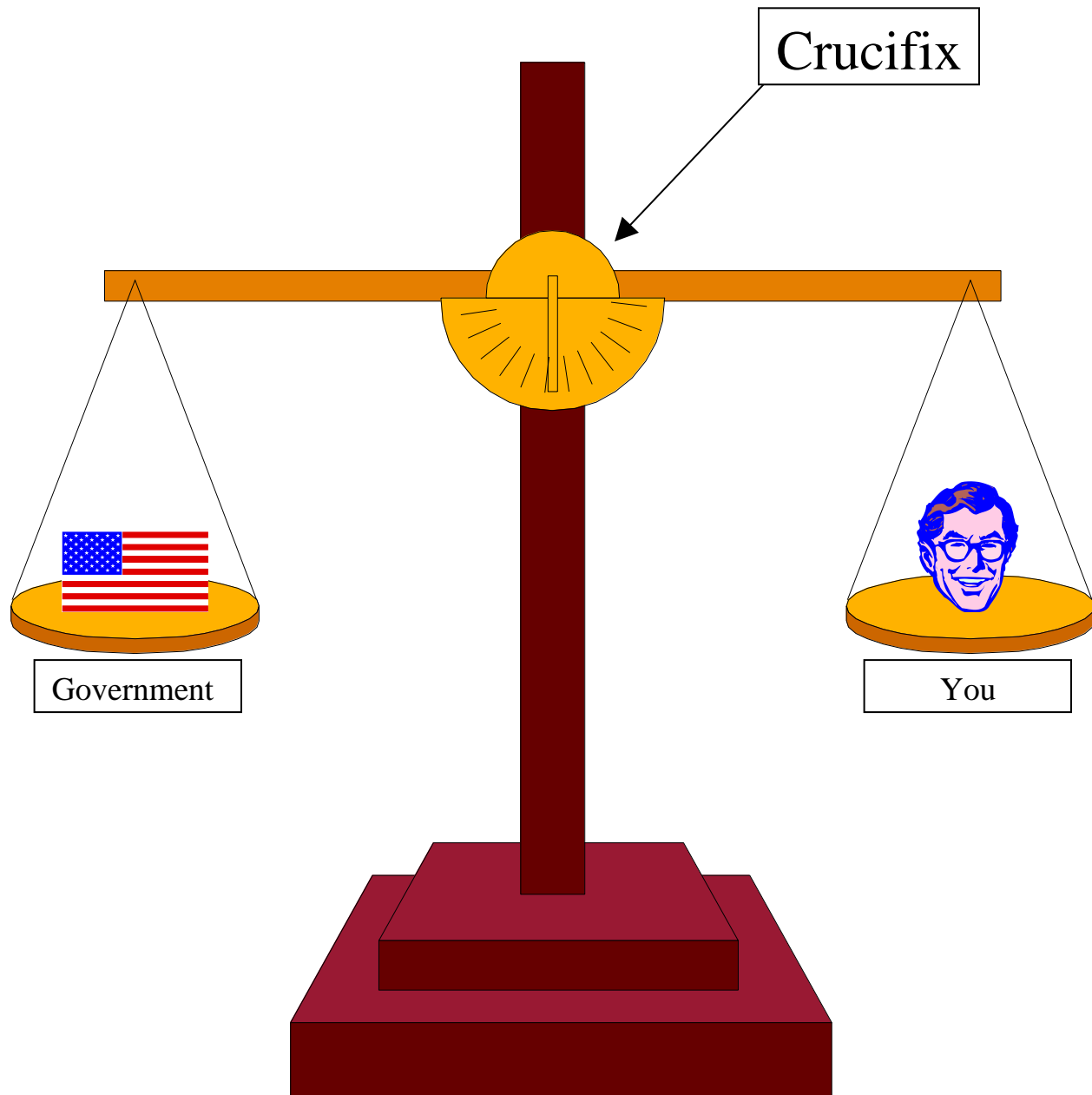


# ***REQUIREMENT FOR EQUAL PROTECTION AND EQUAL TREATMENT***



***“My son, if you receive my [God’s] words,  
And treasure my commands within you, [. . .]  
Then you will understand righteousness and justice,  
Equity and every good path.”  
[Prov. 2:1-9, Bible, NKJV]***

## DEDICATION

Our *Foundations of Freedom Course*, Form #12.021, Video 1 describes the importance of EQUALITY under the law as the foundation of ALL of your freedom:

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

SLIDES: <http://sedm.org/LibertyU/FoundOfFreedom-Slides.pdf>

VIDEO: <https://www.youtube.com/watch?v=ikf7CcT2I8I>



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*"[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 [ALL OF] society.**."*

*[Hurtado v. California, 110 U.S. 516, 535-536 (1884)]*

*"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) ]*

*"Power and law are not synonymous. In truth, they are frequently in opposition and irreconcilable. There is [God's Law](#) from which all equitable laws of man emerge and by which men must live if they are not to die in oppression, chaos and despair. Divorced from [God's eternal and immutable Law](#), established before the founding of the suns, man's power is evil no matter the noble words with which it is employed or the motives urged when enforcing it. Men of good will, mindful therefore of the [Law laid down by God](#), will oppose governments whose rule is by men, and if they wish to survive as a nation they will destroy the [\[de facto\] government](#) which attempts to adjudicate by the whim of venal judges."*

*[Marcus Tullius Cicero, 106-43 B.C.]*

*"[True Law](#) is right reason [in agreement with Nature](#), it is of universal application, unchanging and everlasting; it summons to duty by its commands and averts from wrong-doing by its prohibitions. And it does not lay its commands or prohibitions upon good men in vain, although neither have any effect upon the wicked. It is a sin to try to alter this law, nor is it allowable to try to repeal a part of it, and it is impossible to abolish it entirely. We cannot be freed from its obligations by Senate or People, and we need not look outside ourselves for an expounder or interpreter of it. And there will not be different laws at Rome or at Athens, or different laws now and in the future, but one [eternal and unchangeable law](#) will be valid for all times*

and all nations, and there will be one master and one rule, that is God, for He is the author of [this law](#), its promulgator, and its enforcing judge."  
[Marcus Tullius Cicero, 106-43 B.C.]

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"Law Is a Negative Concept: The harmlessness of the mission performed by law and lawful defense is self-evident; the usefulness is obvious; and the legitimacy cannot be disputed.

As a friend of mine once remarked, this negative concept of law is so true that the statement, the purpose of the law is to cause [justice](#) to reign, is not a rigorously accurate statement. It ought to be stated that the purpose of the law is to prevent injustice from reigning. In fact, it is [injustice](#), instead of [justice](#), that has an existence of its own. [Justice](#) is achieved only when injustice is absent.

But when the law, by means of its necessary agent, force, imposes upon men a regulation of labor, a method or a subject of education, a religious faith or creed - then the law is no longer negative; it acts positively upon people. It substitutes the will of the legislator for their own initiatives. When this happens, the people no longer need to discuss, to compare, to plan ahead; the law does all this for them. Intelligence becomes a useless prop for the people; they cease to be men; they lose their personality, their liberty, their property.

Try to imagine a regulation of labor imposed by force that is not a violation of liberty; a transfer of wealth imposed by force that is not a violation of property. If you cannot reconcile these contradictions, then you must conclude that the law cannot organize labor and industry without organizing injustice."

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

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## **What Is Law?**

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

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

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

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

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

## **The Complete Perversion of the Law**

But, unfortunately, law by no means confines itself to its proper functions. And when it has exceeded its proper functions, it has not done so merely in some inconsequential and debatable matters. The law has gone further than this; it has acted in direct opposition to its own purpose. The law has been used to destroy its own objective: It has been applied to annihilating the justice that it was supposed to maintain; to limiting and destroying rights which its real purpose was to respect. The law

has placed the collective force at the disposal of the unscrupulous who wish, without risk, to exploit the person, liberty, and property of others. It has converted plunder into a right, defense into a crime, in order to punish lawful defense.

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

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

### **A Fatal Tendency of Mankind**

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

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

### **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.

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

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

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

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

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

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

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

More quotes at:

Famous Quotes About Rights and Liberty, Form #08.001, Section 4  
<http://sedm.org/Forms/FormIndex.htm>

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# 1 Introduction

In this memorandum we define “protection” as follow:

## ***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>]

Equal protection has been identified by the U.S. Supreme Court as the cornerstone of all free governments.

*“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 America, there are no kings and ALL START OUT equal. The Declaration of Independence says so:

*Declaration of Independence: “We hold these truths to be self-evident, that **all men are created equal**, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness.--That to secure these rights, Governments are instituted among Men, deriving their just powers from the consent of the governed,”*  
[SOURCE: [http://www.archives.gov/national\\_archives\\_experience/charters/declaration\\_transcript.html](http://www.archives.gov/national_archives_experience/charters/declaration_transcript.html)]

Therefore, in America there is no “Royal Prerogative”:

*“ROYAL PREROGATIVE. Those rights and capacities which the king [sovereign] enjoys alone in contradistinction to others and not to those which he enjoys in common with any of his subjects. It is that special pre-eminence which the sovereign has over all other persons, and out of the course of the common law by right of regal dignity. Aetna Casualty & Surety Co. v. Bramwell, D.C.Or., 12 F.2d. 307, 309.”*  
[Black's Law Dictionary, Revised Fourth Edition, p. 1496]

***“The people of this State, as the successors of its former sovereign, are entitled to all the rights which formerly belonged to the King by his prerogative. Through the medium of their Legislature they may exercise all the powers which previous to the Revolution could have been exercised either by the King alone, or by him in conjunction with his Parliament; subject only to those restrictions which have been imposed by the Constitution of this State or of the U.S.”***  
[Lansing v. Smith, 21 D. 89, 4 Wendel 9 (1829) (New York)]

The opposite of equal protection is discrimination, inequality, and “privilege”, all of which cause strife that divides and destroys nations, states, cities, and even families.

***“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 \$4,000 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.** 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." [Pollock v. Farmers' Loan and Trust Co., 157 U.S. 429 (1895)]

Franchises such as the modern income tax spoken of above are the main method of:

1. Implementing "class legislation" such as that spoken of above.
2. Implementing privileges.
3. Replacing constitutional rights with privileges.
4. Undermining rights protected by the Constitution, mainly motivated by what the Bible calls "the love of money".
5. Destroying equal protection that is the foundation of the U.S. Constitution.
6. Removing the protections of the common law and private rights from the people.

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. 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]

This pamphlet will describe how equal protection is implemented in the U.S. Constitution, the U.S. Code, and the rulings of the courts, and the limitations that it imposes on the actions of the government. It will also describe many of the most devious methods used by corrupt public servants to destroy or undermine equal protection.

There are many important legal implications and restrictions imposed upon public servants in connection with the requirement for equal protection and equal treatment that every American must be aware of in order to properly defend their constitutional rights. This memorandum of law will summarize these restrictions and show you how to apply them in a litigation context when defending your constitutionally protected rights to life, liberty, and property.

Equal protection and equal treatment under the law are very important subjects, because the LACK of them was the **only** thing that Jesus and God got publicly angry about in the Bible.

"And He said, "Woe to you also, lawyers! **For you load men with burdens hard to bear, and you yourselves do not touch the burdens with one of your fingers.**" [Luke 11:46, Bible, NKJV]

What Jesus was really criticizing, in fact, was government idolatry and superiority and the systematic destruction of equality between the governed and the governors by a corrupted legal profession. A judge or government prosecutor who imposes burdens upon you that he or she does not also have to abide by is, in fact:

1. Violating equal protection.
2. Imputing to him or her self "supernatural powers", which are powers, rights, and privileges that ordinary natural human beings such as yourself do not enjoy or are not permitted to enjoy.
3. Implementing a state sponsored religion in violation of the First Amendment Establishment Clause. A "religion" is legally defined simply as the worship of beings with supernatural powers. Worship, in fact, is legally defined as "obedience" and therefore "servitude".

**"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]

- 1 4. Turning the court into a state-sponsored church building.
- 2 5. Making himself into the priest of the civil religion.
- 3 6. Making the licensed attorneys into deacons who conduct the worship service.
- 4 7. Making the franchise “code” (not “law”, but “code”) that is being enforced into the equivalent of a state-sponsored
- 5 bible. That “code” acquires the “force of law” ONLY through your express or implied consent.
- 6 8. Making government into an “anarchist” by the U.S. Supreme Court’s own definition:

7 “Decency, security, and liberty alike demand that **government officials shall be subjected to the same rules of**

8 **conduct that are commands to the citizen.** In a government of laws, existence of the government will be imperiled

9 if it fails to observe the law scrupulously. **Our government is the potent, the omnipresent teacher. For good or**

10 **for ill, it teaches the whole people by its example. Crime is contagious. If the government becomes a lawbreaker,**

11 **it breeds contempt for law; it invites every man to become a law unto himself; it invites anarchy.** To declare

12 that in the administration of the criminal law the end justifies the means to declare that the government may

13 commit crimes in order to secure the conviction of a private criminal-would bring terrible retribution. Against

14 that pernicious doctrine this court should resolutely set its face.”

15 [[Olmstead v. United States, 277 U.S. 438 \(1928\)](#)]

16 Based on the last item above, GOVERNMENT anarchy results when governments do any of the following:

- 17 1. Enact laws that exempt themselves.
- 18 2. Are superior to the people they govern.
- 19 3. Break the laws with impunity. This happens most frequently when corrupt people in government engage in “selective
- 20 enforcement”, whereby they refuse to prosecute or interfere with the prosecution of anyone in government. The
- 21 Department of Justice or the District Attorney are the most frequent perpetrators of this type of crime.
- 22 4. Are able to choose which laws they want to be subject to, and thus refuse to enforce laws against themselves. The
- 23 most frequent method for this type of abuse is to assert sovereign, official, or judicial immunity as a defense in order to
- 24 protect the wrongdoers in government when they are acting outside their delegated authority, or outside what the
- 25 definitions in the statutes EXPRESSLY allow.

26 According to the Bible, “worship” implies OBEDIENCE to God’s laws ABOVE AND BEYOND man’s laws, which are

27 codified in the Holy Bible:

28 “Not everyone who says to Me, ‘Lord, Lord,’ shall enter the kingdom of heaven, **but he who does the will of My**

29 **Father in heaven.”**

30 [[Jesus in Matt. 7:21](#), Bible, NKJV]

31 “But why do you call Me ‘Lord, Lord,’ and not do the things which I say?”

32 [[Luke 6:46](#), Bible, NKJV]

33 “**He who has [understands and learns] My commandments [laws in the Bible] and keeps them, it is he who**

34 **loves Me.** And he who loves Me will be loved by My Father, and I will love him and manifest Myself to him.”

35 [[John 14:21](#), Bible, NKJV]

36 “And we have known and believed the love that God has for us. **God is love, and he who abides in love [obedience**

37 **to God’s Laws] abides in [and is a FIDUCIARY of] God, and God in him.”**

38 [[1 John 4:16](#), Bible, NKJV]

39 “Now by this we know that we know Him [God], if we **keep** His commandments. He who says, “I know Him,” and

40 does not **keep** His commandments, is a liar, and the truth is not in him. But whoever keeps His word, truly the

41 love of God is perfected in him. By this we know that we are in Him [His fiduciaries]. He who says he abides in

42 Him [as a fiduciary] ought himself also to walk just as He [Jesus] walked.”

43 [[1 John 2:3-6](#), Bible, NKJV]

44 Black’s Law Dictionary defines “worship” as follows:

45 **Worship.** Any form of religious service showing reverence for Divine Being, or exhortation to obedience to or

46 following the mandates of such Being. Religious exercises participated in by a number of persons assembled for

47 that purpose, the disturbance of which is a statutory offense in many states.

48 English law. A title of honor or dignity used in addresses to certain magistrates and other persons of rank or

49 office.



Public worship. This term may mean the worship of God, conducted and observed under public authority; or it may mean worship in an open or public place, without privacy or concealment; or it may mean the performance of religious exercises, under a provision for an equal right in the whole public to participate in its benefits; or it may be used in contradistinction to worship in the family or the closet. In this country, what is called "public worship" is commonly conducted by voluntary societies, constituted according to their own notions of ecclesiastical authority and ritual propriety, opening their places of worship, and admitting to their religious services such persons, and upon such terms, and subject to such regulations, as they may choose to designate and establish. A church absolutely belonging to the public, and in which all persons without restriction have equal rights, such as the public enjoy in highways or public landings, is certainly a very rare institution. [Black's Law Dictionary, Sixth Edition, pp. 1606-1607]

Webster's Ninth New Collegiate Dictionary provides a secular definition of "worship" as follows:

**"worship** 1. chiefly Brit: a person of importance—used as a title for various officials (as magistrates and some mayors) 2: **reverence 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]

The term "supernatural power" simply implies that the superior being that is the object of "worship" possesses or is imputed to have powers which:

1. Do not exist in humans in their natural state.
2. Are either not possessed by the worshipper or are criminal or illegal for the worshipper to possess.
3. Are not or cannot be delegated by those performing the worship to the object of the worship. Instead, the powers originate from some other usually undisclosed source.

What worship therefore universally implies in a legal, secular, and Christian perspective is obedience to the laws of one's sovereign, which is a "supernatural being". This is also confirmed by the following maxim of law:

*"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>]

The only difference between man's law and God's law is the sovereign to whom obedience and allegiance and therefore "worship" is owed. In the context of human government, obedience is owed to one of the following:

1. To the whims and dictates of a capricious ruler, in the case of a society of men where there is no written law.
2. To the written law, in the case of a society of law such as we have here in America.

***"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, 1 Cranch 137, 2 L.Ed. 60 (1803)]

In the context of Christianity, obedience and therefore "worship" is owed exclusively to God and not any man-made government.

*"Away with you, Satan! For it is written, 'You shall worship the Lord your God, and Him **ONLY** [NOT the government!] you shall serve.'"*  
[Jesus in Matt. 4:10, Bible, NKJV]

Bill Gates, in his Harvard Commencement Address, identified the elimination of what he called "inequity", meaning inequality, as the MOST important thing anyone can devote their life to. See Minutes 7 through 10 of the following video:

Bill Gates Harvard Commencement Address 2007  
<https://youtu.be/zPx5N6Lh3sw>

Finally, to introduce the subject of equality as the foundation of ALL of your freedom, we have prepared the following training video on our website:

## **2 What are the Political, Legal, Commercial, Tax, and Regulatory Implications of the Equality you describe and advocate in this document?**

This section further clarifies our conception of the absolute equality and equal protection that we seek in order to describe what it is and is not in specific contexts. We do this to prevent us from being misunderstood or confused with liberals or progressives. By equality, we mean:

### **1. Political effects**

1.1. The average human and citizen one should NOT be treated as a government public officer or agent for any purpose OTHER than as a jurist or a voter. This:

1.1.1. Maintains perfect separation between PUBLIC and PRIVATE needed to maximize liberty.<sup>1</sup>

1.1.2. Prevents income taxes based on domicile from becoming the equivalent of unconstitutional poll taxes.

1.2. No one who receives government benefits of any kind should be able to:

1.2.1. Vote on any issue that directly or indirectly affects their benefits.

1.2.2. Serve as a jurist in any tax trial that would affect the amount of their benefits.

1.3. No one should be allowed to collect government benefits who did not work full time for ONLY the government at some point. The benefits should be directly related to that service. That means Social Security, Medicare, etc. can ONLY be offered to government workers and not PRIVATE humans or anyone in a Constitutional state of the Union. This ensures that the average voter or jurist cannot be bribed or criminally tampered with as a witness through the bribes.

1.4. The above constraints are designed to solve the following social problems.

1.4.1. Politicians bribing voters with an increase or lower decrease in the government benefit check.

1.4.2. Jurists ruling on issues that directly affect their benefits.

The above constraints are designed to prevent criminal financial conflicts of interest that would violate due process of law. See 28 U.S.C. §§144, 455, and 18 U.S.C. §208.

### **2. Legal effects: Equality under the law in court:**

2.1. The recognition of and protection of PRIVATE rights by the government. The protection of PRIVATE rights and the INABILITY of government to convert them to PUBLIC rights absent express written consent of the owner is the MAIN purpose of establishing government according to the Declaration of Independence.<sup>2</sup>

2.2. If the government asserts a right over our property or labor, it has to meet the burden of proof IN COURT that we CONSENTED to give it away to them IN WRITING before we can lawfully become the subject of any civil statutory enforcement. Here is how we describe this constraint in our Disclaimer:

#### **SEDM Disclaimer**

#### **4. MEANINGS OF WORDS**

*"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:*

*A SPECIFIC formerly PRIVATE owner consented IN WRITING to convert said property to PUBLIC property.*

*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.*

*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."*

<sup>1</sup> See: *Separation Between Public and Private Course*, Form #12.025; <http://sedm.org/Forms/FormIndex.htm>.

<sup>2</sup> See: *Separation Between Public and Private Course*, Form #12.025; <https://sedm.org/Forms/FormIndex.htm>.

- 2.3. A recognition by all courts that all governments can exercise powers delegated to them by the people as individuals. This means that no government, no matter how large, can have any more rights or authority than a single human being because that single human being is equal to an ENTIRE government in court.
- 2.4. Equality in relation to the government and ALL OTHER humans. This means that every method of acquiring jurisdiction or control over private humans can also be employed in reverse against the government. For example, if the government can abuse FALSE information returns to in effect “elect” otherwise private humans into their service often without their knowledge and consent, then YOU as a private human should be able to enslave THEM with false information returns.<sup>3</sup>
- 2.5. Inalienability of all PRIVATE rights in relation to government when standing on land protected by the Constitution, as the Declaration of Independence requires. Only on government property exclusively owned and outside of constitutional states or in foreign countries does that inalienability disappear. The Declaration of Independence is organic law enacted by Congress in the Statutes at Large on page 1. It says our rights are UNALIENABLE and therefore INCAPABLE of being bargained, sold, or given away, even WITH our consent:

*“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]*

- 2.6. Equality under REAL law IN RELATION to the government in court. If the government can assert sovereign, official, or judicial immunity, then all private humans must have it also because that power was delegated to the government from private humans, either collectively or individually.
- 2.7. Government is not exempt from or not subject to any of the laws it enforces upon us. Otherwise, “U.S. Inc.” the corporation mentioned in 28 U.S.C. §3001(15)(A) effectively becomes an unconstitutional “Title of Nobility”.
- 2.8. Attorneys or counsel in common law courts should NOT be allowed to be licensed UNLESS they handle ONLY public property under civil statutes that regulate and control ONLY public property of public officers on official business.
- 2.8.1. This will prevent judges from threatening or coercing attorneys of plaintiffs who are suing government or government agents for violations of rights under the common law.
- 2.8.2. All such suits can ONLY be heard under common law and equity for those who are PRIVATE unenfranchised humans not serving as agents or officers of the government.<sup>4</sup>
- 2.9. No privileges, favors, private law, or franchises offered to ordinary “citizens” or “residents” by any government. Only government agents serving on government territory not protected by the constitution can receive privileges or franchises.
- 2.10. Government has sovereign, official, and judicial immunity and statutes of limitations under statutes enforced ONLY against OTHER officers or agents of the government. These are all PRIVILEGED immunities that you have to consent to for them to apply to you.
- 2.11. Government does NOT have sovereign, official, or judicial immunity or a statute of limitations under the common law. This occurs when one **hasn’t** chosen a civil statutory domicile in a place and thereby become a public officer.
- 2.12. The application of the common law to all contractual or civil disputes relating the government or any of its actors RATHER than civil statutory law. Civil statutory law regulates only officers and agents of the government and not PRIVATE humans. Such “offices” or “agents” include STATUTORY “citizens” and “residents”.<sup>5</sup>
3. Equality of opportunity in the commercial marketplace:
- 3.1. Everyone, including artificial entities like trusts, associations, and corporations, should enter the marketplace under the same rules.

<sup>3</sup> See: *Correcting Erroneous Information Returns*, Form #04.001; <https://sedm.org/Forms/FormIndex.htm>.

<sup>4</sup> See: *Petition for Admission to Practice*, Family Guardian Fellowship; <http://famguardian.org/Subjects/LawAndGovt/LegalEthics/PetForAdmToPractice-USDC.pdf>.

<sup>5</sup> See: *Why Statutory Civil Law is Law for Government and Not Private Persons*, Form #05.037; <https://sedm.org/Forms/FormIndex.htm>.

- 3.2. All corporations should NOT be instrumentalities or officers of the government and instead should be EXCLUSIVELY private. The reason is that the purpose of government is to protect PRIVATE rights so corporations should be PRIVATE. They can OPERATE like the government, but they cannot BE the government. That way, they cannot be abused as a beachhead to invade the states and enfranchise the PRIVATE population through compelled income tax withholding and reporting.

At common law, a "corporation" was an "artificial perso[n] endowed with the legal capacity of perpetual succession" consisting either of a single individual (termed a "corporation sole") or of a collection of several individuals (a "corporation aggregate"). 3 H. Stephen, *Commentaries on the Laws of England* 166, 168 (1st Am. ed. 1845). The sovereign was considered a corporation. See *id.*, at 170; see also 1 W. Blackstone, *Commentaries* \*467. Under the definitions supplied by contemporary law dictionaries, Territories would have been classified as "corporations" (and hence as "persons") at the time that 1983 was enacted and the Dictionary Act recodified. See *W. Anderson, A Dictionary of Law* 261 (1893) ("All corporations were originally modeled upon a state or nation"); 1 J. Bouvier, *A Law Dictionary Adapted to the Constitution and Laws of the United States of America* 318-319 (11th ed. 1866) ("In this extensive sense the United States may be termed a corporation"); *Van Brocklin v. Tennessee*, 117 U.S. 151, 154 (1886) ("The United States is a . . . great corporation . . . ordained and established by the American people") (quoting *United* [495 U.S. 182, 202] *States v. Maurice*, 26 F.Cas. 1211, 1216 (No. 15,747) (CC Va. 1823) (Marshall, C. J.)); *Cotton v. United States*, 11 How. 229, 231 (1851) (United States is "a corporation"). See generally *Trustees of Dartmouth College v. Woodward*, 4 Wheat. 518, 561-562 (1819) (explaining history of term "corporation").  
[*Ngiraingas v. Sanchez*, 495 U.S. 182 (1990) ]

- 3.3. Governments SHOULD NOT be allowed to enter the commercial marketplace to offer ANY product or service, and ESPECIALLY not insurance, social insurance, health services, family services, or social services. All such services should be privatized, subject to competition, and not protected by sovereign, official, or judicial immunity. The ONLY "products" that REAL, de jure governments can provide are:
- 3.3.1. Military.
  - 3.3.2. Jails.
  - 3.3.3. Common law courts for all disputes relating to private humans.
  - 3.3.4. Franchise courts for disputes ENTIRELY within the government between fellow public officers or agents. Traffic court, family court, and tax court fit within this description and they pertain ONLY to public officers WITHIN the government and not private humans.<sup>6</sup>
  - 3.3.5. Regulatory departments ONLY for demonstrably HARMFUL products or activities and NO others. All authority of such departments is CRIMINAL enforcement. There is no CIVIL enforcement except by EXPRESS WRITTEN consent by those so enforced against.
- 3.4. You can acquire rights over the government by the same mechanisms as they acquire rights over you. If they can promote or condone and not prosecute the filing of false information returns recruiting you into THEIR service as a public officer, you can elect them into your servitude by the same mechanism.<sup>7</sup>
- 3.5. If government can enforce its contract by filing administrative liens without proving YOUR consent, you should be able to do the same thing to them.
- 3.6. NO use of tax system to transfer wealth between different political groups or people. That is an abuse of the government's taxing power.

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*."

<sup>6</sup> See: *Government Instituted Slavery Using Franchises*, Form #05.030; <http://sedm.org/Forms/FormIndex.htm>.

<sup>7</sup> See: *Correcting Erroneous Information Returns*, Form #04.001; <http://sedm.org/Forms/FormIndex.htm>.

- 3.7. Any attempt to collect revenue that is paid to PRIVATE humans as wealth redistribution MUST be truthfully characterized by all courts as:
- 3.7.1. Theft.
  - 3.7.2. Not “taxation” as legally defined.
  - 3.7.3. NOT a “government” function, but private business activity not protected by sovereign, official, or judicial immunity of any kind.

4. No abuse of the tax system to create economic inequality or redistribute wealth:

- 4.1. Money system must be based on substance, so that the ability to print money can’t be used as a way to STEAL from the rich or those with money. We call this an “inflation tax”. The cause of inflation is money printing.
- 4.2. EVERYONE pays the same DOLLAR AMOUNT or at least PERCENTAGE of tax because we are all equal.
- 4.3. On every government form, the government MUST provide a civil status option to indicate that you are NOT a “customer” of the particular “service” or “benefit” and that you have been the victim of duress and/or false reporting that makes you LOOK like a “customer”.
  - 4.3.1. This then places the government in the role of having to CRIMINALLY PROSECUTE all those who compel participation in any government franchise, which is something they should be doing anyway.
  - 4.3.2. Currently, there are not IRS forms for those who are not statutory “taxpayer” franchisees and therefore public officers and who have been a victim of duress or false reporting. Government won’t even recognize such parties or prosecute those who institute duress against them. The absence of such forms and statuses therefore is an OBSTRUCTION OF JUSTICE by the IRS and a denial of equal protection of REAL law to those who are exclusively private and beyond the civil statutory reach of the government.
- 4.4. Government may not abuse subsidies or tax policy to guarantee equality of OUTCOME or RESULT, but rather equality of OPPORTUNITY in the commercial marketplace. Enforcing equality of OUTCOME is the basis of COMMUNISM and produces legal INJUSTICE. See:

What is “Justice”?, Form #05.050  
<https://sedm.org/Forms/FormIndex.htm>

The government should therefore NOT be able to:

- 4.4.1. Tax only a select group.
- 4.4.2. Use tax dollars to subsidize or reward some groups and not others, for instance.
- 4.4.3. Tax anyone more as a percentage of the things taxed than others as a way to favor some groups at the expense of others.

Below is an example of why:

*“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.”*

[ . . . ]

*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 the sure decadence of our present government will commence.'”*

[Pollock v. Farmers’ Loan and Trust Co., 157 U.S. 429 (1895) ]

- 4.5. The above taxation rules can ONLY be violated on federal territory, but NEVER inside a Constitutional state, because doing so would require ALIENATION of INALIENABLE rights. Government cannot be allowed to make a profitable or even taxable business out of alienating rights that are supposed to be INALIENABLE, according to the Declaration of Independence. That would be a breach of fiduciary duty.<sup>8</sup>

<sup>8</sup> Below are authorities on this fiduciary duty:



5. Regulatory effects:

- 5.1. Government agents corresponding with the public MUST be accountable for the truthfulness of everything they say. This means they MUST
- 5.1.1. Every correspondence to a private human that has enforcement as a goal MUST be verified and signed under penalty of perjury just like everything you send to the government.
- 5.1.2. Provide legally actionable definitions of all key “words of art” they are using in their communication.
- 5.1.3. The government agent should be accountable for perjury and fraud in the correspondence, just like you are when you send something to the government that is false or erroneous.<sup>9</sup>
- Any violation of the above rules causes the government become a religion and you to become a compelled “worshipper” paying “tithes” called “taxes” to a deity with supernatural powers. Judges wearing black robes are the “priests” of this civil religion and the court building becomes the church.<sup>10</sup>
- 5.2. Every attempt to civilly or administratively enforce against the general public MUST be preceded by proof to a disinterested third party that:
- 5.2.1. The SUBJECT of the enforcement consented to the civil status to which the RIGHT to enforce attaches.
- AND
- 5.2.2. They had the legal CAPACITY to alienate unalienable rights because they were physically located abroad or on federal territory at the time.
- 5.3. The preceding step relating to enforcement ESPECIALLY includes taxation . For instance, before the IRS may enforce any part of the Internal Revenue Code by distraint, lien, or levy:
- 5.3.1. They must notify the subject and offer the subject an opportunity to refute whether they are in fact and in deed LAWFULLY and CONSENSUALLY occupying the public office called “taxpayer”.
- 5.3.2. If the subject of government enforcement responds by saying they are NOT a “taxpayer” under penalty of perjury, a disinterested party or jury who is NOT a “taxpayer” or subject to IRS duress must determine WITH EVIDENCE that the subject of the enforcement EXPRESSLY CONSENTED IN WRITING to become a “taxpayer” and therefore “customer” of government services. No corporation should be able to PRESUME that EVERYONE is their “customer”. Any attempt to allow government to make such a presumption imputes to them an unconstitutional “Title of Nobility” and turns government essentially into a religion.<sup>11</sup>

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*"Section 101. Principles of Ethical Conduct. To ensure that every citizen can have complete confidence in the integrity of the Federal Government, each Federal employee shall respect and adhere to the fundamental principles of ethical service as implemented in regulations promulgated under sections 201 and 301 of this order:*

<i>"(a) Public service is a public trust, requiring employees to place loyalty to the Constitution, the laws, and ethical principles above private gain.</i>
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TITLE 5--ADMINISTRATIVE PERSONNEL  
CHAPTER XVI--OFFICE OF GOVERNMENT ETHICS  
PART 2635--STANDARDS OF ETHICAL CONDUCT FOR EMPLOYEES OF THE EXECUTIVE BRANCH--  
Table of Contents  
Subpart A--General Provisions  
Sec. 2635.101 Basic obligation of public service.

*(a) **Public service is a public trust.***

*Each employee has a responsibility to the United States Government and its citizens to place loyalty to the Constitution, laws and ethical principles above private gain. To ensure that every citizen can have complete confidence in the integrity of the Federal Government, each employee shall respect and adhere to the principles of ethical conduct set forth in this section, as well as the implementing standards contained in this part and in supplemental agency regulations.*

<sup>9</sup> For the reason why, learn the injustice and inequity resulting from NOT doing so in the following: *Reasonable Belief About Income Tax Liability*, Form #05.007; <http://sedm.org/Forms/FormIndex.htm>.

<sup>10</sup> See: *Government Establishment of Religion*, Form #05.038; <http://sedm.org/Forms/FormIndex.htm>.

<sup>11</sup> See: *Socialism: The New American Civil Religion*, Form #05.016; <http://sedm.org/Forms/FormIndex.htm>.



5.3.3. No government officer should be able to PRESUME ANYTHING about those they enforce against, and especially in regard to the civil status of those they enforce against, such as statutory “person”, “citizen”, “resident”, “taxpayer”, “driver”, “spouse”, etc. The reasons are explained in the following:

5.3.3.1. *Presumption: Chief Weapon for Unlawfully Enlarging Federal Jurisdiction*, Form #05.017  
<http://sedm.org/Forms/FormIndex.htm>

5.3.3.2. *Your Exclusive Right to Declare and Establish Your Civil Status*, Form #13.008  
<http://sedm.org/Forms/FormIndex.htm>

5.4. All regulation of potentially harmful activities should be implemented with criminal statutes. No CIVIL statutes of any kind should regulate anything or anyone unless at least those regulated have consented in writing.

5.5. Any attempt to implement PREVENTIVE regulation BEFORE an injury occurs must be voluntary and require express written LAWFUL consent of those so regulated BEFORE any PREVENTIVE enforcement action is attempted.

5.5.1. UNLAWFUL consent includes consent to any government to alienate an unalienable right.

5.5.2. Rights of those physically located in states of the Union are UNALIENABLE.

5.5.3. The only place you can lawfully alienate an UNALIENABLE right is on federal territory or abroad.

If you couldn’t claim damages under the common law for the injury, then the activity shouldn’t be regulated or taxed or penalized.

5.6. Every injury that is or can be regulated must be proved on the record of every court proceeding to have occurred to a live, flesh and blood human being or group of human beings. This is why the only “citizens” mentioned in the constitution are human beings and not STATUTORY “citizens” such as corporations.

*“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.”<sup>14</sup>*

*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/anncon/html/amdt14a\\_user.html#amdt14a\\_hd1](http://www.law.cornell.edu/anncon/html/amdt14a_user.html#amdt14a_hd1)]

## 6. Recognition of the above in all government forms:

6.1. Any attempt by the government to violate the above:

6.1.1. MUST be conclusively presumed in court to be unconstitutional when attempted within the geographical borders of a Constitutional state.

6.1.2. Must place the burden of proof ON THE GOVERNMENT actor effecting it that it does NOT violate the above.

6.2. If the government implements any system of taxation that violates the above, every form that implements it should:

6.2.1. Warn EVERYONE in big letters that it ONLY applies on federal territory and cannot be enforced within a Constitutional state.

6.2.2. Offer an option under the status block to indicate that you DO NOT wish to participate and cannot be forced to participate.

6.2.3. Provide a box to indicate that you are being FORCE to participate and that you want your application DISAPPROVED and that you are INELIGIBLE to whoever it is that is trying to force you to participate.

6.3. The reason for the above requirements is that the Declaration of Independence indicates that all JUST powers of the government derive from consent. Hence, anything NOT consensual is inherently UNJUST, UNLAWFUL and ILLEGAL.

Note that the above effects are an inevitable result of implementing all the implications of the existing organic founding documents, if they are literally interpreted. However, these implications of our present founding documents are not often

discussed nor are they obvious to the average American at this point because most Americans do not get any legal training in elementary, junior, or senior high school.

If you want to see the vast corrupting effects of NOT respecting the above limitations imposed on American jurisprudence and government, then read the following:

1. Government Corruption, Form #11.401.  
<http://sedm.org/home/government-corruption/>
2. Government Corruption: Causes and Remedies Course, Form #12.026  
<http://sedm.org/Forms/FormIndex.htm>
3. De Facto Government Scam, Form #05.043  
<http://sedm.org/Forms/FormIndex.htm>

If you would like to see a model government that implements all the above in a much more explicit way than the founding documents we presently have, and is merely an IMPROVEMENT of what we have now, see:

Self-Government Federation: Articles of Confederation, Form #13.002  
<http://sedm.org/Forms/FormIndex.htm>

### **3 Deception, propaganda, legal ignorance, and words of art are the main methods for creating and protecting inequality**

Before inequality can be created and protected on a large scale, deception, propaganda, legal ignorance, and words of art must be used to insulate the people and their thoughts from the truth about equality as the foundation of all human morality:

*"For the mystery of lawlessness is already at work; only He who now restrains will do so until He is taken out of the way. And then the lawless one will be revealed, whom the Lord will consume with the breath of His mouth and destroy with the brightness of His coming. **The coming of the lawless one is according to the working of Satan, with all power, signs, and lying wonders, and with all unrighteous deception among those who perish, because they did not receive the love of the truth, that they might be saved. And for this reason God will send them strong delusion, that they should believe the lie, that they all may be condemned who did not believe the truth but had pleasure in unrighteousness.**"*  
[2 Thess. 2:7-12, Bible, NKJV]

Below is a summary of the main methods of deception, propaganda, legal ignorance, and "words of art":

1. Dumbing down of the average citizen in the public schools about all legal subjects. Law is the main tool of enslavement, and therefore those who would be enslaved cannot be allowed to understand it. Legal subjects are not covered in any high school curricula and are only available in college to those studying law as a profession. See:
  - 1.1. Corruption of Education System Playlist, SEDM Youtube channel  
<https://www.youtube.com/playlist?list=PLin1scINPTOuNZYvap7UxPh8kSxg23uF>
  - 1.2. Education Topic, Family Guardian Fellowship  
<http://famguardian.org/Subjects/Education/Education.htm>
2. Making all government statements and publications essentially into propaganda that cannot be used in a court of law as legal evidence upon which to base a reasonable belief about anything.
3. Abusing the words "includes" and "including" to remove all limits to geographical or civil status terms. See:

Legal Deception, Propaganda, and Fraud, Form #05.014  
<http://sedm.org/Forms/FormIndex.htm>
4. Using "equivocation" to confuse the context of geographical or citizenship "words of art" so that people's civil legal identity can be kidnapped and transported to a legislatively foreign jurisdiction in violation of the separation of powers.

***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.<sup>12</sup>

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.<sup>13</sup>

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

For a detailed treatment of equivocation, see:

Legal Deception, Propaganda, and Fraud, Form #05.014, Section 6  
<http://sedm.org/Forms/FormIndex.htm>

The result of the above is identity theft, in which your civil legal identity is kidnapped and transported to the District of Columbia no matter where you physically live or what state or country you are in. This jurisdiction was described by the U.S. Supreme Court as follows:

*"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 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 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)]

In the District of Columbia and under the civil statutes of those domiciled in the District of Columbia:

1. Everyone works for the government as an involuntary public officer called a "citizen" or "resident".
  - 1.1. The "civil statutes" in effect act as the "employment agreement" for this public officer.
  - 1.2. Compelled participation in franchises is the method to MAKE the people into such a public officer:

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

2. There is no separation between the PUBLIC government and the PRIVATE people. In other words, there is no "separation of powers":

Government Conspiracy to Destroy the Separation of Powers, Form #05.023  
<http://sedm.org/Forms/FormIndex.htm>

3. The government is a small class of elites who have superior or supernatural powers above that of any single man or woman.

***"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)]

<sup>12</sup> 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

<sup>13</sup> 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

4. There are no legal or constitutional limits on the legislative power of government.
- 4.1. Everything that happens on federal territory subject to the exclusive jurisdiction of Congress is a privilege and not a right.
- 4.2. You need “permission” to do anything and everything with licenses, registrations, and permits.
5. The government is unaccountable to anyone and everyone for anything it says or does.
- 5.1. For proof of why the statements and publications of government are not trustworthy, see:
- Reasonable Belief About Income Tax Liability, Form #05.007  
<http://sedm.org/Forms/FormIndex.htm>
- 5.2. The legal method of making government unaccountable for what it does is immunity. Sovereign immunity, judicial immunity, and official immunity are abused to protect government people who unlawfully enforce laws of a legislatively foreign jurisdiction against nonresidents in the states of the Union. See:
- Non-Resident Non-Person Position, Form #05.020  
<http://sedm.org/Forms/FormIndex.htm>
6. There are so many laws that no man can know them all or ever hope to avoid violating all of them. See:
- Why Government Needs Crime, Family Guardian Fellowship  
<http://famguardian.org/Subjects/LawAndGovt/LegalEthics/WhyGovernmentNeedsCrime.htm>
7. The impossibility of avoiding violating all the laws becomes a tool of political and legal persecution of dissidents through “selective enforcement”.

For an exhaustive treatment of the subject of government identity theft, how it is accomplished, and how to defend yourself against it, read the following free memorandum of law on our website:

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

#### **4 Equality as the basis for all human and animal morality**

We define equality of treatment as the foundation of all morality. It might surprise you to learn that the concept of equality as the basis for human morality is not unique to humans. It is, in fact, found in all animals. Below is the science behind this:

Moral Behavior in Animals, Frans de Waal  
<https://www.youtube.com/watch?v=GcJxRqTs5nk>

In the above video, Frans concludes based on scientific evidence that the basis for ALL morality in both animals and humans is:

1. Reciprocity: Fairness. The desire to do to our peers that which we would want done to us. He also calls this “justice”.
2. Empathy: Compassion. An understanding and interest in what our peers expect and need. By using this understanding and acting upon it in the present, we can improve our ability to satisfy that same need in ourselves in the future.

The term “reciprocity” used by Frans is synonymous with “equality” in this document. Reciprocity is also the moral equivalent of The Golden Rule found in the Bible spoken by Jesus:

*“Do unto others as you would have them do unto you.”*  
[[Matt. 7:12.](#)]

Frans de Waal also discusses in the following video whether morals are possible WITHOUT God:

Morals Without God?, Frans de Waal and Jeff Schloss at Emory University  
<https://youtu.be/u1asMfteB98>

#### **5 Equal protection from the Founding Father’s Perspective (legislative intent)**

*“That liberty [is pure] which is to go to all, and not to the few or the rich alone.”*  
[Thomas Jefferson to Horatio Gates, 1798. ME 9:441;  
SOURCE: <http://www.famguardian.org/Subjects/Politics/ThomasJefferson/jeff0100.htm>]

"Of liberty I would say that, in the whole plenitude of its extent, it is unobstructed action according to our will. **But rightful liberty is unobstructed action according to our will within limits drawn around us by the equal rights of others.** I do not add 'within the limits of the law,' because law is often but the tyrant's will, and always so when it violates the right of an individual."  
[Thomas Jefferson to Isaac H. Tiffany, 1819  
SOURCE: <http://www.famguardian.org/Subjects/Politics/ThomasJefferson/jeff0100.htm>]

"[Our] principles [are] founded on the immovable basis of equal right and reason."  
[Thomas Jefferson to James Sullivan, 1797. ME 9:379;  
SOURCE: <http://www.famguardian.org/Subjects/Politics/ThomasJefferson/jeff0100.htm>]

"An equal application of law to every condition of man is fundamental."  
[Thomas Jefferson to George Hay, 1807. ME 11:341;  
SOURCE: <http://www.famguardian.org/Subjects/Politics/ThomasJefferson/jeff0100.htm>]

"The most sacred of the duties of a government [is] to do equal and impartial justice to all its citizens."  
[Thomas Jefferson: Note in Destutt de Tracy, "Political Economy," 1816. ME 14:465;  
SOURCE: <http://www.famguardian.org/Subjects/Politics/ThomasJefferson/jeff0100.htm>]

"To unequal privileges among members of the same society the spirit of our nation is, with one accord, adverse."  
[Thomas Jefferson to Hugh White, 1801. ME 10:258;  
SOURCE: <http://www.famguardian.org/Subjects/Politics/ThomasJefferson/jeff0100.htm>]

"In America, no other distinction between man and man had ever been known but that of persons in office exercising powers by authority of the laws, and private individuals. Among these last, the poorest laborer stood on equal ground with the wealthiest millionaire, and generally on a more favored one whenever their rights seem to jar."  
[Thomas Jefferson: Answers to de Meusnier Questions, 1786. ME 17:8;  
SOURCE: <http://www.famguardian.org/Subjects/Politics/ThomasJefferson/jeff0100.htm>]

"Of distinction by birth or badge, [Americans] had no more idea than they had of the mode of existence in the moon or planets. They had heard only that there were such, and knew that they must be wrong."  
[Thomas Jefferson: Answers to de Meusnier Questions, 1786. ME 17:89;  
SOURCE: <http://www.famguardian.org/Subjects/Politics/ThomasJefferson/jeff0100.htm>]

"[The] best principles [of our republic] secure to all its citizens a perfect equality of rights."  
[Thomas Jefferson: Reply to the Citizens of Wilmington, 1809. ME 16:336;  
SOURCE: <http://www.famguardian.org/Subjects/Politics/ThomasJefferson/jeff0100.htm>]

## **6 Equality as the foundation of legal "justice"**<sup>14</sup>

Equality of treatment is the foundation of legal "justice". That is why the symbol for the legal field is an equally balanced scale found on the cover of this document. The following sermon explains why, and equates "justice" with "equal treatment":

Doing Justice and Mercy, Pastor Tim Keller  
<http://sedm.org/doing-justice-and-mercy-timothy-keller/>

"Justice" is a very important subject that comes up all the time in the freedom community and especially in the context of litigation. This term is widely misunderstood and quite subjective for most people. We must agree upon a definition in order to know EXACTLY what we are fighting for in the context of this ministry.

Beyond the following subsections, the following authorities on "justice" may prove useful to the reader:

1. What is "Justice"?, Form #05.050  
<https://sedm.org/Forms/FormIndex.htm>
2. Michael Sandel Course on Justice, Harvard University  
<http://justiceharvard.org/>
3. Sovereignty Forms and Instructions Online, Form #10.004, Cites by Topic: Justice  
<http://famguardian.org/TaxFreedom/CitesByTopic/justice.htm>
4. Thomas Jefferson on Politics and Government, Section 30: The Justice System

<sup>14</sup> Adapted from Requirement for Consent, Form #05.003, Section 3; <http://sedm.org/Forms/FormIndex.htm>.



<http://famguardian.org/Subjects/Politics/ThomasJefferson/jeff1275.htm>

5. Generous Justice, Pastor Tim Keller

[https://www.youtube.com/watch?v=280nS1\\_p2Kk](https://www.youtube.com/watch?v=280nS1_p2Kk)

6. What is "Social Justice"?, Prager University

<https://www.youtube.com/watch?v=rtBvQj2k6xo&list=UUZWISUNDvCCS1hBiXV0zKcA&index=29>

## 6.1 Definition

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

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

*"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.



1 The most obvious form of injustice is a criminal mafia that will continue to disturb and threaten you until you pay them  
2 "protection money" in order to essentially procure the PRIVILEGE to be left alone. This is the model upon which the IRS  
3 operates: They continue to harass, lien, and levy you administratively, even if you are NOT a statutory "taxpayer" and instead  
4 are a non-resident non-person, unless and until you essentially pay them "protection money". Materials on our site prove  
5 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>

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

9 The concept of justice originates from the legal definition of property. The essence and foundation of the "property right",  
10 as held by the U.S. Supreme Court, is the right to EXCLUDE ANYONE AND EVERYONE else, from using, controlling, or  
11 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  
12 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  
14 States*, 444 U.S. 164, 176 (1979). "

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

*"In this case, we hold that the 'right to exclude,' so universally held to be a fundamental element of the  
17 property right,<sup>[11]</sup> falls within this category of interests that the Government cannot take without  
18 compensation."*

*[Kaiser Aetna v. United States*, 444 U.S. 164 (1979)]

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

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

*"The sole end, for which mankind are warranted, individually or collectively... in interfering with the liberty of  
33 action of any of their number, is self-protection."*

*[John Stewart Mill, On Liberty, p. 223]*

*"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]*

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

- 41 1. Someone's else's equal rights have been injured.. AND
- 42 2. A specific injury has resulted from that violation under the common law.
  - 43 2.1. If the remedy is a civil statutory remedy, we must have a domicile within the jurisdiction of the court administering  
44 the remedy before it can be invoked.
  - 45 2.2. If the remedy is a civil common law remedy, no domicile is necessary to invoke it in court.
  - 46 2.3. If the remedy is a criminal remedy, the violation occurred on territory protected by the sovereign. Otherwise the  
47 act of criminal enforcement against nonresident parties amounts essentially to international terrorism.

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

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

*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]

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

## **6.2 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 the previous section:

*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.”*

The author also overlooked most of the other treatment in the previous section, 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 the previous section 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]*

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*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](#)]*

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*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](#)]*

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*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://famguardian1.org/Mirror/Famguardian/20150408\\_1958-The\\_O'Reilly\\_Factor-Dealing%20with%20slanderous%20liberals%20biblically-Everett%20Piper.mp4](http://famguardian1.org/Mirror/Famguardian/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](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.

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.<sup>15</sup> 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.

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]*

<sup>15</sup> Watch the following video for proof, right from Supreme Court justice Antonin Scalia: SEDM Exhibit 11.006; <http://sedm.org/Exhibits/ExhibitIndex.htm>.



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

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**“And you shall take no bribe, for a bribe blinds the discerning and perverts the words of the righteous.”**  
[Exodus 23:8, Bible, NKJV]

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

**“Surely oppression destroys a wise man’s reason.  
And a bribe debases the heart.”**  
[Ecclesiastes 7:7, Bible, NKJV]

Justice implies equity between you and the government, and franchises destroy that equity. If you and the government are truly equal to each other and THEY claim to be “sovereign” then you are too, because all their authority was delegated by WE THE PEOPLE individually. You can’t delegate what you don’t have. Usury and injustice always happens when private financial interest is allowed to trump justice, equality, and equity between you and the government. By “usury”, we mean the abuse of money and franchises to create inequality between people under the law. Justice and “leaving you alone” on the



one hand, and franchises and “giving men their due” on the other hand are entirely incompatible with each other. They should NEVER be allowed to be confused, because EVIL and criminal conflict of interest will always result. That evil will happen because of the inequality and subjection that is created through franchises and commerce.

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

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

*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]

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 field<sup>16</sup>. 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***

<sup>16</sup> For a discussion of Choice of Law rules, see: *Federal Jurisdiction*, Form #05.018, Section 3; <http://sedm.org/Forms/FormIndex.htm>.

1 *of sappers and miners, steadily working to undermine the independent rights of the States and to consolidate*  
2 *all power in the hands of that government in which they have so important a freehold estate."*  
3 *[Thomas Jefferson: Autobiography, 1821. ME 1:121]*

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

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

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

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

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

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

27 *"Where do wars and fights come from among you? Do they not come from [your desires for pleasure \[unearned](#)*  
28 *[money or "benefits", privileges, or franchises, from the government\]](#) that war in your members [and your*  
29 *democratic governments]? You lust [after other people's money] and do not have. You murder [the unborn to*  
30 *increase your standard of living] and covet [the unearned] and cannot obtain [except by empowering your*  
31 *government to STEAL for you!]. You fight and war [against the rich and the nontaxpayers to subsidize your*  
32 *idleness]. Yet you do not have because you do not ask [the Lord, but instead ask the deceitful government]. You*  
33 *ask and do not receive, because you ask amiss, that you may spend it on your pleasures. Adulterers and*  
34 *adulteresses! Do you not know that friendship [statutory "citizenship"] with the world [or the governments of*  
35 *the world] is enmity with God? Whoever therefore wants to be a friend [[STATUTORY "citizen", "resident",](#)*  
36 *["inhabitant", "person" franchisee](#)] of the world [or [the governments of the world](#)] makes himself an enemy of*  
37 *God."*  
38 *[[James 4:4](#), Bible, NKJV]*

39  
40 *"I [God] brought you up from Egypt [government slavery using franchises] and brought you to the land of which*  
41 *I swore to your fathers; and I said, 'I will never break My covenant with you. And you shall make no covenant*  
42 *[contract or franchise or agreement of ANY kind] with the inhabitants of this [corrupt pagan] land; you shall*  
43 *tear down their [man/government worshipping socialist] altars.' But you have not obeyed Me. Why have you*  
44 *done this?*

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

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

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

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

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

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

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

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

Devils' Advocate: Lawyers-What We Are Up Against, SEDM  
<http://famguardian1.org/Media/DevilsAdvocate-Part13.mp4>

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

"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)]

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

### **6.3 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 *ṣēdeq* or *ṣedāqā*. The more frequent rendering of these latter nouns is ‘righteousness’; but when *mišpāt* and *ṣedāqā* 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 *šaddīq*, ‘righteous’, is over 40 times rendered by the adjective ‘just’, in both vss. In RSV NT, the noun ‘justice’ represents both *krisis*, ‘judgment’, and *dikaïosynē*, ‘righteousness’. In AV it does not appear; but at over 30 points the adjective *dikaïos*, ‘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 *ṣedāqā*, 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 *ṣedāqā* 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, 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 *ṣedeq*, if they measure up to the appropriate standards. The phrase, 'paths of *ṣedeq*' (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). *ṣedāqā* 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 *ṣedāqā* 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 *ṣaddiq*, 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, *ṣedāqā* 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 *ṣedāqā* (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 *ṣedāqā* may be translated by simple repetition—O God of my salvation: my tongue shall sing of thy 'salvation'. *ṣedāqā*, 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 [*ṣedeq* according to sense 4 above] and judgment' (Ps. 89:14, AV) to the joyful testimony, 'In thy *ṣedāqā* [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; *ṣaddiq*] 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 *ṣaddiq* 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 [*dikaio*=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 *dikaïos* (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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[The New Bible Dictionary, Third Edition]

Below is what God expects of ALL judges, including secular judges:

### **Unjust Judgments Rebuked.**

A Psalm of Asaph.

God stands in the divine assembly;  
He judges among the gods (divine beings).

2

How long will you judge unjustly  
And show partiality to the wicked? Selah.

3

Vindicate the weak and fatherless;



1 Do justice and maintain the rights of the afflicted and destitute.

2 4

3 Rescue the weak and needy;

4 Rescue them from the hand of the wicked.

5 The rulers do not know nor do they understand;

6 They walk on in the darkness [of complacent satisfaction];

7 All the foundations of the earth [the fundamental principles of the administration of justice] are shaken.

8 6 I said, "You are [a] gods;

9 Indeed, all of you are sons of the Most High.

10 7 "Nevertheless you will die like men

11 And fall like any one of the princes."

12 8 Arise, O God, judge the earth!

