

# WHAT IS “LAW”?



*“Behold, I [God] will make My words in your mouth fire,  
And this people wood,  
And it shall devour them.*

***Behold, I will bring a [legislatively but not constitutionally foreign] nation [in the District of Columbia,  
Washington D.C.] against you from afar,***

*O [house of Israel \[Form #17.014\]](#), " says the LORD.*

*"It is a mighty nation,*

*It is an ancient nation,*

*A nation whose language [[legalese, Form #05.014](#)] you do not know,*

*Nor can you understand what they say [in their deceitful franchise “codes”].*

*Their quiver is like an open tomb;*

*They are all mighty [deceitful] men.*

***And they [and [the IRS, their henchmen, Form #11.302](#)] shall eat up your harvest and your bread,***

*Which your sons and daughters should eat.*

***They shall eat up your flocks and your herds;***

***They shall eat up your vines and your fig trees;***

***They shall destroy your fortified cities [and businesses and families],***

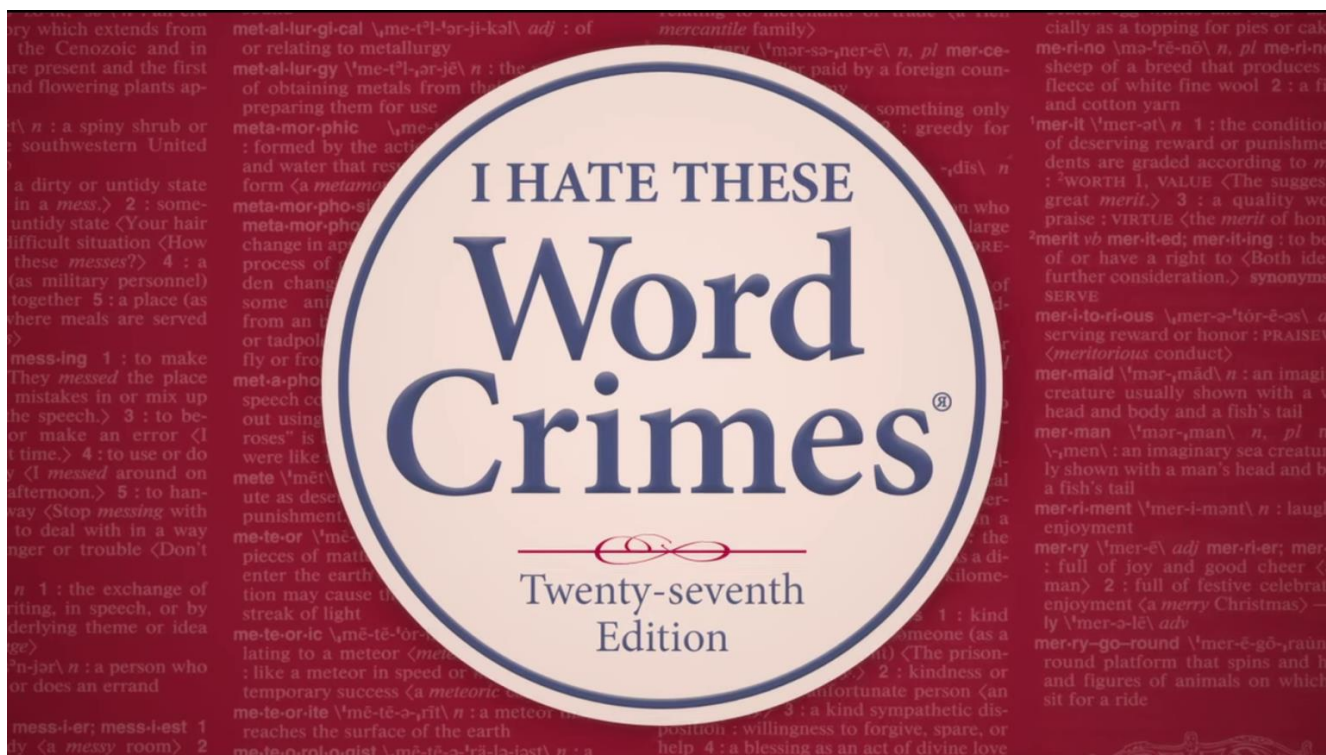
*In which you trust, with the sword. “*

*[Jeremiah 5:14-17, Bible, NKJV]*

***“The power to create presumptions is not a means of escape from constitutional restrictions.”***

*[Bailey v. Alabama, [219 U.S. 219](#), 238, et seq., 31 S.Ct. 145; Manley v. Georgia, [279 U.S. 1](#), 5-6, 49 S.Ct. 215]*

## DEDICATION



*The purpose of this document is to PREVENT:*

*(Lawyer) Word Crimes-by Weird Al Yankovic*  
<https://youtu.be/8Gv0H-vPoDc?list=RD8Gv0H-vPoDc>

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*“Dishonest [[unequal](#), [Form #05.033](#)] scales are an abomination to the Lord, but a just weight is His delight.”*  
*[Prov. 11:1, Bible, NKJV]*

