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

“Awake, awake, O Zion, clothe yourself with strength. Put on your garments of splendor, O Jerusalem, the holy city. The uncircumcised and defiled will not enter you again. Shake off your dust; rise up, sit enthroned, O Jerusalem [Christians]. Free yourself from the chains [contracts and franchises] on your neck, O captive Daughter of Zion. For this is what the LORD says: “You were sold for nothing [free government money that is a FRACTION of what you had to pay them to earn the so-called “benefit”], and without money you will be redeemed.”
[Isaiah 52:1-3, Bible, NKJV]
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EXHIBIT:______
1 **Introduction**

All government services may be divided between “protection” and “benefits”. Which category a particular government service falls into is very important, because the category:

1. Determines how and from whom revenues may lawfully be collected that pay for the service.
2. Defines the limits upon the enforcement authority of the government to collect the revenues.

In any tax litigation, a very prevalent technique used by government prosecutors is to paint the defendant as a “leech” who is receiving the so-called “benefits” of the government and who refuses to pay their “fair share” of the costs of providing it. This sort of thinking is deceptive, destructive, and socialistic in nature because:

1. Legitimate governments are NOT established to provide “benefits”, but are established to:
   1.1. Provide basic criminal “protection” and the police powers which implement it.
   1.2. Protect private rights.
   1.3. Protect private property from conversion into public property.
   1.4. Ensure equal rights and equal protection of all, rather than only to a select few.

   "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)]

2. The federal government enjoys no police powers within states of the Union, and therefore does not require revenues to implement it there. The only people they can protect are people domiciled on federal territory or those domiciled anywhere in the American Union and temporarily situated abroad. While they are domiciled within states of the Union, the federal government has no municipal or civil jurisdiction over them. This is because the states of the Union are sovereign, independent, and foreign nations in nearly all respects under the Law of Nations.

   **Foreign States**: “Nations outside of the United States…Term may also refer to another state; i.e. a sister state. The term ‘foreign nations’, …should be construed to mean all nations and states other than that in which the action is brought; and hence, one state of the Union is foreign to another, in that sense.”

   **Foreign Laws**: “The laws of a foreign country or sister state.”

3. The government has no authority to abuse its taxing power to compel persons to “benefit” their neighbor.

   “That property which a man has honestly acquired he retains full control of, subject to these limitations: First, that he shall not use it to his neighbor’s injury, and that does not mean that he must use it for his neighbor’s benefit; second, that if he devotes it to a public use, he gives to the public a right to control that use; and third, that whenever the public needs require, the public may take it upon payment of due compensation."
   [Budd v. People of State of New York, 143 U.S. 517 (1892)]

4. The founding fathers reiterated that the foundation of a republican government is to provide protection and NOTHING more.

   “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 ]

5. It costs little to provide ONLY basic “protection” absent any “benefit”.

In any tax litigation where the accused is portrayed as a “leech”, almost universally, neither the government prosecutor nor the jury are allowed to discuss or analyze exactly what is meant by “benefit”, or to analyze precisely what “benefit” the
defendant is in receipt of. In that sense, trials involving those who refuse to pay “their fair share” degenerate into little more than mob lynchings not unlike that experienced by Jesus Himself.

And they began to accuse Him, saying, “We found this fellow perverting the[a] nation, and forbidding to pay taxes to Caesar, saying that He Himself is Christ, a King.”  
[Luke 23:2, Bible, NKJV]

This memorandum of law shall therefore provide compelling, court-admissible evidence for use in defending oneself against this unscrupulous and fatally flawed approach by government prosecutors. It is intended to be attached to government tax collection correspondence so that it may become part of the administrative record of law abiding Americans who both refuse to accept government benefits, and thereby exercise their right to not pay for these “services”.

2 Definition of the Term “Benefit”

The term “benefit” is defined in the following statute.

TITLE 5 > PART I > CHAPTER 5 > SUBCHAPTER II > § 552a
§ 552a. Records maintained on individuals

(a) Definitions.— For purposes of this section—

(12) the term “Federal benefit program” means any program administered or funded by the Federal Government, or by any agent or State on behalf of the Federal Government, providing cash or in-kind assistance in the form of payments, grants, loans, or loan guarantees to individuals; . . .

The two criteria to receive a “benefit” are:

1. The recipient must be an “individual”, who is defined in 5 U.S.C. §552a(a)(2) as a “citizen or resident of the United States” domiciled on federal territory and not within any state of the Union. As you will also learn later starting in section 7, the term “individual” does not include private persons, but rather “public officers” and “employees” of the government.