13 For to You belong all the nations.

14 [Psalm 82:1-8, Bible, NKJV]

#### 16 **The Messiah's Triumph and Kingdom**

17 2 Why do the nations rage,

18 And the people plot a vain thing?

19 2 The kings of the earth set themselves,

20 And the rulers take counsel together,

21 Against the Lord and against His Anointed, saying,

22 3 "Let us break Their bonds in pieces

23 And cast away Their cords from us."

24 4 He who sits in the heavens shall laugh;

25 The Lord shall hold them in derision.

26 5 Then He shall speak to them in His wrath,

27 And distress them in His deep displeasure:

28 6 "Yet I have set My King

29 On My holy hill of Zion."

30 7 "I will declare the decree:

31 The Lord has said to Me,

32 'You are My Son,

33 Today I have begotten You.

34 8 Ask of Me, and I will give You

35 The nations for Your inheritance,

36 And the ends of the earth for Your possession.

37 9 You shall break[a] them with a rod of iron;

38 You shall dash them to pieces like a potter's vessel. '"

39 10 Now therefore, be wise, O kings;

40 Be instructed, you judges of the earth.

41 11 Serve the Lord with fear,

42 And rejoice with trembling.

43 12 Kiss the Son,[b] lest [c] He be angry,

44 And you perish in the way,

45 When His wrath is kindled but a little.

46 Blessed are all those who put their trust in Him.

47 [Psalm 2:1-12, Bible, NKJV]

## 48 **6.4 "Justice" in your interactions with government**

49 Let's apply these concepts of justice to the way the government interacts with you personally. The minute that anyone does  
50 any of the following without your consent:

- 51 1. Interferes with or penalizes the exercise of any constitutional right.
- 52 2. Treats you unequally.
- 53 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.
8. Enforces civil statutory laws of any jurisdiction that you are not domiciled within and therefore protected by.
9. Demands any kind of property without rendering its equivalent in value. This is theft in violation of the Fifth Amendment takings clause.
10. Enforces any obligation associated with any status upon you, such as franchisee, public officer, etc.
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, 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".
13. Abuses its taxation power to redistribute wealth between private individuals:

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

. then an act of terrorism, theft, and possibly even slavery or involuntary servitude has occurred, all of which are torts cognizable under the state or federal constitutions and the common law.

The way that governments ensure that they are not the object of civil injustice and are "let alone" is by enforcing the requirement that whenever anyone wants to sue them, they must produce consent to be sued published as a positive law statute. This is called "sovereign immunity":

**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 \(1944\)](#) ]

Likewise, all the authority possessed by both the state and federal governments is delegated by We The People to them. The people cannot delegate an authority collectively that they individually do not ALSO possess.

*"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 \(1936\)](#)]

Both the Constitution and the Declaration of Independence require that “all men are created equal” and that all “persons”, including governments, are treated equally IN EVERY RESPECT. That means that no creation of men, including a government, can have any more authority than a single man. All “persons”, whether human or artificial are, in fact EQUAL in every respect, with the possible exception that artificial entities are not protected by the Bill of Rights. This is covered further in:

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

No government can or should therefore have or be able to enforce any more authority than a single human being. This means that if the government claims “sovereign immunity” and insists that it cannot be sued without its express written consent, then the government, in turn, when it is enforcing any civil liability against ANY American, has the EQUAL burden to produce evidence of THEIR consent IN WRITING to be sued. That consent must, in turn, be given by a person domiciled in a place OTHER than that protected by the U.S.A. Constitution, because the Declaration of Independence says the rights of people in states of the Union are “unalienable”, which means they CANNOT be sold, bargained away, or transferred by ANY process, including a franchise or contract.

*“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]*

Therefore, the only people who can lawfully “alienate” any Constitutional right in relation to a real, de jure government by exercising their right to contract, are those **NOT** protected by the Constitution and who therefore are either domiciled on 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 are also called “natural 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.”*

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](http://sedm.org/Forms/FormIndex.htm), 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 Form #05.003, Section 9.10.4.

## 7 Equal protection from a Biblical Perspective<sup>17</sup>

The Supreme Court had some very powerful things to say about the requirement for equal protection. Below are a few of their more eloquent dictas on the subject:

*"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 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)]

### 7.1 Overview

The Bible does not speak directly on the subject of equality, but addresses the subject indirectly using the following terms:

1. Partial or partiality. Favoring one person or thing over another.
2. Hypocrisy. Applying stricter standards to others than one applies to self.
3. Bow down (become inferior). See Exodus 23:24.
4. Serve other gods (idols). An idol is anything that is superior to or more important than a single man and yet not God.

<sup>17</sup> Adapted from Great IRS Hoax, Form #11.302, section 4.3.4 with permission.

1 5. Equity. See Prov. 1:3, Prov. 2:9.

2 6. Pride. The purpose of pride is to elevate the importance or authority of one person above another. It is one of the  
3 seven deadly sins that God hates. Prov. 6:17, Prov. 15:25, Prov. 16:5, James 4:6.

4 God forbids believers to become inferior to or “bow down” and serve other Gods, and especially civil rulers, as shown in the  
5 Ten Commandments:

6 *“You shall not bow down to their gods, nor serve them, nor do according to their works; but you shall utterly*  
7 *overthrow them and completely break down their sacred pillars.”*  
8 *[Exodus 23:24, Bible, NKJV]*

9 The lexical authority for the above, in Hebrew studies, says the following:

- 10 1. “gods” or elohims refers to the heathen “rulers, judges” first in its list of possible uses; and, supreme beings secondly.  
11 The context in Exodus 23:23 mentions the nations of Amorites, Hittites, Perizzites, Canaanites, and Hivites all having  
12 rulers wherein the monarch was a god or highest authority or at least a mediatory between a god and man.  
13 2. The term “serve” (abad) means “labor, or work, or do work.” It is Hophal passive, meaning, “You shall not be  
14 worked” by these rulers; that is, you shall not submit to work for the profit of alien kings and rulers. (Good one in  
15 regards to the IRS).  
16 3. “Images” refers to stumps or pillars or monuments. It appears that it is applicable to flags and State symbols and icons  
17 like the Roman eagle or U.S. military symbols or the IRS vulture.

18 In other words, Christians are not to submit to the clever enslavement schemes by the State or work for the State’s benefit.  
19 And, if a man pays unbiblical and unconstitutional taxes like the income tax, he has submitted to forced labor for the benefit  
20 of the State.

21 We are not talking about paying for legitimate government services like “imports” and “export” taxes . . . but yielding the  
22 fruit of one’s labor to a State that is in want of authority to enslave its people. By “want of authority” we mean any authority  
23 not traceable DIRECTLY to the EXPRESS rather than IMPLIED consent of the party against whom enforcement authority  
24 is claimed.

25 The lust and covetousness for superiority and inequality began in the Garden of Eden, when the serpent enticed Eve by saying  
26 that she could become LIKE God, meaning Superior to mere humans and superior to everyone else, by eating the fruit of the  
27 tree.

28 *“You will not surely die. For God knows that in the day you eat of it your eyes will be opened, and you will be*  
29 *like God, knowing good and evil.”*  
30 *[Gen. 3:4-5, Bible, NKJV]*

31 The same temptation was again repeated when Jesus visited the earth and was tempted by Satan. Satan promised rulership  
32 of all the kingdoms of the world if Jesus would BOW DOWN, be inferior to, and thereby “worship” Satan instead of God.  
33 Note the language “exceedingly high mountain”, figuratively implying that Jesus and Lucifer were BOTH ABOVE and  
34 therefore SUPERIOR to everyone else in the world.

35 *Again, the devil took Him up on an exceedingly high mountain, and showed Him all the kingdoms of the world*  
36 *and their glory. And he said to Him, “All these things I will give You if You will fall down and worship me.”*  
37 *[Matt. 4:8-9, Bible, NKJV]*

38 The Bible also says the Lord resists the proud, which indirectly means he resists all those who either seek to become superior  
39 or unequal in relation to other humans, or who wish to become equal or superior to God Himself:

40 *“God **resists the proud**. But gives grace to the humble.”*  
41 *[James 4:6, 1 Peter 5:5, Bible, NKJV]*

42 It is precisely the above scripture that explains why God ejected Adam, Eve, and the Serpent out of the Garden of Eden:  
43 Because all three of them sought to be equal to God or superior to others by eating the fruit. The most important characteristic  
44 of what it means to be “God” or “like God” as the serpent promised Eve is a lack of responsibility or accountability to anyone  
45 and everyone. In legal terms, this kind of lack of accountability is called “sovereign immunity”. Hence, God resists those  
46 who can injure others without accountability, often times because of their “superior” powers or authority.



1 Socialist wealth redistribution CANNOT happen without INEQUALITY under the law between the haves and have nots.

2 “Where do wars and fights come from among you? Do they not come from your desires for pleasure [unearned  
3 money from the government] that war in your members [and your democratic governments]? You lust [after other  
4 people’s money] and do not have. You murder [the unborn to increase your standard of living] and covet [the  
5 unearned] and cannot obtain [except by empowering your government to STEAL for you!]. You fight and war  
6 [against the rich and the nontaxpayers to subsidize your idleness]. Yet you do not have because you do not ask  
7 [the Lord, but instead ask the deceitful government]. You ask and do not receive, because you ask amiss, that you  
8 may spend it on your pleasures. Adulterers and adulteresses! Do you not know that friendship with the world [or  
9 the governments of the world] is enmity with God? Whoever therefore wants to be a friend of the world [or the  
10 governments of the world] makes himself an enemy of God.”  
11 [James 4:4, Bible, NKJV]

12 INEQUALITY in turn can only lawfully be created WITH consent. So the answer is, DON’T consent and thereby become a  
13 “friend of the world” as James 4:4 describes.

14 “My son, if sinners [socialists] entice you,  
15 Do not consent.”  
16 [Prov. 1:10, Bible, NKJV]

## 17 **7.2 Justice in the Bible**

18 The whole notion of “justice” originates with the concept of equal protection. Here is a definition of “justice” from Easton’s  
19 Bible Dictionary.

20 “**JUSTICE** — is rendering to **every one** [equally, whether citizen or alien] that which is his due. It has been  
21 distinguished from equity in this respect, that while justice means merely the doing what positive law demands,  
22 equity means the doing of what is fair and right in every separate case.<sup>18</sup>”  
23 [Easton’s Bible Dictionary, 1996]

24 Those who want to graphically depict the operation of law and justice will often do so by using a scale. The purpose of a  
25 scale is to demonstrate when two weights are precisely equal, and when they are not equal, the scale will tip to one side or  
26 the other and thereby demonstrate the existence of inequality. When the weights are unequal, we have what is called a “false  
27 balance”. The Bible mentions the following in regards to a false or unjust balance:

28 “Dishonest scales are an [hateful] abomination to the LORD,  
29 But a just weight is His delight.”  
30 [Prov. 11:1, Bible, NKJV]

31 The above scripture is basically saying that God HATES a false balance. He hates when people are cheated for dishonest  
32 gain, which is called “mammon” in the Bible.

33 “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  
34 one and despise the other. **You cannot serve God and mammon.**”<sup>19</sup>  
35 [Jesus in Matt. 6:24, Bible, NKJV]

36 “MAMMON. This word occurs in the Bible only in Mt. 6:24 and Lk. 16:9, 11, 13, and is a transliteration of  
37 Aramaic māmōnā. It means simply wealth or profit, but Christ sees in it an egocentric covetousness which claims  
38 man’s heart and thereby estranges him from God (Mt. 6:19ff.); when a man ‘owns’ anything, in reality it owns  
39 him. (Cf. the view that mammon derives from Bab. mimma, ‘anything at all’) ‘Unrighteous mammon’ (Lk. 16:9)  
40 is dishonest gain (F. Hauck, TDNT 4, pp. 388–390) or simply gain from self-centered motives (cf. Lk. 12:15ff.).  
41 The probable meaning is that such money, used for others, may be transformed thereby into true riches in the  
42 coming age (Lk. 16:12).<sup>20</sup> “  
43 [The New Bible Dictionary, InterVarsity Press, 38 De Montfort Street, Leicester LE1 7GP, England, p. 720]

44 Scripture also acknowledges equity as the foundation of justice itself:

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<sup>18</sup>Easton, M. 1996, c1897. *Easton’s Bible dictionary*. Logos Research Systems, Inc.: Oak Harbor, WA.

<sup>19</sup> *The New King James Version*. 1996, c1982. Thomas Nelson: Nashville

<sup>20</sup> Wood, D. R. W., & Marshall, I. H. 1996. *New Bible dictionary* (3rd ed.). InterVarsity Press: Leicester, England; Downers Grove, Ill.

1 **"Therefore justice is far from us,**  
2 **Nor does righteousness overtake us:**  
3 *We look for light, but there is darkness!*  
4 *For brightness, but we walk in blackness!*

5 [ . . . ]

6 **"Justice is turned back,**  
7 *And righteousness stands afar off;*  
8 *For truth is fallen in the street,*  
9 **And equity cannot enter.**  
10 *So truth fails,*  
11 **And he who departs from evil makes himself a prey."**  
12 *[Isaiah 59:14-15, Bible, NKJV]*

13  
14 **"But truly I am full of power by the Spirit of the LORD,**  
15 **And of justice and might,**  
16 *To declare to Jacob his transgression*  
17 *And to Israel his sin.*  
18 *Now hear this,*  
19 *You heads of the house of Jacob*  
20 *And rulers of the house of Israel,*  
21 **Who abhor justice**  
22 **And pervert all equity."**  
23 *[Micah 3:8-9, Bible, NKJV]*

24 *"For He is coming to judge the earth.*  
25 **With righteousness He shall judge the world,**  
26 **And the peoples with equity."**  
27 *[Psalm 98:9, Bible, NKJV]*

28 **"The King's strength also loves justice;**  
29 **You [God] have established equity;**  
30 **You have executed justice and righteousness in Jacob.**  
31 *Exalt the LORD our God,*  
32 *And worship at His footstool—*  
33 *He is holy."*  
34 *[Psalm 99:4, Bible, NKJV]*

### 35 **7.3 Biblical passages dealing with equity and equality**

36 Places where the subject of equality and equal protection is dealt with in the Bible that we have found so far include the  
37 following:

#### 38 1. Equality:

39 **"For there is no distinction between Jew and Greek, for the same Lord over all is rich to all who call upon**  
40 **Him."**  
41 *[Rom. 10:12, Bible, NKJV]*

42 **"There is neither Jew nor Greek, there is neither slave nor free, there is neither male nor female; for you are all**  
43 **one in Christ Jesus."**  
44 *[Gal. 3:28, Bible, NKJV]*

45 **"The rich and the poor have this in common, the LORD is the maker of them all."**  
46 *[Prov. 22:2, Bible, NKJV]*

47 **"But you, do not be called 'Rabbi'; for One is your Teacher, the Christ, and you are all brethren. Do not call**  
48 **anyone on earth your father; for One is your Father, He who is in heaven. And do not be called teachers; for One**  
49 **is your Teacher, the Christ. But he who is greatest among you shall be your servant. And whoever exalts**  
50 **himself will be humbled, and he who humbles himself will be exalted"**.  
51 *[Jesus in Matt. 23:8-12, Bible, NKJV]*

1 But Jesus called them to Himself and said to them, "You know that those who are considered rulers over the  
2 Gentiles lord it over them, and their great ones exercise authority over them. Yet it shall not be so among you;  
3 but whoever desires to become great among you shall be your servant. And whoever of you desires to be first  
4 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  
5 ransom for many."  
6 [Mark 10:42-45, Bible, NKJV. See also Matt. 20:25-28]

## 7 2. Equity in legal proceedings:

8 "Therefore justice is far from us,  
9 Nor does righteousness overtake us;  
10 We look for light, but there is darkness!  
11 For brightness, but we walk in blackness!

12 [ . . . ]

13 "Justice is turned back,  
14 And righteousness stands afar off;  
15 For truth is fallen in the street,  
16 And equity cannot enter.  
17 So truth fails,  
18 And he who departs from evil makes himself a prey."  
19 [Isaiah 59:14-15, Bible, NKJV]

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21 But truly I am full of power by the Spirit of the LORD,  
22 And of justice and might,  
23 To declare to Jacob his transgression  
24 And to Israel his sin.  
25 Now hear this,  
26 You heads of the house of Jacob  
27 And rulers of the house of Israel,  
28 Who abhor justice  
29 And pervert all equity."  
30 [Micah 3:8-9, Bible, NKJV]

31 For He is coming to judge the earth.  
32 With righteousness He shall judge the world,  
33 And the peoples with equity.  
34 [Psalm 98:9, Bible, NKJV]

35 "The King's strength also loves justice;  
36 You [God] have established equity;  
37 You have executed justice and righteousness in Jacob.  
38 Exalt the LORD our God,  
39 And worship at His footstool—  
40 He is holy."  
41 [Psalm 99:4, Bible, NKJV]

## 42 3. Consenting to become inferior to other men or civil rulers or idols other than God:

### 43 The Ten Commandments

44 And God spoke all these words, saying:

45 "I am the LORD your God, who brought you out of the land of Egypt, out of the house of bondage.

46 "You shall have no other gods [superiors] before Me.

47 "You shall not make for yourself a carved image—any likeness of anything that is in heaven above, or that is in  
48 the earth beneath, or that is in the water under the earth; you shall not bow down to them nor serve them. For  
49 I, the LORD your God, am a jealous God, visiting the iniquity of the fathers upon the children to the third and  
50 fourth generations of those who hate Me, but showing mercy to thousands, to those who love Me and keep My  
51 commandments."  
52 [Exodus 20:1-4, Bible, NKJV]

1  
2 **"You shall not bow down to their gods, nor serve them, nor do according to their works; but you shall utterly**  
3 **overthrow them and completely break down their sacred pillars."**  
4 [Exodus 23:24, Bible, NKJV]

5  
6 "You shall not make for yourself a carved image—any likeness of anything that is in **heaven above**, or that is in  
7 the **earth beneath**, or that is in the water under the earth; **you shall not bow down to them nor serve them**. For  
8 I, the LORD your God, am a jealous God, visiting the iniquity of the fathers upon the children to the third and  
9 fourth generations of those who hate Me, but showing mercy to thousands, to those who love Me and keep My  
10 commandments."  
11 [Deut. 5:8-10, Bible, NKJV]

12  
13 "Therefore be very courageous to keep and to do all that is written in the Book of the Law of Moses, lest you turn  
14 aside from it to the right hand or to the left, and lest you go among these nations, these who remain among you.  
15 **You shall not make mention of the name of their gods, nor cause anyone to swear [oaths or perjury statements]**  
16 **by them; you shall not serve them nor bow down to them, but you shall hold fast to the LORD your God, as you**  
17 **have done to this day.**"  
18 [Joshua 23:6-8, Bible, NKJV]

19  
20 "And it came to pass, when the judge was dead, that they reverted and behaved more corruptly than their fathers,  
21 **by following other gods, to serve them and bow down to them**. They did not cease from their own doings nor  
22 from their stubborn way."  
23 [Judges 2:19, Bible, NKJV]

24  
25 "To this day they continue practicing the former rituals; they do not fear the LORD, nor do they follow their  
26 statutes or their ordinances, or the law and commandment which the LORD had commanded the children of Jacob,  
27 whom He named Israel, with whom the LORD had made a covenant and charged them, saying: "**You shall not**  
28 **fear other gods, nor bow down to them nor serve them nor sacrifice to them;** <sup>36</sup> **but the LORD, who brought you**  
29 **up from the land of Egypt with great power and an outstretched arm, Him you shall fear, Him you shall**  
30 **worship, and to Him you shall offer sacrifice.**"  
31 [2 Kings 17:34-36, Bible, NKJV]

32  
33 "Their land is also full of idols;  
34 **They worship the work of their own hands,**  
35 **That which their own fingers have made.**  
36 **People bow down,**  
37 **And each man humbles himself;**  
38 **Therefore do not forgive them.**"  
39 [Isaiah 2:8-9, Bible, NKJV]

40 **4. Partiality in judgment:**

41 "You shall not show partiality in judgment; you shall hear the small as well as the great; you shall not be afraid  
42 in any man's presence, for the judgment is God's. The case that is too hard for you, bring to me, and I will hear  
43 it."  
44 [Deut. 1:17, Bible, NKJV]

45 "You shall not pervert justice; you shall not show partiality, nor take a bribe, for a bribe blinds the eyes of the  
46 wise and twists the words of the righteous."  
47 [Deut. 16:19, Bible, NKJV]

48 "For the LORD your God is God of gods and Lord of lords, the great God, mighty and awesome, **who shows no**  
49 **partiality nor takes a bribe.**"  
50 [Deut. 10:17, Bible, NKJV]

51 **"He [God] will surely rebuke you if you secretly show partiality."**

[Job 13:10, Bible, NKJV]

"Is it fitting to say to a king, 'You are worthless,'  
And to nobles, 'You are wicked'?"  
**Yet He [God] is not partial to princes,**  
**Nor does He regard the rich more than the poor;**  
For they are all the work of His hands."  
[Job. 34:18-19, Bible, NKJV]

**"You shall not show partiality to a poor man in his dispute."**  
[Exodus 23:3, Bible, NKJV]

5. Equal treatment related to wealth. The passages below essentially condemn the abuse of money to create inequality.

**Beware of Personal Favoritism**

My brethren, do not hold the faith of our Lord Jesus Christ, the Lord of glory, with partiality. **For if there should come into your assembly a man with gold rings, in fine apparel, and there should also come in a poor man in filthy clothes, and you pay attention to the one wearing the fine clothes and say to him, "You sit here in a good place," and say to the poor man, "You stand there," or, "Sit here at my footstool," have you not shown partiality among yourselves, and become judges with evil thoughts?**

Listen, my beloved brethren: **Has God not chosen the poor of this world to be rich in faith and heirs of the kingdom which He promised to those who love Him? But you have dishonored the poor man. Do not the rich oppress you and drag you into the courts? Do they not blaspheme that noble name by which you are called?**

**If you really fulfill the royal law according to the Scripture, "You shall love your neighbor as yourself," you do well; but if you show partiality, you commit sin, and are convicted by the law as transgressors. For whoever shall keep the whole law, and yet stumble in one point, he is guilty of all.** For He who said, "Do not commit adultery," also said, "Do not murder." Now if you do not commit adultery, but you do murder, you have become a transgressor of the law. So speak and so do as those who will be judged by the law of liberty. **For judgment is without mercy to the one who has shown no mercy. Mercy triumphs over judgment.**

[James 2:1-13, Bible, NKJV]

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"The rich shall not give more and the poor shall not give less than half a shekel, when you give an offering to the LORD, to make atonement for yourselves."  
[Exodus 30:15, Bible, NKJV]

"The poor man is hated even by his own neighbor,  
But the rich has many friends.  
**He who despises his neighbor sins;**  
**But he who has mercy on the poor, happy is he.**"  
[Prov. 14:20-21]

"Better is the poor who walks in his integrity than one perverse in his ways, though he be rich."  
[Prov. 28:6, Bible, NKJV]

"And again I say to you, it is easier for a camel to go through the eye of a needle than for a rich man to enter the kingdom of God."  
[Matt. 19:24, Bible, NKJV]

"Command those who are rich in this present age not to be haughty, nor to trust in uncertain riches but in the living God, who gives us richly all things to enjoy."  
[1 Tim. 6:17, Bible, NKJV]

## **7.4 Equality in commerce**

God commands believers to avoid favoritism and to treat ALL, rich or poor, as EQUAL under the law:

**Beware of Personal Favoritism**



1 My brethren, do not hold the faith of our Lord Jesus Christ, the Lord of glory, with partiality. For if there should  
2 come into your assembly a man with gold rings, in fine apparel, and there should also come in a poor man in  
3 filthy clothes, and you pay attention to the one wearing the fine clothes and say to him, "You sit here in a good  
4 place," and say to the poor man, "You stand there," or, "Sit here at my footstool," have you not shown partiality  
5 among yourselves, and become judges with evil thoughts?

6 Listen, my beloved brethren: Has God not chosen the poor of this world to be rich in faith and heirs of the  
7 kingdom which He promised to those who love Him? But you have dishonored the poor man. Do not the rich  
8 oppress you and drag you into the courts? Do they not blaspheme that noble name by which you are called?

9 If you really fulfill the royal law according to the Scripture, "You shall love your neighbor as yourself," you  
10 do well; but if you show partiality, you commit sin, and are convicted by the law as transgressors. For whoever  
11 shall keep the whole law, and yet stumble in one point, he is guilty of all. For He who said, "Do not commit  
12 adultery," also said, "Do not murder." Now if you do not commit adultery, but you do murder, you have become  
13 a transgressor of the law. So speak and so do as those who will be judged by the law of liberty. For judgment  
14 is without mercy to the one who has shown no mercy. Mercy triumphs over judgment.  
15 [James 2:1-13, Bible, NKJV]

16 A corollary to the above is that believers, and God's ministers called "government" also cannot abuse the law to make people  
17 inferior, subservient, enslaved, or unequal under the law. We believe THIS requirement is at the heart of the following  
18 scripture:

19 "Shall the throne of iniquity, which devises evil by law, have fellowship with You? They gather  
20 together against the life of the righteous, and condemn innocent blood. But the Lord has been my defense, and  
21 my God the rock of my refuge. He has brought on them their own iniquity, and shall cut them off in their own  
22 wickedness; the Lord our God shall cut them off."  
23 [Psalm 94:20-23, Bible, NKJV]

24 Note that the above scripture describes the very "throne of iniquity" as a place where evil is devised BY LAW. The  
25 implication is that LAWYERS who write laws that abuse and enslave people are the main place where evil is worshipped.

26 A famous Bible commentary on Prov. 11:1 above has the following very enlightening things to say which reveal the true  
27 meaning of "equal protection":

28 "As religion towards God is a branch of universal righteousness (he is not an honest man that is not devout), so  
29 righteousness towards men is a branch of true religion, for he is not a godly man that is not honest, nor can he  
30 expect that his devotion should be accepted; for,

31 1. Nothing is more offensive to God than deceit in commerce. A false balance is here put for all manner of  
32 unjust and fraudulent practices [of our public dis-servants] in dealing with any person [within the public],  
33 which are all an abomination to the Lord, and render those abominable [hated] to him that allow themselves  
34 in the use of such accursed arts of thriving. It is an affront to justice, which God is the patron of, as well as a  
35 wrong to our neighbour, whom God is the protector of. Men [in the IRS and the Congress] make light of such  
36 frauds, and think there is no sin in that which there is money to be got by, and, while it passes undiscovered,  
37 they cannot blame themselves for it; a blot is no blot till it is hit, Hos. 12:7, 8. But they are not the less an  
38 abomination to God, who will be the avenger of those that are defrauded by their brethren.

39 2. Nothing is more pleasing to God than fair and honest dealing, nor more necessary to make us and our  
40 devotions acceptable to him: A just weight is his delight. He himself goes by a just weight, and holds the scale  
41 of judgment with an even hand, and therefore is pleased with those that are herein followers of him.

42 A [false] balance, [whether it be in the federal courtroom or at the IRS or in the  
43 marketplace] cheats, under pretence of doing right most exactly, and therefore is the greater abomination  
44 to God."

45 [Matthew Henry's Commentary on the Whole Bible; Henry, M., 1996, c1991, under Prov. 11:1]

46 The above passage uses the phrase "false balance". We believe what that means is that the things being traded are not of  
47 EQUAL value. An example of a false balance is what Pharaoh did to all of Egypt during the famine: Offering cheap grain  
48 in exchange for ALL the land and money in Egypt. That was quite a bargain but never would have happened if Pharaoh was  
49 gracious and fair (just) or the Egyptians had stored up their own grain. See Gen. 47. Such a false balance is referred to as  
50 "iniquity in trading" in Ezekiel 28:13-19.

## 7.5 Legal mechanism by which commerce is abused to create inequality and servitude

The legal foundation of the abuse of commerce to create inequality and/or servitude is the lending of either money or property or rights or privileges (franchises) of some kind:

*"The rich rules over the poor,  
And **the borrower is servant to the lender.**"  
[Prov. 22:7, Bible, NKJV]*

The above mechanism also becomes "deceit in commerce" and even criminal activity as described in the previous section when:

1. The terms of the grant or rental are not directly and fully disclosed to the borrower at the time the property is received, as in the case of grants of most types of government property. In legal terminology, this type of deceit in commerce violates what is called the constitutional requirement for reasonable notice. That requirement is thoroughly documented in:

Requirement for Reasonable Notice, Form #05.022  
<http://sedm.org/Forms/FormIndex.htm>

2. The grant is by a government that is geographically outside of its territorial jurisdiction. This results in the government acting as a PRIVATE business in which it surrenders sovereign immunity, and yet most governments often refuse to waive the immunity and thereby become "international economic terrorists" in violation of Article 4, Section 4 of the USA Constitution, in the case of states of the Union.
3. The terms of the grant are CHANGED after it is made. This is called an "ex post facto" law and it is unconstitutional.
4. The thing offered or rented has no intrinsic value of its own and therefore does not satisfy the requirement for "consideration" in forming a valid legal contract. This includes ALL so-called "government benefits".

*"... railroad benefits, like social security benefits, are not contractual and may be altered or even eliminated at any time."  
[United States Railroad Retirement Board v. Fritz, 449 U.S. 166 (1980)]*

*"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)]*

This subject is dealt with in detail in the following memorandum of law:

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

5. The grant or rental of property causes the borrower to become a public officer in the government, because it is a CRIME to elect yourself into public office or to procure it through a bribe called "withholding". 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>

6. The grant or rental accomplishes a purpose OPPOSITE or in direct conflict with the USA Constitution, such as when it alienates or forfeits rights that are SUPPOSED to be UNALIENABLE. This causes a government to become what is called a "de facto" government or even an "anti-government", which accomplishes a purpose OPPOSITE to the purpose of their creation, which is protecting PRIVATE rights. This subject is covered in:

Government Instituted Slavery Using Franchises, Form #05.030, Section 27.2: Unconstitutional Conditions Doctrine  
<http://sedm.org/Forms/FormIndex.htm>

It is through the above mechanisms that many of the worst and most famous abuses found in the Holy Bible were instituted by corrupt GOVERNMENT rulers:

1. Pharaoh enslaved all of Egypt and the Israelites by SELLING/GRANTING grain to a starving people. See Gen. 47.
2. The rulers enslaved the Jews in the Book of Nehemiah. See Nehemiah 5:1-13.

The Bible also speaks directly, through the prophet Jeremiah, about those "who devise evil by law" as a way to trap and enslave men using the above mechanisms of abuse. 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 U.S. now fear the LORD our God,  
Who gives rain, both the former and the latter, in its season.  
He reserves for U.S. 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,  
So their houses are full of deceit. [in their usurious “codes” that are not law, but contracts or agreements or “compacts”]  
Therefore they have become great and grown rich. [by stealing and spending TRILLIONS of dollars from those who were unjustly compelled to participate in government franchises]  
They have grown fat, they are sleek;  
Yes, they surpass the deeds of the wicked;  
They do not plead the cause, [who pleads such a cause?: LAWYERS!]  
The cause of the fatherless; [or the “nontaxpayer”]  
Yet they prosper,  
And the right of the needy [or the “nontaxpayer”] they do not defend.  
Shall I not punish them for these things?’ says the LORD.  
  
‘Shall I not avenge Myself on such a nation as this?’  
“An astonishing and horrible thing  
Has been committed in the land:  
The prophets [pastors in 501c3 “privileged” churches] prophesy falsely,  
And the priests [judges, who preside over a civil religion of socialism that worships the “state”] rule by their own power;  
And My people love to have it so,  
But what will you do in the end?”  
[Jeremiah 5:24-31, Bible, NKJV]*

What “trap” are they referring to above that is being used to “catch men”? It is a situation where people are desperately in need of a thing and who will perish without it. Usually that thing is inexpensive to produce, and is offered for an exorbitant cost that causes the oppressed buyer to give up nearly everything they own, their land, and even sell their kids into slavery as the Egyptians did during the famine to Pharaoh.

#### Joseph Deals with the Famine

Now there was no bread in all the land; for the famine was very severe, so that the land of Egypt and the land of Canaan languished because of the famine. And Joseph gathered up all the money that was found in the land of Egypt and in the land of Canaan, for the grain which they bought; and Joseph brought the money into Pharaoh’s house.

So when the money failed in the land of Egypt and in the land of Canaan, all the Egyptians came to Joseph and said, “Give us bread, for why should we die in your presence? For the money has failed.”

Then Joseph said, “Give your livestock, and I will give you bread for your livestock, if the money is gone.”<sup>17</sup> So they brought their livestock to Joseph, and Joseph gave them bread in exchange for the horses, the flocks, the cattle of the herds, and for the donkeys. Thus he fed them with bread in exchange for all their livestock that year.

When that year had ended, they came to him the next year and said to him, “We will not hide from my lord that our money is gone; my lord also has our herds of livestock. There is nothing left in the sight of my lord but our bodies and our lands. Why should we die before your eyes, both we and our land? Buy us and our land for bread, and we and our land will be servants of Pharaoh; give us seed, that we may live and not die, that the land may not be desolate.”

Then Joseph bought all the land of Egypt for Pharaoh; for every man of the Egyptians sold his field, because the famine was severe upon them. So the land became Pharaoh’s. And as for the people, he moved them into the cities, from one end of the borders of Egypt to the other end. Only the land of the priests he did not buy; for the priests had rations allotted to them by Pharaoh, and they ate their rations which Pharaoh gave them; therefore they did not sell their lands.

1 Then Joseph said to the people, "Indeed I have bought you and your land this day for Pharaoh. Look, here is seed  
2 for you, and you shall sow the land. And it shall come to pass in the harvest that you shall give one-fifth to  
3 Pharaoh [TRIBUTE/TAX]. Four-fifths shall be your own, as seed for the field and for your food, for those of  
4 your households and as food for your little ones."

5 So they said, "You have saved our lives; let us find favor in the sight of my lord [idolatry], and we will be  
6 Pharaoh's servants." And Joseph made it a law over the land of Egypt to this day, that Pharaoh should have  
7 one-fifth, except for the land of the priests only, which did not become Pharaoh's.  
8 [Gen. 47:13-26, Bible, NKJV]

9 It is interesting to note that our most revered founding fathers understood these concepts and warned against engaging in  
10 contracts or alliances, and by implication "franchises", with any government, when they said:

11 "My ardent desire is, and my aim has been...to comply strictly with all our engagements foreign and domestic;  
12 but to keep the United States free from political connections with every other Country. To see that they may be  
13 independent of all, and under the influence of none. In a word, I want an American character, that the powers  
14 of Europe may be convinced we act for ourselves and not for others [as "public officers"]; this, in my judgment,  
15 is the only way to be respected abroad and happy at home."  
16 [George Washington, (letter to Patrick Henry, 9 October 1775);  
17 Reference: The Writings of George Washington, Fitzpatrick, ed., vol. 34 (335)]

18 "About to enter, fellow citizens, on the exercise of duties which comprehend everything dear and valuable to you,  
19 it is proper that you should understand what I deem the essential principles of our government, and consequently  
20 those which ought to shape its administration. I will compress them within the narrowest compass they will bear,  
21 stating the general principle, but not all its limitations. Equal and exact justice to all men, of whatever state or  
22 persuasion, religious or political; peace, commerce, and honest friendship with all nations – entangling  
23 alliances [contracts, treaties, franchises] with none;"  
24 [Thomas Jefferson, First Inaugural Address, March 4, 1801]

25 The Bible also disdains contracts, covenants, and franchises with those who are not believers and especially with foreign  
26 governments:

27 "Take heed to yourself, lest you make a covenant or mutual agreement [contract, franchise agreement] with the  
28 inhabitants of the land to which you go, lest it become a snare in the midst of you."  
29 [Exodus 34:12, Bible, Amplified version]

30 Tax agencies are the modern day Canaanites afflicting believers. God HATES Canaanite merchants who use franchises to  
31 subjugate and enslave people, or make them inferior or unequal under the law. In the Bible, "Canaanites" is a synonym for  
32 "money changers". The Canaanites are described as "merchants" and the Lord repeatedly ordered the Israelites to KILL all  
33 the Canaanites.

- 34 1. Indirectly, the order to kill the Canaanites was an order to eliminate those who put mammon ahead of God. See Matt.  
35 6:24.
- 36 2. Zechariah 14:21 (NIV) defines "Canaanites" as merchants. The NIV version of this scripture has a footnote that  
37 defines "Canaanite" as "merchant". See:  
38 <http://www.biblegateway.com/passage/?search=zechariah%2014&version=NIV>
- 39 3. Numbers 31, the Lord told the Israelites to kill the Midianites in the land of Canaan.
- 40 4. Judges 1, the Lord ordered Joshua, the faithful one who brought the Israelites into the promised land, to again kill the  
41 Canaanites, meaning merchants.

42 It is Canaanites, called the "money changers", or their merchant equivalent who caused Jesus to flip the tables over in the  
43 temple when they had turned it into a market place. See Mark 11:15, John 2:15.

44 Money changing of the kind done in modern socialist governments, whereby taxation is illegally used for wealth  
45 redistribution, was Satan's greatest transgression as well. See Ezekiel 28:13-19. The love of money and money changing is  
46 the main vehicle, in fact, by which inequality or inferiority is either maintained or created. Satan himself, personified in the  
47 serpent who beguiled Eve, was ejected from the Garden of Eden because of the iniquity of his trading (abusive commerce).

48 "You were the seal of perfection,  
49 Full of wisdom and perfect in beauty.  
50 <sup>13</sup> You were in Eden, the garden of God;  
51 Every precious stone was your covering:  
52 The sardius, topaz, and diamond,

Beryl, onyx, and jasper,  
Sapphire, turquoise, and emerald with gold.  
The workmanship of your timbrels and pipes  
Was prepared for you on the day you were created.

<sup>14</sup> “You were the anointed cherub who covers;  
I established you;  
You were on the holy mountain of God;  
You walked back and forth in the midst of fiery stones.  
<sup>15</sup> You were perfect in your ways from the day you were created,  
Till iniquity was found in you.

<sup>16</sup> **“By the abundance of your trading  
You became filled with violence within,  
And you sinned;  
Therefore I cast you as a profane thing  
Out of the mountain of God;  
And I destroyed you, O covering cherub,  
From the midst of the fiery stones.**

<sup>17</sup> “Your heart was lifted up because of your beauty;  
You corrupted your wisdom for the sake of your splendor;  
I cast you to the ground,  
I laid you before kings,  
That they might gaze at you.

<sup>18</sup> **“You defiled your sanctuaries  
By the multitude of your iniquities,  
By the iniquity of your trading;  
Therefore I brought fire from your midst;  
It devoured you,  
And I turned you to ashes upon the earth  
In the sight of all who saw you.  
<sup>19</sup> All who knew you among the peoples are astonished at you;  
You have become a horror,  
And shall be no more forever.”**  
[Ezekiel 28:13-19, Bible, NKJV]

Note the phrase in the above “By the abundance of your trading you became filled with violence within.” In other words, ABUSIVE commerce was a vehicle of LEGAL OR PHYSICAL VIOLENCE upon others or the rights, dignity, or equality of others.

Government franchises are the method of Canaanite exploitation of people that governments are supposed to be protecting. Below is a description of how the lending of government property is abused to enslave the borrower by transforming them into a trustee or public officer of the public. 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 donor, 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 upon 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.**”



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 someone else’s property makes the borrower 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 given 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”!  
This includes:
  - 1.1. “taxpayer” (I.R.C. “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).
4. Any kind of license. Most licenses say on the back or in the statutes regulating them that they are property of the government and must be returned upon request. This includes:
  - 4.1. Driver’s licenses.
  - 4.2. Contracting licenses.

5. A USA Passport. The passport indicates on page 6, note 2 that it is property of the U.S. government and must be returned upon request. So does 22 C.F.R. §51.7.
6. Any kind of government ID, including state Resident ID cards. Nearly all such ID say they belong to the government. This includes Common Access Cards (CACs) used in the U.S. military.
7. A vehicle license plate. Attaching it to the car makes a portion of the vehicle public property.
8. Stock in a public corporation. All stock holders in corporations are regarded by the courts as GOVERNMENT CONTRACTORS!

*"The court held that the first company's charter was a contract between it and the state, within the protection of the constitution of the United States, and that the charter to the last company was therefore null and void., Mr. Justice DAVIS, delivering the opinion of the court, said that, if anything was settled by an unbroken chain of decisions in the federal courts, it was that an act of incorporation was a contract between the state and the stockholders, 'a departure from which now would involve dangers to society that cannot be foreseen, would shock the sense of justice of the country, unhinge its business interests, and weaken, if not destroy, that respect which has always been felt for the judicial department of the government.'"*  
[New Orleans Gas Co. v. Louisiana Light Co., 115 U.S. 650 (1885)]

Once they hand you government property essentially as a "bribe", you consent to be treated as a de facto "public officer" in the government. A "public officer" is, after all, legally defined as someone who is in charge of the property of the public. Receipt and temporary custody of the valuable property of the public therefore constitutes your "employment consideration" to act as a public officer!:

***"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]*

Why do they use property as the means to effect or create the franchise? The reason is because they have jurisdiction over their property WHEREVER it is situated, including within states of the Union.

***"The Constitution permits Congress to dispose of and to make all needful rules and regulations respecting the territory or other property belonging to the United States. This power applies as well to territory belonging to the United States within the States, as beyond them. It comprehends all the public domain, wherever it may be. The argument is, that the power to make 'ALL needful rules and regulations' 'is a power of legislation,' 'a full legislative power;' 'that it includes all subjects of legislation in the territory,' and is without any limitations, except the positive prohibitions which affect all the powers of Congress.** Congress may then regulate or prohibit slavery upon the public domain within the new States, and such a prohibition would permanently affect the capacity of a slave, whose master might carry him to it. And why not? Because no power has been conferred on Congress. This is a conclusion universally admitted. **But the power to 'make rules and regulations respecting the territory' is not restrained by State lines, nor are there any constitutional prohibitions upon its exercise in the domain of the United States within the States; and whatever rules and regulations respecting territory Congress may constitutionally make are supreme, and are not dependent on the situs of 'the territory.'**"*  
[Dred Scott v. Sandford, 60 U.S. 393, 509-510 (1856)]

If they didn't use the lending of their property to reach you, they would otherwise, not have civil jurisdiction over those domiciled in a legislatively (but not constitutionally) foreign state such as a Constitutional state of the Union through their civil law, since all law is prima facie territorial and they don't own and don't have civil jurisdiction over Constitutional states of the Union:

*"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.]

Ultimately, however, what your corrupted public servants are doing is both criminal and illegal. None of the franchises they administer expressly authorize the creation of any new public offices in the government, but rather add benefits to EXISTING public offices. If they abuse public funds and programs to bribe otherwise PRIVATE people to accept the duties of a public office, the U.S. Code says this is a serious crime:

[TITLE 18 > PART 1 > CHAPTER 11 > § 210](#)  
[§ 210. Offer to procure appointive public office](#)

Whoever pays or offers or promises any money or thing of value, to any person, firm, or corporation in consideration of the use or promise to use any influence to procure any appointive office or place under the United States for any person, shall be fined under this title or imprisoned not more than one year, or both.

[TITLE 18 > PART 1 > CHAPTER 11 > § 211](#)  
[§ 211. Acceptance or solicitation to obtain appointive public office](#)

Whoever solicits or receives, either as a political contribution, or for personal emolument, any money or thing of value, in consideration of the promise of support or use of influence in obtaining for any person any appointive office or place under the United States, shall be fined under this title or imprisoned not more than one year, or both.

Whoever solicits or receives any thing of value in consideration of aiding a person to obtain employment under the United States either by referring his name to an executive department or agency of the United States or by requiring the payment of a fee because such person has secured such employment shall be fined under this title, or imprisoned not more than one year, or both. This section shall not apply to such services rendered by an employment agency pursuant to the written request of an executive department or agency of the United States.

If you collude with your criminal public servants in this FRAUD by accepting the bribe and carry on the charade of pretending to be a public officer, you too become a criminal who is impersonating a public officer. You also become hated in God’s eyes because you are simultaneously trying to serve two masters, meaning God and Caesar:

[TITLE 18 > PART 1 > CHAPTER 43 > § 912](#)  
[§ 912. Officer or employee of the United States](#)

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

“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].**”<sup>21</sup>  
[Jesus in Matt. 6:24, Bible, NKJV]

Everything they give you will always be a temporary GRANT rather than a GIFT. Everything they give you will always have legal strings attached that make the property they give you into a Trojan Horse designed to destroy and enslave you. The proverb “Beware of Greeks bearing gifts.” definitely applies to everything the government does. Please keep these critical facts in mind as you try and decide whether you want you and your family to give the corrupted U.S. Government the right to intrude into your personal health care. Also keep in mind that under the concept of equal protection, you can use the SAME tactic to entrap and prejudice the government and defend yourself from this tactic.

<sup>21</sup>The New King James Version. 1996, c1982 . Thomas Nelson: Nashville

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 474 (1990). What the U.S. Supreme Court is describing is the basic principle for how franchises operate and how they are used to snare you. In a 6-3 decision that dealt with the 10% minority set-aside issue, the Court held the following:

*"...Congress has frequently employed the Spending Power to further broad policy objectives... by conditioning receipt of federal moneys upon compliance by the recipient... with federal statutory and administrative directives. This Court has repeatedly upheld... against constitutional challenge... the use of this technique to induce governments and private parties to cooperate voluntarily with federal policy."*  
[*Fullilove v. Klotznick*, 448 U.S. 448, at 474 (1990)]

When those who are unknowingly party to a franchise challenge the constitutionality or violation of due process resulting from the enforcement of the franchise provisions against them, here is how the U.S. Supreme Court has historically responded:

*"We can hardly find a denial of due process in these circumstances, particularly since it is even doubtful that appellee's burdens under the program outweigh his benefits. It is hardly lack of due process for the Government to regulate that which it subsidizes."*  
[*Wickard v. Filburn*, 317 U.S. 111, 63 S.Ct. 82 (1942)]

The key to the effect of the conveyance of property is the NATURE of the funds or property conveyed by the government. If it was property of the government at the time it was conveyed, then it is a subsidy and conveys rights to the government. If, on the other hand, the property was someone else's property temporarily granted/rented to the government under a franchise of the REAL owner, it ceases to be a subsidy and cannot convey any rights to the government under ITS franchise, because the government is not the rightful owner of the property. That is why everything that members of the Ministry convey to the government is identified legally not as a gift, but a GRANT, on the following form. Section 6 establishes what we call an "anti-franchise franchise" which reverses the relationship between the parties and makes all those who receive monies from the sender into officers and servants of the sender under franchise contract:

<p><u>Tax Form Attachment</u>, Form #04.201 <a href="http://sedm.org/Forms/FormIndex.htm">http://sedm.org/Forms/FormIndex.htm</a></p>
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If you want to win at this game, you have to use all the same weapons and tactics as your enemy and INSIST vociferously on complete equality of treatment and rights as the Constitution mandates. You can't do that until you have identified and fully understand how all of the weapons function.

Here is yet more proof of why those who accept government benefits cannot assert their constitutional rights as a defense to challenge the statutes that regulate the benefit. The language below comes from the Brandeis Rules for the U.S. Supreme Court:

*"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, 31 L.Ed. 527; 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."*  
[*Ashwander v. Tennessee Valley Authority*, 297 U.S. 288, 56 S.Ct. 466 (1936)]

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!

Here is how franchises enslave and entrap you:

1. Congress borrows money in your name (like they were using your credit card) from the private Federal Reserve Bank. You and your descendants must pay this money back at interest.

*"I sincerely believe ... that banking establishments are more dangerous than standing armies, and that the principle of spending money to be paid by posterity under the name of funding is but swindling futurity on a large scale."*  
[*Thomas Jefferson to John Taylor*, 1816]

2. Congress wants to further its broad policy objectives (like making America a socialist state under a "unitary executive"...or invading another country for its natural resources.)

3. So Congress offers private people and state and foreign governments BRIBES using the money borrowed/STOLEN in #1. above...On condition that those private people and state and foreign governments cooperate "VOLUNTARILY" with federal policy, which is really just PRIVATE business activity disguised to LOOK like "government business".
4. Federal policy is whatever federal judges and other bureaucrats say it is.
5. Among the "federal policy" you must comply with is for them to be able to lawfully and administratively take from you ANY amount of money they want to fund their program. This is done through false information return reporting, IRS administrative levies that would otherwise be a constitutional tort, etc.
6. In short, once you accept the bribe, you change from being the BOSS of your public servants into their "employee"/officer and cheap whore. They turn the relationship upside down with trickery and words of art.
7. If you create your own franchise (we call it an anti-franchise franchise) and call EVERYTHING you pay them a privilege and use their own game rules against them, they will hypocritically and unlawfully apply different rules against themselves than they apply to you, in violation of the requirement for equal protection. If they are going to defend the above method of acquiring rights, they have to defend your EQUAL right to play the same rules with them and prohibit themselves from abusing sovereign immunity to make the game rules unequal. They call what you give to them a non-refundable gift in 31 U.S.C. §321(d), and yet everything they give to you is a mere temporary grant that makes you their voluntary, uncompensated public officer. HYPOCRITES!

Notice the word "voluntarily" in Fullilove v. Klotznick above. The federal government cannot coerce a state citizen not domiciled on federal land and not taking money from King Congress. The only way the federal government can make you a subject of itself and rule over you, and tax you, is by your CONSENT in taking federal "benefits" (bribes... to entice you to agree to its jurisdiction – The Declaration of Independence requires the federal government to get your consent in order to exercise its powers).

Parents tell their children:

*"As long as you live in my house...you play by my rules."*

The federal government says, and the Supreme Court agrees:

*"As long as you take money from me...you play by my rules (e.g. compulsory health care...compulsory flu injections...compulsory education for your children in government schools...federal income tax...etc.,) not by constitutional rules."*

Now...:

1. Are you a free self-determining citizen of your state...or are you a subject of the federal government?
2. Did you sign the social security APPLICATION (giving your consent) for your newborn children to be subjects of federal bureaucrats and tyrants?

We use the term "state citizen" in the same sense that the reader understands it.

If you are a subject of the federal government, and have made your children subjects of the federal government by writing them off as privileged tax deductions on a federal tax return, the Supreme Court has held over and over that you cannot bring constitutional challenges against the federal government in federal court. Federal judges will dismiss you... and rightly 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 U.S. 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." [U.S. v. *Babcock*, 250 U.S. 328, 39 S.Ct. 464 (1919)]

Since the U.S. 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 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.

"Behold, I will make My words in your mouth fire,  
And this people wood,  
And it shall devour them.  
**Behold, I will bring a nation [in the District of Columbia, Washington D.C.] against you from afar,**  
O house of Israel," says the LORD.  
"It is a mighty nation,  
It is an ancient nation,  
A nation whose language [legalese] you do not know,  
Nor can you understand what they say [in their deceitful laws].  
Their quiver is like an open tomb;  
They are all mighty [deceitful] men.  
**And they [and the IRS, their henchmen] shall eat up your harvest and your bread,**  
Which your sons and daughters should eat.  
**They shall eat up your flocks and your herds;**  
**They shall eat up your vines and your fig trees;**  
**They shall destroy your fortified cities [and businesses and families],**  
In which you trust, with the sword.  
[Jeremiah 5:14-17, Bible, NKJV]

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>

2. They will tempt you with socialist bribes called “benefits”. See:

The Government “Benefits” Scam, Form #05.040

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

3. They will rig their forms so that it is impossible to truthfully declare your status, leaving as the only options available statuses that connect you to consent to their franchises, even if you DO NOT consent.
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 a slave FOR LIFE.
5. They will hide the forms and procedures that can be used to quit the franchise by removing them from their website, but still making them available to people who specifically ask.
6. They will make false, prejudicial, and self –serving presumptions or determinations about your status that they are not allowed to do until AFTER you expressly consent to give them that authority IN WRITING and they will do so in violation of due process of law. See:

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

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

7. They will deceive you with “words of art”. See:

Legal Deception, Propaganda, and Fraud, Form #05.014

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

8. They will publish false propaganda encouraging third parties to file knowingly false and fraudulent reports about your status such as information returns that constitute prima facie evidence of consent to participate in government 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>

9. They will willfully refuse or omit to prosecute the filers of false information returns, thus compelling you to unlawfully and criminally impersonate a public officer who is compelled to fill a position as a franchisee. It is called theft by omission and it is also a criminal conspiracy against your constitutional rights. Both OMISSIONS and COMMISSIONS that cause injury to you are CRIMES. They might even protect criminals filing these false reports INSTEAD of the victims.
10. They will disestablish all constitutional courts that could serve as a remedy against such abuses and replace them with 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>

11. They will use “selective enforcement” of the tax laws as a way to silence and punish those who expose their monumental scam. They don’t need to torture you physically. All they have to do is destroy your ability to survive commercially, and it is as good as putting you in jail and subjecting you to physical torture.
12. They will remove the subject of law from the curricula in public schools, so that they can do all the above things without you even realizing it is happening so that you don’t become alarmed as they tighten the bars of your cage.

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: <https://youtu.be/P772Eb63qIY&>

LOCAL COPY: [http://famguardian1.org/Media/The\\_REAL\\_Matrix.mp4](http://famguardian1.org/Media/The_REAL_Matrix.mp4)

## 7.6 Inequality leads to hypocrisy, privileges, and injustice

When equal protection is working the way it is supposed to, we have a society that is entirely free of “hypocrisy”, “favoritism”, and “partiality”. We looked in Black’s Law Dictionary for the word “hypocrisy” and it wasn’t there. According to Jesus, lawyers and judges are among the worst hypocrites of all, which may explain why they don’t want the truth about their

1 misdeeds mentioned in their favorite or most frequently used dictionary. Below is a definition of the word from a bible  
2 dictionary:

3 *"**hypocrisy**, a term and idea that are primarily limited in the Bible to the NT writings. The Greek word*  
4 *transliterated into English as 'hypocrite' was used to denote an actor, one who performed behind a mask. Thus*  
5 *the popular understanding came to be that of persons who pretended to be something that they were not. It is*  
6 *interesting to note, however, that hypocrisy does not appear to be so limited in meaning in the NT. The term can*  
7 *sometimes denote general wickedness or evil, self-righteousness, pretense, or breach of 'contract.'*

8 *"The best-known passage in the NT describing hypocrisy is Matthew 23:1, where self-righteousness and pretense*  
9 *are both in evidence (cf. also Matt. 6:2, 5, 16; 7:5; 15:7; 22:18; 24:51; Mark 7:6; Luke 6:42; 12:56; 13:15).*

10 *In Gal. 2:13, Paul accuses Peter, Barnabas, and other Jewish Christians of hypocrisy (RSV: 'insincerity').*  
11 *Although the term does not occur in Acts 5:1-11, the story reflects the seriousness with which the early church*  
12 *regarded hypocritical behavior. Perhaps the most frightening aspect of this sin is that one can enter the state of*  
13 *hypocrisy and not realize it (Matt. 7:21-23).<sup>22</sup>*  
14 *[Nave's New Bible Dictionary]*

15 Hypocrisy or favoritism in the administration of man's laws results in an unstable government, because people get angry at  
16 the government for playing favorites and eventually will revolt against that government.

17 *"The legislation, in the discrimination it makes, is class legislation. Whenever a distinction is made in the*  
18 *burdens a law imposes or in the benefits it confers on any citizens by reason of their birth, or wealth, or religion,*  
19 *it is class legislation, and leads inevitably to oppression and abuses, and to general unrest and disturbance in*  
20 *society.*

21 *[. . .]*

22 *Here I close my opinion. I could not say less in view of questions of such gravity that go down to the very*  
23 *foundation of the government. If the provisions of the constitution can be set aside by an act of congress, where*  
24 *is the course of usurpation to end? The present assault upon capital is but the beginning. It will be but the*  
25 *stepping-stone to others, larger and more sweeping, till our political contests will become a war of the poor*  
26 *against the rich,-a war constantly growing in intensity and bitterness. 'If the court sanctions the power of*  
27 *discriminating taxation, and nullifies the uniformity mandate of the constitution,' as said by one who has been*  
28 *all his life a student of our institutions, 'it will mark the hour when the sure decadence of our present*  
29 *government will commence.'*  
30 *[Pollock v. Farmers' Loan and Trust Co., 157 U.S. 429 (1895) ]*

31 Everyone who has been a parent knows how equality has to work. Parents who don't love all their children equally will end  
32 up with sibling rivalries that can alienate family members from each other, make family life very tumultuous, and eventually  
33 destroy families. Likewise, if you want to know exactly what is wrong in the political family called "government", start  
34 looking for instances of favoritism and hypocrisy, which are the surest signs of tyranny and injustice. This whole book is an  
35 effort to do precisely that.

36 The notion of lack of equal protection is also found hidden throughout the Bible. When it is talked about, it is described as  
37 "hypocrisy" or "hypocrites". Below are just a few examples where the subject of "hypocrites" is described in the New King  
38 James Bible:

- 39 1. God knows and detects hypocrites. Isa 29:15,16.  
40 2. Christ knew and detected hypocrisy. Mt 22:18.  
41 3. God has no pleasure in hypocrites. Isa 9:17.  
42 4. Hypocrites shall not come before God. Job 13:16.  
43 5. Hypocrites described as:  
44 5.1. Willfully blind. Mt 23:17,19,26.  
45 5.2. Vile. Isa 32:6.  
46 5.3. Self-righteous. Isa 65:5; Lu 18:11.  
47 5.4. Covetous. Eze 33:31; 2 Pe 2:3.  
48 5.5. Ostentatious. Mt 5:2,5,16; 23:5.  
49 5.6. Censorious. Mt 7:3-5; Lu 13:14,15.

