.C. §1605, part of the act, contains a list of exceptions whereby a foreign sovereign forfeits its sovereign immunity in courts of justice. Two exceptions in particular reveal why we can’t accept federal benefits or be “U.S. citizens”. To wit:

1. [28 U.S.C. §1605](#)(a)(2) says that if you conduct “commerce” within the legislative jurisdiction of the “Untied States” (meaning the federal zone), then you lose your sovereign immunity. Receiving government benefits or paying for them through taxation qualifies as “commerce”. 26 U.S.C. §7701(a)(39) and 26 U.S.C. §7408(d) place all “persons” subject to the tax code squarely within the District of Columbia regardless of where they live, which is what the “United States” is defined as in 26 U.S.C. §7701(a)(9) and (a)(10):

[TITLE 28](#) > [PART IV](#) > [CHAPTER 97](#) > § 1605

§ 1605. General exceptions to the jurisdictional immunity of a foreign state

A foreign state shall not be immune from the jurisdiction of courts of the United States or of the States in any case—

(2) in which the action is based upon a commercial activity carried on in the United States by the foreign state; or upon an act performed in the United States in connection with a commercial activity of the foreign state elsewhere; or upon an act outside the territory of the United States in connection with a commercial activity of the foreign state elsewhere and that act causes a direct effect in the United States;

For further confirmation of the fact that your domicile as a federal “employee” is the District of Columbia, see Federal Rule of Civil Procedure Rule 17(b), which says that those acting in a representative capacity for a federal corporation, which in this case is the “United States”, become subject to the laws for the domicile of the corporation, which is the District of Columbia under 4 U.S.C. §72 and Article 1, Section 8, Clause 17 of the Constitution:

[IV. PARTIES](#) > Rule 17.

[Rule 17. Parties Plaintiff and Defendant; Capacity](#)

(b) Capacity to Sue or be Sued.

Capacity to sue or be sued is determined as follows:

(1) for an individual who is not acting in a representative capacity, by the law of the individual's domicile;

(2) for a corporation [the “United States”, in this case, or its officers on official duty representing the corporation], by the law under which it was organized; and

(3) for all other parties, by the law of the state where the court is located, except that:

(A) a partnership or other unincorporated association with no such capacity under that state's law may sue or be sued in its common name to enforce a substantive right existing under the United States Constitution or laws; and

(B) [28 U.S.C. §§754 and 959](#)(a) govern the capacity of a receiver appointed by a United States court to sue or be sued in a United States court.

[SOURCE: <http://www.law.cornell.edu/rules/frcp/Rule17.htm>]

2. [28 U.S.C. §1603](#)(b), also part of the act, defines an “agency or instrumentality” of a foreign state as an entity (1) which is a separate legal person, corporate or otherwise, and (2) which is an organ of a foreign state or political subdivision thereof, or a majority of whose shares or other ownership interest is owned by a foreign state or political subdivision thereof, and (3) which is neither a citizen of the a state of the United States as defined in [28 U.S.C. §1332](#)(c) and (d) nor created under the laws of any third country.

For purposes of this chapter—

(a) A “foreign state”, except as used in section 1608 of this title, includes a political subdivision of a foreign state or an agency or instrumentality of a foreign state as defined in subsection (b).

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

(1) which is a separate legal person, corporate or otherwise, and

(2) which is an organ of a foreign state or political subdivision thereof, or a majority of whose shares or other ownership interest is owned by a foreign state or political subdivision thereof, and

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

Based on the above, when you are acting effectively as a federal “employee”, you are not a “separate legal person”, but instead are just an extension of the federal government. Consequently, you cannot be part of a “foreign state” and maintain judicial immunity in a federal court if you accept federal employment as a person engaged in a “trade or business”. Likewise, you will lose your sovereign immunity if you allow yourself to be a statutory “citizen of the United States” under 8 U.S.C. §1401. That is why the *Great IRS Hoax*, Form #11.302 suggests in chapter 4 that you MUST correct your citizenship status to expatriate statutory citizenship in favor of Constitutional citizenship. Watch out!

We can’t take what we didn’t earn, and so if we are willing to accept a “benefit” (government bribe), then we should be just as willing to accept the responsibility to pay for it or else we are definitely a thief. No devout Christian can be a thief. Some people try to compromise on this principle by calculating how much they paid in, inflation adjusting it, and then only taking out exactly what they put in and no more. This is another alternative, but the cleanest way to separate from the Beast is simply to:

1. Completely abandon all entitlement to government social welfare “benefits”
2. Consider all contributions so far as simply donations to charity.
3. Completely abandon allegiance to the Beast. When we say “abandon allegiance”, we mean abandon allegiance to the lawless de facto government we have now but maintain our allegiance to the de jure “state”, which is all the people that our public servants work for and who are the true “sovereigns” in our system of government. If we have allegiance to them instead of our political rulers, then we will want to do what is best for them but taking them off their sinful addiction to plundered loot stolen by our covetous public servants.
4. Vow to take complete and exclusive responsibility for ourselves from this day forward.

“Make it your ambition to lead a quiet life, to mind your own business and to work with your hands, just as we told you, so that your daily life may win the respect of outsiders and so that you will not be dependent on anybody.”
[1 Thess. 4:9-12, Bible, NIV]

*“Go to the ant, you sluggard! Consider her ways and be wise, which, having no captain, overseer or ruler, provides her supplies in the summer, and gathers her food in the harvest, how long will you slumber, O sluggard? When will you rise from your sleep? A little sleep, a little slumber, a little folding of the hands to sleep--**SO shall your poverty come on you like a prowler [and government dependence], and your need like an armed man.**”*

[Prov. 6:11]

[**INTERPRETATION:** Laziness allows us to be robbed of our heritage and our birthright, our dignity and our sovereignty, because we are victimized by it and will end up surrendering our rights to the government out of desperation in order to get the sustenance that we were otherwise unwilling to earn. This makes the government into a Robinhood, which using the tools of democracy, turns a sword against its own citizens to rob from the rich to give to the poor. This leads to the downfall of democracy eventually because the government becomes an agent of plunder.]

A search of the Federal Register and the C.F.R. will not find criminal sections 7201(tax evasion) and 7203(willful failure to file) of Title 26 (the I.R. Code) anywhere. This fact seems to contradict the mandate of 44 U.S.C. §1505(a), which says, “for the purposes of this chapter (Sec. 1501 et seq.) every document or order which prescribes a penalty has generally applicability

and legal effect” and that those “having general applicability and legal effect” are “required to be published.” From this it would appear as though these penalty statutes should have been published in the Federal Register and the C.F.R. if they were to be enforced against the public at large, but Congress very deliberately limited the application of these penalty statutes and all of I.R. Code Chapter 75 to a person described in section 7343 of the I.R. Code—a person who is “under a duty to perform the act in respect of which the violation occurs.” The person under a duty is only a person who “effectively connected” himself with the U.S. Government income, an act called a “trade or business”, and willfully made some of that income part of their own estate by criminal conduct, such as fraud or perjury. Upon proof of fraud or perjury, the additional punishment of these statutes is applicable. Hence, sections 7201 and 7203 are not statutes of primary punishment, they only provide for additional punishment after a primary criminal act has been charged and proven. Only then does the U.S. Court have authority to impose the additional punishment under section 7201(tax evasion) and section 7203 (willful failure to file) upon such a person, and no other.

The Federal Government “employee” who works in the federal zone and is responsible for handling part of the U.S. Government’s income is the most likely candidate to be in a position to act fraudulently with regard to that income. Such person is in a fiduciary relationship with regard to the U.S. Government income and 44 U.S.C. §1501(a)(2) excepted statutes that are “effective only against Federal agencies or persons in their capacity as officers, agents, or employees thereof.” So, technically, section 1505(a) does not require section 7201 and section 7203 of the I.R. code to be in the Federal Register or C.F.R. if it is only being enforced against federal “employees”.

If these statutes prescribed primary rather than secondary punishment, they would have general applicability and would be required to be noticed. But, these statutes state they are additional punishment, so they cannot lawfully be used as primary punishment. The fact that they are not noticed in the Federal Register as required for other types of penalties is conclusive evidence that they can only be applied upon the specific persons described in section 7343 and only upon specific U.S. Government income. Section 7343, in turn, only specifies that “officer or employee of a corporation” is the party who has the duty to perform, and that person is holding “public office” in the United States government ONLY. Absence in the Federal Register tells that the subject matter is limited to internal revenue service and not possible to use for external (to the Federal Government) revenue service.

With Internal Revenue Code §§7201 and 7203 being applied generally through malicious prosecutions and malicious abuse of legal process, there remains only one source of authority being used by Federal Government employees against Americans living in states of the Union and outside of federal jurisdiction. Unlawfulness notwithstanding, Federal Government employees must be relying on authority received by judicial decisions, referred to as “case law” or “judge-made law” by lawyers within and without the U.S. Government.

If you would like to know more detail about how the federal tax “scheme” works as described in this section, we refer you to:

- Great IRS Hoax, Form #11.302, Section 5.6.10 entitled “Public Officer Kickback Position”.
- Resignation of Compelled Social Security Trustee, Form #06.002:
<http://sedm.org/Forms/FormIndex.htm>
- Social Security: Mark of the Beast, Form #11.407:
<http://sedm.org/Forms/FormIndex.htm>

9.6.5 No one in the government can lawfully consent to the socialism franchise agreement

As we proved earlier in section 8.4, the U.S. Supreme Court said in *Milwaukee v. White*, 296 U.S. 268 (1935) that the obligation to pay income taxes is “quasi-contractual in nature”. In that case, they said

“Even if the judgment is deemed to be colored by the nature of the obligation whose validity it establishes, and we are free to re-examine it, and, if we find it to be based on an obligation penal in character, to refuse to enforce it outside the state where rendered, see Wisconsin v. Pelican Insurance Co., 127 U.S. 265, 292, et seq. 8 S.Ct.

*1370, compare Fauntleroy v. Lum, 210 U.S. 230, 28 S.Ct. 641, **still the obligation to pay taxes is not penal. It is a statutory liability, quasi contractual in nature, enforceable, if there is no exclusive statutory remedy, in the civil courts by the common-law action of debt or***

indebitatus assumpsit. *United States v. Chamberlin*, [219 U.S. 250](#), 31 S.Ct. 155; *Price v. United States*, [269 U.S. 492](#), 46 S.Ct. 180; *Dollar Savings Bank v. United States*, 19 Wall. 227; and see *Stockwell v. United States*, 13 Wall. 531, 542; *Meredith v. United States*, 13 Pet. 486, 493. ***This was the rule established in the English courts before the Declaration of Independence.*** *Attorney General v. Weeks*, Bunbury's Exch. Rep. 223; *Attorney General v. Jewers and Batty*, Bunbury's Exch. Rep. 225; *Attorney General v. Hatton*, Bunbury's Exch. Rep. [296 U.S. 268, 272] 262; *Attorney General v. —*, 2 Ans.Rep. 558; see *Comyn's Digest* (Title 'Dett,' A, 9); *1 Chitty on Pleading*, 123; cf. *Attorney General v. Sewell*, 4 M.&W. 77. “
[*Milwaukee v. White*, [296 U.S. 268](#) (1935)]

The phrase “indebitatus assumpsit” is fancy Latin for “assumed debt”. In other words, the government, in collecting taxes, is “assuming” or “presuming” that you contracted a debt to pay for their services, even if you did not intend to use or contract for or consent to receive any of their services. In this section, we will expand the notion that income taxes are contractual to show that even if you did explicitly consent, there is no one in the government who could consent to the agreement or contract.

Any valid contract requires the following minimum elements:

1. An offer.
2. Mutual consideration.
3. Fully informed consent/assent.
4. Voluntary acceptance. This implies no penalty for failing to participate.
5. Legal age.

The Constitution for the United States divides the federal government into three distinct branches: Legislative, Executive, and Judicial. This broke “Humpty Dumpty” into three pieces. The reasonable question arises as to which of these three pieces has the lawfully delegated authority to contract for or on behalf of the U.S. government in the context of income taxes. Below is what the U.S. Supreme Court said about this interesting subject:

*“The Government may carry on its operations through conventional executive agencies or through corporate forms especially created for defined ends. See Keifer & Keifer v. Reconstruction Finance Corp., [306 U.S. 381, 390](#), 518. ***Whatever the form in which the Government functions, anyone entering into an arrangement with the Government takes the risk of having accurately ascertained that he who purports to act for the Government stays within the bounds of his authority. The scope of this authority may be explicitly defined by Congress or be limited by delegated legislation, properly exercised through the rule-making power.*** And this is so even though, as here, the agent himself may have been unaware of the limitations upon his authority. See, e.g., *Utah Power & Light Co. v. United States*, [243 U.S. 389, 409](#), 391; *United States v. Stewart*, [311 U.S. 60, 70](#), 108, and see, generally, *In re Floyd Acceptances*, 7 Wall. 666.”*
[*Federal Crop Ins. v. Merrill*, 332 U.S. 380 (1947)]

Justice Holmes wrote: “Men must turn square corners when they deal with the Government.” *Rock Island, A. & L. R. Co. v. United States*, [254 U.S. 141, 143](#) (1920). This observation has its greatest force when a private party seeks to spend the Government's money. Protection of the public fisc requires that those who seek public funds act with scrupulous regard for the requirements of law; respondent could expect no less than to be held to the most demanding standards in its quest for public funds. This is consistent with the general rule that those who deal with the Government are expected to know the law and may not rely on the conduct of Government agents contrary to law. [17](#). [467 U.S. 51, 64]

[. . .]

The appropriateness of respondent's reliance is further undermined because the advice it received from Travelers was oral. It is not merely the possibility of fraud that undermines our confidence in the reliability of official action that is not confirmed or evidenced by a written instrument. Written advice, like a written judicial opinion, requires its author to reflect about the nature of the advice that is given to the citizen, and subjects that advice to the possibility of review, criticism, and reexamination. The necessity for ensuring that governmental agents stay within the lawful scope of their authority, and that those who seek public funds act with scrupulous exactitude, argues strongly for the conclusion that an estoppel cannot be erected on the basis of the oral advice that underlay respondent's cost reports. That is especially true when a complex program such as Medicare is involved, in which the need for written records is manifest.
[*Heckler v. Comm Health Svc*, 467 U.S. 51 (1984)]

In their answers some of the defendants assert that when the forest reservations were created an understanding and agreement was had between the defendants, or their predecessors, and some unmentioned officers or agents of the United States, to the effect that the reservations would not be an obstacle to the construction or operation of the works in question; that all rights essential thereto would be allowed and granted under the act of 1905;

that, consistently with this understanding and agreement, and relying thereon, the defendants, or their predecessors, completed the works and proceeded with the generation and distribution of electric energy, and that, in consequence, the United States is estopped to question the right of the defendants to maintain and operate the works. Of this it is enough to say that the United States is neither bound nor estopped by acts of its officers or agents in entering into an arrangement or agreement to do or cause to be done what the law does not sanction or permit. Lee v. Munroe, 7 Cranch, 366, 3 L.Ed. 373; Filor v. United States, 9 Wall. 45, 49, 19 L.Ed. 549, 551; Hart v. United States, 95 U.S. 316, 24 L.Ed. 479; Pine River Logging Co. v. United States, 186 U.S. 279, 291, 46 S.L.Ed. 1164, 1170, 22 Sup.Ct.Rep. 920. [Utah Power and Light v. U.S., 243 U.S. 389 (1917)]

"It is contended that since the contract provided that the government 'inspectors will keep a record of the work done,' since their estimates were relied upon by the contractor, and since by reason of the inspector's mistake the contractor was L.Ed. to do work in excess of the appropriation, the United States is liable as upon an implied contract for the fair value of the work performed. But the short answer to this contention is that since no official of the government could have rendered it liable for this work by an express contract, none can by his acts or omissions create a valid contract implied in fact. The limitation upon the authority to impose contract obligations upon the United States is as applicable to contracts by implication as it is to those expressly made." [Sutton v. U.S., 256 U.S. 575 (1921)]

Undoubtedly, the general rule is that the United States are neither bound nor estopped by the acts of their officers and agents in entering into an agreement or arrangement to do or cause to be done what the law does not sanction or permit. Also, those dealing with an agent of the United [294 U.S. 120, 124] States must be held to have had notice of the limitation of his authority. Utah Power & Light Co. v. United States, 243 U.S. 389, 409, 37 S.Ct. 387; Sutton v. United States, 256 U.S. 575, 579, 41 S.Ct. 563, 19 A.L.R. 403.

How far, if at all, these general rules are subject to modification where the United States enter into transactions commercial in nature (Cooke v. United States, 91 U.S. 389, 399; White v. United States, 270 U.S. 175, 180, 46 S.Ct. 274) we need not now inquire. The circumstances presented by this record do not show that the assured was deceived or misled to his detriment, or that he had adequate reason to suppose his contract would not be enforced or that the forfeiture provided for by the policy could be waived. New York Life Insurance Co. v. Eggleston, 96 U.S. 572; Phoenix Mut. Life Insurance Co. v. Doster, 106 U.S. 30, 1 S.Ct. 18. The grounds upon which estoppel or waiver are ordinarily predicated are not shown to exist. [Wilbur Natl Bank v. U.S., 294 U.S. 120 (1935)]

Based on the foregoing, we can safely conclude:

1. Only law or legislative enactment can bind the government to a contract.
2. Persons doing business with the government are presumed to know the law, and the law is the vehicle for notifying the public about the limitations imposed upon the authority of agents working for or on behalf of the government.
3. Oral contracts with the government are unenforceable.
4. Only written contracts with the government are enforceable.
5. Officers of the U.S. government who have no delegated authority to bind the government cannot lawfully be party to any agreement or contract.
6. Any contract or agreement entered into with an agent who had no lawful authority to bind the government is null and void ab initio.
7. Even among officers of the U.S. government who have delegated authority from their supervisor to bind the government through contracts, if either they or their supervisors are acting outside of the authority of law, the contracts are unenforceable and create no rights or remedies for the parties.

In addition to the above, no branch of government can delegate any of its powers to another branch. This requirement originates from the Separation of Powers Doctrine:

"To the contrary, the Constitution divides authority between federal and state governments for the protection of individuals. State sovereignty is not just an end in itself: "Rather, federalism secures to citizens the liberties that derive from the diffusion of sovereign power." Coleman v. Thompson, 501 U.S. 722, 759 (1991) (BLACKMUN, J., dissenting). "Just as the separation and independence of the coordinate branches of the Federal Government serve to prevent the accumulation of excessive power in any one branch, a healthy balance of power between the States and the Federal Government will reduce the risk of tyranny and abuse from either front." Gregory v. [505 U.S. 144, 182] Ashcroft, 501 U.S., at 458. See The Federalist No. 51, p. 323. (C. Rossiter ed. 1961).

Where Congress exceeds its authority relative to the States, therefore, the departure from the constitutional plan cannot be ratified by the "consent" of state officials. An analogy to the separation of powers among the

branches of the Federal Government clarifies this point. The Constitution's division of power among the three branches is violated where one branch invades the territory of another, whether or not the encroached-upon branch approves the encroachment. In *Buckley v. Valeo*, 424 U.S. 1, 118 -137 (1976), for instance, the Court held that Congress had infringed the President's appointment power, despite the fact that the President himself had manifested his consent to the statute that caused the infringement by signing it into law. See *National League of Cities v. Usery*, 426 U.S., at 842, n. 12. In *INS v. Chadha*, 462 U.S. 919, 944 -959 (1983), we held that the legislative veto violated the constitutional requirement that legislation be presented to the President, despite Presidents' approval of hundreds of statutes containing a legislative veto provision. See *id.*, at 944-945. The constitutional authority of Congress cannot be expanded by the "consent" of the governmental unit whose domain is thereby narrowed, whether that unit is the Executive Branch or the States.

State officials thus cannot consent to the enlargement of the powers of Congress beyond those enumerated in the Constitution. Indeed, the facts of this case raise the possibility that powerful incentives might lead both federal and state officials to view departures from the federal structure to be in their personal interests. Most citizens recognize the need for radioactive waste disposal sites, but few want sites near their homes. As a result, while it would be well within the authority of either federal or state officials to choose where the disposal sites will be, it is likely to be in the political interest of each individual official to avoid being held accountable to the voters for the choice of location. If [505 U.S. 144, 183] a federal official is faced with the alternatives of choosing a location or directing the States to do it, the official may well prefer the latter, as a means of shifting responsibility for the eventual decision. If a state official is faced with the same set of alternatives - choosing a location or having Congress direct the choice of a location - the state official may also prefer the latter, as it may permit the avoidance of personal responsibility. The interests of public officials thus may not coincide with the Constitution's intergovernmental allocation of authority. Where state officials purport to submit to the direction of Congress in this manner, federalism is hardly being advanced. "

[*New York v. United States*, 505 U.S. 144 (1992)]

The only persons within the government who can bind the government are "public officials" acting under the authority of law. These officials exercise broad discretion in the execution of the "public trusts" under their stewardship as elected or appointed officials of the U.S. government:

"As expressed otherwise, the powers delegated to a public officer are held in trust for the people and are to be exercised in behalf of the government or of all citizens who may need the intervention of the officer. 74 Furthermore, the view has been expressed that all public officers, within whatever branch and whatever level of government, and whatever be their private vocations, are trustees of the people, and accordingly labor under every disability and prohibition imposed by law upon trustees relative to the making of personal financial gain from a discharge of their trusts. 75 That is, a public officer occupies a fiduciary relationship to the political entity on whose behalf he or she serves. 76 and owes a fiduciary duty to the public. 77 It has been said that the fiduciary responsibilities of a public officer cannot be less than those of a private individual. 78 Furthermore, it has been stated that any enterprise undertaken by the public official which tends to weaken public confidence and undermine the sense of security for individual rights is against public policy. 79"

[63C American Jurisprudence 2d, Public Officers and Employees, §247 (1999)]

An employee who is not a "public official" has no authority to bind the government because he has no fiduciary duty to act in the best interests of the government. It is worth noting that the ONLY person in the IRS who is a "public official" is the IRS commissioner himself. He is appointed by the President pursuant to 26 U.S.C. §7803(a)(1)(A). Everyone below him has no statutory authority to serve and DO NOT serve even as federal "employees". This is confirmed by the 1939 Internal Revenue Code, which is the basis for the current Internal Revenue Code and was never repealed. All laws prior to that relating to federal taxation were repealed by the Revenue Act of 1939. See 53 Stat. 1, the Revenue Act of 1939. Below is what it says about Revenue Agents in the 1939 Code, in section 4000, 53 Stat. 489:

⁷⁴ State ex rel. *Nagle v. Sullivan*, 98 Mont. 425, 40 P.2d. 995, 99 A.L.R. 321; *Jersey City v. Hague*, 18 N.J. 584, 115 A.2d. 8.

⁷⁵ *Georgia Dep't of Human Resources v. Sistrunk*, 249 Ga. 543, 291 S.E.2d. 524. A public official is held in public trust. *Madlener v. Finley* (1st Dist), 161 Ill.App.3d. 796, 113 Ill.Dec. 712, 515 N.E.2d. 697, app gr 117 Ill.Dec. 226, 520 N.E.2d. 387 and revd on other grounds 128 Ill.2d. 147, 131 Ill.Dec. 145, 538 N.E.2d. 520.

⁷⁶ *Chicago Park Dist. v. Kenroy, Inc.*, 78 Ill.2d. 555, 37 Ill.Dec. 291, 402 N.E.2d. 181, appeal after remand (1st Dist) 107 Ill.App.3d. 222, 63 Ill.Dec. 134, 437 N.E.2d. 783.

⁷⁷ *United States v. Holzer* (CA7 Ill), 816 F.2d. 304 and vacated, remanded on other grounds 484 U.S. 807, 98 L.Ed.2d. 18, 108 S.Ct. 53, on remand (CA7 Ill) 840 F.2d. 1343, cert den 486 U.S. 1035, 100 L.Ed.2d. 608, 108 S.Ct. 2022 and (criticized on other grounds by *United States v. Osser* (CA3 Pa) 864 F.2d. 1056) and (superseded by statute on other grounds as stated in *United States v. Little* (CA5 Miss) 889 F.2d. 1367) and (among conflicting authorities on other grounds noted in *United States v. Boylan* (CA1 Mass) 898 F.2d. 230, 29 Fed.Rules.Evid.Serv. 1223).

⁷⁸ *Chicago ex rel. Cohen v. Keane*, 64 Ill.2d. 559, 2 Ill.Dec. 285, 357 N.E.2d. 452, later proceeding (1st Dist) 105 Ill.App.3d. 298, 61 Ill.Dec. 172, 434 N.E.2d. 325.

⁷⁹ *Indiana State Ethics Comm'n v. Nelson* (Ind App), 656 N.E.2d. 1172, reh gr (Ind App) 659 N.E.2d. 260, reh den (Jan 24, 1996) and transfer den (May 28, 1996).

53 Stat. 489
Revenue Act of 1939, 53 Stat. 489

Chapter 43: Internal Revenue Agents
Section 4000 Appointment

The Commissioner may, whenever in his judgment the necessities of the service so require, employ competent agents, who shall be known and designated as internal revenue agents, and, except as provided for in this title, no general or special agent or inspector of the Treasury Department in connection with internal revenue, by whatever designation he may be known, shall be appointed, commissioned, or employed.

“Competent agents”? What a joke! If they were “competent”, then they would:

1. Know and follow the law and be fired if they didn’t.
2. Work as an “employee” for a specific Congressman in the House of Representatives who was personally accountable for their actions. “Taxation and representation” must coincide to preserve the original intent of the Constitution and the separation of powers doctrine.
3. Have delegated statutory authority of law to serve.
4. Would be public officials with a fiduciary duty to the public who they serve.

You can read the above statute yourself on the Family Guardian Website at:

<http://famguardian.org/PublishedAuthors/Govt/HistoricalActs/HistFedIncTaxActs.htm>

If “Revenue Agents” are not “appointed, commissioned, or employed”, then what exactly are they? We’ll tell you what they are: They are independent consultants who operate on commission. They get a commission from the property they steal from the American People, and their stolen “loot” comes from the Department of Agriculture. See the following response to a Freedom of Information Act (F.O.I.A.) request proving that IRS agents are paid by the Department of Agriculture:

<http://famguardian.org/TaxFreedom/Evidence/OrgAndDuties/USDAPaysIRS.pdf>

Why would the Congress NOT want to make Revenue Agents “appointed, commissioned, or employed”? Well, if they are effectively STEALING property from the American people and if they are not connected in any way with the federal government directly, have no statutory authority to exist under Title 26, and are not “employees”, then the President of the United States and all of his appointees in the Executive Branch cannot then be held personally liable for the acts and abuses of these thieves. What politician in his right mind would want to jeopardize his career by being held accountable for a mafia extortion ring whose only job is to steal money from people absent any legal authority?

The upside of all this is that if IRS agents are not “appointed, commissioned, or employed”, then they have no authority to obligate the government to anything. This is true of EVERYONE in the IRS who serves below the IRS Commissioner. The implications of this are HUGE. Most people become statutory “taxpayers” through the operation of private/special law, as we said earlier. This happens usually by them signing an “agreement” of some kind that makes them subject to the Internal Revenue Code, such as: IRS Form 1040, SSA Form SS-5, IRS Form W-4, etc. The Regulations for the IRS Form W-4, for instance, identify this form as an “agreement”:

Title 26
CHAPTER I
SUBCHAPTER C
PART 31
Subpart E
Sec. 31.3402(p)-1 Voluntary withholding agreements.

(a) In general.

An employee and his employer may enter into an agreement under section 3402(b) to provide for the withholding of income tax upon payments of amounts described in paragraph (b)(1) of Sec. 31.3401(a)-3, made after December 31, 1970. An agreement may be entered into under this section only with respect to amounts which are includible in the gross income of the employee under section 61, and must be applicable to all such amounts paid by the employer to the employee. The amount to be withheld pursuant to an agreement under section 3402(p) shall be determined under the rules contained in section 3402 and the regulations thereunder. (b) Form and duration of agreement. (1)(i) Except as provided in subdivision (ii) of this subparagraph, an employee who desires

1 to enter into an agreement under section 3402(p) shall furnish his employer with Form W-4 (withholding
2 exemption certificate) executed in accordance with the provisions of section 3402(f) and the regulations
3 thereunder. The furnishing of such Form W-4 shall constitute a request for withholding.

4 How can this agreement be an agreement with the government without anyone in the IRS who can bind the government to
5 the agreement? Does the IRS sign this form? NO! Did the government make you personally an offer to accept this agreement.
6 NO! Who, then, are the parties to this agreement and by what authority does the government become a party to it?

7 *"But the short answer to this contention is that since no official of the government could have rendered it*
8 *liable for this work by an express contract, none can by his acts or omissions create a valid contract implied in*
9 *fact. The limitation upon the authority to impose contract obligations upon the United States is as applicable*
10 *to contracts by implication as it is to those expressly made."*
11 *[Sutton v. U.S., 256 U.S. 575 (1921)]*

12 Let us give an important example of how this concept operates. The Legislative Branch cannot delegate its taxing or tax
13 collection powers to the Executive Branch. Article 1, Section 8, Clauses 1 and 3 of the Constitution of the United States
14 gives ONLY to Congress the power to "lay AND collect taxes". This means that if Congress wants to collect taxes from
15 within states of the Union, the taxation and representation must coincide in the SAME physical person, who works in the
16 House of Representatives. The U.S. Constitution Article 1, Section 7, Clause 1 requires that all spending bills must originate
17 in the House of Representatives, and by implication, all taxes must be collected by the House of Representatives to pay for
18 everything in the spending bill. The House Ways and Means Committee is responsible to ensure that both sides of this
19 equation will balance out so that we have a balanced budget. The reason that members of the House or Representatives are
20 reelected every two years is that if they get too aggressive in collecting taxes within their district, we can throw the bastards
21 out of office immediately. This reasoning was ably explained by James Madison in [Federalist Paper #58](#), when he said:

22 *"The House of Representatives cannot only refuse, but they alone can propose, the supplies requisite for the*
23 *support of government. They, in a word, hold the purse that powerful instrument by which we behold, in the*
24 *history of the British Constitution, an infant and humble representation of the people gradually enlarging the*
25 *sphere of its activity and importance, and finally reducing, as far as it seems to have wished, all the overgrown*
26 *prerogatives of the other branches of the government. This power over the purse may, in fact, be regarded as the*
27 *most complete and effectual weapon with which any constitution can arm the immediate representatives of the*
28 *people, for obtaining a redress of every grievance, and for carrying into effect every just and salutary measure.*
29 *But will not the House of Representatives be as much interested as the Senate in maintaining the government in*
30 *its proper functions, and will they not therefore be unwilling to stake its existence or its reputation on the pliancy*
31 *of the Senate? Or, if such a trial of firmness between the two branches were hazarded, would not the one be as*
32 *likely first to yield as the other? These questions will create no difficulty with those who reflect that in all cases*
33 *the smaller the number, and the more permanent and conspicuous the station, of men in power, the stronger must*
34 *be the interest which they will individually feel in whatever concerns the government.."*
35 *[Federalist Paper #58, James Madison]*

36 Neither the Senate nor the House of Representatives can lawfully, through legislative enactment, separate the tax
37 COLLECTION function from the REPRESENTATION function in the context of states of the Union by delegating either
38 function to another one of the two remaining branches of government. This would destroy the separation of powers and be
39 unconstitutional. If they do, it must be presumed that they are acting upon territory not within the "United States" (states of
40 the Union) within the meaning of the Constitution and which is part of the federal zone, and therefore are not bound by the
41 limitations imposed by the Constitution. This is exactly the situation with the present income tax described in Internal
42 Revenue Code, Subtitle A: It applies mainly if not exclusively to persons engaged in a "trade or business" or "public office",
43 which means people who are contractors, agents, public officials, or employees of the federal government. These people
44 serve primarily within the Executive Branch, which is limited to the District of Columbia pursuant to [4 U.S.C. §72](#). The IRS
45 is in the Executive Branch as well, under the Treasury Department. When the IRS was first created in 1862, the Congress
46 called it a "Bureau", which implies that it exists not to interface directly with people in states of the Union, but to service
47 business operations WITHIN the government itself. Hence the name INTERNAL Revenue Service.

48 Therefore, we must conclude that even if we did agree to the "quasi contract" to procure the protection of government by
49 consenting to participate in the Subtitle A income tax, there would be NO ONE within the federal government who could
50 lawfully act for or obligate the government, since the only parties who could lawfully do it are in the Legislative Branch.
51 This is also confirmed by the following:

52 *"Every man is supposed to know the law. A party who makes a contract with an officer [of the government]*
53 *without having it reduced to writing is knowingly accessory to a violation of duty on his part. Such a party aids*
54 *in the violation of the law."*
55 *[Clark v. United States, 95 U.S. 539 (1877)]*

When you submit any kind of tax form to the government, none of them require the signature of an agent of the government. Therefore, the government acquires no rights or remedies pursuant to any law as a non-party to the transaction.

9.6.6 ONLY You can consent to enlarge the powers of government, not people in the government



In the previous section, we proved that no one working within government can unilaterally:

1. Consent or collude to enlarge their PERSONAL powers.
2. Consent or collude to enlarge the powers of a specific BRANCH of government.
3. Break down the separation of powers in order to consolidate the powers of multiple branches into a single person or branch.

The reason for the above limits is that the purpose of both delegations of authority and the separation of powers is to protect private property and private rights, which, according to the Declaration of Independence, is the ONLY purpose of establishing government:

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

*As expressed otherwise, the powers delegated to a public officer are held in trust for the people and are to be exercised in behalf of the government or of all citizens who may need the intervention of the officer.⁸⁰ Furthermore, the view has been expressed that **all public officers, within whatever branch and whatever level of government, and whatever be their private vocations, are trustees of the people, and accordingly labor under every disability and prohibition imposed by law upon trustees relative to the making of personal financial gain from a discharge of their trusts.**⁸¹ That is, a public officer occupies a fiduciary relationship to the political entity on whose behalf he or she serves.⁸² and owes a fiduciary duty to the public.⁸³ It has been said that the fiduciary responsibilities of a public officer cannot be less than those of a private individual.⁸⁴ Furthermore,*

⁸⁰ State ex rel. Nagle v. Sullivan, 98 Mont. 425, 40 P.2d. 995, 99 A.L.R. 321; Jersey City v. Hague, 18 N.J. 584, 115 A.2d. 8.

⁸¹ Georgia Dep't of Human Resources v. Sistrunk, 249 Ga. 543, 291 S.E.2d. 524. A public official is held in public trust. Madlener v. Finley (1st Dist), 161 Ill.App.3d. 796, 113 Ill.Dec. 712, 515 N.E.2d. 697, app gr 117 Ill.Dec. 226, 520 N.E.2d. 387 and revd on other grounds 128 Ill.2d. 147, 131 Ill.Dec. 145, 538 N.E.2d. 520.

⁸² Chicago Park Dist. v. Kenroy, Inc., 78 Ill.2d. 555, 37 Ill.Dec. 291, 402 N.E.2d. 181, appeal after remand (1st Dist) 107 Ill.App.3d. 222, 63 Ill.Dec. 134, 437 N.E.2d. 783.

⁸³ United States v. Holzer (CA7 Ill), 816 F.2d. 304 and vacated, remanded on other grounds 484 U.S. 807, 98 L.Ed. 2d 18, 108 S.Ct. 53, on remand (CA7 Ill) 840 F.2d. 1343, cert den 486 U.S. 1035, 100 L.Ed. 2d 608, 108 S.Ct. 2022 and (criticized on other grounds by United States v. Osser (CA3 Pa) 864 F.2d. 1056) and (superseded by statute on other grounds as stated in United States v. Little (CA5 Miss) 889 F.2d. 1367) and (among conflicting authorities on other grounds noted in United States v. Boylan (CA1 Mass) 898 F.2d. 230, 29 Fed.Rules.Evid.Serv. 1223).

⁸⁴ Chicago ex rel. Cohen v. Keane, 64 Ill.2d. 559, 2 Ill.Dec. 285, 357 N.E.2d. 452, later proceeding (1st Dist) 105 Ill.App.3d. 298, 61 Ill.Dec. 172, 434 N.E.2d. 325.

1 it has been stated that any enterprise undertaken by the public official which tends to weaken public confidence
2 and undermine the sense of security for individual rights is against public policy.⁸⁵
3 [63C American Jurisprudence 2d, Public Officers and Employees, §247 (1999)]

4 We also know that one cannot lawfully consent to GIVE up or alienate an unalienable right, and doing so is the ONLY way
5 LEFT given the above limits to enlarge the power of government.

6 “We hold these truths to be self-evident, that **all men are created equal, that they are endowed by their Creator**
7 **with certain unalienable Rights**, that among these are Life, Liberty and the pursuit of Happiness.--That to secure
8 these rights, Governments are instituted among Men, deriving their just powers from the consent of the governed,
9 --“
10 [Declaration of Independence]

11 “Unalienable. Inalienable; incapable of being aliened, that is, sold and transferred.”
12 [Black’s Law Dictionary, Fourth Edition, p. 1693]

13 So the very most that a legitimate constitutional government can do to enlarge their powers is to create the APPEARANCE
14 that you consented in some form to give up a specific protected constitutional or natural right. In other words, if they can
15 cause you or deceive you into producing evidence that allows them to do a specific thing because you consented to it, then
16 they can use that evidence as a source of “plausible deniability” in court to prove that what they did was NOT a violation of
17 your rights. After all, we know from section 1.1 that what you consent to cannot form the basis for an injury in court. You
18 cannot sue someone without demonstrating an injury in court, and what ask to be done or consent to be done is proof that you
19 waive your right to claim an injury, except possibly if it is done in a manner OTHER than what you specifically requested.

20 In legal parlance, allowing or requesting a government to do that which it is not expressly authorized to do under the
21 constitution or delegated express authority to do is what we called “comity” earlier in section 8.7. An example of such a
22 cooperative arrangement would be compacts between sister states. “Compacts” are treated as contracts when litigated in
23 court. For instance, the Interstate Driver’s License Compact is an agreement or covenant between 45 sister states of the
24 Union. You can read about it below:

[Driver License Compact](https://en.wikipedia.org/wiki/Driver_License_Compact), Wikipedia
https://en.wikipedia.org/wiki/Driver_License_Compact

25 The Constitution mentions NOTHING about compacts generally or driver licensing specifically. Automobiles weren’t even
26 invented when it was written. Thus, it delegates NO AUTHORITY to enter into such compacts. If the authority isn’t
27 delegated, then it should not be able to be exercised. Below is what the Annotated Constitution says on this subject:

28 ***Subject Matter of Interstate Compacts***

29 *For many years after the Constitution was adopted, boundary disputes continued to predominate as the subject*
30 *matter of agreements among the states. Since the turn of the twentieth century, however, the interstate compact*
31 *has been used to an increasing extent as an instrument for state cooperation in carrying out affirmative programs*
32 *for solving common problems.*²²⁷⁹ *The execution of vast public undertakings, such as the development of the*
33 *Port of New York by the Port Authority created by compact between New York and New Jersey, flood control, the*
34 *prevention of pollution, and the conservation and allocation of water supplied by interstate streams, are among*
35 *the objectives accomplished by this means. Another important use of this device was recognized by Congress in*
36 *the act of June 6, 1934,*²²⁸⁰ *whereby it consented in advance to agreements for the control of crime. The first*
37 *response to this stimulus was the Crime Compact of 1934, providing for the supervision of parolees and*
38 *probationers, to which most of the states have given adherence.*²²⁸¹ *Subsequently, Congress has authorized, on*
39 *varying conditions, compacts touching the production of tobacco, the conservation of natural gas, the regulation*
40 *of fishing in inland waters, the furtherance of flood and pollution control, and other matters. Moreover, many*
41 *states have set up permanent commissions for interstate cooperation, which have led to the formation of a Council*
42 *of State Governments, the creation of special commissions for the study of the crime problem, the problem of*
43 *highway safety, the trailer problem, problems created by social security legislation, and the framing of uniform*
44 *state legislation for dealing with some of these.*²²⁸²

45 ***Consent of Congress***

46 *The Constitution makes no provision with regard to the time when the consent of Congress shall be given or the*
47 *mode or form by which it shall be signified.*²²⁸³ *While the consent will usually precede the compact or agreement,*

⁸⁵ Indiana State Ethics Comm’n v. Nelson (Ind App), 656 N.E.2d. 1172, reh gr (Ind App) 659 N.E.2d. 260, reh den (Jan 24, 1996) and transfer den (May 28, 1996).

it may be given subsequently where the agreement relates to a matter which could not be well considered until its nature is fully developed.²²⁸⁴ The required consent is not necessarily an expressed consent; it may be inferred from circumstances.²²⁸⁵ It is sufficiently indicated, when not necessary to be made in advance, by the approval of proceedings taken under it.²²⁸⁶ The consent of Congress may be granted conditionally “upon terms appropriate to the subject and transgressing no constitutional limitations.”²²⁸⁷ Congress does not, by giving its consent to a compact, relinquish or restrict its own powers, as for example, its power to regulate interstate commerce.²²⁸⁸

Grants of Franchise to Corporations by Two States

It is competent for a railroad corporation organized under the laws of one state, when authorized so to do by the consent of the state that created it, to accept authority from another state to extend its railroad into such state and to receive a grant of powers to own and control, by lease or purchase, railroads therein and to subject itself to such rules and regulations as may be prescribed by the second state. Such legislation on the part of two or more states is not, in the absence of inhibitory legislation by Congress, regarded as within the constitutional prohibition of agreements or compacts between states.²²⁸⁹

Legal Effect of Interstate Compacts

Whenever, by the agreement of the states concerned and the consent of Congress, an interstate compact comes into operation, it has the same effect as a treaty between sovereign powers. Boundaries established by such compacts become binding upon all citizens of the signatory states and are conclusive as to their rights.²²⁹⁰ Private rights may be affected by agreements for the equitable apportionment of the water of an interstate stream, without a judicial determination of existing rights.²²⁹¹ Valid interstate compacts are within the protection of the Contract Clause,²²⁹² and a “sue and be sued” provision therein operates as a waiver of immunity from suit in federal courts otherwise afforded by the *Eleventh Amendment*.²²⁹³ The Supreme Court in the exercise of its original jurisdiction may enforce interstate compacts following principles of general contract law.²²⁹⁴ Congress also has authority to compel compliance with such compacts.²²⁹⁵ Nor may a state read herself out of a compact which she has ratified and to which Congress has consented by pleading that under the state’s constitution as interpreted by the highest state court she had lacked power to enter into such an agreement and was without power to meet certain obligations thereunder. The final construction of the state constitution in such a case rests with the Supreme Court.²²⁹⁶

[Annotated Constitution, Article I, Section X, Clause III: Interstate Compacts, Legal Information Institute; <https://www.law.cornell.edu/constitution-conan/article-1/section-10/clause-3/interstate-compacts>]

FOOTNOTES:

²²⁷⁹ *Frankfurter and Landis*, The Compact Clause of the Constitution: A Study in Interstate Adjustments, 34 *YALE L.J.* 685 (1925); F. ZIMMERMAN AND M. WENDELL, *INTERSTATE COMPACTS SINCE 1925* (1951); F. ZIMMERMAN AND M. WENDELL, *THE LAW AND USE OF INTERSTATE COMPACTS* (1961).

²²⁸⁰ 48 *Stat.* 909 (1934).

²²⁸¹ F. ZIMMERMAN AND M. WENDELL, *INTERSTATE COMPACTS SINCE 1925* 91 (1951).

²²⁸² 7 *U.S.C.* §515; 15 *U.S.C.* §717j; 16 *U.S.C.* §552; 33 *U.S.C.* §§11, 567–567b.

²²⁸³ *Green v. Biddle*, 21 *U.S.* (8 *Wheat.*) 1, 85 (1823).

²²⁸⁴ *Virginia v. Tennessee*, 148 *U.S.* 503 (1893).

²²⁸⁵ *Virginia v. West Virginia*, 78 *U.S.* (11 *Wall.*) 39 (1871).

²²⁸⁶ *Wharton v. Wise*, 153 *U.S.* 155, 173 (1894).

²²⁸⁷ *James v. Dravo Contracting Co.*, 302 *U.S.* 134 (1937). See also *Arizona v. California*, 292 *U.S.* 341, 345 (1934). When it approved the New York-New Jersey Waterfront Compact, 67 *Stat.* 541, Congress, for the first time, expressly gave its consent to the subsequent adoption of implementing legislation by the participating states. *DeVeau v. Braisted*, 363 *U.S.* 144, 145 (1960).

²²⁸⁸ *Pennsylvania v. Wheeling & Belmont Bridge Co.*, 59 *U.S.* (18 *How.*) 421, 433 (1856).

²²⁸⁹ *St. Louis & S.F. Ry. v. James*, 161 *U.S.* 545, 562 (1896).

