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**FEDERAL ENFORCEMENT AUTHORITY
WITHIN STATES OF THE UNION**

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1 Introduction

There is much controversy in the courts over what gives the federal government jurisdiction to enforce federal law within states of the Union. Most Americans are not educated about law in any public school and can go all the way through graduate school without learning any law. This makes them very easy prey for the unlawful exploitation of those employed by the government who are charged with enforcing the law. The knee jerk reaction of most Americans to any attempt to enforce the law by any government official consequently is usually blind, unquestioning allegiance, which in most cases results in the unlawful enlargement of federal jurisdiction, power, and control over the populace far beyond that contemplated by the Founding Fathers in drafting the Constitution of the United States of America. Below are some authorities on this important subject:

"The government of the United States has been emphatically termed a government of laws, and not of men."
[*Marbury v. Madison*, [5 U.S. 137](#); 1 Cranch 137, 2 L.Ed. 60 (1803)]

"No man [including a judge] in this country is so high that he is above the law. No officer of the law [such as YOU, a "public officer"] may set that law at defiance with impunity [by ignoring or evading his duties under it]. All the officers of the government, from the highest to the lowest, are creatures of the law and are bound to obey it. It is the only supreme power in our system of government, and every man who by accepting office participates in its functions is only the more strongly bound to submit to that supremacy, and to observe the limitations which it imposes upon the exercise of the authority which it gives." 106 U.S., at 220. "Shall it be said... that the courts cannot give remedy when the Citizen has been deprived of his property [or his earnings from labor, which are also property] by force [and CONSTRUCTIVE FRAUD through OMISSION], his estate seized and converted to the use of the government without any lawful authority, without any process of law, and without any compensation, because the president has ordered it and his officers are in possession? If such be the law of this country, it sanctions a tyranny which has no existence in the monarchies of Europe, nor in any other government which has a just claim to well-regulated liberty and the protection of personal rights," 106 U.S., at 220, 221.
[*United States v. Lee*, 106 U.S. 196, 1 S.Ct. 240 (1882)]

"Every citizen of the United States is supposed to know the law. . ."
[*Floyd Acceptances*, 7 Wall (74 U.S. 169) 666 (1869)]

"All persons in the United States are chargeable with knowledge of the Statutes-at-Large...[I]t is well established that anyone who deals with the government assumes the risk that the agent acting in the government's behalf has exceeded the bounds of his authority,"
[*Bollow v. Federal Reserve Bank of San Francisco*, 650 F.2d. 1093 (9th Cir. 1981)]

There is a good reason why in a society of law such as we have all citizens are required and presumed to know the law. The reason is that they are the sovereigns for whom our public servants work and the law is the only method by which the activities of these public servants can be directed and controlled. Those who through ignorance, dumbing-down in the public schools, and neglect do not know what the law requires their public servants to do cannot properly:

1. Supervise the activities of their public servants.
2. Recognize when their public servants are exceeding their lawful authority and committing a tort.
3. Expect a government that remains limited and does not unlawfully expand its authority and control over the populace under the "color of law".

The above explains why the Bible condemns ignorance and especially ignorance of the law:

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

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

"...it is not good for a soul to be without knowledge,"
[*Prov. 19:2, Bible, NKJV*]

1 "My people are destroyed for lack of knowledge."
2 [Hosea 4:6, Bible, NKJV]

3 We have a society that is an ABOMINATION that is HATED by our sister countries around the world because we don't
4 know how to keep our own government accountable to the laws that are already on the books and to FORCE it to stay
5 inside the ten mile square box the founders bequeathed to us for our protection. Therefore, it STEALS as much of our
6 money as it wants, invades other countries on false pretenses, and continually expands its power and influence like some
7 pagan deity.

8 It is the goal of this memorandum of law to therefore establish the main criteria by which concerned Americans may
9 recognize when the federal government is exceeding its authority on occasions when they become the target of any kind of
10 enforcement action. Knowledge of this subject is VERY important because it is the ONLY method you can use to protect
11 your Constitutionally rights from unwarranted and unlawful encroachments by errant public DIS-servants. The U.S.
12 Supreme Court has said that ONLY the citizen has this responsibility to ensure that the government stays within its lawful
13 bounds.

