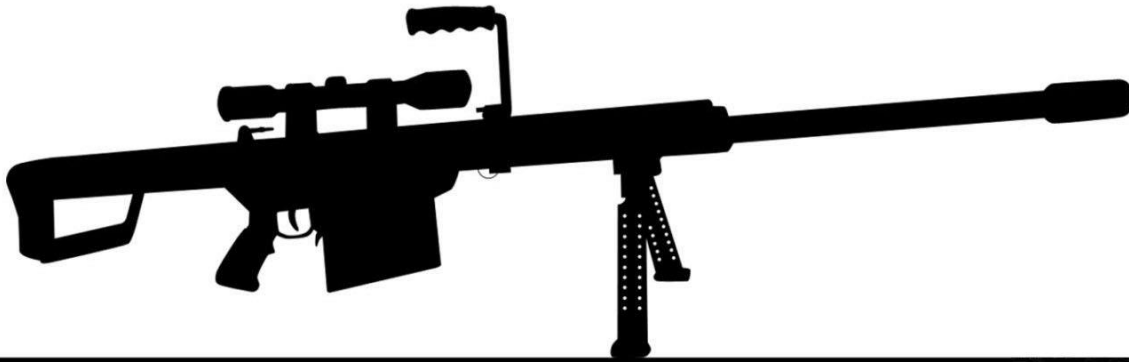


# ***WHY STATUTORY CIVIL LAW IS LAW FOR GOVERNMENT AND NOT PRIVATE PERSONS***

Last revised: 8/29/2015

# **PRIVATE PROPERTY**

# **IF YOU CAN READ THIS YOU ARE WITHIN RANGE**



*"Under basic rules of construction, statutory laws enacted by legislative bodies cannot impair rights given under a constitution. 194 B.R. at 925. "*

*[In re Young, 235 B.R. 666 (Bankr.M.D.Fla., 1999)]*

*“What, then, is law? It is the collective [VOLUNTARY] 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 [RIGHTS] 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.”*

*[The Law, Frederic Bastiat (1801-1850), p. 2;*

*SOURCE: <http://famguardian.org/Publications/TheLaw/TheLaw.htm>]*

*“What, then, is legislation? It is an assumption by one man, or body of men, of absolute, irresponsible dominion over all other men whom they call subject to their power. It is the assumption by one man, or body of men, of a right to subject all other men to their will and their service. It is the assumption by one man, or body of men, of a right to abolish outright all the natural rights, all the natural liberty of all other men; to make all other men their slaves; to arbitrarily dictate to all other men what they may, and may not, do; what they may, and may not, have; what they may, and may not, be. It is, in short, the assumption of a right to banish the principle of human rights, the principle of justice itself, from off the earth, and set up their own personal will, pleasure, and interest in its place. All this, and nothing less, is involved in the very idea that there can be any such thing as human [CIVIL] legislation that is obligatory upon those upon whom it is imposed.”*

*[Natural Law, Chapter 1, Section IV, Lysander Spooner;*

*SOURCE:*

*<http://famguardian.org/PublishedAuthors/Indiv/SpoonerLysander/NaturalLaw.htm>]*

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# 1 Introduction

The vast majority of Americans educated in public (e.g. “government”) schools in this deluded day and age graduate with no formal education about law. This:

1. Makes Americans functionally illiterate in society.
2. Renders them unable to personally enforce the protection of their Constitutional rights in court.
3. Destroys the ability of the average American to supervise the actions of:
  - 3.1. Public servants acting on his or her behalf within a representative government.
  - 3.2. Members of the legal profession in protecting their rights.
4. Undermines the democratic process by rendering the average American unable to judge the qualifications of candidates for public office, most of whom are lawyers.
5. Causes most Americans to blindly obey whatever anyone in the legal profession or the government says without question, and thereby creates a form of government called a “dulocracy”:

*“Dulocracy. A government where servants and slaves have so much license and privilege that they domineer.”  
[Black’s Law Dictionary, Sixth Edition, p. 501]*

6. Renders only the most wealthy members of society who can afford legal representation as the only class of persons that the government will be legally obligated to respect the rights of.
7. Makes government into a state-sponsored religion.
8. Makes the legal profession into the equivalent of a state-sponsored “priesthood”. Attorneys are “deacons” of the government church.
9. Makes courts into state “church” buildings.
10. Makes court hearings and trials into religious worship ceremonies.
11. Makes judges into “priests” of a civil religion.
12. Causes Americans to obey laws that apply primarily to government “officers” and “employees” and do not pertain to them.
13. Encourages public servants to:
  - 13.1. Publish “codes” that aren’t “public law”, but rather “private law” that only applies to government employees and to illegally enforce these “codes” against private Americans who aren’t the proper subject.
  - 13.2. Mis-represent “private law” as “public law” in order to unlawfully expand their importance, power, revenues, and jurisdiction.

See:

[Requirement for Consent](http://sedm.org/Forms/FormIndex.htm), Form #05.003  
<http://sedm.org/Forms/FormIndex.htm>

14. Encourages public servants and members of the legal profession to engage in self-serving and prejudicial presumption in order to unlawfully expand their importance, power, revenues, and jurisdiction. See:

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

This concise memorandum of law will prove with evidence that nearly all civil laws, statutes, and “codes” passed by government:

1. Are “private law” that apply only to those who individually consent to act as “public officers” of the government.
2. Are not “public law” that applies to everyone equally.
3. Protect public rights and public franchises, rather than private rights and private property. In fact, in many cases they do not even acknowledge private rights or private human beings. Hence, “man”, “woman” are not defined, but “individual” is, meaning public officer.
4. Apply only on federal territory.
5. Are unenforceable outside of federal territory or against those not domiciled on federal territory.
6. Can be rendered inoperative against a private party and the average American in any court when properly challenged.

This document applies to any kind of government, whether it be municipal, state, or federal. We will use federal law in most cases to demonstrate our point, but the discussion applies to all types of governments.

This document deals ONLY with statutory civil law that requires domicile as a prerequisite in order to lawfully enforce. It DOES NOT propose that legislatures have no authority to enact criminal laws. The great line of demarcation between the Civil and the Criminal law is, in fact, consent of the governed. Civil law requires direct or indirect consent while criminal law does not. Sovereignty only affects civil jurisdiction, not criminal jurisdiction.

A third field of law, Penal law, seeks to confuse these two fields of law. Some in the legal field refer to this field as “quasi-criminal”. However, for the purposes of this document, Penal law is actually civil law that has a civil status prerequisite. It is a misnomer to call this field of law “criminal” because a predicate civil status is necessary in order to trigger its jurisdiction. An example would be the penal provisions of the Internal Revenue Code, which defines “person” as follows:

TITLE 26 > Subtitle F > CHAPTER 75 > Subchapter D > § 7343  
§ 7343. Definition of term “person”

*The term “person” as used in this chapter includes an officer or employee of a corporation, or a member or employee of a partnership, who as such officer, employee, or member is under a duty to perform the act in respect of which the violation occurs.*

The above “persons” are the only parties against whom the penal provisions of the Internal Revenue Code may be enforced. Those penal provisions can involve jail time, but they are a product of the predicate civil status of “person” defined above.

*predicate*  
[verb *pred-i-keyt* adjective, noun *pred-i-kit* ]  
**verb (used with object),** *pred-i-cat-ed, pred-i-cat-ing.*

1. to proclaim; declare; affirm; assert.

2. Logic.  
a. to affirm or assert (something) of the subject of a proposition.  
b. to make (a term) the predicate of such a proposition.

3. to connote; imply: His retraction predicates a change of attitude.  
[Dictionary.com, definition of “predicate”, Downloaded 9/7/2020; SOURCE:  
<https://www.dictionary.com/browse/predicate>]

That “person” in 26 U.S.C. §7343 does NOT include ALL people or even all human beings. This is why the penal provisions of the Internal Revenue Code do not appear in Title 18 of the U.S. Code under “Crimes and Criminal Procedure”. Real criminal law applies equally to ALL who engage in the conduct prohibited, regardless of their predicate civil status. Thus, it DOES NOT qualify as “law”, which MUST apply equally to all, regardless of their consent OR their civil status. It is instead, a component of a voluntary civil franchise. Anything that produces inequality in the legal field must always be based on a voluntary civil franchise. For more on franchises, see:

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

For more information on the “person” scam in the Internal Revenue Code, see:

Policy Document: IRS Fraud and Deception About the Statutory Word “Person”, Form #08.023  
<https://sedm.org/Forms/FormIndex.htm>

## **2 Publici Juris/Public Rights as the Source of ALL Unjust Government Authority<sup>1</sup>**

The subject of “publici juris” or “public rights” is the absolute HEART of IRS deception of the public about the origins of their authority. It is worth spending a lot of time on and because it is such a central issue, there is much judicial deception surrounding it which we will carefully explain in the following subsections.

<sup>1</sup> Source: Policy Document: IRS Fraud and Deception About the Statutory Word “Person”, Form #08.023, Section 4;  
<https://sedm.org/Forms/FormIndex.htm>.

## 2.1 Proof that “Publici Juris”/PUBLIC RIGHTS Include the ENTIRE Civil Code

Principles underlying this analysis:

1. The CREATOR of a thing is always the absolute owner. See:

*Hierarchy of Sovereignty: The Power to Create is the Power to Tax*, Family Guardian Fellowship  
<https://famguardian.org/Subjects/Taxes/Remedies/PowerToCreate.htm>

2. CIVIL fictions of law such as “person” are legislative creations of congress and therefore PROPERTY of Congress. See:

*Proof That There Is a “Straw Man”*, Form #05.042  
<https://sedm.org/Forms/05-MemLaw/StrawMan.pdf>

3. If you invoke a civil statutory status such as “person” in court as a method to achieve remedy:

- 3.1. That remedy is a RIGHT as property which gives you the ability to enforce a CORRESPONDING obligation on the part of the government as enforcer.

- 3.2. That status is government/PUBLIC property you are “borrowing” to which legal strings attach.

- 3.3. The government is the GRANTOR or MERCHANT of the property, and you are the BUYER or BORROWER.

- 3.4. The MERCHANT always makes the rules under the U.C.C. The civil statutory code is, in fact, the INSTANTIATION of all the rules that regulate the use of such PUBLIC property.

- 3.5. The government’s EXCLUSIVE SOURCE OF AUTHORITY over you as the Buyer/borrower originate from the RULES in the civil code. Those rules are a regulation of the use of PUBLIC/GOVERNMENT property. Without such a property interest in the civil status or “res” you are invoking, they would have no authority to WRITE such rules or GRANT you the remedies found therein.

- 3.6. Your obligations are someone ELSE’S rights because the obligation has to be owed to SOMEONE. If that someone is the government, then in effect you are in custody of government property as an obligor UNTIL you fully satisfy the agreed upon obligation. A public officer is in fact legally defined as someone “in charge of the PROPERTY of the PUBLIC” and that property is YOUR obligation to the government.

4. The legal strings which attach to the CIVIL STATUTORY STATUS of “person” attach as OBLIGATIONS. You cannot acquire such civil statutory OBLIGATIONS WITHOUT your consent otherwise.

5. Invoking the civil statutory status of “person” and claiming its “benefits”, protections, immunities, and PRIVILEGES therefore constitutes:

- 5.1. An act of IMPLIED CONSENT. See [Form #05.003](#).

- 5.2. A “tacit procuration”.

6. If you don’t want to claim a civil statutory status, you still have a remedy to protect your PRIVATE property, but it MUST derive from the CONSTITUTION and NOT the civil statutory law.

7. CIVIL STATUTORY remedies are PUBLIC rights while CONSTITUTIONAL remedies are PRIVATE rights. You must invoke ONE or the other but NEVER both. They are mutually exclusive and non-overlapping.

8. The only thing the statutory civil law protects is PUBLIC/COLLECTIVE rights and NEVER PRIVATE constitutionally protected rights.

9. You cannot invoke a civil statutory remedy without a CONSENSUAL domicile in the forum granting the privilege. See:

*Why Domicile and Becoming a “Taxpayer” Require Your Consent*, Form #05.002  
<https://sedm.org/Forms/05-MemLaw/Domicile.pdf>

10. If you want to AVOID the civil statutory obligations, then either DON’T invoke the status in court or don’t choose a civil domicile and instead be a “nonresident” or “non-resident non-person”. See:

*Non-Resident Non-Person Position*, Form #05.020  
<https://sedm.org/Forms/05-MemLaw/NonresidentNonPersonPosition.pdf>

11. If you don’t consent to the civil status and by implication the CIVIL OBLIGATIONS of the status and do not invoke and specifically DENY its “benefits”, but the GOVERNMENT as your opponent enforces those obligations and indirectly the VOLUNTARY STATUS against you, they are:

- 11.1. Engaging in criminal identity theft. See [Government Identity Theft, Form #05.046](#).

- 11.2. Violating the Thirteenth Amendment prohibition against involuntary servitude.

- 11.3. Engaging in criminal human trafficking.

- 11.4. Engaging in criminal PEONAGE in the case of taxation, which is slavery to pay off a debt.

12. The equivocation abused in the definitions and authorities below are a method of sophistry intended to DISGUISE or HIDE the fact that they need your consent to civilly govern you and don’t want you to be able to opt out and leave the “franchise cage” created by statutory civil privileges. If you opted out, they would lose most of their authority and power over you.

13. In the context of the authorities on this page:

- 13.1. “LEGAL” is equated with CIVIL STATUTORY and PUBLIC context.

- 13.2. “LAWFUL” is equated with the CONSTITUTIONAL or PRIVATE context.

14. The entire process above is nebulously identified by the judiciary as a “quasi contract”. They absolutely and deliberately REFUSE to precisely identify the operations of all the mechanisms described here or exactly what they mean by a “quasi contract”, because if they did, it would literally destroy MOST of their power and importance and jurisdiction within constitutional states.
15. When Jefferson in the Declaration of Independence talked about an INVASION of the states with “swarms of officers” (civil statutory “persons”), the above process is EXACTLY what he had in mind. It’s a violation of the Constitution and a criminal tort, and because it’s a crime, you can’t lawfully CONSENT to engage in it. See:

[Challenge to Income Tax Enforcement Authority Within Constitutional States of the Union](https://sedm.org/Forms/05-Memlaw/ChallengeToIRSEnforcementAuth.pdf), Form #05.052  
<https://sedm.org/Forms/05-Memlaw/ChallengeToIRSEnforcementAuth.pdf>

More on the subject of this article at:

1. [The “Publici Juris” SCAM](https://sedm.org/the-publici-juris-or-public-rights-scam/), SEDM Blog  
<https://sedm.org/the-publici-juris-or-public-rights-scam/>
2. [Private Right or Public Right? Course](https://sedm.org/LibertyU/PrivateRightOrPublicRight.pdf), Form #12.044  
<https://sedm.org/LibertyU/PrivateRightOrPublicRight.pdf>
3. [Separation Between Public and Private Course](https://sedm.org/LibertyU/SeparatingPublicPrivate.pdf), Form #12.025  
<https://sedm.org/LibertyU/SeparatingPublicPrivate.pdf>
4. [Sovereignty Forms and Instructions Online](https://famguardian.org/TaxFreedom/CitesByTopic/PublicRight.htm), Form #10.004, Cites by Topic: “public right”  
<https://famguardian.org/TaxFreedom/CitesByTopic/PublicRight.htm>
5. [Why Statutory Civil Law is Law for Government and Not Private Persons](https://sedm.org/Forms/05-MemLaw/StatLawGovt.pdf), Form #05.037  
<https://sedm.org/Forms/05-MemLaw/StatLawGovt.pdf>
6. [Policy Document: IRS Fraud and Deception About the Statutory Word “Person”](https://sedm.org/Forms/08-PolicyDocs/IRSPerson.pdf), Form #08.023  
<https://sedm.org/Forms/08-PolicyDocs/IRSPerson.pdf>
7. [Why the Federal Income Tax is a Privilege Tax Upon Government Property](https://sedm.org/Forms/FormIndex.htm), Form #04.404 (Member Subscriptions)  
<https://sedm.org/Forms/FormIndex.htm>

*PRIVATE. Affecting or belonging to private individuals, as distinct from the public generally. **Not official; not clothed with [PUBLIC] office.** People v. Powell, 280 Mich. 699, 274 N.W. 372, 373, 111 A.L.R. 721.*

*As to private “Act,” “Agent,” “Bill,” “Boundary,” “Bridge,” “Business,” “Carrier,” “Chapel,” “Corporation,” “Detective,” “Dwelling House,” “Easement,” “Examination,” “Ferry,” “Nuisance,” “Pond,” “Property,” “Prosecutor,” “Rights,” “Road,” “Sale,” “School,” “Seal,” “Statute,” “Stream,” “Trust,” “Water,” “War,” “Way,” “Wharf,” and “Wrongs,” see those titles.  
[Black’s Law Dictionary, Fourth Edition, p. 1358]*

*“PRIVATE PERSON. An individual who is **not the incumbent of an [PUBLIC] office.**”  
[Black’s Law Dictionary, Fourth Edition, p. 1359]*

[EDITORIAL: The “office” they are talking about, in the context of civil statutory law, is the CIVIL STATUS of “person”, “citizen”, “resident”, “spouse”, “driver”, etc. That office is property of the government WITHIN the government as a corporation. All those claiming the status are therefore “officers of a public corporation” subject to civil statutory regulation.]

*Res. Lat. The subject matter of a trust or will. **In the civil law, a thing; an object.** As a term of the law, this word has a very wide and extensive signification, including not only things which are objects of property, but also such as are not capable of individual ownership. And in old English law it is said to have a general import, comprehending both corporeal and incorporeal things of whatever kind, nature, or species. **By “res,” according to the modern civilians, is meant everything that may form an object of rights, in opposition to “persona,” which is regarded as a subject of rights. “Res,” therefore, in its general meaning, comprises actions of all kinds; while in its restricted sense it comprehends every object of right, except actions.** This has reference to the fundamental division of the Institutes that all law relates either to persons, to things, or to actions.*

**Res is everything that may form an object of rights and includes an object, subject-matter or [CIVIL] status. In re Riggle’s Will, 11 A.D.2d 51 205 N.Y.S.2d 19, 21, 22. The term is particularly applied to an object, subject-**

1 matter, or status, considered as the defendant in an action, or as an object against which, directly, proceedings  
2 are taken. Thus, in a prize case, the captured vessel is “the res”; and proceedings of this character are said to  
3 be in rem. (See *In personam*; *In Rem*.) “Res” may also denote the action or proceeding, as when a cause, which  
4 is not between adversary parties, is entitled “In re \_\_\_\_\_”.  
5 [*Black’s Law Dictionary, Sixth Edition, pp. 1304-1306*]

6 [EDITORIAL: The civil “status” of “person” is an example of a “res” as described above. This “STATUS” is the OBJECT  
7 of rights, not the SUBJECT of them. The human CONSENSUALLY FILLING the civil status of “person” is the SUBJECT  
8 of those rights. OBJECTS, SUBJECT MATTERS, or STATUSES are all equivalent and all fall in the category of “res”. An  
9 example of a “res” is “person”, “citizen”, “resident”, “driver”, “taxpayer”, etc. An action against a civil statutory “person”  
10 is the defendant or plaintiff in a civil action and the fictional party against whom legal proceedings are taken DIRECTLY.  
11 The human being consensually filling the office or status is the INDIRECT object of the civil proceeding.]

12  
13 *PUBLICI JURIS.* Lat. Of public right. The word “public” in this sense means pertaining to the people, or  
14 affecting the community at large; that which concerns a multitude of people; and the word “right,” as so used,  
15 means a well-founded claim; an interest; concern; advantage; benefit. *State v. Lyon*, 63 Okl. 285, 165 P. 419,  
16 420.

17 This term, as applied to a thing or right, means that it is open to or exercisable by all persons. It designates  
18 things which are owned by “the public;” that is, the entire state or community, and not by any private person.  
19 When a thing is common property, so that any one can make use of it who likes, it is said to be publici juris; as  
20 in the case of light, air, and public water. Sweet.  
21 [*Black’s Law Dictionary, Fourth Edition, p. 1397*]

22 [EDITORIAL: The civil code documents an AGGREGATE of rights, and the civil statuses WITHIN the civil code such as  
23 “person” are the OBJECT of those rights. The person CONSENSUALLY filling the PUBLIC office of “person” is the  
24 SUBJECT of those rights.]

25  
26 **Property.** That which is peculiar or proper to any person; that which belongs exclusively to one. In the strict  
27 legal sense, an aggregate of rights which are guaranteed and protected by the government. *Fulton Light, Heat*  
28 *& Power Co. v. State*, 65 Misc.Rep. 263, 121 N.Y.S. 536. The term is said to extend to every species of valuable  
29 right and interest. More specifically, ownership; the unrestricted and exclusive right to a thing; the right to  
30 dispose of a thing in every legal way, to possess it, to use it, and to exclude everyone else from interfering with  
31 it. That dominion or indefinite right of use or disposition which one may lawfully exercise over particular things  
32 or subjects. The exclusive right of possessing, enjoying, and disposing of a thing. The highest right a man can  
33 have to anything; being used to refer to that right which one has to lands or tenements, goods or chattels, which  
34 no way depends on another man’s courtesy.

35 The word is also commonly used to denote everything which is the subject of ownership, corporeal or  
36 incorporeal, tangible or intangible, visible or invisible, real or personal, everything that has an exchangeable  
37 value or which goes to make up wealth or estate. It extends to every species of valuable right and interest, and  
38 includes real and personal property, easements, franchises, and incorporeal hereditaments, and includes every  
39 invasion of one’s [PUBLIC CIVIL] property rights by actionable wrong. *Labberton v. General Cas. Co. of*  
40 *America*, 53 Wash.2d. 180, 332 P.2d. 250, 252, 254.

41 Property embraces everything which is or may be the subject of ownership, whether a legal ownership. or  
42 whether beneficial, or a private ownership. *Davis v. Davis. TexCiv-App.*, 495 S.W.2d. 607, 611. Term includes  
43 not only ownership and possession but also the right of use and enjoyment for lawful purposes. *Hoffmann v.*  
44 *Kinealy, Mo.*, 389 S.W.2d. 745, 752. Property, within constitutional protection, denotes group of rights  
45 inhering in citizen’s relation to physical thing, as right to possess, use and dispose of it. *Cereghino v. State By*  
46 *and Through State Highway Commission*, 230 Or. 439, 370 P.2d. 694, 697.  
47 [*Black’s Law Dictionary, Fifth Edition, p. 1095*]

48 [EDITORIAL: A civil statutory “person” is an aggregate of rights, because many different TYPES of rights can attach to it  
49 as a legal fiction.]

50  
51 The rights which claimants thus acquired through the previous appropriations of the State are property rights.  
52 HN7 “Property” in the strict legal sense is an aggregate of rights which are guaranteed and protected by



government. In the ordinary sense it is used to indicate the thing itself rather than the rights attached to it. Whether or not we employ the term in one or the other of these senses, the result is the same, so far as the interference with [\*49] property is concerned; for, while in the former attention is directed to the rights which make up the thing, in the latter the thing which constitutes the aggregation of these rights is emphasized. In both cases the rights attached to the thing are the subject of concern. A reference to the cases in the courts will show the various rights which have been protected under the name of property but which, in reality, are rights attached to something which in the ordinary mind constitutes property. In *Forster v. Scott*, 136 N.Y. 577. Judge O'Brien said: "HN8 Whenever a law deprives the [\*289] owner of the beneficial use and free enjoyment of his property, or imposes restraints upon such use and enjoyment, that materially affect its value, without legal process or compensation, it deprives him of his property within the meaning of the Constitution. All that is beneficial in property arises from its use and the fruits of that use, and whatever deprives a person of them deprives him of all that is desirable and valuable in the title and possession."

In *Pape v. New York & Harlem R. R. Co.*, 74 A.D. 175. Justice Ingraham said: "It is sufficient to say that this provision of the Constitution [\*50] 'is to have a large and liberal interpretation, and that the fundamental principle of free government, expressed in these words, protects not only life, liberty and property in a strict and technical sense, against unlawful invasion by the government in the exertion of governmental power in any of its departments, but also protects every essential incident to the enjoyment of those rights.' ( *People v. King*, 110 N.Y. 418.)"

[*Fulton Light, Heat & Power Co. v. State*, 65 Misc. 263 (1909)]

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**"It is universally conceded that a divorce proceeding, in so far as it affects the status of the parties, is an action in rem. 19 Cor. Jur. 22, § 24; 3 Freeman on Judgments (5th Ed.) 3152. It is usually said that the 'marriage status' is the res. Both parties to the marriage, and the state of the residence of each party to the marriage, has an interest in the marriage status. In order that any court may obtain jurisdiction over an action for divorce that court must in some way get jurisdiction over the res (the marriage status).**

[*Delanoy v. Delanoy*, 216 Cal. 27, 13 P.2d. 719 (CA. 1932)]

[EDITORIAL: An IN REM proceeding is one against PROPERTY. The "marriage status" itself IS the property or "res". Thus the civil status of "spouse" under the family code civil franchise is PUBLIC property CREATED and OWNED by the legislature.]

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**"As a rule, franchises spring from contracts between the sovereign power and private citizens, made upon valuable considerations, for purposes of individual advantage as well as public benefit. and thus a franchise partakes of a double nature and character. So far as it affects or concerns the public, it is publici juris and is subject to governmental control. The legislature may prescribe the manner of granting it, to whom it may be granted, the conditions and terms upon which it may be held, and the duty of the grantee to the public in exercising it, and may also provide for its forfeiture upon the failure of the grantee to perform that duty. But when granted, it becomes the property of the grantee, and is a private right, subject only to the governmental control growing out of its other nature as publici juris. "**

[*Am.Jur.2d. Legal Encyclopedia, Franchises, §4: Generally* (1999)]

[EDITORIAL: Franchises are "publici juris", meaning a legislatively created public right against public property. The public property granted are the statutory civil rights that attach to the civil status of "person", "citizen", "resident", "taxpayer", etc. The civil code in effect acts as a "protection franchise" and the public rights granted are the protection to those CONSENTING to act as government officers. These public rights are not available to those who do NOT consent to the civil status that the rights attach to. That status is a "res" in property terms. The obligations attached to the status/office are the method of "paying for" or "tacitly procuring" the rights that the status comes with. Consent to the civil status is manifested by filling out a government form and ASKING for the status, such as "driver license application". See *Avoiding Traps in Government Forms Course*, Form #12.023; <https://sedm.org/LibertyU/AvoidingTrapsGovForms.pdf>. The civil code is therefore the "employment agreement" or "employment compact" governing those who volunteer and pursue the benefits/rights of the protection franchise. The rights and remedies it provides it affords are only available to those who have ALSO voluntarily chosen a civil domicile. See Form #05.002]

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**"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. Frohmler, 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]

[EDITORIAL: A “public officer” is someone in charge of the PROPERTY of the public. In the case of the civil statutory code, that PROPERTY is the civil status (Form #13.008) created and granted legislatively by Congress, and the “aggregation of rights” that it represents as an “object of property”.]

”But it was also contended in that court, and is insisted upon here, that the judgment in the State court against the plaintiff was void for want of personal service of process on him, or of his appearance in the action in which it was rendered, and that the premises in controversy could not be subjected to the payment of the demand 722\*722 of a resident creditor except by a proceeding in rem; that is, by a direct proceeding against the property for that purpose. If these positions are sound, the ruling of the Circuit Court as to the invalidity of that judgment must be sustained, notwithstanding our dissent from the reasons upon which it was made. And that they are sound would seem to follow from two well-established principles of public law respecting the jurisdiction of an independent State over persons and property. The several States of the Union are not, it is true, in every respect independent, many of the rights and powers which originally belonged to them being now vested in the government created by the Constitution. But, except as restrained and limited by that instrument, they possess and exercise the authority of independent States, and the principles of public law to which we have referred are applicable to them. One of these principles is, that

[1] every State possesses exclusive jurisdiction and sovereignty over persons and property within its territory. As a consequence, every State has the power to determine for itself the civil status and capacities of its inhabitants; to prescribe the subjects upon which they may contract, the forms and solemnities with which their contracts shall be executed, the rights and obligations arising from them, and the mode in which their validity shall be determined and their obligations enforced; and also to regulate the manner and conditions upon which property situated within such territory, both personal and real, may be acquired, enjoyed, and transferred.

[2] The other principle of public law referred to follows from the one mentioned; that is, that no State can exercise direct jurisdiction and authority over persons or property without its territory.”  
[Pennoyer v. Neff, 95 U.S. 714 (1878);  
[https://scholar.google.com/scholar\\_case?case=13333263776496540273](https://scholar.google.com/scholar_case?case=13333263776496540273)]

[EDITORIAL: When any state or the national Congress wants to reach outside its exclusive territory (extraterritorially), it may only do so by using property or rights WITHIN its territory. An action against a civil “person” within a constitutional state that is created and owned by the national government is an action against a public office domiciled in the District of Columbia as required by 4 U.S.C. §72 directly, and against its OWNER indirectly. It is an “in rem” proceeding against the legislatively but not constitutionally FOREIGN office with a FOREIGN civil domicile. The officer voluntarily filling and animating the FOREIGN office has a domicile independent of the office he or she represents. In that sense, a state national vindicating a NATIONAL public right or civil statutory right is acting as a “res”-“ident” agent for a foreign public office with a foreign domicile.]

## 2.2 The “Publici Juris” or “Public Rights” Scam<sup>2</sup>

The Public Rights Doctrine of the U.S. Supreme Court is the starting point for determining whether a right is PRIVATE or PUBLIC, and in what court disputes over the right may be heard. This section will discuss this doctrine and the foundation of it, which is “publici juris”. We also discuss the dividing line between PUBLIC and PRIVATE and how to distinguish each in the following course on our site.

Private Right or Public Right? Course, Form #12.044  
<https://sedm.org/LibertyU/PrivateRightOrPublicRight.pdf>

<sup>2</sup> Source: *Why the Federal Income Tax is a Privilege Tax Upon Government Property*, Form #04.404, Section 2; <https://sedm.org/product/why-the-federal-income-tax-is-limited-to-federal-territories-federal-possession-and-federal-enclaves-within-the-states-form-04-404/>

1 The term “publici juris”, which is Latin for “public right” is defined as follows:

2 “PUBLICI JURIS. Lat. Of public right. The word “public” in this sense means pertaining to the people, or  
3 affecting the community at large; that which concerns a multitude of people; and the word “right,” as so used,  
4 means a well-founded claim; an interest; concern; advantage; benefit. State v. Lyon, 63 Okl. 285, 165 P. 419,  
5 420.

6 This term, as applied to a thing or right, means that it is open to or exercisable by all [CIVIL STATUTORY]  
7 persons [but not CONSTITUTIONAL “persons”]. It designates things which are owned by “the public:” that is,  
8 the entire state or community, and not by any private person. When a thing is common property, so that any one  
9 can make use of it who likes, it is said to be publici juris; as in the case of light, air, and public water. Sweet.  
10 [Black’s Law Dictionary, Fourth Edition, p. 1397]

11 They use Latin in the definition to disguise the term “public right” because they are trying to pull a fast one on the  
12 mainstream populace. Whenever a court or a legal dictionary uses Latin, guaranteed they are trying to deceive or mislead  
13 you to disguise their LACK of lawful authority.

14 Notice the phrase in the above “owned by the public”, and by that they mean PUBLIC property. The word “benefit” also  
15 betrays a privilege as well. “Common property” implies COLLECTIVE control and ownership, rather than PERSONAL  
16 ownership.

17 They use the phrase “it is open to or exercisable by all persons”, but they can ONLY mean all human beings consensually  
18 domiciled in the forum and EXCLUDING those who are NOT. In other words, VOLUNTARY CLUB MEMBERS.  
19 Otherwise, involuntary servitude and a Fifth Amendment taking of property would be the result. See:

Why Domicile and Becoming a “Taxpayer” Require Your Consent, Form #05.002

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

HTML: <https://famguardian.org/Subjects/Taxes/Remedies/DomicileBasisForTaxation.htm>

20 STATUTORY persons always require a domicile within the CIVIL jurisdiction of a geographical region. That domicile  
21 must be CONSENSUAL (Form #05.003). If you don’t consent to a domicile (Form #05.002) in the forum or venue, the  
22 only CIVIL protection you have is the CONSTITUTION and the COMMON LAW and STATUTORY CIVIL law (Form  
23 #05.037) DOES NOT and CANNOT APPLY. See:

Why Statutory Civil Law is Law for Government and Not Private Persons, Form #05.037

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

24 The definition of “PUBLIC RIGHT/PUBLICI JURIS” is therefore deceptive and equivocates (Form #05.014), because the  
25 TWO contexts for “persons” are not identified or qualified and are MUTUALLY exclusive:

- 26 1. CONSTITUTIONAL “persons”: Human beings protected by the Bill of Rights and the common law and NOT  
27 statutory civil law.  
28 2. STATUTORY “persons”: Fictional creations of Congress (“Straw men”, Form #05.042) which only have the limited  
29 subset of CONSTITUTIONAL rights entirely defined and controlled by Congress.

30 You CANNOT be a CONSTITUTIONAL “person” and a STATUTORY “person” at the SAME time:

- 31 1. Either you have CONSTITUTIONAL rights (Form #10.002) in a given context, or you have STATUTORY privileges  
32 (Form #05.030).  
33 2. If you claim STATUTORY privileges, you SURRENDER CONSTITUTIONAL rights.

34 “The words “privileges” and “immunities,” like the greater part of the legal phraseology of this country, have  
35 been carried over from the law of Great Britain, and recur constantly either as such or in equivalent  
36 expressions from the time of Magna Charta. For all practical purposes they are synonymous in meaning, and  
37 originally signified a peculiar right or private law conceded to particular persons or places whereby a certain  
38 individual or class of individuals was exempted from the rigor of the common law. Privilege or immunity is  
39 conferred upon any person when he is invested with a legal claim to the exercise of special or peculiar rights,  
40 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.

They are therefore DELIBERATELY deceiving you at the very entry point of asserting PUBLIC CIVIL jurisdiction. They want you to UNKNOWINGLY surrender CONSTITUTIONAL rights by FALSELY believing that CONSTITUTIONAL "persons" and STATUTORY "persons" are equivalent, even though they are MUTUALLY exclusive and non-overlapping.

The "Brandeis Rules" of the U.S. Supreme Court describe EXACTLY how you transition from a PRIVATE/CONSTITUTIONAL "person" to a PUBLIC/STATUTORY CIVIL "person":

*"The Court developed, for its own governance in the cases confessedly within its jurisdiction, a series of rules under which it has avoided passing upon a large part of all the constitutional questions pressed upon it for decision. They are:*

[. . .]

*6. The Court will not pass upon the constitutionality of a statute at the instance of one who has availed himself of its benefits.* FN7 Great Falls Mfg. Co. v. Attorney General, 124 U.S. 581, 8 S.Ct. 631, 31 L.Ed. 527; Wall v. Parrot Silver & Copper Co., 244 U.S. 407, 411, 412, 37 S.Ct. 609, 61 L.Ed. 1229; St. Louis Malleable Casting Co. v. Prendergast Construction Co., 260 U.S. 469, 43 S.Ct. 178, 67 L.Ed. 351.

#### FOOTNOTES:

FN7 Compare Electric Co. v. Dow, 166 U.S. 489, 17 S.Ct. 645, 41 L.Ed. 1088; Pierce v. Somerset Ry., 171 U.S. 641, 648, 19 S.Ct. 64, 43 L.Ed. 316; Leonard v. Vicksburg, etc., R. Co., 198 U.S. 416, 422, 25 S.Ct. 750, 49 L.Ed. 1108.

[Ashwander v. Tennessee Valley Authority, 297 U.S. 288, 56 S.Ct. 466 (1936)]

**NOTE:** For the court to suggest in Ashwander that you can't raise a constitutional issue is to tell you that:

1. You are NO LONGER a CONSTITUTIONAL "person".
2. You have VOLUNTARILY exchanged PRIVATE/CONSTITUTIONAL rights for PUBLIC STATUTORY PRIVILEGES.
3. You are a GOVERNMENT WHORE of the kind described by the Bible in the following article:

Are You "Playing the Harlot" with the Government?, SEDM  
<https://sedm.org/are-you-playing-the-harlot/>

4. You have SURRENDERED all constitutional remedies.

**BEND OVER!**

Notice in the Brandeis Rules THAT:

1. He was in effect MAKING LAW, because he cited NO AUTHORITY for the rules.
2. The judge was operating in a POLITICAL capacity, which real judges cannot do.
3. Because he was operating in a political capacity and "making law" that directly SURRENDERS all of your constitutional rights, then He was in effect REPEALING the entire Bill of Rights and thus violating his oath to "support and defend the constitution".
4. He admitted that the court has DELIBERATELY OBFUSCATED the [Separation Between Public and Private \(Form #12.025\)](#). Confusing these two is the MAIN method of tyranny, in fact, and they can't hand the prisoners the key to their prison cell!

Here's another example:

*"The distinction between public rights and private rights has not been definitively explained in our precedents. Nor is it necessary to do so in the present cases, for it suffices to observe that a matter of public*

rights must at a minimum arise “between the government and others.” *Ex parte Bakelite Corp.*, *supra*, at 451, 49 S.Ct., at 413. In contrast, “the liability of one individual to another under the law as defined,” *Crowell v. Benson*, *supra*, at 51, 52 S.Ct., at 292, is a matter of private rights. Our precedents clearly establish that only controversies in the former category may be removed from Art. III courts and delegated to legislative courts or administrative agencies for their determination. See *Atlas Roofing Co. v. Occupational Safety and Health Review Comm’n*, 430 U.S. 442, 450, n. 7, 97 S.Ct. 1261, 1266, n. 7, 51 L.Ed.2d. 464 (1977); *Crowell v. Benson*, *supra*, 285 U.S., at 50-51, 52 S.Ct., at 292. See also Katz, *Federal Legislative Courts*, 43 Harv.L.Rev. 894, 917-918 (1930).FN24 Private-rights disputes, on the other hand, lie at the core of the historically recognized judicial power.”

[...]

Although *Crowell* and *Raddatz* do not explicitly distinguish between rights created by Congress [PUBLIC RIGHTS] and other [PRIVATE] rights, such a distinction underlies in part *Crowell*'s and *Raddatz*' recognition of a critical difference between rights created by federal statute and rights recognized by the Constitution. Moreover, such a distinction seems to us to be necessary in light of the delicate accommodations required by the principle of separation of powers reflected in Art. III. The constitutional system of checks and balances is designed to guard against “encroachment or aggrandizement” by Congress at the expense of the other branches of government. *Buckley v. Valeo*, 424 U.S., at 122, 96 S.Ct., at 683. But when Congress creates a statutory right [a “privilege” or “public right” in this case, such as a “trade or business”], it clearly has the discretion, in defining that right, to create presumptions, or assign burdens of proof, or prescribe remedies; it may also provide that persons seeking to vindicate that right must do so before particularized tribunals created to perform the specialized adjudicative tasks related to that right. FN35 Such provisions do, in a sense, affect the exercise of judicial power, but they are also incidental to Congress' power to define the right that it has created. No comparable justification exists, however, when the right being adjudicated is not of congressional creation. In such a situation, substantial inroads into functions that have traditionally been performed by the Judiciary cannot be characterized merely as incidental extensions of Congress' power to define rights that it has created. Rather, such inroads suggest unwarranted encroachments upon the judicial power of the United States, which our Constitution reserves for Art. III courts.

[*Northern Pipeline Const. Co. v. Marathon Pipe Line Co.*, 458 U.S. 50, 102 S.Ct. 2858 (1983)]

More on judges unconstitutionally “making law” at:

1. *How Judges Unconstitutionally “Make Law”*, Litigation Tool #01.009  
<https://sedm.org/Litigation/01-General/HowJudgesMakeLaw.pdf>
2. Courts Cannot Make Law  
<https://youtu.be/avXHXxeT-UU>

On the subject of judges “making law”, Montesquieu who designed our three branch system of government with [separation of powers \(Form #05.023\)](#) in his famous book “The Spirit of Laws” STERNLY WARNED BEFORE the Constitution was even written(!) the following:

“When the legislative and executive powers are united in the same person, or in the same body of magistrates, there can be no liberty; because apprehensions may arise, lest the same monarch or senate should enact tyrannical laws, to execute them in a tyrannical manner.

Again, there is no liberty, if the judiciary power be not separated from the legislative and executive. Were it joined with the legislative, the life and liberty of the subject would be exposed to arbitrary control; for the judge would be then the legislator. Were it joined to the executive power, the judge might behave with violence and oppression [sound familiar?].

There would be an end of everything, were the same man or the same body, whether of the nobles or of the people, to exercise those three powers, that of enacting laws, that of executing the public resolutions, and of trying the causes of individuals.”

[...]

In what a situation must the poor subject be in those republics! The same body of magistrates are possessed, as executors of the laws, of the whole power they have given themselves in quality of legislators. They may plunder the state by their general determinations; and as they have likewise the judiciary power in their hands, every private citizen may be ruined by their particular decisions.”

[*The Spirit of Laws*, Charles de Montesquieu, 1758, Book XI, Section 6;  
SOURCE: [http://famguardian.org/Publications/SpiritOfLaws/sol\\_11.htm](http://famguardian.org/Publications/SpiritOfLaws/sol_11.htm)]

What the U.S. Supreme Court has done, through “The Public Rights Doctrine”, is to put in effect the following POLICY that is not LAW but which has the practical EFFECT and FORCE of law:

1. Government can do no wrong PROVIDED that it is operating within its statutory and constitutional limits, and therefore cannot be sued as a wrongdoer, unless the statute they are administering is or has been declared unconstitutional.
2. Disputes between TWO private parties protected by the Constitution must be heard in Constitutional, Article III courts.
3. Disputes between a PRIVATE party and the GOVERNMENT must be heard in:
  - 3.1. Legislative franchise courts in the LEGISLATIVE or EXECUTIVE Branch if no Constitutional wrong is implicated, because you are seeking a privilege against Uncle.
  - 3.2. A constitutional Article III court if a Constitutional violation is implicated.
4. Any privilege or right originating from a civil statute that is not in the Constitution is, by definition a public right AGAINST the government. Thus, it is a PRIVILEGE that can be regulated by the government and heard in a franchise court. [Northern Pipeline Const. Co. v. Marathon Pipe Line Co., 458 U.S. 50, 102 S.Ct. 2858 \(1983\)](#)
5. Franchise courts, also called “legislative franchise courts”:
  - 5.1. Are legislatively created creatures of Congress which can only hear disputes relating to federal property coming under 5 U.S.C. §553(a)(2).
  - 5.2. Cannot hear constitutional issues or rights violations.
  - 5.3. Cannot hear disputes of those not partaking of the civil statutory privileges or franchise they were created to administer.
  - 5.4. Are part of what now deceased Supreme Court Justice Antonin Scalia called “The FOURTH Branch of government”, implying that they are unconstitutional. [Freytag v. Commissioner, 501 U.S. 868 \(1991\)](#).
6. If you wish to invoke your constitutional rights against a government actor who injured your constitutional rights:
  - 6.1. That dispute is against THE INDIVIDUAL ACTOR, not against the government.
  - 6.2. You must satisfy the burden of proof that the tortious actor was acting OUTSIDE of their delegated constitutional or statutory authority. Usually, this means that your status or your earnings did NOT fall within the STATUTORY definitions provided in the civil statute they were administering using the strict rules of statutory construction and interpretation documented in Form #05.014.
  - 6.3. The Department of Justice can overrule you by simply declaring, absent ANY proof, that they were operating WITHIN their authority, even if the definitions say they were NOT. See 28 U.S.C. §2679(d)(3).
  - 6.4. If the tortious actor was acting outside their delegated authority, they are NOT entitled to free representation by the Department of Justice.
7. If you file the action against the tortious actor in STATE court, then the action cannot be removed to FEDERAL court WITHOUT the defendant proving that federal property OF SOME KIND listed in 5 U.S.C. §553(a)(2) is involved, and thus, that a “federal question” is at issue.
8. The COURT which allows for removal from state to federal court itself is committing a tort WITHOUT enforcing the requirement of the defendant to prove “federal question” and FEDERAL PROPERTY is at issue. See 28 U.S.C. §1652, which is deliberately vague to protect UNLAWFUL removals and IDENTITY THEFT that they facilitate, as documented in:

Government Identity Theft, Form #05.046

<https://sedm.org/Forms/05-MemLaw/GovernmentIdentityTheft.pdf>

9. Lastly, there are cases where even though the offending party in the government who you are suing INDIVIDUALLY caused an unlawful taking of PRIVATE property, the property is still in the CUSTODY of the government.
  - 9.1. Suing the corrupt individual will not return the property and you have to sue the PROPERTY and indirectly the party possessing it at the time, which is usually the government.
  - 9.2. The action to return the property must be filed as an “in rem” action against the PROPERTY and NOT the government.
  - 9.3. In rem actions against the government for property unlawfully in their custody ARE permitted and are NOT privileges, but RIGHTS and NO STATUTE is necessary to reclaim the property WRONGFULLY in government possession. Property taken from a “nontaxpayer” under the color but without the actual authority of law is not “taxes”, but THEFT, and therefore would NOT come under the Internal Revenue Code, which only governs interactions with CONSENTING STATUTORY “taxpayers”:

*“The revenue laws are a code or system in regulation of tax assessment and collection. They relate to taxpayers, and not to nontaxpayers. The latter are without their scope. No procedure is prescribed for nontaxpayers, and no attempt is made to annul any of their rights and remedies in due course of law. With them Congress does not assume to deal, and they are neither of the subject nor of the object of the revenue laws...”*

*[Long v. Rasmussen, 281 F. 236 (1922)]*



“Revenue Laws relate to taxpayers and not to non-taxpayers [American Citizens/American Nationals not subject to the exclusive jurisdiction of the Federal Government]. The latter are without their scope. No procedures are prescribed for non-taxpayers and no attempt is made to annul any of their Rights or Remedies in due course of law. With them[non-taxpayers] Congress does not assume to deal and they are neither of the subject nor of the object of federal revenue laws.”  
[*Economy Plumbing & Heating v. U.S.*, 470 F.2d. 585 (1972)]

“A claim against the United States is a right to demand money from the United States.<sup>3</sup> Such claims are sometimes spoken of as gratuitous in that they cannot be enforced by suit without statutory consent.<sup>4</sup> **The general rule of non-liability of the United States does not mean that a citizen cannot be protected against the wrongful governmental acts that affect the citizen or his or her property.**<sup>5</sup> **If, for example, money or property of an innocent person goes into the federal treasury by fraud to which a government agent was a party, the United States cannot [lawfully] hold the money or property against the claim of the injured party.**<sup>6</sup>”  
[*American Jurisprudence 2d, United States*, §45 (1999)]

“When the Government has illegally received money which is the property of an innocent citizen and when this money has gone into the Treasury of the United States, there arises an implied contract on the part of the Government to make restitution to the rightful owner under the Tucker Act and this court has jurisdiction to entertain the suit.  
90 Ct.Cl. at 613, 31 F.Supp. at 769.”  
[*Gordon v. U. S.*, 227 Ct.Cl. 328, 649 F.2d. 837 (Ct.Cl., 1981) ]

California Civil Code  
Section 2224

“One who gains a thing by fraud, accident, mistake, undue influence, the violation of a trust, or other wrongful act, is, unless he or she has some other and better right thereto, an involuntary trustee of the thing gained, for the benefit of the person who would otherwise have had it.”

“The United States, we have held, cannot, as against the claim of an innocent party, hold his money which has gone into its treasury by means of the fraud of its agent. While here the money was taken through mistake without element of fraud, the unjust retention is immoral and amounts in law to a fraud of the taxpayer's rights. What was said in the State Bank Case applies with equal force to this situation. ‘An action will lie whenever the defendant has received money which is the property of the plaintiff, and which the defendant is obligated by natural justice and equity to refund. The form of the indebtedness or the mode in which it was incurred is immaterial.’”  
[*Bull v. United States*, 295 U.S. 247, 261, 55 S.Ct. 695, 700, 79 L.Ed. 1421]

More on the Public Rights Doctrine of the U.S. Supreme Court and the subject of “Publici juris” at:

*Sovereignty and Freedom Topic*, Section 6: Private and Natural Rights and Natural Law, Family Guardian Fellowship  
<https://famguardian.org/Subjects/Freedom/Freedom.htm>

## 2.3 What is a “quasi-contract”<sup>7</sup>

Quasi-contracts between you and the government occur when you are in receipt, custody, or temporary control over property or rights granted to you by the government under a franchise. Here is description of that condition:

<sup>3</sup> *United States ex rel. Angarica v. Bayard*, 127 U.S. 251, 32 L.Ed. 159, 8 S.Ct. 1156, 4 AFTR 4628 (holding that a claim against the Secretary of State for money awarded under a treaty is a claim against the United States); *Hobbs v. McLean*, 117 U.S. 567, 29 L.Ed. 940, 6 S.Ct. 870; *Manning v. Leighton*, 65 Vt. 84, 26 A 258, motion dismd 66 Vt. 56, 28 A 630 and (disapproved on other grounds by *Button's Estate v. Anderson*, 112 Vt. 531, 28 A.2d. 404, 143 A.L.R. 195).

<sup>4</sup> *Blagge v. Balch*, 162 U.S. 439, 40 L.Ed. 1032, 16 S.Ct. 853.

<sup>5</sup> *Wilson v. Shaw*, 204 U.S. 24, 51 L.Ed. 351, 27 S.Ct. 233.

<sup>6</sup> *Bull v. United States*, 295 U.S. 247, 79 L.Ed. 1421, 55 S.Ct. 695, 35-1 USTC ¶ 9346, 15 AFTR 1069; *United States v. State Bank*, 96 U.S. 30, 96 Otto 30, 24 L.Ed. 647.

<sup>7</sup> Source: *How to File Returns*, Form #09.074, Section 7.2; <https://sedm.org/Forms/FormIndex.htm>.



1           *"It is only where some right or privilege [which are GOVERNMENT PROPERTY] is conferred by the*  
2 *government or municipality upon the owner, which he can use in connection with his property, or by means of*  
3 *which the use of his property is rendered more valuable to him, or he thereby enjoys an advantage over others,*  
4 *that the compensation to be received by him becomes a legitimate matter of regulation. Submission to the*  
5 *regulation of compensation in such cases is an implied condition of the grant, and the State, in exercising its*  
6 *power of prescribing the compensation, only determines the conditions upon which its concession shall be*  
7 *enjoyed. When the privilege ends, the power of regulation ceases."*  
8 *[Munn v. Illinois, 94 U.S. 113 (1877)]*

9 If they can't regulate it, then its PRIVATE, constitutionally protected property. If they CAN, then its PUBLIC property.

10           *"The legislation in question is nothing less than a bold assertion of absolute power by the State to control at its*  
11 *discretion the property and business of the citizen, and fix the compensation he shall receive. The will of the*  
12 *legislature is made the condition upon which the owner shall receive the fruits of his property and the just*  
13 *reward of his labor, industry, and enterprise. "That government," says Story, "can scarcely be deemed to be*  
14 *free where the rights of property are left solely dependent upon the will of a legislative body without any*  
15 *restraint. The fundamental maxims of a free government seem to require that the rights of personal liberty and*  
16 *private property should be held sacred." Wilkeson v. Leland, 2 Pet. 657."*  
17 *[Munn v. Illinois, 94 U.S. 113 (1877)]*

18 And if you have or use that PUBLIC property, then you implicitly consent to be regulated. The civil STATUS of the owner of the  
19 PROPERTY or the owner establishes whether it is PUBLIC or PRIVATE.

20 All franchises involve the "grants" mentioned above. They too are privileges. You seldom see "grant" used in the context of  
21 anything OTHER than franchises.

22 Big red flags should come up whenever you see SCOTUS use the word "implied" as above. "implied"="grant" = legal  
23 strings=obligations. You see exactly that same language in U.S. v. Wong Kim Ark with aliens:

24           *"The implied license, therefore, under which they enter, can never be construed to grant such exemption." 7*  
25 *Cranch, 144." Cranch, 144."*  
26 *[United States v. Wong Kim Ark, 169 U.S. 649, 18 S.Ct. 456, 42 L.Ed. 890 (1898)]*

27           *"It is only where some right or privilege [which are GOVERNMENT PROPERTY] is conferred by the*  
28 *government or municipality upon the owner, which he can use in connection with his property, or by means of*  
29 *which the use of his property is rendered more valuable to him, or he thereby enjoys an advantage over others,*  
30 *that the compensation to be received by him becomes a legitimate matter of regulation. Submission to the*  
31 *regulation of compensation in such cases is an IMPLIED CONDITION of the grant, and the State, in exercising*  
32 *its power of prescribing the compensation, only determines the conditions upon which its concession shall be*  
33 *enjoyed. When the privilege ends, the power of regulation ceases."*  
34 *[Munn v. Illinois, 94 U.S. 113 (1877)]*

35 Both cases involve PRIVILEGES. In the latter case they call it an "implied license". In the Munn case it also involves licensed  
36 activities. Applying for the license constitutes effective consent to be regulated and taxed.

37 In the case of the SSN, it too is what the Federal Trade Commission calls a "franchise mark", or evidence of the existence of a  
38 LICENSE. The USE of the SSN on an information return is evidence of the assent of the taxpayer (to whom the SSN is assigned)  
39 to the representations made on the information return as to taxable income

40 When the U.S. Supreme Court uses the word "implied", they are giving you notice of what you effectively consent to by engaging  
41 in the regulated or taxed activity.

42 "quasi contract"="implied license"="implied condition" of use=legal strings

43 They are EXACTLY the same thing. They certainly are subtle about it.

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

47           **"The State in such cases exercises no greater right than an individual may exercise over the use of his**  
48 **own property when leased or loaned to others. The conditions upon which the privilege shall be enjoyed**  
49 **being stated or implied in the legislation authorizing its grant, no right is, of course, impaired by their**  
50 **enforcement. The recipient of the privilege, in effect, stipulates to comply with the conditions. It matters**

not how limited the privilege conferred, its acceptance implies an assent to the regulation of its use and the compensation for it.”

[[Munn v. Illinois, 94 U.S. 113 \(1877\)](#)]

## 2.4 How did you CONSENT to the “Quasi-Contract”?<sup>8</sup>

The obligation to pay income taxes is “quasi-contractual”, according to the U.S. Supreme Court:

“Even if the judgment is deemed to be colored by the nature of the obligation whose validity it establishes, and we are free to re-examine it, and, if we find it to be based on an obligation penal in character, to refuse to enforce it outside the state where rendered, see *Wisconsin v. Pelican Insurance Co.*, [127 U.S. 265](#), 292, et seq.

8 S.Ct. 1370, compare *Fauntleroy v. Lum*, [210 U.S. 230](#), 28 S.Ct. 641, **still the obligation to pay taxes is not penal. It is a statutory liability, quasi contractual in nature, enforceable, if there is no exclusive statutory remedy, in the civil courts by the common-law action of debt or indebitatus assumpsit.** *United States v. Chamberlin*, [219 U.S. 250](#), 31 S.Ct. 155; *Price v. United States*, [269 U.S. 492](#), 46 S.Ct. 180; *Dollar Savings Bank v. United States*, 19 Wall. 227; and see *Stockwell v. United States*, 13 Wall. 531, 542; *Meredith v. United States*, 13 Pet. 486, 493. **This was the rule established in the English courts before the Declaration of Independence.** *Attorney General v. Weeks*, *Bunbury's Exch. Rep.* 223; *Attorney General v. Jewers and Batty*, *Bunbury's Exch. Rep.* 225; *Attorney General v. Hatton*, *Bunbury's Exch. Rep.* [296 U.S. 268, 272] 262; *Attorney General v. —*, 2 Ans.Rep. 558; see *Comyn's Digest* (Title 'Dett,' A, 9); 1 *Chitty on Pleading*, 123; cf. *Attorney General v. Sewell*, 4 M.&W. 77. “  
[*Milwaukee v. White*, [296 U.S. 268](#) (1935)]

The obligation to pay taxes and the consent to the “quasi-contract” is created by:

1. CHOOSING the privileged statuses of citizen or resident and receiving “income” or “gross income” from anyone worldwide. One can UNCONSENT to making worldwide earnings taxable by:
  - 1.1. If a State National: Changing to “nonresident alien”. More particularly, changing the STATUS of the SSN assigned to your legal person to “nonresident alien” pursuant to 26 C.F.R. §301.6109-1(g). This is done usually by filing a 1040NR return after previously Filing a 1040 form.
  - 1.2. If a STATUTORY citizen: Changing your domicile to outside of federal territory to become a nonresident and a “nonresident alien”. More particularly, changing the STATUS of the SSN assigned to your legal person to “nonresident alien” pursuant to 26 C.F.R. §301.6109-1(g). This is done usually by filing a 1040NR return after previously Filing a 1040 form.
  - 1.3. If you are a “resident alien” or “alien”: Leaving the country or naturalizing as an alien.  
Thus, the PROPERTY being granted that creates the obligation is the USE of the status of citizen or resident, which has the condition that those using it must RENT it by paying tax on “income” or “gross income” received.
2. CHOOSING the non-privileged status of “nonresident alien” and receiving government payments of any kind called “income” or “gross income”. One can unconsent by refusing to receive government payments. Thus, the PROPERTY being granted that creates the obligation is the government payment. Those receiving it agree or consent that the government retains a qualified interest in it which must be RETURNED. By “qualified interest” we mean a SHARED property interest.
3. Failing or refusing to rebut false information returns connecting your NON-TAXABLE earnings to the status of “gross income” and “trade or business” income. Information return reports such as the W-2 and 1099 can only be filed upon those engaged in a “trade or business”, per 26 U.S.C. §6041(a). All such parties are either public officers or receiving government property. For details on how to rebut these usually false reports, see:

Correcting Erroneous Information Returns, Form #04.001

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

It goes without saying that the REVERSE of the process of UNCONSENTING is how you effectively consented to the obligation to begin with.

<sup>8</sup> Source: Why the Federal Income Tax is a Privilege Tax Upon Government Property, Form #04.404, Section 5.1; <https://sedm.org/Forms/FormIndex.htm>.

All three of the above constitute either “IMPLIED consent” or “assent” to the income tax. Items 1 and 2 involve “IMPLIED consent” while item 3 involves “ASSENT”. They must have one or the other to make their enforcement activities consistent with the Constitution and legitimate:

*“Implied consent. That manifested by signs, actions, or facts, **or by inaction or silence**, which raise a presumption that the consent has been given. For example, when a corporation does business in a state it impliedly consents to be subject to the jurisdiction of that state's courts in the event of tortious conduct, even though it is not incorporated in that state. Most every state has a statute implying the consent of one who drives upon its highways to submit to some type of scientific test or tests measuring the alcoholic content of the driver's blood. In addition to implying consent, these statutes usually provide that if the result of the test shows that the alcohol content exceeds a specified percentage, then a rebuttable presumption of intoxication arises.”*  
[Black's Law Dictionary, Fifth Edition, pp. 276-277]

assent noun

as·sent / \ ə- 'sent , a- \

Definition of assent (Entry 2 of 2)

: an act of agreeing to something especially after thoughtful consideration : an act of assenting :  
ACQUIESCENCE, AGREEMENT

She gave her assent to the proposal.

Other Words from assent

[Merriam Webster Dictionary: Assent, Downloaded 11/27/2020; <https://www.merriam-webster.com/dictionary/assent>]

Because the taxpayer can be deemed to agree with 3rd party information by failing to disagree, his assent is more what is needed than his "consent"----one may consent to be a resident alien, and such person no longer has the option not to consent to be taxed on his worldwide income. One cannot be forced to work for federal government, so one consents to that; such person no longer has the option to "not consent" to the income tax on such income.

When it comes to assessing a tax, they need your assent to the tax---either via your self-assessment or tacitly if you refuse to file as you are apparently required to do, based on the evidence. "consent" at that point is no longer the issue---they do not need your consent to be taxed on what is determined to be your taxable income. but they also cannot just make up a tax assessment out of the blue without either your direct assent (via self-assessment) or via your tacit assent (based on available information and your failure to make a self-assessment).

As far as changing the status of either a STATUTORY “citizen” or a state national to that of “nonresident alien”, the regulation authorizing that says:

26 C.F.R. §301.6109-1 Identifying numbers.

(g) Special rules for taxpayer identifying numbers issued to foreign persons—

(1) General rule—

**(i) Social security number.**

**A social security number is generally identified in the records and database of the Internal Revenue Service as a number belonging to a U.S. citizen or resident alien individual. A person may establish a different status for the number by providing proof of foreign status with the Internal Revenue Service under such procedures as the Internal Revenue Service shall prescribe, including the use of a form as the Internal Revenue Service may specify. Upon accepting an individual as a nonresident alien individual, the Internal Revenue Service will assign this status to the individual's social security number.**

(ii) Employer identification number.

An employer identification number is generally identified in the records and database of the Internal Revenue Service as a number belonging to a U.S. person. However, the Internal Revenue Service may establish a separate class of employer identification numbers solely dedicated to foreign persons which will be identified as such in the records and database of the Internal Revenue Service. A person may establish a different status for the number either at the time of application or subsequently by providing proof of U.S. or foreign status with the Internal Revenue Service under such procedures as the Internal Revenue Service shall prescribe, including the use of a form as the Internal Revenue Service may specify. The Internal Revenue Service may require a person to apply for the type of employer identification number that reflects the status of that person as a U.S. or foreign person.

## 2) Change of foreign status.

Once a taxpayer identifying number is identified in the records and database of the Internal Revenue Service as a number belonging to a U.S. or foreign person, the status of the number is permanent until the circumstances of the taxpayer change. A taxpayer whose status changes (for example, a nonresident alien individual with a social security number becomes a U.S. resident alien) must notify the Internal Revenue Service of the change of status under such procedures as the Internal Revenue Service shall prescribe, including the use of a form as the Internal Revenue Service may specify.

So if a “nonresident alien” files a Form 1040, he is deemed to be reporting to IRS that “the circumstances of the taxpayer” changed and that he is electing to be treated as a resident alien per 26 U.S.C. §7701(b)(1)(A). So “U.S. person” becomes the NEW “permanent” status for the SSN. Now we can see why they call it a “first year election” in the sub-heading at 26 U.S.C. §7701(b)(4). It is a veiled warning that the taxpayer's SSN will be deemed to be assigned to a resident alien (“U.S. person” status) every year after that, as well. Unless/until you inform the IRS that, once again, the taxpayer's circumstances changed

So the common thread is the grant and purchase of property, and that purchase gives the grantor the right to make rules or conditions for the use of the property under Article 4, Section 3, Clause 2, including the obligation to pay rent for the privilege of using the RIGHTS attached to the status in the case of STATUTORY citizen or STATUTORY resident or to return a portion of the property in the case of government payments.

In the case of citizen or resident, there is NO KICKBACK, because the property granted is NOT money, but a status.

*kickback*

noun

kick·back / \ 'kik-,bak\

*Definition of kickback*

*(Entry 1 of 2)*

*1: a return of a part of a sum received often because of confidential agreement or coercion*

*every city contract had been let with a ten percent kickback to city officials— D. K. Shipler*

*2: a sharp violent reaction*

[Merriam-Webster Dictionary: Kickback, Downloaded 11/26/2020; <https://www.merriam-webster.com/dictionary/kickback>]

In the case of “nonresident aliens”, there IS a kickback, because the property granted is MONEY in the case of government payments, a portion of which must be “RETURNED”.

In both of the above cases, there is a grant of government property, however, which gives rise to the “quasi-contractual” obligation. Accepting the property or using it, therefore, constitutes effective consent or “implied consent”, JUST as SCOTUS said:

*“The conditions upon which the privilege shall be enjoyed being stated or implied in the legislation authorizing its grant, no right is, of course, impaired by their enforcement. **The recipient of the privilege, in effect, stipulates to comply with the conditions. It matters not how limited the privilege conferred, its acceptance implies an assent to the regulation of its use and the compensation for it.**”*  
[Munn v. Illinois, 94 U.S. 113 (1877)]

By "stipulates" they U.S. Supreme Court means "CONSENTS and agrees" to the "quasi contract". It's a quasi rather than actual contract because the ACT of accepting or using the property is TREATED AS an effective act of consent, even if the person accepting the property does not KNOW this is what is happening from a legal perspective. The legal dictionary has two names for this type of consent:

1. "tacit procuration"

*"Procuration.. Agency; proxy; the act of constituting another one's attorney in fact. The act by which one person gives power to another to act in his place, as he could do himself. Action under a power of attorney or other constitution of agency. Indorsing a bill or note "by procuration" is doing it as proxy for another or by his authority. The use of the word procuration (usually, per procuratione, or abbreviated to per proc. or p. p.) on a promissory note by an agent is notice that the agent has but a limited authority to sign.*

*An express procuration is one made by the express consent of the parties. An implied or tacit procuration takes place when an individual sees another managing his affairs and does not interfere to prevent it. Procurations are also divided into those which contain absolute power, or a general authority, and those which give only a limited power. Also, the act or offence of procuring women for lewd purposes. See also Proctor."*  
[Black's Law Dictionary, Fifth Edition, pp. 1086-1087]

2. "Sub silentio"

*"SUB SILENTIO. Under silence; without any notice being taken. Passing a thing sub silentio may be evidence of consent"*  
[Black's Law Dictionary, Fourth Edition, p. 1593]

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*"Qui tacet consentire videtur.*

*He who is silent appears to consent. Jenk. Cent. 32."*

[Bouvier's Maxims of Law, 1856;

SOURCE: <http://famguardian.org/Publications/BouvierMaximsOfLaw/BouviersMaxims.htm>]

The above processes therefore are what we refer to as "invisible consent".

Further, note that in Munn v. Illinois above, the U.S. Supreme Court ALSO used the word "obviously". Tacit procuration is in no way OBVIOUS and operates very subtly. It may be obvious to THEM, but it's far from obvious to the VICTIMS of the "quasi-contractual scam". That's why they CLOAKED the process in legalese using a nebulous term to describe the above process, which they will ABSOLUTELY refuse to disclose because they DON'T WANT YOU TO KNOW! It's the SECRET to leaving the system.

It is important that people understand they can't just argue their way out of an obligation by effectively saying "AHA! I know what this tax REALLY is!". We only discuss the quasi-contractual nature of the obligations to file and pay in the context of opposing the idea that these things are forced on everyone. This is a matter of personal taste and sensibilities. We prefer to say that people are unknowingly opting into income tax liability.

With normal people, we just say as a shorthand that they can "opt out" because they are starting with the assumption that they are somehow already liable and that nothing can legally be done to avoid that. So that is a starting point---from there they can learn that they have actually been opting in, every time. So they don't need to opt out so much as refrain from opting IN

But since there are some different things you have to do; you could say it is changing the SSN to nonresident alien can definitely be seen as opting out of U.S. person status. But even then, you still have to refrain from opting into income tax liability---by not misapplying the law in your determinations of what your gross income is, and by understanding that you have the right to exclude non-federally sourced income from "gross income".



### 3 Why equal protection implies that no government can have any more authority than a single man

The Declaration of Independence asserts that all men are created equal.

*"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]

An extension of the above requirement is that all "persons" are equal and that the only difference between human "persons" and artificial "persons" is the applicability of the Bill of Rights to humans but not artificial "persons". Here is an example of this equality from federal statutes, keeping in mind that all GOVERNMENTS are also "persons":

[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.*

If all men and all "persons" are equal, then:

1. Kings are impossible.
2. The source of all sovereignty is the People AS INDIVIDUALS.
3. All governments are established by authority delegated by the INDIVIDUAL PEOPLE they serve. In that sense, they govern ONLY by our continuing consent and when they fail to do their job properly, it is our right AND duty as the Sovereigns they serve to fire them by changing our domicile and forming a competing government that does a better job.
4. No group or collection of men can have any more authority than a single man or woman.
5. No government, which is simply a collection of men, can have any more authority, rights, or privileges than a single man or woman.
6. The people cannot delegate an authority they do not themselves individually have. For instance, they cannot delegate the authority to injure the equal rights of others by stealing from others. Hence, they cannot delegate an authority to a government to collect a tax that redistributes wealth by taking from one group of private individuals and giving it to another group or class of private individuals.
7. A government that asserts "sovereign immunity" must also give human beings the same right as a requirement of equal protection and equal treatment that is the foundation of the Constitution. When governments assert sovereign immunity in court, their opponent has to produce evidence in writing of their consent to be sued. The same concept of sovereign immunity pertains to us as human beings and sovereigns, where if the government attempts to allege that we consented to something, they too must produce evidence of consent to be sued and surrender rights IN WRITING.
8. Inequality is possible:
  - 8.1. Only between PRIVATE parties.
  - 8.2. Only with the consent of BOTH PRIVATE parties involved, and only involving contracts between PRIVATE "persons".
9. It is against the Declaration of Independence and the organic law that a human being can be UNEQUAL in relation to a de jure governments, which are PUBLIC "persons" protected by the Constitution. This is because all constitutional rights are "unalienable", and therefore cannot be bargained away to make anyone unequal to a government "person".

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

10. The only place where "persons" can be UNEQUAL in relation to a real de jure government is on federal territory or as a federal statutory "employee" or "public officer" where:
  - 10.1. Constitutional rights and the Bill of Rights do not exist or apply.

- 1 10.2. The government is a “parens patriae”.
- 2 10.3. EVERYTHING is a privilege and not a right.

3 If you would like a wonderful, animated version of the above concepts, then we highly recommend the following:

Philosophy of Liberty <a href="http://sedm.org/LibertyU/PhilosophyOfLiberty.htm">http://sedm.org/LibertyU/PhilosophyOfLiberty.htm</a>
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4 Why is all of this relevant and important to the subject of government authority over private persons? Because once you

5 understand this concept of equality, you also understand that:

- 6 1. The foundation of the Constitution is equal protection.
- 7 2. Any attempt to make us unequal constitutes tyranny, usurpation, and slavery.
- 8 3. The government cannot lawfully offer franchises to human beings protected by the constitution, because if they do,
- 9 they are:
- 10 3.1. Attempting to elevate themselves to an unequal position.
- 11 3.2. Trying to destroy equal protection and the rights protected by equal protection.
- 12 3.3. Attempting to replace rights with privileges and the franchises that implement the privileges.
- 13 3.4. Undermining the purpose of their creation, which is the protection of private rights.
- 14 3.5. Violating the organic law found in the Declaration of Independence, which says that private rights are
- 15 “unalienable” and therefore cannot be sold, bargained away, or transferred through any commercial process,
- 16 including a franchise.
- 17 3.6. Attempting to convert private property and private rights into public property, which constitutes conversion and is
- 18 a crime in violation of 18 U.S.C. §654.
- 19 4. Any attempt to do any of the following constitutes tyranny, usurpation, and slavery because it compels us into
- 20 subjection and subordination to a political ruler as a “public official”:
- 21 4.1. Compel us to participate in a government franchise.
- 22 4.2. Presume that we consented to participate in said franchise without being required to obtain our consent in writing
- 23 where all rights surrendered to procure the benefits of the franchise are fully disclosed.
- 24 4.3. Replace a de jure government service with a franchise.
- 25 4.4. Confer benefits of a franchise against our will and without our consent.
- 26 5. Any attempt to make some persons or groups of persons more equal than others is idolatry in violation of the first four
- 27 commandments of the Ten Commandments. See Exodus 20:3-8. It amounts to the establishment of a religion and a
- 28 “superior being”. All religions are based on the “worship” of superior beings, and the essence of “worship” is
- 29 obedience. The fact that obedience to this superior being is a product of the force implemented under the color of law
- 30 doesn’t change the nature of the relationship at all. It is STILL a religion.

31 “You shall have no other gods [or rulers or governments] before Me.

32 *You shall not make for yourself a carved image—any likeness of anything that is in heaven above,*

33 *or that is in the earth beneath, or that is in the water under the earth; **you shall not bow down to***

34 ***them nor serve them [rulers or governments]**. For I, the LORD your God, am a jealous God,*

35 *visiting the iniquity of the fathers upon the children to the third and fourth generations of those who*

36 *hate Me, but showing mercy to thousands, to those who love Me and keep My commandments.*

37 *[Exodus 20:3-6, Bible, NKJV]*

38 Let’s now apply these concepts to the practical affairs of life. If three people are in a room and two of them decide to gang

39 up on the third and write a document called the “CONstitution” which imposes a “duty” upon that third person and only

40 that third person to pay them money so they can retire at his or her expense, would they have the moral authority to impose

41 such a duty? And if they don’t have the moral authority to impose such a duty, can they:

- 42 1. Delegate that authority to something they created called “government”?
- 43 2. Call the money collected a “tax”?
- 44 3. Use the money to pay for services that the third person doesn’t want and doesn’t need and actually regards as harmful
- 45 to his liberty?
- 46 4. Use sovereign immunity to protect those who collect the money, and call this group of people the IRS?
- 47 5. Call everyone who challenges these usurpations as “frivolous”, convict them using lies and presumptions that violate
- 48 due process of law, and put them in jail for refusing to participate in the theft?

1 "To lay, with one hand, the power of the government on the property of the citizen, and with the other to  
2 bestow it upon favored individuals to aid private enterprises and build up private fortunes, is none the less a  
3 robbery because it is done under the forms of law and is called taxation. This is not legislation. It is a decree  
4 under legislative forms.

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

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

16 The U.S. Supreme Court has acknowledged the conclusions of this section when it admitted that when governments enter  
17 what it calls "private business", they take on the same legal standing as any private person:

18 See also Clearfield Trust Co. v. United States, 318 U.S. 363, 369 (1943) ("The United States does business on  
19 business terms") (quoting United States v. National Exchange Bank of Baltimore, 270 U.S. 527, 534 (1926));  
20 Perry v. United States, supra at 352 (1935) ("When the United States, with constitutional authority, makes  
21 contracts, it has rights and incurs responsibilities similar to those of individuals who are parties to such  
22 instruments. There is no difference . . . except that the United States cannot be sued without its consent")  
23 (citation omitted); United States v. Bostwick, 94 U.S. 53, 66 (1877) ("The United States, when they contract  
24 with their citizens, are controlled by the same laws that govern the citizen in that behalf"); Cooke v. United  
25 States, 91 U.S. 389, 398 (1875) (explaining that when the United States "comes down from its position of  
26 sovereignty, and enters the domain of commerce, it submits itself to the same laws that govern individuals  
27 there").