²²⁹⁰ *Poole v. Fleeger*, 36 *U.S.* (11 *Pet.*) 185, 209 (1837); *Rhode Island v. Massachusetts*, 37 *U.S.* (12 *Pet.*) 657, 725 (1838).

²²⁹¹ *Hinderlider v. La Plata River & Cherry Creek Ditch Co.*, 304 *U.S.* 92, 104, 106 (1938).

1 2292 *Green v. Biddle*, 21 U.S. (8 Wheat.) 1, 13 (1823); *Virginia v. West Virginia*, 246 U.S. 565 (1918). See also
2 *Pennsylvania v. Wheeling & Belmont Bridge Co.*, 54 U.S. (13 How.) 518, 566 (1852); *Olin v. Kitzmiller*, 259 U.S.
3 260 (1922).

4 2293 *Petty v. Tennessee-Missouri Bridge Comm'n*, 359 U.S. 275 (1959).

5 2294 *Texas v. New Mexico*, 482 U.S. 124 (1987). If the compact makes no provision for resolving impasse, then
6 the Court may exercise its jurisdiction to apportion waters of interstate streams. In doing so, however, the Court
7 will not rewrite the compact by ordering appointment of a third voting commissioner to serve as a tie-breaker;
8 rather, the Court will attempt to apply the compact to the extent that its provisions govern the controversy. *Texas*
9 *v. New Mexico*, 462 U.S. 554 (1983).

10 2295 *Virginia v. West Virginia*, 246 U.S. 565, 601 (1918).

11 2296 *Dyer v. Sims*, 341 U.S. 22 (1951).

12 Interstate contracts don't seem to impinge on individual rights and thereby violate the constitution, because they are entered
13 into by states to cooperatively deal with a specific problem. To abuse legal process to interfere with their exercise would be
14 an unconstitutional infringement of the right to contract of all sovereignties. This is what we believe the original purpose of
15 the concept of "comity" was:

16 "comity. Courtesy; complaisance; respect; a willingness to grant a privilege, not as a matter of right, but out of
17 deference and good will. Recognition that one sovereignty allows within its territory to the legislative, executive,
18 or judicial act of another sovereignty, having due regard to rights of its own citizens. *Nowell v. Nowell*,
19 *Tex.Civ.App.*, 408 S.W.2d. 550, 553. In general, principle of "comity" is that courts of one state or jurisdiction
20 will give effect to laws and judicial decisions of another state or jurisdiction, not as a matter of obligation, but
21 out of deference and mutual respect. *Brown v. Babbitt Ford, Inc.*, 117 Ariz. 192, 571 P.2d. 689, 695. See also
22 *Full faith and credit clause.*"
23 [Black's Law Dictionary, Sixth Edition, p. 267]

24 Notice based on the above that comity involves SOVEREIGNTIES, not individuals. The same constitutional protections for
25 the right of state sovereignties to enter into interstate compacts DO NOT therefore apply to contracts between individuals and
26 governments. There is no constitutional basis for an INDIVIDUAL by consent to enlarge governmental powers. The people,
27 for instance, cannot by consent allow a state to abrogate its police powers:

28 "The question is, therefore, presented (says the opinion), whether, in view of these facts, the legislature of a State
29 can, by the charter of a lottery company, defeat the will of a people authoritatively expressed, in relation to the
30 further continuance of such business in their midst. We think it cannot. No legislature can bargain away the
31 public health or the public morals. The people themselves cannot do it, much less their servants. The
32 supervision of both these subjects of governmental power is continuing in its nature, and they are to be dealt
33 with as the special exigencies of the moment may require. Government is organized with a view to their
34 preservation, and cannot divest itself of the power to provide for them. For this purpose the legislative
35 discretion is allowed, and the discretion cannot be parted with any more than the power itself."
36 [*Butchers' Union v. Crescent City Co.*, 111 U.S. 746 (1884)]

37 There are occasions when individual people contract with the government or enter into a "compact". Entering into
38 government employment is the most famous example:

39 "It is true, that the person who accepts an office may be supposed to enter into a compact to be answerable to
40 the government, which he serves, for any violation of his duty; and, having taken the oath of office, he would
41 unquestionably be liable, in such case, to a prosecution for perjury in the Federal Courts. But because one
42 man, by his own act, renders himself amenable to a particular jurisdiction, shall another man, who has not
43 incurred a similar obligation, be implicated? If, in other words, it is sufficient to vest a jurisdiction in this court,
44 that a Federal Officer is concerned; if it is a sufficient proof of a case arising under a law of the United States to
45 affect other persons, that such officer is bound, by law, to discharge his duty with fidelity; a source of jurisdiction
46 is opened, which must inevitably overflow and destroy all the barriers between the judicial authorities of the State
47 and the general government. Any thing which can prevent a Federal Officer from the punctual, as well as from
48 an impartial, performance of his duty; an assault and battery; or the recovery of a debt, as well as the offer of a
49 bribe, may be made a foundation of the jurisdiction of this court; and, considering the constant disposition of
50 power to extend the sphere of its influence, fictions will be resorted to, when real cases cease to occur. A mere
51 fiction, that the defendant is in the custody of the marshal, has rendered the jurisdiction of the King's Bench
52 universal in all personal actions."

53 [*United States v. Worrall*, 2 U.S. 384 (1798)]

54 SOURCE: http://scholar.google.com/scholar_case?case=3339893669697439168/

55 However, when the above happens, it almost always happens in a geographical location where constitutional rights do not
56 apply and therefore are NOT being surrendered by consent. For instance, pursuant to 4 U.S.C. §72, all "public offices" must

be exercised in the District of Columbia AND NOT ELSEWHERE except as EXPRESSLY authorized by law. According to Downes v. Bidwell, 182 U.S. 244, (1901), the constitution applied to the District of Columbia BEFORE it was created and those protections were never surrendered.

*“There could be no doubt as to the correctness of this conclusion, so far, at least, as it applied to the District of Columbia. This District had been a part of the States of Maryland and 261*261 Virginia. It had been subject to the Constitution, and was a part of the United States. The Constitution had attached to it irrevocably. There are steps which can never be taken backward. The tie that bound the States of Maryland and Virginia to the Constitution could not be dissolved, without at least the consent of the Federal and state governments to a formal separation. The mere cession of the District of Columbia to the Federal government relinquished the authority of the States, but it did not take it out of the United States or from under the aegis of the Constitution. Neither party had ever consented to that construction of the cession. If, before the District was set off, Congress had passed an unconstitutional act, affecting its inhabitants, it would have been void. If done after the District was created, it would have been equally void; in other words, Congress could not do indirectly by carving out the District what it could not do directly. The District still remained a part of the United States, protected by the Constitution. Indeed, it would have been a fanciful construction to hold that territory which had been once a part of the United States ceased to be such by being ceded directly to the Federal government.
[Downes v. Bidwell, 182 U.S. 244, (1901)]*

So, when people go to work for the national government in the District of Columbia, without their employment contract, they cannot unilaterally be compelled to surrender any constitutional protection or right. But AFTER they consent and voluntarily go to work for the national government, they surrender those same rights and subordinate them to their employment agreement:

*“The restrictions that the Constitution places upon the government in its capacity as lawmaker, i.e., as the regulator of private conduct, are not the same as the restrictions that it places upon the government in its capacity as employer. We have recognized this in many contexts, with respect to many different constitutional guarantees. Private citizens perhaps cannot be prevented from wearing long hair, but policemen can. Kelley v. Johnson, 425 U.S. 238, 247 (1976). Private citizens cannot have their property searched without probable cause, but in many circumstances government employees can. O'Connor v. Ortega, 480 U.S. 709, 723 (1987) (plurality opinion); id., at 732 (SCALIA, J., concurring in judgment). Private citizens cannot be punished for refusing to provide the government information that may incriminate them, but government employees can be dismissed when the incriminating information that they refuse to provide relates to the performance of their job. Gardner v. Broderick, [497 U.S. 62, 95] 392 U.S. 273, 277 -278 (1968). With regard to freedom of speech in particular: Private citizens cannot be punished for speech of merely private concern, but government employees can be fired for that reason. Connick v. Myers, 461 U.S. 138, 147 (1983). Private citizens cannot be punished for partisan political activity, but federal and state employees can be dismissed and otherwise punished for that reason. Public Workers v. Mitchell, 330 U.S. 75, 101 (1947); Civil Service Comm'n v. Letter Carriers, 413 U.S. 548, 556 (1973); Broadrick v. Oklahoma, 413 U.S. 601, 616 -617 (1973).”
[Rutan v. Republican Party of Illinois, 497 U.S. 62 (1990)]*

The key method therefore of surrendering rights to the government is the OATH that public servants take. Since no one else BUT these public servants take such an oath, there is no method in place for ordinary inhabitants, citizens, or residents to surrender THEIR constitutionally protected rights.

As we have repeatedly emphasized throughout our website and in the following materials, those who receive government payments or derive earnings from commerce conducted within the federal zone or federal territory under the 26 U.S.C. §871 source rules **are treated for all intents and purposes as public officers, as we indicate below.** Whether this is lawful or constitutional in the case of people physically situated on land protected by the Constitution ABSENT the requisite public officer oath is quite another story.

1. *Why Your Government is Either a Thief or You are a “Public Officer” for Income Tax Purposes*, Form #05.008 <https://sedm.org/Forms/FormIndex.htm>
2. *The “Trade or Business” Scam*, Form #05.001-documents how those receiving government payments or “benefits” are treated effectively as though they are “partners” or contractors with the national government subject to regulation and taxation. <https://sedm.org/Forms/FormIndex.htm>

As such, those accepting “benefits”, “property”, or payments from the national government or the territory that it owns or has exclusive jurisdiction over therefore are TREATED AS IF they are party to a “privilege”, “franchise”, or “compact” and implicitly waive their sovereignty and sovereign immunity in doing so. They have effectively forfeited their rights by CHOOSING to engage in certain taxable or regulated activities, just like federal statutory “employees” do so by taking an

oath to obey the constitution. All taxes based upon your CONSENT or CHOICE in choosing a taxable or regulated activity are called “excise taxes”.

“But when Congress creates a statutory right [a “privilege” or “public right” in this case, such as a “trade or business”], it clearly has the discretion, in defining that right, to create presumptions, or assign burdens of proof, or prescribe remedies; it may also provide that persons seeking to vindicate that right must do so before particularized tribunals created to perform the specialized adjudicative tasks related to that right. FN35 Such provisions do, in a sense, affect the exercise of judicial power, but they are also incidental to Congress’ power to define the right that it has created. No comparable justification exists, however, when the right being adjudicated is not of congressional creation. In such a situation, substantial inroads into functions that have traditionally been performed by the Judiciary cannot be characterized merely as incidental extensions of Congress’ power to define rights that it has created. Rather, such inroads suggest unwarranted encroachments upon the judicial power of the United States, which our Constitution reserves for Art. III courts.”
[Northern Pipeline Const. Co. v. Marathon Pipe Line Co., 458 U.S. 50, 102 S.Ct. 2858 (1983)]

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.

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]

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.

This principle of a waiver of sovereign immunity manifests itself in many forms throughout the IRS’ Publications, the Internal Revenue Code, and the Treasury Regulations. Examples abound in the form of the following words or phrases, all of which are designed to allow you to DONATE PRIVATE property to make it PUBLIC PROPERTY that is taxable:

1. “Shall be treated as”. This appears 696 times in the Internal Revenue Code. There are “Shall be treated” provisions but no provisions that say “shall NOT be treated as”.
2. “Effectively connected”. This means DONATED to a public use by connecting it with a “trade or business”. This scam started in
3. “Election” or “election to be treated as”. They use the word “election” because you are “electing” or “choosing” to occupy the privileged statutory office of “person”, “citizen”, “resident alien”, “individual” etc. See:

Divine election/choice, SEDM
<https://sedm.org/divine-election-choice/>
4. “Agreement”. This is found in 26 U.S.C. §3402(p)(3). Under this agreement, you are agreeing to treat PRIVATE earnings as “federal payments” FROM THE GOVERNMENT as described in 26 U.S.C. §3402(p)(1)(A). You are

also agreeing to be treated effectively as a government STATUTORY “Employee” as defined in 26 U.S.C. §3401(a).

People are DUPED into CHOOSING these things without realizing it. What they in effect are choosing is to convert PRIVATE property to a PUBLIC USE, a PUBLIC PURPOSE and a PUBLIC OFFICE. Collectively these statuses are called “trade or business”, which is in practical effect a partnership with Uncle Sam to donate private property. That partnership is the only one referenced in 26 U.S.C. §6671(b) and 26 U.S.C. §7343, which define who they can penalize or criminally prosecute:

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

(b) Person defined

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

[TITLE 26 > Subtitle F > CHAPTER 75 > Subchapter D > § 7343](#)
[§7343. Definition of term “person”](#)

*The term “person” as used in this chapter **includes an officer or employee of a corporation, or a member or employee of a partnership**, who as such officer, employee, or member is under a duty to perform the act in respect of which the violation occurs.*

Notice we have found no law that actually says you CANNOT treat income from a source without U.S as income from a source within, and nothing stops you from making it "effectively connected" either. This is designed to maximize the amount you donate to them by converting it from PRIVATE to PUBLIC.

In the 1966 Tax Act, they added "effectively connected" income to the definition of "gross income" for a NRA for the first time. Before that, ONLY income that was ACTUALLY from a source within the United States would be "gross income" to a NRA. We recognize that all Americans are nonresident aliens every year by default (unless they file 1040 for that year). So creating this "effectively connected" nexus allows for a purely CONTRACTUAL liability to be created. Before that it was just mistake of law if a nonresident alien filed as a U.S. person and declared all his income as "gross income". By introducing this "effectively connected" nexus, the liability is created quasi-contractually (even if done by mistake) and therefore it is more solidly legal because there is from that point a basis in the Code for liability to arise that way. As if to further cover their asses, they add "national of the United States" to the Code in 1972 in a provision for nonresident aliens in 26 U.S.C. §873. And then later, in 1986, the "election to be treated as a resident alien" created a quasi-contractual basis for "U.S. person" whereas before that it would just have been purely mistake of law on the part of the nonresident alien filer.

So they knew since 1919 (if not before that) they were relying on deception to DUPE 1040 filers into liability based on the filer's MISTAKES OF LAW in not filing the correct 1040NR. They wanted tax liability to be more legally solid, so they added these provisions to the Code in 1966, 1972 and in 1986 that would transform what had been up to that point a reliance on duping Americans into pure mistakes of law into, instead duping Americans into these quasi-contractual devices for American nonresident aliens to effectively "opt in" to being liable. This gave everyone running the SCAM more plausible deniability than they had before.

The special construction of 26 U.S.C. §7701(c) is designed SPECIFICALLY to allow people to define “taxable income” to include PRIVATE earnings not subject to statutory control, in fact:

[26 U.S. Code § 7701 - Definitions](#)

(c)Includes and including

The terms “includes” and “including” when used in a definition contained in this title shall not be deemed to exclude other things otherwise within the meaning of the term defined.

The Rules of Statutory Construction and Interpretation DO NOT allow THEM to unilaterally add PRIVATE earnings to tax statutes because this would be a taking of property in violation of the Fifth Amendment. But YOU, the OWNER are the

ONLY ONE who can do it by “effectively connecting” it or “ELECTING” to effectively connect it. That is the ONLY lawful way to make it fall within the definition of “income”, “gross income”, or “taxable income” if it was earned OUTSIDE the STATUTORY “United States**”, which we interpret to mean the GOVERNMENT, and not a geographical place.

"Under basic rules of construction, statutory laws enacted by legislative bodies cannot impair rights given under a constitution. 194 B.R. at 925. "
[In re Young, 235 B.R. 666 (Bankr.M.D.Fla., 1999)]

"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 IRS Form 1040NR Instructions confirm the legal conclusions of this section:

Income Effectively Connected With U.S. Trade or Business

*The instructions for this section assume **you have decided that the income involved is effectively connected with a U.S. trade or business in which you were engaged.** The tax status of income also depends on its source. Under some circumstances, items of income from foreign sources are treated as effectively connected with a U.S. trade or business. Other items are reportable as effectively connected or not effectively connected with a U.S. trade or business, depending on how **you elect to treat them.***
[IRS Form 1040NR Instructions, Year 2019, p. 17; <https://www.irs.gov/pub/irs-pdf/i1040nr.pdf>]

Hahaha look at that!:

*The instructions for this section assume **you have decided that the income involved is effectively connected with a U.S. trade or business.***

Congress does not have power to tax all business activity just because it is on federal land. They have exclusive jurisdiction, but not plenary authority except for federal property. The statutes we have discussed so far recognize that.

The evidence provided in this section is irrefutable evidence that the income tax is IN DEED voluntary. The fact that it is truly voluntary has even been admitted in testimony before congress below:

1. Former IRS Commissioner Steven Miller and Congressman Beccera Both Admit that the Income Tax is Voluntary, SEDM Exhibit 05.051
<https://sedm.org/Exhibits/ExhibitIndex.htm>
2. [Congressman Charley Rengal Admits that Income Tax is Voluntary](#)-House Ways and Means Committee, Tax Collection Privatization, May 23, 2007
<https://www.c-span.org/video/?198256-1/tax-collection-privatization>
3. IRS Chief Admits Under Oath that The Income Tax is Voluntary, SEDM Exhibit #05.025
<https://famguardian.org/TaxFreedom/Evidence/Congressional/DwightAvis-TaxVoluntary.pdf>

Their dastardly scheme is absolutely brilliant, now isn't it? It took them over a 100 years to perfect it and hide the truth in "the code". Our hats off to them. That's why they call it "the code". You have to "decode it" to understand the real truth they are trying to disguise.

9.6.7 How did you CONSENT to the “Quasi-Contract”?⁸⁶

The obligation to pay income taxes is “quasi-contractual”, according to the U.S. Supreme Court:

⁸⁶ Source: *Why the Federal Income Tax is Limited to Federal Territory, Possessions, Enclaves, Offices, and Other Property*, Form #04.404, Section 5.1; <https://sedm.org/Forms/FormIndex.htm>.

“Even if the judgment is deemed to be colored by the nature of the obligation whose validity it establishes, and we are free to re-examine it, and, if we find it to be based on an obligation penal in character, to refuse to enforce it outside the state where rendered, see *Wisconsin v. Pelican Insurance Co.*, 127 U.S. 265, 292, et seq. 8 S.Ct. 1370, compare *Fauntleroy v. Lum*, 210 U.S. 230, 28 S.Ct. 641, **still the obligation to pay taxes is not penal. It is a statutory liability, quasi contractual in nature, enforceable, if there is no exclusive statutory remedy, in the civil courts by the common-law action of debt or indebitatus assumpsit.** *United States v. Chamberlin*, 219 U.S. 250, 31 S.Ct. 155; *Price v. United States*, 269 U.S. 492, 46 S.Ct. 180; *Dollar Savings Bank v. United States*, 19 Wall. 227; and see *Stockwell v. United States*, 13 Wall. 531, 542; *Meredith v. United States*, 13 Pet. 486, 493. This was the rule established in the English courts before the Declaration of Independence, *Attorney General v. Weeks*, *Bunbury's Exch. Rep.* 223; *Attorney General v. Jewers and Batty*, *Bunbury's Exch. Rep.* 225; *Attorney General v. Hatton*, *Bunbury's Exch. Rep.* [296 U.S. 268, 272] 262; *Attorney General v. —*, 2 *Ans.Rep.* 558; see *Comyn's Digest* (Title 'Dett,' A, 9); 1 *Chitty on Pleading*, 123; cf. *Attorney General v. Sewell*, 4 *M.&W.* 77. “
[*Milwaukee v. White*, 296 U.S. 268 (1935)]

The obligation to pay taxes and the consent to the “quasi-contract” is created by:

1. CHOOSING the privileged statuses of citizen or resident and receiving “income” or “gross income” from anyone worldwide. One can UNCONSENT to making worldwide earnings taxable by:
 - 1.1. If a State National: Changing to “nonresident alien”. More particularly, changing the STATUS of the SSN assigned to your legal person to “nonresident alien” pursuant to 26 C.F.R. §301.6109-1(g). This is done usually by filing a 1040NR return after previously Filing a 1040 form.
 - 1.2. If a STATUTORY citizen: Changing your domicile to outside of federal territory to become a nonresident and a “nonresident alien”. More particularly, changing the STATUS of the SSN assigned to your legal person to “nonresident alien” pursuant to 26 C.F.R. §301.6109-1(g). This is done usually by filing a 1040NR return after previously Filing a 1040 form.
 - 1.3. If you are a “resident alien” or “alien”: Leaving the country or naturalizing as an alien.
 Thus, the PROPERTY being granted that creates the obligation is the USE of the status of citizen or resident, which has the condition that those using it must RENT it by paying tax on “income” or “gross income” received.
2. CHOOSING the non-privileged status of “nonresident alien” and receiving government payments of any kind called “income” or “gross income”. One can unconsent by refusing to receive government payments. Thus, the PROPERTY being granted that creates the obligation is the government payment. Those receiving it agree or consent that the government retains a qualified interest in it which must be RETURNED. By “qualified interest” we mean a SHARED property interest.
3. Failing or refusing to rebut false information returns connecting your NON-TAXABLE earnings to the status of “gross income” and “trade or business” income. Information return reports such as the W-2 and 1099 can only be filed upon those engaged in a “trade or business”, per 26 U.S.C. §6041(a). All such parties are either public officers or receiving government property. For details on how to rebut these usually false reports, see:

Correcting Erroneous Information Returns, Form #04.001
<https://sedm.org/Forms/FormIndex.htm>

It goes without saying that the REVERSE of the process of UNCONSENTING is how you effectively consented to the obligation to begin with.

All three of the above constitute either “IMPLIED consent” or “assent” to the income tax. Items 1 and 2 involve “IMPLIED consent” while item 3 involves “ASSENT”. They must have one or the other to make their enforcement activities consistent with the Constitution and legitimate:

“Implied consent. That manifested by signs, actions, or facts, or by inaction or silence, which raise a presumption that the consent has been given. For example, when a corporation does business in a state it impliedly consents to be subject to the jurisdiction of that state's courts in the event of tortious conduct, even though it is not incorporated in that state. Most every state has a statute implying the consent of one who drives upon its highways to submit to some type of scientific test or tests measuring the alcoholic content of the driver's blood. In addition to implying consent, these statutes usually provide that if the result of the test shows that the alcohol content exceeds a specified percentage, then a rebuttable presumption of intoxication arises.”
[Black's Law Dictionary, Fifth Edition, pp. 276-277]

assent noun

as·sent / \ ə- 'sent , a- \

Definition of assent (Entry 2 of 2)

: an act of agreeing to something especially after thoughtful consideration : an act of assenting :
ACQUIESCENCE, AGREEMENT

She gave her assent to the proposal.

Other Words from assent

[Merriam Webster Dictionary: Assent, Downloaded 11/27/2020; <https://www.merriam-webster.com/dictionary/assent>]

Because the taxpayer can be deemed to agree with 3rd party information by failing to disagree, his assent is more what is needed than his "consent"----one may consent to be a resident alien, and such person no longer has the option not to consent to be taxed on his worldwide income. One cannot be forced to work for federal government, so one consents to that; such person no longer has the option to "not consent" to the income tax on such income.

When it comes to assessing a tax, they need your assent to the tax---either via your self-assessment or tacitly if you refuse to file as you are apparently required to do, based on the evidence. "consent" at that point is no longer the issue---they do not need your consent to be taxed on what is determined to be your taxable income. but they also cannot just make up a tax assessment out of the blue without either your direct assent (via self-assessment) or via your tacit assent (based on available information and your failure to make a self-assessment).

As far as changing the status of either a STATUTORY "citizen" or a state national to that of "nonresident alien", the regulation authorizing that says:

26 C.F.R. §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.

(ii) Employer identification number.

An employer identification number is generally identified in the records and database of the Internal Revenue Service as a number belonging to a U.S. person. However, the Internal Revenue Service may establish a separate class of employer identification numbers solely dedicated to foreign persons which will be identified as such in the records and database of the Internal Revenue Service. A person may establish a different status for the number either at the time of application or subsequently by providing proof of U.S. or 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. The Internal Revenue Service may require a person to apply for the type of employer identification number that reflects the status of that person as a U.S. or foreign person.

2) Change of foreign status.

Once a taxpayer identifying number is identified in the records and database of the Internal Revenue Service as a number belonging to a U.S. or foreign person, the status of the number is permanent until the circumstances of the taxpayer change. A taxpayer whose status changes (for example, a nonresident alien individual with a social security number becomes a U.S. resident alien) must notify the Internal Revenue

Service of the change of status under such procedures as the Internal Revenue Service shall prescribe, including the use of a form as the Internal Revenue Service may specify.

So if a “nonresident alien” files a Form 1040. He is deemed to be reporting to IRS that “the circumstances of the taxpayer” changed and that he is electing to be treated as a resident alien per 26 U.S.C. §7701(b)(1)(A). So “U.S. person” becomes the NEW “permanent” status for the SSN. Now we can see why they call it a “first year election” in the sub-heading at 26 U.S.C. §7701(b)(4). It is a veiled warning that the taxpayer’s SSN will be deemed to be assigned to a resident alien (“U.S. person” status) every year after that, as well. Unless/until you inform the IRS that, once again, the taxpayer’s circumstances changed

So the common thread is the grant and purchase of property, and that purchase gives the grantor the right to make rules or conditions for the use of the property under Article 4, Section 3, Clause 2, including the obligation to pay rent for the privilege of using the RIGHTS attached to the status in the case of STATUTORY citizen or STATUTORY resident or to return a portion of the property in the case of government payments.

In the case of citizen or resident, there is NO KICKBACK, because the property granted is NOT money, but a status.

kickback

noun

kick·back / \ 'kik-, bak\

Definition of kickback

(Entry 1 of 2)

1: a return of a part of a sum received often because of confidential agreement or coercion

every city contract had been let with a ten percent kickback to city officials— D. K. Shieler

2: a sharp violent reaction

[Merriam-Webster Dictionary: Kickback, Downloaded 11/26/2020; <https://www.merriam-webster.com/dictionary/kickback>]

In the case of “nonresident aliens”, there IS a kickback, because the property granted is MONEY in the case of government payments, a portion of which must be “RETURNED”.

In both of the above cases, there is a grant of government property, however, which gives rise to the “quasi-contractual” obligation. Accepting the property or using it, therefore, constitutes effective consent or “implied consent”, JUST as SCOTUS said:

*“The conditions upon which the privilege shall be enjoyed being stated or implied in the legislation authorizing its grant, no right is, of course, impaired by their enforcement. **The recipient of the privilege, in effect, stipulates to comply with the conditions. It matters not how limited the privilege conferred, its acceptance implies an assent to the regulation of its use and the compensation for it.**”*
[Munn v. Illinois, 94 U.S. 113 (1876)]

By “stipulates” they U.S. Supreme Court means “CONSENTS and agrees” to the “quasi contract”. It’s a quasi rather than actual contract because the ACT of accepting or using the property is TREATED AS an effective act of consent, even if the person accepting the property does not KNOW this is what is happening from a legal perspective. The legal dictionary has two names for this type of consent:

1. “tacit procuration”

“Procuration.. Agency; proxy; the act of constituting another one’s attorney in fact. The act by which one person gives power to another to act in his place, as he could do himself. Action under a power of attorney or other constitution of agency. Indorsing a bill or note “by procuration” is doing it as proxy for another or by his authority. The use of the word procuration (usually, per procuratore, or abbreviated to per proc. or p. p.) on a promissory note by an agent is notice that the agent has but a limited authority to sign.

An express procuration is one made by the express consent of the parties. An implied or tacit procuration takes place when an individual sees another managing his affairs and does not interfere to prevent it. Procurations are also divided into those which contain absolute power, or a general authority, and those which give only a limited power. Also, the act or offence of procuring women for lewd purposes. See also Proctor." [Black's Law Dictionary, Fifth Edition, pp. 1086-1087]

2. "Sub silentio"

"SUB SILENTIO. Under silence; without any notice being taken. Passing a thing sub silentio may be evidence of consent" [Black's Law Dictionary, Fourth Edition, p. 1593]

"Qui tacet consentire videtur.

He who is silent appears to consent. Jenk. Cent. 32."

[Bouvier's Maxims of Law, 1856;

SOURCE: <http://famguardian.org/Publications/BouvierMaximsOfLaw/BouviersMaxims.htm>]

The above processes therefore are what we refer to as "invisible consent".

Further, note that in *Munn v. Illinois* above, the U.S. Supreme Court ALSO used the word "obviously". Tacit procuration is in no way OBVIOUS and operates very subtly. It may be obvious to THEM, but it's far from obvious to the VICTIMS of the "quasi-contractual scam". That's why they CLOAKED the process in legalese using a nebulous term to describe the above process, which they will ABSOLUTELY refuse to disclose because they DON'T WANT YOU TO KNOW! It's the SECRET to leaving the system.

It is important that people understand they can't just argue their way out of an obligation by effectively saying "AHA! I know what this tax REALLY is!". We only discuss the quasi-contractual nature of the obligations to file and pay in the context of opposing the idea that these things are forced on everyone. This is a matter of personal taste and sensibilities. We prefer to say that people are unknowingly opting in to income tax liability.

With normal people, we just say as a shorthand that they can "opt out" because they are starting with the assumption that they are somehow already liable and that nothing can legally be done to avoid that. So that is a starting point----from there they can learn that they have actually been opting in, every time. So they don't need to opt out so much as refrain from opting IN

But since there are some different things you have to do, you could say it is changing the SSN to nonresident alien can definitely be seen as opting out of U.S. person status. But even then, you still have to refrain from opting in to income tax liability----by not misapplying the law in your determinations of what your gross income is, and by understanding that you have the right to exclude non-federally sourced income from "gross income".

9.6.8 The secret to opting in and out for Nonresident aliens is HIDDEN⁸⁷

The main purpose of the Internal Revenue Code is to fool state nationals in the states into volunteering to BE TREATED as "resident aliens" so that their earnings will be taxable worldwide.

1. State nationals OPT-IN by filing a Form 1040 return. This changes the status of the SSN assigned to you under 26 C.F.R. §301.6109-1(g)(1) to "U.S. person". They can do this by:
 - 1.1. Filing a 1040 form when married to a STATUTORY citizen under 26 U.S.C. §6013(g) and (h).
 - 1.2. MISTAKENLY filing a 1040:
 - 1.2.1. 26 U.S.C. §7701(b)(1)(A) does EXPRESSLY allow it for those who are not "resident aliens" physically present on federal territory or domiciled there to make such an election.
 - 1.2.2. It does not say anywhere that you are not ALLOWED to make this election if you don't satisfy the presence test. It just says those who DO meet these qualifications may make this election.

⁸⁷ Source: *How to File Returns*, Form #09.074, Section 6.2; <https://sedm.org/Forms/FormIndex.htm>

- 1.2.3. They only created this election provision so they would have the right to presume that YOU relied on this provision and that your filing of 1040 is NOT a mistake.
- 1.2.4. But even if you do not meet these qualifications, you are not precluded from filing a 1040 anyway. That undocumented “election” could also be interpreted by them as you declaring yourself to be a STATUTORY “citizen” status OR electing to be treated as a resident alien.
- 1.2.5. This is similar to how 8 U.S.C. §1401 says “the following shall be nationals and citizens at birth” but does not purport to LIMIT who is a national or citizen at birth to the listed items. They could have said “are nationals and citizens” but they used “shall be” in order to open the possibility to cross over with language similar to “SHALL BE TREATED AS” used so frequently in the Internal Revenue Code. So a native born American or state national from a constitutional state is not listed there, but they do not have to be in order to claim STATUTORY citizenship.

2. They OPT-OUT by filing a 1040NR return. This changes the status of the SSN assigned to you under 26 C.F.R. §301.6109-1(g)(2) to “foreign person”.

These facts are very carefully concealed in the Treasury Regulations. For instance, 26 C.F.R. §301.6012-1(b)(1):

26 CFR 1.6012-1 (b) (1) Requirement of return -

(i) In general.

Except as otherwise provided in subparagraph (2) of this paragraph, every nonresident alien individual (other than one treated as a resident under section 6013 (g) or (h)) who is engaged in trade or business in the United States at any time during the taxable year or who has income which is subject to taxation under subtitle A of the Code shall make a return on Form 1040NR.

It is almost as though they are trying to conceal the fact that filing a 1040 constitutes an election to be treated as a resident alien. Though it IS clear from this regulation that filing a 1040 is something a resident alien would do! Keep in mind, they do not spell out how that election by a NONRESIDENT ALIEN 26 U.S.C. §7701(b)(1)(A) is to be made for those who are NOT physically “resident”. Yet they thoroughly explain the 26 U.S.C. §6013(g) election!!

So there is one they want you to know about making an election as a “nonresident alien” TO BE TREATED as a “resident alien”, but the other apparently not at all---yet by connecting the dots you can see that filing a 1040 = election under 26 U.S.C. §7701(b)(1)(a).

For more on how state nationals are deceived into volunteering for the income tax, see:

[How State Nationals Volunteer to Pay Income Tax](https://sedm.org/Forms/FormIndex.htm), Form #08.024
<https://sedm.org/Forms/FormIndex.htm>

9.6.9 Modern tax trials are religious “inquisitions” and not valid legal processes

This section will build upon section 4.4.13 of the Great IRS Hoax, Form #11.302, in which it was shown that our government has become idolatry, a false religion, and false god and that its “Bible” has become the Infernal and Satanic Revenue Code. In it, we will prove that so-called “income tax” trials are not in fact legal proceedings at all, but essentially amount to religious inquisitions against those who do not consent to participate in the official state-sponsored federal religion called the Internal Revenue Code. We will start off by defining what a valid legal proceeding is, and then show you why today’s tax trials do not even come close to meeting these requirements, and are conducted more like religious inquisitions than valid legal proceedings. We will even compare modern tax trials to the early “witch trials” to show quite graphically just how similar that they are to religious inquisitions. We will then close the section by giving you a tabular comparison showing all the similarities between how federal tax trials of today are conducted and the way the inquisitions were conducted in the 1600’s so that the facts are crystal clear in your mind. This will form the basis to describe modern tax trials not only as religious inquisitions, but also as a “malicious abuse of legal process” that is the responsibility of mainly federal judges.

At the heart of the notion of religious liberty and the First Amendment is the freedom from “compelled association”. We can only be “holy” in God’s eyes, if we separate ourselves from pagan people and governments around us. Here are a few authorities from the Bible on this subject of separation of “church”, which is us as believers, from “state”, which is all the pagan nonbelievers living under our system of government:

1 "Come out from among them [the unbelievers]
2 And be separate, says the Lord,
3 Do not touch what is unclean,
4 And I will receive you.
5 I will be a Father to you,
6 And you shall be my sons and daughters,
7 Says the Lord Almighty."
8 [2 Corinthians 6:17-18, Bible, NKJV]

9 "Do not love the world or the things in the world. If anyone loves [is a citizen of] the world, the love of the
10 Father is not in Him. For all that is in the world--the lust of the flesh, the lust of the eyes, and the pride of life--
11 is not of the Father but is of the world. And the world is passing away, and the lust of it; but he who does the
12 will of God abides forever."
13 [1 John 2:15-17, Bible, NKJV]

14 "Adulterers and adulteresses! Do you now know that friendship [and "citizenship"] with the world is enmity
15 with God? Whoever therefore wants to be a friend [citizen or "taxpayer"] of the world makes himself an
16 enemy of God."
17 [James 4:4, Bible, NKJV]

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

21 "And you shall be holy to Me, for I the Lord am holy, and have separated you from the peoples, that you
22 should be Mine."
23 [Leviticus 20:26, Bible, NKJV]

24 "I am a stranger in the earth;
25 Do not hide Your commandments from me."
26 [Psalm 119:19, Bible, NKJV]

27 "I have become a stranger to my brothers,
28 And an alien to my mother's children;
29 Because zeal for Your house has eaten me up,
30 And the reproaches of those who reproach You have fallen on me."
31 [Psalm 69:8-9, Bible, NKJV]

32 A graphical example of the need for this separation of "church" and "state" is illustrated in the Bible Book of Nehemiah, in
33 which the Jews tried to rebuild the wall that separated them, who were believers, from the pagan people, governments, and
34 rulers around them who were enslaving them with taxes, persecuting, and ridiculing them. Does this scenario sound familiar?
35 It should because that is exactly the scenario Christians in America are beginning to be exposed to. Those who want to be
36 holy and sanctified therefore cannot associate themselves with a pagan or socialist state without violating God's laws, sinning,
37 and alienating themselves from God. The First Amendment says the right to refuse to associate, which in this case is a
38 "religious practice", is protected. Below is what a prominent First Amendment reference book says on this subject:

39 Just as there is freedom to speak, to associate, and to believe, so also there is freedom not to speak, associate, or
40 believe. "The right to speak and the right to refrain from speaking [on a government tax return, and in
41 violation of the [Fifth Amendment](#) when coerced, for instance] are complementary components of the broader
42 concept of 'individual freedom of mind.'" [Wooley v. Maynard \[430 U.S. 703\] \(1977\)](#). Freedom of conscience
43 dictates that no individual may be forced to espouse ideological causes with which he disagrees:

44 "[A]t the heart of the [First Amendment](#) is the notion that the individual should be free to believe as
45 he will, and that in a free society one's beliefs should be shaped by his mind and by his conscience
46 rather than coerced by the State [through illegal enforcement of the revenue laws]." [Aboud v.](#)
47 [Detroit Board of Education \[431 U.S. 209\] \(1977\)](#)

48 Freedom from compelled association is a vital component of freedom of expression. Indeed, freedom from
49 compelled association illustrates the significance of the liberty or personal autonomy model of the [First](#)
50 [Amendment](#). As a general constitutional principle, it is for the individual and not for the state to choose one's
51 associations and to define the persona which he holds out to the world.
52 [First Amendment Law, Barron-Dienes, West Publishing, ISBN 0-314-22677-X, pp. 266-267]

53 All of the harassment, financial terrorism, and evil instituted by the IRS and the legal skirmishes happening in courtrooms
54 across the country relating to income taxes is all designed with one very specific, singular purpose in mind: to force and
55 terrorize people into associating with, subsidizing, and having allegiance to a pagan, socialist, EVIL government, and to

thereby commit idolatry in making government one's new false god and using that false god as a substitute for the Living God. We are being forced to choose between one of two competing sovereigns: the true, living God, or a pagan and evil government, and we can only choose ONE:

*"No one can serve two masters; for either he will hate the one and love the other, or else he will be loyal to the one and despise the other. **You cannot serve God and mammon [unrighteous gain or any other false god].**"⁸⁸
[Jesus in Matt. 6:24, Bible, NKJV]*

*"Bravery or slavery, take your pick, because your covetous government is going to force you to choose one!"
[Family Guardian Fellowship]*

We must remember what the Bible says about this choice we have:

*"**You shall not follow a [socialist or democratic] crowd[or "mob"] to do evil; nor shall you testify in a dispute so as to turn aside after many to pervert justice.**"
[Exodus 23:2, Bible, NKJV]*

*"Away with you, Satan! For it is written, **'You shall worship the Lord your God, and Him ONLY [NOT the government!]** you shall serve [with your labor or your earnings from labor].'"
[Jesus in [Matt. 4:10](#), Bible, NKJV]*

Therefore, there is only one righteous choice of who our "Master" can be as believers, and it isn't man, or anything including governments, that is made by man. If it isn't God, then you have violated your contract and covenant with God in the Bible. When you choose government as your Master, the tithes you used to pay to God then are diverted to subsidize your new pagan god, the government, in the form of "income taxes". Once you understand this important concept completely, the picture becomes quite clear and the purposes behind the abuse of legal process relating to illegal income tax enforcement and collection will be clear in your mind. What we are dealing with in the court system then, is essentially not a legal, but a political and ideological war. The apostle Paul warned us about this inevitable ideological war, when he said:

*"For we do not wrestle against flesh and blood, **but against principalities, against powers, against the rulers of the darkness of this age, against spiritual hosts of wickedness in the heavenly [and government] places.**"
[Eph. 6:12, Bible, NKJV]*

In the context of individual taxation, we now know from the preceding sections that there are no "positive laws" at the federal level, other than perhaps the Constitution itself. The Internal Revenue Code is therefore a religion, and not a law, as we concluded earlier. The disciples of that religion are all those who benefit financially from it by receiving socialist government benefits, which are really just bribes paid from stolen money generated by this false religion. Among the victims of this socialist bribery effected with loot stolen from our fellow Americans are judges, lawyers, and jurors. To validate our analysis here, we will therefore prove to you scientifically in the remainder of this section that modern tax trials are more "political campaigns" and "religious inquisitions" rather than valid legal processes. In a society without tax laws where "voluntary compliance" must be maintained, some method of discipline must be used, and since it can't be "law", then the tools of discipline and enforcement must then degenerate into political persecution and religious inquisition.

A valid legal proceeding in a federal court against a sovereign National who lives in a state of the Union and not on land within federal territorial jurisdiction must meet all the following prerequisites to be a valid:

1. The statute which is being enforced must be a "positive law" which they are obligated to observe. See 1 U.S.C. §204(a). Positive law means that the people consented to the enforcement of the law and its adverse impact against their rights. If the statute being enforced is not a "positive law", then the government must disclose on the record how and why the defendant comes under the contractual or voluntary jurisdiction of the statute. They must prove, for instance, beyond a reasonable doubt, why the person is a federal "employee" in order to enforce a "special law" statute such as the Internal Revenue Code that only applies to federal employees.
2. Implementing regulations must be published in the federal register for the positive law statute that allow the statute to be enforced. Without publishment in the federal register, no law may prescribe any kind of penalty, as we learned earlier. See the following for exhaustive treatment of this subject:

[IRS Due Process Meeting Handout](#), Form #03.008
<http://sedm.org/Forms/FormIndex.htm>

⁸⁸The New King James Version. 1996, c1982 . Thomas Nelson: Nashville

3. Jurisdictional boundaries and requirements must be strictly observed by the court:
- 3.1. The violation of a “positive law” must occur within federal jurisdiction on land that the government can prove belonged to the federal government at the time of the offense. Such records are in the possession of the Department of Justice.
- 3.2. If the government is exercising extraterritorial jurisdiction, it must provide evidence of consent to the law in some form, so that it is enforcing the equivalent of “private law”/contract law within a foreign jurisdiction. This requirement is the essence of what the courts call “federalism”.
- 3.3. Federal judges who hear federal tax trials must maintain a domicile on federal land within the district where they serve, and are unqualified to serve if they do not.
- 3.4. Since federal law applies mainly inside the federal zone, then the only people who can serve as jurors on a federal trial are people born in and residing within the federal zone, and very few people meet this requirement.
4. The result of violating the positive law statute must harm a specific, flesh and blood individual. This is the foundation of the notion of “common law”. Laws are there to protect the “sovereign”, which in this country is the People and not the government. This means that if the government is proceeding as the injured party, then it must produce a “verified complaint” alleging a specific injury to other than itself in order to enforce a statute.
5. A confession or a critical statement or act by the accused upon which a conviction depends must be made completely voluntarily and the subject who made the confession or committed the act may not be under any kind of duress or undue influence, especially by the government who is hearing the case. It is considered prejudicial and a violation of due process to rely upon evidence that was obtained under duress and involuntarily.
6. No presumptions may be made about the status of the individual involved, because assumption and presumption violate due process of law under the Fifth Amendment and are also a religious sin (see Numbers 15:30, Bible). All evidence admitted, even if it is signed under penalty of perjury by the National, must be verified to be true and correct and the individual must agree that no duress was involved in the production of the evidence in order for it to be admissible.
- 6.1. “prima facie” evidence of law, such as the Internal Revenue Code, are not admissible. “prima facie” means “presumed”. See the 1 U.S.C. §204.
- 6.2. The accused cannot be “presumed” to be an 8 U.S.C. §1401 “U.S. citizen”, without a showing with credible evidence that he was born within federal jurisdiction, on land under the exclusive jurisdiction of the federal government.
- 6.3. The jury may not make any presumptions. Jurists must be warned in advance that they should not make any presumptions about what the tax code says, which means they must be:
- 6.3.1. Shown that the code is not positive law but special law, and therefore may not be used generally, but only against persons who effectively connected themselves to the code by working for the government.
- 6.3.2. Shown the code themselves.
- 6.3.3. Shown why the individual on trial is subject to the code by being shown the liability statute or by proving that he is a federal “employee”
- 6.4. See the following for details on how “presumption” is abused by federal courts to DESTROY your rights:
- Presumption: Chief Weapon for Unlawfully Enlarging Federal Jurisdiction*, Form #05.017
<http://sedm.org/Forms/FormIndex.htm>
7. The voir dire jury selection and judge selection process must remove all persons from the legal process who have any kind of conflict of interest:
- 7.1. Judges who receive retirement benefits or pay from illegal collection activity must recuse themselves.
- 7.2. Jurists who receive any kind of government benefit or who file tax returns and therefore are subject to influence by the IRS must be removed from the trial. The only people who can serve on the jury are those not subject to extortion or influence by the IRS. Consequently, the IRS must agree in writing not to institute any kind of collection action or retaliation against any of the jurists for any adverse decisions they might make against the IRS.
8. The judge:
- 8.1. May not pay or receive benefits from Subtitle A federal income taxes, nor be subject to any kind of collection action by the IRS. Even the possibility that such retaliation could happen by the IRS would severely prejudice the rights of the accused if he is opposing the IRS.
- 8.2. Must have an appointment affidavit making him an Article III judge, which is admitted into evidence prior to the start of the trial for the jury and the accused to see.
- 8.3. Must be a member of the Judicial Branch and not the Executive Branch. Consequently, he cannot be an “employee” of the Executive branch and may not have a SF-61 form on file with the executive branch. Instead, all of his records and pay must be handled by the Judicial branch and not any federal agency in the Executive Branch.
9. If the judge is either a “taxpayer” or does not demonstrate a willingness to recuse himself as a person who receives financial benefit from the operation of the Internal Revenue Code against persons who do not consent or volunteer, then the jury must be advised that because a clear conflict of interest is present and that they have the right to rule on both the

facts and the law. Ordinarily, the judge would rule on the law and the jury would rule only on the facts, but if the judge has a clear conflict of interest, then Thomas Jefferson and John Jay, one of our first chief Justices of the Supreme Court, both said that the jury can and should rule on BOTH the facts AND the law to prevent tyranny by the judge:

"It is left... to the juries, if they think the permanent judges are under any bias whatever in any cause, to take on themselves to judge the law as well as the fact. They never exercise this power but when they suspect partiality in the judges; and by the exercise of this power they have been the firmest bulwarks of English liberty."