14 "The Government may carry on its operations through conventional executive agencies or through corporate
15 forms especially created for defined ends. See *Keifer & Keifer v. Reconstruction Finance Corp.*, [306 U.S. 381,](#)
16 [390](#), 518. Whatever the form in which the Government functions, anyone entering into an arrangement
17 with the Government takes the risk of having accurately ascertained that he who purports to act for the
18 Government stays within the bounds of his authority. The scope of this authority may be explicitly defined by
19 Congress or be limited by delegated legislation, properly exercised through the rule-making power. And this
20 is so even though, as here, the agent himself may have been unaware of the limitations upon his authority. See,
21 e.g., *Utah Power & Light Co. v. United States*, [243 U.S. 389, 409](#), 391; *United States v. Stewart*, [311 U.S. 60,](#)
22 [70](#), 108, and see, generally, *In re Floyd Acceptances*, 7 Wall. 666."
23 [Federal Crop Ins. V. Merrill, 332 U.S. 380 (1947)]

24 The implication of the above is that every American who cares about preserving the liberties and freedoms that we all hold
25 so dear MUST make it their continuing responsibility to study and learn the law and to carefully and jealously guard their
26 freedoms by watching their public servants like a hawk and blowing the whistle and properly and effectively litigating in
27 defense of their rights whenever these servants step outside the ten mile square box that our Constitution puts them inside
28 of. On this subject, Thomas Jefferson, one of our most revered founding fathers, said the following:

29 "It would be a dangerous delusion were a confidence in the men of our choice to silence our fears for the safety
30 of our rights... Confidence is everywhere the parent of despotism. Free government is founded in jealousy,
31 and not in confidence. It is jealousy and not confidence which prescribes limited constitutions, to bind down
32 those whom we are obliged to trust with power... Our Constitution has accordingly fixed the limits to which,
33 and no further, our confidence may go... In questions of power, then, let no more be heard of confidence in
34 man, but bind him down from mischief by the chains of the Constitution."
35 [Thomas Jefferson: Draft Kentucky Resolutions, 1798. ME 17:388]

36 "Leave no authority existing not responsible to the people."
37 [Thomas Jefferson to Isaac H. Tiffany, 1816. ME 15:66]

38 "Unless the mass retains sufficient control over those entrusted with the powers of their government, these will
39 be perverted to their own oppression, and to the perpetuation of wealth and power in the individuals and their
40 families selected for the trust. Whether our Constitution has hit on the exact degree of control necessary, is yet
41 under experiment."
42 [Thomas Jefferson to M. van der Kemp, 1812. ME 13:136]

43 **2 What is Enforcement Authority?**

44 Governments are established in order to protect and defend private rights by the following means:

- 45 1. **Criminally:** Using the criminal laws and the police powers that implement them.
- 46 2. **Civilly:** Using the civil laws and civil courts to protect persons who consent to their jurisdiction by choosing a
47 domicile within the territory of the sovereign.
- 48 3. **Administratively:** Using the statutes and regulations and agencies that implement government franchises. These types
49 of "administrative enforcements" may only be attempted against those who consented in writing, usually by the
50 application in writing for a license or benefit of some kind.

1 Government enforcement actions are actions which adversely affect the constitutionally protected rights or statutory
2 privileges of the parties who are the subject of the enforcement. The process of recognizing when your constitutional rights
3 have been injured begins with learning and knowing all these rights. We have taken the time to enumerate most of these
4 rights to save you time in this learning process:

Enumeration of Inalienable Rights, Form #10.002
<http://sedm.org/Forms/FormIndex.htm>

5 Of the three types of enforcement that governments engage in above, the last two require some kind of consent. Civil
6 protection requires a voluntary choice of domicile within the jurisdiction of the government and Administrative Protection
7 requires you to apply for either a license or a government benefit at some time. Administrative protection is typically
8 implemented using civil laws and only those therefore who have a domicile within the jurisdiction of the enforcing agency
9 may therefore become the lawful target of enforcement.

10 If you would like to learn more about how administrative enforcement is implemented, which is item 3 above, see:

Administrative Law and Process in a Nutshell, Fourth Edition, Ernest Gellhorn, 1990, West Publishing

11 Enforcement authority is also called “distrain” in some statutes. Below is an example of the only type of “distrain”
12 authorized within the Internal Revenue Code:

13 [TITLE 26 > Subtitle F > CHAPTER 64 > Subchapter D > PART II > Sec. 6331.](#)
14 [Sec. 6331. Levy and distraint](#)