28 See Jones, 1 Cl.Ct. at 85 ("Wherever the public and private acts of the government seem to commingle, a  
29 citizen or corporate body must by supposition be substituted in its place, and then the question be determined  
30 whether the action will lie against the supposed defendant"); O'Neill v. United States, 231 Ct.Cl. 823, 826  
31 (1982) (sovereign acts doctrine applies where, "[w]here [the] contracts exclusively between private parties, the  
32 party hurt by such governing action could not claim compensation from the other party for the governing  
33 action"). The dissent ignores these statements (including the statement from Jones, from which case Horowitz  
34 drew its reasoning literally verbatim), when it says, post at 931, that the sovereign acts cases do not emphasize  
35 the need to treat the government-as-contractor the same as a private party.  
36 [[United States v. Winstar Corp. 518 U.S. 839 \(1996\)](#)]  
37

38 "When a State engages in ordinary commercial ventures, it acts like a private person, outside the area of its  
39 "core" responsibilities, and in a way unlikely to prove essential to the fulfillment of a basic governmental  
40 obligation. A Congress that decides to regulate those state commercial activities rather than to exempt the  
41 State likely believes that an exemption, by treating the State differently from identically situated private  
42 persons, would threaten the objectives of a federal regulatory program aimed primarily at private conduct.  
43 Compare, e.g., 12 U.S.C. §1841(b) (1994 ed., Supp. III) (exempting state companies from regulations covering  
44 federal bank holding companies); 15 U.S.C. §77c(a)(2) (exempting state-issued securities from federal  
45 securities laws); and 29 U.S.C. §652(5) (exempting States from the definition of "employer[s]" subject to federal  
46 occupational safety and health laws), with 11 U.S.C. §106(a) (subjecting States to federal bankruptcy court  
47 judgments); 15 U.S.C. §1122(a) (subjecting States to suit for violation of Lanham Act); 17 U.S.C. §511(a)  
48 (subjecting States to suit for copyright infringement); 35 U.S.C. §271(h) (subjecting States to suit for patent  
49 infringement). And a Congress that includes the State not only within its substantive regulatory rules but also  
50 (expressly) within a related system of private remedies likely believes that a remedial exemption would similarly  
51 threaten that program. See Florida Prepaid Postsecondary Ed. Expense Bd. v. College Savings Bank, ante, at  
52 \_\_\_\_ (Stevens, J., dissenting). It thereby avoids an enforcement gap which, when allied with the pressures of a  
53 competitive marketplace, could place the State's regulated private competitors at a significant disadvantage.

54 "These considerations make Congress' need to possess the power to condition entry into the market upon a  
55 waiver of sovereign immunity (as "necessary and proper" to the exercise of its commerce power) unusually  
56 strong, for to deny Congress that power would deny Congress the power effectively to regulate private conduct.  
57 Cf. California v. Taylor, 353 U.S. 553, 566 (1957). At the same time they make a State's need to exercise  
58 sovereign immunity unusually weak, for the State is unlikely to have to supply what private firms already  
59 supply, nor may it fairly demand special treatment, even to protect the public purse, when it does so. Neither  
60 can one easily imagine what the Constitution's founders would have thought about the assertion of sovereign  
61 immunity in this special context. These considerations, differing in kind or degree from those that would support

a general congressional "abrogation" power, indicate that Parden 's holding is sound, irrespective of this Court's decisions in Seminole Tribe of Fla. v. Florida, 517 U.S. 44 (1996), and Alden v. Maine, ante, p. \_\_\_\_.  
[College Savings Bank v. Florida Prepaid Postsecondary Education Expense, 527 U.S. 666 (1999)]

#### 4 The constitution is law for government, not the people<sup>9</sup>

The constitution not only binds no citizens now, but it never did bind any citizens. It never bound citizens, because it was never agreed to by citizens in such a manner as to make it, on general principles of law and reason, binding upon them.

"A private person cannot make constitutions or laws, nor can he with authority construe them, nor can he administer or execute them."  
[United States v. Harris, 106 U.S. 629, 1 S.Ct. 601, 27 L.Ed. 290 (1883)]

Those who administer our government take an oath to be bound by it pursuant to Article 6 of the Constitution.

United States Constitution, Article. VI.

The Senators and Representatives before mentioned, and the Members of the several State Legislatures, and all executive and judicial Officers, both of the United States and of the several States, shall be bound by Oath or Affirmation, to support this Constitution; but no religious Test shall ever be required as a Qualification to any Office or public Trust under the United States.

But what does "support this Constitution" really mean? Does that mean "obey" the constitution? That doesn't seem to be the way the courts interpret it, at least. The courts in our corrupted government behave more like a protection racket for a mafia than a guardian of the sacred rights of individuals. This kind of protection of criminal activity is called "racketeering" and it is among the most serious of all crimes. See 18 U.S.C. §1951.

Therefore, those who serve us as officers within the government are the only ones for whom the Constitution can be called "law" or impose any duty in any legitimate sense:

"And the Constitution itself is in every real sense a law-the lawmakers being the people themselves, in whom under our system all political power and sovereignty primarily resides, and through whom such power and sovereignty primarily speaks. It is by that law, and not otherwise, that the legislative, executive, and judicial agencies which it created exercise such political authority as they have been permitted to possess. The Constitution speaks for itself in terms so plain that to misunderstand their import is not rationally possible. 'We the People of the United States,' it says, 'do ordain and establish this Constitution.' Ordain and establish! These are definite words of enactment, and without more would stamp what follows with the dignity and character of law. The framers of the Constitution, however, were not content to let the matter rest here, but provided explicitly-'This Constitution, and the Laws of the United States which shall be made in Pursuance thereof; ... shall be the supreme Law of the Land.' (Const. art. 6, cl. 2.) The supremacy of the Constitution as law is thus declared without qualification. That supremacy is absolute; the supremacy of a statute enacted by Congress is not absolute but conditioned upon its being made in pursuance of the Constitution. And a judicial tribunal, clothed by that instrument with complete judicial power, and, therefore, by the very nature of the power, required to ascertain and apply the law to the facts in every case or proceeding properly brought for adjudication, must apply the supreme law and reject the inferior stat- [298 U.S. 238, 297] ute whenever the two conflict. In the discharge of that duty, the opinion of the lawmakers that a statute passed by them is valid must be given great weight, Adkins v. Children's Hospital, 261 U.S. 525, 544, 43 S.Ct. 394, 24 A.L.R. 1238; but their opinion, or the court's opinion, that the statute will prove greatly or generally beneficial is wholly irrelevant to the inquiry. Schechter Poultry Corp. v. United States, 295 U.S. 495, 549, 550 S., 55 S.Ct. 837, 97 A.L.R. 947."  
[Carter v. Carter Coal Co., 298 U.S. 238 (1936)]

The Constitution therefore is "law" written by We the People which applies exclusively to and "governs" those who work in the government and who take an oath to obey it. This is exactly how the Supreme Court described this relationship when they said:

"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 [We 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."

<sup>9</sup> Adapted from the following resource:

No Treason: The Constitution of No Authority, Lysander Spooner; <http://famguardian.org/PublishedAuthors/Indiv/SpoonerLysander/NoTreason.htm>

[Downes v. Bidwell, [182 U.S. 244](#) (1901)]

"The words 'people of the United States' and 'citizens,' are synonymous terms, and mean the same thing. They both describe the political body who, according to our republican institutions, form the sovereignty, and **who hold the power and conduct the government through their representatives**. They are what we familiarly call the 'sovereign people,' and every citizen is one of this people, and a constituent member of this sovereignty. ..."  
[Boyd v. State of Nebraska, [143 U.S. 135](#) (1892)]

The U.S. Supreme Court identifies the Constitution as a "compact":

"The people of the United States **erected their Constitutions**, or forms of government, to establish justice, to promote the general welfare, to secure the blessings of liberty; and to protect their persons and property from violence. **The purposes for which men enter into society will determine the nature and terms of the social compact**; and as they are the foundation of the legislative power, they will decide what are the proper objects of it: The nature, and ends of legislative power will limit the exercise of it."  
[Calder v. Bull, 3 U.S. 386, 1798 WL 587 (1798)]

"In Europe, the executive is synonymous with the sovereign power of a state...where it is too commonly acquired by force or fraud, or both...In America, however the case is widely different. **Our government is founded upon compact [consent expressed in a written contract called a Constitution or in positive law]. Sovereignty was, and is, in the people [as individuals: that's you!]**."  
[Glass v. The Sloop Betsy, 3 (U.S.) Dall 6]

A "compact" is a contract or agreement:

"**Compact**, n. An agreement or contract between persons, nations, or states. Commonly applied to working agreements between and among states concerning matters of mutual concern. A contract between parties, which creates obligations and rights capable of being enforced and contemplated as such between the parties, in their distinct and independent characters. A mutual consent of parties concerned respecting some property or right that is the object of the stipulation, or something that is to be done or forborne. See also Compact clause; Confederacy; Interstate compact; Treaty."  
[Black's Law Dictionary, Sixth Edition, p. 281]

It is a general principle of law and reason, that a written instrument such as the Constitution is binds no one until he has signed it or consented to it in some way. This principle is so inflexible a one, that even though a man is unable to write his name, he must still "make his mark," before he is bound by a written contract. This custom was established ages ago, when few men could write their names; when a clerk -- that is, a man who could write -- was so rare and valuable a person, that even if he were guilty of high crimes, he was entitled to pardon, on the ground that the public could not afford to lose his services. Even at that time, a written contract must be signed; and men who could not write, either "made their mark," or signed their contracts by stamping their seals upon wax affixed to the parchment on which their contracts were written. Hence the custom of affixing seals, that has continued to this time.

The law holds, and reason declares, that if a written instrument is not signed, the presumption must be that the party to be bound by it, did not choose to sign it, or to bind himself by it. And law and reason both give him until the last moment, in which to decide whether he will sign it, or not. Neither law nor reason requires or expects a man to agree to an instrument, until it is written; for until it is written, he cannot know its precise legal meaning. And when it is written, and he has had the opportunity to satisfy himself of its precise legal meaning, he is then expected to decide, and not before, whether he will agree to it or not. And if he does not THEN sign it, his reason is supposed to be, that he does not choose to enter into such a contract. The fact that the instrument was written for him to sign, or with the hope that he would sign it, goes for nothing.

Where would be the end of fraud and litigation, if one party could bring into court a written instrument, without any signature, and claim to have it enforced, upon the ground that it was written for another man to sign? that this other man had promised to sign it? that he ought to have signed it? that he had had the opportunity to sign it, if he would? but that he had refused or neglected to do so? Yet that is the most that could ever be said of the Constitution. The very judges, who profess to derive all their authority from the Constitution -- from an instrument that nobody ever signed -- would spurn any other instrument, not signed, that should be brought before them for adjudication. The very men who drafted it, never signed it in any way to bind themselves by it, AS A CONTRACT. And not one of them probably ever would have signed it in any way to bind himself by it, AS A CONTRACT.

There are, of course, cases where consent may be procured implicitly or tacitly and not in writing, but these cases are few and do not and cannot pertain to the enforcement of the provisions of the Constitution or any laws passed in furtherance of



1 it against a private citizen. For instance, if a renter agrees verbally to sign a lease and never does, and yet later moves into  
2 the premises without signing it, he is presumed to consent to the lease agreement.

3 *"Implied consent. That manifested by signs, actions, or facts, or by inaction or silence, which raise a*  
4 *presumption that the consent has been given. For example, when a corporation does business in a state it*  
5 *impliedly consents to be subject to the jurisdiction of that state's courts in the event of tortious conduct, even*  
6 *though it is not incorporated in that state. Most every state has a statute implying the consent of one who drives*  
7 *upon its highways to submit to some type of scientific test or tests measuring the alcoholic content of the*  
8 *driver's blood. In addition to implying consent, these statutes usually provide that if the result of the test shows*  
9 *that the alcohol content exceeds a specified percentage, then a rebuttable presumption of intoxication arises."*  
10 *[Black's Law Dictionary, Fifth Edition, pp. 276-277]*

11 This concept of implied consent, however, does not properly extend to the enforcement of laws passed in furtherance of the  
12 Constitution against private citizens. Some ignorant persons would say, for instance, that a domicile of a person in a place  
13 is sufficient to justify enforcement of civil laws of that venue against that person. However, domicile requires more than  
14 just physical presence in a place. The government doesn't OWN private land and isn't the landlord. The only land they  
15 own is federal territory and this federal territory is the only land they can play landlord over by passing laws. Instead,  
16 domicile requires the coincidence of physical presence now or in the past AND consent to be bound by the laws of that  
17 place. This requirement for consent, in fact, is the foundation of the Declaration of Independence: Consent of the governed.  
18 When a person chooses a domicile in a place, he consents to the civil laws of that place, and he can have a domicile in a  
19 place that he doesn't physically reside in at the time. Criminal laws don't require his consent but civil laws do. In that  
20 sense, one's choice of domicile is a choice to procure the civil (not criminal) protection of the sovereign within a specific  
21 jurisdiction and it has the practical effect of turning a sovereign "transient foreigner" protected by the common law into a  
22 "subject" who is a slave to the government and to statutory law that can only apply to federal territory.

23 *"Thus, the Court has frequently held that domicile or residence, more substantial than mere presence in*  
24 *transit or sojourn, is an adequate basis for taxation, including income, property, and death taxes. Since the*  
25 *Fourteenth Amendment makes one a citizen of the state wherein he resides, the fact of residence creates*  
26 *universally reciprocal duties of protection by the state and of allegiance and support by the citizen. The latter*  
27 *obviously includes a duty to pay taxes, and their nature and measure is largely a political matter. Of course,*  
28 *the situs of property may tax it regardless of the citizenship, domicile, or residence of the owner, the most*  
29 *obvious illustration being a tax on realty laid by the state in which the realty is located."*  
30 *[Miller Brothers Co. v. Maryland, 347 U.S. 340 (1954) ]*

31 Courts and public servants frequently and self-servingly try to hide the nature of the consensual transaction called  
32 "domicile" undertaken to procure government protection by hiding the consensual aspect of the transaction. They will, for  
33 instance, try to refer to this consent instead as "an intent to permanently remain in a place".

34 *"domicile. A person's legal home. That place where a man has his true, fixed, and permanent home and*  
35 *principal establishment, and to which whenever he is absent he has the intention of returning. Smith v. Smith,*  
36 *206 Pa.Super. 310, 213 A.2d. 94. Generally, physical presence within a state and the intention to make it one's*  
37 *home are the requisites of establishing a "domicile" therein. The permanent residence of a person or the place*  
38 *to which he intends to return even though he may actually reside elsewhere. A person may have more than one*  
39 *residence but only one domicile. The legal domicile of a person is important since it, rather than the actual*  
40 *residence, often controls the jurisdiction of the taxing authorities and determines where a person may*  
41 *exercise the privilege of voting and other legal rights and privileges."*  
42 *[Black's Law Dictionary, Sixth Edition, p. 485]*

43 All such machinations to remove the requirement for consent from the definition of domicile constitute an attempt to bring  
44 a people under the involuntary subjection of political personages who would otherwise have no authority. This elaborate  
45 scam to subjugate and tax the people is exhaustively described below:

<p>Why Domicile and Becoming a "Taxpayer" Require Your Consent, Form #05.002 <a href="http://sedm.org/Forms/FormIndex.htm">http://sedm.org/Forms/FormIndex.htm</a></p>
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46 Moreover, a written instrument must, in law and reason, not only be signed, but must also be delivered to the party (or to  
47 someone for him), in whose favor it is made, before it can bind the party making it. The signing is of no effect, unless the  
48 instrument be also delivered. And a party is at perfect liberty to refuse to deliver a written instrument, after he has signed it.  
49 The Constitution was not only never signed by anybody, but it was never delivered by anybody, or to anybody's agent or  
50 attorney. It can therefore be of no more validity as a contract, then can any other instrument that was never signed or  
51 delivered.

1 As further evidence of the general sense of mankind, as to the practical necessity there is that all men's IMPORTANT  
2 contracts, especially those of a permanent nature, should be both written and signed, the following facts are pertinent.

3 For nearly two hundred years -- that is, since 1677 -- there has been on the statute book of England, and the same, in  
4 substance, if not precisely in letter, has been re-enacted, and is now in force, in nearly all the states of this Union, a statute,  
5 the general object of which is to declare that no action shall be brought to enforce contracts of the more important class,  
6 UNLESS THEY ARE PUT IN WRITING, AND SIGNED BY THE PARTIES TO BE HELD CHARGEABLE UPON  
7 THEM.

8 The principle of the statute, be it observed, is, not merely that written contracts shall be signed, but also that all contracts,  
9 except for those specially exempted -- generally those that are for small amounts, and are to remain in force for but a short  
10 time -- SHALL BE BOTH WRITTEN AND SIGNED.

11 The reason of the statute, on this point, is, that it is now so easy a thing for men to put their contracts in writing, and sign  
12 them, and their failure to do so opens the door to so much doubt, fraud, and litigation, that men who neglect to have their  
13 contracts -- of any considerable importance -- written and signed, ought not to have the benefit of courts of justice to  
14 enforce them. And this reason is a wise one; and that experience has confirmed its wisdom and necessity, is demonstrated  
15 by the fact that it has been acted upon in England for nearly two hundred years, and has been so nearly universally adopted  
16 in this country, and that nobody thinks of repealing it.

17 We all know, too, how careful most men are to have their contracts written and signed, even when this statute does not  
18 require it. For example, most men, if they have money due them, of no larger amount than five or ten dollars, are careful to  
19 take a note for it. If they buy even a small bill of goods, paying for it at the time of delivery, they take a receipted bill for it.  
20 If they pay a small balance of a book account, or any other small debt previously contracted, they take a written receipt for  
21 it.

22 Furthermore, the law everywhere (probably) in our country, as well as in England, requires that a large class of contracts,  
23 such as wills, deeds, etc., shall not only be written and signed, but also sealed, witnessed, and acknowledged. And in the  
24 case of married women conveying their rights in real estate, the law, in many States, requires that the women shall be  
25 examined separate and apart from their husbands, and declare that they sign their contracts free of any fear or compulsion  
26 of their husbands.

27 Such are some of the precautions which the laws require, and which individuals -- from motives of common prudence, even  
28 in cases not required by law -- take, to put their contracts in writing, and have them signed, and, to guard against all  
29 uncertainties and controversies in regard to their meaning and validity. And yet we have what purports, or professes, or is  
30 claimed, to be a contract or compact-- the Constitution -- made by men who are now all dead, and who never had any  
31 power to bind US, but which (it is claimed) has nevertheless bound generations of men, consisting of many millions, and  
32 which (it is claimed) will be binding upon all the millions that are to come; but which nobody ever signed, sealed,  
33 delivered, witnessed, or acknowledged; and which few persons, compared with the whole number that are claimed to be  
34 bound by it, have ever read, or even seen, or ever will read, or see. And of those who ever have read it, or ever will read it,  
35 scarcely any two, perhaps no two, have ever agreed, or ever will agree, as to what it means.

36 Moreover, this supposed contract, which would not be received in any court of justice sitting under its authority, if offered  
37 to prove a debt of five dollars, owing by one man to another, is one by which -- AS IT IS GENERALLY INTERPRETED  
38 BY THOSE WHO PRETEND TO ADMINISTER IT -- all men, women and children throughout the country, and through  
39 all time, surrender not only all their property, but also their liberties, and even lives, into the hands of men who by this  
40 supposed contract, are expressly made wholly irresponsible for their disposal of them. And we are so insane, or so wicked,  
41 as to destroy property and lives without limit, in fighting to compel men to fulfill a supposed contract, which, inasmuch as  
42 it has never been signed by anybody, is, on general principles of law and reason -- such principles as we are all governed by  
43 in regard to other contracts -- the merest waste of paper, binding upon no citizen, fit only to be thrown into the fire; or, if  
44 preserved, preserved only to serve as a witness and a warning of the folly and wickedness of mankind.

45 It is plain, then, that on general principles of law and reason -- such principles as we all act upon in courts of justice and in  
46 common life -- the Constitution is no contract; that it binds only those who take an oath to obey it within the government;  
47 that, on general principles of law and reason, those within the government who administer its provisions or laws passed in  
48 furtherance of it against citizens who are not party to it are mere usurpers, and that everybody not only has the right, but is  
49 morally bound, to treat them as such.

1 If the people of this country wish to maintain such a government as the Constitution describes, there is no reason in the  
2 world why they should not sign the instrument itself, and thus make known their wishes in an open, authentic manner; in  
3 such manner as the common sense and experience of mankind have shown to be reasonable and necessary in such cases;  
4 AND IN SUCH MANNER AS TO MAKE THEMSELVES (AS THEY OUGHT TO DO) INDIVIDUALLY  
5 RESPONSIBLE FOR THE ACTS OF THE GOVERNMENT. But neither our public servants nor any member of the  
6 public have never been asked to sign it. And the only reason why they have never been asked to sign it, has been that it has  
7 been known that they ever would sign it; that they were neither such fools nor knaves as they must have been to be willing  
8 to sign it; that (at least as it has been practically interpreted) it is not what any sensible and honest man wants for himself;  
9 nor such as he has any right to impose upon others. It is, to all moral intents and purposes, as destitute of obligations as the  
10 compacts which robbers and thieves and pirates enter into with each other, but never sign.

11 If any considerable number of the people believe the Constitution to be good, why do they not sign it themselves, and make  
12 laws for, and administer them upon, each other; leaving all other persons (who do not interfere with them) in peace? Until  
13 they have tried the experiment for themselves, how can they have the face to impose the Constitution upon, or even to  
14 recommend it to, others? Plainly the reason for the absurd and inconsistent conduct is that they want the Constitution, not  
15 solely for any honest or legitimate use it can be to themselves or others, but for the dishonest and illegitimate power it gives  
16 them over the persons and properties of others. But for this latter reason, all their eulogiums on the Constitution, all their  
17 exhortations, and all their expenditures of money and blood to sustain it, would be wanting.

18 It is obvious that, on general principles of law and reason, there exists no such thing as a government created by, or resting  
19 upon, any consent, compact, or agreement of "the people of the United States" with each other; that the only visible,  
20 tangible, responsible government that exists, is that of a few individuals only, who act in concert, and call themselves by the  
21 several names of senators, representatives, presidents, judges, marshals, treasurers, collectors, generals, colonels, captains,  
22 etc., etc.

23 On general principles of law and reason, it is of no importance whatever that these few individuals profess to be the agents  
24 and representatives of "the people of the United States"; since they can show no credentials from the people themselves;  
25 they were never appointed as agents or representatives in any open, authentic, written manner by any specific individual  
26 who signed the Constitution as a contract; they do not themselves know, and have no means of knowing, and cannot prove,  
27 who their principals (as they call them) are individually; and consequently cannot, in law or reason, be said to have any  
28 principals at all.

29 It is obvious, too, that if these alleged principals ever did appoint these pretended agents, or representatives, they appointed  
30 them secretly (by secret ballot), and in a way to avoid all personal responsibility for their acts; that, at most, these alleged  
31 principals put these pretended agents forward for the most criminal purposes, viz.: to plunder the people of their property,  
32 and restrain them of their liberty; and that the only authority that these alleged principals have for so doing, is simply a  
33 TACIT UNDERSTANDING among themselves that they will imprison, shoot, or hang every man who resists the exactions  
34 and restraints which their agents or representatives may impose upon them.

35 Thus it is obvious that the only visible, tangible government we have is made up of these professed agents or  
36 representatives of a secret band of robbers and murderers, who, to cover up, or gloss over, their robberies and murders, have  
37 taken to themselves the title of "the people of the United States"; and who, on the pretense of being "the people of the  
38 United States," assert their right to subject to their dominion, and to control and dispose of at their pleasure, all property and  
39 persons found in the United States.

40 Those who like to argue with the conclusions of this section like to point to the following holding of the Supreme Court of  
41 the United States. They will state that the purpose of the Constitution was to fix the chief defect of the Articles of  
42 Confederation, which was that that the federal government at the time had no jurisdiction over people:

43 *Indeed, the question whether the Constitution should permit Congress to employ state governments as*  
44 *regulatory agencies was a topic of lively debate among the Framers. **Under the Articles of Confederation,***  
45 ***Congress lacked the authority in most respects to govern the people directly. In practice, Congress "could not***  
46 ***directly tax or legislate upon individuals; it had no explicit 'legislative' or 'governmental' power to make***  
47 ***binding 'law' enforceable as such.*** ***Amar, Of Sovereignty and Federalism, 96 Yale L.J. 1425, 1447 (1987).***

48 ***The inadequacy of this governmental structure was responsible in part for the Constitutional Convention.***  
49 *Alexander Hamilton observed: "The great and radical vice in the construction of the existing Confederation is*  
50 *in the principle of LEGISLATION for STATES or GOVERNMENTS, in their CORPORATE or COLLECTIVE*  
51 *CAPACITIES, and as contra-distinguished from the INDIVIDUALS of whom they consist." The \*\*2422*

Federalist No. 15, p. 108 (C. Rossiter ed. 1961). As Hamilton saw it, **“we must resolve to incorporate into our plan those ingredients which may be considered as forming the characteristic difference between a league and a government; we must extend the authority of the Union to the persons of the citizens-the only proper objects of government.”** Id., at 109. The new National Government “must carry its agency to the persons of the citizens. It must stand in need of no intermediate legislations.... The government of the Union, like that of each State, must be able to address itself immediately to the hopes and fears of individuals.” Id., No. 16, at 116.

\*164 The Convention generated a great number of proposals for the structure of the new Government, but two quickly took center stage. Under the Virginia Plan, as first introduced by Edmund Randolph, Congress would exercise legislative authority directly upon individuals, without employing the States as intermediaries. 1 Records of the Federal Convention of 1787, p. 21 (M. Farrand ed. 1911). Under the New Jersey Plan, as first introduced by William Paterson, Congress would continue to require the approval of the States before legislating, as it had under the Articles of Confederation. 1 id., at 243-244. These two plans underwent various revisions as the Convention progressed, but they remained the two primary options discussed by the delegates. One frequently expressed objection to the New Jersey Plan was that it might require the Federal Government to coerce the States into implementing legislation. As Randolph explained the distinction, “[t]he true question is whether we shall adhere to the federal plan [ i.e., the New Jersey Plan], or introduce the national plan. The insufficiency of the former has been fully displayed.... There are but two modes, by which the end of a Gen[eral] Gov [ernment] can be attained: the 1st is by coercion as proposed by Mr. P [aterson’s] plan[, the 2nd] by real legislation as prop[osed] by the other plan. **Coercion [is] impracticable, expensive, cruel to individuals.... We must resort therefore to a national Legislation over individuals.**” 1 id., at 255-256 (emphasis in original). Madison echoed this view: “The practicability of making laws, with coercive sanctions, for the States as political bodies, had been exploded on all hands.” 2 id., at 9.

Under one preliminary draft of what would become the New Jersey Plan, state governments would occupy a position relative to Congress similar to that contemplated by the Act at issue in these cases: “[T]he laws of the United States ought, as far as may be consistent with the common interests of the Union, to be carried into execution by the judiciary and executive officers of the respective states, wherein the execution\*165 thereof is required.” 3 id., at 616. This idea apparently never even progressed so far as to be debated by the delegates, as contemporary accounts of the Convention do not mention any such discussion. The delegates’ many descriptions of the Virginia and New Jersey Plans speak only in general terms about whether Congress was to derive its authority from the people or from the States, and whether it was to issue directives to individuals or to States. See 1 id., at 260-280.

**In the end, the Convention opted for a Constitution in which Congress would exercise its legislative authority directly over individuals rather than over States:** for a variety of reasons, it rejected the New Jersey Plan in favor of the Virginia Plan. 1 id., at 313. This choice was made clear to the subsequent state ratifying conventions. Oliver Ellsworth, a member of the Connecticut delegation in Philadelphia, explained the distinction to his State’s convention: **“This Constitution does not attempt to coerce sovereign bodies, states, in their political capacity.... But this legal coercion singles out the ... individual.”** 2 J. Elliot, Debates on the Federal Constitution 197 (2d ed. 1863). Charles Pinckney, another delegate at the Constitutional Convention, emphasized to the South Carolina House of Representatives that in Philadelphia “the necessity of having a government which should at once \*2423 operate upon the people, and not upon the states, was conceived to be indispensable by every delegation present.” 4 id., at 256. Rufus King, one of Massachusetts’ delegates, returned home to support ratification by recalling the Commonwealth’s unhappy experience under the Articles of Confederation and arguing: **“Laws, to be effective, therefore, must not be laid on states, but upon individuals.”** 2 id., at 56. At New York’s convention, Hamilton (another delegate in Philadelphia) exclaimed: “But can we believe that one state will ever suffer itself to be used as an instrument of coercion? The thing is a dream; it is impossible. Then we are brought to this dilemma-either a federal \*166 standing army is to enforce the requisitions, or the federal treasury is left without supplies, and the government without support. What, sir, is the cure for this great evil? Nothing, but to enable the national laws to operate on individuals, in the same manner as those of the states do.” 2 id., at 233. At North Carolina’s convention, Samuel Spencer recognized that “all the laws of the Confederation were binding on the states in their political capacities, ... but now the thing is entirely different. **The laws of Congress will be binding on individuals.**” 4 id., at 153.

**In providing for a stronger central government, therefore, the Framers explicitly chose a Constitution that confers upon Congress the power to regulate individuals, not States.** As we have seen, the Court has consistently respected this choice. We have always understood that even where Congress has the authority under the Constitution to pass laws requiring or prohibiting certain acts, it lacks the power directly to compel the States to require or prohibit those acts. E.g., *FERC v. Mississippi*, 456 U.S., at 762-766, 102 S.Ct., at 2138-2141; *Hodel v. Virginia Surface Mining & Reclamation Assn., Inc.*, 452 U.S., at 288-289, 101 S.Ct., at 2366; *Lane County v. Oregon*, 7 Wall., at 76. The allocation of power contained in the Commerce Clause, for example, authorizes Congress to regulate interstate commerce directly; it does not authorize Congress to regulate state governments’ regulation of interstate commerce. [New York v. U.S., 505 U.S. 144, 112 S.Ct. 2408 (U.S.N.Y.,1992)]

The key thing to notice about the above holding of the Supreme Court is that:



1. The ruling very deliberately doesn't define exactly which "citizens" and "individuals" they are referring to. If they identified who these entities were, they would spill the beans on their very limited jurisdiction.
2. The only "individuals" or "citizens" to which they can be referring are those with a domicile on federal territory and NOT within any state of the Union, except possibly in federal areas within the exterior limits 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."*  
[Carter v. Carter Coal Co., 298 U.S. 238, 56 S.Ct. 855 (1936)]

3. Those who are statutory "citizens" under 8 U.S.C. §1401 or "residents" under 26 U.S.C. §7701(b)(1)(A) are those with a legal domicile on federal territory. These are the only "citizens" to which they can possibly be referring to. Constitutional "citizens of the United States" as described in the Fourteenth Amendment are not included in the statutory definition of "citizen" found in 8 U.S.C. §1401 and cannot lawfully be included because they are beyond the legislative reach of the federal government. This is exhaustively explained in the memorandum of law below:

Why You Are a "national", "state national", and Constitutional but Not Statutory Citizen, Form #05.006  
<http://sedm.org/Forms/FormIndex.htm>

Consequently, the facts established in this section survive the only argument against them that we have been confronted with to date. The Constitution does not obligate those within the states who are allegedly party to it. The states are the AUTHOR of that law, not the SUBJECT of it:

*"Sovereignty itself is, of course, not subject to law for it is the author and source of law;"*  
[Yick Wo v. Hopkins, 118 U.S. 356 (1886)]

*"Under our form of government, the legislature is NOT supreme. It is only one of the organs of that ABSOLUTE SOVEREIGNTY which resides in the whole body of the PEOPLE; like other bodies of the government, it can only exercise such powers as have been delegated to it, and when it steps beyond that boundary, its acts.. are utterly VOID."*  
[Billings v. Hall, 7 CA. 1]

The Constitution therefore obligates only those in the government charged with implementing it and it confers jurisdiction only over federal territory, domiciliaries, property, and franchises, which collectively are the "community property" of the states in the "marriage contract" among the states called the Constitution.

*"But, indeed, no private person has a right to complain, by suit in Court, on the ground of a breach of the Constitution. The Constitution, it is true, is a compact, but he is not a party to it. The States are the parties to it. And they may complain. If they do, they are entitled to redress. Or they may waive the right to complain. If they do, the right stands waived. Could not the States, in their sovereign capacities, or Congress (if it has the power) as their agent, forgive such a breach of the Constitution, on the part of a State, as that of imposing a tax on imports, or accept reparation for it? In case this were done, what would become of the claims of private persons, for damages for such breach? To let such claims be set up against the forgiven party, would be to do away with the forgiveness. No, if there existed such claimants, they would have to appeal, each to his own sovereign for redress. It was that sovereign's business to get enough from the offending sovereign, to cover all private losses of his own citizens-and if he did not get enough to do that, those citizens must look to him, alone for indemnity."*  
[Padelford, Fay & Co. v. Mayor and Aldermen of City of Savannah, 14 Ga. 438, WL 1492, (1854)]

In conclusion, the CONstitution is a CON. It is intended solely to concentrate power into a band of secretly elected usurpers for the purposes of creating an oligarchy of persons who are not directly or personally responsible to the people they are supposed to serve for their actions. It is intended to make what otherwise would be sovereigns into subjects and slaves of political rulers and political correctness.

## **5 What is "law"?: The government is systematically LYING to you about what it means<sup>10</sup>**

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

<sup>10</sup> Derived from: *What is "law"?*, Form #05.048; <http://sedm.org/Forms/FormIndex.htm>.



“Law” as legally defined ISN’T everything the legislature passes, but only a VERY small subset. You are being systematically LIED to by your public servants about this HUGELY IMPORTANT subject. Wise up! Don’t drink their “Kool-Aide”.

## 5.1 Introduction

A VERY important thing to learn is what is the LEGAL definition of “law” and what classifies as “law” generally? This memorandum of law contains some authorities on this subject derived from many different places on the Sovereignty Education and Defense Ministry (SEDM) website.

To summarize the requirements to qualify as “law” in a governmental sense from this page:

1. It must apply equally to ALL. It cannot compel INEQUALITY of treatment between any man or class of men.
2. It cannot do collectively what people individually cannot NATURALLY do. In other words, in the words of [Frederic Bastiat](#), it aggregates the individual right of self-defense into a collective body so that it can be delegated. A single human CANNOT delegate a right he does not individually ALSO possess, which indirectly implies that no GROUP of men called “government” can have any more COLLECTIVE rights under the collective entity rule than a single human being. [Click here](#) for a video on the subject.
3. It cannot punish a citizen for an innocent action that was not a crime or not demonstrated to produce measurable harm. The ability to PROVE such harm with evidence in court is called “standing”.
4. It cannot compel the redistribution of wealth between two private parties. This is ESPECIALLY true if it is called a “tax”.
5. It cannot interfere with or impair the right of contracts between PRIVATE parties. That means it cannot compel income tax withholding unless one or more of the parties to the withholding are ALREADY public officers in the government.
6. It cannot interfere with the use or enjoyment or CONTROL over private property, so long as the use injures no one. Implicit in this requirement is that it cannot FAIL to recognize the right of private property or force the owner to donate it to a PUBLIC USE or PUBLIC PURPOSE. In the common law, such an interference is called a “trespass”.
7. The rights it conveys must attach to LAND rather than the [CIVIL STATUS](#) (e.g. “taxpayer”, “citizen”, “resident”, etc.) of the people ON that land. One can be ON land within a PHYSICAL state WITHOUT being legally “WITHIN” that state (a corporation) as an [officer of the government or corporation \(Form #05.042\)](#) called a “citizen” or “resident”.
  - 7.1. See [Your Exclusive Right to Declare or Establish Your Civil Status, Form #13.008](#).
  - 7.2. [Foundations of Freedom Course, Form #12.021, Video 4](#) covers how LAND and STATUS are deliberately confused through equivocation in order to [KIDNAP people’s identity \(Form #05.046\)](#) and transport it illegally to federal territory.

*(“It is locality that is determinative of the application of the Constitution, in such matters as judicial procedure, and not the status of the people who live in it.” [Balzac v. Porto Rico, 258 U.S. 298 (1922)])*
8. It must provide a remedy AFTER an injury occurs. It may not PREVENT injuries before they occur. Anything that operates in a PREVENTIVE rather than CORRECTIVE mode is a franchise. There is no standing in a REAL court to sue WITHOUT first demonstrating such an injury to the PRIVATE or NATURAL rights of the Plaintiff or VICTIM.
9. It cannot acquire the “force of law” from the consent of those it is enforced against. In other words, it cannot be an agreement or contract. All franchises and licensing, by the way, are types of contracts.
10. It does not include compacts, contracts between private people and governments. Rights that are INALIENABLE cannot be contracted away, even WITH consent.
11. It cannot, at any time, be called “voluntary”. Congress and even the U.S. Supreme Court call the IRC Subtitle a “income tax” voluntary.
12. It does not include franchises, licenses, or civil statutory codes, all of which derive ALL of their force of law from your consent in choosing a [civil domicile \(Form #05.002\)](#).

Any violation of the above rules is what the Bible calls “devises evil by law” in Psalm 94:20-23 as indicated at the beginning of the previous section.

The ONLY thing we are aware of that satisfies ALL of the above criteria is:

1. The criminal law.
2. The common law, which is based on EQUITY AND EQUALITY of all parties.

1 Everything else only applies to a SUBSET of the society or class within society, and therefore does NOT apply equally to  
2 all.

3 "If the court sanctions the power of discriminating taxation, and nullifies the uniformity mandate of the  
4 Constitution," as said by one who has been all his life a student of our institutions, "it will mark the hour  
5 when the sure decadence of our present government will commence." [. . .] The legislation, in the  
6 discrimination it makes, is class legislation. Whenever a distinction is made in the burdens a law imposes or  
7 in the benefits it confers on any citizens by reason of their birth, or wealth, or religion, it is class legislation,  
8 and leads inevitably to oppression and abuses, and to general unrest and disturbance in society [e.g. wars,  
9 political conflict, violence, anarchy]."  
10 [Pollock v. Farmers' Loan & Trust Co., 157 U.S. 429 (Supreme Court 1895)]

11 "Where do wars and fights come from among you? Do they not come from your desires for pleasure [unearned  
12 money or "benefits", privileges, or franchises, from the government] that war in your members [and your  
13 democratic governments]? You lust [after other people's money] and do not have. You murder [the unborn to  
14 increase your standard of living] and covet [the unearned] and cannot obtain [except by empowering your  
15 government to STEAL for you!]. You fight and war [against the rich and the nontaxpayers to subsidize your  
16 idleness]. Yet you do not have because you do not ask [the Lord, but instead ask the deceitful government]. You  
17 ask and do not receive, because you ask amiss, that you may spend it on your pleasures. Adulterers and  
18 adulteresses! Do you not know that friendship [statutory "citizenship"] with the world [for the governments of  
19 the world] is enmity with God? Whoever therefore wants to be a friend [STATUTORY "citizen", "resident",  
20 "inhabitant", "person" franchisee] of the world [or the governments of the world] makes himself an enemy of  
21 God."  
22 [James 4:4, Bible, NKJV]

23 All of your freedom and autonomy derives from EQUALITY [between YOU and the government in court], and therefore the only thing  
24 that can be "law" in a truly and perfectly free society is the CRIMINAL law. We cover this extensively in Form #05.033 and Video 1  
25 of our Foundations of Freedom Course, Form #12.021. Everything that produces INEQUALITY MUST be voluntary AND God  
26 FORBIDS CHRISTIANS from volunteering in relation to governments or civil rulers!

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

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

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

36  
37 "You shall make no covenant [contract or franchise] with them [foreigners, pagans], nor with their [pagan  
38 government] gods [laws or judges]. They shall not dwell in your land [and you shall not dwell in theirs by  
39 becoming a "resident" or domiciliary in the process of contracting with them], lest they make you sin against  
40 Me [God]. For if you serve their [government] gods [under contract or agreement or franchise], it will surely  
41 be a snare to you."  
42 [Exodus 23:32-33, Bible, NKJV]

43 SATAN'S MAIN SOURCE OF STRENGTH is tempting people to GIVE UP EQUALITY and rights in exchange for  
44 privileges, franchises, or "benefits". That's what the serpent did in the garden and that's what every government since then  
45 has made a BUSINESS out of called a "franchise".

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

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

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

If you want a dramatization of the above temptation, watch the following video on our site:

[Devil's Advocate: Lawyers, SEDM](http://sedm.org/what-we-are-up-against/)  
<http://sedm.org/what-we-are-up-against/>

All civil societies are based on compact and therefore contract. Since Christians cannot contract with secular governments or civil rulers, they cannot become subject to man's [pagan civil franchise statutes](#) and may be governed only by the common law and God's law:

***"Our government is founded upon compact. Sovereignty was, and is, in the people. It was entrusted by them, as far as was necessary for the purpose of forming a good government, to the Federal Convention; and the Convention executed their trust, by effectually separating the Legislative, Judicial, and Executive powers; which, in the contemplation of our Constitution, are each a branch of the sovereignty. The well-being of the whole depends upon keeping each department within its limits."***  
[Glass v. The Sloop Betsey, 3 U.S. 6, 3 Dall. 6, 1 L.Ed. 485 (1794)]

***"There is but one law which, from its nature, needs unanimous consent. This is the social compact; for civil association is the most voluntary of all acts. Every man being born free and his own master, no one, under any pretext whatsoever, can make any man subject without his consent. To decide that the son of a slave is born a slave is to decide that he is not born a man."***  
[The Social Contract or Principles of Political Right, Jean Jacques Rousseau, 1762, Book IV, Chapter 2]

***"Then Haman said to King Ahasuerus, **'There is a certain people [the Jews, who today are the equivalent of Christians] scattered and dispersed among the people in all the provinces of your kingdom; their [CIVIL] laws are different from all other people's [because they are God's laws!], and they do not keep the king's [unjust] laws.** Therefore it is not fitting for the king to let them remain. If it pleases the king, let a decree be written that they be destroyed, and I will pay ten thousand talents of silver into the hands of those who do the work, to bring it into the king's treasuries."***  
[Esther 3:8-9, Bible, NKJV]

***"Those people who are not governed [ONLY] by GOD and His laws will be ruled by tyrants."***  
[William Penn (after whom Pennsylvania was named)]

***"A free people [claim] their rights as derived from the laws of nature [God and His laws], and not as the gift of [the civil franchise statutes enforced by] their chief magistrate [or any government law]."***  
[Thomas Jefferson: Rights of British America, 1774. ME 1:209, Papers 1:134]

## **5.2 Law is a Delegation of authority from the true sovereign: The People<sup>11</sup>**

What is the purpose of law? First, let's define it:

***Law. That which is laid down, ordained, or established. A rule or method according to which phenomenon or actions co-exist or follow each other. Law, in its generic sense, is a body of rules of action or conduct prescribed by controlling authority[the "sovereign"], and having binding legal force. United States Fidelity and Guaranty Co. v. Guenther, 281 U.S. 34, 50 S.Ct. 165, 74 L.Ed. 683. That which must be obeyed and followed by citizens subject to sanctions or legal consequences is a law. Law is a solemn expression of the will of the supreme [sovereign] power of the State. Calif.Civil Code, §22.***

*The "law" of a state is to be found in its statutory and constitutional enactments, as interpreted by its courts, and, in absence of statute law, in rulings of its courts. Dauer's Estate v. Zabel, 9 Mich.App. 176, 156 N.W.2d. 34, 37.*  
[Black's Law Dictionary, Sixth Edition, p. 884]

In other words, the "sovereign" within any nation or state is the ruler of that state and makes all the rules and laws with the explicit intention to provide the most complete protection for his, her, or their rights to life, liberty, and property. Different political systems have different sovereigns. In England, which is a monarchy, the sovereign is the King so all laws are enacted by Parliament by or through his delegated authority. In America, the "sovereign" is the People both individually and collectively, "We the People", who created government to protect their collective and individual rights to life, liberty and property. Here is how the Supreme Court describes it:

***"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."***

<sup>11</sup> Derived from: *Great IRS Hoax*, Form #11.302, Section 3.3; <http://sedm.org/Forms/FormIndex.htm>.

Because the People in America are the sovereigns, because we are all equal under the law, and because we have no kings or rulers above us, and because all people have a natural, God given, inviolable right to contract, then the Constitution was used as the vehicle by which the people got together to exercise their sovereignty and power to contract in order to delegate very limited and specific authority to the federal government. Any act done and any law passed by the federal government which is not authorized by the Constitution is unlawful, because not authorized by the written contract called the Constitution that is the source of ALL of their delegated authority. Again, here is how the Supreme Court describes our system of government, which it says is based on “compact”.

*“In Europe, the executive is synonymous with the sovereign power of a state...where it is too commonly acquired by force or fraud, or both...In America, however the case is widely different. **Our government is founded upon compact [consent expressed in a written contract called a Constitution or in positive law]. Sovereignty was, and is, in the people.**”*  
[Glass v. The Sloop Betsey, 3 (U.S.) Dall 6]

Below is the legal definition of “compact” to prove our point that the Constitution and all federal law written in furtherance of it are indeed a “contract”:

*“**Compact**, n. An agreement or contract between persons, nations, or states. Commonly applied to working agreements between and among states concerning matters of mutual concern. A contract between parties, which creates obligations and rights capable of being enforced and contemplated as such between the parties, in their distinct and independent characters. A mutual consent of parties concerned respecting some property or right that is the object of the stipulation, or something that is to be done or forbore. See also Compact clause; Confederacy; Interstate compact; Treaty.”*  
[Black’s Law Dictionary, Sixth Edition, p. 281]

Enacting a mutual agreement into positive law and which takes the form of a Constitution, then, becomes the vehicle for proving the fact that the People collectively agreed and directly consented to allow the government to pass laws that will protect their rights. When our federal government then passes laws or “acts”, the Congressional Record becomes the legal evidence or proof of all of the elected representatives who consented to the agreement. Since we sent these representatives to Washington D.C. to represent our interests, then the result is that we indirectly consented to allow them to bind us to any new agreements or contracts (called statutes) written in furtherance of our interests. If the statute or law passed by Congress will have an adverse impact on our rights, it can then be said that indirectly we consented or agreed to any adverse impact, because the majority voted in favor of their elected representatives.

Public servants then, are just the apparatus or tool or machinery that the sovereign People use for protecting their life, liberty, and property and thereby governing themselves. It is ironic that the most important single force that law is there to protect from is disobedient public servants who want to usurp authority from the people. Our federal government essentially is structured as an independent contractor to the sovereign states, and the contract is the Constitution. The Contract delegated authority or jurisdiction only over foreign affairs and foreign commerce. There are a few very minor exceptions to this general rule which we will discuss subsequently. As the definition above shows, the apparatus and machinery of government is simply the “rudder” that steers the ship, but the Captain of the ship is the People individually and collectively. In a true Republican Form of Government, the REAL government is the people individually and collectively, and not their public servants.

Law is therefore the contractual method used by the sovereign for delegating his authority to those under him and for governing and ruling the nation. Frederic Bastiat in his book The Law, further helps us define and understand the purpose of law:

*We must remember that law is force, and that, consequently, the proper functions of the law cannot lawfully extend beyond the proper functions of force. When law and force keep a person within the bounds of justice, they impose nothing but a mere negation. **They oblige him only to abstain from harming others. They violate neither his personality, his liberty nor his property. They safeguard all of these. They are defensive; they defend equally the rights of all.**<sup>12</sup>*

<sup>12</sup> The Law, Frederic Bastiat, 1850.

1 So we can see that law is force and that it must apply equally to all if liberty is to be protected. If it applies unequally to  
2 one class of persons over another, then it turns from being an instrument of liberty to an instrument of oppression and  
3 tyranny.

4 Many people think the purpose of law is to promote public policy. According to Bastiat, the purpose of law is to remedy  
5 injustice after it occurs, and there is a world of difference between these two opposing views. The law, in fact, is only there  
6 for public protection, but NOT for public advocacy of what some bureaucrat “thinks” would be good. Law is a negative  
7 concept and not a positive concept. Law is there to provide remedy for harm AFTER an injury occurs, not to encourage or  
8 mandate some FUTURE good. Even the Bible agrees with this conclusion, where the Apostle Paul says:

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

12 Love does no harm to a neighbor; therefore love is the fulfillment of the law.  
13 [Romans 13:9-10, Bible, NKJV]  
14

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

17 Our interpretation of what the above scriptures are saying is that you should not confront, interfere with, strive, or oppose a  
18 man unless he has done you some personal harm or is about to cause you harm and you want to prevent it. Your legal  
19 rights define and circumscribe the boundary over which he cannot cross without doing you harm. The act of him doing you  
20 harm is referred to as “evil”. The law is the vehicle for rebuking and correcting the evil and harm under such circumstances  
21 and that is its only legitimate purpose. As we made plain in the introduction to Chapter 1, Christians are commanded in  
22 Eccl. 12:13-14 to “fear the Lord”, and “fearing the Lord” is defined in Prov. 8:13 as “hating evil”, which means eliminating  
23 and opposing it at every opportunity. The process of acquiring knowledge about what is evil and hating evil is called  
24 “morality”, and it is the purpose of parenting and every good government to develop and encourage morality in everyone in  
25 society.

26 *“Of all the dispositions and habits which lead to political prosperity, Religion and morality are indispensable*  
27 *supports. In vain would that man claim the tribute of Patriotism who should labour to subvert these great*  
28 *Pillars of human happiness, these firmest props of the duties of Men and citizens. The mere politician, equally*  
29 *with the pious man, ought to respect and to cherish them. A volume could not trace all their connections with*  
30 *private and public felicity. Let it simply be asked, “where is the security for property, for reputation, for life, if*  
31 *the sense of religious obligation desert the oaths which are the instruments of investigation in courts of*  
32 *justice?” And let us with caution indulge the supposition that morality can be maintained without religion.*  
33 *Whatever may be conceded to the influence of refined education on minds of peculiar structure, reason and*  
34 *experience both forbid us to expect that national morality can prevail in exclusion of religious principle.”*  
35 [George Washington in his Farewell Address; SOURCE:  
36 <http://farnhamguardian.org/Subjects/LawAndGovt/History/GWashingtonFarewell.htm> ; See also George  
37 Washington’s Farewell Address Presented by Pastor Garrett Lear,  
38 <https://www.youtube.com/watch?v=6emyK7umXGg>]

39 Consequently, the purpose of the law from a spiritual and legal perspective is only to provide remedy for harm AFTER an  
40 injury occurs, not to encourage or mandate some FUTURE good, “benefit”, or even civil political objective. Here is  
41 another excerpt from Bastiat’s book, The Law, that explains this assertion:

42 **Law Is a Negative Concept**

43 *The harmlessness of the mission performed by law and lawful defense is self-evident; the usefulness is obvious;*  
44 *and the legitimacy cannot be disputed.*

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

49 **But when the law, by means of its necessary agent, force, imposes upon men a regulation of labor, a method**  
50 **or a subject of education, a religious faith or creed - then the law is no longer negative; it acts positively upon**  
51 **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.

Thomas Jefferson, one of our founding fathers, agreed with this philosophy when he said:

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

The purpose of the law also *cannot* be to promote charity, because charity and force are incompatible. Promoting charity with the law is promoting INjustice, which cannot be the proper role of law. Law should only be used to prevent injustice. Here is Bastiat's perspective from The Law again:

#### *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.

Another word for plunder is theft. Whenever the government or the people use the law as an instrument of theft, and the government as a Robinhood, then the purpose of government turns from punishing past injustice to:

1. Punishing success by making people who work harder and earn more pay a higher percentage of their income in taxes. This discourages a proper work ethic.
2. Robbing the rich to give to those who have the most votes. This causes democracies to devolve into "mobocracies" eventually, as low income persons vote for persons who will rob the rich and give them something for nothing. (We already have this, in that older people vote consistently for politicians who will expand and protect their social security benefits, which aren't a trust fund at all, but instead are a Ponzi scheme paid for by younger workers, moving money from hand-to-mouth)."
3. An agent of organized extortion and lawlessness.
4. A destabilizing force in society that undermines public trust and encourages political apathy (voter participation is the lowest it has been in years.. ever wonder why).

Here is what the Supreme Court had to say about this type of plunder:

*"To lay with one hand the power of government on the property of the citizen, and with the other to bestow it on favored individuals.. is none the less 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."*  
[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 [tax] 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)]

The U.S. Supreme Court in the landmark case of Pollock v. Farmers' Loan and Trust Co., 157 U.S. 429 (1895) said the following regarding what happens when the government becomes a Robinhood and tries to promote equality of result rather than equality of opportunity. We end up with class warfare in society done using the force of law and a mobocracy mentality:

1           *"The present **assault upon capital** is but the beginning. **It will be but the stepping stone to others larger and***  
2           ***more sweeping**, until our political contest will become war of the poor against the rich; a war of growing*  
3           *intensity and bitterness.*

4           ...

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

9       Routine use of government as a means to plunder and rob from its people through taxation is the foundation of socialism.  
10       Socialism, therefore, is a form of institutionalized or organized crime. Socialism is also incompatible with Christianity, as  
11       discussed in Socialism: The New American Civil Religion, Form #05.016, Section 4.2. Social Security, Medicare,  
12       Unemployment taxes and other government entitlement programs are examples of socialist programs which amount to  
13       organized crime to the extent that participation in them is compulsory or mandatory. For all practical purposes in today's  
14       society, participation in these programs is mandatory for the average employee. Therefore, our government has become an  
15       organized crime ring that can and should be prosecuted under RICO laws ([18 U.S.C. §225](#)) for racketeering and extortion.

### 16       **5.3   How law protects the sovereign people: By limiting government power**<sup>13</sup>

17       The main purpose of law is to limit government power in order to protect and preserve, freedom, choice, and the  
18       sovereignty of the people.

19           *"When we consider the nature and theory of our institutions of government, the principles upon*  
20           *which they are supposed to rest, and review the history of their development, we are constrained to*  
21           *conclude that they do not mean to leave room for the play and action of purely personal and*  
22           *arbitrary power. Sovereignty itself is, of course, not subject to law, for it is the author and source*  
23           *of law; but in our system, while sovereign powers are delegated to the agencies of government,*  
24           *sovereignty itself remains with the people, by whom and for whom all government exists and acts.*  
25           ***And the law is the definition and limitation of power.**"*  
26           *[Downes v. Bidwell, 182 U.S. 244 (1901) ]*

27       An important implication of the use of law to limit government power is the following inferences unavoidably arising from  
28       it:

- 29       1. The purpose of law is to define and thereby limit government power.
- 30       2. All law acts as a delegation of authority order upon those serving in the government.
- 31       3. You cannot limit government power without definitions that are limiting.
- 32       4. A definition that does not limit the thing or class of thing defined is no definition at all from a legal perspective and  
33       causes anything that depends on that definition to be political rather than legal in nature. By political, we mean a  
34       function exercised ONLY by the LEGISLATIVE or EXECUTIVE branch.
- 35       5. Where the definitions in the law are clear, judges have no discretion to expand the meaning of words. Therefore the  
36       main method of expanding government power and creating what the supreme court calls "arbitrary power" is to use  
37       terms in the law that are vague, undefined, "general expressions", or which don't define the context implied.
- 38       6. We define "general expressions" as those which:
  - 39       6.1. The speaker is either not accountable or [REFUSES to be accountable](#) for the accuracy or truthfulness or definition  
40       of the word or expression.
  - 41       6.2. Fail to recognize that there are multiple contexts in which the word could be used.
    - 42       6.2.1. CONSTITUTIONAL (States of the Union).
    - 43       6.2.2. STATUTORY (federal territory).
  - 44       6.3. Are susceptible to two or more CONTEXTS or interpretations, one of which the government representative  
45       interpreting the context stands to benefit from handsomely. Thus, "equivocation" is undertaken, in which they  
46       TELL you they mean the CONSTITUTIONAL interpretation but after receiving your form or pleading, interpret  
47       it to mean the STATUTORY context.

48           [equivocation](#)

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<sup>13</sup> Source: Legal Deception, Propaganda, and Fraud, Form #05.014, Section 5; <http://sedm.org/Forms/FormIndex.htm>.

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

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

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

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

- 6.4. [PRESUME](#) that all contexts are equivalent, meaning that CONSTITUTIONAL and STATUTORY are equivalent.
- 6.5. Fail to identify the specific context implied.
- 6.6. Fail to provide an actionable definition for the term that is useful as evidence in court.
- 6.7. Government representatives actively interfere with or even penalize efforts by the applicant to define the context of the terms so that they can protect their right to make injurious presumptions about their meaning.
7. Any attempt to assert any authority by anyone in government to add anything they want to the definition of a thing in the law unavoidably creates a government of UNLIMITED power.
8. Anyone who can add anything to the definition of a word in the law that does not expressly appear SOMEWHERE in the law is exercising a LEGISLATIVE and POLITICAL function of the LEGISLATIVE branch and is NOT acting as a judge or a jurist.
9. The only people in government who can act in a LEGISLATIVE capacity are the LEGISLATIVE branch under our system of three branches of government: LEGISLATIVE, EXECUTIVE, and JUDICIAL.
10. Any attempt to combine or consolidate any of the powers of each of the three branches into the other branch results in tyranny.

*"When the legislative and executive powers are united in the same person, or in the same body of magistrates, there can be no liberty; because apprehensions may arise, lest the same monarch or senate should enact tyrannical laws, to execute them in a tyrannical manner."*

*Again, there is no liberty, if the judiciary power be not separated from the legislative and executive. Were it joined with the legislative, the life and liberty of the subject would be exposed to arbitrary control; for the judge would be then the legislator. Were it joined to the executive power, the judge might behave with violence and oppression [sound familiar?].*

*There would be an end of everything, were the same man or the same body, whether of the nobles or of the people, to exercise those three powers, that of enacting laws, that of executing the public resolutions, and of trying the causes of individuals."*

[. . .]

*In what a situation must the poor subject be in those republics! The same body of magistrates are possessed, as executors of the laws, of the whole power they have given themselves in quality of legislators. They may plunder the state by their general determinations; and as they have likewise the judiciary power in their hands, every private citizen may be ruined by their particular decisions."*  
[*The Spirit of Laws*, Charles de Montesquieu, 1758, Book XI, Section 6;  
SOURCE: [http://famguardian.org/Publications/SpiritOfLaws/sol\\_11.htm](http://famguardian.org/Publications/SpiritOfLaws/sol_11.htm)]

## 5.4 Two methods of creating "obligations" clarify the definition of "law"

The legal definition of "law" can be easily discerned by examining HOW "obligations" are created. The California Civil Code, Section 1427 defines what an obligation or duty is:

Civil Code - CIV

DIVISION 3. OBLIGATIONS [1427 - 3272.9]  
( Heading of Division 3 amended by Stats. 1988, Ch. 160, Sec. 14. )  
PART 1. OBLIGATIONS IN GENERAL [1427 - 1543] ( Part 1 enacted 1872. )  
TITLE 1. DEFINITION OF OBLIGATIONS [1427 - [1428.]] ( Title 1 enacted 1872.)

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

(Enacted 1872.)

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

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

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

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

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

One — The contract of the parties; or,

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

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

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

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

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

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

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

1. That you expressly consented to a contract with them. This would include:
  - 1.1. Written agreements.
  - 1.2. Trusts.
  - 1.3. Statutory franchises.

2. That “operation of law” is involved. In other words, that you injured a specific, identified flesh and blood person and that such a person has standing to sue in a civil or common law action. THIS is what we refer to as “law” in this document.

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

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

In practice, they NEVER can meet the above burden of proof and consequently, you will always win when they send you a tax collection notice if you know what you are doing and have read this document!

The first option above, contracts, is described in:

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

The first option, meaning contracts, is EXCLUDED from the definition of “law” based on the following.

*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]*

Real “law” is what the above refers to as “a rule of civil conduct”. By that definition, it can only refer to the common law. Why? Because domicile is a prerequisite to enforcing civil STATUTES and it is voluntary and requires consent in some form, as we prove in the following document:

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

## 5.5 Authorities on “law”

*“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.; SOURCE: <http://sedm.org/disclaimer.htm>]*

*“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.; SOURCE: <http://sedm.org/disclaimer.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 [Form #05.033]. 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 [PRIVATE] right of an individual.”  
[Thomas Jefferson to Isaac H. Tiffany, 1819, From: Thomas Jefferson on Politics and Government, Section 1.2; SOURCE: <http://famguardian.org/Subjects/Politics/ThomasJefferson/jeff0100.htm>]

“I cannot subscribe to the omnipotence of a State Legislature, or that it is absolute and without control; although its authority should not be expressly restrained by the Constitution, or fundamental law, of the State. The people of the United States erected their Constitutions, or forms of government, to establish justice, to promote the general welfare, to secure the blessings of liberty; and to protect their persons and property from violence. The purposes for which men enter into society will determine the nature and terms of the social compact; and as they are the foundation of the legislative power, they will decide what are the proper objects of it: The nature, and ends of legislative power will limit the exercise of it. This fundamental principle flows from the very nature of our free Republican governments, that no man should be compelled to do what the laws do not require; nor to refrain from acts which the laws permit. There are acts which the Federal, or State, Legislature cannot do, without exceeding their authority. There are certain vital principles in our free Republican governments, which will determine and over-rule an apparent and flagrant abuse of legislative power; as to authorize manifest injustice by positive law; or to take away that security for personal liberty, or private property, for the protection whereof of the government was established. An ACT of the Legislature (for I cannot call it a law) contrary to the great first principles of the social compact, cannot be considered a rightful exercise of legislative authority. The obligation of a law in governments established on express compact, and on republican principles, must be determined by the nature of the power, on which it is founded. A few instances will suffice to explain what I mean. A law that punished a citizen for an innocent action, or, in other words, for an act, which, when done, was in violation of no existing law; a law that destroys, or impairs, the lawful private contracts of citizens; a law that makes a man a Judge in his own cause; or a law that takes property from A, and gives it to B: It is against all reason and justice, for a people to entrust a Legislature with SUCH powers; and, therefore, it cannot be presumed that they have done it. The genius, the nature, and the spirit, of our State Governments, amount to a prohibition of such acts of legislation; and the general principles of law and reason forbid them. The Legislature may enjoin, permit, forbid, and punish; they may declare new crimes; and establish rules of conduct for all its citizens in future cases; they may command what is right, and prohibit what is wrong; but they cannot change innocence into guilt; or punish innocence as a crime; or violate the right of an antecedent lawful private contract; or the right of private property. To maintain that our Federal, or State, Legislature possesses such powers, if they had not been expressly restrained; would, in my opinion, be a political heresy, altogether inadmissible in our free republican governments.”  
[Calder v. Bull, 3 U.S. 386 (1798)]

“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)]

“**Law.** That which is laid down, ordained, or established. A rule or method according to which phenomenon or actions co-exist or follow each other. Law, in its generic sense, is a body of rules of action or conduct prescribed by controlling authority, and having binding legal force. United States Fidelity and Guaranty Co. v. Guenther, 281 U.S. 34, 50 S.Ct. 165, 74 L.Ed. 683. That which must be obeyed and followed by citizens subject

1 to sanctions or legal consequences is a law. Law is a solemn expression of the will of the supreme power of the  
2 State. Calif.Civil Code, §22.

3 The “law” of a state is to be found in its statutory and constitutional enactments, as interpreted by its courts,  
4 and, in absence of statute law, in rulings of its courts. Dauer's Estate v. Zabel, 9 Mich.App. 176, 156 N.W.2d.  
5 34, 37.”

6 [Black's Law Dictionary, Sixth Edition, p. 884; SOURCE:  
7 <http://fmguardian.org/TaxFreedom/CitesByTopic/law.htm>]

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## 8 9 **What Is Law?**

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

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

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

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

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

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

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

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

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

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

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

46 But there is also another tendency that is common among people. When they can, they wish to live and prosper  
47 at the expense of others. This is no rash accusation. Nor does it come from a gloomy and uncharitable spirit.  
48 The annals of history bear witness to the truth of it: the incessant wars, mass migrations, religious persecutions,  
49 universal slavery, dishonesty in commerce, and monopolies. This fatal desire has its origin in the very nature of  
50 man – in that primitive, universal, and insuppressible instinct that impels him to satisfy his desires with the least  
51 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, 1850; SOURCE: <http://famguardian.org/Publications/TheLaw/TheLaw.htm>]

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**"No man in this country is so high that he is above the law.** No officer of the law may set that law at defiance with impunity. 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 by force, 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 vs. Lee, 106 U.S. 196, 1 S. Ct. 240 (1882); SOURCE: <http://famguardian.org/TaxFreedom/CitesByTopic/law.htm>]

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We must remember that law is force, and that, consequently, the proper functions of the law cannot lawfully extend beyond the proper functions of force. When law and force keep a person within the bounds of justice, they impose nothing but a mere negation. **They oblige him only to abstain from harming others. They violate neither his personality, his liberty nor his property. They safeguard all of these. They are defensive; they defend equally the rights of all.**

[The Law, Frederic Bastiat, 1850; SOURCE: <http://famguardian.org/TaxFreedom/CitesByTopic/law.htm>]

## 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.  
[The Law, Frederic Bastiat, 1850; SOURCE: <http://famguardian.org/TaxFreedom/CitesByTopic/law.htm>]

## 5.6 CORRECTIVE (past) or PREVENTIVE (future) Remedy?

The type of remedy that a so-called “law” provides determines whether it is law that applies equally to all or merely a voluntary franchise that only applies to those who have personally consented.

1. If it provides a remedy for a demonstrated past injury, then it is “law” in a classical sense.
  - 1.1. We call this CORRECTIVE justice.
  - 1.2. An example of CORRECTIVE justice would be a murder conviction.
2. If it provides a remedy for a future injury that hasn’t yet occurred, it is a voluntary franchise.
  - 2.1. We call this PREVENTIVE justice.
  - 2.2. An example of PREVENTIVE justice would be an injunction or restraining order.

The above assertions are a product of the legal definition of “standing”. It is a fact that you cannot sue in a court of law without “standing” and if you don’t have it, your case will be dismissed under Federal Rule of Civil Procedure 12(b)(6). Therefore, you cannot sue in court, whether under statutes or under the common law, without STANDING.

*“STANDING TO SUE DOCTRINE. Doctrine that in action in federal constitutional court by citizen against a government officer, complaining of alleged unlawful conduct there is no iusticiable controversy unless citizen shows that such conduct invades or will invade a private substantive legally protected interest of plaintiff citizen. Associated Industries of New York State v. Ickes, C.C.A.2, 134 F.2d 694, 702.”*  
[Black’s Law Dictionary, Fourth Edition, p. 1577]

The seminal case on standing is [Lujan v. Defenders of Wildlife, 504 U.S. 555 \(1992\)](#). It establishes that burden of proof to establish elements of standing include three elements, according to the U.S. Supreme Court:

1. The plaintiff must have suffered an “injury in fact”—an invasion of a legally protected interest which is (a) concrete and particularized, see *id.*, at 756; [Warth v. Seldin, 422 U. S. 490, 508 \(1975\)](#); [Sierra Club v. Morton, 405 U. S. 727, 740-741, n. 16 \(1972\)](#); <sup>[1]</sup> and (b) “actual or imminent, not ‘conjectural’ or ‘hypothetical,’ ” [Whitmore, supra, at 155](#) (quoting [Los Angeles v. Lyons, 461 U. S. 95, 102 \(1983\)](#)).
2. There must be a causal connection between the injury and the conduct complained of—the injury has to be “fairly. . . trace[able] to the challenged action of the defendant, and not . . . th[e] result [of] the independent action of some third party not before the court.” [Simon v. Eastern Ky. Welfare 561\\*561 Rights Organization, 426 U. S. 26, 41-42 \(1976\)](#).
3. It must be “likely,” as opposed to merely “speculative,” that the injury will be “redressed by a favorable decision.” *Id.*, at 38, 43.

The party invoking federal jurisdiction bears the burden of establishing the above three elements. See [FW/PBS, Inc. v. Dallas, 493 U. S. 215, 231 \(1990\)](#); [Warth, supra, at 508](#).

It is a fact that you cannot demonstrate an injury unless the injury ALREADY happened in the PAST. It is also a fact, that there is no way to prove an injury with evidence that hasn’t yet happened. Therefore, anything that acts upon the future or deals with injuries that haven’t yet happened is not “law” in a classical sense and requires consent in some form to implement. Anything that requires consent is what we call a franchise. Franchises are described in the following resources on our site:

1. [Government Franchises Course](#), Form #12.012  
<https://sedm.org/Forms/FormIndex.htm>
2. [Government Instituted Slavery Using Franchises](#), Form #05.030  
<https://sedm.org/Forms/FormIndex.htm>

1 An example of something that would not be “law” in a classical sense but a voluntary franchise is the case of Registered  
2 Sex Offenders. After sex offenders are convicted and enter the jail, they are told that they will either not be released or will  
3 not be released EARLY UNLESS they consent to register their name whenever they move to a new place IN THE  
4 FUTURE. Those who manifest that consent are called “Registered Sex Offenders”. Those who don’t consent never get out  
5 of jail or take forever to get out of jail. In effect, the sex offender is being compelled to surrender their PRIVATE  
6 constitutional right of privacy under the Fourth Amendment and the right to not incriminate themselves under the Fifth  
7 Amendment in exchange for the PUBLIC PRIVILEGE of being liberated from jail. This is a violation of what the U.S.  
8 Supreme Court calls “The Unconstitutional Conditions Doctrine”, which we describe at length in the following source:

Government Instituted Slavery Using Franchises, Form #05.030, Section 28.2  
<https://sedm.org/Forms/FormIndex.htm>

9 If in fact rights protected the Constitution are INALIENABLE as the Declaration of Independence says, then you aren’t  
10 allowed to legally consent to give them away and any attempt to compel you to do so is an UNJUST and an INJURY:

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

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

18 Not only can the government NOT compel or coerce you to surrender CONSTITUTIONAL rights as they do with  
19 Registered Sex Offenders, they also cannot use your failure to sign up for a franchise or pay or receive the “benefits” of  
20 said franchise (such as Social Security) as a basis for an injury and standing to sue in court. The following case explains  
21 why:

22 *“Men are endowed by their Creator with certain unalienable rights, -‘life, liberty, and the pursuit of happiness;’*  
23 *and to ‘secure,’ not grant or create, these rights, governments are instituted. That property [or income] which a*  
24 *man has honestly acquired he retains full control of, subject to these limitations:*

25 *[1] First, that he shall not use it to his neighbor's injury, and that does not mean that he must use it for his*  
26 *neighbor's benefit [e.g. SOCIAL SECURITY, Medicare, and every other public “benefit”];*

27 *[2] second, that if he devotes it to a public use, he gives to the public a right to control that use; and*

28 *[3] third, that whenever the public needs require, the public may take it upon payment of due compensation.”*

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

30 The above paragraph establishes that the government cannot use a failure to participate as standing to sue for an injury:

31 *[1] First, that he shall not use it to his neighbor's injury, and that does not mean that he must use it for his*  
32 *neighbor's benefit [e.g. SOCIAL SECURITY, Medicare, and every other public “benefit”];*

33 All franchises MUST be voluntary and participation cannot be economically or commercially coerced by the government.  
34 If it is, the participant is the target of illegal duress and they cannot be regarded as lawfully participating:

35 *“An agreement [consensual contract] obtained by duress, coercion, or intimidation is invalid, since the party*  
36 *coerced is not exercising his free will, and the test is not so much the means by which the party is compelled to*  
37 *execute the agreement as the state of mind induced. <sup>14</sup> Duress, like fraud, rarely becomes material, except*  
38 *where a contract or conveyance has been made which the maker wishes to avoid. As a general rule, duress*  
39 *renders the contract or conveyance voidable, not void, at the option of the person coerced, <sup>15</sup> and it is*

<sup>14</sup> Brown v. Pierce, 74 U.S. 205, 7 Wall 205, 19 L.Ed. 134

<sup>15</sup> Barnette v. Wells Fargo Nevada Nat’l Bank, 270 U.S. 438, 70 L.Ed. 669, 46 S.Ct. 326 (holding that acts induced by duress which operate solely on the mind, and fall short of actual physical compulsion, are not void at law, but are voidable only, at the election of him whose acts were induced by it); 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 S.E.2d. 521, cert den 308 U.S. 571, 84 L.Ed. 479, 60 S.Ct. 85.



susceptible of ratification. Like other voidable contracts, it is valid until it is avoided by the person entitled to avoid it.<sup>16</sup> 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.<sup>17</sup> [American Jurisprudence 2d, Duress, §21 (1999)]

The inference is therefore inescapable that:

"In order to be "law" that applies equally to ALL, it must provide a remedy AFTER an injury occurs. It may not PREVENT injuries before they occur. Anything that operates in a PREVENTIVE rather than CORRECTIVE mode is a franchise. There is no standing in a REAL court to sue WITHOUT first demonstrating such an injury to the PRIVATE or NATURAL rights of the Plaintiff or VICTIM."

## 5.7 Why all man-made law is religious in nature<sup>18</sup>

A fascinating book on the subject of Biblical Law entitled *The Institutes of Biblical Law* by Rousas John Rushdoony irrefutably establishes that all law is religious, and that it represents a covenant between man and God which is characterized as divine revelation. When we consider that government is founded exclusively on law, government itself then becomes a religion to implement or execute or enforce divine revelation. When government abuses the authority delegated by God through God's law, then it also becomes a false religious cult. This exposition will set the stage for section 5.9 later, which establishes that our present day government is nothing but a cult surrounding the false religion it created with its own unjust law because this law has become a vain substitute and an affront to God's Law found in the Bible. Here are some very insightful quotes from pp. 4-5 of that wonderful book:

Law is in every culture religious in origin. Because law governs man and society, because it establishes and declares the meaning of justice and righteousness, law is inescapably religious, in that it establishes in practical fashion the ultimate concerns of a culture. Accordingly, a fundamental and necessary premise in any and every study of law must be, first, a recognition of this religious nature of law.

Second, it must be recognized that in any culture the source of law is the god of that society. If law has its source in man's reason, then reason is the god of that society. If the source is an oligarchy, or in a court, senate, or ruler, then that source is the god of that system. Thus, in Greek culture law was essentially a religiously humanistic concept,

*In contrast to every law derived from revelation, nomos for the Greeks originated in the mind (nous). So the genuine nomos is no mere obligatory law, but something in which an entity valid in itself is discovered and appropriated...It is "the order which exists (from time immemorial), is valid and is put into operation."<sup>19</sup>*

*Because for the Greeks mind was one being with the ultimate order of things, man's mind was thus able to discover ultimate law (nomos) out of its own resources, by penetrating through the maze of accident and matter to the fundamental ideas of being. As a result, Greek culture became both humanistic, because man's mind was one with ultimacy, and also neoplatonic, ascetic, and hostile to the world of matter, because mind, to be truly itself, had to separate itself from non-mind.*

Modern humanism, the religion of the state, locates law in the state and thus makes the state, or the people as they find expression in the state, the god of the system. As Mao Tse-Tung has said, "Our God is none other than the masses of the Chinese people."<sup>20</sup> In Western culture, law has steadily moved away from God to the people (or the state) as its source, although the historic power and vitality of the West has been in Biblical faith and law.