[Thomas Jefferson to Abbe Arnoux, 1789. ME 7:423, Papers 15:283]

The judicial process we have today for hearing tax cases in federal district courts does not even remotely resemble most of what is listed above. For instance:

1. Federal judges commonly treat the Internal Revenue Code as "law" and admit it into evidence at tax trials against "nontaxpayers" who are not subject to it, which is very prejudicial of the rights of the accused.
2. Federal judges seldom if ever recuse themselves even though they are "taxpayers" and even though they being "taxpayers" and receiving benefits based on illegal enforcement of Subtitle A of the Internal Revenue Code creates a conflict of interest in violation of 18 U.S.C. §208.
3. Jurors are seldom excused from tax trials because they are either "taxpayers" or are in receipt of benefits derived from income taxes which might create a conflict of interest. This prejudices the rights of the accused in favor of the government.
4. Few of the jurors or judges are domiciled or born on federal land that is within the judicial district or Internal Revenue District in question. Consequently, the trial is moot and illegal from the beginning. Many of them said on their jury summons that they are "U.S. citizens", but the government never defines anywhere exactly what it means to be a "U.S. citizen" in any positive law statute. Consequently, the federal government uses vague laws and the false presumption they generate to induct illegal jurors to serve on federal tax trials.
5. The criminal statutes that are being enforced, found in 26 U.S.C. §7201 through 7217 have no implementing regulations published in either the Federal Register or the Code of Federal Regulations, and therefore are unenforceable against anyone but federal "employees". Likewise, the judge prejudices the rights of the accused by not requiring the government to prove that the accused is a federal employee who is the proper subject of the Internal Revenue Code.
6. The federal judge not only doesn't prevent, but actually encourages false presumption and prejudice by the jury by:
 - 6.1. DOJ prosecutors and the judge work as a team to encourage jealousy and contempt in the jurors against the accused by telling them that they are "taxpayers" but "this bozo refuses to pay his fair share!"
 - 6.2. Judges refuse to allow jurors to see the actual laws that the accused is being tried for, because there simply are none in most cases.

The above abuses of the legal process are primarily the responsibility of the judge hearing the case. If you want to blame anyone or prosecute anyone for the abuse, prosecute the judge himself as a private individual for exceeding his lawful authority and thereby injuring your rights. All of the above abuses of the legal process are described in the legal dictionary as follows:

"Malicious abuse of legal process. Willfully misapplying court process to obtain object not intended by law. The wilful misuse or misapplication of process to accomplish a purpose not warranted or commanded by the writ. The malicious perversion of a regularly issued process, whereby a result not lawfully or properly obtained on a writ is secured; not including cases where the process was procured maliciously but not abused or misused after its issuance. The employment of process where probable causes exists but where the intent is to secure objects other than those intended by law. Hughes v. Swinehart, D.C.Pa., 376 F.Supp. 650, 652. The tort of "malicious abuse of process" requires a perversion of court process to accomplish some end which the process was not designed to accomplish some end which the process was not designed to accomplish, and does not arise from a regular use of process, even with ulterior motives. Capital Elec. Co. v. Cristaldi, D.C.Md., 157 F.Supp. 646, 648. See also Abuse (Process); Malicious prosecution. Compare Malicious use of process."
[Black's Law Dictionary, Sixth Edition, p. 958]

The federal Injustice system we have is meant only as a counterfeit that is intended to deceive the people and give them a false sense of security and confidence in our legal system:

"GOVERNMENT ANNOUNCEMENT April 15, 2004

[Washington, District of Columbia (D.C.)] The federal government announced today that it is changing its emblem from an eagle to a condom, because that more clearly reflects its political stance.

1 A condom stands up to inflation, halts production, destroys the next generation, protects a bunch of pricks, and
2 gives you a sense of security while it's actually screwing you."

3 Consequently, we contend that most federal tax trials are not a judicial or even a lawful proceeding. This is further described
4 in the free Memorandum of law below:

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

5 In fact, based on several Freedom of Information Act Requests (FOIA) about the status of numerous federal district court
6 "judges" we have, who hear such tax cases, most of the judges do not have a valid appointment document, never took any
7 oath as required by positive law, and aren't even listed as "judges" in the records of the government! Don't believe us? Send
8 in a Freedom of Information Act (F.O.I.A.) request yourself and find out! Throughout the remainder of this section, we will
9 refer to these imposters simply as "pseudo judges". Therefore, our "United States District Courts" have simply become the
10 equivalent of administrative federal office buildings that are part of the Executive, and not Judicial, branch of the government.
11 A truly sovereign and independent Article III Judicial Branch can't even be mentioned in any federal statute, because of the
12 separation of powers doctrine, and yet we have a whole Title of the U.S. Code, Title 28, which defines and prescribes what
13 pseudo judges in these bogus "courts" can and can't do. The Supreme Court says the existence of such laws proves that such
14 "courts" aren't really judicial tribunals. Notice the statement "the ONLY judicial power vested in Congress" below:

15 "As the only judicial power vested in Congress is to create courts whose judges shall hold their offices during
16 good behavior, it necessarily follows that, if Congress authorizes the creation of courts and the appointment of
17 judges for limited time, it must act independently of the Constitution upon territory which is not part of the
18 United States within the meaning of the Constitution."
19 [O'Donohue v. United States, 289 U.S. 516, 53 S.Ct. 740 (1933)]

20 Title 28 not only "creates" all the district and circuit courts of the United States, but it in fact even defines what the "judges"
21 CANNOT rule on. See 28 U.S.C. §2201(a), which plainly states that federal judges CANNOT rule on rights in the context
22 of income taxes. Excuse our language here, but what the HELL is a judge for if he can't defend or rule on our rights(!)?
23 We'll give you a hint: The only "rights" he is there to protect are the governments "right" to STEAL your money and use it
24 to subsidize socialism. The only type of court over which the Congress could have such absolute legislative power over
25 judges is in an Article IV (of the Constitution), territorial court, and this in fact exactly describes our present District and
26 Circuit federal court systems. Our present federal District and Circuit courts were created to rule ONLY over issues relating
27 to federal territory and property under Article 1, Section 8, Clause 17, and Article 4, Section 3, Clause 2 of the Constitution.
28 They are all "legislative" rather than "constitutional" or "judicial" courts. They are part of the Executive Branch of the
29 government, and which have no authority to even address Constitutional rights. They are NOT part of the "judicial branch",
30 and this is a deception. The entire Judicial Branch, in fact, is composed exclusively of the seven justices of the U.S. Supreme
31 Court. A very exclusive club, we might add!

32 "The United States District Court has only such jurisdiction as Congress confers [by legislation]."
33 [Eastern Metals Corp. v. Martin, 191 F.Supp. 245 (D.C.N.Y. 1960)]

34 If the pseudo judges who hear tax trials aren't even part of the Judicial branch, were never appointed, and are simply
35 "employees" of the Executive Branch, then what exactly are they? They are simply imposters who are there to create the
36 illusion that there is even a remote possibility of equity and justice in the courtroom relating to an income tax issue. To
37 preserve some semblance of civil order and prevent a massive civil revolt, the government has to maintain some kind of
38 façade so that the people don't lose faith in a government that in fact has already become totally corrupted in the area of
39 money and commerce. Keep in mind that deceit in commerce is the most offensive and abominable sin that God hates the
40 most. Below is an excerpt from Matthew Henry's Commentary on the Bible demonstrating why this is:

41 "As religion towards God is a branch of universal righteousness (he is not an honest man that is not devout), so
42 righteousness towards men is a branch of true religion, for he is not a godly man that is not honest, nor can he
43 expect that his devotion should be accepted; for, 1. Nothing is more offensive to God than deceit in commerce.
44 A false balance is here put for all manner of unjust and fraudulent practices [of our public dis-servants] in
45 dealing with any person [within the public], which are all an abomination to the Lord, and render those
46 abominable [hated] to him that allow themselves in the use of such accursed arts of thriving. It is an affront
47 to justice, which God is the patron of, as well as a wrong to our neighbour, whom God is the protector of. Men
48 [in the IRS and the Congress] make light of such frauds, and think there is no sin in that which there is money
49 to be got by, and, while it passes undiscovered, they cannot blame themselves for it; a blot is no blot till it is hit,
50 Hos. 12:7, 8. But they are not the less an abomination to God, who will be the avenger of those that are
51 defrauded by their brethren. 2. Nothing is more pleasing to God than fair and honest dealing, nor more

necessary to make us and our devotions acceptable to him: A just weight is his delight. He himself goes by a just weight, and holds the scale of judgment with an even hand, and therefore is pleased with those that are herein followers of him. A balance cheats, under pretence of doing right most exactly, and therefore is the greater abomination to God."
[Matthew Henry's Commentary on the Whole Bible; Henry, M., 1996, c1991, under Prov. 11:1]

Back in the 1600's in our country and elsewhere in Europe, there were several notable occasions where so-called "witches" were tried and finally executed for practicing "witchcraft". The nature of the proceedings strongly resembled the religious "inquisitions" that preceded them throughout Europe in the 1400's. In fact, witchcraft trials evolved out of these religious inquisitions and first began to appear in the late 1400's. A History Channel special on witches aired on October 29, 2004, identified the following common characteristics about how these "witch trials" were conducted:

1. Historical foundations of the public outcry against witchcraft:

- 1.1. The peak of the witch trials occurred in the late 1600's. The period from the late 1400's to the late 1600s were known as the "Burning Times" because witch hunts and executions were so prevalent during this period. The most common places for witch trials were in the rural villages of France and Germany, but they also occurred in America in the late 1600's.
- 1.2. The basis for the persecution of witches had a primarily "religious" foundation. The Bible forbids witchcraft in Deut. 19:10. Witches were believed to have a covenant with the devil and worship the devil and to be involved in harmful activities that were a threat to society as a whole.
- 1.3. The practice of witchcraft was viewed as the worst type of religious heresy and was punishable by death by execution. The reason it had this status was because the practice of witchcraft was made to appear as a threat not just to the church, but to the whole society. Activities of accused "witches" were viewed as a competing "religion" and the worship of the devil. Witchcraft was also viewed as a threat to the predominantly Christian religion and evidence of possession by the "devil".

2. Social status of witches:

- 2.1. Hatred against and fear of witchcraft was most prevalent among uneducated or under-informed people, who are most susceptible to false belief, presumption, government propaganda, and superstition.
- 2.2. Mobilizing the public against witchcraft was done by encouraging and exploiting intense fear and hatred towards immoral or harmful activities and by associating witches with such immoral and harmful activities. This was done by exploiting the ignorance, presumptions, and prejudices of the people by religious and political leaders.
- 2.3. The people who were accused of witchcraft, in fact, were most often those who were accomplishing most to help their community. These people were often the most prominent political targets and opponents and accusing them of witchcraft was a way to retaliate politically against them. Most were older, single, or widowed and therefore didn't fit the mold that most other women did. They did deviant things like use herbs and folk remedies to heal people magically. They had fewer friends and therefore were more vulnerable to false accusations and persecution, because they did not have a social network of friends who could help defend them.

3. How criminal charges of witchcraft were initiated:

- 3.1. Search for the witch began when a person was observed to have psychological fits and delirium and the society could not explain the cause of the fits. Observers then would assume it was a supernatural possession by the devil (rather than simply a psychological illness) and would then begin searching for supernatural phenomenon and "witches" to explain the possession.
- 3.2. Witch trials were often initiated at the request of an upstanding citizen or someone having deliriums who wanted to politically retaliate against an opponent. Most of the accusations of witchcraft came from people who only superficially knew the accused "witches" and therefore were suspicious and fearful of them. An even larger number of accusations came from those accused of witchcraft themselves and who were under torture to make a confession.
- 3.3. The government fomented and facilitated the witch trials. There was a lot of political propaganda that was intended to smear and denigrate suspected "witches" by associating them with the following harmful activities:
 - 3.3.1. Immoral activity.
 - 3.3.2. The taking of hallucinogenic drugs.
 - 3.3.3. Promiscuous sex, sometimes with the devil.
 - 3.3.4. Murder and cannibalism of innocent infants.
 - 3.3.5. Nocturnal worship of the devil as a deity. This worship was called either the "Witch's Sabbath" or the "Black Sabbath".
 - 3.3.6. Secret invisible societies that created fear, suspicion, and insecurity in the people.

4. How witches were identified, arrested, convicted and punished:

- 4.1. The basis for determining who was a witch was described in an early book called the *Malleus Maleficarum*, which is translated to mean "The hammer against witches". The book was published in 1486 by two Dominican monks

in Germany named Jacob Springer and Heinrich Kramer. The book described women as the most vulnerable to becoming witches. It described the source of all witchcraft as the carnal lust of women, which it said was insatiable. The book was second in popularity only to the Bible, and served as the equivalent of a bible for witch hunters for over 200 years. Witches were described in the book as being:

4.1.1. Evil.

4.1.2. Lecherous

4.1.3. Vain

4.1.4. Lustful

4.2. The physical evidence required to prove that a person was a “witch” was very subjective and it was very difficult to prove with physical evidence that a person was a witch. Witch trials were more a matter of personal opinion and religious belief than a scientifically provable matter. Evidence that a person was a witch was often fabricated or imagined, and not real.

4.3. When witches were arrested:

4.3.1. They were stripped and searched.

4.3.2. They were prodded with needles to find the mark of the devil.

4.3.3. Any suspicious wart, mole, or birth mark could be enough to condemn someone to death.

4.3.4. Any questionable character reference from a political opponent could doom a person to death.

4.4. Prerequisite for confession. Civil law required that a “witch” could not be prosecuted without first making a “voluntary” confession. Because few people would voluntarily confess to being “witches”, the government sanctioned and condoned an elaborate system of painful physical torture against the accused “witches” to compel them to give a “voluntary” confession. This was the very same type of persecution and torture that was instituted against heretics during the inquisitions in Spain and elsewhere in Europe. The following hideous instruments of torture were used to extract the “confession”:

4.4.1. Thumb screws

4.4.2. Leg screws

4.4.3. Head clamps

4.4.4. Iron maiden

4.5. During the torture:

4.5.1. The *Malleus Maleficarum* warned the torturer never to look a witch in the eye. This was a devious way to ensure that empathy or sympathy or compassion would not be employed towards those accused of witchcraft. This made the witch trials and those who could be accused of witchcraft very terrified and prejudiced the rights of those accused. The torture used to extract the coerced confessions was also used to implicate other innocent people, and this led to the uncontrollable spread of witch trials throughout France and Germany.

4.5.2. Many people confessed to the crime of witchcraft who in fact were not witches, simply to avoid further suffering and torture. When the pain of torture is severe enough, people will confess to almost anything.

4.6. The English devised a very prejudicial method for determining if someone was a witch called “swimming the witch”. A person accused of witchcraft was thrown in deep water. If she swam and survived then she was proven to be a witch. If she sank and drowned, then she was innocent. Either way, the suspect was doomed and had no chance of survival.

4.7. Witnesses and political opponents were allowed to show up at the trials and act out being “possessed” by Satan in front of everyone in the courtroom.

4.8. Once a person confessed to being a “witch”, then they were usually burned at the stake in a very public way in order to terrorize the rest of the population into “compliance” with the wishes of whoever made the accusation of witchcraft to begin with. The reason for burning, was that it was believed that the witches evil spirit could only be destroyed if she was burned into ashes.

5. Political motivation for witch trials explains why they spread:

5.1. The government abused the laws against witchcraft, especially in Europe, as follows:

5.1.1. Church clergy in Christian churches were accused because they were political opponents of the government.

5.1.2. Witch hunters received a bounty for each witch they found and prosecuted.

5.1.3. The property and lands of executed witches were confiscated by the government and used to enrich public servants. This is a big reason that explains the promotion and spread of the witch hunts and witch trials by the government.

5.2. The largest witch trial ever occurred in the town of Wurzburg in Germany, in which an overzealous magistrate tried nearly the whole town on witchcraft charges! 600 people were condemned to death. 19 were priests and 41 were children. In some towns in Germany, there were no women left after the inquisitors came through. Some scholars estimate that between 60,000 and 300,000 people were executed as witches during the “Burning Years” in Europe.

5.3. The largest witch trial in America occurred in 1692 in Salem, Massachusetts, in which 200 people were burned at the stake. Salem was a Puritan town torn by Indian and land wars and political controversy. The Salem witch trial investigations began in the home of a Puritan minister, Rev. Samuel Paris. His daughters became allegedly possessed after playing a household game with the family slave and they went into a frenzy, which spread throughout the town. The Puritan minister then launched an investigation to find out who had instigated the possession, leading to three women being tried on witchcraft based on the accusations of the possessed girls. All three of the accused witches were outsiders and deviants who were easy targets for suspicion and retaliation. Historians agree that the investigation into witches in this incident was used to conceal a political agenda. The agenda involved a private dispute, and the witch allegation was used as a means to gain political advantage. After this incident, the witch hysteria spread to 200 other accused witches in 24 other surrounding villages. 27 witches were found guilty and 19 were hanged. The witch trials ended in America when the accusers began accusing prominent people, such as the wife of the governor of Massachusetts. At that point, political leaders abruptly stopped the trials because they were not only not benefiting from them, but began being hurt by them.

6. Why witch trials eventually ended and how these matters are handled today:

6.1. Two factors contributed to the end of the witch trials in America:

6.1.1. Scientific investigation and knowledge ultimately was what brought witch trials to an end. Science eliminated the role of superstition in attributing harmful events to supernatural and magical powers.

6.1.2. The wife of the governor of Massachusetts was accused of witchcraft. Once government officials saw that they could no longer benefit, but would be harmed by spreading the witch trials, they put them to an abrupt end.

6.2. Today, people who would have been accused as witches in the 1600's would now simply be identified by a mental health expert as mentally ill. Unlike the early witch trials, in which the accusers and inquisitors were often religious figures, today's accusers usually work in the government and they use as their justification the testimony of a mental health professional who:

6.2.1. Would be undermining his livelihood and his income by giving a person a clean mental bill of health.

6.2.2. Has no moral or religious training.

6.2.3. Has a conflict of interest because he is licensed by the same government that is doing the false accusing.

As we examined the above list of characteristics that describe witchcraft, some striking similarities became obvious between the way the government treated "witches" back then and the way the same government treats "freedom advocates" of today. Below is a table summarizing the many similarities between the two, organized in the same sequence as the above list:

Table 12: Comparison of treatment of "witches" to that of "tax protesters"

#	Characteristic	Incidence in witches	Incidence in freedom advocates
1	<i>Historical foundations of the public outcry against witchcraft</i>	NA	NA
1.1	Context of trials	Peak occurred in late 1600's in rural villages of Europe and America.	Period after World War II, when government no longer needed the income tax but still wanted to expand its power and control over the people in violation of the Constitution.
1.2	Basis for persecution	Main motivation was Biblical prohibitions and superstition by ignorant citizens and government covetousness of property of accused witches. Witch hunts allowed government to confiscate all the property of the witch and not return it to the witch's family.	Government greed and lust for power and money.
1.3	Activities of accused witches	Were viewed as a "religion" and a threat the Christianity.	Are viewed as a threat to the state-sponsored "Civil religion of Socialism" and a challenge to the authority of the government as the new false "god" and sovereign within society.
2	<i>Social Status</i>	NA	NA
2.1	Hatred and fear of most prevalent in	Uninformed, superstitious, and presumptuous people	Ignorant, superstitious, and presumptuous jurists educated in government schools. This ignorance about law is deliberately created by our government by manipulating the public education system to dumb down the population. Ignorant people tend to be more fearful than highly educated people.

#	Characteristic	Incidence in witches	Incidence in freedom advocates
2.2	Public mobilized against accused by government through	Associating “witches” with immoral and harmful activities.	Associating tax protesters with extremist groups such as “Montana Free Men”, terrorists, and criminals.
2.3	Profile of accused	Outcasts of society who don’t have many friends, and can therefore easily be picked on. This included widows, midwives, divorcees, spinsters, non-religious, and outcasts at their local church.	Outcasts of society who are denigrated by propaganda from government-licensed 501(c) churches, government licensed attorneys, and the Illegal Robbery Squad (IRS). Wrongfully accused as “militia”, “gun activists”, “religious extremists”, “unpatriotic”, “irresponsible” (don’t pay fair share), and harmful to “taxpayers” because they raise the taxes on them.
3	How criminal charges are initiated and encouraged	NA	NA
3.1	Cause for start of investigation	Psychological disorders and abnormal behavior of a “witch” or someone possessed or visited by witch	American refuses to either incriminate themselves on a tax return or to pay money to IRS that law does not require them to pay
3.2	Investigation initiated by	Upstanding citizen or possessed individual who wanted to politically retaliate against an opponent. Most accusations came from people who superficially knew the accused “witches” and therefore were suspicious and fearful of them. Additional referrals came from accused “witches” who confessed or snitched on other witches while under duress and physical torture.	IRS in retaliation against people for demanding due process of law, respect for the Constitution, and obedience to IRS procedures.
3.3	Government fomenting of trials	Judges facilitate violation of due process and loosen need for objective or physical evidence. Government also cooperated with and staged executions of the accused witches and condoned their torture in order to obtain coerced confessions.	Judges condone violation of due process of accused by allowing IRS to take their property without due process of law or a court hearing using “Notice of Levies”, “Notice of liens”, and other fraudulent securities. The result essentially is grand theft and “extortion under the color of law”, which federal judges refuse to hold IRS agents accountable for.
4	How accused is identified, arrested and convicted	NA	NA
4.1	Basis for determining guilt	Malleus Maleficarum book published in 1486 provided procedures and processes useful for determining who are witches. The procedures were very prejudicial. Witches described in the book as: “evil, lecherous, vain, and lustful”.	The Department of Justice Criminal Tax manual is used as the “Bible” for federal prosecutors. The book is deliberately deceptive because it does not reveal the most important aspects about the legal basis for federal taxation as documented in this book. “Tax protesters” described in the book as vain, contemptible, ignorant, and impulsive.
4.2	Physical evidence required to prove guilt	A confession by the accused, imagined events by persons who were haunted by accused witch, subjective personal opinions, warts and moles, testimony of clergy, very biased questioning techniques.	1099 and W-2 forms that are not signed by the reporters and are therefore “hearsay” evidence that is inadmissible. Writings of accused submitted under duress on a tax return that are also not admissible because coerced.
4.3	Method of arrest and confinement	Stripped, searched, prodded with needles. Physically tortured until confessed.	Stripped, searched, prodded with needles. Financially tortured by having all assets seized and being forced into financial slavery to a legal professional to represent them. While in federal prison, not able to do own legal research and defense because deprived of proper resources, computers, and legal references. High legal fees act as punishment, torture, and coercion against accused to settle quickly and falsely admit guilt to end the financial bleeding.

#	Characteristic	Incidence in witches	Incidence in freedom advocates
4.4	Prerequisite for conviction	A confession from the accused “witch”, often extracted under severe physical torture. Even though testimony is coerced, judges still prejudicially admitted it anyway and thereby violated the due process rights of the accused.	Proving that tax crimes committed “willfully” by accused, meaning they were deliberate, defiant acts of disobedience to a known “lawful” duty. Willfulness is proven prejudicially and unfairly by using inadmissible evidence such as: 1. IRS publications which the IRS is not held responsible for the accuracy of; 2. Judicial opinions from courts outside the jurisdiction of the accused; 3. Correspondence and advice from the IRS which the government readily admits it cannot and should not be held accountable for the accuracy of; 4. Advice from government licensed “experts” with a severe conflict of interest such as attorneys, mental health professionals, etc.
4.5	Method and result of the torture	Physical torture conducted using hideous devices. Many accused died while imprisoned and before trial. Brutality and no compassion were shown during physical torture. Witches were dehumanized and torturers would not look witches in the eye. Many accused would make a false confession simply to end the torture. Prisoners could also not leave the prison until they reimbursed the state for the cost of holding them there, which is a double punishment.	Accused is financially tortured by being forced to hire an attorney and pay more than \$300 per hour for services that he would not need if the prison provided or allowed computers, internet research, and an extensive law library. Prisoners do not have and are not allowed same legal research tools as attorneys and so are compelled to hire attorney. Once attorney is hired, accused loses right to challenge jurisdiction and becomes “ward of the state”, and this prejudices his case. While in prison, employer of accused usually terminates him, bills mount up, and result is that house is confiscated by banks and all equity is lost. Accused is slandered and has a hard time finding future work because of false charges of “willful failure to file” and “tax evasion” by government. Credit rating is destroyed, making it difficult to buy home or obtain credit in the future. Most torture is therefore financial, but it is still torture and done unjustly, because people who don’t pay money that no law requires them to pay are not a threat to society and do not need to be imprisoned. In fact, federal jailhouses have become the equivalent of “debtors prisons” for fraudulently created tax debts. “Debtors prisons”, including those for tax debts, were outlawed in 1868 by the passage of the Thirteenth Amendment, which outlawed not only slavery but all such involuntary servitude. Yet, the U.S. government STILL allows these debtor’s prisons to continue.
4.6	Prejudicial methods for determining guilt	“Swimming the witch”. Accused witches were thrown in deep water and if they survived, they were guilty, but if they drowned, they were innocent.	Judges refusing to admit any of the evidence of the accused during preliminary motions in limine before trial while admitting all the government’s evidence. This leaves the accused essentially defenseless and a prejudiced attorney whose livelihood will be destroyed by having his license pulled if he objects to or exposes the tactics of the judge in front of the jury.

#	Characteristic	Incidence in witches	Incidence in freedom advocates
4.7	Violations of due process at trial	Witnesses and political opponents of the accused were allowed to show up at witch trial and act out being possessed in front of everyone, in order to prejudice the case.	Government parades its own prejudiced “experts” in front of the jury and builds its case not on what the law says, but primarily on the subjective opinions of “experts” who nothing but slanders cleverly disguised as credentialed scientists or specialists. Like the judge himself, all these experts have a conflict of interest because they are usually licensed by the government and will lose their license if they turn on the government, or they are “taxpayers” and they know the IRS will turn on them if they turn on the government. The trial then simply devolves more into a mud-slinging political campaign and the judge and the prosecutor work as a tag team to convict the accused because both of them benefit financially from doing so. If the judge doesn’t help the prosecutor get the conviction, then he will end up on the IRS’ hit list.
4.8	Political propaganda following the trial	Witches executed by burning or hanging in a very public way. This terrorizes all present to avoid being accused themselves.	IRS and DOJ have a “Press Releases” section where they slander those convicted. Newspapers are called up and results are published to make sure public is warned that they better not buck the Gestapo. The news stories are often deliberately vague so that they look like they apply to everyone instead of the very small subset of people who are actually affected. Sometimes, even the judges will participate in this grandstanding and political propaganda by the way they write their rulings, which are often nothing but rubber-stamped versions of the proposed orders written by the Department of Injustice prosecutor himself. They do this to increase their chances of a promotion or new political appointment to a higher court by winning the favor of the Executive branch in “bringing home the stolen loot”. Public is therefore terrorized and coerced into compliance with laws that they are not even subject to, in order to spread the federal slavery and expand the power and control of politicians and judges over the general populace.
5	Political motivation for trials	NA	NA
5.1	Witch trials used to punish political targets and dissidents	Religious factions and rivalry within small rural villages lead to the witch hunts, and they were directed at political targets. Accusers were usually disadvantaged parties in a dispute who wanted upper hand. Government capitalized on these rivalries by plundering the estates of the accused witches. When specific government officials were accused as witches and they found out they could no longer remain neutral in the dispute and could no longer benefit or avoid being harmed, the trials abruptly ended.	Political factions and rivalries between “socialists” (Democrats) and “capitalists” (Republicans and independents) are exploited by the government during tax trials as a way to encourage convictions. Tax trials are turned into a type of class warfare between the “haves” (rich) and the “have nots” (poor). Jealousy, greed, ignorance, fear, and envy are the main tool the government uses to motivate juries into convictions. Since there is no risk for the government participants and judges protect and shield IRS employees from the consequences of their unlawful behavior, then the abuses continue. This is called the “judicial conspiracy to protect the income tax” and it is described later in section 6.9 and following.

#	Characteristic	Incidence in witches	Incidence in freedom advocates
5.2	Largest trials	Occurred in rural areas where political factions and rivalries existed. Witch laws were used to settle political scores. Nepotism between the judges and the town marshal in the case of the Salem trials contributed to the spread of the witch hunts. The Salem marshal plundered the estates of the accused witches.	Largest tax trials occur around tax time on April 15 and are used as a means to propagandize and scare Americans into paying extortion and bribery money to the government that no law requires. Big cities are most prevalent places for the convictions, because this is where the following types of dysfunctional types of citizens and government sheep congregate: 1. Socialists and government dependents on Social Security and Medicare; 2. People educated in public schools by the government, who are dysfunctional citizens, and who trust government too much.
6	Why trials eventually ended	NA	NA
6.1	Cause of the end of trials	Scientific discoveries ended the role of superstition and the mass hysteria that the superstition caused. Also, when high officials in the government began to be implicated and risked conviction, the government quickly ended the trials.	Still ongoing, primarily because the same kind of ignorance and superstition about law and legal process exists as that which existed about supernatural events in the 1600's.
6.2	How witches are identified then and now	Back then, subjective opinions and superstition, strong religious beliefs, and political revenge motivated identification of "witches". Since the field of psychology had not yet evolved, psychological disorders could not be attributed as the cause of the abnormal behavior that initiated the investigations.	Today, atheistic and biased psychological "experts" are used as pawns by the government to slander the accused. Juries are deceived into believing that freedom advocates are irresponsible (won't pay their "fair share"), deviant, mentally unstable, anti-social, and disrespectful of all authority. They are also made to appear as though they are a threat to the prevailing social order and the personal financial benefits of the jurists. Who wouldn't vote against an accused that threatened the social security check of a jurist?

Isn't it fascinating just how many similarities there are between the trial of a modern-day freedom advocate and the witch trials in the 1600's? The only thing new is the history that you do not know. There is nothing new under the sun. This section, we believe, provides a compelling demonstration that in fact:

1. The Internal Revenue Code is a government-sponsored religion whose main purpose is to promote socialism, humanism, and the theft of the sovereignty of the individual and the transfer of that sovereignty to the government and the legal profession.
2. Modern day tax trials are nothing but "religious inquisitions".
3. The government wins in modern day tax trials by using the same prejudicial techniques as witch hunters used against witches: Exploiting the ignorance, fear, and superstition of the general public about law and legal process.
4. Confessions are still obtained under duress the same way they were with the witch trials, but instead of the duress and torture being physical, it is now primarily financial. The results, however, are the same: A confession or "compliance" by the accused results primarily as a way to stop the torture, rather than because they actually committed any kind of crime.
5. The motivation for the witch hunts, insofar as the government is concerned, was the same as the motivation for modern day tax trials: Greed and covetousness. When the government executed a witch, they confiscated all their property and enriched themselves. When the government wins a tax trial, they enrich themselves and rape and pillage the assets of the accused and slander and destroy the credit rating of the accused.
6. Like the witch trials of the 1600's, the only thing that will end the injustice is:
 - 6.1. Public education about law in the schools, so that the scientific method and due process may return to the federal courtroom and ignorance, superstition, and fear may no longer be exploited by the government to convict the accused.
 - 6.2. The financial incentives and rewards for the government must be removed from the process, so that judges will no longer act essentially as a partner to the prosecutors. Judges must be recused who are either "taxpayers" or who will receive benefits from illegal enforcement of the Internal Revenue Code. Judges pay must derive exclusively from lawful constitutional activities, which are exclusively taxes on imports, excises.

6.3. Due process must return to the courtroom, meaning that ambiguity of the Internal Revenue Code must be eliminated and they must be considerably simplified, so that “experts” are no longer required and so that the general public can easily discern what they mean. This will eliminate the role of ignorance, superstition, and fear in the courtroom that lead to the kind of hysteria present during the witch trials.

To help underscore and support assertions made in this section, consider the prosecution of Dr. Phil Roberts, which is described in section 6.11.1 of the *Great IRS Hoax*, Form #11.302. It provides excerpts from the transcript of his trial for tax evasion in that section. The federal judge kept telling the counsel of the defendant that he couldn’t talk about “the law” in the courtroom during the trial with the jury present. As a matter of fact, he threatened the counsel with disbarment if he continued to insist on quoting the law! By doing so, the judge was accomplishing the following:

1. Preventing the jury from learning that the Internal Revenue Code is not “law” for EVERYONE.
2. Encouraging superstition, bias, and prejudice on the part of the jury. Absent an objective standard such as enacted positive law, the judge is ensuring that the jury reaches a “political” rather than a “legal” verdict. This makes those convicted of tax crimes into “political prisoners” rather than “criminals”.
3. Preventing enforcement of the Constitution, which is law and a contract, by the jury and against the government, in reaching a verdict. Indirectly, this is a violation of the judge’s oath of office to support and defend the Constitution, and amounts to Treason. You can’t in good faith uphold that which you refuse to discuss.
4. Ensuring that the result of the trial would be evil and unjust. The Bible says that when “law” is removed from public life, the result will be “abominable”:

“One who turns his ear from hearing the law, even his prayer is an abomination.”
[Prov. 28:9, Bible, NKJV]

This is only the tip of the iceberg of courtroom corruption, folks. In 2004, a member also visited a federal district courthouse in San Diego and noted that it had an extensive law library. They walked into the law library as a private citizen to see if they could read the law for ourselves in the books there while serving as a jurist. Remember, this is a PUBLIC building that is PUBLIC, not private property, which any citizen should have access to provided he does not take it or misuse it or interfere with use by others. There was NO ONE in the law library except the clerk. They were intercepted at the door by an inquisitive and nervous clerk, who asked them why they were there. They said they were serving on jury duty and that they wanted to read what the law says for ourselves rather than trust the biased judge or the attorneys. Here is what the clerk in the law library told them, and what she said completely stunned them:

1. Federal jurists are NOT allowed to read the law while serving as a jurist.
2. Federal jurists are NOT allowed to enter the courthouse law library while serving as jurists. The clerk running the law library is under strict orders from the chief justice NOT to allow jurists into the courthouse law library. When they asked her why that was, she could not explain the reasoning.
3. Jurists who read the law while serving can be impeached from serving on the jury.

The above statements by the clerk of the district court law library, friends, and the orders from the Chief Justice that lead her to say what she said to them, are not only Treason punishable by death under 18 U.S.C. §2381, but amount to jury tampering in violation 18 U.S.C. §§1503 and 1504. Law is the solemn expression of the will of the “sovereign” within any system of government.

*“Law. . . That which is laid down, ordained, or established. A rule or method according to which phenomenon or actions co-exist or follow each other. Law, in its generic sense, is a body of rules of action or conduct prescribed by controlling authority, and having binding legal force. United States Fidelity and Guaranty Co. v. Guenther, 281 U.S. 34, 50 S.Ct. 165, 74 L.Ed. 683. That which must be obeyed and followed by citizens subject to sanctions or legal consequences is a law. **Law is a solemn expression of the will of the supreme power of the State.** Calif.Civil Code, §22.”*
[Black’s Law Dictionary, Sixth Edition, p. 884]

The “State” above is “We the People”, and does not include our public servants at all. In our system of government, the “sovereign” is the People both individually and collectively, and is NOT anyone serving in government. Any federal judge who prevents law from being discussed in a courtroom is refusing to recognize the sovereignty of the People who ordained that law, and is interfering with the definition and protection of their sovereign will in courts of justice. All law is a “compact” or a “contract” between the sovereign People and their servants in government. Refusing to discuss tax laws in a court trial is every bit as ludicrous as trying to enforce a contract without the contract. In effect, federal judges who refuse to discuss law in the courtroom are interfering with the right to contract of the sovereign “People”, because law is a “compact” or

“contract” between us as Sovereigns and our public servants. Here is what the U.S. Supreme Court held about the authority of the government to impair the obligation of such contracts, and in particular the main contract between the sovereign People and their government servants called the Constitution:

"Independent of these views, there are many considerations which lead to the conclusion that the power to impair contracts [either the Constitution or the Holy Bible], by direct action to that end, does not exist with the general [federal] government. In the first place, one of the objects of the Constitution, expressed in its preamble, was the establishment of justice, and what that meant in its relations to contracts is not left, as was justly said by the late Chief Justice, in Hepburn v. Griswold, to inference or conjecture. As he observes, at the time the Constitution was undergoing discussion in the convention, the Congress of the Confederation was engaged in framing the ordinance for the government of the Northwestern Territory, in which certain articles of compact were established between the people of the original States and the people of the Territory, for the purpose, as expressed in the instrument, of extending the fundamental principles of civil and religious liberty, upon which the States, their laws and constitutions, were erected. By that ordinance it was declared, that, in the just preservation of rights and property, 'no law ought ever to be made, or have force in the said Territory, that shall, in any manner, interfere with or affect private contracts or engagements bona fide and without fraud previously formed.' The same provision, adds the Chief Justice, found more condensed expression in the prohibition upon the States [in Article I, Section 10 of the Constitution] against impairing the obligation of contracts, which has ever been recognized as an efficient safeguard against injustice; and though the prohibition is not applied in terms to the government of the United States, he expressed the opinion, speaking for himself and the majority of the court at the time, that it was clear 'that those who framed and those who adopted the Constitution intended that the spirit of this prohibition should pervade the entire body of legislation, and that the justice which the Constitution was ordained to establish was not thought by them to be compatible with legislation [or judicial precedent] of an opposite tendency.' 8 Wall. 623. [99 U.S. 700, 765] Similar views are found expressed in the opinions of other judges of this court."

[Sinking Fund Cases, 99 U.S. 700 (1878)]

Now some people might respond to these observations by saying that since the Internal Revenue Code is not "positive law", then the judge is actually preventing a biased trial by keeping discussions of it out of the courtroom. This is partially true, but if the judge either won't allow the following:

1. The Internal Revenue Code to be identified as not having the "force of law" in your specific case.
2. The Internal Revenue Code to be correctly lacking the status of legally admissible evidence under the rules of evidence because it is a mere "presumption" that violates constitutional due process of law.
3. Other types of real, positive law, such as the Constitution, to be discussed in the courtroom,

...then he is impairing the right to contract of the sovereign "People" who delegated authority to their government using that positive law. He is also criminally obstructing justice. The only basis for interfering with discussing the Constitution as "law" in a federal courtroom is that:

1. Neither party to the suit inhabits areas in a state of the Union where the Constitution applies....AND
2. The crime occurred within exclusive federal jurisdiction within a territory or possession of the federal government.

In nearly all tax trials, the above false presumptions are invisibly made by both the U.S. attorney prosecutor and the judge. It is made either because of ignorance or because of deliberate malice on the part of the judge. Either way, the resulting tax trial devolves into a witch hunt that is a completely political proceeding that is not founded in any way upon positive law. Don't believe us? Well then watch the movie on the Family Guardian Website as follows:

How to Keep 100% of Your Earnings, Marc Lucas
<http://famguardian.org/Media/movie.htm>

In the above movie, a jurist at a state income tax trial testifies that the judge manipulated the case against a person accused of willful failure to file by preventing the jurists from seeing the law he was accused of violating. She says on tape that this was a tacit admission by the judge that there is no law requiring anyone to pay income tax!

Therefore, any judge, whether state or federal, who interferes with discussing the Constitution at a federal tax trial can only justify such action based on a usually false presumption that the accused is a statutory "citizen" under 8 U.S.C. §1401 who does not inhabit the states of the Union and therefore is not a party to the Federal Constitution. It is up to you to understand and challenge all the false presumptions that your federal persecutors are going to make and to challenge them as early on as possible and get them into your administrative record in all your correspondence. Furthermore, also understand that federal tax trials are unique and different from other types of federal trials. We have sat through several other types of trials in federal

district court and found through personal observation that tax trials are the only types of trials where the judges are so tenacious in keeping the discussion of law out of the courtroom. It's perfectly OK to discuss law or the Constitution in most other types of trials, but not in tax trials. As a matter of fact, we sat next to a U.S. Attorney who handled criminal law on an airplane flight. We asked them if it was OK to discuss criminal law in the courtroom, and she said "Of course. I've never heard of a trial that operated any other way". She obviously hadn't sat through any tax trials! Do you smell a rat here? WE DO!

The only thing left when positive law is completely removed from tax trials are the following unreliable and Satanic forces:

1. Ignorance
2. Prejudice
3. Conflict of interest
4. Bias on the part of the judge
5. The opinions of biased "experts" who are subject to IRS and judicial extortion.

On that last item above, we must consider what the Bible says about the use of "experts" in court:

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

Instead of ensuring justice, keeping law out of the courtroom and replacing it with subjective opinions of biased "experts" who have a conflict of interest simply transforms the court into a unruly lynch mob of angry "tax consumers" and federal benefit recipients ("taxpayers") who want to keep their tax bill down by inducting other tax slaves to join them and share the burden of supporting the federal plantation. This is exactly the tactic, in fact, that was used against Jesus at his trial. A major subject at Jesus' trial was his attitude about taxes, in fact:

And they [the angry democratic lynch mob of atheistic socialists] began to accuse Him [Jesus], saying, "We found this fellow perverting the nation, and forbidding to pay taxes to Caesar, saying that He Himself is Christ, a King [sovereign]."
[Luke 23:2, Bible, NKJV]

The priests, who were the political enemies of Jesus, fomented negative public opinion against Jesus and caused an angry mob of atheists to bring Jesus before the courts and governor Pilate so that he could be tried for things that weren't even crimes. These vindictive priests turned an exclusively religious ministry of Jesus into a political persecution by an angry lynch mob in order to silence dissent and challenges to their power and authority. The persecution of Jesus literally was a "witch hunt", and not a valid legal process. The goal of his persecutors was to strip Him of His sovereignty, dignity, and life. For further information on this subject, see the article below, where a real judge analyzed how Jesus was treated:

The Trial of Jesus, Hon. Harry Fogle
<http://famguardian.org/Subjects/LawAndGovt/History/TrialOfJesus.htm>

What the Department of Justice has learned how to do in terrorizing and illegally persecuting tax honesty advocates is to institutionalize the kind of tyranny, despotism, and violation of due process which Jesus experienced. They have made every tax trial into a witch hunt that exactly replicates the one Jesus experienced. Tax honesty advocates want their sovereignty, equality (in relation to the government), and Constitutional rights respected, while the government wants to destroy these things and make them into federal serfs who are falsely "presumed" to inhabit the federal corporate plantation called the "United States" as "U.S. citizens". Remember: Jesus was a tax protester! See section 1.10.1 of the *Great IRS Hoax*, Form #11.302 and the article below for fascinating evidence of this fact:

Jesus Is An Anarchist, James Redford
<http://famguardian.org/Subjects/Spirituality/ChurchvState/JesusAnarchist.htm>

9.6.10 No Taxation Without Consent⁸⁹

Once you give it a little thought, one should conclude that a self-governing people must *consent* to their own taxes. After all, what do conquered people do? They pay tribute to their conquerors right? Self-governing people don't pay tribute, as they consent to their own taxation.