15 (a) Authority of Secretary

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

27 (b) Seizure and sale of property

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

32 Typically, the IRS conceals the very limited nature of their actual enforcement authority by conveniently omitting
33 paragraph (a) from their levy notices, which is IRS Form 668(W) and IRS Form 668(A)(c). They do this to encourage the
34 unlawful application of the revenue laws because they love your money more than they love justice or obeying the law. IN
35 fact, they are CRIMINALS for doing this who are breaching their fiduciary duty to protect the public by making such a
36 malicious and injurious omission. If you would like to see the evidence of this for yourself, see Section 6.3 of the
37 following:

Federal Response Letters
<http://sedm.org/SampleLetters/Federal/FedLetterAndNoticeIndex.htm>

38 It is precisely the above type of “gamesmanship” by the IRS that explains why the content of this document should be of
39 extreme importance to you: because it is the ONLY method you will ever get the WHOLE scoop about what the
40 government can and cannot do. The government will NEVER give you the whole story because quite frankly, they can’t be
41 trusted and are engaging in criminal activity. In that sense, they are predators, an organized crime syndicate, and a
42 protection racket, not a “protectors” of your rights.

3 Requirement for “Force of law”

Consent of the governed is the origin of all just authority of any government to “make” or “enact” law, according to the Declaration of Independence:

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

Consistent with the above, it is also a maxim of law that the authority to make law derives from the consent against whom it is enforced:

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

In law, any civil force applied to a “person” who does not consent is presumed to be “unlawful force”:

Unlawful force. Force, including confinement, which is employed without the consent of the person against whom it is directed and the employment of which constitutes an offense or actionable tort or would constitute such offense or tort except for a defense (such as the absence of intent, negligence, or mental capacity; duress; youth; or diplomatic status) not amounting to a privilege to use the force. Assent constitutes consent, within the meaning of this Section, whether or not it otherwise is legally effective, except assent to the infliction of death or serious bodily harm. Model Penal Code, 5 3.11.
[Black’s Law Dictionary, Fifth Edition, p. 580]

Once consent in some form has been procured, there is no basis or standing to proceed in court to reclaim damages from any injury that results from the thing consented to:

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/BouviereMaxims.htm>]

Before a civil statute can therefore be enforced, meaning that force can be applied to compel obedience, it must have the “force of law” and therefore create a right in the government and a corresponding duty on the part of the person adversely affected by the enforcement.

Statutes which have the “force of law” are published as what is called “positive law”, which means that they may be used as legally admissible evidence of consent in any judicial proceeding where the “force of law” may be imposed upon the parties to the proceeding.

“Positive law. Law actually and specifically enacted or adopted [consented to] by proper authority for the government of an organized jural society. See also Legislation.”
[Black’s Law Dictionary, Sixth Edition, p. 1162]

Therefore, to say that a statute is “positive law” means it is legal evidence that the parties against whom it could be enforced consented to its enforcement, and therefore that they have in effect waived their right to sue those who engage in the enforcement against them. These parties are “ the governed” mentioned in the Declaration of Independence.

1 Statutes that are not “positive law” are referred to as “special law”, meaning law they have the “force of law“ against only
2 those who individually rather than collectively consent. They behave as the equivalent of contracts between a private party
3 and a specific government:

4 *“special law. One relating to particular persons or things; one made for individual cases or for particular*
5 *places or districts; one operating upon a selected class, rather than upon the public generally. A private law.*
6 *A law is "special" when it is different from others of the same general kind or designed for a particular purpose,*
7 *or limited in range or confined to a prescribed field of action or operation. A "special law" relates to either*
8 *particular persons, places, or things or to persons, places, or things which, though not particularized, are*
9 *separated by any method of selection from the whole class to which the law might, but not such legislation, be*
10 *applied. Utah Farm Bureau Ins. Co. v. Utah Ins. Guaranty Ass'n, Utah, 564 P.2d. 751, 754. A special law*
11 *applies only to an individual or a number of individuals out of a single class similarly situated and affected, or*
12 *to a special locality. Board of County Com'rs of Lemhi County v. Swensen, Idaho, 80 Idaho 198, 327 P.2d. 361,*
13 *362. See also Private bill; Private law. Compare General law; Public law.”*
14 *[Black's Law Dictionary, Sixth Edition, pp. 1397-1398]*

15 “Special law” is an outgrowth of comity and your individual right to contract, whereby a government which is otherwise
16 foreign to a specific jurisdiction acquires specific/special jurisdiction over a specific person by procuring the consent of that
17 person in that respective jurisdiction.

