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# THE TAX COURT SCAM

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## TABLE OF CONTENTS

<b>1</b>	<b>Introduction</b> .....	<b>8</b>
<b>2</b>	<b>Legislative Franchise Courts</b> .....	<b>8</b>
2.1	Franchise (property) courts generally .....	8
2.2	Liberty and freedom are impossible if franchise courts hear disputes against private citizens.....	10
2.3	Franchise courts are only for disputes WITHIN governments and not with private citizens .....	12
2.4	Tax Court: Article I Franchise Court .....	16
2.5	District Court: Article IV Franchise Court .....	17
<b>3</b>	<b>Congress Cannot by Legislation Force Those Who are Not Franchisees Into a Franchise Court</b> .....	<b>19</b>
<b>4</b>	<b>Why it is ILLEGAL for the Tax Court to Hear A Case involving a “nontaxpayer”</b> .....	<b>22</b>
<b>5</b>	<b>Why it is ILLEGAL for the Tax Court to enforce Subtitle A of the Internal Revenue Code against persons domiciled outside of federal territory or in a state of the Union</b> .....	<b>25</b>
<b>6</b>	<b>Conclusions and summary</b> .....	<b>30</b>
<b>7</b>	<b>Further Reading and Research</b> .....	<b>35</b>
<b>8</b>	<b>Questions that Readers, Grand Jurors, and Petit Jurors Should Be Asking the Government</b> .....	<b>36</b>
8.1	Admissions .....	36
8.2	Interrogatories.....	45

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## TABLE OF AUTHORITIES

### Constitutional Provisions

Annotated Constitution, Year 2002, p. 640 .....	17
Art. I, Sec, 10 .....	24
Article 1, Section 10.....	34
Article 1, Section 8, Clause 17 .....	26
Article 1, Section 9, Clause 3 .....	37
Article 4, Section 3, Clause 2 .....	18, 28, 31, 39, 40
Article I .....	13, 16, 19, 30
Article III.....	8, 9, 13, 17, 18, 20, 31, 32, 39, 40
Article IV .....	19, 39
Article IV, Section 3, Clause 2 .....	39
Articles I, and IV .....	45
Fifth Amendment .....	21
Fifth and Fourteenth Amendments .....	33
First Amendment.....	34
Thirteenth Amendment.....	21, 30, 32, 33, 41
U.S.C.A. Const. art. 3, sec. 2.....	18
U.S.Const. Art. I, Sect 9, Cl. 3 .....	24

### Statutes

1 U.S.C. §204 .....	45
---------------------	----

18 U.S.C. §§201, 208 .....	13, 15
18 U.S.C. §1583 .....	24
18 U.S.C. §1589(3) .....	21
18 U.S.C. §1593 .....	21
18 U.S.C. §1865(b)(1).....	15
18 U.S.C. §201 and 208 .....	15
18 U.S.C. §201, 208 .....	16
18 U.S.C. §297 .....	16
18 U.S.C. §654 .....	33
18 U.S.C. §912 .....	9
18 U.S.C.A. §687 .....	21
26 U.S.C. §1313 .....	30, 38
26 U.S.C. §162 .....	30
26 U.S.C. §6041(a).....	30
26 U.S.C. §6651 .....	24
26 U.S.C. §7408(d) .....	28
26 U.S.C. §7426 .....	23, 32, 39
26 U.S.C. §7441 .....	16, 23, 30, 36
26 U.S.C. §7443(e).....	17
26 U.S.C. §7601 .....	28
26 U.S.C. §7621 .....	28
26 U.S.C. §7701(a)(12)(B).....	28
26 U.S.C. §7701(a)(14) .....	30, 35, 38, 44
26 U.S.C. §7701(a)(26) .....	23, 24, 26, 30, 34, 37
26 U.S.C. §7701(a)(30) .....	31, 32
26 U.S.C. §7701(a)(39) .....	28
26 U.S.C. §7701(a)(9) and (a)(10) .....	22, 28, 30, 32, 43
26 U.S.C. §7701(b)(1)(A) .....	32, 38
26 U.S.C. §7701(b)(1)(B).....	38
26 U.S.C. §7701(b)(4).....	15
26 U.S.C. §7701(b)(4)(B).....	31
26 U.S.C. §871 .....	31
26 U.S.C. §911 .....	30, 31, 41, 42
26 U.S.C. §911(d)(3).....	30, 31, 42, 43
28 U.S.C. § 2201 .....	44
28 U.S.C. §§144 and 455 .....	15
28 U.S.C. §§144, 455 .....	16
28 U.S.C. §1332(e).....	18, 40
28 U.S.C. §1603(b)(3).....	10
28 U.S.C. §1605 .....	10
28 U.S.C. §171 .....	18
28 U.S.C. §1865 .....	15
28 U.S.C. §1865(b) .....	15
28 U.S.C. §3002(15)(A).....	33
28 U.S.C. §453 .....	9
4 U.S.C. §110(d) .....	18
4 U.S.C. §72 .....	9, 12, 16, 26, 30
40 U.S.C. §3112 .....	25
42 U.S.C. §1983 .....	21
42 U.S.C. §1994 .....	21, 24
42 U.S.C.A. §1983 .....	22
44 U.S.C. §1508 .....	27
48 U.S.C. §1612 .....	26
5 U.S.C. §552 .....	27
5 U.S.C. §553(a).....	28
5 U.S.C. §553(a)(1).....	21, 28
5 U.S.C. §553(a)(2).....	21, 28