Today in America, what tax is it that takes the largest bite out of the typical American's wallet? What tax is it that is the most invasive? What tax is it that incarcerates more Americans than any other tax? It is the income tax! Did we consent to this tax, or are we paying tribute as conquered people do?

The answer to this question is both yes and no. Yes, we consented to an indirect income tax on the net income from business and on the net income from investment. (However, this assumes that the 16th Amendment was properly and legally ratified, which is doubtful.) The amount of such income is determined by subtracting from the gross revenue all business expenses, depreciation, taxes, interest payments, etc., and then severing that income from the underlying asset that produced the income in the first place. Producing taxable net income is kind of like producing wine. There is an intricate process one must go through to get the final result, and there are some good years and bad years.

But the answer to the "consent question" is also no. The American People never consented to a direct tax on our wages and salaries. Call it an income tax, call it a capitation tax, call it whatever you want to call it, the American People never consented to a direct tax exempted from the apportionment rule required by the Constitution for direct taxes.

In order to understand the dynamics of this question, we must realize that some income taxes are direct, while other income taxes are indirect. The issue is actually quite simple. A direct tax is direct. The tax falls directly on the person or the thing taxed. The one who is obligated to pay such a tax is not in a position to shift it to another.

On the contrary, an indirect tax may either be avoided or shifted to another. A trucking company shifts the excise tax on fuel to the customer who ships his product by way of the trucking company. The excise tax on cigarettes is avoided by choosing not to smoke. How is the wage earner going to shift the taxes deducted out of his paycheck to another? He can't. Therefore, the tax imposed directly by the government on the wage earner is a direct tax.

The idea that a free people would be taxed without their consent defies all logic. It simply can't be true. From the beginning of recorded history people have paid taxes without their consent to their conquering masters. Today Americans are paying an income tax on their wages and salaries to which they never consented to. The saddest part about this state of affairs is that the American people are unaware of this fact. Thomas Jefferson was right when he said:

"If a nation expects to be ignorant and free... it expects what never was and never will be."

The remainder of this article is actually a segment out of a Petition for Writ of Certiorari filed with the Supreme Court on June 21, 2002. This section covers pages 12 thru 17 of the Petition. The case is Philip Lewis Hart v. Commissioner of Internal Revenue. As of this date, the case has not been given a docket number. The Petition was limited to 30 pages, which is extremely short when considering that the Internal Revenue Code and supporting regulations are approximately some 20,000 pages. One cannot do justice to such a complex subject in only 30 pages. The following section is excerpted from the Petition:

No tax may be imposed on the American People without their consent.

In the Declaration of Independence, one of the Grievances against King George III listed by the American Colonists was, 'For imposing taxes on us without our consent.' The Declaration of Independence further states, "That to secure these rights, governments are instituted among men, deriving their just powers from the consent of the governed."

This Court has previously ruled that those Grievances listed in the Declaration of Independence provide a foundation as to the purpose of the American government and also the boundaries as to its power. The Declaration of Independence is America's Great Charter; the Constitution is America's by-laws. Government has only that power for which the People have consented to delegate to it.

⁸⁹ Extract from an article by the same name written by Phil Hart, whose website is at:

<http://www.constitutionalincome.com/>.

The idea that taxes may not be levied unless the People consent to them dates back 800 years to another great charter, that of the Magna Carta of 1215. King John, a disorganized ruler, had just suffered an expensive and humiliating defeat by losing Normandy to the French. He desperately needed money and was pressing all in his kingdom with higher taxes.

"Magna Carta was the culmination of a protest against the arbitrary rule of King John, who was using governmental powers which had been established by the great builders of the English nation, William the Conqueror, Henry I, and Henry II, for selfish and tyrannical purposes. In general these abuses took the pattern of increasing customary feudal obligations and decreasing established feudal rights and privileges. The Barons were forced to pay higher taxes above the usual rate... The merchants of London were burdened with heavy taxes... In addition, John's administration was disorganized and inefficient, and he employed unscrupulous foreign adventurers as royal officers and as sheriffs and bailiffs in every county of the land."
[Perry, Richard L.; Cooper, John C., *Sources of Our Liberties*, 1-2 (William S. Hein & Co., Buffalo, New York, 1991)]

The requirement that taxes cannot be levied unless the people consent to them appears in Magna Carta at chapters 12 and 14. But Magna Carta itself was a result of not only abusive and unjust taxation, but also taxation that was in violation of the Charter of Liberties of King Henry I. Henry I became king in 1100 A.D. when his brother, King William, was removed from the throne because of "unjust exactions."

Unfortunately it is the habit of government to exceed its lawful boundaries and by 1297 the administration of Edward I was levying taxes in violation of Magna Carta. The abuses were serious. In August of 1297, while the barons were formally presenting their grievances to the king, they were also arming and preparing for revolution. Revolution was avoided when on November 5, 1297, King Edward signed Confirmatio Cartarum.

"The events leading up to Confirmatio Cartarum, like those which led up to Magna Carta, show that the king's violation of established laws oppressed the community as a whole and caused the barons and the clergy to unite in demanding the observance of the law. As was also true of Magna Carta, this oppression often took the form of illegal and unreasonable taxation."

"Confirmatio Cartarum has had two principal effects upon the development of the liberties of the citizen. First it established Parliament as a truly representative organ of government by providing in Section 6 that the taxes must be raised by the common assent of the realm. The imposition of direct taxes without the consent of the people's representatives in Parliament was now against the very letter of the law."
[Perry; Cooper, *supra* at 24-6]

The principle that government must have the consent of the People before levying any tax showed up on the American continent in 1618 with the Ordinances for Virginia.

"The governor should not be allowed to levy taxes on the colony without the consent of the assembly."
[Perry, Cooper, *supra* at 50.]

The Petition of Right of 1628 was yet another attempt by the English people to compel the administration of Charles I to obey the law. Again, one of the abuses was taxation without the consent of the governed. At Section X the document states, "That no man hereafter be compelled to make or yield any gift, loan, benevolence, tax or such-like charge, without common consent by act of Parliament."

The Charter of Massachusetts Bay of 1629 provided for taxation only when consented to by the assembly of freemen. So did the Charter of Maryland of 1632. Other colonies declared that the colonists had all the rights of Englishmen and that Magna Carta and all subsequent documents that secured those rights applied to the freemen of the colonies including the Bill of Rights of 1689.

The Bill of Rights of 1689 was the culmination of a revolution that took place in England which overthrew James II. Again, one of the major abuses of the absolute rule of James II was illegal and abusive taxation. The preamble and forth clause of the 1689 Bill of Rights states,

"WHEREAS the late King James the Second, by the assistance of divers, evil counselors, judges, and ministers employed by him, did endeavor to subvert and extirpate the protestant religion, and the laws and liberties of this kingdom... 4. By levying money for and to the use of the crown, by pretence of prerogative, for other time, and in other manner, than the same was granted by parliament."
[Bill of Rights of 1689]

The remedy provided by the Bill of Rights of 1689 was that taxes could not be levied except:

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1 *"4. That levying money for or to the use of the crown, by pretence or prerogative, without the grant of parliament,*
2 *for long time, on in other manner than the same is or shall be granted, is illegal."*

3 Back on the American continent was the Resolutions of the Stamp Act Congress of 1765. American Colonists objected to the
4 Stamp Act as it imposed taxes on them without their consent. "John Adams denounced the Stamp Act as a violation of Magna
5 Carta." Perry; Cooper, *supra* at 10.

6 Various colonial assemblies passed resolutions condemning the Stamp Act. The Virginia House of Burgesses was the first.
7 Four of seven resolutions offered by Patrick Henry were passed including number 1 and number 3 below:

8 *"(1) That the first settlers of Virginia brought with them all the liberties, privileges, franchises, and immunities*
9 *of British subjects; (3) that under the British constitution taxes could be levied only by the people or their*
10 *representatives."*

11 Most of the other colonies passed varying degrees of the Henry resolutions. They also called for a congress of representatives
12 to meet in New York and condemn the Stamp Act. Nine of the colonies sent representatives to the congress.

13 *"There was little difference of opinion as to the fundamental questions involved... Resolutions 2 thru 8 expressed*
14 *the constitutional theory of the colonists that all taxation... without the consent of the people's representatives*
15 *was illegal... 'No nation ought to be taxed against its own consent. England had passed through many a year of*
16 *civil war in defence of the proposition'"*
17 *[Perry; Cooper, *supra* at 266-7]*

18 The actual text of the Resolutions of the Stamp Act Congress of October 19, 1765 stated:

19 *"2d. That his majesty's liege subjects in these colonies are entitled to all the inherent rights and privileges of his*
20 *natural born subjects within the kingdom of Great Britain,*

21 *"3d. That it is inseparably essential to the freedom of a people, and the undoubted rights of Englishmen, that no*
22 *taxes should be imposed on them, but with their own consent, given personally, or by their representatives."*

23 Likewise the Declaration and Resolves of the First Continental Congress of 1774 contained similar language about the
24 necessity of consent for taxation. Additionally, Sir William Blackstone wrote in his Commentaries on the Laws of England,

25 *"No subject of England can be constrained to pay any aids or taxes, even for the defence of the realm or the*
26 *support of government, but such as are imposed by his own consent, or that of his representatives in parliament...*
27 *And as this fundamental law had been shamefully evaded under many succeeding princes, by compulsive loans,*
28 *and benevolences extorted without a real and voluntary consent, it was made an article in the petition of right."*
29 *[Blackstone's Commentaries on the Laws of England, Book I, p. 140 (1st edition, 1765)]*

30 This principle was memorialized in the Declaration of Independence. This is one of the great principles upon which the entire
31 system of self-government rests: The consent of the governed must be given to the taxes they must pay. When this principle
32 is not in place, self-government does not exist. Tyranny exists in its place.

33 The Commissioner claims that his authority to collect the tax in the instant case comes from the Sixteenth Amendment. As
34 part of the Constitution, the Sixteenth Amendment must be interpreted using the everyday language and common dictionaries
35 of the time. There are no "words of art" or "terms of art" in the Constitution, as it is We the People who determine what the
36 Constitution means or doesn't mean. We the People don't speak using "words of art." We the People just use everyday
37 language. Therefore the consent for the scope of the meaning of the Sixteenth Amendment is vested in the People, and that
38 meaning will be plain for anyone to see once the evidence has been examined.

39 An exhaustive review of the Congressional Record during the time of the debates on the Sixteenth Amendment reveals no
40 credible evidence that the members of Congress were contemplating a direct tax on the wages and salaries of the American
41 People. See:

<p><u><i>Sixteenth Amendment Congressional Debates</i></u>, Exhibit #02.007 http://sedm.org/Exhibits/ExhibitIndex.htm</p>

1 An exhaustive review of other congressional documents during the ratification process yields no evidence that Congress
2 contemplated using the Sixteenth Amendment as a vehicle to place an unapportioned direct tax on the wages and salaries of
3 the American People. See:

The Law that Never Was, Bill Benson
<http://www.thelawthatneverwas.com/>

4 An exhaustive review of law journal articles of the time produced no articles that indicated Congress or the American People
5 were contemplating a nonapportioned direct tax on the wages and salaries of the American People. No evidence was found
6 in the journals on political economy and economics. Nor was any such evidence discovered in an exhaustive search of New
7 York Times articles, which are all cataloged in yearbooks as the New York Times is a New York Times articles, which are
8 all cataloged in yearbooks as the New York Times is a “newspaper of record.”

9 As there is no evidence that can be found anywhere indicating that the American People sought to place an unapportioned
10 direct tax on their wages and salaries, we can conclude that the American People never consented to the very tax that the
11 Commissioner is attempting to collect in the instant case [Hart v. Commissioner].

12 The entire weight of evidence as to the purpose of the Sixteenth Amendment indicates that its objective was to place income
13 taxes on net income from unincorporated business and investment into the classification of indirect taxes. Pollock was
14 overturned by the 16th Amendment. No more and no less. The purpose of the Sixteenth Amendment was to shift the tax
15 burden off of consumption and onto incomes from the accumulated wealth of the country such as to bring tax relief to wage
16 earners.

17 Since the signing of Magna Carta 800 years ago, it has been a well-established principle of self-government among the
18 English speaking people that the people must consent to their taxes. According to author R.L. Perry in Sources of Our
19 Liberties:

20 *“The liberties of the American citizen depend upon the existence of established and known rules of law limiting*
21 *the authority and discretion of men wielding the power of government. Magna Carta announced the rule of law;*
22 *this was its great contribution. It is this characteristic which has provided throughout the years the foundation*
23 *on which has come to rest the entire structure of Anglo-American constitutional liberties.” supra at 1.*
24 *[Sources of Our Liberties, R.L. Perry]*

25 That Magna Carta and all subsequent documents that secured our liberties are relevant to the American Citizen today is borne
26 out by the fact that the single monument on the meadow of Runnymede, between Windsor and Staines, commemorating
27 Magna Carta was designed, paid for and erected by the American Bar Association (A.B.A.). The American People never
28 consented to this unapportioned direct tax on their wages and salaries. Therefore the Commissioner is wholly without any
29 delegated authority whatsoever to collect such a tax within the several union states. This is also proven extensively in the
30 following memorandum of law:

Federal Enforcement Authority within States of the Union, Form #05.032
<http://sedm.org/Forms/FormIndex.htm>

31 **9.7 Administrative methods to eliminate or avoid or hide the requirement for “consent”**⁹⁰

32 *“Good intentions will always be pleaded for every assumption of authority. It is hardly too strong to say that the*
33 *Constitution was made to guard the people against the dangers of good intentions. There are men in all ages*
34 *who mean to govern well, but they mean to govern. They promise to be good masters, but they mean to be*
35 *masters.”*
36 *[Noah Webster]*

37 Earlier in section 1, we showed how all just government authority derives from the “consent” of the governed, starting with
38 the Declaration of Independence on down. The implication of this requirement of law is that all good governments and the
39 public servants working within them should always remind us that they need our consent to do anything and they must

⁹⁰ Adapted from *Great IRS Hoax*, Form #11.302, Section 4.3.16 with permission: <http://famguardian.org/Publications/GreatIRSHoax/GreatIRSHoax.htm>.

explicitly ask for our consent in writing before they accomplish anything on our behalf. That consent must come in all of the following coinciding forms:

1. There must be a positive law statute which our elected representatives passed and therefore consented to authorizing absolutely everything they are doing for us.
2. There must be a regulation published in the Federal register or the state register that implements the statute and which:
 - 2.1. Gives due notice to the public that their rights may be adversely affected by enforcing the new law.
 - 2.2. Gives an opportunity for public comment and review to discern legislative intent and the proper enforcement of the law.
 - 2.3. Reconciles the broad language of the statute against the requirements of the Bill of Rights.
3. There must be a delegation of authority for the specific government agent who is implementing the regulations and the statutes within the agency in question. Anything not explicitly in the delegation of authority order may not be accomplished.
4. If the statute and implementing regulation creates a privilege that we have to volunteer for in order to receive, there must be a form signed by us and received by the government which shows that we elected to voluntarily participate in the privilege and pay the corresponding tax. If we wish to qualify the conditions under which we consent to the program, the application for the program must also have an attachment containing additional provisions that we place upon our participation, so as to completely define the extent of our “consent”. The government application should also explicitly and completely define the specific rights we are giving up in order to procure the government privilege.

The above requirements effectively put government servants inside of a box which they cannot legally go outside of without being personally liable for a tort, which is an involuntary violation of rights to life, liberty, or property. The minute our public servants stop asking for our consent, our signature, and our permission and stop reading and obeying the regulations and delegation of authority orders that limit their authority whenever they are dealing with us is the point at which they are trying to become masters and tyrants and make us into slaves. Jesus warned us this was going to happen when he said:

“Remember the word that I said to you, ‘A [public] servant is not greater than his master [the American People].’ If they persecuted Me, they will also persecute you [because you emphasize this relationship]. If they kept My word [God’s Law], they will keep yours [the Constitution] also.”
[Jesus in [John 15:20](#), Bible, NKJV]

Positive law is essentially an agreement, a contract, a delegation of authority, and a promise by the government, in effect, to only do what we, the Sovereigns and their Master, consented explicitly to allow them to do, and to respect our sacred God-given rights while they are doing it.

“No legislative act [of the SERVANT] contrary to the Constitution [delegation of authority from the MASTER] can be valid. To deny this would be to affirm that the deputy [public SERVANT] is greater than his principal [the sovereign American People]; that the servant is above the master; that the representatives of the people are superior to the [SOVEREIGN] people [as individuals]; that men, acting by virtue of [delegated] powers may do not only what their [delegated] powers do not authorize, but what they forbid...[text omitted] It is not otherwise to be supposed that the Constitution could intend to enable the representatives of the people to substitute their will to that of their constituents. It is far more rational to suppose, that the courts were designed to be an intermediate body between the people and the legislature, in order, among other things, to keep the latter within the limits assigned to their authority. The interpretation of the laws is the proper and peculiar province of the courts. A Constitution is, in fact, and must be regarded by judges, as fundamental law [a DELEGATION OF AUTHORITY FROM THE MASTER TO THE SERVANT]. If there should happen to be an irreconcilable variance between the two, the Constitution is to be preferred to the statute.”
[Alexander Hamilton, [Federalist Paper # 78](#)]

As concerned Americans who want to preserve our liberties and freedoms, we must be ever-vigilant and watchful when governments step outside the boundaries of the law by ignoring the requirement for consent in all the forms listed above. We must ensure that specific challenges to our sovereignty and authority by defiant public dis-servants are met with an appropriate and timely response which emphasizes in no uncertain terms “who is boss”. Parents frequently must do the same thing with their children. The Bible says we should not spare the rod for our children or our servants, because it is the only way we will ever stay free and have peace at home.

“But if that servant says in his heart ‘My master is delaying his coming,’ and begins to beat the male and female servants, and to eat and drink and be drunk, the master of that servant will come on a day when he is not looking for him, and at an hour when he is not aware, and will cut him in two and appoint him his portion with the unbelievers. And that servant who knew his master’s will, and did not prepare himself or do according to his will, shall be beaten with many stripes.”
[Luke 12:45-47, Bible, NKJV]

1 *"He who spares his rod [of discipline] hates his son, But he who loves him disciplines him promptly."*
2 *[Prov. 13:24, Bible, NKJV]*

3 In a free society with a free press, open defiance by public servants of the Constitution, the law, and their delegation of
4 authority and open violations of our rights are more difficult to get away with than in totalitarian or communist countries
5 where the press is state controlled. Therefore, the means of defiance must be much more subtle and made to look simply like
6 an "accident", or a product of "bureaucracy" or mismanagement or inefficiency, rather than what it really is: Open, rebellious,
7 willful defiance of the law and violation of our rights. Because people will rebel against sudden changes, public servants
8 intent on seizing and usurping power from their master, the People, are very aware of the fact that they must take baby steps
9 to make any headway in the struggle for control. Here is how one of our readers wisely describes it:

10 *"The devil always works in baby steps. If you put a frog in hot water, he will immediately jump out. But if you*
11 *put him in cool water and then gradually raise the temperature over tens or even hundreds of years, then you can*
12 *boil the frog alive and he won't even know how it happened."*

13 This section will therefore focus on how to recognize very subtle and insidious but prevalent techniques that our public dis-
14 servants commonly use to sidestep the requirement for consent and usurp authority to transform themselves from servants to
15 masters. The Great IRS Hoax, Form #11.302, Section 2.8 and following already covered the more obvious and blatant means
16 of effecting tyranny. This section and its subsections will focus on much more subtle, devious, and insidious techniques at
17 rebellion by our public servants. Once we are trained to recognize these techniques, we will be better equipped to meet them
18 with an appropriate response that protects our rights and liberties and reminds them "who's boss". The Great IRS Hoax,
19 Form #11.302, Chapter 6 also traces the history of many of the insidious corrupting steps taken by public dis-servants since
20 the beginning of the country. That chapter makes very interesting reading for history buffs and also provides powerful
21 confirmation of the techniques documented in succeeding subsections.

22 If you want to learn more about how corrupted public dis-servants eliminate or avoid the need or requirement for consent,
23 you can read sections 4.6.16 through 4.6.16.9 of the Great IRS Hoax, Form #11.302.

24 **9.7.1 Rigging government forms to create false presumptions and prejudice our rights**

25 By far the most common method to hide or eliminate consent from the governance process is the insidious rigging of
26 government forms to create false presumptions in the reader and thereby prejudice out rights. This method involves:

- 27 1. Constricting the choices offered on a government form to only those outcomes that the government wants and removing
28 all others, even though there are other more desirable and valid legal choices.
- 29 2. Using labels that are incorrect to identify the party filling out the form in some way, such as "taxpayer", or "resident",
30 or "citizen".
- 31 3. Modifying the perjury statement at the end of the form to create false presumptions about our residency.

32 The above techniques most commonly appear on the following types of forms:

- 33 1. Jury summons.
- 34 2. Voter registration.
- 35 3. Tax returns.
- 36 4. Withholding forms
- 37 5. Driver's license applications.

38 In an effort to prevent prejudicing our rights, we have downloaded most of the above types of forms and modified them
39 electronically to remove false or misleading labels and to restore the missing choices from the forms. You can view the tax-
40 related modified forms at the website below. The modified versions of the forms appear in the column entitled "Amended
41 form". The page also describes the changes that have been made to the forms to remove false presumptions or restricted
42 choices:

IRS Forms and Publications http://famguardian.org/TaxFreedom/Forms/IRS/IRSFormsPubs.htm

43 We have also authored a training presentation on specifically how governments rig their forms to compel a choice that
44 applicants don't want and in most cases, can't lawfully even have in the following document:

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9.7.2 Misrepresenting the law in government publications

Tyrants focus on propaganda as a major way to expand their power and influence. Propaganda is a very efficient means of political control because it is inexpensive and does not require the use of guns or force or a military. Such propaganda is implemented by three chief methods:

1. Government ownership or control or regulation of the media and press, including television stations and newspapers.
2. Eliminating private education and forcing children to be educated in government-run public schools. Teaching evolution instead of creationism to take the focus off God and religion, and to make Government a replacement for God and an idol to young minds. This breeds an atheistic society that is hostile to God.
3. Misrepresenting what the laws say in government publications.

The media and the public education system, once they are put under government control or regulation, are then used as a vehicle to deceive and brainwash the people to believe lies that expand government power and control further. This very technique, in fact, is part of the original Communist Manifesto written by Karl Marx, which calls for:

***Sixth Plank:** Centralization of the means of communications and transportation in the hands of the State. (read DOT, FAA, FCC etc...)*

***Tenth Plank:** Free education for all children in public schools. Abolition of children's factory labor in its present form. Combination of education with industrial production.*

We will focus the remainder of this section on the third approach used to implement propaganda, which is that of misrepresenting what the law says in government publications. The surest way to know whether the laws are being misrepresented in government publications is to:

1. Examine whether the people in government who are doing the misrepresentation are being held personally accountable by our legal system for their actions to deceive the people.
2. Pose pointed questions to the author of the deceiving publication that will help expose the deception. If the government responds with either silence (the Fifth Amendment response), gives a personal opinion instead of citing relevant law, or further tries to confuse or mislead the questioner, then one can safely conclude that the government knows what they are doing is wrong and is trying to cover it up.

The First Amendment to the Constitution of the United States is designed to ensure an accountable government. The Right to Petition clause of the First Amendment, in particular, demands that the government answer the petitions of the people for redress of grievances, including petitions that include questions or inquiries about government improprieties. In practice, our government ignores the First Amendment Petition for Redress clause repeatedly. This violation of our Constitution by specific public dis-servants and the refusal of the federal courts to hold specific IRS employees accountable for the content of IRS publications are the main influences that propagate and expand willful constructive fraud and deceit that permeates government tax publications. The fraud and deceit, in turn, are what maintains the high level of "voluntary compliance" currently existing.

Within government publications, the main method for fraud and deceit is to use "words of art" without clarifying that the words used are clearly different from common understanding. The key "words of art" are :

1. "employee"
2. "employer"
3. "income"
4. "taxpayer"
5. "State"
6. "United States"
7. "trade or business"
8. "nonresident alien"

The Great IRS Hoax, Form #11.302 also discusses in section 3.16 how both the IRS' own Internal Revenue Manual and the courts refuse to hold the IRS accountable for the content of their publication. The section below from the IRM below clearly establishes that you can't rely on anything on an IRS Form or publication:

*Internal Revenue Manual (I.R.M.), Section 4.10.7.2.8 (05-14-1999)
IRS Publications*

IRS Publications, issued by the Headquarters Office, explain the law in plain language for taxpayers and their advisors. They typically highlight changes in the law, provide examples illustrating Service positions, and include worksheets. Publications are nonbinding on the Service and do not necessarily cover all positions for a given issue. While a good source of general information, publications should not be cited to sustain a position.

Consequently, you can't trust anything the IRS puts out on a government form or a publication, and the courts have even said you can be penalized for relying on IRS advice! See the article below:

Federal Courts and the IRS' Own IRM Say the IRS is NOT RESPONSIBLE for Its Actions or its Words or For Following Its Own Written Procedures, Family Guardian Fellowship
<http://famguardian.org/Subjects/Taxes/Articles/IRSNotResponsible.htm>

Is it any wonder that the author of the publications is not identified and that the lies and deception contained in IRS publications continues? Can you also see that if the IRS did tell the whole truth in their publications about the use of their "words of art", that almost no one would participate in the federal donation program deceitfully called a "tax"? This deception and hypocrisy is unconscionable and must be righted. It can only be fixed by holding the IRS and their employees just as liable for false statements in their publications as Americans are held liable for what they put on government tax forms. If their publications are wrong or misleading, then the author should go to jail. All IRS publications must also be signed under penalty of perjury by the IRS commissioner, just like the IRS tries to force us to do on our tax forms.

9.7.3 Automation

Bureaucrats just love automation because it gives them a convenient excuse to blame the lack of their "ability" to satisfy the requirement to procure your consent upon an impersonal computer that they have no control over and no one person is responsible for. The most common place this happens is:

1. Mandating the use of Socialist Security Numbers. The Socialist Security Administration, for instance, said in a signed letter we received from them that there is no requirement to either have or use a Socialist Security Number, which implies that its use is "voluntary" and "consensual". See SEDM Exhibit #07.004 (<http://sedm.org/Exhibits/ExhibitIndex.htm>). On the other hand, most government agencies when you call them up, they will tell you that you HAVE to provide a Socialist Security Number in order for them to be "able" to help you or to process your "application" and that their computer won't work without it. If you tell them that they do not have your consent to use a Socialist Security Number to process your application, they will tell you that they have to deny you some privilege or benefit, as though them doing anything for you is a privilege and not a right.
2. In many cases you may want to protect your rights by providing an attachment to staple to your paper government application that qualifies and defines the extent of your "consent". We have tried this several times and they have told us that they don't keep attachments, and in fact shred not only your attachment but also the original paper application after they enter only the relevant data into the computer. If you ask them if they scan in the application or the attachment before shredding, they will say no. This is destroying evidence! This is also a violation of the First Amendment, which guarantees us a right of free speech and to define how we communicate with our government. When you complain about it, they will typically say they do this to promote "efficiency". When you ask them if they have a field to enter important notes on their terminal screen, they will say none is provided.
3. When a government dis-servant has violated the requirement for consent in the methods above and you call to complain and find a person accountable for the problem, your public servants will knowingly use automation to avoid personal accountability. Most large federal agencies have a "voicemail jail" front end to their phone support so that it is virtually impossible to get through to a specific person to complain or to talk to the last person who helped you. When you login to their website, you will also find that there is no way to find the identify or contact information of a specific person or their specific job function. This discourages personal responsibility by specific government servants, which in turn encourages abuse and tyranny. Bureaucrats just love this approach, because then they can say they must be doing what Americans want because they never hear any complaints! The IRS support line, for instance, is an example of that. It takes almost two hours on hold waiting to get help, when they talk to you they are trained to be rude if you bring up the

law, they won't give you their full name or direct phone number, and it is virtually impossible to talk to the same person who was handling your case on the last call. This is no accident: it is a defect in customer service deliberately engineered to frustrate, exasperate, and alienate you so that you will just pay up and go away.

4. When the government maintains records about you, they will frequently choose to code the information and then not publish the meaning of the codes, so that even if you do obtain a copy of the record, it is meaningless without the "code book". This is the technique used both by the IRS and many state taxing authorities. The IRS' electronic information about "taxpayers" is called the "Individual Master File" and it took us nearly a year to figure out how the codes work and then design a program to decode the content of the files. About ten days before we released the program to do the decoding called the Master File (MF) Decoder, the IRS launched an investigation of us and called us in for an audit, presumably to prevent the program from getting into the hands of the American Public.

When you complain about any of the above violations of the requirement for consent, government dis-servants will frequently say "We are just 'clerks' and are not empowered to change the system", and then they will give you an address to write to, knowing that most people don't like to write and that letters can more easily be ignored and forgotten than live phone calls. If you then write the appropriate party to complain, your letter will either be ignored or they will send you a flattering form letter that doesn't deal substantially with any of your concerns, and in effect, blow you off and never deal with the problem. All the while, they can use the following additional standard excuses with innocent impunity, such as:

1. "Please write your Congressman if you don't like it."
2. "We can't give you the benefit until you give us your Social Security Number."
3. "Why don't you talk to someone who cares?"
4. "We're too busy around here to deal with your personal concerns. Can't you see how many people there are in line behind you?"

This kind of evasion of responsibility and violation of rights and privacy using computers as the means is the similar to the kind of evasion practiced by the U.S. Congress, in fact, in the context of tax collection. When our country was founded, taxation without representation was the biggest cause for the revolution. After we won the revolution and separated from Great Britain, our new federal government put the representation and taxation function in the same place: The House of Representatives, which is part of the Legislative Branch. The House of Representatives was meant to represent the people while the Senate represented the states. As long as the "purse", which is the responsibility and authority to collect taxes, remained under the control of the People in the House of Representatives, we had "taxation with representation". When the exigencies of the Civil War happened in the 1860's, the first thing the IRS did was try to move the tax collection function to the Executive Branch, thus separating the representation from the taxation function. Déjà vu all over again! The "Bureau of Internal Revenue" (BIR) was put into the Executive Branch instead of the Legislative Branch, and was assigned the responsibility to collect taxes to pay for the Civil War. When the people complained, they complained bitterly about "taxation without representation", and about the injustice and violation of the Constitution that was being wrought by the this expediency. Instead of Congress taking responsibility for the monster they created, they blamed it on the excesses and abuses of the Bureau of Internal Revenue (B.I.R.) and the Executive Branch! They turned the rogue organization they created into the whipping boy for all of the complaints and told constituents that they had no control over the Executive Branch because of the separation of powers! In fact, they were violating the Constitution and the Separation of Powers Doctrine by trying to delegate the tax collection function to the Executive Branch and they should have been impeached! No sovereign power of any branch of government can be delegated to another branch.

9.7.4 Concealing the real identities of government wrongdoers

In the former Soviet Union, the government terrorized the citizens using a secret police force called the KGB. They made everyone into informants to the KGB by offering rewards to people who would snitch on their "comrades". The government, in such a scenario, becomes a terrorist organization. The secrecy surrounding the KGB was the main source of government terror because its activities were kept secret and the government-controlled press did not report on their activities. The fear that the terrorism is intended to produce comes mainly from ignorance about who or what we are up against.

Secrecy, however, is anathema to a free society and an accountable government. Wherever there is secrecy in government, there is sure to be tyranny, corruption, and abuse of power. Consequently, those governments that are knowingly engaged in illegal or criminal activities will implement security measures to keep the identity of the perpetrators of the crimes and terrorism secret. This helps maintain the deception and illusion that we have a "voluntary tax system", as the U.S. Supreme Court said in *Flora v. United States*, but at the same time, generates enough fear and anxiety in Americans to keep them involuntarily paying anyway. Can it reasonably or truthfully be said that any choice or decision we make in the presence of

any kind of illegal duress and the fear it produces is voluntary or consensual? Absolutely NOT! Black's Law Dictionary, Sixth Edition, says the following under the definition of the word "consent" on p. 305:

"Consent is implied in every agreement. It is an act unclouded by fraud, duress, or sometimes even mistake."
[Black's Law Dictionary, Sixth Edition, p. 305]

Is an enforcement act that is not specifically authorized by an implementing regulation published in the federal register an act of duress? You bet it is! If that act hurts someone, and more importantly, if it produces fear in all the "sheep" who observed it, then it is an act of illegal duress and terrorism. If the fear produced by the illegal act causes someone to comply with the wishes of the IRS when no law obligates them to, then their act is no longer consensual, but simply a response to illegal government terrorism, racketeering, and extortion.

Have you ever tried to find a publication or a government website that identifies everyone who works at the IRS by name and gives their mailing address, phone number, and email address? We'll give you a clue: There is no such thing! We have spent days searching for this type of information at the law library and the public library and on the Internet and have found nothing. We even called them and they said they don't make that kind of information public. We also wrote them a freedom of information act request to provide the information and they refused to comply. Does this cause you some concern? We hope so! The IRS is unlike any other government organization because of the secrecy it maintains about the identity of its employees, and perhaps that's because they aren't even part of the U.S. government! They have no lawful authority to even exist either within the Constitution or under Title 31 of the U.S. Code. The IRS even readily admits that they are not an agency of the federal government! See:

[U.S. Government Denies Under Oath that IRS Is an Agency of the Federal Government](http://famguardian.org/Subjects/Taxes/Evidence/USGovDeniesIRS/USGovDeniesIRS.htm), Family Guardian Fellowship
<http://famguardian.org/Subjects/Taxes/Evidence/USGovDeniesIRS/USGovDeniesIRS.htm>

The IRS is, instead, a rogue private organization of financial terrorists involved in racketeering, what Irwin Schiff calls "The Federal Mafia", that is extorting vast sums of money from the American people under the "color of law" but without the authority of law. For confirmation of this fact, look at the 1939 edition of the Internal Revenue Code (still active today and never repealed) and look at the code section dealing with the duties of IRS "Revenue Agents":

*53 Stat 489
Revenue Act of 1939, 53 Stat. 489*

Chapter 43: Internal Revenue Agents

Section 4000 Appointment

The Commissioner may, whenever in his judgment the necessities of the service so require, employ competent agents, who shall be known and designated as internal revenue agents, and, except as provided for in this title, no general or special agent or inspector of the Treasury Department in connection with internal revenue, by whatever designation he may be known, shall be appointed, commissioned, or employed.

"Competent agents"? What a joke! If they were "competent", then they would:

1. Know and follow the law and be fired if they didn't.
2. Work as an "employee" for a specific Congressman in the House of Representatives who was personally accountable for their actions. "Taxation and representation" must coincide to preserve the original intent of the Constitution.

You can read the above statute yourself on the website below:

[Revenue Act of 1939](http://famguardian.org/CDs/LawCD/Federal/RevenueActs/Revenue%20Act%20of%201939.pdf)
<http://famguardian.org/CDs/LawCD/Federal/RevenueActs/Revenue%20Act%20of%201939.pdf>

If "Revenue Agents" are not "appointed, commissioned, or employed", then what exactly are they? I'll tell you what they are: They are independent consultants who operate on commission. They get a commission from the property they steal from the American People, and their stolen "loot" comes from the Department of Agriculture. See the following response to a Freedom of Information Act (F.O.I.A.) request proving that IRS agents are paid by the Department of Agriculture:

<http://famguardian.org/TaxFreedom/Evidence/OrgAndDuties/USDAPaysIRS.pdf>

1 Why would the Congress NOT want to make Revenue Agents “appointed, commissioned, or employed”? Well, if they are
2 effectively STEALING property from the American people and if they are not connected in any way with the federal
3 government directly, have no statutory authority to exist under Title 26, and are not “employees”, then the President of the
4 United States and all of his appointees in the Executive Branch cannot then be held personally liable for the acts and abuses
5 of these thieves. What politician in his right mind would want to jeopardize his career by being held accountable for a mafia
6 extortion ring whose only job is to steal money from people absent any legal authority?

7 Because IRS supervisors know they are involved in criminal terrorism, extortion, and racketeering, they have taken great
8 pains to conceal the identity of their employees as follows:

- 9 1. When you call their 800 support number, the agent who answers will only give you his first name and an employee
10 number. If you specifically ask him for his full legal name, he will refuse to provide it and cannot cite the legal or
11 delegated authority that authorizes him to do this.
- 12 2. If you do a Freedom of Information Act (F.O.I.A.) request on the identity of a specific IRS employee and provide the
13 employee number, the IRS will refuse to disclose it, even if you can prove with evidence that the employee was acting
14 illegally and wrongfully.
- 15 3. There is no information about either the IRS organization chart or the identity of specific IRS employees anywhere on
16 either the Department of the Treasury or the IRS websites.
- 17 4. When you go to an IRS due process meeting and ask for identification of the employees present, they will present an IRS
18 badge that contains a “pseudo name” which is not the real name of the employee. If you ask them for some other form
19 of ID to confirm the accuracy of the IRS Pocket Commission they presented as we did, IRS employees will refuse to
20 provide it. The only reasonable explanation for this is that the Pocket Commissions issued by the IRS are fraudulent.
- 21 5. You can visit the law library or any public library and spend days looking for any information about the identity of
22 anyone in the IRS below the upper management level, and you will not find anything. The closest thing we found was
23 the Congressional Quarterly, which only publishes information about the identity of a handful of IRS upper management
24 types.
- 25 6. Collection notices coming from the IRS that might adversely affect your rights to property are conspicuously missing
26 signatures and the identity of the sender. There is frequently no phone number to call or person to write, and if the letter
27 has a signature, it is the signature of a fictitious person who doesn’t even exist. If you write a response to the collection
28 letter and direct it to the signer of the letter, it is frequently either ignored entirely or is sent back with a statement saying
29 that the employee doesn’t exist!
- 30 7. They will not put their last names or employee numbers in clear view on their name badges so you don’t even know who
31 you are talking to.
- 32 8. When you call the information number and ask the legal identity of a specific number or his or her contact information
33 and to connect you to them, they will refuse to comply.
- 34 9. When you visit the federal government building, and especially the IRS floor of the building, you will notice that there
35 are not directories of people who work there and all doors have cipher locks so you can’t go inside and try to find
36 someone. Their “customer service desk” will have two-inch thick bullet proof glass. Do you think they would need that
37 kind of security if they really were conscientiously performing the only legitimate function of government in defending,
38 protecting, and respecting our PRIVATE Constitutional rights? The laws and their whole work environment are designed
39 to protect them from their “customers” and the people they work for! They may use the excuse that they are trying to
40 prevent terrorism, but who are the real terrorists? THEM! Yes indeed, they are trying to protect from terrorists, and in
41 their mind, any American who demands an accountable government that obeys the Constitution is a terrorist. We have
42 a government pamphlet from the FBI that clearly says that people who promote the Constitution are terrorist! You can
43 view this pamphlet at:
44 <http://famguardian.org/Subjects/LawAndGovt/LegalEthics/ConstDefenderTerorsts.pdf>
45



10. If you go to the IRS website and download any of their publications relating to tax scams or enforcement, notice that neither the agency nor any specific individual is identified as the author. For instance, the IRS publishes a short propaganda pamphlet below:

The Truth About Frivolous Tax Arguments, Internal Revenue Service
http://famguardian.org/PublishedAuthors/Govt/IRS/friv_tax.pdf

The most interesting thing about this pamphlet is not the inflammatory and accusatory and presumptuous rhetoric, but the fact that it is posted on the IRS website and no author is specifically identified. DO you think that people in the government who claim to be speaking “The Truth”, as they call it, ought to be held accountable for their statements? How can you have a reasonable basis for belief if they aren’t identified and held accountable? For instance, at a court trial, witnesses must identify themselves and swear under oath that they will tell “the truth, the whole truth, and nothing but the truth”. There is not such affirmation at the end of the document, no IRS seal, and no author identified. This isn’t truth: its’ government sponsored propaganda!

Below is the text from a real deposition of an IRS agent in a tax trial showing how IRS agents disguise their identities deliberately to protect them from the legal consequences of their criminal behavior:

A. Well, there have been several revenue officers that have worked this case, not just me.
 Q. Who are the other ones?
 A. There was another revenue officer that worked it prior to it being assigned to me. I don’t recall his name right off the top of my head, but I know it was a male revenue officer.
 Q. Is he still there at the IRS?
 A. Yes, he is.
 Q. You don’t remember his name?
 A. Well, to be quite frank with you, he changed his name over a course of time. So I’m not sure which name he was using at that time.
 Q. What’s his new and old name?
 A. His old name was John Tucker and his new name is John Otto.

Q. Why did he change his name?

A. That was something that the Internal Revenue Service gave the employees the option to do so because taxpayers would file liens against employees, they would file judgments against employees, record them in the courthouses where they lived, and it would make it difficult for the revenue officer to sell their home or, you know, transfer property or whatever the case might be. In other words, it would encumber their own personal property.

And so the Internal Revenue Service gave us an option to use what we call pseudonyms that would protect the employees from taxpayers harassing us in that particular manner.

Q. So it's not a legal name change, it's just --

A. It's for Internal Revenue Service's purposes.

Q. Have you ever used another name?

A. Yes, I have.

Q. What other names have you used?

THE WITNESS: Do I have to answer that?

MR. SHILLING: Are you talking work name?

THE WITNESS: Are you talking work name or are you talking about my legal name?

Q. (BY MR. DROUGHT:) I'm talking about both. Are there any other names that you have ever gone by?

A. Yes. I have my maiden name and I have my married name that I use.

Q. And your maiden name is what?

THE WITNESS: Do I have to answer?

MR. SHILLING: Well, at this point she is operating under the pseudonym. Let's go off the record for a second.

(Off record 10:53 a.m. to 10:55 a.m.)

MR. SHILLING: You can give any other name. Do you have any other pseudonyms that you used?

THE WITNESS: No. I have only used Frances Jordan.

Q. (BY MR. DROUGHT:) How long have you used that name?

A. Approximately 10 years.

Q. So 1994 about?

A. That's a good ballpark. The service made that available to employees for one very specific reason. At that particular time, there was a lot of -- you know, Oklahoma City, you know, that was in reference to those individuals that were killed in that. So that became a concern that the employees have some type of protection.

A coworker that I sat next to received a letter at her home address from a taxpayer, and she had two small children, and her fear was that the taxpayer may do something to her home or to her children, and so she inquired about using a pseudonym, and I inquired about using one at the same time because we need to protect our families and our children from any harassing taxpayers.

Q. What about judges that send people to prison?

A. Sir, I can only tell you that the service made that option available to the employees.

Q. What about policeman that arrest people?

A. Sir, I can tell you -- I'm not a police officer. I'm not a judge. I'm only a revenue officer with the Internal Revenue Service. That option was made available to us because of the type of job that we have. We have to take people's money, we have to take people's property, and sometimes people become very distraught when that happens. So consequently they -- they do things to our families and to our homes, and we need to protect ourselves as much as we can.

Q. Okay. What names have you gone by besides Frances Jordan?

A. While I worked for the Internal Revenue Service?

Q. Yes.

A. I'm going to -- like Mr. Shilling said, I'm going to not answer that question at this time until we discuss it with the judge to see whether or not he prefers -- that he allows me to use my pseudonym or if he makes me use my real name.

MR. DROUGHT: We are asking for her to give us those names, and we will agree to keep them confidential and used only for the purpose of this lawsuit, but I think it's relevant and it likely could lead to something relevant, and I don't want to have to go in front of the judge and spend these people's money. We are asking that she give us the names now so I can ask her about them now and not have to come back and re-depose her.

Do the above observations disturb you? They should! We are living in a police state and the IRS is a Gestapo organization of secret police operatives who maintain "voluntary compliance" through financial terrorism. It's terrorism because they:

1. Cannot demonstrate the authority of a specific statute AND implementing regulations AND delegation of authority order authorizing their act of enforcement. 50 U.S.C. §841, in fact, says any public servant who refuses to acknowledge and respect the Constitutional or lawful limits on their authority is a "communist"!
2. Won't reveal their identities or allow themselves to be held personally liable and accountable to the public for their illegal and fraudulent acts and statements.
3. Are allowed to institute illegal abuses of our rights completely anonymously and without having to accept personal responsibility for the abuses.

On the other hand, how long do you think the lies, the propaganda, and the willful and illegal abuses of our rights by would continue if the following reforms were instituted and enforced upon the IRS:

1. Every Revenue Agent who interacts with the public had to reveal their true, full legal identity and contact information, including their Social Security Number. After all, if they can ask you for it, then you should be able to do the same thing. Equal protection of the laws requires it.
2. Use of “Pseudo names” on IRS Pocket Commissions was discontinued.
3. The identities of every IRS employee down to the lowest level was published on the IRS website.
4. Every piece of correspondence from the IRS had to be signed under penalty of perjury as required by 26 U.S.C. §6065 and the complete contact information and real legal name of the originator or responsible person must be identified on the correspondence.