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

26 The Declaration of Independence says that the rights of people protected by the Constitution are “inalienable”. An
27 inalienable right” is one that cannot be sold, bargained away, or transferred by any commercial process. This would have to
28 include franchises, because they are a commercial process:

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

34 *“Unalienable. Inalienable; incapable of being aliened, that is, sold and transferred.”*
35 *[Black's Law Dictionary, Fourth Edition, p. 1693]*

36 The above is why the concept of “comity” had to be invented. Comity governs the relationship between people in states of
37 the Union and the federal government because the Constitution makes the two parties “foreign”, “sovereign”, and “alien” in
38 relation to each other for the purposes of legislative jurisdiction. The federal government cannot offer franchises within a
39 state of the Union, because it cannot entice people to surrender rights protected by the Constitution and thereby “alienate”
40 those rights, nor can it make any person or group of people unequal in relation to any other person by conveying “benefits”
41 to some that it does not convey to ALL. The only place where it can make people unequal is where the START unequal,
42 and the only place like that is federal territory not protected by the Constitution and all those domiciled there, who are
43 called statutory “U.S. citizens” under 8 U.S.C. §1401 and “resident aliens” under 26 U.S.C. §7701(b)(1)(A).

44 Whenever you want to sue a specific government in its own courts, the government will assert the judicial doctrine called
45 “sovereign immunity” and say that you as the moving party must produce a statute that evidences their express consent of
46 the government to be sued IN WRITING. If the government possesses that power, then you must have it also, because all
47 their authority was delegated by WE THE PEOPLE to the government”

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

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

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

10 It is a maxim of law that the thing created, in this case the "government", cannot have any more powers or authority than
11 the thing that created it, which is WE THE PEOPLE:

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

16 Hence, if the government wishes to enforce a civil obligation upon you in court, you must ALSO have the same EQUAL
17 right to impose the SAME EQUAL burden of proof upon them:

- 18 1. **Positive Law:** If they are enforcing a positive law, they must produce legally admissible evidence that:
19 1.1. The civil statute ought to be enforced is "positive law", meaning that the people of that jurisdiction collectively
20 consented to it...AND
21 1.2. You had a domicile in the territory of the sovereign that enacted that law as a "citizen" or "resident". The term
22 "citizenship" in the cite below really means "domicile"

23 "**The rights of the individual are not derived from governmental agencies, either municipal, state or federal,**
24 **or even from the Constitution. They exist inherently in every man, by endowment of the Creator, and are merely**
25 **reaffirmed in the Constitution, and restricted only to the extent that they have been voluntarily surrendered by**
26 **the citizenship to the agencies of government. The people's rights are not derived from the government, but the**
27 **government's authority comes from the people.*946 The Constitution but states again these rights already**
28 **existing, and when legislative encroachment by the nation, state, or municipality invade these original and**
29 **permanent rights, it is the duty of the courts to so declare, and to afford the necessary relief. The fewer**
30 **restrictions that surround the individual liberties of the citizen, except those for the preservation of the public**
31 **health, safety, and morals, the more contented the people and the more successful the democracy."**

32 [City of Dallas v Mitchell, 245 S.W. 944 (1922)]

- 33 2. **Special Law:** They must produce legally admissible evidence that:
34 2.1. You were in a place not protected by the Constitution at the time, because you can't alienate rights protected by
35 the Constitution in a place that the Constitution applies, in relation to a REAL, de jure, government.
36 2.2. You consented to the obligation they are enforcing, and that your consent takes the form that YOU and not THEY
37 want it to take. If they can pass laws prescribing the form that their consent must take, then you must have the
38 same powers because they got that power from you. For instance, if they are enforcing a franchise, they must
39 produce a piece of paper signed by both YOU and the government in which both parties consented to the
40 agreement, and proving that they both had the delegated authority and capacity to consent. An "application"
41 signed by only one of the two parties does not constitute an enforceable contract because it does not evidence
42 express consent of BOTH parties.
43 2.3. You had the delegated authority to consent. If you are representing an artificial entity such as a trust, and the trust
44 indenture says you have no delegated authority to contract with any government, then it is a legal impossibility to
45 consent to give up any rights to that government. Another example is if you are representing God as a Christian
46 and a public officer of Heaven when you sign the contract. Your delegation of authority order from God says you
47 have NO AUTHORITY to contract with any government, and therefore, anything you sign conveys no rights and
48 prohibits any statute the government enacts regulating such an agreement as lacking the "force of law".