<sup>22</sup> Achtemeier, P. J., Harper & Row, P., & Society of Biblical Literature. 1985. *Harper's Bible dictionary*. Includes index. (1st ed.). Harper & Row: San Francisco

- 5.7. Regarding tradition more than the word of God. Mt 15:1-3.  
5.8. Exact in minor things, but neglecting important duties. Mt 23:23,24.  
5.9. Having but a form of godliness. 2 Ti 3:5.  
5.10. Seeking only outward purity. Lu 11:39.  
5.11. Professing but not practicing. Eze 33:31,32; Mt 23:3; Ro 2:17-23.  
5.12. Using but lip-worship. Isa 29:13; Mt 15:8.  
5.13. Glorifying in appearance only. 2 Co 5:12.  
5.14. Trusting in privileges. Jer 7:4; Mt 3:9.  
5.15. Apparently zealous in the things of God. Isa 58:2.  
5.16. Zealous in making proselytes. Mt 23:15.  
5.17. Devouring widows' houses. Mt 23:14.  
5.18. Loving pre-eminence. Mt 23:6,7.  
6. Worship by hypocrites not acceptable to God. Isa 1:11-15; 58:3-5; Mt 15:9.  
7. Joy of hypocrites, but for a moment. Job 20:5.  
8. Hope of hypocrites will perish. Job 8:13; 27:8,9.  
9. Heap up wrath against hypocrites. Job 36:13.  
10. Fearfulness shall surprise hypocrites. Isa 33:14.  
11. Hypocrites destroy others by slander. Pr 11:9.  
12. Hypocrites when in power, are a snare. Job 34:30.  
13. Apostasy abounds with hypocrites. 1 Ti 4:2.  
14. Beware the principles of hypocrites. Lu 12:1.  
15. Spirit of hypocrites hinders growth in grace. 1 Pe 2:1.  
16. Woe to hypocrites. Isa 29:15; Mt 23:13.  
17. Punishment of hypocrites. Job 15:34; Isa 10:6; Jer 42:20,22; Mt 24:51.  
18. Hypocrites illustrated by Jesus. Mt 23:27,28; Lu 11:44.  
19. Exemplified by the following Bible personalities  
19.1. Cain. Ge 4:3.  
19.2. Absalom. 2 Sa 15:7,8.  
19.3. The Jews. Jer 3:10.  
19.4. Pharisees, Mt 16:3.  
19.5. Judas. Mt 26:49.  
19.6. Herodians. Mr 12:13,15.  
19.7. Ananias. Ac 5:1-8.  
19.8. Simon. Ac 8:13-23.

Note item 5.14 above, which describes hypocrites as “trusting in privileges”. Here is what the scripture says in that reference:

*But when he saw many of the Pharisees and Sadducees coming to his baptism, he said to them, “Brood of vipers! Who warned you to flee from the wrath to come? Therefore bear fruits worthy of repentance, and do not think to say to yourselves, ‘We have Abraham as our father.’ For I say to you that God is able to raise up children to Abraham from these stones. And even now the ax is laid to the root of the trees. Therefore every tree which does not bear good fruit is cut down and thrown into the fire. I indeed baptize you with water unto repentance, but He who is coming after me is mightier than I, whose sandals I am not worthy to carry. He will baptize you with the Holy Spirit and fire. His winnowing fan is in His hand, and He will thoroughly clean out His threshing floor, and gather His wheat into the barn; but He will burn up the chaff with unquenchable fire.”*  
[Jesus in Matt. 3:7-12, Bible, NKJV]

What Jesus was implying in the above scripture is that we should not trust in, or rely upon any kind of “privileges”, meaning franchise, and that we instead will be judged at Jesus’ second coming by our acts of righteousness, and not by our “privileged” status or condition. You will note, for instance, that at the final Wedding Supper of the Lamb described in the book of Revelation Chapter 19 and in Matt. 22:2-14, believers in God who have been obedient to God’s calling and His sacred Law shall be present to rejoin their Bridegroom, who is Jesus, God’s Son. Those who are invited to the wedding must be attired in clean white linen, which is described in Rev. 19:18 as “the righteous acts of the saints”. Note there is no mention of “privilege” being an adequate substitute for righteous acts anywhere in the Bible.

*And to her [the bride of Christ, which is the Church and the believers in the Church] it was granted to be arrayed in fine linen, clean and bright, for the fine linen is the righteous acts of the saints.*

*Then he said to me, “Write: ‘Blessed are those who are called to the marriage supper of the Lamb!’”*  
[Rev. 19:8, Bible, NKJV]

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*"But when the king [God] came in to see the guests [at the wedding feast], he saw a man there who did not have on a wedding garment. So he said to him, 'Friend, how did you come in here without a [clean white] wedding garment?' And he was speechless. Then the king [God] said to the servants 'Bind him hand and foot, take him away, and cast him into outer darkness: there will be weeping and gnashing of teeth.' For many are called, but few are chosen."*  
[Matt. 22:11-14, Bible, NKJV]

Other resources expand considerably upon that idea of "trusting in privileges" as being a kind of hypocrisy that is despised not only by most people, but more importantly by God Himself in several other places in this book, because it is a very important point and the key to the way our government causes our taxing system to operate. Most notably, this subject is covered in the Great IRS Hoax, Form #11.302 section 4.3.12, which is entitled "Government-instituted slavery using 'privileges'".

Every place where Jesus Christ vehemently condemned a sin in the Bible was one where hypocrisy and inequality was evident. The greater the hypocrisy, the more vehement was His condemnation. Below is the most graphic example of His condemnation of hypocrisy from the Bible, in Matt. 23. This was the passage cited in the definition of "hypocrisy" above:

*<sup>13</sup> "Woe to you, teachers of the law and Pharisees, you hypocrites! You shut the kingdom of heaven in men's faces. You yourselves do not enter, nor will you let those enter who are trying to."*

*<sup>15</sup> "Woe to you, teachers of the law and Pharisees, you hypocrites! You travel over land and sea to win a single convert, and when he becomes one, you make him twice as much a son of hell as you are."*

*<sup>16</sup> "Woe to you, blind guides! You say, 'If anyone swears by the temple, it means nothing; but if anyone swears by the gold of the temple, he is bound by his oath.' <sup>17</sup> You blind fools! Which is greater: the gold, or the temple that makes the gold sacred? <sup>18</sup> You also say, 'If anyone swears by the altar, it means nothing; but if anyone swears by the gift on it, he is bound by his oath.' <sup>19</sup> You blind men! Which is greater: the gift, or the altar that makes the gift sacred? <sup>20</sup> Therefore, he who swears by the altar swears by it and by everything on it. <sup>21</sup> And he who swears by the temple swears by it and by the one who dwells in it. <sup>22</sup> And he who swears by heaven swears by God's throne and by the one who sits on it."*

*<sup>23</sup> "Woe to you, teachers of the law and Pharisees, you hypocrites! You give a tenth of your spices—mint, dill and cummin. But you have neglected the more important matters of the law—justice, mercy and faithfulness. You should have practiced the latter, without neglecting the former. <sup>24</sup> You blind guides! You strain out a gnat but swallow a camel."*

*<sup>25</sup> "Woe to you, teachers of the law and Pharisees, you hypocrites! You clean the outside of the cup and dish, but inside they are full of greed and self-indulgence. <sup>26</sup> Blind Pharisee! First clean the inside of the cup and dish, and then the outside also will be clean."*

*<sup>27</sup> "Woe to you, teachers of the law [both man's law and God's law] and Pharisees, you hypocrites! You are like whitewashed tombs, which look beautiful on the outside but on the inside are full of dead men's bones and everything unclean. <sup>28</sup> In the same way, on the outside you appear to people as righteous but on the inside you are full of hypocrisy and wickedness."*

*<sup>29</sup> "Woe to you, teachers of the law and Pharisees, you hypocrites! You build tombs for the prophets and decorate the graves of the righteous. <sup>30</sup> And you say, 'If we had lived in the days of our forefathers, we would not have taken part with them in shedding the blood of the prophets.' <sup>31</sup> So you testify against yourselves that you are the descendants of those who murdered the prophets. <sup>32</sup> Fill up, then, the measure of the sin of your forefathers!"*

*<sup>33</sup> "You snakes! You brood of vipers! How will you escape being condemned to hell? <sup>34</sup> Therefore I am sending you prophets and wise men and teachers. Some of them you will kill and crucify; others you will flog in your synagogues and pursue from town to town. <sup>35</sup> And so upon you will come all the righteous blood that has been shed on earth, from the blood of righteous Abel to the blood of Zechariah son of Berekiah, whom you murdered between the temple and the altar. <sup>36</sup> I tell you the truth, all this will come upon this generation."*

*<sup>37</sup> "O Jerusalem, Jerusalem, you who kill the prophets and stone those sent to you, how often I have longed to gather your children together, as a hen gathers her chicks under her wings, but you were not willing. <sup>38</sup> Look, your house is left to you desolate. <sup>39</sup> For I tell you, you will not see me again until you say, 'Blessed is he who comes in the name of the Lord.'"*  
[Jesus in Matt. 23:13-39, Bible, NIV]



Funny, and very true! ☺ By condemning hypocrisy frequently throughout the New Testament, Jesus (God's servant) was basically saying that everyone should play by the same rules and that those who refuse to will suffer the wrath (severe anger and displeasure) of God. If God is our Father and parents can't play favorites with their children, then we are all equal under His divine Laws found in the Holy Bible. That same spirit of equality, then, must also exist in our own earthly laws enacted pursuant to His divine delegated authority in the Bible. In fact, this equality does exist for the most part within the laws of America. It is only in the taxing statutes (which you will learn later are neither "law" nor "positive law") where inequality exists. Gross and totally unjust inequality also exists in the application and enforcement of law by the federal and state judiciaries, the legal profession, and the Department of Justice. The weak point is and always has been the weaknesses, prejudices, and biases of us as humans in administering God's perfect laws and justice. This is especially true of the way that our tax laws are administered by the I.R.S., which is described throughout this book. The gross injustice and inequality found in the administration of our taxing "codes" or "statutes" was the reason, as a matter of fact, for the writing of this book. Below are just a few examples of such gross inequality, hypocrisy, and partiality on the part of the government and IRS and there are many more documented later in Chapter 7:

1. When the IRS attempts collection, they seize people's property and money without even going to court. But when we want to collect anything from anyone, we have to hire an expensive lawyer and go to court and the federal judiciary will refuse to force the IRS to pay our legal fees, which never would have been necessary if they had just obeyed the law like everyone else. This prejudices the defense of our rights
2. The IRS insists that we put the most intimate details about ourselves on a tax return document, and yet when you talk to anyone at the IRS or write them a letter, they refuse to sign the letter or even provide their full legal name or address.
3. Those who counterfeit money are punished with 20 years in prison, but when the IRS produces a fraudulent security called an "assessment" with no authority of law whatsoever and sells it on the open market, the federal judiciary routinely refuses to convict them of securities fraud.
4. The Fair Debt Collection Practices Act, Public Law 104-208 requires in section 809 that anyone collecting a debt, when requested, produce the original debt instrument and prove the existence of the debt. HOWEVER, when people send a Privacy Act request to the IRS demanding evidence of a valid assessment, the IRS routinely refuse to produce it and the courts routinely refuse to compel them to produce it, knowing full well that there is no law that authorizes them to do assessments on people.

If you'd like to investigate this matter of "hypocrisy" covered extensively elsewhere in this and other books, read the following sections:

1. The following sections of the Great IRS Hoax, Form #11.302 book:
  - 1.1. Section 1.10.5: You can't trust most lawyers or politicians
  - 1.2. Section 4.3.12: Government-instituted slavery using "privileges"
  - 1.3. Section 4.3.13: Government has become idolatry and a false religion, Family Guardian Fellowship
  - 1.4. Section 4.3.15 of this book: How public servants eliminate or avoid or hide the requirement for consent
  - 1.5. Section 5.14 of this book: Congress has made you a Political "tax prisoner" and a feudal "tax serf" in your own country
  - 1.6. Chapter 6 of this book covers many aspects of hypocrisy in action within all branches of the U.S. government.
2. Chapter 2 of the Tax Fraud Prevention Manual, Form #06.008 covers the specific issue of IRS hypocrisy, arrogance, and violation of law. It proves that the IRS depends on privileges not enjoyed by the average American in the illegal collection and assessment of income taxes:  
<http://sedm.org/ItemInfo/Ebooks/TaxFraudPrevMan/TaxFraudPrevMan.htm>
3. Chapter 5 of the Tax Fraud Prevention Manual, Form #06.008 points out all the lies and propaganda put out by the government intended to deceive the average American into accepting an unequal role as a federal serf working for a privileged class of hypocrites in what Samuel Clemens calls the District of Criminals (Washington "D.C."):   
<http://sedm.org/ItemInfo/Ebooks/TaxFraudPrevMan/TaxFraudPrevMan.htm>.

Because it is a natural human tendency to hate hypocrisy and sin, those who intend to win using litigation against the government should grandstand to the jury the inherent inequity, injustice, and hypocrisy rampant in our government. This will mobilize the support needed to get a conviction against government lawbreakers.

## **7.7 Inequality leads to idolatry towards government**

Lastly, we must remember that any entity that can break the Ten Commandments or any of man's laws and not suffer the same punishment under the law as everyone else in a society based on equal protection of the laws is a false god and an idol.

1 An idol is simply any “superior being or thing” which has greater rights and sovereignty than anyone else in society. The  
2 first four commandments of the [Ten Commandments](#) make idolatry not only a sin, but the WORST kind of sin punishable by  
3 death. Any misguided individual who tolerates or votes in favor of governments abusing their taxing powers to steal from  
4 the rich and give to the poor is committing treason against the Constitution and also is violating the second great  
5 commandment to love his neighbor. You don't STEAL from someone you love, and neither do honorable or respectable  
6 members of society tolerate or condone government servants who do the stealing as their agents either. The Ten  
7 Commandments say “Thou shalt not steal.” They don't say: “Though shalt not steal, UNLESS you are the government.”

8 The Bible also identifies “nations” as less than nothing and worthless, and not superior in any way to a single man.

9 “Behold, the nations [and governments and politicians of the nations] are as a drop in the bucket, and are counted  
10 as the small dust on the scales.”  
11 [\[Isaiah 40:15, Bible, NKJV\]](#)

12 “All the inhabitants of the earth are reputed as nothing; He does according to His will in the army of heaven And  
13 among the inhabitants of the earth. No one can restrain His hand Or say to Him, ‘What have You done?’”  
14 [\[Daniel 4:35, Bible, NKJV\]](#)

15 “All nations [and governments] before Him [God] are as nothing, and they are counted by Him less than nothing  
16 and worthless.”  
17 [\[Isaiah 40:17, Bible, NKJV\]](#)

18 “He [God] brings the princes [and Kings and Presidents] to nothing; He makes the judges of the earth useless.”  
19 [\[Isaiah 40:23, Bible, NKJV\]](#)

20 “Indeed they [the governments and the men who make them up in relation to God] are all worthless; their works  
21 are nothing; their molded images [and their bureaus and agencies and [usurious “codes” that are not law](#)] are  
22 wind [and vanity] and confusion.”  
23 [\[Isaiah 41:29, Bible, NKJV\]](#)

24 “Arise, O Lord,  
25 Do not let man [or governments made up of men] prevail;  
26 Let the nations be judged [and disciplined] in Your sight.  
27 Put them in fear [with your wrath and the timeless principles of your perfect and [Glorious Law](#)], O Lord,  
28 That the nations may know themselves to be but men.”  
29 [\[Psalm 9:19-20, Bible, NKJV\]](#)

30 When a government or ruler becomes superior in any way or imputes to itself any power or right that the people do not  
31 INDIVIDUALLY also have then:

- 32 1. That power or right becomes a “supernatural power”.
- 33 2. The possessor of the right becomes an object of idolatry and “worship”.
- 34 3. The government or civil ruler has established itself or himself as a civil religion.
- 35 4. “Taxes” paid under voluntary franchises or excises serve the equivalent of “tithes” to a state-sponsored church.
- 36 5. Franchise statutes serve as the equivalent of a bible for the state-sponsored church.
- 37 6. Franchise judges officiating over legislative franchise courts become priests of a civil religion.
- 38 7. The First Amendment has been violated, which forbids the establishment of religion by government.

39 The people are the “natural” thing and the government they create exclusively for the protection of their PRIVATE rights is  
40 simply an artificial creation that can have no more power than the Sovereign People who created it. The minute this principle  
41 is violated is the minute that government becomes religion and God is fired as our EXCLUSIVE source of permanent  
42 protection and security.

43 *Nemo dat qui non habet. No one can give who does not possess. Jenk. Cent. 250.*

44 *Nemo plus juris ad alienum transfere potest, quam ispe habent. One cannot transfer to another a right which he  
45 has not. Dig. 50, 17, 54; 10 Pet. 161, 175.*

46 *Nemo potest facere per alium quod per se non potest. No one can do that by another which he cannot do by  
47 himself.*

1 *Qui per alium facit per seipsum facere videtur. He who does anything through another, is considered as doing it*  
2 *himself. Co. Litt. 258.*

3 *Quicquid acquiritur servo, acquiritur domino. Whatever is acquired by the servant, is acquired for the master.*  
4 *15 Bin. Ab. 327.*

5 *Quod per me non possum, nec per alium. What I cannot do in person, I cannot do by proxy [the Constitution]. 4*  
6 *Co. 24.*

7 *What a man cannot transfer, he cannot bind by articles [the Constitution].*  
8 *[Bouvier's Maxims of Law, 1856]*

9 Governments or rulers that claim or enforce supernatural powers are, in fact, making themselves the object of idol worship  
10 and idolatry, which is the gravest sin in the Bible.

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

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

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

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

27 For exhaustive details on how governments abuse franchises to establish themselves as a civil religion, please see the  
28 following:

<i>Socialism: The New American Civil Religion</i> , Form #05.016 <a href="http://sedm.org/Forms/FormIndex.htm">http://sedm.org/Forms/FormIndex.htm</a>
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## 29 **7.8 Biblically mandated inequality**

30 There are occasions in the Bible, where God commands certain people to be in subjection to others. Below is an example,  
31 where Eve was commanded to be in subjection to Adam because of her disobedience in eating the fruit:

32 *"I will greatly multiply your sorrow and your conception;*  
33 *In pain you shall bring forth children;*  
34 *Your desire shall be for your husband,*  
35 *And he shall rule over you. "*  
36 *[Genesis 3:16, Bible, NKJV]*

37 Every case we have found in the Bible where God commanded inequality shared the following characteristics:

- 38 1. It was sometimes done as a PUNISHMENT or PENALTY under a specific covenant that was violated, such as in the  
39 case of Eve. Eve disobeyed and rebelled against God's command not to eat the fruit of the tree of the knowledge of  
40 good and evil. The penalty was being expelled from the garden and being put into subjection to her husband. See  
41 also Eph. 5:22. .or
- 42 2. It was sometimes done for the greater good of the larger group. An ordered family is one that works and stays  
43 together. Families cannot function or remain intact if everyone thinks they are in charge or everyone is always fighting  
44 to be in charge. This would be anarchy. . .or

3. In the case of government, obedience to the laws of that government was only commanded when or if the government was a righteous government and IF one consents to be a citizen. God did NOT, however, command us to be citizens or residents of any earthly government. Instead, he said we were citizens of heaven and NOT Earth. Any earthly citizenship which carries with it subjection or the “benefits” or franchises that create it is to be avoided. See Romans 13.

*"For our citizenship is in heaven, from which we also eagerly wait for the Savior, the Lord Jesus Christ"*  
[Philippians 3:20]

*"Where do wars and fights come from among you? Do they not come from your desires for pleasure [unearned money 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 with the world [or the governments of the world] is enmity with God? Whoever therefore wants to be a friend of the world [or the governments of the world] makes himself an enemy of God."*  
[James 4:4, Bible, NKJV]

On the last point above, much disinformation exists on the subject of Romans 13. For a rebuttal of such disinformation, see:

1. Commentary on Romans 13, Form #17.056, Nike Insights  
<http://sedm.org/Forms/FormIndex.htm>
2. Christian Citizenship Course, Form #12.007.  
<http://sedm.org/Forms/FormIndex.htm>
3. Should Christians Always Obey the State?, Form #13.014  
<http://sedm.org/Forms/FormIndex.htm>
4. The Crisis of Church Incorporation, Form #13.017.  
<http://sedm.org/Forms/FormIndex.htm>
5. Spirituality Page, Section 9, Family Guardian Website  
<http://famguardian.org/Subjects/Spirituality/spirituality.htm>

Another important aspect of biblically commanded subjection is that since it is a command of God, then the person in subjection is not in subjection to a corrupt MAN or to the flesh, but instead is serving God indirectly. Eve, for instance, by being in subjection to Adam is in effect serving “the office of husband” created by God under the Bible trust indenture, rather than Adam personally. When Adam ceases to represent and follow God and do his part of protecting Eve, she ceases to have an obligation to obey him if commanded to do so.

## **8 Equal protection from a Constitutional Perspective**

### **8.1 Introduction**

The founding fathers based their writing of the U.S. Constitution and their design of a republican government upon a document written by Baron de Montesquieu entitled The Spirit of Laws. Here is what that series of books says about equal protection and equal treatment:

*"In republican governments, men are all equal; equal they are also in despotic governments: in the former, because they are everything; in the latter, because they are nothing."*  
[The Spirit of Laws, Charles de Montesquieu, 1758, Book VI, Section 2;  
SOURCE: [http://famguardian.org/Publications/SpiritOfLaws/sol\\_06.htm](http://famguardian.org/Publications/SpiritOfLaws/sol_06.htm)]

*"This was agreeable to the spirit of a republic, where each citizen ought to have an unlimited zeal for the public good, and is supposed to hold all the rights of his country in his own hands [EQUAL in respect to an entire government]."*  
[The Spirit of Laws, Charles de Montesquieu, 1758, Book VI, Section 8;  
SOURCE: [http://famguardian.org/Publications/SpiritOfLaws/sol\\_06.htm](http://famguardian.org/Publications/SpiritOfLaws/sol_06.htm)]

4. In what Manner the Love of Equality and Frugality is inspired.

The love of equality and of a frugal economy is greatly excited by equality and frugality themselves, in societies where both these virtues are established by law.

In monarchies and despotic governments, nobody aims at equality; this does not so much as enter their thoughts; they all aspire to superiority. People of the very lowest condition desire to emerge from their obscurity, only to lord it over their fellow-subjects.

[. . .]

A true maxim it is, therefore, that in order to love equality and frugality in a republic, these virtues must have been previously established by law.

[*The Spirit of Laws*, Charles de Montesquieu, 1758, Book V, Section 5;

SOURCE: [http://famguardian.org/Publications/SpiritOfLaws/sol\\_05.htm](http://famguardian.org/Publications/SpiritOfLaws/sol_05.htm)]

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“In aristocratic governments there are two principal sources of disorder: excessive inequality between the governors and the governed; and the same inequality between the different members of the body that governs. From these two inequalities, hatreds and jealousies arise, which the laws ought ever to prevent or repress.

The first inequality is chiefly when the privileges of the nobility are honourable only as they are ignominious to the people. Such was the law at Rome by which the patricians were forbidden to marry plebeians;<sup>21</sup> a law that had no other effect than to render the patricians on the one side more haughty, and on the other more odious. The reader may see what advantages the tribunes derived thence in their harangues.

This inequality occurs likewise when the condition of the citizens differs with regard to taxes, which may happen in four different ways: when the nobles assume the privilege of paying none; when they commit frauds to exempt themselves;<sup>22</sup> when they engross the public money, under pretence of rewards or appointments for their respective employments; in fine, when they render the common people tributary, and divide among their own body the profits arising from the several subsidies. This last case is very rare; an aristocracy so instituted would be the most intolerable of all governments.

[. . .]

The laws should likewise forbid the nobles all kinds of commerce: merchants of such unbounded credit would monopolise all to themselves. Commerce is a profession of people who are upon an equality; hence among despotic states the most miserable are those in which the prince applies himself to trade.”

[*The Spirit of Laws*, Charles de Montesquieu, 1758, 1758, Book V, Section 8;

SOURCE: [http://famguardian.org/Publications/SpiritOfLaws/sol\\_05.htm](http://famguardian.org/Publications/SpiritOfLaws/sol_05.htm)]

Equal protection is the heart and soul of the Constitution and is mentioned once in the Declaration of Independence and three times in the Constitution as follows:

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

[SOURCE: [http://www.archives.gov/national\\_archives\\_experience/charters/declaration\\_transcript.html](http://www.archives.gov/national_archives_experience/charters/declaration_transcript.html)]

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Constitution, Article IV, Section 1: Full Faith and Credit shall be given in each State to the public Acts, Records, and judicial Proceedings of every other State. And the Congress may by general Laws prescribe the Manner in which such Acts, Records and Proceedings shall be proved, and the Effect thereof.

[SOURCE: <http://caselaw.lp.findlaw.com/data/constitution/article04/>]

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Constitution, Article IV, Section 2: “The Citizens of each State shall be entitled to all Privileges and Immunities of Citizens in the several States.”

[SOURCE: <http://caselaw.lp.findlaw.com/data/constitution/article04/>]

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Constitution, Fourteenth Amendment, Section 1: “No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the **equal protection** of the laws.”



[SOURCE: <http://caselaw.lp.findlaw.com/data/constitution/amendment14/>]

The U.S. Supreme Court has identified EQUALITY of rights as the foundation of republicanism, or a republican government:

*"The 14th Amendment prohibits a state from denying to any person within its jurisdiction the equal protection of the laws; but this provision does not, any more than the one which precedes it, and which we have just considered, add anything to the rights which one citizen has under the Constitution against another. **The equality of the rights of citizens is a principle of republicanism. Every republican government is in duty bound to protect all its citizens in the enjoyment of this principle, if within its power. That duty was originally assumed by the states; and it still remains there.** The only obligation resting upon the United States is to see that the states do not deny the right. This the amendment guarantees, but no more. The power of the national government is limited to the enforcement of this guaranty."*  
[United States v. Cruikshank, 92 U. S. 542, 554, 23 L. ed. 588, 592]

Equal protection means, for instance, that:

1. All Biological People are treated equally under the law. See the Declaration of Independence. The law may not discriminate against or injure one group of people to the benefit of another group. They all have equal civil rights, but they must be "citizens" in order to have political rights.
2. All States are equal under the Constitution. See <http://caselaw.lp.findlaw.com/data/constitution/article04/16.html#3>
3. Every legal "person" is equal under the law in any given place. The one exception to this rule is that that biological people enjoy the protection of the Bill of Rights (the first Ten Amendments to the U.S. Constitution) whereas artificial persons such as corporations do not.
4. No creation of men such as a government or ruler can have any more authority than a single man. Otherwise, a "Title Of Nobility" prohibited by Constitution Article 1, Section 9, Clause 8 would be the result.

*Constitution of the United States  
Article 1, Section 9, Clause 8*

**No Title of Nobility shall be granted by the United States:** And no Person holding any Office of Profit or Trust under them, shall, without the Consent of the Congress, accept of any present, Emolument, Office, or Title, of any kind whatever, from any King, Prince or foreign State.

That last requirement is confirmed by the fact that the U.S. government is a government of delegated powers.

*"It is again to antagonize Chief Justice Marshall, when he said: 'The government of the Union, then (whatever may be the influence of this fact on the case), is emphatically and truly a government of the people. In form and in substance it emanates from them. Its powers are granted by them, and are to be exercised directly on them and for their benefit. This government is acknowledged by all to be one of enumerated powers.' 4 Wheat. 404, 4 L.Ed. 601."*  
[Downes v. Bidwell, 182 U.S. 244 (1901) ]

*"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)]

*"The Government of the United States is one of delegated powers alone. Its authority is defined and limited by the Constitution. All powers not granted to it by that instrument are reserved to the States or the people."*  
[United States v. Cruikshank, 92 U.S. 542 (1875)]

The creation can have no more authority delegated to it than the Creator from which the rights were derived.

*Nemo dat qui non habet. No one can give who does not possess. Jenk. Cent. 250.*

*Nemo plus juris ad alienum transfere potest, quam ispe habent. One cannot transfer to another a right which he has not. Dig. 50, 17, 54; 10 Pet. 161, 175.*

*Nemo potest facere per alium quod per se non potest. No one can do that by another which he cannot do by himself.*

1 *Qui per alium facit per seipsum facere videtur. He who does anything through another, is considered as doing it*  
2 *himself. Co. Litt. 258.*

3 *Quicquid acquiritur servo, acquiritur domino. Whatever is acquired by the servant, is acquired for the master.*  
4 *15 Bin. Ab. 327.*

5 *Quod per me non possum, nec per alium. What I cannot do in person, I cannot do by proxy [the Constitution].* 4  
6 *Co. 24.*

7 *What a man cannot transfer, he cannot bind by articles [the Constitution].*  
8 *[Bouvier's Maxims of Law, 1856]*

9 The result of imputing more powers to the government than those of a single man result in:

- 10 1. Substituting privileges for rights.  
11 2. Destroying the separation of powers between what is private and what is public.  
12 3. The establishment of a state sponsored religion in violation of the First Amendment. Religion is, after all, the worship  
13 and obedience of inferior beings towards superior beings based on a system of belief that cannot be supported by evidence  
14 or is not required to be supported by evidence. The belief that the government or political rulers are superior to every  
15 other human being or that they have “supernatural powers” cannot be supported by any evidence from the Constitution  
16 or any other organic law.

17 Equal protection demands that all persons shall be treated equally in any given place. It does not, however, guarantee that  
18 the persons in one place will be treated the same as persons in another place or another state. Here is an explanation of this  
19 fact from the U.S. Supreme Court:

20 *“We might go still further and say, with undoubted truth, that there is nothing in the Constitution to prevent any*  
21 *state from adopting any system of laws or judicature it sees fit for [176 U.S. 581, 599] all or any part of its*  
22 *territory. If the state of New York, for example, should see fit to adopt the civil law and its method of procedure*  
23 *for New York city and the surrounding counties, and the common law and its method of procedure for the rest of*  
24 *the state, there is nothing in the Constitution of the United States to prevent its doing so. This would not of itself,*  
25 *within the meaning of the Fourteenth Amendment, be a denial to any person of the equal protection of the laws.*  
26 *If every person residing or being in either portion of the state should be accorded the equal protection of the laws*  
27 *prevailing there, he could not justly complain of a violation of the clause referred to. For, as before said, it has*  
28 *respect to persons and classes of persons. It means that no person or class of persons shall be denied the same*  
29 *protection of the laws which is enjoyed by other persons or other classes in the same place and under like*  
30 *circumstances. The Fourteenth Amendment does not profess to secure to all persons in the United States the*  
31 *benefit of the same laws and the same remedies. Great diversities in these respects may exist in two states*  
32 *separated only by an imaginary line. On one side of this line there may be a right of trial by jury, and on the other*  
33 *side no such right. Each state prescribes its own modes of judicial proceeding. If diversities of laws and judicial*  
34 *proceedings may exist in the several states without violating the equality clause in the Fourteenth Amendment,*  
35 *there is no solid reason why there may not be such diversities in different parts of the same state. A uniformity*  
36 *which is not essential as regards different states cannot be essential as regards different parts of a state, provided*  
37 *that in each and all there is no infraction of the constitutional provision. Diversities which are allowable in*  
38 *different states are allowable in different parts of the same state. Where part of a state is thickly settled, and*  
39 *another part has but few inhabitants, it may be desirable to have different systems of judicature for the two*  
40 *portions, -trial by jury in one, for example, and not in the other. Large cities may require a multiplication of courts*  
41 *and a peculiar arrangement of jurisdictions. It would be an unfortunate restriction of the powers of the state*  
42 *government if it could not, in its [176 U.S. 581, 600] discretion, provide for these various exigencies. If a*  
43 *Mexican state should be acquired by treaty and added to an adjoining state or part of a state in the United States,*  
44 *and the two should be erected into a new state, it cannot be doubted that such new state might allow the Mexican*  
45 *laws and judicature to continue unchanged in the one portion, and the common law and its corresponding*  
46 *judicature in the other portion. Such an arrangement would not be prohibited by any fair construction of the*  
47 *Fourteenth Amendment. It would not be based on any respect of persons or classes, but on municipal*  
48 *considerations alone, and a regard for the welfare of all classes within the particular territory or jurisdiction.”*  
49 *[Missouri v. Lewis, 101 U.S. 22 (1879)]*

50 Equal protection is also the heart of our tax system, which is a form of “commerce” described in the above passage. All  
51 Americans in the states are required to pay the same amount of money to support the federal government, and this amount is  
52 called a “direct tax” or a “capitation tax”. A tax which is graduated and discriminates against the rich, for instance, is unequal  
53 and therefore violates equal protection. That is why the Constitution says the following:

54 Article 1, Section 9, Clause 4: “No Capitation, or other direct, Tax shall be laid, unless in Proportion to the  
55 Census of Enumeration herein before directed to be taken.”

Article 1, Section 2, Clause 3: "Representatives and direct Taxes shall be apportioned among the several States which may be included within this Union, according to their respective Numbers"

All states pay the same amount, per person, to support the federal government. An apportioned direct tax is collected by the state government, and the same amount is assessed against every person in the state and throughout the country. It is up to the states how they choose to collect the money, but they must pay their apportionment at the beginning of every federal fiscal year.

In the Internal Revenue Code:

1. All income tax that applies within states of the Union has a flat percentage rate of 30% for ALL income and are not "graduated" or "progressive". See 26 U.S.C. §871(a).
2. The only people who pay a graduated and discriminatory rate are those who "consent" or "elect" to do so. That "election" is made by filing an IRS Form 1040 rather than the form 1040NR that is the proper form for those in states of the Union. All income connected with a "trade or business in the United States", which is defined in 26 U.S.C. §7701(a)(26) as "the functions of a public office", is subject to the graduated rate. Because all "public offices" exist in the District of Columbia under 4 U.S.C. §72, and because the Bill of Rights and the requirement for equal protection do not apply in the District of Columbia, a graduated rate of tax is then applied to what essentially are the government's own elected or appointed officers. These people are the only real "employees" within the Internal Revenue Code. See 26 U.S.C. §6331(a) for proof.

## 8.2 Legal Definition<sup>23</sup>

The phrase "equal protection of the laws" has never been precisely defined.<sup>24</sup> In fact, the phrase is not susceptible of exact delimitation,<sup>25</sup> nor can the boundaries of the protection afforded thereby be automatically or rigidly fixed. In other words, no rule as to what may be regarded as a denial of the equal protection of the laws which will cover every case has ever been formulated,<sup>26</sup> and no test of the type of cases involving the Equal Protection Clause can be infallible or all-inclusive.<sup>27</sup> Moreover, it would be impracticable and unwise to attempt to lay down any generalization covering the subject;<sup>28</sup> each case must be decided as it arises.<sup>29</sup> Thus, in maintaining the balance of constitutional grants and limitations, it is inevitable that the application of the equal protection guarantee should be defined in the gradual process of inclusion and exclusion.<sup>30</sup> Nonetheless, and generally speaking, laws that apply evenhandedly to all unquestionably comply with the Equal Protection Clause.<sup>31</sup> Furthermore, the Equal Protection Clause deals with invidiously discriminatory classifications, and there is no equal protection claim without some type of "classification" of an individual.<sup>32</sup>

<sup>23</sup> Adapted from Am.Jur.2d., Constitutional Law, §778: Definition of "equal protection of laws"; Difficulty of definition (1999).

<sup>24</sup> Louisville Gas & Electric Co. v. Coleman, 277 U.S. 32, 48 S.Ct. 423, 72 L.Ed. 770 (1928).

<sup>25</sup> Mascari v. International Broth. of Teamsters, Chauffeurs, Warehousemen & Helpers of America (AFL) Local Union No. 667, 187 Tenn. 345, 215 S.W.2d. 779 (1948), cert. dismissed, 335 U.S. 907, 69 S.Ct. 410, 93 L.Ed. 440 (1949); Louisville Gas & Electric Co. v. Coleman, 277 U.S. 32, 48 S.Ct. 423, 72 L.Ed. 770 (1928).

<sup>26</sup> Colgate v. Harvey, 296 U.S. 404, 56 S.Ct. 252, 80 L.Ed. 299, 102 A.L.R. 54 (1935); Louisville Gas & Electric Co. v. Coleman, 277 U.S. 32, 48 S.Ct. 423, 72 L.Ed. 770 (1928).

<sup>27</sup> Bayside Fish Flour Co. v. Gentry, 297 U.S. 422, 56 S.Ct. 513, 80 L.Ed. 772 (1936).

<sup>28</sup> Puget Sound Power & Light Co. v. King County, 264 U.S. 22, 44 S.Ct. 261, 68 L.Ed. 541 (1924); Southwestern Oil Co. v. State of Tex., 217 U.S. 114, 30 S.Ct. 496, 54 L.Ed. 688 (1910).

<sup>29</sup> Safeway Stores, Inc. v. Oklahoma Retail Grocers Ass'n, Inc., 360 U.S. 334, 79 S.Ct. 1196, 3 L.Ed.2d. 1280 (1959); Liberty Warehouse Co. v. Burley Tobacco Growers' Co-op. Marketing Ass'n, 276 U.S. 71, 48 S.Ct. 291, 72 L.Ed. 473 (1928).

<sup>30</sup> O'Kane v. State, 283 N.Y. 439, 28 N.E.2d. 905 (1940), reargument denied, 284 N.Y. 591, 29 N.E.2d. 665 (1940).

<sup>31</sup> Vacco v. Quill, 117 S.Ct. 2293, 138 L.Ed.2d. 834 (U.S. 1997), for concurring opinion, see, 117 S.Ct. 2302 (U.S. 1997); Alexander v. Whitman, 114 F.3d. 1392 (3d Cir. 1997), cert. denied, 118 S.Ct. 367, 139 L.Ed.2d. 286 (U.S. 1997).

The Equal Protection Clause requires that a law be evenhanded as actually applied, but it does not require identical treatment under the law. McQueary v. Blodgett, 924 F.2d. 829 (9th Cir. 1991); State v. Miller, 84 Haw. 269, 933 P.2d. 606 (Haw. 1997), reconsideration denied, 84 Haw. 496, 936 P.2d. 191 (Haw. 1997); Zempel v. Uninsured Employers' Fund, 938 P.2d. 658 (Mont. 1997).

<sup>32</sup> Phelps v. Phelps, 337 N.C. 344, 446 S.E.2d. 17, 34 A.L.R.5th 751 (1994), reh'g denied, 337 N.C. 807, 449 S.E.2d. 750 (1994).

### 8.3 Judicial Definition of “equal protection”

*“The fourteenth amendment prohibits a State from denying to any person within its jurisdiction the equal protection of the laws; but this provision does not, any more than the one which precedes it, and which we have just considered, add anything \*555 to the rights which one citizen has under the Constitution against another. The equality of the rights of citizens is a principle of republicanism. Every republican government is in duty bound to protect all its citizens in the enjoyment of this principle, if within its power. That duty was originally assumed by the States; and it still remains there. The only obligation resting upon the United States is to see that the States do not deny the right. This the amendment guarantees, but no more. The power of the national government is limited to the enforcement of this guaranty.”*  
[U.S. v. Cruikshank, 92 U.S. 542, 1875 WL 17550 (U.S.,1875)]

Although the courts have recognized the folly of attempting to delimit precisely the Equal Protection Clause, various broad and sweeping generalizations and statements as to the meaning of this supremely important part of the Federal Constitution have from time to time been enunciated. Many courts have repeatedly said that the guarantee of equal protection of the laws means that no person or class of persons shall be denied the same protection of the laws which is enjoyed by other persons or other classes in like circumstances,<sup>33</sup> in their lives, liberty, and property, and in their pursuit of happiness.<sup>34</sup> The “equal protection of the laws is a pledge of the protection of equal laws.”<sup>35</sup> There is also authority to the effect that it means equality of opportunity to all in like circumstances.<sup>36</sup> Denial of equal protection entails, at a minimum, a classification that treats individuals unequally.<sup>37</sup> Equal protection of the laws means that the rights of all persons must rest upon the same rule under the same circumstances.<sup>38</sup>

### 8.4 Focus of Equal protection Clause on individuals

At the heart of the Constitution's guarantee of equal protection lies the simple command that the government must treat citizens as individuals rather than as components of racial, religious, sexual, or national classes.<sup>39</sup> Thus, a law declaring that in general it shall be more difficult for one group of citizens than for all others to seek aid from the government is itself a denial of equal protection of the laws in the most literal sense.<sup>40</sup> When a state distributes benefits to individuals unequally, the distinctions it makes are subject to scrutiny under the Equal Protection Clause.<sup>41</sup>

<sup>33</sup> Kentucky Finance Corp. v. Paramount Auto Exch. Corp., 262 U.S. 544, 43 S.Ct. 636, 67 L.Ed. 1112 (1923), on remand to, 181 Wis. 551, 196 N.W. 1023 (1923); Mills v. State of Me., 118 F.3d. 37, 3 Wage & Hour.Cas.2d. (BNA) 1802, 134 Lab.Cas. (CCH) ¶ 33585 (1st Cir. 1997).

Although equal protection of the laws is perhaps not capable of precision in its multifold applications, the guiding principle is often stated as requiring that all persons be treated alike under like circumstances and conditions. Alexander v. Whitman, 114 F.3d. 1392 (3d Cir. 1997), cert. denied, 118 S.Ct. 367, 139 L.Ed.2d. 286 (U.S. 1997).

<sup>34</sup> State of Missouri ex rel. Gaines v. Canada, 305 U.S. 337, 59 S.Ct. 232, 83 L.Ed. 208 (1938), reh'g denied, 305 U.S. 676, 59 S.Ct. 356, 83 L.Ed. 437 (1939) and mandate conformed to, 344 Mo. 1238, 131 S.W.2d. 217 (1939).

<sup>35</sup> Romer v. Evans, 517 U.S. 620, 116 S.Ct. 1620, 134 L.Ed.2d. 855, 109 Ed.Law.Rep. 539, 70 Fair Empl. Prac. Cas. (BNA) 1180, 68 Empl.Prac.Dec. (CCH) ¶ 44013 (1996); Walker v. Board of Supervisors of Monroe County, 224 Miss. 801, 81 So.2d. 225 (1955), cert. denied, 350 U.S. 887, 76 S.Ct. 142, 100 L.Ed. 782 (1955); Preisler v. Calcaterra, 362 Mo. 662, 243 S.W.2d. 62 (1951).

<sup>36</sup> Walker v. Board of Supervisors of Monroe County, 224 Miss. 801, 81 So.2d. 225 (1955), cert. denied, 350 U.S. 887, 76 S.Ct. 142, 100 L.Ed. 782 (1955).

<sup>37</sup> Coalition for Economic Equity v. Wilson, 110 F.3d. 1431, 73 Fair Empl. Prac. Cas. (BNA) 821, 70 Empl.Prac.Dec. (CCH) ¶ 44581 (9th Cir. 1997) and cert. denied, 118 S.Ct. 397, 139 L.Ed.2d. 310 (U.S. 1997).

<sup>38</sup> Anderson v. City of St. Paul, 226 Minn. 186, 32 N.W.2d. 538 (1948).

<sup>39</sup> Miller v. Johnson, 515 U.S. 900, 115 S.Ct. 2475, 132 L.Ed.2d. 762 (1995), on remand to, 922 F.Supp. 1552 (S.D. Ga. 1995) and on remand to, 922 F.Supp. 1556 (S.D. Ga. 1995), probable jurisdiction noted, 116 S.Ct. 1823, 134 L.Ed.2d. 928 (U.S. 1996) and judgment aff'd, 117 S.Ct. 1925, 138 L.Ed.2d. 285 (U.S. 1997).

The Fourteenth Amendment speaks of the individual, not of the racial or other group to which he or she may belong; it prohibits a state from arbitrarily discriminating against “any person.” Banks v. Housing Authority of City and County of San Francisco, 120 Cal.App.2d. 1, 260 P.2d. 668 (1st Dist. 1953), cert. denied, 347 U.S. 974, 74 S.Ct. 784, 98 L.Ed. 1114 (1954).

<sup>40</sup> Romer v. Evans, 517 U.S. 620, 116 S.Ct. 1620, 134 L.Ed.2d. 855, 109 Ed.Law.Rep. 539, 70 Fair Empl. Prac. Cas. (BNA) 1180, 68 Empl.Prac.Dec. (CCH) ¶ 44013 (1996).

<sup>41</sup> Hooper v. Bernalillo County Assessor, 472 U.S. 612, 105 S.Ct. 2862, 86 L.Ed.2d. 487 (1985); Zobel v. Williams, 457 U.S. 55, 102 S.Ct. 2309, 72 L.Ed.2d. 672 (1982).

The Equal Protection Clause does not protect against burdens and disabilities as such, but against their unequal imposition. Tarin v. Commissioner of the Div. of Medical Assistance, 424 Mass. 743, 678 N.E.2d. 146, 53 Soc. Sec. Rep. Serv. 170 (1997).

## 8.5 Nature and purpose of guarantee, in general

The guiding principle most often stated by the courts is that the constitutional guarantee of equal protection of the laws requires that all persons shall be treated alike under like circumstances and conditions, both in the privileges conferred and in the liabilities imposed.<sup>42</sup>

Equal protection of the laws is something more than an abstract right; it is a command which the states must respect, the benefits of which every person may demand.<sup>43</sup> Similarly, the laws to which the Fourteenth Amendment's guarantee of equal protection has reference do not relate to abstract units, but are expressions of policy arising out of specific difficulties, addressed to the attainment of specific ends by the use of specific remedies.<sup>44</sup> Local tradition cannot justify a failure to comply with the constitutional mandate requiring equal protection of the law,<sup>45</sup> and one must also be ever aware that the Federal Constitution forbids sophisticated as well as simple-minded modes of discrimination.<sup>46</sup>

## 8.6 Requirement of similar treatment for those similarly situated

The Equal Protection Clause requires public bodies and institutions to treat similarly situated individuals in a similar manner,<sup>47</sup> the Equal Protection Clause thus bars a governing body from applying a law dissimilarly to people who are similarly situated;<sup>48</sup> however, treatment of dissimilarly situated persons in a dissimilar manner by the government does not violate the Equal Protection Clause.<sup>49</sup> One facet of this requirement of similar treatment is that equal protection guarantees that a party will have the same amount of time to bring a tort action against the government as he or she would have to bring an action against a private tortfeasor.<sup>50</sup> The purpose of the Equal Protection Clause is to secure every person within a state's jurisdiction against intentional and arbitrary discrimination, whether occasioned by the express terms of a statute or by its improper execution through the state's duly constituted agents.<sup>51</sup> In other words, the concept of equal justice under the law requires a

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<sup>42</sup> Miller v. Johnson, 515 U.S. 900, 115 S.Ct. 2475, 132 L.Ed.2d. 762 (1995), on remand to, 922 F.Supp. 1552 (S.D. Ga. 1995) and on remand to, 922 F.Supp. 1556 (S.D. Ga. 1995), probable jurisdiction noted, 116 S.Ct. 1823, 134 L.Ed.2d. 928 (U.S. 1996) and judgment aff'd, 117 S.Ct. 1925, 138 L.Ed.2d. 285 (U.S. 1997); Alexander v. Whitman, 114 F.3d. 1392 (3d Cir. 1997), cert. denied, 118 S.Ct. 367, 139 L.Ed.2d. 286 (U.S. 1997); Walker v. Board of Supervisors of Monroe County, 224 Miss. 801, 81 So.2d. 225 (1955), cert. denied, 350 U.S. 887, 76 S.Ct. 142, 100 L.Ed. 782 (1955); Roth v. Public Emp. Retirement Bd., 44 Ohio.App.2d. 155, 71 Ohio.Op.2d. 240, 73 Ohio.Op.2d. 143, 336 N.E.2d. 448 (10th Dist. Franklin County 1975).

The Equal Protection Clause creates no substantive rights, but rather, it embodies the general rule that states must treat like cases alike, but may treat unlike cases accordingly. Vacco v. Quill, 117 S.Ct. 2293, 138 L.Ed.2d. 834 (U.S. 1997), for concurring opinion, see, 117 S.Ct. 2302 (U.S. 1997).

<sup>43</sup> Hill v. State of Tex., 316 U.S. 400, 62 S.Ct. 1159, 86 L.Ed. 1559 (1942).

The constitutional imperatives of the Equal Protection Clause must have priority over the comfortable convenience of the status quo. Williams v. Illinois, 399 U.S. 235, 90 S.Ct. 2018, 26 L.Ed.2d. 586, 52 Ohio.Op.2d. 281 (1970).

<sup>44</sup> Safeway Stores, Inc. v. Oklahoma Retail Grocers Ass'n, Inc., 360 U.S. 334, 79 S.Ct. 1196, 3 L.Ed.2d. 1280 (1959).

<sup>45</sup> Eubanks v. State of La., 356 U.S. 584, 78 S. Ct. 1159 (1958).

<sup>46</sup> Reynolds v. Sims, 377 U.S. 533, 84 S.Ct. 1362, 12 L.Ed.2d. 506 (1964), reh'g denied, 379 U.S. 870, 85 S.Ct. 12, 13 L.Ed.2d. 76 (1964) and reh'g denied, 379 U.S. 871, 85 S.Ct. 13, 13 L.Ed.2d. 76 (1964) and reh'g denied, 379 U.S. 871, 85 S.Ct. 13, 13 L.Ed.2d. 77 (1964).

The constitutional rights of children not to be discriminated against in school admission on the grounds of race or color can neither be nullified openly and directly by state legislators or state executives or judicial officers, nor nullified indirectly by them through evasive schemes for segregation whether attempted "ingeniously or ingenuously." Cooper v. Aaron, 358 U.S. 1, 78 S.Ct. 1401, 3 L.Ed.2d. 5, 3 L.Ed.2d. 19, 79 Ohio.L.Abs. 452, 79 Ohio.L.Abs. 462 (1958).

<sup>47</sup> Giano v. Senkowski, 54 F.3d. 1050 (2d Cir. 1995); Dyszel v. Marks, 6 F.3d. 116 (3d Cir. 1993), reh'g and reh'g in banc denied, (Oct. 14, 1993); Vera v. Tue, 73 F.3d. 604 (5th Cir. 1996); Buchanan v. City of Bolivar, Tenn., 99 F.3d. 1352, 114 Ed.Law.Rep. 25, 1996 Fed.App. 352P (6th Cir. 1996); U.S. v. Whiton, 48 F.3d. 356 (8th Cir. 1995), reh'g and suggestion for reh'g en banc denied, (Apr. 19, 1995) and cert. denied, 116 S.Ct. 227, 133 L.Ed.2d. 156 (U.S. 1995); State v. Miller, 84 Haw. 269, 933 P.2d. 606 (Haw. 1997), reconsideration denied, 84 Haw. 496, 936 P.2d. 191 (Haw. 1997); Whitnell v. Silverman, 686 So.2d. 23 (La. 1996), reh'g denied, (Dec. 30, 1996); Heisler v. Hines Motor Co., 937 P.2d. 45 (Mont. 1997); Richardson v. North Carolina Dept. of Correction, 345 N.C. 128, 478 S.E.2d. 501 (1996); State v. Blilie, 132 Wash.2d. 484, 939 P.2d. 691 (1997); Penterman v. Wisconsin Elec. Power Co., 211 Wis.2d. 458, 565 N.W.2d. 521 (1997); Board of County Com'rs v. Geringer, 941 P.2d. 742 (Wyo. 1997).

<sup>48</sup> Bratton v. City of Florence, 688 So.2d. 233 (Ala. 1996).

<sup>49</sup> Keesan v. Smith, 100 F.3d. 644 (8th Cir. 1996); Women Prisoners of District of Columbia Dept. of Corrections v. District of Columbia, 93 F.3d. 910, 113 Ed.Law.Rep. 30 (D.C. Cir. 1996), reh'g denied, (Nov. 14, 1996) and cert. denied, 117 S.Ct. 1552, 137 L.Ed.2d. 701 (U.S. 1997) and on remand to, 968 F.Supp. 744 (D.D.C. 1997); State v. Atkins, 250 Neb. 315, 549 N.W.2d. 159 (1996).

<sup>50</sup> Pirtle v. Spokane Public School Dist. No. 81, 83 Wash. App. 304, 921 P.2d. 1084, 111 Ed.Law.Rep. 1370 (Div. 3 1996), reconsideration denied, (Sept. 27, 1996) and review denied, 131 Wash.2d. 1014, 932 P.2d. 1257 (1997).

<sup>51</sup> Edward Valves, Inc. v. Wake County, 343 N.C. 426, 471 S.E.2d. 342 (1996), reh'g denied, 344 N.C. 444, 476 S.E.2d. 115 (1996) and cert. denied, 117 S.Ct. 952, 136 L.Ed.2d. 839 (U.S. 1997).



state to govern impartially, and it may not draw distinctions between individuals solely on differences that are irrelevant to a legitimate governmental objective; thus, for example, it may not subject men and women to disparate treatment when there is no substantial relation between the disparity and any important state purpose.<sup>52</sup>

Equal protection in its guarantee of like treatment to all similarly situated permits classification which is reasonable and not arbitrary, and which is based upon material and substantial differences having a reasonable relation to the objects or persons dealt with and to the public purpose sought to be achieved by the legislation involved, inasmuch as the Equal Protection Clause does not forbid discrimination with respect to things that are different.<sup>53</sup>

## 8.7 Congress' power to enforce Equal Protection

In accordance with the very terminology of the Fourteenth Amendment,<sup>54</sup> Congress has the power by appropriate legislation to enforce the provision preventing any state from denying to any person within its jurisdiction the equal protection of the laws.<sup>55</sup> The most important requirement for determining whether a statute is a valid exercise of Congress' power to enforce the Equal Protection Clause is whether the statute is consistent with the negative constraints of the Constitution, specifically the Constitution's protection of individual rights.<sup>56</sup> It was not intended to bring within federal control everything done by a state or by its instrumentalities which is simply illegal under state laws, but only such acts by the states or their instrumentalities as are violative of rights secured by the Constitution of the United States.<sup>57</sup> Congress may not authorize a state to violate the Equal Protection Clause.<sup>58</sup> And the Equal Protection Clause is not a bludgeon with which Congress may compel a state to violate other provisions of the Constitution.<sup>59</sup>

Congress, when acting pursuant to the enforcement clause of the Fourteenth Amendment, can prohibit or take measures designed to remedy unreasonable and arbitrary classifications made by the states, or the effects of such classifications, and when doing so can abrogate the states' sovereign immunity to suit in federal court. However, Congress' power to enforce the Fourteenth Amendment, in cases not involving suspect or quasi-suspect classes or fundamental interests, is limited to the elimination of arbitrariness or the effects of arbitrary government action, and does not permit Congress to prohibit or otherwise target reasonable state decisions or practices.<sup>60</sup>

<sup>52</sup> *Lehr v. Robertson*, 463 U.S. 248, 103 S.Ct. 2985, 77 L.Ed.2d. 614 (1983).

<sup>53</sup> *Rinaldi v. Yeager*, 384 U.S. 305, 86 S.Ct. 1497, 16 L.Ed.2d. 577 (1966).

The Equal Protection Clause does not mean that a state may not draw lines that treat one class of individuals or entities differently from others. *Lehnhausen v. Lake Shore Auto Parts Co.*, 410 U.S. 356, 93 S.Ct. 1001, 35 L.Ed.2d. 351 (1973), reh'g denied, 411 U.S. 910, 93 S.Ct. 1523, 36 L.Ed.2d. 200 (1973) and reh'g denied, 411 U.S. 910, 93 S.Ct. 1523, 36 L.Ed.2d. 201 (1973) and on remand to, 54 Ill. 2d 237, 296 N.E.2d. 342 (1973), cert. denied, 414 U.S. 1039, 94 S.Ct. 539, 38 L.Ed.2d. 329 (1973).

<sup>54</sup> Section 5 of the Fourteenth Amendment states that "Congress shall have power to enforce, by appropriate legislation, the provisions of this article."

<sup>55</sup> *Katzenbach v. Morgan*, 384 U.S. 641, 86 S.Ct. 1717, 16 L.Ed.2d. 828 (1966) (declined to extend by, *Brzonkala v. Virginia Polytechnic and State University*, 935 F.Supp. 779, 112 Ed.Law.Rep. 846 (W.D. Va. 1996)); *Figueroa v. Bronstein*, 38 N.Y.2d. 533, 381 N.Y.S.2d. 470, 344 N.E.2d. 402, 36 Fair Empl. Prac. Cas. (BNA) 391, 11 Empl.Prac.Dec. (CCH) ¶ 10808 (1976), appeal dismissed, 429 U.S. 806, 97 S.Ct. 41, 50 L.Ed.2d. 67, 36 Fair Empl. Prac. Cas. (BNA) 400, 12 Empl.Prac.Dec. (CCH) ¶ 11207 (1976).

Congress has broad discretion to legislate to enforce the core promises of the Fourteenth Amendment. *Wilson-Jones v. Caviness*, 99 F.3d. 203, 3 Wage & Hour.Cas.2d. (BNA) 929, 132 Lab.Cas. (CCH) ¶ 33450, 1996 Fed.App. 343P (6th Cir. 1996), opinion amended on other grounds on denial of reh'g, 107 F.3d. 358, 3 Wage & Hour.Cas.2d. (BNA) 1501 (6th Cir. 1997).