The answer is that the abuses would stop IMMEDIATELY. Secrecy and the fear it produces is the only thing that keeps this house of cards standing, folks!

9.7.5 Making it difficult, inconvenient, or costly to obtain information about illegal government activities

Criminals, whether they are violating the Constitution or enacted statutory law, don’t want evidence about their misdeeds exposed. A crime is simply any act that harms someone and was not done to them with their consent. The Freedom of Information Act (F.O.I.A.) and the Privacy Act are both designed to maintain an accountable government that serves the people by ensuring that people can always find out what their government is up to. Information about what the government is doing can then be used to prosecute specific public servants who violated the requirement for consent and your rights. Government agencies typically maintain “Public relations” offices, and also a full-time legal staff called the “disclosure group” to deal with requests for information that come in from the Public because of these laws. These disclosure litigation lawyers have the specific and sole function of filtering and obscuring and obfuscating information that is provided to the public about the activities and employees of the agency they work for. These main purpose for doing the filtering is to protect from prosecution wrongdoers within the agency. Disclosure litigation lawyers know that Fifth Amendment guarantees only biological people the right to not incriminate themselves, but corporations are not covered by the Fifth Amendment. The U.S. Code identifies the U.S. Government as a federal corporation in 28 U.S.C. §3002(15)(A), and so the silver tongued devils have to devise more devious means to conceal the truth. They are paid to lie and conceal and deceive the public without actually “looking” like they are doing so. They are “poker players” for the government.

When you send in a Privacy Act Request or Freedom of Information Act (F.O.I.A.) Request, as we have many times, that focuses on some very incriminating evidence that could be used against the government, the response usually falls into one of the following four categories:

1. The government will say the information is exempt from disclosure and cite the exemptions found in 5 U.S.C. §552a(k).
2. The government will only provide a subset of the requested information and not explain why they omitted certain key information.
3. The government will provide the information requested, but redact the incriminating parts. For instance, they will black out the incriminating information and/or remove key pages.
4. If the government is involved in an enforcement action and the information you requested under the Privacy Act or Freedom of Information Act (F.O.I.A.) could stop or interfere with the action because it exposes improprieties, they will try to drag their feet and delay providing the information until they have the result they want. For instance, if you send in a Privacy Act request for information about your tax liability, they will delay the response until after the period of appeal or response is over. That way , you can’t respond or defend yourself against their illegal actions in a timely fashion.

In the process of decoding the Individual Master Files (I.M.F.’s) of several people, we have found that the IRS very carefully conceals information that would be useful in understanding what the IRS knows about a person. They use complicated, computerized codes in their records for which no information is presently available about what they mean. They used to make a manual called IRS Document 6209 available on their website for use in decoding IMF’s, but it was taken down in 2003 so that no public information about decoding is available now. A number of people have sent Freedom of Information Act (F.O.I.A.) Requests to the IRS requesting a copy of IRS Document 6209 and the IRS has responded by providing a very incomplete and virtually useless version of the original manual, with key chapters removed and most of the rest of the remaining information blacked out. They are obviously obstructing justice by preventing evidence of their wrongdoing from getting in the hands of the public. Some people who have requested this document under the Freedom of Information Act (F.O.I.A.) from the IRS, got the unbelievable response below:

1 *"We are sorry, but under the war on terrorism, the information you requested is not available for release because*
2 *it would jeopardize the security of the United States government."*

3 What the heck does the meaning of the codes in a persons' IRS records have to do with the war on terrorism? The war on
4 terror is being used as an excuse to make our own government into a terrorist organization! The needs of the public and the
5 need for an accountable government that obeys the Constitution far outweigh such lame excuses by the IRS that have the
6 effect of obstructing justice and protecting wrongdoers in the IRS. Such criminal acts of concealment are also illegal under
7 the following statutes:

- 8 1. [18 U.S.C. §3](#): Accessory after the fact
- 9 2. [18 U.S.C. §4](#): Misprision of felony
- 10 3. [18 U.S.C. Chapter 73](#): Obstruction of justice
- 11 4. [18 U.S.C. §241](#): Conspiracy against rights under

12 Since the IRS Document 6209 is effectively no longer available through the Freedom of Information Act (F.O.I.A.), then if
13 a person wanted a full and complete and uncensored version of the document from the government they would then have to
14 file a disclosure lawsuit against the government for not complying with the provisions of the Freedom of Information Act
15 (F.O.I.A.). Lawsuits, lawyers, and litigation are costly, inconvenient, and demanding and therefore beyond the reach and
16 affordability of the average busy American. Consequently, the government wins in its effort to block from public disclosure
17 key information about its own wrongdoing. The result is that by bending the rules slightly, they in effect make it so costly,
18 inconvenient, exasperating, and complicated to have an accountable and law-abiding government that few people will attempt
19 to overcome the illegal barrier they have created. The few that do overcome this barrier then have to worry about finding an
20 attorney who is brave enough to get his license to practice law pulled by the government he is litigating against for prosecuting
21 such government wrongdoers. The system we have now is very devious and prejudicial and needs to be reformed.

22 **9.7.6 Ignoring correspondence and/or forcing all complaints through an unresponsive legal support staff that** 23 **exasperates and terrorizes "customers"**

24 When your rights have been violated because a government agency or employee has tried to do something without your
25 explicit, informed consent, then the clerk at the government agency who instituted the wrong will further obstruct redress of
26 grievances as follows:

- 27 1. They will tell you that they can't give you information about their supervisor to lodge a complaint, and this is
28 especially true if you did not get their full legal name because they refused to give it to you.
- 29 2. They will say that this is an issue or problem that you must contact the "legal department" or "public affairs
30 department" about. Then they will tell you that those organizations do not take direct calls and insist that everything
31 must be in writing. They will not explain why, but the implications are obvious: They want to prevent spilling the
32 beans and prevent further contact with themselves or their supervisors so they cannot be prosecuted for wrongdoing.
- 33 3. Then when you write the address the clerk gave you, most often the legal department will ignore it entirely or respond
34 with a lame form letter that answers questions you never asked and doesn't directly address any of the major issues you
35 raised. This leaves you with no further recourse but to litigate, and they do it this way on purpose because they know
36 most people won't litigate and can't afford the time or expense to do so. Checkmate. The government got what it
37 wanted: a violation of your rights without legal or material consequence for the violation.

38 Those Americans who are familiar with the above process and the abuses it results in and who are more familiar with legal
39 procedure can still use the above process to their advantage with a procedure we call the Notary Certificate of Default Method
40 (NCDM), whereby the correspondence sent to the legal department establishes what you expect, provides exhaustive evidence
41 of government wrongdoing, formats the complaint as what is called an "Admissions" in the legal field, gives the government
42 a specific time period to respond, and states that failure to respond constitutes an affirmative admission to every question.
43 They then send in their complaint to the legal department or "Taxpayer Advocate" via certified mail with a proof of mailing,
44 which then develops legal evidence of what was sent and when it was sent. This approach gives them admissible evidence
45 they can use in court to litigate against the government. You can read more about the Notary Certificate of Default Method
46 in:

- 47 1. [Notary Certificate of Dishonor Process](#), Form #07.006
48 <http://sedm.org/Forms/FormIndex.htm>
- 49 2. [Tax Fraud Prevention Manual](#), Form #06.008, Section 3.4.4.5

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

9.7.7 Deliberately dumbing down and propagandizing government support personnel who have to implement the law

To quote former Treasury Secretary Paul O'Neil on the subject of the Internal Revenue Code, which he says is...:

"9,500 pages of gibberish."

[SOURCE: <http://theguardian.org/TaxFreedom/Evidence/OrgAndDuties/IRSExhibit-PaulONeill-IRSCode9500PgsOfGibberish.pdf>]

Add to this the following:

1. 22,000 pages of Treasury and IRS regulations that implement the Internal Revenue Code
2. 70,000 employees at the IRS
3. A very high turnover rate among revenue agents, and the need to constantly educate new recruits.
4. An overworked support force.
5. Contracting key functions of the IRS out to independent third party debt collectors.
6. A very unpleasant job to do that most people detest.

...and you have a recipe for disaster, abuse, and tyranny and a total disregard of the requirement for consent and respect of the rights of sovereign Americans everywhere. Several studies have been done on the hazards of this government bureaucracy by the Government Accounting Office, which show that IRS advice on their telephone support line was wrong over 80% of the time! IRS supervisors who design the training curricular for new employees have also made a concerted effort to "dumb down" revenue agents to increase "voluntary compliance". For instance, during the We the People Truth in Taxation Hearing held in Washington D.C. on February 27-28, 2002, a Former IRS Collection Agent John Turner brought his IRS Revenue Agent Training Materials to the hearing and proved using the materials that Revenue Agents are not properly warned that there is no law authorizes them to do Substitute For Return (SFR) assessments upon anything BUT a business or corporation located in the federal zone which consents to taxation, and that SFR's against biological people are illegal and violate 26 U.S.C. §6020(b) and Internal Revenue Manual (I.R.M.), Section 5.1.11.6.8. See the questions and evidence for yourself on the website at:

<p><i>Tax Deposition Questions</i>, Form #03.016, Section 13: 26 U.S.C. 6020(b) Substitute For Returns http://sedm.org/Forms/FormIndex.htm</p>
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Do you think that an IRS Revenue Agent who meets all the following criteria is going to be "properly equipped" to follow the lawful limits on his authority, respect your rights, and help you make an informed choice based only on consent? What a joke! Most IRS employees:

1. Are never taught from the law books or taught about the law. Instead, are only taught about internal procedures developed by people who don't read the tax code. And if they do start reading the law and asking questions of their supervisors, as former IRS Criminal Investigator Joe Banister did, then they are asked to resign or fired if they won't resign.
2. Rely mainly upon the IRS publications for information about what to do and are not told to read the law, in spite of the fact that the IRS Internal Revenue Manual (I.R.M.), Section 4.10.7.2.8 says that IRS Publications should not be used to form an opinion about what the tax code requires.
3. Are wrong 80% of the time about the only subject they are paid to know.
4. Don't stay at the job longer than about two years because of the very high turnover in the organization.
5. Are despised and feared by the public for what they do, mainly because they do not honor the restrictions placed on them by the law itself.
6. Have deceptive IRS Formal classroom training materials that deliberately omit mention about doing Substitute For Return (SFR) assessments upon natural persons, even though it is not authorized by the law in 26 U.S.C. §6020(b).

In the legal realm, ignorance of the law is no excuse. Therefore, if anyone at the government agency can or should be held responsible for acts that violate the law and our rights, it should be the ignorant and deliberately misinformed clerk or employee who committed the act. However, the managers of these employees should also be culpable, because they deliberately developed the training and mentorship curricula of their subordinates so as to maximize the likelihood that

employees would violate the laws and prejudice the rights of Americans in order to encourage “voluntary compliance” with what the agency wants, but which the law does not require. These devious managers will most often respond to accusations of culpability by trying to maintain a defense called “plausible deniability”, in which they deny responsibility for the illegal actions of their employees because they will falsely claim that they did not know about the problem. Notifying these wayward government employees personally via certified mail and posting all such correspondences on a public website for use in litigation against the government can be very helpful in fighting this kind of underhanded approach. This is the approach of Larken Rose, who has been keeping a database of all government employees at the IRS who have been notified that employees are mis-enforcing the law and yet refused to take action to remedy the wrong, concealed the fact that they were notified of the wrong, and continued to claim “plausible deniability”. This has gotten him on the bad side of the IRS to the point where they decided to raid his house and confiscate his computers, and then plant false evidence of kiddie porn on them and have him prosecuted for it violation of kiddie porn laws. Your government servants are wicked and these abuses must be stopped!

If you would know more about the subject of “plausible deniability” in the context of the IRS, refer to section 2.4.2 of the *Tax Fraud Prevention Manual*, Form #06.008.

9.7.8 Creating or blaming a scapegoat beyond their control

As was pointed out in section 6.8.1 of the *Great IRS Hoax*, Form #11.302, our republic was created out of the need for taxation WITH representation. England was levying heavy taxes without giving us any representation in their Parliament, and we didn’t like it and revolted. The original Constitutional Republican model created by the founders solved this problem by giving the sovereign People in the House of Representatives the dual responsibility of both Representing us AND Collecting legitimate taxes while also limiting the term of office of these representatives to two years. This ensured that:

- The sovereign People controlled the purse of government so that it would not get out of control.
- If our tax-collecting representatives got too greedy, we could throw the bastards out immediately.
- There would be no blame-shifting between the tax collectors and our representatives, because they would be one and the same.

This scheme kept our representatives in the House who controlled the purse strings on a very short leash and prevented government from getting too big or out of control. The very first Revenue Act of 1789 found in the Statutes at Large at 1 Stat. 24-49 created the Office of Collector of Revenue and imposed the very first official federal tax of our new Constitutional Republic only upon imports. This tax was called a “duty” or “impost”, or “excise”. It placed collectors at every port district and made them accountable to Congress. This type of a taxing structure remained intact until the Civil War began in 1860.

However, our system of Taxation WITH Representation was eventually corrupted, primarily by separating the Taxation and Representation functions from each other. With the start of the Civil War and as an emergency measure in the Revenue Act of 1862, the Congress through legislation shifted the tax collection to a newly created “Bureau of Internal Revenue” (BIR), which was part of the Executive Branch and came under the Department of Treasury, which was in the Executive Branch. At that point, we lost the direct relationship between Taxation and Representation because the functions were separated across two departments. All of the evils in our present tax system trace back to the corruption that occurred at that point because:

1. Specific collection agents in the IRS are not put under a member of the House of Representatives and apportioned, as all federal tax collections require in Article 1, Section 9, Clause 4 and Article 1, Section 2, Clause 3. This means that they are not supervised by someone who we directly control in the House.
2. Congress has a convenient “whipping boy” they created to do the tax collection function. This whipping boy is conveniently in another branch of government that they can claim they have no direct control over. This causes endless finger-pointing and eliminates all accountability on either end of the Taxation or Representation equation.
3. Those in IRS cannot be held directly accountable because most are federal employees who are hard to fire and not elected so they are not accountable to the people.

Even today, this devious tactic of separating responsibility from authority for government abuses among multiple branches is very frequently used as the only real justification for what would otherwise be flagrant disregard for the rights of the people by the government. For instance, if the government is abusing people’s rights in a way that gets negative media attention, the most common justification you will hear is that the bureaucracy has gotten too big, is out of control, and is not accountable directly to the people. The Executive branch will usually be the culprit, and no one in the Legislative Branch will want to take responsibility to pass a law to fix it. Or worst yet, the Legislative Branch will pass a “dead law”, which is a statute meant to appease the public but for which the Executive Branch positively refuses to write implementing regulations to enforce.

1 This is what happened with the campaign finance reforms in the 2001. Sound familiar? The more layers of bureaucracy
2 there are, the more effective this system of blame-shifting becomes. With more layers, public servants can just conveniently
3 excuse themselves by saying “It takes forever to get X to do anything so it’s unlikely that we will be able to help you with
4 your problem.”

5 To give you an example of how the IRS abuses this technique to their advantage, look at how they respond to Privacy Act
6 requests for Assessment documents. The Privacy Act requires them to respond with the documents requested within 20 days.
7 After several people began using the Privacy Act to demand assessment documents, and since the IRS was not doing legal
8 assessments and wanted to hide the fact from the public, the IRS changed their Internal Revenue Manual in 2000 to essentially
9 delay and interfere with responding. In Internal Revenue Manual (I.R.M.), Section 11.3.13.9.4, the IRS basically tells its
10 Disclosure Officers essentially to bounce a person’s Privacy Act Request for assessment documents all over its many
11 hundreds of disclosure offices until the person gets frustrated and essentially gives up. Read this dastardly section yourself
12 at:

13 <http://www.irs.gov/irm/part11/ch03s14.html#d0e13151>

14 **9.7.9 Terrorizing and threatening, rather than helping, the ignorant**

15 Another famous techniques of criminals working in public service is to terrorize the ignorant. This technique is usually only
16 used when the financial stakes are high and a person is taking custody of a large sum of money that the government wants to
17 steal a part of. Here is how it works:

- 18 1. Before the distribution can be made, and notice is sent to the affected party stating the conditions under which the
19 distribution can be made without incurring tax liability.
- 20 2. If the party wants to take the distribution without tax withholding as prescribed in 26 U.S.C. §3406, they are told that
21 they must sign a statement under penalty of perjury that they meet the conditions required for not being “liable” for
22 federal income taxes. They will be told that if it is not under penalty of perjury, then they cannot get their money or
23 property back.
- 24 3. The statement the party must sign will contain a dire warning that if they are wrong in signing the form, they are
25 committing perjury and that they will violate 18 U.S.C. §1001, which carries with it a fine and jail time up to five years!
- 26 4. In the meantime, the clerks processing the paperwork in the government, when consulted, will tell the submitter that:
27 4.1. We can’t provide legal advice.
28 4.2. We refuse to sign any statement under penalty of perjury which might help you to determine whether you meet the
29 criteria for not being taxable.
30 4.3. You are on your own and need to seek expensive legal counsel if you want assistance.
- 31 5. If you ask the clerks the phone contact information for the legal department to resolve your issue with the government
32 agency, they will tell you:
33 5.1. We can’t give it out
34 5.2. It only works internally and you can’t use it.
35 5.3. Calls are not authorized to the legal department. All inquiries must be in writing. Then when you write the legal
36 department of the agency, they will completely ignore your request and you will have no way to call them and do
37 follow-up to ensure that they respond.
- 38 6. The party will therefore be left with only two options:
39 6.1. Pay the withholding tax.
40 6.2. Hire an expensive legal counsel to “advise” you and then pay something approaching the cost of the withholding
41 tax to a government-licensed attorney who has a conflict of interest. The government-licensed attorney will tell
42 you that you have to pay the tax even if there is no law that requires this, because if he doesn’t, the government will
43 pull his license. Now you paid close to DOUBLE the withholding tax after everything is said and done, because
44 you have to pay an expensive attorney AND the withholding tax.

45 To give you one example of how the above tactic is used, consider the situation of a public servant who has just left federal
46 employment voluntarily or was terminated. At that point, he usually has a large retirement nest egg in Federal Thrift Savings
47 Program (TSP) that he wants to take into his or her custody while also avoiding the need to pay any income tax as a
48 consequence of the distribution. Lawyers in the District of Criminals who are running the Thrift Savings Program (TSP)
49 have devised a way to basically browbeat people into paying withholding taxes on direct retirement distributions using the
50 above technique. Here is how it works:

1. Federal employees who leave federal service and who want to withdraw their retirement savings must submit the TSP-70 form to the Federal Thrift Savings Program. You can view this form at:
<http://tsp.gov/forms/index.html>
2. Most separating federal employees inhabit the states of the Union, are “nationals” under 8 U.S.C. §1101(a)(21), are not “citizens” under 8 U.S.C. §1401, and are “non-resident NON-persons”, as we explain later in this chapter. TSP Publication OC-96-21 describes the procedures to be used for “nonresident aliens” who are not engaged in a “trade or business” to withdraw their entire retirement free of the 20% withholding mandated by 26 U.S.C. §3406. Here is what section 3 of that pamphlet says:

3. How much tax will be withheld on payments from the TSP?

*The amount withheld depends upon your status, as described below. Participant. **If you are a nonresident alien, your payment will not be subject to withholding for U.S. income taxes. (See Question 2.)** If you are a U.S. citizen or a resident alien, your payment will be subject to withholding for U.S. income taxes. If you are a U.S. citizen or resident alien when you separate, you will receive from your employing agency the tax notice “Important Tax Information About Payments From Your TSP Account,” which explains the withholding rules that apply to your various withdrawal options.
[Thrift Savings Program (T.S.P.), Pamphlet OC-96-21, <http://tsp.gov/forms/index.html>]*

Later on in that same pamphlet above, here is what they say about the requirement for a statement under penalty of perjury attesting that you are a “nonresident alien” with no income from within the federal “United States”:

2. Will the TSP withhold U.S. taxes from my payments?

This depends on whether the payment you receive is subject to U.S. income tax. If the money you receive is subject to U.S. income tax, then it is subject to withholding. In general, the only persons who do not owe U.S. taxes are nonresident alien participants and nonresident alien beneficiaries of nonresident alien participants. The TSP will not withhold any U.S. taxes if you fit into either category and you submit the certification described below. However, if you do not submit the certification to the TSP, the TSP must withhold 30% of your payment for Federal income taxes.

Certification. *To verify that no tax withholding is required on a payment you are receiving as a participant, the TSP asks that you certify under penalty of perjury that you are a nonresident alien whose contributions to the TSP were based on income earned outside the [federal] United States. If you are receiving a payment as a beneficiary, you must certify that you are a nonresident alien and that the deceased participant was also a nonresident alien whose contributions to the TSP were based on income earned outside the United States. (Certification forms are attached to this tax notice.)
[Thrift Savings Program (T.S.P.), Pamphlet OC-96-21, <http://tsp.gov/forms/index.html>]*

3. The certification form for indicating that you are a “nonresident alien” who earned all income outside the “United States” is contained at the end of the above pamphlet. Here is the warning it contains in the perjury statement at the end:

Warning: *Any intentional false statement in this certification or willful misrepresentation concerning it is a violation of the law that is punishable by a fine of as much as \$10,000 or imprisonment for as long as 5 years, or both (18 U.S.C. 1001).*

4. The critical issue in the above pamphlet, of course, is their “presumed” and ambiguous definition of “United States”, which we find in section 4.5 of the Great IRS Hoax, Form #11.302 means the federal United States or “federal zone”, which is the District of Columbia Only within Subtitle A of the Internal Revenue Code as indicated by 26 U.S.C. §7701(a)(9) and (a)(10). If you call the Thrift Savings Program (T.S.P.) coordinator and ask him some very pointed questions about the definition of “United States” upon which the above pamphlet relies and the code section or regulation where it is found, you will get the run-around. If you ask for the corporate counsel phone number, they refuse to give it to you and tell you to ask in writing. If you write them, they will ignore you because they don’t want the truth to get out in black in white. If you were to corner one of these people after they left federal service and ask them for honest answers, they would probably tell you that their supervisor threatened them if they leaked out what is meant by “United States” to callers or if they put anything in writing. They are obviously holding the truth hostage for 20 pieces of silver. They will positively refuse to give you anything in writing that will help clarify the meaning of “United States” as used in the pamphlet, because they want to make it very risky and confrontational for you to keep your hard-earned money. They will refuse to take any responsibility whatsoever to help you follow the law, and they will conveniently claim ignorance of the law, even though ignorance of the law is no excuse, according to the courts.

Note in the above the hypocrisy evident in the situation and the resulting violation of equal protection of the laws mandated by the Fourteenth Amendment, Section 1:

1. You are being compelled to take a risk of spending five years in jail by signing something under penalty of perjury that they can falsely accuse you is fraudulent and wrong. All you have to do is look at them the wrong way and they will try to sick a mafia police state on you. At the same time, there is absolutely no one in government who is or can be required to take the equivalent risk by signing a determination about the meaning of “United States” in their own misleading publication.
2. TSP Publication OC-96-21 starts off with a disclaimer of liability and advice to consult an attorney, and yet it is impossible for you to have the same kind of disclaimer if you sign their form at the end of the pamphlet.
3. They refuse to put anything in writing that they say or do and require EVERYTHING you do with them to be in writing and signed under penalty of perjury. If you do a Privacy Act request for their internal documents relating to your case to hold them accountable, they will refuse to provide them because they want to protect their coworkers from liability. This is hypocrisy.
4. All risk is thereby transferred to you and avoided by your public dis-servants. Consequently, there is no way to ensure that they do their job by genuinely helping you, even though that is the ONLY reason they even have a job to begin with.

In effect, what our public dis-servants are doing above is using ignorance, fear, deliberate ambiguity of law and publications, and intimidation as weapons to terrorize “nontaxpayers” into paying extortion money to the government. They have made every option available to you EXCEPT bribing the government into a risky endeavor, knowing full well that most people will try to avoid risk. They will not help citizens defend their property, which is the ONLY legitimate function of government. Based on the above, the only thing these thieves will help anyone do is bribe the government with money that isn’t owed and to do so under the influence of constructive fraud, malfeasance, and breach of fiduciary duty on the part of the public dis-servant. The presence of such constructive fraud makes it impossible to give informed, voluntary consent in the situation, and therefore makes it impossible to willfully make a false statement. However, it is common for federal judges to aid and abet in the persecution and terrorism of honest Americans who submit the above Thrift Savings Program (T.S.P.), Pamphlet OC-96-21 in order to perpetuate the federal mafia and keep the stolen loot flowing that funds their fat federal retirement checks.

9.8 Common sources of illegal government duress⁹¹

Now that we have firmly established that consent is required in the assessment and collection of income taxes under Subtitle A of the Internal Revenue Code, it’s reasonable to ask what devious and illegal means the government uses to coerce “consent” or what they popularly call “voluntary compliance” out of the populace. Such coercion is called “duress” in the legal field. Section 4.4.16 of the Great IRS Hoax, Form #11.302 covers such techniques generally, but it is reasonable to particularize the techniques down so that we can be very aware of the tools of coercion, force, and fraud used directly against us in the case of income taxation. We will therefore itemize each technique into a very specific “MO”, which is a “Method of Operation” used by criminal public servants for accomplishing their crime. The reason we put this section at the end of the treatment of the “voluntary” nature of income taxes is so that we can start from the point of knowing exactly what the lawful limits are upon the IRS’ authority. The techniques in the following subsections will be listed in order of the frequency they occur.

Those who are subject to duress and who can prove it have standing to nullify all evidence of consent/agreement and all the legal obligations arising from the consent.

“An agreement [consensual contract] obtained by duress, coercion, or intimidation is invalid, since the party coerced is not exercising his free will, and the test is not so much the means by which the party is compelled to execute the agreement as the state of mind induced.”⁹² Duress, like fraud, rarely becomes material, except where a contract or conveyance has been made which the maker wishes to avoid. As a general rule, duress renders the contract or conveyance voidable, not void, at the option of the person coerced,⁹³ and it is susceptible of

⁹¹ Adapted from Great IRS Hoax, Form #11.302, Section 5.4.24 with permission: <http://famguardian.org/Publications/GreatIRSHoax/GreatIRSHoax.htm>.

⁹² Brown v. Pierce, 74 U.S. 205, 7 Wall 205, 19 L.Ed. 134

⁹³ Barnette v. Wells Fargo Nevada Nat’l Bank, 270 U.S. 438, 70 L.Ed. 669, 46 S.Ct. 326 (holding that acts induced by duress which operate solely on the mind, and fall short of actual physical compulsion, are not void at law, but are voidable only, at the election of him whose acts were induced by it); Faske v. Gershman, 30 Misc.2d. 442, 215 N.Y.S.2d. 144; Glenney v. Crane (Tex Civ App Houston (1st Dist)), 352 S.W.2d. 773, writ ref n r e (May 16, 1962); Carroll v. Fetty, 121 W.Va. 215, 2 S.E.2d. 521, cert den 308 U.S. 571, 84 L.Ed. 479, 60 S.Ct. 85.

1 ratification. Like other voidable contracts, it is valid until it is avoided by the person entitled to avoid it.⁹⁴
2 However, duress in the form of physical compulsion, in which a party is caused to appear to assent when he has
3 no intention of doing so, is generally deemed to render the resulting purported contract void.⁹⁵
4 [American Jurisprudence 2d, Duress, §21 (1999)]

5 In order to avoid the mandates of government bureaucrats, we therefore must:

- 6 1. Know what duress is from a legal perspective.
- 7 2. Be able to immediately recognize, identify, and prove the existence of duress.
- 8 3. Continually produce evidence of duress and absence of consent in our government administrative record.
- 9 4. Use the evidence generated in our administrative record as a defense in any legal or administrative proceeding against
10 any government that tries to enforce its franchises against us.

11 This section will therefore serve as a way to help you understand how to both identify the duress and generate evidence of it.

12 If you would like an affidavit you can enter into your administrative record demonstrating unlawful duress and which is
13 useful in establishing a reliance defense in the context of taxation, please see:

<p><u>Affidavit of Duress: Illegal Tax Enforcement by De Facto Officers</u>, Form #02.005 http://sedm.org/Forms/FormIndex.htm</p>

14 **9.8.1 Deceptive language and words of art**

15 IRS makes false presumptions about the meaning of several important words in its publications and forms and website which
16 it is unwilling to share with you and which prejudice your rights and sovereignty in most cases. In such a case, we must
17 remind ourselves what the U.S. Supreme Court said about the abuse of “presumption” to exceed the authority of the
18 Constitution:

19 *“The power to create [false] presumptions is not a means of escape from constitutional restrictions,”*
20 *[New York Times v. Sullivan, 376 U.S. 254 (1964)]*

21 The purpose of these “words of art” is to deceive you into believing their false presumptions and thereby commit constructive
22 fraud. The abused words include, but are not limited to:

- 23 1. “United States”
- 24 2. “State”
- 25 3. “state”
- 26 4. “foreign”
- 27 5. “nonresident alien”
- 28 6. “U.S. citizen”
- 29 7. “employee”
- 30 8. “income”
- 31 9. “gross income”
- 32 10. “trade or business”
- 33 11. “wages”
- 34 12. “individual”

35 The only way to overcome false presumptions about the meaning of the above words is to read the codes and laws for oneself,
36 which the IRS knows that few Americans will do. This constructive fraud counts on the following elements to be successful:

- 37 1. A deficient public education system run by the government which dumbs-down Americans by not teaching them either
38 “law” or “constitutional law”, in any grammar, junior high, or high school curricula.

⁹⁴ Faske v. Gershtman, 30 Misc.2d. 442, 215 N.Y.S.2d. 144; Heider v. Unicume, 142 Or. 416, 20 P.2d. 384; Glenney v. Crane (Tex Civ App Houston (1st Dist)), 352 S.W.2d. 773, writ ref n re (May 16, 1962)

⁹⁵ Restatement 2d, Contracts §174, stating that if conduct that appears to be a manifestation of assent by a party who does not intend to engage in that conduct is physically compelled by duress, the conduct is not effective as a manifestation of assent.

2. College and university curricula in government-run universities that do not require the study of any aspect of law for most majors.
3. IRS and government websites that do not define the meaning of these words. See section 3.9.1 of the *Great IRS Hoax*, Form #11.302 and following for examples.
4. IRS publications that deliberately do not define the meaning of these words.
5. Legal dictionaries that have had these critical words removed so that they cannot be easily understood. For instance, no legal dictionary published at this time that we could find has a definition of the term “United States” in it. See section 6.13.1 of the *Great IRS Hoax*, Form #11.302, for instance.
6. Federal courts that have become vehicles for political propaganda and terrorism rather than justice. See sections 2.8.13 through 2.8.13.8.1 of the *Great IRS Hoax*, Form #11.302, Sections 2.8.13 through 2.8.13.8.1.
7. A refusal, upon submitting a Freedom of Information Act (F.O.I.A.) Request, to provide an unambiguous and honest definition of these words that includes the WHOLE truth.

Those who try to educate the public about the legal meaning of the above words have been persecuted by the IRS, and this includes us. If you would like to learn more about this fraud, consult the following sections of the *Great IRS Hoax*, Form #11.302:

- Subsections underneath section 3.12.1.
- Section 5.9 later about vague laws

9.8.2 Ignoring Responsive Correspondence to Collection Notices

When the IRS attempts illegal collection actions against Americans, they send out threatening correspondence, often via certified mail. Many recipients respond faithfully to this correspondence, using research from this book, documenting that the IRS is:

1. Violating enacted positive law.
2. Wrongfully enforcing against a “nontaxpayer”.
3. Involved in racketeering and organized extortion.
4. Collecting without the consent of the target.

We call such responses to illegal enforcement actions “response letters”. Any time a person sends a response letter to the IRS, they are doing what is called “Petitioning their government for illegal and unconstitutional abuses.” The First Amendment to the U.S. Constitution makes petitioning the government a protected right, the exercise of which cannot be penalized. Such a petition also requires an earnest response by the IRS and due respect for the legal issues raised in it. Seldom are these response letters read or even responded to by the IRS. Instead, the IRS routinely penalizes those submitting such correspondence by:

1. Instituting penalties illegally and in violation of the Constitutional prohibition against Bills of Attainder. A Bill of Attainder is a penalty without a court trial, and it is prohibited by Article 1, Section 10 of the Constitution against natural persons.
2. Creating additional retaliatory assessments.
3. Falsifying the Individual Master File (I.M.F.) of the respondent by indicating that they are involved in criminal activity. When the respondent notices this in their record, then the IRS refuses to correct the computer fraud, which is actually a violation of 18 U.S.C. §1030. See our Master File (MF) Decoder for how this fraud works:

Master File (MF) Decoder, SEDM
<http://sedm.org/ItemInfo/Programs/MFDecoder/MFDecoder.htm>

9.8.3 Fraudulent forms and publications

The IRS publications are constructively fraudulent. Their purpose is mainly as a government propaganda vehicle intended to encourage false presumption, because they exclude discussion of any of the below subjects, and therefore encourage incorrect conclusions about the tax liability of the reader:

1. The limits upon federal jurisdiction.
2. The implications of these limits upon the definition of geographic terms such as “United States”, “State”, “employee”, and “income”

3. The fact that the Internal Revenue Code is not “law” and therefore imposes no obligation upon anyone except those who consent to be subject to its provisions.
4. The fact that the Internal Revenue Code does not describe a lawful “tax” as defined by the Supreme Court
5. The dual nature of the Internal Revenue Code as a municipal tax upon all federal territories, possessions, and the District of Columbia as well as a “national” tax upon imports of federal corporations ONLY.

The IRS admits that its publications are not trustworthy, by saying in its Internal Revenue Manual (IRM) the following:

"IRS Publications, issued by the National Office, explain the law in plain language for taxpayers and their advisors... While a good source of general information, publications should not be cited to sustain a position."
[[Internal Revenue Manual \(I.R.M.\), Section 4.10.7.2.8](#) (05-14-1999)]

If you would like to learn more detail about this subject, read the following resources:

1. Section 9.8.1 on “words of art”
2. [Great IRS Hoax](#), Form #11.302, Section 5.5.9 about fraud in the use of the IRS Form 1040.
3. [Great IRS Hoax](#), Form #11.302, Section 6.9.6: IRS Trickery on the IRS Form 1040 to get you inside the federal zone
4. The Family Guardian Website article describing how the courts refuse to hold the IRS responsible for the content of its publications, forms, and telephone advice at: <http://famguardian.org/Subjects/Taxes/Articles/IRSNotResponsible.htm>

9.8.4 Political propaganda

There are five main sources of political propaganda designed to terrorize the American public into consenting to comply with the Internal Revenue Code These sources are:

1. The IRS tax fraud alerts at: <http://www.irs.gov/compliance/enforcement/article/0,,id=121259,00.html>
2. The Department of Injustice press releases. See: <http://www.usdoj.gov/tax/TEN.htm>
3. Press releases leaked indirectly to the media.
4. Deliberately deceiving publications of the Congressional Research Service. This includes Congressional Research Service report 97-59A entitled “Frequently Asked Questions Concerning the Federal Income Tax”. A rebutted version of the pamphlet is available at:
<http://famguardian.org/PublishedAuthors/Govt/CRS/CRS-97-59A-rebuts.pdf>
5. Informal publications posted on the IRS website which the IRS refuses to take responsibility for. This includes the IRS pamphlet entitled “The Truth About Frivolous Tax Arguments”. A rebutted version of this pamphlet is available at:
http://famguardian.org/PublishedAuthors/Govt/IRS/friv_tax_rebuts.pdf
6. Abuse of case law for political rather than legal purposes. The IRS will quote irrelevant federal case law from federal courts that have no jurisdiction over us because we do not live on federal property. They will do this in violation of their own Internal Revenue Manual, which says on the subject the following:

Internal Revenue Manual (I.R.M.)
[4.10.7.2.9.8 \(05-14-1999\) Importance of Court Decisions](#)

1. Decisions made at various levels of the court system are considered to be interpretations of tax laws and may be used by either examiners or taxpayers to support a position.

2. Certain court cases lend more weight to a position than others. A case decided by the U.S. Supreme Court becomes the law of the land and takes precedence over decisions of lower courts. The Internal Revenue Service must follow Supreme Court decisions. For examiners, Supreme Court decisions have the same weight as the Code.

3. Decisions made by lower courts, such as Tax Court, District Courts, or Claims Court, are binding on the Service only for the particular taxpayer and the years litigated. Adverse decisions of lower courts do not require the Service to alter its position for other taxpayers.

Because none of these sources portray the relevant, complete or most important truth about the limits upon federal taxing powers, the result is that they exploit ignorance to create fear of the government and the IRS in order to encourage “voluntary compliance”. We might add that any decision accomplished in the presence of fear, at least in the context of rape, cannot be considered “consensual”. The only way consent can lawfully be procured is when it is FULLY INFORMED, meaning that the decision maker is give the WHOLE truth upon which to make his decision, rather than only that subset of the truth which benefits the government.

Requirement for Consent

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Form 05.003, Rev. 11-22-2020

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EXHIBIT: _____

"Waivers of constitutional rights not only must be voluntary but must be knowing, intelligent acts done with sufficient awareness of the relevant circumstances and likely consequences."
[Brady v. U.S., 397 U.S. at 749, 90 S.Ct. 1463 at 1469 (1970)]

9.8.5 Deception of private companies and financial institutions

Through a systematic campaign of dis-information, the IRS deceives private companies outside of its jurisdiction into believing that they are required to comply with whatever IRS agents tell them on the telephone or whatever gets mailed to them in the form of a Notice of Levy or a Notice of Lien. The most famous private company, No Time Delay Electronics, which challenged the IRS authority to use such tactics. The owner of that establishment, Nick Jesson, was featured on the movie on the web below:

[How to Keep 100% of Your Earnings, Marc Lucas](http://famguardian.org/Media/movie.htm)
<http://famguardian.org/Media/movie.htm>

Mr. Jesson eventually became the target of malicious, criminal, and unconstitutional legal terrorism by the IRS and the California Franchise Tax Board (FTB), the techniques of which are documented in the next section. We call such activity "selective enforcement", meaning that whistleblowers who attract special media attention are targeted for undue attention while the government's own transgressions go largely ignored. He correctly and properly challenged the misapplication of IRS levies by citing the content of 26 U.S.C. §6331(a), which says that levy may ONLY be made on instrumentalities of the U.S. government and NOT private parties, and he pointed out that the IRS levy notice very conveniently omitted this paragraph in order to encourage the unlawful and criminal misapplication of IRS levy authority:

[TITLE 26](#) > [Subtitle F](#) > [CHAPTER 64](#) > [Subchapter D](#) > [PART II](#) > § 6331
[§ 6331. Levy and distraint](#)

(a) Authority of Secretary

If any person liable to pay any tax neglects or refuses to pay the same within 10 days after notice and demand, it shall be lawful for the Secretary to collect such tax (and such further sum as shall be sufficient to cover the expenses of the levy) by levy upon all property and rights to property (except such property as is exempt under section 6334) belonging to such person or on which there is a lien provided in this chapter for the payment of such tax. Levy may be made upon the accrued salary or wages of any officer, employee, or elected official, of the United States, the District of Columbia, or any agency or instrumentality of the United States or the District of Columbia, by serving a notice of levy on the employer (as defined in section 3401(d)) of such officer, employee, or elected official. If the Secretary makes a finding that the collection of such tax is in jeopardy, notice and demand for immediate payment of such tax may be made by the Secretary and, upon failure or refusal to pay such tax, collection thereof by levy shall be lawful without regard to the 10-day period provided in this section.

Private employers not within the jurisdiction of the federal government that don't ask any questions and comply with illegal requests by the IRS are left alone. However, those that request any of the following are harassed and terrorized:

1. Proof of the legal identity and service of process address of the person in the IRS who is making the request or sending the illegal Notice of Lien or Notice of Levy.
2. The basis upon which to believe that the Internal Revenue Code has the "force of law" in the case of the SPECIFIC party who is the target of the enforcement action. This means the government has to provide legal evidence in writing that they consented to acquire a status under the Internal Revenue Code, Subtitle A "trade or business" franchise and that they were domiciled on federal territory AND occupying a public office at the time they acquired the status of statutory "taxpayer".
3. Why the Notice of Levy form 668A-c(DO) is missing paragraph (a) of 26 U.S.C. §6331, which states that levies are limited only to elected or appointed officers of the United States government or federal "instrumentalities" such as "public officers".
4. An abstract of judgment signed by a judge authorizing the levy or lien of the property of the accused. The "Notice of Levy" and "Notice Of Lien" must meet the requirements of the Fifth Amendment, which requires that all such takings of property must be signed by a judge and be executed ONLY through judicial process.

In response to questions of the kind above, the IRS only offers threats, because it can't demonstrate legal authority. Disinformation of payroll people at private companies is effected mainly through the techniques documented later in section 9.8.8. If you would like to learn how to fight such underhanded intimidation of private companies and financial institutions in the context of withholding, please refer to the free pamphlet below available at:

9.8.6 Legal terrorism

Those people who expose the illegal and fraudulent dealings of the government relating to income taxes are frequently targeted for endless litigation and terrorism by the government. The nature of litigation is that it is expensive, very time-consuming, and complex. The government institutes what is called “malicious abuse of legal process” to essentially wear down, distract, and plunder their opponents of financial resources. Most Americans are unfamiliar with the legal process, and when falsely accused or litigated against by the government, must hire an expensive attorney. This attorney, who is licensed by the government, becomes just another government prosecutor against them who essentially bilks their assets while cooperating subtly with the government in ensuring a conviction. It doesn’t take long to exhaust the financial resources of the falsely accused American, and so even if there is no money left for the IRS to collect at that point, they have still accomplished the financial punishment that they sought originally. As long as it really hurts financially to not “consent”, then the government will win in the end.

We must remember, however, that such an abuse of legal process to effect the equivalent of slavery, is a crime if effected within federal jurisdiction. The government parties who cooperate in such legal terrorism become personally liable for this type of slavery:

[TITLE 18](#) > [PART 1](#) > [CHAPTER 77](#) > Sec. 1589.
Sec. 1589. - Forced labor

Whoever knowingly provides or obtains the labor or services of a person -

(3) by means of the abuse or threatened abuse of law or the legal process,

shall be fined under this title or imprisoned not more than 20 years, or both. If death results from the violation of this section, or if the violation includes kidnapping or an attempt to kidnap, aggravated sexual abuse or the attempt to commit aggravated sexual abuse, or an attempt to kill, the defendant shall be fined under this title or imprisoned for any term of years or life, or both

The slavery produced by this legal terrorism also violates the Thirteenth Amendment prohibition against involuntary servitude and is punishable under 18 U.S.C. §1994 and 18 U.S.C. §1581.

9.8.7 Coercion of federal judges

Since 1918, federal judges sitting in the District and Circuit courts have been subject to IRS extortion and coercion. Since 1938, this extortion has enjoyed the blessing of no less than the U.S. Supreme Court. The Revenue Act of 1918, Section 213, 40 Stat. 1057, was the first federal law to impose income taxes on federal judges. That act was challenged by federal judges in the case of *Miles v. Graham*, 268 U.S. 501 (1924) and the judges won. Congress attempted again in the Revenue Act of 1932, Section 22, to do the same thing by much more devious means. Federal judges again challenged the attempt in the case of *O’Malley v. Woodrough*, 307 U.S. 277 (1938) , and lost. Since that time, the independence of the federal judiciary on the subject of taxation has been completely compromised. No judge who is subject to IRS extortion can possibly be objective when ruling on an income tax issue. He cannot faithfully and with integrity perform his job without violating 28 U.S.C. §144, 28 U.S.C. §455, and 18 U.S.C. §208. Consequently, the rulings of the federal district and circuit courts since that time have consistently favored the government, and thereby prejudiced the rights of the sovereign people. Every case involving a judge with this kind of conflict of interest can only be described as violation of due process of law, which requires both an impartial jury AND judge to preside over the trial. The very problem documented in the Declaration of Independence that was the reason for creating this country to begin with has once again come back to haunt us:

“They have made Judges dependent on their will alone, for the tenure of their offices and the amount and payment of their salaries.”
[Declaration of Independence]

An entire book has been written about the corruption of the federal judiciary and its nature as an Article IV, territorial court which enjoys no jurisdiction in states of the Union, if you wish to investigate further:

If you would like to learn more about this fraud and conflict of interest, see the following additional resources within the Great IRS Hoax, Form #11.302:

1. Section 5.6.10: Public Officer Kickback position
2. Section 6.8.15: Revenue Act of 1932 imposes first excise income tax upon federal judges and public officers
3. Section 6.8.18: 1911: Judicial Code of 1911
4. Section 6.12.9: 1938: O'Malley v. Woodrough, 307 U.S. 277
5. Section 6.12.10: 1924: Miles v. Graham, 268 U.S. 501

9.8.8 Manipulation, licensing, and coercion of CPA's, Payroll clerks, Tax Preparers, and Lawyers

The IRS maintains several "education programs" for tax preparers, tax professionals, payroll people, and CPAs, which have really become nothing but propaganda, disinformation, and terrorism mechanisms. Below are a few:

1. TaxTalk Today, Internal Revenue Service: A website devoted to "educating" tax attorneys, CPAs, and payroll people. See:
<http://www.taxtalktoday.tv/>
2. Tax Professionals Area, Internal Revenue Service: Area on their website devoted to propagandizing tax professionals. See:
<http://www.irs.gov/taxpros/index.html>
3. IRS Enrolled Agent Program: Described in Treasury Circular 230, this publication prescribes the requirements that tax professionals must meet in order to get "privileged", priority service from the IRS in the resolution of tax problems. Those who don't participate in the program and meet all the governments demands are put on hold forever on the telephone and ignored when they seek tax help in the resolution of problems for their clients. Undoubtedly, they must be "compliant" and not challenge the authority of the IRS, and when they don't, their "privilege" of participating is summarily revoked.