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*“The great enemy of clear language is insincerity. When there is a gap between one's real and one's declared aims, one turns as it were instinctively to long words and exhausted idioms, like a cuttlefish spurting out ink.”*  
*[[George Orwell](#), "Politics and the English Language", 1946; English essayist, novelist, & satirist (1903 - 1950)]*

*“Political chaos is connected with the decay of language... one can probably bring about some improvement by starting at the verbal end.”*  
*[[George Orwell](#)]*

*“Political language... is designed to make lies sound truthful and murder respectable, and to give an appearance of solidity to pure wind.”*  
*[[George Orwell](#)]*

*“Sometimes the first duty of intelligent men is the restatement of the obvious.”*  
*[[George Orwell](#)]*

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*“Judicial verbicide is calculated to convert the Constitution into a worthless scrap of paper and to replace our government of laws with a judicial oligarchy.”*  
[Senator Sam Ervin, during Watergate hearing]

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*“When words lose their meaning, people will lose their liberty.”*  
[Confucius, circa 500 B.C.]

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*“If a word has an infinite number of meanings [or even a SUBJECTIVE meaning], it has no meaning, and our reasoning with one another has been annihilated.”*  
[Aristotle, *Metaphysica* Book IV]

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*“Every nation, consequently, whose affairs betray a want of wisdom and stability, may calculate on every loss which can be sustained from the more systematic policy of their wiser neighbors. But the best instruction on this subject is unhappily conveyed to America by the example of her own situation. She finds that she is held in no respect by her friends; that she is the derision of her enemies; and that she is a prey to every nation which has an interest in speculating on her fluctuating councils and embarrassed affairs.”*

*The internal effects of a mutable policy are still more calamitous. 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?*

*Another effect of public instability is the unreasonable advantage it gives to the sagacious, the enterprising, and the moneyed few over the industrious and uniformed mass of the people. Every new regulation concerning commerce or revenue, or in any way affecting the value of the different species of property, presents a new harvest to those who watch the change, and can trace its consequences; a harvest, reared not by themselves, but by the toils and cares of the great body of their fellow-citizens. This is a state of things in which it may be said with some truth that laws are made for [benefit of] the FEW, not for the MANY.”*

[Federalist Paper No. 62, James Madison]

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*“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]

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Then Hilkiah the high priest said to Shaphan the scribe, **“I have found the [lost or ignored] Book of the Law [Deuteronomy in this case] in the house [temple/church] of the LORD.”** And Hilkiah gave the [law] book to Shaphan, and he read it. <sup>9</sup> So Shaphan the scribe went to the king, bringing the king word, saying, “Your servants have gathered the money that was found in the house, and have delivered it into the hand of those who do the work, who oversee the house

of the LORD.”<sup>10</sup> Then Shaphan the scribe showed the king [Josiah], saying, “Hilkiah the priest has given me a book.” And Shaphan read it before the king.

<sup>11</sup> Now it happened, when the king heard the words of the Book of the Law [God’s law, [Litigation Tool #09.001](#)], that he tore his clothes [humbled himself in DESPAIR]. <sup>12</sup> Then the king commanded Hilkiah the priest, Ahikam the son of Shaphan, Achbor the son of Michaiah, Shaphan the scribe, and Asaiah a servant of the king, saying, <sup>13</sup> “Go, inquire of the Lord for me, for the people and for all Judah, concerning the words of this book that has been found; for great is the wrath of the Lord that is aroused against us, because our fathers have not obeyed the words of this book, to do according to all that is written concerning us.”

[2 Kings 22:11-13, Bible, NKJV]

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“What right have you [a government judge or legislator] to declare [My \[God’s\] statutes](#) [write [man’s vain law or any substitute for the common law](#)], or take My covenant [the Bible, Form #13.007] in your mouth, seeing you hate instruction and cast My words behind you? [When you saw a thief, you consented with him, and have been a partaker with adulterers. You give your mouth to evil, and your tongue frames deceit. You sit and speak against your brother; you slander your own mother’s son.](#) These things you have done, and I kept silent; you thought that I was altogether like you; but I will reprove you, and set them in order before your eyes. Now consider this, you who forget God, lest I tear you in pieces, and there be none to deliver: Whoever offers praise glorifies Me; and to him who orders his conduct aright [and bases it on [God’s laws](#)] I will show the salvation of God.”

[[Psalm 50:16-23](#), Bible, NKJV]

“The coming of the lawless one [[government anarchy](#) created with [sovereign immunity](#)] is according to the working of Satan, with all power, signs, and lying wonders, and with all unrighteous deception among those who perish, because they did not receive the love of the truth, that they might be saved. And for this reason God will send them strong delusion, that they should believe the lie, that they all may be condemned who did not believe the truth but had pleasure in unrighteousness.”

[2 Thess. 2:9-12, Bible, NKJV]

“For the idols [civil rulers] speak delusion; The diviners envision lies, And tell false dreams; They comfort in vain. Therefore the people wend their way like sheep; They are in trouble because there is no shepherd [GOD, or an wolf pretending to BE a shepherd].”