<sup>56</sup> *Wilson-Jones v. Caviness*, 99 F.3d. 203, 3 Wage & Hour.Cas.2d. (BNA) 929, 132 Lab.Cas. (CCH) ¶ 33450, 1996 Fed.App. 343P (6th Cir. 1996), opinion amended on other grounds on denial of reh'g, 107 F.3d. 358, 3 Wage & Hour.Cas.2d. (BNA) 1501 (6th Cir. 1997).

<sup>57</sup> *Owensboro Waterworks Co. v. City of Owensboro*, 200 U.S. 38, 26 S.Ct. 249, 50 L.Ed. 361 (1906).

It was not intended by the Fourteenth Amendment and the Civil Rights Act that all matters formerly within the exclusive cognizance of states should become matters of national concern. *Snowden v. Hughes*, 321 U.S. 1, 64 S.Ct. 397, 88 L.Ed. 497 (1944), reh'g denied, 321 U.S. 804, 64 S.Ct. 778, 88 L.Ed. 1090 (1944) and (declined to extend by, *Nordlinger v. Hahn*, 505 U.S. 1, 112 S.Ct. 2326, 120 L.Ed.2d. 1 (1992)).

<sup>58</sup> *Shapiro v. Thompson*, 394 U.S. 618, 89 S.Ct. 1322, 22 L.Ed.2d. 600 (1969) (overruled in part on other grounds by, *Edelman v. Jordan*, 415 U.S. 651, 94 S.Ct. 1347, 39 L.Ed.2d. 662 (1974)).

Congress is without power to enlist state cooperation in a joint federal-state program by legislation which authorizes the states to violate the Equal Protection Clause. *Townsend v. Swank*, 404 U.S. 282, 92 S.Ct. 502, 30 L.Ed.2d. 448 (1971); *Graham v. Richardson*, 403 U.S. 365, 91 S.Ct. 1848, 29 L.Ed.2d. 534 (1971).

<sup>59</sup> *Sloan v. Lemon*, 413 U.S. 825, 93 S.Ct. 2982, 37 L.Ed.2d. 939 (1973), reh'g denied, 414 U.S. 881, 94 S.Ct. 30, 38 L.Ed.2d. 128 (1973).

<sup>60</sup> *Mills v. State of Me.*, 118 F.3d. 37, 3 Wage & Hour.Cas.2d. (BNA) 1802, 134 Lab.Cas. (CCH) ¶ 33585 (1st Cir. 1997).

## 8.8 United States and federal agencies

The Equal Protection Clause of the Fourteenth Amendment does not extend to authority exercised by the government of the United States.<sup>61</sup> However, federal legislation may be, and is, tested under the Due Process Clause of the Fifth Amendment by the same rules of equality that are employed to test the validity of state legislation under the Fourteenth Amendment's Equal Protection Clause.<sup>62</sup>

Observation: The Equal Protection Clause does afford protection to employees who work for the Federal Government as well as to those who are served by them.<sup>63</sup>

The Fourteenth Amendment is not applicable to the Virgin Islands<sup>64</sup> or the District of Columbia; but the concepts of equal protection are inherent in the due process of law guaranteed to citizens of the District by the Fifth Amendment.<sup>65</sup>

## 8.9 Private persons or entities

The commands of the Equal Protection Clause of the Fourteenth Amendment are addressed only to the states or to those acting under color of their authority. The Fourteenth Amendment itself erects no shield against merely private conduct, however discriminatory or wrongful.<sup>66</sup> Private actions, no matter how egregious, cannot violate the equal protection guarantee of the United States Constitution.<sup>67</sup>

## 8.10 Private acts as government acts

Private conduct abridging individual rights does no violence to the Equal Protection Clause unless to some significant extent the state in any of its manifestations or actions has been found to have become entwined or involved in it.<sup>68</sup>

Practice guide: The test to determine whether a constitutional deprivation caused by a private party involves "state action" is whether the claimed deprivation resulted from the exercise of a right or privilege having its source in state authority, and whether a private party charged with the deprivation can be described in all fairness as a state actor. In determining whether

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<sup>61</sup> District of Columbia v. Carter, 409 U.S. 418, 93 S.Ct. 602, 34 L.Ed.2d. 613 (1973), reh'g denied, 410 U.S. 959, 93 S.Ct. 1411, 35 L.Ed.2d. 694 (1973) and on remand to, 489 F.2d. 1272 (D.C. Cir. 1974); Detroit Bank v. U.S., 317 U.S. 329, 63 S.Ct. 297, 87 L.Ed. 304, 43-1 U.S. Tax Cas. (CCH) ¶ 9224, 43-1 U.S. Tax Cas. (CCH) ¶ 10001, 30 A.F.T.R. (P-H) ¶ 364 (1943); Henrys v. Raboin, 395 Ill. 118, 69 N.E.2d. 491, 169 A.L.R. 927 (1946).

The refusal of federal census officials to adjust the decennial census did not violate the Fourteenth Amendment, which is limited to state action. Tucker v. U.S. Dept. of Commerce, 958 F.2d. 1411 (7th Cir. 1992), reh'g denied, (Apr. 29, 1992) and cert. denied, 506 U.S. 953, 113 S.Ct. 407, 121 L.Ed.2d. 332 (1992).

<sup>62</sup> International Science & Technology Institute, Inc. v. Inacom Communications, Inc., 106 F.3d. 1146, 25 Media L. Rep. (BNA) 1498 (4th Cir. 1997) (any equal protection challenge to a federal law must arise under the equal protection component of the Fifth Amendment's due process clause, not the Fourteenth Amendment which applies only to the states).

<sup>63</sup> Collins v. City of Harker Heights, Tex., 503 U.S. 115, 112 S.Ct. 1061, 117 L.Ed.2d. 261, 7 I.E.R. Cas. (BNA) 233, 15 O.S.H. Cas. (BNA) 1513 (1992).

<sup>64</sup> Government of Virgin Islands v. Dowling, 866 F.2d. 610 (3d Cir. 1989).

<sup>65</sup> Wilson v. District of Columbia, 338 A.2d. 437 (D.C. 1975).

<sup>66</sup> District of Columbia v. Carter, 409 U.S. 418, 93 S.Ct. 602, 34 L.Ed.2d. 613 (1973), reh'g denied, 410 U.S. 959, 93 S.Ct. 1411, 35 L.Ed.2d. 694 (1973) and on remand to, 489 F.2d. 1272 (D.C. Cir. 1974); Moose Lodge No. 107 v. Irvis, 407 U.S. 163, 92 S.Ct. 1965, 32 L.Ed.2d. 627 (1972); Equality Foundation of Greater Cincinnati, Inc. v. City of Cincinnati, 54 F.3d. 261, 67 Fair Empl. Prac. Cas. (BNA) 1290, 66 Empl.Prac.Dec. (CCH) ¶ 43542, 1995 Fed.App. 147P (6th Cir. 1995), cert. granted, judgment vacated on other grounds, 116 S.Ct. 2519, 135 L.Ed.2d. 1044, 71 Fair Empl. Prac. Cas. (BNA) 64 (U.S. 1996), on remand to, 128 F.3d. 289, 75 Fair Empl. Prac. Cas. (BNA) 115, 1997 Fed.App. 318P (6th Cir. 1997); Gallagher v. Neil Young Freedom Concert, 49 F.3d. 1442, 98 Ed.Law.Rep. 639 (10th Cir. 1995); Mahoney v. Babbitt, 105 F.3d. 1452 (D.C. Cir. 1997), reh'g denied, 113 F.3d. 219 (D.C. Cir. 1997).

<sup>67</sup> Medical Institute of Minnesota v. National Ass'n of Trade and Technical Schools, 817 F.2d. 1310, 39 Ed.Law.Rep. 62 (8th Cir. 1987); First Nat. Bank of Kansas City v. Danforth, 523 S.W.2d. 808 (Mo. 1975), cert. denied, 421 U.S. 992, 95 S.Ct. 1999, 44 L.Ed.2d. 483 (1975) and cert. denied, 421 U.S. 1016, 95 S.Ct. 2424, 44 L.Ed.2d. 685 (1975).

<sup>68</sup> Gilmore v. City of Montgomery, Ala., 417 U.S. 556, 94 S.Ct. 2416, 41 L.Ed.2d. 304 (1974); Central Hardware Co. v. N.L.R.B., 407 U.S. 539, 92 S.Ct. 2238, 33 L.Ed.2d. 122, 80 L.R.R.M. (BNA) 2769, 68 Lab.Cas. (CCH) ¶ 12782 (1972), on remand to, 468 F.2d. 252, 81 L.R.R.M. (BNA) 2468, 69 Lab.Cas. (CCH) ¶ 13078 (8th Cir. 1972); Evans v. Newton, 382 U.S. 296, 86 S.Ct. 486, 15 L.Ed.2d. 373 (1966), on remand to, 221 Ga. 870, 148 S.E.2d. 329 (1966); Anderson v. Martin, 375 U.S. 399, 84 S.Ct. 454, 11 L.Ed.2d. 430 (1964); Ward v. St. Anthony Hospital, 476 F.2d. 671 (10th Cir. 1973); Gabaldon v. United Farm Workers Organizing Committee, 35 Cal. App.3d. 757, 111 Cal. Rptr. 203, 86 L.R.R.M. (BNA) 2034, 73 Lab.Cas. (CCH) ¶ 53224 (5th Dist. 1973), cert. denied, 416 U.S. 957, 94 S.Ct. 1972, 40 L.Ed.2d. 307, 86 L.R.R.M. (BNA) 2020, 73 Lab.Cas. (CCH) ¶ 53303 (1974); Dorsey v. Stuyvesant Town Corp., 299 N.Y. 512, 87 N.E.2d. 541, 14 A.L.R.2d. 133 (1949), cert. denied, 339 U.S. 981, 70 S.Ct. 1019, 94 L.Ed. 1385 (1950).

a particular action or course of action constitutes "state action," it is relevant to examine the extent to which the "private" actor relies on governmental assistance and benefits, whether he or she is performing a traditional governmental function, and whether the injury caused is aggravated in a unique way by the incidents of governmental authority.<sup>69</sup>

The state involves itself significantly in private discriminatory activity so that a private actor is considered a state actor for purposes of Fourteenth Amendment liability where:

1. there is a symbiotic relationship between the private actor and the state;
2. the private discriminatory conduct is aggravated in some unique way by the involvement of governmental authority;
3. the state has commanded or encouraged the private discriminatory action; and
4. the private actor carries on a traditional state function.<sup>70</sup>

Observation: The Supreme Court has aptly pointed out that the question of whether particular discriminatory conduct is private, on the one hand, or amounts to "state action," on the other hand, frequently admits of no easy answer.<sup>71</sup> Moreover, the Court has concluded that no precise or infallible formula for such a determination exists,<sup>72</sup> and has advised that only by sifting the facts and weighing the circumstances in each case can the state's nonobvious involvement in private conduct be determined.<sup>73</sup> The crucial factor, however, is the interplay of the governmental and private actions.<sup>74</sup>

In dealing with the question whether particular conduct is private or sufficiently involves governmental action so that the Fourteenth Amendment is applicable, the Supreme Court has indicated that although any kind of state action, including indirect or peripheral action, may constitute the requisite governmental action;<sup>75</sup> nevertheless, the mere receipt of some sort of governmental benefit or service by a private entity does not necessarily subject it to the Equal Protection Clause.<sup>76</sup> Where

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<sup>69</sup> Edmonson v. Leesville Concrete Co., Inc., 500 U.S. 614, 111 S.Ct. 2077, 114 L.Ed.2d. 660 (1991), on remand to, 943 F.2d. 551 (5th Cir. 1991), reh'g denied, (Oct. 21, 1991) and (declined to extend by, Eiland v. State, 92 Md. App. 56, 607 A.2d. 42 (1992)).

<sup>70</sup> Sherman v. Community Consol. School Dist. 21 of Wheeling Tp., 8 F.3d. 1160, 87 Ed.Law.Rep. 57 (7th Cir. 1993), cert. denied, 511 U.S. 1110, 114 S.Ct. 2109, 128 L.Ed.2d. 669 (1994) (holding that the Boy Scouts of America (BSA) was not a "state actor" for purposes of the Fourteenth Amendment).

A hospital's receipt of federal funds by virtue of its participation in an organ-sharing network did not make the hospital a federal actor. Wheat v. Mass, 994 F.2d. 273 (5th Cir. 1993), reh'g denied, (Aug. 11, 1993).

Neighbors' behavior as private individuals in blocking a house owner's move of his house into the neighborhood did not rise to the level of state action for purposes of the Equal Protection Clause. Sofarelli v. Pinellas County, 931 F.2d. 718 (11th Cir. 1991).

But the power of Georgia's presidential candidate selection committee to exclude presidential aspirants from a presidential primary ballot constituted "state action" within the meaning of the Fourteenth Amendment, even though the committee exercised its judgment independently of the state since the committee was an arm of the state. Duke v. Cleland, 5 F.3d. 1399 (11th Cir. 1993), reh'g denied, 13 F.3d. 411 (11th Cir. 1994) and on remand to, 884 F.Supp. 511 (N.D. Ga. 1995), aff'd, 87 F.3d. 1226 (11th Cir. 1996), reh'g and suggestion for reh'g en banc denied, 98 F.3d. 1355 (11th Cir. 1996) and reh'g denied, (Sept. 19, 1996).

<sup>71</sup> Moose Lodge No. 107 v. Irvis, 407 U.S. 163, 92 S.Ct. 1965, 32 L.Ed.2d. 627 (1972); Evans v. Newton, 382 U.S. 296, 86 S.Ct. 486, 15 L.Ed.2d. 373 (1966), on remand to, 221 Ga. 870, 148 S.E.2d. 329 (1966).

<sup>72</sup> Gilmore v. City of Montgomery, Ala., 417 U.S. 556, 94 S.Ct. 2416, 41 L.Ed.2d. 304 (1974); Burton v. Wilmington Parking Authority, 365 U.S. 715, 81 S.Ct. 856, 6 L.Ed.2d. 45 (1961).

Decisions on the constitutionality of state involvement in private discrimination do not turn on whether state aid adds up to 51 percent or adds up to only 49 percent of the support of the segregated institution. Norwood v. Harrison, 413 U.S. 455, 93 S.Ct. 2804, 37 L.Ed.2d. 723 (1973), on remand to, 382 F.Supp. 921 (N.D. Miss. 1974).

<sup>73</sup> Gilmore v. City of Montgomery, Ala., 417 U.S. 556, 94 S.Ct. 2416, 41 L.Ed.2d. 304 (1974); Reitman v. Mulkey, 387 U.S. 369, 87 S.Ct. 1627, 18 L.Ed.2d. 830 (1967); Evans v. Newton, 382 U.S. 296, 86 S.Ct. 486, 15 L.Ed.2d. 373 (1966), on remand to, 221 Ga. 870, 148 S.E.2d. 329 (1966) and (declined to extend by, United Auto Workers, Local No. 5285 v. Gaston Festivals, Inc., 43 F.3d. 902, 148 L.R.R.M. (BNA) 2193 (4th Cir. 1995)) and (declined to extend by, Gallagher v. Neil Young Freedom Concert, 49 F.3d. 1442, 98 Ed.Law.Rep. 639 (10th Cir. 1995)).

<sup>74</sup> Anderson v. Martin, 375 U.S. 399, 84 S.Ct. 454, 11 L.Ed.2d. 430 (1964); Harvey & Corky Corp. v. Erie County, 56 A.D.2d 136, 392 N.Y.S.2d. 116 (4th Dep't 1977).

<sup>75</sup> U.S. v. Guest, 383 U.S. 745, 86 S.Ct. 1170, 16 L.Ed.2d. 239 (1966) (modification recognized by, City of Boerne v. Flores, 117 S.Ct. 2157, 138 L.Ed.2d. 624, 74 Fair Empl. Prac. Cas. (BNA) 62, 70 Empl.Prac.Dec. (CCH) ¶ 44785 (U.S.Sup.Ct. 1997)); Mulkey v. Reitman, 64 Cal.2d. 529, 50 Cal. Rptr. 881, 413 P.2d. 825 (1966), cert. granted, 385 U.S. 967, 87 S.Ct. 500, 17 L.Ed.2d. 431 (1966) and judgment aff'd, 387 U.S. 369, 87 S.Ct. 1627, 18 L.Ed.2d. 830 (1967); Kennebec, Inc. v. Bank of the West, 88 Wash.2d. 718, 565 P.2d. 812 (1977).

<sup>76</sup> Gilmore v. City of Montgomery, Ala., 417 U.S. 556, 94 S.Ct. 2416, 41 L.Ed.2d. 304 (1974); Moose Lodge No. 107 v. Irvis, 407 U.S. 163, 92 S.Ct. 1965, 32 L.Ed.2d. 627 (1972).

the impetus for discrimination is private, the state must significantly involve itself with the invidious discrimination in order for the discriminatory action to fall within the ambit of the constitutional prohibition in the Equal Protection Clause.<sup>77</sup>

In regard to more specific matters which the Supreme Court has examined in resolving the private versus governmental conduct issue, the court has held that state enforcement of private policies of discrimination constitutes state action to which the Fourteenth Amendment is applicable.<sup>78</sup> Moreover, the Fourteenth Amendment may be applicable in situations where it is found that governmental policies or regulations encourage private discrimination or enable such discrimination to exist.<sup>79</sup> And the Supreme Court has indicated that nominally private conduct which, through subterfuge, is actually governmental conduct, is subject to the Fourteenth Amendment.<sup>80</sup>

The mere fact that a private entity is subject to state regulation does not make the Equal Protection Clause applicable,<sup>81</sup> although the Supreme Court has held that the amendment is applicable to the acts of a political party in conducting its primary election where the state regulated primary elections.<sup>82</sup>

## 8.11 Classification based on religion

Classification of persons on the basis of religion is condemned by the Equal Protection Clause of the Fourteenth Amendment.<sup>83</sup> State action which treats one religion differently than another will almost always be invidious discrimination in violation of the Equal Protection Clause, although the invidiousness of religious discrimination will vary depending upon the surrounding context.<sup>84</sup> However, application of the Fair Labor Standards Act to a religious foundation and workers in its commercial activities does not deny equal protection on the basis of differences between treatment of those workers and the government's treatment of its own volunteer workers, as Congress could rationally have concluded that minimum wage coverage of its volunteers is not required to protect the volunteers or to prevent unfair competition with private employers.<sup>85</sup>

<sup>77</sup> *Moose Lodge No. 107 v. Irvis*, 407 U.S. 163, 92 S.Ct. 1965, 32 L.Ed.2d. 627 (1972).

Since the Equal Protection Clause does not erect a shield against private discriminatory action no matter how wrong, Blue Cross may refuse to provide coverage for in-hospital radiological services as it has a private right not to provide coverage for every type of medical service. *Radiological Soc. of New Jersey v. Sheeran*, 175 N.J. Super. 367, 418 A.2d. 1300 (App. Div. 1980), certification denied, 87 N.J. 311, 434 A.2d. 66 (1981).

<sup>78</sup> *Moose Lodge No. 107 v. Irvis*, 407 U.S. 163, 92 S.Ct. 1965, 32 L.Ed.2d. 627 (1972); *Griffin v. State of Md.*, 378 U.S. 130, 84 S.Ct. 1770, 12 L.Ed.2d. 754 (1964).

<sup>79</sup> *Reitman v. Mulkey*, 387 U.S. 369, 87 S.Ct. 1627, 18 L.Ed.2d. 830 (1967); *Robinson v. State of Fla.*, 378 U.S. 153, 84 S.Ct. 1693, 12 L.Ed.2d. 771 (1964); *Anderson v. Martin*, 375 U.S. 399, 84 S.Ct. 454, 11 L.Ed.2d. 430 (1964).

With regard to the Equal Protection Clause, a city wields state power in amending its charter so as to suspend the operation of an existing ordinance forbidding housing discrimination. *Hunter v. Erickson*, 393 U.S. 385, 89 S.Ct. 557, 21 L.Ed.2d. 616, 47 Ohio Op.2d. 100 (1969) (declined to extend by, *U.S. v. City of Yonkers*, 880 F.Supp. 212, 99 Ed.Law.Rep. 364 (S.D.N.Y. 1995)).

<sup>80</sup> *Palmer v. Thompson*, 403 U.S. 217, 91 S.Ct. 1940, 29 L.Ed.2d. 438 (1971).

<sup>81</sup> *Gilmore v. City of Montgomery, Ala.*, 417 U.S. 556, 94 S.Ct. 2416, 41 L.Ed.2d. 304 (1974); *Moose Lodge No. 107 v. Irvis*, 407 U.S. 163, 92 S.Ct. 1965, 32 L.Ed.2d. 627 (1972).

<sup>82</sup> *Gray v. Sanders*, 372 U.S. 368, 83 S.Ct. 801, 9 L.Ed.2d. 821 (1963).

State statutes requiring candidates in party primary elections to pay filing fees constitute state action within the meaning of the Fourteenth Amendment. *Bullock v. Carter*, 405 U.S. 134, 92 S.Ct. 849, 31 L.Ed.2d. 92 (1972).

<sup>83</sup> For issues relating to freedom of religion or the establishment of religion, see §§ 415 et seq.

As to religious, moral, or sociological beliefs as qualifications for voting, see 25 Am.Jur.2d., Elections, §160 (1999).

Annotation: Construction and application of § 902 of Civil Rights Act of 1964 (42 USCS § 2000h-2) authorizing United States to intervene in private action for relief from denial of equal protection of laws under Fourteenth Amendment on account of race, color, religion, sex, or national origin, 19 A.L.R. Fed. 623.

<sup>84</sup> *Hsu By and Through Hsu v. Roslyn Union Free School Dist. No. 3*, 85 F.3d. 839, 109 Ed.Law.Rep. 1145 (2d Cir. 1996), cert. denied, 117 S.Ct. 608, 136 L.Ed.2d. 534 (U.S. 1996).

But an allegation of a minister and a ministry that a municipality violated their fundamental right to the free exercise of religion by erecting and locking a gate between a public park and the property which was to be used for a religious tent revival meeting did not sustain an equal protection claim, absent any evidence that the ministry received different treatment from other similarly situated individuals or groups. *Brown v. Borough of Mahaffey, Pa.*, 35 F.3d. 846 (3d Cir. 1994).

<sup>85</sup> *Tony and Susan Alamo Foundation v. Secretary of Labor*, 471 U.S. 290, 105 S.Ct. 1953, 85 L.Ed.2d. 278, 27 Wage & Hour Cas. (BNA) 209, 36 Empl.Prac.Dec. (CCH) ¶ 35147, 102 Lab.Cas. (CCH) ¶ 34655 (1985).

See also *Droz v. C.I.R.*, 48 F.3d. 1120, Unempl. Ins. Rep. (CCH) ¶ 14514B, 95-1 U.S. Tax Cas. (CCH) ¶ 50125, 75 A.F.T.R.2d. (P-H) ¶ 95-1327 (9th Cir. 1995), as amended on other grounds on denial of reh'g, (June 1, 1995) and cert. denied, 116 S.Ct. 698, 133 L.Ed.2d. 656 (U.S. 1996) (holding that a taxpayer's

Heightened scrutiny is applicable to a statute that applies selectively to a religious activity only if the plaintiff can show that the basis for the distinction was religious, not secular; if the basis for the distinction is secular, then the court reviews the statute to determine whether it classifies persons it affects in a manner rationally related to legitimate governmental objectives.<sup>86</sup>

Caution: Despite the rule prohibiting classifications based on religion, where a statute is neutral on its face and motivated by the permissible purpose of limiting governmental interference with the exercise of religion, there is no justification for applying strict scrutiny, for equal protection analysis purposes, to a statute that passes the Lemon test;<sup>87</sup> the proper inquiry is whether Congress has chosen a rational classification to further a legitimate end.<sup>88</sup>

As applied to the nonprofit activities of religious employers, the provision of the Civil Rights Acts exempting religious organizations from Title VII's prohibition against discrimination in employment on the basis of religion was rationally related to the legitimate purpose of alleviating significant governmental interference with the ability of religious organizations to define and carry out their religious missions, and thus the exemption did not violate the Equal Protection Clause.<sup>89</sup>

## 9 Equal treatment

Going along with equal protection is the notion of equal treatment, which requires that the government treat all persons similarly situated the same. This idea has its origins in the Golden Rule documented in the Bible:

*"Do unto others as you would have them do unto you."*  
[[Matt. 7:12.](#)]

Equal treatment is referred to by the courts with various terms, such as:

### 1. Equal treatment

Article IV, § 2, cl. 1, of the Constitution provides that the "Citizens of each State shall be entitled to all Privileges and Immunities of Citizens in the several States." **The provision was designed "to place the citizens of each State upon the same footing with citizens of other States, so far as the advantages resulting from citizenship in those States are concerned."** *Paul v. Virginia*, 8 Wall. 168, 180, 19 L.Ed. 357 (1869). See also *Toomer v. Witsell*, 334 U.S. 385, 395, 68 S.Ct. 1156, 1162, 92 L.Ed. 1460 (1948) (the Privileges and Immunities Clause "was designed to insure to a citizen of State A who ventures into State B the same privileges which the citizens of State B enjoy"). The Clause "thus establishes a norm of comity without specifying the particular subjects as to which citizens of one State coming within the jurisdiction of another are guaranteed equality of treatment." *Austin v. New Hampshire*, 420 U.S. 656, 660, 95 S.Ct. 1191, 1194, 43 L.Ed.2d. 530 (1975).

**While the Privileges and Immunities Clause cites the term "Citizens," for analytic purposes citizenship and residency are essentially interchangeable.** See *United Building & Construction Trades Council v. Mayor and Council of Camden*, 465 U.S. 208, 216, 104 S.Ct. 1020, 1026, 79 L.Ed.2d. 249 (1984). **When examining claims that a citizenship or residency classification offends privileges and immunities protections, we undertake a two-step inquiry.** First, the activity in question must be " 'sufficiently basic to the livelihood of the Nation' ... as to fall within the purview of the Privileges and Immunities Clause.... " *Id.*, at 221-222, 104 S.Ct., at 1029, quoting *Baldwin v. Montana Fish & Game Comm'n*, 436 U.S. 371, 388, 98 S.Ct. 1852, 1863, 56 L.Ed.2d. 354 (1978). For it is " '[o]nly with respect to those "privileges" and "immunities" bearing on the vitality of the Nation as a single entity' that a State must accord\*65 residents and nonresidents **equal treatment.**" *Supreme Court of New Hampshire v. Piper*, 470 U.S., at 279, 105 S.Ct., at 1276, quoting *Baldwin*, *supra*, 436 U.S., at 383, 98 S.Ct., at 1860. Second, if the challenged restriction deprives nonresidents of a protected privilege, we will invalidate it

equal protection rights were not violated by a statute denying a self-employment social security tax exemption to a taxpayer who had religious objections to the social security system, but who did not belong to a religious organization with its own welfare system, since the basis for the exemption was to ensure that all persons were covered by a welfare plan and since the justification for the action was rationally related to legitimate governmental objectives).

<sup>86</sup> *Olsen v. C.I.R.*, 709 F.2d. 278, 83-1 U.S. Tax Cas. (CCH) ¶ 9403, 52 A.F.T.R.2d. (P-H) ¶ 83-5207 (4th Cir. 1983); *Droz v. C.I.R.*, 48 F.3d. 1120, Unempl. Ins. Rep. (CCH) ¶ 14514B, 95-1 U.S. Tax Cas. (CCH) ¶ 50125, 75 A.F.T.R.2d. (P-H) ¶ 95-1327 (9th Cir. 1995), as amended on other grounds on denial of reh'g, (June 1, 1995) and cert. denied, 116 S.Ct. 698, 133 L.Ed.2d. 656 (U.S. 1996).

<sup>87</sup> For an explanation of the Lemon test, see Am.Jur.2d., Constitutional Law, §419.

<sup>88</sup> *Corporation of Presiding Bishop of Church of Jesus Christ of Latter-day Saints v. Amos*, 483 U.S. 327, 107 S.Ct. 2862, 97 L.Ed.2d. 273, 44 Fair Empl. Prac. Cas. (BNA) 20, 43 Empl.Prac.Dec. (CCH) ¶ 37101 (1987); *Hsu By and Through Hsu v. Roslyn Union Free School Dist. No. 3*, 85 F.3d. 839, 109 Ed.Law.Rep. 1145 (2d Cir. 1996), cert. denied, 117 S.Ct. 608, 136 L.Ed.2d. 534 (U.S. 1996).

<sup>89</sup> *Corporation of Presiding Bishop of Church of Jesus Christ of Latter-day Saints v. Amos*, 483 U.S. 327, 107 S.Ct. 2862, 97 L.Ed.2d. 273, 44 Fair Empl. Prac. Cas. (BNA) 20, 43 Empl.Prac.Dec. (CCH) ¶ 37101 (1987).



only if we conclude that the restriction is not closely related to the advancement of a substantial state interest. *Piper, supra*, 470 U.S., at 284, 105 S.Ct., at 1278. Appellants assert that the residency requirement offends neither part of this test. We disagree. [Supreme Court of Virginia v. Friedman, 487 U.S. 59, 108 S.Ct. 2260 (U.S.Va.,1988)]

## 2. Fair treatment

“At a time in our history when the streets of the Nation's cities inspire fear and despair, rather than pride and hope, it is difficult to maintain objectivity and concern for our fellow citizens. But, the measure of a country's greatness is its ability to retain compassion in time of crisis. No nation in the recorded history of man has a greater tradition of revering justice and fair treatment for all its citizens in times of turmoil, confusion, and tension than ours. This is a \*2794 country which stands tallest in troubled times, a country that clings to fundamental principles, cherishes its constitutional heritage, and rejects simple solutions that compromise the values that lie at the roots of our democratic system.

In striking down capital punishment, this Court does not malign our system of government. On the contrary, it pays homage to it. Only in a free society could right triumph in difficult times, and could civilization record its magnificent advancement. In recognizing the humanity of our fellow beings, we pay ourselves the highest tribute. We achieve ‘a major milestone in the long road up from barbarism’<sup>FN164</sup> and join the approximately 70 other jurisdictions in the world which celebrate their regard for civilization and humanity by shunning capital punishment.<sup>FN165</sup>” [Furman v. Georgia, 408 U.S. 238, 92 S.Ct. 2726 (U.S.Ga. 1972)]

I dissent. Robert Hall, a Negro citizen, has been deprived not only of the right to be tried by a court rather than by ordeal. He has been deprived of the right of life itself. That right belonged to him not because he was a Negro or a member of any particular race or creed. That right was his because he was an American citizen, because \*135 he was a human being. As such, he was entitled to all the respect and fair treatment that befits the dignity of man, a dignity that is recognized and guaranteed by the Constitution. Yet not even the semblance of due process has been accorded him. He has been cruelly and unjustifiably beaten to death by local police officers acting under color of authority derived from the state. It is difficult to believe that such an obvious and necessary right is indefinitely\*1052 guaranteed by the Constitution or is foreign to the knowledge of local police officers so as to cast any reasonable doubt on the conviction under Section 20 of the Criminal Code of the perpetrators of this ‘shocking and revolting episode in law enforcement.’ [Screws v. U.S., 325 U.S. 91, 65 S.Ct. 1031 (U.S. 1945)]

## 3. Mutuality.

If we expect aliens to obey our laws, aliens should be able to expect that we will obey our Constitution when we investigate, prosecute, and punish them. We have recognized this fundamental principle of mutuality since the time of the Framers. James Madison, universally recognized as the primary architect of the Bill of Rights, emphasized the importance of mutuality when he spoke out against the Alien and Sedition Acts less than a decade after the adoption of the Fourth Amendment:

“[I]t does not follow, because aliens are not parties to the Constitution, as citizens are parties to it, that, whilst they actually conform to it, they have no right to its protection. Aliens are no more parties to the laws than they are parties to the Constitution; yet it will not be disputed that, as they owe, on one hand, a temporary obedience, they are entitled, in return, to their protection and advantage.” Madison's Report on the Virginia Resolutions (1800), reprinted in 4 Elliot's Debates 556 (2d ed. 1836).

Mutuality is essential to ensure the fundamental fairness that underlies our Bill of Rights. Foreign nationals investigated and prosecuted for alleged violations of United States criminal laws are just as vulnerable to oppressive Government\*285 behavior as are United States citizens investigated and prosecuted for the same alleged violations. Indeed, in a case such as this where the Government claims the existence of an international criminal conspiracy, citizens and foreign nationals may be codefendants, charged under the same statutes for the same conduct and facing the same penalties if convicted. They may have been investigated by the same agents pursuant to the same enforcement authority. When our Government holds these codefendants to the same standards of conduct, the Fourth Amendment, which protects the citizen from unreasonable searches and seizures, should protect the foreign national as well.

Mutuality also serves to inculcate the values of law and order. By respecting the rights of foreign nationals, we encourage other nations to respect the rights of our citizens. Moreover, as our Nation becomes increasingly concerned about the domestic effects of international crime, we cannot forget that the behavior of our law enforcement agents abroad sends a powerful message about the rule of law to individuals everywhere. As Justice Brandeis warned in *Olmstead v. United States*, 277 U.S. 438, 48 S.Ct. 564, 72 L.Ed. 944 (1928):

1 *"If the Government becomes a lawbreaker, it breeds contempt for law; it invites every man to become a law*  
2 *unto himself; it invites anarchy. To declare that in the administration of the criminal law the end justifies the*  
3 *means ... would bring terrible retribution. Against that pernicious doctrine, this Court should resolutely set its*  
4 *face."* *Id., at 485, 48 S.Ct., at 575* (dissenting opinion).

5 *This principle is no different when the United States applies its rules of conduct to foreign nationals. If we seek*  
6 *respect for law and order, we must observe these principles ourselves. **Lawlessness breeds lawlessness.***  
7 *[U.S. v. Verdugo-Urquidez, 494 U.S. 259, 110 S.Ct. 1056 (U.S. Cal., 1990)]*

#### 8 4. Comity.

9 ***comity.** Courtesy; complaisance; respect; a willingness to grant a privilege, not as a matter of right, but out of*  
10 *deference and good will. Recognition that one sovereignty allows within its territory to the legislative, executive,*  
11 *or judicial act of another sovereignty, having due regard to rights of its own citizens. Nowell v. Nowell,*  
12 *Tex.Civ.App., 408 S.W.2d. 550, 553. In general, principle of "comity" is that courts of one state or jurisdiction*  
13 *will give effect to laws and judicial decisions of another state or jurisdiction, not as a matter of obligation, but*  
14 *out of deference and mutual respect. Brown v. Babbitt Ford, Inc., 117 Ariz. 192, 571 P.2d. 689, 695. See also*  
15 *Full faith and credit clause.*  
16 *[Black's Law Dictionary, Sixth Edition, p. 267]*

17 Below are some biblical examples of equal treatment:

#### 18 1. Exodus 22:21: Treat strangers like you would want to be treated if you were a stranger.

19 *"You shall neither mistreat a stranger nor oppress him, for you were strangers in the land of Egypt."*  
20 *[Exodus 22:21, Bible, NKJV]*

#### 21 2. Exodus 23:9: Treat strangers like you would want to be treated if you were a stranger.

22 *"Also you shall not oppress a stranger, for you know the heart of a stranger, because you were strangers in the*  
23 *land of Egypt."*  
24 *[Exodus 23:9, Bible, NKJV]*

#### 25 3. Leviticus 19:34: Treat strangers like you would want to be treated if you were a stranger.

26 *"The stranger who dwells among you shall be to you as one born among you, and you shall love him as yourself;*  
27 *for you were strangers in the land of Egypt: I am the LORD your God."*  
28 *[Leviticus 19:34, Bible, NKJV]*

#### 29 4. Leviticus 23:22: Treat the poor and the stranger the way you would want to be treated if you were poor and a stranger.

30 *'When you reap the harvest of your land, you shall not wholly reap the corners of your field when you reap, nor*  
31 *shall you gather any gleaning from your harvest. You shall leave them for the poor and for the stranger: I am the*  
32 *LORD your God.'*  
33 *[Lev. 23:22, Bible, NKJV]*

#### 34 5. Deut. 10:19: Treat strangers like you would want to be treated if you were a stranger.

35 *"Therefore love the stranger, for you were strangers in the land of Egypt."*  
36 *[Deut. 10:19, Bible, NKJV]*

#### 37 6. Matt. 6:12: Forgive debts if you want your debts forgiven

38 *"And forgive us our debts,*  
39 *As we forgive our debtors.*  
40 *[Matt. 6:12, Bible, NKJV]*

#### 41 7. Matt. 18:21-35: If you forgive others, you will also be forgiven

42 *'You wicked servant! I forgave you all that debt because you begged me. Should you not also have had*  
43 *compassion on your fellow servant, just as I had pity on you?' And his master was angry, and delivered him to*  
44 *the torturers until he should pay all that was due to him.*  
45 *"So My heavenly Father also will do to you if each of you, from his heart, does not forgive his brother his*  
46 *trespasses."*

8. Matt. 5:7: You will reap what you sow. If you give mercy, you will get it.

*"Blessed are the merciful,  
For they shall obtain mercy."  
[Matt. 5:7, Bible, NKJV]*

## 10 The Perversion of Equality and Justice

Equality of treatment under the law is the foundation of legal justice. Collectivists and statisticians have perverted the term "justice" by adding the word "social" in front of it and defining it to mean equality of ECONOMIC OUTCOME rather than merely equality of TREATMENT under the law. They then abuse their power at the voting booth and the jury box to empower government essentially to become a Robin Hood and therefore a THIEF and a CRIMINAL. The "loot" that government steals then becomes a means to criminally bribe voters and jurists to protect the theft in the voting booth and the jury box. This is an extreme perversion of justice and Injustice at its very worst. The following subsections will describe how the abuse of language permits and protects this perversion of justice.

For a detailed treatment of "justice" and the concepts of legal justice, political justice, and biblical justice, see the following memorandum on our site:

What is "Justice"?, Form #05.050  
<http://sedm.org/Forms/FormIndex.htm>

### 10.1 Political definition of "Social Justice"<sup>90</sup>

"Social Justice" is used as the justification by statisticians 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>]

<sup>90</sup> Source: What is "Justice"?, Form #05.050, Section 7; <http://sedm.org/Forms/FormIndex.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](http://sedm.org/Forms/FormIndex.htm), 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, 8<sup>th</sup> 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, 8<sup>th</sup> 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, 8<sup>th</sup> 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](https://www.openbible.info/topics/social_justice)

## 10.2 "Biblical Justice" v. "Social/Political Justice"<sup>91</sup>

Before discussing the Christian view of social justice, we need to define terms. Social justice is such a politically charged 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 the left side of the political spectrum. This excerpt from the "Social Justice" entry on Wikipedia is a good definition of this concept:

"Social justice is also a concept that some use to describe the movement towards a socially just world. In this context, social justice is based on the concepts of human rights and equality and involves a greater degree of economic egalitarianism through progressive taxation, income redistribution, or even property redistribution. These policies aim to achieve what developmental economists refer to as more equality of opportunity than may currently exist in some societies, and to manufacture equality of outcome in cases where incidental inequalities appear in a procedurally just system."

The key word in this definition is the word "egalitarianism." This word, coupled with the phrases "income redistribution," "property redistribution," and "equality of outcome," says a great deal about social justice. Egalitarianism as a political doctrine essentially promotes the idea that all people should have the same (equal) political, social, economic and civil rights. This idea is based on the foundation of inalienable human rights enshrined in such documents as the Declaration of Independence.

Social justice advocates refer to their fallacious pursuit of wealth redistribution as egalitarianism, meaning equality. However, such equality is not realistically possible unless there is absolute equality between humans and the government both under the law and in court. As an economic doctrine, such egalitarianism OF OUTCOME is the driving force behind [socialism](#) and [communism](#). It is economic egalitarianism that seeks to remove the barriers of economic inequality by means of redistribution of wealth and, by implication, redistribution of PROPERTY. To understand the fallacies inherent in this thinking, we must therefore understand the laws of property. We see social justice implemented in social [welfare](#) programs where progressive tax policies take proportionately more money from wealthy individuals in order to raise the standard of living for people who lack the same means. In other words, the government takes from the rich and gives to the poor.

<sup>91</sup> Source: *What is "Justice"?*, Form #05.050, Section 8; <http://sedm.org/Forms/FormIndex.htm>.



1 The problem with the fallacious doctrine of social justice is twofold:

- 2 1. First, there is a mistaken premise in economic egalitarianism that the rich have become wealthy by exploiting the poor.  
3 Much of the socialist literature of the past 150 years promotes this premise. This may have been primarily the case  
4 back when Karl Marx first wrote his *Communist Manifesto*, and even today it may be the case some of the time, but  
5 certainly not all of the time.
- 6 2. Second, socialist programs tend to create more problems than they solve, meaning that they have many unintended  
7 consequences. In other words, they don't work. Welfare, which uses public tax revenue to supplement the income of  
8 the underemployed or unemployed, typically has the effect of recipients becoming dependent on the government  
9 handout rather than trying to improve their situation. Every place where socialism/communism has been tried on a  
10 national scale, it has failed to remove the class distinctions in society. Instead, all it does is replace the  
11 nobility/common man distinction with a working class/political class distinction.

12 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  
13 justice" ([Deuteronomy 32:4](#)). Furthermore, the Bible supports the notion of social justice in which concern and care are shown  
14 to the plight of the poor and afflicted ([Deuteronomy 10:18](#); [24:17](#); [27:19](#)). The Bible often refers to the fatherless, the widow  
15 and the sojourner – that is, people who were not able to fend for themselves or had no support system. The nation of Israel  
16 was commanded by God to care for society's less fortunate, and their eventual failure to do so was partly the reason for their  
17 judgment and expulsion from the land.

18 In Jesus' Olivet Discourse, He mentions caring for the "least of these" ([Matthew 25:40](#)), and in James' epistle he expounds  
19 on the nature of "true religion" ([James 1:27](#)). So, if by "social justice" we mean that society has a moral obligation to care  
20 for those less fortunate, then that is correct. God knows that, due to the fall, there will be widows, fatherless and sojourners  
21 in society, and He made provisions in the old and new covenants to care for these outcasts of society. The model of such  
22 behavior is Jesus Himself, who reflected God's sense of justice by bringing the gospel message to even the outcasts of society.

23 However, the Christian notion of social justice is different from the contemporary notion of social justice. The biblical  
24 exhortations to care for the poor are more individual than societal.

25 *"Then they also will answer Him, saying, 'Lord, when did we see You hungry or thirsty or a stranger or naked  
26 or sick or in prison, and did not minister to You?' Then He will answer them, saying, 'Assuredly, I say to you,  
27 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  
28 everlasting punishment, but the righteous into eternal life."*  
29 [*Matt. 25:44-46, Bible, NKJV*]

30 In other words, each Christian is encouraged to do what he can to help the "least of these." Jesus spoke the above words NOT  
31 to a "government" but to private individuals. Never did He command GOVERNMENTS to engage in charity. Governments  
32 are not judged at the final judgment for their FAILURE to engage in charity or welfare. The basis for such biblical commands  
33 is found in the second of the greatest commandments—love your neighbor as yourself ([Matthew 22:39](#)).

34 Today's notion of social justice replaces the individual with the government, which, through taxation and other means,  
35 redistributes wealth. This policy doesn't encourage giving out of love, but resentment from those who see their hard-earned  
36 wealth being taken away. These problems point out a bigger rational conflict, which is that charity and force are completely  
37 incompatible in the biblical conception of justice. Frederic Bastiat explains why:

#### 38 ***The Law and Charity***

39 *You say: "There are persons who have no money," and you turn to the law, but the law is not a breast that fills  
40 itself with milk. Nor are the lacteal veins of the law supplied with milk from a source outside the society. Nothing  
41 can enter the public treasury for the benefit of one citizen or one class unless other citizens and other classes  
42 have been forced to send it in. If every person draws from the treasury the amount that he has put in it, it is  
43 true that the law then plunders nobody. But this procedure does nothing for the persons who have no money.  
44 It does not promote equality of income. The law can be an instrument of equalization only as it takes from  
45 some persons and gives to other persons. When the law does this, it is an instrument of plunder [THEFT].  
46 [*The Law*, Frederic Bastiat, 1850; SOURCE: <http://famguardian.org/Publications/TheLaw/TheLaw.htm>]*

47 The type of equalization that Bastiat is describing above is equality of OUTCOME, not equality of OPPORTUNITY. The  
48 purpose of biblical justice is to protect equality of opportunity and the restoration of PRIVATE property that is stolen.  
49 Therefore, biblical justice is incompatible with social/political justice precisely because charity and force are incompatible  
50 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:

*Presumption: Chief Weapon for Unlawfully Enlarging Federal Jurisdiction*, Form #05.017  
<http://sedm.org/Forms/FormIndex.htm>

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.

That traditionally there have been several main views of legal "justice". Let us concentrate on just two: retributive justice and distributive justice. The former 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. Under our legal definition of justice earlier in section 6.1, "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 6.2.

"Social justice" and its modern counterpart, distributive justice is a more recent concept, and has to do with equality of outcome, and redistributing certain goods, including wealth, to ostensibly help out the less fortunate. It is what is 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. 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 me 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,

1       *"Equality of outcome is a radically different concept. Equality of opportunity provides in a sense that all start*  
2 *the race of life at the same time. Equality of outcome attempts to ensure that everyone finishes at the same time.*  
3 *To slightly change what the Dodo said in Alice in Wonderland, 'Everybody must win and all must have prizes'.*  
4 *That is the goal of radical socialism. Everyone must be a winner, everyone must be equal. Socialists do not really*  
5 *point towards absolute equality but they point to vague ideas of fairness and justice."*  
6 *[The Australian Achievement: From Bondage To Freedom, LJM Cooray, 1996; SOURCE:*  
7 *<http://www.ourcivilisation.com/cooray/btof/chap20.htm>]*

8       Such policies decrease equality and stymie economic growth:

9       *"This is not merely because they directly attack equality of opportunity in the sense of freedom to pursue an*  
10 *interest or vocation, but because by destroying incentive they inhibit that individual initiative which has been*  
11 *responsible for modern economic progress, growth and development. Modern economic development has*  
12 *systematically raised the lot of the ordinary man to a level of prosperity undreamed of in past ages, when such*  
13 *prosperity was confined to a few.*

14       *"This development was the direct result of individual initiative and endeavour within a system which allowed*  
15 *individual incentive and free activity. By directly impinging upon individual incentive and free activity,*  
16 *egalitarian policies and programmes actually inhibit the process of economic growth and development, thus*  
17 *inhibiting the only mechanism in history by which inequality has been systematically, successfully and*  
18 *continuously ameliorated on a large scale."*  
19 *[The Australian Achievement: From Bondage To Freedom, LJM Cooray, 1996; SOURCE:*  
20 *<http://www.ourcivilisation.com/cooray/btof/chap20.htm>]*

21       Jewish commentator Michael Medved has just penned a piece on similar themes. He begins this way:

22       *"For more than a hundred years liberals and conservatives have been arguing over the true meaning of justice.*  
23 *The left emphasizes just outcomes – seeking smaller gaps between rich and poor, and a comparably dignified*  
24 *standard of living for all members of society.*

25       *"The right stresses just procedures – making sure that individuals keep the fruits of their own labors and remain*  
26 *secure in their property, without seizure by their neighbors or by government. Liberals accept unequal, potentially*  
27 *unfair treatment by government in order to achieve fair results; conservatives accept unequal, potentially unfair*  
28 *results so long as every citizen receives fair and comparable treatment by government.*

29       *"These arguments have raged for generations without definitive resolution, but that doesn't mean that both sides*  
30 *are right, or that the questions that divide them offer no final answers. In fact, key Biblical passages provide a*  
31 *strong indication that conservative concepts of economic justice comport far more closely to the religious and*  
32 *philosophical foundations of western civilization."*  
33 *[Which Side is God On?, Michael Medved; SOURCE:*  
34 *<https://townhall.com/columnists/michaelmedved/2010/09/01/which-side-is-god-on-n1104336>]*

35       He explores various biblical texts, and draws upon some commentary by Jewish thinkers:

36       *"For instance, a key passage in the Book of Leviticus (19:15) declares: 'You shall not commit a perversion of*  
37 *justice; you shall not favor the poor and you shall not honor the great; with righteousness (Tzedek) shall you*  
38 *judge your fellow.' Amazingly, the Bible warns us not to 'favor the poor' even before we're instructed 'not to*  
39 *honor the great,' because partiality for the unfortunate counts as an even stronger human temptation.*

40       *"And what about all the Biblical demands, in both Old and New Testaments, to show compassion to widows,*  
41 *orphans and the poor? Rabbi Shlomo Yitzchaki (Rashi), the 11th century giant who became the most influential*  
42 *of all Torah expositors, explains that the verse in Leviticus draws an all-important, eternal distinction between*  
43 *charity and justice: 'Do not say that since the wealthy man is obligated to help the poor one, it is proper for a*  
44 *judge to rule in favor of the poor litigant so that he will be supported in dignity. The Torah insists that justice be*  
45 *rendered honestly; charity may not interfere with it.'*

46       *"In other words, assistance for the destitute remains an individual obligation on God-fearing individuals, but*  
47 *should not bring a tilt to the law to favor the less fortunate. It is no coincidence, surely, that this crucial verse in*  
48 *Leviticus appears just two sentences away from the most famous declaration in all the Bible: 'You shall love your*  
49 *neighbor as yourself' (19:18). This famous line makes clear that the same God who wants us to deal kindly with*  
50 *our fellow human beings, also requires that we respect and honor ourselves.*

51       *"You don't demean or damage yourself for the sake of your fellow; the Bible consistently backs the conservative*  
52 *supposition that we help others best when we help ourselves. If such Biblical passages strongly support the*  
53 *conservative conception of justice, then why are so many churches, synagogues and divinity schools filled with*  
54 *outspokenly liberal clergy?"*

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 clearer on what biblical justice is all about. It is at least far more than the usual notions of social justice being peddled today. And it certainly is more than just state-enforced wealth redistribution or equality of OUTCOME enforced by law.

Basically, there is a tension between a God-centered approach to social justice and a man-centered approach to social justice. The man-centered approach sees the government in the role of savior, bringing in a utopia through government policies. In short, it advocates religious idolatry, where rulers are endowed by fiat and absent God's authority with superior or supernatural powers above ordinary natural biological men. This approach, in fact, was Satan's sin: Seeking to be equal to or above God, and therefore to be above the authority of any single man or woman.

The God-centered approach, on the other hand, sees Christ as Savior, bringing heaven to earth when He returns. At His return, Christ will restore all things and execute perfect justice. Until then, Christians express God's love and justice by showing kindness and mercy to those less fortunate on a personal and individual basis, but NEVER compelled by any "law" or collective or secular organization. In fact, if such compulsion is attempted, then we claim that the source of such compulsion:

1. Is not "law" as classically defined. See:

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

2. Is private law, special law, and a civil franchise to which you must personally and individually and EXPRESSLY consent. See:

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

3. Is being ILLEGALLY and/or unconstitutionally enforced if the ENFORCER proceeds to enforce on a mere PRESUMPTION instead of having to prove BEFORE enforcement that you consented to it in writing and were present or domiciled in a place NOT protected by the Constitution where your PRIVATE rights are "unalienable" according to the Declaration of Independence.

4. Is being misrepresented if it is called "law" or given the "force of law" without putting the words "private" or "special" in front of it. See:

*Legal Deception, Propaganda, and Fraud*, Form #05.014  
<http://sedm.org/Forms/FormIndex.htm>

That is why our official position is that charity and grace are limited EXCLUSIVELY to the individual, the family, and the church and NEVER the government.

### 10.3 "Legal justice" v. "Social/Political justice"<sup>92</sup>

Let's now compare "Legal justice" with "Social/Political justice":

**Table 1: 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

<sup>92</sup> Source: *What is "Justice"?*, Form #05.050, Section 9; <http://sedm.org/Forms/FormIndex.htm>.

#	Characteristic	“Legal Justice”	“Social/Political Justice”
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 franchises. Everyone is PRIVILEGED under <a href="#">the franchise</a> .
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).

1 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](http://www.ted.com/talks/jonathan_haidt_on_the_moral_mind.html)

2 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.*

*In fact, since the program of social justice inevitably involves claims for government provision of goods, paid for through the efforts of others, the term actually refers to an intention to use force to acquire one's desires. Not to earn desirable goods by rational thought and action, production and voluntary exchange, but to go in there and forcibly take [STEAL] goods from those who can supply them!*  
 [O'Neill, Ben (2011-03-16) *The Injustice of Social Justice*, [Mises Institute](#)]

11 Don't allow “statists” or “collectivists” to pervert your language or redefine “justice” in the courtroom to mean “social  
 12 justice”. Don't allow them to perpetuate the superiority of the collective or government over the individual by this perversion  
 13 of the definition. When you hear the term “social justice” from any politician, NEVER vote for him. “Social justice”=  
 14 SOCIALISM. Insist on absolute equality at all times between the government and the governed, which we describe as the  
 15 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: <https://youtu.be/P3ggFibd5hk>

16 If you allow them to redefine justice, you will ultimately become a human sacrifice to a pagan civil religion or “collective”.  
 17 The “altar” where the sacrifice will occur is the judge's bench, which is the altar of “Baal”. Hence “Bailiff”.

18 For a fascinating short video that demonstrates how the meaning of “justice” is perverted by adding the word “social” in front  
 19 of it, see:

*What is “Social Justice”?*, Prager University  
<https://www.youtube.com/watch?v=rtBvQj2k6xo>



1 The above video concludes about “Social Justice” the following:

- 2 1. “Social justice” is incompatible with freedom or a free society where all are equal under the law.
- 3 2. Social justice requires an elite set of privileged few in the government to decide how to redistribute wealth, and the
- 4 concentration of power this creates is dangerous to freedom.
- 5 3. The only institution capable of imposing or coercing “social justice” is the state.
- 6 4. It has no concrete definition for socialists collectivists, because if they defined what it meant, they would discredit
- 7 themselves.
- 8 5. It means whatever its champions want it to mean.
- 9 6. “Social Justice”=”good things” no one needs to ARGUE for and No one DARE be against.
- 10 7. “Social Justice” targets its conservative opponents as people who want to ENFORCE or COERCE THEIR values onto
- 11 others. The opposite is the real truth, because “social justice” requires a coercive state in every area of life, while with
- 12 LEGAL justice, the state only gets involved when there is a real, quantifiable injury to a RIGHT rather than a
- 13 PRIVILEGE.
- 14 8. Those who oppose “social justice” are inevitably branded as “greedy”. The most frequent social group who are
- 15 unjustly branded as “greedy” are conservatives or the right.
- 16 9. “Social Justice” is a tool of propaganda used by collectivists to get otherwise conservative people to unknowingly
- 17 accept socialism and collectivism.
- 18 10. The use of the term is most appealing to the lower class as a method to mobilize and engage them into a commercial
- 19 war against the upper class. It is essentially used as a recruitment mechanism for socialist organizers to recruit those
- 20 who will abuse their voting power and jury service to STEAL from the rich and fill their pocket with the plunder by
- 21 whatever means necessary.

22 *“Here I close my opinion. I could not say less in view of questions of such gravity that go down to the very*  
23 *foundation of the government. If the provisions of the constitution can be set aside by an act of congress, where*  
24 *is the course of usurpation [abuse of taxation power for THEFT and wealth transfer] to end? The present assault*  
25 *[WAR!] upon capital [PRIVATE property] is but the beginning. It will be but the stepping-stone to others, larger*  
26 *and more sweeping, till our political contests [in the jury box and the ballot box between the HAVES and the*  
27 *HAVE NOTS] will become a war of the poor against the rich,-a war constantly growing in intensity and bitterness.*  
28 *‘If the court sanctions the power of discriminating [UNEQUAL or GRADUATED] taxation, and nullifies the*  
29 *uniformity mandate of the constitution,’ as said by one who has been all his life a student of our institutions, ‘it*  
30 *will mark the hour when the sure decadence of our present government will commence.’”*  
31 *[Pollock v. Farmers Loan and Trust Co., 157 U.S. 429 (1895)]*

32 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](http://en.wikipedia.org/wiki/Social_justice)

33 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>

## 34 **11 Relationship of Equal Protection to Our Republican Government of Delegated, Limited, and** 35 **Enumerated Powers**

36 The United States Government has been identified as a government of finite, delegated, enumerated powers:

37 *“The Government of the United States is one of delegated powers alone. Its authority is defined and limited by*  
38 *the Constitution. All powers not granted to it by that instrument are reserved to the States or the people.”*  
39 *[United States v. Cruikshank, 92 U.S. 542 (1875)]*  
40

41 *We start with first principles. The Constitution creates a Federal Government of enumerated powers. See U.S.*  
42 *Const., Art. I, 8. As James Madison wrote, “[t]he powers delegated by the proposed Constitution to the federal*  
43 *government are few and defined. Those which are to remain in the State governments are numerous and*  
44 *indefinite.” The Federalist No. 45, pp. 292-293 (C. Rossiter ed. 1961). This constitutionally mandated division*  
45 *of authority “was adopted by the Framers to ensure protection of our fundamental liberties.” Gregory v.*  
46 *Ashcroft, 501 U.S. 452, 458 (1991) (internal quotation marks omitted). “Just as the separation and*  
47 *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)]

The States of the Union are separate, "foreign", and "sovereign" in respect to the federal government for the purposes of legislative jurisdiction, which means that nearly all federal legislation cannot and does not apply to any portion of a state of the Union:

"It is no longer open to question that the general government, unlike the states, Hammer v. Dagenhart, 247 U.S. 251, 275, 38 S.Ct. 529, 3 A.L.R. 649, Ann.Cas.1918E 724, possesses no inherent power in respect of the internal affairs of the states; and emphatically not with regard to legislation. The question in respect of the inherent power of that government as to the external affairs of the Nation and in the field of international law is a wholly different matter which it is not necessary now to consider. See, however, Jones v. United States, 137 U.S. 202, 212, 11 S.Ct. 80; Nishimur Ekiu v. United States, 142 U.S. 651, 659, 12 S.Ct. 336; Fong Yue Ting v. United States, 149 U.S. 698, 705 et seq., 13 S.Ct. 1016; Burnet v. Brooks, 288 U.S. 378, 396, 53 S.Ct. 457, 86 A.L.R. 747.