Can you see how insidious and devious this manipulation is? On top of the above, those tax professionals who reveal the truth are threatened to have their licenses and CPA credentials pulled. This happened to former IRS Criminal Investigator Joe Banister, who became the target of an attempt by the Secretary of the Treasury to suspend his CPA license because he was informing people about the government fraud documented in this book. This same kind of illegal duress of tax professionals also extends to those who left the IRS to speak out against the agency: They are persecuted and become the target of media slander campaigns. If you would like to learn more about this type of devious manipulation, consult the following resources:

1. Great IRS Hoax, Form #11.302, Section 4.4.12: Government-Instituted Slavery using "privileges"
2. Great IRS Hoax, Form #11.302, Section 6.9.9.1: 1998: IRS Historian Quits-Then Gets Audited
3. Great IRS Hoax, Form #11.302, Section 6.9.16: Cover-Up of 1999: IRS CID Agent Joe Banister Terminated by IRS for Discovering the Truth about the Voluntary Nature of Income Taxes
4. Article on the Family Guardian Website at the address below:

Ernst and Young, Tax Publisher, Sells out to IRS without a fight
<http://famguardian.org/Subjects/Taxes/News/ErnstAndYoung-030702.pdf>

10 Dealing with government avoidance of consent

The following subsections will deal with how to circumvent attempts by corrupted covetous governments to hide, avoid, or undermine the requirement for consent of the governed mentioned in the Declaration of Independence and which is the foundation of American jurisprudence.

10.1 Enforcing the requirement for consent against the government

10.1.1 Defenses useful in court to mandate the requirement of consent

The key to winning in a civil court when governments seek to enforce franchise rights against you without your consent is therefore to assert that:

1. You are EQUAL under the law with the United States government and that every method of acquiring rights they use against you, you have an equal right to use against them. The United States is a government of delegated powers alone, and the people cannot delegate an authority to any “government” that they themselves do not ALSO individually and personally possess. It is a contradiction to assert that the COLLECTIVE can have any more authority than a private human being and to claim otherwise is to create a state sponsored religion in which the COLLECTIVE has “supernatural powers” and becomes the object of worship and slavery. For instance, if they use third parties filing FALSE information returns to elect you into public office, then you have the right to unilaterally elect THEM into YOUR service as your PRIVATE officer without compensation. For an example of how they UNLAWFULLY perform this brand of identity theft, kidnapping, and slavery, see:

Correcting Erroneous Information Returns, Form #04.001

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

2. All presumptions, and especially presumptions about any of the following, are a violation of due process of law against those protected by the U.S. Constitution.
 - 2.1. Your “status” under civil franchises such as the Internal Revenue Code, Subtitle A income tax.
 - 2.2. The definition of words. For instance, they cannot ADD things to definitions that do not expressly appear in the statutory definitions. See:

Legal Deception, Propaganda, and Fraud, Form #05.014

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

3. The public rights or franchise rights sought to be enforced against you attach to a status you never consented to acquire and that the government has the burden of proving that you consented to it in a manner that YOU and not THEY prescribe.
4. The civil statute sought to be enforced is LAW, but has no “force of law” in your case because:
 - 4.1. The civil law sought to be enforced attaches to a civil domicile that you do not have.
 - 4.2. You never gave your consent in the form that YOU and not THEY prescribe.
5. Consent to the franchise did not take the form you and not THEY mandated it to take. For instance, the following document describes the method by which Members are allowed to consent. It invokes the same rights as the government to define the METHOD by which others procure your consent. If the government can pass a law during the civil war stating that all contracts with the government must be in writing signed by BOTH parties, then YOU can do the same thing under the concept of equal protection:

Legal Notice of Change in Domicile/Citizenship Records and Divorce from the United States, Form #10.001, Section 4.1

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

6. You are not ALLOWED to have the status sought to be enforced because.
 - 6.1. Those protected by the Constitution have rights that are “unalienable”, which means they cannot lawfully be alienated even WITH your consent:

“Unalienable. Inalienable; incapable of being aliened, that is, sold and transferred.”
[Black’s Law Dictionary, Fourth Edition, p. 1693]

- 6.2. It is illegal for you to unilaterally “elect” yourself into public office by filling out any government form. For instance, you can’t lawfully use tax forms to unilaterally “elect” yourself into public office. The public office or “trade or business” associated with the activity being regulated and taxed must be lawfully created BEFORE you became a “statutory “taxpayer”.
7. The words associated with the status such as “taxpayer” (under the Income Tax franchise), “driver” (under the Vehicle Code franchise), “spouse” (under the Family Code franchise) are defined on all forms you submitted to NOT be associated with the status that the public rights or franchise rights attach to. The following form on our website defines all terms used on any government form submitted to third parties as EXCLUDING the meanings appearing in any federal law:

Tax Form Attachment, Form #04.201

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

8. The franchise contract/agreement cannot be enforced extraterritorially against those not domiciled on federal territory, such as people within constitutional states of the Union.
9. The franchise is unenforceable as a contract BECAUSE it provides nothing that you define as a “benefit”.
10. The laws regulating officers of the court FORBID them from making determinations about your status in the context of the proceeding that might associate you with obligations under the franchise contract. For instance, the Declaratory Judgments Act, 28 U.S.C. §2201(a) prohibits federal judges from declaring or determining whether you are a statutory “taxpayer”.

*Specifically, Rowen seeks a declaratory judgment against the United States of America with respect to "whether or not the plaintiff is a taxpayer pursuant to, and/or under 26 U.S.C. §7701(a)(14)." (See Compl. at 2.) **This Court lacks jurisdiction to issue a declaratory judgment "with respect to Federal taxes other than actions brought under section 7428 of the Internal Revenue Code of 1986," a code section that is not at issue in the instant action. See 28 U.S.C. §2201; see also Hughes v. United States, 953 F.2d. 531, 536-537 (9th Cir. 1991)** (affirming dismissal of claim for declaratory relief under § 2201 where claim concerned question of tax liability). Accordingly, defendant's motion to dismiss is hereby GRANTED, and the instant action is hereby DISMISSED. [Rowen v. U.S., 05-3766MMC. (N.D.Cal. 11/02/2005)]*

10.1.2 How to skip out of “government church worship services”

It ought to be clear by now that government is simply another type of church and religion. We call it a “civil religion” and we have written an entire book to describe this religion:

Socialism: The New American Civil Religion, Form #05.016

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

Those who don’t want to join the church simply change their domicile to be outside the state-sponsored church:

Why Domicile and Becoming a “Taxpayer” Require Your Consent, Form #05.002

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

Those who are not part of the church but who appear before the priests of the church, who are the judges in the government’s courts, are presumed to consent to their jurisdiction if they make an “appearance” before a judge:

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

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

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

If you are compelled to appear before a priest of the state-sponsored church, all you have to do is make a “special visitation” rather than an “appearance”. This deprives the priest of your “worship and obedience”. One of our readers sent us information about a very interesting technique he uses when he gets involuntarily invited to a government “worship service” in a federal church called “District Court”. The intent of the interchange is to emphasize that we don’t consent and therefore are not subject to the jurisdiction of the court. We repeat it below for your edification and education.

What I'm talking about is actually a legal strategy that we ALL should be employing in the Courts, but very few of us do. It all has to do with CONTRACT law. I've actually known about this for a long time, but just recently did an in-depth study.

As I said, it's all built around contracts. EVERY State, and EVERY City in the United States of America is a for-profit corporation. It is the goal of every for-profit corporation to conduct "business" in order to obtain profits.

1 It is impossible for any "business" to be conducted without a contract of some type in place. ALL businesses
2 (contracts) are governed by the Uniform Commercial Code. For example, when you go to the grocery store, you
3 offer to discharge your debt for the items you select by offering to give the clerk a certain amount of Federal
4 Reserve Notes. This is a verbal contract which is consummated by both of your actions. You have made an
5 exchange of equal value.

6 The same type of thing applies in the Courts. Courts, whether "of record" (state), or not "of record"
7 (municipal/city), are all corporations, doing business for a profit. The only way a corporation can force you to
8 do business with them is IF THEY HAVE YOU UNDER CONTRACT. A judge will always ask you your name,
9 and if you understand the charges. If you give a name, and indicate that you understand the charges, you have
10 entered into a contract to do business with the Court, and the Court will always protect its government
11 corporations. The judge is nothing more than a third party debt collector corporate employee. If you do not enter
12 into a contract to do business with the Court, then the Court cannot proceed against you, as it is not a party.
13 Below is a sample transcript of how one might proceed to deny jurisdiction to the Courts using this approach.

14 J = Judge
15 PA = Prosecuting Attorney
16 C = Citizen
17

18 PA: Would you please identify yourself?

19 C: I make a reservation of all rights at all times, and surrender, transfer or relinquish none of my rights at any
20 time. I am "I, me, myself, a Citizen of the United States of America"

21 J: Please answer the question

22 C: I just did.

23 J: We need your name.

24 C: I'll just bet you do.

25 J: I'm not going to play this game. Let the record show that the defendant has refused to identify himself.

26 C: I take exception to that statement. I have done no such thing, and I assure you that you are absolutely correct
27 when you say that this is not a game. I am dead serious.

28 J: You didn't give the Court your name!

29 C: And, I'm not about to!

30 J: But, you have to give your. . . .

31 C: I don't have to do anything, because I'm not under contract to you. Judge, do you have a claim against me?

32 J: The State of XXXXXXXXXX has a claim against you.

33 C: No, it doesn't. It has a civil "allegation" (or "charge" if you are being tried for a crime), but there is no "claim".
34 There is a BIG difference between a "claim" and an "allegation" (or "charge", as the case may be). Don't try to
35 change the subject. I asked you if you personally have a claim against me?

36 J: No.

37 C: Can you produce any evidence that I've entered a contract to do business with this Court?

38 J: What do you mean?

39 C: Don't you know what a contract is?

40 J: Of course I do!

41 C: Well, where is your evidence that I've allegedly entered into any contract to do business with this Court? I
42 haven't given my name, and I DO NOT understand the allegations (or charges).

J: I don't need any contract. This Court has jurisdiction of all the Citizens of this state.

C: Oh, yeah? Sans a contract, exactly what is your lawful authority for that statement? I want to see an actual LAW. This Court is a division of a corporation, and I have elected NOT to do business with you. Judge, you do not have me under contract. I have given no name, nor do I understand any "charge" or "allegation". You are a third party debt collector, and I grant you no authority or jurisdiction over me whatsoever. That having been said, I am not under contract to you, and by your own admission you have acknowledged that no claim has been stated upon which relief may be granted. I do not accept any judgment from this Court. I order this Court, in the name of the United States Constitution, to dismiss these charges and/or allegations against me, with prejudice, unless you can produce a contract by which I've agreed to do business with you, and you can state a claim for which relief may be granted.

This is one way that you can absolutely deny the Courts any jurisdiction over you whatsoever. They will have no choice but to dismiss the charges against you if you do not agree to contract to do business with them.

The above reader then referenced the series of articles below as the authority for the above. Those articles are available at:

[Invisible Contracts](http://sedm.org/Forms/FormIndex.htm), George Mercier, Form #11.107
<http://sedm.org/Forms/FormIndex.htm>

10.1.3 How to develop evidence of the absence of consent

Our approach in our private lives to eliminate all evidence of consent and to show that we don't consent is must instead be as follows:

1. Recognize what evidence the government uses to prove "consent" to engage in a privileged, excise taxable activity. That activity is a "trade or business", which is defined in 26 U.S.C. §7701(a)(26) as "the functions of a public office" in the U.S. government. Such evidence includes:
 - 1.1. IRS Form W-2's.
 - 1.2. IRS Form 1042's.
 - 1.3. IRS Form 1098's.
 - 1.4. IRS Form 1099's.
 - 1.5. IRS Form 8300: Currency Transaction Report.
 - 1.6. IRS Form 1040's.
 - 1.7. SSA Form SS-5.
 - 1.8. SSA Form SS-4.
2. Eliminate all evidence of consent by:
 - 2.1. Ending participation in Social Security. See:

[Resignation of Compelled Social Security Trustee](http://famguardian.org/TaxFreedom/Forms/Emancipation/SSTrustIndenture.pdf), Form #06.002
<http://famguardian.org/TaxFreedom/Forms/Emancipation/SSTrustIndenture.pdf>
 - 2.2. Correcting government records describing our citizenship status:

[Legal Notice of Change in Domicile/Citizenship Records and Divorce from the United States](http://sedm.org/Forms/FormIndex.htm), Form #10.001
<http://sedm.org/Forms/FormIndex.htm>
 - 2.3. Open all of your financial accounts using the proper form, the AMENDED IRS Form W-8BEN, so that you aren't "presumed" to be a statutory "U.S. person" and instead are a "non-resident non-person" not connected with a "trade or business". Close all accounts previously opened WITHOUT this form. See:

[About IRS Form W-8BEN](http://sedm.org/Forms/FormIndex.htm), Form #04.202
<http://sedm.org/Forms/FormIndex.htm>
 - 2.4. Avoiding all government franchises and licenses. See section 4 of our SEDM Liberty University for resources useful in this goal:

[SEDM Liberty University](http://sedm.org/LibertyU/LibertyU.htm), Section 4
<http://sedm.org/LibertyU/LibertyU.htm>
 - 2.5. Submitting the correct forms to private employers and financial institutions for all future transactions and notifying private employers and financial institutions that they are violating the law if they continue to file these erroneous reports.
 - 2.6. Rebut all Information Returns which might connect you to the "trade or business" activity. See:
 - 2.6.1. [Income Tax Withholding and Reporting Course](http://sedm.org/LibertyU/LibertyU.htm), Form #12.004:
<http://sedm.org/LibertyU/LibertyU.htm>

2.6.2. [26 U.S.C. §6041](#).

2.6.3. *Correcting Erroneous Information Returns*, Form #04.001

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

2.6.4. *Correcting Erroneous IRS Form W-2's*, Form #04.006:

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

2.6.5. *Correcting Erroneous IRS Form 1042's*, Form #04.003:

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

2.6.6. *Correcting Erroneous IRS Form 1098's*, Form #04.004:

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

2.6.7. *Correcting Erroneous IRS Form 1099's*, Form #04.005:

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

2.6.8. Prevent erroneous Currency Transaction reports from being filed against you using the following form:

Demand for Verified Evidence of "Trade or Business" Activity: Currency Transaction Report, Form #04.008

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

3. When coerced illegally to provide evidence of consent, in the form of IRS Form W-4's, SS-5's, Social Security Numbers, and IRS Form 1040's:

3.1. Attach evidence of said duress and ensure that you provide copies of it whenever you interact with revenue agencies so that it ends up as evidence you can use in your administrative record, should litigation be necessary later.

3.2. Avoid using standard IRS Forms, which are only for "taxpayers" who consent to the Internal Revenue Code. IRS has no forms for "nontaxpayers". Instead, do one of the following, in descending order of preference.

3.2.1. Use AMDENDED IRS Forms from the following page:

<http://famguardian.org/TaxFreedom/Forms/IRS/IRSFormsPubs.htm>

3.2.2. If the IRS won't accept the AMENDED forms, modify existing forms by hand according to the instructions in section 1 of the link below:

<http://famguardian.org/TaxFreedom/Forms/IRS/IRSFormsPubs.htm>

3.2.3. If the IRS won't accept modified forms, use the standard form, write somewhere near your signature "Not valid without the attached signed 'Tax Form Attachment'" and then attach the following form:

Tax Form Attachment, Form #04.201

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

4. Educate and inform private employers and financial institutions about what the law actually says and why they aren't following it. Threaten litigation if they don't shape up. See:

Federal and State Tax Withholding Options for Private Employers, Form #09.001

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

10.1.4 **How to argue the requirement for consent in court**

A lot of freedom lovers have studied the subject of private law, public law, and positive law extensively and used that knowledge to defend their rights in federal court. Many lose because they present the issue improperly. Here are things that you should not argue in federal court, based on our research on this subject so far:

1. That the Internal Revenue Code is not "law" for ANYONE. This is not true.

2. That the Internal Revenue Code is not enforceable unless it is a positive law. This is not true. However, those statutes within it which the government seeks to enforce must individually be proven to be positive law and therefore legally admissible evidence, or else they are nothing more than an unconstitutional prejudicial presumption.

3. That "taxpayers" do not have to obey or are not subject to the Internal Revenue Code. They are subject and they must obey.

4. That there are no "taxpayers". There are, and nearly all of them are Social Security business trusts with you as the "trustee". See:

Resignation of Compelled Social Security Trustee, Form #06.002

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

Below are rulings by several federal courts against those who litigated the fact that the Internal Revenue Code is not positive law, which is not a good idea:

Ryan's primary contention on appeal is that, as Congress has never enacted Title 26 of the United States Code into positive law, the defendants violated his constitutional rights by attempting to enforce it.³ Thus, he concludes, the district court erred by dismissing his suit. This contention is frivolous.

Congress's failure to enact a title into positive law has only evidentiary significance and does not render the underlying enactment invalid or unenforceable. See 1 U.S.C. §204(a) (1982) (the text of titles not enacted into positive law is only prima facie evidence of the law itself). Like it or not, the Internal Revenue Code is the law, and the defendants did not violate Ryan's rights by enforcing it. [Ryan v. Bilby, 764 F.2d. 1325 (9th Cir. 07/03/1985)]

Defendant asserts that, unless and until Congress enacts a title of the United States Code into positive law, the title and all provisions contained therein are of no legal force. A necessary corollary to this transparently semantic argument is that a majority vote of the respective houses of Congress on a resolution reported out by the appropriate committee or committees does not make law. Such a notion, anathema to any rational legislative process, is totally inconsistent with the process contemplated by the constitution. Instead, a piece of legislation takes effect according to its terms when Congress properly approves a bill and the President either signs it, fails to object within ten days, or vetoes it but Congress overrides the veto. This, and only this, is legislation or statutory law.

Codification of existing legislation is an entirely different, subsequent and largely ministerial matter, directed towards the proper and commendable goal of collecting the multitude of congressional enactments in force and organizing them in a readily-accessible manner. The "United States Code" is, of course, such a codification. Acts of Congress do not take effect or gain force by virtue of their codification into the United States Code; rather, they are simply organized in a comprehensive way under the rubric of appropriate titles, for ready reference. [14] Nor does the enactment into "positive" law of a title of the United States Code make or unmake the efficacy or force of a duly-enacted law. Instead, congressional enactment of a title of the United States Code, as such, into positive law is relevant only to the question of whether the contents of that Code title itself, as such, are to be deemed to constitute full and faithful reflections of the law in force as Congress has enacted it. Where a title has not undergone the mystical-sounding ritual of "enactment into positive law," recourse to the numerous volumes of the statutes at large or other records of congressional proceedings is available in case a question arises as to the accuracy of the version of the law as enacted by Congress. Where a title has, however, been enacted into positive law, the Code title itself is deemed to constitute conclusive evidence of the law; recourse to other sources is unnecessary and precluded. [15] Thus, a codification is evidence of law as Congress enacted it. Enactment into positive law only affects the weight of that evidence. Congress has set all of this forth for a law now codified in language somewhat more technical than the above at 1 U.S.C. §204(a). Under this section, and as plainly explained in defendant's own Exhibit 5 appended to his motion, whenever a title, as such, is enacted into positive law, the text of that title constitutes legal evidence of the laws contained in that title. In construing a provision of such a title, a court may neither permit nor require proof of the underlying original statutes. Where, however, a title, as such, has not been enacted into positive law, then the title is only prima facie or rebuttable evidence of the law. If construction of a provision to such a title is necessary, recourse may be had to the original statutes themselves. 1 U.S.C. §204(a). See *United States v. Welden*, 377 U.S. 95, 84 S.Ct. 1082, 12 L.Ed.2d. 152 (1964).

Thus, the failure of Congress to enact a title as such and in such form into positive law -- the criteria for such a determination being those detailed in defendant's Exhibit 6 -- in no way impugns the validity, effect, enforceability or constitutionality of the laws as contained and set forth in the title. Defendant's argument that Title 26 is without legal force is therefore specious. The remaining assertions in defendant's April 2 pleading need not detain the court. While the constitution does not, as defendant notes, explicitly refer to nor create an Internal Revenue Service, that fact cannot be said to preclude congressional delegation of tax-collecting authority to an executive agency, such as the IRS. There is nothing improper in the prosecution of this action. [United States v. Zuger, 602 F.Supp. 889 (D. Conn. 06/18/1984)]

If you then need to litigate in federal court to defend your rights because the government does not respect the requirement for consent and collects illegally against a nontaxpayer who is not subject to the Internal Revenue Code, the best way we know of to approach the subject of the requirement for consent in court is to use the following tactics:

1. Emphasize that the following authorities forbid "involuntary servitude", which is simply any kind of servitude that you do not consent to:
 - 1.1. [Thirteenth Amendment](#)
 - 1.2. [42 U.S.C. §1994: Peonage abolished](#)
 - 1.3. [18 U.S.C. §1583: Enticement into slavery](#)
2. Challenge every instance of presumption the government attempts to engage in which prejudices or violates your constitutional rights. Emphasize that:
 - 2.1. All presumption which prejudices constitutional rights is unconstitutional and impermissible, including the presumption that one is a "taxpayer" subject to the Internal Revenue Code

(1) [8:4993] **Conclusive presumptions affecting protected interests:**

A conclusive presumption may be defeated where its application would impair a party's constitutionally-protected liberty or property interests. In such cases, conclusive presumptions have been held to violate a party's due process and equal protection rights. [Vlandis v. Kline (1973) 412 U.S. 441, 449, 93 S.Ct. 2230, 2235; Cleveland Bd. of Ed. v. LaFleur (1974) 414 U.S. 632, 639-640, 94 S.Ct. 1208, 1215-presumption under Illinois law that unmarried fathers are unfit violates process]
[Federal Civil Trials and Evidence, Rutter Group, paragraph 8:4993, p. 8K-34]

2.2. Presumption is a biblical sin that you cannot engage in or be compelled by the government to engage in. See Numbers 15:30.

"But the person who does anything presumptuously, whether he is native-born or a stranger, that one brings reproach on the LORD, and he shall be cut off from among his people."
[Numbers 15:30, Bible, NKJV]

2.3. A "presumption" is neither evidence nor a substitute for evidence.

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.
[Black's Law Dictionary, Sixth Edition, p. 1185, under "presumption"]

2.4. Statutory presumptions, such as 26 U.S.C. §7701(c), are unconstitutional if used to expand jurisdiction of the government beyond the clear language within the Internal Revenue Code:

This court has held more than once that a statute creating a presumption which operates to deny a fair opportunity to rebut it violates the due process clause of the Fourteenth Amendment. For example, Bailey v. Alabama, 219 U.S. 219, 238, et seq., 31 S.Ct. 145; Manley v. Georgia, 279 U.S. 1, 5-6, 49 S.Ct. 215.

'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)]

For further details on this scam, see:

Legal Deception, Propaganda, and Fraud, Form #05.014
<http://sedm.org/Forms/FormIndex.htm>

For further information about how presumption is abused to unlawfully enlarge federal jurisdiction, see:

Presumption: Chief Weapon for Unlawfully Enlarging Federal Jurisdiction, Form #05.017
<http://sedm.org/Forms/FormIndex.htm>

3. Emphasize that the court is prohibited by 28 U.S.C. §2201(a) from declaring you a "taxpayer", and especially if you say you aren't.

"Specifically, Rowen seeks a declaratory judgment against the United States of America with respect to "whether or not the plaintiff is a taxpayer pursuant to, and/or under 26 U.S.C. §7701(a)(14)." (See Compl. at 2.) **This Court lacks jurisdiction to issue a declaratory judgment "with respect to Federal taxes other than actions brought under section 7428 of the Internal Revenue Code of 1986," a code section that is not at issue in the instant action. See 28 U.S.C. §2201; see also Hughes v. United States, 953 F.2d. 531, 536-537 (9th Cir. 1991) (affirming dismissal of claim for declaratory relief under § 2201 where claim concerned question of tax liability).** Accordingly, defendant's motion to dismiss is hereby GRANTED, and the instant action is hereby DISMISSED." [Rowen v. U.S., 05-3766MMC. (N.D.Cal. 11/02/2005)]

"And by statutory definition, 'taxpayer' includes any person, trust or estate subject to a tax imposed by the revenue act. ...Since the statutory definition of 'taxpayer' is exclusive, the federal courts do not have the power to create nonstatutory taxpayers for the purpose of applying the provisions of the Revenue Acts..."
[C.I.R. v. Trustees of L. Inv. Ass'n, 100 F.2d. 18 (1939)]

4. Emphasize that the IRS cannot lawfully make you a "taxpayer" by doing an involuntary assessment against you.

"A reasonable construction of the taxing statutes does not include vesting any tax official with absolute power of assessment against individuals not specified in the statutes as a person liable for the tax without an opportunity for judicial review of this status before the appellation of 'taxpayer' is bestowed upon them and their property is seized..."
[Botta v. Scanlon, 288 F.2d. 504, 508 (1961)]

Why the Government Can't Lawfully Assess Human Beings With an Income Tax Liability Without Their Consent,
Form #05.011
<http://sedm.org/Forms/FormIndex.htm>

5. Insist that the burden of proof is upon the government to prove that you are a “taxpayer” before the burden shifts to you under 26 U.S.C. §7491 to prove that you aren't liable. Note that Section 7491 uses the word “taxpayer”, which you aren't. See:

Government Burden of Proof, Form #05.025
<http://sedm.org/Forms/FormIndex.htm>

6. Emphasize that the government, which is usually the prosecution, may not cite or enforce any provision of the Internal Revenue Code against a “nontaxpayer” who is not subject to it, which you should have extensive evidence to prove includes you:

“The revenue laws are a code or system in regulation of tax assessment and collection. They relate to taxpayers, and not to nontaxpayers. The latter are without their scope. No procedure is prescribed for nontaxpayers, and no attempt is made to annul any of their rights and remedies in due course of law. With them Congress does not assume to deal, and they are neither of the subject nor of the object of the revenue laws...”
[Long v. Rasmussen, 281 F. 236 (1922)]

“Revenue Laws relate to taxpayers [instrumentalities, officers, employees, and elected officials of the national and not Federal Government] and not to non-taxpayers [American Citizens/American Nationals not subject to the exclusive jurisdiction of the national Government]. The latter are without their scope. 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)]

7. Challenge jurisdiction of the government to enforce an income tax within a state of the Union using section 8 of the following valuable resource:

Federal Jurisdiction, Form #05.018
<http://sedm.org/Forms/FormIndex.htm>

8. Present evidence of unlawful duress to the court developed in the previous section, which hopefully will be extensive and will already be in your IRS administrative record:

“An agreement [consent] obtained by duress, coercion, or intimidation is invalid, since the party coerced is not exercising his free will, and the test is not so much the means by which the party is compelled to execute the agreement as the state of mind induced.”⁹⁶ Duress, like fraud, rarely becomes material, except where a contract or conveyance has been made which the maker wishes to avoid. As a general rule, duress renders the contract or conveyance voidable, not void, at the option of the person coerced,⁹⁷ and it is susceptible of ratification. Like other voidable contracts, it is valid until it is avoided by the person entitled to avoid it.⁹⁸ However, duress in the form of physical compulsion, in which a party is caused to appear to assent when he has no intention of doing so, is generally deemed to render the resulting purported contract void.”⁹⁹
[American Jurisprudence 2d, Duress, §21 (1999)]

9. Present evidence developed in the previous section to prove that:

9.1. Information returns were filed against you in violation of 26 U.S.C. §§7206, 7207, and 7434.

9.2. Insist that because the information returns were incorrect, the government is demanded to criminally prosecute the submitters of these false information returns pursuant to 26 U.S.C. §§7206 and 7207.

9.3. That information returns submitted against you are not admissible as evidence because:

9.3.1. They are “fruit of a poisonous tree”, which means the fruit of a crime. *Wong Sun v. United States*, 371 U.S. 471, 83 S.Ct. 407, 9 L.Ed.2d. 441 (1963).

⁹⁶ Brown v. Pierce, 74 U.S. 205, 7 Wall 205, 19 L.Ed. 134

⁹⁷ *Barnette v. Wells Fargo Nevada Nat'l Bank*, 270 U.S. 438, 70 L.Ed. 669, 46 S.Ct. 326 (holding that acts induced by duress which operate solely on the mind, and fall short of actual physical compulsion, are not void at law, but are voidable only, at the election of him whose acts were induced by it); *Faske v. Gershman*, 30 Misc.2d. 442, 215 N.Y.S.2d. 144; *Glenney v. Crane* (Tex Civ App Houston (1st Dist)), 352 S.W.2d. 773, writ ref n r e (May 16, 1962); *Carroll v. Fetty*, 121 W.Va. 215, 2 S.E.2d. 521, cert den 308 U.S. 571, 84 L.Ed. 479, 60 S.Ct. 85.

⁹⁸ *Faske v. Gershman*, 30 Misc.2d. 442, 215 N.Y.S.2d. 144; *Heider v. Unicume*, 142 Or. 416, 20 P.2d. 384; *Glenney v. Crane* (Tex Civ App Houston (1st Dist)), 352 S.W.2d. 773, writ ref n r e (May 16, 1962)

⁹⁹ Restatement 2d, Contracts §174, stating that if conduct that appears to be a manifestation of assent by a party who does not intend to engage in that conduct is physically compelled by duress, the conduct is not effective as a manifestation of assent.

9.3.2. They are excludible under the Hearsay Rule, Federal Rule of Evidence 802 because not signed under penalty of perjury.

9.3.3. You are not engaged in a “trade or business”.

10. To emphasize that all income taxes are based on “domicile”, which is a voluntary choice, which makes taxes based on them voluntary and avoidable. Then present proof to the court that you don’t maintain a domicile within their jurisdiction and therefore don’t consent to it and are not subject to it. See:

Why Domicile and Becoming a “Taxpayer” Require Your Consent, Form #05.002

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

11. To argue that the Internal Revenue Code is “private law” or “special law” rather than “public law”, which applies only to a very narrow group of people that you are not part of. Then to demand evidence of consent to it as “private law”. This places the burden of proof on the government to prove consent, which they won’t be able to do if you have eliminated all evidence of consent and shown that any that remains was submitted under duress and therefore is not obligatory. This means you are going to have to read it to learn who the IRC applies to and why it doesn’t cover you. You will also need to request a declaratory judgment from the court on which of the two that it is so that they have no option but to address the issue, because they will certainly do their best to avoid it.

12. To argue that the Internal Revenue Code only applies to federal officers, “employees”, contractors, benefit recipients, and members of the military and not to the general public. See:

Why Your Government is Either a Thief or You are a “Public Officer” for Income Tax Purposes, Form #05.008

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

13. To focus on the fact that the Internal Revenue Code, Subtitle A is a tax on voluntary, avoidable, privileged, excise taxable activity called a “trade or business”, and to show that you aren’t involved in it, don’t consent to be involved in it, and that banks and financial institutions are violating the law by filing reports that connect you to it. See our article below:

The “Trade or Business” Scam, Form #05.001

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

14. To emphasize the fact that no provision of the Internal Revenue Code may lawfully be enforced against persons in states of the Union without publication of the enforcement provision, whether a statute or implementing regulations, in the Federal Register. See:

Federal Enforcement Authority within States of the Union, Form #05.032

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

15. To demand that the government prove that the section of the Internal Revenue Code they are citing is “positive law”, and to demand that if they can’t, that such “prima facie evidence” should not be admitted into evidence because it is based on presumption and is a violation of due process which prejudices your constitutional rights. We talk about why “presumption” is a violation of due process in our memorandum below:

Presumption: Chief Weapon for Unlawfully Enlarging Federal Jurisdiction, Form #05.017

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

16. To not cite anything from the Internal Revenue Code as authority in any suit, because you are a “nontaxpayer” not subject to it. Only “taxpayers” subject to the Internal Revenue Code can quote it or avail themselves of any benefit from using it.

“The principle is invoked that one who accepts the benefit of a statute cannot be heard to question its constitutionality. Great Falls Manufacturing Co. v. Attorney General, 124 U.S. 581, 8 S.Ct. 631; Wall v. Parrot Silver & Copper Co., 244 U.S. 407, 37 S.Ct. 609; St. Louis, etc., Co., v. George C. Prendergast Const. Co., 260 U.S. 469, 43 S.Ct. 178.”
[Ashwander v. TVA, 297 U.S. 288 (1936)]

California Civil Code

1589. A voluntary acceptance of the benefit of a transaction is equivalent to a consent to all the obligations arising from it, so far as the facts are known, or ought to be known, to the person accepting.

[SOURCE:

<http://www.leginfo.ca.gov/cgi-bin/displaycode?section=civ&group=01001-02000&file=1565-1590>]

All you do by quoting and using the Internal Revenue Code is to prove that it is “law” for you and that you are subject to it. See:

Who are “Taxpayers” and Who Needs a “Taxpayer Identification Number”, Form #05.013

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

17. Use your Constitutional rights and not federal statutes as your authority for suit, and focus on an injury caused by a direct violation of law of a specific federal employee. Don't sue the "United States", because it will assert sovereign immunity. Instead, sue the specific federal employee individually and personally for violation of rights. Don't do it as a Bivens action or under [42 U.S.C. §1983](#), but under equity jurisdiction and using Diversity of citizenship under 28 U.S.C. §1332(a)(2). Cite the Foreign Sovereign Immunities Act at [28 U.S.C. §1602-1611](#):

Plaintiff's complaint asserts that the civil rights statutes, 42 U.S.C. §1981, 1983, and 1986, give this court jurisdiction over his suit. However, none of these provisions is an appropriate basis for relief in this case. Section 1981 is restricted by the import of its language to discrimination based on race or color. Virginia v. Rives, 100 U.S. 313, 25 L.Ed. 667 (1880); Willingham v. Macon Telegraph Publishing Co., 482 F.2d. 535, 537 n. 1 (5th Cir. 1973). In fact, the language of § 1981 militates against plaintiff's case, because the section provides that "all persons" shall be subject to taxes. Section 1983 prohibits deprivation of rights under color of state law. However, actions of IRS officials, even if beyond the scope of their official duties, are acts done under color of federal law and not state law, thus making § 1983 inapplicable. Seibert v. Baptist, 594 F.2d. 423 (5th Cir. 1979), cert. denied, 446 U.S. 918, 100 S.Ct. 1851, 64 L.Ed.2d. 271 (1980); Mack v. Alexander, 575 F.2d. 488, 489 (5th Cir. 1978). Section 1986 creates a cause of action for failure or neglect to prevent a § 1985 conspiracy. However, § 1985(1) deals with conspiring to prevent an official from discharging his duties, while § 1985(2) deals with obstructing justice, both of which are inapplicable here. Section 1985(3) requires that there be "some racial, or perhaps otherwise class based, invidiously discriminatory animus behind the conspirators' action," Griffin v. Breckenridge, 403 U.S. 88, 102, 91 S.Ct. 1790, 1798, 29 L.Ed.2d. 338 (1971), none of which is alleged to be present here. It is therefore obvious that none of these statutory provisions can provide plaintiff with a basis for suit.

The court notes that two general jurisdiction statutes may have some potential applicability to this case. However, the court is convinced that neither one of these statutes will supply this court with jurisdiction over plaintiff's claim. The first statute, 28 U.S.C. §1340, grants the district court original jurisdiction of any civil action arising under any act of Congress providing for internal revenue. The very language of the statute indicates that this section does not create jurisdiction in and of itself. Section 1340 makes clear that the jurisdiction extends to civil actions arising under the Internal Revenue laws; as such, the suit must be based on some cause of action which the Internal Revenue Code recognizes and allows the plaintiff to bring. Absent some recognition of this kind of suit under the Internal Revenue Code, § 1340 will not create an independent basis for jurisdiction. As one court has noted, "given the limitations which Article III of the Constitution places on the jurisdiction of the federal courts, it is doubtful that the various jurisdictional statutes [like § 1340] could do more than waive the congressionally imposed jurisdictional amount requirement." Crown Cork & Seal Co. v. Pennsylvania Human Relations Commn., 463 F.Supp. 120, 127 n. 8 (E.D.Pa. 1979).

It appears that this case does not arise under the Internal Revenue Code. Plaintiff does not seek either to enforce any provision of the Code or to pursue a statutory remedy under the Code. Rather, he seeks damages for the alleged violation of his rights. In fact, the whole thrust of plaintiff's case is that he is outside the scope of the Code so that the actions of the defendants are violations of his rights. However, if the plaintiff's claim comes from outside the Code, then it logically cannot "arise under" the Code, and therefore § 1340 cannot provide plaintiff with jurisdiction.

A second possible source of general jurisdiction is 28 U.S.C. § 1331, the federal question jurisdiction statute. Plaintiff claims that he is outside the scope of the federal income tax laws. Such a claim brings into question the interpretation of several provisions of the Internal Revenue Code. This may be sufficient to create some kind of federal question jurisdiction based on the interpretation of the Code. However, this federal question would not provide a sufficient jurisdictional basis for plaintiff's damage claim. In order to recover damages, the plaintiff must show that he can recover damages for violations stemming from defendants' alleged unconstitutional activity. Plaintiff can obtain damages against the defendants under only one of two theories: a claim under the Federal Tort Claims Act, 28 U.S.C. § 2671-2680; or an implied cause of action under the principles of Bivens v. Six Unknown Agents, 403 U.S. 388, 91 S.Ct. 1999, 29 L.Ed.2d. 619 (1971). As will be discussed more fully in the next section of this order, a claim under the Federal Tort Claims Act will fail on principles of sovereign immunity. Furthermore, in Seibert v. Baptist, 594 F.2d. 423, 429-32 (5th Cir. 1979), cert. denied, 446 U.S. 918, 100 S.Ct. 1851, 64 L.Ed.2d. 271 (1980), the court refused to recognize a Bivens-type cause of action against the IRS and IRS officials and agents. The actions of the present defendants in assessing the taxes and penalties against the plaintiff and in generally operating under the IRS regulatory framework were not of the outrageous nature of those found in Bivens. This court agrees with the Seibert court and refuses to recognize a Bivens-type cause of action against the IRS or IRS officials and agents for the collection and assessment of taxes. Thus, while a federal question may exist, it provides no basis for plaintiff to recover damages. As such, § 1331 cannot provide this court with jurisdiction over plaintiff's damage claim. [Young v. IRS, 596 F.Supp. 141 (N.D.Ind 09/25/1984)]

Below is how one of our members describes the income tax fraud in his pleadings before federal courts which emphasizes and reinforces everything we have said in this pamphlet:

I am a reasonable person, but my religious beliefs do NOT permit me to participate in a state-sponsored civil religion of the kind created in this courtroom. I recognize this proceeding not as a legal war, but a spiritual war.

1 *"For we do not wrestle against flesh and blood, but against principalities, against powers,*
2 *against the rulers of the darkness of this age,[a] against spiritual hosts of wickedness in*
3 *the heavenly places."*
4 [Eph. 6:12, Bible, NKJV]

5 *This is a worship service, the court is the church, the Internal Revenue Code is the state-sponsored Bible, and it*
6 *is nothing but a presumption that is not positive law. _____[U.S. attorney name] is the state licensed*
7 *and "ordained" deacon who is conducting this particular worship service. He was "ordained" by the chief*
8 *priests of the _____[state name] Supreme Court. This religion is a Civil Religion, and it is based on glorifying*
9 *and empowering man and governments made up of men instead of the true and living God. Of this subject, the*
10 *Bible says and requires the following:*

11 *"It is better to trust the Lord*
12 *Than to put confidence in man.*
13 *It is better to trust in the Lord*
14 *Than to put confidence in princes [or government, or the 'state']."*
15 [Psalm 118:8-9, Bible, NKJV]

16 *The Internal Revenue Code regulates the tithes to this state-sponsored church. Those who want to voluntarily*
17 *join this government church simply choose a domicile within the "United States", which is the District of*
18 *Columbia, and thereby shift their allegiance from God to a political ruler, thus FIRING God from their life. The*
19 *"faith" practiced by this civil religion is called "presumption". People who practice this satanic religion are*
20 *motivated primarily by fear rather than love for their God or their neighbor. Those who are members of this*
21 *church are called "U.S. persons", "taxpayers", and "public officers" who are acting in a representative capacity*
22 *not of the true and living God, but a pagan, socialist, money-grubbing politician whose only concern is expanding*
23 *and aggrandizing his own vain importance. What the Plaintiff is attempting to do in this case is destroy and*
24 *discredit a competing religion, Christianity, in order to elevate his religion to top, and he is doing it in violation*
25 *of the First Amendment. He has done so by refusing to recognize a religion for what it is, by turning its*
26 *parishioners into "customers", and by reclassifying its beliefs to make them into factual commercial speech in*
27 *violation of the First Amendment. There is no stare decisis that could or does permit this malicious attempt to*
28 *dis-establish a religion by the Plaintiff. His presence here is an immune response to a competing religion. On*
29 *this subject, Rousas Rushdoony has said:*

30 *"...there can be no tolerance in a law-system for another religion. Toleration is a device*
31 *used to introduce a new law-system as a prelude to a new intolerance. Legal positivism, a*
32 *humanistic faith, has been savage in its hostility to the Biblical law-system and has claimed*
33 *to be an "open" system. But Cohen, by no means a Christian, has aptly described the logical*
34 *positivists as "nihilists" and their faith as "nihilistic absolutism." [3] Every law-system*
35 *must maintain its existence by hostility to every other law-system and to alien religious*
36 *foundations or else it commits suicide."*
37 [The Institutes of Biblical Law, Rousas John Rushdoony, The Craig Press, Library of
38 Congress Catalog Card Number 72-79485,1973, pp. 4-5, Emphasis added]

39 *I cannot condone the abuse of the machinery of this state-sponsored church and tribunal to allow the government*
40 *to promote and expand a civil religion of the kind clearly demonstrated here today. The only law I can or will*
41 *recognize is God's Law found in THIS BOOK (hold up the bible). By that Sovereign and Eternal Law, I cannot*
42 *lawfully participate as a "citizen" or "domiciliary" of this corrupted forum, be subject to any civil laws within*
43 *the forum, or participate in any of its franchises such as a "trade or business", Socialist Security, or any other*
44 *method of surrendering the sovereignty God gave me and delegating it to the a pagan ruler. I am instead a*
45 *"stateless person", a "foreign sovereign", a "transient foreigner", a and a "non-resident non-person" and I*
46 *have a protected First Amendment right to make that choice to disassociate from governments that have become*
47 *corrupt and are not fulfilling their Biblical mandate of providing ONLY protection such as this one. As a stateless*
48 *person, I can still be a law abiding American by obeying ONLY the criminal laws of the area I temporarily occupy*
49 *but do not inhabit. By obeying God's Laws, I satisfy the criminal laws, and so I am NOT a bad American in any*
50 *sense. It is not a crime under God's laws to not subject yourself to laws which require your explicit consent and*
51 *choice of domicile in order to be subject to.*

52 *It is a violation of the First Amendment for this court to interfere with the right to change one's domicile and*
53 *politically disassociate, or to falsely and maliciously label such a protected political choice of disassociation as*
54 *an illegal "tax shelter" that can lawfully be enjoined. If this court cannot lawfully involve itself in "political*
55 *questions", then it also cannot interfere with the political right to disassociate by changing one's domicile and*
56 *allegiance, abandoning the protections of a corrupted government, and restoring God to His sovereign role as*
57 *our ONLY Lawgiver, King, and Judge.*

10.2 Using the Uniform Commercial Code (U.C.C.) to Defeat Attempts to Compel Participation in Government Franchises

10.2.1 Introduction to the UCC

The Uniform Commercial Code (U.C.C.) governs all commercial interactions at the federal and state levels. This code is PRIVATE law published by Unidroit. Entire reference libraries exist on the subject of the U.C.C. The most famous one is published by the American Bar Association (A.B.A.):

ABC's of the UCC, American Bar Association
<http://apps.americanbar.org/abastore/index.cfm?section=main&fm=Product.Search&type=a&cid=70>

Every commercial transaction is an exercise of your right to contract and it has all the elements of a valid contract:

1. An offer. The person making the offer is called the “merchant”. U.C.C. §2-206(1).
2. An acceptance. The person making the acceptance is attempting to contract with the merchant for a specific product or service. Acceptance can be signaled expressly in writing or impliedly through performance of the obligation demanded. U.C.C. §2-206(2) and (3) and U.C.C. §2-207.
3. Mutual consideration or obligation. Without mutual consideration or obligation, a valid contract cannot be created.
4. Absence of duress. Any contract entered into in the presence of duress is voidable but not necessarily void.