Third, in any society, any change of law is an explicit or implicit change of religion. Nothing more clearly reveals, in fact, the religious change in a society than a legal revolution. When the legal foundations shift from Biblical law to humanism, it means that the society now draws its vitality and power from humanism, not from Christian theism.

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

<sup>17</sup> 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.

<sup>18</sup> Source: *Great IRS Hoax*, Form #11.302, Section 4.4.9.

<sup>19</sup> Hermann Kleinknecht and W. Gutbrod, *Law* (London: Adam and Charles Black, 1962), p. 21

<sup>20</sup> Mao Tse-Tung, *The foolish Old Man Who Removed Mountains* (Peking: Foreign Languages Press, 1966), p. 3.

Fourth, no disestablishment of religion as such is possible in any society. A church can be disestablished, and a particular religion can be supplanted by another, but the change is simply to another religion. Since the foundations of law are inescapably religious, no society exists without a religious foundation or without a law-system which codifies the morality of its religion.

**Fifth, there can be no tolerance in a law-system for another religion. Toleration is a device used to introduce a new law-system as a prelude to a new intolerance. Legal positivism, a humanistic faith, has been savage in its hostility to the Biblical law-system and has claimed to be an "open" system. But Cohen, by no means a Christian, has aptly described the logical positivists as "nihilists" and their faith as "nihilistic absolutism."<sup>21</sup> Every law-system must maintain its existence by hostility to every other law-system and to alien religious foundations or else it commits suicide.**

In analyzing now the nature of Biblical law, it is important to note first that, for the Bible, law is revelation. The Hebrew word for law is torah which means instruction, authoritative direction.<sup>22</sup> The Biblical concept of law is broader than the legal codes of the Mosaic formulation. It applies to the divine word and instruction in its totality:

...the earlier prophets also use torah for the divine word proclaimed through them (Is. viii. 16, cf. also v. 20; Isa. xxx. 9 f.; perhaps also Isa. i. 10). Besides this, certain passages in the earlier prophets use the word torah also for the commandment of Yahweh which was written down: thus Hos. viii. 12. Moreover there are clearly examples not only of ritual matters, but also of ethics.

Hence it follows that at any rate in this period torah had the meaning of a divine instruction, whether it had been written down long ago as a law and was preserved and pronounced by a priest, or whether the priest was delivering it at that time (Lam. ii. 9; Ezek. vii. 26; Mal. ii. 4 ff.), or the prophet is commissioned by God to pronounce it for a definite situation (so perhaps Isa. xxx. 9).

Thus what is objectively essential in torah is not the form but the divine authority.<sup>23</sup>

The law is the revelation of God and His righteousness. There is no ground in Scripture for despising the law. Neither can the law be relegated to the Old Testament and grace to the New:

The time-honored distinction between the OT as a book of law and the NT as a book of divine grace is without grounds or justification. Divine grace and mercy are the presupposition of law in the OT; and the grace and love of God displayed in the NT events issue in the legal obligations of the New Covenant. Furthermore, the OT contains evidence of a long history of legal developments which must be assessed before the place of law is adequately understood. Paul's polemics against the law in Galatians and Romans are directed against an understanding of law which is by no means characteristic of the OT as a whole.<sup>24</sup>

There is no contradiction between law and grace. The question in James's Epistle is faith and works, not faith and law.<sup>25</sup> Judaism had made law the mediator between God and man, and between God and the world. It was this view of law, not the law itself, which Jesus attacked. As Himself the Mediator, Jesus rejected the law as mediator in order to re-establish the law in its God-appointed role as law, the way of holiness. He established the law by dispensing forgiveness as the law-giver in full support of the law as the convicting word which makes men sinners.<sup>26</sup> The law was rejected only as mediator and as the source of justification.<sup>27</sup> Jesus fully recognized the law, and obeyed the law. It was only the absurd interpretations of the law He rejected. Moreover,

We are not entitled to gather from the teaching of Jesus in the Gospels that He made any formal distinction between the Law of Moses and the Law of God. His mission being not to destroy but to fulfil the Law and the Prophets (Mt. 5:17), so far from saying anything

<sup>21</sup> Morris Raphael Cohen, *Reason and Law* (New York: Collier Books, 1961), p. 84 f.

<sup>22</sup> Ernest F. Kevan, *The Moral Law* (Jenkintown, Penna.: Sovereign Grace Publishers, 1963) p. 5 f. S.R. Driver, "Law (In Old Testament)," in James Hastings, ed., *A Dictionary of the Bible*, vol. III (New York: Charles Scribner's Sons, 1919), p. 64.

<sup>23</sup> Kleinknecht an Gutbrod, *Law*, p. 44

<sup>24</sup> W.J. Harrelson, "Law in the OT," in *The Interpreter's Dictionary of the Bible*, (New York: Abingdon Press, 1962), III, 77.

<sup>25</sup> Kleinknecht an Gutbrod, *Law*, p. 125.

<sup>26</sup> *Ibid.*, pp. 74, 81-91.

<sup>27</sup> *Ibid.*, p. 95.

1 in disparagement of the Law of Moses or from encouraging His disciples to assume an  
2 attitude of independence with regard to it, He expressly recognized the authority of the  
3 Law of Moses as such, and of the Pharisees as its official interpreters. (Mt. 23:1-3).<sup>28</sup>

4 With the completion of Christ's work, the role of the Pharisees as interpreters ended, but not the authority of the  
5 Law. In the New Testament era, only apostolically received revelation was ground for any alteration in the law.  
6 The authority of the law remained unchanged.

7 St. Peter, e.g. required a special revelation before he would enter the house of the  
8 uncircumcised Cornelius and admit the first Gentile convert into the Church by baptism  
9 (acts 10:1-48) --a step which did not fail to arouse opposition on the part of those who  
10 "were of the circumcision" (cf. 11:1-18).<sup>29</sup>

11 The second characteristic of Biblical law is that it is a treaty or covenant. Kline has shown that the form of the  
12 giving of the law, the language of the text, the historical prologue, the requirement of imprecations and  
13 benedictions, and much more, all point to the fact that the law is a treaty established by God with His people.  
14 Indeed, "the revelation committed to the two tables was rather a suzerainty treaty or covenant than a legal  
15 code."<sup>30</sup> The full covenant summary, the Ten Commandments, was inscribed on each of the two tables of stone,  
16 one table or copy of the treaty for each party in the treaty, God and Israel.<sup>31</sup>

17 The two stone tables are not, therefore, to be likened to a stele containing one of the half-  
18 dozen or so known legal codes earlier than or roughly contemporary with Moses as  
19 though God had engraved on these tables a corpus of law. The revelation they contain is  
20 nothing less than an epitome of the covenant granted by Yahweh, the sovereign Lord of  
21 heaven and earth, to his elect and redeemed servant, Israel.

22 Not law, but covenant. That must be affirmed when we are seeking a category  
23 comprehensive enough to do justice to this revelation in its totality. At the same time, the  
24 prominence of the stipulations, reflect in the fact that "the ten words" are the element  
25 used as pars pro toto, signifies the centrality of law in this type of covenant. There is  
26 probably no clearer direction afforded the biblical theologian for defining with biblical  
27 emphasis the type of covenant God adopted to formalize his relationship to his people  
28 than that given in the covenant he gave Israel to perform, even "the ten commandments."  
29 Such a covenant is a declaration of God's lordship, consecrating a people to himself in a  
30 sovereignly dictated order of life.<sup>32</sup>

31 This latter phrase needs re-emphasis: the covenant is "a sovereignly dictated order of life." God as the  
32 sovereign Lord and Creator gives His law to man as an act of sovereign grace. It is an act of election, of  
33 electing grace (Deut. 7:7 f.; 8:17; 9:4-6, etc.).

34 The God to whom the earth belongs will have Israel for His own property, Ex. xix. 5. It is  
35 only on the ground of the gracious election and guidance of God that the divine  
36 commands to the people are given, and therefore the Decalogue, Ex. xx. 2, places at its  
37 forefront the fact of election.<sup>33</sup>

38 In the law, the total life of man is ordered: "there is no primary distinction between the inner and the outer life;  
39 the holy calling of the people must be realized in both."<sup>34</sup>

40 The third characteristic of the Biblical law or covenant is that it constitutes a plan for dominion under God.  
41 God called Adam to exercise dominion in terms of God's revelation, God's law (Gen. 1:26 ff.; 2:15-17). This  
42 same calling, after the fall, was required of the godly line, and in Noah it was formally renewed (Gen. 9:1-17).  
43 It was again renewed with Abraham, with Jacob, with Israel in the person of Moses, with Joshua, David,  
44 Solomon (whose Proverbs echo the law), with Hezekiah and Josiah, and finally with Jesus Christ. The  
45 sacrament of the Lord's Supper is the renewal of the covenant: "this is my blood of the new testament" (or  
46 covenant), so that the sacrament itself re-establishes the law, this time with a new elect group (Matt. 26:28;

<sup>28</sup> Hugh H. Currie, "Law of God," in James Hastings, ed., *A Dictionary of Christ and the Gospels* (New York: Charles Scribner's Sons, 1919), I, 685.

<sup>29</sup> Olaf Moe, "Law," in James Hastings, ed., *Dictionary of the Apostolic Church* (New York: Charles Scribner's Sons, 1919), I, 685.

<sup>30</sup> Meredith G. Line, *Treaty of the Great King, The Covenant Structure of Deuteronomy: Studies and Commentary* (Grand Rapids: William B. Eerdmans, 1963), p. 16. See also J.A. Thompson: *The Ancient Near Eastern Treaties and the Old Testament* (London: The Tyndale Press, 1964).

<sup>31</sup> Kline, *op. cit.*, p. 19.

<sup>32</sup> *Ibid.*, p. 17.

<sup>33</sup> Gustave Friedrich Oehler, *Theology of the Old Testament* (Grand Rapids: Zondervan, 1883), p. 177.

<sup>34</sup> *Ibid.*, p. 182.

Mark 14:24; Luke 22:20; 1 Cor. 11:25). The people of the law are now the people of Christ, the believers redeemed by His atoning blood and called by His sovereign election. Kline, in analyzing Hebrews 9:16, 17, in relation to the covenant administration, observes:

...the picture suggested would be that of Christ's children (cf. 2:13) inheriting his universal dominion as their eternal portion (note 9:15b; cf. also 1:14; 2:5 ff.; 6:17; 11:7 ff.). And such is the wonder of the messianic Mediator-Testator that the royal inheritance of his sons, which becomes of force only through his death, is nevertheless one of co-regency with the living Testator! For (to follow the typographical direction provided by Heb. 9:16,17 according to the present interpretation) Jesus is both dying Moses and succeeding Joshua. Not merely after a figure but in truth a royal Mediator redivivus, he secures the divine dynasty by succeeding himself in resurrection power and ascension glory.<sup>35</sup>

The purpose of God in requiring Adam to exercise dominion over the earth remains His continuing covenant word: man, created in God's image and commanded to subdue the earth and exercise dominion over it in God's name, is recalled to this task and privilege by his redemption and regeneration.

The law is therefore the law for Christian man and Christian society. Nothing is more deadly or more derelict than the notion that the Christian is at liberty with respect to the kind of law he can have. Calvin whose classical humanism gained ascendancy at this point, said of the laws of states, of civil governments:

I will briefly remark, however, by the way, what laws it (the state) may piously use before God, and be rightly governed by among men. And even this I would have preferred passing over in silence, if I did not know that it is a point on which many persons run into dangerous errors. For some deny that a state is well constituted, which neglects the polity of Moses, and is governed by the common laws of nations. The dangerous and seditious nature of this opinion I leave to the examination of others; it will be sufficient for me to have evinced it to be false and foolish.<sup>36</sup>

Such ideas, common in Calvinist and Lutheran circles, and in virtually all churches, are still heretical nonsense.<sup>37</sup> Calvin favored "the common law of nations." But the common law of nations in his day was Biblical law, although extensively denatured by Roman law. And this "common law of nations" was increasingly evidencing a new religion, humanism. Calvin wanted the establishment of the Christian religion; he could not have it, nor could it last long in Geneva, without Biblical law.

Two Reformed scholars, in writing of the state, declare, "It is to be God's servant, for our welfare. It must exercise justice, and it has the power of the sword."<sup>38</sup> Yet these men follow Calvin in rejecting Biblical law for "the common law of nations." But can the state be God's servant and by-pass God's law? And if the state "must exercise justice," how is justice defined, by the nations, or by God? There are as many ideas of justice as there are religions.

The question then is, what law is for the state? Shall it be positive law, after calling for "justice" in the state, declare, "A static legislation valid for all times is an impossibility." Indeed!<sup>39</sup> Then what about the commandment, Biblical legislation, if you please, "Thou shalt not kill," and "Thou shalt not steal"? **Are they not intended to valid for all time and in every civil order? By abandoning Biblical law, these Protestant theologians end up in moral and legal relativism.**

Roman Catholic scholars offer natural law. The origins of this concept are in Roman law and religion. For the Bible, there is no law in nature, because nature is fallen and cannot be normative. Moreover the source of law is not nature but God. There is no law in nature but a law over nature, God's law.<sup>40</sup>

**Neither positive law [man's law] nor natural law can reflect more than the sin and apostasy of man: revealed law [e.g. ONLY THE BIBLE] is the need and privilege of Christian society. It is the only means whereby**

<sup>35</sup> Kline, *Treaty of the Great King*, p. 41.

<sup>36</sup> John Calvin, *Institutes of the Christian Religion*, bk. IV, chap. XX, para. Xiv. In the John Allen translation (Philadelphia: Presbyterian Board of Christian Education, 1936), II, 787 f.

<sup>37</sup> See H. de Jongste and J.M. van Krimpen, *The Bible and the Life of the Christian*, for similar opinions (Philadelphia: Presbyterian and Reformed Publishing Co., 1968), p. 66 ff.

<sup>38</sup> *Ibid.*, p. 73.

<sup>39</sup> *Ibid.*, p. 75.

<sup>40</sup> The very term "nature" is mythical. See R.J. Rushdoony, "The Myth of Nature," in *The Mythology of Science* (Nutley, N.J.: The Craig Press, 1967), pp. 96-98.

1 *man can fulfill his creation mandate of exercising dominion under God. Apart from revealed law [the*  
2 *BIBLE!], man cannot claim to be under God but only in rebellion against God.*  
3 *[The Institutes of Biblical Law, Rousas John Rushdoony, 1973, The Craig Press, Library of Congress Catalog*  
4 *Card Number 72-79485, pp. 4-5, Emphasis added]*

5 To summarize the findings of this section:

- 6 1. The purpose of law is to describe and codify the morality of a culture. Since only religion can define morality, then all  
7 law is religious in origin.
- 8 2. In any culture, the source of law becomes the god of that society. If law is based on Biblical law, then the God of that  
9 society is the true God. If it becomes the judges or the rulers, who are at war with God, then these rulers become the  
10 god of that society.
- 11 3. In any society, any change of law is an explicit or implicit change of religion.
- 12 4. The disestablishment of religion in any society is an impossibility, because all civilizations are based on law and law is  
13 religious in nature.
- 14 5. There can be no tolerance in a law system for another religion. All religious systems eventually seek to destroy their  
15 competition for the sake of self-preservation. Consequently, governments tend eventually to try to control or eliminate  
16 religions in order to preserve and expand their power.
- 17 6. The laws of our society must derive from Biblical law. Any other result leads to “humanism”, apostasy, and mutiny  
18 against God, who is our only King and our Lawgiver.
- 19 7. Humanism is the worship of the “state”, which is simply a collection of people under a democratic form of  
20 government. By “worship”, we mean obedience to the dictates and mandates of the collective majority. The United  
21 States is NOT a democracy, it is a Republic based on individual rights and sovereignty, NOT collective sovereignty.
- 22 8. The consequence of humanism is moral relativism and disobedience to God’s laws, which is sin and apostasy and leads  
23 to separation from God.

## 24 **5.8 The result of violating God’s laws or putting man’s laws above God’s laws is slavery,** 25 **servitude, and captivity**<sup>41</sup>

26 The Bible vividly describes what happens when the people choose to disregard God’s laws and follow only the laws of men  
27 or of governments made up of men. The result of disregarding God’s laws and substituting in their place man’s vain laws  
28 is slavery, servitude, and captivity for any society that does this. The greater the conflict or deviation between man’s laws  
29 and God’s laws, the more severe the punishment and oppression and wrath will be that God will inflict:

30 *But to the wicked, God says:*

31 *“What right have you to declare My statutes [write man’s vain law], or take My covenant [the Bible] in your*  
32 *mouth, seeing you hate instruction and cast My words behind you?* When you saw a thief, you consented with  
33 *him, and have been a partaker with adulterers. You give your mouth to evil, and your tongue frames deceit.*  
34 *You sit and speak against your brother; you slander your own mother’s son. These things you have done, and I*  
35 *kept silent; you thought that I was altogether like you; but I will reprove you, and set them in order before your*  
36 *eyes. Now consider this, you who forget God, lest I tear you in pieces, and there be none to deliver: Whoever*  
37 *offers praise glorifies Me; and to him who orders his conduct aright I will show the salvation of God.*”  
38 *[Psalm 50:16-23, Bible, NKJV]*

39 Below is an excerpt from the Bible that illustrates the point we are trying to make in this section, found in 2 Kings 17:5-23.  
40 The governments described below that violated God’s laws and thereby alienated themselves from God consisted of kings,  
41 but today’s equivalent is our politicians, who by law should be servants but who through extortion under the color of law in  
42 illegally enforcing income taxes, have made themselves into the equivalent of kings.

### 43 **Israel Carried Captive to Assyria**

44 <sup>5</sup> *Now the king of Assyria went throughout all the land, and went up to Samaria and besieged it for three years.*  
45 <sup>6</sup> *In the ninth year of Hoshea, the king of Assyria took Samaria and carried Israel away to Assyria, and placed*  
46 *them in Halah and by the Habor, the River of Gozan, and in the cities of the Medes.*

47 <sup>7</sup> *For so it was that the children of Israel had sinned against the LORD their God,* who had brought them up  
48 *out of [slavery in] the land of Egypt, from under the hand of Pharaoh king of Egypt; and they had feared other*

<sup>41</sup> Source: Great IRS Hoax, Form #11.302, Section 4.4.11.



gods,<sup>8</sup> and had walked in the statutes of the nations whom the LORD had cast out from before the children of Israel, and of the kings of Israel, which they had made.<sup>9</sup> Also the children of Israel secretly did against the LORD their God things that were not right, and they built for themselves high places in all their cities, from watchtower to fortified city.<sup>10</sup> They set up for themselves sacred pillars and wooden images<sup>11</sup> on every high hill and under every green tree.<sup>12</sup> There they burned incense on all the high places, like the nations whom the LORD had carried away before them; and they did wicked things to provoke the LORD to anger, for they served idols [governments and laws and kings], of which the LORD had said to them, "You shall not do this thing."

<sup>13</sup> Yet the LORD testified against Israel and against Judah, by all of His prophets, every seer, saying, "Turn from your evil ways, and keep My commandments and My statutes, according to all the law which I commanded your fathers, and which I sent to you by My servants the prophets."<sup>14</sup> Nevertheless they would not hear, but stiffened their necks, like the necks of their fathers, who did not believe in the LORD their God.<sup>15</sup> And they rejected His statutes and His covenant that He had made with their fathers, and His testimonies which He had testified against them; they followed idols, became idolaters, and went after the nations who were all around them, concerning whom the LORD had charged them that they should not do like them.<sup>16</sup> So they left all the commandments of the LORD their God, made for themselves a molded image and two calves, made a wooden image and worshiped all the host of heaven, and served Baal.<sup>17</sup> And they caused their sons and daughters to pass through the fire, practiced witchcraft and soothsaying, and sold themselves [through usurious taxes] to do evil in the sight of the LORD, to provoke Him to anger.<sup>18</sup> Therefore the LORD was very angry with Israel, and removed them from His sight; there was none left but the tribe of Judah alone.

<sup>19</sup> Also Judah did not keep the commandments of the LORD their God, but walked in the statutes of Israel which they made.<sup>20</sup> And the LORD rejected all the descendants of Israel, afflicted them, and delivered them into the hand of plunderers, until He had cast them from His sight.<sup>21</sup> For He tore Israel from the house of David, and they made Jeroboam the son of Nebat king. Then Jeroboam drove Israel from following the LORD, and made them commit a great sin.<sup>22</sup> For the children of Israel walked in all the sins of Jeroboam which he did; they did not depart from them,<sup>23</sup> until the LORD removed Israel out of His sight, as He had said by all His servants the prophets. So Israel was carried away from their own land to Assyria, as it is to this day.

Therefore, the surest way to incur the wrath of God against you is to disregard or violate His Laws, or to put the commandments and laws and governments of men above obedience to His sacred laws. We must have our priorities straight or we may dishonor God and violate the first four commandments of the Ten Commandments, which require us to love and trust and honor God above and beyond any earthly government. If we put man's laws above God's laws on our priority list, then we are committing idolatry toward a man-made thing called government.

The Great IRS Hoax, Form #11.302, Section 4.17 describes a few examples where the modern day vain laws of our government conflict with God's laws. These conflicts of law force us into the circumstance where we must make a choice in our obedience and allegiance. The choice of which of those two we should obey when there is such a conflict ought to be quite evident to those who have read the passage above.

## 5.9 Abuse of Law as Religion<sup>42</sup>

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]

According to the above definition, every system of religion is based on:

1. The existence of a superior being.
2. Faith in the superior being.
3. Obedience to the laws of that superior being. This is called "worship".
4. The nature of the superior being as the basis for the "government of all things".
5. Supreme allegiance to the will of the superior being.

<sup>42</sup> Adapted from: Socialism: The New American Civil Religion, Form #05.016, Section 11.2.2; <http://sedm.org/Forms/FormIndex.htm>.

Principles of law can be abused to create a counterfeit state-sponsored religion which imitates God's religion in every particular. To see the full extent of how this has been done and all the symptoms, see *Socialism: The New American Civil Religion*, Form #05.016, Section 14.2. Right now, we will summarize how the above elements of religion can be "simulated" through abuse of the legal system by your covetous public servants:

1. Government franchises can be created which make those in government superior in relation to everyone else for all those who participate. People are recruited to join the church by being compelled to participate in these franchises because they are deprived of basic necessities needed to survive if they don't.
2. "Presumption" can be used as a substitute for religious faith. A presumption is simply a belief that either is not or cannot be supported by legally admissible evidence.
3. Fear of punishments administered under the "presumed" but not actual authority of law can be used to ensure obedience toward and therefore "worship" of the superior being.
4. The superior being is the government, and thereby that superior being is the basis for the "government of all things".
5. Allegiance to the government is supreme because very strong punishments follow for those who refuse obedience because their OTHER God forbids it.

This section will focus on steps 1 and 2 above, which is how presumption and law are abused to create a religion that at least "appears" to most people to be a legitimate government function.

Before you can fool people using the process above, you must first dumb them down from a legal perspective. This is done by removing all aspects of legal education from the public school and junior college curricula so that only "priests" of a civil religion called "attorneys" will even come close to knowing the truth about what is going on. This will bring the population of people who know down to a small enough level that they can easily be targeted and controlled by those in the government who license and regulate them without the need for police power, guns, or military force. The legal field is so lucrative and most lawyers are so greedy that economic coercion alone is sufficient to keep the limited few who know the truth "gagged" from sharing it with others, lest their revenues dry up.

*"The mouth which eats does not talk."  
[Chinese Proverb]*

After you have dumbed down the masses, the sheep in the general public are easy to control through carefully targeted deception and propaganda for which the speakers are insulated from liability for their LIES.

1. The IRS has given itself free reign to literally lie to the public with impunity in their publications:

*Internal Revenue Manual  
4.10.7.2.8 (05-14-1999)  
IRS Publications*

*IRS Publications, issued by the Headquarters Office, explain the law in plain language for taxpayers and their advisors. They typically highlight changes in the law, provide examples illustrating Service positions, and include worksheets. **Publications are nonbinding on the Service and do not necessarily cover all positions for a given issue. While a good source of general information, publications should not be cited to sustain a position.***

2. IRS allows its agents to use pseudonyms other than their real legal name so that they are protected from accountability if they misrepresent the truth to the public. See:

*Notice of Pseudonym Use and Unreliable IRS Records*, Form #04.206  
<http://sedm.org/Forms/FormIndex.htm>

3. Federal courts have given the IRS license to lied on their phone support, and in person. See:

Federal Courts and the IRS' Own IRM Say IRS is NOT RESPONSIBLE for Its Actions or Its Words or For Following Its Own Written Procedures, Family Guardian Fellowship  
<http://famguardian.org/Subjects/Taxes/Articles/IRSNotResponsible.htm>

4. Even the federal courts themselves routinely lie with impunity, because they are accountable to no one and the IRS doesn't even listen to the courts below the U.S. Supreme Court anyway: Judges control the selection of grand juries and they abuse this authority to choose sheep who will do what they are told and never indict the judge himself because they are too ignorant, lazy, and uneducated to think for themselves and take a risk.

*Internal Revenue Manual*

4.10.7.2.9.8 (05-14-1999) Importance of Court Decisions

1. Decisions made at various levels of the court system are considered to be interpretations of tax laws and may be used by either examiners or taxpayers to support a position.

2. Certain court cases lend more weight to a position than others. A case decided by the U.S. Supreme Court becomes the law of the land and takes precedence over decisions of lower courts. The Internal Revenue Service must follow Supreme Court decisions. For examiners, Supreme Court decisions have the same weight as the Code.

3. Decisions made by lower courts, such as Tax Court, District Courts, or Claims Court, are binding on the Service only for the particular taxpayer and the years litigated. Adverse decisions of lower courts do not require the Service to alter its position for other taxpayers.

Now that those in government who run the system have a license to lie with impunity, next you pass a “code” that has the FORM and APPEARANCE of law, but which actually ISN’T law. The U.S. Supreme Court referred to such a “code”, when it said:

“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) ]

In that sense, the law itself also becomes a vehicle for propaganda focused solely on propagating false presumptions and beliefs about the liabilities of the average American toward the government. To the legal layman and the average American however, such a ruse will at least “look” like law, but those who advance it know it isn’t. Only a select few “priests” of the civil religion at the top of the civil religion who set up the fraud know the truth, and these few people are so well paid that they keep their mouths SHUT.

There are many ways to create a state sponsored “bible” that looks like law and has the forms of law. For instance, you can:

1. Create a franchise agreement that “activates” or becomes legally enforceable only with your individual and explicit consent in some form. In that sense, the code which embodies this private law behaves just like a state sponsored bible: It only applies to those who BELIEVE they are subject to it. The self-serving deception and propaganda spread by the legal profession and the government are the main reason that anyone “believes” or “presumes” that they are subject to it.
2. Codify the codes pertaining to a subject into a single title in the U.S. Code and then REPEAL the whole darned thing, but surround the language with so much subtle legalese that the REPEAL will be undetectable to all but the most highly trained legal minds.
3. Enact the code into something *other* than “positive law”. This makes such a code “prima facie evidence”, meaning nothing more than a “presumption” that is NOT admissible as evidence of an obligation in a court of law.

“Prima facie. Lat. At first sight on the first appearance; on the face of it; so far as can be judged from the first disclosure; presumably; a fact presumed to be true unless disproved by some evidence to the contrary. State ex rel. Herbert v. Whims, 68 Ohio.App. 39, 38 N.E.2d. 596, 499, 22 O.O. 110. See also Presumption.”  
[Black’s Law Dictionary, Sixth Edition, p. 1189]

Now let’s apply the above concepts to show how ALL THREE have been employed to create a civil religion of socialism using the Internal Revenue Code.

First, we establish that the Internal Revenue Code is an excise tax which applies to those engaged in an activity called a “trade or business”. 26 U.S.C. §7701(a)(26) defines this activity as “the functions of a public office”. The nature of this franchise is exhaustively described in the memorandum below:

Even the courts recognize that the Internal Revenue Code is a private law franchise agreement, when they said that it only pertains to franchisees called "taxpayers":

*"The revenue laws are a code or system in regulation of tax assessment and collection. They relate to taxpayers, and not to nontaxpayers. The latter are without their scope. No procedure is prescribed for nontaxpayers, and no attempt is made to annul any of their rights and remedies in due course of law. With them Congress does not assume to deal, and they are neither of the subject nor of the object of the revenue laws..."*  
[Long v. Rasmussen, 281 F. 236 (1922)]

*"Revenue Laws relate to taxpayers [officers, employees, and elected officials of the Federal Government] and not to non-taxpayers [American Citizens/American Nationals not subject to the exclusive jurisdiction of the Federal Government]. The latter are without their scope. No procedures are prescribed for non-taxpayers and no attempt is made to annul any of their Rights or Remedies in due course of law."*  
[Economy Plumbing & Heating v. U.S., 470 F.2d. 585 (1972)]

Based on the above article, the nature of the Internal Revenue Code as a franchise and an excise tax is carefully concealed by both the IRS and the courts in order so that people will not know that their express consent is required and exactly how that consent was provided. If they knew that, they would all instantly abandon the activity and cease to be "taxpayers" or lawful subjects of IRS enforcement.

Next, we note that the entire Internal Revenue Code was REPEALED in 1939 and has never since been reenacted. You can see the amazing evidence for yourself right from the horse's mouth below:

Below is the text of the repeal extracted from the above:

*Internal Revenue Code of 1939, Chapter 2, 53 Stat 1*

**Sec. 4. Repeal and Savings Provisions.**—(a) The Internal Revenue Title, as hereinafter set forth, is intended to include all general laws of the United States and parts of such laws, relating exclusively to internal revenue, in force on the 2d day of January 1939 (1) of a permanent nature and (2) of a temporary nature if embraced in said Internal Revenue Title. In furtherance of that purpose, **all such laws and parts of laws codified herein, to the extent they relate exclusively to internal revenue, are repealed, effective, except as provided in section 5, on the day following the date of enactment of this act.**

(b) Such repeal shall not affect any act done or any right accruing or accrued, or any suit or proceeding had or commenced in any civil cause before the said repeal, but all rights and liabilities under said acts shall continue, and may be enforced in the same manner, as if said repeal had not been made; nor shall any office, position, employment board, or committee, be abolished by such repeal, but the same shall continue under the pertinent provisions of the Internal Revenue Title.

(c) All offenses committed, and all penalties or forfeitures incurred under any statute hereby repealed, may be prosecuted and punished in the same manner and with the same effect as if this act had not been passed.

**Sec. 5. Continuance of Existing Law.**—Any provision of law in force on the 2d day of January 1939 corresponding to a provision contained in the Internal Revenue Title shall remain in force until the corresponding provision under such Title takes effect.  
[Revenue Act of 1939, 53 Stat. 1, Section 4, emphasis added]

The above repeal is also reflected in 26 U.S.C. §7851:

[TITLE 26](#) > [Subtitle F](#) > [CHAPTER 80](#) > [Subchapter B](#) > § 7851  
[§ 7851. Applicability of revenue laws](#)

(a) General rules

Except as otherwise provided in any section of this title—

(1) Subtitle A

(A) Chapters 1, 2, 4,<sup>[1]</sup> and 6 of this title [these are the chapters that make up Subtitle A] shall apply only with respect to taxable years [basically calendar years] beginning after December 31, 1953, and ending after the date of enactment of this title, and with respect to such taxable years, chapters 1 (except sections [143](#) and [144](#)) and 2, and section 3801, of the Internal Revenue Code of 1939 are hereby repealed.

Note the key word “**and ending after the date of enactment of this title**”. That word “and” means that the taxable year must both begin after December 31, 1953 AND end after enactment of the title into law. The Internal Revenue Code was enacted into law on August 16, 1954.

[Code of Federal Regulations]  
[Title 26, Volume 1]  
[Revised as of April 1, 2006]  
From the U.S. Government Printing Office via GPO Access  
[CITE: 26CFR1.0-1]  
[Page 5-9]  
TITLE 26--INTERNAL REVENUE  
CHAPTER 1--INTERNAL REVENUE SERVICE, DEPARTMENT OF THE TREASURY  
PART 1 \_INCOME TAXES--Table of Contents  
Sec.1.0-1 Internal Revenue Code of 1954 and regulations.

(a) Enactment of law.

The Internal Revenue Code of 1954 which became law upon enactment of Public Law 591, 83d Congress, approved August 16, 1954, provides in part as follows: . . .

Therefore, only calendar years BOTH beginning after December 31, 1953 AND ending after August 16, 1954 are included, which means only in the calendar year 1954 is the Internal Revenue Code, Subtitle A enforceable. If they had meant otherwise and had meant the code to apply to all years beyond 1954, they would have said “OR” rather than “AND”.

Next, we will look at how the Internal Revenue Code consists of nothing more than simply a “presumption” that is not admissible as evidence in any legal proceeding. 1 U.S.C. §204 lists all of the titles within the U.S. Code. Of Title 26, it says that Title 26, the Internal Revenue Code, is “prima facie evidence”:

1 U.S.C. §204: Codes and Supplements as evidence of the laws of United States and District of Columbia; citation of Codes and Supplements

Sec. 204. - Codes and Supplements as evidence of the laws of United States and District of Columbia; citation of Codes and Supplements

In all courts, tribunals, and public offices of the United States, at home or abroad, of the District of Columbia, and of each

State, Territory, or insular possession of the United States -

(a) United States Code. -

[1] The matter set forth in the edition of the Code of Laws of the United States current at any time shall, together with the then current supplement, if any, establish prima facie [by presumption] the laws of the United States, general and permanent in their nature, in force on the day preceding the commencement of the session following the last session the legislation of which is included:

[2] Provided, however, That whenever titles of such Code shall have been enacted into positive law the text thereof shall be legal evidence of the laws therein contained, in all the courts of the United States, the several States, and the Territories and insular possessions of the United States.

Of “prima facie”, Blacks’ Law Dictionary says:

“**Prima facie**. Lat. At first sight on the first appearance; on the face of it; so far as can be judged from the first disclosure; **presumably**; a fact presumed to be true unless disproved by some evidence to the contrary. State ex rel. Herbert v. Whims, 68 Ohio.App. 39, 38 N.E.2d. 596, 499, 22 O.O. 110. See also Presumption.”  
[Black’s Law Dictionary, Sixth Edition, p. 1189]



1 U.S.C. §204 establishes a presumption and it is a statute. That means it establishes a “statutory presumption”. The U.S. Supreme Court has held that “statutory presumptions” are unconstitutional and that they are superseded by the presumption of innocence:

“The principle that there is a presumption of innocence in favor of the accused is the undoubted law, axiomatic and elementary, and its enforcement lies at the foundation of the administration of our criminal law.”  
[Coffin v. United States, 156 U.S. 432, 453 (1895)]

“It is apparent, this court said in the Bailey Case ( 219 U.S. 239, 31 S. Ct. 145, 151) ‘that a constitutional prohibition cannot be transgressed indirectly by the creation of a statutory presumption any more than it can be violated by direct enactment. The power to create presumptions is not a means of escape from constitutional restrictions.’”  
[Heiner v. Donnan, 285 U.S. 312 (1932)]

Evidence that is “prima facie” means simply a presumption. The following rules apply to presumptions:

1. The accused is presumed to be innocent until proven guilty with evidence.
2. Only evidence and facts can convict a person.

**“guilt must be proven by legally obtained evidence”**

3. A “presumption” is not evidence, but simply a belief akin to a religion.

A presumption is an assumption of fact that the law requires to be made from another fact or group of facts found or otherwise established in the action. **A presumption is not evidence.** A presumption is either conclusive or rebuttable. Every rebuttable presumption is either (a) a presumption affecting the burden of producing evidence or (b) a presumption affecting the burden of proof. Calif.Evid.Code, §600.

In all civil actions and proceedings not otherwise provided for by Act of Congress or by the Federal Rules of Evidence, a presumption imposes on the party against whom it is directed the burden of going forward with evidence to rebut or meet the presumption, but does not shift to such party the burden of proof in the sense of the risk of nonpersuasion, which remains throughout the trial upon the party on whom it was originally cast. Federal Evidence Rule 301.

See also Disputable presumption; inference; Juris et de jure; Presumptive evidence; Prima facie; Raise a presumption.  
[Black’s Law Dictionary, Sixth Edition, p. 1185]

4. Beliefs and opinions are NOT admissible as evidence in any court.

Federal Rules of Evidence  
Rule 610. Religious Beliefs or Opinions

**Evidence of the beliefs or opinions of a witness on matters of religion is not admissible** for the purpose of showing that by reason of their nature the witness’ credibility is impaired or enhanced.  
[SOURCE: <http://www.law.cornell.edu/rules/fre/rules.htm#Rule610>]

5. Presumptions may not be imposed if they injure rights protected by the Constitution:

(1) [8:4993] **Conclusive presumptions affecting protected interests:** A conclusive presumption may be defeated where its application would impair a party’s constitutionally-protected liberty or property interests. In such cases, conclusive **presumptions have been held to violate a party’s due process and equal protection rights.** [Vlandis v. Kline (1973) 412 U.S. 441, 449, 93 S.Ct. 2230, 2235; Cleveland Bd. of Ed. v. LaFleur (1974) 414 US 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]

6. Presumptions are the OPPOSITE of “due process” of law and undermine and destroy it:

**“If any question of fact or liability be conclusively be presumed [rather than proven] against him, this is not due process of law.”**

You can read more about the above in our memorandum below:

Consequently, it is unconstitutional for a judge to allow any provision of the Internal Revenue Code to be cited as legal evidence of an obligation. The only thing that can be cited is the underlying revenue statutes from the Statutes At Large, because the code itself is a presumption. That approach doesn't work either, however, because 53 Stat. 1, Section 4 above repealed those statutes also. Therefore, there is no law to which is admissible as evidence of any obligation and therefore:

1. The entire Internal Revenue Code is nothing but a system of beliefs and presumptions unsupported by evidence.
2. Any judge that elevates such a presumption to the level of evidence is enacting law into force, and no judge has legislative powers. This is a violation of the separation of powers doctrine.
3. All judicial proceedings involving the Internal Revenue Code amount to nothing more than church worship services or inquisitions for those who "believe" the code applies to them.
4. If the judge allows the government to cite a provision of the I.R.C. against a private litigant without providing legally admissible evidence from the Statutes at Large which ARE positive law, he is engaging in an act of religion and belief without any evidentiary support and which CANNOT be supported.
5. Anyone criminally convicted under any provision of the Internal Revenue Code is nothing more than a political prisoner or a person who is a heretic against the state sponsored religion.

The mechanisms for the state sponsored religion are subtle, but all the elements are there. We will examine all of these elements in the following chapters because they are extensive.

## **5.10 Civil statutes are not "law" as defined in the Bible<sup>43</sup>**

In his wonderful course on justice and mercy that we highly recommend, Pastor Tim Keller analyzes the elements that make up "justice" from both a legal and a biblical perspective.

At 19:00 he begins covering biblical justice and introduces the subject by quoting Lev. 24:22:

*"You shall have the same law for the stranger and for one from your own country; for I am the LORD your God."*  
[Lev. 24:22, Bible, NKJV]

The above scripture may seem innocuous at first until you consider what a biblical "stranger" is. In legal terms, it means a "nonresident". A "nonresident", in turn, is a transient wanderer who is not domiciled in the physical place that he or she is physically located. To have the SAME law for both nonresident and domiciliary means they are BOTH treated equally by the government and the court. This scripture therefore advocates equality of protection and treatment between nonresidents and domiciliaries. We cover the subject of equality of protection and treatment in:

The legal implications of Lev. 24:22 is the following:

1. A biblical "stranger" is called a "nonresident" in the legal field.
2. A biblical stranger is therefore someone WITHOUT a civil domicile in the place he is physically located.
3. The Bible says in Lev. 24:22 that you must have the SAME "law" for both the stranger and the domiciliary.
4. The civil statutory code acquires the "force of law" only upon the consent of those who are subject to it. Hence, the main difference between the nonresident and the domiciliary is consent.
5. The only type of "law" that is the SAME for both nonresidents and domiciliaries is the common law and the criminal law, because:
  - 5.1. Neither one of these two types of law requires consent of those they are enforced against.

<sup>43</sup> Source: *Why Domicile and Becoming a "Taxpayer" Require Your Consent*, Form #05.002, Section 10.3; <https://sedm.org/Forms/FormIndex.htm>.

5.2. Neither one requires a civil domicile to be enforceable. A mere physical or commercial presence is sufficient to enforce EITHER.

The conclusion is therefore inescapable that the only way the nonresident and the domiciliary can be treated EXACTLY equally in a biblical sense is if:

1. The only type of "law" God authorizes is the criminal law and the common law. This means that God Himself defines "law" as NOT including the civil statutes or protection franchises.
2. Anything OTHER than the criminal law and common law is not "law" but merely a compact or contract enforceable only against those who individually and expressly consent. Implicit in the idea of consent is the absence of duress, coercion, or force of any kind. This means that the government offering civil statutes or "protection franchises" MUST:
  - 2.1. NEVER call these statutes "law" but only an offer to contract with those who seek their "benefits".
  - 2.2. Only offer an opportunity to consent to those who are legally capable of lawfully consenting. Those in states of the Union whose rights are UNALIENABLE are legally incapable of consenting.
  - 2.3. RECOGNIZE WHERE consent is impossible, which means among those whose PRIVATE or NATURAL rights are unalienable in states of the Union.
  - 2.4. RECOGNIZE those who refuse to consent.
  - 2.5. Provide a way administratively to express and register their non-consent and be acknowledged with legally admissible evidence that their withdrawal of consent has been registered..
  - 2.6. PROTECT those who refuse to consent from retribution for not "volunteering".
3. The civil statutory code may NOT be created, enacted, enforced, or offered against ANYONE OTHER than those who LAWFULLY consented and had the legal capacity to consent because either abroad or on federal territory, both of which are not protected by the Constitution. Why? Because it is a "protection franchise" that DESTROYS equality of treatment of those who are subject to it. We cover this in Government Instituted Slavery Using Franchises, Form #05.030.
4. Everyone in states of the Union MUST be conclusively presumed to NOT consent to ANY civil domicile and therefore be EQUAL under ALL "laws" within the venue.
5. Both private people AND those in government, or even the entire government are on an equal footing with each other in court. NONE enjoys any special advantage, which means no one in government may assert sovereign, official, or judicial immunity UNLESS PRIVATE people can as well.
6. Anyone who tries to enact, offer, or enforce ANY civil statutory "codes" and especially franchises is attempting what the U.S. Supreme Court calls "class legislation" that leads inevitably to strife in society:

*"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.' I 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)]*

7. Any attempt to refer to the civil code as "law" in a biblical sense by anyone in the legal profession is a deception and a heresy. They are LYING!
8. The only proper way to refer to the civil statutory code is as "PRIVATE LAW" or "SPECIAL LAW", but not merely "law". Any other description leads to deception.

*"Private law. That portion of the law which defines, regulates, enforces, and administers relationships among individuals, associations, and corporations. As used in contradistinction to public law, the term means all that part of the law which is administered between citizen and citizen, or which is concerned with the definition, regulation, and enforcement of rights in cases where both the person in whom the right inheres and the person upon whom the obligation is incident are private individuals. See also Private bill; Special law. Compare Public Law."*

*[Black's Law Dictionary, Sixth Edition, p. 1196]*

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

- 12 9. Anyone who advocates creating, offering, or enforcing the civil statutory code in any society corrupts society, usually  
13 for the sake of the love of money. In effect, they seek to turn the civil temple of government into a WHOREHOUSE.  
14 Justice is only possible when those who administer it are impartial and have no financial conflict of interest. The  
15 purpose of all franchises is to raise government revenue, usually for the "benefit" mainly of those in the government,  
16 and not for anyone else.

17 *"As expressed otherwise, the powers delegated to a public officer are held in trust for the people and are to be*  
18 *exercised in behalf of the government or of all citizens who may need the intervention of the officer. <sup>44</sup>*  
19 *Furthermore, the view has been expressed that all public officers, within whatever branch and whatever level*  
20 *of government, and whatever be their private vocations, are trustees of the people, and accordingly labor*  
21 *under every disability and prohibition imposed by law upon trustees relative to the making of personal*  
22 *financial gain from a discharge of their trusts. <sup>45</sup> That is, a public officer occupies a fiduciary relationship*  
23 *to the political entity on whose behalf he or she serves. <sup>46</sup> and owes a fiduciary duty to the public. <sup>47</sup> It has*  
24 *been said that the fiduciary responsibilities of a public officer cannot be less than those of a private*  
25 *individual. <sup>48</sup> Furthermore, it has been stated that any enterprise undertaken by the public official which tends*  
26 *to weaken public confidence and undermine the sense of security for individual rights is against public*  
27 *policy. <sup>49</sup>*  
28 *[63C American Jurisprudence 2d, Public Officers and Employees, §247 (1999)]*

29 The above analysis is EXACTLY the approach we take in defining what "law" is in the following memorandum:

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

## 30 **5.11 Too much law causes crime!**

31 *"The more corrupt the state, the more numerous the laws."*  
32 *[Tacitus, Roman historian 55-117 A.D.]*

33 Yes, that's right. I, being of sound mind and aging body, do solemnly acclaim and justly affirm that I am a criminal. And, if  
34 I do my job correctly, by the time you finish reading this you will realize that not only are you a criminal also, but that it is  
35 almost impossible NOT to be a criminal in modern society; and, what you should do about it.

<sup>44</sup> State ex rel. Nagle v. Sullivan, 98 Mont. 425, 40 P.2d. 995, 99 A.L.R. 321; Jersey City v. Hague, 18 N.J. 584, 115 A.2d. 8.

<sup>45</sup> Georgia Dep't of Human Resources v. Sistrunk, 249 Ga. 543, 291 S.E.2d. 524. A public official is held in public trust. Madlener v. Finley (1st Dist), 161 Ill.App.3d. 796, 113 Ill.Dec. 712, 515 N.E.2d. 697, app gr 117 Ill.Dec. 226, 520 N.E.2d. 387 and revd on other grounds 128 Ill.2d. 147, 131 Ill.Dec. 145, 538 N.E.2d. 520.

<sup>46</sup> Chicago Park Dist. v. Kenroy, Inc., 78 Ill.2d. 555, 37 Ill.Dec. 291, 402 N.E.2d. 181, appeal after remand (1st Dist) 107 Ill.App.3d. 222, 63 Ill.Dec. 134, 437 N.E.2d. 783.

<sup>47</sup> United States v. Holzer (CA7 Ill), 816 F.2d. 304 and vacated, remanded on other grounds 484 U.S. 807, 98 L.Ed. 2d 18, 108 S.Ct. 53, on remand (CA7 Ill) 840 F.2d. 1343, cert den 486 U.S. 1035, 100 L.Ed. 2d 608, 108 S.Ct. 2022 and (criticized on other grounds by United States v. Osser (CA3 Pa) 864 F.2d. 1056) and (superseded by statute on other grounds as stated in United States v. Little (CA5 Miss) 889 F.2d. 1367) and (among conflicting authorities on other grounds noted in United States v. Boylan (CA1 Mass) 898 F.2d. 230, 29 Fed.Rules.Evid.Serv. 1223).

<sup>48</sup> Chicago ex rel. Cohen v. Keane, 64 Ill.2d. 559, 2 Ill.Dec. 285, 357 N.E.2d. 452, later proceeding (1st Dist) 105 Ill.App.3d. 298, 61 Ill.Dec. 172, 434 N.E.2d. 325.

<sup>49</sup> Indiana State Ethics Comm'n v. Nelson (Ind App), 656 N.E.2d. 1172, reh gr (Ind App) 659 N.E.2d. 260, reh den (Jan 24, 1996) and transfer den (May 28, 1996).

My premise is simply that government, not only at the federal level but in particular at the state and local level, has grown so gorged and bloated that it has become virtually impossible for any of us to remain "law-abiding citizens." In order to be law-abiding, one must first know and understand the law.

*"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)]

Now I ask you, in today's society how many people really know, let alone understand or even READ, "the law?" Moreover, how many policemen really know or, more importantly, understand the law? Do the lawyers and judges, who are charged with the protection of America's most sacred document, even understand the law? Judging from the number of appealed judgments these days, it would appear that even these "protectors of justice" are unable to effectively untangle the thicket of jurisprudence created by the endless loads of fertilizer produced by the various legislatures.

Just the number of laws one would have to read and familiarize themselves with in order to become adequately knowledgeable makes the task near to impossible. It would literally be a full time and lifetime job to read and learn ALL laws and there would be no time left to have a REAL life! Why, we would all have to go to law school just to get to a proper starting point of understanding the law. Last year, in North Carolina alone, 519 new laws were passed by the General ASSEMBLY. Sixty new laws took affect in the Old North State on January 1st of this year. Add these to the tens of thousands of laws already on the books and you begin to see the enormity of the endeavor to properly understand justice and how its principles are to be applied. And that is just in one state, folks. I wonder how many "new" laws have been instituted where you live this year?

Still skeptical? Take an afternoon and go to the nearest law library. Even the name "law library" should send a chill down any thinking person's spine. I am not talking about a corner of your local public library where you'll find a shelf or two stocked with reference books about a particular subject. No, I mean a whole library devoted to cataloging all the things you and I are not allowed to do. Whole rooms filled wall-to-wall and floor-to-ceiling with a seemingly endless array of laws, statutes, and regulations. Shelf next to shelf, volume upon volume, and page after page, creating a twisting, turning maze of decisions, rulings and appeals. This is where you go when you seek comprehension of the chains that fetter your pursuit of happiness. Have a seat and look around at what you must learn if you really want to be an honest, up-standing, law-abiding citizen.

"It poisons the blessing of liberty itself. It will be of little avail to the people, that the laws are made by men of their own choice, if the laws be so voluminous that they cannot be read, or so incoherent that they cannot be understood; if they be repealed or revised before they are promulgated, or undergo such incessant changes that no man, who knows what the law is to-day, can guess what it will be to-morrow. Law is defined to be a rule of action; but how can that be a rule, which is little known, and less fixed?"

*"It has been frequently remarked, with great propriety, that a voluminous code of laws is one of the inconveniences necessarily connected with the advantages of a free government. To avoid an arbitrary discretion in the courts, it is indispensable that they should be bound down by strict rules [of statutory construction and interpretation] and precedents, which serve to define and point out their duty in every particular case that comes before them; and it will readily be conceived from the variety of controversies which grow out of the folly and wickedness of mankind, that the records of those precedents must unavoidably swell to a very considerable bulk, and must demand long and laborious study to acquire a competent knowledge of them."*  
[Federalist Paper No. 78, Alexander Hamilton]

Government has simply made it too easy to break the law for us not to be criminals. I mean, you are required to have a license or permit to do practically everything. That means that you must go to a bureaucrat somewhere and ask their permission before you proceed or you become a criminal. If you want to drive to work, you must first have a paper from the State that says you are allowed to operate a statutory "motor vehicle", meaning a vehicle used in interstate commerce to effect transportation for hire. If you want to improve your home, you are required to go downtown and stand before your elected rulers and beg their indulgence and literally pay them a bribe so that you can add that patio or finish your basement. If you want to get a job to support your family, you cannot do so without a number supplied by the benevolent nannies that soil the seats of CONGRESS. How long does this list have to be before you realize that if you have to ask permission to do everything, not only will you eventually slip up and become a criminal, but you have also ceased to be free? With every new law enacted another little piece of liberty dies.

The Thirteenth Amendment outlaws INVOLUNTARY servitude, meaning slavery. That means you own yourself.



1 "Every man has a natural right to the fruits of his own labor, is generally admitted; and no other person can  
2 rightfully deprive him of those fruits, and appropriate them against his will..."  
3 [The Antelope, 23 U.S. 66, 10 Wheat 66, 6 L.Ed. 268 (1825)]

4 If in fact you own your own body and all the fruits of your labor, then they are PRIVATE property that cannot be licensed  
5 or regulated by the government without THEM getting YOUR permission. That is the legal definition of "ownership"  
6 itself. The fact that they DON'T ask for such permission can only be explained by the fact that you must have volunteered.  
7 But how?

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

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

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

18 There may be ownership of all inanimate things which are capable of appropriation or of manual delivery; of  
19 all domestic animals; of all obligations; of such products of labor or skill as the composition of an author, the  
20 goodwill of a business, trademarks and signs, and of rights created or granted by statute. Calif. Civil Code,  
21 §655.

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

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

26  
27 "PROPERTY. Rightful dominion over external objects; ownership; the unrestricted and exclusive right to a  
28 thing; the right to dispose of the substance of a thing in every legal way, to possess it, to use it and to exclude  
29 every one else from interfering with it. Mackeld. Rom. Law, § 265.

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

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

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

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

49 —Absolute property. In respect to chattels personal property is said to be "absolute" where a man has, solely  
50 and exclusively, the right and also the occupation of any movable chattels, so permanent, but may at some times  
51 subsist and not at other times; such for example, as the property a man may have in wild animals which he has  
52 caught and keeps, and which are his only so long as he retains possession of them. 2 Bl. Comm. 389.—Real  
53 property. A general term for lands, tenements, and hereditaments; property which, on the death of the owner

1           intestate, passes to his heir. Real property is either corporeal or incorporeal. See Code N. Y. § 462 — Separate  
2           property . The separate property of a married woman is that which she owns in her own right, which is liable  
3           only for her own debts, and which she can incumber and dispose of at her own will.—Special property.  
4           Property of a qualified, temporary, or limited nature; as distinguished from absolute, general, or unconditional  
5           property. Such is the property of a bailee in the article bailed, of a sheriff in goods temporarily in his hands  
6           under a levy, of the finder of lost goods while looking for the owner, of a person in wild animals which he has  
7           caught. Stief v. Hart, 1 N.Y. 24; Moulton v. Witherell, 52 Me. 242; Eisendrath v. Knauer, 64 111. 402; Phelps  
8           v. People, 72 N.Y. 357.  
9           [Black's Law Dictionary, Second Edition, p. 955]

10       Why, then, do you need “permission” from anyone, including a government, to use property and exclude all others from  
11       using, controlling, or benefitting from the property, if you have absolute ownership over it? The answer is you don't,  
12       unless you are physically present **AND** domiciled where there are no constitutional rights, which means either abroad or on  
13       federal territory not within any constitutional state. See:

Unalienable Rights Course, Form #12.038  
FORMS PAGE: <https://sedm.org/Forms/FormIndex.htm>  
DIRECT LINK: <https://sedm.org/LibertyU/UnalienableRights.pdf>

14       Perhaps nothing exemplifies my point more so than a personal experience I had several years ago. I was invited by a friend  
15       to accompany him on a fishing expedition to one of the local lakes owned by the county where we both reside. Being the  
16       careful individual that I am, I researched the laws concerning wildlife management, as well as, the regulations adopted by  
17       the county. I found that if I only fished using live bait, the law did not require that I obtain a fishing license as long as I  
18       remained in the county of my residence. I was very pleased with myself that I had found a way to save a few bucks on  
19       what promised to be an enjoyable outing.

20       However, the day was not to go unspoiled. Not long after we had launched our boat and found what we thought looked like  
21       a promising spot, we were approached by a game warden. I remained unconcerned as we chatted and I proudly showed him  
22       that I was only using live bait and therefore required no state sanction. He asked for proof of my residence, which I  
23       supplied via business cards and a recent tax bill that I was going to pay on my way home. It was then that he informed me  
24       that I was in violation of state law. I was beginning to protest that I was in full compliance of the wildlife management code  
25       when the warden told me he was not referring to the wildlife code. It was then that I learned I was in violation of state law  
26       for appearing in public and not possessing a picture ID. At that moment, the veil was lifted from my eyes as my day of  
27       personal enlightenment dawned.

28       I realized that every time I set foot off of my own property, I became a criminal. I violate the law each and every time I take  
29       a leisurely stroll around my neighborhood. In almost half a century on this earth, I have never been arrested, much less  
30       convicted of a crime; and yet, all I have to do to become a criminal in the eyes of the State is leave home! Why? Because I  
31       do not have a snapshot of myself, taken by a state-sanctioned bureaucrat, in my pocket when I go out in public. I must ask  
32       you, am I really free? Are you really free? Are your papers in order? Are you a criminal? And even if you have such  
33       papers, don't they really evidence a public office that you don't lawfully serve in ANYWAY, so why do you need them?  
34       See:

Why Statutory Civil Law is Law for Government and Not Private Persons, Form #05.037  
FORMS PAGE: <https://sedm.org/Forms/FormIndex.htm>  
DIRECT LINK: <https://sedm.org/Forms/05-MemLaw/StatLawGovt.pdf>

35       There are laws regulating everything from what color you can and cannot paint your house to what kind of sex in which  
36       two consenting adults are allowed to engage. Why is it like this? Crime is big business, that's why. In fact, **crime is**  
37       **government's biggest industry!**

38       Surprised to see me say that? It really isn't all that odd when you consider that the State derives revenue on both sides of  
39       the law. Remember, all those licenses and permits you are required to obtain are accompanied by fees. While on the flip  
40       side, every breach of the never-ending, self-perpetuating, always-growing bureaucracy carries a fine. You are forced to pay  
41       in order to abide by the law so you can avoid having to pay for breaking the law.

42       Therefore, as the beast has grown, it has become the State's own self interest that drives legislators to constantly search for  
43       new sources of revenue. That's why 519 laws were passed in my home state last year. That is why 500 new laws will  
44       probably be passed this year, and again next year, and again the year after that. The only way a government can realize

greater income than it does today is either by accelerating tax increases; or, by creating new ways for us to become criminals and providing the appropriately-priced bounties required to avoid becoming criminals. THAT, in FACT, is why they call every new "law" they pass a "bill": They want more money from you! That is also why, when they want to "accuse" you of a crime, they call it "charging you" with a crime: They want to "charge" you more money. Why not just call it "alleging" or "accusing" rather than "charging"? It's not a coincidence! So you see, every new law not only nibbles away at your freedom while further gorging an already bloated beast Bureaucracy, it also becomes a new source of revenue for the State.

So, we are left with the question, "What can be done about it?" Take my advice, do yourself a favor and educate yourself. Do a little digging and find out all the different options made available to you, by your friends in government, for becoming a criminal. Then perhaps we will see the emergence of what is needed to reverse the encroachment of the law: Remove your domicile and politically and legally DISASSOCIATE with the state. Thomas Jefferson talked about why this is necessary and even made it your DUTY to do so in his famous Declaration of Independence:

*"But when a long train of abuses and usurpations, pursuing invariably the same Object evinces a design to reduce them under absolute Despotism, **it is their right, it is their duty, to throw off such Government, and to provide new Guards for their future security.**"*  
[Declaration of Independence, Thomas Jefferson, 1776]

The procedure for LAWFULLY disassociating are found in:

Path to Freedom, Form #09.015, Section 2  
DIRECT LINK: <https://sedm.org/Forms/09-Procs/PathToFreedom.pdf>  
FORMS PAGE: <https://sedm.org/Forms/FormIndex.htm>

After you have legally and politically disassociated, you are absolved of:

1. Any and all attempts to enforce civil statutes against you.
2. The need to have a "residence".
3. The need to subsidize the state with income taxes or fines.
4. The need to carry FAKE permission from the state called an "ID" to leave your home as a public officer and do business as such state civil officer.

Those who exercise their First Amendment right to civilly, legally, and politically disassociate from "the collective" called "the state" are referred to in this capacity as any one of the following:

1. "non-resident non-persons"
2. "nonresidents".
3. "transient foreigners".
4. "stateless persons".
5. "in transitu".
6. "transient".
7. "sojourner".
8. "civilly dead".

After you civilly disassociate, then maybe they will begin to treat you with respect as the "customer" that you really are who has a right to NOT "do business" with them. That customer is called a STATUTORY "citizen" or "resident". For more details on "non-resident non-persons", see:

1. Why Domicile and Becoming a "Taxpayer" Require Your Consent, Form #05.002  
DIRECT LINK: <https://sedm.org/Forms/05-MemLaw/Domicile.pdf>  
FORMS PAGE: <https://sedm.org/Forms/FormIndex.htm>
2. Non-Resident Non-Person Position, Form #05.020  
DIRECT LINK: <https://sedm.org/Forms/05-MemLaw/NonresidentNonPersonPosition.pdf>  
FORMS PAGE: <https://sedm.org/Forms/FormIndex.htm>

Finally, remember that the solution to this conundrum is NOT to run for political office and become further enfranchised in order to reform the system. This would only further expand the power of the state over you beyond the franchises you ALREADY ILLEGALLY participate in. See:

*Government Instituted Slavery Using Franchises*, Form #05.030  
FORMS PAGE: <https://sedm.org/Forms/FormIndex.htm>  
DIRECT LINK: <https://sedm.org/Forms/05-MemLaw/Franchises.pdf>

## 5.12 How judges unconstitutionally “make law”

Judges are not “legislators” and cannot therefore “make law”. By “make law”, we mean:

1. To refuse to enforce or dismiss efforts to enforce either the constitution or a statute, and thus to repeal it for a specific case.
2. To impute the “force of law” to that which has no force in the specific case at issue. This usually happens because:
  - 2.1. Statutes are being enforced outside the territory they are limited to.
  - 2.2. A civil status and public office such as “taxpayer” is imputed or enforced against a party who does not lawfully occupy said office.

Government actors are NOT allowed to create “jurisdiction” that doesn’t lawfully exist. Jurisdiction should be forcefully challenged in such case using the following:

*Challenging Federal Jurisdiction Course*, Form #12.010  
<https://sedm.org/Forms/FormIndex.htm>

3. To impair the constitutional rights of a party protected by it, but to refuse to describe or even acknowledge WHEN or HOW those rights were voluntarily surrendered. This effectively repeals the Constitution. We cover this in:

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

The sole power to “make law” is vested with the Legislative Branch and that power may NOT be delegated to another branch of government. If it is delegated, a violation of the Separation of Powers Doctrine has occurred. The Separation of Powers Doctrine is the foundation of the Constitution. This violation of the doctrine is described in:

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

The SOLE function of judges is to INTERPRET and APPLY “laws” written by the Legislative Branch (Congress) under the strict rules of statutory construction. Those rules are described in:

*Legal Deception, Propaganda, and Fraud*, Form #05.014, Section 13  
<https://sedm.org/Forms/FormIndex.htm>

The architect of our three branch government, Montesquieu, described the effect of allowing judges to “make law” as follows:

*“When the legislative and executive powers are united in the same person, or in the same body of magistrates, there can be no liberty; because apprehensions may arise, lest the same monarch or senate should enact tyrannical laws, to execute them in a tyrannical manner.”*

*Again, there is no liberty, if the judiciary power be not separated from the legislative and executive. Were it joined with the legislative, the life and liberty of the subject would be exposed to arbitrary control; for the judge would be then the legislator. Were it joined to the executive power, the judge might behave with violence and oppression [sound familiar?].*

*There would be an end of everything, were the same man or the same body, whether of the nobles or of the people, to exercise those three powers, that of enacting laws, that of executing the public resolutions, and of trying the causes of individuals.”*

[. . .]

1 *In what a situation must the poor subject be in those republics! The same body of magistrates are possessed,*  
2 *as executors of the laws, of the whole power they have given themselves in quality of legislators. They may*  
3 *plunder the state by their general determinations; and as they have likewise the judiciary power in their*  
4 *hands, every private citizen may be ruined by their particular decisions.”*  
5 *[The Spirit of Laws, Charles de Montesquieu, 1758, Book XI, Section 6;*  
6 *SOURCE: [http://famguardian.org/Publications/SpiritOfLaws/sol\\_11.htm](http://famguardian.org/Publications/SpiritOfLaws/sol_11.htm)]*

7 A major theme of what the legal field calls “Originalism” is the idea that judges cannot “make law”. Below are a few  
8 videos explaining this concept:

- 9 1. [Uncommon Knowledge with Justice Antonin Scalia](https://youtu.be/DaoLMW5AF4Y)  
10 <https://youtu.be/DaoLMW5AF4Y>  
11 2. [Interview with U.S. Supreme Court Justice Antonin Scalia about his book Reading Law](https://sedm.org/Exhibits/ExhibitIndex.htm), Exhibit #11.006  
12 <https://sedm.org/Exhibits/ExhibitIndex.htm>

13 Unfortunately, proponents of Originalism such as now deceased U.S. Supreme Court Justice Scalia are not very good at  
14 identifying EXACTLY HOW judges “make law”. Scalia vainly attempted this task with his book on the subject but failed  
15 miserably as expected:

[Reading Law: The Interpretation of Legal Texts](https://www.amazon.com/Reading-Law-Interpretation-Legal-Texts/dp/0314275554), Antonin Scalia and Bryan A. Garner, ISBN: 978-0314275554  
<https://www.amazon.com/Reading-Law-Interpretation-Legal-Texts/dp/0314275554>

16 A much more detailed analysis of how judges corruptly and even unconstitutionally “make law” is needed because you  
17 won’t EVER hear the truth about this subject coming from those in power such as Justice Scalia, who would have to piss in  
18 his own drinking water to do so. As we like to say:

19 *Never ask a barber whether you need a haircut.*

20 Also, expecting a lawyer, and especially YOUR OWN lawyer to describe these tactics would also take away most of his/her  
21 power and render his or her services less useful or even irrelevant. Therefore, a disinterested, unprivileged, and unlicensed  
22 NON-MEMBER of the legal profession guild must perform this analysis to produce an objective and complete result. That  
23 is the focus of this section.

24 Some of the tactics used by judges to “make law” include the following, listed in order of the frequency the tactic is used or  
25 abused. After each item, we list the places in our website where you can find further information about each illegal or  
26 unconstitutional tactic.

- 27 1. [Calling something voluntary “law” rather than merely “private law”, and thus deceiving you into believing that your](#)  
28 [consent at some point is not required to enforce](#). We clarified this subject earlier in section 5.4, where we talked about  
29 the difference between “operation of law” and “contracts”. The judge is essentially treating you like you are a  
30 CONTRACTOR by making the contract LOOK like real law. We also clarify this concept in our Disclaimer:

31 [SEDM Disclaimer](#)

32 [Section 4: Meaning of Words](#)

33 *The term “law” is defined as follows:*

34 *“True Law is right reason [in agreement with Nature](#), it is of universal application,*  
35 *unchanging and everlasting; it summons to duty by its commands and averts from wrong-*  
36 *doing by its prohibitions. And it does not lay its commands or prohibitions upon good*  
37 *men in vain, although neither have any effect upon the wicked. It is a sin to try to alter*  
38 *this law, nor is it allowable to try to repeal a part of it, and it is impossible to abolish it*  
39 *entirely. We cannot be freed from its obligations by Senate or People, and we need not*  
40 *look outside ourselves for an expounder or interpreter of it. And there will not be*  
41 *different laws at Rome or at Athens, or different laws now and in the future, but one*  
42 *[eternal and unchangeable law](#) will be valid for all times and all nations, and there will be*  
43 *one master and one rule, that is God, for He is the author of [this law](#), its promulgator,*  
44 *and its enforcing judge.”*  
45 *[Marcus Tullius Cicero, 106-43 B.C.]*



1 "Power and law are not synonymous. In truth, they are frequently in opposition and  
2 irreconcilable. There is [God's Law](#) from which [all equitable laws of man](#) emerge and by  
3 which men must live if they are not to die in oppression, chaos and despair. Divorced  
4 from [God's eternal and immutable Law](#), established before the founding of the suns,  
5 man's power is evil no matter the noble words with which it is employed or the motives  
6 urged when enforcing it. Men of good will, mindful therefore of the [Law laid down by](#)  
7 [God](#), will oppose governments whose rule is by men, and if they wish to survive as a  
8 nation they will destroy the [\[de facto\] government](#) which attempts to adjudicate by the  
9 whim of venal judges."  
10 [Marcus Tullius Cicero, 106-43 B.C.]

11 "Law" is defined to EXCLUDE any and all [civil statutory codes, franchises, or privileges](#) in relation to any and  
12 all governments and to include ONLY the COMMON law, the CONSTITUTION (if trespassing government  
13 actors ONLY are involved), and the CRIMINAL law.

14 The Court developed, for its own governance in the cases confessedly within its  
15 jurisdiction, a series of rules under which it has avoided passing upon a large part of all  
16 the constitutional questions pressed upon it for decision. They are:

17 [. . .]

18 6. The Court will not pass upon the constitutionality of a statute at the instance of  
19 one who has availed himself of its benefits.FN7 [Great Falls Mfg. Co. v. Attorney](#)  
20 [General](#), 124 U.S. 581, 8 S.Ct. 631, 31 L.Ed. 527; [Wall v. Parrot Silver & Copper Co.](#),  
21 [244 U.S. 407](#), 411, 412, 37 S.Ct. 609, 61 L.Ed. 1229; [St. Louis Malleable Casting Co. v.](#)  
22 [Prendergast Construction Co.](#), 260 U.S. 469, 43 S.Ct. 178, 67 L.Ed. 351.

23  
24 FOOTNOTES:

25 FN7 Compare [Electric Co. v. Dow](#), 166 U.S. 489, 17 S.Ct. 645, 41 L.Ed. 1088; [Pierce v.](#)  
26 [Somerset Ry.](#), 171 U.S. 641, 648, 19 S.Ct. 64, 43 L.Ed. 316; [Leonard v. Vicksburg, etc.,](#)  
27 [R. Co.](#), 198 U.S. 416, 422, 25 S.Ct. 750, 49 L.Ed. 1108.  
28 [Ashwander v. Tennessee Valley Authority, 297 U.S. 288, 56 S.Ct. 466 (1936)]

29  
30 Municipal law, thus understood, is properly defined to be "a rule of civil conduct  
31 prescribed by the supreme power in a state, commanding what is right and prohibiting  
32 what is wrong."

33 [. . .]

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

44  
45 "The words "privileges" and "immunities," like the greater part of the legal phraseology  
46 of this country, have been carried over from the law of Great Britain, and recur  
47 constantly either as such or in equivalent expressions from the time of Magna Charta.  
48 For all practical purposes they are synonymous in meaning, and originally signified a  
49 peculiar right or private law conceded to particular persons or places **whereby a**  
50 **certain individual or class of individuals was exempted from the rigor of the**  
51 **common law.** Privilege or immunity is conferred upon any person when he is invested  
52 with a legal claim to the exercise of special or peculiar rights, authorizing him to enjoy  
53 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)]

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FOOTNOTES:

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.

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"What, then, is [civil] legislation? It is an assumption [presumption] by one man, or body of men, of absolute, irresponsible dominion [because of abuse of sovereign immunity and the act of "CONSENT" by calling yourself a "citizen"] over all other men whom they call subject to their power. It is the assumption by one man, or body of men, of a right to subject all other men to their will and their service. It is the assumption by one man, or body of men, of a right to abolish outright all the natural rights, all the natural liberty of all other men; to make all other men their slaves; to arbitrarily dictate to all other men what they may, and may not, do; what they may, and may not, have; what they may, and may not, be. It is, in short, the assumption of a right to banish the principle of human rights, the principle of justice itself, from off the earth, and set up their own personal will [society of men and not law], pleasure, and interest in its place. All this, and nothing less, is involved in the very idea that there can be any such thing as human [CIVIL] legislation that is obligatory upon those upon whom it is imposed [and ESPECIALLY those who never expressly consented in writing]."  
[Natural Law, Chapter 1, Section IV, Lysander Spooner;  
SOURCE:  
<http://famguardian.org/PublishedAuthors/Indiv/SpoonerLysander/NaturalLaw.htm>]

The above methods of REMOVING the protections of the common law and the constitution from the INALIENABLE rights [rights that CANNOT lawfully be given away, even WITH consent] that are protected by them has been described by the U.S. Congress as the ESSENCE of communism itself! This is especially true when you add games with legal words of art to remove even the STATUTORY limitations upon the conduct of the government. See Legal Deception, Propaganda, and Fraud, Form #05.014.

TITLE 50 > CHAPTER 23 > SUBCHAPTER IV > Sec. 841.  
Sec. 841. - Findings and declarations of fact

The Congress finds and declares that the Communist Party of the United States [consisting of the IRS, DOJ, and a corrupted federal judiciary], although purportedly a political party, is in fact an instrumentality of a conspiracy to overthrow the [de jure] Government of the United States [and replace it with a de facto government ruled by the judiciary]. It constitutes an authoritarian dictatorship [IRS, DOJ, and corrupted federal judiciary in collusion] within a [constitutional] republic, demanding for itself the rights and [FRANCHISE] privileges [including immunity from prosecution for their wrongdoing in violation of Article 1, Section 9, Clause 8 of the Constitution] accorded to political parties, but denying to all others the liberties [Bill of Rights] guaranteed by the Constitution [Form #10.002]. Unlike political parties, which evolve their policies and programs through public means, by the reconciliation of a wide variety of individual views, and submit those policies and programs to the electorate at large for approval or disapproval, the policies and programs of the Communist Party are secretly [by corrupt judges and the IRS in complete disregard of, Form #05.014, the tax franchise "codes", Form #05.001] prescribed for it by the foreign leaders of the world Communist movement [the IRS and Federal Reserve]. Its members [the Congress, which was terrorized to do IRS bidding by the framing of Congressman Traficant] have no part in determining its goals, and are not permitted to voice dissent to party objectives. Unlike members of political parties, members of the Communist Party are recruited for indoctrination [in the public FOOL system] by homosexuals, liberals, and socialists] with respect to its objectives and methods, and are organized, instructed, and disciplined [by the IRS and a corrupted judiciary] to carry into action slavishly the assignments given them by their hierarchical chieftains. Unlike political parties, the Communist Party [thanks to a corrupted federal judiciary] acknowledges no constitutional or statutory limitations upon its conduct or upon that of its members [ANARCHISTS!, Form #08.020]. The Communist Party is relatively small numerically, and gives scant indication of capacity ever to attain its ends by lawful political means. The peril

inherent in its operation arises not from its numbers, but from its failure to acknowledge any limitation as to the nature of its activities, and its dedication to the proposition that the present constitutional Government of the United States ultimately must be brought to ruin by any available means, including resort to force and violence [or using income taxes]. Holding that doctrine, its role as the agency of a hostile foreign power [the Federal Reserve and the American Bar Association (ABA)] renders its existence a clear present and continuing danger to the security of the United States. It is the means whereby individuals are seduced [illegally KIDNAPPED via identity theft!, Form #05.046] into the service of the world Communist movement [using FALSE information returns and other PERJURIOUS government forms, Form #04.001], trained to do its bidding [by FALSE government publications and statements that the government is not accountable for the accuracy of, Form #05.007], and directed and controlled [using FRANCHISES illegally enforced upon NONRESIDENTS, Form #05.030] in the conspiratorial performance of their revolutionary services. Therefore, the Communist Party should be outlawed

The above corruption of our Constitutional Republic by the unconstitutional abuse of franchises, the violation of the rules of statutory construction, and interference with common law remedies was described by the U.S. Supreme Court as follows:

*"These are words of weighty import. They involve consequences of the most momentous character. 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 be the 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."*

Although from the foundation of the Government this court has held steadily to the view that the Government of the United States was one of enumerated powers, and that no one of its branches, nor all of its branches combined, could constitutionally exercise powers not granted, or which were not necessarily implied from those expressly granted, *Martin v. Hunter, 1 Wheat. 304, 326, 331*, we are now informed that Congress possesses powers outside of the Constitution, and may deal with new territory, 380\*380 acquired by treaty or conquest, in the same manner as other nations have been accustomed to act with respect to territories acquired by them. In my opinion, Congress has no existence and can exercise no authority outside of the Constitution. Still less is it true that Congress can deal with new territories just as other nations have done or may do with their new territories. This nation is under the control of a written constitution, the supreme law of the land and the only source of the powers which our Government, or any branch or officer of it, may exert at any time or at any place. Monarchical and despotic governments, unrestrained by written constitutions, may do with newly acquired territories what this Government may not do consistently with our fundamental law. To say otherwise is to concede that Congress may, by action taken outside of the Constitution, engraft upon our republican institutions a colonial system such as exists under monarchical governments. Surely such a result was never contemplated by the fathers of the Constitution. If that instrument had contained a word suggesting the possibility of a result of that character it would never have been adopted by the People of the United States. The idea that this country may acquire territories anywhere upon the earth, by conquest or treaty, and hold them as mere colonies or provinces — the people inhabiting them to enjoy only such rights as Congress chooses to accord to them — is wholly inconsistent with the spirit and genius as well as with the words of the Constitution."