8 U.S.C. §1101(a)(21) .....	30, 32
8 U.S.C. §1401 .....	30, 31, 32
8 U.S.C. §1452 .....	32
Administrative Procedures Act, 5 U.S.C. §553(a).....	27
California Civil Code, Section 1589 .....	10
Declaratory Judgments Act, 28 U.S.C. §2201.....	44
Declaratory Judgments Act, 28 U.S.C. §2201(a) .....	22
Federal Food, Drug, and Cosmetic Act .....	35
Federal Register Act, 44 U.S.C. §1505(a).....	27
Foreign Sovereign Immunities Act, 28 U.S.C. §1603 .....	34
I.R.C. Section 1 .....	30
I.R.C. Subtitle A .....	30, 31, 32, 34, 42, 44
I.R.C. Subtitles A and C.....	20
Internal Revenue Code .....	23, 25, 26, 27, 28, 30, 32, 46
Internal Revenue Code of 1939, Section 4, 53 Stat. 1 .....	45
Internal Revenue Code of 1986, Section 7428 .....	22, 35, 44
Internal Revenue Code Subtitle A .....	32, 38, 41, 42
Judicial Code of 1940, Section 1, pp. 2453-2454, Exhibit 3 .....	15
Pub. L. 97-164 .....	18
Statutes At Large .....	20, 32, 39
Tax Reform Act of 1969 .....	38
U.C.C. §9-307 .....	26

## Regulations

26 CFR §1.1-1(a)(2)(ii) .....	30, 38
26 CFR §1.1441-1(c)(3).....	30
26 CFR §1.871-2 .....	42
26 CFR §301.6109-1(d)(3).....	30
26 CFR §601.702 .....	27
Federal Register.....	27
Treasury Regulations.....	35, 46

## Rules

Fed.R. Civil P.4.....	42
Fed.R.Crim.P. 43.....	10, 15
Federal Rule of Civil Procedure 8(b)(6).....	36
Tax Court Rule 13 .....	passim
Tax Court Rule 13(a)(1).....	22
United States Tax Court Rules .....	36

## Cases

Ashton v. Cameron County Water Improvement District No. 1, 298 U.S. 513, 56 S.Ct. 892 (1936).....	19, 25
Ashwander v. T.V.A., 297 U.S. 288, 346, 56 S. Ct. 466, 482, 80 L.Ed. 688, (1938).....	24
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) .....	19, 41
Atlas Roofing Co. v. Occupational Safety and Health Review Comm'n, 430 U.S., at 455, n. 13, 97 S.Ct., at 1269, n. 13 ..	19, 41
Augustus Co., for Use of Bourgeois v. Manzella, 19 N.J.Misc. 29, 17 A.2d 68, 70 .....	42
Baker v. Grice, 169 U.S. 284, 290 , 42 S. L.Ed. 748, 750, 18 Sup. Ct. Rep. 323.....	27
Balzac v. Porto Rico, 258 U.S. 298 at 312, 42 S.Ct. 343, 66 L.Ed. 627 (1921) .....	18, 39
Barney v. Baltimore, 6 Wall. 280, 18 L.Ed. 825 .....	40
Botta v. Scanlon, 288 F.2d. 504, 508 (1961).....	23, 35
Broadrick v. Oklahoma, 413 U.S. 601, 616 -617 (1973).....	12, 24