TITLE 5 > PART I > CHAPTER 5 > SUBCHAPTER II > § 552a
§ 552a. Records maintained on individuals

(a) Definitions.— For purposes of this section—

(2) the term “individual” means a citizen of the United States or an alien lawfully admitted for permanent residence;

2. The recipient must receive cash or in-kind assistance in the form of payments, grants, loans, or loan guarantees.

The above definition excludes Federal Reserve Notes as “cash, grants. Loans, or loan guarantees”, which are not lawful money, as we prove below:

The Money Scam, Form #05.041
http://sedm.org/Forms/FormIndex.htm

Below is yet another definition of “benefit” from Black’s Law Dictionary:

Benefit. Advantage; profit; fruit; privilege; gain; interest. The receiving as the exchange for promise some performance or forbearance which promisor was not previously entitled to receive. Graphic Arts Finishers, Inc. v. Boston Redevelopment Authority, 357 Mass. 49, 255 N.E.2d. 793, 795. Benefits are something to advantage of, or profit to, recipient. Cheltenham Tp. V. Cheltenham Tp. Police Dept., 11 Pa.Cmwlth. 348, 312 A.2d. 838.

Financial assistance received in time of sickness, disability, unemployment, etc. either from insurance or public programs such as social security.

Contracts. When it is said that a valuable consideration for a promise may consist of a benefit to the promisor, “benefit” means that the promisor has, in return for his promise, acquired some legal right to which he would not otherwise have been entitled. Woolum v. Sizemore, 267 Ky. 384, 102 S.W.2d. 323, 324. “Benefits” of contract
are advantages which result to either party from performance by other. DeCarlo v. Geryco, Inc. 46 N.C. App. 15, 264 S.E.2d. 370, 375.

**Eminent domain.** It is a rule that, in assessing damages for private property taken or injured for public use, "special benefits" may be set off against the amount of damage found, but not "general benefits." Within the meaning of this rule, general benefits are such as accrue to the community at large, to the vicinage, or to all property similarly situated with reference to the work or improvement in question; while special benefits are such as accrue directly and solely to the owner of the land in question and not to others.

As respects eminent domain law, "general benefits" are those which arise from the fulfillment of the public object which justified the taking, while "special benefits" are those which arise from the particular relation of the land in question to the public improvement. Morehead v. State Dept. of Roads, 195 Neb. 31, 236 N.W.2d 623, 627. [Black’s Law Dictionary, Sixth Edition, p. 158]

The above meaning of the word “benefit” is vague and depends on which of the two parties to a franchise or prospective franchise is permitted to define it. There are many reasons why legislators might purposefully leave words undefined. Some of these reasons include the fact that they might want:

1. The definition to be subjective so as to replace a “society of law” with a “society of men”.
2. To leave the jury and the judge, who are usually “benefit” recipients, subjectively in charge of defining the word “benefit” and to have the ability to COMPEL others to PRESUME that what is offered is in fact a “benefit”. This, however, causes a criminal violation of:
   2.1. 18 U.S.C. §208 on the part of the judge.
   2.2. 18 U.S.C. §201 in the case of the jurists, who are public officials.
3. To delegate to federal judges the authority to reach beyond the government’s constitutionally delegated power. Typically this is done by giving undue and excessive “policy” discretion to federal judges in order to convert a society of men into a society of law.
4. To politicize and compel the court to engage in public policy questions rather than legal questions and therefore violate the separation of powers doctrine. See:

**Political Jurisdiction.** Form #05.003
http://sedm.org/Forms/FormIndex.htm

Any attempt to delegate the kind of arbitrary power described above to a judge represents slavery itself, according to 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*370 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. Sovereignty itself is, of course, not subject to law, for it is the author and source of law; but in our system, while sovereign powers are delegated to the agencies of government, sovereignty itself remains with the people, by whom and for whom all government exists and acts. 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, 6 S.Ct. 1064 (U.S. 1886)]

If the word “benefit” is not defined within the context of the specific franchise you are accused of violating, then the word is what the legal profession calls “void for vagueness”, thus rendering it a violation of due process of law and a tort to prosecute anyone for a crime involving receipt of “benefits”:

That the terms of a penal statute creating a new offense must be sufficiently explicit to inform those who are subject to it what conduct on their part will render them liable to its penalties is a well-recognized requirement, consonant alike with ordinary notions of fair play and the settled rules of law; and a statute which either forbids or requires the doing of an act in terms so vague that men of common intelligence must necessarily guess at its meaning and differ as to its application violates the first essential of due process of law. International Harvester Co. v. Kentucky, 234 U.S. 216, 221, 34 S.Ct. 853; Collins v. Kentucky, 234 U.S. 624, 638, 34 S.Ct. 924
The dividing line between what is lawful and unlawful cannot be left to conjecture. The citizen cannot be held to answer charges based upon penal statutes whose mandates are so uncertain that they will reasonably admit of different constructions. A criminal statute cannot rest upon an uncertain foundation. The crime, and the elements constituting it, must be so clearly expressed that the ordinary person can intelligently choose, in advance, what course it is lawful for him to pursue. Penal statutes prohibiting the doing of certain things, and providing a punishment for their violation, should not admit of such a double meaning that the citizen may act upon the one conception of its requirements and the courts upon another. [Connally vs. General Construction Co., 269 U.S. 385 (1926)]

How can we prove that a statute is vague in court? That’s easy: Conduct a poll and ask people who don’t receive the benefit on the jury and who therefore do not have a criminal conflict of interest what a “benefit” is and whether they regard the benefit at issue in the case as a “consideration” based on the content of this section. If there is any variation among the persons polled and if their answers are not entirely consistent, then the law is void for vagueness and unenforceable.