[Downes v. Bidwell, 182 U.S. 244 (1901), Justice Harlan, Dissenting]

Civil statutory codes, franchises, or privileges are referred to on this website as "private law", but not "law". The word "public" precedes all uses of "law" when dealing with acts of government and hence, refers only to COMMON law and CRIMINAL law that applies equally to everyone, regardless of [their consent](#). Involvement in any and all "[private law](#)" franchises or privileges offered by any government ALWAYS undermines and threatens sovereignty, autonomy, and equality, turns government into an [unconstitutional civil religion](#), and corrupts even the finest of people. This is explained in:



[Government Instituted Slavery Using Franchises, Form #05.030](#)

Any use of the word "law" by any government actor directed at us or any member, if not clarified with the words "private" or "public" in front of the word "law" shall constitute:

1. A criminal attempt and conspiracy to recruit us to be [a public officer called a "person", "taxpayer", "citizen", "resident"](#), etc.
2. A solicitation of [illegal bribes called "taxes"](#) to treat us "AS IF" we are a public officer.

3. A criminal conspiracy to convert PRIVATE rights into PUBLIC rights and to violate the Bill of Rights.

The protection of PRIVATE rights mandated by the Bill of Rights BEGINS with and requires:

1. ALWAYS keeping PRIVATE and PUBLIC rights separated and never mixing them together.
2. Using unambiguous language about the TYPE of "right" that is being protected: PUBLIC or PRIVATE in every use of the word "right". The way to avoid confusing PUBLIC and PRIVATE RIGHTS is to simply refer to PRIVATE rights as "privileges" and NEVER refer to them as "rights".
3. Only converting PRIVATE rights to PUBLIC rights with the express written consent of the HUMAN owner.
4. Limiting the conversion to geographical places where rights are NOT unalienable. This means the conversion occurred either abroad or on government territory not within the exclusive jurisdiction of a Constitutional state. Otherwise, the Declaration of Independence, which is organic law, would be violated.
5. Keeping the rules for converting PRIVATE to PUBLIC so simple, unambiguous, and clear that a child could understand them and always referring to these rules in every interaction between the government and those they are charged with protecting.
6. Ensuring that in every interaction (and ESPECIALLY ENFORCEMENT ACTION) between the government both administratively and in court, that any right the government claims to civilly enforce against, regulate, tax, or burden otherwise PRIVATE property is proven ON THE RECORD IN WRITING to originate from the rules documented in the previous step. This BURDEN OF PROOF must be met both ADMINISTRATIVELY and IN COURT BEFORE any enforcement action may be lawfully attempted by any government. It must be met by an IMPARTIAL decision maker with NO FINANCIAL interest in the outcome and not employed by the government or else a criminal financial conflict of interest will result. In other words, the government has to prove that it is NOT stealing before it can take property, that it is the lawful owner, and expressly HOW it became the lawful owner.
7. Enforcing the following CONCLUSIVE PRESUMPTION against government jurisdiction to enforce unless and until the above requirements are met:

"All rights and property are PRESUMED to be EXCLUSIVELY PRIVATE and beyond the control of government or the CIVIL statutory franchise codes unless and until the government meets the burden of proving, WITH EVIDENCE, on the record of the proceeding that:

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

2. The owner was either abroad, domiciled on, or at least PRESENT on federal territory NOT protected by the Constitution and therefore had the legal capacity to ALIENATE a Constitutional right or relieve a public servant of the fiduciary obligation to respect and protect the right. Those physically present but not necessarily domiciled in a constitutional but not statutory state protected by the constitution cannot lawfully alienate rights to a real, de jure government, even WITH their consent.

3. If the government refuses to meet the above burden of proof, it shall be CONCLUSIVELY PRESUMED to be operating in a PRIVATE, corporate capacity on an EQUAL footing with every other private corporation and which is therefore NOT protected by official, judicial, or sovereign immunity."

For a detailed exposition on the mandatory separation between PUBLIC and PRIVATE as indicated above, please see the following course on our site:



[Separation Between Public and Private Course, Form #12.025](#)

For a detailed exposition of the legal meaning of the word "law" and why the above restrictions on its definition are important, see:



[What is "law"?, Form #05.048](#)

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

2. Refusing to recognize or enforce the limitations of the Constitution upon the conduct of public servants. This effectively repeals the Constitution for specific cases selected by judges who usually have a criminal financial conflict

of interest in violation of 28 U.S.C. §§144, 455 and 18 U.S.C. §208. The Legislative Branch of the government in 50 U.S.C. §841 defined this sort of behavior as the essence of communism itself.

[TITLE 50 > CHAPTER 23 > SUBCHAPTER IV > Sec. 841.](#)  
[Sec. 841. – Findings and declarations of fact](#)

The Congress finds and declares that the Communist Party of the United States [consisting of the IRS, DOJ, and a corrupted federal judiciary], although purportedly a political party, is in fact an instrumentality of a conspiracy to overthrow the [de jure] Government of the United States [and replace it with a de facto government ruled by the judiciary]. It constitutes an authoritarian dictatorship [IRS, DOJ, and corrupted federal judiciary in collusion] within a [constitutional] republic, demanding for itself the rights and [FRANCHISE] privileges [including immunity from prosecution for their wrongdoing in violation of Article I, Section 9, Clause 8 of the Constitution] accorded to political parties, but denying to all others the liberties [Bill of Rights] guaranteed by the Constitution [Form #10.002]. Unlike political parties, which evolve their policies and programs through public means, by the reconciliation of a wide variety of individual views, and submit those policies and programs to the electorate at large for approval or disapproval, the policies and programs of the Communist Party are secretly [by corrupt judges and the IRS in complete disregard of, Form #05.014, the tax franchise “codes”, Form #05.001] prescribed for it by the foreign leaders of the world Communist movement [the IRS and Federal Reserve]. Its members [the Congress, which was terrorized to do IRS bidding by the framing of Congressman Traficant] have no part in determining its goals, and are not permitted to voice dissent to party objectives. Unlike members of political parties, members of the Communist Party are recruited for indoctrination [in the public FOOL system by homosexuals, liberals, and socialists] with respect to its objectives and methods, and are organized, instructed, and disciplined [by the IRS and a corrupted judiciary] to carry into action slavishly the assignments given them by their hierarchical chieftains. Unlike political parties, the Communist Party [thanks to a corrupted federal judiciary] acknowledges no constitutional or statutory limitations upon its conduct or upon that of its members [ANARCHISTS!, Form #08.020]. The Communist Party is relatively small numerically, and gives scant indication of capacity ever to attain its ends by lawful political means. The peril inherent in its operation arises not from its numbers, but from its failure to acknowledge any limitation as to the nature of its activities, and its dedication to the proposition that the present constitutional Government of the United States ultimately must be brought to ruin by any available means, including resort to: force and violence [or using income taxes]. Holding that doctrine, its role as the agency of a hostile foreign power [the Federal Reserve and the American Bar Association (ABA)] renders its existence a clear present and continuing danger to the security of the United States. It is the means whereby individuals are seduced [illegally KIDNAPPED via identity theft!, Form #05.046] into the service of the world Communist movement [using FALSE information returns and other PERJURIOUS government forms, Form #04.001], trained to do its bidding [by FALSE government publications and statements that the government is not accountable for the accuracy of, Form #05.007], and directed and controlled [using FRANCHISES illegally enforced upon NONRESIDENTS, Form #05.030] in the conspiratorial performance of their revolutionary services. Therefore, the Communist Party should be outlawed

The main method of REMOVING the protections of the constitution and the lawful circumstances when it can be invoked are described in:

[Unalienable Rights Course](#), Form #12.038  
<https://sedm.org/Forms/FormIndex.htm>

3. Quoting or enforcing civil statutes against PRIVATE litigants who are not representing a public office and therefore not SUBJECT to the civil statutes. This is criminal identity theft. See:
  - 3.1. Why Statutory Civil Law is Law for Government and Not Private Persons, Form #05.037  
<https://sedm.org/Forms/FormIndex.htm>
  - 3.2. Proof That There Is a “Straw Man”, Form #05.042  
<https://sedm.org/Forms/FormIndex.htm>
4. Treating litigants as public officers by enforcing civil statutes against them, but not treating them as public officers for ALL purposes. This effectively repeals the statutes relating to public officer conduct for select purposes. Examples of this phenomenon include:
  - 4.1. Treating members of the private sector as withholding agents and therefore public officers, but refusing to acknowledge they are public officers during litigation. This kind of “double-think” thus prevents the judge from having to force the government litigant to satisfy the burden of proof that the withholding agent was lawfully elected or appointed. Without such proof, due process is violated and the judge is acting in a political rather than legal capacity.
  - 4.2. Dismissing constitutional rights violations against private sector withholding agents as public officers who forced PRIVATE people who were not public officers to become statutory “taxpayers” by virtue of compelling them to submit withholding paperwork or misrepresent their status on the withholding documents. Thus, the constitution is REPEALED when public officers are acting against a party situated on land protected by it and who is NOT a public officer.
  - 4.3. Depriving private parties who are NOT statutory “taxpayer” public officers of the right to submit evidence in to



the court record proving they are NOT public officers and yet enforcing civil statutes that only pertain to public officers against them. This violates the Public Records exception of the Hearsay Rule found in Federal Rule of Evidence 803(8). Thus, they are being treated as public officers for TAX LIABILITY purposes but receive none of the “benefit” of being such public officers such as admissibility of ALL records conducted in the conduct of the alleged but de facto “office” of “taxpayer”. The inability to claim the “benefit” of the public office franchise thus results in them NOT being public officers. Contracts and franchises without consideration are not contracts.

5. Violating the “Choice of Law Rules” to apply statutes from a foreign jurisdiction to a nonresident. This has the effect of imputing “the force of law” to that which is merely political speech. Any statute enforced against a nonresident party situated in a legislatively foreign jurisdiction who has a foreign domicile causes the judge to act in a POLITICAL rather than LEGAL capacity, which the Separation of Powers Doctrine forbids. For example, citing federal civil statutes applicable only to those domiciled on federal territory within the exclusive jurisdiction of Congress to a state domiciled party. This is identity theft. See:

5.1. Federal Jurisdiction, Form #05.018, Section 3

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

5.2. Flawed Tax Arguments to Avoid, Form #08.004, Section 3

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

6. Making unwarranted “presumptions” about the civil status of the litigants. This imputes the “force of law” to a specific case in which statutes do not in fact have that force against the affected party. It essentially compels the party victimized by them to contract with the government, where the civil status is tied to a franchise contract or agreement. For instance, PRESUMING that the litigant is a statutory “taxpayer” and therefore “franchisee” because they quote or invoke the Internal Revenue Code, even though they may be “nontaxpayers” who are not subject. It is the crime if impersonating a public officer for a private American to quote or invoke any civil statutory remedy, and the judge is complicit and a co-conspirator in that crime if he allows such Americans to do so. See:

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

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

6.2. Government Instituted Slavery Using Franchises, Form #05.030

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

7. Quoting irrelevant case law from a foreign jurisdiction against a nonresident: This is identity theft. Like abuse of Choice of Law rules, quoting irrelevant case law from a legislatively foreign jurisdiction that the party is not domiciled within causes the judge to behave in a POLITICAL rather than LEGAL capacity and thus violate the Separation of Powers Doctrine. Case law that is quoted MUST derive from litigants who are “similarly situated”. That means the people who were the subject of the suit MUST have the SAME domicile and the SAME civil status, such as “taxpayer”, “resident”, driver, etc. If you are a “nontaxpayer” and non-franchisee, its identity theft to quote case law pertaining to statutory “taxpayers” against you. This creates the FALSE appearance that the cases cited have the “force of law” against you. See:

Government Identity Theft, Form #05.046, Section 9

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

8. Abusing equivocation to confuse contexts: Abusing words that have multiple contexts as if both contexts are equivalent. This ultimately causes a civil franchise status to be imputed to those that it does not apply to and thus kidnaps their legal identity and compels them to be party to a franchise contract that they do not consent to and cannot even lawfully consent to as a party with “inalienable rights”. This includes:

8.1. Confusing CONSTITUTIONAL and STATUTORY geographical terms. See:

8.1.1. Citizenship Status v. Tax Status, Form #10.011, Section 6

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

8.1.2. Non-Resident Non-Person Position, Form #05.020, Section 4

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

8.2. Confusing “United States” the legal person and corporation with “United States” the geography. See:

8.2.1. Foundations of Freedom Course, Form #12.021, Video 4: Willful Government Deception and Propaganda

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

8.2.2. Government Identity Theft, Form #05.046, Section 8.6.3

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

8.3. Confusing “State” in the Constitutional context with statutory term “this State”, meaning federal enclaves within states of the Union. Nearly all statutory state franchises only apply within federal enclaves where state and federal jurisdictions overlap. See:

8.3.1. Corporatization and Privatization of the Government, Form #05.024, Section 10.

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

8.3.2. State Income Tax, Form #05.031, Section 8.

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

8.3.3. *Sovereignty Forms and Instructions Online*, Form #10.004, Cites by Topic: “State”

<https://famguardian.org/TaxFreedom/CitesByTopic/State.htm>

8.4. Confusing CONSTITUTIONAL citizens with STATUTORY citizens. They are NOT equivalent and DO NOT overlap. See:

8.4.1. *Why You Are a “national”, “state national”, and Constitutional but Not Statutory Citizen*, Form #05.006, Sections 4 and 5

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

8.4.2. *Why the Fourteenth Amendment is Not a Threat to Your Freedom*, Form #08.015

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

8.4.3. *Government Identity Theft*, Form #05.046, Section 10

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

9. Abusing the word “includes”: Expanding legal definitions to include things not expressly stated. See:

9.1. *Legal Deception, Propaganda, and Fraud*, Form #05.014, Section 15.2

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

9.2. *Government Identity Theft*, Form #05.046, Section 8.4

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

10. Accusing non-governmental litigants suing government actors of being “frivolous” or penalizing them for it without providing legal evidence proving that the position that is CALLED “frivolous” is incorrect or untruthful. The result is an unconstitutional “presumption” that violates due process of law. We cover this in:

*Meaning of the Word “Frivolous”*, Form #05.027

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

In order to supervise judges in the proper execution of their duties as a vigilant American, you must therefore intimately understand all the above tactics and file criminal complaints against the judge immediately into the court record every time they are attempted. You can’t do this as an attorney without pissing off the judge and ILLEGALLY losing your license if you are litigating against a government actor. You MUST therefore be a private American when you do it. The tactics for dealing with the above abuses mostly appear in the following documents:

1. *Government Identity Theft*, Form #05.046

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

2. *Tax Form Attachment*, Form #04.201

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

3. *Rules of Presumption and Statutory Interpretation*, Litigation Tool #01.006

<https://sedm.org/Litigation/LitIndex.htm>

4. *Citizenship, Domicile, and Tax Status Options*, Form #10.003

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

5. *Affidavit of Citizenship, Domicile, and Tax Status*, Form #02.001

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

6. *Citizenship Status v. Tax Status*, Form #10.011

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

7. *Federal Pleading, Motion, and Petition Attachment*, Litigation Tool #01.002

<https://sedm.org/Litigation/LitIndex.htm>

For an entertaining video on the subject of this section, we highly recommend the following video:

*Courts Cannot Make Law*, Michael Anthony Peroutka Townhall

<https://sedm.org/courts-cannot-make-law/>

## 5.13 How to Prevent Abuses or Misuses of the Word “Law” by Government Workers

This section is a defense against the following fraudulent tactics by those in government:

1. *Foundations of Freedom Course*, Form #12.021, Video 4: Willful Government Deception and Propaganda

[https://www.youtube.com/watch?v=hPWMfa\\_oD-w](https://www.youtube.com/watch?v=hPWMfa_oD-w)

2. *Legal Deception, Propaganda, and Fraud*, Form #05.014

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

- 1 3. Presumption: Chief Weapon for Unlawfully Enlarging Federal Jurisdiction, Form #05.017  
2 <https://sedm.org/Forms/FormIndex.htm>

3 The biblical reason for this section is explained in the following videos:

- 4 1. Oreilly Factor, April 8, 2015—John Piper of the Oklahoma Wesleyan University  
5 [http://famguardian1.org/Mirror/Famguardian/20150408\\_1958-The\\_O'Reilly\\_Factor-](http://famguardian1.org/Mirror/Famguardian/20150408_1958-The_O'Reilly_Factor-Dealing%20with%20slanderous%20liberals%20biblically-Everett%20Piper.mp4)  
6 [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)  
7 2. Overcoming the World 2014 Conference: Against the World (OFFSITE LINK)-Ligonier Ministries. Click here for  
8 original source, minutes 15-24.  
9 <http://sedm.org/Media/Ligonier-OvercomingTheWorld2014-Against%20the%20World-15-24-Language.mp4>  
10 3. Words are Our Enemies' Weapons, Part 1 (OFFSITE LINK)-Sheldon Emry  
11 <http://sheldonemrylibrary.famguardian.org/CassetteTapedMessages/1976/7603a.mp3>  
12 4. Words are Our Enemies' Weapons, Part 2 (OFFSITE LINK)-Sheldon Emry  
13 <http://sheldonemrylibrary.famguardian.org/CassetteTapedMessages/1976/7603b.mp3>  
14 5. Roman Catholicism and the Battle Over Words (OFFSITE LINK)-Ligonier Ministries  
15 <https://youtu.be/uxmEK1RGJQc>  
16 6. The Keys to Freedom (OFFSITE LINK)-Bob Hamp  
17 <https://youtu.be/rYIDRxDU5mw>

18 The legal purpose of these definitions is to prevent GOVERNMENT crime using words:

<p><u>Word Crimes</u>, Weird Al Yankovic <a href="https://youtu.be/8Gv0H-vPoDc">https://youtu.be/8Gv0H-vPoDc</a></p>
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19 [. . .]

20 **SEDM: DISCLAIMER/LICENSE AGREEMENT**

21 **4. MEANING OF WORDS**

22 The term “law” is defined as follows:

23 *“True Law is right reason in agreement with Nature, it is of universal application, unchanging and everlasting;  
24 it summons to duty by its commands and averts from wrong-doing by its prohibitions. And it does not lay its  
25 commands or prohibitions upon good men in vain, although neither have any effect upon the wicked. It is a sin  
26 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.  
27 We cannot be freed from its obligations by Senate or People, and we need not look outside ourselves for an  
28 expounder or interpreter of it. And there will not be different laws at Rome or at Athens, or different laws now  
29 and in the future, but one eternal and unchangeable law will be valid for all times and all nations, and there  
30 will be one master and one rule, that is God, for He is the author of this law, its promulgator, and its enforcing  
31 judge.”*  
32 *[Marcus Tullius Cicero, 106-43 B.C.]*

33 *“Power and law are not synonymous. In truth, they are frequently in opposition and irreconcilable. There is  
34 God's Law from which all equitable laws of man emerge and by which men must live if they are not to die in  
35 oppression, chaos and despair. Divorced from God's eternal and immutable Law, established before the  
36 founding of the suns, man's power is evil no matter the noble words with which it is employed or the motives  
37 urged when enforcing it. Men of good will, mindful therefore of the Law laid down by God, will oppose  
38 governments whose rule is by men, and if they wish to survive as a nation they will destroy the [de facto]  
39 government which attempts to adjudicate by the whim of venal judges.”*  
40 *[Marcus Tullius Cicero, 106-43 B.C.]*

41 “Law” is defined to EXCLUDE any and all civil statutory codes, franchises, or privileges in relation to any and all  
42 governments and to include ONLY the COMMON law, the CONSTITUTION (if trespassing government actors ONLY are  
43 involved), and the CRIMINAL law.

44 *The Court developed, for its own governance in the cases confessedly within its jurisdiction, a series of rules  
45 under which it has avoided passing upon a large part of all the constitutional questions pressed upon it for  
46 decision. They are:*

[...]

6. The Court will not pass upon the constitutionality of a statute at the instance of one who has availed himself of its benefits. *FN7 Great Falls Mfg. Co. v. Attorney General*, 124 U.S. 581, 8 S.Ct. 631, 31 L.Ed. 527; *Wall v. Parrot Silver & Copper Co.*, 244 U.S. 407, 411, 412, 37 S.Ct. 609, 61 L.Ed. 1229; *St. Louis Malleable Casting Co. v. Prendergast Construction Co.*, 260 U.S. 469, 43 S.Ct. 178, 67 L.Ed. 351.

*FN7 Compare Electric Co. v. Dow*, 166 U.S. 489, 17 S.Ct. 645, 41 L.Ed. 1088; *Pierce v. Somerset Ry.*, 171 U.S. 641, 648, 19 S.Ct. 64, 43 L.Ed. 316; *Leonard v. Vicksburg, etc., R. Co.*, 198 U.S. 416, 422, 25 S.Ct. 750, 49 L.Ed. 1108.

[*Ashwander v. Tennessee Valley Authority*, 297 U.S. 288, 56 S.Ct. 466 (1936)]

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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]

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"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.

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"What, then, is [civil] legislation? It is an assumption [presumption] by one man, or body of men, of absolute, irresponsible dominion [because of abuse of sovereign immunity and the act of "CONSENT" by calling yourself a "citizen"] over all other men whom they call subject to their power. It is the assumption by one man, or body of men, of a right to subject all other men to their will and their service. It is the assumption by one man, or body of men, of a right to abolish outright all the natural rights, all the natural liberty of all other men; to make all other men their slaves; to arbitrarily dictate to all other men what they may, and may not, do; what they may, and may not, have; what they may, and may not, be. It is, in short, the assumption of a right to banish the principle of human rights, the principle of justice itself, from off the earth, and set up their own personal will [society of men and not law], pleasure, and interest in its place. All this, and nothing less, is involved in the very idea that there can be any such thing as human [CIVIL] legislation that is obligatory upon those upon whom it is imposed [and ESPECIALLY those who never expressly consented in writing]."

[*Natural Law*, Chapter I, Section IV, Lysander Spooner;

SOURCE: <http://famguardian.org/PublishedAuthors/Indiv/SpoonerLysander/NaturalLaw.htm>]

The above methods of REMOVING the protections of the common law and the constitution from the INALIENABLE rights [rights that CANNOT lawfully be given away, even WITH consent] that are protected by them has been described by the U.S. Congress as the ESSENCE of communism itself! This is especially true when you add games with legal words of art to remove even the STATUTORY limitations upon the conduct of the government. See [Legal Deception, Propaganda, and Fraud, Form #05.014](#).

The Congress finds and declares that the Communist Party of the United States [consisting of the IRS, DOJ, and a corrupted federal judiciary], although purportedly a political party, is in fact an instrumentality of a conspiracy to overthrow the [de jure] Government of the United States [and replace it with a de facto government ruled by the judiciary]. It constitutes an authoritarian dictatorship [IRS, DOJ, and corrupted federal judiciary in collusion] within a [constitutional] republic, demanding for itself the rights and [FRANCHISE] privileges [including immunity from prosecution for their wrongdoing in violation of Article I, Section 9, Clause 8 of the Constitution] accorded to political parties, but denying to all others the liberties [Bill of Rights] guaranteed by the Constitution [Form #10.002]. Unlike political parties, which evolve their policies and programs through public means, by the reconciliation of a wide variety of individual views, and submit those policies and programs to the electorate at large for approval or disapproval, the policies and programs of the Communist Party are secretly [by corrupt judges and the IRS in complete disregard of, Form #05.014, the tax franchise “codes”, Form #05.001] prescribed for it by the foreign leaders of the world Communist movement [the IRS and Federal Reserve]. Its members [the Congress, which was terrorized to do IRS bidding by the framing of Congressman Traficant] have no part in determining its goals, and are not permitted to voice dissent to party objectives. Unlike members of political parties, members of the Communist Party are recruited for indoctrination [in the public FOOL system by homosexuals, liberals, and socialists] with respect to its objectives and methods, and are organized, instructed, and disciplined [by the IRS and a corrupted judiciary] to carry into action slavishly the assignments given them by their hierarchical chieftains. Unlike political parties, the Communist Party [thanks to a corrupted federal judiciary] acknowledges no constitutional or statutory limitations upon its conduct or upon that of its members [ANARCHISTS!, Form #08.020]. The Communist Party is relatively small numerically, and gives scant indication of capacity ever to attain its ends by lawful political means. The peril inherent in its operation arises not from its numbers, but from its failure to acknowledge any limitation as to the nature of its activities, and its dedication to the proposition that the present constitutional Government of the United States ultimately must be brought to ruin by any available means, including resort to force and violence for using income taxes]. Holding that doctrine, its role as the agency of a hostile foreign power [the Federal Reserve and the American Bar Association (ABA)] renders its existence a clear present and continuing danger to the security of the United States. It is the means whereby individuals are seduced [illegally KIDNAPPED via identity theft!, Form #05.046] into the service of the world Communist movement [using FALSE information returns and other PERJURIOUS government forms, Form #04.001], trained to do its bidding [by FALSE government publications and statements that the government is not accountable for the accuracy of, Form #05.007], and directed and controlled [using FRANCHISES illegally enforced upon NONRESIDENTS, Form #05.030] in the conspiratorial performance of their revolutionary services. Therefore, the Communist Party should be outlawed

The above corruption of our Constitutional Republic by the unconstitutional abuse of franchises, the violation of the rules of statutory construction, and interference with common law remedies was described by the U.S. Supreme Court as follows:

“These are words of weighty import. They involve consequences of the most momentous character. 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 be the 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.

Although from the foundation of the Government this court has held steadily to the view that the Government of the United States was one of enumerated powers, and that no one of its branches, nor all of its branches combined, could constitutionally exercise powers not granted, or which were not necessarily implied from those expressly granted, Martin v. Hunter, 1 Wheat. 304, 326, 331, we are now informed that Congress possesses powers outside of the Constitution, and may deal with new territory, 380\*380 acquired by treaty or conquest, in the same manner as other nations have been accustomed to act with respect to territories acquired by them. In my opinion, Congress has no existence and can exercise no authority outside of the Constitution. Still less is it true that Congress can deal with new territories just as other nations have done or may do with their new territories. This nation is under the control of a written constitution, the supreme law of the land and the only source of the powers which our Government, or any branch or officer of it, may exert at any time or at any place. Monarchical and despotic governments, unrestrained by written constitutions, may do with newly acquired territories what this Government may not do consistently with our fundamental law. To say otherwise is to concede that Congress may, by action taken outside of the Constitution, engraft upon our republican institutions a colonial system such as exists under monarchical governments. Surely such a result was never contemplated by the fathers of the Constitution. If that instrument had contained a word suggesting the possibility of a result of that character it would never have been adopted by the People of the United States. The idea that this country may acquire territories anywhere upon the earth, by conquest or treaty, and hold them as mere colonies or provinces — the people inhabiting them to enjoy only such rights as Congress chooses to accord to them — is wholly inconsistent with the spirit and genius as well as with the words of the Constitution.”

[Downes v. Bidwell, 182 U.S. 244 (1901), Justice Harlan, Dissenting]



Civil statutory codes, franchises, or privileges are referred to on this website as “private law”, but not “law”. The word “public” precedes all uses of “law” when dealing with acts of government and hence, refers only to COMMON law and CRIMINAL law that applies equally to everyone, regardless of [their consent](#). Involvement in any and all “private law” franchises or privileges offered by any government ALWAYS undermines and threatens sovereignty, autonomy, and equality, turns government into an [unconstitutional civil religion](#), and [corrupts even the finest of people](#). This is explained in:

*Government Instituted Slavery Using Franchises*, Form #05.030  
FORMS PAGE: <http://sedm.org/Forms/FormIndex.htm>  
DIRECT LINK: <http://sedm.org/Forms/05-MemLaw/Franchises.pdf>

Any use of the word “law” by any government actor directed at us or any member, if not clarified with the words “private” or “public” in front of the word “law” shall constitute:

1. A criminal attempt and conspiracy to recruit us to be [a public officer called a “person”, “taxpayer”, “citizen”, “resident”, etc.](#)
2. A solicitation of [illegal bribes called “taxes”](#) to treat us “AS IF” we are a public officer.
3. A [criminal conspiracy to convert PRIVATE rights into PUBLIC rights](#) and to violate the Bill of Rights.

The protection of PRIVATE rights mandated by the Bill of Rights BEGINS with and requires:

1. ALWAYS keeping PRIVATE and PUBLIC rights separated and never mixing them together.
2. Using unambiguous language about the TYPE of “right” that is being protected: PUBLIC or PRIVATE in every use of the word “right”. The way to avoid confusing PUBLIC and PRIVATE RIGHTS is to simply refer to PRIVATE rights as “privileges” and NEVER refer to them as “rights”.
3. Only converting PRIVATE rights to PUBLIC rights with the express written consent of the HUMAN owner.
4. Limiting the conversion to geographical places where rights are NOT unalienable. This means the conversion occurred either abroad or on government territory not within the exclusive jurisdiction of a Constitutional state. Otherwise, the Declaration of Independence, which is organic law, would be violated.
5. Keeping the rules for converting PRIVATE to PUBLIC so simple, unambiguous, and clear that a child could understand them and always referring to these rules in every interaction between the government and those they are charged with protecting.
6. Ensuring that in every interaction (and ESPECIALLY ENFORCEMENT ACTION) between the government both administratively and in court, that any right the government claims to civilly enforce against, regulate, tax, or burden otherwise PRIVATE property is proven ON THE RECORD IN WRITING to originate from the rules documented in the previous step. This BURDEN OF PROOF must be met both ADMINISTRATIVELY and IN COURT BEFORE any enforcement action may be lawfully attempted by any government. It must be met by an IMPARTIAL decision maker with NO FINANCIAL interest in the outcome and not employed by the government or else a criminal financial conflict of interest will result. In other words, the government has to prove that it is NOT stealing before it can take property, that it is the lawful owner, and expressly HOW it became the lawful owner.
7. Enforcing the following [CONCLUSIVE PRESUMPTION](#) against [government jurisdiction](#) to enforce unless and until the above requirements are met:

*“All rights and property are PRESUMED to be EXCLUSIVELY PRIVATE and beyond the control of government or the CIVIL statutory franchise codes unless and until the government meets the burden of proving, WITH EVIDENCE, on the record of the proceeding that:*

1. A SPECIFIC formerly PRIVATE owner consented IN WRITING to convert said property to PUBLIC property.
2. The owner was either abroad, domiciled on, or at least PRESENT on federal territory NOT protected by the Constitution and therefore had the legal capacity to ALIENATE a Constitutional right or relieve a public servant of the fiduciary obligation to respect and protect the right. Those physically present but not necessarily domiciled in a constitutional but not statutory state protected by the constitution cannot lawfully alienate rights to a real, de jure government, even WITH their consent.
3. If the government refuses to meet the above burden of proof, it shall be CONCLUSIVELY PRESUMED to be operating in a PRIVATE, corporate capacity on an EQUAL footing with every other private corporation and which is therefore NOT protected by official, judicial, or sovereign immunity.”

For a detailed exposition on the mandatory separation between PUBLIC and PRIVATE as indicated above, please see the following course on our site:

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

## **5.14 Summary of Criteria for determining whether an enactment is “law” or merely a private law franchise**

Based on the previous discussion, below is a list that readers can use to determine whether an enactment being enforced against them is “law” or merely a private law franchise. If you find any of the characteristics below apply to the statute being enforced, then it is voluntary and private law and you can use it to circumvent enforcement:

**Table 1: Characteristics that make an enactment private law**

#	Characteristic	Reason	Example(s)
1	The government exempts itself from enforcement	Equal protection and equal treatment requirement. Statutes that don’t apply equally to all are called “class legislation” and franchises are the main method to implement class legislation. See Form #05.030.	Can assert sovereign immunity to exempt self or has done so in the past.
2	The enactment only pertains to a specific class or group of people such as “taxpayers”, “public officers”, “citizens”, “residents”	Equal protection and equal treatment requirement. Statutes that don’t apply equally to all are called “class legislation” and franchises are the main method to implement class legislation. See Form #05.030.	The Internal Revenue Code only pertains to “taxpayers” per 26 U.S.C. §7701(a)(14) and not everyone is a statutory “taxpayer”. Vehicle Code only pertains to “drivers” and you have to volunteer to become a “driver” to be subject to it.
3	Enforcement authority depends on civil domicile	Equal protection and equal treatment requirement. Domicile is voluntary and cannot be compelled. See Form #05.002.	Court cases involving the enactment are dismissed against nonresident parties who are physically present in the territory protected by the court.
4	The enactment generates revenues that the government redistributes to other private parties	Taxing powers cannot authorize wealth redistribution. Taxing authority requires tax revenues to be paid ONLY to the government and not private citizens or ordinary people. See <i>Loan Association v. Topeka</i> , 87 U.S. (20 Wall.) 655 (1874).	Social Security, Medicare, and the Income Tax all transfer wealth between people.
5	The enactment punishes an activity for which there is no injured party.	Law cannot punish innocence as a crime. Innocence means no injured party.	Seat belt tickets under the Vehicle Code. IRS penalties.
6	The statute abuses the police force to collect revenue.	Policemen cannot engage in civil enforcement, including penalty enforcement. All penalties are civil/penal. Revenue Collection or profiting from crime gives the police a criminal financial conflict of interest. See Form #12.022.	Speeding tickets.
7	Parties have unequal rights or privileges against each other under the terms of the enactment.	Equal protection and equal treatment requirement.	Government can collect “taxes” but citizens cannot collect fees for their services to the government that they also call “taxes” by the same enforcement mechanisms such as liens, levies, penalties, etc. They are put in jail if they attempt imitating the government’s revenue collection techniques even if they follow the government’s same procedures.
8	The enactment compels a surrender of some constitutionally protected right	Constitutional rights are unalienable, which means you ARE NOT ALLOWED by law to give them up, even with your consent. The is called the Unconstitutional Condition Doctrine by the U.S. Supreme Court. See Form #05.030.	State Department or Department of Motor Vehicles (DMV) compel you to obtain a Social Security Number to get a USA Passport or Driver License respectively. DMV penalizes those not engaged in the use of the public roadways for hire to obtain a driver license. See Form #10.012 and Form #06.010 respectively
9	The enactment interferes with the right to contract of two parties by inserting the government into the middle of the contract or assigning a civil status to one or more of the parties that carries obligations.	Governments are established to protect your right to contract or not contract. If you can’t remove the government from the contract or from involvement with EITHER or BOTH parties, then you don’t have a right to contract.	Federal Investment in Real Property Transfer Act (FIRPTA) rules that turn the Buyer against the Seller for real estate sales. See Form #05.028. Financial institutes that compel you to choose a civil status under the tax code such as “U.S. person” or “foreign person” in order to open a PRIVATE account as a PRIVATE human. See Form #09.001.

#	Characteristic	Reason	Example(s)
10	The statute claims the right to compel you to do anything.	The Thirteenth Amendment prohibits involuntary servitude. Therefore, they must procure your consent and you must be physically located in a place NOT protected by the Constitution so that you were able to alienate an otherwise INALIENABLE right. See Form #12.038.	IRS fraudulently claims the authority to compel you to file a tax return or puts you in jail. See Form #05.009. The only place they can do this is on federal territory not protected by the Constitution.

On a bigger scale, remember that according to the Declaration of Independence all JUST powers derive from the CONSENT of the governed.

*"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]*

This means that:

1. You must FIRST consent to be CIVILLY governed by choosing a CIVIL domicile. See:

*Why Domicile and Becoming a "Taxpayer" Require Your Consent*, Form #05.002

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

DIRECT LINK: <https://sedm.org/Forms/05-MemLaw/Domicile.pdf>

2. Even those consenting to be civilly governed by choosing a civil domicile cannot alienate constitutionally protected rights that are unalienable. Hence, the waiver of constitutional rights cannot result from choice of civil domicile.<sup>50</sup>
3. If the government claims that you alienated a constitutional right, then they have the burden of proving that:
  - 3.1. You were physically present where constitutional rights DO NOT apply, because all such rights attach to LAND, and not the status of the people ON the land.<sup>51</sup>
  - 3.2. You were either abroad or on federal territory not protected by the constitution at the time you consented.
4. Every instance where consent is procured, it must be done LAWFULLY. The presence of duress renders any attempt to procure consent INVALID. For details on what constitutes lawfully procured consent, see:

*Requirement for Consent*, Form #05.003

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

DIRECT LINK: <https://sedm.org/Forms/05-MemLaw/Consent.pdf>

5. If you indicate the existence of duress every time they try to enforce in your administrative record, then they have no enforcement authority and are usually committing crime as a consequence. See:

*Affidavit of Duress: Illegal Tax Enforcement by De Facto Officers*, Form #02.005

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

DIRECT LINK: <https://sedm.org/Forms/02-Affidavits/AffOfDuress-Tax.pdf>

6. In the presence of duress, they are acting outside the lawful delegated authority, and as such:
  - 6.1. They are Buyers of your private property and your time.
  - 6.2. As the Merchant SELLING your private property to them, you can place any condition and any price upon the sale.
  - 6.3. To regulate THEIR conduct during the STEALING or procurement of your private property, all you have to do is produce legal evidence that they were noticed of the terms and conditions, and they instantly become enforceable under the U.C.C. against them as the BUYER.<sup>52</sup>
  - 6.4. To give them notice of the obligations attaching to the use or possession of your private property, you can use the following as an example:

<sup>50</sup> See: *Requirement for Consent*, Form #05.003, Section 7: Things you CANNOT Lawfully Consent To; <https://sedm.org/Forms/05-MemLaw/Consent.pdf>.

<sup>51</sup> "It is locality that is determinative of the application of the Constitution, in such matters as judicial procedure, and not the status of the people who live in it." [Balzac v. Porto Rico, 258 U.S. 298 (1922)]

<sup>52</sup> See: *Path to Freedom*, Form #09.015, Section 5.6: Merchant or Buyer?; <https://sedm.org/Forms/09-Procs/PathToFreedom.pdf>.

Injury Defense Franchise and Agreement, Form #06.027

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

DIRECT LINK: <https://sedm.org/Forms/06-AvoidingFranch/InjuryDefenseFranchise.pdf>

7. If they claim that you can't impose duties upon them by the method in the previous step, then under the concept of equal protection and equal treatment, then THEY can't offer or enforce their franchises EITHER. This mechanism is the SAME mechanism they use to recruit franchisees to begin with! Fight fire with fire! See:

Government Instituted Slavery Using Franchises, Form #05.030

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

DIRECT LINK: <https://sedm.org/Forms/05-MemLaw/Franchises.pdf>

The presence of duress, penalties, or coercion renders any consent invalid and conveys no rights to the government. Likewise, any attempt to procure consent to alienate any inalienable right is unlawful and conveys no rights to the government. See:

1. Unalienable Rights Course, Form #12.038  
<http://sedm.org/Forms/FormIndex.htm>
2. Enumeration of Inalienable Rights, Form #10.002  
<http://sedm.org/Forms/FormIndex.htm>

It constitutes criminal financial conflict of interest for the government to do anything for profit, or to profit financially from crime. Any attempt to do so turns the government into a thief and a Robinhood and transforms the PUBLIC trust into a SHAM trust. The following video powerfully explains why:

How Much Criminalization Will You Tolerate From Your Government-Freedom Taker

<https://youtu.be/EZTMKfTP6P0>

## 5.15 What is “rule of law” in the context of the “law” defined here?

The U.S. Supreme Court in *Marbury v. Madison* famously declared our country “a government of laws, not men”:

*“The government of the United States has been emphatically termed a government of laws, and not of men. It will certainly cease to deserve this high appellation, if the laws furnish no remedy for the violation of a vested legal right.”*

*[Marbury v. Madison, 5 U.S. 137 (1803)]*

The phrase “government of laws, not men” was first coined by John Adams in his *Novanglus Essays*, No. 7 and later adopted by the U.S. Supreme Court.<sup>53</sup> But what EXACTLY does this mean in the context of the way “law” is defined in this document?

A “government of laws, not men” would include all the following components:

1. The main function of the written “law” is to CONSTRAIN government power.
  - 1.1. True “law” may never use “consent” in a way that enlarges government power beyond ONLY what is EXPRESSLY identified in the constitution, as all franchises are designed to do.
  - 1.2. We proved this earlier in sections 5.2 and 5.3.
2. It is based on the idea that the government can ONLY do that which is EXPRESSLY allowed in the constitution. The way the present “government” operates, it uses franchises to create any type of power it wants and only rules it unconstitutional when the constitution EXPRESSLY prohibits it. This is a corruption of our system. Here is what one the Founders said on this subject:

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

*“If Congress can employ money indefinitely to the general welfare, and are the sole and supreme judges of the general welfare, they may take the care of religion into their own hands; they may appoint teachers in*

<sup>53</sup> See: Wikipedia: *Novanglus Essay No. 7*; [https://en.wikisource.org/wiki/Novanglus\\_Essays/No.\\_7](https://en.wikisource.org/wiki/Novanglus_Essays/No._7)

every State, county and parish and pay them out of their public treasury; they may take into their own hands the education of children, establishing in like manner schools throughout the Union; they may assume the provision of the poor; they may undertake the regulation of all roads other than post-roads; in short, every thing, from the highest object of state legislation down to the most minute object of police, would be thrown under the power of Congress.... Were the power of Congress to be established in the latitude contended for, it would subvert the very foundations, and transmute the very nature of the limited Government established by the people of America."

"If Congress can do whatever in their discretion can be done by money, and will promote the general welfare, the government is no longer a limited one possessing enumerated powers, but an indefinite one subject to particular exceptions."  
[James Madison. House of Representatives, February 7, 1792, On the Cod Fishery Bill, granting Bounties]

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

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

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

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

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Mr. GILES. The present section of the bill (he continued) appears to contain a direct bounty on occupations; and if that be its object, it is the first attempt as yet made by this government to exercise such authority; -- and its constitutionality struck him in a doubtful point of view; for in no part of the Constitution could he, in express terms, find a power given to Congress to grant bounties on occupations: the power is neither {427} directly granted, nor (by any reasonable construction that he could give) annexed to any other specified in the Constitution.  
[On the Cod Fishery Bill, granting Bounties. House of Representatives, February 3, 1792]

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Mr. WILLIAMSON. In the Constitution of this government, there are two or three remarkable provisions which seem to be in point. It is provided that direct taxes shall be apportioned among the several states according to their respective numbers. It is also provided that "all duties, imposts, and excises, shall be uniform throughout the United States;" and it is provided that no preference shall be given, by any regulation of commercial revenue, to the ports of one state over those of another. The clear and obvious intention of the articles mentioned was, that Congress might not have the power of imposing unequal burdens -- that it might not be in



1           their power to gratify one part of the Union by oppressing another. It appeared possible, and not very  
2           improbable, that the time might come, when, by greater cohesion, by more unanimity, by more address, the  
3           representatives of one part of the Union might attempt to impose unequal taxes, or to relieve their constituents  
4           at the expense of the people. To prevent the possibility of such a combination, the articles that I have mentioned  
5           were inserted in the Constitution.

6           I do not hazard much in saying that the present Constitution had never been adopted without those preliminary  
7           guards on the Constitution. Establish the general doctrine of bounties, and all the provisions I have mentioned  
8           become useless. They vanish into air, and, like the baseless fabric of a vision, leave not a trace behind. The  
9           common defence and general welfare, in the hands of a good politician, may supersede every part of our  
10          Constitution, and leave us in the hands of time and chance. Manufactures in general are useful to the nation;  
11          they prescribe the public good and general welfare. How many of them are springing up in the Northern States!  
12          Let them be properly supported by bounties, and you will find no occasion for unequal taxes. The tax may be  
13          equal in the beginning; it will be sufficiently unequal in the end.

14          The object of the bounty, and the amount of it, are equally to be disregarded in the present case. We are simply  
15          to consider whether bounties may safely be given under the present Constitution. For myself, I would rather  
16          begin with a bounty of one million per annum, than one thousand. I wish that my constituents may know  
17          whether they are to put any confidence in that paper called the Constitution.

18          Unless the Southern States are protected by the Constitution, their valuable staple, and their visionary wealth,  
19          must occasion their destruction. Three short years has this government existed; it is not three years; but we  
20          have already given serious alarms to many of our fellow-citizens. Establish the doctrine of bounties; set aside  
21          that part of the Constitution which requires equal taxes, and demands similar distributions; destroy this  
22          barrier; -- and it is not a few fishermen that will enter, claiming ten or twelve thousand dollars, but all manner  
23          of persons; people of every trade and occupation may enter in at the breach, until they have eaten up the bread  
24          of our children.

25          Mr. MADISON. It is supposed, by some gentlemen, that Congress have authority not only to grant bounties in  
26          the sense here used, merely as a commutation for drawback, but even to grant them under a power by virtue of  
27          which they may do any thing which they may think conducive to the general welfare! This, sir, in my mind,  
28          raises the important and fundamental question, whether the general terms which have been cited are [428] to  
29          be considered as a sort of caption, or general description of the specified powers; and as having no further  
30          meaning, and giving no further powers, than what is found in that specification, or as an abstract and indefinite  
31          delegation of power extending to all cases whatever -- to all such, at least, as will admit the application of  
32          money -- which is giving as much latitude as any government could well desire.

33          I, sir, have always conceived -- I believe those who proposed the Constitution conceived -- it is still more fully  
34          known, and more material to observe, that those who ratified the Constitution conceived -- that this is not an  
35          indefinite government, deriving its powers from the general terms prefixed to the specified powers -- but a  
36          limited government, tied down to the specified powers, which explain and define the general terms.

37          It is to be recollected that the terms "common defence and general welfare," as here used, are not novel terms,  
38          first introduced into this Constitution. They are terms familiar in their construction, and well known to the  
39          people of America. They are repeatedly found in the old Articles of Confederation, where, although they are  
40          susceptible of as great a latitude as can be given them by the context here, it was never supposed or pretended  
41          that they conveyed any such power as is now assigned to them. On the contrary, it was always considered clear  
42          and certain that the old Congress was limited to the enumerated powers, and that the enumeration limited and  
43          explained the general terms. I ask the gentlemen themselves, whether it was ever supposed or suspected that the  
44          old Congress could give away the money of the states to bounties to encourage agriculture, or for any other  
45          purpose they pleased. If such a power had been possessed by that body, it would have been much less impotent,  
46          or have borne a very different character from that universally ascribed to it.

47          The novel idea now annexed to those terms, and never before entertained by the friends or enemies of the  
48          government, will have a further consequence, which cannot have been taken into the view of the gentlemen.  
49          Their construction would not only give Congress the complete legislative power I have stated, -- it would do  
50          more; it would supersede all the restrictions understood at present to lie, in their power with respect to a  
51          judiciary. It would put it in the power of Congress to establish courts throughout the United States, with  
52          cognizance of suits between citizen and citizen, and in all cases whatsoever.

53          This, sir, seems to be demonstrable; for if the clause in question really authorizes Congress to do whatever they  
54          think fit, provided it be for the general welfare, of which they are to judge, and money can be applied to it,  
55          Congress must have power to create and support a judiciary establishment, with a jurisdiction extending to all  
56          cases favorable, in their opinion, to the general welfare, in the same manner as they have power to pass laws,  
57          and apply money providing in any other way for the general welfare. I shall be reminded, perhaps, that,  
58          according to the terms of the Constitution, the judicial power is to extend to certain cases only, not to all cases.  
59          But this circumstance can have no effect in the argument, it being presupposed by the gentlemen, that the  
60          specification of certain objects does not limit the import of the general terms. Taking these terms as an abstract  
61          and indefinite grant of power, they comprise all the objects of legislative regulations -- as well such as fall

under the judiciary article in the Constitution as those falling immediately under the legislative article; and if the partial enumeration of objects in the legislative article does not, as these gentlemen contend, limit the general power, neither will it be limited by the partial enumeration of objects in the judiciary article.

[429] There are consequences, sir, still more extensive, which, as they follow dearly from the doctrine combated, must either be admitted, or the doctrine must be given up. If Congress can employ money indefinitely to the general welfare, and are the sole and supreme judges of the general welfare, they may take the care of religion into their Own hands; they may a point teachers in every state, county, and parish, and pay them out of their public treasury; they may take into their own hands the education of children, establishing in like manner schools throughout the Union; they may assume the provision for the poor; they may undertake the regulation of all roads other than post-roads; in short, every thing, from the highest object of state legislation down to the most minute object of police, would be thrown under the power of Congress; for every object I have mentioned would admit of the application of money, and might be called, if Congress pleased, provisions for the general welfare.

The language held in various discussions of this house is a proof that the doctrine in question was never entertained by this body. Arguments, wherever the subject would permit, have constantly been drawn from the peculiar nature of this government, as limited to certain enumerated powers, instead of extending, like other governments, to all cases not particularly excepted. In a very late instance -- I mean the debate on the representation bill -- it must be remembered that an argument much used, particularly by gentlemen from Massachusetts, against the ratio of 1 for 30,000, was, that this government was unlike the state governments, which had an indefinite variety of objects within their power; that it had a small number of objects only to attend to; and therefore, that a smaller number of representatives would be sufficient to administer it.

Arguments have been advanced to show that because, in the regulation of trade, indirect and eventual encouragement is given to manufactures, therefore Congress have power to give money in direct bounties, or to grant it in any other way that would answer the same purpose. But surely, sir, there is a great and obvious difference, which it cannot be necessary to enlarge upon. A duty laid on imported implements of husbandry would, in its operation, be an indirect tax on exported produce; but will any one say that, by virtue of a mere power to lay duties on imports, Congress might go directly to the produce or implements of agriculture, or to the articles exported? It is true, duties on exports are expressly prohibited; but if there were no article forbidding them, a power directly to tax exports could never be deduced from a power to tax imports, although such a power might indirectly and incidentally affect exports.

In short, sir, without going farther into the subject. Which I should not have here touched at all but for the reasons already mentioned, I venture to declare it as my opinion, that, were the power of Congress to be established in the latitude contended for, it would subvert the very foundations, and transmute the very nature of the limited government established by the people of America; and what inferences might be drawn, or what consequences ensue, from such a step, it is incumbent on us all to consider.

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

3. The “laws” a true de jure government enforces apply equally to ALL, regardless of whether they consented or not. Everyone who violates them the same way gets the same penalty.
4. No group or collective can have any more rights or powers than a SINGLE human being. You can’t personally delegate to a collective entity that which what you don’t personally and individually have:

*“Derivativa potestas non potest esse major primitiva.  
The power which is derived cannot be greater than that from which it is derived.”*  
[Bouvier’s Law Dictionary Unabridged, 8th Edition, pg. 2131]

*“Quod per me non possum, nec per alium..  
What I cannot do in person, I cannot do through the agency of another.”*  
[Bouvier’s Law Dictionary Unabridged, 8th Edition, pg. 2159]

5. The “law” the government enforces is protective, meaning that it may only be enforced AFTER an injury occurs and in a way that remediates the harm done. This is called “malum in se”. True “law” cannot act in a PREVENTIVE manner, before the injury occurs, because this would be “malum prohibitum”. Malum prohibitum statutes work INJUSTICE, because they disturb your right to be left alone and protect NO party actually injured.
6. The ability to enforce real “law” does not depend on the consent or choice or discretion of anyone in the government. If it did depend on such discretion:
  - 6.1. It would make a “government of men and not law”.
  - 6.2. It would allow the Executive Branch to repeal a law it didn’t like by not enforcing it whenever it chooses. That would violate the separation of powers.
7. The government does not acquire the authority to enforce real “law” from the CONSENT of anyone. In other words:
  - 7.1. It does not acquire the “force of law” from consent of any kind. Again, that would make it a “government of men

and not law”.

7.2. It includes only the common law and the criminal law, neither of which depend on consent.

7.3. It is not a contract, compact, or franchise of any kind, all of which acquire their power to enforce from consent of at least TWO or more parties.

8. Everyone gets the same protection, and therefore pays EXACTLY the same amount to procure the protection. That is what direct taxes originally did: They were called a “capitation tax” and each human being was assessed the SAME amount of tax to get the same protection.

9. It produces NO commercial benefit from any government. The government cannot abuse its taxing powers to redistribute wealth. This would make the protection UNEQUAL.

*“To lay with one hand the power of government on the property of the citizen, and with the other to bestow it on favored individuals.. is none the less 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.”*  
[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 [tax] 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)]

10. Whatever the government can to is lawful for YOU to personally do. If they can collect a tax by using FRAUDULENT information returns to elect you into a public office without your consent, and collect a franchise tax upon you connected to the fraudulent and illegal office, then you should be able elect them into your OWN personal service without their express consent and collect by the same methods they do, including administrative notices of levy. See:

*The “Trade or Business” Scam*, Form #05.001  
<https://sedm.org/Forms/FormIndex.htm>

11. The government cannot exempt itself from ANY part of the law by asserting sovereign, official, or judicial immunity.
- 11.1. Doing so would produced anarchy and make the government into an object of religious idolatry in violation of the First Amendment.
- 11.2. Examples of such anarchy include the following, from Section 4 of our Disclaimer (<https://sedm.org/disclaimer.htm>):
- 11.2.1. Are superior in any way to the people they govern UNDER THE LAW.
- 11.2.2. Are not directly accountable to the people or the law. They prohibit the PEOPLE from criminally prosecuting their own crimes, reserving the right to prosecute to their own fellow criminals. Who polices the police? THE CRIMINALS.
- 11.2.3. Enact laws that exempt themselves. This is a violation of the Constitutional requirement for equal protection and equal treatment and constitutes an unconstitutional Title of Nobility in violation of Article 1, Section 9, Clause 8 of the United States Constitution.
- 11.2.4. Only enforce the law against others and NOT themselves, as a way to protect their own criminal activities by persecuting dissidents. This is called “selective enforcement”. In the legal field it is also called “professional courtesy”. Never kill the goose that lays the STOLEN golden eggs.
- 11.2.5. Break the laws with impunity. This happens most frequently when corrupt people in government engage in “selective enforcement”, whereby they refuse to prosecute or interfere with the prosecution of anyone in government. The Department of Justice (D.O.J.) or the District Attorney are the most frequent perpetrators of this type of crime.
- 11.2.6. Are able to choose which laws they want to be subject to, and thus refuse to enforce laws against themselves. The most frequent method for this type of abuse is to assert sovereign, official, or judicial immunity as a defense in order to protect the wrongdoers in government when they are acting outside their delegated authority, or outside what the definitions in the statutes EXPRESSLY allow.
- 11.2.7. Impute to themselves more rights or methods of acquiring rights than the people themselves have. In other words, who are the object of PAGAN IDOL WORSHIP because they possess “supernatural” powers. By “supernatural”, we mean that which is superior to the “natural”, which is ordinary human beings.
- 11.2.8. Claim and protect their own sovereign immunity, but refuse to recognize the same EQUAL immunity of the people from whom that power was delegated to begin with. Hypocrites.
- 11.2.9. Abuse sovereign immunity to exclude either the government or anyone working in the government from being subject to the laws they pass to regulate everyone ELSE’S behavior. In other words, they can choose WHEN they want to be a statutory “person” who is subject, and when they aren’t. Anyone who has this

kind of choice will ALWAYS corruptly exclude themselves and include everyone else, and thereby enforce and implement an unconstitutional “Title of Nobility” towards themselves. On this subject, the U.S. Supreme Court has held the following:

*"No man in this country [including legislators of the government as a legal person] is so high that he is above the law. No officer of the law may set that law at defiance with impunity. 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 by force, 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)]*

- 11.2.10. Have a monopoly on anything, INCLUDING “protection”, and who turn that monopoly into a mechanism to force EVERYONE illegally to be treated as uncompensated public officers in exchange for the “privilege” of being able to even exist or earn a living to support oneself.
- 11.2.11. Can tax and spend any amount or percentage of the people’s earnings over the OBJECTIONS of the people.
- 11.2.12. Can print, meaning illegally counterfeit, as much money as they want to fund their criminal enterprise, and thus to be completely free from accountability to the people.
- 11.2.13. Deceive and/or lie to the public with impunity by telling you that you can’t trust anything they say, but force YOU to sign everything under penalty of perjury when you want to talk to them. 26 U.S.C. §6065.

At the end of highly publicized trials of famous figures, such as Paul Manafort, and General Flynn, the prosecutors stand up outside the courtroom and invariably open with the statement that “we are a government of laws, not men”. Now you know they are LYING, based on this document. They are LYING because they aren’t talking about REAL law as defined here. Below are a few reasons why:

1. Even though they started their investigation pursuing people for “Russian Collusion”, ultimately, they used the prosecution as an excuse MAINLY to pad their own pockets and make their activities “revenue neutral”. Its all about the money. They could recover the money from their victim so they wouldn’t have to explain to their boss why the prosecution was so expensive.
2. The so-called “law” they are enforcing is really just a franchise that acquires the “force of law” from those participating. You can’t be a public officer without your consent and the tax is on the office:  

*The “Trade or Business” Scam*, Form #05.001  
<https://sedm.org/Forms/FormIndex.htm>
3. The prosecutor was lying to call the income tax “law” rather than “private law” or “special law”. If he had called it a “contract” as California Civil Code section 1428 does, then he would place the government in the position of having to prove that:
  - 3.1. He expressly consented to the agreement or contract.
  - 3.2. He was in a physical place not protected by the Constitution and therefore could consent to alienate an otherwise unalienable right. That means he was on federal territory or abroad.
4. They prosecuted Manafort for alleged “tax crimes” which in fact are not crimes, but infractions under a franchise agreement.

*Government Instituted Slavery Using Franchises*, Form #05.030, Section 16  
<https://sedm.org/Forms/FormIndex.htm>

## 5.16 Conclusions and Summary

Based on the evidence presented in this document, we can safely conclude the following facts:

1. Consent is the origin of ALL “just” authority of government, according to the Declaration of Independence, which is organic law enacted into law on the first page of the Statutes At Large. The Declaration is NOT a mere “policy statement” but in fact is enacted into real LAW.
2. You are being deceived by members of the legal profession about the meaning of “law”. Most of what people think of



as “law” in the phrase “society of law” is NOT in fact, “law”, but a voluntary contract or agreement.

3. Everything that legislators are elected to pass other than the criminal law is in fact the terms of a “membership agreement” for those who voluntarily call themselves “public servants”, “public officers”, “citizens” and “residents”. It is the equivalent of “club rules”.

4. If you don’t like the “club rules” or don’t want to follow them, then leave the club by changing your domicile and becoming a “non-resident”. Doing so is your RIGHT, and is protected by the First Amendment. See:

*Non-Resident Non-Person Position*, Form #05.020

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

5. It is not an act of “anarchy” to leave the “club” called the state to become a “non-resident”. It instead is:

5.1. An exercise of your First Amendment right to politically DIS-ASSOCIATE.

5.2. A fulfillment of your biblical obligation to NOT contract with or associate with anyone in government. This is called “sanctification” in the Protestant Christianity. See:

*Commandments About Relationship of Believers to the World*, SEDM

<https://sedm.org/home/commandments-about-relationship-of-believers-to-the-world/>

5.3. An exercise of your right to NOT contract.

5.4. An exercise of your right over your absolutely owned PRIVATE property. The essence of that right is to exclude any and all others from using, benefitting from or controlling your property in any way, including using the “club rules” called the civil statutory code.

For a description of why those following the biblical prohibition against contracts or commerce with governments are not “anarchists”, see:

*Problems with Atheistic Anarchism*, Form #08.020

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

6. There are two types of “law”: Public law and private law.

6.1. “Public law” regulates conduct of public officers on official business and those committing crimes against the equal rights of others.

6.1.1. It controls ONLY public property and public officers.

6.1.2. It is implemented with statutes.

6.1.3. The rights it conveys are revocable privileges on temporary grant to the recipient.

6.1.4. It requires MEMBERSHIP in the “state” as a corporation or a criminal injury to an otherwise PRIVATE party to enforce.

6.1.5. If it is CIVIL in nature, it acquires its authority or “the force of law” from your voluntary choice of civil domicile. See:

*Why Domicile and Becoming a “Taxpayer” Require Your Consent*, Form #05.002

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

6.2. “Private law” is implemented between private parties acting in a private capacity over absolutely owned private property.

6.2.1. It is implemented mainly with contracts or agreements.

6.2.2. It is protected by the Common Law and the Constitution.

6.3. When the government contracts with private parties, it goes down to the level of “private” and must approach them in equity. This is called the “Clearfield Doctrine”. See *United States v. Winstar Corp.* 518 U.S. 839 (1996).

7. The following constraints define the limits of what a classical “law” is:

7.1. It must apply equally to ALL. It cannot compel INEQUALITY of treatment between any man or class of men.

7.2. It cannot do collectively what people individually cannot NATURALLY do. In other words, in the words of [Frederic Bastiat](#), it aggregates the individual right of self-defense into a collective body so that it can be delegated. A single human CANNOT delegate a right he does not individually ALSO possess, which indirectly implies that no GROUP of men called “government” can have any more COLLECTIVE rights under the collective entity rule than a single human being. See the following video on the subject.

*Philosophy of Liberty*, Family Guardian Fellowship

<http://famguardian1.org/Subjects/Freedom/Articles/PhilosophyOfLiberty.mp4>

7.3. It cannot punish a citizen for an innocent action that was not a crime or not demonstrated to produce measurable harm. The ability to PROVE such harm with evidence in court is called “standing”.

7.4. It cannot compel the redistribution of wealth between two private parties. This is ESPECIALLY true if it is called a “tax”.

7.5. It cannot interfere with or impair the right of contracts between PRIVATE parties. That means it cannot compel income tax withholding unless one or more of the parties to the withholding are ALREADY public officers in the government.

7.6. It cannot interfere with the use or enjoyment or CONTROL over private property, so long as the use injures no



one. Implicit in this requirement is that it cannot FAIL to recognize the right of private property or force the owner to donate it to a PUBLIC USE or PUBLIC PURPOSE. In the common law, such an interference is called a “trespass”.

7.7. The rights it conveys must attach to LAND rather than the CIVIL STATUS (e.g. “taxpayer”, “citizen”, “resident”, etc.) of the people ON that land. One can be ON land within a PHYSICAL state WITHOUT being legally “WITHIN” that state (a corporation) as an officer of the government or corporation (Form #05.042) called a “citizen” or “resident”. See:

7.7.1. Your Exclusive Right to Declare or Establish Your Civil Status, Form #13.008.

7.7.2. Foundations of Freedom Course, Form #12.021, Video 4 covers how LAND and STATUS are deliberately confused through equivocation in order to KIDNAP people’s identity (Form #05.046) and transport it illegally to federal territory.

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

7.8. It must provide a remedy AFTER an injury occurs. It may not PREVENT injuries before they occur. Anything that operates in a PREVENTIVE rather than CORRECTIVE mode is a franchise. There is no standing in a REAL court to sue WITHOUT first demonstrating such an injury to the PRIVATE or NATURAL rights of the Plaintiff or VICTIM.

7.9. It cannot acquire the “force of law” from the consent of those it is enforced against. In other words, it cannot be an agreement or contract. All franchises and licensing, by the way, are types of contracts.

7.10. It does not include compacts or contracts between private people and governments. Rights that are INALIENABLE cannot be contracted away, even WITH consent. See Form #05.003.

7.11. It cannot, at any time, be called “voluntary”. Congress and even the U.S. Supreme Court call the IRC Subtitle a “income tax” voluntary.

7.12. It does not include franchises, licenses, or civil statutory codes, all of which derive ALL of their force of law from your consent in choosing a civil domicile (Form #05.002).

8. The main reason for wanting to know the definition of “law” is in the context of challenging illegal government enforcement actions, and especially those that violate your private property or private rights.

8.1. All enforcement actions are based upon enforcing a usually “alleged” but not “actual” thing called an “obligation”.

8.2. Most enforcement actions are administrative in nature and operate ENTIRELY upon contract or agreement.

9. A simple test you can use to distinguish between a “law” and “private law” in court when challenging illegal government enforcement actions is found in California Civil Code Section 1428. An alleged obligation is only lawful when it meets one of the following two criteria:

9.1. It involves an injury to PRIVATE property or rights to PRIVATE property under the common law.

9.2. It involves the enforcement of a contract whose terms have been violated and the violation results in an injury to PRIVATE property or rights to PRIVATE property.

10. In all enforcement actions, the GOVERNMENT is always the moving party asserting an alleged obligation. As the moving party:

10.1. It ALWAYS has the burden of proof to show that the alleged “obligation” was validly acquired by you.

10.2. It must prove with evidence and not presumption that it either was injured or that a contract or agreement with it was violated.

Those wishing to FORCE the government to satisfy its burden of proof in court may use the following resource on our site:

*Proof of Claim: Your Main Defense Against Government Greed and Corruption*, Form #09.073  
<https://sedm.org/Forms/FormIndex.htm>

11. It is nearly impossible to prove a negative. Anyone who has such an obligation is an object of prejudice and discrimination. Therefore you as the object of all government enforcement actions cannot be expected to prove any of the following:

11.1. That you DID NOT injure the government.

11.2. That you DID NOT have a contract or agreement with the government.

Instead, the GOVERNMENT must prove that it was injured or produce a written contract signed by you. If they can’t produce evidence of either, the enforcement action must not only be enjoined, it must be PUNISHED as an injury to YOU.

12. In most government enforcement actions, the government unjustly tries to shift the burden of proof to YOU by a mere PRESUMPTION that you are a contractor who must obey their franchise agreement. The best way to challenge that corrupt and unjust approach is to:

12.1. Insist that all presumptions which impair private rights are unconstitutional and impermissible. See:

- 12.2. Require them to satisfy the burden of proof that you lawfully consented to their contract or agreement IN WRITING.
- 12.3. Demand that you be treated as INNOCENT until proven GUILTY. That means you are a “nonresident” and a “nontaxpayer” until THEY prove you lawfully consented in writing to BECOME a person within a civil domicile within their exclusive jurisdiction or a franchisee such as a statutory “taxpayer”.
- 12.4. Use the same presumption of THEIR consent to YOUR franchise until THEY prove they rebut YOUR presumption that they did NOT consent the same way they try to do to you. This is based on the idea of the constitutional requirement for equality of treatment. See Form #06.027.
13. Judges may NOT act in a legislative capacity and if they do so, they are violating the Separation of Powers Doctrine.
14. Judges unconstitutionally “make law” by the following means:
- 14.1. To add things to statutory definitions that do not expressly appear by violating the rules of statutory construction and interpretation.
- 14.2. To refuse to enforce or dismiss efforts to enforce either the constitution or a statute, and thus to repeal it for a specific case.
- 14.3. To impute the “force of law” to that which has no force in the specific case at issue.
- 14.4. To impair the constitutional rights of a party protected by it, but to refuse to describe or even acknowledge WHEN or HOW those rights were voluntarily surrendered. This effectively repeals the Constitution.
- 14.5. To make presumptions about what the law requires that do not appear in the statutes. This imputes the “force of law” to the mere will of another.
- 14.6. To disregard or not enforce the domicile prerequisite for the enforcement of the civil statute as required by Federal Rule of Civil Procedure 17(b).
15. Governments are created to protect absolutely owned PRIVATE property and PRIVATE rights. The first step in that protection is to prevent your property from being converted to PUBLIC property or from being compelled to share ownership or control of your property with any government. If they won’t do that job, they have no right to insist that you have an obligation to pay them to protect you, because they are THIEVES. Would you hire a security guard for your property who insisted that you had to donate it to him or her or share ownership before he would protect it?
16. Every attempt by government to enforce has at its root the non-consensual conversion of PRIVATE property into PUBLIC property. To challenge illegal government enforcement actions, simply force them to prove that the property or rights they seek to STEAL from you were lawfully converted from ABSOLUTE ownership to either a QUALIFIED ownership shared with them. That conversion can ONLY occur where rights are unalienable, which means it must occur on federal territory or abroad but not in a Constitutional state. If they can’t prove the conversion was lawful, then they are PRESUMED to be THIEVES engaged in a criminal conspiracy against your property and rights. The following presentation describes how to do this:

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

## 5.17 Resources for Further Research

1. *The Law*, Frederic Bastiat  
<https://famguardian.org/Publications/TheLaw/TheLaw.htm>
2. *Why All Man-Made Law is Religious in Nature* (OFFSITE LINK) -Family Guardian  
<http://famguardian.org/Subjects/LawAndGovt/ChurchVState/WhyAllManmadeLawRelig.htm>
3. *What is “law”?*, Nike Insights  
<https://nikeinsights.famguardian.org/forums/topic/what-is-law/>
4. *What is “Justice”?*, Form #05.050 -the purpose of law is to effect “justice” as legally defined. Do YOU know what justice means?  
FORMS PAGE: <https://sedm.org/Forms/FormIndex.htm>  
DIRECT LINK: <https://sedm.org/Forms/05-MemLaw/WhatIsJustice.pdf>
5. *The Purpose of Law*-Family Guardian Fellowship  
<https://famguardian.org/Subjects/LawAndGovt/Articles/PurposeOfLaw.htm>
6. *The Institutes of Biblical Law*, Rousas John Rushdoony-the most authoritative book ever written on the significance and impact of biblical law upon modern society. This is our FAVORITE book.  
<https://chalcedon.edu/store/42255-the-institutes-of-biblical-law-set>
7. *Sovereignty*, Rousas John Rushdoony-describes the impact that God’s sovereignty and God’s law was intended to have on the daily affairs of the Christian and of modern society. This was the last book ever written by Rushdoony and he

was writing it on the day he died. His son published it posthumously in 2007, six years after his death in 2001 and 4 years after SEDM was established in 2003. We found this book in 2017, and we find it AMAZING and even prophetic that the conclusions of this book follow EXACTLY the theme and mission of this ministry, which we forged 2 years after Rushdoony's death and four years before the book was first published.

ORDER: <https://chalcedon.edu/store/39925-sovereignty>

READ FREE: <https://www.scribd.com/document/54737934/Sovereignty>

ORDER FOR LOGOS BIBLE SOFTWARE: <https://www.logos.com/product/22871/sovereignty>

8. *Famous Quotes About Rights and Liberty*, Form #08.001, Sections 4 and 16

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

DIRECT LINK: <http://sedm.org/Forms/08-PolicyDocs/FamousQuotes.pdf>

9. *Four Law Systems Course*, Form #12.039

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

DIRECT LINK: <http://sedm.org/LibertyU/FourLawSystems.pdf>

10. *Requirement for Equal Protection and Equal Treatment*, Form #05.033

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

DIRECT LINK: <http://sedm.org/Forms/05-MemLaw/EqualProtection.pdf>

11. *Government Instituted Slavery Using Franchises*, Form #05.030

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

DIRECT LINK: <http://sedm.org/Forms/05-MemLaw/Franchises.pdf>

12. *Sovereignty Forms and Instructions Online*, Form #10.004, Cites by Topic: "law"

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

DIRECT LINK: <http://famguardian.org/TaxFreedom/CitesByTopic/law.htm>

13. *Common Law Practice Guide*, Litigation Tool #10.013

<http://sedm.org/Litigation/LitIndex.htm>

14. *Authority and the Politics of Power* (OFFSITE LINK)-Nike Research

<http://nikeinsights.famguardian.org/forums/topic/authority-and-the-politics-of-power/>

15. *It's an Illusion* -John Harris. The REAL meaning of what the *de facto* government calls "law"

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[https://en.wikipedia.org/wiki/Philosophy\\_of\\_law](https://en.wikipedia.org/wiki/Philosophy_of_law)

18. *Sovereignty*, Chapter 22: *What is Law?*-Rousas John Rushdoony, p. 129

<https://www.scribd.com/document/54737934/Sovereignty>

19. *The Law is No More* (OFFSITE LINK) – Pastor John Weaver

<https://www.youtube.com/watch?v=5vQitQtqfA>

20. *The Necessity of God's Law in Society* (OFFSITE LINK) -Pastor John Weaver

<https://youtu.be/wA6Mo4Ewg74>

21. *How Much Criminalization Will You Tolerate From Your Government?*-Freedom Taker

<https://youtu.be/EZTMKfTP6P0>

22. *The Government Mafia* (OFFSITE LINK) -Clint Richardson

<http://famguardian1.org/Mirror/SEDM/Media/MafiaGovt.mp4>

23. *Illegal Everything* (OFFSITE LINK)-John Stossel

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24. *Buried in Law* (OFFSITE LINK) -John Stossel, Fox News, 7-24/2014

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## 6 Public v. Private<sup>54</sup>

A very important subject is the division of legal authority between PUBLIC and PRIVATE rights. On this subject the U.S. Supreme Court held:

<sup>54</sup> Source: *Government Instituted Slavery Using Franchises*, Form #05.030, Section 3; <http://sedm.org/Forms/FormIndex.htm>.