[Zech. 10:2, Bible, NKJV]

“Your prophets [[judges wearing black robes](#) as [priests of a civil religion](#)] have seen for you False and deceptive visions;

They have not uncovered your iniquity,

To bring back your captives,

But have envisioned for you false prophecies and delusions.”

[Lamentations 2:14, Bible, NKJV]

“He who kills a bull is as if he slays a man;

He who sacrifices a lamb, as if he breaks a dog’s neck;

He who offers a grain offering, as if he offers swine’s blood;

He who burns incense, as if he blesses an idol.

Just as they have chosen their own ways,

And their soul delights in their abominations,

So will I [GOD!] choose their delusions,

And bring their fears on them;

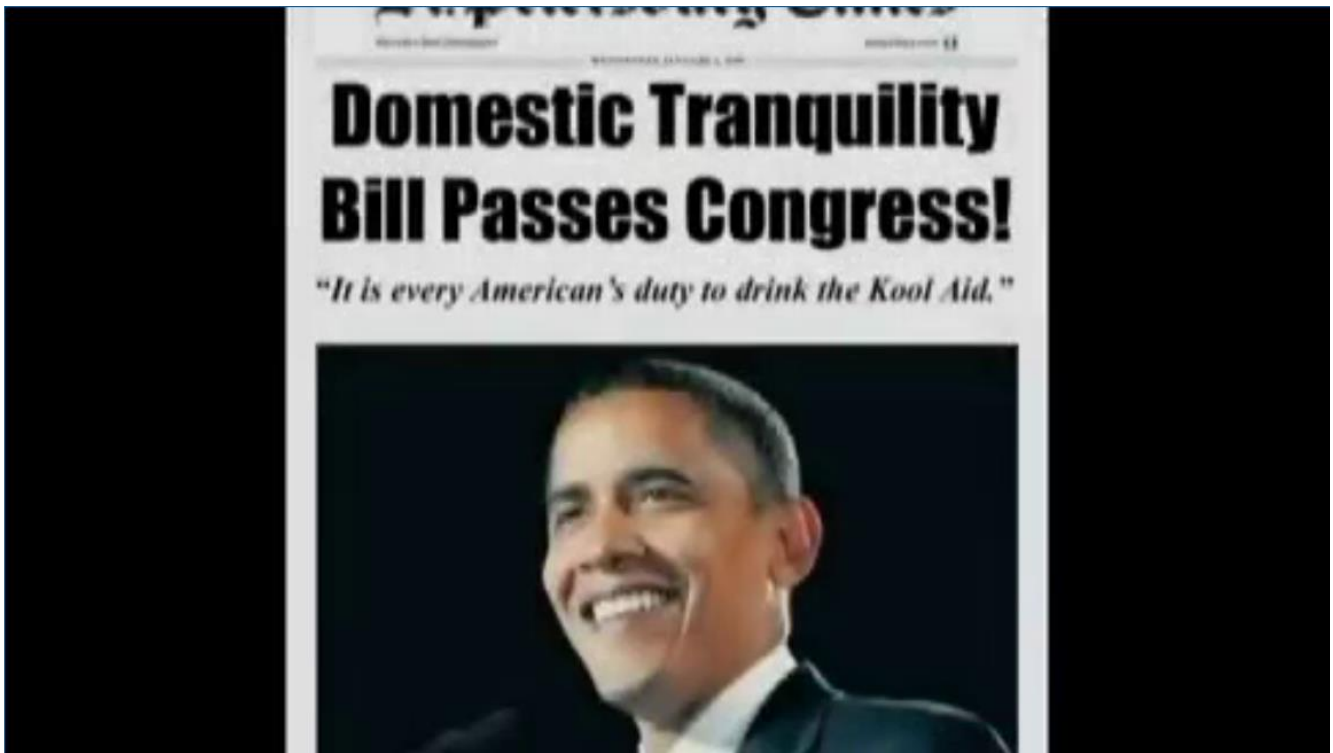
Because, when I called, no one answered,

When I spoke they did not hear;

But they did evil before My eyes,

And chose that in which I [GOD!] do not delight.”

[Isaiah 66:3-4, Bible, NKJV]



*Don't Drink the Government Kool-Aide, Like They Did at the Jim Jones Plantation*  
<http://famguardian.org/Subjects/Politics/Corruption/DrinkTheKoolaid.mp4>