"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)]

"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

1 Constitution's intergovernmental allocation of authority. Where state officials purport to submit to the direction  
2 of Congress in this manner, federalism is hardly being advanced. "  
3 [New York v. United States, [505 U.S. 144](#) (1992)]

4  
5 "The people of the United States, by their Constitution, have affirmed a division of internal governmental powers  
6 between the federal government and the governments of the several states-committing to the first its powers by  
7 express grant and necessary implication; to the latter, or [301 U.S. 548, 611] to the people, by reservation, 'the  
8 powers not delegated to the United States by the Constitution, nor prohibited by it to the States.' The Constitution  
9 thus affirms the complete supremacy and independence of the state within the field of its powers. Carter v. Carter  
10 Coal Co., [298 U.S. 238, 295](#), 56 S.Ct. 855, 865. The federal government has no more authority to invade that  
11 field than the state has to invade the exclusive field of national governmental powers; for, in the oft-repeated  
12 words of this court in Texas v. White, 7 Wall. 700, 725, 'the preservation of the States, and the maintenance of  
13 their governments, are as much within the design and care of the Constitution as the preservation of the Union  
14 and the maintenance of the National government.' The necessity of preserving each from every form of illegitimate  
15 intrusion or interference on the part of the other is so imperative as to require this court, when its judicial power  
16 is properly invoked, to view with a careful and discriminating eye any legislation challenged as constituting such  
17 an intrusion or interference. See South Carolina v. United States, [199 U.S. 437, 448](#), 26 S.Ct. 110, 4 Ann.Cas.  
18 737."  
19 [Steward Machine Co. v. Davis, [301 U.S. 548](#) (1937)]

20 The United States government possesses not sovereignty in and of itself. Rather, We the People, which includes you, possess  
21 ALL of the sovereignty.

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

26  
27 "The people of this State, as the successors of its former sovereign, are entitled to all the rights which formerly  
28 belonged to the King by his prerogative. Through the medium of their Legislature they may exercise all the powers  
29 which previous to the Revolution could have been exercised either by the King alone, or by him in conjunction  
30 with his Parliament; subject only to those restrictions which have been imposed by the Constitution of this State  
31 or of the U.S."  
32 [Lansing v. Smith, 21 D. 89, 4 Wendel 9 (1829) (New York)]

33  
34 "There is no such thing as a power of inherent Sovereignty in the government of the United States. In this country  
35 sovereignty resides in the People, and Congress can exercise no power which they have not, by their Constitution  
36 entrusted to it: All else is withheld."  
37 [Juilliard v. Greenman, 110 U.S. 421 (1884)]

38  
39 "Under our form of government, the legislature is NOT supreme. It is only one of the organs of that ABSOLUTE  
40 SOVEREIGNTY which resides in the whole body of the PEOPLE; like other bodies of the government, it can only  
41 exercise such powers as have been delegated to it, and when it steps beyond that boundary, its acts.. are utterly  
42 VOID."  
43 [Billings v. Hall, 7 CA. 1]

44  
45 "In Europe, the executive is synonymous with the sovereign power of a state...where it is too commonly acquired  
46 by force or fraud, or both...In America, however the case is widely different. Our government is founded upon  
47 compact. Sovereignty was, and is, in the people."  
48 [The Betsy, 3 Dall 6]

49  
50 "His [the individual's] rights are such as existed by the law of the land long antecedent to the organization of the  
51 State, and can only be taken from him by due process of law, and in accordance with the Constitution. Among  
52 his rights are a refusal to incriminate himself, and the immunity of himself and his property from arrest or seizure

1 except under a warrant of the law. He owes nothing to the public so long as he does not trespass upon their  
2 rights.”  
3 [Hale v. Henkel, 201 U.S. 43 (1906): ]

4 Strictly speaking, in our republican form of government, the absolute sovereignty of the nation is in the people of  
5 the nation; and the residuary sovereignty of each state, not granted to any of its public functionaries, is in the  
6 people of the state. 2 Dall. 471  
7 [Bouv. Law Dict (1870)]

8 Various Presidents of the United States have acknowledged that the Constitution did NOT delegate ANY of your sovereignty  
9 to the government:

10 “...a government which is founded by the people, who possess exclusively the sovereignty...” “In this great nation  
11 there is but one order, that of the people, whose power, by a peculiarly happy improvement of the representative  
12 principle, is transferred from them, without impairing in the slightest degree their sovereignty, to bodies of their  
13 own creation, and to persons elected by themselves, in the full extent necessary for all the purposes of free,  
14 enlightened and efficient government. The whole system is elective, the complete sovereignty being in the people,  
15 and every officer in every department deriving his authority from and being responsible to them for his conduct.”  
16 [James Monroe, Second Inaugural Speech March 5, 1821]

17 The only way you can lose the sovereignty God gave you, is to sign a contract or participate in a franchise or “privilege” and  
18 thereby give it away usually to the government. All acceptance of “privileges” or franchises from the government represents  
19 an implied surrender of your right to have ALL the same EQUAL rights as the entire government itself.

20 “The rights of sovereignty extend to all persons and things not privileged, that are within the territory.  
21 They extend to all strangers resident therein; not only to those who are naturalized, and to those who are  
22 domiciled therein, having taken up their abode with the intention of permanent residence, but also to those whose  
23 residence is transitory. All strangers are under the protection of the sovereign while they are within his territory  
24 and owe a temporary allegiance in return for that protection.”  
25 [Carlisle v. United States, 83 U.S. 147, 154 (1873)]  
26

27 “The principle is invoked that one who accepts the benefit [e.g. “public right”, “franchise”, or “privilege”] of a  
28 statute cannot be heard to question its constitutionality. Great Falls Manufacturing Co. v. Attorney General, 124  
29 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.  
30 George C. Prendergast Const. Co., 260 U.S. 469, 43 S.Ct. 178.”  
31 [Ashwander v. T.V.A., 297 U.S. 288 (1936)]

32 In other words, if you want to remain sovereign, you cannot accept any “privileges”, benefits, or “franchises” offered by the  
33 government, including statutory “U.S. citizen” status under 8 U.S.C. §1401, domicile within the jurisdiction of the federal  
34 government, Social Security, Medicare, Medicaid, Unemployment Insurance, marriage licenses, professional licenses, or  
35 drivers licenses. We also note that constitutional “citizen of the United States” status under the Fourteenth Amendment is  
36 NOT a privilege under federal law and is NOT equivalent to the statutory “U.S. citizen” status described in 8 U.S.C. §1401.  
37 A constitutional citizen who is not a statutory citizen is called a “national” or “state national” within federal law. See:

Why You are a “national”, “state national”, and Constitutional but not Statutory Citizen, Form #05.006 <a href="http://sedm.org/Forms/FormIndex.htm">http://sedm.org/Forms/FormIndex.htm</a>
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38 The implications of the concept of delegated powers are vast and far reaching, and beyond the understanding of the average  
39 American, who is dumbed-down in the public (e.g. GOVERNMENT) schools on the subject of law and government. For  
40 instance:

- 41 1. If our government is one of finite, exclusively delegated powers, then they cannot exercise ANY power that you yourself  
42 do not have, because all such powers are DELEGATED from you, who is a part of the ONLY sovereignty, We The  
43 People.

44 “... The governments are but trustees [of We The People, the Sovereigns] acting under derived authority and  
45 have no power to delegate what is not delegated to them. But the people, as the original fountain might take  
46 away what they have delegated and intrust to whom they please. ...The sovereignty in every state resides in the  
47 people of the state and they may alter and change their form of government at their own pleasure.”  
48 [Luther v. Borden, 48 U.S. 1, 12 L.Ed. 581 (1849)]

1 "Derativa potestas non potest esse major primitiva.  
2 The power which is derived cannot be greater than that from which it is derived. Wing.Max. 36; Finch. Law, b.  
3 1, c. 3, p. 11"  
4 [Bouvier's Maxims of Law, 1856, p. 2131  
5 Source: <http://famguardian.org/Publications/BouvierMaximsOfLaw/BouviersMaxims.htm>]

6 "Delegata potestas non potest delegari.  
7 A delegated authority cannot be again delegated. 2 Co. Inst. 597; 5 Bing. N. C. 310; 2 Bouv. Inst. n. 1300."  
8 [Bouvier's Maxims of Law, 1856, p. 2131  
9 Source: <http://famguardian.org/Publications/BouvierMaximsOfLaw/BouviersMaxims.htm>]

10 "Delegatus non potest delegare.  
11 A delegate or deputy cannot appoint another. 2 Bouv. Inst. n. 1936; Story, Ag. §33."  
12 [Bouvier's Maxims of Law, 1856, p. 2131  
13 Source: <http://famguardian.org/Publications/BouvierMaximsOfLaw/BouviersMaxims.htm>]

- 14 2. When the government engages in private business concerns not authorized by the Constitution, or contracts, it must  
15 devolve from the status of a "sovereign" to the status of an ordinary person on an equal footing with you in the eyes of  
16 all courts:

17 See also *Clearfield Trust Co. v. United States*, 318 U.S. 363, 369 (1943) ("The United States does business on  
18 business terms") (quoting *United States v. National Exchange Bank of Baltimore*, 270 U.S. 527, 534 (1926));  
19 *Perry v. United States*, supra at 352 (1935) ("When the United States, with constitutional authority, makes  
20 contracts, it has rights and incurs responsibilities similar to those of individuals who are parties to such  
21 instruments. There is no difference . . . except that the United States cannot be sued without its consent")  
22 (citation omitted); *United States v. Bostwick*, 94 U.S. 53, 66 (1877) ("The United States, when they contract with  
23 their citizens, are controlled by the same laws that govern the citizen in that behalf"); *Cooke v. United States*,  
24 91 U.S. 389, 398 (1875) (explaining that when the United States "comes down from its position of sovereignty,  
25 and enters the domain of commerce, it submits itself to the same laws that govern individuals there").

26 See *Jones*, 1 Cl.Ct. at 85 ("Wherever the public and private acts of the government seem to commingle, a citizen  
27 or corporate body must by supposition be substituted in its place, and then the question be determined whether  
28 the action will lie against the supposed defendant"); *O'Neill v. United States*, 231 Ct.Cl. 823, 826 (1982)  
29 (sovereign acts doctrine applies where, "[w]here [the] contracts exclusively between private parties, the party hurt  
30 by such governing action could not claim compensation from the other party for the governing action"). The  
31 dissent ignores these statements (including the statement from *Jones*, from which case *Horowitz* drew its  
32 reasoning literally verbatim), when it says, post at 931, that the sovereign acts cases do not emphasize the need  
33 to treat the government-as-contractor the same as a private party.  
34 [[United States v. Winstar Corp.](#) 518 U.S. 839 (1996)]

35  
36 "When a State engages in ordinary commercial ventures, it acts like a private person, outside the area of its  
37 "core" responsibilities, and in a way unlikely to prove essential to the fulfillment of a basic governmental  
38 obligation. A Congress that decides to regulate those state commercial activities rather than to exempt the State  
39 likely believes that an exemption, by treating the State differently from identically situated private persons,  
40 would threaten the objectives of a federal regulatory program aimed primarily at private conduct. Compare,  
41 e.g., 12 U.S.C. §1841(b) (1994 ed., Supp. III) (exempting state companies from regulations covering federal bank  
42 holding companies); 15 U.S.C. §77c(a)(2) (exempting state-issued securities from federal securities laws); and  
43 29 U.S.C. §652(5) (exempting States from the definition of "employer[s]" subject to federal occupational safety  
44 and health laws), with 11 U.S.C. §106(a) (subjecting States to federal bankruptcy court judgments); 15 U.S.C.  
45 §1122(a) (subjecting States to suit for violation of Lanham Act); 17 U.S.C. §511(a) (subjecting States to suit for  
46 copyright infringement); 35 U.S.C. §271(h) (subjecting States to suit for patent infringement). And a Congress  
47 that includes the State not only within its substantive regulatory rules but also (expressly) within a related system  
48 of private remedies likely believes that a remedial exemption would similarly threaten that program. See *Florida*  
49 *Prepaid Postsecondary Ed. Expense Bd. v. College Savings Bank*, ante, at \_\_\_\_ (Stevens, J., dissenting). It  
50 thereby avoids an enforcement gap which, when allied with the pressures of a competitive marketplace, could  
51 place the State's regulated private competitors at a significant disadvantage.

52 "These considerations make Congress' need to possess the power to condition entry into the market upon a waiver  
53 of sovereign immunity (as "necessary and proper" to the exercise of its commerce power) unusually strong, for  
54 to deny Congress that power would deny Congress the power effectively to regulate private conduct. Cf.  
55 California v. Taylor, 353 U.S. 553, 566 (1957). At the same time they make a State's need to exercise sovereign  
56 immunity unusually weak, for the State is unlikely to have to supply what private firms already supply, nor may  
57 it fairly demand special treatment, even to protect the public purse, when it does so. Neither can one easily  
58 imagine what the Constitution's founders would have thought about the assertion of sovereign immunity in this  
59 special context. These considerations, differing in kind or degree from those that would support a general  
60 congressional "abrogation" power, indicate that Parden's holding is sound, irrespective of this Court's decisions  
61 in Seminole Tribe of Fla. v. Florida, 517 U.S. 44 (1996), and Alden v. Maine, ante, p. \_\_\_\_.



The above concepts imply a clear opportunity for corruption within our system of republican government, which are described below:

1. Governments who want to exceed their power and Constitutionally delegated authority often choose to engage in private business concerns not specifically authorized by the Constitution itself, such as “social insurance” or private banking. Such private business concerns might include:
  - 1.1. Social Security
  - 1.2. Medicare
  - 1.3. Medicare
  - 1.4. Unemployment Insurance
  - 1.5. Establishing or running a bank or delegating specific authority to private banks to perform some of their functions, such as the Federal Reserve.
2. When they create such private business enterprises, they must surrender their sovereign immunity in court and come down to the level of ordinary individuals, as described above. However, oftentimes, they will try to abuse their authority and influence by:
  - 2.1. Implementing the venture using private/contract law but falsely portraying said statute as “public law” that EVERYONE must obey, in order to entice ignorant Americans into feeling compelled to participate.
  - 2.2. Wrongfully describing such ventures as a “public purpose”.
  - 2.3. Wrongfully describing the revenues that maintain the enterprise as “taxes” in order to deceive citizens into falsely believing that they have a patriotic duty under the law to participate.
  - 2.4. By using tax policies to drive all other private industry competitors out of the marketplace in order to expand their monopoly.

The above process of corruption involving portraying what is actually a “private purpose implemented through private law” as a “public purpose implemented through public law” is thoroughly described in the document below:

Requirement for Consent, Form #05.003

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

3. The courts often unconstitutionally and unlawfully interfere with this implied surrender of sovereign immunity by the government upon entering the commercial marketplace by:
  - 3.1. Inventing a judicial doctrine called “sovereign immunity”. See section 1.11 of the following document for details:

Sovereignty Forms and Instructions Manual, Form #10.005

<http://sedm.org/Forms/FormIndex.htm>
  - 3.2. Refusing to respond to proof that the Constitution does not authorize the specific franchise, which makes it a private business activity.
  - 3.3. Refusing to recognize the existence or operation of the franchise that gave rise to the private commercial venture.
  - 3.4. Refusing to recognize the territorial limits upon the operation of the franchise. For instance, no federal franchise may lawfully extend beyond federal territory. The states of the Union are NOT federal territory.
  - 3.5. Falsely describing the private activity as a “public purpose”.
  - 3.6. Falsely describing the fees associated with participating not a “price” but as “taxes”.
  - 3.7. Falsely pretending that the statutes that govern the franchise or business activity are “public law” when in fact they are really just “private law” or “contract law” that is voluntary.
4. The effect of the illegal acts of the courts to interfere with the surrender of sovereign immunity by the government when they enter private business is as follows:
  - 4.1. They implement the equivalent of an eventual antitrust monopoly, in violation of the Sherman Antitrust Act found in 18 U.S.C. Chapter 1:

[http://www.law.cornell.edu/uscode/html/uscode15/usc\\_sup\\_01\\_15\\_10\\_1.html](http://www.law.cornell.edu/uscode/html/uscode15/usc_sup_01_15_10_1.html)
  - 4.2. The courts become a “protection racket” for the monopoly, in violation of 18 U.S.C. §1956.
  - 4.3. Private businesses who were participating in the marketplace are destroyed by the operation of the government monopoly.

*“The power to tax is, therefore, the strongest, the most pervading of all the powers of government, reaching directly or indirectly to all classes of the people. It was said by Chief Justice Marshall, in the case of McCulloch v. The State of Maryland, FN5 that the power to tax is the power to destroy. **A striking instance of the truth of the proposition is seen in the fact that the existing tax of ten per cent. imposed by the United States on the circulation of all other banks than the National banks, drove out of existence every State bank of circulation within a year or two after its passage.** This power can as readily be employed against one class of individuals and in favor of another, so as to ruin the one class and give unlimited wealth and prosperity to the other, if there is no implied limitation of the uses for which the power may be exercised.”*

If you would like to learn more about the Constitutional organization of our government, the nature of sovereignty, and the implications of delegated authority, may we recommend the following EXCELLENT free public domain book on Constitutional law:

[Treatise on Government](http://famguardian.org/Publications/TreatiseOnGovernment/TreatOnGovt.pdf), Form #11.207, Joel Tiffany; 577 pages, 34 Mbytes  
<http://famguardian.org/Publications/TreatiseOnGovernment/TreatOnGovt.pdf>

If you would like to learn more about the concept of “delegated authority” in the context of government, see:

[Delegation of Authority Brief](http://famguardian.org/Subjects/Taxes/ChallJurisdiction/AdminProc/Delegationbrf.htm), Larry Becraft  
<http://famguardian.org/Subjects/Taxes/ChallJurisdiction/AdminProc/Delegationbrf.htm>

## 12 Legal consequences of inequality

When public servants refuse to recognize the requirement for equal protection and equal treatment, the following consequences ensue:

1. Idolatry is committed in violation of the first four commandments of the Ten Commandments, because those either dispensing or receiving the benefits of the franchise become a privileged class who are above rather than equal with the rest of society.

*“I am the LORD your God, who brought you out of the land of Egypt, out of the house of bondage.*

*“You shall have no other gods [including governments, earthly laws, money, or a “privileged” class of persons] before Me.*

*“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; you shall not bow down to them nor serve them [with our labor, or your earnings from labor]. 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, but showing mercy to thousands, to those who love Me and keep My commandments.”*  
[Exodus 20:2-6, Bible, NKJV]

2. Those in society are often compelled into a position of usually economic servitude towards those dispensing the commercial benefits of the franchise, leading to the firing of God as your master and substituting a man or corporation in His sovereign place.

*“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.”<sup>93</sup>*  
[Jesus in Matt. 6:24, Bible, NKJV]

3. Hypocrisy is created in the creation and enforcement of the laws. The only thing Jesus Christ (God’s representative and Legal Counsel) ever bitterly criticized was this type of hypocrisy:

*But when he saw many of the Pharisees and Sadducees coming to his baptism, he said to them, “Brood of vipers! Who warned you to flee from the wrath to come? Therefore bear fruits worthy of repentance, and do not think to say to yourselves, ‘We have Abraham as our father.’ For I say to you that God is able to raise up children to Abraham from these stones. And even now the ax is laid to the root of the trees. Therefore every tree which does not bear good fruit is cut down and thrown into the fire. I indeed baptize you with water unto repentance, but He who is coming after me is mightier than I, whose sandals I am not worthy to carry. He will baptize you with the Holy Spirit and fire. His winnowing fan is in His hand, and He will thoroughly clean out His threshing floor, and gather His wheat into the barn; but He will burn up the chaff with unquenchable fire.”*  
[Jesus in Matt. 3:7-12, Bible, NKJV]

<sup>93</sup>The New King James Version. 1996, c1982 . Thomas Nelson: Nashville

4. The emphasis of lawmakers shifts from that of providing protection, which is the only legitimate purpose of a de jure government, to the maximization of profit, revenues, power, and authority in the creation and execution of franchises. This leads to:
- 4.1. Corruption within the government by those in receipt of the “privileges” and “franchises”, who use their power, influence, and unethically gained wealth to buy favors using campaign contributions committed to those who will help expand their franchise and importance.
- 4.2. Obfuscation of the law in order to deceive people into engaging in franchises, to hide the nature of the franchise, and to hide the voluntary nature of engaging in the franchise.
5. Those charged with enforcing the requirement for equal protection and equal treatment in the Department of Justice, by refusing or omitting to do their job, confer the equivalent of an unconstitutional “title of nobility” upon those who are violating the requirement, who are usually in the government.

*Constitution of the United States  
Article I, Section 9, Clause 8*

*No Title of Nobility shall be granted by the United States: And no Person holding any Office of Profit or Trust under them, shall, without the Consent of the Congress, accept of any present, Emolument, Office, or Title, of any kind whatever, from any King, Prince or foreign State.*

6. Those violating the requirement for equal protection become the recipients of special “privileges” and “franchises” not enjoyed by ordinary citizens.

**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 inland 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.*

7. The courts exercise partiality in judgment based on participation in the franchise, in violation of God's command in the Bible not to exercise partiality in judgment (Deut. 1:17, Deut. 16:19, Deut. 10:17, Job 13:10).
  - 7.1. They ignore the constraints imposed by the Bill of Rights upon the actions of the government, and thereby violate their oaths of office to support and defend the constitution.
  - 7.2. They make usually prejudicial presumptions against those engaged in the franchise. See:

*Presumption: Chief Weapon for Unlawfully Enlarging Federal Jurisdiction*, Form #05.017  
<http://sedm.org/Forms/FormIndex.htm>
  - 7.3. They undermine the enforcement of "private rights" of those engaged in the franchise in favor of the government, in deference to the "public rights" conveyed by statute. This happens because those engaging in the "franchise" become essentially part of the government. This is further exhaustively analyzed in section 2 of the document below:

*Federal Jurisdiction*, Form #05.018  
<http://sedm.org/Forms/FormIndex.htm>
8. An elite, privileged class of individuals, who are often invisible, is created within society. This turns a republic into the equivalent of a monarchy, where those dispensing the privileges and franchises use their monopoly to control and dominate everyone else. If the benefit or privilege conferred upon them is financial in nature, they often use these pecuniary benefits of the franchise to expand their influence and control and dominate the rest of the populace. An example is the Federal Reserve, which:
  - 8.1. Is a private, for-profit confederation of banks that is completely unaccountable to Congress or the American public. For details on this SCAM, read:  
*The Creature from Jekyll Island*, G. Edward Griffin, American Media, 1998, ISBN 0-912986-21-2. Available at <http://www.realityzone.com>.
  - 8.2. Engages in the licensed and privileged franchise of essentially counterfeiting money, which is illegal if we do it. See 18 U.S.C. §472. Banks who participate in the Federal Reserve Counterfeiting franchise are permitted to loan out ten times the amount they have on deposit. In that sense, they are engaging in counterfeiting, which is the creation of money that doesn't exist.

### 13 How inequality is legislatively created

The following subsections will describe how the Legislative Branch creates inequality. For a fascinating discussion of how law is abused as a way to benefit an elite at the expense of an underclass, watch the following video:

*How the Law is Used to Destroy Equality and Protect the Powerful*, Noam Chomsky  
<https://www.youtube.com/watch?v=eYBJDRmSMRY>

#### 13.1 Class legislation and discrimination

Legislation which proposes unequal burdens or privileges upon a specific class or group is called "class legislation":

*"The present assault upon [THEFT of] capital [by a corrupted socialist government] 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. [ . . . ]*

*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.*"

[Pollock v. Farmers' Loan and Trust Co., 157 U.S. 429 (1895) ]

Class legislation discriminates against one class of citizens in favor of others and is therefore unconstitutional:

1. Railroad Retirement Bd. v. Fritz, 449 U.S. 166, 181 (1980) (Stevens, J., concurring)

*"If the adverse impact on the disfavored class is an apparent aim of the legislature, its impartiality would be suspect").*

1 2. [Louisville Gas & Elec. Co. v. Coleman, 277 U.S. 32, 37-38 \(1928\).](#)

2 [d]iscriminations of an unusual character especially suggest careful consideration to determine whether they  
3 are obnoxious to the constitutional provision."

4 3. [Department of Agriculture v. Moreno, 413 U.S. 528, 534 635\\*635 \(1973\)](#)

5 "[I]f the constitutional conception of 'equal protection of the laws' means anything, it must at the very least mean  
6 that a bare . . . desire to harm a politically unpopular group cannot constitute a legitimate governmental interest."

7 4. *Cleburne v. Cleburne Living Center, Inc.*, 473 U.S. 432, 439 (1985) ; see also *Plyler v. Doe*, 457 U.S. 202, 216 (1982)

8 "The Equal Protection Clause of the Fourteenth Amendment "is essentially a direction that all persons similarly  
9 situated should be treated alike."

10 5. *Lawrence v. Texas*, 539 U.S. 558, 123 S.Ct. 2472 (2003)

11 **The Equal Protection Clause of the Fourteenth Amendment "is essentially a direction that all persons similarly**  
12 **situated should be treated alike."** *Cleburne v. Cleburne Living Center, Inc.*, 473 U.S. 432, 439 (1985); see also  
13 *Plyler v. Doe*, 457 U.S. 202, 216 (1982). Under our rational basis standard of review, "legislation is presumed  
14 to be valid and will be sustained if the classification drawn by the statute is rationally related to a legitimate state  
15 interest." *Cleburne v. Cleburne Living Center*, supra, at 440; see also *Department of Agriculture v. Moreno*, 413  
16 U.S. 528, 534 (1973); *Romer v. Evans*, 517 U.S. 620, 632-633 (1996); *Nordlinger v. Hahn*, 505 U.S. 1, 11-12  
17 (1992).

18 Laws such as economic or tax legislation that are scrutinized under rational basis review normally pass  
19 constitutional muster, since "the Constitution presumes that even improvident decisions will eventually be  
20 rectified by the democratic processes." *Cleburne v. Cleburne Living Center*, supra, at 440; see also *Fitzgerald v.*  
21 *Racing Assn. of Central Iowa*, ante, p. \_\_\_\_; *Williamson v. Lee Optical of Okla., Inc.*, 348 U.S. 483 (1955). **We**  
22 **have consistently held, however, that some objectives, such as "a bare . . . desire to harm a politically unpopular**  
23 **group," are not legitimate state interests.** *Department of Agriculture v. Moreno*, supra, at 534. See also *Cleburne*  
24 *v. Cleburne Living Center*, supra, at 446-447; *Romer v. Evans*, supra, at 632. When a law exhibits such a desire  
25 to harm a politically unpopular group, we have applied a more searching form of rational basis review to strike  
26 down such laws under the Equal Protection Clause.

27 [. . .]

28 The Equal Protection Clause "neither knows nor tolerates classes among citizens." *Id.* at 623 (quoting *Plessy v.*  
29 *Ferguson*, 163 U.S. 537, 559 (1896) (Harlan, J. dissenting)).

30 6. [Romer v. Evans, 517 U.S. 620 \(1996\)](#)

31 *Central both to the idea of the rule of law and to our own Constitution's guarantee of equal protection is the*  
32 *principle that government and each of its parts remain open on impartial terms to all who seek its assistance.*  
33 *"Equal protection of the laws is not achieved through indiscriminate imposition of inequalities." Sweatt v.*  
34 *Painter, 339 U.S. 629, 635 (1950) (quoting Shelley v. Kraemer, 334 U.S. 1, 22 (1948)). Respect for this principle*  
35 *explains why laws singling out a certain class of citizens for disfavored legal status or general hardships are*  
36 *rare. A law declaring that in general it shall be more difficult for one group of citizens than for all others to seek*  
37 *aid from the government is itself a denial of equal protection of the laws in the most literal sense. "The guarantee*  
38 *of 'equal protection of the laws' 634\*634 is a pledge of the protection of equal laws." Skinner v. Oklahoma ex*  
39 *rel. Williamson, 316 U.S. 535, 541 (1942) (quoting Yick Wo v. Hopkins, 118 U.S. 356, 369 (1886)).*

## 40 13.2 How "Titles of Nobility" destroy and undermine equality and equal protection

41 The subject of "titles of nobility" is closely related to the concept of equal protection of the law. Where "titles of nobility"  
42 and the special "privileges" they enjoy exist, equal protection is impossible. "Titles of nobility" are mentioned in Article 1,  
43 Section 9, Clause 8 of the United States Constitution:

44 *Constitution of the United States*  
45 *Article 1, Section 9, Clause 8*

46 **No Title of Nobility shall be granted by the United States;** And no Person holding any Office of Profit or Trust  
47 under them, shall, without the Consent of the Congress, accept of any present, Emolument, Office, or Title, of any  
48 kind whatever, from any King, Prince or foreign State.



In this section, we will analyze exactly what “titles of nobility” are and what specific actions or omissions create them. The best resource we have found on the Constitution is the Founder’s Constitution. You can read authorities on the subject of Article 1, Section 9, Clause 8 in that document at the link below:

*Founder’s Constitution*, Article 1, Section 9, Clause 8  
[http://press-pubs.uchicago.edu/founders/tocs/a1\\_9\\_8.html](http://press-pubs.uchicago.edu/founders/tocs/a1_9_8.html)

Below are some of the annotations originating from the Founding Fathers from above on this subject:

*“Dignities and high sounding names have different effects on different beholders. The lustre of the Star and the title of My Lord, over-awe the superstitious vulgar, and forbid them to inquire into the character of the possessor: Nay more, they are, as it were, bewitched to admire in the great, the vices they would honestly condemn in themselves. This sacrifice of common sense is the certain badge which distinguishes slavery from freedom; for when men yield up the privilege of thinking, the last shadow of liberty quits the horizon.”*  
[Reflections on titles, Thomas Paine, May 1775, *Life* 2:65--67]

*“Inclosed is the Speech of the President with the Address of the House of Reps. & his reply. You will see in the caption of the address that we have pruned the ordinary stile of the degrading appendages of Excellency, Esqr. &c. and restored it to its naked dignity. Titles to both the President & vice President were formally & unanimously condemned by a vote of the H. of Reps. This I hope will shew to the friends of Republicanism that our new Government was not meant to substitute either Monarchy or Aristocracy, and that the genius of the people is as yet adverse to both.”*  
[James Madison to Thomas Jefferson, 9 May 1789, *Papers* 12:143]

*But is there no stimulus to that laudable ardour and generous emulation which the commentator speaks of, to be found in a pure democracy, which may compensate for the absence of ranks and honors? Yes. Virtue; that principle which actuated the Brutii, a Camillus, and a Cato in the Roman republic, a Timoleon, an Aristides, and an Epaminondas among the Greeks, with thousands of their fellow citizens whose names are scarcely yet lost in the wreck of time. That principle whose operation we have seen in our own country, and in our own days, and of which, examples will be quoted by posterity so long as the remembrance of American liberty shall continue among men. . . . “Virtue,” says Montesquieu, “in a republic is a most simple thing; it is a love of the republic. Love of the republic in a democracy is a love of the democracy: love of the democracy is that of equality. The love of equality in a democracy limits ambition to the sole desire, to the sole happiness, of doing greater services to our own country than the rest of our fellow citizens. . . . But all cannot render equal services: hence distinctions arise here from the principle of equality, even when it seems to be removed, by signal services, or superior abilities.”*

*This distinction, the only one which is reconcileable to the genius and principle of a pure republic, is, if we may reason from effect to cause, the most powerful incentive to good government that can animate the human heart, with this advantage over those hereditary honors for which the commentator is so zealous an advocate, that the ambition excited by the former must of necessity be directed to the public good, whilst the latter springing from self love, alone, may exist in the breast of a Caesar or a Cataline.* A Franklin, or a Washington, need not the pageantry of honours, the glare of titles, nor the pre-eminence of station to distinguish them. Their heads like the mountain pine are seen above the surrounding trees of the forest, but their roots engross not a larger portion of the soil.

*Equality of rights, in like manner, precludes not that distinction which superiority in virtue introduces among the citizens of a republic. Washington in retirement was equal, and only equal, in rights, to the poorest citizen of the state. Yet in the midst of that retirement the elevation of his character was superior to that of any prince in the universe, and the lustre of it far transcended the brightest diadem.*

*But even where it conceded that distinctions of rank and honours were necessary to good government, it would by no means follow that they should be hereditary; the same laudable ardour which leads to the acquisition of honor, is not necessary to the preservation of its badges; and these are all which it's hereditary possessors, in general, regard. Had nature in her operations shewn that the same vigour of mind and activity of virtue which manifests itself in a father, descends unimpaired to his son, and from him to latest posterity, in the same order of succession, that his estate may be limited to, some appearance of reason in favour of hereditary rank and honors might have been offered. But nature in every place, and in every age, has contradicted, and still contradicts this theory. The sons of Junius Brutus were traitors to the republic; the emperor Commodus was the son of Antoninus the philosopher; and Domitian was at once the son of Vespasian, and the brother of Titus.*

If what has been said be a sufficient answer to the necessity of the distinction of ranks and honours to the well government of a state, the commentator himself hath afforded an unanswerable argument against their expedience in a republic, by acknowledging them to be both dangerous and invidious in such a government. And herewith agrees the author of the Spirit of Laws, who informs us, that the principle of a democracy is corrupted, when the spirit of equality is extinct. The same admirable writer gives us a further reason why so heterogeneous a mixture ought not to have a place in any government where the freedom and happiness of the people is thought an object worthy the attention of the government. "A nobility," says he, "think it an honour to obey a king, but consider it as the lowest infamy to share the power with the people."

We are indebted to the same author, for the following distinguished features of aristocracy: "If the reigning families observe the laws, aristocracy is a monarchy with several monarchs: but when they do not observe them, it is a despotic state governed by a great many despotic princes. In this case, the republic consists only in respect to the nobles, and among them only. It is in the governing body; and the despotic state is in the body governed. The extremity of corruption is when the power of the nobles becomes hereditary; they can hardly then have any moderation." Such is the picture of that order of men who are elevated above the people by the distinctions of rank and honours. When the subjects of a monarchy, they are the pillars of the throne, as the commentator styles them; or, according to Montesquieu, the tools of the monarch. . . . When rulers, as in an aristocracy, they are the despots of the people. . . . In a mixed government, they are the political Janizaries of the state, supporting and insulting the throne by turns, but still threatening and enslaving the people.

In America the senate are not a distinct order of individuals, but, the second branch of the national legislature, taken collectively. They have no privileges, but such as are common to the members of the house of representatives, and of the several state legislatures: we have seen that these privileges extend only to an exemption from personal arrests, in certain cases, and that it is utterly lost, in cases of treason, felony, or breach of the peace. They are more properly the privileges of the constituents, than of the members, since it is possible that a state might have no representative, and the United States no legislature, if the members might be restrained from attending their duty, by process issued at the suit of a creditor, or other person who might suppose he had cause of action against them. In England the privileges of the peerage are in some instances an insult to the morals of the people, the honour of a peer, on several occasions, being equipollent with the oath of a commoner. The exemption from personal arrests in civil cases is extended as well to his servant, as to the lord of parliament; to the injury of creditors, and the no small encouragement of fraud and knavery. And the statutes of scandalum magnatum hang in terrorem over the heads of those who dare to scrutinize, or to question the reality of those superior endowments which the law ascribes, to the immaculate character of a peer or peeress of the realm. Happy for America that her constitution and the genius of her people, equally secure her against the introduction of such a pernicious and destructive class of men."  
[St. George Tucker, Blackstone's Commentaries 1:App. 216--22, 295—96, 1803]

Next, we examine the annotated constitution published by the Congressional Research Service on the subject of Article 1, Section 9, Clause 8 of the Constitution, which is available at:

[The Constitution of the United States of America, Analysis and Interpretation](http://famguardian.org/PublishedAuthors/Govt/CRS/USConstAnnotated.pdf)  
<http://famguardian.org/PublishedAuthors/Govt/CRS/USConstAnnotated.pdf>

Below are the annotations:

*In 1871 the Attorney General of the United States ruled that: "A minister of the United States abroad is not prohibited by the Constitution from rendering a friendly service to a foreign power, even that of negotiating a treaty for it, provided he does not become an officer of that power . . . but the acceptance of a formal commission, as minister plenipotentiary, creates an official relation between the individual thus commissioned and the government which in this way accredits him as its representative," which is prohibited by this clause of the Constitution.*<sup>94</sup>  
[The Constitution of the United States of America, Analysis and Interpretation, Annotations for Article 1, Section 9, Clause 8, p. 359]

The first thing we notice about the above is that this section of the Constitution has the fewest and shortest annotations of any part of the Constitution. Yet we believe this section of the constitution if ignored or left unenforced is the most dangerous to the liberties of the people. Why? Because the abuse and illegal enforcement of franchises and the "privileges" and corresponding "titles of nobility" they create, are the most dangerous to the liberties of the people. This fact is exhaustively documented in the memorandum of law on our website below:

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

<sup>94</sup> 13 Ops. Atty. Gen. 538 (1871).

Next, based on the above, we must summarize the characteristics of a “title of nobility” based on the legislative intent of the references above. A “title of nobility”:

1. Is the anti-thesis of equal protection and works in opposition to equal protection.
2. Carries with it special “privileges” conveyed or recognized by those administering the government.
3. Conveys exclusive and special authority or right to engage in a specific activity or benefit while prohibiting others from enjoying the same right or benefit. In that sense, “titles of nobility” behave like a “license”.

*LICENSE. Certificate or the document itself which gives permission. Aldrich v. City of Syracuse, 236 N.Y.S. 614, 617, 134 Misc. ,698. Permission or authority. Independent School Dist., Class A. No. 1, Cassia County v. Pfost, 51 Idaho 240, 4 P.2d. 893, 897; Monsour v. City of Shreveport, 194 La. 625, 194 So. 569, 571; Platt v. Bender, La.App., 178,So. 678, 682.*

*Authority or liberty given to do or forbear any act. Monsour v. City of Shreveport, 194 La. 625, 194 So. 569, 571. Leave to do thing which licensor could prevent. Western Electric Co. v. Pacent Reproducer Corporation, C.C.A.N.Y. 42 F.2d. 116, 118. Permission by some competent authority to do some act which, without such permission, would be illegal. State ex rel. Zugravu v. O'Brien, 130 Ohio.St. 23, 196 N.E. 664; Solberg v. Davenport, 211 Iowa 612, 232 N.W. 477, 480; Standard Oil Co. (Indiana) v. State Board of Equalization, 110 Mont. 5, 99 P.2d. 229, 234. Permission to do a particular thing, to exercise a certain privilege or to carry on a particular business or to pursue ascertain occupation. Blatz Brewing Co. v. Collins. Cal.App., 160 P.2d. 37, 39, 40. Permission to do something which without the license would not be allowable. City of Shreveport v. Brister, 194 La. 615, 194 So. 566, 567. Great Atlantic & Pacific Tea Co. v. City of Lexington, 256 Ky. 595, 76 S.W.2d. 894, 896. Privilege from state or sovereign. M. Itzkowitz & Sons v. Deraghty. 247 N.Y.S. 703, 704, 139 Misc. 163; Alabama Power Co. v. Federal Power Commission, 75 U.S.App.D.C. 315, 128 F.2d. 280, 289. Revocable certificate of convenience and necessity. Ex parte Lockhart. 350 Mo. 1220. 171 S.W.2d. 660, 666. To "license" means to confer right or power which does not exist with. out it. Inter-City Coach Lines v. Harrison, 172 Ga. 390 157 S.E. 673, 676; S. S. Kresge Co. v. City of Bluefield, 117 W.Va 17, 183 S.E. 601, 602. [Black's Law Dictionary, Fourth Edition, p. 1067]*

4. Does not bring out the best in men, nor does it encourage or properly reward virtue or morality wherever it is found. Instead, it:
  - 4.1. Produces hypocrisy and discrimination within the government.
  - 4.2. Creates jealousy and envy on the part of those who do not enjoy the privileges thus conveyed.
  - 4.3. Causes those with money and power to abuse their influence to pursue special treatment.
  - 4.4. Undermines the very purpose for which government is established, which is the protection of the public health, safety, and morals, and the furtherance of the public tranquility.
  - 4.5. Encourages lobbyists to bribe or influence those in power for the promotion of their own special interests at the expense of the average American:

*“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 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 and Trust Co., 157 U.S. 429, 158 U.S. 601 (1895).]

5. In the English system of law, is usually hereditary but need not be.
6. When hereditary, is inconsistent with the laws of nature. Seldom is a son or daughter equal in virtue or abilities to their father or mother.

### **13.3 Franchises are the main method by which unconstitutional “titles of nobility” are conferred and enforced and the people become UNEQUAL and INFERIOR to the government**

In law, the concept of special privileges enjoyed by an arbitrarily selected class of persons within society is embodied in the word “franchise”. To wit:

*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]

The extent to which equal protection has been violated or destroyed may be measured by the percentage of the people who participate in or enjoy franchises offered by the government. We allege that these people enjoy what the founders would call a "title of nobility". Franchises include:

1. Income taxes. See:

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

2. Social security. See:

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

3. Medicare.

4. Unemployment insurance.

5. Driver's licenses. See:

*Defending Your Right to Travel*, Form #06.010  
<http://sedm.org/Forms/FormIndex.htm>

6. Marriage licenses. See:

*Sovereign Christian Marriage*, Form #06.009  
<http://sedm.org/Forms/FormIndex.htm>

7. Professional licenses, including attorney licenses.

Typically, governments abuse franchises by compelling participation either directly, or indirectly through private parties who have usually been LIED to by government employees. They do this in order to:

1. Compel a surrender of sovereign immunity pursuant to 28 U.S.C. §1605. For details, see sections 1.1 to 1.13 of the following:

*Sovereignty Forms and Instructions Manual*, Form #10.005

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

2. Cause you to waive the constitutional prohibition against Bills of Attainder, which are administrative penalties for noncompliance. For details, see:

*Why Penalties are Illegal for Anything But Government Franchisees, Employees, Contractors, and Agents*, Form #05.010

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

3. Associate your private property with a “public use” and a “public purpose” and a “public office” and thereby lawfully impose taxes upon it. The practical effect of participating in government franchises is to implement eminent domain over your property without compensation usually. For details, see:

*"Public" v. "Private" Employment: You Will be ILLEGALLY Treated as a Public Officer if you Apply for or Receive Government Benefits*, Family Guardian Fellowship

<http://famguardian.org/Subjects/Taxes/Remedies/PublicVPrivateEmployment.htm>

4. Cause you to act in a representative capacity as an officer of the government corporation, and thereby kidnap your legal identity and move it to federal territory not protected by the Bill of Rights pursuant to Federal Rule of Civil Procedure 17(b), 26 U.S.C. §7701(a)(39), and 26 U.S.C. §7408(d). See section 2 of the following for details:

*Flawed Tax Arguments to Avoid*, Form #08.004

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

5. Make you the target of administrative enforcement and supervision by executive branch agencies, thus violating the separation of powers between what is public and what is private. For details, see:

*Why Statutory Civil Law is Law for Government and Not Private Persons*, Form #05.037

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

Specific techniques used by corrupt public employees, judges, and prosecutors within the federal/national government to unlawfully compel participation in franchises and thereby make you UNEQUAL and INFERIOR to the government and a government serf include any one or more of the following:

1. Abuse ambiguous terms to describe your citizenship on government forms. This causes you to be confused with a government “employee” or “public officer” in receipt of “privileges”. It also causes a surrender of sovereign immunity pursuant to 28 U.S.C. §1602(b)(3). For details, see:

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

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

2. PRESUME that ALL of the four contexts for "United States" are equivalent.
3. PRESUME that CONSTITUTIONAL citizens and STATUTORY citizens are EQUIVALENT under federal law. They are NOT. A CONSTITUTIONAL citizen is a "non-citizen national" under federal law and NOT a "citizen of the United States".

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

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

4. PRESUME that "nationality" and "domicile" are equivalent. They are NOT. See:

*Why Domicile and Becoming a "taxpayer" Require Your Consent*, Form #05.002

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

5. Use the word "citizenship" in place of "nationality" OR "domicile", and refuse to disclose WHICH of the two they mean in EVERY context.

6. Confuse the POLITICAL/CONSTITUTIONAL meaning of words with the civil STATUTORY context. For instance, asking on government forms whether you are a POLITICAL/CONSTITUTIONAL citizen and then FALSELY PRESUMING that you are a STATUTORY citizen under 8 U.S.C. §1401.

7. Add things or classes of things to the meaning of statutory terms that do not EXPRESSLY appear in their definitions, in violation of the rules of statutory construction. See:

*Legal Deception, Propaganda, and Fraud*, Form #05.014

DIRECT LINK: <http://sedm.org/Forms/05-MemLaw/Includes.pdf>



8. Refuse to allow the jury to read the definitions in the law and then give them a definition that is in conflict with the statutory definition. This substitutes the JUDGES will for what the law expressly says and thereby substitutes PUBLIC POLICY for the written law.
9. Publish deceptive government publications that are in deliberate conflict with what the statutes define "United States" as and then tell the public that they CANNOT rely on the publication. The [IRS does this with ALL of their publications](#) and it is FRAUD. See:

*Reasonable Belief About Income Tax Liability*, Form #05.007

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

This kind of arbitrary discretion is PROHIBITED by the Constitution, as held by the U.S. Supreme Court:

*"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]

Thomas Jefferson, our most revered founding father, precisely predicted the above abuses when he said:

*"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 judicis est ampliare 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]

### 13.4 Example of legislative INEQUALITY: 42 U.S.C. §1981

So-called STATUTORY "equal protection" is implemented in the enactments of Congress pertaining NOT to the Fourteenth Amendment, but to federal territory ONLY :

[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 have the same right in every State and Territory to make and enforce contracts, to sue, be parties, give evidence, and to the full and equal benefit of all laws and proceedings for the security of persons and property as is enjoyed by white citizens, shall be subject to like punishment, pains, penalties, taxes, licenses, and exactions of every kind, and to no other.*

This statute TECHNICALLY produces INEQUALITY and turns JUSTICE into a legislative PRIVILEGE. Whenever you turn justice into a revocable privilege, it becomes INJUSTICE, as we point out in Form #05.050, Section 5.3. It produces INEQUALITY between the governed and the governors because:

1. The government is the enforcer and you are not.
2. You can't make your OWN rules for your own property to enforce against the government under the statute as the government does to you, because the statute doesn't recognize that authority. Equality demands the same rights of ALL parties on both sides.
3. You are presumed to CONSENT to the statutes when invoking the status that implements the benefit you seek. Anything you consent to cannot form the basis for an injury under the common law. Thus, you can NEVER sue the government for any part of the statutes you claim the "benefit" of. Thus, you have waived your sovereignty and sovereign immunity to pursue a "benefit"/property. They, however, can sue YOU for refusing to follow the statute as a precondition of receiving its "benefit". Is that "fair"?

*"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 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 above is why we put the following warning on the opening page of our website:

*"People of all races, genders, political beliefs, sexual orientations, and nearly all religions are welcome here. All are treated equally under REAL "law". The only way to remain truly free and equal under the civil law is to avoid seeking government civil services, benefits, property, special or civil status, exemptions, privileges, or special treatment. All such pursuits of government services or property require individual and lawful consent to a franchise and the surrender of inalienable constitutional rights AND EQUALITY in the process, and should therefore be AVOIDED. The rights and equality given up are the "cost" of procuring the "benefit" or property from the government, in fact. Nothing in life is truly "free". Anyone who claims that such "benefits" or property should be free and cost them nothing is a thief who wants to use the government as a means to STEAL on his or her behalf. All just rights spring from responsibilities/obligations under the laws of a higher power. If that higher power is God, you can be truly and objectively free. If it is government, you are guaranteed to be a slave because they can lawfully set the cost of their property as high as they want as a Merchant under the U.C.C. If you want it really bad from people with a monopoly, then you will get it REALLY bad. Bend over. There are NO constitutional limits on the price government can charge for their monopoly services or property. Those who want no responsibilities can have no real/PRIVATE rights, but only privileges dispensed to wards of the state which are disguised to LOOK like unalienable rights. Obligations and rights are two sides of the same coin, just like self-ownership and personal responsibility. For the biblical version of this paragraph, read 1 Sam. 8:10-22. For the reason God answered Samuel by telling him to allow the people to have a king, read Deut. 28:43-51, which is God's curse upon those who allow a king above them. Click Here for a detailed description of the legal, moral, and spiritual consequences of violating this paragraph."*

*[SEDM Opening Page; <http://sedm.org>]*

The key word in the above statute is "benefit". The PRIVILEGES attached to the civil status of "person" and enforced by the courts is the BENEFIT afforded those who claim the status. Anyone who accepts ANY benefit based on adopting such a status waives ALL constitutional rights and all NATURAL rights. This is explained in the Brandeis Rules documented below:

*"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;

1 [Wall v. Parrot Silver & Copper Co., 244 U.S. 407, 411, 412, 37 S.Ct. 609, 61 L.Ed. 1229; St. Louis Malleable](#)  
2 [Casting Co. v. Prendergast Construction Co., 260 U.S. 469, 43 S.Ct. 178, 67 L.Ed. 351.](#)

3  
4 [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.](#)  
5 [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.](#)  
6 [1108.](#)  
7 [\[Ashwander v. Tennessee Valley Authority, 297 U.S. 288, 56 S.Ct. 466 \(1936\)\]](#)

8 The "taxes, licenses, and exactions" mentioned in the statute are examples of CIVIL STATUTORY OBLIGATIONS that  
9 TAKE AWAY CONSTITUTIONAL or NATURAL PRIVATE RIGHTS. Such civil statutory obligations cannot be imposed  
10 involuntarily, or else slavery in violation of the Thirteenth Amendment and an unconstitutional Fifth Amendment taking  
11 would result. Thus, the STATUTORY "equality" mentioned above is equality of TREATMENT in ENFORCING  
12 PRIVILEGES or "benefits" against those who have VOLUNTARILY accepted them. ABSOLUTELY OWNED,  
13 CONSTITUTIONALLY protected PRIVATE rights CANNOT be taken away by imposing "taxes, license, and exactions"  
14 without the express consent of the original PRIVATE owner. That [consent \(Form #05.003\)](#) is usually impliedly or tacitly  
15 expressed by claiming the "benefits" of a specific FICTIONAL civil statutory status, such as "person", "citizen", or "resident".  
16 The courts will NEVER admit this, because it is the source of ALL of their unjust statutory power over you. You have to  
17 KNOW it. By refusing to discuss this CRUCIAL "third rail issue", this legislation and the courts which enforce it are in effect  
18 making your consent to be CIVILLY "governed" essentially invisible, so that you can never find out how you gave your  
19 consent or expressly revoke it. This devious process is called "tacit procuration" or "sub silentio".

20 *"SUB SILENTIO. Under silence; without any notice being taken. Passing a thing sub silentio may be evidence of*  
21 *consent"*  
22 *[Black's Law Dictionary, Fourth Edition, p. 1593]*

23 *"Qui tacet consentire videtur.*  
24 *He who is silent appears to consent. Jenk. Cent. 32."*  
25 *[Bouvier's Maxims of Law, 1856;*  
26 *SOURCE: <http://famguardian.org/Publications/BouvierMaximsOfLaw/BouviereMaxims.htm>]*

27  
28 *"Procuration.. Agency; proxy; the act of constituting another one's attorney in fact. The act by which one person*  
29 *gives power to another to act in his place, as he could do himself. Action under a power of attorney or other*  
30 *constitution of agency. Indorsing a bill or note "by procuration" is doing it as proxy for another or by his*  
31 *authority. The use of the word procuration (usually, per procuratione, or abbreviated to per proc. or p. p.) on a*  
32 *promissory note by an agent is notice that the agent has but a limited authority to sign.*

33 *An express procuration is one made by the express consent of the parties. An implied or tacit procuration takes*  
34 *place when an individual sees another managing his affairs and does not interfere to prevent it. Procurations are*  
35 *also divided into those which contain absolute power, or a general authority, and those which give only a limited*  
36 *power. Also, the act or offence of procuring women for lewd purposes. See also Proctor."*  
37 *[Black's Law Dictionary, Fifth Edition, pp. 1086-1087]*

38 The U.S. Supreme Court describes this "tacit procuration" or "sub silentio" as follows:

39 *"The State in such cases exercises no greater right than an individual may exercise over the use of his own*  
40 *property when leased or loaned to others. The conditions upon which the privilege shall be enjoyed being stated*  
41 *or implied in the legislation authorizing its grant, no right is, of course, impaired by their enforcement. The*  
42 *recipient of the privilege, in effect, stipulates to comply with the conditions. It matters not how limited the privilege*  
43 *conferred, its acceptance implies an assent to the regulation of its use and the compensation for it."*  
44 *[Munn v. Illinois, 94 U.S. 113 (1876)]*

45 Notice the phrase "of course". They use this phrase so that they don't have to explain or address the method of consent further.  
46 It is their "dirty little secret" that they can't elaborate on because it is the source of ALL of their unjust authority. They just  
47 ASSUME/PRESUME it exists. For more on "invisible consent", see:

<p><a href="#">Requirement for Consent</a>, Form #05.003, Section 9.4 <a href="https://sedm.org/Forms/FormIndex.htm">https://sedm.org/Forms/FormIndex.htm</a></p>
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The term "all laws" above means CIVIL STATUTORY privileges/benefits mentioned in [5 U.S.C. §553\(a\)\(2\)](#) that are NOT, in fact "law" as legally defined, but revocable privileges which must be voluntarily accepted to become the lawful target of ENFORCEMENT activity. For proof, see:

What is "law"?, Form #05.048  
<https://sedm.org/Forms/FormIndex.htm>

This statute is a SUBSTITUTE for the equal protection clauses of the constitution that applies ONLY to CIVIL STATUTORY "persons" [domiciled \(Form #05.002\)](#) on federal territory within the exclusive jurisdiction of Congress as required by [Federal Rule of Civil Procedure 17\(b\)](#). Those NOT so domiciled are beyond the reach of the CIVIL jurisdiction of the federal courts and have no "capacity to sue or be sued" under the federal civil statutes, but retain their standing under the constitution. This is because the Constitution does not limit or control what happens on federal territory, except possibly the Thirteenth Amendment, which applies everywhere IN THE COUNTRY. This statute implements [CIVIL STATUTORY PUBLIC PRIVILEGES \(Form #05.037\)](#) that can be taken away without your consent, not ABSOLUTELY OWNED PRIVATE RIGHTS that cannot be taken away. The "persons" they refer to are fictional civil statutory "persons", not CONSTITUTIONAL persons". All constitutional "persons" are HUMAN BEINGS and not [Congressionally created "fictions of law" \(Form #05.042\), also called "straw men"](#). The rights spoken of attach to the [fictional civil statutory status \(Form #13.008\)](#) OF "person" not to human beings standing on land as the CONSTITUTION does. "Within the jurisdiction" means [domiciled \(Form #05.002\)](#) on federal territory. Domicile (Form #05.002) is a civil statutory protection franchise or privilege, not a PRIVATE right. "Within the jurisdiction" above does NOT refer to people physically within the boundaries of the COUNTRY "United States OF AMERICA" mentioned in the Articles of Confederation. The constitution is "self-executing" and needs no civil statutes such as this one to enforce or to define the extent of enforcement.