1 "A private person cannot make constitutions or laws, nor can he with authority construe them, nor can he  
2 administer or execute them."  
3 [United States v. Harris, 106 U.S. 629, 1 S.Ct. 601, 27 L.Ed. 290 (1883)]

4 If you can't "execute" them, then you ALSO can't enforce them against ANYONE else. Some people might be tempted to  
5 say that we all construe them against the private person daily, but in fact we can't do that WITHOUT being a public officer  
6 WITHIN the government. If we do enforce the law as a private person, we are criminally impersonating a public officer in  
7 violation of 18 U.S.C. §912. Another U.S. Supreme Court cite also confirms why this must be:

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

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18 with [private] individuals."  
19 [Osborn v. Bank of U.S., 22 U.S. 738 (1824)]

20  
21 "...we are of the opinion that there is a clear distinction in this particular between an [PRIVATE] individual  
22 and a [PUBLIC] corporation, and that the latter has no right to refuse to submit its books and papers for an  
23 examination at the suit of the state. The individual may stand upon his constitutional rights as a citizen. He  
24 is entitled to carry on his private business in his own way. His power to contract is unlimited. He owes no  
25 duty to the state or to his neighbors to divulge his business, or to open his doors to an investigation, so far as  
26 it may tend to criminate him. He owes no such duty to the state, since he receives nothing therefrom, beyond  
27 the protection of his life and property. His rights are such as existed by the law of the land long antecedent to  
28 the organization of the state, and can only be taken from him by due process of law, and in accordance with  
29 the Constitution. Among his rights are a refusal to incriminate himself, and the immunity of himself and his  
30 property from arrest or seizure except under a warrant of the law. He owes nothing to the public so long as  
31 he does not trespass upon their rights.

32 "Upon the other hand, the [PUBLIC] corporation is a creature of the state. It is presumed to be incorporated  
33 for the benefit of the public. It receives certain special privileges and franchises, and holds them subject to  
34 the laws of the state and the limitations of its charter. Its powers are limited by law. It can make no contract  
35 not authorized by its charter. Its rights to [201 U.S. 43, 75] act as a corporation are only preserved to it so  
36 long as it obeys the laws of its creation. There is a reserved right in the legislature to investigate its contracts  
37 and find out whether it has exceeded its powers. It would be a strange anomaly to hold that a state, having  
38 chartered a corporation to make use of certain franchises, could not, in the exercise of its sovereignty, inquire  
39 how these franchises had been employed, and whether they had been abused, and demand the production of the  
40 corporate books and papers for that purpose. The defense amounts to this: That an officer of a corporation  
41 which is charged with a criminal violation of the statute, may plead the criminality of such corporation as a  
42 refusal to produce its books. To state this proposition is to answer it. While an individual may lawfully refuse to  
43 answer incriminating questions unless protected by an immunity statute, it does not follow that a corporation,  
44 vested with special privileges and franchises, may refuse to show its hand when charged with an abuse of such  
45 privileges. "  
46 [Hale v. Henkel, 201 U.S. 43 (1906)]

47 You MUST therefore be an agent of the government and therefore a PUBLIC officer in order to "make constitutions or  
48 laws or administer, execute, or ENFORCE EITHER". Here is more proof:

49 "A defendant sued as a wrong-doer, who seeks to substitute the state in his place, or to justify by the authority  
50 of the state, or to defend on the ground that the state has adopted his act and exonerated him, cannot rest on the  
51 bare assertion of his defense. He is bound to establish it. The state is a political corporate body, can act only  
52 through agents, and can command only by laws. It is necessary, therefore, for such a defendant, in order to  
53 complete his defense, to produce a law of the state which constitutes his commission as its agent, and a warrant  
54 for his act."  
55 [Poindexter v. Greenhow, 114 U.S. 270 (1885)]

By “act” above, they implicitly also include “enforce”. If you aren’t an agent of the state, they can’t enforce against you. Examples of “agents” or “public officers” of the government include all the following:

1. “person” (26 U.S.C. §7701(a)(1)).
2. “individual” (26 C.F.R. §1441-1(c)(3)).
3. “taxpayer” (26 U.S.C. §7701(a)(14)).
4. “withholding agent” (26 U.S.C. §7701(a)(16)).

*“The government thus lays a tax, through the [GOVERNMENT] instrumentality [PUBLIC OFFICE] of the company [a FEDERAL and not STATE corporation], upon the income of a non-resident alien over whom it cannot justly exercise any control, nor upon whom it can justly lay any burden.”*  
[United States v. Erie R. Co., 106 U.S. 327 (1882)]

So how do you “OBEY” a law without “EXECUTING” it? We’ll give you a hint: It CAN’T BE DONE!

Likewise, if ONLY public officers can “administer, execute, or enforce” the law, then the following additional requirements of the law are unavoidable and also implied:

1. Congress cannot impose DUTIES against private persons through the civil law. Otherwise the Thirteenth Amendment would be violated and the party executing said duties would be criminally impersonating an agent or officer of the government in violation of 18 U.S.C. §912.
2. Congress can only impose DUTIES upon public officers through the civil statutory law.
3. The civil statutory law is law for GOVERNMENT, and not PRIVATE persons. See:  

*Why Statutory Civil Law is Law for Government and Not Private Persons*, Form #05.037  
<http://sedm.org/Forms/FormIndex.htm>
4. Those who enforce any civil statutory duties against you are PRESUMING that you occupy a public office.
5. You cannot unilaterally “elect” yourself into a public office in the government by filling out a government form, even if you consent to volunteer.
6. Even if you ARE a public officer, you can only execute the office in a place EXPRESSLY authorized by Congress per 4 U.S.C. §72, which means ONLY the District of Columbia and “not elsewhere”.

[TITLE 4 > CHAPTER 3 > § 72](#)  
[§ 72. Public offices; at seat of Government](#)

*All offices attached to the seat of government shall be exercised in the District of Columbia, and not elsewhere, except as otherwise expressly provided by law.*

7. If you are “construing, administering, or executing” the laws, then you are doing so as a public officer and:
  - 7.1. You are bound and constrained in all your actions by the constitution like every OTHER public officer while on official business interacting with PRIVATE humans.
  - 7.2. The Public Records exception to the Hearsay Exceptions Rule, Federal Rule of Evidence 803(8) applies. EVERYTHING you produce in the process of “construing, administering, or executing” the laws is instantly admissible and cannot be excluded from the record by any judge. If a judge interferes with the admission of such evidence, he is:
    - 7.2.1. Interfering with the duties of a coordinate branch of the government in violation of the Separation of Powers.
    - 7.2.2. Criminally obstructing justice.

## 6.1 Introduction

In order to fully understand and comprehend the civil law, it is essential to thoroughly understand the distinctions between PUBLIC and PRIVATE property. The following subsections will deal with this important subject extensively. In the following subsections, we will establish the following facts:

1. There are TWO types of property:
  - 1.1. Public property. This type of property is protected by the CIVIL law.
  - 1.2. Private property. This type of property is protected by the COMMON law.



- 1 2. Specific legal rights attach to EACH of the two types of property. These “rights” in turn, are ALSO property as legally  
2 defined.

3 *Property.* That which is peculiar or proper to any person; that which belongs exclusively to one. In the strict  
4 legal sense, an aggregate of rights which are guaranteed and protected by the government. *Fulton Light, Heat*  
5 *& Power Co. v. State*, 65 Misc.Rep. 263, 121 N.Y.S. 536. The term is said to extend to every species of valuable  
6 right and interest. More specifically, ownership; the unrestricted and exclusive right to a thing; the right to  
7 dispose of a thing in every legal way, to possess it, to use it, and to exclude everyone else from interfering with  
8 it. That dominion or indefinite right of use or disposition which one may lawfully exercise over particular things  
9 or subjects. The exclusive right of possessing, enjoying, and disposing of a thing. The highest right a man can  
10 have to anything; being used to refer to that right which one has to lands or tenements, goods or chattels, which  
11 no way depends on another man's courtesy.

12 The word is also commonly used to denote everything which is the subject of ownership, corporeal or  
13 incorporeal, tangible or intangible, visible or invisible, real or personal, everything that has an exchangeable  
14 value or which goes to make up wealth or estate. It extends to every species of valuable right and interest, and  
15 includes real and personal property, easements, franchises, and incorporeal hereditaments, and includes  
16 every invasion of one's property rights by actionable wrong. *Labberton v. General Cas. Co. of America*, 53  
17 Wash.2d. 180, 332 P.2d. 250, 252, 254.

18 [. . .]

19 [Black's Law Dictionary, Fifth Edition, p. 1095]

- 20 3. Human beings can simultaneously be in possession of BOTH PUBLIC and PRIVATE rights. This gives rise to TWO  
21 legal “persons”: PUBLIC and PRIVATE.  
22 3.1. The CIVIL law attaches to the PUBLIC person.  
23 3.2. The COMMON law attaches to the PRIVATE person.  
24 This is consistent with the following maxim of law.

25 *Quando duo juro concurrunt in und personâ, aequum est ac si essent in diversis.*  
26 When two rights [public right v. private right] concur in one person, it is the same as if they were two separate  
27 persons. 4 Co. 118.  
28 [Bouvier's Maxims of Law, 1856;  
29 SOURCE: <http://famguardian.org/Publications/BouvierMaximsOfLaw/BouviersMaxims.htm>]

- 30 4. That the purpose of the Constitution and the establishment of government itself is to protect EXCLUSIVELY  
31 PRIVATE rights.

32 “We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator  
33 with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness.--That to  
34 secure these [EXCLUSIVELY PRIVATE, God-given] rights, Governments are instituted among Men,  
35 deriving their just powers from the consent of the governed. -”  
36 [Declaration of Independence, 1776]

37 The VERY FIRST step in protecting PRIVATE rights and PRIVATE property is to prevent such property from being  
38 converted to PUBLIC property or PUBLIC rights without the consent of the owner. In other words, the VERY FIRST  
39 step in protecting PRIVATE rights is to protect you from the GOVERNMENT’S OWN theft. Obviously, if a  
40 government becomes corrupted and refuses to protect PRIVATE rights or recognize them, there is absolutely no reason  
41 you can or should want to hire them to protect you from ANYONE ELSE.

- 42 5. The main method for protecting PRIVATE rights is to impose the following burden of proof and presumption upon  
43 any entity or person claiming to be “government”:

44 “All rights and property are PRESUMED to be EXCLUSIVELY PRIVATE and beyond the control of  
45 government or the CIVIL law unless and until the government meets the burden of proving, WITH EVIDENCE,  
46 on the record of the proceeding that:

- 47 1. A SPECIFIC formerly PRIVATE owner consented IN WRITING to convert said property to PUBLIC  
48 property.  
49 2. The owner was either abroad, domiciled on, or at least PRESENT on federal territory NOT protected by the  
50 Constitution and therefore had the legal capacity to ALIENATE a Constitutional right or relieve a public  
51 servant of the fiduciary obligation to respect and protect the right. Those physically present but not  
52 necessarily domiciled in a constitutional but not statutory state protected by the constitution cannot lawfully  
53 alienate rights to a real, de jure government, even WITH their consent.

3. If the government refuses to meet the above burden of proof, it shall be **CONCLUSIVELY PRESUMED** to be operating in a **PRIVATE**, corporate capacity on an **EQUAL** footing with every other private corporation and which is therefore **NOT** protected by official, judicial, or sovereign immunity.

6. That the ability to regulate **EXCLUSIVELY PRIVATE** conduct is repugnant to the constitution and therefore such conduct cannot lawfully become the subject of any civil statutory law.

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

7. That the terms "person", "persons", "individual", "individuals" as used within the civil statutory law by default imply **PUBLIC** "persons" and therefore public offices within the government and not **PRIVATE** human beings. All such offices are creations and franchises of the government and therefore property of the government subject to its exclusive control.
8. That if the government wants to call you a statutory "person" or "individual" under the civil law, then:
- 8.1. You must volunteer or consent at some point to occupy a public office in the government while situated physically in a place not protected by the USA Constitution and the Bill of Rights....namely, federal territory. In some cases, that public office is also called a "citizen" or "resident".
- 8.2. If you don't volunteer, they are essentially exercising unconstitutional "eminent domain" over your **PRIVATE** property. Keep in mind that rights protected by the Constitution are **PRIVATE PROPERTY**.
9. That there are **VERY SPECIFIC** and well defined rules for converting **PRIVATE** property into **PUBLIC PROPERTY** and **OFFICES**, and that all such rules require your express consent except when a crime is involved.
10. That if a corrupted judge or public servant imposes upon you any civil statutory status, including that of "person" or "individual" without your consent, they are:
- 10.1. Violating due process of law.
- 10.2. Imposing involuntary servitude.
- 10.3. **STEALING** property from you. We call this "theft by presumption".
- 10.4. Kidnapping your identity and moving it to federal territory.
- 10.5. Instituting eminent domain over **EXCLUSIVELY PRIVATE** property.
11. That within the common law, the main mechanism for **PREVENTING** the conversion of **PRIVATE** property to **PUBLIC** property through government franchises are the following maxims of law. These maxims of law **MANDATE** that all governments must protect your right **NOT** to participate in franchises or be held accountable for the consequences of receiving a "benefit" you did not consent to receive and/or regarded as an **INJURY** rather than a "benefit":

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

*Quilibet potest renunciare juri pro se inducto.*  
*Any one may renounce a law introduced for his own benefit. To this rule there are some exceptions. See 1 Bouv. Inst. n. 83.*

*[Bouvier's Maxims of Law, 1856,*  
*SOURCE: <http://famguardian.org/Publications/BouvierMaximsOfLaw/BouviersMaxims.htm>]*

For an example of how this phenomenon works in the case of the Internal Revenue Code, Subtitles A and C "trade or business" franchise, 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>

As an example of why an understanding of this subject is **EXTREMELY** important, consider the following dialog at an IRS audit in which the **FIRST** question out of the mouth of the agent is **ALWAYS** "What is **YOUR** Social Security Number?":

**IRS AGENT:** What is **YOUR** Social Security Number?

1 YOU: 20 C.F.R. §422.103(d) says SSNs belong to the government. The only way it could be MY number is if I am  
2 appearing here today as a federal employee or officer on official business. If that is the case, no, I am here as a  
3 private human being and not a government statutory “employee” in possession or use of “public property” such as  
4 a number. Therefore, I don’t HAVE a Social Security Number. Furthermore, I am not lawfully eligible and never  
5 have been eligible to participate in Social Security and any records you have to the contrary are FALSE and  
6 FRAUDULENT and should be DESTROYED.

7  
8 IRS AGENT: That’s ridiculous. Everyone HAS a SSN.

9  
10 YOU: Well then EVERYONE is a STUPID whore for acting as a federal employee or agent without compensation THEY  
11 and not YOU determine. The charge for my services to act as a federal “employee” or officer or trustee in  
12 possession of public property such as an SSN is ALL the tax and penalty liability that might result PLUS \$1,000  
13 per hour. Will you agree in writing pay the compensation I demand to act essentially as your federal coworker,  
14 because if you don’t, then it’s not MY number?

15  
16 IRS AGENT: It’s YOUR number, not the government’s.

17  
18 YOU: Well why do the regulations at 20 C.F.R. §422.103(d) say it belongs to the Social Security Administration instead of  
19 me? I am not appearing as a Social Security employee at this meeting and its unreasonable and prejudicial for you  
20 to assume that I am. I am also not appearing here as “federal personnel” as defined in [5 U.S.C. §552a\(a\)\(13\)](#). I  
21 don’t even qualify for Social Security and never have, and what you are asking me to do by providing an  
22 INVALID and knowingly FALSE number is to VIOLATE THE LAW and commit fraud by providing that which I  
23 am not legally entitled to and thereby fraudulently procure the benefits of a federal franchise. Is that your  
24 intention?

25  
26 IRS AGENT: Don’t play word games with me. It’s YOUR number.

27  
28 YOU: Well good. Then if it’s MY number and MY property, then I have EXCLUSIVE control and use over it. That is  
29 what the word “property” implies. That means I, and not you, may penalize people for abusing MY property. The  
30 penalty for wrongful use or possession of MY property is all the tax and penalty liability that might result from  
31 using said number for tax collection plus \$1,000 per hour for educating you about your lawful duties because you  
32 obviously don’t know what they are. If it’s MY property, then your job is to protect me from abuses of MY  
33 property. If you can penalize me for misusing YOUR procedures and forms, which are YOUR property, then I am  
34 EQUALLY entitled to penalize you for misusing MY property. Are you willing to sign an agreement in writing to  
35 pay for the ABUSE of what you call MY property, because if you aren’t, you are depriving me of exclusive use  
36 and control over MY property and depriving me of the equal right to prevent abuses of my property??

37  
38 IRS AGENT: OK, well it’s OUR number. Sorry for deceiving you. Can you give us OUR number that WE assigned to  
39 you?

40  
41 YOU: You DIDN’T assign it to ME as a private person, which is what I am appearing here today as. You can’t lawfully  
42 issue public property such as an SSN to a private person. That’s criminal embezzlement. The only way it could  
43 have been assigned to me is if I’m acting as a “public officer” or federal employee at this moment, and I am NOT.  
44 I am here as a private person and not a public employee. Therefore, it couldn’t have been lawfully issued to me.  
45 Keep this up, and I’m going to file a criminal complaint with the U.S. Attorney for embezzlement in violation of  
46 [18 U.S.C. §641](#) and impersonating a public officer in violation of [18 U.S.C. §912](#). I’m not here as a public officer  
47 and you are asking me to act like one without compensation and without legal authority. Where is the  
48 compensation that I demand to act as a fiduciary and trustee over your STINKING number, which is public  
49 property? I remind you that the very purpose why governments are created is to PROTECT and maintain the  
50 separation between “public property” and “private property” in order to preserve my inalienable constitutional  
51 rights that you took an oath to support and defend. Why do you continue to insist on co-mingling and confusing  
52 them in order to STEAL my labor, property, and money without compensation in violation of the Fifth  
53 Amendment takings clause?

54  
55 Usually, after the above interchange, the IRS agent will realize he is digging a DEEP hole for himself and will abruptly end  
56 that sort of inquiry, and many times will also end his collection efforts.

## 6.2 What is “Property”?

Property is legally defined as follows:

**Property.** That which is peculiar or proper to any person; that which belongs exclusively to one. In the strict legal sense, an aggregate of rights which are guaranteed and protected by the government. *Fulton Light, Heat & Power Co. v. State*, 65 Misc.Rep. 263, 121 N.Y.S. 536. The term is said to extend to every species of valuable right and interest. More specifically, ownership; the unrestricted and exclusive right to a thing; the right to dispose of a thing in every legal way, to possess it, to use it, and to exclude everyone else from interfering with it. That dominion or indefinite right of use or disposition which one may lawfully exercise over particular things or subjects. The exclusive right of possessing, enjoying, and disposing of a thing. The highest right a man can have to anything; being used to refer to that right which one has to lands or tenements, goods or chattels, which no way depends on another man's courtesy.

The word is also commonly used to denote everything which is the subject of ownership, corporeal or incorporeal, tangible or intangible, visible or invisible, real or personal, everything that has an exchangeable value or which goes to make up wealth or estate. It extends to every species of valuable right and interest, and includes real and personal property, easements, franchises, and incorporeal hereditaments, and includes every invasion of one's property rights by actionable wrong. *Labberton v. General Cas. Co. of America*, 53 Wash.2d. 180, 332 P.2d. 250, 252, 254.

Property embraces everything which is or may be the subject of ownership, whether a legal ownership. or whether beneficial, or a private ownership. *Davis v. Davis*. TexCiv-App., 495 S.W.2d. 607, 611. Term includes not only ownership and possession but also the right of use and enjoyment for lawful purposes. *Hoffmann v. Kinealy, Mo.*, 389 S.W.2d. 745, 752.

Property, within constitutional protection, denotes group of rights inhering in citizen's relation to physical thing, as right to possess, use and dispose of it. *Cereghino v. State By and Through State Highway Commission*, 230 Or. 439, 370 P.2d. 694, 697.

Goodwill is property, *Howell v. Bowden*, TexCiv. App., 368 S.W.2d. 842, &18; as is an insurance policy and rights incident thereto, including a right to the proceeds, *Harris v. Harris*, 83 N.M. 441,493 P.2d. 407, 408.

Criminal code. "Property" means anything of value. including real estate, tangible and intangible personal property, contract rights, choses-in-action and other interests in or claims to wealth, admission or transportation tickets, captured or domestic animals, food and drink, electric or other power. Model Penal Code. Q 223.0. See also Property of another, infra. Dusts. Under definition in Restatement, Second, Trusts, Q 2(c), it denotes interest in things and not the things themselves.  
[Black's Law Dictionary, Fifth Edition, p. 1095]

Keep in mind the following critical facts about “property” as legally defined:

1. The essence of the “property” right is the RIGHT TO EXCLUDE others from using or benefitting from the use of the property.

“We have repeatedly held that, as to property reserved by its owner for private use, 'the right to exclude [others is] one of the most essential sticks in the bundle of rights that are commonly characterized as property.' ” *Loretto v. Teleprompter Manhattan CATV Corp.*, 458 U.S. 419, 433 (1982), quoting *Kaiser Aetna v. United States*, 444 U.S. 164, 176 (1979). “  
[*Nollan v. California Coastal Comm'n*, 483 U.S. 825 (1987)]

“In this case, we hold that the “right to exclude,” so universally held to be a fundamental element of the property right,<sup>[11]</sup> falls within this category of interests that the Government cannot take without 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); *United States v. Lutz*, 295 F. 2d 736, 740 (CA5 1961). As stated by Mr. Justice Brandeis, “[a]n essential element of individual property is the legal right to exclude others from enjoying it.” *International News Service v. Associated Press*, 248 U. S. 215, 250 (1918) (dissenting opinion).

2. It’s NOT your property if you can’t exclude the GOVERNMENT from using, benefitting from the use, or taxing the specific property.

3. All constitutional rights and statutory privileges are property.
4. Anything that conveys a right or privilege is property.
5. Contracts convey rights or privileges and are therefore property.
6. All franchises are contracts between the grantor and the grantee and therefore property.

### 6.3 “Public” v. “Private” property ownership

Next, we would like to compare the two types of property: Public v. Private. There are two types of ownership of “property”: Absolute and Qualified. The following definition describes and compares these two types of ownership:

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

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

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

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

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

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

Below is a table comparing these two great classes of property and the legal aspects of their status.

**Table 2: Public v. Private Property**

#	Characteristic	Public	Private
1	Authority for ownership comes from	Grantor/ creator of franchise	God/natural law
2	Type of ownership	Qualified	Absolute
3	Law protecting ownership	Statutory franchises	Bill of Rights (First Ten Amendments to the U.S. Constitution)
4	Owner is	The public as LEGAL owner and the human being as EQUITABLE owner	A single person as LEGAL owner
5	Ownership is a	Privilege/franchise	Right
6	Courts protecting ownership	Franchise court (Article 4 of the USA Constitution)	Constitutional court
7	Subject to taxation?	Yes	No (you have the right EXCLUDE government from using or benefitting from it)
8	Title held by	Statutory citizen (Statutory citizens are public officers)	Constitutional citizen (Constitutional citizens are human beings and may NOT be public officers)
9	Character of YOUR/HUMAN title	Equitable	Legal



#	Characteristic	Public	Private
10	Conversion to opposite type of property by	<ol style="list-style-type: none"> <li>1. Removing government identifying number.</li> <li>2. Donation.</li> </ol>	<ol style="list-style-type: none"> <li>1. Associating with government identifying number.<sup>55</sup></li> <li>2. Donation.</li> <li>3. Eminent domain (with compensation).</li> <li>4. THEFT (Internal Revenue Service).</li> </ol>

1 Specific methods used by corrupted governments to blur or confuse the above two types of property so that they can  
2 STEAL from you include the following:

1. Deceptively label statutory PRIVILEGES as RIGHTS.
2. Confuse STATUTORY citizenship with CONSTITUTIONAL citizenship.
3. Refuse to admit that the court you are litigating in is a FRANCHISE court that has no jurisdiction over non-franchisees or people who do not consent to the franchise.
4. Abuse the words “includes” and “including” to add anything they want to the definition of “person” or “individual” within the franchise. All such “persons” are public officers and not private human beings. See:

[Legal Deception, Propaganda, and Fraud](http://sedm.org/Forms/FormIndex.htm), Form #05.014

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

5. Refuse to impose the burden of proof upon the government to show that you EXPRESSLY CONSENTED to convert PRIVATE property into PUBLIC property BEFORE they can claim jurisdiction over it.
6. Silently PRESUME that the property in question is PUBLIC property connected with the “trade or business” (public office per 26 U.S.C. §7701(a)(26)) franchise and force you to prove that it ISN’T by CHALLENGING false information returns filed against it, such as IRS Forms W-2, 1098, 1099, and K-1. See:

[Correcting Erroneous Information Returns](http://sedm.org/Forms/FormIndex.htm), Form #04.001

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

7. Presuming that the STATUTORY and CONSTITUTIONAL contexts for geographical words are the same. They are NOT, and in fact are mutually exclusive.
8. Presuming that because you submitted an application for a franchise, that you:
  - 8.1. CONSENTED to the franchise and were not under duress.
  - 8.2. Were requesting a “benefit” and therefore agreed to the obligations associated with the “benefit”.

CALIFORNIA CIVIL CODE  
DIVISION 3. OBLIGATIONS  
PART 2. CONTRACTS  
CHAPTER 3. CONSENT  
[Section 1589](#)

*1589. A voluntary acceptance of the benefit of a transaction is equivalent to a consent to all the obligations arising from it, so far as the facts are known, or ought to be known, to the person accepting.*

- 8.3. Agree to accept the obligations associated with the status described on the application, such as “taxpayer”, “driver”, “spouse”.

If you want to prevent the above, reserve all your rights on the application, indicate duress, and define all terms on the form as NOT connected with any government or statutory law.

Private and Public property MUST, at all times, remain completely separate from each other. If in fact rights are UNALIENABLE as declared in the Declaration of Independence, then you aren’t allowed legally to consent to donate them to any government. Hence, they must remain private. You can’t delegate that authority to anyone else either, because you can’t delegate what you don’t have:

*“Derativa potestas non potest esse major primitiva.  
The power which is derived cannot be greater than that from which it is derived.”*

*“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.”*

<sup>55</sup> See: [About SSNs and TINs on Government Forms and Correspondence](#), Form #05.012.

[Bouvier's Maxims of Law, 1856;  
SOURCE: <http://famguardian.org/Publications/BouvierMaximsOfLaw/BouviersMaxims.htm>]

For a fascinating and powerful presentation showing why private and public are separate, how to keep them that way, and how governments illegally try to convert PRIVATE to PUBLIC in order to STEAL from you, see:

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

## **6.4 The purpose and foundation of de jure government: Protection of EXCLUSIVELY PRIVATE rights**

The main purpose for which all governments are established is the protection of EXCLUSIVELY PRIVATE rights. This purpose is the foundation of all the just authority of any government as held by the 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, 1776]

The fiduciary duty that a public officer who works for the government has is founded upon the requirement to protect PRIVATE property.

*"As expressed otherwise, the powers delegated to a public officer are held in trust for the people and are to be exercised in behalf of the government or of all citizens who may need the intervention of the officer.<sup>56</sup> Furthermore, the view has been expressed that all public officers, within whatever branch and whatever level of government, and whatever be their private vocations, are trustees of the people, and accordingly labor under every disability and prohibition imposed by law upon trustees relative to the making of personal financial gain from a discharge of their trusts.<sup>57</sup> That is, a public officer occupies a fiduciary relationship to the political entity on whose behalf he or she serves,<sup>58</sup> and owes a fiduciary duty to the public.<sup>59</sup> It has been said that the fiduciary responsibilities of a public officer cannot be less than those of a private individual.<sup>60</sup> Furthermore, it has been stated that any enterprise undertaken by the public official which tends to weaken public confidence and undermine the sense of security for individual rights is against public policy.<sup>61</sup>"*  
[63C American Jurisprudence 2d, Public Officers and Employees, §247 (1999)]

The VERY FIRST step that any lawful de jure government must take in protecting PRIVATE property and PRIVATE rights is to protect it from being converted to PUBLIC/GOVERNMENT property. After all: If the people you hire to protect you won't even do the job of protecting you from THEM, why should you hire them to protect you from ANYONE ELSE?

The U.S. Supreme Court has also affirmed that the protection of PRIVATE rights and PRIVATE property is "the foundation of the government" when it held the following. The case below was a challenge to the constitutionality of the first national income tax, and the U.S. government rightfully lost that challenge:

<sup>56</sup> State ex rel. Nagle v. Sullivan, 98 Mont. 425, 40 P.2d. 995, 99 A.L.R. 321; Jersey City v. Hague, 18 N.J. 584, 115 A.2d. 8.

<sup>57</sup> Georgia Dep't of Human Resources v. Sistrunk, 249 Ga. 543, 291 S.E.2d. 524. A public official is held in public trust. Madlener v. Finley (1st Dist), 161 Ill.App.3d. 796, 113 Ill.Dec. 712, 515 N.E.2d. 697, app gr 117 Ill.Dec. 226, 520 N.E.2d. 387 and revd on other grounds 128 Ill.2d. 147, 131 Ill.Dec. 145, 538 N.E.2d. 520.

<sup>58</sup> Chicago Park Dist. v. Kenroy, Inc., 78 Ill.2d. 555, 37 Ill.Dec. 291, 402 N.E.2d. 181, appeal after remand (1st Dist) 107 Ill.App.3d. 222, 63 Ill.Dec. 134, 437 N.E.2d. 783.

<sup>59</sup> United States v. Holzer (CA7 Ill), 816 F.2d. 304 and vacated, remanded on other grounds 484 U.S. 807, 98 L.Ed. 2d 18, 108 S.Ct. 53, on remand (CA7 Ill) 840 F.2d. 1343, cert den 486 U.S. 1035, 100 L.Ed. 2d 608, 108 S.Ct. 2022 and (criticized on other grounds by United States v. Osser (CA3 Pa) 864 F.2d. 1056) and (superseded by statute on other grounds as stated in United States v. Little (CA5 Miss) 889 F.2d. 1367) and (among conflicting authorities on other grounds noted in United States v. Boylan (CA1 Mass), 898 F.2d. 230, 29 Fed.Rules.Evid.Serv. 1223).

<sup>60</sup> Chicago ex rel. Cohen v. Keane, 64 Ill.2d. 559, 2 Ill.Dec. 285, 357 N.E.2d. 452, later proceeding (1st Dist) 105 Ill.App.3d. 298, 61 Ill.Dec. 172, 434 N.E.2d. 325.

<sup>61</sup> Indiana State Ethics Comm'n v. Nelson (Ind App), 656 N.E.2d. 1172, reh gr (Ind App) 659 N.E.2d. 260, reh den (Jan 24, 1996) and transfer den (May 28, 1996).

1 “Here I close my opinion. I could not say less in view of questions of such gravity that they go down to the very  
2 foundations of the government. If the provisions of the Constitution can be set aside by an act of Congress,  
3 where is the course of usurpation to end?”

4 The present assault upon capital [THEFT! and WEALTH TRANSFER by unconstitutional CONVERSION of  
5 PRIVATE property to PUBLIC property] is but the beginning. It will be but the stepping stone to others larger  
6 and more sweeping, until our political contest will become war of the poor against the rich; a war of growing  
7 intensity and bitterness.”

8 [Pollock v. Farmers’ Loan & Trust Co., 157 U.S. 429, 158 U.S. 601 (1895), hearing the case against the first  
9 income tax passed by Congress that included people in states of the Union. They declared that first income tax  
10 UNCONSTITUTIONAL, by the way]

11 In the above landmark case, the lawyer for the petitioner, Mr. Choate, even referred to the income tax as COMMUNISM,  
12 and he was obviously right! Why? Because communism like socialism operates upon the following political premises:

- 13 1. All property is PUBLIC property and there IS no PRIVATE property.
- 14 2. The government owns and/or controls all property and said property is GRANTED to the people with strings or  
15 conditions attached.
- 16 3. The government and/or the collective has rights superior to those of the individual. There is and can be NO equality or  
17 equal protection under the law. In that sense, the government or the “state” is a pagan idol with “supernatural powers”  
18 because human beings are “natural” and they are inferior.
- 19 4. Control is synonymous with ownership. If the government CONTROLS the property but the citizen “owns” it, then:  
20 4.1. The REAL owner is the government.  
21 4.2. The ownership of the property is QUALIFIED rather than ABSOLUTE.  
22 4.3. The person holding the property is a mere CUSTODIAN over GOVERNMENT property and has EQUITABLE  
23 rather than LEGAL ownership. Hence, their name in combination with the Social Security Number constitutes a  
24 PUBLIC office synonymous with the government itself.
- 25 5. Everyone in temporary use of said property is an officer and agent of the state. A “public officer”, after all, is someone  
26 who is in charge of the PROPERTY of the public:

27 “**Public office.** The right, authority, and duty created and conferred by law, by which for a given period, either  
28 fixed by law or enduring at the pleasure of the creating power, an individual is invested with some portion of  
29 the sovereign functions of government for the benefit of the public. Walker v. Rich, 79 Cal.App. 139, 249 P. 56,  
30 58. An agency for the state, the duties of which involve in their performance the exercise of some portion of the  
31 sovereign power, either great or small. Yaselli v. Goff, C.C.A., 12 F.2d. 396, 403, 56 A.L.R. 1239; Lacey v.  
32 State, 13 Ala.App. 212, 68 So. 706, 710; Curtin v. State, 61 Cal.App. 377, 214 P. 1030, 1035; Shelmadine v.  
33 City of Elkhart, 75 Ind.App. 493, 129 N.E. 878. State ex rel. Colorado River Commission v. Frohmiller, 46  
34 Ariz. 413, 52 P.2d. 483, 486. Where, by virtue of law, a person is clothed, not as an incidental or transient  
35 authority, but for such time as de- notes duration and continuance, with Independent power to control the  
36 property of the public, or with public functions to be exercised in the supposed interest of the people, the  
37 service to be compensated by a stated yearly salary, and the occupant having a designation or title, the position  
38 so created is a public office. State v. Brennan, 49 Ohio.St. 33, 29 N.E. 593.  
39 [Black’s Law Dictionary, Fourth Edition, p. 1235]

40 Look at some of the planks of the Communist Manifesto, Karl Marx and confirm the above for yourself:

- 41 1. Abolition of property in land and application of all rents of land to public purposes.
- 42 2. A heavy progressive or graduated income tax.
- 43 [ . . . ]
- 44 [Wikipedia: The Communist Manifesto, 12-27-2011; SOURCE:  
45 [http://en.wikipedia.org/wiki/The\\_Communist\\_Manifesto](http://en.wikipedia.org/wiki/The_Communist_Manifesto)]

46 The legal definition of “property” confirms that one who OWNS a thing has the EXCLUSIVE right to use and dispose of  
47 and CONTROL the use of his or her property and ALL the fruits and “benefits” associated with the use of such property .  
48 The implication is that you as the PRIVATE owner have a right to EXCLUDE ALL OTHERS including all governments  
49 from using, benefitting from, or controlling your property. Governments, after all, are simply legal “persons” and the  
50 constitution guarantees that ALL “persons” are equal. If your neighbor can’t benefit from your property without your  
51 consent, then neither can any so-called “government”.

52 **Property.** That which is peculiar or proper to any person; that which belongs exclusively to one. In the strict  
53 legal sense, an aggregate of rights which are guaranteed and protected by the government. Fulton Light, Heat  
54 & Power Co. v. State, 65 Misc.Rep. 263, 121 N.Y.S. 536. The term is said to extend to every species of valuable  
55 right and interest. More specifically, ownership; the unrestricted and exclusive right to a thing; the right to  
56 dispose of a thing in every legal way, to possess it, to use it, and to exclude everyone else from interfering

1 with it. That dominion or indefinite right of use or disposition which one may lawfully exercise over  
2 particular things or subjects. The exclusive right of possessing, enjoying, and disposing of a thing. The  
3 highest right a man can have to anything; being used to refer to that right which one has to lands or  
4 tenements, goods or chattels, which no way depends on another man's courtesy.

5 The word is also commonly used to denote everything which is the subject of ownership, corporeal or  
6 incorporeal, tangible or intangible, visible or invisible, real or personal, everything that has an exchangeable  
7 value or which goes to make up wealth or estate. It extends to every species of valuable right and interest, and  
8 includes real and personal property, easements, franchises, and incorporeal hereditaments, and includes  
9 every invasion of one's property rights by actionable wrong. *Labberton v. General Cas. Co. of America*, 53  
10 *Wash.2d*. 180, 332 P.2d. 250, 252, 254.

11 Property embraces everything which is or may be the subject of ownership, whether a legal ownership. or  
12 whether beneficial, or a private ownership. *Davis v. Davis*. *TexCiv-App.*, 495 S.W.2d. 607, 611. Term includes  
13 not only ownership and possession but also the right of use and enjoyment for lawful purposes. *Hoffmann v.*  
14 *Kinealy, Mo.*, 389 S.W.2d. 745, 752.

15 Property, within constitutional protection, denotes group of rights inhering in citizen's relation to physical  
16 thing, as right to possess, use and dispose of it. *Cereghino v. State By and Through State Highway Commission*,  
17 230 Or. 439, 370 P.2d. 694, 697.

18 [. . .]

19 [*Black's Law Dictionary, Fifth Edition, p. 1095*]

20 In a lawful de jure government under our constitution:

- 21 1. All "persons" are absolutely equal under the law. No government can have any more rights than a single human being,  
22 no matter how many people make up that government. If your neighbor can't take your property without your consent,  
23 then neither can the government. See:

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

- 24 2. All property is CONCLUSIVELY presumed to be EXCLUSIVELY PRIVATE until the GOVERNMENT meets the  
25 burden of proof on the record of the legal proceeding that you EXPRESSLY consented IN WRITING to donate the  
26 property or use of the property to the PUBLIC:

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

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

- 36 3. You have to knowingly and intentionally DONATE your property to a public use and a PUBLIC purpose before the  
37 government can lawfully REGULATE its use.  
38 4. That donation ordinarily occurs by applying for and/or using a license in connection with the use of SPECIFIC  
39 otherwise PRIVATE property.  
40 5. The process of applying for or using a license cannot be compelled.  
41 6. The consumer of your services has a right to do business with those who are unlicensed and if the government invades  
42 the commercial relationship between you and those you do business with, they are:  
43 6.1. Interfering with your UNALIENABLE right to contract.  
44 6.2. Compelling you to donate EXCLUSIVELY PRIVATE property to a PUBLIC use.  
45 6.3. Exercising unconstitutional eminent domain over your otherwise PRIVATE property.  
46 6.4. Compelling you to accept a public "benefit", where the "protection" afforded by the license is the "benefit".

47 The above requirements of the USA Constitution are circumvented with nothing more than the simple PRESUMPTION,  
48 usually on the part of the IRS and corrupted judges who want to STEAL from you, that the GOVERNMENT owns it and

that you have to prove that they CONSENTED to let you keep the fruits of it. They can't and never have proven that they have such a right, and all such presumptions are a violation of due process of law.

(1) [8:4993] *Conclusive presumptions affecting protected interests:*

A conclusive presumption may be defeated where its application would impair a party's constitutionally-protected liberty or property interests. In such cases, conclusive **presumptions have been held to violate a party's due process and equal protection rights.** [Vlandis v. Kline (1973) 412 U.S. 441, 449, 93 S.Ct. 2230, 2235; Cleveland Bd. of Ed. v. LaFleur (1974) 414 U.S. 632, 639-640, 94 S.Ct. 1208, 1215-presumption under Illinois law that unmarried fathers are unfit violates process]  
[[Federal Civil Trials and Evidence, Rutter Group, paragraph 8:4993, p. 8K-34](#)]

In order to unconstitutionally and TREASONOUSLY circumvent the above limitation on their right to presume, corrupt governments and government actors will play "word games" with citizenship and key definitions in the ENCRYPTED "code" in order to KIDNAP your legal identity and place it OUTSIDE the above protections of the constitution by:

1. PRESUMING that you are a public officer and therefore, that everything held in your name is PUBLIC property of the GOVERNMENT and not YOUR PRIVATE PROPERTY. See:

*Why Your Government is Either a Thief or You are a "Public Officer" for Income Tax Purposes*, Form #05.008  
DIRECT LINK: <http://sedm.org/Forms/05-MemLaw/WhyThiefOrPubOfficer.pdf>  
FORMS PAGE: <http://sedm.org/Forms/FormIndex.htm>

2. Abusing fraudulent information returns to criminally and unlawfully "elect" you into public offices in the government:

*Correcting Erroneous Information Returns*, Form #04.001  
DIRECT LINK: <http://sedm.org/Forms/04-Tax/CorrErrInfoRtns/CorrErrInfoRtns.pdf>  
FORMS PAGE: <http://sedm.org/Forms/FormIndex.htm>

3. PRESUMING that because you did not rebut evidence connecting you to a public office, then you CONSENT to occupy the office.

4. PRESUMING that ALL of the four contexts for "United States" are equivalent.

5. PRESUME that CONSTITUTIONAL citizens and STATUTORY citizens are EQUIVALENT under federal law. They are NOT. A CONSTITUTIONAL citizen is a "non-resident" under federal civil law and NOT a STATUTORY "national and citizen of the United States\*\* at birth" per 8 U.S.C. §1401. See:

*Why You Are a "national", "state national", and Constitutional but Not Statutory Citizen*, Form #05.006  
DIRECT LINK: <http://sedm.org/Forms/05-MemLaw/WhyANational.pdf>  
FORMS PAGE: <http://sedm.org/Forms/FormIndex.htm>

6. PRESUMING that "nationality" and "domicile" are equivalent. They are NOT. See:

*Why Domicile and Becoming a "Taxpayer" Require Your Consent*, Form #05.002  
DIRECT LINK: <http://sedm.org/Forms/05-MemLaw/Domicile.pdf>  
FORMS PAGE: <http://sedm.org/Forms/FormIndex.htm>

7. Using the word "citizenship" in place of "nationality" OR "domicile", and refuse to disclose WHICH of the two they mean in EVERY context.

8. Confusing 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.

9. Confusing the words "[domicile](#)" and "[residence](#)" or impute either to you without satisfying the burden of proving that you EXPRESSLY CONSENTED to it and thereby illegally kidnap your civil legal identity against your will. One can have only one "domicile" but many "residences" and BOTH require your consent. See:

*Why Domicile and Becoming a "Taxpayer" Require Your Consent*, Form #05.002  
DIRECT LINK: <http://sedm.org/Forms/05-MemLaw/Domicile.pdf>  
FORMS PAGE: <http://sedm.org/Forms/FormIndex.htm>

10. Adding 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/LegalDecPropFraud.pdf>  
FORMS PAGE: <http://sedm.org/Forms/FormIndex.htm>

11. Refusing 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.



12. Publishing 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  
DIRECT LINK: <http://sedm.org/Forms/05-MemLaw/ReasonableBelief.pdf>  
FORMS PAGE: <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 astutely 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 coordination 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]

The key to preventing the unconstitutional abuse of presumption by the corrupted judiciary and IRS to STEAL from people is to completely understand the content of the following memorandum of law and consistently apply it in every interaction with the government:

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

It ought to be very obvious to the reader that:

1. The rules for converting PRIVATE property to PUBLIC property ought to be consistently, completely, clearly, and unambiguously defined by every government officer you come in contact with, and ESPECIALLY in court. These rules ought to be DEMANDED to be declared EVEN BEFORE you enter a plea in a criminal case.
2. If the government asserts any right over your PRIVATE property, they are PRESUMING they are the LEGAL owner and relegating you to EQUITABLE ownership. This presumption should be forcefully challenged.
3. If they won't expressly define the rules, or try to cloud the rules for converting PRIVATE property to PUBLIC property, then they are:

- 3.1. Defeating the very purpose for which they were established as a “government”. Hence, they are not a true “government” but a de facto private corporation PRETENDING to be a “government”, which is a CRIME under 18 U.S.C. §912.
- 3.2. Exercising unconstitutional eminent domain over private property without the consent of the owner and without compensation.
- 3.3. Trying to STEAL from you.
- 3.4. Violating their fiduciary duty to the public.

## 6.5 The Right to be left alone

The purpose of the Constitution of the United States of America is to confer the “right to be left alone”, which is the essence of being sovereign:

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

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

The legal definition of “justice” confirms that its purpose is to protect your 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 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.

Those who are “private persons” fit in the category of people who must be left alone as a matter of law:

*"There is a clear distinction in this particular case between an individual and a corporation, and that the latter has no right to refuse to submit its books and papers for an examination at the suit of the State. The individual*

may stand upon his constitutional rights as a citizen. He is entitled to carry on his private business in his own way. His power to contract is unlimited. He owes no such duty to the State, since he receives nothing therefrom, beyond the protection of his life and property. His rights are such as existed by the law of the land long antecedent to the organization of the State, and can only be taken from him by due process of law, and in accordance with the constitution. Among his rights are a refusal to incriminate himself, and the immunity of himself and his property from arrest or seizure except under a warrant of the law. He owes nothing to the public so long as he does not trespass upon their rights."  
[Hale v. Henkel, [201 U.S. 43](#), 74 (1906)]

Internal Revenue Manual (I.R.M.), Section 5.14.10.2 (09-30-2004)  
Payroll Deduction Agreements

**2. Private employers, states, and political subdivisions are not required to enter into payroll deduction agreements.** Taxpayers should determine whether their employers will accept and process executed agreements before agreements are submitted for approval or finalized.  
[SOURCE: <http://sedm.org/Exhibits/EX05.043.pdf>]

The U.S. Supreme Court has also held that the ability to regulate what it calls “private conduct” is repugnant to the constitution. It is the differentiation between PRIVATE rights and PUBLIC rights, in fact, that forms the basis for enforcing your right to be left alone:

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

Only by taking on a “public character” or engaging in “public conduct” rather than a “private” character may our actions become the proper or lawful subject of federal or state legislation or regulation.

**“One great object of the Constitution is to permit citizens to structure their private relations as they choose subject only to the constraints of statutory or decisional law.”** [500 U.S. 614, 620]

**To implement these principles, courts must consider from time to time where the governmental sphere [e.g. “public purpose” and “public office”] ends and the private sphere begins. Although the conduct of private parties lies beyond the Constitution’s scope in most instances, governmental authority may dominate an activity to such an extent that its participants must be deemed to act with the authority of the government and, as a result, be subject to constitutional constraints. This is the jurisprudence of state action, which explores the “essential dichotomy” between the private sphere and the public sphere, with all its attendant constitutional obligations. Moose Lodge, supra, at 172. “**

[. . .]

Given that the statutory authorization for the challenges exercised in this case is clear, the remainder of our state action analysis centers around the second part of the *Lugar* test, whether a private litigant, in all fairness, must be deemed a government actor in the use of peremptory challenges. Although we have recognized that this aspect of the analysis is often a fact-bound inquiry, see *Lugar*, supra, 457 U.S. at 939, our cases disclose certain principles of general application. **Our precedents establish that, in determining whether a particular action or course of conduct is governmental in character, it is relevant to examine the following: the extent to which the actor relies on governmental assistance and benefits, see *Tulsa Professional Collection Services, Inc. v. Pope*, [485 U.S. 478](#) (1988); *Burton v. Wilmington Parking Authority*, [365 U.S. 715](#) (1961); whether the actor is performing a traditional governmental function, see *Terry v. Adams*, [345 U.S. 461](#) (1953); *Marsh v. Alabama*, [326 U.S. 501](#) (1946); cf. *San Francisco Arts & Athletics, Inc. v. United States Olympic [500 U.S. 614, 622] Committee*, [483 U.S. 522, 544-545](#) (1987); and whether the injury caused is aggravated in a unique way by the incidents of governmental authority, see *Shelley v. Kraemer*, [334 U.S. 1](#) (1948). Based on our application of these three principles to the circumstances here, we hold that the exercise of peremptory challenges by the defendant in the District Court was pursuant to a course of state action.**  
[*Edmonson v. Leesville Concrete Company*, [500 U.S. 614](#) (1991)]

The phrase “subject only to the constraints of statutory or decisional law” refers ONLY to statutes or court decisions that pertain to licensed or privileged activities or franchises, all of which:

1. Cause the licensee or franchisee to represent a “public office” and work for the government.
2. Cause the licensee or franchisee to act in a representative capacity as an officer of the government, which is a federal corporation and therefore he or she becomes an “officer or employee of a corporation” acting in a representative capacity. See 26 U.S.C. §6671(b) and 26 U.S.C. §7434, which both define a “person” within the I.R.C. criminal and penalty provisions as an officer or employee of a corporation.
3. Change the effective domicile of the “office” or “public office” of the licensee or franchisee to federal territory pursuant to Federal Rule of Civil Procedure 17(b), 26 U.S.C. §7701(a)(39), and 26 U.S.C. §7408(d).

IV. PARTIES > Rule 17.

*(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 for the officers or “public officers” of the corporation, by the law under which it was organized; and***

*(3) for all other parties, by the law of the state where the court is located, except that:*

*(A) a partnership or other unincorporated association with no such capacity under that state's law may sue or be sued in its common name to enforce a substantive right existing under the United States Constitution or laws; and*

*(B) 28 U.S.C. §§754 and 959(a) govern the capacity of a receiver appointed by a United States court to sue or be sued in a United States court.*

4. Creates a “res” or “office” which is the subject of federal legislation and a “person” or “individual” within federal statutes. For instance, the definition of “individual” within 5 U.S.C. §552(a)(2) reveals that it is a government employee with a domicile in the statutory “United States”, which is federal territory. Notice that the statute below is in Title 5, which is “Government Organization and Employees”, and that “citizens and residents of the United States” share in common a legal domicile on federal territory. An “individual” is an officer of the government, and not a natural man or woman. The office is the “individual”, and not the man or woman who fills it:

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;*

If you don’t maintain a domicile on federal territory, which is called the “United States” in the U.S. Code, or you don’t work for the government by participating in its franchises, then the government has NO AUTHORITY to even keep records on you under the authority of the Privacy Act and you would be committing perjury under penalty of perjury to call yourself an “individual” on a government form. Why? Because you are the sovereign and the sovereign is not the subject of the law, but the author of the law!

*“Since in common usage, the term person does not include the sovereign, statutes not employing the phrase are ordinarily construed to exclude it.”*

*[United States v. Cooper Corporation, 312 U.S. 600 (1941)]*

*“There is no such thing as a power of inherent Sovereignty in the government of the United States. In this country **sovereignty resides in the People**, and Congress can exercise no power which they have not, by their Constitution entrusted to it: All else is withheld.”*

*[Juilliard v. Greenman, 110 U.S. 421 (1884)]*

*“Sovereignty itself is, of course, not subject to law for it is the author and source of law;”*

*[Yick Wo v. Hopkins, 118 U.S. 356 (1886)]*

*“Under our form of government, the legislature is NOT supreme. It is only one of the organs of that ABSOLUTE SOVEREIGNTY which resides in the whole body of the PEOPLE; like other bodies of the government, it can only exercise such powers as have been delegated to it, and **when it steps beyond that boundary, its acts.. are utterly VOID.**”*

*[Billings v. Hall, 7 CA. 1]*

1 "In Europe, the executive is synonymous with the sovereign power of a state...where it is too commonly  
2 acquired by force or fraud, or both...In America, however the case is widely different. Our government is  
3 founded upon compact. Sovereignty was, and is, in the people."  
4 [The Betsy, 3 Dall 6]

5 In summary, the only way the government can control you through civil law is to connect you to public conduct or a  
6 "public office" within the government executed on federal territory. If they are asserting jurisdiction that you believe they  
7 don't have, it is probably because:

- 8 1. You misrepresented your domicile as being on federal territory within the "United States" or the "State of \_\_\_" by  
9 declaring yourself to be either a statutory "U.S. citizen" pursuant to 8 U.S.C. §1401 or a statutory "resident" (alien)  
10 pursuant to 26 U.S.C. §7701(b)(1)(A). This made you subject to their laws and put you into a privileged state.
- 11 2. You filled out a government application for a franchise, which includes government benefits, professional licenses,  
12 driver's licenses, marriage licenses, etc.
- 13 3. Someone else filed a document with the government which connected you to a franchise, even though you never  
14 consented to participate in the franchise. For instance, IRS information returns such as W-2, 1042S, 1098, and 1099  
15 presumptively connect you to a "trade or business" in the U.S. government pursuant to 26 U.S.C. §6041. A "trade or  
16 business" is then defined in 26 U.S.C. §7701(a)(26) as "the functions of a public office". The only way to prevent this  
17 evidence from creating a liability under the franchise agreement provisions is to rebut it promptly. See:

Correcting Erroneous Information Returns, Form #04.001  
<http://sedm.org/Forms/FormIndex.htm>

## 18 **6.6 Why you must expressly consent to the social compact to be a "subject" or "citizen" under** 19 **the civil statutory law**

20 The following cite establishes that private rights and private property are entirely beyond the control of the government:

21 *When one becomes a member of society, he necessarily parts with some rights or privileges which, as an*  
22 *individual not affected by his relations to others, he might retain. "A body politic," as aptly defined in the*  
23 *preamble of the Constitution of Massachusetts, "is a social compact by which the whole people covenants*  
24 *with each citizen, and each citizen with the whole people, that all shall be governed by certain laws for the*  
25 *common good." This does not confer power upon the whole people to control rights which are purely and*  
26 *exclusively private, Thorpe v. R. & B. Railroad Co., 27 Vt. 143; but it does authorize the establishment of*  
27 *laws requiring each citizen to so conduct himself, and so use his own property, as not unnecessarily to injure*  
28 *another. This is the very essence of government, and 125\*125 has found expression in the maxim sic utere*  
29 *tuo ut alienum non lēdas. From this source come the police powers, which, as was said by Mr. Chief Justice*  
30 *Taney in the License Cases, 5 How. 583, "are nothing more or less than the powers of government inherent*  
31 *in every sovereignty, . . . that is to say, . . . the power to govern men and things." Under these powers the*  
32 *government regulates the conduct of its citizens one towards another, and the manner in which each shall use*  
33 *his own property, when such regulation becomes necessary for the public good. In their exercise it has been*  
34 *customary in England from time immemorial, and in this country from its first colonization, to regulate ferries,*  
35 *common carriers, hackmen, bakers, millers, wharfingers, innkeepers, &c., and in so doing to fix a maximum of*  
36 *charge to be made for services rendered, accommodations furnished, and articles sold. To this day, statutes are*  
37 *to be found in many of the States upon some or all these subjects; and we think it has never yet been*  
38 *successfully contended that such legislation came within any of the constitutional prohibitions against*  
39 *interference with private property. With the Fifth Amendment in force, Congress, in 1820, conferred power*  
40 *upon the city of Washington "to regulate . . . the rates of wharfage at private wharves, . . . the sweeping of*  
41 *chimneys, and to fix the rates of fees therefor, . . . and the weight and quality of bread," 3 Stat. 587, sect. 7; and,*  
42 *in 1848, "to make all necessary regulations respecting hackney carriages and the rates of fare of the same, and*  
43 *the rates of hauling by cartmen, wagoners, carmen, and draymen, and the rates of commission of auctioneers,"*  
44 *9 id. 224, sect. 2.*  
45 [Munn v. Illinois, 94 U.S. 113 (1877),  
46 SOURCE: [http://scholar.google.com/scholar\\_case?case=6419197193322400931](http://scholar.google.com/scholar_case?case=6419197193322400931)]

47 Notice that they say that the ONLY basis to regulate private rights is to prevent injury of one man to another by the use of  
48 said property. They say that this authority is the origin of the "police powers" of the state. What they hide, however, is that  
49 these same POLICE POWERS involve the CRIMINAL laws and EXCLUDE the CIVIL laws or even franchises. You can  
50 TELL they are trying to hide something because around this subject they invoke the Latin language that is unknown to most  
51 Americans to conceal the nature of what they are doing. Whenever anyone invokes Latin in a legal setting, a red flag ought  
52 to go up because you KNOW they are trying to hide a KEY fact. Here is the Latin invoked:

53 "sic utere tuo ut alienum non lēdas"



1 The other phrase to notice in the Munn case above is the use of the word "social compact". A compact is legally defined as  
2 a contract.

3 *"Compact, n. An agreement or contract between persons, nations, or states. Commonly applied to working*  
4 *agreements between and among states concerning matters of mutual concern. A contract between parties,*  
5 *which creates obligations and rights capable of being enforced and contemplated as such between the parties,*  
6 *in their distinct and independent characters. A mutual consent of parties concerned respecting some property*  
7 *or right that is the object of the stipulation, or something that is to be done or forborne. See also Compact*  
8 *clause; Confederacy; Interstate compact; Treaty."*  
9 *[Black's Law Dictionary, Sixth Edition, p. 281]*

10 Therefore, one cannot exercise their First Amendment right to legally associate with or contract with a SOCIETY and  
11 thereby become a party to the "social compact/contract" without ALSO becoming a STATUTORY "citizen". By statutory  
12 citizen, we really mean a domiciliary of a SPECIFIC municipal jurisdiction, and not someone who was born or naturalized  
13 in that place. Hence, by STATUTORY citizen we mean a person who:

- 14 1. Has voluntarily chosen a civil domicile within a specific municipal jurisdiction and thereby become a "citizen" or  
15 "resident" of said jurisdiction. "citizens" or "residents" collectively are called "inhabitants".  
16 2. Has indicated their choice of domicile on government forms in the block called "residence" or "permanent address".  
17 3. CONSENTS to be protected by the regional civil laws of a SPECIFIC municipal government.

18 A CONSTITUTIONAL citizen, on the other hand, is someone who cannot consent to choose the place of their birth. These  
19 people in federal statutes are called "non-residents". Neither BEING BORN nor being PHYSICALLY PRESENT in a  
20 place is an express exercise of one's discretion or an act of CONSENT, and therefore cannot make one a government  
21 contractor called a statutory "U.S. citizen". That is why birth or naturalization determines nationality but not their status  
22 under the CIVIL laws. All civil jurisdiction is based on "consent of the governed", as the Declaration of Independence  
23 indicates. Those who do NOT consent to the civil laws that implement the social compact of the municipal government  
24 they are PHYSICALLY situated within are called "free inhabitants", "nonresidents", "transient foreigners", or "foreign  
25 sovereigns". These "free inhabitants" are mentioned in the Articles of Confederation, which continue to this day and they  
26 are NOT the same and mutually exclusive to a statutory "U.S. citizen". These "free inhabitants" instead are CIVILLY  
27 governed by the common law RATHER than the civil law.

28 Police men are NOT allowed to involve themselves in CIVIL disputes and may ONLY intervene or arrest anyone when a  
29 CRIME has been committed. They CANNOT arrest for an "infraction", which is a word designed to hide the fact that the  
30 statute being enforced is a CIVIL or FRANCHISE statute not involving the CRIMINAL "police powers". Hence, civil  
31 jurisdiction over PRIVATE rights is NOT authorized among those who HAVE such rights. Only those who know those  
32 rights and claim and enforce them, not through attorneys but in their proper person, have such rights. Nor can those  
33 PRIVATE rights lawfully be surrendered to a REAL, de jure government, even WITH consent, if they are, in fact  
34 UNALIENABLE as the Declaration of Independence indicates.

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

37 The only people who can consent to give away a right are those who HAVE no rights because domiciled on federal territory  
38 not protected by the Constitution or the Bill of Rights:

39 *"Indeed, the practical interpretation put by Congress upon the Constitution has been long continued and*  
40 *uniform to the effect [182 U.S. 244, 279] that the Constitution is applicable to territories acquired by purchase*  
41 *or conquest, only when and so far as Congress shall so direct. Notwithstanding its duty to 'guarantee to every*  
42 *state in this Union a republican form of government' (art. 4, 4), by which we understand, according to the*  
43 *definition of Webster, 'a government in which the supreme power resides in the whole body of the people,*  
44 *and is exercised by representatives elected by them,' Congress did not hesitate, in the original organization of*  
45 *the territories of Louisiana, Florida, the Northwest Territory, and its subdivisions of Ohio, Indiana,*  
46 *Michigan, Illinois, and Wisconsin and still more recently in the case of Alaska, to establish a form of*  
47 *government bearing a much greater analogy to a British Crown colony than a republican state of America,*  
48 *and to vest the legislative power either in a governor and council, or a governor and judges, to be appointed by*  
49 *the President. It was not until they had attained a certain population that power was given them to organize a*  
50 *legislature by vote of the people. In all these cases, as well as in territories subsequently organized west of the*  
51 *Mississippi, Congress thought it necessary either to extend to Constitution and laws of the United States over*  
52 *them, or to declare that the inhabitants should be entitled to enjoy the right of trial by jury, of bail, and of the*  
53 *privilege of the writ of habeas corpus, as well as other privileges of the bill of rights."*  
54 *[Downes v. Bidwell, 182 U.S. 244 (1901)]*

To apply these concepts, the police enforce the "vehicle code", but most of the vehicle code is a civil franchise that they may NOT enforce without ABUSING the police powers of the state. In recognition of these concepts, the civil provisions of the vehicle code are called "infractions" rather than "crimes". AND, before the civil provisions of the vehicle code may lawfully be enforced against those using the public roadways, one must be a "resident" with a domicile not within the geographical constitutional state, but rather on federal territory where constitutional rights don't exist. All civil law attaches to SPECIFIC territory. That is why by applying for a driver's license, most state vehicle codes require that the person must be a "resident" of the "State", meaning a person with a domicile within the statutory but not Constitutional "United States", meaning federal territory who is in effect representing a public office that itself is also domiciled on federal territory.

So what the vehicle codes in most states do is mix CRIMINAL and CIVIL and even PRIVATE franchise law all into one title of code, call it the "Vehicle code", and make it extremely difficult for even the most law abiding "citizen" to distinguish which provisions are CIVIL/FRANCHISES and which are CRIMINAL, because they want to put the police force to an UNLAWFUL use enforcing CIVIL rather than CRIMINAL law. This has the practical effect of making the "CODE" not only a deception, but void for vagueness on its face, because it fails to give reasonable notice to the public at large, WHICH specific provisions pertain to EACH subset of the population. That in fact, is why they have to call it "the code", rather than simply "law": Because the truth is encrypted and hidden in order to unlawfully expand their otherwise extremely limited civil jurisdiction. The two subsets of the population who they want to confuse and mix together in order to undermine your sovereignty are:

1. Those who consent to the "social compact" by choosing a domicile or residence within a specific municipal jurisdiction. These people are identified by the following statutory terms:
  - 1.1. Individuals.
  - 1.2. Residents.
  - 1.3. Citizens.
  - 1.4. Inhabitants.
  - 1.5. PUBLIC officers serving as an instrumentality of the government.
2. Those who do NOT consent to the "social compact" and who therefore are called:
  - 2.1. Free inhabitants.
  - 2.2. Nonresidents.
  - 2.3. Transient foreigners.
  - 2.4. Sojourners.
  - 2.5. EXCLUSIVELY PRIVATE human beings beyond the reach of the civil statutes implementing the social compact.

So how can they reach those in constitutional states with the vehicle code who are neither domiciled on federal territory nor representing a public office that is domiciled there? The way they get around the problem of only being able to enforce the CIVIL provisions of the vehicle code against domiciliaries of the federal zone is to:

1. Force those who apply for driver licenses to misrepresent their status so they appear as either statutory citizens or public officers on official business. This is done using the "permanent address" block and requiring a Social Security Number to get a license.
2. Confuse CONSTITUTIONAL "citizens" with STATUTORY "citizens", to make them appear the same even though they are NOT.
3. Arrest people domiciled in constitutional states for driving WITHOUT a license, even though technically these provisions can only be enforceable against those who are acting as a public officer WHILE driving AND who are STATUTORY but not CONSTITUTIONAL "citizens". This creates the false appearance that EVERYONE must have a license, rather than only those domiciled on federal territory or representing an office domiciled there.

The act of "governing" WITHOUT consent therefore implies CRIMINAL governing, not CIVIL governing. To procure CIVIL jurisdiction over a private right requires the CONSENT of the owner of the right. That is why the U.S. Supreme Court states in Munn the following:

*"When one becomes a member of society, he necessarily parts with some rights or privileges which, as an individual not affected by his relations to others, he might retain."*

[Munn v. Illinois, 94 U.S. 113 (1877),

SOURCE: [http://scholar.google.com/scholar\\_case?case=6419197193322400931/](http://scholar.google.com/scholar_case?case=6419197193322400931/)]

Therefore, if one DOES NOT consent to join a "society" as a statutory citizen, he RETAINS those SOVEREIGN rights that would otherwise be lost through the enforcement of the civil law. Here is how the U.S. Supreme Court describes this requirement of law:

*"Men are endowed by their Creator with certain unalienable rights, - 'life, liberty, and the pursuit of happiness;' and to 'secure,' not grant or create, these rights, governments are instituted. That property [or income] which a man has honestly acquired he retains full control of, subject to these limitations:*

*[1] First, that he shall not use it to his neighbor's injury, and that does not mean that he must use it for his neighbor's benefit [e.g. SOCIAL SECURITY, Medicare, and every other public "benefit"];*

*[2] second, that if he devotes it to a public use, he gives to the public a right to control that use; and*

*[3] third, that whenever the public needs require, the public may take it upon payment of due compensation.*"

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

A PRIVATE right that is unalienable cannot be given away, even WITH consent. Hence, the only people that any government may CIVILLY govern are those without unalienable rights, all of whom MUST therefore be domiciled on federal territory where CONSTITUTIONAL rights do not exist.

Notice that when they are talking about "regulating" conduct using CIVIL law, all of a sudden they mention "citizens" instead of ALL PEOPLE. These "citizens" are those with a DOMICILE within federal territory not protected by the Constitution:

*"Under these powers the government regulates the **conduct of its citizens** one towards another, and the manner in which each shall use his own property, when such regulation becomes necessary for the public good."*

*[Munn v. Illinois, 94 U.S. 113 (1877),*

*SOURCE: [http://scholar.google.com/scholar\\_case?case=6419197193322400931](http://scholar.google.com/scholar_case?case=6419197193322400931)]*

All "citizens" that they can regulate therefore must be WITHIN the government and be acting as public officers. Otherwise, they would continue to be PRIVATE parties beyond the CIVIL control of any government. Hence, in a Republican Form of Government where the People are sovereign:

1. The only "subjects" under the civil law are public officers in the government.
2. The government is counted as a STATUTORY "citizen" but not a CONSTITUTIONAL "citizen". All CONSTITUTIONAL citizens are human beings and CANNOT be artificial entities. All STATUTORY citizens, on the other hand, are artificial entities and franchises and NOT CONSTITUTIONAL citizens.

*"A corporation [the U.S. government, and all those who represent it as public officers, is a federal corporation per 28 U.S.C. §3002(15)(A)] is a citizen, resident, or inhabitant of the state or country by or under the laws of which it was created, and of that state or country only."*

*[19 Corpus Juris Secundum (C.J.S.), Corporations, §886 (2003)]*

**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>

<sup>14</sup> *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).*

*[SOURCE: Annotated Fourteenth Amendment, Congressional Research Service: [http://www.law.cornell.edu/amdt14a\\_hd1](http://www.law.cornell.edu/amdt14a_hd1)]*

- 1 3. The only statutory "citizens" are public offices in the government.  
2 4. By serving in a public office, one becomes the same type of "citizen" as the GOVERNMENT is.

3 These observations are consistent with the very word roots that form the word "republic". The following video says the  
4 word origin comes from "res publica", which means a collection of PUBLIC rights shared by the public. You must  
5 therefore JOIN "the public" and become a public officer before you can partake of said PUBLIC right.

Overview of America, SEDM Liberty University, Section 2.3  
<http://sedm.org/LibertyU/LibertyU.htm>

6 This gives a WHOLE NEW MEANING to Abraham Lincoln's Gettysburg Address, in which he refers to American  
7 government as:

8 *"A government of the people, by the people, and for the people."*

9 You gotta volunteer as an uncompensated public officer for the government to CIVILLY govern you. Hence, the only thing  
10 they can CIVILLY GOVERN, is the GOVERNMENT! Pretty sneaky, huh? Here is a whole memorandum of law on this  
11 subject proving such a conclusion:

*Why Statutory Civil Law is Law for Government and Not Private Persons*, Form #05.037  
FORMS PAGE: <http://sedm.org/Forms/FormIndex.htm>  
DIRECT LINK: <http://sedm.org/Form...StatLawGovt.pdf>

12 The other important point we wish to emphasize is that those who are EXCLUSIVELY private and therefore beyond the  
13 reach of the civil law are:

- 14 1. Not a statutory "person" under the civil law or franchise statute in question.  
15 2. Not "individuals" under the CIVIL law if they are human beings. All statutory "individuals", in fact, are identified as  
16 "employees" under 5 U.S.C. §2105(a). This is the ONLY statute that describes HOW one becomes a statutory  
17 "individual" that we have been able to find.  
18 3. "foreign", a "transient foreigner", and sovereign in respect to government CIVIL but not CRIMINAL jurisdiction.  
19 4. NOT "subject to" but also not necessarily statutorily "exempt" under the civil or franchise statute in question.

20 For a VERY interesting background on the subject of this section, we recommend reading the following case:

Mugler v. Kansas, 123 U.S. 623 (1887)  
SOURCE: [http://scholar.google.com/scholar\\_case?case=12658364258779560123](http://scholar.google.com/scholar_case?case=12658364258779560123)

## 21 **6.7 "Political (PUBLIC) law" v. "civil (PRIVATE/COMMON) law"**

22 Within our republican government, the founding fathers recognized three classes of law:

- 23 1. Criminal law. Protects both PUBLIC and PRIVATE rights.  
24 2. Civil law. Protects exclusively PRIVATE rights. In effect, it implements ONLY the common law and does not  
25 regulate the government at all.  
26 3. Political law. Protects exclusively PUBLIC rights of public officers and offices within the government.

27 The above three types of law were identified in the following document upon which the founding fathers wrote the  
28 constitution and based the design of our republican form of government:

*The Spirit of Laws*, Charles de Montesquieu, 1758  
SOURCE: <http://famguardian.org/Publications/SpiritOfLaws/sol.htm>

29 *The Spirit of Laws* book is where the founding fathers got the idea of separation of powers and three branches of  
30 government: Executive, Legislative, and Judicial. Montesquieu defines "political law" and "political liberty" as follows:

1 I. A general Idea.

2 I make a distinction between the laws that establish political liberty, as it relates to the constitution, and those  
3 by which it is established, as it relates to the citizen. The former shall be the subject of this book; the latter I  
4 shall examine in the next.

5 [The Spirit of Laws, Charles de Montesquieu, 1758, Book XI, Section 1;

6 SOURCE: [http://famguardian.org/Publications/SpiritOfLaws/sol\\_11.htm#001](http://famguardian.org/Publications/SpiritOfLaws/sol_11.htm#001)]

7 The Constitution in turn is a POLITICAL document which represents law EXCLUSIVELY for public officers within the  
8 government. It does not obligate or abrogate any PRIVATE right. It defines what the courts call “public rights”, meaning  
9 rights possessed and owned exclusively by the government ONLY.

10 “And the Constitution itself is in every real sense a law-the lawmakers being the people themselves, in whom  
11 under our system all political power and sovereignty primarily resides, and through whom such power and  
12 sovereignty primarily speaks. It is by that law, and not otherwise, that the legislative, executive, and judicial  
13 agencies which it created exercise such political authority as they have been permitted to possess. The  
14 Constitution speaks for itself in terms so plain that to misunderstand their import is not rationally possible.  
15 ‘We the People of the United States,’ it says, ‘do ordain and establish this Constitution.’ Ordain and establish!  
16 These are definite words of enactment, and without more would stamp what follows with the dignity and  
17 character of law. The framers of the Constitution, however, were not content to let the matter rest here, but  
18 provided explicitly-‘This Constitution, and the Laws of the United States which shall be made in Pursuance  
19 thereof; ... shall be the supreme Law of the Land.’ (Const. art. 6, cl. 2.) The supremacy of the Constitution as  
20 law is thus declared without qualification. That supremacy is absolute; the supremacy of a statute enacted by  
21 Congress is not absolute but conditioned upon its being made in pursuance of the Constitution. And a  
22 judicial tribunal, clothed by that instrument with complete judicial power, and, therefore, by the very nature of  
23 the power, required to ascertain and apply the law to the facts in every case or proceeding properly brought for  
24 adjudication, must apply the supreme law and reject the inferior stat- [298 U.S. 238, 297] ute whenever the  
25 two conflict. In the discharge of that duty, the opinion of the lawmakers that a statute passed by them is valid  
26 must be given great weight, Adkins v. Children’s Hospital, 261 U.S. 525, 544, 43 S.Ct. 394, 24 A.L.R. 1238; but  
27 their opinion, or the court’s opinion, that the statute will prove greatly or generally beneficial is wholly  
28 irrelevant to the inquiry. Schechter Poultry Corp. v. United States, 295 U.S. 495, 549, 550 S., 55 S.Ct. 837, 97  
29 A.L.R. 947. “  
30 [Carter v. Carter Coal Co., 298 U.S. 238 (1936)]

31 The vast majority of laws passed by Congress are what Montesquieu calls “political law” that is intended exclusively for  
32 the government and not the private citizen. The authority for implementing such political law is Article 4, Section 3,  
33 Clause 2 of the United States Constitution. To wit:

34 United States Constitution  
35 Article 4, Section 3, Clause 2

36 The Congress shall have Power to dispose of and make all needful Rules and Regulations respecting the  
37 Territory or other Property belonging to the United States; and nothing in this Constitution shall be so  
38 construed as to Prejudice any Claims of the United States, or of any particular State.

39 Tax franchise codes such as the Internal Revenue Code, for instance, are what Montesquieu calls “political law” exclusively  
40 for the government or public officer and not the private (CONSTITUTIONAL) citizen. Why? Because:

- 41 1. The U.S. Supreme Court identified taxes as a “political matter”. “Political law”, “political questions”, and “political  
42 matters” cannot be heard by true constitutional courts and may ONLY be heard in legislative franchise courts officiated  
43 by the Executive and not Judicial branch:

44 “Thus, the Court has frequently held that domicile or residence, more substantial than mere presence in  
45 transit or sojourn, is an adequate basis for taxation, including income, property, and death taxes. Since the  
46 Fourteenth Amendment makes one a citizen of the state wherein he resides, the fact of residence creates  
47 universally reciprocal duties of protection by the state and of allegiance and support by the citizen. The latter  
48 obviously includes a duty to pay taxes, and their nature and measure is largely a political matter. Of course,  
49 the situs of property may tax it regardless of the citizenship, domicile, or residence of the owner, the most  
50 obvious illustration being a tax on realty laid by the state in which the realty is located.”

51 [Miller Brothers Co. v. Maryland, 347 U.S. 340 (1954)]

- 52 2. The U.S. Tax Court:



2.1. Is an Article I Court in the EXECUTIVE and not JUDICIAL branch, and hence, can only officiate over matters INTERNAL to the government. See 26 U.S.C. §7441.

2.2. Is a POLITICAL court in the POLITICAL branch of the government. Namely, the Executive branch.

2.3. Is limited to the District of Columbia because all public offices are limited to serve there per 4 U.S.C. §72. It travels all over the country, but this is done ILLEGALLY and in violation of the separation of powers.