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Grot. de Jure Belli et Pacis, lib. 2, c. 11, s. 6.....	27
Gustave Friedrich Oehler, Theology of the Old Testament (Grand Rapids: Zondervan, 1883), p. 177.....	35
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Meredith G. Line, Treaty of the Great King, The Covenant Structure of Deuteronomy: Studies and Commentary (Grand Rapids: William B. Eerdmans, 1963), p. 16.....	35
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Morris Raphael Cohen, Reason and Law (New York: Collier Books, 1961), p. 84 f.....	34
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Reading Law: The Interpretation of Legal Texts, Antonin Scalia and Bryan A. Garner, ISBN: 978-0314275554 .....	54
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The Institutes of Biblical Law, Rousas John Rushdoony, 1973, The Craig Press, Library of Congress Catalog Card Number 72-79485, pp. 4-5 .....	37
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1           *"Shall the throne of iniquity, which devises evil by law, have fellowship with You? They gather together against*  
2 *the life of the righteous, and condemn innocent blood. But the Lord has been my defense, and my God the rock*  
3 *of my refuge. He has brought on them their own iniquity, and shall cut them off in their own wickedness; the*  
4 *Lord our God shall cut them off."*  
5           *[Psalm 94:20-23, Bible, NKJV]*

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

## 8       **1. Introduction**

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

12       To summarize the requirements to qualify as "law" in a governmental sense:

- 13       1. It must apply equally to ALL. It cannot compel INEQUALITY of treatment between any man or class of men.
- 14       2. It cannot do collectively what people individually cannot NATURALLY do. In other words, in the words of [Frederic](#)  
15 [Bastiat](#), it aggregates the individual right of self-defense into a collective body so that it can be delegated. A single  
16 human CANNOT delegate a right he does not individually ALSO possess, which indirectly implies that no GROUP of  
17 men called "government" can have any more COLLECTIVE rights under the collective entity rule than a single human  
18 being. See the following video on the subject.

19       *Philosophy of Liberty*, Family Guardian Fellowship

20       <https://sedm.org/liberty-university/liberty-university-2-2-philosophy-of-liberty/>

- 21       3. It cannot punish a citizen for an innocent action that was not a crime or not demonstrated to produce measurable harm.  
22       The ability to PROVE such harm with evidence in court is called "standing".
- 23       4. It cannot compel the redistribution of wealth between two private parties. This is ESPECIALLY true if it is called a  
24 "tax".
- 25       5. It cannot interfere with or impair the right of contracts between PRIVATE parties. That means it cannot compel  
26 income tax withholding unless one or more of the parties to the withholding are ALREADY public officers in the  
27 government.
- 28       6. It cannot interfere with the use or enjoyment or CONTROL over private property, so long as the use injures no one.  
29       Implicit in this requirement is that it cannot FAIL to recognize the right of private property or force the owner to  
30 donate it to a PUBLIC USE or PUBLIC PURPOSE. In the common law, such an interference is called a "trespass".
- 31       7. The rights it conveys must attach to LAND rather than the CIVIL STATUS (e.g. "taxpayer", "citizen", "resident", etc.)  
32       of the people ON that land. One can be ON land within a PHYSICAL state WITHOUT being legally "WITHIN" that  
33       state (a corporation) as an [officer of the government or corporation \(Form #05.042\)](#) called a "citizen" or "resident".  
34       See:  
35       7.1. [Your Exclusive Right to Declare or Establish Your Civil Status, Form #13.008](#).  
36       7.2. [Foundations of Freedom Course, Form #12.021, Video 4](#) covers how LAND and STATUS are deliberately  
37       confused through equivocation in order to [KIDNAP people's identity \(Form #05.046\)](#) and transport it illegally to  
38       federal territory.  
39       *("It is locality that is determinative of the application of the Constitution, in such matters as judicial procedure,*  
40 *and not the status of the people who live in it." [Balzac v. Porto Rico, 258 U.S. 298 (1922)])*  
41       8. It must provide a remedy AFTER an injury occurs. It may not PREVENT injuries before they occur. Anything that  
42       operates in a PREVENTIVE rather than CORRECTIVE mode is a franchise. There is no standing in a REAL court to  
43       sue WITHOUT first demonstrating such an injury to the PRIVATE or NATURAL rights of the Plaintiff or VICTIM.  
44       9. It cannot acquire the "force of law" from the consent of those it is enforced against. In other words, it cannot be an  
45       agreement or contract. All franchises and licensing, by the way, are types of contracts.  
46       10. It does not include compacts or contracts between private people and governments. Rights that are INALIENABLE  
47       cannot be contracted away, even WITH consent. See [Form #05.003](#).  
48       11. It cannot, at any time, be called "voluntary". Congress and even the U.S. Supreme Court call the IRC Subtitle a  
49       "income tax" voluntary.  
50       12. It does not include franchises, licenses, or civil statutory codes, all of which derive ALL of their force of law from your  
51       consent in choosing a [civil domicile \(Form #05.002\)](#).

1 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  
2 of the previous section.

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

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

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

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

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

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

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

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

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

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

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

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

5 Then Jesus said to him, “Away with you, Satan! For it is written, ‘You shall worship the Lord your God, and  
6 Him only you shall serve.’”

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

9 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/>

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

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

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

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

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

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

## 36 2. Law is a Delegation of authority from the true sovereign: The People<sup>1</sup>

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

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

44 The “law” of a state is to be found in its statutory and constitutional enactments, as interpreted by its courts, and,  
45 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.  
46 [Black's Law Dictionary, Sixth Edition, p. 884]

<sup>1</sup> Derived from: [Great IRS Hoax](#), Form #11.302, Section 3.3; <http://sedm.org/Forms/FormIndex.htm>.