Every time you interact with the government, you are engaging in a commercial transaction where you exchange PRIVATE rights for government “benefits” or “privileges”. Filling out any kind of government “application” is an example of an attempt on your part to:

1. Consensually contract with the government.
2. Exchange PRIVATE rights for PUBLIC privileges.
3. Possibly ALSO consent to become a public officer within the government called “taxpayer” (under the tax code), “driver” (under the vehicle code), “spouse” (under the Family Code).
4. “Purposefully avail” yourself of commerce within the legislative jurisdiction of said government and thereby waive sovereign immunity under the Foreign Sovereign Immunities Act (F.S.I.A.), 28 U.S.C. Chapter 97. In particular, see 28 U.S.C. §1605(a).

A knowledge of the Uniform Commercial Code (U.C.C.) is essential in order to defeat attempts to compel you to participate in government franchises such as Social Security, Medicare, unemployment insurance, driver licensing, etc. Such compulsion is very common and often invisible to the average American. Being able to recognize when the compulsion occurs and having tools at your disposal to fight the compulsion is crucial to preserving your rights and sovereignty.

10.2.2 Merchant or Buyer?

Within the Uniform Commercial Code (U.C.C.), there are only two types of entities that you can be:

1. Merchant (U.C.C. §2-104(1)). Sometimes also called a Creditor.
2. Buyer (U.C.C. §2-103(1)(a)). Sometimes also called a Debtor.

Playing well the game of commerce means being a Merchant, not a Buyer, in relation to any and every government. Governments try to ensure that THEY are always the Merchant, but astute freedom minded people ensure that any and every government form they fill out switches the roles and makes the GOVERNMENT into the Buyer and debtor in relation to them. On this subject, the Bible FORBIDS believers from EVER becoming “Buyers” in relation to any and every government:

“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]

"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]

The Bible also forbids believers from ever being borrowers or surety, and hence, from ever being a Buyer. It says you can LEND, meaning offer as a Merchant, but that you cannot borrow, meaning be a "Buyer" under the U.C.C., in relation to any and every government:

"For the Lord your God will bless you just as He promised you; you shall lend to many nations, but you shall not borrow; you shall reign over many nations, but they shall not reign over you."
[Deut. 15:6, Bible, NKJV]

"The Lord will open to you His good treasure, the heavens, to give the rain to your land in its season, and to bless all the work of your hand. You shall lend to many nations, but you shall not borrow."
[Deut. 28:12, Bible, NKJV]

"You shall not charge interest to your brother--interest on money or food or anything that is lent out at interest."
[Deut. 23:19, Bible, NKJV]

"To a foreigner you may charge interest, but to your brother you shall not charge interest, that the Lord your God may bless you in all to which you set your hand in the land which you are entering to possess."
[Deut. 23:20, Bible, NKJV]

God even warned His followers in the Bible what would happen if they DIDN'T follow the above commandments:

Curses of Disobedience [to God's Laws]

"The alien [Washington, D.C. is legislatively "alien" in relation to states of the Union] who is among you shall rise higher and higher above you, and you shall come down lower and lower [malicious destruction of EQUAL PROTECTION and EQUAL TREATMENT by abusing FRANCHISES]. He shall lend to you [Federal Reserve counterfeiting franchise], but you shall not lend to him; he shall be the head, and you shall be the tail.

"Moreover all these curses shall come upon you and pursue and overtake you, until you are destroyed, because you did not obey the voice of the LORD your God, to keep His commandments and His statutes which He commanded you. And they shall be upon you for a sign and a wonder, and on your descendants forever.

"Because you did not serve [ONLY] the LORD your God with joy and gladness of heart, for the abundance of everything, therefore you shall serve your [covetous thieving lawyer] enemies, whom the LORD will send against you, in hunger, in thirst, in nakedness, and in need of everything; and He will put a yoke of iron [franchise codes] on your neck until He has destroyed you. The LORD will bring a nation against you from afar [the District of CRIMINALS], from the end of the earth, as swift as the eagle flies [the American Eagle], a nation whose language [LEGALESE] you will not understand, a nation of fierce [coercive and fascist] countenance, which does not respect the elderly [assassinates them by denying them healthcare through bureaucratic delays on an Obamacare waiting list] nor show favor to the young [destroying their ability to learn in the public FOOL system]. And they shall eat the increase of your livestock and the produce of your land [with "trade or business" franchise taxes], until you [and all your property] are destroyed [or STOLEN/CONFISCATED]; they shall not leave you grain or new wine or oil, or the increase of your cattle or the offspring of your flocks, until they have destroyed you.
[Deut. 28:43-51, Bible, NKJV]

Buyers take positions, defend what they know and make statements about it; they ignore, argue and/or contest. Extreme buyer-minded people presume victimhood and seek to limit their liability. Buyers operate unwittingly from and within the public venue. They are satisfied with mere equitable title - they can own and operate, but not totally control their property. Buyer possibilities are limited and confining, as debtors are slaves.

Merchants are present to whatever opportunity arises; they ask questions to bring remedy if called for; they accept, either fully or conditionally. Accomplished Merchants take full responsibility for their life, their finances and their world.

Merchants understand and make use of their unlimited ability to contract privately with anyone they want at any time. They maintain legal title and control of their property. Merchant possibilities are infinite. Merchants are sovereign and free.

Governments always at least TRY to take the Merchant role by the following tactics, none of which you should permit or tolerate:

1. Unconstitutionally presuming or assuming that everyone they deal with are statutory “taxpayers” and therefore Buyers. See Form #05.017.
2. Trying illegally to force you to prove a NEGATIVE, which is that you are NOT a Buyer called a statutory “taxpayer”.

*“..the taxpayer can not be left in the unpardonable position of having to prove a negative”
[Elkins v. United States, 364 U.S. 206, 218, 80 S.Ct. 1437, 1444, 4 L.Ed.2d. 1669 (1960) ; Flores v. U.S., 551 F.2d. 1169, 1175 (9th Cir. 1977); Portillo v Comm’r, 932 F.2d. 938, Affirming, reversing and remanding 58 TCM 1386, Dec 46, 373 (M), TC Memo, 1990-68 [91-2 USTC P50, 304]; Weimerschirch [79-1 USTC P9359], 596 F.2d. at 361]*

3. Refusing to proceed from the entire bases of American Jurisprudence, which is that we are all innocent until proven guilty. That means we presumed to be “nontaxpayers” until the IRS proves HOW and WHEN you consented to become a Buyer called a statutory “taxpayer”.

*“Revenue Laws relate to taxpayers [instrumentalities, officers, employees, and elected officials of the national Government] and not to non-taxpayers [non-resident non-persons domiciled in states of the Union without the exclusive jurisdiction of the national Government]. The latter are without their scope. 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)]*

4. Falsely calling what you pay them a STATUTORY “tax”, when in fact what it really is in substance is a compelled criminal bribe for them to treat you illegally as a public officer in violation of 18 U.S.C. §§210 and 211. Once you pay them the criminal bribe, you in effect procure the “privilege” to be left alone from their lawless extortion and anonymous paper terrorism. The “right to be let alone” is the definition of “justice itself” and can NEVER become a “privilege” as they have made it. They can’t charge you for rights because they didn’t create them and they don’t own them. See Form #05.050 for the definition of “justice”. See Form #02.005 for court admissible proof that they really are LYING to call it a “tax” and that what they really are doing is in fact criminal extortion, racketeering, and identity theft.
5. Ensuring that every “tax” paid to them is legally defined as and treated as a “gift” that creates no obligation on their part:

31 U.S.C. § 321 - General authority of the Secretary

(d)

(1) The Secretary of the Treasury may accept, hold, administer, and use gifts and bequests of property, both real and personal, for the purpose of aiding or facilitating the work of the Department of the Treasury. Gifts and bequests of money and the proceeds from sales of other property received as gifts or bequests shall be deposited in the Treasury in a separate fund and shall be disbursed on order of the Secretary of the Treasury. Property accepted under this paragraph, and the proceeds thereof, shall be used as nearly as possible in accordance with the terms of the gift or bequest.

(2) For purposes of the Federal income, estate, and gift taxes, property accepted under paragraph (1) shall be considered as a gift or bequest to or for the use of the United States.

The key to defeating the above is to shift the burden of proof to them instead of you. They in fact are ALWAYS the moving party asserting an alleged but usually not ACTUAL “obligation” as proven in the following documents, not you. The moving party ALWAYS has the burden of proof according to 5 U.S.C. §556(d):

1. Lawfully Avoiding Government Obligations Course, Form #12.040
<https://sedm.org/Forms/FormIndex.htm>
2. Proof of Claim: Your Main Defense Against Government Greed and Corruption, Form #09.073
<https://sedm.org/Forms/FormIndex.htm>

Therefore, what they are really doing by making presumptions and taking positions that they do is acting in essentially a “marketing” capacity to offer their “franchise services” as a Merchant. If you are smart, you will turn it around and rent them your PRIVATE property and PRIVATE time and in effect fire them as the rule maker and substitute yourself. The “rules” we are talking about are described in Article 4, Section 3, Clause 2, which state:

*U.S. Constitution
Article 4, Section 3, Clause 2
Clause 2. Property of the United States*

The Congress shall have Power to dispose of and make all needful Rules and Regulations respecting the Territory or other Property belonging to the United States; and nothing in this Constitution shall be so construed as to Prejudice any Claims of the United States, or of any particular State.

The property they are granting are the franchise privileges associated with the public office of “taxpayer”, as we prove in Form #05.001. If you reject their offer and keep your status Private, then YOU become the GRANTOR and “Service” them instead of them “servicing” you as the “Internal Revenue Service”. This subject of the separation of Public and Private and how to use your PRIVATE property and PRIVATE rights as a means to control them is described in:

Separation Between Public and Private Course, Form #12.025
<https://sedm.org/Forms/FormIndex.htm>

Hence, you should:

1. Define the term “taxpayer” on all correspondence with them as a human being protected by the constitution, with a foreign domicile, who is a “non-resident non-person” not subject to any civil enactment of Congress, per Form #05.020.
2. NEVER describe yourself as a statutory “taxpayer”.
3. Never describe ANYTHING you pay to them as a “tax” or a “gift”, but rather a grant that comes with strings, just like the way they do with all their socialist franchises.
4. Emulate their behavior as a Merchant and ensure that EVERYTHING they pay you is characterized and/or legally defined as a GIFT rather than a GRANT/PURCHASE.

“The State in such cases exercises no greater right than an individual may exercise over the use of his own property when leased or loaned to others. The conditions upon which the privilege shall be enjoyed being stated or implied in the legislation authorizing its grant, no right is, of course, impaired by their enforcement. The recipient of the privilege, in effect, stipulates to comply with the conditions. It matters not how limited the privilege conferred, its acceptance implies an assent to the regulation of its use and the compensation for it.”
[Munn v. Illinois, 94 U.S. 113 (1876)]

This is consistent with the following scripture:

*“The rich rules over the poor,
And the borrower is servant to the lender.”*
[Prov. 22:7, Bible, NKJV]

Remember:

1. If everything you give any government is a GRANT with strings or a SALE rather than a GIFT, then they always work for you and you can NEVER work for them.
2. They can only govern you civilly with your consent. If you don’t consent, everything they do to you will be unjust and a tort per the Declaration of Independence.
3. Everyone starts out EQUAL. An entire government cannot have any more rights than a single human being. That’s what a government of delegated authority means. NEVER EVER consent to:
 - 3.1. Become CIVILLY unequal.
 - 3.2. Be civilly governed under civil statutory law.
 - 3.3. Waive your sovereign immunity. Instead insist that you have the SAME sovereign immunity as any and every government because we are ALL equal. If they assert their own sovereign immunity they have to recognize YOURS under the concept of equal protection and equal treatment.
4. Any attempt to penalize you or take away your property requires that all of the affected property had to be donated to a public use and a public purpose VOLUNTARILY and EXPRESSLY before it can become the subject of such a

penalty. The right of property means that you have a right to deny any and every other person, including GOVERNMENTS, the right to use, benefit, or profit from your property. If they can take away something you didn't hurt someone with, they have the burden of proving that it belonged to them and that you gave it to them BEFORE they can take it. All property is presumed to be EXCLUSIVELY PRIVATE until the government meets the burden of proof that you consented to donate it to a public use, public purpose, and/or public office.

Below is a sample from our Tax Form Attachment, Form #04.201, showing how we implement the approach documented in this section:

This form and all attachments shall NOT be construed as a consent or acceptance of any proposed government "benefit", any proposed relationship, or any civil status under any government law per U.C.C. §2-206. It instead shall constitute a COUNTER-OFFER and a SUBSTITUTE relationship that nullifies and renders unenforceable the original government OFFER and ANY commercial, contractual, or civil relationship OTHER than the one described herein between the Submitter and the Recipient. See U.C.C. §2-209. The definitions found in section 4 shall serve as a SUBSTITUTE for any and all STATUTORY definitions in the original government offer that might otherwise apply. Parties stipulate that the ONLY "Merchant" (per U.C.C. §2-104(1)) in their relationship is the Submitter of this form and that the government or its agents and assigns is the "Buyer" per U.C.C. §2-103(1)(a).

*Pursuant to U.C.C. §1-202, this submission gives REASONABLE NOTICE and conveys FULL KNOWLEDGE to the Recipient of all the terms and conditions exclusively governing their commercial relationship and shall be the ONLY and exclusive method and remedy by which their relationship shall be legally governed. Ownership by the Submitter of him/her self and his/her PRIVATE property implies the right to exclude ALL others from using or benefiting from the use of his/her exclusively owned property. All property held in the name of the Submitter is, always has been, and always will be stipulated by all parties to this agreement and stipulation as: 1. Presumed EXCLUSIVELY PRIVATE until PROVEN WITH EVIDENCE to be EXPRESSLY and KNOWINGLY and VOLUNTARILY (absent duress) donated to a PUBLIC use IN WRITING; 2. ABSOLUTE, UNQUALIFIED, and PRIVATE; 3. Not consensually shared in any way with any government or pretended DE FACTO government. Any other commercial use of any submission to any government or any property of the Submitter shall be stipulated by all parties concerned and by any and every court as eminent domain, THEFT, an unconstitutional taking in violation of the Fifth Amendment, and a violation of due process of law.
[Tax Form Attachment, Form #04.201]*

10.2.3 Why Definitions are Important

Governments can only tax or regulate that which they create:

"The power to tax involves the power to destroy; the power to destroy may defeat and render useless the power to create; and there is a plain repugnance in conferring on one government [THE FEDERAL GOVERNMENT] a power to control the constitutional measures of another [WE THE PEOPLE], which other, with respect to those very measures, is declared to be supreme over that which exerts the control."
[Van Brocklin v. State of Tennessee, [117 U.S. 151](#) (1886)]

"What is a Constitution? It is the form of government, delineated by the mighty hand of the people, in which certain first principles of fundamental laws are established. The Constitution is certain and fixed; it contains the permanent will of the people, and is the supreme law of the land; it is paramount to the power of the Legislature, and can be revoked or altered only by the authority that made it. The life-giving principle and the death-doing stroke must proceed from the same hand."
[*VanHorne's Lessee v. Dorrance*, [2 U.S. 304](#) (1795)]

"The great principle is this: because the constitution will not permit a state to destroy, it will not permit a law [including a tax law] involving the power to destroy. "
[*Providence Bank v. Billings*, [29 U.S. 514](#) (1830)]

DEFINITIONS found in franchise statutes are the precise place where government CREATES things. If you want to attack a tax or regulation, you have to attack and undermine its DEFINITIONS.

Governments didn't create human beings. God did. Therefore, if they want to tax or regulate PRIVATE human beings, they must do it INDIRECTLY by creating an PUBLIC office or franchise, fooling you into volunteering for it (usually ILLEGALLY), and then regulating you INDIRECTLY by regulating the PUBLIC office.

1. The PUBLIC OFFICE was created by the government and therefore is PROPERTY of the government.
2. The PUBLIC OFFICE is legally in partnership with the CONSENTING human being volunteer filling the office. It is the ONLY lawful "person" under most franchises.

3. Most people are enticed to volunteer for the PUBLIC OFFICE by having a carrot dangled in front of their face called “benefits”. See:

The Government “Benefits” Scam, Form #05.040
<http://sedm.org/Forms/FormIndex.htm>

4. The human being volunteer becomes SURETY for and a representative of the PUBLIC office and a debtor, but is not the PUBLIC OFFICE itself. Instead, the human being is called a PUBLIC OFFICER and is identified in Federal Rule of Civil Procedure 17(d). The all caps name in association with the de facto license, the Social Security Number, is the name of the OFFICE, not the human filling the office.

Rule 17. Plaintiff and Defendant; Capacity; Public Officers

(d) Public Officer's Title and Name.

A public officer who sues or is sued in an official capacity may be designated by official title rather than by name, but the court may order that the officer's name be added.

5. Once you take the bait and apply for the PUBLIC OFFICE by filling out a government “benefit” form such as an SS-5, W-4, etc., they GRANT you the office, which is THEIR property and continues to be THEIR property AFTER you receive it. The REQUESTER of said property is ALWAYS the servant, “PUBIC SERVANT”, and DEBTOR relative to the GRANTOR, which is “U.S. Inc.”:

*“How, then, are purely equitable obligations created? For the most part, either by the acts of third persons or by equity alone. **But how can one person impose an obligation upon another? By giving property to the latter on the terms of his assuming an obligation in respect to it. At law there are only two means by which the object of the donor could be at all accomplished, consistently with the entire ownership of the property passing to the donee, namely: first, by imposing a real obligation upon the property; secondly, by subjecting the title of the donee to a condition subsequent.** The first of these the law does not permit; the second is entirely inadequate. Equity, however, can secure most of the objects of the doner, and yet avoid the mischiefs of real obligations by imposing upon the donee (and upon all persons to whom the property shall afterwards come without value or with notice) **a personal obligation with respect to the property; and accordingly this is what equity does.** It is in this way that all trusts are created, and all equitable charges made (i.e., equitable hypothecations or liens created) by testators in their wills. In this way, also, most trusts are created by acts inter vivos, except in those cases in which the trustee incurs a legal as well as an equitable obligation. **In short, as property is the subject of every equitable obligation, so the owner of property is the only person whose act or acts can be the means of creating an obligation in respect to that property. Moreover, the owner of property can create an obligation in respect to it in only two ways: first, by incurring the obligation himself, in which case he commonly also incurs a legal obligation; secondly, by imposing the obligation upon some third person; and this he does in the way just explained.”***

[Readings on the History and System of the Common Law, Second Edition, Roscoe Pound, 1925, p. 543]

“The rich rules over the poor, and the borrower is slave to the lender.”
[Proverbs 22:7, Bible, NKJV]

The above is confirmed by the statutory definition of “person” within the Internal Revenue Code, Subtitle A “trade or business” franchise agreement. Without this partnership, there is no statutory “person” to regulate or tax:

TITLE 26 > Subtitle F > CHAPTER 75 > Subchapter D > Sec. 7343.
Sec. 7343. - Definition of term “person”

The term “person” as used in this chapter [Chapter 75] includes an officer or employee of a corporation [U.S. Inc.], or a member or employee of a partnership, who as such officer, employee, or member is under a duty to perform the act in respect of which the violation occurs

The PUBLIC office that they reach you through is also called the “straw man”:

*“**Straw man.** A “front”; a third party who is put up in name only to take part in a transaction. Nominal party to a transaction; one who acts as an agent for another for the purpose of taking title to real property and executing whatever documents and instruments the principal may direct respecting the property. Person who purchases property, or to accomplish some purpose otherwise not allowed.”*
[Black’s Law Dictionary, Sixth Edition, p. 1421]

Once you volunteer for the office or acquiesce to OTHER PEOPLE volunteering you for the office with FALSE information returns such as IRS Forms W-2, 1042-S, 1098, and 1099, etc., then and only then do you become “domestic” and thereby subject to the otherwise “foreign” franchise agreement:

Requirement for Consent

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Form 05.003, Rev. 11-22-2020

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EXHIBIT: _____

26 U.S.C. §7701 - Definitions

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

(4) Domestic

The term “domestic” when applied to a corporation or partnership means **created or organized in the United States [GOVERNMENT, U.S. Inc., NOT the geographical “United States”]** or under the law of the United States or of any State unless, in the case of a partnership, the Secretary provides otherwise by regulations.

If you never volunteer or you were nonconsensually volunteered by others, then you remain both “foreign” and “not subject” but not statutorily “exempt” from the provisions of the franchise agreement:

26 U.S.C. §7701 - Definitions

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

(31) Foreign estate or trust

(A) Foreign estate

The term “foreign estate” means an estate the income of which, from sources without the United States [U.S. Inc. the government] which is not effectively connected with the conduct of a trade or business [public office, per 26 U.S.C. §7701(a)(26)] within the United States[U.S. Inc. the government corporation, not the geographical “United States”], is not includible in gross income under subtitle A.

Jesus warned of this above mechanism of enslaving you as follows:

“Most assuredly, I say to you, he who does not enter the sheepfold by the door, but climbs up some other way, the same is a thief and a robber. ² But he who enters by the door is the shepherd of the sheep.”
[John 10:1-2, Bible, NKJV]

Consonant with the right of governments to CREATE franchises and the PUBLIC offices that animate them, is the right to DEFINE every aspect of the thing they created:

But when Congress creates a statutory right [a “privilege” in this case, such as a “trade or business”], it clearly has the discretion, in defining that right, to create presumptions, or assign burdens of proof, or prescribe remedies; it may also provide that persons seeking to vindicate that right must do so before particularized tribunals created to perform the specialized adjudicative tasks related to that right [such as “Tax Court”, “Family Court”, “Traffic Court”] etc.] **FN35** Such provisions do, in a sense, affect the exercise of judicial power, but they are also incidental to Congress’ power to define the right that it has created. No comparable justification exists, however, when the right being adjudicated is not of congressional creation. In such a situation, substantial inroads into functions that have traditionally been performed by the Judiciary cannot be characterized merely as incidental extensions of Congress’ power to define rights that it has created. Rather, such inroads suggest unwarranted encroachments upon the judicial power of the United States, which our Constitution reserves for Art. III courts.
[Northern Pipeline Const. Co. v. Marathon Pipe Line Co., 458 U.S. at 83-84, 102 S.Ct. 2858 (1983)]

10.2.4 UCC provisions useful in defeating franchises

The key constraints that the U.C.C. places upon commercial transactions which are useful in defeating compelled participation in franchises are the following:

1. There are two parties to every transaction:
 - 1.1. Merchant (U.C.C. §2-104(1)). Sometimes also called a Creditor.
 - 1.2. Buyer (U.C.C. §2-103(1)(a)). Sometimes also called a Debtor.
2. The Merchant making the offer has the duty of giving NOTICE to the Buyer of the terms of the sale. U.C.C. §1.202.
3. The Merchant has the power and duty to define the precise MODE by which the Buyer signals acceptance of his/her/its offer. U.C.C. §1.303.
4. The Buyer may signal non-acceptance by reserving all their rights pursuant to U.C.C. §1-308.

1 5. The language of the offer and the acceptance MUST be the same. Otherwise a meeting of minds has not occurred. See
2 U.C.C. §2-206(1).

3 *Uniform Commercial Code*
4 *§ 2-206. Offer and Acceptance in Formation of Contract.*

5 (1) Unless otherwise unambiguously indicated by the language or circumstances.

6 6. A counteroffer by the original Buyer invalidates or modifies the original offer and turns the applicant from a Buyer to a
7 Merchant. U.C.C. §2-209.

8 *Uniform Commercial Code*
9 *§ 2-209. Modification, Rescission and Waiver.*

10 (1) An agreement modifying a contract within this Article needs no consideration to be binding.

11 (2) An agreement in a signed record which excludes modification or rescission except by a signed record may
12 not be otherwise modified or rescinded, but except as between merchants such a requirement in a form supplied
13 by the merchant must be separately signed by the other party.

14 (3) The requirements of Section 2-201 must be satisfied if the contract as modified is within its provisions.

15 (4) Although an attempt at modification or rescission does not satisfy the requirements of subsection (2) or (3), it
16 may operate as a waiver.

17 (5) A party that has made a waiver affecting an executory portion of a contract may retract the waiver by
18 reasonable notification received by the other party that strict performance will be required of any term waived,
19 unless the retraction would be unjust in view of a material change of position in reliance on the waiver.

20 The following two videos insightfully illustrate how the above two principles can be used to defeat an offer of a franchise by
21 the government and make YOU the Merchant and THEM the Buyer, rather than the other way around. In effect, you are
22 using their own secret weapon against them and turning the tables. Under the concept of equal protection and equal treatment,
23 they HAVE to let you do this and if they deny you the ability, indirectly they have to deny THEMSELVES the ability as
24 well!:

- 25 1. This Form is Your Form, Mark DeAngelis
26 <http://www.youtube.com/embed/b6-PRwhU7cg>
27 2. Mirror Image Rule, Mark DeAngelis
28 <http://www.youtube.com/embed/j8pgbZV757w>

29 Those seeking to undermine compelled participation in government franchises should consider the following tactics:

- 30 1. Attaching a MANDATORY attachment to the application indicating the duress and saying the applicant does NOT
31 consent to receive any “benefit”.
32 2. Defining all terms on the form to completely exclude any government jurisdiction over them.
33 3. Identifying the application NOT as an ACCEPTANCE of any kind, but a counter offer that makes the
34 GOVERNMENT the recipient of the “benefit” of the temporary use of YOUR property and labor and thereby subject
35 to YOUR anti-franchise franchise.

36 We use the above tactics throughout our ministry in the following forms:

- 37 1. Tax Form Attachment, Form #04.201 – turns the government’s offer of the “trade or business” franchise into a
38 COUNTER-OFFER and you into the Merchant instead of them. Proposes a an anti-franchise franchise that obligates
39 the GOVERNMENT and not YOU. Signifies that a failure to deny constitutes acceptance of the offer.
40 2. Socialism: The New American Civil Religion, Form #05.016, Section 16-describes how to defeat word games intended
41 to unknowingly recruit you into a franchise status.
42 3. Injury Defense Franchise and Agreement, Form #06.027- provides a SUBSTITUTE franchise you can cite and use in
43 your counter-offer as a Merchant rather than a Buyer.

The only defense the de facto government has against the above tactics is sovereign immunity, but the agreement turns anyone receiving the “benefits” into YOUR public officer instead of an officer of the de facto government, so that defense can’t and doesn’t work.

10.2.5 Using definitions to destroy or replace the government’s offer

Socialism is state worship and idolatry from a religious perspective. It places civil rulers and/or government above the average man and imputes supernatural powers to them that ordinary men do not have. THAT is the ONLY lawful technique by which they can “govern” you. From a legal perspective, state worship can only be maintained when equal protection and equal treatment can be replaced with inequality and hypocrisy. This inequality is manufactured using the following means within the legal field:

1. Using franchises to make the applicants subservient to the grantor of the franchises. In legal terms, the grantor is referred to as a “parens patriae”.
2. Confusing STATUTORY and CONSTITUTIONAL contexts for words. They will try to make you believe that BOTH contexts are the same, even though they are NOT. The difference between STATUTORY and CONSTITUTIONAL contexts is described in:

Why You are a “national”, “state national”, and Constitutional but not Statutory Citizen, Form #05.006, Sections 3 and 4
<http://sedm.org/Forms/FormIndex.htm>

3. Confusing the LEGAL and ORDINARY meaning of words. This is done using “words of art”. They will use the words in the ORDINARY sense when speaking to the jury and on government forms, but when actually ENFORCING the implications of the forms, they will interpret them in their LEGAL sense. See:

Legal Deception, Propaganda, and Fraud, Form #05.014
<http://sedm.org/Forms/FormIndex.htm>

4. Using government forms that promote policies inconsistent with what the law actually says. This is an abuse of government forms to in effect “invisibly contract” with the applicant.
5. Refusing to define words on government forms and publications, and telling you that you can’t trust the content of government forms. This allows the forms to be misused as propaganda devices and conveys what the supreme court calls “arbitrary power” to the government bureaucrat to MISINTERPRET the meaning of the words in their favor. Thus, a “society of law” is replaced with a “society of men”.
6. Not providing statutory definitions for key words, so that they can be subjectively defined by judges to prejudice your rights and advantage a corrupted government.
7. PRESUMING that the form or application being submitted is being done voluntarily and that the applicant CONSENTS to the jurisdiction of the government. Anything you consent to cannot form the basis for an injury in a court of law:

“Voluntati non fit injuria.

He who consents cannot receive an injury. 2 Bouv. Inst. n. 2279, 2327; 4 T. R. 657; Shelf. on mar. & Div. 449.

Consensus tollit errorem.

Consent removes or obviates a mistake. Co. Litt. 126.

Melius est omnia mala pati quam malo concentire.

It is better to suffer every wrong or ill, than to consent to it. 3 Co. Inst. 23.

Nemo videtur fraudare eos qui sciunt, et consentiunt.

One cannot complain of having been deceived when he knew the fact and gave his consent. Dig. 50, 17, 145.”

[Bouvier’s Maxims of Law, 1856;

SOURCE: <http://famguardian.org/Publications/BouvierMaximsOfLaw/BouviersMaxims.htm>]

The way to destroy any religion is to discredit or contradict the underlying belief with legal evidence. Therefore, the way to prevent all of the above abuses from a legal perspective is to use the following approach to all government forms or applications:

1. Ensuring that you DO NOT apply for any franchise, license, or privilege and terminating participation in any and all franchises. See:

Government Instituted Slavery Using Franchises, Form #05.030
<http://sedm.org/Forms/FormIndex.htm>

2. The CONTEXT for each word is carefully defined to be EITHER STATUTORY or CONSTITUTIONAL.
3. The specific statutory definition for each term is referenced as NOT applying. This places the applicant OUTSIDE the jurisdiction of the government.
4. Proposals or statements on the form or publication which are in conflict with the written law are identified as FALSE and FRAUDULENT.
5. Emphasizing that since the terms on the form are NOT defined and the government says you can't trust their forms, then you MUST define all terms to leave NO room for unconstitutional presumption that might damage your rights. For proof that you can't trust most government forms, and especially tax forms, see:

Reasonable Belief About Income Tax Liability, Form #05.007

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

6. Disassociating yourself from government jurisdiction by defining geographical "words of art" to place you outside the government's jurisdiction.
7. Ensuring that the government application or form you are filling out is identified NOT as an "acceptance" of anything, but rather a COUNTER-OFFER under the Uniform Commercial Code (U.C.C.) in which the government is asking for something from you rather than the other way around.
8. Providing an affidavit of duress, stating that you were compelled to fill out the form and asking the source of the duress to be criminally prosecuted for criminal coercion, theft, and slavery.
9. Removing any and all discretion by any judge or government administrator to DEFINE or REDEFINE any of the key words on the form.
10. Stating that you are the only one who can decide the definitions on the form, because you are the only witness signing the form and that if they try to modify your testimony, they are criminally tampering with a witness.

The reason the above tactics work is insightfully described in the following two entertaining videos on the Uniform Commercial Code (U.C.C.):

1. This Form is Your Form, Mark DeAngelis
<http://www.youtube.com/embed/b6-PRwhU7cg>
2. Mirror Image Rule, Mark DeAngelis
<http://www.youtube.com/embed/j8pgbZV757w>

To give you an idea of how the above process works, you may want to examine the following form on our website which is attached to all government tax forms:

Tax Form Attachment, Form #04.201

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

In the legal field, the MOST important power you can have is the power to DEFINE words. In practice, HE who defines the word FIRST wins ALL legal battles. That is why all contracts usually contain a definitions section. Notably ABSENT from all GOVERNMENT forms is such a definition section. This is deliberate, because:

1. The government is an insurance company that NEVER accepts responsibility for its own actions and abuses sovereign immunity to avoid all such responsibility.
2. The government and courts will ALWAYS tell you that you can't trust the accuracy of the form. Therefore, even if they DID define it, they would make sure they included a disclaimer that said you couldn't trust their definition anyway. For an example of this, see:

Reasonable Belief About Income Tax Liability, Form #05.007

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

3. The purpose of the form is to unlawfully and unconstitutionally convey to a bureaucrat or judge the power to define the words ANY WAY THEY WANT and thus, to corruptly turn a "society of law" into a "society of men".

All government forms usually contain a perjury statement at the end which gives the form the character of "testimony of a witness" and assigns the content of the form the status of legally admissible evidence in court. As such, it is a criminal offense to influence the person filling out the form or to change their testimony. That crime is called witness tampering.

[18 U.S.C. §1512 - Tampering with a witness, victim, or an informant](#)

a)

(1)Whoever kills or attempts to kill another person, with intent to—

(A)prevent the attendance or testimony of any person in an official proceeding;

(B)prevent the production of a record, document, or other object, in an official proceeding; or

(C)prevent the communication by any person to a law enforcement officer or judge of the United States of information relating to the commission or possible commission of a Federal offense or a violation of conditions of probation, parole, or release pending judicial proceedings;

shall be punished as provided in paragraph (3).

(2)Whoever uses physical force or the threat of physical force against any person, or attempts to do so, with intent to—

(A)influence, delay, or prevent the testimony of any person in an official proceeding;

(B)cause or induce any person to—

(i)withhold testimony, or withhold a record, document, or other object, from an official proceeding;

(ii)alter, destroy, mutilate, or conceal an object with intent to impair the integrity or availability of the object for use in an official proceeding;

(iii)evade legal process summoning that person to appear as a witness, or to produce a record, document, or other object, in an official proceeding; or

(iv)be absent from an official proceeding to which that person has been summoned by legal process; or

(C)hinder, delay, or prevent the communication to a law enforcement officer or judge of the United States of information relating to the commission or possible commission of a Federal offense or a violation of conditions of probation, supervised release, parole, or release pending judicial proceedings;

shall be punished as provided in paragraph (3).

If you want to win ANY and EVERY battle against the government in court, all you have to do is be the FIRST to define the words using the techniques in this section, and to turn their own form against them to make THEM the franchisee and YOU the grantor of the franchise. Since you are signing the form under penalty of perjury, they can't tell you what to put on it or they are criminally tampering with and threatening a protected witness. If they don't like the terms of YOUR offer, then all they can do is respond by saying YOU ARE NOT ELIGIBLE to participate in THEIR franchise or to receive the Mark of the Beast, the Social Security Number. You can even define a non-response in your offer as a statement by them that YOU ARE NOT ELIGIBLE. Then you can tell everyone who wants such a number that the government says you are NOT eligible, and therefore, that they cannot demand the Mark of the Beast. Hurt me!

Finally, they can't respond to the tactics suggested in this section by saying that you can't use them, because these are EXACTLY the same tactics the GOVERNMENT uses and if they deny you the ability to use them, then under the concept of equal protection and equal treatment, they HAVE to deny THEMSELVES the SAME ability.

You should view EVERY opportunity to fill out any government form as an act of contracting away your God given, unalienable rights and to thereby become INFERIOR and UNEQUAL in relation to the pagan government.

11 A Breach of Contract¹⁰⁰

Imagine that you have agreed with an auto dealer to purchase the luxurious Belchfire X-1 automobile, for which you agree to pay \$45,000, with monthly payments to extend over a period of three years. You sign the sales agreement, and are then told to return the following day to sign the formal contract, which you do. When you arrive two days later to pick up the car, the dealer presents you with the title and keys to a much lesser model, the Klunkermobile J. When you ask the dealer to explain the switch, he points to a provision in the contract that reads: "Dealer shall be entitled to make 'reasonable'

¹⁰⁰ Adapted from *A Breach of Contract*, Butler Shaffer; <http://lewrockwell.com/shaffer/shaffer252.html>.

1 adjustments it considers to be 'necessary and proper' to further the 'general welfare' of the parties hereto." He also tells you
2 that the amount of the payments will remain the same as for the Belchfire X-1; that to provide otherwise would be to impair
3 the obligations of the contract. You strongly object, arguing that the dealer is making a fundamental alteration of the contract.
4 The dealer then informs you that this dispute will be reviewed by a third party – his brother-in-law – who will render a
5 decision in the matter.

6 Welcome to the study of Constitutional Law!

7 The rationalization for the existence of political systems has, at least since the Enlightenment, depended upon the illusion of
8 a "social contract"; that governments come into existence only through the "consent of the governed" as expressed in a written
9 constitution. I know of no state system that ever originated by a contract among individuals. This is particularly true in
10 America, where the detailed history of the drafting and ratification of the Constitution illustrates the present system having
11 been coercively imposed by some upon others. If you doubt this, a reading of the history of Rhode Island will provide you
12 with one example.

13 By its very nature, a contract depends upon a voluntary commitment by two or more persons to bind themselves to a clearly-
14 expressed agreement. The common law courts have always held that agreements entered into through coercion, fraud, or any
15 other practice that does not reflect a "meeting of the minds" of individuals are wholly unenforceable. Nor have the courts
16 looked favorably upon transactions that purport to bind parties forever. If I should agree to work for you for \$5,000 a month
17 and, after two years of such employment, choose to go work elsewhere, no court of law – not even in Texas – would compel
18 me to continue working for you.

19 The idea that contractual obligations can arise other than through voluntary undertakings has been firmly established in our
20 culture. Statist efforts to impose duties upon others are often promoted under the myth of an "implied" contract (e.g., by
21 driving a car, you "impliedly consent" to purchase insurance; by living in America you "impliedly consent" to be bound to
22 obligations to which you never agreed). By this logic, if I lived in a high-crime area, it could be argued that I had "impliedly
23 consented" to be mugged, or to be bound by the rules of the local street-corner gang. The idea that the government can force
24 people into contractual relationships is at the heart of the current Supreme Court case dealing with "Obamacare." The
25 enactment of such a form of "involuntary servitude" is what leads a few thoughtful minds to question whether it violates the
26 13th Amendment!

27 Even accepting the fantasy of a "social contract" theory of the state creates more fundamental problems. The legitimacy of a
28 contract depends upon the existence of "consideration." This means that the party seeking enforcement must demonstrate a
29 changing of one's legal position to their detriment (e.g., giving up something of value, making a binding promise, foregoing
30 a right, etc.) Statists may argue that their system satisfies this requirement – by supposedly agreeing to protect the lives and
31 property of the citizenry, and agreeing to respect those rights of people that are spelled out in the "Bill of Rights." The problem
32 is that – thanks to the opinions of numerous brothers-in-law who comprise the Supreme Court – the powers given to the state
33 have been given expansive definitions, and the rights protected by the "Bill of Rights" are given an increasingly narrow
34 interpretation.

35 Thus, Congress' exclusive authority to declare war is now exercised by presidential whim; while its power to legislate does
36 not depend upon any proposed law having been either fully drafted or read! Fourth and Fifth Amendment "guarantees" re
37 "searches and seizures" or "due process of law" are so routinely violated as to arouse little attention from Boobus Americans.
38 First Amendment rights of "speech" allow the state to confine speakers to wire cages kept distant from their intended
39 audiences, while the right of "peaceable assembly" is no hindrance to police-state brutalities directed against peaceful
40 protestors. With very little criticism from Boobus, one president declared his support for a dictatorship, while his successor
41 proclaimed to the world his unilateral authority to kill anyone of his choosing – including Americans! Meanwhile, torture
42 and the indefinite detention of people without trial continue to be accepted practices.

43 Having been conditioned to believe that the Constitution exists to limit the powers of the state and to guarantee your liberty,
44 you try employing such reasoning with the car dealer. You direct his attention to another contractual provision that reads:
45 "All rights under this agreement not reserved to the Dealer shall belong to the Buyer." But he tells you that he is adhering to
46 the specific terms of the contract by making "reasonable adjustments" that are "necessary and proper" to "further the general
47 welfare of the parties." Whatever "rights" you have are, by definition, limited by this broad grant of authority.

48 This is where conservatives get so confused over the inherently repressive nature of the Constitution. They tend to believe
49 that the 10th Amendment "guarantees" to them – and/or the states – "powers not delegated to the United States." But the

1 federal government powers enumerated in this document are overly broad (e.g., "general welfare," "necessary and proper,"
2 and "reasonable") and must be interpreted. This authority to provide the government with such powers to interpret its own
3 powers is nowhere spelled out in the Constitution; but was usurped by the Supreme Court in the case of Marbury v. Madison.

4 Once the courts – or the car dealer's brother-in-law – define the range of the parties' respective authorities, the mutually-
5 exclusive logic of the 10th Amendment applies: if the government or the dealer is recognized as having expansive definitions
6 of authority, there is very little that remains inviolate for the individual. The language of the 9th Amendment is more suitable
7 to the argument on behalf of a broader definition of liberty. This provision reads:

8 *"The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others*
9 *retained by the people."*

10 This catch-all language suggests that the Ninth Amendment protections are far broader than the combined "rights" of all the
11 other amendments. A reading of judicial history reveals only a very small handful of cases ever having been decided under
12 this section. Of course, the words in this amendment are also subject to interpretation by state officials. This fact is what
13 conservatives fail to understand when they bleat about wanting "to get back to the Constitution." The government has never
14 strayed from the Constitution; these words have been in that document from the beginning. They have, however, been
15 interpreted according to the ever-changing preferences of those in power.

16 As the state continues to not simply eat away at – but to gluttonously devour – the liberty its defenders still pretend it is its
17 purpose to protect, it is timely to consider the remedies available to individuals. As one who prefers the peaceful processes
18 of a civilized society – rather than the violent and destructive means that define the state – my thoughts return to contract
19 theory. I must admit, at the outset, that the make-believe "social contract" foundations of the state, reveal the wholesale breach
20 of the obligations of both parties. The failure of the state to restrain its voracious and ruinous appetites is already a matter of
21 record, even to its defenders whose intellectual dishonesty and/or cowardice will not permit them to express the fact. But
22 there is a concurrent obligation on the part of those subject to state rule that finds expression in words carved onto the entrance
23 to the Nebraska state capitol building: "The Salvation of the State is Watchfulness in the Citizen." It was the failure of most
24 people to live up to this standard that led me to write, a few years ago, about the need to impeach the American people! The
25 "watchfulness" of most Americans is confined to such television programs as "American Idol" or "Dancing With the Stars."

26 The breaches on both sides of this alleged contract are of such enormity as would lead any competent court of law to regard
27 any such "agreement" as a nullity; subject to enforcement by neither party. Such defenses as "frustration of purpose,"
28 "impossibility of performance," "unconscionability," "unequal bargaining power," "fraud in the inducement," and other
29 concepts have regularly been used by the courts to excuse further performance by the parties to a contract.

30 I propose that we respond to our alleged obligations to the state – duties we never agreed to in the first place – in the same
31 manner by which we would treat our hypothetical car dealer in the marketplace: to walk away and take our business
32 elsewhere! Whatever goods or services we desire in our lives, and which we have been conditioned to believe can only be
33 provided by the state, can be found in the willingness of our neighbors to freely and genuinely contract with us in ways that
34 do not depend upon predation, restraint, or violence. It is time for us to discover the peaceful and creative nature of a society
35 grounded in a voluntary "meeting of the minds" of free men and women!

36 How would we express our intention to invalidate the contract, from a legal perspective? By generating legal evidence of all
37 the following in the government's own records:

- 38 1. Changing our citizenship status in government records to that of a non-resident CONSTITUTIONAL but not
39 STATUTORY citizen.
- 40 2. Quitting all government franchises and licenses.
- 41 3. Stop filling out government forms and rescind all forms we have filled out.
- 42 4. Changing our tax status to that of a "non-resident NON-person".