3. The activity subject to excise taxation is limited exclusively to “public offices” in the government, which is what a “trade or business” is statutorily defined as in 26 U.S.C. §7701(a)(26).

[26 U.S.C. Sec. 7701\(a\)\(26\)](#)

*"The term 'trade or business' [includes](#) the performance of the functions of a [public office](#)."*

In Book XXVI, Section 15 of the Spirit of Laws, Montesquieu says that POLITICAL laws should not be allowed to regulate CIVIL conduct, meaning that POLITICAL laws limited exclusively to the government should not be enforced upon the PRIVATE citizen or made to “appear” as though they are “civil law” that applies to everyone:

*The Spirit of Laws, Book XXVI, Section 15*

*15. That we should not regulate by the Principles of political Law those Things which depend on the Principles of civil Law.*

*As men have given up their natural independence to live under political laws, they have given up the natural community of goods to live under civil laws.*

**By the first, they acquired [PUBLIC] liberty; by the second, [PRIVATE] property. We should not decide by the laws of [PUBLIC] liberty, which, as we have already said, is only the government of the community, what ought to be decided by the laws concerning [PRIVATE] property. It is a paralogism to say that the good of the individual should give way to that of the public; this can never take place, except when the government of the community, or, in other words, the liberty of the subject is concerned; this does not affect such cases as relate to private property, because the public good consists in every one's having his property, which was given him by the civil laws, invariably preserved.**

*Cicero maintains that the Agrarian laws were unjust; because the community was established with no other view than that every one might be able to preserve his property.*

**Let us, therefore, lay down a certain maxim, that whenever the public good happens to be the matter in question, it is not for the advantage of the public to deprive an individual of his property, or even to retrench the least part of it by a law, or a political regulation. In this case we should follow the rigour of the civil law, which is the Palladium of [PRIVATE] property.**

**Thus when the public has occasion for the estate of an individual, it ought never to act by the rigour of political law; it is here that the civil law ought to triumph, which, with the eyes of a mother, regards every individual as the whole community.**

*If the political magistrate would erect a public edifice, or make a new road, he must indemnify those who are injured by it; the public is in this respect like an individual who treats with an individual. It is fully enough that it can oblige a citizen to sell his inheritance, and that it can strip him of this great privilege which he holds from the civil law, the not being forced to alienate his possessions.*

*After the nations which subverted the Roman empire had abused their very conquests, the spirit of liberty called them back to that of equity. They exercised the most barbarous laws with moderation: and if any one should doubt the truth of this, he need only read Beaumanoir's admirable work on jurisprudence, written in the twelfth century.*

*They mended the highways in his time as we do at present. He says, that when a highway could not be repaired, they made a new one as near the old as possible; but indemnified the proprietors at the expense of those who reaped any advantage from the road.<sup>43</sup> They determined at that time by the civil law; in our days, we determine by the law of politics.*

*[The Spirit of Laws, Charles de Montesquieu, 1758, Book XXVI, Section 15;  
SOURCE: [http://famguardian.org/Publications/SpiritOfLaws/sol\\_11.htm#001](http://famguardian.org/Publications/SpiritOfLaws/sol_11.htm#001)]*

What Montesquieu is implying is what we have been saying all along, and he said it in 1758, which was even before the Declaration of Independence was written:

1. The purpose of establishing government is exclusively to protect PRIVATE rights.
- PRIVATE rights are protected by the CIVIL law. The civil law, in turn is based in EQUITY rather than PRIVILEGE:

*“Thus when the public has occasion for the estate of an individual, it ought never to act by the rigour of political law; it is here that the civil law ought to triumph, which, with the eyes of a mother, regards every individual as the whole community.”*

- PUBLIC or government rights are protected by the PUBLIC or POLITICAL or GOVERNMENT law and NOT the CIVIL law.
- The first and most important role of government is to prevent the POLITICAL or GOVERNMENT law from being used or especially ABUSED as an excuse to confiscate or jeopardize PRIVATE property.

Unfortunately, it is precisely the above type of corruption that Montesquieu describes that is the foundation of the present de facto government, tax system, and money system. ALL of them treat every human being as a PUBLIC officer against their consent, and impose what he calls the “rigors of the political law” upon them, in what amounts to a THEFT and CONFISCATION of otherwise PRIVATE property by enforcing PUBLIC law against PRIVATE people.

The implications of Montesquieu’s position are that the only areas where POLITICAL law and CIVIL law should therefore overlap is in the exercise of the political rights to vote and serve on jury duty. Why? Because jurists are regarded as public officers in 18 U.S.C. §201(a)(1):

[TITLE 18 > PART I > CHAPTER 11 > § 201](#)  
[§ 201. Bribery of public officials and witnesses](#)

(a) For the purpose of this section—

(1) the term “public official” means Member of Congress, Delegate, or Resident Commissioner, either before or after such official has qualified, or an officer or employee or person acting for or on behalf of the United States, or any department, agency or branch of Government thereof, including the District of Columbia, in any official function, under or by authority of any such department, agency, or branch of Government, **or a juror**;

However, it has also repeatedly been held by the courts that poll taxes are unconstitutional. Hence, voters technically are NOT to be regarded as public officers or franchisees for any purpose OTHER than their role as a voter. Recall that all statutory “Taxpayers” are public officers in the government.

In the days since Montesquieu, the purpose and definition of what he has called the CIVIL law has since been purposefully and maliciously corrupted so that it no longer protects exclusively PRIVATE rights or implements the COMMON law, but rather protects mainly PUBLIC rights and POLITICAL officers in the government. In other words, society has become corrupted by the following means that he warned would happen:

- What Montesquieu calls CIVIL law has become the POLITICAL law.
- There is not CIVIL (common) law anymore as he defines it, because the courts interfere with the enforcement of the common law and the protection of PRIVATE rights.
- The purpose of government has transformed from protecting mainly PRIVATE rights using the common law to that of protecting PUBLIC rights using the STATUTE law, which in turn has become exclusively POLITICAL law.
- All those who insist on remaining exclusively private cannot utilize any government service, because the present government forms refuse to recognize such a status or provide services to those with such status.
- Everyone who wants to call themselves a “citizen” is no longer PRIVATE, but PUBLIC. “citizen” has become a public officer in the government rather than a private human being.
- All “citizens” are STATUTORY rather than CONSTITUTIONAL in nature.
  - There are no longer any CONSTITUTIONAL citizens because the courts refuse to recognize or protect them.
  - People are forced to accept the duties of a statutory “citizen” and public officer to get any remedy at all in court or in any government agency.

1 The above transformations are documented in the following memorandum of law on our site:

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

2 **7 All civil statutes passed in furtherance of the Constitution are law for government**  
3 **instrumentalities and officers, not PRIVATE persons**

4 We begin our analysis with a quote from Frederic Bastiat on the subject:

5 *“What, then, is law? It is the collective [VOLUNTARY] organization of the individual right to lawful defense.*  
6 *Each of us has a natural right—from God—to defend his person, his liberty, and his property. These are the*  
7 *three basic requirements of life, and the preservation of any one of them is completely dependent upon the*  
8 *preservation of the other two. For what are our faculties [RIGHTS] but the extension of our individuality? And*  
9 *what is property but an extension of our faculties? If every person has the right to defend—even by force—his*  
10 *person, his liberty, and his property, then it follows that a group of men have the right to organize and support*  
11 *a common force to protect these rights constantly. Thus the principle of collective right—its reason for existing,*  
12 *its lawfulness—is based on individual right. And the common force that protects this collective right cannot*  
13 *logically have any other purpose or any other mission than that for which it acts as a substitute. Thus, since an*  
14 *individual cannot lawfully use force against the person, liberty, or property of another individual, then the*  
15 *common force—for the same reason—cannot lawfully be used to destroy the person, liberty, or property of*  
16 *individuals or groups.”*  
17 *[The Law, Frederic Bastiat (1801-1850), p. 2*  
18 *SOURCE: <http://famguardian.org/Publications/TheLaw/TheLaw.htm>]*

19 The principles established by the above quote are:

- 20 1. Civil law serves as a delegation of authority from the people as individuals. We call it the “club rules”. You aren’t  
21 subject to these rules until you JOIN the “club” called the “state”.  
22 2. The purpose of all civil law is to define and limit government power:

23 *“Sovereignty itself is, of course, not subject to law, for it is the author and source of law; but in our system,*  
24 *while sovereign powers are delegated to the agencies of government, sovereignty itself remains with the people,*  
25 *by whom and for whom all government exists and acts. And the law is the definition and limitation of power.”*  
26 *[Yick Wo v. Hopkins, 118 U.S. 356 (1886)]*

- 27 3. That delegation of authority found in the civil law cannot lawfully be enforced against those who are not a member of  
28 the “state” or “club” called “citizens”, “residents”, and “inhabitants”. If it is, slavery and theft has occurred.  
29 4. You cannot personally delegate to a government that which you yourself do not individually possess.  
30 5. An entire government has no more rights than a single human being and is EQUAL in every respect to them.  
31 6. A government that tries to assert any more rights than a single human being is violating equal protection and equal  
32 treatment that is the foundation of the Constitution.  
33 7. The only way the collective or its representative, the government, can have more rights than a single human is for all  
34 those who are the OBJECT of those rights to individually and personally consent in some way. That consent is usually  
35 manifested by choosing a civil domicile within the jurisdiction of the “state”, and thus JOINING the state as an officer  
36 or agent of the state.  
37 8. The decision to politically associate and join the “state” must be voluntary and cannot be FORCED or COERCED.  
38 Any attempt to do any of the following constitutes such force and coercion:  
39 8.1. Presume that you are a “citizen”, “resident” or “inhabitant”.  
40 8.2. Not being required in court to PROVE that you consented to become a “citizen”, “resident”, or “inhabitant” when  
41 enforcing a civil obligation. This is equivalent to being required to demonstrate an EXPRESS waiver of  
42 sovereign immunity before you can sue the government as your EQUAL.  
43 9. Those who have not consented by refusing to become “citizens”, “residents” or “subjects”:  
44 9.1. Retain their ABSOLUTE equality in relation to any and every government under the common law.  
45 9.2. Are not subject to the civil statutory law and the PUBLIC rights it implements and enforces.  
46 10. Every right asserted by any government over your life, liberty, or property MUST originate from your personal,  
47 individual consent demonstrated WITH EVIDENCE on the record of every court and administrative proceeding  
48 directed against you.  
49 11. A government that seeks to enforce any civil obligation upon you has the burden of proving with evidence the  
50 following:

- 1 11.1. That you personally consented to the civil status to which the right attaches.  
2 11.2. That you consented to be a "citizen", "resident", or "inhabitant" under the civil laws of the place.  
3 11.3. That the place where you are a citizen or resident permits INEQUALITY between the governed and the  
4 governors. States of the Union and their constitutions DO NOT permit such inequality.

5 For an exhaustive discussion of the above principles, see:

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

6 The U.S. Supreme Court has identified the federal government of finite, delegated, enumerated powers.

7 "We start with first principles. The Constitution creates a Federal Government of enumerated powers. See U.S.  
8 Const., Art. I, § 8. As James Madison wrote, "[t]he powers delegated by the proposed Constitution to the federal  
9 government are few and defined. Those which are to remain in the State governments are numerous and  
10 indefinite." *The Federalist* No. 45, pp. 292-293 (C. Rossiter ed. 1961). **This constitutionally**  
11 **mandated division of authority "was adopted by the Framers**  
12 **to ensure protection of our fundamental liberties."** *Gregory v. Ashcroft*,  
13 **501 U.S. 452, 458** (1991) (internal quotation marks omitted). "Just as the separation and independence of  
14 the coordinate branches of the Federal Government serves to prevent the accumulation of excessive power in  
15 any one branch, a healthy balance of power between the States and the Federal Government will reduce the  
16 risk of tyranny and abuse from either front." *Ibid.* "  
17 [U.S. v. Lopez, **514 U.S. 549** (1995)]

18  
19 **This government is acknowledged by all to be one of enumerated powers. The principle that it can exercise**  
20 **only the powers granted to it would seem too apparent to have required to be enforced** by all those arguments  
21 which its enlightened friends, while it was depending before the people, found it necessary to urge. That  
22 principle is now universally admitted. But the question respecting the extent of the powers actually granted is  
23 perpetually arising, and will probably continue to arise, as long as our system shall exist."  
24 [*M'Culloch v. Maryland*, 4 Wheat. 316, 405, 4 L.Ed. 579, 601]

25  
26 "The people of the United States, by their Constitution, have affirmed a division of internal governmental  
27 powers between the federal government and the governments of the several states-committing to the first its  
28 powers by express grant and necessary implication; to the latter, or [301 U.S. 548, 611] to the people, by  
29 reservation, 'the powers not delegated to the United States by the Constitution, nor prohibited by it to the  
30 States.' The Constitution thus affirms the complete supremacy and independence of the state within the field of  
31 its powers. *Carter v. Carter Coal Co.*, **298 U.S. 238, 295**, 56 S.Ct. 855, 865. The federal government has no  
32 more authority to invade that field than the state has to invade the exclusive field of national governmental  
33 powers; for, in the oft-repeated words of this court in *Texas v. White*, 7 Wall. 700, 725, 'the preservation of the  
34 States, and the maintenance of their governments, are as much within the design and care of the Constitution as  
35 the preservation of the Union and the maintenance of the National government.' The necessity of preserving  
36 each from every form of illegitimate intrusion or interference on the part of the other is so imperative as to  
37 require this court, when its judicial power is properly invoked, to view with a careful and discriminating eye  
38 any legislation challenged as constituting such an intrusion or interference. See *South Carolina v. United*  
39 *States*, **199 U.S. 437, 448**, 26 S.Ct. 110, 4 Ann.Cas. 737."  
40 [*Steward Machine Co. v. Davis*, **301 U.S. 548** (1937)]

41 All powers not expressly enumerated in the Constitution as being delegated to the federal government are reserved to the  
42 people or the states Ninth and Tenth Amendments respectively.

43 We also established in the previous section that the Constitution as a contract can only bind those who sign it or take an  
44 oath to obey it. Since no citizen ever signed it, it cannot obligate them. The only remaining parties therefore who can be  
45 legally obligated to obey it are those who took an oath to obey it as public servants as described in Article 6 of the  
46 Constitution.

47 Since the Constitution cannot obligate citizens in states of the Union in any way who never signed it, then it cannot delegate  
48 authority to a public servant legislator to pass a law which might obligate these citizens to do anything. This fact can be  
49 proved by examining the CIVIL statutory enactments of Congress, nearly all of which apply only to the government. We  
50 will show later in Section 10 how to prove who the intended audience for a statute is simply by the way it is published and

whether it has implementing regulations or not. In almost all cases, federal civil legislation that only applies to persons who work for the government:

- Has definitions that limit the audience for enforcement to government statutory “employees”, public officers, and instrumentalities.

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

(a) Authority of Secretary

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

- Has no implementing regulations published in the Federal Register authorizing its enforcement against anyone domiciled in a state of the Union. These regulations are required by the Administrative Procedures Act, 5 U.S.C. §552(a) as well as the Federal Register Act, 44 U.S.C. §1505(a).
- Does not need implementing regulations published in the Federal Register if the law or statute may only be enforced against federal agencies, employees, instrumentalities. See 5 U.S.C. §553(a) and 44 U.S.C. §1505(a)(1).

Governments are founded to protect natural and constitutional PRIVATE rights.

*“The rights of individuals and the justice due to them, are as dear and precious as those of states. Indeed the latter are founded upon the former; and the great end and object of them must be to secure and support the rights of individuals, or else vain is government.”*  
*[Chisholm v. Georgia, 2 U.S. (2 Dall.) 419, 1 L.Ed 440 (1793)]*

The government can only perform the function of protecting private and individual rights when they are prohibited from passing laws that either regulate or impair those rights.

*“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 of existence.”*  
*[Frost v. Railroad Commission, 271 U.S. 583, 46 S.Ct. 605 (1926)]*

The above holding of the U.S. Supreme Court explains precisely where the exercise of rights to drive, to marry, or to practice a profession can be regulated and “licensed”, and that place is where such rights do not exist(!), which is on federal territory where the Constitution does not apply.

*“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*



1 the President. It was not until they had attained a certain population that power was given them to organize a  
2 legislature by vote of the people. In all these cases, as well as in territories subsequently organized west of the  
3 Mississippi, Congress thought it necessary either to extend to Constitution and laws of the United States over  
4 them, or to declare that the inhabitants should be entitled to enjoy the right of trial by jury, of bail, and of the  
5 privilege of the writ of habeas corpus, as well as other privileges of the bill of rights."  
6 [Downes v. Bidwell, [182 U.S. 244](#) (1901)]

7 The government has always had the authority to regulate the exercise of rights by those who work for it as statutory  
8 "employees", "public officers", or instrumentalities:

9 "The restrictions that the Constitution places upon the government in its capacity as lawmaker, i.e., as the  
10 regulator of private conduct, are not the same as the restrictions that it places upon the government in its  
11 capacity as employer. We have recognized this in many contexts, with respect to many different constitutional  
12 guarantees. Private citizens perhaps cannot be prevented from wearing long hair, but policemen can. Kelley v.  
13 Johnson, [425 U.S. 238, 247](#) (1976). Private citizens cannot have their property searched without probable  
14 cause, but in many circumstances government employees can. O'Connor v. Ortega, [480 U.S. 709, 723](#) (1987)  
15 (plurality opinion); id., at 732 (SCALIA, J., concurring in judgment). Private citizens cannot be punished for  
16 refusing to provide the government information that may incriminate them, but government employees can be  
17 dismissed when the incriminating information that they refuse to provide relates to the performance of their job.  
18 Gardner v. Broderick, [497 U.S. 62, 95] [392 U.S. 273, 277](#)-278 (1968). With regard to freedom of speech in  
19 particular: Private citizens cannot be punished for speech of merely private concern, but government employees  
20 can be fired for that reason. Connick v. Myers, [461 U.S. 138, 147](#) (1983). Private citizens cannot be punished  
21 for partisan political activity, but federal and state employees can be dismissed and otherwise punished for that  
22 reason. Public Workers v. Mitchell, [330 U.S. 75, 101](#) (1947); Civil Service Comm'n v. Letter Carriers, [413 U.S.](#)  
23 [548, 556](#) (1973); Broadrick v. Oklahoma, [413 U.S. 601, 616](#) -617 (1973)."  
24 [Rutan v. Republican Party of Illinois, [497 U.S. 62](#) (1990)]

25 We have therefore proven that all government, whether state or federal, which passes laws to regulate the conduct of its  
26 own statutory "officers" and "employees" can lawfully regulate such "public conduct" in the context of federal territory  
27 only, because no constitutional rights exist there which the Congress could destroy by passing such a law.

28 Those, on the other hand, who are not domiciled on federal territory and instead are domiciled on land protected by the  
29 United States of America Constitution retain all of their natural and UNalienable rights.

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

33 Only by entering into contracts or accepting government benefits or franchises and thereby procuring a "status" and a "res"  
34 under a government franchise can such persons surrender said rights, and when they do, they must consent to be treated as  
35 though they maintain an effective domicile on federal territory. The Declaration of Independence says that all men are  
36 created equal and endowed by their Creator (God) with "unalienable" rights:

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

42 The word "unalienable" is defined as follows:

43 "Unalienable. Inalienable; incapable of being aliened, that is, sold and transferred."  
44 [Black's Law Dictionary, Fourth Edition, p. 1693]

45 As the above indicates, an "unalienable" right cannot be sold, transferred, or bargained away in relation to the government,  
46 which means that signing or consenting to any kind of franchise agreement cannot destroy or undermine that right in  
47 relation to the government. It is only in relation to the government, in fact, that these rights can even mean anything to  
48 begin with because even before governments were created, men had the right to privately contract with others. This method  
49 of surrendering private rights in exchange for other private rights, in fact, is the basis for all commerce.

50 Therefore, the only place that such rights can be sold, bargained away, or transferred to the federal government is in places  
51 where they do not exist under the organic law, which is only on federal territory. Everything on federal territory is a  
52 privilege and you need express permission from the government to do anything there. When you're living on the King's

land, and you need the permission of the Crown and may not presume the existence of the permission since you risk his displeasure if you proceed without his express permission. The U.S. Supreme Court held that federal territory, in fact, is run more like a “British Crown colony” than a republican state of America. Notice the phrase “privileges of the bill of rights” in the quote below. Even rights are privileges on federal territory!:

*“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)]

Consequently, no constitutionally protected right may be bargained away, sold, or contracted away and thereby given to the government. If this is true, the only place that the government can engage in any kind of contract or franchise that might undermine the natural, “unalienable” rights of a man or woman is in the following circumstances:

1. If that man or woman is legally domiciled on territory of the federal government not protected by the Bill of Rights. In such a case, there are no constitutional rights to give up, but only statutory privileges. Neither is there any common law in federal courts or on federal territory to protect rights, because such rights do not exist. See *Erie Railroad v. Tompkins*, 304 U.S. 64 (1938). The following conditions of citizenship are synonymous with this status:
  - 1.1. Statutory “U.S. citizen” pursuant to [8 U.S.C. §1401](#).
  - 1.2. Statutory “resident” pursuant to [26 U.S.C. §7701\(b\)\(1\)\(A\)](#).
  - 1.3. “Permanent resident” pursuant to [8 U.S.C. §1101\(a\)\(20\)](#).
  - 1.4. Statutory “U.S. person” as defined in [26 U.S.C. §7701\(a\)\(30\)](#).
2. If the man or woman are acting in a representative capacity on behalf of an artificial entity that has no constitutional rights. Such an entity might include a corporation created by the government or a public office within that government. In such a case, [Federal Rule of Civil Proc. 17\(b\)](#) applies. Such an artificial entity is usually the object of a federal franchise and therefore “privileged”.

[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 [a federal corporation called the “United States”, in this case], by the law under which it was organized; and
- (3) for all other parties, by the law of the state where the court is located, except that:
  - (A) a partnership or other unincorporated association with no such capacity under that state's law may sue or be sued in its common name to enforce a substantive right existing under the United States Constitution or laws; and
  - (B) [28 U.S.C. §§754](#) and [959\(a\)](#) govern the capacity of a receiver appointed by a United States court to sue or be sued in a United States court.

Case #2 above is a subset of Case #1 above in the case of persons serving in “public offices” within the federal government, because according to [4 U.S.C. §72](#), the “seat” of the federal government is in the District of Columbia, which is federal territory not protected by the Bill of Rights.

[TITLE 4](#) > [CHAPTER 3](#) > § 72  
[§ 72. Public offices; at seat of Government](#)

*All offices attached to the seat of government shall be exercised in the District of Columbia, and not elsewhere, except as otherwise expressly provided by law.*

While a man or woman is satisfying the obligations associated with a “public office” while on official duty, they take on the character of the sovereign that they represent pursuant to [Federal Rule of Civil Proc. 17\(b\)](#). This sovereign, the United States government, is a federal corporation with a legal domicile in the District of Columbia, pursuant to [4 U.S.C. §72](#) and Article 1, Section 8, Clause 17 of the United States Constitution. To wit:

TITLE 28 - JUDICIARY AND JUDICIAL PROCEDURE  
[PART VI - PARTICULAR PROCEEDINGS](#)  
[CHAPTER 176 - FEDERAL DEBT COLLECTION PROCEDURE](#)  
[SUBCHAPTER A - DEFINITIONS AND GENERAL PROVISIONS](#)  
[Sec. 3002. Definitions](#)

(15) **"United States" means -**

(A) **a Federal corporation;**

(B) an agency, department, commission, board, or other entity of the United States; or

(C) an instrumentality of the United States.

*"Corporations are also of all grades, and made for varied objects; **all governments are corporations, created by usage and common consent, or grants and charters which create a body politic for prescribed purposes; but whether they are private, local or general, in their objects, for the enjoyment of property, or the exercise of power, they are all governed by the same rules of law, as to the construction and the obligation of the instrument by which the incorporation is made. One universal rule of law protects persons and property. It is a fundamental principle of the common law of England, that the term freemen of the kingdom, includes 'all persons,' ecclesiastical and temporal, incorporate, politique or natural; it is a part of their magna charta (2 Inst. 4), and is incorporated into our institutions. The persons of the members of corporations are on the same footing of protection as other persons, and their corporate property secured by the same laws which protect that of individuals. 2 Inst. 46-7. 'No man shall be taken,' 'no man shall be disseised,' without due process of law, is a principle taken from magna charta, infused into all our state constitutions, and is made inviolable by the federal government, by the amendments to the constitution.**"*  
[Proprietors of Charles River Bridge v. Proprietors of Warren Bridge, [36 U.S. 420](#) (1837)]

In law, all corporations are statutory “citizens” or “residents” of the place they were created, which implies that they have a legal domicile in the place they were incorporated.

*"A corporation is a citizen, resident, or inhabitant of the state or country by or under the laws of which it was created, and of that state or country only."*  
[19 Corpus Juris Secundum (C.J.S.), Corporations, §886 (2003)]

Therefore, the “office” that a person holds is the “res” which is domiciled on federal territory and is a “res-ident” or “res” which is “identified” in the records of the government. The person choosing through their right to contract to voluntarily occupy the “office” is not a “resident”, but rather the “public office” that they fill while on official duty becomes the “resident”. This is clarified by Bouvier’s Maxims of Law, which say on this subject:

*"Quando duo juro concurrunt in und personâ, aequum est ac si essent in diversis.  
When two rights [public right v. private right] concur in one person, it is the same as if they were in **two separate persons**. 4 Co. 118."*  
[Bouvier’s Maxims of Law, 1856;  
SOURCE: <http://famguardian.org/Publications/BouvierMaximsOfLaw/BouviereMaxims.htm>]

The Internal Revenue Code, for instance, places the domicile of those engaging in this public office within the District of Columbia pursuant to 26 U.S.C. §7701(a)(39) and 26 U.S.C. §7408(d), because as “taxpayers”, they are acting in a representative capacity on behalf of the national and not state government:

[TITLE 26 > Subtitle F > CHAPTER 79 > Sec. 7701.](#)  
[Sec. 7701. – Definitions](#)

(a)(39) *Persons residing outside [the federal] United States*

*If any **citizen or resident of the United States** does not reside in (and is not found in) any United States judicial district, such citizen or resident shall be treated as residing in the District of Columbia for purposes of any provision of this title relating to -*

(A) jurisdiction of courts, or

(B) enforcement of summons.

TITLE 26 > Subtitle F > CHAPTER 76 > Subchapter A > § 7408  
§7408. Action to enjoin promoters of abusive tax shelters, etc.

(d) Citizens and residents outside the United States

If any citizen or resident of the United States does not reside in, and does not have his principal place of business in, any United States judicial district, such citizen or resident shall be treated for purposes of this section as residing in the District of Columbia.

If Congress really had jurisdiction within a state of the Union, do you think they would need to pull the above trick, which effectively kidnaps your legal identity or “res” and moves it to the District of Columbia?

*“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.**”*  
[Carter v. Carter Coal Co., 298 U.S. 238, 56 S.Ct. 855 (1936)]

*“The difficulties arising out of our dual form of government and the opportunities for differing opinions concerning the relative rights of state and national governments are many; **but for a very long time this court has steadfastly adhered to the doctrine that the taxing power of Congress does not extend to the states or their political subdivisions.** The same basic reasoning which leads to that conclusion, we think, requires like limitation upon the power which springs from the bankruptcy clause. United States v. Butler, supra.”*  
[Ashton v. Cameron County Water Improvement District No. 1, 298 U.S. 513, 56 S.Ct. 892 (1936)]

If you would like to see a memorandum of law that you can use to apply the concepts in this section to challenge enforcement jurisdiction of the Internal Revenue Service, see:

Challenge to Income Tax Enforcement Authority within Constitutional States of the Union, Form #05.052  
<https://sedm.org/Forms/FormIndex.htm>

## **8 The “State Action Doctrine” of the U.S. Supreme Court Confirms that all civil statutory law is law for government**

We will prove in this section that the State Action Doctrine of the U.S. Supreme Court confirms that all civil statutory law is law for government and not the PRIVATE human.

The State Action Doctrine was developed by the U.S. Supreme Court as a means test to validate an action under 42 U.S.C. §1983 and the Fourteenth Amendment Equal Protection Clause.

*Fourteenth Amendment - U.S. Constitution*

*Section. 1.*

*All persons born or naturalized in the United States and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. 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.***

*42 U.S.C. §1983*

***Every person who, under color of any statute, ordinance, regulation, custom, or usage, of any state or territory, subjects, or causes to be subjected, any citizen of the United States or other person within the jurisdiction thereof to the deprivation of any rights, privileges, or immunities secured by the Constitution and laws, shall be liable to the party injured in an action at law, suit in equity, or other proper proceeding for redress.*** except that in any action brought against a judicial officer for an act or omission taken in such officer's judicial capacity, injunctive relief shall not be granted unless a declaratory decree was violated or declaratory relief was unavailable. For the purposes of this section, any Act of Congress applicable exclusively to the District of Columbia shall be considered to be a statute of the District of Columbia.

1 This type of a suit is brought against officials of a CONSTITUTIONAL State RATHER than a STATUTORY State or  
2 territory. State actors may be sued for deprivations of rights caused by a denial of equal protection of law mandated by the  
3 Fourteenth Amendment. Such suits are described in:

*Section 1983 Litigation*, Litigation Tool #08.008  
<http://sedm.org/Litigation/LitIndex.htm>

4 Congress passed 42 U.S.C. §1983 in 1871 as section 1 of the “Ku Klux Klan Act.” The statute did not emerge as a tool for  
5 checking the abuse by state officials, however, until 1961, when the U.S. Supreme Court decided *Monroe v. Pape*.<sup>62</sup> In  
6 *Monroe*, the Court articulated three purposes for passage of the statute:

- 7 1. “to override certain kinds of state laws”;
- 8 2. to provide “a remedy where state law was inadequate”; and
- 9 3. to provide “a federal remedy where the state remedy, though adequate in theory, was not available in practice.”<sup>63</sup>

10 The *Monroe* Court resolved two important issues that allowed 42 U.S.C. §1983 to become a powerful statute for enforcing  
11 rights secured by the Fourteenth Amendment. First, it held that actions taken by state governmental officials, even if  
12 contrary to state law, were nevertheless actions taken “under color of law.” Second, the Court held that injured individuals  
13 have a federal remedy under 42 U.S.C. §1983 even if the officials’ actions also violated state law. In short, the statute was  
14 intended to provide a supplemental remedy. The federal forum was necessary to vindicate federal rights because, according  
15 to Congress in 1871, state courts could not protect Fourteenth Amendment rights because of their “prejudice, passion,  
16 neglect, [and] intolerance.”<sup>64</sup>

17 So to bring such a suit, the petitioner has to prove that the party violating the statute is working for a government. The  
18 analysis below shows that when a respondent of the suit is acting “under the authority of a statute” or a “state custom”, they  
19 are presumed to be officers of the state:

20 *For petitioner to recover under the substantive count of her complaint, she must show a deprivation of a right*  
21 *guaranteed to her by the Equal Protection Clause of the Fourteenth Amendment. Since the 'action inhibited by*  
22 *the first section of the Fourteenth Amendment is only such action as may fairly be said to be that of the*  
23 *States,' Shelley v. Kraemer, 334 U.S. 1, 13, 68 S.Ct. 836, 842, 92 L.Ed. 1161 (1948), we must decide, for*  
24 *purposes of this case, the following 'state action' issue: Is there sufficient state action to prove a violation of*  
25 *petitioner's Fourteenth Amendment rights* *if she shows that Kress refused her service because of a state-*  
26 *enforced custom compelling segregation of the races in Hattiesburg restaurants?*

27 *In analyzing this problem, it is useful to state two polar propositions, each of which is easily identified and*  
28 *resolved. On the one hand, the Fourteenth Amendment plainly prohibits a State itself from discriminating*  
29 *because of race. On the other hand, § 1 of the Fourteenth Amendment does not forbid a private party, not*  
30 *acting against a backdrop of state compulsion or involvement, to discriminate on the basis of race in his*  
31 *personal affairs as an expression of his own personal predilections. As was said in Shelley v. Kraemer, supra,*  
32 *§ 1 of 't)hat Amendment erects no shield against merely private conduct, however discriminatory or*  
33 *wrongful.' 334 U.S., at 13, 68 S.Ct., at 842.*

34 *At what point between these two extremes a State's involvement in the refusal becomes sufficient to make the*  
35 *private refusal to serve a violation of the Fourteenth Amendment, is far from clear under our case law. If a*  
36 *State had a law requiring a private person to refuse service because of race, it is clear beyond dispute that the*  
37 *law would violate the Fourteenth Amendment and could be declared invalid and enjoined from enforcement.*  
38 *Nor can a State enforce such a law requiring discrimination through either convictions of proprietors who*  
39 *refuse to discriminate, or trespass prosecutions of patrons who, after being denied service pursuant to such a*  
40 *law, refuse to honor a request to leave the premises.*<sup>40</sup>

41 *The question most relevant for this case, however, is a slightly different one. It is whether the decision of an*  
42 *owner of a restaurant to discriminate on the basis of race under the compulsion of state law offends the*  
43 *Fourteenth Amendment.* Although this Court has not explicitly decided the Fourteenth Amendment state action  
44 issue implicit in this question, underlying the Court's decisions in the sit-in cases is the notion that a State is  
45 *responsible for the discriminatory act of a private party when the State, by its law, has compelled the act.* As  
46 the Court said in *Peterson v. City of Greenville*, 373 U.S. 244, 248, 83 S.Ct. 1119, 1121 (1963): *'When the*  
47 *State has commanded a particular result, it has saved to itself the power to determine that result and thereby*

<sup>62</sup> 365 U.S. 167 (1961).

<sup>63</sup> 365 U.S. 1173-157 (1961).

<sup>64</sup> 365 U.S. 180 (1961).



'to a significant extent' has 'become involved' in it.' Moreover, there is much support in lower court opinions for the conclusion that discriminatory acts by private parties done under the compulsion of state law offend the Fourteenth Amendment. In Baldwin v. Morgan, supra, the Fifth Circuit held that '(t)he very act of posting and maintaining separate (waiting room) facilities when done by the (railroad) Terminal as commanded by these state orders is action by the state.' The Court then went on to say: 'As we have pointed out above the State may not use race or color as the basis for distinction. It may not do so by direct action or through the medium of others who are under State compulsion to do so.' Id., 287 F.2d at 755—756 (emphasis added). We think the same principle governs here.

For state action purposes it makes no difference of course whether the racially discriminatory act by the private party is compelled by a statutory provision or by a custom having the force of law—in either case it is the State that has commanded the result by its law. Without deciding whether less substantial involvement of a State might satisfy the state action requirement of the Fourteenth Amendment, we conclude that petitioner would show an abridgement of her equal protection right, if she proves that Kress refused her service because of a state-enforced custom of segregating the races in public restaurants.  
[Adickes v. Kress Company, 398 U.S. 144, 90 S.Ct. 1598, 26 L.Ed.2d. 142 (1970)]

We conclude from the above analysis that EVERYONE who either claims the “benefit” of a statute or acts under the alleged authority of any civil statute is a “state actor” and therefore “state officer”, even if they have no legitimate authority to do so. The courts would say they are acting “under the color of law” and therefore are a “state actor”.

There is also a severe defect in the above analysis, because they contradict themselves by alleging that those under the compulsion of a statute can be a “private person”.

*“If a State had a law requiring a private person to refuse service because of race, it is clear beyond dispute that the law would violate the Fourteenth Amendment and could be declared invalid and enjoined from enforcement.”*

[...]

Moreover, there is much support in lower court opinions for the conclusion that discriminatory acts by private parties done under the compulsion of state law offend the Fourteenth Amendment.

This is clearly impossible. Either you are ACTING as a PUBLIC state officer and therefore under the compulsion of a civil statute, or you are PRIVATE and NOT under the compulsion. They are trying to confuse the PUBLIC you and the PRIVATE you and make them indistinguishable, even though maxims of law forbid this:

*Quando duo juro concurrunt in und personâ, aequum est ac si essent in diversis.*  
When two rights [public right v. private right] concur in one person, it is the same as if they were two separate persons. 4 Co. 118.  
[Bouvier's Maxims of Law, 1856;  
SOURCE: <http://famguardian.org/Publications/BouvierMaximsOfLaw/BouviersMaxims.htm>]

This same forked tongue U.S. Supreme Court earlier held that “private persons” OWE NOTHING to the public so long as they don't trespass on the rights of others, and therefore cannot be regulated or subject to the control of any statute:

*"The individual may stand upon his constitutional rights as a citizen. He is entitled to carry on his private business in his own way [unregulated by the government]. His power to contract is unlimited. He owes no duty to the State or to his neighbor to divulge his business, or to open his doors to an investigation, so far as it may tend to criminate him. He owes no such duty to the State, since he receives nothing therefrom, beyond the protection of his life and property. His rights are such as existed by the law of the land long antecedent to the organization of the State, and can only be taken from him by due process of law, and in accordance with the Constitution. Among his rights are a refusal to incriminate himself, and the immunity of himself and his property from arrest or seizure except under a warrant of the law. He owes nothing to the public [including so-called "taxes" under Subtitle A of the I.R.C.] so long as he does not trespass upon their rights."*  
[Hale v. Henkel, 201 U.S. 43, 74 (1906)]

Indirectly, the U.S. Supreme Court is admitting that the PUBLIC you that they can regulate with statutes is called a statutory “citizen” and the PRIVATE you has no name and cannot be regulated. Therefore if you do not consent to BECOME a privileged statutory “citizen”, then the very definition of justice implies that they have to leave you alone and NOT enforce the statutes against you.

Throughout this website, we refer to those who are “private persons” or simply “humans” as NOT subject to civil statutes unless and until they VOLUNTEER to act as an officer of the state and thereby CEASE to be “private persons”. Every time

any government seeks to enforce a civil statute against us, we must DEMAND that they prove ON THE RECORD the following facts with evidence or have their enforcement action nullified:

1. That you expressly consented to BECOME a statutory "citizen" and therefore a public officer and state actor.
2. That at the time you consented, you were physically located in a place not protected by the Constitution and therefore could lawfully alienate an otherwise INALIENABLE Constitutional right.
3. That they recognized your absolute right to NOT consent and even protected it. Otherwise, they are not a "government" as the Declaration of Independence itself defines it.
4. That you took an oath and therefore are lawfully serving in a public office as a state actor.
5. That you were being paid for your time served as a public officer when you were acting under the alleged authority of the statute.
6. That you knew you were a public officer or state actor at the time the offending act was committed. You can't serve as a public officer WITHOUT even knowing it. That would be RIDICULOUS.

Unfortunately, the statutes enacted with 42 U.S.C. §1983 can be wrongfully applied, because they ALSO protect PUBLIC rights of public officers on official business. How do we know this? Because they use the term "equal benefit" and "privilege and immunity", neither of which you want because they connect you to a public statutory franchise "benefit":

42 U.S.C. §1981

(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, and shall be subject to like punishment, pains, penalties, taxes, licenses, and exactions of every kind, and to no other.*

The ONLY "law" a PRIVATE human beyond the protection of civil statutory law should seek to enforce in a 42 U.S.C. §1983 suit is CONSTITUTIONAL right and common law, not as STATUTORY franchise "benefit", which includes all public benefits, the Internal Revenue Code Subtitle A "trade or business"/public officer franchise tax, license programs, etc.

Note also the term "privileges and immunities" found in the Fourteenth Amendment DOES NOT include any statutory franchise of Congress, but merely your CONSTITUTIONAL rights and nothing more, according to Justice Clarence Thomas:

*Thomas, J., dissenting*

*Justice Thomas, with whom the Chief Justice joins, dissenting.*

*I join The Chief Justice's dissent. I write separately to address the majority's conclusion that California has violated "the right of the newly arrived citizen to the same privileges and immunities enjoyed by other citizens of the same State." Ante, at 12. In my view, the majority attributes a meaning to the Privileges or Immunities Clause that likely was unintended when the Fourteenth Amendment was enacted and ratified.*

*The Privileges or Immunities Clause of the Fourteenth Amendment provides that "[n]o State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States." U.S. Const., Amdt. 14, §1. Unlike the Equal Protection and Due Process Clauses, which have assumed near-talismanic status in modern constitutional law, the Court all but read the Privileges or Immunities Clause out of the Constitution in the Slaughter-House Cases, 16 Wall. 36 (1873). There, the Court held that the State of Louisiana had not abridged the Privileges or Immunities Clause by granting a partial monopoly of the slaughtering business to one company. Id., at 59-63, 66. The Court reasoned that the Privileges or Immunities Clause was not intended "as a protection to the citizen of a State against the legislative power of his own State." Id., at 74. Rather the "privileges or immunities of citizens" guaranteed by the Fourteenth Amendment were limited to those "belonging to a citizen of the United States as such." Id., at 75. The Court declined to specify the privileges or immunities that fell into this latter category, but it made clear that few did. See id., at 76 (stating that "nearly every civil right for the establishment and protection of which organized government is instituted," including "those rights which are fundamental," are not protected by the Clause).*

*Unlike the majority, I would look to history to ascertain the original meaning of the Clause.<sup>1</sup> At least in American law, the phrase (or its close approximation) appears to stem from the 1606 Charter of Virginia, which provided that "all and every the Persons being our Subjects, which shall dwell and inhabit within every or any of the said several Colonies shall HAVE and enjoy all Liberties, Franchises, and Immunities as if they had been abiding and born, within this our Realm of England."*

7 Federal and State Constitutions, Colonial Charters and Other Organic Laws 3788 (F. Thorpe ed. 1909). Other colonial charters contained similar guarantees.<sup>2</sup> Years later, as tensions between England and the American Colonies increased, the colonists adopted resolutions reasserting their entitlement to the privileges or immunities of English citizenship.<sup>3</sup>

The colonists' repeated assertions that they maintained the rights, privileges and immunities of persons "born within the realm of England" and "natural born" persons suggests that, at the time of the founding, the terms "privileges" and "immunities" (and their counterparts) were understood to refer to those fundamental rights and liberties specifically enjoyed by English citizens, and more broadly, by all persons. Presumably members of the Second Continental Congress so understood these terms when they employed them in the Articles of Confederation, which guaranteed that "the free inhabitants of each of these States, paupers, vagabonds and fugitives from justice excepted, shall be entitled to all privileges and immunities of free citizens in the several States." Art. IV. The Constitution, which superceded the Articles of Confederation, similarly guarantees that "[t]he Citizens of each State shall be entitled to all Privileges and Immunities of Citizens in the several States." Art. IV, §2, cl. 1.

Justice Bushrod Washington's landmark opinion in *Corfield v. Coryell*, 6 Fed. Cas. 546 (No. 3, 230) (CCED Pa. 1825), reflects this historical understanding. In *Corfield*, a citizen of Pennsylvania challenged a New Jersey law that prohibited any person who was not an "actual inhabitant and resident" of New Jersey from harvesting oysters from New Jersey waters. *Id.*, at 550. Justice Washington, sitting as Circuit Justice, rejected the argument that the New Jersey law violated Article IV's Privileges and Immunities Clause. He reasoned, "we cannot accede to the proposition that, under this provision of the constitution, the citizens of the several states are permitted to participate in all the rights which belong exclusively to the citizens of any other particular state, merely upon the ground that they are enjoyed by those citizens." *Id.*, at 552. Instead, Washington concluded:

We feel no hesitation in confining these expressions to those privileges and immunities which are, in their nature, fundamental; which belong, of right, to the citizens of all free governments; and which have, at all times, been enjoyed by the citizens of the several states which compose this Union, from the time of their becoming free, independent, and sovereign. What these fundamental principles are, it would perhaps be more tedious than difficult to enumerate. They may, however, be all comprehended under the following general heads: Protection by the government; the enjoyment of life and liberty, with the right to acquire and possess property of every kind, and to pursue and obtain happiness and safety; subject nevertheless to such restraints as the government may justly prescribe for the general good of the whole. The right of a citizen of one state to pass through, or to reside in any other state, for purposes of trade, agriculture, professional pursuits, or otherwise; to claim the benefit of the writ of habeas corpus; to institute and maintain actions of any kind in the courts of the state; and an exemption from higher taxes or impositions than are paid by the other citizens of the state; the elective franchise, as regulated and established by the laws or constitution of the state in which it is to be exercised. These, and many others which might be mentioned, are, strictly speaking, privileges and immunities." *Id.* at 551 552.

Washington rejected the proposition that the Privileges and Immunities Clause guaranteed equal access to all public benefits (such as the right to harvest oysters in public waters) that a State chooses to make available. Instead, he endorsed the colonial-era conception of the terms "privileges" and "immunities," concluding that Article IV encompassed only fundamental rights that belong to all citizens of the United States.<sup>4</sup> *Id.*, at 552.

Justice Washington's opinion in *Corfield* indisputably influenced the Members of Congress who enacted the Fourteenth Amendment. When Congress gathered to debate the Fourteenth Amendment, members frequently, if not as a matter of course, appealed to *Corfield*, arguing that the Amendment was necessary to guarantee the fundamental rights that Justice Washington identified in his opinion. See Harrison, *Reconstructing the Privileges or Immunities Clause*, 101 Yale L. J. 1385, 1418 (1992) (referring to a Member's "obligatory quotation from *Corfield*"). For just one example, in a speech introducing the Amendment to the Senate, Senator Howard explained the Privileges or Immunities Clause by quoting at length from *Corfield*.<sup>5</sup> Cong. Globe, 39th Cong., 1st Sess., 2765 (1866). Furthermore, it appears that no Member of Congress refuted the notion that Washington's analysis in *Corfield* undergirded the meaning of the Privileges or Immunities Clause.<sup>6</sup>

That Members of the 39th Congress appear to have endorsed the wisdom of Justice Washington's opinion does not, standing alone, provide dispositive insight into their understanding of the Fourteenth Amendment's Privileges or Immunities Clause. Nevertheless, their repeated references to the *Corfield* decision, combined with what appears to be the historical understanding of the Clause's operative terms, supports the inference that, at the time the Fourteenth Amendment was adopted, people understood that "privileges or immunities of citizens" were fundamental rights, rather than every public benefit established by positive law. Accordingly, the majority's conclusion that a State violates the Privileges or Immunities Clause when it "discriminates" against citizens who have been domiciled in the State for less than a year in the distribution of welfare benefit appears contrary to the original understanding and is dubious at best.

As The Chief Justice points out, ante at 1, it comes as quite a surprise that the majority relies on the Privileges or Immunities Clause at all in this case. That is because, as I have explained supra, at 1 2, The Slaughter-House Cases sapped the Clause of any meaning. Although the majority appears to breathe new life into the Clause

today, it fails to address its historical underpinnings or its place in our constitutional jurisprudence. Because I believe that the demise of the Privileges or Immunities Clause has contributed in no small part to the current disarray of our Fourteenth Amendment jurisprudence, I would be open to reevaluating its meaning in an appropriate case. Before invoking the Clause, however, we should endeavor to understand what the framers of the Fourteenth Amendment thought that it meant. We should also consider whether the Clause should displace, rather than augment, portions of our equal protection and substantive due process jurisprudence. The majority's failure to consider these important questions raises the specter that the Privileges or Immunities Clause will become yet another convenient tool for inventing new rights, limited solely by the "predilections of those who happen at the time to be Members of this Court." *Moore v. East Cleveland*, 431 U.S. 494, 502 (1977).

I respectfully dissent.

#### Notes

1. Legal scholars agree on little beyond the conclusion that the Clause does not mean what the Court said it meant in 1873. See, e.g., Harrison, *Reconstructing the Privileges or Immunities Clause*, 101 *Yale L. J.* 1385, 1418 (1992) (Clause is an antidiscrimination provision); D. Currie, *The Constitution in the Supreme Court* 341 351 (1985) (same); 2 W. Crosskey, *Politics and the Constitution in the History of the United States* 1089 1095 (1953) (Clause incorporates first eight Amendments of the Bill of Rights); M. Curtis, *No State Shall Abridge* 100 (1986) (Clause protects the rights included in the Bill of Rights as well as other fundamental rights); B. Siegan, *Supreme Court's Constitution* 46 71 (1987) (Clause guarantees Lockean conception of natural rights); Ackerman, *Constitutional Politics/Constitutional Law*, 99 *Yale L. J.* 453, 521 536 (1989) (same); J. Ely, *Democracy and Distrust* 28 (1980) (Clause "was a delegation to future constitutional decision-makers to protect certain rights that the document neither lists or in any specific way gives directions for finding"); R. Berger, *Government by Judiciary* 30 (2d ed. 1997) (Clause forbids race discrimination with respect to rights listed in the Civil Rights Act of 1866); R. Bork, *The Tempting of America* 166 (1990) (Clause is inscrutable and should be treated as if it had been obliterated by an ink blot).

2. See 1620 Charter of New England, in 3 Thorpe, at 1839 (guaranteeing "[l]iberties, and franchises, and Immunities of free Denizens and naturall Subjects"); 1622 Charter of Connecticut, reprinted in 1 *id.*, at 553 (guaranteeing "[l]iberties and Immunities of free and natural Subjects"); 1629 Charter of the Massachusetts Bay Colony, in 3 *id.*, at 1857 (guaranteeing the "liberties and Immunities of free and naturall subjects"); 1632 Charter of Maine, in 3 *id.*, at 1635 (guaranteeing "[l]iberties[,] Franchises and Immunities of or belonging to any of the naturall borne subjects"); 1632 Charter of Maryland, in 3 *id.*, at 1682 (guaranteeing "Privileges, Franchises and Liberties"); 1663 Charter of Carolina, in 5 *id.*, at 2747 (holding "liberties, franchises, and privileges" inviolate); 1663 Charter of the Rhode Island and Providence Plantations, in 6 *id.*, at 3220 (guaranteeing "liberties and immunities of free and naturall subjects"); 1732 Charter of Georgia, in 2 *id.*, at 773 (guaranteeing "liberties, franchises and immunities of free denizens and natural born subjects").

3. See, e.g., *The Massachusetts Resolves*, in *Prologue to Revolution: Sources and Documents on the Stamp Act Crisis* 56 (E. Morgan ed. 1959) ("Resolved, That there are certain essential Rights of the British Constitution of Government, which are founded in the Law of God and Nature, and are the common Rights of Mankind Therefore, Resolved that no Man can justly take the Property of another without his Consent . . . this inherent Right, together with all other essential Rights, Liberties, Privileges and Immunities of the People of Great Britain have been fully confirmed to them by Magna Charta"); *The Virginia Resolves*, *id.*, at 47 48 ("[T]he Colonists aforesaid are declared entitled to all Liberties, Privileges, and Immunities of Denizens and natural Subjects, to all Intents and Purposes, as if they had been abiding and born within the Realm of England"); 1774 *Statement of Violation of Rights*, 1 *Journals of the Continental Congress* 68 (1904) ("[O]ur ancestors, who first settled these colonies, were at the time of their emigration from the mother country, entitled to all the rights, liberties, and immunities of free and natural-born subjects, within the realm of England Resolved [t]hat by such emigration they by no means forfeited, surrendered or lost any of those rights").

4. During the first half of the 19th century, a number of legal scholars and state courts endorsed Washington's conclusion that the Clause protected only fundamental rights. See, e.g., *Campbell v. Morris*, 3 *Harr. & M.* 535, 554 (Md. 1797) (Chase, J.) (Clause protects property and personal rights); *Douglass v. Stephens*, 1 *Del. Ch.* 465, 470 (1821) (Clause protects the "absolute rights" that "all men by nature have"); 2 J. Kent, *Commentaries on American Law* 71 72 (1836) (Clause "confined to those [rights] which were, in their nature, fundamental"). See generally Antieau, *Paul's Perverted Privileges or the True Meaning of the Privileges and Immunities Clause of Article Four*, 9 *Wm. & Mary L. Rev.* 1, 18 21 (1967) (collecting sources).

5. He also observed that, while, Supreme Court had not "undertaken to define either the nature or extent of the privileges and immunities," Washington's opinion gave "some intimation of what probably will be the opinion of the judiciary." *Cong. Globe*, 39th Cong., 1st Sess., 2765 (1866).

6. During debates on the Civil Rights Act of 1866, Members of Congress also repeatedly invoked Corfield to support the legislation. See generally, Siegan, *Supreme Court's Constitution*, at 46 56. The Act's sponsor, Senator Trumble, quoting from Corfield, explained that the legislation protected the "fundamental rights belonging to every man as a free man, and which under the Constitution as it now exists we have a right to protect every man in." *Cong. Globe*, *supra*, at 476. The Civil Rights Act is widely regarded as the precursor to



1           the Fourteenth Amendment. See, e.g., J. tenBroek, *Equal Under Law* 201 (rev. ed. 1965) ("The one point upon  
2           which historians of the Fourteenth Amendment agree, and, indeed, which the evidence places beyond cavil, is  
3           that the Fourteenth Amendment was designed to place the constitutionality of the Freedmen's Bureau and civil  
4           rights bills, particularly the latter, beyond doubt").  
5           [*Saenz v. Roe*, 526 U.S. 473, 119 S.Ct. 1430, 143 L.Ed.2d. 635 (1999)]

6       However, in a STATUTORY context, the word "privileges and immunities" as well as "benefit" implies Congressionally  
7       created and granted statutory franchise privileges that jeopardize and nullify your constitutional rights and surrender the  
8       protections of the common law for those rights. Such statutory privileges are the main means to get you to surrender your  
9       CONSTITUTIONAL PRIVATE rights in exchange for STATUTORY PUBLIC PRIVILEGES, and also to surrender the  
10      protections of the common law for those PRIVATE rights.

11           The words "privileges" and "immunities," [within the Article 4, Section 2, Clause 1] like the greater part of the  
12           legal phraseology of this country, have been carried over from the law of Great Britain, and recur constantly  
13           either as such or in equivalent expressions from the time of Magna Charta. For all practical purposes they are  
14           synonymous in meaning, and originally signified a peculiar right or private law conceded to particular persons  
15           or places whereby a certain individual or class of individuals was exempted from the rigor of the common  
16           law. Privilege or immunity is conferred upon any person when he is invested with a legal claim to the exercise  
17           of special or peculiar rights, authorizing him to enjoy some particular advantage or exemption.<sup>65</sup>  
18           [*The Privileges and Immunities of State Citizenship*, Roger Howell, PhD, 1918, pp. 9-10;  
19           SOURCE: [http://fmguardian.org/Publications/ThePrivAndImmOfStateCit/The\\_privileges\\_and\\_immunities\\_of\\_state\\_c.pdf](http://fmguardian.org/Publications/ThePrivAndImmOfStateCit/The_privileges_and_immunities_of_state_c.pdf)]

20      You should NEVER file a suit in any civil court to vindicate a statutory privilege or franchise PUBLIC right, but only to  
21      defend a PRIVATE right under the CONSTITUTION and the COMMON law, NOT as a STATUTORY "person", but as a  
22      CONSTITUTIONAL "person" who is NOT a STATUTORY "person". CONSTITUTIONAL and STATUTORY  
23      "persons" are mutually exclusive and NON-overlapping. More details can be found at:

<p><i>Government Instituted Slavery Using Franchises</i>, Form #05.030 <a href="http://sedm.org/Forms/FormIndex.htm">http://sedm.org/Forms/FormIndex.htm</a></p>
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24      Some very interesting inferences are suggested by the above cite from *Adickes v. Kress Company*, 398 U.S. 144, 90 S.Ct.  
25      1598, 26 L.Ed.2d. 142 (1970) above. Whenever you are under external state compulsion by, for instance, being the target  
26      of government enforcement actions to compel you to obey a specific civil statute:

- 27      1. The REAL actor, liable party, and defendant if an injury occurs because of your conduct is THE GOVERNMENT and  
28      not you personally.
- 29      2. You may not be listed as the defendant if the party whose constitutional rights were injured files suit in court. Instead,  
30      it is those who are instituting the enforcement activity that compels you to perform the offending or injurious act.
- 31      3. The Constitution limits your conduct if the injured party is NOT a state actor. This includes the entire Bill of Rights.
- 32      4. Government can't have it both ways. They can't, for instance:
  - 33          4.1. Claim that YOU are the PRIVATE actor instead of them without also admitting that they are enforcing  
34          ILLEGALLY against you and that they have no jurisdiction to enforce.
  - 35          4.2. Refuse to identify THEMSELVES as the real defendant if the injured party files suit, either by falsely stating so  
36          or through omission refusing to admit it.
- 37      5. All the "benefits" of the rules of evidence afforded to public officers also accrue to you. That means that the judge  
38      HAS to admit EVERYTHING you say or write into evidence because it documents your efforts AS a public officer to  
39      fulfill your lawful COMPELLED duties.
  - 40          5.1. Everything you produce becomes a "public record" of a public officer, including information that incriminates the  
41          judge and the party illegally instituting the enforcement action that compelled you to act as a public officer to  
42          begin with.
  - 43          5.2. They can't EXCLUDE anything because it might, for instance, incriminate ANOTHER public officer who injure  
44          you. See Federal Rule of Evidence 803(9).
  - 45          5.3. You don't have to produce the ORIGINAL of your records. See Federal Rule of Evidence 1005.

<sup>65</sup> 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.



## 9 Franchises: The main vehicle by which “private” human beings connect themselves to “public offices” and become subject to government statutes and “codes”

“Governments never do anything by accident; if government does something you can bet it was carefully planned.”  
[Franklin D. Roosevelt, President of the United States]

Franchises are the main method by which the sovereignty of people in the states of the Union are unlawfully and unconstitutionally destroyed. The gravely injurious effects of participating in government franchises include the following.

1. Those who participate in franchises are treated as domiciliaries of the federal zone, statutory “U.S. persons”, and statutory “resident aliens” in respect to the federal government.
2. Those who participate in franchises are treated as “trustees” of the “public trust” and “public officers” of the federal government and suffer great legal disability as a consequence:

“As expressed otherwise, the powers delegated to a public officer are held in trust for the people and are to be exercised in behalf of the government or of all citizens who may need the intervention of the officer. 66 Furthermore, the view has been expressed that all public officers, within whatever branch and whatever level of government, and whatever be their private vocations, are trustees of the people, and accordingly labor under every disability and prohibition imposed by law upon trustees relative to the making of personal financial gain from a discharge of their trusts. 67 That is, a public officer occupies a fiduciary relationship to the political entity on whose behalf he or she serves. 68 and owes a fiduciary duty to the public. 69 It has been said that the fiduciary responsibilities of a public officer cannot be less than those of a private individual. 70 Furthermore, it has been stated that any enterprise undertaken by the public official which tends to weaken public confidence and undermine the sense of security for individual rights is against public policy.” 71

[63C American Jurisprudence 2d, Public Officers and Employees, §247 (1999)]

3. Those who participate in franchises are not protected by any part of the Constitution:
  - 3.1. They are treated as though they waive their Constitutional right not to be subjected to administrative penalties and other “bills of attainder” administered by the Executive Branch without court trials.
  - 3.2. They must suffer the degrading treatment of filling the role of a federal “public employee” subject to the supervision of their servants in the government.
4. Those who participate in franchises may lawfully be deprived of equal protection of the law, which is the foundation of the U.S. Constitution. This deprivation of equal protection can lawfully become a provision of the franchise agreement.
5. Those who participate in franchises can lawfully be deprived of remedy for abuses in federal courts.

“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.

66 State ex rel. Nagle v. Sullivan, 98 Mont. 425, 40 P.2d. 995, 99 A.L.R. 321; Jersey City v. Hague, 18 N.J. 584, 115 A.2d. 8.

67 Georgia Dep’t of Human Resources v. Sistrunk, 249 Ga. 543, 291 S.E.2d. 524. A public official is held in public trust. Madlener v. Finley (1st Dist), 161 Ill.App.3d. 796, 113 Ill.Dec. 712, 515 N.E.2d. 697, app gr 117 Ill.Dec. 226, 520 N.E.2d. 387 and revd on other grounds 128 Ill.2d. 147, 131 Ill.Dec. 145, 538 N.E.2d. 520.

68 Chicago Park Dist. v. Kenroy, Inc., 78 Ill.2d. 555, 37 Ill.Dec. 291, 402 N.E.2d. 181, appeal after remand (1st Dist) 107 Ill.App.3d. 222, 63 Ill.Dec. 134, 437 N.E.2d. 783.

69 United States v. Holzer (CA7 Ill), 816 F.2d. 304 and vacated, remanded on other grounds 484 U.S. 807, 98 L Ed 2d 18, 108 S Ct 53, on remand (CA7 Ill) 840 F.2d. 1343, cert den 486 U.S. 1035, 100 L Ed 2d 608, 108 S Ct 2022 and (criticized on other grounds by United States v. Osser (CA3 Pa) 864 F.2d. 1056) and (superseded by statute on other grounds as stated in United States v. Little (CA5 Miss) 889 F.2d. 1367) and (among conflicting authorities on other grounds noted in United States v. Boylan (CA1 Mass), 898 F.2d. 230, 29 Fed.Rules.Evid.Serv. 1223).

70 Chicago ex rel. Cohen v. Keane, 64 Ill.2d. 559, 2 Ill.Dec. 285, 357 N.E.2d. 452, later proceeding (1st Dist) 105 Ill.App.3d. 298, 61 Ill.Dec. 172, 434 N.E.2d. 325.

71 Indiana State Ethics Comm’n v. Nelson (Ind App), 656 N.E.2d. 1172, reh gr (Ind App) 659 N.E.2d. 260, reh den (Jan 24, 1996) and transfer den (May 28, 1996).

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

6. Those who participate in franchises can be directed which federal courts they may litigate in and can lawfully be deprived of an Constitution Article III judge or Article III court and forced to seek remedy ONLY in an Article I or Article IV legislative or administrative tribunal within the Executive rather than Judicial branch of the government.

Although Crowell and Raddatz do not explicitly distinguish between rights created by Congress and other rights, such a distinction underlies in part Crowell's and Raddatz' recognition of a critical difference between rights created by federal statute and rights recognized by the Constitution. Moreover, such a distinction seems to us to be necessary in light of the delicate accommodations required by the principle of separation of powers reflected in Art. III. The constitutional system of checks and balances is designed to guard against "encroachment or aggrandizement" by Congress at the expense of the other branches of government. Buckley v. Valeo, 424 U.S., at 122, 96 S.Ct., at 683. But when Congress creates a statutory right [a "privilege" in this case, such as a "trade or business"], it clearly has the discretion, in defining that right, to create presumptions, or assign burdens of proof, or prescribe remedies; it may also provide that persons seeking to vindicate that right must do so before particularized tribunals created to perform the specialized adjudicative tasks related to that right. FN35 Such provisions do, in a sense, affect the exercise of judicial power, but they are also incidental to Congress' power to define the right that it has created. No comparable justification exists, however, when the right being adjudicated is not of congressional creation. In such a situation, substantial inroads into functions that have traditionally been performed by the Judiciary cannot be characterized merely as incidental extensions of Congress' power to define rights that it has created. Rather, such inroads suggest unwarranted encroachments upon the judicial power of the United States, which our Constitution reserves for Art. III courts. [Northern Pipeline Const. Co. v. Marathon Pipe Line Co., 458 U.S. at 83-84, 102 S.Ct. 2858 (1983)]

The authority for implementing franchises derives from Article 4, Section 3, Clause 2 of the United States Constitution:

United States Constitution  
Article IV, Section 3, Clause 2

The Congress shall have Power to dispose of and make all needful Rules and Regulations respecting the Territory or other Property belonging to the United States; and nothing in this Constitution shall be so construed as to Prejudice any Claims of the United States, or of any particular State.

In law, all rights are property, anything that conveys rights is property, contracts convey rights and are property, and all franchises are contracts and therefore property. All of the statutes enacted by Congress constitute "needful rules" for administering property of the national government, wherever situated. The U.S. Supreme Court said of these "needful rules" and the legislation that implements them the following, thus confirming that they may NOT be enforced against those protected by the Constitution, even WITH their consent:

"As courts have been presented with the need to enforce constitutional rights, they have found means of doing so. That was our responsibility when Escobedo was before us and it is our responsibility today. Where rights secured by the Constitution are involved, there can be no rule making or legislation which would abrogate them."  
[Miranda v. Arizona, 384 U.S. 436, 86 S.Ct. 1602, 16 L.Ed.2d. 694 (1966)]

United States District and Circuit Courts are, in fact, established pursuant ONLY to Article 4, Section 3, Clause 2 of the United States Constitution to administer property of the national government. If you walk into one of these courts, you are a trustee and public officer managing federal property and the so-called "judge" is really just a franchise administrator supervising an executor of the public trust. For the proof, see:

What Happened to Justice?, Form #06.012  
<http://sedm.org/Forms/FormIndex.htm>

The PREVENTION of the invasion of states of the Union by the national government through the abuse of franchises is the MAIN thing that the U.S. Supreme Court said its duty was, when it held the following:

*"The idea prevails with some, indeed it has found expression in arguments at the bar, that we have in this country substantially two national governments; one to be maintained under the Constitution, with all of its restrictions; the other to be maintained by Congress outside the independently of that instrument, by exercising such powers [of absolutism] as other nations of the earth are accustomed to.. I take leave to say that, if the principles thus announced should ever receive the sanction of a majority of this court, a radical and mischievous [SATANIC] change in our system of government will result. We will, in that event, pass from the era of constitutional liberty guarded and protected by a written constitution into an era of legislative absolutism.. It will be an evil [SATANIC] day for American liberty if the theory of a government outside the supreme law of the land finds lodgment in our constitutional jurisprudence. No higher duty rests upon this court than to exert its full authority to prevent all violation of the principles of the Constitution."*  
[Downes v. Bidwell, [182 U.S. 244](#) (1901), Minority opinion]

Since the founding of our country, franchises have systematically been employed in every area of government to transform a government based on equal protection and equal treatment into a for-profit private corporation based on privilege, partiality, hypocrisy, and favoritism. The effects of this form of corruption are exhaustively described in the following memorandum of law on our website:

[Corporatization and Privatization of the Government](http://sedm.org/Forms/FormIndex.htm), Form #05.024  
<http://sedm.org/Forms/FormIndex.htm>

What are the mechanisms by which this corruption has been implemented by the Executive Branch? This section will detail the main mechanisms to sensitize you to how to fix the problem and will relate how it was implemented by exploiting the separation of powers doctrine.

The foundation of the separation of powers is the notion that the powers delegated to one branch of government by the Constitution cannot be re-delegated to another branch.

*"...a power definitely assigned by the Constitution to one department can neither be surrendered nor delegated by that department, nor vested in another department or agency. Compare [Springer v. Philippine Islands](#), 277 U.S. 189, 201, 202, 48 S.Ct. 480, 72 L.Ed. 845."*  
[Williams v. U.S., 289 U.S. 553, 53 S.Ct. 751 (1933)]

Keenly aware of the above limitation, lawmakers over the years have used it to their advantage in creating a tax system that is exempt from any kind of judicial interference and which completely destroys all separation of powers. Below is a summary of the mechanism, in the exact sequence it was executed at the federal level:

1. Create a franchise based upon a "public office" in the Executive or Legislative Branch. This:
  - 1.1. Allows statutes passed by Congress to be directly enforced against those who participate.
  - 1.2. Eliminates the need for publication in the Federal Register of enforcement implementing regulations for the statutes. See [5 U.S.C. §553](#)(a) and [44 U.S.C. §1505](#)(a)(1).
  - 1.3. Causes those engaged in the franchise to act in a representative capacity as "public officers" of the United States government pursuant to Federal Rule of Civil Procedure 17(b), which is defined in [28 U.S.C. §3002](#)(15)(A) as a federal corporation.
  - 1.4. Causes all those engaged in the franchise to become "officers of a corporation", which is the United States, pursuant to [26 U.S.C. §6671](#)(b) and [26 U.S.C. §7343](#).
2. Give the franchise a deceptive "word of art" name that will deceive everyone into believing that they are engaged in it.
  - 2.1. The franchise is called a "trade or business" and is defined in [26 U.S.C. §7701](#)(a)(26) as "the functions of a public office". How many people know this and do they teach this in the public (government) schools or the IRS publications? NOT!
  - 2.2. Earnings connected with the franchise are called "effectively connected with a trade or business in the United States". The term "United States" deceptively means the GOVERNMENT, and not the geographical United States.
3. In the franchise agreement, define the effective domicile or choice of law of all those who participate as being on federal territory within the exclusive jurisdiction of the United States. [26 U.S.C. §7408](#)(d) and [26 U.S.C. §7701](#)(a)(39) place the effective domicile of all "franchisees" called "taxpayers" within the District of Columbia. If the feds really had jurisdiction within states of the Union, do you think they would need this devious device to "kidnap your legal identity" or "res" and move it to a foreign jurisdiction where you don't physically live?

4. Place an excise tax upon the franchise proportional to the income earned from the franchise. In the case of the Internal Revenue Code, all such income is described as income which is “effectively connected with a trade or business within the United States”.

“Excises are taxes laid upon the manufacture, sale or consumption of commodities within the country, upon licenses to pursue certain occupations and upon corporate privileges...the requirement to pay such taxes involves the exercise of [220 U.S. 107, 152] privileges, and the element of absolute and unavoidable demand is lacking...”

*...It is therefore well settled by the decisions of this court that when the sovereign authority has exercised the right to tax a legitimate subject of taxation as an exercise of a franchise or privilege, it is no objection that the measure of taxation is found in the income produced in part from property which of itself considered is nontaxable...*

*Conceding the power of Congress to tax the business activities of private corporations.. the tax must be measured by some standard...”*  
*[Flint v. Stone Tracy Co., 220 U.S. 107 (1911)]*

5. Mandate that those engaged in the franchise must have usually false evidence submitted by ignorant third parties that connects them to the franchise. IRS information returns, including IRS Forms W-2, 1042s, 1098, and 1099, are the mechanism. 26 U.S.C. §6041 says that these information returns may ONLY be filed in connection with a “trade or business”, which is a code word for the name of the franchise.
6. Write statutes prohibiting interference by the courts with the collection of “taxes” (kickbacks) associated with the franchise based on the idea that courts in the Judicial Branch may not interfere with the internal affairs of another branch such as the Executive Branch. Hence, the “INTERNAL Revenue Service”. This will protect the franchise from interference by other branches of the government and ensure that it relentlessly expands.
- 6.1. The Anti-Injunction Act, 26 U.S.C. §7421 is an example of an act that enjoins judicial interference with tax collection or assessment.
- 6.2. The Declaratory Judgments Act, 28 U.S.C. §2201 (a) prohibits federal courts from pronouncing the rights or status of persons in regard to federal “taxes”. This has the effect of gagging the courts from telling the truth about the nature of the federal income tax.
- 6.3. The word “internal” means INTERNAL to the Executive Branch and the United States government, not INTERNAL to the geographical United States of America.
7. Create administrative “franchise” courts in the Executive Branch which administer the program pursuant to Articles I and IV of the United States Constitution.
- 7.1. U.S. Tax Court. 26 U.S.C. §7441 identifies the U.S. Tax Court as an Article I court.
- 7.2. U.S. District Courts. There is no statute establishing any United States District Court as an Article III court. Consequently, even if the judges are Article III judges, they are not filling an Article III office and instead are filling an Article IV office. Consequently, they are Article IV judges. All of these courts were turned into franchise courts in the Judicial Code of 1911 by being renamed from the “District Court of the United States” to the “United States District Court”.

For details on the above scam, see:

What Happened to Justice?, Form #06.012  
<http://sedm.org/Forms/FormIndex.htm>

8. Create other attractive federal franchises that piggyback in their agreements a requirement to participate in the franchise. For instance, the original Social Security Act of 1935 contains a provision that those who sign up for this program, also simultaneously become subject to the Internal Revenue Code.

*Section 8 of the Social Security Act*  
*INCOME TAX ON EMPLOYEES*

*SECTION 801. In addition to other taxes, there shall be levied, collected, and paid upon the income of every individual a tax equal to the following percentages of the wages (as defined in section 811) received by him after December 31, 1936, with respect to employment (as defined in section 811) after such date:*

*(1) With respect to employment during the calendar years 1937, 1938, and 1939, the rate shall be 1 per centum.*

*(2) With respect to employment during the calendar years 1940, 1941, and 1942, the rate shall be 1 1/2 per centum.*

*(3) With respect to employment during the calendar years 1943, 1944, and 1945, the rate shall be 2 per centum.*

*(4) With respect to employment during the calendar years 1946, 1947, and 1948, the rate shall be 2 1/2 per centum.*

*(5) With respect to employment after December 31, 1948, the rate shall be 3 per centum.*

9. Offer an opportunity for private citizens not domiciled within the jurisdiction of Congress to “volunteer” by license or private agreement to participate in the franchise and thereby become “public officers” within the Executive Branch. The IRS Form W-4 and SSA Form SS-5 are examples of such a contract or agreement.
- 9.1. Call these volunteers “taxpayers”.
- 9.2. Call EVERYONE “taxpayers” so everyone believes that the franchise is MANDATORY.
- 9.3. Do not even acknowledge the existence of those who do not participate in the franchise. These people are called “nontaxpayers” and they are not mentioned in any IRS publication.
- 9.4. Make the process of signing the agreement invisible by calling it a “Withholding Allowance Certificate” instead of what it really is, which is a “license” to become a “taxpayer” and call all of your earnings “wages” and “gross income”.

26 C.F.R. §31.3401(a)-3 Amounts deemed wages under voluntary withholding agreements

(a) In general.

Notwithstanding the exceptions to the definition of wages specified in section 3401(a) and the regulations thereunder, the term “wages” includes the amounts described in paragraph (b)(1) of this section with respect to which there is a voluntary withholding agreement in effect under section 3402(p). References in this chapter to the definition of wages contained in section 3401(a) shall be deemed to refer also to this section §31.3401(a)-3.

Title 26: Internal Revenue

PART 31—EMPLOYMENT TAXES AND COLLECTION OF INCOME TAX AT SOURCE

Subpart E—Collection of Income Tax at Source

§31.3402(p)-1 Voluntary withholding agreements.

(a) In general.

An employee and his employer may enter into an agreement under section 3402(b) to provide for the withholding of income tax upon payments of amounts described in paragraph (b)(1) of §31.3401(a)-3, made after December 31, 1970. An agreement may be entered into under this section only with respect to amounts which are includible in the gross income of the employee under section 61, and must be applicable to all such amounts paid by the employer to the employee. The amount to be withheld pursuant to an agreement under section 3402(p) shall be determined under the rules contained in section 3402 and the regulations thereunder. See §31.3405(c)-1, Q&A-3 concerning agreements to have more than 20-percent Federal income tax withheld from eligible rollover distributions within the meaning of section 402.

10. Create a commissioner to service the franchise who becomes the “fall guy”, who then establishes a “bureau” without the authority of any law and which is a private corporation that is not part of the U.S. government.