1 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  
2 explicit intention to provide the most complete protection for his, her, or their rights to life, liberty, and property. Different  
3 political systems have different sovereigns. In England, which is a monarchy, the sovereign is the King so all laws are enacted  
4 by Parliament by or through his delegated authority. In America, the “sovereign” is the People both individually and  
5 collectively, “We the People”, who created government to protect their collective and individual rights to life, liberty and  
6 property. Here is how the Supreme Court describes it:

7 “Sovereignty itself is, of course, not subject to law, for it is the author and source of law; but in our system, while  
8 sovereign powers are delegated to the agencies of government, sovereignty itself remains with the people, by  
9 whom and for whom all government exists and acts.”

10 [Yick Wo v. Hopkins, [118 U.S. 356](#); 6 S.Ct. 1064 (1886)]

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

18 “In Europe, the executive is synonymous with the sovereign power of a state...where it is too commonly acquired  
19 by force or fraud, or both...In America, however the case is widely different. Our government is founded upon  
20 compact [consent expressed in a written contract called a Constitution or in positive law]. Sovereignty was,  
21 and is, in the people.”

22 [Glass v. The Sloop Betsey, 3 (U.S.) Dall 6]

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

25 “**Compact**, n. An agreement or contract between persons, nations, or states. Commonly applied to working  
26 agreements between and among states concerning matters of mutual concern. A contract between parties, which  
27 creates obligations and rights capable of being enforced and contemplated as such between the parties, in their  
28 distinct and independent characters. A mutual consent of parties concerned respecting some property or right  
29 that is the object of the stipulation, or something that is to be done or forborne. See also Compact clause;  
30 Confederacy; Interstate compact; Treaty.”

31 [Black’s Law Dictionary, Sixth Edition, p. 281]

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

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

49 Law is therefore the contractual method used by the sovereign for delegating his authority to those under him and for  
50 governing and ruling the nation. Frederic Bastiat in his book The Law, further helps us define and understand the purpose of  
51 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>2</sup>

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 one class of persons over another, then it turns from being an instrument of liberty to an instrument of oppression and tyranny.

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

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 without cause, if he has done you no harm.”  
[Prov. 3:30, Bible, NKJV]

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

“Of all the dispositions and habits which lead to political prosperity, Religion and morality are indispensable supports. In vain would that man claim the tribute of Patriotism who should labour to subvert these great Pillars of human happiness, these firmest props of the duties of Men and citizens. The mere politician, equally with the pious man, ought to respect and to cherish them. A volume could not trace all their connections with private and public felicity. Let it simply be asked, “where is the security for property, for reputation, for life, if the sense of religious obligation desert the oaths which are the instruments of investigation in courts of justice?” And let us with caution indulge the supposition that morality can be maintained without religion. Whatever may be conceded to the influence of refined education on minds of peculiar structure, reason and experience both forbid us to expect that national morality can prevail in exclusion of religious principle.”

[George Washington in his Farewell Address; SOURCE:  
<http://famguardian.org/Subjects/LawAndGovt/History/GWashingtonFarewell.htm> ; See also George Washington’s Farewell Address Presented by Pastor Garrett Lear,  
<https://www.youtube.com/watch?v=6emyK7umXGg>]

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

#### 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

<sup>2</sup> *The Law*, Frederic Bastiat, 1850.



1 *the law is to prevent injustice from reigning. In fact, it is injustice, instead of justice, that has an existence of its*  
2 *own. Justice is achieved only when injustice is absent.*

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

8 Try to imagine a regulation of labor imposed by force that is not a violation of liberty; a transfer of wealth  
9 imposed by force that is not a violation of property. If you cannot reconcile these contradictions, then you must  
10 conclude that the law cannot organize labor and industry without organizing injustice.  
11 [The Law, Frederic Bastiat, 1850; SOURCE: <https://famguardian.org/Publications/TheLaw/TheLaw.htm>]

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

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

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

#### 22 The Law and Charity

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

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

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

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

44 "To lay with one hand the power of government on the property of the citizen, and with the other to bestow it on  
45 favored individuals.. is none the less robbery because it is done under the forms of law and is called taxation.  
46 This is not legislation. It is a decree under legislative forms."  
47 [Loan Association v. Topeka, 20 Wall. 655 (1874)]

48 "A tax, in the general understanding of the term and as used in the constitution, signifies an exaction for the  
49 support of the government. The word [tax] has never thought to connote the  
50 expropriation of money from one group for the benefit of another."  
51 [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:

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

*...*

*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."*

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

### **3. How law protects the sovereign people: By limiting government power<sup>3</sup>**

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

*"When we consider the nature and 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. Sovereignty itself is, of course, not subject to law, for it is the author and source of law; but in our system, while sovereign powers are delegated to the agencies of government, sovereignty itself remains with the people, by whom and for whom all government exists and acts. And the law is the definition and limitation of power."*  
[Downes v. Bidwell, 182 U.S. 244 (1901) ]

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

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

<sup>3</sup> Source: *Legal Deception, Propaganda, and Fraud*, Form #05.014, Section 5; <http://sedm.org/Forms/FormIndex.htm>.

equivocation

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 topic: 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, Book XI, Section 6, 1758;  
SOURCE: [http://famguardian.org/Publications/SpiritOfLaws/sol\\_11.htm](http://famguardian.org/Publications/SpiritOfLaws/sol_11.htm)]

#### **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:

#### **What Is "Law"?**

Copyright Sovereignty Education and Defense Ministry, <http://sedm.org>  
Form #05.048, Rev. 4/5/2017

California 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 then describes 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). CCC 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.