*"As enacted, the Fourteenth Amendment confers substantive rights against the States which, like the provisions of the Bill of Rights, are self-executing. Cf. South Carolina v. Katzenbach, 383 U.S., at 325 (discussing Fifteenth Amendment). The power to interpret the Constitution in a case or controversy remains in the Judiciary."*  
[City of Boerne v. Flores, 521 U.S. 507 (1997)]

Thus, CONSTITUTIONAL "persons" do not need civil statutes or the [civil statutes](#) they attach the privilege to such as the above to be entitled to protection of PRIVATE RIGHTS that are NOT statutory privileges within any court. This statute is therefore a devious attempt to deceive the reader into exchanging your PRIVATE CONSTITUTIONAL RIGHTS for REVOCABLE STATUTORY PUBLIC PRIVILEGES. Don't go for it! As a practical matter, the reader must always be aware that YOU CANNOT BE A CONSTITUTIONAL PERSON AND A STATUTORY PERSON under federal law at the SAME time! They are mutually exclusive and non-overlapping. This is the main implication of City of Boerne above and the Brandeis Rules, in fact. Thus, they are using EQUIVOCATION between the STATUTORY and CONSTITUTIONAL contexts for "person" to deceive the reader into thinking they are equivalent. For more on "equivocation" as a tool of tyranny and deception, see:

Legal Deception, Propaganda, and Fraud, Form #05.014, Section 16.1  
<https://sedm.org/Forms/FormIndex.htm>

Some federal courts have INCORRECTLY interpreted this statute as an attempt to IMPLEMENT the [Fourteenth Amendment's "necessary and proper" clause, clause 5](#), which says

*"The Congress shall have power to enforce, by appropriate legislation, the provisions of this article."*

... but this is simply not what it does, as explained in City of Boerne above. For an example of this MISINTERPRETATION of the purpose of this amendment, see the following, which deals with a closely related statute to this one:

1. [Section 1983 Litigation](#), Litigation Tool #08.008  
<https://sedm.org/Litigation/LitIndex.htm>
2. Rosenstock's Section 1983 Civil Rights Digest, Litigation Tool #08.009  
<https://sedm.org/Litigation/LitIndex.htm>

It's now crystal clear to all readers from this discussion to not be tricked into thinking the beneficent government has crafted a civil rights statute for the protection and REAL benefit of the American people. Those days are long gone where legislation helps us.

The artfully employed, but always pernicious application of presumption, is ever present in nearly every confusing, obfuscated federal statute and regulation. And the end goal is the destruction of personal liberty and the aggrandizement of money and power taken from the people, with a corresponding decrease in the freedom and liberty of these same sovereign people.

Stated simply, over a period of many decades, through the abuse of legislation and the pernicious drafting of same, the nation's core founding principles, have steadfastly been eroded, destroyed, and attacked from within, by the senators, by the elected representatives, and the many presidents who betrayed the American people and abrogated their respective oaths of office. It goes far beyond the pale and is the very essence of the devil incarnate.

These B.S. civil rights statutes in 42 U.S.C. are similar to the closely distanced steel rails/fences, that slowly narrow so the swine and cows will naturally form an obedient, single file line, and walk mindlessly in lock step, prior to their execution inside the meat harvesting and packing plants.

The corrupted statutes and regulations trick the masses of people and act as inducements and legal fences, to herd and guide the unsuspecting sheeple, to their own eventual slaughter.

## **14 How inequality is created in the courtroom by corrupt judges**

The following subsections will help the reader identify when judges are trying to create inequality in the courtroom. This is helpful for members who are litigating before corrupt judges.

### **14.1 Absolute equality in court is only possible under the Common Law and is impossible under the Statutory Laws**

American Jurisprudence is implemented with two types of civil law:

1. Civil statutory law. The civil statutory law, or what the ancients called "jus civile" is a civil protection franchise applicable only to parties who consent to become statutory "citizens" or "residents". It is a protection franchise in which the government is the "grantor" or "parens patriae" and has a superior and unequal relationship to the parties because it can penalize them but they cannot penalize the government.
2. Common law. Available to all physically present on the land, regardless of their civil "status". All disputes are in equity and are intended to protect ONLY PRIVATE rights.

Consonant with the above, we prove in the following document that the civil statutory law only applies to public officers within the government, and that a statutory "citizen", "resident", "person", or "individual" is really just a public officer within the government and not a man or woman.

<p><i>Why Statutory Civil Law is Law for Government and Not Private Persons</i>, Form #05.037 <a href="http://sedm.org/Forms/FormIndex.htm">http://sedm.org/Forms/FormIndex.htm</a></p>
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To be subject to the "jus civile", one therefore has to volunteer for a public office in the government called "citizen" or "resident" by identifying oneself as such a government forms.

The common law was first implemented in Rome centuries ago. A classical book on the common law recognizes WHY the common law was invented, which was to right the INJUSTICE caused by the INEQUALITY present under the jus civile, or civil statutory law.

#### **Chapter II: The Civil and the Common Law**

**29. In the original civil law, jus civile, was exclusively for Roman citizens; it was not applied in controversies between foreigners.** But as the number of foreigners increased in Rome it became necessary to find some law for deciding disputes among them. For this the Roman courts hit upon a very singular expedient. Observing that all



the surrounding peoples with whom they were acquainted had certain principles of law in common, they took those common principles as rules of decision for such cases, and to the body of law thus obtained they gave the name of Jus gentium. The point on which the jus gentium differed most noticeably from the Jus civile was its simplicity and disregard of forms. All archaic law is full of forms, ceremonies and what to a modern mind seem useless and absurd technicalities. This was true of the [civil] law of old Rome. In many cases a sale, for instance, could be made only by the observance of a certain elaborate set of forms known as mancipation; if any one of these was omitted the transaction was void. And doubtless the laws of the surrounding peoples had each its own peculiar requirements. But in all of them the consent of the parties to transfer the ownership for a price was required. The Roman courts therefore in constructing their system of Jus gentium fixed upon this common characteristic and disregarded the local forms, so that a sale became the simplest affair possible.

30. After the conquest of Greece, the Greek philosophy made its way to Rome, and stoicism in particular obtained a great vogue among the lawyers. With it came the conception of natural law (Jus naturale) or the law of nature (jus naturae); to live according to nature was the main tenet of the stoic morality. The idea was of some simple principle or principles from which, if they could be discovered, a complete, systematic and equitable set of rules of conduct could be deduced, and the unfortunate departure from which by mankind generally was the source of the confusion and injustice that prevailed in human affairs. To bring their own law into conformity with the law of nature became the aim of the Roman jurists, and the praetor's edict and the responses were the instruments which they used to accomplish this. Simplicity and universality they regarded as marks of natural law, and since these were exactly the qualities which belonged to the jus gentium, it was no more than natural that the two should to a considerable extent be identified. The result was that under the name of natural law principles largely the same as those which the Roman courts had for a long time been administering between foreigners permeated and transformed the whole Roman law.

The way in which this was at first done was by recognizing two kinds of rights, rights by the civil law and rights by natural law, and practically subordinating the former to the latter. Thus if Caius was the owner of a thing by the civil law and Titius by natural law, the courts would not indeed deny up and down the right of Caius. They admitted that he was owner; but they would not permit him to exercise his legal right to the prejudice of Titius, to whom on the other hand they accorded the practical benefits of ownership; and so by taking away the legal owner's remedies they practically nullified his right. Afterwards the two kinds of laws were more completely consolidated, the older civil law giving way to the law of nature when the two conflicted. This double system of rights in the Roman law is of importance to the student of the English law, because a very similar dualism arose and still exists in the latter, whose origin is no doubt traceable in part to the influence of Roman ideas.

[An Elementary Treatise on the Common Law for the Use of Students, Henry T. Terry, The Maruzen-Kabushiki-Kaisha, 1906, pp. 18-20]

Note the key reference above to “systematic and equitable set of rules” and a characterization of the jus civile as being a source of INJUSTICE. Equitable means EQUAL. To wit:

“The idea was of some simple principle or principles from which, if they could be discovered, a complete, systematic and equitable set of rules of conduct could be deduced, and the unfortunate departure from which by mankind generally was the source of the confusion and injustice that prevailed in human affairs.”

Roman law, characterized above as “the source of confusion and injustice that prevailed in human affairs”, recognized only TWO classes of civil persons: statutory “citizens” and “foreigners”. Only those who consented to become statutory “citizens” or “residents” could become the lawful subject of the jus civile or civil, which was the statutory civil law. Those who were **not** statutory “citizens” or “residents” under the Roman civil law, which today means those with a civil domicile within the territory of the author and grantor of the civil law, were regarded as:

1. “Foreigners”.
2. Not subject to the jus civile or statutory Roman Law.
3. Subject only to the common law, which was called jus gentium.

Note also that the above treatise characterizes TWO classes of rights: Civil rights and Natural rights. Today, these rights are called PUBLIC rights and PRIVATE rights respectively by the courts in order to distinguish them. Public rights, in turn, are granted only to statutory “citizens” or “residents” who consented to become citizens or residents under the civil statutory law. The civil statutory law, or jus civile, therefore functions in essence as a franchise contract or compact that creates and grants ONLY public rights. Those who do not join the social compact by consenting to become statutory “citizens” therefore are relegated to being protected by natural law and common law, which is much more just and equitable.

Note the emphasis in the above upon the concept that everything exchanged must be paid for:

“And doubtless the laws of the surrounding peoples had each its own peculiar requirements. But in all of them the consent of the parties to transfer the ownership for a price was required.”

The concept we emphasize in the above cite is that the PUBLIC rights attached to the status of “citizen” under the Roman jus civile or statutory law constituted property that could not be STOLEN from those who did not consent to become “citizens” or to accept the “benefits” or “privileges” of statutory citizenship. Such a THEFT by government of otherwise PRIVATE or NATURAL rights would amount to an unconstitutional eminent domain by the government by converting PRIVATE rights into PUBLIC rights without the consent of the owner and without compensation. It is THIS theft that the above book on the common law characterizes as “the source of the confusion and injustice that prevailed in human affairs.” The only thing they could be referring to when describing the “injustice that prevailed” was the system of law BEFORE the common law came along, which was the jus civile or civil statutory law. The common law was therefore the REMEDY for injustice and INEQUALITY produced by the civil statutory law.

Hence, the only way that justice is possible in the courtroom is when:

1. The common law ONLY is invoked.
2. No statutory civil law is cited or enforced by or against any of the parties. Indirectly, this means that none of the parties have any civil status under the civil statutory law, including but not limited to “person”, “citizen”, “resident”, “taxpayer”, etc.
3. All parties are EQUAL in every respect.
4. Whatever rights the judge or government claims all parties also have. This is a byproduct of the fact that our government is one of delegated powers, and The Sovereign People cannot delegate ANY authority to any government or government actor, including judges, that they themselves don’t ALSO possess personally and individually. This was covered in the previous section.
5. The government cannot penalize you unless you ALSO can penalize them.
6. The judge is a referee or coach, but does not have a superior position to anyone else in the room or supervise anyone else in the room through, for instance, attorney licensing or penalties.
7. Every party asserting a civil obligation on the part of another party has the burden of proving that the party against whom the right is enforced EXPRESSLY consented to give up the specific property at issue through informed, written, voluntary consent. Otherwise, all rights are presumed to be EXCLUSIVELY PRIVATE and therefore beyond the civil control of government.

Those who invoke any franchise or franchise status will INSTANTLY forfeit access to any and all of the above remedies, as acknowledged by the U.S. Supreme Court:

*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. 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]*

## **14.2 Denying common law remedies in Court to PRIVATE parties violates equal protection and equal treatment**

Based on the previous section, it ought to be obvious that any and all in the government who “benefit” from the lucrative proceeds produced by their civil statutory law franchise has a vested financial interest to interfere with the invocation or enforcement of the common law by those who do not want to participate in the civil statutory law as “citizens” or “residents”. That financial interest is, in fact, a CRIME under 18 U.S.C. §208 if they receive the proceeds of the franchise and are hearing a case involving a non-franchisee. Governments are established exclusively to protect PRIVATE rights and PRIVATE property. Any attempt to undermine such rights without the express written consent of the owner in each case is not only NOT a classical “government” function, but is an ANTI-government function that amounts to a MAFIA “protection racket”.

Specific methods abused by corrupt judges for interfering with the invocation or enforcement of the common law involve any of the following UNCONSTITUTIONAL, CRIMINAL, INJURIOUS, and MALICIOUS means. Such abuse is most frequently employed in cases where either the government or public servants are being sued for violation of rights.

1. Refusing to recognize or protect PRIVATE property or PRIVATE rights, the essence of which is the RIGHT TO EXCLUDE anyone and everyone from using or benefitting from the use of the property.
2. PRESUMING that "a government OF THE PEOPLE, BY THE PEOPLE, and FOR THE PEOPLE" is a government in which everyone is a [public officer](#).
3. Refusing to recognize or allow constitutional remedies and instead substituting STATUTORY remedies available only to [public officers](#).
4. Interfering with introduction of evidence that the court or forum is ONLY allowed to hear disputes involving [public officers in the government](#).
5. PRESUMING or ASSUMING that the ownership of the property subject to dispute is QUALIFIED rather than ABSOLUTE and that the party the ownership is shared with is the government.
6. Allowing government "benefit" recipients to be decision makers in cases involving PRIVATE rights. This is a denial of a republican form of government, which is founded on impartial decision makers. See [Sinking Fund Cases, 99 U.S. 700 \(1878\)](#).
7. Interfering with or sanctioning litigants who insist on discussing the laws that have been violated in the courtroom or prohibiting jurists from reading the laws in question or accessing the law library in the courthouse while serving as jurists. This transforms a society of law into a society of men and allows the judge to substitute HIS will in place of what the law expressly requires.
8. Illegally and unconstitutionally invoking the Declaratory Judgments Act or the Anti-Injunction Act as an excuse to NOT protect PRIVATE rights from government interference in the case of EXCLUSIVELY PRIVATE [people who are NOT statutory "taxpayers"](#). See [Flawed Tax Arguments to Avoid, Form #08.004, Sections 8.11 and 8.12](#).
9. Interfering with ways to change or correct your citizenship or statutory status in government records. That "status" is the "res" to which all franchise rights attach, usually ILLEGALLY.

The basis of the common law is equity and equality of all parties before the court. A judge who denies access to the common law in turn is:

1. Violating the constitutional requirement for equal protection and equal treatment. If the only people who can be "protected" are franchisees and not PRIVATE people, then there IS no constitutional rights or private property.
2. Making it impossible for you to litigate against a government or government actor as an EQUAL.
3. Making you inferior towards government and government workers.
4. Changing your civil statutory status from FOREIGN to DOMESTIC. You should insist on evidence of consent to the franchise on the record before they can proceed. Such consent evidences YOUR waiver of sovereign immunity to be sued by the government, just like you have to prove THEIR consent when you want to sue them.
5. Instituting religious idolatry towards government.
6. STEALING the rights attached to the status of franchisee, such as "taxpayer", "driver", etc. All rights are property, and they are STEALING property when they do this.
7. Obstructing justice, which is based on absolute equality of all parties.

All franchisees are public officers and public servants. All franchises are implemented with civil statutory law applicable only to public officers within the government. For proof, see:

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

Making everyone a franchisee by ONLY enforcing civil franchise statutes guarantees that everyone is a government slave whether they want to be or not, and makes government into the slave master and the country into a government run farm.

### **14.3 Main method of unconstitutionally implementing class legislation: Judicial comity against nonresidents**

The purpose of franchises and the excise taxes that implement them is to create an UNEQUAL relationship between the grantor of the franchise and the grantee. The main method of unconstitutionally extending franchises outside the territory of the granting power and into otherwise legislatively foreign states is through the concept called "comity". Comity is the process by which courts unconstitutionally but voluntarily enforce the laws of a legislatively foreign jurisdiction that do not otherwise have the "force of law". An example of federal franchises that do not have the "force of law" outside of federal territory and therefore are "foreign law" is the Internal Revenue Code, because:

1. The term “United States” is defined in 26 U.S.C. §7701(a)(9) and (a)(10) and 5 U.S.C. §110(d) to EXCLUDE constitutional states of the Union.
2. The Internal Revenue Service may not enforce the Internal Revenue Code outside of “Internal Revenue Districts” per 26 U.S.C. §7601.
3. There are no “Internal Revenue Districts” anywhere OTHER than the District of Columbia, and certainly not within constitutional states of the Union.

At the founding of America, franchises were not allowed to be enforced outside the territory of the granting powers. This is also clear from the original definition of “comity” in Bouvier’s Law Dictionary, 1856:

*COMITY. Courtesy; a disposition to accommodate.*

2. Courts of justice in one state will, out of comity, enforce the laws of another state, when by such enforcement they will not violate their laws or inflict an injury on some one of their own citizens; as, for example, the discharge of a debtor under the insolvent laws of one state, will be respected in another state, where there is a reciprocity in this respect.

3. It is a general rule that the municipal laws of a country do not extend beyond its limits, and cannot be enforced in another, except on the principle of comity. But when those laws clash and interfere with the rights of citizens, or the laws of the countries where the parties to the contract seek to enforce it, as one or the other must give way, those prevailing where the relief is sought must have the preference. 2 Mart. Lo. Rep. N. S. 93; S. C. 2 Harr. Cond. Lo. Rep. 606, 609; 2 B. & C. 448, 471; 6 Binn. 353; 5 Cranch, 299; 2 Mass. 84; 6 Mass. 358; 7 Mart. Lo. R. 318. See Conflict of Laws; Lex loci contractus.  
[Bouvier’s Law Dictionary, 1856; SOURCE: <http://famguardian.org/Publications/Bouviers/bouviertxt/>]

As time progressed and courts became corrupted, comity was unilaterally and unconstitutionally and illegally redefined by the legal profession as the main means of:

1. Protecting and expanding franchises outside of federal territory.
2. Unconstitutionally extending federal law to states of the Union.
3. Unconstitutionally “invading the states” in violation of the only mandate found in the United States Constitution at Article 4, Section 4.

*United States Constitution  
Article 4: States Relations  
Section 4.*

The United States shall guarantee to every State in this Union a Republican Form of Government, and shall protect each of them against Invasion; and on Application of the Legislature, or of the Executive (when the Legislature cannot be convened) against domestic Violence.  
[SOURCE: <http://constitution.findlaw.com/article4/article.html>]

4. Engaging in acts of “international terrorism” in legislatively foreign states, meaning states of the Union.

They did this because it enhanced the importance of lawyers and judges. Judges did this by expanding the definition of “comity” to add to the definition the phrase “a willingness to grant a privilege”:

*COMITY. Courtesy; complaisance; respect; a willingness to grant a privilege [FRANCHISE], not as a matter of right, but out of deference and good will. Dow v. Lillie, 26 N.D. 512, 144 N.W. 1082, 1088, L.R.A. 1915D, 754; Cox v. Terminal R. Ass’n of St. Louis, 331 Mo. 910, 55 S.W.2d. 685.*

*Comity of Nations  
(Lat. comitas gentium)*

*The most appropriate phrase to express the true foundation and extent of the obligation of the laws of one nation within the territories of another. Story, Confl.Laws, § 38. That body of rules which states observe towards one another from courtesy or mutual convenience, although they do not form part of international law. Holtz. Enc. s. v. Hilton v. Guyot, 159 U.S. 113, 16 S.Ct. 139, 40 L.Ed. 95; People v. Rushworth, 294 Ill. 455, 128 N.E. 555, 558; Second Russian Ins. Co. v. Miller, C.C.A.N.Y., 297 F. 404, 409.*

It is derived altogether from the voluntary consent of the latter; and it is inadmissible when it is contrary to its known policy, or prejudicial to its interests. In the silence of any positive rule affirming or denying or restraining the operation of foreign laws, courts of justice presume the tacit adoption of them by their own government.

1 unless repugnant to its policy, or prejudicial to its interests. It is not the, comity of the courts, but the comity of  
2 the nation, which is administered and ascertained in the same way, and guided by the same reasoning, by which  
3 all other principles of the municipal law are ascertained and guided.

4 The recognition which one nation allows within its territory to the legislative, executive, or judicial acts of another  
5 nation, having due regard both to international duty and convenience and to the rights of its own citizens or of  
6 other persons who are under the protection of its laws. *State ex rel. National Surety Corporation v. Price*, 129  
7 Neb. 433, 261 N.W. 884.

8 "The use of the word 'comity' as expressing the basis of jurisdiction has been criticized. It is, however, a mere  
9 question of definition. The principles lying behind the word are recognized. \* \* \* The truth remains that  
10 jurisdiction depends upon the law of the forum, and this law in turn depends upon the public policy disclosed  
11 by the acts and declarations of the political departments of the government." *Russian Socialist Federated Soviet*  
12 *Republic v. Cibrario*, 235 N.Y. 255, 139 N.E. 259, 260.

### 13 Judicial Comity

14 The principle in accordance with which the courts of one state or jurisdiction will give effect to the laws and  
15 judicial decisions of another, not as a matter of obligation, but out of deference and respect. *Franzen v. Zimmer*,  
16 35 N.Y.S. 612, 90 Hun 103; *Stowe v. Bank, C.C.Me.*, 92 F. 96; *Strawn Mercantile Co. v. First Nat. Bank, Tex.*  
17 *Civ.App.*, 279 S.W. 473, 474; *Bobala v. Bobala*, 68 Ohio.App. 63, 33 N.E.2d. 845, 849.

18 There is no statute or common-law rule by which one court is bound to abide by the decisions of another court  
19 of equal rank. It does so simply for what may be called comity among judges. There is no common law or  
20 statutory rule to oblige a court to bow to its own decisions; it does so on the ground of judicial comity. (1884)  
21 9 P.D. 98, per Brett. M. R.

22 Of such a use of the word, however, Dicey says: "The term 'comity' \* \* \* is open to the charge of implying that  
23 the judge, when he applies foreign law to a particular case, does so as a matter of caprice or favor."

24 Comity is not a rule of law, but one of practice, convenience and expediency. It is something more than mere  
25 courtesy, which implies only deference to the opinion of others, since it has a substantial value in securing  
26 uniformity of decision, and discouraging repeated litigation of the same question. But its obligation is not  
27 imperative. Comity persuades; but it does not command. It declares not how a case shall be decided, but how it  
28 may with propriety be decided. Mast, Foos & Co. v. Mfg. Co.. 177 U.S. 485. 488. 20 S.Ct. 708. 44 L.Ed. 856;  
29 National Electric Signaling Co. v. Telefunken Wireless Telegraph Co. of United States, C.C.A.N.Y., 221 F. 629,  
30 632; Lauer v. Freudenthal, 96 Wash. 394, 165 P. 98, 99.

### 31 Comity of States

32 Simply a phrase designating the practice by which the courts of one state follow the decision of another on a like  
33 question, though not bound by law of precedents to do so. *Larrick v. Walters*, 39 Ohio.App. 363, 177 N.E. 642,  
34 645.

35 [*Black's Law Dictionary, Fourth Edition, p. 334*]

36 Important principles emerge from the above which need to be emphasized:

- 37 1. "Comity is not a rule of law, but one of practice, convenience and expediency."
  - 38 1.1. They don't define WHO'S convenience it is for, but the implication is obvious: It is for the convenience and  
39 profit of the GOVERNMENT, and NOT the people that the government was created to PROTECT and SERVE.  
40 Hence, it creates an unequal and prejudicial relationship between the governed and the governors.
  - 41 1.2. The opportunity for a judge to exercise this type of discretion obviously cannot coexist with obligations under the  
42 constitution to protect PRIVATE rights. This would create a criminal conflict of interest in violation of 18 U.S.C.  
43 §208, 28 U.S.C. §144, and 28 U.S.C. §455. Hence, no judge who exercises this kind of discretion can or should  
44 ALSO hear constitutional issues not involving franchises. Anyone who consents to the jurisdiction of a judge  
45 who wears TWO hats, "franchise" and "constitutional", is aiding and abetting crime.
- 46 2. "The truth remains that jurisdiction depends upon the law of the forum, and this law in turn depends upon the public  
47 policy disclosed by the acts and declarations of the political departments of the government." Comity therefore is the  
48 means by which judges act in a POLITICAL rather than LEGAL manner and implement "public policy" by caprice,  
49 rather than law. A true constitutional court cannot lawfully enforce public policy and therefore, only legislative  
50 franchises courts in the Executive Branch of the government can lawfully exercise this kind of comity. See:

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



3. "...they do not form part of international law." This means that they are judge made law, not statutory law. That is why courts hearing franchise issues such as tax issues frequently will make their rulings "unpublished" so that they cannot be cited as precedence: Because they are not law but essentially an edict or command from the judge personally to a litigant before the court. Judges recognize that such unconstitutional and fraudulent commands cannot and do not have the "force of law", which is why they are published as "opinions" or "memorandum opinions" instead of "ORDERS". Under the Federal Rule of Evidence 610, "opinions" are inadmissible as evidence of ANYTHING, including an obligation. This is a sign that they are operating in a POLITICAL rather than LEGAL capacity AND that their "opinion" need not be obeyed.
- 3.1. They only people they can issue "memorandums" to are OTHER public officers within the government.
- 3.2. They can't issue civil commands to public officers in any branch of the government outside the judicial branch without violating the separation of powers. That's why FRANCHISE judges and FRANCHISEES have to BOTH be in the Executive Branch of the government, as the U.S. Supreme Court indirectly referenced in Freytag v. Commissioner, 501 U.S. 868 (1991).
4. "There is no statute or common-law rule by which one court is bound to abide by the decisions of another court of equal rank. It does so simply for what may be called comity among judges." This means that the mere will of the judge is the sole arbiter of whether the foreign law is enforced. The U.S. Supreme Court defined the exercise of this type of discretion as "the essence of slavery itself":

**"And the law is the definition and limitation of power."** It is, indeed, quite true that there must always be lodged somewhere, and in some person or body, the authority of final decision; and in many cases of mere administration, the responsibility is purely political, no appeal lying except to the ultimate tribunal of the public judgment, exercised either in the pressure of opinion, or by means of the suffrage. But the fundamental rights to life, liberty, and the pursuit of happiness, considered as individual possessions, are secured by those maxims of constitutional law which are the monuments showing the victorious progress of the race in securing to men the blessings of civilization under the reign of just and equal laws, so that, in the famous language of the Massachusetts bill of rights, the government of the commonwealth 'may be a government of laws and not of men.' **For the very idea that one man may be compelled to hold his life, or the means of living, or any material right essential to the enjoyment of life, at the mere will of another, seems to be intolerable in any country where freedom prevails, as being the essence of slavery itself."**  
[Yick Wo v. Hopkins, [118 U.S. 356](#) (1886)]

In conclusion, it ought to be obvious to the reader that:

1. The exercise of "comity" as it is currently defined turns a "society of law" into a "society of men".
2. Lodging the kind of discretion exercised by judges that is described above is extremely dangerous.

*"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]

3. Franchises and franchise courts ought to be avoided entirely, because the conflict of interest, greed, and covetousness by the government that they create and perpetuate are a severe threat to one's liberty.
4. It is a violation of the separation of powers for franchise judges to hear matters not involving those who are not lawfully appointed or elected to public offices within the federal and not state government. All such cases MUST be dismissed or they constitute an unconstitutional Bill of Attainder.

## **15 Effect of Privileges, Franchises, and other Special Burdens upon equal protection**

The following subsections shall analyze the relationship between the requirement for equal protection and privileges, franchises, and other special burdens imposed by the state. Franchises are defined as follows:

**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 inland 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*]

## 15.1 Statutory franchises and "public rights": Privilege Induced Slavery<sup>95</sup>

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

"The more you want, the more the world can hurt you."  
[Confucius]

"If you think of yourselves as helpless and ineffectual, it is certain that you will create a despotic government to be your master. The wise despot, therefore, maintains among his subjects a popular sense that they are helpless and ineffectual."  
[Frank Herbert, *The Dosadi Experiment*]

Anyone who has been married instinctively knows what "privilege-induced slavery" is. They understand that you have to give up some of your "rights" for the benefits and "privileges" associated with being married. For instance, one of the rights that the government forces you to give up using the instrument it created called the "marriage license", especially if you are a man, is sovereignty over your property and your labor. As we said in the previous section, if you get married with a state marriage license, then control over your property and labor is surrendered ultimately to the government, because if your spouse becomes dissatisfied, the marriage license gives the government absolute authority to hijack all your property and your labor for the imputed "public good", but as you will find out, the chief result of this hijacking is actually injustice. The marriage license authorizes a family law judge to abuse your property and your labor without your voluntary consent to create a welfare state for women intent on rebelling against their husbands and using marriage as a means of economic equalization. We explain in our book entitled Sovereign Christian Marriage, Form #06.009 that this very characteristic of marriage licenses issued by the state accomplishes the following unjust results:

<sup>95</sup> Adapted from Great IRS Hoax, Form #11.302, Section 4.4.12 with permission. <http://famguardian.org/Publications/GreatIRSHoax/GreatIRSHoax.htm>

1. 1. Usurps and rebels against the sovereignty of God by interfering with His plan for marriage and family clearly spelled out in the Bible.
2. 2. Encourages spouses to get divorced, because at least one of them will be financially rewarded with the property and labor of the other for doing so.
3. 3. Makes marriage into legalized prostitution, where the sex comes during the marriage and the money comes after marriage and the state and family court judge becomes the pimp and the family law attorneys become tax collectors for the pimp.

The above defects in the institution of marriage caused by the government “privilege” called state-issued marriage licenses, of course, are the natural result of violating God’s/Natural law on marriage found in the Bible, where Eph. 5:22-24 makes the man, and not the government or the woman, the sovereign in the context of families. This is what happens whenever mankind rebels against God’s authority by trying to improve on God’s design for the family: massive injustice. Remember, that God created man first, and out of man’s rib was created woman, which makes man the sovereign, and this conclusion is completely consistent with the concept of Natural Order discussed in section 4.1 of the Great IRS Hoax, Form #11.302.

*“For a man indeed ought not to cover his head, since he is made in the image and glory of God; but woman is the glory of man. For man is not from woman, but woman from man. Nor was man created for the woman, but woman for the man.”*  
[1 Cor. 11:7-9, Bible, NKJV]

If you are going to arrogantly call this attitude chauvinistic, politically incorrect, or bigoted then you’re slapping God in the face and committing blasphemy because this is the way GOD designed the system and who are YOU to question that?

*“But indeed, O man, who are you to reply against God? Will the thing formed say to him who formed it, ‘Why have you made me like this?’ Does not the potter have power over the clay, from the same lump to make one vessel for honor and another for dishonor?”*  
[Romans 9:20-21, Bible, NKJV]

If you would like to learn more about this subject, we refer you to the following book on our website:

Sovereign Christian Marriage, Form #06.009  
<http://sedm.org/ItemInfo/Ebooks/SovChristianMarriage/SovChristianMarriage.htm>

The government uses this very same concept of privilege-induced slavery in the “constructive contract” you in effect sign by becoming a “citizen” or availing yourself of a government benefit. Here is the phrase that one of our astute readers uses to describe it in his book Social Security, Mark of the Beast, Form #11.407, which is posted on our website for your reading pleasure:

*“Protection draws subjection.”*  
[Steven Miller]

In a sense, when you become a “citizen”, you “marry” the state in order to have its protection, and the terms of this constructive “marriage contract” are documented in section 4.11 of the Great IRS Hoax, Form #11.302. You marry the state by promising it “allegiance” (see 8 U.S.C. §1101(a)(21) and 8 U.S.C. §1101(a)(22)(B) ), which is just a fancy legal term for obedience and fidelity and mutual protection. We have an article on our website below that actually describes in detail the terms of the citizenship contract below:

The Citizenship Contract, George Mercier  
<http://famguardian.org/PublishedAuthors/Indiv/MercierGeorge/InvContrcts--TheCitizenshipContract.htm>

Here is the way the U.S. supreme Court describes this marriage contract:

*“There cannot be a nation without a people. The very idea of a political community, such as a nation is, implies an [88 U.S. 162, 166] association of persons for the promotion of their general welfare. Each one of the persons associated becomes a member of the nation formed by the association. He owes it allegiance and is entitled to its protection. **Allegiance and protection 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)]

Like marriage licenses, signing the “citizenship contract” means you give up some of your rights, and as a matter of fact, the government wants you to believe that you give up the same rights by becoming a citizen as you do by getting a marriage

license. When you marry the federal government by becoming a “U.S. citizen”, you in effect are assimilated into the federal corporation called the “United States” defined in [28 U.S.C. §3002\(15\)\(A\)](#) and are classified by the courts as an officer of that corporation in receipt of taxable privileges. You also then become completely subject to the jurisdiction of that corporation. If you are a child of God, at the point when you married the state as a citizen, you united God with an idolatrous, mammon state and sold yourself into legal slavery voluntarily, in direct violation of the Bible:

*“No one can serve two masters: for either he will hate the one, and love the other; or else he will hold to the one, and despise the other. Ye cannot serve God and mammon.”*  
[Matt. 6:24, Bible, NKJV]

*“Do not be unequally yoked together with unbelievers. For what fellowship has righteousness with lawlessness? And what communion has light with darkness?”*  
[2 Cor. 6:14, Bible, NKJV]

As expected, God’s law once again says that we should not become statutory citizens [franchisees] of this world, and especially if it is dominated by unbelievers:

*“For our citizenship is in heaven, from which we also eagerly wait for the Savior, the Lord Jesus Christ”*  
[Philippians 3:20]

*“These all died in faith, not having received the promises, but having seen them afar off were assured of them, embraced them and confessed that they were strangers and pilgrims on the earth.”*  
[Hebrews 11:13]

*“Beloved, I beg you as sojourners and pilgrims, abstain from fleshly lusts which war against the soul...”*  
[1 Peter 2:1]

*“Do you not know that friendship with the world is enmity with God? Whoever therefore wants to be a friend of the world makes himself an enemy of God.”*  
[James 4:4]

One of the reasons God doesn’t want us to become citizens of this world is because when we do, we have violated the first commandment and committed idolatry, by replacing God with an artificial god called government, who then provides protection for us that we for one reason or another can’t or won’t trust or have faith in God to provide. This lack of faith then becomes our downfall. The words of the Apostle Paul resolve why this is:

*“But he who doubts is condemned if he eats, because he does not eat from faith; for whatever is not from faith [in God] is sin.”*  
[Rom. 14:23, Bible, NKJV]

Is it moral or ethical for the government to try to manipulate our rights out of existence by replacing them with taxable and regulatable “privileges” by procuring our consent and agreement? Here is what the U.S. Supreme Court says on this subject:

*“It would be a palpable incongruity to strike down an act of state legislation which, by words of express divestment, seeks to strip the citizen of rights guaranteed by the federal Constitution, but to uphold an act by which the same result is accomplished under the guise of a surrender of a right in exchange for a valuable privilege which the state threatens otherwise to withhold. It is not necessary to challenge the proposition that, as a general rule, the state, having power to deny a privilege altogether, may grant it upon such conditions as it sees fit to impose. But the power of the state in that respect is not unlimited, and one of the limitations is that it may not impose conditions which require the relinquishment of Constitutional rights. If the state may compel the surrender of one constitutional right as a condition of its favor, it may, in like manner, compel a surrender of all. It is inconceivable that guaranties embedded in the Constitution of the United States may thus be manipulated out or existence.”*  
[Frost v. Railroad Commission, 271 U.S. 583, 46 S.Ct. 605 (1926)]

So the bottom line is that it is not permissible for a state to try to undermine your Constitutional rights by making privileges they offer contingent on surrendering Constitutional rights, but they do it anyway because we let them get away with it, and because they are very indirect about how they do it.

In a very real sense, the government has simply learned how to use propaganda to create fear and insecurity in the people, and then they invent vehicles to turn eliminating your fear into a profit center that requires you to become citizens and pay taxes to support. For instance, they use the Federal Reserve to create the Great Depression by contracting the money supply, and then they get these abused people worried and feeling insecure about retirement and security in the early 1930’s, and then

invent a new program called Social(ist) Security to help eliminate their fear and restore your sense of security. But remember, in the process of procuring the “privilege” to be free of anxiety about old age, you have surrendered sovereignty over your person and labor to the government, and they then have the moral authority to tax your wages and make you into a serf and a peon to pay off the federal debt accumulated to run that program.

*“The righteousness[and contentment] of the upright will deliver them, but the unfaithful will be caught by their lust [for security or government benefits].”  
[Prov. 11:6, Bible, NKJV]*

Another favorite trick of governments is to make something illegal and then turn it into a “privilege” that is taxed. This is how governments maximize their revenues. They often call the tax a “license fee”, as if to imply that you never had the right to do that activity without a license. You will never hear a government official admit to it, but the government reasoning is that the tax amounts to a “bribe” or “tribute” to the government to get them to honor or respect the exercise of some right that is cleverly disguised as a taxable “privilege” and to enforce payment of the bribe to a corrupt officer in a court of law. Unless you know what your rights are, it will be very difficult to recognize this subtle form of usury. Here is what the courts have to say about this kind of despicable behavior by the government:

***“A right common in every citizen such as the right to own property or to engage in business of a character not requiring regulation CANNOT, however, be taxed as a special franchise by first prohibiting its exercise and then permitting its enjoyment upon the payment of a certain sum of money.”**  
[Stevens v. State, 2 Ark. 291, 35 Am. Dec. 72; Spring Val. Water Works v. Barber, 99 Cal. 36, 33 Pac. 735, 21 L.R.A. 416. Note 57 L.R.A. 416]*

Clear thinking about our freedom and liberty demands that when faced with situations like this, we ask ourselves, where does the government derive its authority and “privileges”(?). The answer is:

**...from the PEOPLE!**

The Declaration of Independence says so!:

***“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.”***

Instead, we ought to charge government employees a tax for the “privilege” of having the authority and the “privilege” from the people to serve (not “govern”, but SERVE) them, and the tax that government servants pay us for that privilege should be equal to whatever they charge us for the privileges they delegate back to us using the authority we gave them! We need to think clearly about this because it’s very easy to get trapped in bad logic by deceitful lawyers and politicians who want to get into your bank account and enslave you with their unjust laws and extortion cleverly disguised as legitimate taxes. We should always remember who the public servants are and who the public is. We are the public and government employees are the servants! Start acting like the boss for once and tell the government what you expect out of them. The only reason the government continues to listen to us is because:

1. We vote our officials into office.
2. If we don’t like the laws they pass, we can nullify them every time we sit down on a jury or a grand jury.
3. If the above two approaches don’t keep their abuse of power in check, we can buy guns to protect ourselves from government abuse.

For instance, the government started issuing marriage licenses in about 1923 and charged people for the “privilege”. But then we have to ask ourselves what a license is. A license is permission from the state to perform an act which, without a license, would be illegal. Is it illegal to get married without the blessing of the state? Did Adam and Eve have a marriage license from God? Absolutely **NOT**. Marriage licenses, driver’s licenses, and professional licenses are a scam designed to increase control of the state over your life and turn you into a financial slave and serf to the government!

The IRS uses privilege-induced slavery to its advantage as well. For instance, it:



1. Sets the rate of withholding for a given income slightly higher than it needs to be so that Americans who paid tax will have to file to get their money back. In the process of filing, these unwitting citizens:
  - 1.1. Have to incriminate themselves on their tax returns.
  - 1.2. Forfeit most of the Constitutional rights, including the First (right to NOT communicate with your government), Fourth (seizure), and Fifth Amendment (self-incrimination) protections.
  - 1.3. Tell the IRS their employer, which later allows the IRS to serve the private employer illegally with a “Notice of Levy” and steal assets in violation of due process protections in the Constitution in the Fifth Amendment.
2. On the W-4 form, makes it a privilege just to hold onto your income. The regulations written by the Treasury illegally (and unconstitutionally) say that if a person does not submit a W-4 or submits an incorrect W-4, the employer (who really isn’t an “employer” because it isn’t a federal employer who has “employees” as defined in 26 C.F.R. §31.3401(c)) must withhold at the single zero rate. Thus, it becomes a “privilege” to just receive the money you earned without tax deducted! The only way you can preserve the “privilege” is to incriminate yourself by filling out the W-4, in violation of the Fifth Amendment.
3. The federal judiciary and the IRS will wickedly tell you that because of the Anti-Injunction Act found at 26 U.S.C. §7421, if you dispute the amount of tax you owe or you assert non-liability, you must pay the tax FIRST before you are permitted to file a lawsuit and subject your case to judicial review. In effect, what Congress has done by legislation is forced you to bribe the government in order to have the privilege to sue them! If you assert that you are a “nontaxpayer” and a person not liable for tax, the IRS will try to get your case dismissed because corrupt judges will assert “sovereign immunity”. See section 1.4.2 of the Sovereignty Forms and Instructions Manual, Form #10.005 for further details on this scam. For those of you who are Christians, this scam quite clearly violates the bible, which declares:

*“And you shall take no bribe, for a bribe blinds the discerning and perverts the words of the righteous.” [Exodus 23:8]*

4. Your state government will tell you that you MUST give them a valid Social Security Number in order for you to get a state driver’s license. They will do this in spite of the fact that traveling is a right and not a government privilege. In the words of the U.S. Supreme Court and lower courts:

*“The right to travel is part of the ‘liberty’ that a citizen cannot be deprived without due process of law.” [Kent v. Dulles, 357 U.S. 116 (1958); U.S. v. Laub, 385 U.S. 475 (1967)]*

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*“Even the Legislature has no power to deny to a citizen the right to travel upon the highway and transport his property in the ordinary course of his business or pleasure, though this right may be regulated in accordance with the public interest”207 and convenience. Where one undertakes, however, to make a greater use of the public highways for his own private gain, as by the operation of a stagecoach, an omnibus, a truck, or a motorbus, the state may not only regulate the use of the vehicles on the highway, but may prohibit it. A municipality can do so only under a power expressly granted by the state. Ex parte Dickey, 76 W.Va. 576, 85 S.E. 781, L.R.A. 1915F, 840.*

*[. . .]*

*All persons, in the absence of legislative edict, are vested with the right to the use of the streets and highways for travel from one place to another in connection with their business, when such use is incidental to that business. This is an ordinary use of the streets and highways, and is frequently characterized as an inherent or natural right.”*  
*[Chicago Motor Coach vs. Chicago, 169 N.E. 22; Ligare vs. Chicago, 28 N.E. 934; Boon vs. Clark, 214 S.S.W. 607; 25 Am.Jur. (1st) Highways Sect.163]*

To give you just one more example of how privilege-induced slavery leads to government abuse, let’s look at licenses to practice law. The only rational basis for having any kind of professional license is consumer protection, but the legal profession has totally distorted and twisted this concept to benefit them, which amounts to a massive conflict of interest. For instance:

1. Only licensed attorneys can defend others in court. This prevents family members or friends or paralegals from providing low-cost legal assistance in court, and creates a greater marketplace and monopoly for legal services by attorneys. This also means that a lot more people go without legal representation, because they can’t afford to hire a lawyer to represent them. Is that justice, or is that simply the spread of oppression and injustice in the name of profit for the legal profession?
2. Even if the attorney is licensed to practice law from the socialist state, the court can revoke their right to defend anyone in a court of law. For instance:

- 2.1. Look at what the court did to attorney Jeffrey Dickstein in *United States v. Collins*, 920 F.2d. 619, (10th Cir. 11/27/1990), which we showed in section 6.6.4.5 of the Great IRS Hoax, Form #11.302. If you look at the ruling for this case, you will find that the court withdrew defendant Collins right to be represented by Attorney Jeffrey Dickstein, because they called attorney Dickstein a “vexatious litigant”. He was therefore deprived of his choice of competent legal counsel, because the court viewed his counsel as “politically incorrect”.
- 2.2. Refer also to what the court did to attorney Oscar Stilley in section 6.8.1 of the Great IRS Hoax, Form #11.302 as he defended Dr. Phil Roberts on tax charges. The court said, and we quote:

*“The practice of law, sir, is a privilege, especially in Federal Court. You’re close to losing that privilege in this court, Mr. Stilley.”*

3. Clients with attorneys are given favoritism by the court in the award of attorney fees against the other side. This leads attorneys to inflate their fees if they expect sanctions, in order to coerce the opposing side to settle. In most courts, pro per or pro se litigants are either not allowed or seldom are awarded attorney fees against the opposing side. Only litigants who have counsel can get attorney fee awards by the court. In effect, the courts treat the time and expense of pro per litigants in defending themselves as irrelevant and completely without value! That’s right.. if you as a pro per litigant keep track of your time diligently and bill for it at a rate less than an attorney in your motion for sanctions against the other side, the judge (who incidentally used to be a lawyer and probably still has lawyer golf buddies he wants to bring business to) will laugh you out of the courtroom! This has the effect of incentivizing people to have expensive legal counsel and incentivizes the lawyers to prolong the litigation and maximize their hourly rate to maximize their income. If you then ask a judge why they don’t award attorney fee sanctions to pro per litigants, he might get defensive and say: “Pro per litigants are high maintenance, and make extra work for the court because they don’t know what they are doing.” And yet these same courts and judges are the ones who earlier, as attorneys practicing law, intimidated and perpetuated the very ignorance on the part of their clients that made these people ignorant litigants as pro pers! All this rhetoric is just a smokescreen for the real agenda, which is maximizing business for and profits of those who practice law, and restricting the supply of qualified talent in order to keep the prices and the income of attorneys artificially high.

If we avail ourselves of a “privilege” granted by the state through operation of any statute that does not involve the exercise of a fundamental right, then we cannot have a constitutional grounds for redress of grievances against the statute:

*“Anyone who partakes of the benefits or privileges of a given statute, or anyone who even places himself into a position where he may avail himself of those benefits at will, cannot reach constitutional grounds to redress grievances in the courts against the given statute.”*  
[Ashwander v. T.V.A., 297 U.S. 288, 346, 56 S.Ct. 466, 482, 80 L.Ed. 688 (1936)][underlines added]

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*“These general rules are well settled: (1) That the United States, when it creates rights in individuals against itself, is under no obligation to provide a remedy through the courts. *United States ex rel. Dunlap v. Black*, 128 U.S. 40; *Ex parte Atocha*, 17 Wall. 439; *Gordon v. United States*, 7 Wall. 188, 195; *De Groot v. United States*, 5 Wall. 419, 431-433; *Comegys v. Vasse*, 1 Pet. 193, 212. (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; *Arnson v. Murphy*, 109 U.S. 238; *Barnet v. National Bank*, 98 U.S. 555, 558; *Farmers’ & Mechanics’ National Bank v. Dearing*, 91 U.S. 29, 35. 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; *Parish v. MacVeagh*, 214 U.S. 124; *McLean v. United States*, 226 U.S. 374; *United States v. Laughlin*, 249 U.S. 440. But here, Congress has provided:*

*“That any claim which shall be presented and acted on under authority of this act shall be held as finally determined, and shall never thereafter be reopened or considered.*

*“These words express clearly the intention to confer upon the Treasury Department exclusive jurisdiction and to make its decision final. The case of *United States v. Harmon*, 147 U.S. 268, strongly relied upon by claimants, has no application. Compare *D. M. Ferry & Co. v. United States*, 85 F. 550, 557.”*  
[*United States v. Babcock*, 250 U.S. 328 (1919)]

But if we are simply trying to exist, by working and receiving a paycheck, voting, serving on jury duty, and fulfilling our various civic and family duties, we cannot be taxed for the mere privilege of existing:

1           *"The individual, unlike the corporation, **cannot be taxed for the mere privilege of existing**. The corporation is*  
2 *an artificial entity which owes its existence and charter power to the State, but the individual's right to live and*  
3 *own property are natural rights for the enjoyment of which **an excise cannot be imposed**."*  
4 *[Redfield v. Fisher, 292 Oregon 814, 817]*

5           *"Legislature...cannot name something to be a taxable privilege unless it is **first a privilege**."* *[Taxation West*  
6 *Key 43]... "The Right to receive income or earnings is a right belonging to every person and realization and*  
7 *receipt of income is therefore not a 'privilege', that can be taxed."*  
8 *[Taxation West Key 933]-[Jack Cole Co. v. MacFarland, 337 S.E.2d. 453, Tenn.]*

## 9    **15.2 Residence and state citizenship**

10   In considering the application of the Equal Protection Clause of the Fourteenth Amendment to legislation discriminating  
11   between the residents and nonresidents of a state, the Equal Protection Clause cannot be invoked unless the action of a state  
12   denies the equal protection of the laws to persons "within its jurisdiction." If persons are, however, in the purview of this  
13   clause, within the jurisdiction of a state, the clause guarantees to all so situated, whether citizens or residents of the state or  
14   not, the protection of the state's laws equally with its own citizens.<sup>96</sup> A state is not at liberty to establish varying codes of  
15   law, one for its own citizens and another governing the same conduct for citizens of sister states, except in a case when the  
16   apparent discrimination is not to cast a heavier burden upon the nonresident in its ultimate operation than the one falling upon  
17   residents, but is to restore the equilibrium by withdrawing an unfair advantage.<sup>97</sup> On the other hand, a nonresident may not  
18   complain of a restriction no different from that placed upon residents.<sup>98</sup>

19   The limitation on the right of one state to establish preferences in favor of its own citizens does not depend solely on the  
20   guarantee of equal protection of the laws,<sup>99</sup> which does not protect persons not within the jurisdiction of such a state. These  
21   limitations are broader, and nonresidents of a state who are noncitizens are also—even though they are not within the  
22   jurisdiction of a state, as that phrase is employed in the Equal Protection Clause—protected from discrimination by Article IV,  
23   § 2 of the Federal Constitution, which secures equal privileges and immunities in the several states to the citizens of each  
24   state. Moreover, any citizen of the United States, regardless of residence or whether he or she is within the jurisdiction of a  
25   state, is protected in the privileges and immunities which arise from his United States citizenship by the privileges and  
26   immunities clause of the Fourteenth Amendment.

27   There is much authority which recognizes the right of the state under certain circumstances to classify residents and  
28   nonresidents.<sup>100</sup> Utilization of different, but otherwise constitutionally adequate, procedures for residents and nonresidents

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<sup>96</sup> *Wheeling Steel Corp. v. Glander*, 337 U.S. 562, 69 S.Ct. 1291, 93 L.Ed. 1544, 40 Ohio.Op. 101, 55 Ohio.L.Abs. 305 (1949).

South Carolina's exemption statute that limits exemption for personal injury awards to only South Carolina residents did not deprive a nonresident of equal protection of the laws where the classification of residents versus nonresidents was reasonably related to the legislative purpose of protecting residents from financial indigency, and where the classification was based upon the state's interest in preventing its citizens from becoming dependent on the state for support. *American Service Corp. of South Carolina v. Hickie*, 312 S.C. 520, 435 S.E.2d. 870 (1993), reh'g denied, (Oct. 20, 1993) and cert. denied, 510 U.S. 1193, 114 S.Ct. 1298, 127 L.Ed.2d. 651 (1994).

<sup>97</sup> *Smith v. Loughman*, 245 N.Y. 486, 157 N.E. 753 (1927), cert. denied, 275 U.S. 560, 48 S.Ct. 119, 72 L.Ed. 426 (1927) and reargument denied, 247 N.Y. 546, 161 N.E. 176 (1928).

A statute requiring out-of-state hunters to be accompanied by resident guides denied equal protection; the statutory classification and its legitimate objectives were tenuous and remote. *State v. Jack*, 167 Mont. 456, 539 P.2d. 726 (1975).

<sup>98</sup> *People ex rel. Salisbury Axle Co. v. Lynch*, 259 N.Y. 228, 181 N.E. 460 (1932).

<sup>99</sup> *Smith Setzer & Sons, Inc. v. South Carolina Procurement Review Panel*, 20 F.3d. 1311 (4th Cir. 1994); *Kasom v. City of Sterling Heights*, 600 F.Supp. 1555 (E.D. Mich. 1985), judgment aff'd, 785 F.2d. 308 (6th Cir. 1986).

The state had a legitimate and substantial interest in granting a preference to bidders for state highway contracts who contribute to the state's economy through construction activities within the state. *APAC-Mississippi, Inc. v. Deep South Const. Co., Inc.*, 288 Ark. 277, 704 S.W.2d. 620 (1986).

Classifications between resident and nonresident vendors established by a statute which gives preference to resident vendors, under certain circumstances, when the state purchases supplies, services, and goods are rationally related to the state's legitimate interest to benefit its taxpayers, and thus do not deny equal protection of the laws to nonresidents, even though nonresidents who maintain offices in the state and pay state taxes are accorded a preference over other nonresidents. *Gary Concrete Products, Inc. v. Riley*, 285 S.C. 498, 331 S.E.2d. 335 (1985).

Note, however, that such schemes may violate the privileges and immunities clauses of Article IV, § 2 of the United States Constitution, and the Fourteenth Amendment thereto.

<sup>100</sup> *Martinez v. Bynum*, 461 U.S. 321, 103 S.Ct. 1838, 75 L.Ed.2d. 879, 10 Ed.Law.Rep. 11 (1983) (nonresident school students); *Zobel v. Williams*, 457 U.S. 55, 102 S.Ct. 2309, 72 L.Ed.2d. 672 (1982) (holding that new residents of a state may not be subjected to discriminatory treatment simply because of their recent migration); *Jones v. Helms*, 452 U.S. 412, 101 S.Ct. 2434, 69 L.Ed.2d. 118 (1981), on remand to, 660 F.2d. 120 (5th Cir. 1981); *Fireside Nissan*,

1 does not, by itself, trigger heightened scrutiny under the Equal Protection Clause.<sup>101</sup> Thus, reasonable residency requirements  
2 are permissible under the Equal Protection Clause in cases involving voting in elections,<sup>102</sup> or local referendums,<sup>103</sup> for  
3 holding public office,<sup>104</sup> for jury service,<sup>105</sup> and for the purpose of receiving various types of government benefits,<sup>106</sup> or for  
4 tuition purposes,<sup>107</sup> are quite common, and are generally, though not always, held to be valid and proper. However, a statute  
5 providing for county-wide territorial jurisdiction of a municipal court may violate the equal protection rights of county  
6 residents who are subject to the municipal court's territorial jurisdiction, but not enfranchised to elect municipal judges.<sup>108</sup>  
7 Residence may also be a proper condition precedent to commencement of various suits. 24 On the other hand, many license  
8 and tax laws which discriminate against nonresidents have been held to violate the Equal Protection Clause.<sup>109</sup>

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Inc. v. Fanning, 30 F.3d. 206 (1st Cir. 1994) (nonresident automobile dealership owners); Mohme v. City of Cocoa, 328 So.2d. 422 (Fla. 1976), appeal after remand, 356 So.2d. 2 (Fla. Dist. Ct. App. 4th Dist. 1977); State v. Alley, 274 A.2d. 718 (Me. 1971).

A program of state bounties for destruction of Maryland-titled junk cars was not violative of the Equal Protection Clause, despite stricter proof of ownership requirements for out-of-state scrap processors. Hughes v. Alexandria Scrap Corp., 426 U.S. 794, 96 S.Ct. 2488, 49 L.Ed.2d. 220 (1976).

A Kansas statute and rules of court permitting an out-of-state lawyer to practice before Kansas tribunals only if he associates a member of the Kansas bar with him, as an attorney of record, does not violate the Fourteenth Amendment either on its face or as applied to a lawyer maintaining law offices and a practice of law both out of state and in Kansas. Martin v. Walton, 368 U.S. 25, 82 S.Ct. 1, 7 L.Ed.2d. 5 (1961), reh'g denied, 368 U.S. 945, 82 S.Ct. 376, 7 L.Ed.2d. 341 (1961).

<sup>101</sup> Whiting v. Town of Westerly, 942 F.2d. 18 (1st Cir. 1991).

<sup>102</sup> Rosario v. Rockefeller, 410 U.S. 752, 93 S.Ct. 1245, 36 L.Ed.2d. 1 (1973), reh'g denied, 411 U.S. 959, 93 S.Ct. 1920, 36 L.Ed.2d. 419 (1973) (a 30-day residential requirement is permissible); Marston v. Lewis, 410 U.S. 679, 93 S.Ct. 1211, 35 L.Ed.2d. 627 (1973) (a 50-day durational voter residency requirement and a 50-day voter registration requirement for state and local elections are not unconstitutional under the Equal Protection Clause); Ballas v. Symm, 494 F.2d. 1167 (5th Cir. 1974); Opinion of the Justices, 111 N.H. 146, 276 A.2d. 825 (1971).

A governmental unit may, consistently with equal protection requirements, legitimately restrict the right to participate in its political processes to those who reside within its borders. Holt Civic Club v. City of Tuscaloosa, 439 U.S. 60, 99 S.Ct. 383, 58 L.Ed.2d. 292 (1978).

Excluding out-of-state property owners from voting on a water district matter while granting that right to Colorado residents who own property within the district but who do not live within the district does not violate the Fourteenth Amendment. Millis v. Board of County Com'rs of Larimer County, 626 P.2d. 652 (Colo. 1981).

On the other hand, under the Equal Protection Clause, persons living on the grounds of the National Institutes of Health, a federal enclave situated in Maryland, are entitled to protect their stake in elections by exercising their right to vote, and their living on such grounds cannot constitutionally be treated as basis for concluding that they do not meet Maryland residency requirements for voting. Evans v. Cornman, 398 U.S. 419, 90 S.Ct. 1752, 26 L.Ed.2d. 370 (1970).

<sup>103</sup> As to residence qualifications of the signers of initiative or referendum petitions, see 42 American Jurisprudence 2d, Initiative and Referendum, §29 (1999).

<sup>104</sup> See 63C American Jurisprudence 2d, Public Officers and Employees, §81 (1999).

<sup>105</sup> See 47 American Jurisprudence 2d, Jury, §§ 100, 147-149 (1999).