Absent a clear, unambiguous, objective definition of the word “benefit”, any crime or prosecution based on its definition is required to give the defendant the benefit of the doubt under a practice called the “rule of lenity”:

This expansive construction of § 666(b) is, at the very least, inconsistent with the rule of lenity -- which the Court does not discuss. This principle requires that, to the extent that there is any ambiguity in the term "benefits," we should resolve that ambiguity in favor of the defendant. See United States v. Bass, 404 U.S. 336, 347 (1971) ("In various ways over the years, we have stated that, when choice has to be made between two readings of what conduct Congress has made a crime, it is appropriate, before we choose the harsher alternative, to require that Congress should have spoken in language that is clear and definite" (internal quotation marks omitted)). [Fischer v. United States, 529 U.S. 667 (2000)]

“When Congress leaves to the judiciary the task of imputing to Congress an undeclared will, the ambiguity should be resolved in favor of lenity. And this not out of any sentimental consideration, or for want of sympathy with the purpose of Congress in proscribing evil or antisocial conduct. It may fairly be said to be a presupposition of our law to resolve doubts . . . against the imposition of a harsher punishment.” [Bell v. United States, 349 U.S. 81, 83 (1955)]

If the defendant in a criminal trial involving “benefits” is a Christian, it is also important to point out that the Bible forbs us to regard anything that is offered by the government as a “benefit”. Anyone who compels you to regard what the government offers as a benefit is therefore compelling you to violate your religious beliefs and violate the First Amendment:

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

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

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

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

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

Understanding the meaning of the word “benefit”, however, is hugely important because:

1. The definition of the term becomes the metric for whether sufficient “consideration” was rendered by both parties to the contract or franchise so as to make the contract or agreement binding on both of them.
2. Receipt of “benefit” is the basis for criminally prosecuting those participating in federal franchises who don’t “pay their fair share”.

The Government “Benefits” Scam
3. The person granted authority to define the word in any legal contest will always win, which will end up being the judge if you don’t define it on the government form that administers the franchise you are either involved in or accused of being involved in.

Since the word can and often is very deliberately and purposefully not legislatively defined, it is therefore our job whenever we submit a government form to identify that we are the only ones who can define it and then to define it unambiguously so that silver tongued judges, government prosecutors, and other vermin cannot later invent a unilateral definition that we disagree with and which ultimately will advantage and benefit them at your expense. This approach, in fact, was taken into account in the following form on our website which we religiously attach to all government tax forms we are compelled to submit:

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Tax Form Attachment, Form #04.201
http://sedm.org/Forms/FormIndex.htm
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The definition of the word “benefit” that provides the most protection for your rights is the following:

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*Benefit*: Advantage; profit; fruit; gain; interest associated with a specific transaction which conveys a right or property interest which:

1. Is *not* dispensed by an administrative agency of any state or federal government, but by a private individual.
2. Does *not* require the recipient to be an officer, agent, employee, or “personnel” within any government.
3. Is not called a “tax” or collected by the Internal Revenue Service, but is clearly identified as “private business activity beyond the core purposes of government”.
4. Does not confer upon the grantor any form of sovereign, official, or judicial immunity.
5. Is legally enforceable in OTHER than a franchise court or administrative agency. That is, may be heard in equity within a true, Article III constitutional court and NOT a legislative franchise court.
6. True constitutional courts are provided in which to litigate disputes arising under the benefit and those with said disputes are not required to exhaust administrative remedies with an executive branch agency BEFORE they may litigate. These constitutional courts are required to produce evidence that they are constitutional courts with OTHER than strictly legislative franchise powers when challenged by the recipients of said benefits.
7. The specific value of the consideration can be quantified at any time.
8. Monies paid in by the recipient to subsidize the program are entirely refundable if the benefits they pay for have not been received or employed either partially or in full.
9. A person who dies and never collects a benefit is refunded ALL of the monies they paid in.
10. Participation in the program is not also attached to any other government program. For instance, being a recipient of “social insurance” does not also make the recipient liable for unrelated or other federal taxes.
11. The term “benefit” must be defined in the franchise agreement that dispenses it, and its definition may not be left to the subjective whims of any judge or jury.
12. If the “benefit” is financial, then it is paid in lawful money rather than Federal Reserve Notes, which are non interest bearing promissory notes that are not lawful money and are backed by nothing.
13. The franchise must expressly state that participation is voluntary and that no one can be prosecuted or punished for failure to participate.
14. The identifying numbers, if any, that administer the program may not be used for identification and may not be shared with or used by any nongovernmental entity other than the recipient him or her self.
15. May not be heard by any judge, jurist, or prosecutor who is a recipient or beneficiary of the same benefit, because this would cause a conflict of interest in violation of 18 U.S.C. §208, 28 U.S.C. §144, and 28 U.S.C. §455.
16. During any litigation that involving the “benefit”, both the grantor and the grantee share equal obligation to prove that equally valuable consideration was provided to the other party. Note that Federal Reserve Notes do not constitute lawful money or therefore consideration.
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Anything offered by the government that does not meet ALL of the above criteria is herein defined as an INJURY and a TORT. Compelled participation is stipulated by both parties as being slavery in criminal violation of 18 U.S.C. §1583, 42 U.S.C. §1994, and the Thirteenth Amendment.