California 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.)

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California 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.)

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California 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 [OBLGATED], 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 either administratively or judicially 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.

This class of obligations is what we call “private law” or “special law” throughout this document. It is NOT “law” in a classical sense.

2. That “operation of law” is involved. In other words, that:

2.1. You injured a specific, identified flesh and blood person and

2.2. The injured party has standing to sue in a civil or common law action.

2.3. The party against whom the enforcement action is imposed DOES NOT consent.

THIS is what we refer to as “PUBLIC law” or “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! That is PRECISELY why we claim and can prove that the present government is DE FACTO rather than DE JURE, as described in:

*De Facto Government Scam*, Form #05.043  
<https://sedm.org/Forms/FormIndex.htm>

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>

Any enforcement action that does NOT satisfy the burden of proof or proceeds upon PRESUMPTION in satisfying the above is, by definition:

1. An “injustice”, because it violates your right to be left alone.
2. A violation of due process of law because it is NOT proceeding with evidence. PRESUMPTIONS are NOT “evidence” or a substitute for evidence. See:



3. A purely private commercial transaction. As such, if the Plaintiff or the enforcer claim to be a “government”, they:
  - 3.1. Are subject to the Clearfield Doctrine. See United States v. Winstar Corp. 518 U.S. 839 (1996).
  - 3.2. Are “purposefully availing themselves” of commerce in an otherwise legislatively but not constitutionally foreign jurisdiction. Hence they waive sovereign, official, and judicial immunity.
  - 3.3. Waive sovereign, official, and judicial immunity under the Foreign Sovereign Immunities Act, 28 U.S.C. Chapter 97.  
<https://www.law.cornell.edu/uscode/text/28/part-IV/chapter-97>
4. A non-governmental function. REAL government PROTECTS absolutely owned private property rather than making a business or “trade or business” out of converting it to PUBLIC property or property CONTROLLED by the public.

*“For the principal aim of society is to protect individuals in the enjoyment of those absolute rights, which were vested in them by the immutable laws of nature; but which could not be preserved in peace without the mutual assistance and intercourse, which is gained by the institution of friendly and social communities. Hence it follows, that the first and primary end of human laws is to maintain and regulate these absolute rights of individuals.”*

*“By the absolute rights of individuals we mean those which are so in their primary and strictest sense; such as would belong to their persons merely in a state of nature, and which every man is entitled to enjoy whether out of society or in it.” - Ibid.*  
*[William Blackstone, Commentaries (1765)]*

*“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)]*

*“The rights of the individuals are restricted only to the extent that they have been voluntarily surrendered by the citizenship to the agencies of government.”*  
*[City of Dallas v Mitchell, 245 S.W. 944]*

*“Life, faculties, production— in other words individuality, liberty, property— that is man. And in spite of the cunning of artful political leaders, these three gifts from God precede all human legislation, and are superior to it.”*  
*[Frederic Bastiat (b. 1801 - d. 1850), The Law; <http://famguardian.org/Publications/TheLaw/TheLaw.htm>]*

*[More at: Unalienable Rights Course, Form #12.038; <https://sedm.org/LibertyU/UnalienableRights.pdf>]*

5. A request by the Plaintiff and the GOVERNMENT court or administrative enforcer to procure absolutely owned private property.
  - 5.1. That property is, at minimum, the “services” needed to respond to the ILLEGAL and even UNCONSTITUTIONAL enforcement action.
  - 5.2. The property might also include any and all property or services that might be awarded as a consequence of the enforcement proceeding.
6. An attempt to make you into a Merchant under U.C.C. §2-104(1) who is SELLING absolutely owned private property to the Plaintiff or GOVERNMENT administrative enforcer.
7. A request or OFFER by the Plaintiff or GOVERNMENT administrative enforcer to become a Buyer under U.C.C. §2-103(1)(a) of your absolutely owned private property.
8. A request for you to specify any and all CONDITIONS you want to attach to the use, custody, or control of your absolutely owned private property.
  - 8.1. As the absolute owner, you have a PRIVATE and CONSTITUTIONAL right to dictate any and ALL conditions you wish to attach to the use of your property.

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

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

*A right imparting to the owner a power of indefinite user, capable of being transmitted to universal successors by way of descent, and imparting to the owner the power of disposition, from himself and his successors per*



universitatem, and from all other persons who have a spes successions under any existing concession or disposition, in favor of such person or series of persons as he may choose, with the like capacities and powers as he had himself, and under such conditions as the municipal or particular law allows to be annexed to the dispositions of private persons. Aust. Jur. (Campbell's Ed.) § 1103.