<sup>106</sup> Memorial Hospital v. Maricopa County, 415 U.S. 250, 94 S.Ct. 1076, 39 L.Ed.2d. 306 (1974) (a state statute requiring a year's residence in a county as a condition to an indigent's receiving nonemergency hospitalization or medical care at the county's expense is repugnant to the Equal Protection Clause); Cole v. Housing Authority of City of Newport, 435 F.2d. 807 (1st Cir. 1970) (two-year residency requirement for eligibility for low-income housing violates the Equal Protection Clause).

In the absence of a showing that the provisions of state statutes and of a District of Columbia statute enacted by Congress, prohibiting public assistance benefits to residents of less than a year, were necessary to promote compelling governmental interests, such prohibitions create a classification which constitutes an invidious discrimination denying such residents equal protection of the laws. Shapiro v. Thompson, 394 U.S. 618, 89 S.Ct. 1322, 22 L.Ed.2d. 600 (1969).

But the exclusion of migrant agricultural workers from the beneficial provisions of various federal and state statutes concerning social legislation in such areas as unemployment compensation, minimum hours and wages, Social Security, and worker's compensation is not unconstitutional. Doe v. Hodgson, 478 F.2d. 537, 21 Wage & Hour Cas. (BNA) 23, 71 Lab.Cas. (CCH) ¶ 32909 (2d Cir. 1973), cert. denied, 414 U.S. 1096, 94 S.Ct. 732, 38 L.Ed.2d. 555, 21 Wage & Hour Cas. (BNA) 446, 72 Lab.Cas. (CCH) ¶ 33004 (1973).

<sup>107</sup> Vlandis v. Kline, 412 U.S. 441, 93 S.Ct. 2230, 37 L.Ed.2d. 63 (1973).

For a state university to require proof that a law student had actually secured postgraduation employment in the state as a condition precedent to granting him residence status for purposes of tuition fees violated the Equal Protection Clause. Kelm v. Carlson, 473 F.2d. 1267, 67 Ohio.Op.2d. 275 (6th Cir. 1973).

But a state statute requiring four months' continuous residency independent of school attendance in order to establish domicile in the state for tuition purposes does not violate the Equal Protection Clause. Thompson v. Board of Regents of University of Nebraska, 187 Neb. 252, 188 N.W.2d. 840 (1971).

<sup>108</sup> State v. Webb, 323 Ark. 80, 913 S.W.2d. 259 (1996), opinion supplemented on other grounds on denial of reh'g, 323 Ark. 80, 920 S.W.2d. 1 (1996).

<sup>109</sup> See 51 American Jurisprudence 2d, Licenses and Permits, §§31, 79, 121, 123 (1999); 71 American Jurisprudence 2d, State and Local Taxation, §172 (1999).

As to particular types of licenses or permits, see specific topics (e.g., as to fishing or hunting licenses, see 35 Am.Jur.2d., Fish and Game, §§34, 45 (1999)).

A statute which discriminates unjustly against residents in favor of nonresidents violates the Equal Protection Clause;<sup>110</sup> however, there must be an actual discrimination against residents in order to invalidate a statute. Where residents and nonresidents are treated alike, there is no discrimination.<sup>111</sup> A state regulatory statute exempting nonresidents does not deny the equal protection of the laws guaranteed by the Fourteenth Amendment, where it rests upon a state of facts that can reasonably be conceived to constitute a distinction or difference in state policy.<sup>112</sup>

The constitutional guarantee as to the equal protection of the laws may render invalid statutes and ordinances which effect an unlawful discrimination in favor of a municipality or its inhabitants. Such enactments invalidly attempt to give a preference to a class consisting of residents of a political subdivision of a state.<sup>113</sup>

### **15.3 Protection against special burdens and privileges**

The theory underlying constitutional requirements of equality is that all persons in like circumstances and like conditions must be treated alike, both as to privileges conferred and as to liabilities or burdens imposed. The organic principle of equality includes within its application a granted privilege as well as a regulated right. Equality of benefit is required no less than equality of burden.<sup>114</sup>

Every citizen should share the common benefits of a government the common burdens of which he or she is required to bear. Thus, legislation granting special privileges and imposing special burdens may conflict with the Equal Protection Clause of the Federal Constitution,<sup>115</sup> as well as with the more specific provisions of some state constitutions, which, although varying slightly in terminology, have the general effect of prohibiting the granting of special privileges or immunities. So long as all are treated alike under like circumstances, however, neither the federal nor the state provisions are violated.<sup>116</sup> General rules that apply evenhandedly to all persons within a jurisdiction comply with the Equal Protection Clause; only when a governmental unit adopts a rule that has a special impact on less than all the persons subject to its jurisdiction does the question whether equal protection is violated arise.<sup>117</sup> It would thus appear that particular laws granting special privileges and immunities must run the gauntlet between the provisions of the Federal Constitution which secure the equal protection of the laws and those of state constitutions which prohibit either special legislation or special laws granting privileges and immunities, and also that the inherent limitations on legislative power may themselves be sufficient to nullify such laws.<sup>118</sup>

### **15.4 State Constitutional Provisions as to special privileges**

Provisions to be found in the constitutions of many states have the general effect of prohibiting the grant of special privileges or immunities.<sup>119</sup> Such guarantees in the state constitutions are in nature simply a protection of those fundamental or inherent

<sup>110</sup> Little v. Smith, 124 Kan. 237, 257 P. 959, 57 A.L.R. 100 (1927).

<sup>111</sup> Geo. B. Wallace, Inc. v. Pfost, 57 Idaho 279, 65 P.2d. 725, 110 A.L.R. 613 (1937).

<sup>112</sup> Allied Stores of Ohio, Inc. v. Bowers, 358 U.S. 522, 79 S.Ct. 437, 3 L.Ed.2d. 480, 9 Ohio.Op.2d. 321, 82 Ohio.L.Abs. 312 (1959).

<sup>113</sup> Schrage v. City of Albany, 197 Misc. 903, 99 N.Y.S.2d. 697 (Sup. Ct. 1950); Richter Concrete Corp. v. City of Reading, 166 Ohio.St. 279, 2 Ohio.Op.2d. 169, 142 N.E.2d. 525 (1957).

<sup>114</sup> Carozza v. Federal Finance &Credit Co., 149 Md. 223, 131 A. 332, 43 A.L.R. 1 (1925); Rosenblum v. Griffin, 89 N.H. 314, 197 A. 701, 115 A.L.R. 1367 (1938).

<sup>115</sup> Silver v. Silver, 108 Conn. 371, 143 A. 240, 65 A.L.R. 943 (1928), aff'd, 280 U.S. 117, 50 S.Ct. 57, 74 L.Ed. 221, 65 A.L.R. 939 (1929); Decker v. Pouvaillsmith Corp., 252 N.Y. 1, 168 N.E. 442 (1929); Bowman v. Virginia State Entomologist, 128 Va. 351, 105 S.E. 141, 12 A.L.R. 1121 (1920).

<sup>116</sup> Frazier v. State Tax Commission, 234 Ala. 353, 175 So. 402, 110 A.L.R. 1479 (1937); Mammina v. Alexander Auto Service Co., 333 Ill. 158, 164 N.E. 173, 61 A.L.R. 649 (1928); Bolivar Tp. Board of Finance of Benton County v. Hawkins, 207 Ind. 171, 191 N.E. 158, 96 A.L.R. 271 (1934).

<sup>117</sup> New York City Transit Authority v. Beazer, 440 U.S. 568, 99 S.Ct. 1355, 59 L.Ed.2d. 587, 1 A.D. Cas. (BNA) 73, 19 Fair Empl. Prac. Cas. (BNA) 149, 19 Empl.Prac.Dec. (CCH) ¶ 9027 (1979); Alexander v. Whitman, 114 F.3d. 1392 (3d Cir. 1997), cert. denied, 118 S.Ct. 367, 139 L.Ed.2d. 286 (U.S. 1997).

<sup>118</sup> Fountain Park Co. v. Hensler, 199 Ind. 95, 155 N.E. 465, 50 A.L.R. 1518 (1927); State v. Savage, 96 Or. 53, 184 P. 567 (1919), opinion adhered to on denial of reh'g, 189 P. 427 (Or. 1920).

<sup>119</sup> State Board of Tax Com'rs of Ind. v. Jackson, 283 U.S. 527, 51 S.Ct. 540, 75 L.Ed. 1248, 73 A.L.R. 1464, 75 A.L.R. 1536 (1931), leave to file for reh'g granted, 51 S.Ct. 651, 75 L.Ed. 1474 (U.S. 1931) and reh'g denied, (Oct. 12, 1931) (Indiana Constitution); Carley &Hamilton v. Snook, 281 U.S. 66, 50 S.Ct. 204, 74 L.Ed. 704, 68 A.L.R. 194 (1930) (California Constitution); Frazier v. State Tax Commission, 234 Ala. 353, 175 So. 402, 110 A.L.R. 1479 (1937); Austin v. Lambert, 11 Cal.2d. 73, 77 P.2d. 849, 115 A.L.R. 849 (1938); People ex rel. Heydenreich v. Lyons, 374 Ill. 557, 30 N.E.2d. 46, 132 A.L.R. 511 (1940); Storen v. Sexton, 209 Ind. 589, 200 N.E. 251, 104 A.L.R. 1359 (1936).



rights which are common to all citizens; they have been described as being the antithesis of the Fourteenth Amendment, since the latter operates to prevent abridgment by the states of the constitutional rights of citizens of the United States and the former prevents the state from granting special privileges or immunities and exemptions from otherwise common burdens. One prevents the curtailment of the constitutional rights of citizens, and the other prohibits the enlargement of the rights of some in discrimination against others.<sup>120</sup> However, the tests as to the granting of special privileges and immunities by a state are substantially similar to those used in determining whether the equal protection of the laws has been denied by a state.<sup>121</sup>

The general principle involved in constitutional equality guarantees forbidding special privileges or immunities seems to be that if legislation, without good reason and just basis, imposes a burden on one class which is not imposed on others in like circumstances or engaged in the same business, it is a denial of the equal protection of the laws to those subject to the burden and a grant of an immunity to those not subject to it.<sup>122</sup> Such provisions of the state constitutions permit classification, if it is not arbitrary, is reasonable, and has a substantial basis and a proper relation to the objects sought to be accomplished.<sup>123</sup> And a state constitutional provision that no member of the state shall be deprived of any of the rights or privileges secured to any citizen thereof, unless by the law of the land or the judgment of his or her peers, prohibits class legislation, but does not forbid classification so long as it is not unreasonable or arbitrary.<sup>124</sup>

**Observation:** In determining the scope of the class singled out by a statute for special burdens or benefits, a court will not confine its view to the terms of the specific statute, but will judge its operation against the background of other legislative, administrative, and judicial directives which govern the legal rights of similarly situated persons.<sup>125</sup> A constitutional provision prohibiting the grant of special privileges applies to municipal ordinances as well as to acts of the legislature.<sup>126</sup>

If a state constitutional provision states that no special privileges or immunities shall ever be granted to any citizen or class of citizens which shall not be granted upon the same terms to all citizens, it is not available to aliens who are not citizens.<sup>127</sup>

## 15.5 Imposition of burdens

In the exercise of the undoubted right of classification, it may often happen that some classes are subjected to regulations and some individuals are burdened with obligations which do not rest on other classes or other individuals not similarly situated, but this fact does not necessarily vitiate a statute, because it would practically defeat legislation if it were laid down as an invariable rule that a statute is void if it does not bring all within its scope or subject all to the same burdens.<sup>128</sup> Thus, it is of

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While there is no such express prohibition in the Florida Constitution, special privileges or immunities may be granted only to advance a public purpose as distinguished from a private interest or purpose. *Liquor Store v. Continental Distilling Corp.*, 40 So.2d. 371 (Fla. 1949).

<sup>120</sup> *Bolivar Tp. Board of Finance of Benton County v. Hawkins*, 207 Ind. 171, 191 N.E. 158, 96 A.L.R. 271 (1934); *Savage v. Martin*, 161 Or. 660, 91 P.2d. 273 (1939).

<sup>121</sup> *State Board of Tax Com'rs of Ind. v. Jackson*, 283 U.S. 527, 51 S.Ct. 540, 75 L.Ed. 1248, 73 A.L.R. 1464, 75 A.L.R. 1536 (1931), leave to file for reh'g granted, 51 S.Ct. 651, 75 L.Ed. 1474 (U.S. 1931) and reh'g denied, (Oct. 12, 1931); *Rosenblum v. Griffin*, 89 N.H. 314, 197 A. 701, 115 A.L.R. 1367 (1938); *Milwaukee Co. of Jehovah's Witnesses v. Mullen*, 214 Or. 281, 330 P.2d. 5, 74 A.L.R.2d. 347 (1958), appeal dismissed, 359 U.S. 436, 79 S.Ct. 940, 3 L.Ed.2d. 932 (1959).

The United States Constitution, the Fourteenth Amendment thereto, and the California Constitution, Art. I § 11, requiring the uniform operation of all laws of a general nature, and § 21, prohibiting the granting of privileges or immunities to any citizen or class of citizens not granted to all citizens on the same terms, provide generally equivalent but independent protections in their respective jurisdictions. *Department of Mental Hygiene v. Kirchner*, 62 Cal.2d. 586, 43 Cal. Rptr. 329, 400 P.2d. 321 (1965).

<sup>122</sup> *Tipton County v. Rogers Locomotive & Machine Works*, 103 U.S. 523, 26 L.Ed. 340 (1880); *Fountain Park Co. v. Hensler*, 199 Ind. 95, 155 N.E. 465, 50 A.L.R. 1518 (1927).

<sup>123</sup> *Mansur v. City of Sacramento*, 39 Cal.App.2d. 426, 103 P.2d. 221 (3d Dist. 1940); *People ex rel. Heydenreich v. Lyons*, 374 Ill. 557, 30 N.E.2d. 46, 132 A.L.R. 511 (1940); *Ferch v. Housing Authority of Cass County*, 79 N.D. 764, 59 N.W.2d. 849 (1953).

A state constitutional provision barring the grant of special privileges and immunities is violated by a statute embodying an arbitrary classification. *Power, Inc. v. Huntley*, 39 Wash.2d. 191, 235 P.2d. 173 (1951).

<sup>124</sup> *Thomas v. Housing and Redevelopment Authority of Duluth*, 234 Minn. 221, 48 N.W.2d. 175 (1951).

<sup>125</sup> *Brown v. Merlo*, 8 Cal.3d. 855, 106 Cal. Rptr. 388, 506 P.2d. 212, 66 A.L.R.3d. 505 (1973).

<sup>126</sup> *Acton v. Henderson*, 150 Cal.App.2d. 1, 309 P.2d. 481 (1st Dist. 1957).

Generally, as to constitutional restrictions on special or local laws granting privileges and immunities, see 73 Am.Jur.2d., Statutes §§ 38, 39, 41.

<sup>127</sup> See 3A American Jurisprudence 2d, Aliens and Citizens, §1955 (1999).

<sup>128</sup> *Cotting v. Godard*, 183 U.S. 79, 22 S.Ct. 30, 46 L.Ed. 92 (1901).

the essence of a classification that on one class are cast duties and burdens different from those resting on the general public and that the very idea of classification is that of inequality, so that the mere fact of inequality in no manner determines the matter of constitutionality.<sup>129</sup> The general rule as to classification in the imposition of burdens is that no one may be subject to any greater burdens and charges than are imposed on others in the same calling or condition.<sup>130</sup> No burden can be imposed on one class of persons, natural or artificial, and arbitrarily selected, which is not in like conditions imposed on all other classes.<sup>131</sup>

A statute infringes the constitutional guarantee of equal protection if it singles out for discriminatory legislation particular individuals not forming an appropriate class and imposes on them burdens or obligations or subjects them to rules from which others are exempt.<sup>132</sup> Under the guise of the exercise of the police power, it is not competent either for the legislature or for a municipality to impose unequal burdens upon individual citizens.<sup>133</sup>

**Observation:** If a legislative classification or distinction neither burdens a fundamental right nor targets a suspect class, the United States Supreme Court will uphold it against an equal protection challenge so long as it bears a rational relation to some legitimate end.<sup>134</sup> Thus, if, under a particular classification, all persons affected by a statute are treated alike in the burdens imposed upon them, the legislation is not open to the objection that it denies to any the equal protection of the laws.<sup>135</sup>

## 15.6 Grant of privileges

Without violating the limitations inherent in the constitutional requirements as to the equal protection of the laws, appropriate classifications may be made. When made on natural and reasonable grounds, the grant of rights to one class will not necessarily amount to a denial of the equal protection of the laws to members of other classes.<sup>136</sup> In all cases, however, where a classification is made for the purpose of conferring a special privilege on a class, there must be some good and valid reason why that particular class should alone be the recipient of the benefit.<sup>137</sup> Under the Federal Constitution, distinctions in rights and privileges that are based on some reason not applicable to all are generally sustained.<sup>138</sup> But if there are other general classes situated in all respects like the class benefited by a statute, with the same inherent needs and qualities which

<sup>129</sup> *International Harvester Co. v. State of Missouri ex inf. Attorney General*, 234 U.S. 199, 34 S.Ct. 859, 58 L.Ed. 1276 (1914); *People v. Monroe*, 349 Ill. 270, 182 N.E. 439, 85 A.L.R. 605 (1932); *Bratberg v. Advance-Rumely Thresher Co.*, 61 N.D. 452, 238 N.W. 552, 78 A.L.R. 1338 (1931).

<sup>130</sup> *Truax v. Corrigan*, 257 U.S. 312, 42 S.Ct. 124, 66 L.Ed. 254, 27 A.L.R. 375 (1921); *Marallis v. City of Chicago*, 349 Ill. 422, 182 N.E. 394, 83 A.L.R. 1222 (1932).

<sup>131</sup> *Atlantic Coast Line R. Co. v. Ivey*, 148 Fla. 680, 5 So.2d. 244, 139 A.L.R. 973 (1941); *Dimke v. Finke*, 209 Minn. 29, 295 N.W. 75 (1940); *State v. Northwestern Elec. Co.*, 183 Wash. 184, 49 P.2d. 8, 101 A.L.R. 189 (1935).

<sup>132</sup> *Stewart Dry Goods Co. v. Lewis*, 294 U.S. 550, 55 S.Ct. 525, 79 L.Ed. 1054 (1935), reh'g denied, 295 U.S. 768, 55 S.Ct. 652 (1935) and reh'g denied, 295 U.S. 768, 55 S.Ct. 652, 79 L.Ed. 1709 (1935) and reh'g denied, 295 U.S. 768, 55 S.Ct. 652, 79 L.Ed. 1709 (1935).

<sup>133</sup> *Chickasha Cotton Oil Co. v. Cotton County Gin Co.*, 40 F.2d. 846, 74 A.L.R. 1070 (C.C.A. 10th Cir. 1930); *Beasley v. Cunningham*, 171 Tenn. 334, 103 S.W.2d. 18, 110 A.L.R. 306 (1937).

<sup>134</sup> *Vacco v. Quill*, 117 S.Ct. 2293, 138 L.Ed.2d. 834 (U.S. 1997), for concurring opinion, see, 117 S.Ct. 2302 (U.S. 1997); *Romer v. Evans*, 517 U.S. 620, 116 S.Ct. 1620, 134 L.Ed.2d. 855, 109 Ed.Law.Rep. 539, 70 Fair Empl. Prac. Cas. (BNA) 1180, 68 Empl.Prac.Dec. (CCH) ¶ 44013 (1996) (declined to extend by, *Benjamin v. Jacobson*, 935 F.Supp. 332 (S.D.N.Y. 1996)).

<sup>135</sup> *Staten Island Rapid Transit Ry. Co. v. Phoenix Indemnity Co.*, 281 U.S. 98, 50 S.Ct. 242, 74 L.Ed. 726 (1930); *Kocsis v. Chicago Park Dist.*, 362 Ill. 24, 198 N.E. 847, 103 A.L.R. 141 (1935); *Buckler v. Hilt*, 209 Ind. 541, 200 N.E. 219, 103 A.L.R. 901 (1936); *Commonwealth v. Watson*, 223 Ky. 427, 3 S.W.2d. 1077, 58 A.L.R. 212 (1928).

<sup>136</sup> *Sanger v. City of Bridgeport*, 124 Conn. 183, 198 A. 746, 116 A.L.R. 1031 (1938).

<sup>137</sup> *Champlin Refining Co. v. Cruse*, 115 Colo. 329, 173 P.2d. 213 (1946).

Equal protection principles require that distinctions drawn by a statute granting an economic benefit to one class while denying it to another must at least bear some rational relationship to a conceivable legitimate state purpose. *Steed v. Imperial Airlines*, 10 Cal.3d. 323, 110 Cal. Rptr. 217, 515 P.2d. 17 (1973), reh'g granted, opinion not citable, (Dec. 14, 1973) and opinion vacated on other grounds, 12 Cal.3d. 115, 115 Cal. Rptr. 329, 524 P.2d. 801, 68 A.L.R.3d. 1204 (1974), appeal dismissed, 420 U.S. 916, 95 S.Ct. 1108, 43 L.Ed.2d. 387 (1975).

<sup>138</sup> *Weisfield v. City of Seattle*, 180 Wash. 288, 40 P.2d. 149, 96 A.L.R. 1190 (1935); *Williams v. Hofmann*, 66 Wis.2d. 145, 223 N.W.2d. 844, 76 A.L.R.3d. 880 (1974).

The courts have generally rejected the contention that low-cost housing laws or ordinances are invalid as granting special privileges or immunities because they designated families or persons of low income as tenants. See 40 American Jurisprudence 2d, Housing Laws and Urban Redevelopment, §3 (1999).

1 indicate the necessity or expediency of protection for the favored class, and legislation discriminates against, casts a burden  
2 upon, or withholds the same protection from the other class or classes in like situations, the statute cannot stand.<sup>139</sup>

3 An otherwise valid statute or ordinance conferring a privilege is not rendered invalid merely because it chances that particular  
4 persons find it hard or even impossible to comply with precedent conditions upon which enjoyment of the privilege is made  
5 to depend.<sup>140</sup>

## 6 **15.7 Government franchises destroy equality and establish a state-sponsored religion**<sup>141</sup>

7 As we pointed out in our Foundations of Freedom Course, Form #12.021, Video 1, EQUALITY of RIGHTS between you  
8 and the government under the law is the foundation of all of your freedom:

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

12 The main purpose of franchises is to DESTROY equality between the governors and the governed and to destroy ALL your  
13 freedom in the process.

14 In addition to destroying the SOURCE of all of your freedom, government franchises also have another insidious effect.  
15 They create a state-sponsored and unconstitutional civil religion in violation of the First Amendment. Here is the definition  
16 of "privilege" to prove our point, keeping in mind that a "privilege" and a "public right" are equivalent:

17 *privilege verb transitive*

18 *-leged; -leging 14th century*

19 *1: to grant a privilege to*

20 *2: to accord a higher value or **superior position to** (privilege one mode of discourse over another)*  
21 *[Mish, F. C. (2003). Preface. Merriam-Websters collegiate dictionary. (Eleventh ed.). Springfield, MA: Merriam-*  
22 *Webster, Inc.]*

23 Based on the definition of "privilege" above, government franchises create a SUPERIOR position in relation to others. In  
24 religious terminology, this is called a "supernatural power", where YOU are the "natural" as a biological human. Since it is  
25 possessed by the government or government actor or agent as a public office, the government then acquires a  
26 SUPERNATURAL power, where YOU, the governed, are the natural.

27 By using "privileges" to elevate those who receive them above others, the result is:

- 28 1. Establishing an office or public office with rights above others through the granting of "privileges" or state favors.
- 29 2. Converting PRIVATE people accepting the privileges into PUBLIC officers.
- 30 3. The complete destruction of EQUALITY of all under the law. See:  
31 *Requirement for Equal Protection and Equal Treatment*, Form #05.033  
32 <http://sedm.org/Forms/FormIndex.htm>
- 33 4. The violation of the constitutional prohibition against "Titles of Nobility", where the name of the PUBLIC  
34 OFFICE is the "Title of Nobility".

33 *United States Constitution*  
34 *Article 1: Legislative Department*

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<sup>139</sup> McErlain v. Taylor, 207 Ind. 240, 192 N.E. 260, 94 A.L.R. 1284 (1934); Abrams v. Bronstein, 33 N.Y.2d. 488, 354 N.Y.S.2d. 926, 310 N.E.2d. 528 (1974); Kurtz v. City of Pittsburgh, 346 Pa. 362, 31 A.2d. 257, 145 A.L.R. 1134 (1943).

<sup>140</sup> Gant v. Oklahoma City, 289 U.S. 98, 53 S.Ct. 530, 77 L.Ed. 1058 (1933).

<sup>141</sup> Source: *Government Instituted Slavery Using Franchises*, Form #05.030, Section 2.4; <http://sedm.org/Forms/FormIndex.htm>.

Section 10 No Title of Nobility shall be granted by the United States: And no Person holding any Office of Profit or Trust under them, shall, without the Consent of the Congress accept of any present, Emolument, Office, or Title, of any kind whatever, from any King, Prince, or foreign State.

5. The establishment of a state sponsored religion, where YOU as the “natural” have to “worship” and serve those with the state-granted “SUPERIOR” or “SUPER-NATURAL” powers. That superior being is the PUBLIC OFFICE produced by the franchise.

The definition of “dulocracy” is very instructive on the above process. It proves that the dulocracy we have now is a product of the abuse of franchises. Notice the use of the phrase “so much license and privilege that they domineer”:

**Dulocracy.** A government where servants and slaves have so much license and privilege that they domineer.”  
[Black’s Law Dictionary, Sixth Edition, p. 501]

The minute you grant any power to a public servant above that of any ordinary citizen, you impute an unconstitutional Title of Nobility and you turn a PUBLIC SERVANT into a MASTER. Jesus said that Christians are not allowed to set up a government like this:

**Greatness Is Serving**

“You know that the rulers of the Gentiles lord it over them, and those who are great exercise authority over them. Yet it shall not be so among you; but whoever desires to become great among you, let him be your servant. 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]

Below is a definition of “religion” to prove our point:

**Religion.** Man’s relation to Divinity, to reverence, **worship [servitude as a public officer]**, obedience, and **submission to mandates and precepts [franchise “codes”] 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]

Notice the phrase above: “source of all being and **principle of all government of things.**”. Religion is therefore what government is based on. President Nixon even called the District of Columbia the “civic temple”, as did Congressman Heflin during the Sixteenth Amendment Congressional Debates:

“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]

Read the above amazing admission yourself:

**Sixteenth Amendment Congressional Debates**, Exhibit #02.007  
<http://sedm.org/Exhibits/ExhibitIndex.htm>

By “worship” in the definition of “religion” above, they 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” or “superior being” of one kind or another. Those in such “submission” are called “subjects” in the legal field

1 and “parishioners” in the religious field. The only difference between REAL religion and state worship is WHICH sovereign:  
2 God or man:

3 “Obedientia est legis essentia.  
4 **Obedience is the essence of the law.** 11 Co. 100.”  
5 [Bouvier’s Maxims of Law, 1856;  
6 SOURCE: <http://famguardian.org/Publications/BouvierMaximsOfLaw/BouviersMaxims.htm>]

7 Have you paid your church tithe called “taxes” this year? If you look through the story of Moses carefully, you also see that  
8 Pharaoh was called “my lord”, meaning a deity. That in fact is what he was regarded as by his subjects.

9 “When that year had ended, they came to him the next year and said to him, “We will not hide from my lord that  
10 our money is gone; my lord also has our herds of livestock. There is nothing left in the sight of my lord but our  
11 bodies and our lands. Why should we die before your eyes, both we and our land? Buy us and our land for bread,  
12 and we and our land will be servants of Pharaoh; give us seed, that we may live and not die, that the land may  
13 not be desolate.””  
14 [Gen. 47:18-22, Bible, NKJV]

15 How do government franchises establish a “religion” as legally defined?

- 16 1. “SUPERNATURAL OR SUPERIOR BEINGS” are those granted “privileges” of a franchise.  
17 2. “WORSHIP” = Obedience to the dictates of the [franchise “codes”](#)  
18 3. Those DOING the worship are called PUBLIC OFFICERS, meaning AGENTS of the “SUPERIOR BEING”.  
19 4. The “SUPERIOR BEING” being rendered “WORSHIP” is the [“United States” government as a legal person AND a](#)  
20 [corporation](#).  
21 5. That “SUPERIOR BEING” has an unconstitutional “Title of Nobility” because it has “SUPERNATURAL OR  
22 SUPERIOR” powers above YOU as the “natural”.  
23 6. The RESULT is what they call “all government of things”.  
24 7. The purpose of all [franchises and privileges they create](#) is to [CREATE inequality](#) (and thereby [DESTROY THE](#)  
25 [SOURCE OF ALL YOUR FREEDOM, which is EQUALITY](#)), use that inequality to impose SERVITUDE, and  
26 [establish a state sponsored religion that worships government or civil rulers instead of God](#).

27 A quick way to determine whether you are engaging in idolatry is to look at whether the authority being exercised by a so-  
28 called “government” has a “natural” source, meaning whether any human being who is not IN the government can lawfully  
29 exercise such authority. If they cannot, you are dealing with a state-sponsored religion and a de facto government rather than  
30 a REAL, de jure government. Here is how one pastor describes that idolatry, and this link is on the opening page of our  
31 website:

<p><a href="#">Counterfeit Gods</a>, Tim Keller <a href="https://www.youtube.com/watch?v=mK65lpveSM">https://www.youtube.com/watch?v=mK65lpveSM</a></p>
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32 Ayn Rand (now deceased), famous author, describes how privileges and franchises can corrupt the finest of people and  
33 convert a free society based on equality into a slave colony full of public officer serfs in the following insightful quote from  
34 her wonderful book. The corrupting influence that accomplishes what she describes is what we call “The Federal Reserve  
35 Counterfeiting Franchise”. This quote comes from our memorandum entitled [The Money Scam](#), Form #05.041. Her use of  
36 “favors” means “privileges” and franchises:

37 “Money is the barometer of a society's virtue. When you see that trading [or religious ministry, for that matter]  
38 is done, not by consent, but by [government] compulsion [or regulation]--when you see that in order to produce,  
39 you need to obtain permission from men [in the IRS] who produce nothing--when you see that money is flowing  
40 to those who deal, not in goods, but in [political] favors--when you see that men get richer by graft and by pull  
41 [“extortion under the color of law”] than by work, and your laws don't protect you against them [the  
42 government], but protect them [the government] against you--when you see corruption being rewarded [by a  
43 corrupted federal judiciary] and honesty [and hard work, and personal responsibility] becoming a self-  
44 sacrifice--you may know that your society is doomed[!]. Money is so noble a medium that it does not compete  
45 with guns and it does not make terms with brutality. It will not permit a country to survive as half-property,  
46 half-loot.”

47 “Whenever destroyers [the [IRS](#), the [Federal Reserve](#), and the [Dept of Justice](#)] appear among men, they start by  
48 destroying money, for money is men's protection and the base of a moral existence. Destroyers [in the Federal  
49 Reserve] seize gold and leave to its owners a counterfeit pile of [fiat] paper. This kills all objective standards and  
50 delivers men into the arbitrary power of an arbitrary setter of values [a [corrupted government](#), in this case]. Gold



was [and continues to be] an objective value, an equivalent of wealth produced. Paper is a mortgage on wealth that does not exist, backed by a gun aimed [by a tyrant judge with a [conflict of interest](#)] at those who are expected to produce it. Paper [Federal Reserve Notes] is a check drawn by legal looters upon an account which is not theirs: upon the virtue of the victims. Watch for the day when it becomes, marked: 'Account overdrawn.'

"When you have made evil [government looting through constructive fraud, [obfuscation and complication of the tax laws](#), and through socialist/humanist tax system [that rewards and subsidizes laziness, irresponsibility, and government dependency and punishes and taxes success](#)] the means of survival, do not expect men to remain good. Do not expect them to stay moral and lose their lives for the purpose of becoming the fodder of the immoral [government parasites]. Do not expect them to produce, when production is punished and [government] looting rewarded. Do not ask, 'Who is destroying the world?' You are [by doing NOTHING to correct the corruption or by accepting ANY of the stolen loot in the form of a government handout/bribe]." [Atlas Shrugged, Ayn Rand, p. 387]

Don't believe us that franchises establish a state-sponsored religion? Look at legally admissible evidence proving our assertion for yourself. Use these in court to prosecute the fraud, if you like:

1. [Government has become idolatry and a false religion](#), Family Guardian Fellowship-also included in our [Path to Freedom, Form #09.015](#):  
<http://famguardian.org/Subjects/Taxes/Articles/Christian/GovReligion.htm>
2. [Socialism: The New American Civil Religion](#), Form #05.016  
<http://sedm.org/Forms/FormIndex.htm>
3. [Government Establishment of Religion](#), Form #05.038  
<http://sedm.org/Forms/FormIndex.htm>

## **16 Implications of Requirement for Equal Protection and Equal Treatment upon Conduct of Government**

### **16.1 Implications of equal protection generally**

The implications of the requirement for equal protection and equal treatment upon the government are vast and far reaching. This constitutional requirement implies that:

1. No government or court can exercise any authority that you yourself do not also possess as a co-equal sovereign, except to the extent that you delegated it away by:
  - 1.1. Choosing a civil domicile within in their jurisdiction on federal territory.
  - 1.2. Contracting with them and thereby consenting to the civil statutes that regulate the contract or franchise.
  - 1.3. Engaging in injurious criminal acts that injured the EQUAL rights of a fellow sovereign neighbor or legal "person".
2. The judge has no more powers than a single man or either litigant. Only EXPRESS, identified provisions within a civil law that you have EXPRESSLY consented to can impose a civil obligation upon you personally.

"...the judge is on a level with the members of the bar as he is with his fellow-citizens, his title to distinction and respect resting on no other foundation than his virtues and qualities as a man"  
[Bradley v. Fisher, 80 U.S. 335, 355 (1872)]

3. If a court orders you to do something, it better be disposed and able to enforce the same requirement against:
  - 3.1. The government.
  - 3.2. Your opponent within litigation.
  - 3.3. Every public servant.
4. The courts are not empowered to "presume" the existence of your consent to surrender any of your sovereignty to them.

"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)]

5. The government must approach waivers of sovereign immunity on your part exactly the same way as they approach their own such waivers under the Foreign Sovereign Immunities Act, 28 U.S.C. Chapter 97. When you want to sue them in civil court, you must produce a statute that represents an express waiver of sovereign immunity and consent to be sued. Therefore, when they want to impose or enforce any CIVIL obligation of you, they must produce a CONTRACT in which you expressly and in writing:

- 5.1. Agreed to the civil obligation sought to be enforced.
- 5.2. Agreed absent duress to choose a domicile that made you subject to the civil statute sought to be enforced. In other words, you had to consent to be “governed” before the civil statute can be enforced. This is because the Declaration of Independence says that the foundation of ALL the government’s authority is “consent of the governed”, which means you must consent to acquire the status of being among “the governed” before the CIVIL laws accomplishing the “governing” become relevant or enforceable.
- 5.3. You were not protected by the Constitution at the time you consented because physically present on federal territory. The Declaration of Independence says our rights are Unalienable, which means they can’t lawfully be sold, bargained away, or transferred by ANY commercial process, including consent to a franchise.
6. The government must EQUALLY enforce the SAME method of acquiring rights and procuring consent against ALL parties. For instance:
- 6.1. If they allow third parties to file false information returns that essentially illegally “elect” you into a public office called a “trade or business” and do not prosecute the filers of these false reports, then YOU have the EQUAL right to treat all requests for your services, property, or right received as administrative correspondence as consent to engage in YOUR anti-franchise franchise in which THEY become YOUR uncompensated personal servants and officers.
- 6.2. If they insist that they are entitled PRESUME that YOU are a “person” or “individual” under their private law franchise agreement, then you have an EQUAL right to do the same thing to them under YOUR franchise agreement, so long as they receive advanced notice of that fact.
- 6.3. If they assert the right to PRESUME anything and don’t call it a violation of due process of law that it is, then YOU have an equal right to both presume and believe anything you want about the meaning of any word on any government form and cannot be penalized, taxed, or injured by it.
7. If the courts want to enforce the terms of a franchise upon you that might cause surrender any portion of your constitutionally protected rights, then they must insist that proof of lawful consent to the franchise must appear on the record of the proceedings AND that you were domiciled on federal territory at the time you consented and therefore subject to the statutes offering the franchise. They cannot disguise the proof of consent by making invisible “presumptions”, but must insist on identifying what constitutes said proof.

Let’s now apply these concepts to some practical situations.

1. If the government can pass a law stating that all contracts with the government must be reduced to a writing signed by the government, then you have an equal right to define precisely what form your consent must take to a government franchise BEFORE it become obligatory upon you personally.

*"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) ]

2. If the IRS sanctions and even encourages third parties to file usually false information returns (IRS Forms W-2, 1042-S, 1098, and 1099) that effectively and unlawfully “elect” you into public office and into their indentured service under a franchise agreement WITHOUT your consent and without compensation, then it must enforce an equal method of acquiring rights over government property by electing them into YOUR service.
3. If the IRS claims the authority to file administrative liens against your property without a court order, then you must have the equal right to lien their property using the public record.
4. If the IRS claims the authority to PRESUME whatever they want is included within the meaning of a legal term used in a statute, you are entitled to be PROTECTED in the EQUAL right to presume it is NOT included. This means, for instance, that if they want to PRESUME that the term “trade or business” as defined in 26 U.S.C. §7701(a)(26) includes things OTHER than “the functions of a public office” even though the law nowhere states this, then you have an EQUAL right to presume that NOTHING else is included and not be tried for willful failure to file a tax return after ACTING on that presumption.
5. If the government claims the authority to levy your assets without a court order in the enforcement of a franchise codified in I.R.C. Subtitle A that you never consented to, then you must have the equal right to levy their assets under your own franchise agreement.
6. If the IRS can do an assessment on you without the authority of any enacted law, then you can do an assessment on them which includes the entire value of their assessment PLUS any amount you demand for your services in responding to their illegal activities. See:

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>

7. If the IRS can use presumption unsupported by any admissible evidence to make you into a “taxpayer” without your consent, then you are equally free to engage in the same kind of presumption to make yourself into a “nontaxpayer” with no liability. The information returns, such as IRS Forms W-2, 1042-S, 1098, and 1099, that connect you to the “trade or business” franchise are unsigned hearsay evidence that is NOT admissible, and even if it were admissible, it would still be inadmissible because most persons against whom these are filed are not engaged in the “trade or business” franchise as required by 26 U.S.C. §6041. See:

Presumption: Chief Weapon for Unlawfully Enlarging Federal Jurisdiction, Form #05.017  
<http://sedm.org/Forms/FormIndex.htm>

On the subject of conclusive presumptions of the above kind that might prejudice your rights, the courts and other authorities have said:

(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 Bed. 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 ]*

***“Looking beyond the rational-relationship doctrine the Court held that the use of this presumption by Alabama against a man accused of crime would amount to a violation of the Thirteenth Amendment to the Constitution, which forbids “involuntary [380 U.S. 63, 80] servitude, except as a punishment for crime.” In so deciding the Court made it crystal clear that rationality is only the first hurdle which a legislatively created presumption must clear - that a presumption, even if rational, cannot be used to convict a man of crime if the effect of using the presumption is to deprive the accused of a constitutional right.*** In Bailey the constitutional right was given by the Thirteenth Amendment. In the case before us the accused, in my judgment, has been denied his right to the kind of trial by jury guaranteed by Art. III, 2, and the Sixth Amendment, as well as to due process of law and freedom from self-incrimination guaranteed by the Fifth Amendment. And of course the principle announced in the Bailey case was not limited to rights guaranteed by the Thirteenth Amendment. The Court said in Bailey:

***“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.” 219 U.S., at 239.***

***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.”***  
*[United States v. Gainly, 380 U.S. 63 (1965)]*

8. If the IRS can penalize you for misusing THEIR forms or THEIR procedures, then you can make your own forms and submit the information they demand on YOUR forms, copyright and license the forms, and then penalize them for misusing the forms or the information on them. See:

Payment Delinquency and Copyright Violation Notice, Form #07.106  
<http://sedm.org/Forms/FormIndex.htm>

9. If the IRS can give “pseudo names”, which are fake names, to its agents, then you must have the EQUAL right to use any name or number for yourself that you desire and insist that ALL their records reflect the pseudo name and not real name. See Department of Justice Criminal Tax Manual, 2001 Edition, Section 40.03[10]:

Dept. of Justice, Criminal Tax Manual, 2001 Edition  
40.03[10] Use of Pseudonyms by IRS Revenue Agents and Officers

Criminal prosecutors should be aware that IRS Revenue Agents and Officers are permitted to use officially-issued pseudonyms in their dealings with the public. The use of official pseudonyms was first permitted in 1992 pursuant to a decision of the Federal Service Impasse Panel (FSIP) [FN8]. Department of the Treasury, Internal Revenue Service and National Treasury Employees Union, No. 91 FSIP 229 at 4 (March 10, 1992). As part of the IRS Restructuring Act of 1997, Congress codified the use of pseudonyms with an effective date of July 22, 1998. Pub.L. 105-206, Title III, Section 3706, July 22, 1998, 112 Stat. 778.

Use of pseudonyms is intended to prevent personal harassment of IRS employees by taxpayers and other members of the public, especially tax protesters. Among the problems identified by the Treasury Employees' Union, and upon which the FSIP relied, were assaults, threats, obscene phone calls at work and at home, and filing of false interest and dividend reports (Form 1099), and false liens, against IRS employees. The Union cited a 1988 Federal Bureau of Investigation Report, which found that more IRS enforcement officers suffered more assaults than any other law enforcement group in the Federal Government.

The FSIP held that "employees shall only be required to identify themselves by last name" and "[i]f an employee believes that due to the unique nature of [his/her] last name, and/or the nature of the office locale, that the use of the last name will still identify [him/her] [s/he] may 'register' a pseudonym with his or her supervisor." The IRS Restructuring and Reform Act of 1997 requires that an employee give "adequate justification. . . including protection of personal safety" and obtain prior approval from his or her supervisor before using a pseudonym.

The pseudonym may be issued only in place of the employee's last name; the real first name must be used. Once a pseudonym is issued, it is used by that employee at all times while on duty, whether working in the field or in the office. *All history sheets, liens, levies and summonses are signed using the pseudonym.* Pocket commissions (credentials) are issued in the pseudonym only. However, the IRS-issued identification, which allows access to IRS facilities, may only be issued in the employee's real name.

There has been very little litigation concerning the use of pseudonyms and what has occurred involves summons enforcement. Generally, courts have not found fault with the practice. See, e.g., *Sanders v. United States*, No. 94-1497, 1995 WL 257812 (10th Cir. May 2, 1995); *Springer v. Internal Revenue Service*, Nos. S-97-0091 WBS GGH, S-97-0092 WBS GGH, S-97-0093 WBS GGH, 1997 WL 732526 (E.D. Cal. Sept. 12, 1997); *United States v. Wirenius*, No. CV 93-6786 JGD, 1994 WL 142394, at \*n.2 (C.D. Cal. Feb. 11, 1994); *Dvorak v. Hammond*, No. CIV 3-94- 601, 1994 WL 762194, at \*n.1 (D. Minn. Dec. 5, 1994). But see *United States v. Nolen*, 4:96-CV-934-A (N.D. Texas, 1997) (refusal of District Court to allow a Revenue Agent to use a pseudonym to testify and stating that it would not allow such practice in the future). In *Nolen*, the AUSA called the Revenue Agent to the stand, asked him to state his name for the record and then immediately had the RA identify that name as his pseudonym. The Court took issue with the fact that the RA gave his pseudonym as his name, despite previous disclosure of the pseudonym to the court in the declaration signed by the RA.

Obviously, as officers of the court, government attorneys should not submit declarations or affidavits signed by an IRS employee using a pseudonym without informing the court that a pseudonym is being used. Likewise, caution should be exercised when tendering any witness who is using a pseudonym. Particular care should be taken if your summary witness/IRS expert witness has used a pseudonym; in those instances the witness should either relinquish the pseudonym or not be used as a witness. In that regard, the IRS recognizes that the court must be informed about the use of a pseudonym and that the employee's legal name may ultimately have to be disclosed, depending on the circumstances of the case. Minimally, consultation with your supervisor and with the IRS about how best to proceed in these instances is advised.

[SOURCE: <http://www.usdoj.gov/tax/readingroom/2001ctm/40ctax.htm#40.01>]

The U.S. Supreme Court has also very eloquently pointed out that "equal protection" implies that any one government treats all persons the same, but NOT that ALL states, municipalities, or counties treat them the same:

*"If, however, we take into view the general objects and purposes of the Fourteenth Amendment, we shall find no reasonable ground for giving it any such application. These are to extend United States citizenship to all natives and naturalized persons and to prohibit the states from abridging their privileges or immunities and from depriving any person of life, liberty, or property without due process of law and from denying to any person within their jurisdiction the equal protection of the laws. It contemplates persons and classes of persons. It has not respect to local and municipal regulations that do not injuriously affect or discriminate between persons or classes of persons within the places or municipalities for which such regulations are made. The amendment could never have been intended to prevent a state from arranging and parceling out the jurisdiction of its several courts at its discretion. No such restriction as this could have been in view or could have been included in the prohibition that "no state shall deny to any person within its jurisdiction the equal protection of the laws." It is the right of every state to establish such courts as it sees fit and to prescribe their several jurisdictions as to territorial extent, subject matter, and amount, and the finality and effect of their decisions, provided it does not encroach upon the proper jurisdiction of the United States and does not abridge the privileges and immunities of citizens of the United States, and does not deprive any person of his rights without due process of law nor deny to any person the equal protection of the laws, including the equal right to resort to the appropriate courts for redress. The last restriction, as to the equal protection of the laws, is not violated by any diversity in the jurisdiction of the several courts as to subject matter, amount, or finality of decision if all persons within the territorial limits of their respective jurisdictions have an equal right, in like cases and under like circumstances, to resort to them for redress. Each state has the right to make political subdivisions of its territory for municipal purposes, and to regulate their local government. As respects the administration of justice, it may establish one system of courts for cities and another for rural districts, one [101 U.S. 31] system for one portion of its territory and another system for another portion. Convenience, if not necessity, often requires this to be done, and it would seriously interfere with the power of a state to regulate its internal affairs to deny to it this right. We think it is not denied or taken away by any thing in the Constitution of the United States, including the amendments thereto.*

1 "We might go still further and say with undoubted truth that there is nothing in the Constitution to prevent  
2 any state from adopting any system of laws or judicature it sees fit for all or any part of its territory. If the State  
3 of New York, for example, should see fit to adopt the civil law and its method of procedure for New York City  
4 and the surrounding counties, and the common law and its method of procedure for the rest of the state, there  
5 is nothing in the Constitution of the United States to prevent its doing so. This would not, of itself, within the  
6 meaning of the Fourteenth Amendment, be a denial to any person of the equal protection of the laws. If every  
7 person residing or being in either portion of the state should be accorded the equal protection of the laws  
8 prevailing there, he could not justly complain of a violation of the clause referred to. For, as before said, it has  
9 respect to persons and classes of persons. It means that no person or class of persons shall be denied the same  
10 protection of the laws which is enjoyed by other persons or other classes in the same place and under like  
11 circumstances.

12 The Fourteenth Amendment does not profess to secure to all persons in the United States the benefit of the  
13 same laws and the same remedies. Great diversities in these respects may exist in two states separated only by  
14 an imaginary line. On one side of this line, there may be a right of trial by jury, and on the other side no such  
15 right. Each state prescribes its own modes of judicial proceeding. If diversities of laws and judicial proceedings  
16 may exist in the several states without violating the equality clause in the Fourteenth Amendment, there is no  
17 solid reason why there may not be such diversities in different parts of the same state. A uniformity which is  
18 not essential as regards different states cannot be essential as regards different parts of a state, provided that  
19 in each and all there is no infraction of the constitutional provision. Diversities [101 U.S. 32] which are  
20 allowable in different states are allowable in different parts of the same state. Where part of a state is thickly  
21 settled and another part has but few inhabitants, it may be desirable to have different systems of judicature for  
22 the two portions -- trial by jury in one, for example, and not in the other. Large cities may require a multiplication  
23 of courts and a peculiar arrangement of jurisdictions. It would be an unfortunate restriction of the powers of the  
24 state government if it could not, in its discretion, provide for these various exigencies.

25 If a Mexican state should be acquired by treaty and added to an adjoining state or part of a state in the United  
26 States, and the two should be erected into a new state, it cannot be doubted that such new state might allow the  
27 Mexican laws and judicature to continue unchanged in the one portion and the common law and its  
28 corresponding judicature in the other portion. Such an arrangement would not be prohibited by any fair  
29 construction of the Fourteenth Amendment. It would not be based on any respect of persons or classes, but on  
30 municipal considerations alone, and a regard to the welfare of all classes within the particular territory or  
31 jurisdiction.

32 *It is not impossible that a distinct territorial establishment and jurisdiction might be intended as, or might have*  
33 *the effect of, a discrimination against a particular race or class, where such race or class should happen to be*  
34 *the principal occupants of the disfavored district. Should such a case ever arise, it will be time enough then to*  
35 *consider it. No such case is pretended to exist in the present instance.*  
36 *[Missouri v. Lewis, 101 U.S. 22 (1879)]*

37 The remainder of this section consists of the closing arguments from an injunction contempt hearing in federal district court  
38 brought by the government against one of our members in which the member very effectively uses the requirement of equal  
39 protection to make the government look REALLY bad. We include it here to show you how to apply the concepts in this  
40 section to a real life situation in court against the government.  
41

## 42 **CLOSING ARGUMENTS FOR CIVIL CONTEMPT HEARING, UNITED STATES DISTRICT COURT**

- 43 1. I find it ironic that the very purpose of the First Amendment was to protect those who expose government wrongdoing,  
44 that the speech sought to be enjoined has the main purpose of exposing and preventing government wrongdoing, and  
45 yet this court refuses to protect the free speech, right of assembly, and right to petition that results from such lawful  
46 exercises.
- 47 2. I find it truly ironic that the court can reclassify religious beliefs against the wishes of the speaker and yet refuses the  
48 EQUAL right of me to reclassify its orders from legal speech into political speech that need not obeyed.
- 49 3. I find it ironic that the court thinks it can prohibit me from introducing evidence based on silence, and yet does not  
50 apply the same standard to its own order in the context of all the issues it remained silent on and defaulted to. If my  
51 evidence is excluded, then the court's own order must also be excluded based on similar silence relating to all the  
52 issues the court defaulted to in Docket \_\_\_\_, Exhibit \_\_\_\_.
- 53 4. I find it truly ironic that the only way this court has been able to convict me of false commercial speech is by engaging  
54 in false commercial speech itself by perjuring the record to reclassify religious and political speech and beliefs that are  
55 NONfactual into factual commercial speech.
- 56 5. I find it truly ironic that this court respects the IRS disclaimer on their website and yet does not allow others such as  
57 SEDM and Family Guardian the same equal right and protection.



- 1 6. I find it truly ironic that People such as myself who have chosen voluntarily to help educate people about law and to  
2 obey and enforce it are being falsely accused of leading others to disobey the law using materials they are specifically  
3 PROHIBITED from reading or using. The SEDM Member Agreement, SEDM Disclaimer, and Family Guardian  
4 Disclaimer all indicate that “taxpayers” are not authorized to read or use any of the materials that are the subject of this  
5 proceeding, and “taxpayers” are the only audience this court can have any jurisdiction over.
- 6 7. I find it truly ironic that I am being falsely accused of engaging in factual and false speech that identifies itself as  
7 simply a belief and not a fact or evidence. Does this court REALLY intend to create what essentially amounts to a  
8 THOUGHT CRIME in this case?
- 9 8. I find it truly unconscionable that I am being expected to be responsible for the consequences of what amounts to a  
10 personal journal posted on the internet by several authors for all to read and whose only authorized audience is the  
11 authors themselves and not other readers.
- 12 9. If find it truly ironic that the Plaintiff and this Court can expect me to take responsibility for speech that isn’t even  
13 mine, and yet they refuse to take responsibility to even read or apply or admit into evidence anything that I say or  
14 write.
- 15 10. I find it truly ironic that this court insists on enforcing the provisions of what amount to private law and a contract to  
16 enforce a federal franchise, being a “trade or business”, and yet refuses me the EQUAL right to enforce the provisions  
17 of the SEDM Member Agreement, against persons who clearly consented to it by availing themselves of similarly  
18 “privileged” materials.
- 19 11. I find it truly ironic that this court can use the unlawful exclusion of evidence to propagate false beliefs and  
20 presumptions that amount to a state-sponsored religion, and yet denies others the EQUAL right of a bona fide religious  
21 ministry to practice their religion and express their beliefs.
- 22 12. I find it truly ironic that the Plaintiff and his biased anonymous witnesses are permitted to use nothing but presumption  
23 and beliefs to convict an innocent person, and then turn around and deny that person the EQUAL right to presume that  
24 he is INNOCENT. Under our system of jurisprudence, all men must be presumed innocent until proven guilty.

25 If the court is going to uphold and sustain this kind of hypocrisy, then I cannot in good conscience cooperate with any of its  
26 orders.

27 I am a reasonable person, but my religious beliefs do NOT permit me to participate in a state-sponsored civil religion of the  
28 kind created in this courtroom. I recognize this proceeding not as a legal war, but a spiritual war.

29 *“For we do not wrestle against flesh and blood, but against principalities, against powers, against the rulers of*  
30 *the darkness of this age,[a] against spiritual hosts of wickedness in the heavenly places.”*  
31 *[Eph. 6:12, Bible, NKJV]*

32 This is a worship service, the court is the church, the Internal Revenue Code is the state-sponsored Bible, and it is nothing  
33 but a presumption that is not positive law. Mr. \_\_\_\_\_[U.S. attorney name] is the state licensed and “ordained” deacon  
34 who is conducting this particular worship service. He was “ordained” by the chief priests of the \_\_\_\_\_[statename]  
35 Supreme Court. This religion is a Civil Religion, and it is based on glorifying and empowering man and governments made  
36 up of men instead of the true and living God. Of this subject, the Bible says and requires the following:

37 *“It is better to trust the Lord*  
38 *Than to put confidence in man.*  
39 *It is better to trust in the Lord*  
40 *Than to put confidence in princes [or government, or the ‘state’].”*  
41 *[Psalm 118:8-9, Bible, NKJV]*

42 The Internal Revenue Code regulates the tithes to this state-sponsored church. Those who want to voluntarily join this  
43 government church simply choose a domicile within the “United States”, which is the District of Columbia, and thereby shift  
44 their allegiance from God to a political ruler, thus FIRING God from their life. The “faith” practiced by this civil religion is  
45 called “presumption”. People who practice this satanic religion are motivated primarily by fear rather than love for their God  
46 or their neighbor. Those who are members of this church are called “U.S. persons”, “taxpayers”, and “public officers” who  
47 are acting in a representative capacity not of the true and living God, but a pagan, socialist, money-grubbing politician whose  
48 only concern is expanding and aggrandizing his own vain importance. What the Plaintiff is attempting to do in this case is  
49 destroy and discredit a competing religion, Christianity, in order to elevate his religion to top, and he is doing it in violation  
50 of the First Amendment. He has done so by refusing to recognize a religion for what it is, by turning its parishioners into  
51 “customers”, and by reclassifying its beliefs to make them into factual commercial speech in violation of the First  
52 Amendment. There is no stare decisis that could or does permit this malicious attempt to dis-establish a religion by the  
53 Plaintiff. His presence here is an immune response to a competing religion. On this subject, Rousas Rushdoony has said:

1                   “. . .there can be no tolerance in a law-system for another religion. Toleration is a device used to introduce a  
2 new law-system as a prelude to a new intolerance. Legal positivism, a humanistic faith, has been savage in its  
3 hostility to the Biblical law-system and has claimed to be an "open" system. But Cohen, by no means a Christian,  
4 has aptly described the logical positivists as "nihilists" and their faith as "nihilistic absolutism."<sup>142</sup> Every law-  
5 system must maintain its existence by hostility to every other law-system and to alien religious foundations or  
6 else it commits suicide."

7                   [*The Institutes of Biblical Law*, Rousas John Rushdoony, 1973, The Craig Press, Library of Congress Catalog  
8 Card Number 72-79485, pp. 4-5, Emphasis added]

9 I cannot condone the abuse of the machinery of this state-sponsored church and tribunal to allow the government to promote  
10 and expand a civil religion of the kind clearly demonstrated here today. The only law I can or will recognize is God's Law  
11 found in THIS BOOK [hold up the Holy Bible]. By that Sovereign and Eternal Law, I cannot lawfully participate as a  
12 "citizen" or "domiciliary" of this corrupted forum, be subject to any civil laws within the forum, or participate in any of its  
13 franchises such as a "trade or business", Socialist Security, or any other method of surrendering the sovereignty God gave  
14 me and delegating it to a pagan ruler. I am instead a "stateless person", a "foreign sovereign", a "transient foreigner", a "non-  
15 citizen national", and a nonresident alien and I have a protected First Amendment right to make that choice to disassociate  
16 from governments that have become corrupt and are not fulfilling their Biblical mandate of providing ONLY protection such  
17 as this one. As a stateless person, I can still be a law abiding American by obeying ONLY the criminal laws of the area I  
18 temporarily occupy but do not inhabit. By obeying God's Laws, I satisfy the criminal laws, and so I am NOT a bad American  
19 in any sense. It is not a crime under God's laws to not subject yourself to laws which require your explicit consent and choice  
20 of domicile in order to be subject to.