Buckley v. Valeo, 424 U.S., at 122, 96 S.Ct., at 683.....	20, 41
Burgin v. Forbes, 293 Ky. 456, 169 S.W.2d 321, 325 .....	26, 32, 39
C.I.R. v. Trustees of L. Inv. Ass'n, 100 F.2d 18 (1939) .....	23, 35
Carter v. Carter Coal Co., 298 U.S. 238, 56 S.Ct. 855 (1936) .....	19, 25, 28
Cereghino v. State By and Through State Highway Commission, 230 Or. 439, 370 P.2d 694, 697.....	31
City of Boerne v. Florez, Archbishop of San Antonio, 521 U.S. 507 (1997).....	24
Civil Service Comm'n v. Letter Carriers, 413 U.S. 548, 556 (1973).....	12, 24
Clyatt v. U.S., 197 U.S. 207 (1905) .....	33
Connick v. Myers, 461 U.S. 138, 147 (1983).....	12, 24
Cook v. Hart, 146 U.S. 183, 194 , 36 S. L.Ed. 934, 939, 13 Sup. Ct. Rep. 40 .....	27
Cook v. Tait, 265 U.S. 47 (1924) .....	37
Court in Estelle v. Williams, 425 U.S. 501 (1976).....	10
Crowell v. Benson, supra, 285 U.S., at 50-51, 52 S.Ct., at 292.....	19
Crowell v. Benson, supra, 285 U.S., at 50-51, 52 S.Ct., at 292.....	41
Delo v. Lashely, 507 U.S. 272 (1993).....	10
Downes v. Bidwell, 182 U.S. 244 (1901).....	37, 40
Economy Plumbing & Heating v. U.S., 470 F.2d. 585 (1972).....	23, 32
Ex parte Bakelite Corp., supra, at 451, 49 S.Ct., at 413 .....	19
Ex parte Fonda, 117 U.S. 516, 518 , 29 S. L.Ed. 994, 6 Sup. Ct. Rep. 848 .....	27
Ex parte Royall, 117 U.S. 241, 250 , 29 S. L.Ed. 868, 871, 6 Sup. Ct. Rep. 734.....	27
Fitts v. McGhee, 172 U.S. 516, 533 , 43 S. L.Ed. 535, 543, 19 Sup. Ct. Rep. 269 .....	27
Fong Yu Ting v. United States, 149 U.S. 698 (1893) .....	34, 43
Fowler v. Fowler, 156 Fla. 316, 22 So.2d 817, 818 .....	42
Freytag v. Commissioner, 501 U.S. 868 (1991).....	11, 17
Fulton Light, Heat & Power Co. v. State, 65 Misc.Rep. 263, 121 N.Y.S. 536.....	31
Gardner v. Broderick, 392 U.S. 273, 277 -278 (1968) .....	24
Gardner v. Broderick, 392 U.S. 273, 277 -278 (1968) .....	12
Glidden Co. v. Zdanok, 370 U.S., at 548-549, and n. 21, 82 S.Ct., at 1471-1472, and n. 21 .....	19, 41
Hammer v. Dagenhart, 247 U.S. 251, 275 , 38 S.Ct. 529, 3 A.L.R. 649, Ann.Cas.1918E 724.....	25, 28