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

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

—Absolute property. In respect to chattels personal property is said to be "absolute" where a man has, solely and exclusively, the right and also the occupation of any movable chattels, so permanent, but may at some times subsist and not at other times; such for example, as the property a man may have in wild animals which he has caught and keeps, and which are his only so long as he retains possession of them. 2 BL Comm. 389.—Real property. A general term for lands, tenements, and hereditaments; property which, on the death of the owner intestate, passes to his heir. Real property is either corporeal or incorporeal. See Code N. Y. § 462 — Separate property. The separate property of a married woman is that which she owns in her own right, which is liable only for her own debts, and which she can incumber and dispose of at her own will.—Special property. Property of a qualified, temporary, or limited nature; as distinguished from absolute, general, or unconditional property. Such is the property of a bailee in the article bailed, of a sheriff in goods temporarily in his hands under a levy, of the finder of lost goods while looking for the owner, of a person in wild animals which he has caught. *Stief v. Hart*, 1 N.Y. 24; *Moulton v. Witherell*, 52 Me. 242; *Eisendrath v. Knauer*, 64 111. 402; *Phelps v. People*, 72 N.Y. 357.  
[Black's Law Dictionary, Second Edition, p. 955]

8.2. If you fail to specify the terms and conditions of the GRANT or RENTAL of your absolutely owned private property to the opposing party, you are PRESUMED to DONATE the property to the Plaintiff or GOVERNMENT enforcer.

CONSENT. An agreement to something proposed, and differs from assent. (q.v.) Wolff, *Ins. Nat. part 1*, SSSS 27-30; *Pard. Dr. Com. part 2*, tit. 1, n. 1, 38 to 178. Consent supposes,

1. a physical power to act; 2. a moral power of acting; 3. a serious, determined, and free use of these powers. *Fonb. Eq. B*; 1, c. 2, s. 1; *Grot. de Jure Belli et Pacis*, lib. 2, c. 11, s. 6.

**2. Consent is either express or implied. Express, when it is given viva voce, or in writing; implied, when it is manifested by signs, actions, or facts, or by inaction or silence, which raise a presumption that the consent has been given.**

[. . .]

8. - 6. **Courts of equity have established the rule, that when the true owner of property stands by, and knowingly suffers a stranger to sell the same as his own, without objection, this will be such implied consent as to render the sale valid against the true owner.** *Story on Ag. Sec. 91, Story on Eq. Jur. Sec. 385 to 390.* And courts of law, unless restrained by technical formalities, act upon the principles of justice; as, for example, when a man permitted, without objection, the sale of his goods under an execution against another person. 6 *Adolph. & El* 11. 469; 9 *Barn. & Cr.* 586; 3 *Barn. & Adolph.* 318, note.  
[*Bouvier's Law Dictionary, Fourth Edition, 1848*]

To ensure that you are NEVER victimized by the ILLEGAL or UNCONSTITUTIONAL enforcement actions of especially government or de facto government enforcement actions, we recommend the following resources and/or examples to use in your defense. These documents identify YOU as the Merchant, the enforcer as the Buyer, and specify powerful "default terms and conditions" to the grant of your absolutely owned private property to them:

1. Tax Form Attachment, Form #04.201  
<https://sedm.org/Forms/FormIndex.htm>
2. Affidavit of Citizenship, Domicile, and Tax Status, Form #02.001  
<https://sedm.org/Forms/FormIndex.htm>
3. Injury Defense Franchise and Agreement, Form #06.027

**What Is "Law"?**

Copyright Sovereignty Education and Defense Ministry, <http://sedm.org>  
Form #05.048, Rev. 4/5/2017

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EXHIBIT: \_\_\_\_\_

2 **5. Authorities on “law”**

3 “True Law is right reason in agreement with Nature, it is of universal application, unchanging and everlasting;  
4 it summons to duty by its commands and averts from wrong-doing by its prohibitions. And it does not lay its  
5 commands or prohibitions upon good men in vain, although neither have any effect upon the wicked. It is a sin to  
6 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  
7 cannot be freed from its obligations by Senate or People, and we need not look outside ourselves for an expounder  
8 or interpreter of it. And there will not be different laws at Rome or at Athens, or different laws now and in the  
9 future, but one eternal and unchangeable law will be valid for all times and all nations, and there will be one  
10 master and one rule, that is God, for He is the author of this law, its promulgator, and its enforcing judge.”  
11 [Marcus Tullius Cicero, 106-43 B.C.; SOURCE: <http://sedm.org/disclaimer.htm>]