Receipt of the attached government application constitutes consent by the recipient of the application to use the above definition of “benefit” in any disputes that might arise over this transaction. Government recipient and its agencies, employees, and assigns forfeit their right as private individuals acting in any government office to define the term “benefit” and agree to use ONLY the above definition.

The above definition is intended to prevent the creation of a state sponsored religion or fantasy in which people may be fooled into believing that they receive anything of value from the government:

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*BELIEF*: A conviction of the truth of a proposition, existing subjectively in the mind, and induced by argument, persuasion [GOVERNMENT LIES, PROPAGANDA], or proof addressed to the judgment. Keller
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**The Government “Benefits” Scam**

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Form 05.040, Rev. 4-23-2008

EXHIBIT: _____

Conviction of the mind, arising not from actual perception or knowledge, but by way of inference, or from evidence received or information derived from others.

A conviction of the truth of a given proposition or an alleged fact resting upon grounds insufficient to constitute positive knowledge. Boone v. Merchants’ & Farmers’ Bank, D.C.N.C. 285 F. 183, 191.

With regard to things which make not a very deep impression on the memory, it may be called “belief.” “Knowledge” is nothing more than a man’s firm belief. The difference is ordinarily merely in the degree; to be judged of by the court, when addressed to the court; by the jury, when addressed to the jury. Hatch v. Carpenter.

9 Gray (Mass.) 274.


If you submit a government form with the above application and the application is rejected, this is a great way to prove to anyone who was trying to force you to participate that you weren’t eligible! Hurt me! It is a maxim of law that any act which is compelled is not YOUR act, and that the law cannot require an impossibility, which means that no one can require you to obtain or punish you for failure to obtain that which the government won’t issue you or which you can prove you aren’t even legally qualified to obtain. For an example of this phenomenon, see:

1. **Why You Aren’t Eligible for Social Security**, 06.001
   [http://sedm.org/Forms/FormIndex.htm](http://sedm.org/Forms/FormIndex.htm)

2. **Why It Is Illegal for Me to Request or Use a Taxpayer Identification Number**, Form #04.205
   [http://sedm.org/Forms/FormIndex.htm](http://sedm.org/Forms/FormIndex.htm)

3  **Basic purpose of Establishing Government: protection**

The basic purpose of establishing government is the protection of private rights. This fact is admitted in our 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.”

[Declaration of Independence]

The protection afforded by government comes in the form of the criminal laws, the police powers, courts, and jails which collectively prevent you from being injured or your rights deprived by your neighbor. All persons within a jurisdiction must obey the criminal laws and their consent is not required in order to enforce them. Simple presence on the territory of the sovereign and the commission of a harmful act triggers jurisdiction to enforce the statute against the perpetrator.

The protection afforded by government is implemented through what is called “police powers”. First, let’s define the term:

“Police power. An authority conferred by the American constitutional system in the Tenth Amendment, U.S. Const., upon the individual states, and, in turn, delegated to local governments, through which they are enabled to establish a special department of police; adopt such laws and regulations as tend to prevent the commission of fraud and crime, and secure generally the comfort, safety, morals, health, and prosperity of the citizens by preserving the public order, preventing a conflict of rights in the common intercourse of the citizens, and insuring to each an uninterrupted enjoyment of all the privileges conferred upon him or her by the general laws.

The power of the State to place restraints on the personal freedom and property rights of persons for the protection of the public safety, health, and morals or the promotion of the public convenience and general prosperity. The police power is subject to limitations of the federal and State constitutions, and especially to the requirement of due process. Police power is the exercise of the sovereign right of a government to promote order,