Heart of Atlanta Motel, Inc. v. United States, 379 U.S. 241 (1964).....	24
Heiner v. Donnan, 285 U.S. 312 (1932).....	32
Heiner v. Donnan, 285 U.S. 312, 52 S.Ct. 358, 76 L.Ed. 772 (1932) .....	25, 33
Hepburn v. Ellzey, 2 Cranch, 445, 2 L.Ed. 332.....	40
Hooper v. Tax Comm'n, 284 U.S. 206, 52 S.Ct. 120, 76 L.Ed. 248 (1931) .....	25, 33
Hooe v. Jamieson, 166 U.S. 395 , 41 L.Ed. 1049, 17 Sup. Ct. Rep. 596.....	40
Hubbard v. Ammerman, 465 F.2d 1169 (5th Cir. 1972) .....	18
Hughes v. United States, 953 F.2d 531, 536-537 (9th Cir. 1991) .....	22, 35, 44
Iasigi v. Van De Carr, 166 U.S. 391, 395 , 41 S. L.Ed. 1045, 1049, 17 Sup. Ct. Rep. 595.....	27
In re Erickson, 18 N.J.Misc. 5, 10 A.2d 142, 146 .....	42
In re Riggle's Will, 11 A.D.2d 51 205 N.Y.S.2d 19, 21, 22 .....	20
In re Winship, 397 U.S. 358, 364 (1970) .....	10
Insurance Co. of North America v. Kunin, 175 Neb. 260, 121 N.W.2d. 372, 375, 376.....	10, 15
Jaremillo v. Romero, 1 N.Mex. 190, 194 .....	33
Kelley v. Johnson, 425 U.S. 238, 247 (1976).....	12, 24
Kurilla v Roth, 132 N.J.L. 213, 38 A.2d 862, 864 .....	42
Labberton v. General Cas. Co. of America, 53 Wash.2d 180, 332 P.2d 250, 252, 254.....	31
Leary v. United States, 395 U.S. 6, 29-53, 89 S.Ct. 1532, 1544-1557, 23 L.Ed.2d 57 (1969).....	25, 33
Long v. Rasmussen, 281 F. 236 (1922).....	23, 32
Long v. Rasmussen, 281 F. 236, 238 (1922).....	38
Marbury v. Madison, 5 U.S. 137, 1 Cranch 137, 2 L.Ed. 60 (1803) .....	21
Marbury v. Madison, 5 U.S. 137, 163 (1803) .....	12
Markuson v. Boucher, 175 U.S. 184 , 44 L.Ed. 124, 20 Sup. Ct. Rep. 76 .....	27
McElvaine v. Brush, 142 U.S. 155, 160 , 35 S. L.Ed. 971, 973, 12 Sup. Ct. Rep. 156.....	27
Miller Brothers Co. v. Maryland, 347 U.S. 340 (1954).....	34, 43
Miners' Bank v. Iowa ex rel. District Prosecuting Attorney, 12 How. 1, 13 L.Ed. 867 .....	40
Mookini v. U.S. 303 U.S. 201, 205, 58 S.Ct. 543, 545 (1938).....	39
Murray's Lessee v. Hoboken Land & Improvement Co., 18 How. 272, 284 (1856).....	19, 41