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

2.4. That they did not attempt to institute any duress upon you in procuring your consent to the agreement. Any contract created in the presence of duress is voidable not necessarily void.

“An agreement [consensual contract] obtained by duress, coercion, or intimidation is invalid, since the party coerced is not exercising his free will, and the test is not so much the means by which the party is compelled to execute the agreement as the state of mind induced.¹ Duress, like fraud, rarely becomes material, except where a contract or conveyance has been made which the maker wishes to avoid. As a general rule, duress renders the contract or conveyance voidable, not void, at the option of the person coerced,² and it is susceptible of ratification. Like other voidable contracts, it is valid until it is avoided by the person entitled to avoid it.³ However, duress in the form of physical compulsion, in which a party is caused to appear to assent when he has no intention of doing so, is generally deemed to render the resulting purported contract void.⁴”
[American Jurisprudence 2d, Duress, Section 21]

Most of the civil controversies you will have involving the government relate to the enforcement of civil franchises and are litigated in “franchise courts”, such as traffic court, family court, tax court, etc. A franchise court behaves as the equivalent of a binding arbitration board, and you must sign a contract or government “application” such as a franchise contract waiving your rights to a REAL, de jure Constitutional court in order to lawfully avail yourself of the “services” of such a tribunal:

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

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

Franchises include, but are not limited to:

1. Federal income tax. Internal Revenue Code, Subtitles A and C.
2. Social Security. 42 U.S.C., Chapter 7.
3. The motor vehicle code in your state.
4. The family code in your state.

The nature of franchises and the above statutes as franchises is exhaustively established in the following:

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

All franchises are implemented as special law that is not positive law, but rather “prima facie” evidence. 1 U.S.C. §204 notes says that Titles 26 and 42 of the U.S. Code above are “prima facie evidence”. That which is “prima facie” is simply a presumption:

“Prima facie evidence. Evidence good and sufficient on its face. Such evidence as, in the judgment of the law, is sufficient to establish a given fact, or the group or chain of facts constituting the party’s claim or defense, and

¹ Brown v. Pierce, 74 U.S. 205, 7 Wall 205, 19 L.Ed. 134

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

³ Fiske v. Gershman, 30 Misc.2d. 442, 215 N.Y.S.2d. 144; Heider v. Unicume, 142 Or. 416, 20 P.2d. 384; Glenney v. Crane (Tex Civ App Houston (1st Dist)) 352 S.W.2d. 773, writ ref n r e (May 16, 1962)

⁴ Restatement 2d, Contracts § 174, stating that if conduct that appears to be a manifestation of assent by a party who does not intend to engage in that conduct is physically compelled by duress, the conduct is not effective as a manifestation of assent.

1 which if not rebutted or contradicted, will remain sufficient. Evidence which, if unexplained or uncontradicted,
2 is sufficient to sustain a judgment in favor of the issue which it supports, but which may be contradicted by
3 other evidence. *State v. Haremza*, 213 Kan. 201, 515 P.2d. 1217, 1222.

4 That quantum of evidence that suffices for proof of a particular fact until the fact is contradicted by other
5 evidence; once a trier of fact is faced with conflicting evidence, it must weigh the prima facie evidence with all
6 the other probative evidence presented. *Godesky v. Provo City Corp.*, Utah, 690 P.2d. 541, 547. Evidence
7 which, standing alone and unexplained, would maintain the proposition and warrant the conclusion to support
8 which it is introduced. An inference or presumption of law, affirmative or negative of a fact, in the absence of
9 proof, or until proof can be obtained or produced to overcome the inference. See also *Presumptive evidence.*
10 [Black's Law Dictionary, Sixth Edition, p. 1190]

11 Presumptions:

- 12 1. Cause an unconstitutional violation of [due process of law](#) because decisions are not based on legally admissible
13 evidence. Instead, presumptions unlawfully and prejudicially turn beliefs into evidence in violation of [Federal Rule of](#)
14 [Evidence 610](#) and the [Hearsay Rule, Rule 802](#).
- 15 2. Are very injurious to your rights and liberty.
- 16 3. Violate the [separation of powers](#) by allowing otherwise constitutional courts to unlawfully entertain "political
17 questions".
- 18 4. Turn judges into "priests" of a [civil religion](#).
- 19 5. Turn legal pleadings into "prayers" to the priest.
- 20 6. Turn legal process into an act of religion.
- 21 7. Transform "attorneys" into deacons of a [state-sponsored religion](#).
- 22 8. Turn the courtroom into a church building.
- 23 9. Turn court proceedings into a "worship service" akin to that of a church.
- 24 10. Turn statutes into a state-sponsored bible upon which "worship services" are based.
- 25 11. Turn "taxes" into tithes to a state-sponsored church, if the controversy before the court involves taxation.