53 State 489

Revenue Act of 1939, 53 Stat. 489

Chapter 43: Internal Revenue Agents

Section 4000 Appointment

The Commissioner may, whenever in his judgment the necessities of the service so require, employ competent agents, who shall be known and designated as internal revenue agents, and, except as provided for in this title, no general or special agent or inspector of the Treasury Department in connection with internal revenue, by whatever designation he may be known, shall be appointed, commissioned, or employed.

The above means that everyone who works for the Internal Revenue Service is private contractor not appointed, commissioned, or employed by anyone in the government. They operate on commission and their pay derives from the amount of plunder they steal. See also:

Department of Justice Admits under Penalty of Perjury that the IRS is Not an Agency of the Federal Government, Family Guardian Fellowship

<http://famguardian.org/Subjects/Taxes/Evidence/USGovDeniesIRS/USGovDeniesIRS.htm>

11. Create an environment that encourages irresponsibility, lies, and dishonesty within the bureau that administers the franchise.

11.1. Indemnify these private contractors from liability by giving them “pseudonyms” so that they can disguise their identity and be indemnified from liability for their criminal acts. The IRS Restructuring and Reform Act, Pub.Law 105-206, Title III, Section 3706, 112 Stat. 778 and Internal Revenue Manual (I.R.M.), Section 1.2.4 both authorize these pseudonyms.



11.2. Place a disclaimer on the website of this private THIEF contractor indemnifying them from liability for the truthfulness or accuracy of any of their statements or publications. See Internal Revenue Manual (I.R.M.), Section 4.10.7.2.8.

*"IRS Publications, issued by the National Office, explain the law in plain language for taxpayers and their advisors... While a good source of general information, publications should not be cited to sustain a position."*  
[Internal Revenue Manual (I.R.M.), Section 4.10.7.2.8 (05-14-1999)]

11.3. Omit the most important key facts and information from publications of the franchise administrator that would expose the proper application of the "tax" and the proper audience. See the following, which is over 2000 pages of information that are conveniently "omitted" from the IRS website about the proper application of the franchise and its nature as a "franchise":

*The Great IRS Hoax*, Form #11.302  
<http://famguardian.org/TaxFreedom/FormsInstr.htm>

11.4. Establish precedent in federal courts that you can't trust anything that anyone in the government tells you, and especially those who administer the franchise. See:  
<http://famguardian.org/Subjects/Taxes/Articles/IRSNotResponsible.htm>

12. Use the lies and deceptions created in the previous step to promote several false perceptions in the public at large that will expand the market for the franchise. These include:

12.1. That the franchise is NOT a franchise, but a mandatory requirement that applies to ALL. Viz: That the income tax is a direct unapportioned lawful tax.

12.2. That participation is mandatory for ALL, instead of only for franchisees called "taxpayers".

12.3. That the IRS is an "agency" of the United States government that has authority to interact directly with the public at large. In fact, it is a "bureau" that can ONLY lawfully service the needs of other federal agencies within the Executive Branch and which may NOT interface directly with the public at large.

12.4. That the statutes implementing the franchise are "public law" that applies to everyone, instead of "private law" that only applies to those who individually consent to participate in the franchise.

13. Create a system to service those who prepare tax returns for others whereby those who accept being "licensed" and regulated get special favors. This system created by the IRS essentially punishes those who do not participate by giving them horrible service and making them suffer inconvenience and waiting long in line if they don't accept the "privilege" of being certified. Once they are certified, if they begin telling people the truth about what the law says and encourage following the law by refusing to volunteer, their credentials are pulled. This sort of censorship is accomplished through:

13.1. IRS Enrolled Agent Program.

13.2. Certified Public Accountant (CPA) licensing.

13.3. Treasury Circular 230.

14. Engage in a pattern of "selective enforcement" and propaganda to broaden and expand the scam. For instance:

14.1. Refuse to answer simple questions about the proper application of the franchise and the taxes associated with it. See:

*If the IRS Were Selling Used Cars, Family Guardian Fellowship*  
<http://famguardian.org/Subjects/Taxes/FalseRhetoric/IRSSellingCars.htm>

14.2. Prosecute those who submit false TAX returns, but not those who submit false INFORMATION returns. This causes the audience of "taxpayers" to expand because false reports are connecting innocent third parties to franchises that they are not in fact engaged in.

14.3. Use confusion over the rules of statutory construction and the word "includes" to fool people into believing that those who are "included" in the franchise are not spelled out in the law in their entirety. This leaves undue discretion in the hands of IRS employees to compel ignorant "nontaxpayers" to become franchisees. See the following:

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

14.4. Refuse to define the words used on government forms, use terms that are not defined in the code such as "U.S. citizen", and try to confuse "words of art" found in the law with common terms in order to use the presumptuous behavior of the average American to expand the misperception that everyone has a legal DUTY to become a "franchisee" and a "taxpayer".

14.5. Refuse to accept corrected information returns that might protect innocent "nontaxpayers" so that they are inducted involuntarily into the franchise as well.

The above process is WICKED in the most extreme way. It describes EXACTLY how our public servants have made themselves into our masters and systematically replaced every one of our rights with “privileges” and franchises. The Constitutional prohibition against this sort of corruption are described as follows by the courts:

*“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 of existence.”*

[Frost v. Railroad Commission, 271 U.S. 583, 46 S.Ct. 605 (1926)]

**“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]

*“The individual, unlike the corporation, **cannot be taxed for the mere privilege of existing.** The corporation is an artificial entity which owes its existence and charter power to the State, but the individual’s right to live and own property are natural rights for the enjoyment of which **an excise cannot be imposed.**”*

[Redfield v. Fisher, 292 Oregon 814, 817]

**“Legislature...cannot name something to be a taxable privilege unless it is first a privilege.”** [Taxation West Key 43]... **“The Right to receive income or earnings is a right belonging to every person and realization and receipt of income is therefore not a ‘privilege’, that can be taxed.”**

[Jack Cole Co. v. MacFarland, 337 S.E.2d 453, Tenn.

Through the above process of corruption, the separation of powers is completely destroyed and nearly every American has essentially been “assimilated” into the Executive Branch of the government, leaving the Constitutional Republic bequeathed to us by our founding fathers vacant and abandoned. Nearly every service that we expect from government has been systematically converted over the years into a franchise using the techniques described above. The political and legal changes resulting from the above have been tabulated to show the “BEFORE” and the “AFTER” so their extremely harmful effects become crystal clear in your mind. This process of corruption, by the way, is not unique to the United States, but is found in every major industrialized country on earth.

**Table 3: Effect of turning government service into a franchise**

#	Characteristic	DE JURE CONSTITUTIONAL GOVERNMENT	DE FACTO GOVERNMENT BASED ENTIRELY ON FRANCHISES
1	Purpose of government	Protection	Provide “social services” and “social insurance” to government “employees” and officers
2	Nature of government	Public trust Charitable trust	For-profit private corporation (see <a href="#">28 U.S.C. §3002(15)(A)</a> )
3	Citizens	The Sovereigns “nationals” but not “citizens” pursuant to <a href="#">8 U.S.C. §§1101(a)(21)</a> and <a href="#">1452</a>	1. “Employees” or “officers” of the government 2. “Trustees” of the “public trust” 3. “customers” of the corporation 4. Statutory “U.S. citizens” pursuant to <a href="#">8 U.S.C. §1401</a>
4	Effective domicile of citizens	Sovereign state of the Union	Federal territory and the District of Columbia
5	Purpose of tax system	Fund “protection”	1. Socialism. 2. Political favors. 3. Wealth redistribution 4. Consolidation of power and control (corporate fascism)

#	Characteristic	DE JURE CONSTITUTIONAL GOVERNMENT	DE FACTO GOVERNMENT BASED ENTIRELY ON FRANCHISES
6	Equal protection	Mandatory	Optional
7	Nature of courts	Constitutional Article III courts in the Judicial Branch	Administrative or “franchise” courts within the Executive Branch
8	Branches within the government	Executive Legislative Judicial	Executive Legislative (Judiciary merged with Executive. See Judicial Code of 1911)
9	Purpose of legal profession	Protect <i>individual</i> rights	1. Protect <i>collective</i> (government) rights. 2. Protect and expand the government monopoly. 3. Discourage reforms by making litigation so expensive that it is beyond the reach of the average citizen. 4. Persecute dissent.
10	Lawyers are	Unlicensed	Privileged and licensed and therefore subject to control and censorship by the government.
11	Votes in elections cast by	“Electors”	“Franchisees” called “registered voters” who are surety for bond measures on the ballot. That means they are subject to a “poll tax”.
12	Driving is	A common right	A licensed “privilege”
13	Marriage is	A common right	A licensed “privilege”
14	Purpose of the military	Protect the sovereign citizens No draft within states of the Union is lawful. See Federalist Papers #15	1. Expand the corporate monopoly internationally 2. Protect public servants from the angry populace who want to end the tyranny.
15	Money is	Based on gold and silver Issued pursuant to Article 1, Section 8. Clause 5.	1. A corporate bond or obligation borrowed from the Federal Reserve at interest. 2. Issued pursuant to Article 1, Section 8. Clause 2.
16	Property of citizens is	Private and allodial	All property is donated to a “public use” and connected with a “public office” to procure the benefits of a franchise
17	Ownership of real property is	Legal	Equitable. The government owns the land, and you rent it from them using property taxes.
18	Purpose of sex	Procreation	Recreation
19	Responsibility	The individual sovereign is responsible for all his actions and choices.	The collective social insurance company is responsible. Personal responsibility is outlawed.

1 If you would like to investigate the conclusions of this section, please refer to:

<i>Government Instituted Slavery Using Franchises</i> , Form #05.030 <a href="http://sedm.org/Forms/FormIndex.htm">http://sedm.org/Forms/FormIndex.htm</a>
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## 10 Why Statutory Civil Law is a Substitute for Common Law that only Applies on Federal Territory

The Constitution adopts the common law of England in effect at the time it was ratified in 1789. The common law, in turn, is a body of judicial precedent establishing certain injurious acts as crimes consistent with the provisions of God's law found in the Holy Bible. The provisions of God's Law, in turn, are arranged by subject matter in the following document on our website:

Laws of the Bible, Form #13.001  
<http://sedm.org/Forms/FormIndex.htm>

The common law is the unwritten law that God put on our hearts. It derives from our conscience, which is what the Bible describes as "the Holy Spirit". It need not be written down because its provisions are universally recognized by all peoples and all cultures in civilized society. For instance, murder is universally recognized in every society and culture on earth as a crime. Even if the government never passed a law prohibiting murder as a crime, a jury of twelve people would convict any person who engaged in it as a criminal and sentence them to jail. The only thing that really varies among cultures is the penalty authorized to be imposed for the commission of the crime. Some cultures execute murderers, such as the United States, whereas other culture sentence murderers to life in prison.

The criminal law need not be written down and could theoretically be enforced without any written law at all! In many primitive countries and societies, this is exactly how it is still enforced. This was the case, for instance, in the early history of the American west, where settlers formed their own courts to convict fellow settlers before a territorial government could be established. Before we even had a business called "government", families and tribes had their own courts and judges and rulers who executed the "common law", which is unwritten, against those within the family or tribe who injured the equal rights of others. This was done for self-protection, because the right of self-defense is a God given right that comes from God, not from a pagan deity called "government".

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

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

*"Do not strive with a man [or make him the object of law enforcement] without cause, **if he has done you no harm.**"*  
[Prov. 3:30, Bible, NKJV]

Why, then, do governments write "statutes" to codify the common law if they don't need to? Here are the reasons:

1. On federal territory, there is no common law. See *Erie Railroad v. Tompkins*, [304 U.S. 64](#) (1938).

*"There is no Federal Common Law, and Congress has no power to declare substantive rules of Common Law applicable in a state. Whether they be local or general in their nature, be they commercial law or a part of the Law of Torts"*  
[*Erie Railroad v. Tompkins*, [304 U.S. 64](#) (1938)]

Without common law, the only vehicle available to "govern" is written statutory law.

2. There is no equal protection on federal territory. None of the provisions within the Constitution, including those mandating equal protection, apply on federal territory except at the pleasure and discretion of Congress. Fortunately, Congress has statutorily imposed the requirement for "equal protection" in 42 U.S.C. §1981, but that requirement is still subject to the whims and discretion of a judge who is not bound by either the Constitution or the common law when operating exclusively upon federal territory. Consequently, the enforcement of equal protection on federal territory is little more than a franchise and a privilege that requires one to bow down and worship a federal priest of the civil religion of socialism called a "judge". For details on this scam, see:

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

3. On federal territory, there are no Constitutional rights to protect. EVERYTHING that happens on federal territory must be authorized by statutory law because *everything* is a privilege rather than a right. Congress is empowered to irrevocably extend the protections of the Constitution to specific territories by legislation, but it is not required to.

*“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)]

The above concepts explain the very reason why the federal territories created as the American west was settled were so quick to join the Union and become independent republics: Because if they didn’t, they would live essentially as the equivalent of what the U.S. Supreme Court referred to as “a British Crown colony”!

The United States government was therefore formed with only two purposes in mind:

1. As a landlord and property manager for the community property of the states, which consisted of territories and/or possessions acquired by the Union through purchase or conquest. At the time the Constitution was ratified, there were only thirteen states in the Union. All the other states had not yet been formed and these states wanted a way to groom the vast unsettled territorial lands for statehood and minimize skirmishes of the existing states over these unsettled lands. The power over this community property or territory was delegated by the Northwest ordinance and other territorial acts to the new Constitution.
2. To conduct foreign affairs with other nations. This includes the ability to declare war, to make peace, and to ratify treaties with other nations. This authority was delegated to the “United States” by the “United States of America” that was organized under the Articles of Confederation, according to the U.S. Supreme:

*“As a result of the separation from Great Britain by the colonies, acting as a unit, the powers of external sovereignty passed from the Crown not to the colonies severally, but to the colonies in their collective and corporate capacity as the United States of America. Even before the Declaration, the colonies were a unit in foreign affairs, acting through a common agency—namely, the Continental Congress, composed of delegates from the thirteen colonies. That agency exercised the powers of war and peace, raised an army, created a navy, and finally adopted the Declaration of Independence. Rulers come and go; governments end and forms of government change; but sovereignty survives. A political society cannot endure [299 U.S. 304, 317] without a supreme will somewhere. Sovereignty is never held in suspense. When, therefore, the external sovereignty of Great Britain in respect of the colonies ceased, it immediately passed to the Union. See Penhallow v. Doane, 3 Dall. 54, 80, 81, Fed.Cas. No. 10925. That fact was given practical application almost at once. The treaty of peace, made on September 3, 1783, was concluded between his Britannic Majesty and the ‘United States of America.’ 8 Stat., European Treaties, 80.*

*The Union existed before the Constitution, which was ordained and established among other things to form ‘a more perfect Union.’ Prior to that event, it is clear that the Union, declared by the Articles of Confederation to be ‘perpetual,’ was the sole possessor of external sovereignty, and in the Union it remained without change save in so far as the Constitution in express terms qualified its exercise. The Framers’ Convention was called and exerted its powers upon the irrefutable postulate that though the states were several their people in respect of foreign affairs were one. Compare The Chinese Exclusion Case, 130 U.S. 581, 604, 606 S., 9 S.Ct. 623. In that convention, the entire absence of state power to deal with those affairs was thus forcefully stated by Rufus King:”*  
[United States v. Curtiss-Wright Export Corporation, 299 U.S. 304 (1936)]

All subjects of internal legislation *other* than those above were reserved to the states of the Union and the people by the Ninth and Tenth Amendments to the Constitution. To wit:



Foreign States: "Nations outside of the United States...Term may also refer to another state; i.e. a sister state. The term 'foreign nations', ...should be construed to mean all nations and states other than that in which the action is brought; and hence, one state of the Union is foreign to another, in that sense."  
[Black's Law Dictionary, Sixth Edition, p. 648]

"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.**"  
[Carter v. Carter Coal Co., **298 U.S. 238**, 56 S.Ct. 855 (1936)]

"The difficulties arising out of our dual form of government and the opportunities for differing opinions concerning the relative rights of state and national governments are many; **but for a very long time this court has steadfastly adhered to the doctrine that the taxing power of Congress does not extend to the states or their political subdivisions.** The same basic reasoning which leads to that conclusion, we think, requires like limitation upon the power which springs from the bankruptcy clause. United States v. Butler, supra."  
[Ashton v. Cameron County Water Improvement District No. 1, 298 U.S. 513, 56 S.Ct. 892 (1936)]

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

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

"In determining the boundaries of apparently conflicting powers between states and the general government, the proper question is, not so much what has been, in terms, reserved to the states, as what has been, expressly or by necessary implication, granted by the people to the national government; for **each state possess all the powers of an independent and sovereign nation, except so far as they have been ceded away by the constitution.** The federal government is but a creature of the people of the states, and, like an agent appointed for definite and specific purposes, must show an express or necessarily implied authority in the charter of its appointment, to give validity to its acts."  
[People ex re. Atty. Gen. V. Naglee, 1 Cal. 234 (1850)]

It should also be emphasized that states of the Union are not "territories" as that word is used in American jurisprudence, but rather sovereign, foreign, and independent NATIONS who are confederated under the auspices of a "treaty" called the United States Constitution:

"§1. Definitions, Nature, and Distinctions

"The word 'territory,' when used to designate a political organization has a distinctive, fixed, and legal meaning under the political institutions of the United States, and does not necessarily include all the territorial possessions of the United States, but may include only the portions thereof which are organized and exercise governmental functions under act of congress."

"While the term 'territory' is often loosely used, and has even been construed to include municipal subdivisions of a territory, and 'territories of the' United States is sometimes used to refer to the entire domain over which the United States exercises dominion, the word 'territory,' when used to designate a political organization, has a distinctive, fixed, and legal meaning under the political institutions of the United States, and the term 'territory' or 'territories' does not necessarily include only a portion or the portions thereof which are organized and exercise government functions under acts of congress. The term 'territories' has been defined to be political subdivisions of the outlying dominion of the United States, and in this sense the term 'territory' is not a description of a definite area of land but of a political unit governing and being governed as such. The question whether a particular subdivision or entity is a territory is not determined by the particular form of government with which it is, more or less temporarily, invested."

"Territories' or 'territory' as including 'state' or 'states.'" While the term 'territories of the' [United States](#) may, under certain circumstances, include the states of the Union, as used in the federal Constitution and in ordinary acts of congress "territory" does not include a [foreign state](#).

"As used in this title, the term 'territories' generally refers to the political subdivisions created by congress, and not within the boundaries of any of the several states."  
[86 Corpus Juris Secundum (C.J.S.), Territories, §1 (2003)]

Consequently, nothing that happens outside of federal territory can become the proper subject of federal legislation. There is only one exception to this rule, which is that those who participate in federal contracts or franchises may become the proper subject of federal legislation regardless of where they are situated. This is because all franchises are a product of your right to contract and contracts are not tied to a place.

*Debitum et contractus non sunt nullius loci.*  
Debt and contract [franchise agreement, in this case] are of no particular place.

*Locus contractus regit actum.*  
The place of the contract [franchise agreement, in this case, which is ALSO a contract] governs the act.  
[Bouvier's Maxims of Law, 1856;  
SOURCE: <http://fanguardian.org/Publications/BouvierMaximsOfLaw/BouviersMaxims.htm>]

"Judge Story, in his treatise on the Conflicts of Laws, lays down, as the basis upon which all reasonings on the law of comity must necessarily rest, the following maxims: First 'that every nation possesses an exclusive sovereignty and jurisdiction within its own territory'; secondly, 'that no state or nation can by its laws directly affect or bind property out of its own territory, or bind persons not resident therein, whether they are natural born subjects or others.' The learned judge then adds: 'From these two maxims or propositions there follows a third, and that is that whatever force and obligation the laws of one country have in another depend solely upon the laws and municipal regulation of the latter; that is to say, upon its own proper jurisdiction and polity, and upon its own express or tacit consent.'" Story on Conflict of Laws §23."  
[Baltimore & Ohio Railroad Co. v. Chambers, 73 Ohio St. 16, 76 N.E. 91, 11 L.R.A., N.S., 1012 (1905)]

Franchises include such things as domicile, driver's licenses, marriage licenses, income taxes, Social Security, etc. All these franchises are a product of your absolute right to contract and which therefore may operate "extraterritorially" as a consequence. For instance, domicile is a franchise.

"Thus, the Court has frequently held that domicile or residence, more substantial than mere presence in transit or sojourn, is an adequate basis for taxation, including income, property, and death taxes. Since the Fourteenth Amendment makes one a citizen of the state wherein he resides, the fact of residence creates universally reciprocal duties of protection by the state and of allegiance and support by the citizen. The latter obviously includes a duty to pay taxes, and their nature and measure is largely a political matter. Of course, the situs of property may tax it regardless of the citizenship, domicile, or residence of the owner, the most obvious illustration being a tax on realty laid by the state in which the realty is located."  
[Miller Brothers Co. v. Maryland, [347 U.S. 340](#) (1954)]

"This right to protect persons having a domicile, though not native-born or naturalized citizens, rests on the firm foundation of justice, and the claim to be protected is earned by considerations which the protecting power is not at liberty to disregard. Such domiciled citizen pays the same price for his protection as native-born or naturalized citizens pay for theirs. He is under the bonds of allegiance to the country of his residence, and, if he breaks them, incurs the same penalties. He owes the same obedience to the civil laws. His property is, in the same way and to the same extent as theirs, liable to contribute to the support of the Government. In nearly all respects, his and their condition as to the duties and burdens of Government are undistinguishable."  
[Fong Yu Ting v. United States, [149 U.S. 698](#) (1893)]

A person situated temporarily abroad in a foreign country, while he is participating in the domicile franchise relating to federal territory only, may be taxed even though he is not within the territory of the taxing authority, pursuant to 26 U.S.C. §911. In that sense, government protection becomes a franchise that operates extraterritorially against property located within federal territory. These facts were admitted by an early Texas state court, keeping in mind that the term "citizenship", is synonymous with "domicile" under federal law:

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

1       *"The term 'citizen', as used in the Judiciary Act with reference to the jurisdiction of the federal courts, is*  
2       *substantially synonymous with the term 'domicile'. [Delaware, L. & W.R. Co. v. Petrowsky, 2 Cir., 250 F. 554,](#)*  
3       *[557.](#)"*  
4       *[Earley v. Hershey Transit Co., 55 F.Supp. 981, D.C.PA. (1944)]*  
5

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6       *"**Citizenship and domicile are substantially synonymous.** Residency and inhabitation are too often confused*  
7       *with the terms and have not the same significance. Citizenship implies more than residence. It carries with it*  
8       *the idea of identification with the state and a participation in its functions. As a citizen, one sustains social,*  
9       *political, and moral obligation to the state and possesses social and political rights under the Constitution and*  
10       *laws thereof. [Harding v. Standard Oil Co. et al. \(C.C.\) 182 F. 421; Baldwin v. Franks, 120 U.S. 678, 7 S.Ct.](#)*  
11       *[763, 32 L.Ed. 766; Scott v. Sandford, 19 How. 393, 476, 15 L.Ed. 691.](#)"*  
12       *[Baker v. Keck, 13 F.Supp. 486 (1936)]*

13       The establishment of all governments requires all three of the following elements. Remove any one or more of them, and  
14       you don't have a legitimate "government", but rather nothing but a de facto corporation which is NOT a "body politic":

- 15       1. People.
- 16       2. Territory.
- 17       3. Laws.

18       All written law enacted by government must be tied to a specific place and a specific group of people called a "state" who  
19       voluntarily consent to the protection afforded by government by choosing a domicile within the jurisdiction of that  
20       government and thereby become "customers" of the government's "protection franchise" business. These people are called  
21       "citizens" (natural born or naturalized) or "residents" (aliens with permanent residence) and what entitles them to such  
22       protection is their voluntary "allegiance". Based on this requirement:

- 23       1. Any law which does not prescribe a specific place is private law that only applies to those who explicitly (in writing) or  
24       implicitly (by their conduct) consent to be bound by it. In that sense, it operates as a franchise rather than public law  
25       that applies equally to everyone. In that sense, all such law behaves as a contract or agreement between individuals,  
26       nations, or governments.
- 27       2. Those who are not part of the group called the "state" because they do not have a domicile within that jurisdiction  
28       retain all their sovereignty and implicitly reserve all their rights. They:
  - 29           2.1. Are not party to the "protection contract or agreement" called the Constitution and all laws passed in pursuance to  
30           it. The only law that binds them is then the common law.
  - 31           2.2. Are not obligated to pay for the protection of the government.
  - 32           2.3. Retain all their natural and inalienable rights guaranteed and protected by the Constitution.
  - 33           2.4. Possess all the same sovereignty and sovereign immunity as any earthly government. In any society where all  
34           men are created equal, no group of men called a "government" can have any more authority than a single man.

35       The next logical question to ask about the jurisdiction is the following insightful question posed by one of our members,  
36       which we include here along with our answer:

37       

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38       **QUESTION:** Being sovereign means that you have the personal responsibility to yourself and your God, but in your  
39       Citizenship and Sovereignty Course, Form #12.001, it talks about Public Law. This includes the constitutions on Federal  
40       and State levels, criminal codes, and Title 5 of the U.S. Code (for federal employees).

41       With that being said, if we are to only follow what the Bible says as rule, then what do criminal codes serve? Are they for  
42       criminal acts in the government? Do they protect the state (as in individual people)? If I am not personally infringing on an  
43       individual's rights to life, liberty, and pursuit of happiness, am I not subject to criminal codes? Or do we have to take every  
44       code to heart, following those that are truly and only following God's will, and fighting those that are unconstitutional?

45       Some misdemeanors under the U.S. Code and such are oppressive to a Sovereign, and it would make sense to me that if I  
46       am following God, and not personally hurting anyone else, that I am not subject to any code as long as I do not infringe on  
47       an individual's life, liberty, and pursuit of happiness. No one person, or group of people can stop me from choosing to do  
48       something, as long as I am not hurting anyone, correct?

**ANSWER:** That's an interesting question that arises from a fundamental misunderstanding of the nature of the constitution:

1. You are correct that the origin of all the government's authority to enact public law is the protection of the equal rights of all.
2. You are confusing "positive law" with "public law". They are NOT synonymous. The fact that a title or statute exists is not in and of itself proof that this statute is "public law". Once again, all law is divided up between private law and public law, and it is often very difficult to distinguish which of the two a given title or statute falls under. Generally:
  - 2.1. Only Title 18 of the U.S. Code is "public law" that applies equally to everyone physically situated on federal territory.
  - 2.2. All other federal statutes and titles are private law that regulate the exercise of federal franchises, territory, and domiciliaries. In that sense, they relate only to community "property" of the states under the management of the federal government and the federal courts pursuant to Article 4, Section 3, Clause 2 of the United States Constitution.

If you still don't understand this, you should go back and read the following free memorandum of law on our website:

Requirement for Consent, Form #05.003

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

3. Neither the state nor federal constitutions bind citizens, but rather they bind ONLY "public officers" who took an oath to obey them. The duty imposed by these constitutions arises from the taking of an oath and the fiduciary duty that attaches to the oath taken by these public officers.

*"As expressed otherwise, the powers delegated to a public officer are held in trust for the people and are to be exercised in behalf of the government or of all citizens who may need the intervention of the officer."<sup>72</sup> Furthermore, the view has been expressed that all public officers, within whatever branch and whatever level of government, and whatever be their private vocations, are trustees of the people, and accordingly labor under every disability and prohibition imposed by law upon trustees relative to the making of personal financial gain from a discharge of their trusts.<sup>73</sup> That is, a public officer occupies a fiduciary relationship to the political entity on whose behalf he or she serves.<sup>74</sup> and owes a fiduciary duty to the public.<sup>75</sup> It has been said that the fiduciary responsibilities of a public officer cannot be less than those of a private individual.<sup>76</sup> Furthermore, it has been stated that any enterprise undertaken by the public official which tends to weaken public confidence and undermine the sense of security for individual rights is against public policy.<sup>77</sup>"*

[63C American Jurisprudence 2d, Public Officers and Employees, §247 (1999)]

As a contract, which is what the courts call them, constitutions are deficient because the people never individually consented to it.

*"A state can no more impair the obligation of a contract by her organic law [constitution] than by legislative enactment; for her constitution is a law within the meaning of the contract clause of the national constitution. Railroad Co. v. [115 U.S. 650, 673] McClure, 10 Wall. 511; Ohio Life Ins. & T. Co. v. Debolt, 16 How. 429; Sedg. St. & Const. Law, 637 And the obligation of her contracts is as fully protected by that instrument against impairment by legislation as are contracts between individuals exclusively. State v. Wilson, 7 Cranch, 164; Providence Bank v. Billings, 4 Pet. 514; Green v. Biddle, 8 Wheat. 1; Woodruff v. Trapnall, 10 How. 190; Wolff v. New Orleans, 103 U.S. 358."*

[New Orleans Gas Company v. Louisiana Light Company, 115 U.S. 650 (1885)]

<sup>72</sup> State ex rel. Nagle v. Sullivan, 98 Mont. 425, 40 P.2d. 995, 99 A.L.R. 321; Jersey City v. Hague, 18 N.J. 584, 115 A.2d. 8.

<sup>73</sup> Georgia Dep't of Human Resources v. Sistrunk, 249 Ga. 543, 291 S.E.2d. 524. A public official is held in public trust. Madlener v. Finley (1st Dist), 161 Ill.App.3d. 796, 113 Ill.Dec. 712, 515 N.E.2d. 697, app gr 117 Ill.Dec. 226, 520 N.E.2d. 387 and revd on other grounds 128 Ill.2d. 147, 131 Ill.Dec. 145, 538 N.E.2d. 520.

<sup>74</sup> Chicago Park Dist. v. Kenroy, Inc., 78 Ill.2d. 555, 37 Ill.Dec. 291, 402 N.E.2d. 181, appeal after remand (1st Dist) 107 Ill.App.3d. 222, 63 Ill.Dec. 134, 437 N.E.2d. 783.

<sup>75</sup> United States v. Holzer (CA7 Ill), 816 F.2d. 304 and vacated, remanded on other grounds 484 US 807, 98 L Ed 2d 18, 108 S Ct 53, on remand (CA7 Ill) 840 F.2d. 1343, cert den 486 US 1035, 100 L Ed 2d 608, 108 S Ct 2022 and (criticized on other grounds by United States v. Osser (CA3 Pa) 864 F.2d. 1056) and (superseded by statute on other grounds as stated in United States v. Little (CA5 Miss) 889 F.2d. 1367) and (among conflicting authorities on other grounds noted in United States v. Boylan (CA1 Mass), 898 F.2d. 230, 29 Fed.Rules.Evid.Serv. 1223).

<sup>76</sup> Chicago ex rel. Cohen v. Keane, 64 Ill.2d. 559, 2 Ill.Dec. 285, 357 N.E.2d. 452, later proceeding (1st Dist) 105 Ill.App.3d. 298, 61 Ill.Dec. 172, 434 N.E.2d. 325.

<sup>77</sup> Indiana State Ethics Comm'n v. Nelson (Ind App), 656 N.E.2d. 1172, reh gr (Ind App) 659 N.E.2d. 260, reh den (Jan 24, 1996) and transfer den (May 28, 1996).

Therefore, constitutions and all laws or statutes or “codes” passed in furtherance of them neither obligate private citizens nor delegate authority to public servants to impose a “duty” upon the average American to do anything other than simply to avoid hurting the equal rights of others. This is the basic function of law itself, according to Frederic Bastiat:

*“We must remember that law is force, and that, consequently, the proper functions of the law cannot lawfully extend beyond the proper functions of force. When law and force keep a person within the bounds of justice, they impose nothing but a mere negation. **They oblige him only to abstain from harming others. They violate neither his personality, his liberty nor his property. They safeguard all of these. They are defensive; they defend equally the rights of all.**”*

*[The Law, Frederic Bastiat;*

*SOURCE: <http://fanguardian.org/Publications/TheLaw/TheLaw.htm>]*

*“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.”*

*[The Law, Frederic Bastiat;*

*SOURCE: <http://fanguardian.org/Publications/TheLaw/TheLaw.htm>]*

4. Statutes passed in furtherance of state and federal constitutions therefore are law for officers of the government, not private individuals.
5. Out of the second great commandment to love our neighbor found in the Holy Bible (Exodus 20:12-17, Romans 13:9, and Matt. 22:39) springs all the authority of civil government delegated by God Himself, which is to love our neighbor by avoiding hurting him or her. It isn't “public laws” that create the duty or impose the force to obey, but the judgment of your peers sitting on a jury that ultimately does. Your liberty is in the hands of your neighbor, who is a fellow sovereign. If the laws themselves are unjust to the point where juries won't enforce them, then that is where the rubber meets the road because juries can't be compelled to enforce them.
6. Every good Christian should obey the criminal laws where they physically are, regardless of their choice of domicile or citizenship, because you can't love your neighbor and not avoid hurting them. The purpose of all criminal laws is to prevent harming the equal rights of other fellow sovereigns.
7. Only Title 18 of the U.S. Code is REAL “public law”, and even then, it can only be enforced for crimes committed on federal territory and not within any state of the Union. Criminal provisions of all other titles of the U.S. code amount to nothing more than private law that applies to those engaging in government franchises, of which the income tax and Social Security are examples. If you never consented to participate in government franchises and do not violate title 18 on federal territory, then all titles other than Title 18 are “foreign” and do not apply to you. They are as foreign as the laws of china, for instance.

As you will find out in the next section, nearly all statutes passed by Congress have no implementing regulations and therefore may only be enforced ONLY against the following specifically identified groups:

1. A military or foreign affairs function of the United States. [5 U.S.C. §553](#)(a)(1) .
2. A matter relating to agency management or personnel or to public property, loans, grants, benefits, or contracts. [5 U.S.C. §553](#)(a)(2) .
3. Federal agencies or persons in their capacity as officers, agents, or employees thereof. [44 U.S.C. §1505](#)(a)(1).



## 11 How to determine if a federal statute applies outside of federal territory

Government enforcement actions are actions which adversely affect the Constitutionally protected rights of the parties who are the subject of the enforcement. An essential requirement of “due process of law” is notice and opportunity to be heard by the parties who will be subject to the enforcement action prior to its commencement. To wit:

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

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

The Federal Register Act, 44 U.S.C. §1505 et seq., and the Administrative Procedures Act, 5 U.S.C. §553 et seq, both describe laws which may be enforced as “laws having general applicability and legal effect”. To wit, read the following, which is repeated in slightly altered form in 5 U.S.C. §553(a):

[TITLE 44 > CHAPTER 15 > § 1505](#)  
[§ 1505. Documents to be published in Federal Register](#)

(a) Proclamations and Executive Orders; Documents Having General Applicability and Legal Effect; Documents Required To Be Published by Congress. There shall be published in the Federal Register—

[. . .]

*For the purposes of this chapter every document or order which prescribes a penalty has general applicability and legal effect.*

The requirement for “reasonable notice” or “due notice” as part of Constitutional due process extends not only to statutes and regulations AFTER they are enacted into law, such as when they are enforced in a court of law, but also to the publication of proposed statutes and rules/regulations BEFORE they are enacted and subsequently enforced by agencies within the Executive Branch. The Federal Register is the ONLY approved method by which the public at large domiciled in “States of the Union” are provided with “reasonable notice” and an opportunity to comment publicly on new or proposed statutes OR rules/regulations which will directly affect them and which may be enforced directly against them.

[TITLE 44 > CHAPTER 15 > § 1508](#)  
[§ 1508. Publication in Federal Register as notice of hearing](#)

**A notice of hearing or of opportunity to be heard, required or authorized to be given by an Act of Congress, or which may otherwise properly be given, shall be deemed to have been given to all persons residing within the States of the Union and the District of Columbia, except in cases where notice by publication is insufficient in law, when the notice is published in the Federal Register at such a time that the period between the publication and the date fixed in the notice for the hearing or for the termination of the opportunity to be heard is—**

Neither statutes nor the rules/regulations which implement them may be directly enforced within states of the Union against the general public unless and until they have been so published in the Federal Register.

[TITLE 5 > PART I > CHAPTER 5 > SUBCHAPTER II > § 552](#)  
[§ 552. Public information; agency rules, opinions, orders, records, and proceedings](#)

*Except to the extent that a person has actual and timely notice of the terms thereof, **a person may not in any manner be required to resort to, or be adversely affected by, a matter required to be published in the Federal Register and not so published.** For the purpose of this paragraph, matter reasonably available to the class of persons affected thereby is deemed published in the Federal Register when incorporated by reference therein with the approval of the Director of the Federal Register.*

2 (a)(2)(ii) Effect of failure to publish.

3 Except to the extent that a person has actual and timely notice of the terms of any matter referred to in  
4 subparagraph (1) of this paragraph which is required to be published in the Federal Register, such person is  
5 not required in any manner to resort to, or be adversely affected by, such matter if it is not so published or is  
6 not incorporated by reference therein pursuant to subdivision (i) of this subparagraph. Thus, for example,  
7 any such matter which imposes an obligation and which is not so published or incorporated by reference will  
8 not adversely change or affect a person's rights.

9 The only exceptions to the requirement for publication in the Federal Register of the statute and the implementing  
10 regulations are the groups specifically identified by Congress as expressly exempted from this requirement, as follows:

- 11 1. A military or foreign affairs function of the United States. [5 U.S.C. §553](#)(a)(1) .  
12 2. A matter relating to agency management or personnel or to public property, loans, grants, benefits, or contracts. [5](#)  
13 [U.S.C. §553](#)(a)(2) .  
14 3. Federal agencies or persons in their capacity as officers, agents, or employees thereof. [44 U.S.C. §1505](#)(a)(1).

15 Based on the above, the burden of proof imposed upon the government at any due process meeting in which it is enforcing  
16 any provision is to produce at least ONE of the following TWO things:

- 17 1. Evidence signed under penalty of perjury by someone with personal, first-hand knowledge, proving that you are a  
18 member of one of the three groups specifically exempted from the requirement for implementing regulations, as  
19 identified above.  
20 2. Evidence of publication in the Federal Register of BOTH the statute AND the implementing regulation which they  
21 seek to enforce against you.

22 Without satisfying one of the above two requirements, the government is illegally enforcing federal law against PRIVATE  
23 persons protected by the Constitution and becomes liable for a constitutional tort. For case number two above, the federal  
24 courts have said the following enlightening things:

25 "...for federal tax purposes, federal regulations [rather than the statutes ONLY] govern."  
26 [Dodd v. United States, 223 F.Supp. 785]  
27

28 "When enacting §7206(1) Congress undoubtedly knew that the Secretary of the Treasury is empowered to  
29 prescribe all needful rules and regulations for the enforcement of the internal revenue laws, so long as they  
30 carry into effect the will of Congress as expressed by the statutes. Such regulations have the force of law. **The**  
31 **Secretary, however, does not have the power to make law.** Dixon v. United States, supra."  
32 [United States v. Levy, 533 F.2d. 969 (1976)]  
33

34 "An administrative regulation, of course, is not a "statute." While in practical effect regulations may be called  
35 "little laws," [7](#) they are at most but offspring of statutes. Congress alone may pass a statute, and the Criminal  
36 Appeals Act calls for direct appeals if the District Court's dismissal is based upon the invalidity or construction  
37 of a statute. See United States v. Jones, [345 U.S. 377](#) (1953). This Court has always construed the Criminal  
38 Appeals Act narrowly, limiting it strictly "to the instances specified." United States v. Borden Co., [308 U.S. 188,](#)  
39 [192](#) (1939). See also United States v. Swift & Co., [318 U.S. 442](#) (1943). Here the statute is not complete by  
40 itself, since it merely declares the range of its operation and leaves to its progeny the means to be utilized in the  
41 effectuation of its command. But it is the statute which creates the offense of the willful removal of the labels of  
42 origin and provides the punishment for violations. The regulations, on the other hand, prescribe the identifying  
43 language of the label itself, and assign the resulting tags to their respective geographical areas. Once  
44 promulgated, [361 U.S. 431, 438] these regulations, called for by the statute itself, have the force of law, and  
45 violations thereof incur criminal prosecutions, just as if all the details had been incorporated into the  
46 congressional language. **The result is that neither the statute nor the regulations are complete without the**  
47 **other, and only together do they have any force. In effect, therefore, the construction of one necessarily**  
48 **involves the construction of the other.**"  
49 [U.S. v. Mersky, [361 U.S. 431](#) (1960)]  
50

51 "...the Act's **civil and criminal penalties attach only upon violation of the regulation** promulgated by the  
52 Secretary; **if the Secretary were to do nothing, the Act itself would impose no penalties on anyone...**The  
53 Government urges that since only those who violate these regulations [not the Code] may incur civil or

criminal penalties, it is the actual regulations issued by the Secretary of the Treasury, and not the broad authorizing language of the statute, which are to be tested against the standards of the Fourth Amendment; and that when so tested they are valid."

[*Calif. Bankers Assoc. v. Shultz*, 416 U.S. 21, 44, 39 L.Ed. 2d 812, 94 S.Ct 1494]

"Although the relevant statute **authorized** the Secretary to impose such a duty, his implementing regulations did not do so. Therefore we held that **there was no duty** to disclose..."

[*United States v. Murphy*, 809 F.2d. 142, 1431]

"Failure to adhere to agency regulations [by the IRS or other agency] may amount to denial of due process if regulations are required by constitution or statute..."

[*Curley v. United States*, 791 F.Supp. 52]

Another very interesting observation is that the federal courts have essentially ruled that I.R.C. Subtitle A pertains almost exclusively to the government, when they said:

"Federal income tax regulations governing filing of income tax returns do not require Office of Management and Budget control numbers because **requirement to file tax return is mandated by statute, not by regulation.**"

[*U.S. v. Bartrug*, E.D.Va.1991, 777 F.Supp. 1290, affirmed 976 F.2d. 727, certiorari denied 113 S.Ct. 1659, 507 U.S. 1010, 123 L.Ed.2d. 278]

Since there are not implementing regulations requiring the filing of tax returns, the statutes which establish the requirement are only directly enforceable against those who are members of the groups specifically exempted from the requirement for implementing regulations published in the Federal Register as described above. This is also consistent with the statutes authorizing enforcement within the I.R.C. itself found in 26 U.S.C. §6331, which say on the subject the following:

26 U.S.C., Subchapter D - Seizure of Property for Collection of Taxes  
**Sec. 6331.** Levy and distraint

(a) Authority of Secretary

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

As a consequence of the above, we can conclude the following about statutes published by the federal government:

1. The Constitution requires "reasonable notice" and the opportunity to comment be given to all parties against whom a new or proposed law or statute is to be enforced against before it can become binding against them. See:  

**Requirement for Reasonable Notice**, Form #05.022  
<http://sedm.org/Forms/FormIndex.htm>
2. All statutes passed by Congress in the Statutes At Large which might confer "enforcement authority" upon the United States government are identified as having "general applicability and legal affect". See:
  - 2.1. Federal Register Act, 44 U.S.C. §1505(a).
  - 2.2. Administrative Procedures Act, 5 U.S.C. §553(a).
3. A statute which has "general applicability and legal effect" is a statute which:
  - 3.1. Authorizes any kind of penalty against the general public domiciled in states of the Union.
  - 3.2. Can have any adverse effect upon the Constitutionally protected rights of the audience.
4. The purpose of providing reasonable notice to the public of all laws that could be enforced against them are many:
  - 4.1. It provides an opportunity for comment by the public. This comment is accomplished at the following website  
<http://regulations.gov>

- 4.2. It provides an opportunity to ensure that the proposed new or changed regulations which authorize enforcement are clear and concise and not vague and therefore unenforceable. Any law which is “void” and “vague” is unenforceable under a doctrine of the U.S. Supreme Court known as the “void for vagueness” criteria. See: <http://famguardian.org/TaxFreedom/CitesByTopic/VoidForVagueness.htm>
- 4.3. It builds an administrative record which the courts can use later on when disputes arise over the meaning of the new regulations, so that the legislative intent can be clearly discerned and correctly applied during the judicial review process.
5. The Federal Register is the only approved or lawful method by which persons domiciled in states of the Union are provided with “reasonable notice” of all laws which might be enforced against them. This fact is described in the Federal Register Act, 44 U.S.C. §1508.
6. Failure to provide “reasonable notice” of a new statute to the interested parties constitutes a violation of due process of law and renders the statute unenforceable.
7. Certain very limited groups of persons are specifically exempted from the requirement for publication in the Federal Register of enforcement statutes and regulations. These groups include:
- 7.1. A military or foreign affairs function of the United States. 5 U.S.C. §553(a)(1).
- 7.2. A matter relating to agency management or personnel or to public property, loans, grants, benefits, or contracts. 5 U.S.C. §553(a)(2).
- 7.3. Federal agencies or persons in their capacity as officers, agents, or employees thereof. 44 U.S.C. §1505(a)(1).
8. All of the above exempted groups are in the Executive Branch of the United States government. The reason why the above groups are specifically exempted is because:
- 8.1. Congress is the only entity that has the authority to legislate.
- 8.2. We are a government of laws and not men. Marbury v. Madison. Laws are the method by which we control and elect what our servants in government do within the Executive Branch.
- 8.3. Statutes passed by Congress represent a direct command to their servants in the Executive Branch. If the servant, which is the Executive Branch, had the authority or discretion to decide NOT to write implementing regulations for a statute and thereby interfere with the enforcement of the enactments of Congress, they could gridlock our government indefinitely by simply refusing to write enforcement regulations and thereby refusing to do their job.
9. All statutes for which there are no enforcement regulations published in the Federal Register:
- 9.1. May only be enforced against members of the specifically exempted groups.
- 9.2. Apply only to federal government instrumentalities, agencies, contractors, employees, officers, and benefit recipients. In that sense, they can safely be presumed to be “law ONLY for government” and not for the private citizen.
- 9.3. May not be enforced directly against members of the general public domiciled in states of the Union who are not members of the groups specifically exempted from the requirement for implementing regulations.
10. If someone cites a statute in court against you and does not provide the associated implementing regulation and proof that the statute and the implementing regulation were published in the Federal Register, then:
- 10.1. They are making a silent presumption that you are an instrumentality of the federal government working in the Executive Branch.
- 10.2. You must vociferously challenge their silent presumption using this pamphlet in defense of your God-given, natural, and Constitutionally protected rights.
- 10.3. The method of challenging the false presumption is to:
- 10.3.1. Present the admissions at the end of this pamphlet, give them a fixed time limit, and tell them that their answer if they fail to rebut is “Admit” to each question.
- 10.3.2. Ask them for either proof that you are in one of the specifically exempted groups or proof of publication in the Federal Register of BOTH the statute AND the implementing regulation they seek to enforce. If they cannot produce an implementing regulation or they cannot produce proof of publication in the Federal Register, then the only conclusion remaining is that they are assuming you are a member of one of the groups specifically exempted from the requirement for regulations, all of whom are federal instrumentalities, agents, and officers in the Executive Branch of the United States Government, which is a false presumption in most cases.

If you would like to learn more about how to prove that a law only applies to the government and where it may lawfully be enforced beyond the discussion in this section, see:

*Federal Enforcement Authority within States of the Union*, Form #05.032  
<http://sedm.org/Forms/FormIndex.htm>

## 12 Evidence corroborating the findings in this document

### 12.1 Marriage Licenses

Before there were marriage license, we had marriage certificates and the common law prevailed. When injustices occurred to women because some men abandoned their familial responsibilities, the government stepped in to try to regulate marriage by licensing it starting in about 1923 with the Uniform Marriage and Marriage License Act. They enacted family codes in the states which all amount to private law and private contract with the government which makes marriage into polygamy, because the spouses are now marrying the state:

[4] In all domestic concerns each state of the Union is to be deemed an independent sovereignty. As such, it is its province and its duty to forbid interference by another state as well as by any foreign power with the status of its own citizens. Unless at least one of the spouses is a resident thereof in good faith, the courts of such sister state or of such foreign power cannot acquire jurisdiction to dissolve the marriage of those who have an established domicile in the state which resents such interference with matters which disturb its social serenity or affect the morals of its inhabitants. [5] Jurisdiction over divorce proceedings of residents of California by the courts of a sister state cannot be conferred by agreement of the litigants. [6] As protector of the morals of her people it is the duty of a court of this commonwealth to prevent the dissolution of a marriage by the decree of a court of another jurisdiction pursuant to the collusion of the spouses. If by surrendering its power it evades the performance of such duty, marriage will ultimately be considered as a formal device and its dissolution freed from legal inhibitions. [7] Not only is a divorce of California [81 Cal.App.2d 880] residents by a court of another state void because of the plaintiff's lack of bona fide residence in the foreign state, but it is void also for lack of the court's jurisdiction over the State of California. [8] This state is a party to every marriage contract of its own residents as well as the guardian of their morals. Not only can the litigants by their collusion not confer jurisdiction upon Nevada courts over themselves but neither can they confer such jurisdiction over this state.

[9] It therefore follows that a judgment of divorce by a court of Nevada without first having pursuant to its own laws acquired...

[Roberts v. Roberts, 81 Cal.App.2d 871 [Civ. No. 15818. Second Dist., Div. Two. Oct. 17, 1947]

JUSTICE MAAG delivered the opinion of the court: This action was brought in April of 1993 by Carolyn and John West (grandparents) to obtain visitation rights with their grandson, Jacob Dean West. Jacob was born January 27, 1992. He is the biological son of Ginger West and Gregory West, Carolyn and John's deceased son...

However, this constitutionally protected parental interest is not wholly without limit or beyond regulation. Prince v. Commonwealth of Massachusetts, 321 U.S. 158, 166, 88 L.Ed. 645, 64 S. Ct. 438, 442 (1944). "[T]he state has a wide range of power for limiting parental freedom and authority in things affecting the child's welfare." Prince, 321 U.S. at 167, 88 L.Ed. 645, 64 S. Ct. at 442. In fact, the entire familial relationship involves the State. When two people decide to get married, they are required to first procure a license from the State. If they have children of this marriage, they are required by the State to submit their children to certain things, such as school attendance and vaccinations. Furthermore, if at some time in the future the couple decides the marriage is not working, they must petition the State for a divorce. Marriage is a three-party contract between the man, the woman, and the State. Linneman v. Linneman, 1 Ill.App.2d. 48, 50, 116 N.E.2d. 182, 183 (1953), citing Van Koten v. Van Koten, 323 Ill. 323, 326, 154 N.E. 146 (1926). The State represents the public interest in the institution of marriage. Linneman, 1 Ill.App.2d. at 50, 116 N.E.2d. at 183. This public interest is what allows the State to intervene in certain situations to protect the interests of members of the family. The State is like a silent partner in the family who is not active in the everyday running of the family but becomes active and exercises its power and authority only when necessary to protect some important interest of family life. Taking all of this into consideration, the question no longer is whether the State has an interest or place in disputes such as the one at bar, but it becomes a question of timing and necessity. Has the State intervened too early or perhaps intervened where no intervention was warranted? This question then directs our discussion to an analysis of the provision of the Act that allows the challenged State intervention (750 ILCS 5/607(b) (West 1996)). [West v. West, 689 N.E.2d. 1215 (1998)]

Notice above the phrase "marriage is a three party contract between the man, the woman, and the State". This is misleading, however. LICENSED marriage is a three party contract. Common law marriage executed WITHOUT a license is NOT. The Supreme Court, for instance, admitted that all family law statutes are merely "directory" in nature in the case of those not married with a marriage license and instead married with a marriage certificate.

"As before remarked, the statutes are **held merely** directory; because **marriage is a thing of common right...**"

[emphasis added]

[Meister v. Moore, 96 U.S. 76 (1877)]



1 Black's Law Dictionary defines the word "directory" as follows:

2 *"Directory - A provision in a statute, rule of procedure, or the like, which is a mere direction or instruction of*  
3 *no obligatory force, and involving no invalidating consequence for its disregard, as opposed to an imperative*  
4 *or mandatory provision, which must be followed."*  
5 *[Black's Law Dictionary, Sixth Edition, pp. 460-461]*

6 Therefore, marriage licenses are a contract with the government and represent consent to be bound by family law statutes  
7 and code that otherwise would be of no force or obligation upon the parties if they had not obtained a license and instead  
8 had negotiated a private marriage contract.

9 When parties pursue a marriage license, then they become voluntary officers or "public officers" of the state and the family  
10 code in their state acts as the equivalent of their "employment agreement".

11 If you would like to learn more about this fascinating subject, see:

[Sovereign Christian Marriage, Form #06.009](http://sedm.org/Forms/FormIndex.htm)  
<http://sedm.org/Forms/FormIndex.htm>

## 12 12.2 Serving on Jury Duty

13 Those serving on jury duty are deemed to be "public officers" of the government. That is the only means by which  
14 government can legislate for them.

15 [TITLE 18 > PART I > CHAPTER 11 > § 201](#)  
16 [§ 201. Bribery of public officials and witnesses](#)

17 (a) For the purpose of this section—

18 (1) the term "public official" means Member of Congress, Delegate, or Resident Commissioner, either before  
19 or after such official has qualified, or an officer or employee or person acting for or on behalf of the United  
20 States, or any department, agency or branch of Government thereof, including the District of Columbia, in any  
21 official function, under or by authority of any such department, agency, or branch of Government, or a juror;

22 Bribing a juror is equivalent to bribing a "public official". Those serving as jurors must become part of the government  
23 before either the judge or the jury has any authority to regulate their conduct. Otherwise, they are private persons who are  
24 sovereign and have a right to be left alone by not becoming the subject of any federal legislation or regulation.

## 25 12.3 "Public" v. "Private" employment: You really work for Uncle Sam and not Your Private 26 Employer If You Receive Federal Benefits

27 "All systems either of preference or of restraint, therefore, being thus completely taken away, the obvious and  
28 simple system of natural liberty establishes itself of its own accord. Every man, as long as he does not violate  
29 the laws of justice, is left perfectly free to pursue his own interest his own way, and to bring both his industry  
30 and capital into competition with those of any other man or order of men. The sovereign is completely  
31 discharged from a duty, in the attempting to perform which he must always be exposed to innumerable  
32 delusions, and for the proper performance of which no human wisdom or knowledge could ever be sufficient:  
33 the duty of superintending the industry of private people."  
34 [Adam Smith, [An Inquiry into the Nature and Causes of the Wealth of Nations](#) (1776)]

35 The U.S. Supreme Court has said many times that the ONLY purpose for lawful, constitutional taxation is to collect  
36 revenues to support ONLY the machinery and operations of the government and its "employees". This purpose, it calls a  
37 "public use" or "public purpose":

38 "The power to tax is, therefore, the strongest, the most pervading of all powers of government, reaching  
39 directly or indirectly to all classes of the people. **It was said by Chief Justice Marshall, in the case of**  
40 **McCulloch v. Md., 4 Wheat. 431, that the power to tax is the power to destroy.** A striking instance of the truth  
41 of the proposition is seen in the fact that the existing tax of ten per cent, imposed by the United States on the  
42 circulation of all other banks than the National Banks, drove out of existence every \*state bank of circulation  
43 within a year or two after its passage. This power can be readily 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.

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)]

Black's Law Dictionary defines the word "public purpose" as follows:

"Public purpose. In the law of taxation, eminent domain, etc., this is a term of classification to distinguish the objects for which, according to settled usage, the government is to provide, from those which, by the like usage, are left to private interest, inclination, or liberality. The constitutional requirement that the purpose of any tax, police regulation, or particular exertion of the power of eminent domain shall be the convenience, safety, or welfare of the entire community and not the welfare of a specific individual or class of persons [such as, for instance, federal benefit recipients as individuals]. "Public purpose" that will justify expenditure of public money generally means such an activity as will serve as benefit to community as a body and which at same time is directly related function of government. Pack v. Southwestern Bell Tel. & Tel. Co., 215 Tenn. 503, 387 S.W.2d. 789, 794.

The term is synonymous with governmental purpose. As employed to denote the objects for which taxes may be levied, it has no relation to the urgency of the public need or to the extent of the public benefit which is to follow; the essential requisite being that a public service or use shall affect the inhabitants as a community, and not merely as individuals. A public purpose or public business has for its objective the promotion of the public health, safety, morals, general welfare, security, prosperity, and contentment of all the inhabitants or residents within a given political division, as, for example, a state, the sovereign powers of which are exercised to promote such public purpose or public business." [Black's Law Dictionary, Sixth Edition, p. 1231, Emphasis added]

A related word defined in Black's Law Dictionary is "public use":

Public use. Eminent domain. The constitutional and statutory basis for taking property by eminent domain. For condemnation purposes, "public use" is one which confers some benefit or advantage to the public; it is not confined to actual use by public. It is measured in terms of right of public to use proposed facilities for which condemnation is sought and, as long as public has right of use, whether exercised by one or many members of public, a "public advantage" or "public benefit" accrues sufficient to constitute a public use. Montana Power Co. v. Bokma, Mont., 457 P.2d. 769, 772, 773.

Public use, in constitutional provisions restricting the exercise of the right to take property in virtue of eminent domain, means a use concerning the whole community distinguished from particular individuals. But each and every member of society need not be equally interested in such use, or be personally and directly affected by it; if the object is to satisfy a great public want or exigency, that is sufficient. Ringe Co. v. Los Angeles County, 262 U.S. 700, 43 S.Ct. 689, 692, 67 L.Ed. 1186. The term may be said to mean public usefulness, utility, or advantage, or what is productive of general benefit. It may be limited to the inhabitants of a small or restricted locality, but must be in common, and not for a particular individual. The use must be a needful one for the public, which cannot be surrendered without obvious general loss and inconvenience. A "public use" for which land may be taken defies absolute definition for it changes with varying conditions of society, new appliances in the sciences, changing conceptions of scope and functions of government, and other differing circumstances

brought about by an increase in population and new modes of communication and transportation. *Katz v. Brandon*, 156 Conn. 521, 245 A.2d. 579, 586.

See also *Condemnation; Eminent domain*.  
[*Black's Law Dictionary*, Sixth Edition, p. 1232]

Black's Law Dictionary also defines the word "tax" as follows:

*"Tax: A charge by the government on the income of an individual, corporation, or trust, as well as the value of an estate or gift. The objective in assessing the tax is to generate revenue to be used for the needs of the public.*

*A pecuniary [relating to money] burden laid upon individuals or property to support the government, and is a payment exacted by legislative authority. In re Mytinger, D.C.Tex. 31 F.Supp. 977,978,979. **Essential characteristics of a tax are that it is NOT A VOLUNTARY PAYMENT OR DONATION, BUT AN ENFORCED CONTRIBUTION, EXACTED PURSUANT TO LEGISLATIVE AUTHORITY.** Michigan Employment Sec. Commission v. Patt, 4 Mich.App. 228, 144 N.W.2d. 663, 665. ..."*  
[*Black's Law Dictionary*, Sixth Edition, p. 1457]

So in order to be legitimately called a "tax" or "taxation", the money we pay to the government must fit all of the following criteria:

1. The money must be used ONLY for the support of government.
2. The subject of the tax must be "liable", and responsible to pay for the support of government under the force of law.
3. The money must go toward a "public purpose" rather than a "private purpose".
4. The monies paid cannot be described as wealth transfer between two people or classes of people within society
5. The monies paid cannot aid one group of private individuals in society at the expense of another group, because this violates the concept of equal protection of law for all citizens found in section 1 of the Fourteenth Amendment

If the monies demanded by government do not fit all of the above requirements, then they are being used for a "private" purpose and cannot be called "taxes" or "taxation", according to the Supreme Court. Actions by the government to enforce the payment of any monies that do not meet all the above requirements can therefore only be described as:

1. Theft and robbery by the government in the guise of "taxation".
2. Government by decree rather than by law.
3. Tyranny.
4. Socialism.
5. Mob rule and a tyranny by the "have-nots" against the "haves".
6. [18 U.S.C. §241](#): Conspiracy against rights. The IRS shares tax return information with states of the union, so that both of them can conspire to deprive you of your property.
7. [18 U.S.C. §242](#): Deprivation of rights under the color of law. The Fifth Amendment says that people in states of the Union cannot be deprived of their property without due process of law or a court hearing. Yet, the IRS tries to make it appear like they have the authority to just STEAL these people's property for a fabricated tax debt that they aren't even legally liable for.
8. [18 U.S.C. §247](#): Damage to religious property; obstruction of persons in the free exercise of religious beliefs
9. [18 U.S.C. §872](#): Extortion by officers or employees of the United States.
10. [18 U.S.C. §876](#): Mailing threatening communications. This includes all the threatening notices regarding levies, liens, and idiotic IRS letters that refuse to justify why government thinks we are "liable".
11. [18 U.S.C. §880](#): Receiving the proceeds of extortion. Any money collected from Americans through illegal enforcement actions and for which the contributors are not "liable" under the law is extorted money, and the IRS is in receipt of the proceeds of illegal extortion.
12. [18 U.S.C. §1581](#): Peonage, obstructing enforcement. IRS is obstructing the proper administration of the Internal Revenue Code and the Constitution, which require that they respect those who choose NOT to volunteer to participate in the federal donation program identified under subtitle A of the I.R.C.

- 1 13. [18 U.S.C. §1583](#): Enticement into slavery. IRS tries to enlist “nontaxpayers” to rejoin the ranks of other peons who  
2 pay taxes they aren't demonstrably liable for, which amount to slavery.  
3 14. [18 U.S.C. §1589](#): Forced labor. Being forced to expend one’s personal time responding to frivolous IRS notices and  
4 pay taxes on my labor that I am not liable for.

5 We also cannot assume or suppose that our government has the authority to make “gifts” of monies collected through its  
6 taxation powers, and especially not when paid to private individuals or foreign countries because:

- 7 1. The Constitution DOES NOT authorize the government to “gift” money to anyone within states of the Union or in  
8 foreign countries, and therefore, this is not a Constitutional use of public funds, nor does unauthorized expenditure of  
9 such funds produce a tangible public benefit, but rather an injury, by forcing those who do not approve of the gift to  
10 subsidize it and yet not derive any personal benefit whatsoever for it.  
11 2. The Supreme Court identifies such abuse of taxing powers as “robbery in the name of taxation” above.

12 Based on the foregoing analysis, we are then forced to divide the monies collected by the government through its taxing  
13 powers into only two distinct classes. We also emphasize that every tax collected and every expenditure originating from  
14 the tax paid MUST fit into one of the two categories below:

15

**Table 4: Two methods for taxation**

#	Characteristic	Public use/purpose	Private use/purpose
1	<b>Authority for tax</b>	U.S. Constitution	Legislative fiat, tyranny
2	<b>Monies collected described by Supreme Court as</b>	Legitimate taxation	“Robbery in the name of taxation” (see <i>Loan Assoc. v. Topeka</i> , above)
3	<b>Money paid only to following parties</b>	Federal “employees”, contractors, and agents	Private parties with no contractual relationship or agency with the government
4	<b>Government that practices this form of taxation is</b>	A righteous government	A THIEF
5	<b>This type of expenditure of revenues collected is:</b>	Constitutional	Unconstitutional
6	<b>Lawful means of collection</b>	Apportioned direct or indirect taxation	Voluntary donation (cannot be lawfully implemented as a “tax”)
7	<b>Tax system based on this approach is</b>	A lawful means of running a government	A charity and welfare state for private interests, thieves, and criminals
8	<b>Government which identifies payment of such monies as mandatory and enforceable is</b>	A righteous government	A lying, thieving government that is deceiving the people.
9	<b>When enforced, this type of tax leads to</b>	Limited government that sticks to its corporate charter, the Constitution	Socialism Communism Mafia protection racket Organized extortion
10	<b>Lawful subjects of Constitutional, federal taxation</b>	Taxes on imports into states of the Union coming from foreign countries. See Constitution, Article 1, Section 8, Clause 3 (external) taxation.	No subjects of lawful taxation. Whatever unconstitutional judicial fiat and a deceived electorate will tolerate is what will be imposed and enforced at the point of a gun
11	<b>Tax system based on this approach based on</b>	Private property	All property being owned by the state through eminent domain. Tax becomes a means of “renting” what amounts to state property to private individuals for temporary use.

The U.S. Supreme Court also helped to clarify how to distinguish the two above categories when it said:

*“It is undoubtedly the duty of the legislature which imposes or authorizes municipalities to impose a tax to see that it is not to be used for purposes of private interest instead of a public use, and the courts can only be justified in interposing when a violation of this principle is clear and the [87 U.S. 665] reason for interference cogent. And in deciding whether, in the given case, the object for which the taxes are assessed falls upon the one side or the other of this line, they must be governed mainly by the course and usage of the government, the objects for which taxes have been customarily and by long course of legislation levied, what objects or purposes have been considered necessary to the support and for the proper use of the government, whether state or municipal. Whatever lawfully pertains to this and is sanctioned by time and the acquiescence of the people may well be held to belong to the public use, and proper for the maintenance of good government, though this may not be the only criterion of rightful taxation.”*  
[\*\[Loan Association v. Topeka, 20 Wall. 655 \(1874\)\]\*](#)

If we give our government the benefit of the doubt by “assuming” or “presuming” that it is operating lawfully and consistent with the model on the left above, then we have no choice but to conclude that everyone who lawfully receives any kind of federal payment MUST be either a federal “employee” or “federal contractor” on official duty, and that the compensation received must be directly connected to the performance of a sovereign or Constitutionally authorized function of government. Any other conclusion or characterization of a lawful tax other than this is irrational, inconsistent with the rulings of the U.S. Supreme Court on this subject, and an attempt to deceive the public about the role of limited Constitutional government based on Republican principles. This means that you cannot participate in any of the following federal social insurance programs WITHOUT being a federal “employee”, and if you refuse to identify yourself as a federal employee, then you are admitting that your government is a thief and a robber that is abusing its taxing powers:



- 1 1. Internal Revenue Code, Subtitle A. I.R.C. (26 U.S.C.) sections 1, 32, and 162 all confer privileged financial benefits to
- 2 the participant which constitute federal “employment” compensation.
- 3 2. Social Security.
- 4 3. Unemployment compensation.
- 5 4. Medicare.

6 An examination of the Privacy Act, [5 U.S.C. §552a\(a\)\(13\)](#), in fact, identifies all those who participate in the above

7 programs as “federal personnel”, which means federal “employees”. To wit:

8 [TITLE 5 > PART I > CHAPTER 5 > SUBCHAPTER II > § 552a](#)

9 [§ 552a. Records maintained on individuals](#)

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

11 (13) the term “Federal personnel” means officers and employees of the Government of the United States,

12 members of the uniformed services (including members of the Reserve Components), individuals entitled to

13 receive immediate or deferred retirement benefits under any retirement program of the Government of the

14 United States (including survivor benefits).

15 The “individual” they are talking about above is further defined in [5 U.S.C. §552a\(a\)\(2\)](#) as follows:

16 [TITLE 5 - GOVERNMENT ORGANIZATION AND EMPLOYEES](#)

17 [PART I - THE AGENCIES GENERALLY](#)

18 [CHAPTER 5 - ADMINISTRATIVE PROCEDURE](#)

19 [SUBCHAPTER II - ADMINISTRATIVE PROCEDURE](#)

20 [§552a. Records maintained on individuals](#)

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

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

23 residence;

24 The “citizen of the United States” they are referring to above is based on the statutory rather than constitutional definition

25 of the “United States”, which means it refers to the federal zone and excludes states of the Union. Also, note that both of

26 the two preceding definitions are found within Title 5 of the U.S. Code, which is entitled “Government Organization and

27 Employees”. Therefore, it refers ONLY to government employees and excludes private sector employees. There is no

28 definition of the term “individual” anywhere in Title 26 (I.R.C.) of the U.S. Code or any other title that refers to private

29 human beings, because Congress cannot legislate for them as PRIVATE parties. Notice the use of the phrase “private

30 business” in the U.S. Supreme Court ruling below:

31 “The individual may stand upon his constitutional rights as a citizen. **He is entitled to carry on his private**

32 **business in his own way [unregulated by the government]. His power to contract is unlimited. He owes no**

33 **duty to the State or to his neighbor to divulge his business, or to open his doors to an investigation, so far as**

34 **it may tend to criminate him. He owes no such duty to the State, since he receives nothing therefrom, beyond**

35 **the protection of his life and property.** His rights are such as existed by the law of the land long antecedent to

36 the organization of the State, and can only be taken from him by due process of law, and in accordance with the

37 Constitution. Among his rights are a refusal to incriminate himself; and the immunity of himself and his

38 property from arrest or seizure except under a warrant of the law. **He owes nothing to the public [including**

39 **so-called “taxes” under Subtitle A of the I.R.C.] so long as he does not trespass upon their rights.”**

40 [Hale v. Henkel, [201 U.S. 43](#), 74 (1906)]

41 The purpose of the Constitution and the Bill of Rights instead is to REMOVE authority of the Congress to legislate for

42 private persons and thereby protect their sovereignty and dignity. That is why the U.S. Supreme Court ruled the following:

43 “The makers of our Constitution undertook to secure conditions favorable to the pursuit of happiness. They

44 recognized the significance of man's spiritual nature, of his feelings and of his intellect. They knew that only a

45 part of the pain, pleasure and satisfactions of life are to be found in material things. They sought to protect

46 Americans in their beliefs, their thoughts, their emotions and their sensations. **They conferred, as against the**

47 **Government, the right to be let alone - the most comprehensive of rights and the right most valued by**

48 **civilized men.”**

49 [Olmstead v. United States, [277 U.S. 438, 478](#) (1928) (Brandeis, J., dissenting); see also Washington v.

50 Harper, [494 U.S. 210](#) (1990)]

**QUESTIONS FOR DOUBTERS:** If you aren't a federal "employee" as a person participating in Social Security and the Internal Revenue Code, then why are all of the Social Security Regulations located in Title 20 of the Code of Federal Regulations under parts 400-499, entitled "Employee Benefits"? See for yourself:

[http://ecfr.gpoaccess.gov/cgi/t/text/text-idx?sid=f073dcf7b1b49c3d353eaf290d735663&c=ecfr&tpl=/ecfrbrowse/Title20/20tab\\_02.tpl](http://ecfr.gpoaccess.gov/cgi/t/text/text-idx?sid=f073dcf7b1b49c3d353eaf290d735663&c=ecfr&tpl=/ecfrbrowse/Title20/20tab_02.tpl)

Another very important point to make here is that the purpose of nearly all federal law is to regulate "public conduct" rather than "private conduct". Congress must write laws to regulate and control every aspect of the behavior of its employees so that they do not adversely affect the rights of private individuals like you, who they exist exclusively to serve and protect. Most federal statutes, in fact, are exclusively for use by those working in government and simply do not apply to private citizens in the conduct of their private lives. Federal law cannot apply to the private sector at large because the Thirteenth Amendment says that involuntary servitude has been abolished. If involuntary servitude is abolished, then they can't use, or in this case "abuse" the authority of law to impose ANY kind of duty against anyone in the private public except possibly the responsibility to avoid hurting their neighbor and thereby depriving him of the equal rights he enjoys.

*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 ONLY requirement of] the law [which is to avoid hurting your neighbor and thereby love him].**  
[Romans 13:9-10, Bible, NKJV]

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

Thomas Jefferson, our most revered founding father, summed up this singular duty of government to LEAVE PEOPLE ALONE and only interfere or impose a "duty" using the authority of law when and only when they are hurting each other in order to protect them and prevent the harm when he said.

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

The U.S. Supreme Court confirmed this view, when it ruled:

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

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

instrumentalities. This was also confirmed by the United States House of Representatives, who said that only those who take an oath of “public office” are subject to the requirements of the personal income tax. See:

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

Within the Internal Revenue Code, those legal “persons” who work for the government are identified as engaging in a “public office”. A “public office” within the Internal Revenue Code is called a “trade or business”, which is defined below. We emphasize that engaging in a privileged “trade or business” is the main excise taxable activity that in fact and in deed is what REALLY makes a person a “taxpayer” subject to the Internal Revenue Code, Subtitle A:

26 U.S.C. Sec. 7701(a)(26)

*“The term ‘trade or business’ includes the performance of the functions of a public office.”*

Below is the definition of “public office”:

Public office

*“Essential characteristics of a ‘public office’ are:*

*(1) Authority conferred by law,*

*(2) Fixed tenure of office, and*

*(3) Power to exercise some of the sovereign functions of government.*

*(4) Key element of such test is that “officer is carrying out a sovereign function’.*

*(5) Essential elements to establish public position as ‘public office’ are:*

*(a) Position must be created by Constitution, legislature, or through authority conferred by legislature.*

*(b) Portion of sovereign power of government must be delegated to position,*

*(c) Duties and powers must be defined, directly or implied, by legislature or through legislative authority.*

*(d) Duties must be performed independently without control of superior power other than law, and*

*(e) Position must have some permanency.”*

*[Black’s Law Dictionary, Sixth Edition, p. 1230]*

Those who are fulfilling the “functions of a public office” are under a legal, fiduciary duty as “trustees” of the “public trust”, while working as “volunteers” for the “charitable trust” called the “United States Government Corporation”, which we affectionately call “U.S. Inc.”:

*“As expressed otherwise, the powers delegated to a public officer are held in trust for the people and are to be exercised in behalf of the government or of all citizens who may need the intervention of the officer.”<sup>78</sup>*

**Furthermore, the view has been expressed that all public officers, within whatever branch and whatever level of government, and whatever be their private vocations, are trustees of the people, and accordingly labor under every disability and prohibition imposed by law upon trustees relative to the making of personal financial gain from a discharge of their trusts.<sup>79</sup> That is, a public officer occupies a fiduciary relationship to the political entity on whose behalf he or she serves.<sup>80</sup> and owes a fiduciary duty to the public.<sup>81</sup> It has been said that the fiduciary responsibilities of a public officer cannot be less than those of a private individual.<sup>82</sup> Furthermore, it has been stated that any enterprise undertaken by the public official which tends to weaken public confidence and undermine the sense of security for individual rights is against public policy.<sup>83</sup>”**

*[63C American Jurisprudence 2d, Public Officers and Employees, §247 (1999)]*

<sup>78</sup> State ex rel. Nagle v. Sullivan, 98 Mont. 425, 40 P.2d. 995, 99 A.L.R. 321; Jersey City v. Hague, 18 N.J. 584, 115 A.2d. 8.

<sup>79</sup> Georgia Dep’t of Human Resources v. Sistrunk, 249 Ga. 543, 291 S.E.2d. 524. A public official is held in public trust. Madlener v. Finley (1st Dist), 161 Ill.App.3d. 796, 113 Ill.Dec. 712, 515 N.E.2d. 697, app gr 117 Ill.Dec. 226, 520 N.E.2d. 387 and revd on other grounds 128 Ill.2d. 147, 131 Ill.Dec. 145, 538 N.E.2d. 520.