New York v. Eno, 155 U.S. 89, 96 , 39 S. L.Ed. 80, 83, 15 Sup. Ct. Rep. 30.....	27
Newblock v. Bowles, 170 Okl. 487, 40 P.2d 1097, 1100.....	26, 32, 39
Northern Pipeline Const. Co. v. Marathon Pipe Line Co., 458 U.S. 50, 102 S.Ct. 2858 (1983).....	20, 32, 41
Northern Pipeline Const. Co. v. Marathon Pipe Line Co., 458 U.S. at 83-84, 102 S.Ct. 2858 (1983).....	23
O'Connor v. Ortega, 480 U.S. 709, 723 (1987) .....	12
O'Donohue v. United States, 289 U.S. 516, 53 S.Ct. 740 (1933) .....	17
O'Connor v. Ortega, 480 U.S. 709, 723 (1987).....	24
O'Donohue v. United States, 289 U.S. 516, 53 S.Ct. 740 (1933).....	32, 36
Pepke v. Cronan, 155 U.S. 100 , 39 L.Ed. 84, 15 Sup. Ct. Rep. 34.....	27
Pope v. Board of Education Com'rs, 370 Ill. 196, 18 N.E.2d 214, 216.....	42
Public Workers v. Mitchell, 330 U.S. 75, 101 (1947).....	12, 24
Re Chapman, 156 U.S. 211, 216 , 39 S. L.Ed. 401, 402, 15 Sup. Ct. Rep. 331 .....	27
Re Duncan, 139 U.S. 449 , 454, sub nom. Duncan v. McCall, 35 L.Ed. 219, 222, 11 Sup. Ct. Rep. 573.....	27
Re Frederich, 149 U.S. 70, 75, 37 S. L.Ed. 653, 656, 13 Sup. Ct. Rep. 793 .....	27
Re Wood, 140 U.S. 278, 289, Sub nom. Wood v. Bursh, 35 L.Ed. 505, 509, 11 Sup. Ct. Rep. 738.....	27
Rowen v. U.S., 05-3766MMC. (N.D.Cal. 11/02/2005).....	22, 35, 44
Rutan v. Republican Party of Illinois, 497 U.S. 62 (1990).....	12, 24
Schlesinger v. Wisconsin, 270 U.S. 230, 46 S.Ct. 260, 70 L.Ed. 557 (1926) .....	25, 33
Scott v. Jones, 5 How. 343, 12 L.Ed. 181 .....	40
Sinking Fund Cases, 99 U.S. 700 (1878) .....	23, 34
Smith v. Smith, 206 Pa.Super. 310, 213 A.2d 94.....	44
South Carolina v. Regan, 465 U.S. 367 (1984).....	32, 39
Spreckels Sugar Refining Co. v. McClain, 192 U.S. 397 (1904).....	23
State of Minnesota v. Brundage, 180 U.S. 499 (1901).....	27
Tinsley v. Anderson, 171 U.S. 101, 105 , 43 S. L.Ed. 91, 96, 18 Sup. Ct. Rep. 805 .....	27
Tot v. United States, 319 U.S. 463, 468-469, 63 S.Ct. 1241, 1245-1246, 87 L.Ed. 1519 (1943).....	25, 33
Turner v. United States, 396 U.S. 398, 418-419, 90 S.Ct. 642, 653-654, 24 L.Ed.2d 610 (1970) .....	25, 33
U.S. Supreme Court .....	18, 23, 24, 25, 26, 29, 32, 45
U.S. v. Bink, 74 F.Supp. 603, D.C.Or. (1947) .....	21
U.S. v. Brown, D.C.App., 309 A.2d. 256, 257 .....	16
United States v. Brown, 381 U.S. 437, 448-49, 85 S.Ct. 1707, 1715, 14 L.Ed. 484, 492.....	24
United States v. Guest, 383 U.S. 745 (1966).....	24
United States v. Harris, 106 U.S. 629, 639 (1883) .....	24
United States v. Lovett, 328 U.S. 303, 315, 66 S.Ct. 1073, 1079, 90 L.Ed. 1252.....	24
United States v. Reese, 92 U.S. 214, 218 (1876).....	24
Vlandis v. Kline, 412 U.S. 441 (1973) .....	25, 33
Weeks v. United States, 232 U.S. 383 (1914).....	28
Whitten v. Tomlinson, 160 U.S. 231, 242, 40 S. L.Ed. 406, 412, 16 Sup. Ct. Rep. 297 .....	27
Yick Wo v. Hopkins, 118 U.S. 356, 369 , 6 S. Sup. Ct. 1064, 1071 .....	12