26 Hence, that which is "prima facie evidence" cannot be cited without at least proof on the record of the proceeding that the
27 party who is injured by the presumption consented to the franchise or statute in question IN WRITING, just as the
28 government must consent when you want to sue them. This is a fundamental requirement, in fact, of equal protection: That
29 everyone gets the same defense for their sovereign immunity as the government does. Otherwise, it isn't a legal
30 proceeding, but a worship service directed towards a "superior being" possessing an unconstitutional title of nobility and
31 "supernatural powers". For more information about the abuse of presumption by the government in order to unlawfully
32 enforce franchises against non-consenting parties who therefore cannot lawfully participate, see:

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

33 **4 How the Executive Branch Acquires Enforcement Authority**

34 An essential requirement of "due process of law" is "notice and opportunity to be heard" by the parties who will be subject
35 to the enforcement action prior to its commencement. To wit:

36 *"An elementary and fundamental requirement of due process in any proceeding which is to be accorded finality*
37 *is notice reasonably calculated, under all circumstances, to apprise interested parties of the pendency of the*
38 *[enforcement] action and afford them an opportunity to present their objections."* *Mullane v. Central Hanover*
39 *Bank & Trust Co.*, 339 U.S. 306, 314 (1950). *Without proper prior notice to those who may be affected by a*
40 *government decision, all other procedural rights may be nullified. The exact contents of the notice required by*
41 *due process will, of course, vary with the circumstances.*
42 [Administrative Law and Process in a Nutshell, Ernest Gellhorn, 1990, West Publishing, p. 214]
43

44 *"It is sufficient to say that there are certain immutable principles of justice which inhere in the very idea of free*
45 *government which no member of the Union may disregard, as that **no man shall be condemned in his person***
46 *or property without due notice and an opportunity of being heard in his own defense."*
47 [Holden v. Hardy, 169 U.S. 366 (1898)]

1 “Notice and opportunity to be heard” is given at each stage of publication of enforcement authority for both statutes and
 2 regulations, as summarized below. The right hand column describes who the only lawful audience for enforcement is if the
 3 statute, regulation, or proposed regulation does not progress beyond the step indicated:

4 **Table 1: Legislative process for Executive Branch to acquire enforcement authority**

#	Description	Authority	Method of notice	Lawful subject of law if notice stops at this point
1	Bill is enacted by Congress	Constitution Article 1, Section 8	Congressional Record	Government officers, agents, and employees ONLY
2	Bill is published in the Statutes At Large. This puts agencies within the government on notice of new laws they will be required to both obey and enforce only against themselves. It does NOT constitute sufficient notice to private persons, however.	1 U.S.C. §106a 1 U.S.C. §112	Statutes At Large	Government officers, agents, and employees ONLY
3	Law Revision Counsel of the House of Representatives amends the U.S. Code to reflect the new legislation using the content of the Statutes At Large. Publishes in U.S. Code.	1 U.S.C. §202	U.S. Code	Government officers, agents, and employees ONLY
3	Federal agencies read the codified congressional enactment in the U.S. Code and write proposed regulations which will implement it if necessary. Proposed regulations are published at http://regulations.gov .	5 U.S.C. §553	http://regulations.gov	Government officers, agents, and employees ONLY
4	Public comment occurs on the proposed new regulations. The purpose of this notice and comment is to ensure that: 1. The regulations accurately reflect the legislative intent of the new statute. 2. Ambiguities in the new regulations are eliminated so that the regulation provides clear, unambiguous definition of exactly the conduct expected of those who will become the target of enforcement. 3. Develop an administrative record that courts may use for “judicial review” of agency decisions.	5 U.S.C. §552b	http://regulations.gov	Government officers, agents, and employees ONLY
5	The proposed regulations are amended to reflect the needs of the public and then published as Final regulations in the Federal Register	5 U.S.C. §553	Federal Register	Government officers, agents, and employees ONLY
6	After publication in the Federal Register, the new regulations are added to the Code of Federal Regulations (CFR).	44 U.S.C. Chapter 15 44 U.S.C. §1505 5 U.S.C. §553	Code of Federal Regulations	Private persons in the general public