<sup>80</sup> Chicago Park Dist. v. Kenroy, Inc., 78 Ill.2d. 555, 37 Ill.Dec. 291, 402 N.E.2d. 181, appeal after remand (1st Dist) 107 Ill.App.3d. 222, 63 Ill.Dec. 134, 437 N.E.2d. 783.

<sup>81</sup> United States v. Holzer (CA7 Ill), 816 F.2d. 304 and vacated, remanded on other grounds 484 U.S. 807, 98 L Ed 2d 18, 108 S Ct 53, on remand (CA7 Ill) 840 F.2d. 1343, cert den 486 U.S. 1035, 100 L Ed 2d 608, 108 S Ct 2022 and (criticized on other grounds by United States v. Osser (CA3 Pa) 864 F.2d. 1056) and (superseded by statute on other grounds as stated in United States v. Little (CA5 Miss) 889 F.2d. 1367) and (among conflicting authorities on other grounds noted in United States v. Boylan (CA1 Mass), 898 F.2d. 230, 29 Fed.Rules.Evid.Serv. 1223.

<sup>82</sup> Chicago ex rel. Cohen v. Keane, 64 Ill.2d. 559, 2 Ill.Dec. 285, 357 N.E.2d. 452, later proceeding (1st Dist) 105 Ill.App.3d. 298, 61 Ill.Dec. 172, 434 N.E.2d. 325.

<sup>83</sup> Indiana State Ethics Comm’n v. Nelson (Ind App), 656 N.E.2d. 1172, reh gr (Ind App) 659 N.E.2d. 260, reh den (Jan 24, 1996) and transfer den (May 28, 1996).

1 “U.S. Inc.” is a federal corporation, as defined below:

2 *“Corporations are also of all grades, and made for varied objects; all governments are corporations, created*  
3 *by usage and common consent, or grants and charters which create a body politic for prescribed purposes;*  
4 *but whether they are private, local or general, in their objects, for the enjoyment of property, or the exercise*  
5 *of power, they are all governed by the same rules of law, as to the construction and the obligation of the*  
6 *instrument by which the incorporation is made. One universal rule of law protects persons and property. It is*  
7 *a fundamental principle of the common law of England, that the term freemen of the kingdom, includes 'all*  
8 *persons,' ecclesiastical and temporal, incorporate, politique or natural; it is a part of their magna charta (2*  
9 *Inst. 4), and is incorporated into our institutions. The persons of the members of corporations are on the same*  
10 *footing of protection as other persons, and their corporate property secured by the same laws which protect*  
11 *that of individuals. 2 Inst. 46-7. 'No man shall be taken,' 'no man shall be disseised,' without due process of law,*  
12 *is a principle taken from magna charta, infused into all our state constitutions, and is made inviolable by the*  
13 *federal government, by the amendments to the constitution.”*  
14 *[Proprietors of Charles River Bridge v. Proprietors of Warren Bridge, [36 U.S. 420](#) (1837)]*  
15

16 TITLE 28 - JUDICIARY AND JUDICIAL PROCEDURE  
17 [PART VI - PARTICULAR PROCEEDINGS](#)  
18 [CHAPTER 176 - FEDERAL DEBT COLLECTION PROCEDURE](#)  
19 [SUBCHAPTER A - DEFINITIONS AND GENERAL PROVISIONS](#)  
20 [Sec. 3002. Definitions](#)

21 (15) *“United States” means -*  
22 (A) *a Federal corporation;*  
23 (B) *an agency, department, commission, board, or other entity of the United States; or*  
24 (C) *an instrumentality of the United States.*

25 Those who are acting as “public officers” for “U.S. Inc.” have essentially donated their formerly private property to a  
26 “public use”. In effect, they have joined the SOCIALIST collective and become partakers of money STOLEN from people,  
27 most of whom, do not wish to participate and who would quit if offered an informed choice to do so.

28 *“My son, if sinners [socialists, in this case] entice you,*  
29 ***Do not consent [do not abuse your power of choice]***  
30 *If they say, “Come with us,*  
31 *Let us lie in wait to shed blood [of innocent “nontaxpayers”];*  
32 *Let us lurk secretly for the innocent without cause;*  
33 *Let us swallow them alive like Sheol,*  
34 *And whole, like those who go down to the Pit:*  
35 ***We shall fill our houses with spoil [plunder];***  
36 ***Cast in your lot among us,***  
37 ***Let us all have one purse [share the stolen LOOT]”--***

38 *My son, do not walk in the way with them [do not ASSOCIATE with them and don't let the government*  
39 *FORCE you to associate with them either by forcing you to become a “[taxpayer](#)”/government whore or a*  
40 *statutory “[U.S. citizen](#)”].*  
41 *Keep your foot from their path;*  
42 *For their feet run to evil,*  
43 *And they make haste to shed blood.*  
44 *Surely, in vain the net is spread*  
45 *In the sight of any bird;*  
46 ***But they lie in wait for their own blood.***  
47 ***They lurk secretly for their own lives.***  
48 ***So are the ways of everyone who is greedy for gain [or unearned government benefits];***  
49 ***It takes away the life of its owners.”***  
50 *[[Proverbs 1:10-19](#), Bible, NKJV]*

51 Below is what the U.S. Supreme Court says about those who have donated their private property to a “public use”. The  
52 ability to volunteer your private property for “public use”, by the way, also implies the ability to UNVOLUNTEER at any  
53 time, which is the part no government employee we have ever found is willing to talk about. I wonder why....DUHHHH!:

54 *“Men are endowed by their Creator with certain unalienable rights, -life, liberty, and the pursuit of happiness;”*  
55 *and to 'secure,' not grant or create, these rights, governments are instituted. That property [or income] which a*  
56 *man has honestly acquired he retains full control of, subject to these limitations: First, that he shall not use*  
57 *it to his neighbor's injury, and that does not mean that he must use it for his neighbor's benefit; second,*  
58 ***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)]

Any legal person, whether it be a natural person, a corporation, or a trust, may become a “public office” if it volunteers to do so. A subset of those engaging in such a “public office” are federal “employees”, but the term “public office” or “trade or business” encompass much more than just government “employees”. In law, when a legal “person” volunteers to accept the legal duties of a “public office”, it therefore becomes a “trustee”, an agent, and fiduciary (as defined in [26 U.S.C. §6903](#)) acting on behalf of the federal government by the operation of private contract law. It becomes essentially a “franchisee” of the federal government carrying out the provisions of the franchise agreement, which is found in:

1. Internal Revenue Code, Subtitle A, in the case of the federal income tax.
2. The Social Security Act, which is found in Title 42 of the U.S. Code.

If you would like to learn more about how this “trade or business” scam works, consult the authoritative article below:

*The “Trade or Business” Scam*, Form #05.001  
<http://sedm.org/Forms/05-MemLaw/TradeOrBusScam.pdf>

If you would like to know more about the extreme dangers of participating in all government franchises and why you destroy ALL your Constitutional rights and protections by doing so, see:

1. *Government Instituted Slavery Using Franchises*, Form #05.030  
<http://sedm.org/Forms/FormIndex.htm>
2. SEDM Liberty University, Section 4: Avoiding Government Franchises and licenses:  
<http://sedm.org/LibertyU/LibertyU.htm>

The IRS Form 1042-S Instructions confirm that all those who use Social Security Numbers are engaged in the “trade or business” franchise:

**Box 14, Recipient’s U.S. Taxpayer Identification Number (TIN)**

*You must obtain and enter a U.S. taxpayer identification number (TIN) for:*

- Any recipient whose income is effectively connected with the conduct of a [trade or business](#) in the United States.

*[IRS Form 1042-S Instructions, p. 14]*

Engaging in a “trade or business” therefore implies a “public office”, which makes the person using the number into a “public officer” who has donated his formerly private time and services to a “public use” and agreed to give the public the right to control and regulate that use through the operation of the franchise agreement, which is the Internal Revenue Code, Subtitle A and the Social Security Act found in Title 42 of the U.S. Code. The Social Security Number is therefore the equivalent of a “license number” to act as a “public officer” for the federal government, who is a fiduciary or trustee subject to the plenary legislative jurisdiction of the federal government pursuant to [26 U.S.C. §7701\(a\)\(39\)](#), [26 U.S.C. §7408\(c\)](#), and [Federal Rule of Civil Procedure Rule 17\(b\)](#), regardless of where he might be found geographically, including within a state of the Union. The franchise agreement governs “choice of law” and where its terms may be litigated, which is the District of Columbia, based on the agreement itself.

Now let’s apply what we have learned to your employment situation. God said you cannot work for two companies at once. You can only serve one company, and that company is the federal government if you are receiving federal benefits:

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

Everything you make while working for your slave master, the federal government, is their property over which you are a fiduciary and “public officer”.



1                   “THE” + “IRS” = “THEIRS”

2       A federal “public officer” has no rights in relation to their master, the federal government:

3                   *“The restrictions that the Constitution places upon the government in its capacity as lawmaker, i.e., as the*  
4                   *regulator of private conduct, are not the same as the restrictions that it places upon the government in its*  
5                   *capacity as employer. We have recognized this in many contexts, with respect to many different constitutional*  
6                   *guarantees. Private citizens perhaps cannot be prevented from wearing long hair, but policemen can. Kelley v.*  
7                   *Johnson, 425 U.S. 238, 247 (1976). Private citizens cannot have their property searched without probable*  
8                   *cause, but in many circumstances government employees can. O'Connor v. Ortega, 480 U.S. 709, 723 (1987)*  
9                   *(plurality opinion); id., at 732 (SCALIA, J., concurring in judgment). Private citizens cannot be punished for*  
10                  *refusing to provide the government information that may incriminate them, but government employees can be*  
11                  *dismissed when the incriminating information that they refuse to provide relates to the performance of their job.*  
12                  *Gardner v. Broderick, [497 U.S. 62, 95] 392 U.S. 273, 277 -278 (1968). With regard to freedom of speech in*  
13                  *particular: Private citizens cannot be punished for speech of merely private concern, but government employees*  
14                  *can be fired for that reason. Connick v. Myers, 461 U.S. 138, 147 (1983). Private citizens cannot be punished*  
15                  *for partisan political activity, but federal and state employees can be dismissed and otherwise punished for that*  
16                  *reason. Public Workers v. Mitchell, 330 U.S. 75, 101 (1947); Civil Service Comm'n v. Letter Carriers, 413 U.S.*  
17                  *548, 556 (1973); Broadrick v. Oklahoma, 413 U.S. 601, 616 -617 (1973).”*  
18                  *[Rutan v. Republican Party of Illinois, 497 U.S. 62 (1990)]*

19       Your existence and your earnings as a federal “public officer” and “trustee” and “fiduciary” are entirely subject to the whim  
20       and pleasure of corrupted lawyers and politicians, and you must beg and grovel if you expect to retain anything:

21                   *“In the general course of human nature, A POWER OVER A MAN’S SUBSISTENCE AMOUNTS TO A POWER*  
22                   *OVER HIS WILL.”*  
23                   *[Alexander Hamilton, Federalist Paper No. 79]*

24       You will need an “exemption” from your new slave master specifically spelled out in law to justify anything you want to  
25       keep while working on the federal plantation. The 1040 return is a profit and loss statement for a federal business  
26       corporation called the “United States”. You are in partnership with your slave master and they decide what scraps they  
27       want to throw to you in your legal “cage” AFTER they figure out whatever is left in financing their favorite pork barrel  
28       project and paying off interest on an ever-expanding and endless national debt. Do you really want to reward this type of  
29       irresponsibility and surety?

30       The W-4 therefore essentially amounts to a federal employment application contract. It is your badge of dishonor and a  
31       tacit admission that you can’t or won’t trust God and yourself to provide for yourself. Instead, you need a corrupted  
32       “protector” to steal money from your neighbor or counterfeit (print) it to help you pay your bills and run your life.  
33       Furthermore, if your private employer forced you to fill out the W-4 against your will or instituted any duress to get you to  
34       fill it out, such as threatening to fire or not hire you unless you fill it out, then he/she is:

- 35       1. Acting as an employment recruiter for the federal government.  
36       2. Recruiting you into federal slavery in violation of the [Thirteenth Amendment](#), and [42 U.S.C. §1994](#).  
37       3. Involved in a conspiracy to commit grand theft by stealing money from you to pay for services and protection you  
38       don’t want and don’t need.  
39       4. Involved in racketeering and extortion in violation of [18 U.S.C. §1951](#).  
40       5. Involved in money laundering for the federal government, by sending in money stolen from you to them, in violation  
41       of [18 U.S.C. §1956](#).

42       The higher ups at the IRS probably know the above, and they certainly aren’t going to tell private employers or their  
43       underlings the truth, because they aren’t going to look a gift horse in the mouth and don’t want to surrender their defense of  
44       “plausible deniability”. They will NEVER tell a thief who is stealing for them that they are stealing, especially if they  
45       don’t have to assume liability for the consequences of the theft. No one who practices this kind of slavery, deceit, and evil  
46       can rightly claim that they are loving their neighbor and once they know they are involved in such deceit, they have a duty  
47       to correct it or become an “accessory after the fact” in violation of [18 U.S.C. §3](#). This form of deceit is also the sin most  
48       hated by God in the Bible. Below is a famous Bible commentary on [Prov. 11:1](#):

49                   *“As religion towards God is a branch of universal righteousness (he is not an honest man that is not devout), so*  
50                   *righteousness towards men is a branch of true religion, for he is not a godly man that is not honest, nor can*  
51                   *he expect that his devotion should be accepted; for, 1. Nothing is more offensive to God than deceit in*  
52                   *commerce. A false balance is here put for all manner of unjust and fraudulent practices [of our public dis-*  
53                   *servants] in dealing with any person [within the public], which are all an abomination to the Lord, and*

render those abominable [hated] to him that allow themselves 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 wrong to our neighbour, whom God is the protector of. Men [in the IRS and the Congress] make light of such frauds, and think there is no sin in that which there is money to be got by, and, while it passes undiscovered, 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 abomination to God, who will be the avenger of those that are defrauded by their brethren. 2. Nothing is more pleasing to God than fair and honest dealing, nor more necessary to make us and our devotions acceptable to him: A just weight is his delight. He himself goes by a just weight, and holds the scale of judgment with an even hand, and therefore is pleased with those that are herein followers of him. A balance cheats, under pretence of doing right most exactly, and therefore is the greater abomination to God.”  
[Matthew Henry’s Commentary on the Whole Bible; Henry, M., 1996, c1991, under Prov. 11:1]

The Bible also says that those who participate in this kind of “commerce” with the government are practicing harlotry and idolatry. The Bible book of Revelation describes a woman called “Babylon the Great Harlot”.

“And I saw a woman sitting on a scarlet beast which was full of names of blasphemy, having seven heads and ten horns. The woman was arrayed in purple and scarlet, and adorned with gold and precious stones and pearls, having in her hand a golden cup full of abominations and the filthiness of her fornication. And on her forehead a name was written:

MYSTERY, BABYLON THE GREAT, THE MOTHER OF HARLOTS AND OF THE ABOMINATIONS OF THE EARTH.

I saw the woman, drunk with the blood of the saints and with the blood of the martyrs of Jesus. And when I saw her, I marveled with great amazement.”  
[Rev. 17:3-6, Bible, NKJV]

This despicable harlot is described below as the “woman who sits on many waters”.

“Come, I will show you the judgment of the great harlot [Babylon the Great Harlot] who sits on many waters, with whom the kings of the earth [politicians and rulers] committed fornication, and the inhabitants of the earth were made drunk [indulged] with the wine of her fornication.”  
[Rev. 17:1-2, Bible, NKJV]

These waters are simply symbolic of a democracy controlled by mobs of atheistic people who are fornicating with the Beast and who have made it their false, man-made god and idol:

“The waters which you saw, where the harlot sits, are peoples, multitudes, nations, and tongues.”  
[Rev. 17:15, Bible, NKJV]

The Beast is then defined in Rev. 19:19 as “the kings of the earth”, which today would be our political rulers:

“And I saw the beast, the kings of the earth, and their armies, gathered together to make war against Him who sat on the horse and against His army.”  
[Rev. 19:19, Bible, NKJV]

Babylon the Great Harlot is “fornicating” with the government by engaging in commerce with it. Black’s Law Dictionary defines “commerce” as “intercourse”:

“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]

If you want your rights back people, you can’t pursue government employment in the context of your private job. If you do, the Bible, not us, says you are a harlot and that you are CONDEMNED to hell!

And I heard another voice from heaven saying, “Come out of her, my people, lest you share in her sins, and lest you receive of her plagues. For her sins have reached to heaven, and God has remembered her iniquities. Render to her just as she rendered to you, and repay her double according to her works; in the cup which she has mixed, mix double for her. In the measure that she glorified herself and lived luxuriously, in the same measure give her torment and sorrow; for she says in her heart, ‘I sit as queen, and am no widow, and will not see sorrow.’ Therefore her plagues will come in one day—death and mourning and famine. And she will be utterly burned with fire, for strong is the Lord God who judges her.

## 12.4 Notaries Public

It is a franchise and a privilege to become a notary public. A notary public is a “public officer”, meaning that he works for the government.

*Chapter 1  
Introduction  
§1.1 Generally*

**A notary public (sometimes called a notary) is a public official appointed under authority of law** with power, among other things, to administer oaths, certify affidavits, take acknowledgments, take depositions, perpetuate testimony, and protect negotiable instruments. Notaries are not appointed under federal law; they are appointed under the authority of the various states, districts, territories, as in the case of the Virgin Islands, and the commonwealth, in the case of Puerto Rico. The statutes, which define the powers and duties of a notary public, frequently grant the notary the authority to do all acts justified by commercial usage and the “law merchant”.

[[Anderson's Manual for Notaries Public, Ninth Edition, 2001, ISBN 1-58360-357-3](#)]

Every state of the Union has laws that regulate the conduct of notaries public. The reason they can pass these laws is because notaries public are “public officers” who work for the government.

## 12.5 Perjury statement on state court forms

Nearly every government form contains a perjury statement that identifies the person signing as a government employee of the state domiciled on federal territory. For instance, all of the Family Court forms in California contain the following perjury statement at the end:

*“I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.”*  
[California Judicial Council, Form CIV-100;  
SOURCE: <http://www.courtinfo.ca.gov/forms/documents/civ100.pdf>]

The “State of California” is then defined as the federal areas within the exterior limits of the state:

*California Revenue and Taxation Code  
Division 2: Other Taxes  
Part 10: Personal Income Tax*

*17018. “State” includes the District of Columbia, and the possessions of the United States.*

The only people who are under the laws of the “**State of** \_\_\_\_\_” are the officers and employees who work for the government. Everyone else is sovereign and foreign with respect to these laws, as we have clearly proven elsewhere within this document. Try instead signing such forms with a perjury statement similar to the following and see what the government says. Tell them that you would be committing perjury under penalty of perjury to put any other language in the perjury statement:

*“I declare under penalty of perjury from without the ‘State of \_\_\_\_\_’ and from within the ‘Republic of \_\_\_\_\_’ that the foregoing is true and correct.”*

We tried this and the clerk of the court said she couldn’t accept our form. We then asked them by what authority they can regulate our First Amendment right to communicate, to not communicate, and to define the significance with which we communicate. They thumbed through their books for an hour and even called the judge, and later came back to us and had to admit that we were right.

If you would like to learn more about how there are actually two governments within the borders of every state of the Union, consisting of the de facto “Corporate State” called the “State of \_\_\_\_\_” and the de jure “Republic State”, we refer you to the following fascinating article on our website. See section 8.2 of the document:

## 12.6 Federal Thrift Savings Plan description of tax liability

The Federal Retirement Thrift Investment Board OC 96-21(7/2004) document states in its publication entitled "Tax Treatment of Thrift Savings Plan Payments to Nonresident Aliens and Their Beneficiaries" [FRTSP] the following about the liability for the Subtitle "A" Federal income tax.

*"A nonresident alien is an individual who is neither a U.S. citizen nor a resident of the United States."  
[SEDM Exhibit #09.026;  
SOURCE: <http://sedm.org/Exhibits/ExhibitIndex.htm>]*

That is identical to 26 U.S.C. §7701(b)(1)(B) so we know that there is consistency in the information.

Then on page 2 of the FRTSP document you see stated, "***In general, the following rules apply...***" Keep in mind that these are the rules about the Subtitle "A" Federal income tax. The Federal document then addresses those parties who are liable for, and must pay, as well as those who have no liability. That is the unique aspect of this particular Federal document as most never tell you that kind of information until you spend years researching as most don't know where to look.

Here is what is stated about "*nontaxable liability*" for the U.S. [Federal] Income tax [Subtitle "A" of 26 USC]. We will overlook those who are identified in this publication as having a "*taxable liability*" as that is already established by earlier chapters and merely confirmed again.

I recommend that you get in a comfortable chair and take a big sip of something cool and refreshing before you continue reading. This is going to be that pleasurable! *Are you ready? OK....*

*"A nonresident alien participant who worked for the U.S. government in the United States may be liable for U.S. income tax."*

*Do your recall 4 U.S.C. §72 where the seat of government public offices are only located? Do your recall the definition of "United States" in 26 U.S.C. §7408(d)?*

You have to admit this shows that anyone who works for the Federal government is a "Taxpayer" if they work [principle place of business] for the government in the United States [the District of Columbia]. *Does that describe you as a nonresident alien [American National] who is working in the private sector [nonfederal employment]? I thought not!*

*"A nonresident alien participant who never worked for the U.S. Government in the United States will not be liable for U.S. income tax."*

*Did you read that slowly? Did that say what we thought it said?*

Allow me to paraphrase just for simplicity purposes only. If you are a nonresident alien [American National] who never worked for the U.S. Government [in the United States a.k.a. the District of Columbia] then you "***will not be liable for U.S. income tax***" which is identical to saying that you "*will not be liable for Subtitle 'A' Federal income tax.*"

Are you still sitting in that chair? I got so excited I could not sit still when I first read this powerful admission by the Federal Government itself. Perhaps from my frisson I misread that statement so I read it once more and the thrill grew in its intensity. It is an understatement to say that this is not very good news to the previously uninformed. But let's continue some other sections in this Tax Treatment of Thrift Savings Plan Payments to Nonresident Aliens and Their Beneficiaries.

*"A nonresident alien beneficiary of a nonresident alien participant will not be liable for U.S. income tax if the participant never worked for the U.S. Government in the United States."  
[SEDM Exhibit #09.026;  
SOURCE: <http://sedm.org/Exhibits/ExhibitIndex.htm>]*

**This is awesome proof right from the Federal Government! How about that!!**

So the FRTSP document is stating that “a nonresident alien will not be liable for U.S. income taxes if the family member who was a participant in this retirement plan never worked for the U.S Government in the United States.” If this is true, and it is certainly presented as fact and truth by the Federal Government publication, then the extrapolation is rather simple.

## 12.7 Definitions within state revenue codes

Definitions within state codes relating to various franchises confirm that all those who participate must maintain a domicile on federal territory. For instance, the California Revenue and Taxation Code definitions of “State” confirm that the state sales tax and personal income taxes both apply only on federal territory:

*California Revenue and Taxation Code  
Division 2: Other Taxes  
Part 10: Personal Income Tax*

*17018. "State" includes the District of Columbia, and the possessions of the United States.*

*California Revenue and Taxation Code  
Division 2: Other Taxes  
Part 1: Sales and Use Taxes*

*6017. "In this State" or "in the State" means within the exterior limits of the State of California and includes all territory within these limits owned by or ceded to the United States of America.*

All the other states of the Union do things exactly the same way, but they are more devious about how they hide the nature of their jurisdiction over the franchises they administer.

## 13 Conclusions

We will now succinctly summarize the findings and conclusions of this pamphlet based on the evidence presented:

1. The federal and state constitutions are law only for government, and they do not obligate any private citizen to do anything.
2. The only parties obligated to obey the constitution are officers and employees of the federal and state governments.
3. The federal constitution is a delegation of authority order from the States to the federal government.
  - 3.1. The parties to the Constitution are the States of the Union, not the people in them.
  - 3.2. The constitution delegates to the federal government authority to manage foreign affairs and the community property of the states, consisting of federal territory, domiciliaries, franchises, and property.
4. The only objects for which the federal government may lawfully enact legislation are federal territory, domiciliaries, franchises, and property and crimes committed in connection with these things while on federal territory.
5. The federal constitution confers upon the government the authority to legislate directly upon “individuals” but not all people are “individuals”:
  - 5.1. They can only legislate for “individuals” domiciled on federal territory or who are participating in federal franchises such as federal employment, public office, or licensed activities. Participation in all franchises moves the effective domicile of the person to the District of Columbia pursuant to Federal Rule of Civil Procedure 17(b), 26 U.S.C. §7701(a)(39), and 26 U.S.C. §7408(d).
  - 5.2. A man or woman who is not domiciled on federal territory but instead is domiciled in a state of the Union and who does not participate in any government franchises, licenses, or privileges cannot lawfully become subject to federal legislation and is not a “person” or an “individual” within the meaning of any federal statute. This is because States of the Union are “foreign states” with respect to federal legislative jurisdiction. They cannot in fact be sovereign without being “foreign”. See:

“Sovereign”=“Foreign”, Family Guardian Fellowship  
<http://famguardian.org/Subjects/Freedom/Sovereignty/Sovereign=Foreign.htm>
6. The only way for a person domiciled within a state of the Union who is not engaged in any federal franchise, employment, or agency to become the subject of federal legislation is to:
  - 6.1. Change his or her domicile to federal territory and thereby become a statutory “U.S. citizen” pursuant to 8 U.S.C. §1401 or “resident” (alien) pursuant to 26 U.S.C. §7701(b)(1)(A).



- 6.2. Engage in federal franchises, such as “public office”, foreign commerce, Social Security, Medicare, or unemployment compensation. Since these franchises can only lawfully be offered to those domiciled on federal territory, those domiciled in states of the Union who do participate had to commit perjury in misrepresenting themselves as statutory “U.S. citizens” pursuant to 8 U.S.C. §1401 or lawful permanent residents pursuant to 26 U.S.C. §7701(b)(1)(A).
- 6.3. Commit a crime on federal territory, even though domiciled elsewhere.
- 6.4. Misrepresent their status on government forms in describing themselves as a “U.S. person” defined in 26 U.S.C. §7701(a)(30), which is a person with a domicile on federal territory and includes statutory “U.S. citizens” pursuant to 8 U.S.C. §1401 or resident aliens pursuant to 26 U.S.C. §7701(b)(1)(A).
7. A favorite trick of governments is to enact legislation that only applies to federal territory and yet abuse “words of art” to create the false presumption that it applies equally within states of the Union. This is what happened, for instance, when President Roosevelt outlawed gold in 1933 with the Emergency Banking Relief Act of March 1933, 48 Stat. 1.
8. All those participating in licensed activities are deemed to be domiciliaries of federal territory. The only place that the government can lawfully license anything involving the exercise of Constitutionally guaranteed rights is in places where said rights do not exist, which is federal territory. This includes driver’s licenses, marriage licenses, professional licenses, etc.
9. When a court asserts jurisdiction over your conduct, the questions you ought to be asking yourself and the court are:
- 9.1. Is my opponent making presumptions about my status that cannot be supported with evidence? All such presumptions which prejudice constitutionally guaranteed rights are unconstitutional. See:  
*Presumption: Chief Weapon for Unlawfully Enlarging Federal Jurisdiction*, Form #05.017  
<http://sedm.org/Forms/FormIndex.htm>
- 9.2. Where does this law say that it applies? Chances are it only applies on federal territory. What is the definition of “United States” and “State” within the law? Do these definitions include any part of a state of the Union?
- 9.3. Is the court or my opponent abiding by or stretching the definitions within the code in order to unlawfully expand their jurisdiction by abusing the word “includes” and thereby committing treason in breaking down the separation of powers between the state and federal government? See:  
*Legal Deception, Propaganda, and Fraud*, Form #05.014  
<http://sedm.org/Forms/FormIndex.htm>
- 9.4. Have I properly described my citizenship and domicile on all government forms I ever submitted to correctly reflect the fact that I do not maintain a domicile on federal territory and am not confused with a “U.S. person” pursuant to 26 U.S.C. §7701(a)(30), a “U.S. citizen” pursuant to 8 U.S.C. §1401, or a resident alien pursuant to 26 U.S.C. §7701(b)(1)(A)? For an example of how to properly describe your status, see:  
*Affidavit of Citizenship, Domicile, and Tax Status*, Form #02.001  
<http://sedm.org/Forms/FormIndex.htm>
- 9.5. What franchises am I participating in that might have conferred jurisdiction upon this court? Marriage license, driver’s license, or professional license? If I am participating in any such licenses, I should revoke them pursuant to the following:  
SEDM Liberty University, Section 4: Avoiding Government Franchises and licenses  
<http://sedm.org/LibertyU/LibertyU.htm>
- 9.6. Am I using government identifying numbers that connect me to a franchise? If so, I should get rid of them. See:  
*Resignation of Compelled Social Security Trustee*, Form #06.002  
<http://sedm.org/Forms/FormIndex.htm>
- 9.7. Do I satisfy the definition of the “person” or “individual” mentioned in the code that is being enforced? If there is no definition, isn’t the law void for vagueness and unenforceable?

## 14 Resources for Further Study and Rebuttal

If you would like to study the subjects covered in this short pamphlet in further detail, may we recommend the following authoritative sources, and also welcome you to rebut any part of this pamphlet after you have read it and studied the subject carefully yourself just as we have:

1. SEDM Liberty University- Free educational materials for regaining your sovereignty as an entrepreneur or private person  
<http://sedm.org/LibertyU/LibertyU.htm>
2. Why Your Government is Either a Thief or You are a "Public Officer" for Income Tax Purposes, Form #05.008- exhaustively proves with evidence that the federal income tax is an excise tax upon government officers and employees working within the government, and that all those in private industry who participate effectively become the equivalent of "Kelley Girls" for the government upon signing a W-4, signing up for Social Security, or filing a tax return.  
<http://sedm.org/Forms/FormIndex.htm>
3. Proof That There Is a "Straw Man", Form #05.042-proves that the "straw man" exists and that it is a public officer in the government engaging in government franchises  
<http://sedm.org/Forms/FormIndex.htm>
4. Government Instituted Slavery Using Franchises, Form #05.030-how franchises are abused illegally to destroy your rights and make you into surety for a public office in the government and a "person" subject to government statutes.  
<http://sedm.org/Forms/FormIndex.htm>
5. Presumption: Chief Weapon for Unlawfully Enlarging Federal Jurisdiction, Form #05.017  
<http://sedm.org/Forms/FormIndex.htm>
6. No Treason: The Constitution of No Authority, Lysander Spooner  
<http://famguardian.org/PublishedAuthors/Indiv/SpoonerLysander/NoTreason.htm>
7. Federal Enforcement Authority within States of the Union, Form #05.032  
<http://sedm.org/Forms/FormIndex.htm>
8. Requirement for Consent, Form #05.003  
<http://sedm.org/Forms/FormIndex.htm>
9. Resignation of Compelled Social Security Trustee, Form #06.002  
<http://sedm.org/Forms/FormIndex.htm>
10. About SSNs and TINs on Government Forms and Correspondence, Form #05.012  
<http://sedm.org/Forms/FormIndex.htm>
11. Socialism: The New American Civil Religion, Form #05.016  
<http://sedm.org/Forms/FormIndex.htm>

## 15 Questions that Readers, Petit Jurors, and Grand Jurors Should be Asking the Government

These questions are provided for readers, Grand Jurors, and Petit Jurors to present to the government or anyone else who would challenge the facts and law appearing in this pamphlet, most of whom work for the government or stand to gain financially from perpetuating the fraud. If you find yourself in receipt of this pamphlet, you are demanded to answer the questions within 10 days. Pursuant to Federal Rule of Civil Procedure 8(b)(6), failure to deny within 10 days constitutes an admission to each question. Pursuant to 26 U.S.C. §6065, all of your answers must be signed under penalty of perjury. We are not interested in agency policy, but only sources of reasonable belief identified in the pamphlet below:

<u>Reasonable Belief About Income Tax Liability</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 I cannot lawfully impose a duty or obligation upon another person without their consent in some form unless they are injuring my EQUAL rights.

*"Do not strive with a man [or make him the object of law enforcement] without cause, **if he has done you no harm.**"*  
[Prov. 3:30, Bible, NKJV]

YOUR ANSWER: \_\_\_\_Admit \_\_\_\_Deny

CLARIFICATION:\_\_\_\_\_

2. Admit that the same constraints imposed in the previous question apply to the government, because all of its authority is delegated by We the People and We the People cannot delegate an authority that they themselves do not also possess.

*"Whatever these Constitutions and laws validly determine to be property, it is the duty of the Federal Government, through the domain of jurisdiction merely Federal, to recognize to be property.*

*"And this principle follows from the structure of the respective Governments, State and Federal, and their reciprocal relations. **They are different agents and trustees of the people of the several States, appointed with different powers and with distinct purposes, but whose acts, within the scope of their respective jurisdictions, are mutually obligatory.**"*

*[Dred Scott v. Sandford, 60 U.S. 393 (1856)]*

YOUR ANSWER: \_\_\_\_Admit \_\_\_\_Deny

CLARIFICATION:\_\_\_\_\_

3. Admit that the government cannot lawfully impose a duty or obligation upon another person under the authority of law without their consent in some form, except when they have injured the equal rights of others.

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

YOUR ANSWER: \_\_\_\_Admit \_\_\_\_Deny

CLARIFICATION:\_\_\_\_\_

4. Admit that the Constitution confers upon the American people "the right to be let alone".

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

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

YOUR ANSWER: \_\_\_\_Admit \_\_\_\_Deny

CLARIFICATION:\_\_\_\_\_

5. Admit that "the right to be let alone" implies that you are not subject to government law unless and until you consensually engage in any one or more of the following behaviors:

5.1. A criminal and therefore harmful act prohibited by criminal law that injures the equal rights of others.

5.2. A voluntary act that is lawfully regulated by the government under the authority of civil law.

*"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]*

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

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

"Do not strive with a man [or make him the object of law enforcement] without cause, **if he has done you no harm.**"  
[Prov. 3:30, Bible, NKJV]

5.3. Making an "appearance" in a court of law and thereby conferring jurisdiction or authority upon the judge over your property and rights in order to decide a dispute.

**appearance.** A coming into court as a party to a suit, either in person or by attorney, whether as plaintiff or defendant. The formal proceeding by which a defendant submits himself to the jurisdiction of the court. The **voluntary submission to a court's jurisdiction.**

In civil actions the parties do not normally actually appear in person, but rather through their attorneys (who enter their appearance by filing written pleadings, or a formal written entry of appearance). Also, at many stages of criminal proceedings, particularly involving minor offenses, the defendant's attorney appears on his behalf. See e.g., Fed.R.Crim.P. 43.

An appearance may be either **general** or **special**; the former is a simple and unqualified or unrestricted submission to the jurisdiction of the court, the latter is a submission to the jurisdiction for some specific purpose only, not for all the purposes of the suit. A special appearance is for the purpose of testing or objecting to the sufficiency of service or the jurisdiction of the court over defendant without submitting to such jurisdiction; a general appearance is made where the defendant waives defects of service and submits to the jurisdiction of court. *Insurance Co. of North America v. Kunin*, 175 Neb. 260, 121 N.W.2d. 372, 375, 376.  
[Black's Law Dictionary, Sixth Edition, p. 97]

YOUR ANSWER: \_\_\_\_Admit \_\_\_\_Deny

CLARIFICATION:\_\_\_\_\_

6. Admit that there are no behaviors other than those indicated in the previous question which could impose a legal "duty" to obey a government law. If your answer is "Deny", please also prescribe what OTHER behaviors are also included.

YOUR ANSWER: \_\_\_\_Admit \_\_\_\_Deny

CLARIFICATION:\_\_\_\_\_

7. Admit that the ability to regulate "private conduct" is repugnant to constitution.

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

YOUR ANSWER: \_\_\_\_Admit \_\_\_\_Deny

CLARIFICATION:\_\_\_\_\_

8. Admit that the opposite of "private conduct" is "public conduct" or "government conduct".

Internal Revenue Manual (I.R.M.), Section 5.14.10.2 (09-30-2004)  
Payroll Deduction Agreements

2. **Private employers, states, and political subdivisions are not required to enter into payroll deduction agreements.** Taxpayers should determine whether their employers will accept and process executed agreements before agreements are submitted for approval or finalized.  
[<http://www.irs.gov/irm/part5/ch14s10.html>]

YOUR ANSWER: \_\_\_\_Admit \_\_\_\_Deny

CLARIFICATION:\_\_\_\_\_

9. Admit that involuntary servitude is prohibited by the Thirteenth Amendment.

*U.S. Constitution, Thirteenth Amendment*

*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.  
[U.S. Constitution, Thirteenth Amendment]*

YOUR ANSWER: \_\_\_\_Admit \_\_\_\_Deny

CLARIFICATION:\_\_\_\_\_

10. Admit that the Thirteenth Amendment applies to both federal territory as well as states of the Union:

*"It is not open to doubt that Congress may enforce the 13th Amendment by direct legislation, punishing the holding of a person in slavery or in involuntary servitude except as a punishment for 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 the legislation, or its applicability to the case of any person holding another in a state of peonage, and this whether there be a municipal ordinance or state law sanctioning such holding. **It operates directly on every citizen of the Republic, wherever his residence may be.**"  
[*Clyatt v. United States*, 197 U.S. 207, 25 S.Ct. 429, 49 L.Ed. 726 (1905)]*

YOUR ANSWER: \_\_\_\_Admit \_\_\_\_Deny

CLARIFICATION:\_\_\_\_\_

11. Admit that being compelled to engage in "public conduct" or to obey laws that regulate "public conduct" without meeting one of the following criteria constitutes involuntary servitude in violation of the Thirteenth Amendment:

11.1. Engaging in the conduct on "territory" of the government which is "public property".

11.2. Consenting voluntarily to act as a "public officer" or federal employee regardless of where employed.

YOUR ANSWER: \_\_\_\_Admit \_\_\_\_Deny

CLARIFICATION:\_\_\_\_\_

12. Admit that being compelled to assume the duties of a "public office" or government employment without compensation that you and not the government determines constitutes involuntary servitude in violation of the Thirteenth Amendment.

YOUR ANSWER: \_\_\_\_Admit \_\_\_\_Deny

CLARIFICATION:\_\_\_\_\_

13. Admit that no government may lawfully take private property for a public use without just compensation, pursuant to the Fifth Amendment to the United States Constitution.

*United States Constitution, Fifth Amendment*



No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury, except in cases arising in the land or naval forces, or in the Militia, when in actual service in time of War or public danger; nor shall any person be subject for the same offence to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.  
[United States Constitution, Fifth Amendment]

YOUR ANSWER: \_\_\_\_Admit \_\_\_\_Deny

CLARIFICATION:\_\_\_\_\_

14. Admit that the only way for the government to lawfully convert “private property” to a “public use” without visible and identifiable compensation is if the government can convince the person to consent to donate it to a public use:

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

YOUR ANSWER: \_\_\_\_Admit \_\_\_\_Deny

CLARIFICATION:\_\_\_\_\_

15. Admit that Social Security Numbers are property of the government, not the holder, and as such, may only lawfully be used in connection with a “public use” in the context of agents of the government on official duty.

Title 20: Employees' Benefits  
[PART 422—ORGANIZATION AND PROCEDURES](#)  
[Subpart B—General Procedures](#)  
[§ 422.103 Social security numbers.](#)

*(d) Social security number cards. A person who is assigned a social security number will receive a social security number card from SSA within a reasonable time after the number has been assigned. (See §422.104 regarding the assignment of social security number cards to aliens.) **Social security number cards are the property of SSA and must be returned upon request.***

YOUR ANSWER: \_\_\_\_Admit \_\_\_\_Deny

CLARIFICATION:\_\_\_\_\_

16. Admit that it is an act of embezzlement and theft in violation of [18 U.S.C. §641](#) to use “public property” such as a Social Security Number for private or personal benefit to the exclusion of public benefit.

YOUR ANSWER: \_\_\_\_Admit \_\_\_\_Deny

CLARIFICATION:\_\_\_\_\_

17. Admit that a person who uses a Social Security Number, which is “public property”, in connection with a private purpose is criminally impersonating a “public officer”:

[TITLE 18 > PART I > 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*

1 or obtains any money, paper, document, or thing of value, shall be fined under this title or imprisoned not more  
2 than three years, or both.

3 YOUR ANSWER: \_\_\_\_Admit \_\_\_\_Deny

4  
5 CLARIFICATION:\_\_\_\_\_

- 6 18. Admit that when a Social Security Number, which is “public property” according to 20 C.F.R. §422.103(d), is  
7 associated or connected with private property, then that property must change character to “private property devoted to  
8 public use to procure the benefits of a franchise” called Social Security.

9 YOUR ANSWER: \_\_\_\_Admit \_\_\_\_Deny

10  
11 CLARIFICATION:\_\_\_\_\_

- 12 19. Admit that slavery to pay off a debt is called “peonage”:

13 **Peonage.** A condition of servitude (prohibited by the 13th Amendment) compelling persons to perform labor in  
14 order to pay off a debt.  
15 [Black’s Law Dictionary, Sixth Edition, p. 1135]

16 YOUR ANSWER: \_\_\_\_Admit \_\_\_\_Deny

17  
18 CLARIFICATION:\_\_\_\_\_

- 19 20. Admit that “peonage” constitutes involuntary servitude in violation of the Thirteenth Amendment.

20 “That it does not conflict with the Thirteenth Amendment, which abolished slavery and involuntary servitude,  
21 except as a punishment for crime, is too clear for argument. Slavery implies involuntary servitude—a state of  
22 bondage; the ownership of mankind as a chattel, **or at least the control of the labor and services of one man**  
23 **for the benefit of another, and the absence of a legal right to the disposal of his own person, property, and**  
24 **services [in their entirety].** This amendment was said in the Slaughter House Cases, 16 Wall. 36, to have been  
25 intended primarily to abolish slavery, as it had been previously known in this country, and that it equally  
26 forbade Mexican peonage or the Chinese coolie trade, when they amounted to slavery or involuntary servitude  
27 and that the use of the word ‘servitude’ was intended to prohibit the use of all forms of involuntary slavery, of  
28 **whatever class or name.**”  
29 [Plessy v. Ferguson, 163 U.S. 537, 542 (1896)]

30 YOUR ANSWER: \_\_\_\_Admit \_\_\_\_Deny

31  
32 CLARIFICATION:\_\_\_\_\_

- 33 21. Admit that 42 U.S.C. §1994 implements the Thirteenth Amendment prohibition upon involuntary servitude:.

34 [TITLE 42 > CHAPTER 21 > SUBCHAPTER I > §1994](#)  
35 [§ 1994. Peonage abolished](#)

36 The holding of any person to service or labor under the system known as peonage is abolished and forever  
37 prohibited in any Territory or State of the United States; and all acts, laws, resolutions, orders, regulations, or  
38 usages of any Territory or State, which have heretofore established, maintained, or enforced, or by virtue of  
39 which any attempt shall hereafter be made to establish, maintain, or enforce, directly or indirectly, the  
40 voluntary or involuntary service or labor of any persons as peons, in liquidation of any debt or obligation, or  
41 otherwise, are declared null and void.

42 YOUR ANSWER: \_\_\_\_Admit \_\_\_\_Deny

43  
44 CLARIFICATION:\_\_\_\_\_

- 45 22. Admit that unpaid and lawful tax assessments constitute “debts”.

46 “Even if the judgment is deemed to be colored by the nature of the obligation whose validity it establishes, and  
47 we are free to re-examine it, and, if we find it to be based on an obligation penal in character, to refuse to

enforce it outside the state where rendered, see *Wisconsin v. Pelican Insurance Co.*, [127 U.S. 265](#), 292, et seq. 8 S.Ct. 1370, compare *Fauntleroy v. Lum*, [210 U.S. 230](#), 28 S.Ct. 641, **still the obligation to pay taxes is not penal. It is a statutory liability, quasi contractual in nature, enforceable, if there is no exclusive statutory remedy, in the civil courts by the common-law action of debt or indebitatus assumpsit.** *United States v. Chamberlin*, [219 U.S. 250](#), 31 S.Ct. 155; *Price v. United States*, [269 U.S. 492](#), 46 S.Ct. 180; *Dollar Savings Bank v. United States*, 19 Wall. 227; and see *Stockwell v. United States*, 13 Wall. 531, 542; *Meredith v. United States*, 13 Pet. 486, 493. This was the rule established in the English courts before the Declaration of Independence. *Attorney General v. Weeks*, Bunbury's Exch. Rep. 223; *Attorney General v. Jewers and Batty*, Bunbury's Exch. Rep. 225; *Attorney General v. Hatton*, Bunbury's Exch. Rep. [296 U.S. 268, 272] 262; *Attorney General v. —*, 2 Ans.Rep. 558; see *Comyn's Digest* (Title 'Dett,' A, 9); 1 *Chitty on Pleading*, 123; cf. *Attorney General v. Sewell*, 4 M.&W. 77. "[*Milwaukee v. White*, [296 U.S. 268](#) (1935)]"

YOUR ANSWER: \_\_\_\_Admit \_\_\_\_Deny

CLARIFICATION:\_\_\_\_\_

23. Admit that the decision to become a "taxpayer" is a voluntary choice that cannot be coerced.

[26 U.S.C. §7701\(a\)14](#)

*Taxpayer*

*The term "taxpayer" means any person subject to any internal revenue tax.*

YOUR ANSWER: \_\_\_\_Admit \_\_\_\_Deny

CLARIFICATION:\_\_\_\_\_

24. Admit that revenue laws may not lawfully be enforced against "nontaxpayers", which we define here as persons who are not "taxpayers" as defined in 26 U.S.C. §7701(a)(14) or 26 U.S.C. §1313:

*"The revenue laws are a code or system in regulation of tax assessment and collection. They relate to taxpayers, and not to nontaxpayers. The latter are without their scope. No procedure is prescribed for nontaxpayers, and no attempt is made to annul any of their rights and remedies in due course of law. With them Congress does not assume to deal, and they are neither of the subject nor of the object of the revenue laws..."*  
[*Long v. Rasmussen*, 281 F. 236 (1922)]

*"Revenue Laws relate to taxpayers [officers, employees, and elected officials of the Federal Government] and not to non-taxpayers [American Citizens/American Nationals not subject to the exclusive jurisdiction of the Federal Government]. The latter are without their scope. No procedures are prescribed for non-taxpayers and no attempt is made to annul any of their Rights or Remedies in due course of law."*  
[*Economy Plumbing & Heating v. U.S.*, 470 F.2d. 585 (1972)]

YOUR ANSWER: \_\_\_\_Admit \_\_\_\_Deny

CLARIFICATION:\_\_\_\_\_

25. Admit that obeying revenue laws is not voluntary for "taxpayers":

*"Tax: A charge by the government on the income of an individual, corporation, or trust, as well as the value of an estate or gift. The objective in assessing the tax is to generate revenue to be used for the needs of the public.*

*A pecuniary [relating to money] burden laid upon individuals or property to support the government, and is a payment exacted by legislative authority. In re Mytinger, D.C.Tex. 31 F.Supp. 977,978,979. **Essential characteristics of a tax are that it is NOT A VOLUNTARY PAYMENT OR DONATION, BUT AN ENFORCED CONTRIBUTION, EXACTED PURSUANT TO LEGISLATIVE AUTHORITY.** Michigan Employment Sec. Commission v. Patt, 4 Mich.App. 228, 144 N.W.2d. 663, 665. ..."*  
[*Black's Law Dictionary*, Sixth Edition, p. 1457]

YOUR ANSWER: \_\_\_\_Admit \_\_\_\_Deny

CLARIFICATION:\_\_\_\_\_

26. Admit that revenue laws may not lawfully be enforced against “nontaxpayers”, which we define here as persons who are not “taxpayers”:

*"The revenue laws are a code or system in regulation of tax assessment and collection. They relate to taxpayers, and not to nontaxpayers. The latter are without their scope. No procedure is prescribed for nontaxpayers, and no attempt is made to annul any of their rights and remedies in due course of law. With them Congress does not assume to deal, and they are neither of the subject nor of the object of the revenue laws..."*  
[Long v. Rasmussen, 281 F. 236 (1922)]

*"Revenue Laws relate to taxpayers [instrumentalities, officers, employees, and elected officials of the Federal Government] and not to non-taxpayers [American Citizens/American Nationals not subject to the exclusive jurisdiction of the Federal Government]. The latter are without their scope. No procedures are prescribed for non-taxpayers and no attempt is made to annul any of their Rights or Remedies in due course of law."*  
[Economy Plumbing & Heating v. U.S., 470 F.2d. 585 (1972)]

YOUR ANSWER: \_\_\_\_Admit \_\_\_\_Deny

CLARIFICATION:\_\_\_\_\_

27. Admit that “nontaxpayers” are recognized both by the U.S. Supreme Court and the Internal Revenue Code. See:

[26 U.S.C. §7426: Civil actions by persons other than taxpayers](#)

*The motion of South Carolina for leave to file a complaint in our original jurisdiction raises three questions. First, the Court must decide whether Congress intended by the \*385 Tax Anti-Injunction Act (Act), 26 U.S.C. §7421(a), to bar nontaxpayers like the State of South Carolina from challenging the validity of federal tax statutes in the courts. Second, if the Act generally does bar such nontaxpayer suits, the Court must decide whether Congress intended, and if so whether the Constitution permits it, to bar us from considering South Carolina's complaint in our original jurisdiction. Third, if Congress either did not intend or constitutionally is not permitted to withdraw this case from our original jurisdiction, \*\*1118 the Court must decide whether South Carolina's challenge to the constitutionality of § 310(b) of the Tax Equity and Fiscal Responsibility Act of 1982 (TEFRA), Pub.L. No. 97-248, 96 Stat. 596, raises issues appropriate for original adjudication.*

*In answering the first question, the Court reaches the unwarranted conclusion that the Tax Anti-Injunction Act proscribes only those suits in which the complaining party, usually a taxpayer, can challenge the validity of a taxing measure in an alternative forum. The Court holds that suits by nontaxpayers generally are not barred. In my opinion, the Court's interpretation fundamentally misconstrues the congressional anti-injunction policy. Accordingly, I cannot join its opinion."*  
[South Carolina v. Regan, 465 U.S. 367 (1984)]

YOUR ANSWER: \_\_\_\_Admit \_\_\_\_Deny

CLARIFICATION:\_\_\_\_\_

28. Admit that presumptions which cause injury to Constitutional rights are unconstitutional and impermissible.

*Statutes creating permanent irrebuttable presumptions have long been disfavored under the Due Process Clauses of the Fifth and Fourteenth Amendments.* In Heiner v. Doman, 285 U.S. 312, 52 S.Ct. 358, 76 L.Ed. 772 (1932), the Court was faced with a constitutional challenge to a federal statute that created a conclusive presumption that gifts made within two years prior to the donor's death were made in contemplation of death, thus requiring payment by his estate of a higher tax. In holding that this irrefutable assumption was so arbitrary and unreasonable as to deprive the taxpayer of his property without due process of law, the Court stated that it had 'held more than once that a statute creating a presumption which operates to deny a fair opportunity to rebut it violates the due process clause of the Fourteenth Amendment.' *Id.*, at 329, 52 S.Ct., at 362. See, e.g., Schlesinger v. Wisconsin, 270 U.S. 230, 46 S.Ct. 260, 70 L.Ed. 557 (1926); Hoeper v. Tax Comm'n, 284 U.S. 206, 52 S.Ct. 120, 76 L.Ed. 248 (1931). See also Tot v. United States, 319 U.S. 463, 468-469, 63 S.Ct. 1241, 1245-1246, 87 L.Ed. 1519 (1943); Leary v. United States, 395 U.S. 6, 29-53, 89 S.Ct. 1532, 1544-1557, 23 L.Ed.2d. 57 (1969). Cf. Turner v. United States, 396 U.S. 398, 418-419, 90 S.Ct. 642, 653-654, 24 L.Ed.2d. 610 (1970).

The more recent case of *Bell v. Burson*, 402 U.S. 535, 91 S.Ct. 1586, 29 L.Ed.2d. 90 (1971), involved a Georgia statute which provided that if an uninsured motorist was involved in an accident and could not post security for the amount of damages claimed, his driver's license must be suspended without any hearing on the question of fault or responsibility. The Court held that since the State purported to be concerned with fault in suspending a driver's license, it \*447 could not, consistent with procedural due process, conclusively presume fault from \*\*2234 the fact that the uninsured motorist was involved in an accident, and could not, therefore, suspend his driver's license without a hearing on that crucial factor. [Vlandis v. Kline, 412 U.S. 441 (1973)]

YOUR ANSWER: \_\_\_\_Admit \_\_\_\_Deny

CLARIFICATION:\_\_\_\_\_

29. Admit that presuming that a person is subject to a franchise agreement who has said under penalty of perjury that he or she does not consent and who derives no "benefits" from participation could be construed as an actionable tort and involuntary servitude in violation of the Thirteenth Amendment:

YOUR ANSWER: \_\_\_\_Admit \_\_\_\_Deny

CLARIFICATION:\_\_\_\_\_

30. Admit that presuming that a private person called a "nontaxpayer" is a franchisee and "public officer" called a "taxpayer" without any supporting evidence constitutes involuntary servitude in violation of the Thirteenth Amendment and violates the due process requirement of "innocent until proven guilty":

In judging the constitutionality of legislatively created presumptions this Court has evolved an initial criterion which applies alike to all kinds of presumptions: that before a presumption may be relied on, there must be a rational connection between the facts inferred and the facts which have been proved by competent evidence, that is, the facts proved must be evidence which is relevant, tending to prove (though not necessarily conclusively) the existence of the fact presumed. And courts have undoubtedly shown an inclination to be less strict about the logical strength of presumptive inferences they will permit in civil cases than about those which affect the trial of crimes. The stricter scrutiny in the latter situation follows from the fact that the burden of proof in a civil lawsuit is ordinarily merely a preponderance of the evidence, while in a criminal case where a man's life, liberty, or property is at stake, the prosecution must prove his guilt beyond a reasonable doubt. See *Morrison v. California*, 291 U.S. 82, 96 -97. The case of *Bailey v. Alabama*, 219 U.S. 219, is a good illustration of this principle. There Bailey was accused of violating an Alabama statute which made it a crime to fail to perform personal services after obtaining money by contracting to perform them, with an intent to defraud the employer. The statute also provided that refusal or failure to perform the services, or to refund money paid for them, without just cause, constituted "prima facie evidence" (i. e., gave rise to a presumption) of the intent to injure or defraud. This Court, after calling attention to prior cases dealing with the requirement of rationality, passed over the test of rationality and held the statute invalid on another ground. 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. [United States v. Gainly, 380 U.S. 63 (1965)]

YOUR ANSWER: \_\_\_\_Admit \_\_\_\_Deny

CLARIFICATION:\_\_\_\_\_

31. Admit that no federal court has lawful delegated authority to declare a person who is a "nontaxpayer" as being a "taxpayer" and that doing so violates the due process requirement of "innocent until proven guilty"

United States Code  
TITLE 28 - JUDICIARY AND JUDICIAL PROCEDURE  
PART VI - PARTICULAR PROCEEDINGS  
CHAPTER 151 - DECLARATORY JUDGMENTS  
Sec. 2201. Creation of remedy



(a) In a case of actual controversy within its jurisdiction, **except** with respect to Federal taxes other than actions brought under section 7428 of the Internal Revenue Code of 1986, a proceeding under section 505 or 1146 of title 11, or in any civil action involving an antidumping or countervailing duty proceeding regarding a class or kind of merchandise of a free trade area country (as defined in section 516A(f)(10) of the Tariff Act of 1930), as determined by the administering authority, any court of the United States, upon the filing of an appropriate pleading, may declare the rights and other legal relations of any interested party seeking such declaration, whether or not further relief is or could be sought. Any such declaration shall have the force and effect of a final judgment or decree and shall be reviewable as such.

"The presumption of innocence, although not articulated in the Constitution, is a basic component of a fair trial under our system of criminal justice. Long ago this Court stated:

The principle that there is a presumption of innocence in favor of the accused is the undoubted law, axiomatic and elementary, and its enforcement lies at the foundation of the administration of our criminal law." [Coffin v. United States, 156 U.S. 432, 453 (1895).]

YOUR ANSWER: \_\_\_\_ Admit \_\_\_\_ Deny

CLARIFICATION: \_\_\_\_\_

32. Admit that the people cannot delegate to their public servants "the power to steal" through presumption or by declaring a person as a franchisee and "public officer" called a "taxpayer" who in fact is a private person called a "nontaxpayer".

"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 for "nontaxpayers" into "taxpayers"', or punish innocence [being a "nontaxpayer"] 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)]

YOUR ANSWER: \_\_\_\_ Admit \_\_\_\_ Deny

CLARIFICATION: \_\_\_\_\_

33. Admit that no IRS agent has lawful authority to declare a person who is a "nontaxpayer" as being a "taxpayer" and that doing so violates the due process requirement of "innocent until proven guilty":

"A reasonable construction of the taxing statutes does not include vesting any tax official with absolute power of assessment against individuals not specified in the statutes [such as "nontaxpayers"] as a person liable for the tax without an opportunity for judicial review of this status before the appellation of 'taxpayer' is bestowed upon them and their property is seized..." [Botta v. Scanlon, 288 F.2d. 504, 508 (1961)]

YOUR ANSWER: \_\_\_\_ Admit \_\_\_\_ Deny

CLARIFICATION: \_\_\_\_\_

34. Admit that under *civil* law, a person born in a place can become subject to the statutory civil laws of that place by consent in one of the following forms:

34.1. By voluntarily choosing a domicile within the forum and thereby nominating a government as "protector":

1 *"Thus, the Court has frequently held that domicile or residence, more substantial than mere presence in*  
2 *transit or sojourn, is an adequate basis for taxation, including income, property, and death taxes. Since the*  
3 *Fourteenth Amendment makes one a citizen of the state wherein he resides, the fact of residence creates*  
4 *universally reciprocal duties of protection by the state and of allegiance and support by the citizen. The latter*  
5 *obviously includes a duty to pay taxes, and their nature and measure is largely a political matter. Of course,*  
6 *the situs of property may tax it regardless of the citizenship, domicile, or residence of the owner, the most*  
7 *obvious illustration being a tax on realty laid by the state in which the realty is located."*  
8 [Miller Brothers Co. v. Maryland, [347 U.S. 340](#) (1954)]

9 34.2. By participating voluntarily in regulated government franchises or benefits, such as Social Security, income taxes,  
10 Medicare, Driver's licenses, marriage licenses, etc and thereby becoming a "person" or "individual" within the  
11 meaning of the statutes that regulate the franchises.

12 *"It is generally conceded that a franchise is the subject of a contract between the grantor and the grantee, and*  
13 *that it does in fact constitute a contract when the requisite element of a consideration is present."*<sup>84</sup> *Conversely,*  
14 *a franchise granted without consideration is not a contract binding upon the state."*<sup>85</sup>  
15 [American Jurisprudence 2d, Franchises, §6 (1999)]

16 YOUR ANSWER: \_\_\_\_ Admit \_\_\_\_ Deny

17 CLARIFICATION: \_\_\_\_\_  
18

19 35. Admit that all those who participate in government franchises are "public officers" of one kind or another, which is the  
20 method by which those participating in the franchises surrender their "private" status and become subject to  
21 government statutes and regulations. The following are examples of this phenomenon in action:

22 35.1. All "taxpayers" under I.R.C. Subtitle A are engaged in a "trade or business", which is defined in 26 U.S.C.  
23 §7701(a)(26) as "the functions of a public office". See:

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

24 35.2. All notaries public are "public officials".

25 Chapter 1  
26 Introduction  
27 §1.1 Generally

28 *A notary public (sometimes called a notary) is a public official appointed under authority of law with power,*  
29 *among other things, to administer oaths, certify affidavits, take acknowledgments, take depositions, perpetuate*  
30 *testimony, and protect negotiable instruments. Notaries are not appointed under federal law; they are*  
31 *appointed under the authority of the various states, districts, territories, as in the case of the Virgin Islands, and*  
32 *the commonwealth, in the case of Puerto Rico. The statutes, which define the powers and duties of a notary*  
33 *public, frequently grant the notary the authority to do all acts justified by commercial usage and the "law*  
34 *merchant".*  
35 [[Anderson's Manual for Notaries Public, Ninth Edition, 2001, ISBN 1-58360-357-3](#)]

36 35.3. All jurists are "public officers". [18 U.S.C. §201\(a\)\(1\)](#) says that all persons serving as federal jurists are  
37 "public officials".

38 35.4. Some but not all government employees are "public officers".

<sup>84</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 SW2d 15, 58 A.L.R. 534; Chicago General R. Co. v. Chicago, 176 Ill 253, 52 NE 880; Louisville v. Louisville Home Tel. Co. 149 Ky 234, 148 SW 13; State ex rel. Kansas City v. East Fifth Street R. Co. 140 Mo 539, 41 SW 955; Baker v. Montana Petroleum Co. 99 Mont. 465, 44 P.2d. 735; Re Board of Fire Comrs. 27 N.J. 192, 142 A.2d. 85; Chrysler Light & P. Co. v. Belfield, 58 ND 33, 224 NW 871, 63 A.L.R. 1337; Franklin County v. Public Utilities Com. 107 Ohio St 442, 140 NE 87, 30 A.L.R. 429; State ex rel. Daniel v. Broad River Power Co. 157 SC 1, 153 SE 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 SE 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 SE 92, 28 A.L.R. 562, and disapproved on other grounds Richmond v. Virginia Ry. & Power Co. 141 Va 69, 126 SE 353.

<sup>85</sup> Pennsylvania R. Co. v. Bowers, 124 Pa 183, 16 A 836.

35.5. Banks accepting FDIC insurance become “agents” of the federal government. [31 C.F.R. §202.2](#) says all FDIC insured banks are “agents” of the federal government and therefore “public officers”.

35.6. Licensed attorneys are “officers of the court”.

*An attorney is more than a mere agent or servant of his or her client; within the attorney's sphere, he or she is as independent as a judge, has duties and obligations to the court as well as to his or her client, and has powers entirely different from and superior to those of an ordinary agent.<sup>86</sup> In a limited sense an attorney is a public officer,<sup>87</sup> although an attorney is not generally considered a “public officer,” “civil officer,” or the like, as used in statutory or constitutional provisions.<sup>88</sup> The attorney occupies what may be termed a “quasi-judicial office”<sup>89</sup> and is, in fact, an officer of the court.<sup>90</sup>*  
[American Jurisprudence 2d, Attorneys At Law, §3 (1999)]

35.7. Churches accepting the benefit of 501(c )(3) status are identified in 26 U.S.C. §501(c)(3) as “trusts” and “trustees” of the government.

35.8. Participating in Social Security makes all beneficiaries into “federal personnel” pursuant to 5 U.S.C. §552a(a)(13):

[TITLE 5 > PART I > CHAPTER 5 > SUBCHAPTER II > § 552a](#)  
[§ 552a. Records maintained on individuals](#)

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

(13) the term “Federal personnel” means officers and employees of the Government of the United States, members of the uniformed services (including members of the Reserve Components), individuals entitled to receive immediate or deferred retirement benefits under any retirement program of the Government of the United States (including survivor benefits).

35.9. Corporations are officers and agents of the government granting the limited liability franchise. The corporate charter is the franchise agreement which creates agency on behalf of the corporation for the general benefit of the public granting the corporate franchise.

**“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. Can any public office be created, or does one exist, the performance of which may, with propriety, be assigned to this association [or trust], when incorporated? If such office exist, or can be created, then the company may be incorporated, that they may be appointed to execute such office. Is there any portion of the public business performed by individuals upon contracts, that this association could be employed to perform, with greater advantage and more safety to the public, than an individual contractor? If there be an employment of this nature, then may this company [the first Bank of the United States, established by Congress] be incorporated to undertake it.**

**There is an employment of this nature.**

[ . . . ]

<sup>86</sup> Curtis v. Richards, 4 Idaho 434, 40 P 57; Herfurth v. Horine, 266 Ky 19, 98 SW2d 21; J. A. Utley Co. v. Borchard, 372 Mich 367, 126 NW2d 696 (superseded by statute on other grounds as stated in Davis v. O'Brien, 152 Mich App 495, 393 NW2d 914); Hoppe v. Klapperich, 224 Minn 224, 28 NW2d 780, 173 A.L.R. 819.

<sup>87</sup> In re Bergeron, 220 Mass 472, 107 NE 1007.

<sup>88</sup> National Sav. Bank v. Ward, 100 U.S. 195, 100 Otto 195, 25 L Ed 621 (not followed on other grounds as stated in Flaherty v. Weinberg, 303 Md 116, 492 A.2d 618, 61 ALR4th 443); In re Thomas, 16 Colo 441, 27 P 707; State v. Rush, 46 N.J. 399, 217 A.2d 441, 21 ALR3d 804 (superseded by statute on other grounds as stated in In re Guardianship of G.S., III, 137 N.J. 168, 644 A.2d 1088).

<sup>89</sup> Hoppe v. Klapperich, 224 Minn 224, 28 NW2d 780, 173 A.L.R. 819; State v. Hudson, 55 RI 141, 179 A 130, 100 A.L.R. 313; Stern v. Thompson & Coates, 185 Wis 2d 221, 517 NW2d 658, reconsideration den (Wis) 525 NW2d 736.

<sup>90</sup> Powell v. Alabama, 287 U.S. 45, 77 L Ed 158, 53 S Ct 55, 84 A.L.R. 527; In re Durant, 80 Conn 140, 67 A 497; Gould v. State, 99 Fla 662, 127 So 309, 69 A.L.R. 699; Sams v. Olah, 225 Ga. 497, 169 S.E.2d 790, cert den 397 U.S. 914, 25 L Ed 2d 94, 90 S Ct 916; People ex rel. Attorney Gen. v. Beattie, 137 Ill 553, 27 NE 1096; Martin v. Davis, 187 Kan 473, 357 P.2d 782, app dismd 368 U.S. 25, 7 L Ed 2d 5, 82 S Ct 1, reh den 368 U.S. 945, 7 L Ed 2d 341, 82 S Ct 376; In re Keenan, 287 Mass 577, 192 NE 65, 96 A.L.R. 679; Lynde v. Lynde, 64 N.J. Eq 736, 52 A 694; Dow Chemical Co. v. Benton, 163 Tex 477, 357 SW2d 565.

*If the Bank [a federal corporation] be constituted a public office, by the connexion between it and the government, it cannot be the mere legal franchise in which the office is vested; the individual stockholders must be the officers. Their character is not merged in the charter. This is the strong point of the Mayor and Commonalty v. Wood, upon which this Court ground their decision in the Bank v. Deveaux, and from which they say, that cause could not be distinguished. Thus, aliens may become public officers, and public duties are confided to those who owe no allegiance to the government, and who are even beyond its territorial limits."*  
[Osborn v. Bank of U.S., [22 U.S. 738](#) (1824)]

YOUR ANSWER: \_\_\_\_Admit \_\_\_\_Deny

CLARIFICATION:\_\_\_\_\_

36. Admit that taxes upon franchises (e.g. "privileges") are "excise taxes".

*"Excise tax. A tax imposed on the performance of an act, the engaging in an occupation, or the enjoyment of a privilege [e.g. "franchise"]. Rapa v. Haines, Ohio Comm.Pl., 101 N.E.2d. 733, 735. A tax on the manufacture, sale, or use of goods or on the carrying on of an occupation or activity or tax on the transfer of property. In current usage the term has been extended to include various license fees and practically every internal revenue tax except income tax (e.g., federal alcohol and tobacco excise taxes, I.R.C. §5011 et seq.)"*  
[Black's Law Dictionary, Sixth Edition, p. 563]

*"Excises are taxes laid upon the manufacture, sale or consumption of commodities within the country, upon licenses to pursue certain occupations and upon corporate privileges...the requirement to pay such taxes involves the exercise of privileges, and the element of absolute and unavoidable demand is lacking..."*

*...It is therefore well settled by the decisions of this court that when the sovereign authority has exercised the right to tax a legitimate subject of taxation as an exercise of a franchise or privilege, it is no objection that the measure of taxation is found in the income produced in part from property which of itself considered is nontaxable...*  
[[Flint v. Stone Tracy Co., 220 U.S. 107 \(1911\)](#)]

YOUR ANSWER: \_\_\_\_Admit \_\_\_\_Deny

CLARIFICATION:\_\_\_\_\_

37. Admit that the federal income tax described in Subtitle A is an excise tax imposed upon an activity.

*"An income tax is neither a property tax nor a tax on occupations of common right, but is an EXCISE tax...The legislature may declare as 'privileged' and tax as such for state revenue, those pursuits not matters of common right, but it has no power to declare as a 'privilege' and tax for revenue purposes, occupations that are of common right."*  
[[Sims v. Ahrens, 167 Ark. 557, 271 S.W. 720 \(1925\)](#)]

YOUR ANSWER: \_\_\_\_Admit \_\_\_\_Deny

CLARIFICATION:\_\_\_\_\_

38. Admit that the activity subject to tax is a "trade or business" defined as follows.

[26 U.S.C. §7701\(a\)\(26\)](#)

*"The term 'trade or business' includes the performance of the functions of a public office."*

YOUR ANSWER: \_\_\_\_Admit \_\_\_\_Deny

CLARIFICATION:\_\_\_\_\_

39. Admit that you cannot earn "income" without connecting payments of some kind with the excise taxable "trade or business" franchise pursuant to 26 U.S.C. §6041:

[TITLE 26 > Subtitle F > CHAPTER 61 > Subchapter A > PART III > Subpart B > § 6041](#)  
[§ 6041. Information at source](#)

(a) Payments of \$600 or more

All persons engaged in a trade or business and making payment in the course of such trade or business to another person, of rent, salaries, wages, premiums, annuities, compensations, remunerations, emoluments, or other fixed or determinable gains, profits, and income (other than payments to which section 6042 (a)(1), 6044 (a)(1), 6047 (e), 6049 (a), or 6050N (a) applies, and other than payments with respect to which a statement is required under the authority of section 6042 (a)(2), 6044 (a)(2), or 6045), of \$600 or more in any taxable year, or, in the case of such payments made by the United States, the officers or employees of the United States having information as to such payments and required to make returns in regard thereto by the regulations hereinafter provided for, shall render a true and accurate return to the Secretary, under such regulations and in such form and manner and to such extent as may be prescribed by the Secretary, setting forth the amount of such gains, profits, and income, and the name and address of the recipient of such payment.

YOUR ANSWER: \_\_\_\_Admit \_\_\_\_Deny

CLARIFICATION:\_\_\_\_\_

40. Admit that you cannot be a “taxpayer” under I.R.C. Subtitle A without also being an “alien” engaged in the “trade or business” franchise:

NORMAL TAXES AND SURTAXES  
DETERMINATION OF TAX LIABILITY  
Tax on Individuals  
Sec. 1.1-1 Income tax on individuals.

(a)(2)(ii) For taxable years beginning after December 31, 1970, the tax imposed by section 1(d) [Married individuals filing separate returns], as amended by the Tax Reform Act of 1969, shall apply to the income effectively connected with the conduct of a trade or business in the United States by a married alien individual who is a nonresident of the United States for all or part of the taxable year or by a foreign estate or trust. For such years the tax imposed by section 1(c) [unmarried individuals], as amended by such Act, shall apply to the income effectively connected with the conduct of a trade or business in the United States by an unmarried alien individual (other than a surviving spouse) who is a nonresident of the United States for all or part of the taxable year. See paragraph (b)(2) of section 1.871-8.” [26 C.F.R. §1.1-1(a)(2)(ii)]

YOUR ANSWER: \_\_\_\_Admit \_\_\_\_Deny

CLARIFICATION:\_\_\_\_\_

41. Admit that either nonresident persons or persons not engaged in the “trade or business” franchise are not “taxpayers” within the meaning of Internal Revenue Code, Subtitle A.

[TITLE 26 > Subtitle F > CHAPTER 79 > § 7701](#)  
[§ 7701. Definitions](#)

(a) When used in this title, where not otherwise distinctly expressed or manifestly incompatible with the intent thereof—

(31) Foreign estate or trust

(A) Foreign estate

The term “foreign estate” means an estate the income of which, from sources without the United States which is not effectively connected with the conduct of a trade or business within the United States, is not includible in gross income under subtitle A.

YOUR ANSWER: \_\_\_\_Admit \_\_\_\_Deny

CLARIFICATION:\_\_\_\_\_

42. Admit that socialism is defined as a system of government where the government either owns or at least controls all property.



1                   *“socialism n (1839) 1: any of various economic and political theories **advocating collective or governmental***  
2                   ***ownership and administration of the means of production and distribution [and ownership] of goods** 2 a: a*  
3                   *system of society or group living **in which there is no private property** b: a system or condition of society in*  
4                   *which the **means of production are owned and [or] controlled by the state** 3: a stage of society in Marxist*  
5                   *theory transitional between capitalism and communism and distinguished by unequal distribution of goods and*  
6                   *pay according to work done.”*  
7                   *[Webster's Ninth New Collegiate Dictionary, 1983, ISBN 0-87779-510-X, page 1118]*

8           YOUR ANSWER: \_\_\_\_Admit \_\_\_\_Deny

9  
10          CLARIFICATION:\_\_\_\_\_

- 11   43. Admit that a system of government that compels all persons to associate their private property to a “public use” by  
12       connecting it with a government issued license number called a “Social Security Number” is one in which the  
13       government owns or at least indirectly controls all property thus associated with said number.

14           YOUR ANSWER: \_\_\_\_Admit \_\_\_\_Deny

15  
16          CLARIFICATION:\_\_\_\_\_

- 17   44. Admit that a government described in the previous question is a socialist government, based on the definition of  
18       socialism earlier.

19           YOUR ANSWER: \_\_\_\_Admit \_\_\_\_Deny

20  
21          CLARIFICATION:\_\_\_\_\_

22  
23   **Affirmation:**

24   I declare under penalty of perjury as required under [26 U.S.C. §6065](#) that the answers provided by me to the foregoing  
25   questions are true, correct, and complete to the best of my knowledge and ability, so help me God. I also declare that these  
26   answers are completely consistent with each other and with my understanding of both the Constitution of the United States,  
27   Internal Revenue Code, Treasury Regulations, the Internal Revenue Manual, and the rulings of the Supreme Court but not  
28   necessarily lower federal courts.

29   Name (print):\_\_\_\_\_

30   Signature:\_\_\_\_\_

31   Date:\_\_\_\_\_

32   Witness name (print):\_\_\_\_\_

33   Witness Signature:\_\_\_\_\_

34   Witness Date:\_\_\_\_\_