## Other Authorities

2 Bouv. Inst. n. 2279, 2327; 4 T. R. 657 .....	13
3 bl. Comm. 57, 59.....	14
53 Stat. 1, SEDM Exhibit #05.027 .....	45
86 C.J.S. (Corpus, Juris, Secundum, Legal Encyclopedia), Territories, §1.....	28
A Treatise on the Law of Public Offices and Officers, Floyd Russell Mechem, 1890, p. 27, §74.....	31
Black's Law Dictionary, Fourth Edition, p. 1693 .....	22
Black's Law Dictionary, Seventh Edition, p. 668 .....	8
Black's Law Dictionary, Sixth Edition, p. 1216.....	31
Black's Law Dictionary, Sixth Edition, p. 1498.....	34
Black's Law Dictionary, Sixth Edition, p. 165.....	24, 37
Black's Law Dictionary, Sixth Edition, p. 297.....	16
Black's Law Dictionary, Sixth Edition, p. 485.....	44
Black's Law Dictionary, Sixth Edition, p. 581.....	26, 32, 39
Black's Law Dictionary, Sixth Edition, p. 7.....	42
Black's Law Dictionary, Sixth Edition, p. 97.....	10, 15

Black’s Law Dictionary, Sixth Edition, pp. 120-121 .....	14
Black’s Law Dictionary, Sixth Edition, pp. 1304-1306 .....	20
Court of International Trade.....	18
Court Remedies for Sovereigns: Taxation, Litigation Tool #10.002.....	35
Executive Order 10289.....	28
Federal Enforcement Authority Within States of the Union, Form #05.032.....	21, 30
Federal Jurisdiction, Form #05.018.....	21
Federal Jurisdiction, Form #05.018, Section 8 .....	25
Government Conspiracy to Destroy the Separation of Powers, Form #05.023 .....	29
Government Instituted Slavery Using Franchises, Form #05.030.....	24, 30, 35
Internal Revenue Manual .....	46
IRM 4.10.7.2.9.8 .....	45
IRS Form 1040 .....	30
IRS Forms W-2, 1042-S, 1098, and 1099 .....	16
IRS Publications.....	35
Isaiah 42:22-25 .....	29
Jailhouse Lawyer’s Handbook, Litigation Tool #10.002 .....	21
Katz, Federal Legislative Courts, 43 Harv.L.Rev. 894, 917-918 (1930).....	19, 41
Liberty University .....	36
Notice of Deficiency .....	22
Presumption: Chief Weapon for Unlawfully Enlarging Federal Jurisdiction, Form #05.017 .....	45
Reasonable Belief About Income Tax Liability, Form #05.007.....	29, 36, 45
Silence as a Weapon and a Defense in Legal Discovery, Form #05.021 .....	21
The “Trade or Business” Scam, Form #05.001 .....	20, 26, 35
The Spirit of Laws, Charles de Montesquieu, Book XI, Section 6.....	11
Treasury Order 150-02 .....	28
Treatise on Government, Joel Tiffany, p. 49, Section 78 .....	29
U.S. Tax Court .....	8, 23, 24, 25, 36, 37, 38, 40, 44, 45
United States District Court .....	18, 39, 45
United States Tax Court Website .....	36
W.J.V. Windeyer, Lectures on Legal History 56-57 (2d ed. 1949).....	8
What Happened to Justice?, Form #06.012.....	8, 9
What Happened to Justice?: Why There is No Justice in Federal Court and What to Do About It .....	19
Why the Government Can’t Lawfully Assess Human Beings With an Income Tax Liability Without Their Consent, Form #05.011.....	30, 35
Why You Are a “national”, “state national”, and Constitutional but not Statutory Citizen, Form #05.006.....	32
Why Your Government is Either A Thief or You Are a “Public Officer” for Income Tax Purposes, Form #05.008.....	30



# 1 Introduction

Those who have been the victim of IRS abuses such as illegal Substitute for Returns or assessments are typically offered two court remedies:

1. U.S. Tax Court
2. U.S. District Court

In all cases having to do with a person domiciled in a state of the Union, neither of the above remedies are sufficient because BOTH will unconstitutionally prejudice rather than protect the rights of the litigant. This paper will explain all the reasons why those wishing to defend their constitutional rights cannot entertain a suit in either of the above courts, and will explain how obtain a remedy without filing a suit in either court.

## 2 Legislative Franchise Courts

Tax Court, Federal District Court, and Federal Circuit Courts of the United States are what we call “franchise courts”. Ditto for “traffic court” and “family court” at the state level. A “franchise court” is one which hears disputes relating ONLY to a franchise or “public right” recognized in statutory law. Below is a legal definition of the term “franchise court”:

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

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

Franchise courts may not officiate over disputes involving PRIVATE, Constitutionally protected rights, which in turn may only be heard at the federal level in Article III Constitutional courts. Hence, they are ONLY what we call “property courts”, and the property is the franchise and all rights that attach to the franchise “res”. They dispense “property justice”, not “people justice”. The only remaining Article III courts at the federal level are the Court of International Trade and the United States Supreme Court. The following subsections provide evidence supporting these facts. If you would like to analyze this matter further, we refer you to the following book on our website:

[What Happened to Justice?](http://sedm.org/Forms/FormIndex.htm), Form #06.012  
<http://sedm.org/Forms/FormIndex.htm>

### 2.1 Franchise (property) courts generally

If any dispute arises under the franchise agreement, the franchise agreement normally specifies that the dispute must be heard in what we call a “property court”. For instance, all federal district and circuit courts are “property” courts established pursuant to Article 4, Section 3, Clause 2 of the United States Constitution, which states:

*United States Constitution  
Article 4, 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.*

1 Federal district and circuit courts are NOT Article III constitutional courts, but simply property courts. This fact is  
2 exhaustively proven in the following book:

*What Happened to Justice?*, Form #06.012  
<http://sedm.org/Forms/FormIndex.htm>