43 All of the above are accomplished by:

<p><i>Path to Freedom</i>, Form #09.017, Section 2 http://sedm.org/Forms/FormIndex.htm</p>
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12 Resources for Further Study and Rebuttal

If you would like to study the subjects covered in this short memorandum in further detail, may we recommend the following authoritative sources, and also welcome you to rebut any part of this pamphlet after you have read it and studied the subject carefully yourself just as we have:

26. Government Instituted Slavery Using Franchises, Form #05.030-how corrupt public servants unlawfully implement and enforce franchises to enslave and injure those they are supposed to be protecting
<http://sedm.org/Forms/FormIndex.htm>
27. Government Franchises Course, Form #12.012-basic introduction to how government franchises work, all of which are contracts from a legal perspective.
<http://sedm.org/Forms/FormIndex.htm>
28. Why the Government Can't Lawfully Assess Human Beings With an Income Tax Liability Without Their Consent, Form #05.011. Proves that you have to volunteer to become a "taxpayer".
<http://sedm.org/Forms/FormIndex.htm>
29. Why Domicile and Becoming a "Taxpayer" Require Your Consent, Form #05.002. Describes why the basis of income taxation, which is domicile, is voluntary
<http://sedm.org/Forms/FormIndex.htm>
30. The "Trade or Business" Scam, Form #05.001. Describes why income taxes are voluntary excise taxes that require your consent and which you can lawfully avoid by avoiding the activity
<http://sedm.org/Forms/FormIndex.htm>
31. Great IRS Hoax, Form #11.302, section 4.4.16 through 4.4.16.9 entitled "How public servants Eliminate or Avoid or Hide the Requirement for Consent to Become Masters". Describes how public dis-servants abuse their authority to eliminate or avoid or hide the requirement that they have your consent to do anything
<http://sedm.org/Forms/FormIndex.htm>
32. Great IRS Hoax, Form #11.302, Section 5.4.27 through 5.4.27.8 entitled "Popular Illegal Techniques for Coercing Consent". Describes how public dis-servants actively coerce you to consent to their services, help, and the taxes that pay for them.
<http://sedm.org/Forms/FormIndex.htm>
33. The Fundamental Nature of the Federal Income Tax, Form #05.035. Describes how income taxes are based on federalism, and how the federal government cannot reach into a state without your INDIVIDUAL consent
<http://sedm.org/Forms/FormIndex.htm>
34. SEDM Liberty University. Useful resources to learn about exercising your sovereignty by demanding consent of all those who expect anything from you.
<http://sedm.org/LibertyU/LibertyU.htm>
35. SEDM Forms/Pubs Page. Useful resources to achieve sovereignty
<http://sedm.org/LibertyU/LibertyU.htm>
36. Family Guardian Website, Taxes page.
<http://famguardian.org/Subjects/Taxes/taxes.htm>
37. Sovereignty Forms and Instructions Online, Form #10.004. How to remove your consent to all government services, refuse to accept their services, and thereby be completely self-governing and keep every dime that you earn. Tell the government "You're fired!"
<http://famguardian.org/TaxFreedom/FormsInstr.htm>

13 Questions that Readers, Grand Jurors, and Petit Jurors Should be Asking the Government

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

<p><u>Reasonable Belief About Income Tax Liability</u>, Form #05.007 http://sedm.org/Forms/FormIndex.htm</p>
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Your answers will become evidence in future litigation, should that be necessary in order to protect the rights of the person against whom you are attempting to unlawfully enforce federal law.

1. Admit that all JUST governments are founded on the “consent of the governed”, as the Declaration of Independence states.

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

YOUR ANSWER: ____Admit ____Deny

CLARIFICATION:_____

2. Admit that the only kind of law that can lawfully be enforced WITHOUT the “consent of the governed” is criminal law.

YOUR ANSWER: ____Admit ____Deny

CLARIFICATION:_____

3. Admit that all civil laws require “domicile” in a place in order to be enforceable against the “governed”.

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

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

***Under our system of law, judicial power to grant a divorce -- jurisdiction, strictly speaking -- is founded on domicil. Bell v. Bell, 181 U.S. 175; Andrews v. Andrews, 188 U.S. 14.** The framers of the Constitution were familiar with this jurisdictional prerequisite, and, since 1789, neither this Court nor any other court in the English-speaking world has questioned it. Domicil implies a nexus between person and place of such permanence as to control the creation of legal relations and responsibilities of the utmost significance. The domicil of one spouse within a State gives power to that State, we have held, to dissolve [325 U.S. 230] a marriage wheresoever contracted. In view of Williams v. North Carolina, supra, the jurisdictional requirement of domicil is freed from confusing refinements about "matrimonial domicil," see Davis v. Davis, 305 U.S. 32, 41, and the like. Divorce, like marriage, is of concern not merely to the immediate parties. It affects personal rights of the deepest significance. It also touches basic interests of society. Since divorce, like marriage, creates a new status, every consideration of policy makes it desirable that the effect should be the same wherever the question arises.*

[. . .]

*If a finding by the court of one State that domicil in another State has been abandoned were conclusive upon the old domiciliary State, the policy of each State in matters of most intimate concern could be subverted by the policy of every other State. This Court has long ago denied the existence of such destructive power. The issue has a far reach. **For domicil is the foundation of probate jurisdiction, precisely as it is that of divorce.***
[Williams v. North Carolina, [325 U.S. 226](#) (1945)]

YOUR ANSWER: ____Admit ____Deny

1 CLARIFICATION: _____

- 2 4. Admit that a person who is compelled to maintain a domicile in a particular place is relieved of all the consequences
3 associated with that compelled domicile.

4 *"Similarly, when a person is prevented from leaving his domicile by circumstances not of his doing and beyond*
5 *his control, he may be relieved of the consequences attendant on domicile at that place. In Roboz (USDC D.C.*
6 *1963) [Roboz v. Kennedy, 219 F.Supp. 892 (D.D.C. 1963), p. 24], a federal statute was involved which precluded*
7 *the return of an alien's property if he was found to be domiciled in Hungary prior to a certain date. It was found*
8 *that Hungary was Nazi-controlled at the time in question and that the persons involved would have left Hungary*
9 *(and lost domicile there) had they been able to. Since they had been precluded from leaving because of the*
10 *political privations imposed by the very government they wanted to escape (the father was in prison there), the*
11 *court would not hold them to have lost their property based on a domicile that circumstances beyond their control*
12 *forced them to retain."*

13 *[Conflicts in a Nutshell, David D. Siegel and Patrick J. Borchers, West Publishing, p. 24]*

14 YOUR ANSWER: ____Admit ____Deny

15 CLARIFICATION: _____

- 16
17 5. Admit that domicile is established in a place by the coincidence of physical presence in that place at some time in the
18 present or past in combination with the "intent" or "consent" to remain there permanently.

19 YOUR ANSWER: ____Admit ____Deny

20 CLARIFICATION: _____

- 21
22 6. Admit that according to the Bible, the earth is NOT permanent and anyone who loves it enough to call it a "permanent
23 home" is a heathen.

24 *"But the heavens and the earth which are now preserved by the same word, are reserved for fire until the day of*
25 *judgment and perdition of ungodly men."*
26 *[2 Peter 3:7, Bible NKJV]*

27 *"Do not love [be a permanent inhabitant or resident of] the world or the things in the world. **If anyone loves the***
28 ***world, the love of the Father is not in him.** For all that is in the world--the lust of the flesh, the lust of the eyes,*
29 *and the pride of life--is not of the Father but is of the world. **And the world is passing away [not permanent],** and*
30 *the lust of it; but he who does the will of God abides forever."*
31 *[1 John 2:15, Bible, NKJV]*

32 YOUR ANSWER: ____Admit ____Deny

33 CLARIFICATION: _____

- 34
35 7. Admit that domicile may be established by either tacit implied consent or by express declaration, and that the express
36 declaration, when made, supersedes whatever may be concluded about one's domicile based on their behavior.

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

48 *There is a class of persons which cannot be, strictly speaking, included in either of these denominations of*
49 *naturalized or native citizens, namely, the class of those who have ceased to reside [maintain a domicile] in their*
50 *native country, and have taken up a permanent abode in another. **These are domiciled inhabitants. They have***
51 ***not put on a new citizenship through some formal mode enjoined by the law or the new country. They are de***
52 ***facto, though not de jure, citizens of the country of their [new chosen] domicile.***

YOUR ANSWER: ____Admit ____Deny

CLARIFICATION:_____

8. Admit that a person who chooses not to have a “domicile” in the place he currently occupies is called a “transient foreigner”.

“Transient foreigner. One who visits the country, without the intention of remaining.”
[Black’s Law Dictionary, Sixth Edition, p. 1498]

YOUR ANSWER: ____Admit ____Deny

CLARIFICATION:_____

9. Admit that choice of domicile is a political choice that no one but the affected person can make.

YOUR ANSWER: ____Admit ____Deny

CLARIFICATION:_____

10. Admit that any attempt by a judge to compel a particular choice of domicile constitutes:
10.1. Compelled association in violation of the First Amendment.

*“The right to associate or not to associate with others solely on the basis of individual choice, not being absolute, may conflict with a societal interest in requiring one to associate with others, or to prohibit one from associating with others, in order to accomplish what the state deems to be the common good. **The Supreme Court, though rarely called upon to examine this aspect of the right to freedom of association, has nevertheless established certain basic rules which will cover many situations involving forced or prohibited associations.** Thus, where a sufficiently compelling state interest, outside the political spectrum, can be accomplished only by requiring individuals to associate together for the common good, then such forced association is constitutional. ¹⁰¹ **But the Supreme Court has made it clear that compelling an individual to become a member of an organization with political aspects, or compelling an individual to become a member of an organization which financially supports, in more than an insignificant way, political personages or goals which the individual does not wish to support, is an infringement of the individual’s constitutional right to freedom of association.** ¹⁰² The First Amendment prevents the government, except in the most compelling circumstances, from wielding its power to interfere with its employees’ freedom to believe and associate, or to not believe and not associate; it is not merely a tenure provision that protects public employees from actual or constructive discharge. ¹⁰³ Thus, First*

¹⁰¹ Lathrop v. Donohue, 367 U.S. 820, 81 S.Ct. 1826, 6 L.Ed.2d. 1191 (1961), reh’g denied, 368 U.S. 871, 82 S.Ct. 23, 7 L.Ed.2d. 72 (1961) (a state supreme court may order integration of the state bar); Railway Emp. Dept. v. Hanson, 351 U.S. 225, 76 S.Ct. 714, 100 L.Ed. 1112 (1956), motion denied, 351 U.S. 979, 76 S.Ct. 1044, 100 L.Ed. 1494 (1956) and reh’g denied, 352 U.S. 859, 77 S.Ct. 22, 1 L.Ed.2d. 69 (1956) (upholding the validity of the union shop provision of the Railway Labor Act).

The First Amendment right to freedom of association of teachers was not violated by enforcement of a rule that white teachers whose children did not attend public schools would not be rehired. Cook v. Hudson, 511 F.2d. 744, 9 Empl. Prac. Dec. (CCH) ¶ 10134 (5th Cir. 1975), reh’g denied, 515 F.2d. 762 (5th Cir. 1975) and cert. granted, 424 U.S. 941, 96 S.Ct. 1408, 47 L.Ed.2d. 347 (1976) and cert. dismissed, 429 U.S. 165, 97 S.Ct. 543, 50 L.Ed.2d. 373, 12 Empl. Prac. Dec. (CCH) ¶ 11246 (1976).

Annotation: Supreme Court’s views regarding Federal Constitution’s First Amendment right of association as applied to elections and other political activities, 116 L.Ed.2d. 997, § 10.

¹⁰² Rutan v. Republican Party of Illinois, 497 U.S. 62, 110 S.Ct. 2729, 111 L.Ed.2d. 52, 5 I.E.R. Cas. (BNA) 673 (1990), reh’g denied, 497 U.S. 1050, 111 S.Ct. 13, 111 L.Ed.2d. 828 (1990) and reh’g denied, 497 U.S. 1050, 111 S.Ct. 13, 111 L.Ed.2d. 828 (1990) (conditioning public employment hiring decisions on political belief and association violates the First Amendment rights of applicants in the absence of some vital governmental interest).

¹⁰³ Rutan v. Republican Party of Illinois, 497 U.S. 62, 110 S.Ct. 2729, 111 L.Ed.2d. 52, 5 I.E.R. Cas. (BNA) 673 (1990), reh’g denied, 497 U.S. 1050, 111 S.Ct. 13, 111 L.Ed.2d. 828 (1990) and reh’g denied, 497 U.S. 1050, 111 S.Ct. 13, 111 L.Ed.2d. 828 (1990).

Annotation: Public employee’s right of free speech under Federal Constitution’s First Amendment—Supreme Court cases, 97 L.Ed.2d. 903.

First Amendment protection for law enforcement employees subjected to discharge, transfer, or discipline because of speech, 109 A.L.R. Fed. 9.

First Amendment protection for judges or government attorneys subjected to discharge, transfer, or discipline because of speech, 108 A.L.R. Fed. 117.

First Amendment protection for public hospital or health employees subjected to discharge, transfer, or discipline because of speech, 107 A.L.R. Fed. 21.

Amendment principles prohibit a state from compelling any individual to associate with a political party, as a condition of retaining public employment.¹⁰⁴ The First Amendment protects nonpolicymaking public employees from discrimination based on their political beliefs or affiliation.¹⁰⁵ But the First Amendment protects the right of political party members to advocate that a specific person be elected or appointed to a particular office and that a specific person be hired to perform a governmental function.¹⁰⁶ In the First Amendment context, the political patronage exception to the First Amendment protection for public employees is to be construed broadly, so as presumptively to encompass positions placed by legislature outside of "merit" civil service. Positions specifically named in relevant federal, state, county, or municipal laws to which discretionary authority with respect to enforcement of that law or carrying out of some other policy of political concern is granted, such as a secretary of state given statutory authority over various state corporation law practices, fall within the political patronage exception to First Amendment protection of public employees.¹⁰⁷ However, a supposed interest in ensuring effective government and efficient government employees, political affiliation or loyalty, or high salaries paid to the employees in question should not be counted as indicative of positions that require a particular party affiliation.¹⁰⁸

[American Jurisprudence 2d, Constitutional law, §546: Forced and Prohibited Associations (1999)]

10.2. An attempt to violate the separation of powers doctrine by involving the court in "political questions":

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

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

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

YOUR ANSWER: ____Admit ____Deny

CLARIFICATION:_____

11. Admit that one's choice of legal domicile is the basis from which the government derives its authority to collect income taxes.

"Thus, the Court has frequently held that domicile or residence, more substantial than mere presence in transit or sojourn, is an adequate basis for taxation, including income, property, and death taxes. Since the Fourteenth Amendment makes one a citizen of the state wherein he resides, the fact of residence creates universally reciprocal duties of protection by the state and of allegiance and support by the citizen. The latter obviously

First Amendment protection for publicly employed firefighters subjected to discharge, transfer, or discipline because of speech, 106 A.L.R. Fed. 396.

¹⁰⁴ *Abood v. Detroit Bd. of Ed.*, 431 U.S. 209, 97 S.Ct. 1782, 52 L.Ed.2d. 261, 95 L.R.R.M. (BNA) 2411, 81 Lab. Cas. (CCH) ¶55041 (1977), reh'g denied, 433 U.S. 915, 97 S.Ct. 2989, 53 L.Ed.2d. 1102 (1977); *Parrish v. Nikolits*, 86 F.3d. 1088 (11th Cir. 1996), cert. denied, 117 S.Ct. 1818, 137 L.Ed.2d. 1027 (U.S. 1997).

¹⁰⁵ *LaRou v. Ridlon*, 98 F.3d. 659 (1st Cir. 1996); *Parrish v. Nikolits*, 86 F.3d. 1088 (11th Cir. 1996), cert. denied, 117 S.Ct. 1818, 137 L.Ed.2d. 1027 (U.S. 1997).

¹⁰⁶ *Vickery v. Jones*, 100 F.3d. 1334 (7th Cir. 1996), cert. denied, 117 S.Ct. 1553, 137 L.Ed.2d. 701 (U.S. 1997).

Responsibilities of the position of director of a municipality's office of federal programs resembled those of a policymaker, privy to confidential information, a communicator, or some other office holder whose function was such that party affiliation was an equally important requirement for continued tenure. *Ortiz-Pinero v. Rivera-Arroyo*, 84 F.3d. 7 (1st Cir. 1996).

¹⁰⁷ *McCloud v. Testa*, 97 F.3d. 1536, 12 I.E.R. Cas. (BNA) 1833, 1996 Fed.App. 335P (6th Cir. 1996), reh'g and suggestion for reh'g en banc denied, (Feb. 13, 1997).

Law Reviews: Stokes, When Freedoms Conflict: Party Discipline and the First Amendment. 11 JL & Pol 751, Fall, 1995.

Pave, Public Employees and the First Amendment Petition Clause: Protecting the Rights of Citizen-Employees Who File Legitimate Grievances and Lawsuits Against Their Government Employers. 90 N.W. U LR 304, Fall, 1995.

Singer, Conduct and Belief: Public Employees' First Amendment Rights to Free Expression and Political Affiliation. 59 U Chi LR 897, Spring, 1992.

As to political patronage jobs, see § 472.

¹⁰⁸ *Parrish v. Nikolits*, 86 F.3d. 1088 (11th Cir. 1996), cert. denied, 117 S.Ct. 1818, 137 L.Ed.2d. 1027 (U.S. 1997).

1 *includes a duty to pay taxes, and their nature and measure is largely a political matter.* Of course, the situs of
2 property may tax it regardless of the citizenship, domicile, or residence of the owner, the most obvious illustration
3 being a tax on realty laid by the state in which the realty is located."
4 [Miller Brothers Co. v. Maryland, [347 U.S. 340](#) (1954)]

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

13 YOUR ANSWER: ____Admit ____Deny

14 CLARIFICATION: _____

- 15
16 12. Admit that the income tax described in Internal Revenue Code, Subtitle A is a tax upon a "trade or business", which is
17 defined as follows:

18 [26 U.S.C. §7701\(a\)\(26\)](#)

19 "The term 'trade or business' [includes](#) the performance of the functions of a [public office](#)."

20 YOUR ANSWER: ____Admit ____Deny

21 CLARIFICATION: _____

- 22
23 13. Admit that a "trade or business" is an "activity"

24 YOUR ANSWER: ____Admit ____Deny

25 CLARIFICATION: _____

- 26
27 14. Admit that all taxes on activities are "excise taxes":

28 *"Excise tax. A tax imposed on the performance of an act, the engaging in an occupation, or the enjoyment of a*
29 *privilege. Rapa v. Haines, Ohio Comm.Pl., 101 N.E.2d. 733, 735. A tax on the manufacture, sale, or use of goods*
30 *or on the carrying on of an occupation or activity or tax on the transfer of property. In current usage the term*
31 *has been extended to include various license fees and practically every internal revenue tax except income tax*
32 *(e.g., federal alcohol and tobacco excise taxes, I.R.C. §5011 et seq.)"*
33 [Black's Law Dictionary, Sixth Edition, p. 563]

34 YOUR ANSWER: ____Admit ____Deny

35 CLARIFICATION: _____

- 36
37 15. Admit that all "excise taxes" are voluntary and avoidable, and that engaging in the taxed activity necessarily involves
38 consent to be bound by all the consequences associated with the activity, including excise taxes:

39 "Excises are taxes laid upon the manufacture, sale or consumption of commodities within the country, upon
40 licenses to pursue certain occupations and upon corporate privileges..the requirement to pay such taxes
41 involves the exercise of [220 U.S. 107, 152] privileges, and the element of absolute and unavoidable demand
42 is lacking..

43 *...It is therefore well settled by the decisions of this court that when the sovereign authority has exercised the right*
44 *to tax a legitimate subject of taxation as an exercise of a franchise or privilege, it is no objection that the measure*
45 *of taxation is found in the income produced in part from property which of itself considered is nontaxable...*

46 *Conceding the power of Congress to tax the business activities of private corporations.. the tax must be measured*
47 *by some standard..."*
48 [Flint v. Stone Tracy Co., [220 U.S. 107](#) (1911)]

CALIFORNIA CIVIL CODE
DIVISION 3. OBLIGATIONS
PART 2. CONTRACTS
CHAPTER 3. CONSENT

[Section 1589](#)

1589. A voluntary acceptance of the benefit of a transaction [or “activity”] is equivalent to a consent to all the obligations arising from it, so far as the facts are known, or ought to be known, to the person accepting.

YOUR ANSWER: ____Admit ____Deny

CLARIFICATION:_____

16. Admit that the facts in the preceding question are one of the reasons why both the IRS and the U.S. Supreme Court refer to the Internal Revenue Code, Subtitle A income tax as “voluntary” or based on “voluntary compliance”:

“Our system of taxation is based upon voluntary assessment and payment, not distraint.”
[Flora v. U.S., 362 U.S. 145 (1960)]

“The purpose of the IRS is to collect the proper amount of tax revenues at the least cost to the public, and in a manner that warrants the highest degree of public confidence in our integrity, efficiency and fairness. To achieve that purpose, we will encourage and achieve the highest possible degree of **voluntary compliance** in accordance with the tax laws and regulations...”
[Internal Revenue Manual (I.R.M.), Chapter 1100, section 1111.1]

YOUR ANSWER: ____Admit ____Deny

CLARIFICATION:_____

17. Admit that information returns such as IRS Forms W-2, 1042-S, 1098, and 1099 are the method by which the transfer of money is connected with the “trade or business” activity, pursuant to 26 U.S.C. §6041.

[TITLE 26](#) > [Subtitle F](#) > [CHAPTER 61](#) > [Subchapter A](#) > [PART III](#) > [Subpart B](#) > § 6041
[§ 6041. Information at source](#)

(a) Payments of \$600 or more

All persons engaged in a trade or business and making payment in the course of such trade or business to another person, of rent, salaries, wages, premiums, annuities, compensations, remunerations, emoluments, or other fixed or determinable gains, profits, and income (other than payments to which section [6042 \(a\)\(1\)](#), [6044 \(a\)\(1\)](#), [6047 \(e\)](#), [6049 \(a\)](#), or [6050N \(a\)](#) applies, and other than payments with respect to which a statement is required under the authority of section [6042 \(a\)\(2\)](#), [6044 \(a\)\(2\)](#), or [6045](#)), **of \$600 or more in any taxable year, or, in the case of such payments made by the United States, the officers or employees of the United States having information as to such payments and required to make returns in regard thereto by the regulations hereinafter provided for, shall render a true and accurate return to the Secretary, under such regulations and in such form and manner and to such extent as may be prescribed by the Secretary, setting forth the amount of such gains, profits, and income, and the name and address of the recipient of such payment.**

YOUR ANSWER: ____Admit ____Deny

CLARIFICATION:_____

18. Admit that excise taxes upon regulated activities constitute a “franchise”:

FRANCHISE. A special privilege conferred by government on individual or corporation, and which does not belong to citizens of country generally of common right. Elliott v. City of Eugene, 135 Or. 108, 294 P. 358, 360. In England it is defined to be a royal privilege in the hands of a subject.

A “franchise,” as used by Blackstone in defining quo warranto, (3 Com. 262 [4th Am. Ed.] 322), had reference to a royal privilege or branch of the king's prerogative subsisting in the hands of the subject, and must arise from the king's grant, or be held by prescription, but today we understand a franchise to be some special privilege

conferred by government on an individual, natural or artificial, which is not enjoyed by its citizens in general. *State v. Fernandez*, 106 Fla. 779, 143 So. 638, 639, 86 A.L.R. 240.

In this country a franchise is a privilege or immunity of a public nature, which cannot be legally exercised without legislative grant. To be a corporation is a franchise. The various powers conferred on corporations are franchises. The execution of a policy of insurance by an insurance company [e.g. **Social Insurance/Socialist Security**], and the issuing a bank note by an incorporated bank [such as a **Federal Reserve NOTE**], are franchises. *People v. Utica Ins. Co.*, 15 Johns., N.Y., 387, 8 Am.Dec. 243. But it does not embrace the property acquired by the exercise of the franchise. *Bridgeport v. New York & N. H. R. Co.*, 36 Conn. 255, 4 Am.Rep. 63. Nor involve interest in land acquired by grantee. *Whitbeck v. Funk*, 140 Or. 70, 12 P.2d. 1019, 1020. **In a popular sense, the political rights of subjects and citizens are franchises, such as the right of suffrage, etc. Pierce v. Emery, 32 N.H. 484; State v. Black Diamond Co., 97 Ohio.St. 24, 119 N.E. 195, 199, L.R.A. 1918E, 352.**

Elective Franchise. The right of suffrage: the right or privilege of voting in public elections.

Exclusive Franchise. See Exclusive Privilege or Franchise.

General and Special. The charter of a corporation is its "general" franchise, while a "special" franchise consists in any rights granted by the public to use property for a public use but-with private profit. Lord v. Equitable Life Assur. Soc., 194 N.Y. 212, 81 N.E. 443, 22 L.R.A.,N.S., 420.

Personal Franchise. A franchise of corporate existence, or one which authorizes the formation and existence of a corporation, is sometimes called a "personal" franchise, as distinguished from a "property" franchise, which authorizes a corporation so formed to apply its property to some particular enterprise or exercise some special privilege in its employment, as, for example, to construct and operate a railroad. See Sandham v. Nye, 9 Misc.Rep. 541, 30 N.Y.S. 552.

Secondary Franchises. The franchise of corporate existence being sometimes called the "primary" franchise of a corporation, its "secondary" franchises are the special and peculiar rights, privileges, or grants which it may, receive under its charter or from a municipal corporation, such as the right to use the public streets, exact tolls, collect fares, etc. State v. Topeka Water Co., 61 Kan. 547, 60 P. 337; Virginia Canon Toll Road Co. v. People, 22 Colo. 429, 45 P. 398 37 L.R.A. 711. The franchises of a corporation are divisible into (1) corporate or general franchises; and (2) "special or secondary franchises. The former is the franchise to exist as a corporation, while the latter are certain rights and privileges conferred upon existing corporations. Gulf Refining Co. v. Cleveland Trust Co., 166 Miss. 759, 108 So. 158, 160.

Special Franchisee. See Secondary Franchises, supra.
[Black's Law Dictionary, Fourth Edition, pp. 786-787]

YOUR ANSWER: ____Admit ____Deny

CLARIFICATION: _____

19. Admit that the basis for all franchises is an implied or express contract of some kind.

As a rule, **franchises spring from contracts between the sovereign power and private citizens**, made upon valuable considerations, for purposes of individual advantage as well as public benefit,¹⁰⁹ and thus a franchise partakes of a double nature and character. So far as it affects or concerns the public, it is *publici juris* and is subject to governmental control. The legislature may prescribe the manner of granting it, to whom it may be granted, the conditions and terms upon which it may be held, and the duty of the grantee to the public in exercising it, and may also provide for its forfeiture upon the failure of the grantee to perform that duty. But when granted, it becomes the property of the grantee, and is a private right, subject only to the governmental control growing out of its other nature as *publici juris*.¹¹⁰
[American Jurisprudence 2d, Franchises, §4: Generally (1999)]

YOUR ANSWER: ____Admit ____Deny

CLARIFICATION: _____

¹⁰⁹ *Georgia R. & Power Co. v. Atlanta*, 154 Ga. 731, 115 S.E. 263; *Lippencott v. Allander*, 27 Iowa 460; *State ex rel. Hutton v. Baton Rouge*, 217 La. 857, 47 So.2d. 665; *Tower v. Tower & S. Street R. Co.* 68 Minn 500, 71 N.W. 691.

¹¹⁰ *Georgia R. & Power Co. v. Atlanta*, 154 Ga. 731, 115 S.E. 263; *Lippencott v. Allander*, 27 Iowa 460; *State ex rel. Hutton v. Baton Rouge*, 217 La. 857, 47 So.2d. 665; *Tower v. Tower & S. Street R. Co.* 68 Minn 500, 71 N.W. 691.

20. Admit that all law which regulates franchises is “special law” that only applies to those who implicitly or explicitly consent to the terms of the franchise agreement.

“special law. One relating to particular persons or things; one made for individual cases or for particular places or districts; one operating upon a selected class, rather than upon the public generally. A private law. A law is “special” when it is different from others of the same general kind or designed for a particular purpose, or limited in range or confined to a prescribed field of action or operation. A “special law” relates to either particular persons, places, or things or to persons, places, or things which, though not particularized, are separated by any method of selection from the whole class to which the law might, but not such legislation, be applied. Utah Farm Bureau Ins. Co. v. Utah Ins. Guaranty Ass’n, Utah, 564 P.2d. 751, 754. A special law applies only to an individual or a number of individuals out of a single class similarly situated and affected, or to a special locality. Board of County Com’rs of Lemhi County v. Swensen, Idaho, 80 Idaho 198, 327 P.2d. 361, 362. See also Private bill; Private law. Compare General law; Public law.”
[Black’s Law Dictionary, Sixth Edition, pp. 1397-1398]

YOUR ANSWER: ____Admit ____Deny

CLARIFICATION:_____

21. Admit that the U.S. Supreme Court describes the income tax as “quasi-contractual”:

*“Even if the judgment is deemed to be colored by the nature of the obligation whose validity it establishes, and we are free to re-examine it, and, if we find it to be based on an obligation penal in character, to refuse to enforce it outside the state where rendered, see Wisconsin v. Pelican Insurance Co., 127 U.S. 265, 292, et seq. 8 S.Ct. 1370, compare Fauntleroy v. Lum, 210 U.S. 230, 28 S.Ct. 641, **still the obligation to pay taxes is not penal. It is a statutory liability, quasi contractual in nature, enforceable, if there is no exclusive statutory remedy, in the civil courts by the common-law action of debt or indebitatus assumpsit.** United States v. Chamberlin, 219 U.S. 250, 31 S.Ct. 155; Price v. United States, 269 U.S. 492, 46 S.Ct. 180; Dollar Savings Bank v. United States, 19 Wall. 227; and see Stockwell v. United States, 13 Wall. 531, 542; Meredith v. United States, 13 Pet. 486, 493. This was the rule established in the English courts before the Declaration of Independence. Attorney General v. Weeks, Bunbury’s Exch. Rep. 223; Attorney General v. Jewers and Batty, Bunbury’s Exch. Rep. 225; Attorney General v. Hatton, Bunbury’s Exch. Rep. [296 U.S. 268, 272] 262; Attorney General v. ___, 2 Ans.Rep. 558; see Comyn’s Digest (Title ‘Det’, A, 9); 1 Chitty on Pleading, 123; cf. Attorney General v. Sewell, 4 M.&W. 77. “*
[Milwaukee v. White, 296 U.S. 268 (1935)]

YOUR ANSWER: ____Admit ____Deny

CLARIFICATION:_____

22. Admit that [Internal Revenue Code, Subtitle A](#) constitutes a “franchise agreement” by which those engaging in the “trade or business” franchise agreement are regulated.

YOUR ANSWER: ____Admit ____Deny

CLARIFICATION:_____

23. Admit that persons subject to the “trade or business” franchise agreement codified in [Internal Revenue Code, Subtitle A](#) are defined in [26 U.S.C. §7701\(a\)\(14\)](#) as “taxpayers”.

[26 U.S.C. §7701\(a\)\(14\)](#):

Taxpayer

The term “taxpayer” means any person subject to any internal revenue tax.

YOUR ANSWER: ____Admit ____Deny

CLARIFICATION:_____

24. Admit that the “trade or business” franchise agreement codified in [Internal Revenue Code, Subtitle A](#) may not be enforced against “nontaxpayers”, which are persons who never consented to the franchise agreement.

“Revenue Laws relate to taxpayers [instrumentalities, officers, employees, and elected officials of the national and not Federal Government] and not to non-taxpayers [American Citizens/American Nationals not subject to the exclusive jurisdiction of the national Government]. The latter are without their scope. 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)]

“The revenue laws are a code or system in regulation of tax assessment and collection. They relate to taxpayers, and not to nontaxpayers. The latter are without their scope. No procedure is prescribed for nontaxpayers, and no attempt is made to annul any of their rights and remedies in due course of law. With them Congress does not assume to deal, and they are neither of the subject nor of the object of the revenue laws...”

[Long v. Rasmussen, 281 F. 236 (1922)]

YOUR ANSWER: ____Admit ____Deny

CLARIFICATION:_____

25. Admit that it constitutes involuntary servitude, peonage, and slavery in violation of the Thirteenth Amendment and [42 U.S.C. §1994](#) to enforce any provision of the “trade or business” franchise agreement against anyone who is not party to it, such as a “nontaxpayer”.

*“Other authorities to the same effect might be cited. It is not open to doubt that Congress may enforce the Thirteenth Amendment by direct legislation, punishing the holding of a person in slavery or in involuntary servitude except as a punishment for a crime. In the exercise of that power Congress has enacted these sections denouncing peonage, and punishing one who holds another in that condition of involuntary servitude. **This legislation is not limited to the territories or other parts of the strictly national domain, but is operative in the states and wherever the sovereignty of the United States extends.** We entertain no doubt of the validity of this legislation, or of its applicability to the case of any person holding another in a state of peonage, and this whether there be municipal ordinance or state law sanctioning such holding. **It operates directly on every citizen of the Republic, wherever his residence may be.**”*

[Clyatt v. U.S., 197 U.S. 207 (1905)]

*“That it does not conflict with the Thirteenth Amendment, which abolished slavery and involuntary servitude, except as a punishment for crime, is too clear for argument. Slavery implies involuntary servitude—a state of bondage; the ownership of mankind as a chattel, **or at least the control of the labor and services of one man for the benefit of another, and the absence of a legal right to the disposal of his own person, property, and services [in their entirety].** This amendment was said in the Slaughter House Cases, 16 Wall, 36, to have been intended primarily to abolish slavery, as it had been previously known in this country, and that it equally forbade Mexican peonage or the Chinese coolie trade, when they amounted to slavery or involuntary servitude and that the use of the word ‘servitude’ was intended to prohibit the use of all forms of involuntary slavery, of whatever class or name.”*

[Plessy v. Ferguson, 163 U.S. 537, 542 (1896)]

YOUR ANSWER: ____Admit ____Deny

CLARIFICATION:_____

26. Admit that those who participate in government franchises become “residents” with the jurisdiction of the government granting the franchise, even if they do not maintain a domicile within said territorial jurisdiction:

*A domestic corporation is one organized or created in the United States, including only the States (and during the periods when not States, the Territories of Alaska and Hawaii), and the District of Columbia, or under the law of the United States or of any State or Territory. A foreign corporation is one which is not domestic. A domestic corporation is a resident corporation even though it does no business and owns no property in the United States. **A foreign corporation engaged in trade or business within the United States is referred to in the regulations in this chapter as a resident foreign corporation, and a foreign corporation not engaged in trade or business within the United States, as a nonresident foreign corporation.** A partnership engaged in trade or business within the United States is referred to in the regulations in this chapter as a resident partnership, and a partnership not engaged in trade or business within the United States, as a nonresident partnership. **Whether a partnership is to be regarded as resident or nonresident is not determined by the nationality or residence of its members or by the place in which it was created or organized.***

[Amended by T.D. 8813, Federal Register: February 2, 1999 (Volume 64, Number 21), Page 4967-4975]

[**IMPORTANT NOTE!**: Whether a "person" is a "resident" or "nonresident" has **NOTHING** to do with the nationality or residence, but with whether it is engaged in a "trade or business" franchise]
[26 C.F.R. §301.7701-5 Domestic, foreign, resident, and nonresident persons; older version
SOURCE: <http://famguardian.org/TaxFreedom/CitesByTopic/Resident-26cfr301.7701-5.pdf>]

YOUR ANSWER: ____Admit ____Deny

CLARIFICATION:_____

27. Admit that it is unlawful to compel a person who is not subject to a franchise agreement to use a legislative or “franchise court” such as tax court.

YOUR ANSWER: ____Admit ____Deny

CLARIFICATION:_____

28. Admit Tax Court is an Article I Legislative “Franchise Court”

[TITLE 26](#) > [Subtitle F](#) > [CHAPTER 76](#) > [Subchapter C](#) > [PART I](#) > § 7441
[§ 7441. Status](#)

*There is hereby established, under **article I of the Constitution of the United States**, a court of record to be known as the United States Tax Court. The members of the Tax Court shall be the chief judge and the judges of the Tax Court.*

YOUR ANSWER: ____Admit ____Deny

CLARIFICATION:_____

29. Admit that Tax Court has NO JURISDICTION over persons who are not franchisees called “taxpayers”:

*United States Tax Court
RULE 13. JURISDICTION*

(a) ...the jurisdiction of the Court depends

(1) in a case commenced in the Court by a taxpayer, upon the issuance by the Commissioner of a notice of deficiency in income

YOUR ANSWER: ____Admit ____Deny

CLARIFICATION:_____

30. Admit that NO FEDERAL COURT has the legislatively delegated authority to declare a person who is a “nontaxpayer” as a “taxpayer”:

[TITLE 28](#) > [PART VI](#) > [CHAPTER 151](#) > § 2201
[§ 2201. Creation of remedy](#)

(a) In a case of actual controversy within its jurisdiction, except with respect to Federal taxes other than actions brought under section 7428 of the Internal Revenue Code of 1986, a proceeding under section [505](#) or [1146](#) of title [11](#), or in any civil action involving an antidumping or countervailing duty proceeding regarding a class or kind of merchandise of a free trade area country (as defined in section 516A(f)(10) of the Tariff Act of 1930), as determined by the administering authority, any court of the United States, upon the filing of an appropriate pleading, may declare the rights and other legal relations of any interested party seeking such declaration, whether or not further relief is or could be sought. Any such declaration shall have the force and effect of a final judgment or decree and shall be reviewable as such.

YOUR ANSWER: ____Admit ____Deny

CLARIFICATION:_____

31. Admit that NO FEDERAL COURT can lawfully do indirectly that which it cannot do directly.

"I turn now to the arguments by which the constitutionality of the act of Congress has been attempted to be supported. It is said that, though Congress cannot directly abrogate contracts, or impair their obligation, it may indirectly, by the exercise of other powers granted to it. This I have conceded, but I deny that an acknowledged power can be exerted solely for the purpose of effecting indirectly an unconstitutional end which the legislature cannot directly attempt to reach. If the purpose were declared in the act, I think no court would hesitate to pronounce the act void. In Hoke v. Harderson, to which I have referred, Chief Justice Ruffin, when considering at length an argument that a legislature could purposely do indirectly what it could not do directly, used this strong language: 'The argument is unsound in this, that it supposes (what cannot be admitted as a supposition) the legislature will, designedly and wilfully, violate the Constitution, in utter disregard of their oaths and duty. To do indirectly in the abused exercise of an acknowledged power, not given for, but perverted for that purpose, that which is expressly forbidden to be done directly, is a gross and wicked infraction of the Constitution.'"

[Sinking Fund Cases, 99 U.S. 700 (1878)]

YOUR ANSWER: ____ Admit ____ Deny

CLARIFICATION: _____

32. Admit that it is an unconstitutional violation of due process of law to "presume" that a "nontaxpayer" is a "taxpayer":
32.1. The foundation of the American system of jurisprudence is innocence until proven guilty, which means that everyone is a "nontaxpayer" until proven with evidence and not presumption, that they are a "taxpayer".

"In Calder v. Bull, which was here in 1798, Mr. Justice Chase said, that there were acts which the Federal and State legislatures could not do without exceeding their authority, and among them he mentioned a law which punished a citizen for an innocent act; a law that destroyed or impaired the lawful private [labor] contracts [and labor compensation, e.g. earnings from employment through compelled W-4 withholding] of citizens; a law that made a man judge in his own case; and a law that took the property from A [the worker], and gave it to B [the government or another citizen, such as through social welfare programs]. 'It is against all reason and justice,' he added, 'for a people to intrust a legislature with such powers, and therefore it cannot be presumed that they have done it. They may command what is right and prohibit what is wrong; but they cannot change innocence into guilt, or punish innocence as a crime, or violate the right of an antecedent lawful private [employment] contract [by compelling W-4 withholding, for instance], or the right of private property. To maintain that a Federal or State legislature possesses such powers [of THEFT!] if they had not been expressly restrained, would, in my opinion, be a political heresy altogether inadmissible in all free republican governments.' 3 Dall. 388."

[Sinking Fund Cases, 99 U.S. 700 (1878)]

"Keeping in mind the well-settled rule that the citizen is exempt from taxation unless the same is imposed by clear and unequivocal language, and that where the construction of a tax law is doubtful, the doubt is to be resolved in favor of those upon whom the tax is sought to be laid."

[Spreckels Sugar Refining Co. v. McClain, 192 U.S. 397 (1904)]

32.2. All presumptions which prejudice constitutionally guaranteed rights are unconstitutional violations of due process.

(1) [8:4993] Conclusive presumptions affecting protected interests: A conclusive presumption may be defeated where its application would impair a party's constitutionally-protected liberty or property interests. In such cases, conclusive presumptions have been held to violate a party's due process and equal protection rights. [Vlandis v. Kline (1973) 412 U.S. 441, 449, 93 S.Ct. 2230, 2235; Cleveland Bd. of Ed. v. LaFleur (1974) 414 U.S. 632, 639-640, 94 S.Ct. 1208, 1215-presumption under Illinois law that unmarried fathers are unfit violates process]

[Federal Civil Trials and Evidence, Rutter Group, paragraph 8:4993, p. 8K-34]

"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)]

YOUR ANSWER: ____ Admit ____ Deny

CLARIFICATION: _____

33. Admit that the Anti-Injunction Act codified in [26 U.S.C. §7421](#) only applies to franchisees called “taxpayers”, and may not be invoked against a “nontaxpayer”, and that this therefore implies that it is a part of the franchise agreement codified in Internal Revenue Code, Subtitle A:

*In sum, the Anti-Injunction Act's purpose and the circumstances of its enactment indicate that Congress did not intend the Act to apply to actions brought by aggrieved parties for whom it has not provided an alternative remedy [such as NONTAXPAYERS]. 17 In this [465 U.S. 367, 379] case, if the plaintiff South Carolina issues bearer bonds, its bondholders will, by virtue of 103(j)(1), be liable for the tax on the interest earned on those bonds. South Carolina will [465 U.S. 367, 380] incur no tax liability. Under these circumstances, the State will be unable to utilize any statutory procedure to contest the constitutionality of 103(j)(1). Accordingly, the Act cannot bar this action.
[South Carolina v. Regan, 465 U.S. 367 (1984)]*

YOUR ANSWER: ____Admit ____Deny

CLARIFICATION:_____

34. Admit that the only statutory remedy provided for “nontaxpayers” within the Internal Revenue Code is that found in [26 U.S.C. §7426](#).

*TITLE 26 > Subtitle F > CHAPTER 76 > Subchapter B > § 7426
§ 7426. Civil actions by persons other than taxpayers*

(a) Actions permitted

(1) Wrongful levy

If a levy has been made on property or property has been sold pursuant to a levy, and any person (other than the person against whom is assessed the tax out of which such levy arose) who claims an interest in or lien on such property and that such property was wrongfully levied upon may bring a civil action against the United States in a district court of the United States. Such action may be brought without regard to whether such property has been surrendered to or sold by the Secretary.

YOUR ANSWER: ____Admit ____Deny

CLARIFICATION:_____

35. Admit that the Anti-Injunction Act may not be lawfully imposed by federal courts against “nontaxpayers” to dismiss attempts to prevent illegal collection actions instituted by the IRS that are not addressed within [26 U.S.C. §7426](#).

*In holding that the Act does not bar suits by nontaxpayers with no other remedies, the Court today has created a “breach in the general scheme of taxation [that] gives an opening for the disorganization of the whole plan [.]” Allen v. Regents, 304 U.S. 439, 454, 58 S.Ct. 980, 987, 82 L.Ed. 1448 (Reed, J., concurring in the result). Non-taxpaying associations of taxpayers, and most other nontaxpayers, will now be allowed to sidestep Congress' policy against judicial resolution of abstract tax controversies. They can now challenge both Congress' tax statutes and the Internal Revenue Service's regulations, revenue rulings, and private letter decisions. In doing so, they can impede *395 the process of collecting federal revenues and require Treasury to focus its energies on questions deemed important not by it or Congress but by a host of private plaintiffs. The Court's holding travels “a long way down the road to the emasculation of the Anti-Injunction Act, and down the companion pathway that leads to the blunting of the strict requirements of Williams Packing” Commissioner v. Shapiro, 424 U.S. 614, 635, 96 S.Ct. 1062, 1074, 47 L.Ed.2d. 278 (1976) (BLACKMUN, J., dissenting). I simply cannot join such a fundamental undermining of the congressional purpose.
[South Carolina v. Regan, 465 U.S. 367 (1984)]*

YOUR ANSWER: ____Admit ____Deny

CLARIFICATION:_____

Affirmation:

I declare under penalty of perjury as required under [26 U.S.C. §6065](#) that the answers provided by me to the foregoing questions are true, correct, and complete to the best of my knowledge and ability, so help me God. I also declare that these answers are completely consistent with each other and with my understanding of both the Constitution of the United States,

Requirement for Consent

1 Internal Revenue Code, Treasury Regulations, the Internal Revenue Manual (I.R.M.), and the rulings of the Supreme Court
2 but not necessarily lower federal courts.

3 Name (print): _____

4 Signature: _____

5 Date: _____

6 Witness name (print): _____

7 Witness Signature: _____

8 Witness Date: _____