21 It is a violation of the First Amendment for this court to interfere with the right to change one's domicile and politically  
22 disassociate, or to falsely and maliciously label such a protected political choice of disassociation as an illegal "tax shelter"  
23 that can lawfully be enjoined. If this court cannot lawfully involve itself in "political questions", then it also cannot interfere  
24 with the political right to disassociate by changing one's domicile and allegiance, abandoning the protections of a corrupted  
25 government, and restoring God to His sovereign role as our ONLY Lawgiver, King, and Judge.

## 26 **16.2 Implications in court**

27 The important thing we want to emphasize is that equality is the foundation of all of your rights and freedom and that the  
28 ONLY way you can become UNEQUAL in relation to any de jure government in a civil setting or during civil litigation is  
29 WITH your express consent in some form. This fact was also stated by Eleanor Roosevelt, when she said:

30                   *"No one can make you feel inferior without your consent."*  
31                   [*Eleanor Roosevelt*]

32 When litigating against any government, it is of the utmost importance to:

- 33 1. Insist on an equity and common law proceeding rather than civil law proceeding. Civil statutory law is only for public  
34 officers in the government.
- 35 2. Invoke the same sovereign immunity as the government.
- 36 3. Shift the burden of proof to the government to produce evidence of consent IN WRITING to any and every civil  
37 obligation or statutory "status" they seek to enforce in civil court.
- 38 4. Insist that the right to be treated equally attaches to the LAND you stand on, and not your status as a citizen, and THE  
39 LAND is protected by the Constitution.

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

43  
44                   *"The Fourteenth Amendment guarantees the equal protection of the law to anyone who may be within the*  
45 *territorial jurisdiction of a State. That Amendment does not suggest by its terms that equal treatment might be*  
46 *denied a person depending upon how long that person has been within the jurisdiction of the State. The*  
47 *Fourteenth Amendment does, however, expressly recognize one elementary basis for distinguishing between*

persons who may be within a State's jurisdiction at any particular time -- by setting forth the requirements for state citizenship. **But it is significant that the Citizenship Clause of the Fourteenth Amendment expressly equates citizenship only with simple residence.**<sup>[2]</sup> That Clause does not provide for, and does not allow for, degrees of citizenship based on length of residence.<sup>[3]</sup> And the Equal Protection Clause would not tolerate such distinctions. [457 U.S. 70] In short, as much as the right to travel, equality of citizenship is of the essence in our Republic. As the Court notes, States may not "divide citizens into expanding numbers of permanent classes." Ante at 64.  
[Zobel v. Williams, 457 U.S. 55 (1982)]

5. Insist that the evidence of consent MUST be in writing in a form that YOU and not They prescribe, because that is exactly what the government does and you are entitled to perfect equality in relation to any and every government, which is a "person" under the law:

*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)]*

Any civil obligation enforced absent EXPRESS [NOT implied] consent procured absent duress and in a form that only you can prescribe then becomes theft and violation of due process if it relates to rights or physical property and slavery if it relates to your services.

## **17 Authorities on equal protection and equal treatment**

*No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.*  
[Fourteenth Amendment, Section 1, Clause 2]

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*"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)]

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*'It was undoubtedly the object of the clause [Article 4, Section 2 Clause 1 of the Constitution] in question to place the citizens of each state upon the same footing with citizens of other states, so far as the advantages resulting from citizenship in those states are concerned. It relieves them from the disabilities of alienage in other states; it inhibits discriminating legislation against them by other states; it gives them the right of free ingress into other states, and egress from them; it insures to them in other states the same freedom possessed by the citizens of those states in the acquisition and enjoyment of property and in the pursuit of happiness; and it secures them in other states the equal protection of their laws. It has been justly said that no provision in the Constitution has tended so strongly to constitute the citizens of the United States one people as this.*

1 *Indeed, without some provision of the kind removing from the citizens of each state the disabilities of alienage in*  
2 *the other states, and giving them equality of privilege with citizens of those states, the republic would have*  
3 *constituted little more than a league of states; it would not have constituted the Union which now exists.'*  
4 *[Paul v. Virginia, 75 U.S. 168 (1868)]*  
5

6 **The Equal Protection Clause of the Fourteenth Amendment "is essentially a direction that all persons similarly**  
7 **situated should be treated alike."** *Cleburne v. Cleburne Living Center, Inc.*, 473 U.S. 432, 439 (1985); see also  
8 *Plyler v. Doe*, 457 U.S. 202, 216 (1982). Under our rational basis standard of review, "legislation is presumed  
9 to be valid and will be sustained if the classification drawn by the statute is rationally related to a legitimate state  
10 interest." *Cleburne v. Cleburne Living Center*, *supra*, at 440; see also *Department of Agriculture v. Moreno*, 413  
11 U.S. 528, 534 (1973); *Romer v. Evans*, 517 U.S. 620, 632-633 (1996); *Nordlinger v. Hahn*, 505 U.S. 1, 11-12  
12 (1992).

13 *Laws such as economic or tax legislation that are scrutinized under rational basis review normally pass*  
14 *constitutional muster, since "the Constitution presumes that even improvident decisions will eventually be*  
15 *rectified by the democratic processes." Cleburne v. Cleburne Living Center, supra, at 440; see also Fitzgerald v.*  
16 *Racing Assn. of Central Iowa, ante, p. \_\_\_\_; Williamson v. Lee Optical of Okla., Inc.*, 348 U.S. 483 (1955). **We**  
17 **have consistently held, however, that some objectives, such as "a bare . . . desire to harm a politically unpopular**  
18 **group," are not legitimate state interests.** *Department of Agriculture v. Moreno*, *supra*, at 534. See also *Cleburne*  
19 *v. Cleburne Living Center*, *supra*, at 446-447; *Romer v. Evans*, *supra*, at 632. When a law exhibits such a desire  
20 to harm a politically unpopular group, we have applied a more searching form of rational basis review to strike  
21 down such laws under the Equal Protection Clause.

22 [. . .]

23 *The Equal Protection Clause "neither knows nor tolerates classes among citizens." Id. at 623 (quoting Plessy v.*  
24 *Ferguson*, 163 U.S. 537, 559 (1896) (Harlan, J. dissenting)).  
25 *[Lawrence v. Texas, 539 U.S. 558, 123 S.Ct. 2472 (2003)]*

## 26 **18 Summary and Conclusions**

27 This section shall summarize the evidence, findings, and conclusions contained within this authoritative document:

- 28 1. Equal protection and equal treatment is the foundation of all free governments.
- 29 2. We all START OUT as equal, according to the Declaration of Independence.
- 30 3. The only way you can become UNEQUAL in relation to any and every government is to CONSENT to it.
- 31 4. Any government wishing to enforce an UNEQUAL or supervisory relationship under civil statutory law has the  
32 obligation of producing evidence on the record of the proceeding that:
  - 33 4.1. You EXPRESSLY CONSENTED to become unequal.
  - 34 4.2. You were physically domiciled in a place that permitted you to alienate Constitutional rights, which is only on  
35 federal territory not protected by such rights.
- 36 5. The basis for equal protection and equal treatment is a government of "finite, delegated, and specifically enumerated  
37 powers".
  - 38 5.1. The sovereign people, "We The People", are the masters over their "public servants" in government. All power  
39 and authority is delegated to them through the federal and state constitutions.
  - 40 5.2. The government can exercise no power not explicitly granted to them in the Constitution.
  - 41 5.3. All rights not delegated to the government are reserved to the people and the state, pursuant to the Tenth  
42 Amendment.
  - 43 5.4. Those who do not choose a domicile within the jurisdiction of the created government reserve all their rights and  
44 may lawfully exercise all the same powers and authorities that the government itself possesses. See:

*Why Domicile and Income Taxes are Voluntary*, Form #05.002  
<http://sedm.org/Forms/FormIndex.htm>
  - 45 5.5. Whatever any federal judicial officer can to you also can do, because all of his power was delegated to him by you  
46 through the Constitution of the United States of America.
  - 47 5.6. The Declaration of Independence basically says that the government can only govern those who CONSENT to be  
48 governed.

49 *"That to secure these rights, Governments are instituted among Men, **deriving their just powers from the consent***  
50 **of the governed.** --That whenever any Form of Government becomes destructive of these ends, it is the Right of  
51 *the People to alter or to abolish it, and to institute new Government, laying its foundation on such principles and*  
52 *organizing its powers in such form, as to them shall seem most likely to effect their Safety and Happiness.*

If you don't consent, you are empowered by the Declaration of Independence to FIRE the government to create your own SELF government, to change your legal domicile, and to and divorce the one that provides "protection services" in the area you occupy. See:

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

6. The opposite of equal protection is:
  - 6.1. Discrimination and partiality in judgment by the Executive and Judicial branches of the government.
  - 6.2. A government that runs exclusively based on "franchises" and "privileges" and "favors" dispensed at great economic advantage to them.
  - 6.3. A corporation masquerading as a government that neither recognizes nor enforces the very purpose of its creation, which is the protection of rights documented but not conveyed by the Bill of Rights, which are the first Ten Amendments to the United States Constitution.
7. Government franchises are the main method used by covetous politicians to:
  - 7.1. Destroy equal protection and equal treatment.
  - 7.2. Make you into a "subject" who can be supervised and penalized and controlled. You can't civilly "govern" people who are equal and who don't consent to become unequal.
8. The practical effect of unequal protection and the dispensing of special "favors" and "franchises" by the government within a republican form of government is:
  - 8.1. To transform a de jure "government" into a de facto for-profit corporation. See [28 U.S.C. §3002\(15\)\(A\)](#). See:  
*Corporate Takeover of the U.S Government Well Underway, Family Guardian Fellowship*  
<http://familyguardian.tax-tactics.com/Subjects/Freedom/Articles/CorporatizationOfGovt.htm>
  - 8.2. To corrupt the legal process and legal profession by those buying favors to expand the benefits of franchises to themselves. This creates a criminal and financial conflict of interest by government attorneys and judges.
  - 8.3. The abuse of the tax system to advance THEFT by the government and to implement wealth redistribution.
  - 8.4. Relentless and uncontrolled expansion of government power and political control over the population using professional licensing.
  - 8.5. The economic enslavement of those not in receipt of the "privileges" and "franchises".
  - 8.6. Partiality and favoritism by the courts in favor of those who provide the most financial benefits to the government, which usually come through either campaign contributions or through unlawfully administered tax collection.
  - 8.7. Corruption of the jury system. Jurors receiving government "benefits" are encouraged to convict or punish those who refuse to participate in the tax or franchise system that pays for the benefits.
  - 8.8. The destruction of and disregard for "private rights" in favor of "public rights" conveyed to Congress in administering the franchises that make the protection provided "unequal".
  - 8.9. The destruction of the Separation of Powers Doctrine that is the heart of the United States Constitution. See:  
*Government Conspiracy to Destroy the Separation of Powers, Form #05.023*  
<http://sedm.org/Forms/FormIndex.htm>
9. Those who want their Constitutional rights protected by the government and not ignored by the courts have an obligation to terminate participation in all franchises that might cause unequal protection or "privilege", including the following:
  - 9.1. Socialist Security. See:  
*Resignation of Compelled Social Security Trustee, Form #06.002*  
<http://sedm.org/Forms/FormIndex.htm>
  - 9.2. The federal income tax found in the Internal Revenue Code, Subtitle A. This tax is a tax upon a franchise called a "trade or business", which is defined as "the functions of a public office". See:  
*The "Trade or Business" Scam, Form #05.001*  
<http://sedm.org/Forms/FormIndex.htm>
  - 9.3. Professional licenses, and especially those whose participation requires a Socialist Security Number.
  - 9.4. Government "insurance" programs such as Medicare, Medicaid, and Unemployment insurance (FICA).
  - 9.5. Driver's licenses. See:  
*Defending Your Right to Travel, Form #06.010*  
<http://sedm.org/Forms/FormIndex.htm>

## **19 Resources for further study and rebuttal**

A number of additional resources are available for those who wish to further investigate the contents of the pamphlet:



1. *Sovereignty and Freedom Page, Section 4: Equality and Equal Protection: The Foundation of All Your Freedom* – Authorities on equality and how inequality undermines the rule of law. Family Guardian Fellowship  
<http://famguardian.org/Subjects/Freedom/Freedom.htm>
2. *Sovereignty Forms and Instructions Online*, Form #10.004, Cites by Topic: Equal Protection. Family Guardian Fellowship  
<http://famguardian.org/TaxFreedom/CitesByTopic/EqualProtection.htm>
3. *Enumeration of Inalienable Rights*, Form #10.002. Itemized list of all rights to life, liberty, and property which the government may not deny EQUALLY to all citizens, residents, and inhabitants who are not in receipt of government privileges or franchises.  
<http://sedm.org/Forms/FormIndex.htm>
4. *Socialism: The New American Civil Religion*, Form #05.016-proves that the current de facto government as an unconstitutional state-sponsored religion that violates the First Amendment.
5. *Discrimination and Racism Page*, Family Guardian Fellowship – Family Guardian Website  
<http://famguardian.org/Subjects/Discrimination/discrimination.htm>
6. *Fourteenth Amendment Annotated*. See section 1, which mandates equal protection of the law to all “citizens of the United States”.  
<http://caselaw.lp.findlaw.com/data/constitution/amendment14/>
7. *The Trade or Business Scam*, Form #05.001. Describes the federal franchise or “public right” that the federal income tax is built upon, and how it results in a surrender of both rights and or equal protection.  
<http://sedm.org/Forms/FormIndex.htm>
8. *Resignation of Compelled Social Security Trustee*, Form #06.002. Describes the federal franchise or “public right” which is the chief means for manufacturing federal “taxpayers” under the Internal Revenue Code, how it results in a surrender of Constitutional rights and equal protection, and how to quit the system.  
<http://sedm.org/Forms/FormIndex.htm>
9. *Presumption: Chief Weapon for Unlawfully Enlarging Federal Jurisdiction*, Form #05.017  
<http://sedm.org/Forms/FormIndex.htm>
10. *Government has become idolatry and a false religion, Family Guardian Fellowship*: Article which describes why the federal courts have become churches and our government has become a false god and a religious cult which can only be approached or interfaced with as a person in receipt of statutory franchises :  
<http://famguardian.org/Subjects/Taxes/Articles/Christian/GovReligion.htm>

## **20 Questions that Readers, Grand Jurors, and Petit Jurors Should be Asking the Government**

*“For this is the will of God, that by doing good you may put to silence the ignorance of foolish men— as free, yet not using liberty as a cloak for vice, but as bondservants of God.”*  
[1 Peter 2:15-17, Bible, NKJV]

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:

<u><i>Reasonable Belief About Income Tax Liability</i></u> , Form #05.007 <a href="http://sedm.org/Forms/FormIndex.htm">http://sedm.org/Forms/FormIndex.htm</a>
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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 we all start out equal according to the Declaration of Independence.

*Declaration of Independence*: “We hold these truths to be self-evident, that **all men are created equal**, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness.--That to secure these rights, Governments are instituted among Men, deriving their just powers from the consent of the governed,”  
[SOURCE: [http://www.archives.gov/national\\_archives\\_experience/charters/declaration\\_transcript.html](http://www.archives.gov/national_archives_experience/charters/declaration_transcript.html)]

YOUR ANSWER (circle one): Admit/Deny

CLARIFICATION: \_\_\_\_\_

2. Admit that the Declaration of Independence is organic law enacted by the first official act of Congress in Volume 1, page 1 of the Statutes at law.

YOUR ANSWER (circle one): Admit/Deny

CLARIFICATION: \_\_\_\_\_

3. Admit that the natural rights spoken of in the Declaration of Independence are “inalienable”, which means that they cannot lawfully be given away or surrendered by ANY legal or commercial process, even WITH one’s consent.

*“Unalienable. Inalienable; incapable of being aliened, that is, sold and transferred.”  
[Black’s Law Dictionary, Fourth Edition, p. 1693]*

YOUR ANSWER (circle one): Admit/Deny

CLARIFICATION: \_\_\_\_\_

4. Admit that the ONLY place that Constitutional rights can lawfully be alienated is in places where they DO NOT exist or apply, such as:

4.1. When abroad.

4.2. On federal territory subject to the exclusive jurisdiction of Congress.

*“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)]*

YOUR ANSWER (circle one): Admit/Deny

CLARIFICATION: \_\_\_\_\_

5. Admit that because our natural and Constitutional rights are “inalienable” according to the Declaration of Independence, then we can never lawfully become UNEQUAL to or subservient to or inferior to government in a real court of law.

YOUR ANSWER (circle one): Admit/Deny

CLARIFICATION: \_\_\_\_\_

6. Admit that equal protection is the foundation of freedom according to the U.S. Supreme Court:

*“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) ]

For further details on this subject, see:

Foundations of Freedom Course, Form #12.021, Video 1: Introduction  
<https://youtu.be/P3ggFibd5hk>

YOUR ANSWER (circle one): Admit/Deny

CLARIFICATION: \_\_\_\_\_

7. Admit that when inequality exists in court between the government and the people, then you have the equivalent of an unconstitutional "Title of Nobility".

*Constitution of the United States  
Article 1, Section 9, Clause 8*

No Title of Nobility shall be granted by the United States: And no Person holding any Office of Profit or Trust under them, shall, without the Consent of the Congress, accept of any present, Emolument, Office, or Title, of any kind whatever, from any King, Prince or foreign State.

YOUR ANSWER (circle one): Admit/Deny

CLARIFICATION: \_\_\_\_\_

8. Admit that the United States Government is based upon delegation of power from the People as individuals to their servants in government.

*"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 \(1936\)](#)]

YOUR ANSWER (circle one): Admit/Deny

CLARIFICATION: \_\_\_\_\_

9. Admit that it is a logical impossibility for the People as individuals to delegate rights that they DO NOT personally possess or have to a government.

*Nemo dat qui non habet. No one can give who does not possess. Jenk. Cent. 250.*

*Nemo plus juris ad alienum transfere potest, quam ispe habent. One cannot transfer to another a right which he has not. Dig. 50, 17, 54; 10 Pet. 161, 175.*

*Nemo potest facere per alium quod per se non potest. No one can do that by another which he cannot do by himself.*

*Qui per alium facit per seipsum facere videtur. He who does anything through another, is considered as doing it himself. Co. Litt. 258.*

*Quicquid acquiritur servo, acquiritur domino. Whatever is acquired by the servant, is acquired for the master. 15 Bin. Ab. 327.*

*Quod per me non possum, nec per alium. What I cannot do in person, I cannot do by proxy. 4 Co. 24.*

*What a man cannot transfer, he cannot bind by articles.*

[[Bouvier's Maxims of Law, 1856](#);

SOURCE: <http://famguardian.org/Publications/BouvierMaximsOfLaw/BouviersMaxims.htm>]

YOUR ANSWER (circle one): Admit/Deny

CLARIFICATION: \_\_\_\_\_

10. Admit that if the government is NOT one of delegated powers, but rather, of whatever power those in government impute or assign to themselves, then:
- 10.1. The government will inevitably end up possessing superior or supernatural powers ABOVE individual people, who are the “natural” because those in power always lust for more of it.
- 10.2. The people will eventually become SLAVES of the government with inferior rights to those of the government.

YOUR ANSWER (circle one): Admit/Deny

CLARIFICATION: \_\_\_\_\_

11. Admit that “worship” in the context of religion is legally defined as obedience to the dictates of superior or supernatural beings:

**Worship.** Any form of religious service showing reverence for Divine Being, or **exhortation to obedience to or following the mandates of such Being.** Religious exercises participated in by a number of persons assembled for that purpose, the disturbance of which is a statutory offense in many states.

English law. A title of honor or dignity used in addresses to certain magistrates and other persons of rank or office.

Public worship. This term may mean the worship of God, conducted and observed under public authority; or it may mean worship in an open or public place, without privacy or concealment; or it may mean the performance of religious exercises, under a provision for an equal right in the whole public to participate in its benefits; or it may be used in contradistinction to worship in the family or the closet. In this country, what is called “public worship” is commonly conducted by voluntary societies, constituted according to their own notions of ecclesiastical authority and ritual propriety, opening their places of worship, and admitting to their religious services such persons, and upon such terms, and subject to such regulations, as they may choose to designate and establish. A church absolutely belonging to the public, and in which all persons without restriction have equal rights, such as the public enjoy in highways or public landings, is certainly a very rare institution. [Black’s Law Dictionary, Sixth Edition, pp. 1606-1607]

YOUR ANSWER (circle one): Admit/Deny

CLARIFICATION: \_\_\_\_\_

12. Admit that the essence of law is obedience:

“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>]

YOUR ANSWER (circle one): Admit/Deny

CLARIFICATION: \_\_\_\_\_

13. Admit that religion is legally defined as follows:

**“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]

YOUR ANSWER (circle one): Admit/Deny

CLARIFICATION: \_\_\_\_\_

14. Admit that “obeying or enforcing the law” and “religious worship” have the same goal of obedience/worship when the government has powers above that of the people as individuals.

YOUR ANSWER (circle one): Admit/Deny

CLARIFICATION: \_\_\_\_\_

15. Admit that “presumption” in the legal field and in court serves the same role as “faith” or “belief” in the religious world when those engaging in such a presumption are not required to meet the burden of proving their belief with legally admissible evidence according to the rules of evidence.

*American Jurisprudence 2d  
Evidence, §181*

**A presumption is neither evidence nor a substitute for evidence.**<sup>143</sup> Properly used, the term “presumption” is a rule of law directing that if a party proves certain facts (the “basic facts”) at a trial or hearing, the factfinder must also accept an additional fact (the “presumed fact”) as proven unless sufficient evidence is introduced tending to rebut the presumed fact.<sup>144</sup> In a sense, therefore, a presumption is an inference which is mandatory unless rebutted.<sup>145</sup>

**The underlying purpose and impact of a presumption is to affect the burden of going forward.**<sup>146</sup> Depending upon a variety of factors, a presumption may shift the burden of production as to the presumed fact, or may shift both the burden of production and the burden of persuasion.<sup>147</sup>

A few states have codified some of the more common presumptions in their evidence codes.<sup>148</sup> Often a statute will provide that a fact or group of facts is prima facie evidence of another fact.<sup>149</sup> Courts frequently recognize this principle in the absence of an explicit legislative directive.<sup>150</sup>

YOUR ANSWER (circle one): Admit/Deny

CLARIFICATION: \_\_\_\_\_

16. Admit that a violation of constitutional due process occurs when those enforcing a law merely PRESUME they have authority and are NOT required to satisfy the burden of proof with law AND evidence that they have such authority when or if it is challenged.

*“Where a presumption intrudes upon a significant liberty interest, however, it may violate due process of law.”<sup>151</sup>  
Barring special circumstances, however, all that is required is that there be some rational connection between the basic fact and the presumed fact.<sup>152</sup>”  
[Presumption: Chief Weapon for Unlawfully Enlarging Federal Jurisdiction, Form #05.017  
<http://sedm.org/Forms/FormIndex.htm>*

YOUR ANSWER (circle one): Admit/Deny

<sup>143</sup> Levasseur v. Field (Me), 332 A.2d. 765; Hinds v. John Hancock Mut. Life Ins. Co., 155 Me 349, 155 A.2d. 721, 85 A.L.R.2d. 703 (superseded by statute on other grounds as stated in Poitras v. R. E. Glidden Body Shop, Inc. (Me) 430 A.2d. 1113); Connizzo v. General American Life Ins. Co. (Mo App) 520 S.W.2d. 661.

<sup>144</sup> Inferences and presumptions are a staple of our adversary system of factfinding, since it is often necessary for the trier of fact to determine the existence of an element of a crime—that is an ultimate or elemental fact—from the existence of one or more evidentiary or basic facts. County Court of Ulster County v. Allen, 442 U.S. 140, 60 L.Ed.2d. 777, 99 S.Ct. 2213.

<sup>145</sup> Legille v. Dann, 178 U.S.App.DC. 78, 544 F.2d. 1, 191 U.S.P.Q. 529; Murray v. Montgomery Ward Life Ins. Co., 196 Colo. 225, 584 P.2d. 78; Re Estate of Borom (Ind App) 562 N.E.2d. 772; Manchester v. Dugan (Me), 247 A.2d. 827; Ferdinand v. Agricultural Ins. Co., 22 N.J. 482, 126 A.2d. 323, 62 A.L.R.2d. 1179; Smith v. Bohlen, 95 N.C. App 347, 382 S.E.2d. 812, affd 328 N.C. 564, 402 S.E.2d. 380; Martin v. Phillips, 235 Va. 523, 369 S.E.2d. 397.

<sup>146</sup> Federal Rule of Evidence 301.

<sup>147</sup> §198.

<sup>148</sup> California Evidence Code §§ 621 et seq.; Hawaii Rules of Evidence, Rules 303, 304; Oregon Evidence Code, Rule 311.

<sup>149</sup> California Evidence Code § 602; Alaska Rule of Evidence, Rule 301(b); Hawaii Rule of Evidence, Rule 305; Maine Rule of Evidence, Rule 301(b); Oregon Rule of Evidence, Rule 311(2); Vermont Rule of Evidence, Rule 301(b); Wisconsin Rule of Evidence, Rule 301.

<sup>150</sup> American Casualty Co. v. Costello, 174 Mich.App. 1, 435 N.W.2d. 760; Glover v. Henry (Tex App Eastland) 749 S.W.2d. 502.

<sup>151</sup> Stanley v. Illinois, 405 U.S. 645, 31 L.Ed.2d. 551, 92 S.Ct. 1208, holding unconstitutional violation of the due process clause of the Fourteenth Amendment a statutory presumption that unmarried fathers are unsuitable and neglectful parents.

<sup>152</sup> Usery v. Turner Elkhorn Mining Co., 428 U.S. 1, 49 L.Ed.2d. 752, 96 S.Ct. 2882, 1 Fed.Rules.Evid.Serv. 243 (superseded on other grounds by statute as stated in Freeman United Coal Mining Co. v. Office of Workers' Compensation Program (CA7) 999 F.2d. 291); Dick v. New York Life Ins. Co., 359 U.S. 437, 3 L.Ed.2d. 935, 79 S.Ct. 921; Mobile, J. & K. C. R. Co. v. Turnipseed, 219 U.S. 35, 55 L.Ed. 78, 31 S.Ct. 136; Pizza v. Wolf Creek Ski Dev. Corp. (Colo) 711 P.2d. 671, 55 A.L.R.4th. 607 (criticized on other grounds by Tri-Aspen Constr. Co. v. Johnson (Colo) 714 P.2d. 484).



1 CLARIFICATION: \_\_\_\_\_

- 2 17. Admit that “special law” and “private law” is an area of law that only applies to a particular subset or class of citizens or  
3 residents rather than ALL citizens or residents equally.

4 “*Private law.* That portion of the law which defines, regulates, enforces, and administers relationships among  
5 individuals, associations, and corporations. As used in contradistinction to public law, the term means all that  
6 part of the law which is administered between citizen and citizen, or which is concerned with the definition,  
7 regulation, and enforcement of rights in cases where both the person in whom the right inheres and the person  
8 upon whom the obligation is incident are private individuals. See also Private bill; Special law. Compare Public  
9 Law.”

10 [Black’s Law Dictionary, Sixth Edition, p. 1196]

12 “*special law.* One relating to particular persons or things; one made for individual cases or for particular places  
13 or districts; one operating upon a selected class, rather than upon the public generally. A private law. A law is  
14 “special” when it is different from others of the same general kind or designed for a particular purpose, or limited  
15 in range or confined to a prescribed field of action or operation. A “special law” relates to either particular  
16 persons, places, or things or to persons, places, or things which, though not particularized, are separated by any  
17 method of selection from the whole class to which the law might, but not such legislation, be applied. Utah Farm  
18 Bureau Ins. Co. v. Utah Ins. Guaranty Ass’n, Utah, 564 P.2d. 751, 754. A special law applies only to an individual  
19 or a number of individuals out of a single class similarly situated and affected, or to a special locality. Board of  
20 County Com’rs of Lemhi County v. Swensen, Idaho, 80 Idaho 198, 327 P.2d. 361, 362. See also Private bill;  
21 Private law. Compare General law; Public law.”

22 [Black’s Law Dictionary, Sixth Edition, pp. 1397-1398]

23 YOUR ANSWER (circle one): Admit/Deny

24 CLARIFICATION: \_\_\_\_\_

- 25 18. Admit that “special law” and “private law” can only be enforced against those who have individually CONSENTED to  
26 them.

27 “*Quod meum est sine me auferri non potest.*

28 What is mine cannot be taken away without my consent. Jenk. Cent. 251. Sed vide Eminent Domain.

29 *Id quod nostrum est, sine facto nostro ad alium transferri non potest.*

30 What belongs to us cannot be transferred to another without our consent. Dig. 50, 17, 11. But this must be  
31 understood with this qualification, that the government may take property for public use, paying the owner its  
32 value. The title to property may also be acquired, with the consent of the owner, by a judgment of a competent  
33 tribunal.”

34 [Bouvier’s Maxims of Law, 1856;

35 SOURCE: <http://famguardian.org/Publications/BouvierMaximsOfLaw/BouviersMaxims.htm>]

36 YOUR ANSWER (circle one): Admit/Deny

37 CLARIFICATION: \_\_\_\_\_

- 38 19. Admit that “special law” and “private law” are what the U.S. Supreme Court calls “class legislation:

39 “The present assault upon [THEFT of] capital [by a corrupted socialist government] is but the beginning. It  
40 will be but the stepping stone to others larger and more sweeping, until our political contest will become war of  
41 the poor against the rich; a war of growing intensity and bitterness. [ . . . ]

42 The legislation, in the discrimination it makes, is class legislation. Whenever a distinction is made in the burdens  
43 a law imposes or in the benefits it confers on any citizens by reason of their birth, or wealth, or religion, it is  
44 class legislation, and leads inevitably to oppression and abuses, and to general unrest and disturbance in  
45 society.”

46 [Pollock v. Farmers’ Loan and Trust Co., [157 U.S. 429](#) (1895) ]

47 YOUR ANSWER (circle one): Admit/Deny

48 CLARIFICATION: \_\_\_\_\_

- 49 20. Admit that one method of consenting to “special law” and “private law” is to voluntarily declare a civil status (such as  
50 “person”) found WITHIN such laws or to claim the “benefits, privileges, or protections” of such laws.

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       *"...when a State willingly accepts a substantial benefit from the Federal Government, it waives its immunity*  
9       *under the Eleventh Amendment and consents to suit by the intended beneficiaries of that federal assistance."*  
10      *[Papasan v. Allain, 478 U.S. 265 (1986)]*

11      YOUR ANSWER (circle one): Admit/Deny  
12      CLARIFICATION:\_\_\_\_\_

- 13      21. Admit that government "franchises" are an example of "special law" or "private law". For the purposes of this discussion  
14      "privilege" and "franchise" are synonymous:

15               *FRANCHISE. **A special privilege conferred by government on individual or corporation, and which does not***  
16               ***belong to citizens of country generally of common right.** Elliott v. City of Eugene, 135 Or. 108, 294 P. 358, 360.*  
17               ***In England it is defined to be a royal privilege in the hands of a subject.***

18               *A "franchise," as used by Blackstone in defining quo warranto, (3 Com. 262 [4th Am. Ed.] 322), had reference*  
19               *to a royal privilege or branch of the king's prerogative **subsisting in the hands of the subject, and must arise***  
20               ***from the king's grant, or be held by prescription,** but today we understand a franchise to be some special*  
21               *privilege conferred by government on an individual, natural or artificial, which is not enjoyed by its citizens in*  
22               *general. State v. Fernandez, 106 Fla. 779, 143 So. 638, 639, 86 A.L.R. 240.*

23               ***In this country a franchise is a privilege or immunity of a public nature, which cannot be legally exercised***  
24               ***without legislative grant. To be a corporation is a franchise.** The various powers conferred on corporations are*  
25               *franchises. The execution of a policy of insurance by an insurance company [e.g. **Social Insurance/Socialist***  
26               ***Security**], and the issuing a bank note by an incorporated bank [such as a **Federal Reserve NOTE**], are*  
27               *franchises. People v. Utica Ins. Co., 15 Johns. (N.Y.) 387, 8 Am.Dec. 243. But it does not embrace the property*  
28               *acquired by the exercise of the franchise. Bridgeport v. New York & N.H.R. Co., 36 Conn. 255, 4 Am.Rep. 63.*  
29               *Nor involve interest in land acquired by grantee. Whitbeck v. Funk, 140 Or. 70, 12 P.2d. 1019, 1020. **In a***  
30               ***popular sense, the political rights of subjects and citizens are franchises, such as the right of suffrage. etc.***  
31               ***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,***  
32               ***352.***

33               *Elective Franchise. The right of suffrage: the right or privilege of voting in public elections.*

34               *Exclusive Franchise. See Exclusive Privilege or Franchise.*

35               *General and Special. The charter of a corporation is its "general" franchise, while **a "special" franchise consists***  
36               ***in any rights granted by the public to use property for a public use but-with private profit.** Lord v. Equitable*  
37               *Life Assur. Soc., 194 N.Y. 212, 81 N.E. 443, 22 L.R.A. (N.S.) 420.*

38               *Personal Franchise. A franchise of corporate existence, or one which authorizes the formation and existence of*  
39               *a corporation, is sometimes called a "personal" franchise. as distinguished from a "property" franchise, which*  
40               *authorizes a corporation so formed to apply its property to some particular enterprise or exercise some special*  
41               *privilege in its employment, as, for example, to construct and operate a railroad. See Sandham v. Nye, 9 Misc.Rep.*  
42               *541, 30 N.Y.S. 552.*

43               *Secondary Franchises. The franchise of corporate existence being sometimes called the "primary" franchise of a*  
44               *corporation, its "secondary" franchises are the special and peculiar rights, privileges, or grants which it may,*  
45               *receive under its charter or from a municipal corporation, such as the right to use the public streets, exact tolls,*  
46               *collect fares, etc. State v. Topeka Water Co., 61 Kan. 547, 60 P. 337; Virginia Canon Toll Road Co. v. People,*  
47               *22 Colo. 429, 45 P. 398 37 L.R.A. 711. The franchises of a corporation are divisible into (1) corporate or general*  
48               *franchises; and (2) "special or secondary franchises. The former is the franchise to exist as a corporation, while*  
49               *the latter are certain rights and privileges conferred upon existing corporations. Gulf Refining Co. v. Cleveland*  
50               *Trust Co., 166 Miss. 759, 108 So. 158, 160.*

51               *Special Franchisee. See Secondary Franchises, supra.*  
52               *[Black's Law Dictionary, Fourth Edition, pp. 786-787]*

53      For further information on franchises, see:

YOUR ANSWER (circle one): Admit/Deny

CLARIFICATION: \_\_\_\_\_

22. Admit that government franchises such as corporations make the government into a “parens patriae” in relation to those participating in said franchises.

*“The proposition is that **the United States, as the grantor of the franchises of the company [a corporation, in this case], the author of its charter, and the donor of lands, rights, and privileges of immense value, and as parens patriae, is a trustee, invested with power to enforce the proper use of the property and franchises granted for the benefit of the public.**”*

*[U.S. v. Union Pac. R. Co., 98 U.S. 569 (1878)]*

YOUR ANSWER (circle one): Admit/Deny

CLARIFICATION: \_\_\_\_\_

23. Admit that a “parens patriae” government within the legal realm is like God the Father in the religious realm, such as the Bible:

*“PARENS PATRIAE. Father of his country; parent of the country. In England, **the king**. In the United States, the state, as a sovereign-**referring to the sovereign power of guardianship over persons under disability**; In re Turner, 94 Kan. 115, 145 P. 871, 872, Ann.Cas.1916E, 1022; such as minors, and insane and incompetent persons; McIntosh v. Dill, 86 Okl. 1, 205 P. 917, 925.*

*[Black’s Law Dictionary, Sixth Edition, p. 1269]*

*“Jesus, knowing that **the Father had given all things into His hands, and that He had come from God and was going to God**, rose from supper and laid aside His garments, took a towel and girded Himself.”*

*[John 13:3-4, Bible, NKJV]*

YOUR ANSWER (circle one): Admit/Deny

CLARIFICATION: \_\_\_\_\_

24. Admit that the term “person” in law is a legal fiction that does not necessarily mean “humans”.<sup>153</sup>

*“**Fiction of law.** An assumption or supposition of law that something which is or may be false is true, or that a state of facts exists which has never really taken place. **An assumption [PRESUMPTION], for purposes of justice, of a fact that does not or may not exist. A rule of law which assumes as true, and will not allow to be disproved, something which is false,** but not impossible. Ryan v. Motor Credit Co., 30 N.J.Eq. 531, 23 A.2d. 607, 621. These assumptions are of an innocent or even beneficial character, and are made for the advancement of the ends of justice. They secure this end chiefly by the extension of procedure from cases to which it is applicable to other cases to which it is not strictly applicable, the ground of inapplicability being some difference of an immaterial character. See also Legal fiction.”*

*[Black’s Law Dictionary, Sixth Edition, p. 623]*

YOUR ANSWER (circle one): Admit/Deny

CLARIFICATION: \_\_\_\_\_

25. Admit that an attempt to enforce the civil obligations of a legal fiction against a specific human being without proof of the following on the record of the legal or enforcement proceeding represents a possible theft of property TAKEN as a result of the enforcement:

25.1. That the person expressly and personally consented to the civil status represented by the legal fiction.

<sup>153</sup> The key elements of all fictions of law are:

1. A PRESUMPTION of the existence or truth of an otherwise nonexistent thing.
2. The presumptions are of an INNOCENT or BENEFICIAL character to ALL parties concerned, not just ONE party.
3. The presumptions are made for the advancement of the ends of justice, which is legally defined as the right to be LEFT ALONE by EVERYONE, including government.
4. All of the above goals are satisfied against BOTH parties to the dispute, not just the government. Otherwise the constitutional requirement for equal protection and equal treatment has been transgressed.

25.2. The person who domiciled AND present on physical territory where constitutional rights could lawfully alienated  
AT THE TIME the consent occurred and the act subject to enforcement was attempted.

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>]

YOUR ANSWER (circle one): Admit/Deny  
CLARIFICATION: \_\_\_\_\_

26. Admit that any attempt to enforce a specific civil statute without proof on the record of a proceeding that the target of the enforcement meets the criteria in the preceding question could be prosecuted as an act of criminal identity theft.

For further details on identity theft by government actors, please read:

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

YOUR ANSWER (circle one): Admit/Deny  
CLARIFICATION: \_\_\_\_\_

27. Admit that any enforcement action involving a civil enactment of Congress is inherently "unjust" per the Declaration of Independence if the target of the enforcement did not personally consent to the civil status that is the only lawful target of the enforcement.

Declaration of Independence: "We hold these truths to be self-evident, that **all men are created equal**, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness.--That to secure these rights, Governments are instituted among Men, deriving their just powers from the consent of the governed,"  
[SOURCE: [http://www.archives.gov/national\\_archives\\_experience/charters/declaration\\_transcript.html](http://www.archives.gov/national_archives_experience/charters/declaration_transcript.html)]

YOUR ANSWER (circle one): Admit/Deny  
CLARIFICATION: \_\_\_\_\_

28. Admit that ALL the powers of the government derive from individual agency on behalf of the government as a public officer or contractor of government:

"All the powers of the government must be carried into operation by individual agency, either through the medium of public officers, or contracts made with individuals."  
[Osborn v. Bank of U.S., 22 U.S. 738 (1824)]

YOUR ANSWER (circle one): Admit/Deny  
CLARIFICATION: \_\_\_\_\_

29. Admit that "all the powers of the government" as used by the U.S. Supreme Court in the previous question INCLUDES the ENFORCEMENT powers of the government and that the target of the enforcement MUST therefore ALSO be an agent of government if civil enforcement is involved.

1 "A private person cannot make constitutions or laws, nor can he with authority construe them, nor can he  
2 administer or execute [enforce] them."  
3 [United States v. Harris, 106 U.S. 629, 1 S.Ct. 601, 27 L.Ed. 290 (1883)]

4 YOUR ANSWER (circle one): Admit/Deny

5 CLARIFICATION: \_\_\_\_\_

- 6 30. Admit that those who are non-residents, NOT agents of the government, and not statutory "citizens" or "residents" cannot  
7 become the lawful subject of civil statutory enforcement except under the common law and must be "left alone" as a  
8 matter of law.

9 YOUR ANSWER (circle one): Admit/Deny

10 CLARIFICATION: \_\_\_\_\_

- 11 31. Admit that the legal definition of "justice" is simply the right to be LEFT ALONE by everyone, and ESPECIALLY by  
12 government:

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

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

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

32 [Olmstead v. United States, 277 U.S. 438, 478 (1928) (Brandeis, J., dissenting); see also Washington v. Harper,  
33 494 U.S. 210 (1990)]

34 YOUR ANSWER (circle one): Admit/Deny

35 CLARIFICATION: \_\_\_\_\_

- 36 32. Admit that a government that enforces franchises against those who never consented or can't lawfully consent is "unjust"  
37 as legally defined.

38 YOUR ANSWER (circle one): Admit/Deny

39 CLARIFICATION: \_\_\_\_\_

- 40 33. Admit that any group of men that won't leave you alone and forces you to pay them "protection money" for the  
41 "privilege" of leaving you alone is a criminal mafia protection racket.

42 U.S. Code › Title 18 › Part I › Chapter 95 › § 1951

43 **Interference with commerce by threats or violence**

44 (a) Whoever in any way or degree obstructs, delays, or affects commerce or the movement of any article or  
45 commodity in commerce, by robbery or extortion or attempts or conspires so to do, or commits or threatens  
46 physical violence to any person or property in furtherance of a plan or purpose to do anything in violation of this  
47 section shall be fined under this title or imprisoned not more than twenty years, or both.

48 (b) As used in this section—



(1) The term “robbery” means the unlawful taking or obtaining of personal property from the person or in the presence of another, against his will, by means of actual or threatened force, or violence, or fear of injury, immediate or future, to his person or property, or property in his custody or possession, or the person or property of a relative or member of his family or of anyone in his company at the time of the taking or obtaining.

(2) The term “extortion” means the obtaining of property from another, with his consent, induced by wrongful use of actual or threatened force, violence, or fear, or under color of official right.

(3) The term “commerce” means commerce within the District of Columbia, or any Territory or Possession of the United States; all commerce between any point in a State, Territory, Possession, or the District of Columbia and any point outside thereof; all commerce between points within the same State through any place outside such State; and all other commerce over which the United States has jurisdiction.

(c) This section shall not be construed to repeal, modify or affect [section 17 of Title 15](#), sections 52, 101–115, 151–166 of Title 29 or sections 151–188 of Title 45.

[SOURCE: <https://www.law.cornell.edu/uscode/text/18/1951>]

YOUR ANSWER (circle one): Admit/Deny

CLARIFICATION: \_\_\_\_\_

34. Admit that if the group of men mentioned in the previous question calls themselves “government” or even the Internal Revenue Service, then they are still a criminal mafia protection racket that is also legally classified as a “de facto government”.

**de facto:** In fact, in deed, actually. This phrase is used to characterize an officer, a government, a past action or a state of affairs which must be accepted for all practical purposes, but is illegal or illegitimate. Thus, an office, a position or status existing under a claim or color of right such as a de facto corporation. In this sense it is the contrary of de jure, which means rightful, legitimate, just, or constitutional. Thus, an officer, king, or government de facto is one who is in actual possession of the office or supreme power, but by usurpation, or without lawful title; while an officer, king, or governor de jure is one who has just claim and rightful title to the office or power, but has never had plenary possession of it, or is not in actual possession. *MacLeod v. United States*, 229 U.S. 416, 33 S.Ct. 955, 57 L.Ed. 1260. A wife de facto is one whose marriage is voidable by decree, as distinguished from a wife de jure, or lawful wife. But the term is also frequently used independently of any distinction from de jure; thus a blockade de facto is a blockade which is actually maintained, as distinguished from a mere paper blockade. Compare *De jure*. [Black’s Law Dictionary, Sixth Edition, p. 416]

YOUR ANSWER (circle one): Admit/Deny

CLARIFICATION: \_\_\_\_\_

35. Admit that the Thirteenth Amendment to the United States Constitution prohibits involuntary servitude and slavery of human beings both in states of the Union and on federal territory, except as a punishment for a crime:

Thirteenth Amendment  
Slavery And Involuntary Servitude

Section 1. Neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction.

Section 2. Congress shall have power to enforce this article by appropriate legislation.

“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)]

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*"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:\_\_\_\_\_

36. Admit that preparing a tax return under the Internal Revenue Code is an act of "servitude" as defined in the previous question if done without your consent and as a nontaxpayer.

YOUR ANSWER: \_\_\_\_Admit \_\_\_\_Deny

CLARIFICATION:\_\_\_\_\_

37. Admit that the only affirmative duty that any just government can impose against a human being without violating the Thirteenth Amendment is the duty to refrain from injuring the equal rights of other fellow human beings:

*"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."*  
[President Thomas Jefferson, concluding his first inaugural address, March 4, 1801]

*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]

YOUR ANSWER: \_\_\_\_Admit \_\_\_\_Deny

CLARIFICATION:\_\_\_\_\_

38. Admit that the duty to refrain from injuring others is implemented by the criminal or penal law and that everyone has an equal duty to obey the criminal laws but must consent to every other type of civil law in order for it to be enforceable against them:

*"**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 the citizenship to the agencies of government.** The people's rights are not derived from the government, but the government's authority comes from the people.\*946 The Constitution but states again these rights already existing, and when legislative encroachment by the nation, state, or municipality invade these original and permanent rights, it is the duty of the courts to so declare, and to afford the necessary relief. The fewer restrictions that surround the individual liberties of the citizen, except those for the preservation of the public health, safety, and morals, the more contented the people and the more successful the democracy."*  
[City of Dallas v. Mitchell, 245 S.W. 944 (1922)]

YOUR ANSWER: \_\_\_\_Admit \_\_\_\_Deny

CLARIFICATION:\_\_\_\_\_

39. Admit that the only way you can become subject to any civil statute that imposes any kind of duty or obligation is through the exercise of your right to contract.

*CONTRACT. A promissory agreement between two or more persons that creates, modifies, or destroys a legal relation. Buffalo Pressed Steel Co. v. Kirwan, 138 Md. 60, 113 A. 628, 630; Mexican Petroleum Corporation of Louisiana v. North German Lloyd, D.C.La., 17 F.2d. 113,114.*

*An agreement, upon sufficient consideration, to do or not to do a particular thing. 2 Bl.Comm. 442; 2 Kent, Comm. 449. Justice v. Lang, 42 N.Y. 496, 1 Am.Rep. 576; Rabon v. State Finance Corporation, 203 S.C. 183, 26 S.E.2d. 501, 502.*

*An agreement between two or more parties, preliminary Step in making of which is offer by one and acceptance by other, in which minds of parties meet and concur in understanding of terms. Lee v. Travelers' Ins. Co. of Hartford, Conn., 173 S.C. 185, 175 S.E. 429.*

*A deliberate [e.g. voluntary] engagement between competent parties, upon a legal consideration, to do, or abstain from doing, some act. Wharton; Smith v. Thornhill, Tex.Com.App. 25 S.W.2d. 597, 599. It is agreement creating obligation, in which there must be competent parties, subject-matter, legal consideration, mutuality of agreement, and mutuality of obligation, and agreement must not be so vague or uncertain that terms are not ascertainable. H. Liebes & Co. v. Klengenberg, C. C.A.Cal.. 23 F.2d. 611, 612. A contract or agreement is either where a promise is made on one side and assented to on the other; or where two or more persons enter into engagement with each other by a promise on either side. 2 Steph.Comm1. 54. The writing which contains the agreement of parties, with the terms and conditions, and which serves as a proof of the obligation. [Black's Law Dictionary, Fourth Edition, p. 395]*

YOUR ANSWER: \_\_\_\_Admit \_\_\_\_Deny

CLARIFICATION:\_\_\_\_\_

40. Admit that the exercise of your right to contract creates the "person" or "persons" who is/are the lawful subject of the contract.

YOUR ANSWER: \_\_\_\_Admit \_\_\_\_Deny

CLARIFICATION:\_\_\_\_\_

41. Admit that in law, rights are property, anything that conveys rights is property, contracts convey rights and are therefore property, and that all franchises are contracts between the grantor and the grantee.

*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.<sup>154</sup> Conversely, a franchise granted without consideration is not a contract binding upon the state.<sup>155</sup> It is generally considered that the obligation resting upon the grantee to comply with the terms and conditions of the grant constitutes a sufficient consideration.<sup>156</sup> As expressed by some authorities, the benefit to the community may constitute the sole consideration for the grant of a franchise by a state.<sup>157</sup>*

<sup>154</sup> 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, 44P.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.

<sup>155</sup> Pennsylvania R. Co. v. Bowers, 124 Pa. 183, 16 A. 836.

<sup>156</sup> Central Transp. Co. v. Pullman's Palace Car Co. 139 U.S. 24, 35 L.Ed. 55, 11 S.Ct. 478; Summerville v. Georgia Power Co., 205 Ga. 843, 55 S.E.2d. 540; Dufour v. Stacey, 90 Ky. 288, 14 S.W. 48; State ex rel. Kansas City v. East Fifth Street R. Co., 140 Mo. 539, 41 S.W. 955; Victory Cab Co. v. Charlotte, 234 N.C. 572, 68 S.E.2d. 433.

<sup>157</sup> Dartmouth College v. Woodward, supra; Victory Cab Co. v. Charlotte, 234 N.C. 572, 68 S.E.2d. 433.

*A contract thus created has the same status as any other contract recognized by the law;<sup>158</sup> it is binding mutually upon the grantor and the grantee and is enforceable according to its terms and tenor,<sup>159</sup> and is entitled to be protected from impairment by legislative action under the provision of the state and federal constitutions prohibiting the passage of any law by which the obligation of existing contracts shall be impaired or lessened.<sup>160</sup> The well-established rule as to franchises is that where a municipal corporation, acting within its powers, enacts an ordinance conferring rights and privileges on a person or corporation, and the grantee accepts the ordinance and expends money in availing itself of the rights and privileges so conferred, a contract is thereby created which, in the absence of a reserved power to amend or repeal the ordinance, cannot be impaired by a subsequent municipal enactment.<sup>161</sup> Certain limitations upon this general rule, and particular applications thereof, are discussed in the following section.*

*The equivalent of a municipal grant or franchise may result from the acceptance of an offer contained in a state statute<sup>162</sup> or in the constitution of the state.<sup>163</sup>*  
*[American Jurisprudence 2d, Franchises, §2: As a Contract (1999)]*

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, Internal Revenue Code, Treasury Regulations, the Internal Revenue Manual, and the rulings of the Supreme Court but not necessarily lower federal courts.

Name (print):\_\_\_\_\_

Signature:\_\_\_\_\_

<sup>158</sup> Louisville v. Louisville Home Tel. Co., 149 Ky. 234, 148 S.W. 13.

<sup>159</sup> Grand Trunk Western R. Co. v. South Bend, 227 U.S. 544, 57 L.Ed. 633, 33 S.Ct. 303; Louisville v. Cumberland Tel. & Tel. Co., 224 U.S. 649, 56 L.Ed. 934, 32 S.Ct. 572; Summerville v. Georgia Power Co., 205 Ga. 843, 55 S.E.2d. 540; Victory Cab Co. v. Charlotte, 234 N.C. 572, 68 S.E.2d. 433; East Ohio Gas Co. v. Akron, 81 Ohio.St. 33, 90 N.E. 40.

<sup>160</sup> Ohio Pub. Serv. Co. v. Ohio, 274 U.S. 12, 71 L.Ed. 898, 47 S.Ct. 480; Northern Ohio Traction & Light Co. v. Ohio, 245 U.S. 574, 62 L.Ed. 481, 38 S.Ct. 196; Cincinnati v. Cincinnati & H. Traction Co., 245 U.S. 446, 62 L.Ed. 389, 38 S.Ct. 153; Kansas Gas & E. Co. v. Independence (CA10), 79 F.2d. 32, 638, 100 A.L.R. 1479; State ex rel. Weatherly v. Birmingham Waterworks Co., 185 Ala. 388, 64 So. 23; Colorado & S. R. Co. v. Ft. Collins, 52 Colo. 281, 121 P. 747; Summerville v. Georgia Power Co., 205 Ga. 843, 55 S.E.2d. 540; Chicago v. Chicago Union Traction Co., 199 Ill. 259, 65 N.E. 243; Rushville v. Rushville Natural Gas Co. 164 Ind. 162, 73 N.E. 87; State ex rel. Shaver v. Iowa Tel. Co., 175 Iowa 607, 154 N.W. 678; Dayton v. South Covington & C. Street R. Co., 177 Ky. 202, 197 S.W. 670; Shreveport Traction Co. v. Shreveport, 122 La. 1, 47 So. 40; Benton Harbor v. Michigan Fuel & Light Co., 250 Mich. 614, 231 N.W. 52, 71 A.L.R. 114; Northwestern Tel. Exch. Co. v. Minneapolis, 81 Minn. 140, 83 N.W. 527, 86 N.W. 69; Westport v. Mulholland, 159 Mo. 86, 60 S.W. 77; Quinby v. Public Serv. Com. 223 N.Y. 244, 119 N.E. 433, 3 A.L.R. 685; Northwestern Tel. Exch. Co. v. Anderson, 12 N.D. 585, 98 N.W. 706; Interurban R. & Terminal Co. v. Public Utilities Com., 98 Ohio.St. 287, 120 N.E. 831, 3 A.L.R. 696; Providence Gas Co. v. Thurber, 2 R.I. 15; Cumberland Tel. & Tel. Co. v. United Electric R. Co. 93 Tenn 492, 29 S.W. 104; Salt Lake City v. Utah Light & Traction Co., 52 Utah. 210, 173 P. 556, 3 A.L.R. 715; State v. Gibbs, 82 Vt. 526, 74 A. 229; 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; Allen v. Forrest, 8 Wash. 700, 36 P. 971; Clarksburg Electric Light Co. v. Clarksburg, 47 W.Va. 739, 35 S.E. 994, error dismd (US) 46 L.Ed. 1267, 22 S.Ct 942; Wright v. Milwaukee Electric R. & Light Co., 95 Wis. 29, 69 N.W. 791.

<sup>161</sup> New York Electric Lines Co. v. Empire City Subway Co., 235 U.S. 179, 59 L.Ed. 184, 35 S.Ct. 72; Boise Artesian Hot & Cold Water Co. v. Boise City, 230 U.S. 84, 57 L.Ed. 1400, 33 S.Ct 997; Owensboro v. Cumberland Tel. & Tel. Co. 230 U.S. 58, 57 L.Ed. 1389, 33 S.Ct 988; Omaha Water Co. v. Omaha (CA8), 147 F. 1, app dismd 207 U.S. 584, 52 L.Ed. 352, 28 S.Ct. 262; Colorado & S. R. Co. v. Ft. Collins, 52 Colo. 281, 121 P. 747; Washington v. Atlantic Coast Line R. Co., 136 Ga. 638, 71 S.E. 1066; Rushville v. Rushville Natural Gas Co. 164 Ind. 162, 73 N.E. 87; Michigan Tel. Co. v. St. Joseph, 121 Mich. 502, 80 N.W. 383; Northwestern Tel. Exch. Co. v. Minneapolis, 81 Minn. 140, 83 N.W. 527, 86 N.W. 69; Westport v. Mulholland, 159 Mo. 86, 60 S.W. 77; Backus v. Lebanon, 11 N.H. 19; Northwestern Tel. Exch. Co. v. Anderson, 12 N.D. 585, 98 N.W. 706; Elliott v. Eugene, 135 Or. 108, 294 P. 358; Milwaukee Electric R. & Light Co. v. Railroad Com., 153 Wis. 592, 142 N.W. 491, affd 238 U.S. 174, 59 L.Ed. 1254, 35 S.Ct 820.

<sup>162</sup> The grant resulting from the acceptance, by the establishment of a plant devoted to the prescribed public use, of the state's offer to permit persons or corporations duly incorporated for the purpose "in any city where there are no public works owned and controlled by the municipality for supplying the same with water or artificial light," to lay pipes in the city streets for the purpose specified, constitutes a contract and vests in the accepting individual or corporation a property right protected by the Federal Constitution against impairment. Russell v. Sebastian, 233 U.S. 195, 58 L.Ed. 912, 34 S.Ct 517.

<sup>163</sup> Madera Waterworks v. Madera, 228 U.S. 454, 57 L.Ed. 915, 33 S.Ct 571.

1    Date:\_\_\_\_\_

2    Witness name (print):\_\_\_\_\_

3    Witness Signature:\_\_\_\_\_

4    Witness Date:\_\_\_\_\_

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