3 For an example of why federal district and circuit courts are Article IV courts, we need look no further than the federal  
4 judge's oath. The judge oath is prescribed in [28 U.S.C. §453](#) and [5 U.S.C. §3331](#) and all federal judges take the same oath.  
5 The oath that all judges take is a combination of these two code sections and reads as follows:

6 "I, \_\_\_\_\_, do solemnly swear and affirm that I will administer justice **without regard to persons** and do  
7 equal right to the poor and to the rich, and that I will faithfully and impartially discharge and perform all of the  
8 duties incumbent upon me as \_\_\_\_\_ under the Constitution and laws of the United States, and that I  
9 will support and defend the Constitution of the United States against all enemies foreign and domestic, that I  
10 will bear true faith and allegiance to the same, and that I take this obligation freely without any mental  
11 reservation or purpose of evasion, and that I will well and faithfully discharge the duties of the office on which I  
12 am about to enter. So help me God."

13 The federal judge oath says that they will "administer justice without regard to persons". If they don't "regard persons",  
14 then they can't care about the Constitutional rights of such "persons". Practical experience litigating in federal court has  
15 taught us that in fact, these "franchise courts" that administer federal franchises don't give a DAMN about your rights as a  
16 "person" under the USA Constitution. Those participating in federal franchises, in fact, don't have any rights, but only  
17 statutorily granted privileges or "public rights".

18 It is VERY important that even property courts such as federal district and circuit courts cannot proceed without your  
19 consent:

- 20 1. They are officiating over a franchise and all franchises are property.
- 21 2. The ONLY way that a specific franchise agreement could lawfully become "property" in the first place is through a  
22 legally enforceable contract or agreement you expressly or impliedly consented to, usually in writing.
  - 23 2.1. Rights are **not** conveyed to the government **without** express or implied consent.
  - 24 2.2. Without proof on the record of the proceeding that you VOLUNTARILY surrendered an interest in private  
25 property, title to the property is PRESUMED to be EXCLUSIVELY PRIVATE and therefore BEYOND the  
26 CIVIL control of the government.
- 27 3. The public office being exercised UNDER the franchise agreement MUST have been LAWFULLY created AND  
28 LAWFULLY exercised. This means the party enforcing the franchise against you has the burden of proving ON THE  
29 RECORD with WRITTEN evidence of the following. Failure to introduce such evidence results in the commission of  
30 the crime of impersonating a public office in violation of 18 U.S.C. §912 by the judge and the government prosecutor.
  - 31 3.1. You were either lawfully appointed or elected to said PUBLIC office.
  - 32 3.2. You are exercising said office in the ONLY place expressly authorized, which is the District of Columbia  
33 pursuant to 4 U.S.C. §72.
  - 34 3.3. You occupied said office BEFORE signing up for the franchise. Government cannot offer "benefits" to or pay  
35 PUBLIC FUNDS to PRIVATE parties and no franchise agreement we have ever read EXPRESSLY authorizes  
36 the creation of any NEW public offices by simply applying for the franchise or filling out a tax form.
- 37 4. In any litigation involving a franchise, the first step in the litigation must include proving you are:
  - 38 4.1. Domiciled within the EXCLUSIVE jurisdiction of the court in question and therefore subject to the CIVIL laws  
39 of that jurisdiction under Federal Rule of Civil Procedure 17(b)...AND
  - 40 4.2. Subject to the civil franchise agreement. This is proven by introducing a document evidencing EXPRESS  
41 WRITTEN CONSENT to the franchise agreement. In a tax case, for instance, the court would need to show that  
42 you are a franchisee called a "taxpayer" as legally defined in 26 U.S.C. §7701(a)(14) and 26 U.S.C. §1313.
- 43 5. The court cannot lawfully officiate over any dispute until you consent to their jurisdiction by making an "appearance"  
44 in the matter, which is legally defined as consenting to the jurisdiction of the court:

45 **appearance.** *A coming into court as a party to a suit, either in person or by attorney, whether as plaintiff or*  
46 *defendant. The formal proceeding by which a defendant submits himself to the jurisdiction of the court. The*  
47 ***voluntary submission to a court's jurisdiction.***

48 *In civil actions the parties do not normally actually appear in person, but rather through their attorneys (who*  
49 *enter their appearance by filing written pleadings, or a formal written entry of appearance). Also, at many*