12 “Power and law are not synonymous. In truth, they are frequently in opposition and irreconcilable. There is  
13 God’s Law from which all equitable laws of man emerge and by which men must live if they are not to die in  
14 oppression, chaos and despair. Divorced from God’s eternal and immutable Law, established before the founding  
15 of the suns, man’s power is evil no matter the noble words with which it is employed or the motives urged when  
16 enforcing it. Men of good will, mindful therefore of the Law laid down by God, will oppose governments whose  
17 rule is by men, and if they wish to survive as a nation they will destroy the [de facto] government which attempts  
18 to adjudicate by the whim of venal judges.”  
19 [Marcus Tullius Cicero, 106-43 B.C.; SOURCE: <http://sedm.org/disclaimer.htm>]

20 “Of liberty I would say that, in the whole plenitude of its extent, it is unobstructed action according to our will.  
21 But rightful liberty is unobstructed action according to our will within limits drawn around us by the equal rights  
22 of others [Form #05.033]. I do not add ‘within the limits of the law,’ because law is often but the tyrant’s will,  
23 and always so when it violates the [PRIVATE] right of an individual.”  
24 [Thomas Jefferson to Isaac H. Tiffany, 1819, From: Thomas Jefferson on Politics and Government, Section 1.2;  
25 SOURCE: <http://famguardian.org/Subjects/Politics/ThomasJefferson/jeff0100.htm>]

26 “I cannot subscribe to the omnipotence of a State Legislature, or that it is absolute and without control; although  
27 its authority should not be expressly restrained by the Constitution, or fundamental law, of the State. The people  
28 of the United States erected their Constitutions, or forms of government, to establish justice, to promote the  
29 general welfare, to secure the blessings of liberty; and to protect their persons and property from violence. The  
30 purposes for which men enter into society will determine the nature and terms of the social compact; and as they  
31 are the foundation of the legislative power, they will decide what are the proper objects of it: The nature, and  
32 ends of legislative power will limit the exercise of it. This fundamental principle flows from the very nature of our  
33 free Republican governments, that no man should be compelled to do what the laws do not require; nor to refrain  
34 from acts which the laws permit. There are acts which the Federal, or State, Legislature cannot do, without  
35 exceeding their authority. There are certain vital principles in our free Republican governments, which will  
36 determine and over-rule an apparent and flagrant abuse of legislative power; as to authorize manifest injustice  
37 by positive law; or to take away that security for personal liberty, or private property, for the protection whereof  
38 of the government was established. An ACT of the Legislature (for I cannot call it a law) contrary to the great  
39 first principles of the social compact, cannot be considered a rightful exercise of legislative authority. The  
40 obligation of a law in governments established on express compact, and on republican principles, must be  
41 determined by the nature of the power, on which it is founded. A few instances will suffice to explain what I  
42 mean. A law that punished a citizen for an innocent action, or, in other words, for an act, which, when done,  
43 was in violation of no existing law; a law that destroys, or impairs, the lawful private contracts of citizens; a  
44 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  
45 against all reason and justice, for a people to entrust a Legislature with SUCH powers; and, therefore, it cannot  
46 be presumed that they have done it. The genius, the nature, and the spirit, of our State Governments, amount to  
47 a prohibition of such acts of legislation; and the general principles of law and reason forbid them. The Legislature  
48 may enjoin, permit, forbid, and punish; they may declare new crimes; and establish rules of conduct for all its  
49 citizens in future cases; they may command what is right, and prohibit what is wrong; but they cannot change  
50 innocence into guilt; or punish innocence as a crime; or violate the right of an antecedent lawful private contract;  
51 or the right of private property. To maintain that our Federal, or State, Legislature possesses such powers, if  
52 they had not been expressly restrained; would, in my opinion, be a political heresy, altogether inadmissible in  
53 our free republican governments.”  
54 [*Calder v. Bull*, 3 U.S. 386 (1798)]

55  
56  
57 “To lay, with one hand, the power of the government on the property of the citizen, and with the other to bestow  
58 it upon favored individuals to aid private enterprises and build up private fortunes, is none the less a robbery  
59 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 to sanctions or legal consequences is a law. Law is a solemn expression of the will of the supreme 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; SOURCE: <http://famguardian.org/TaxFreedom/CitesByTopic/law.htm>]

### **What Is Law?**

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

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

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

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

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

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

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

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

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

### A Fatal Tendency of Mankind

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

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

### Property and Plunder

Man can live and satisfy his wants only by ceaseless labor, by the ceaseless application of his faculties to natural resources. This process is the origin of property.

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

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

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

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

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

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

[The Law, Frederic Bastiat, 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.**

### **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>]

## **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 justiciable 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>

An example of something that would not be "law" in a classical sense but a voluntary franchise is the case of Registered Sex Offenders. After sex offenders are convicted and enter the jail, they are told that they will either not be released or will not be released EARLY UNLESS they consent to register their name whenever they move to a new place IN THE FUTURE. Those who manifest that consent are called "Registered Sex Offenders". Those who don't consent never get out of jail or take forever to get out of jail. In effect, the sex offender is being compelled to surrender their PRIVATE constitutional right of privacy under the Fourth Amendment and the right to not incriminate themselves under the Fifth Amendment in exchange for the PUBLIC PRIVILEGE of being liberated from jail. This is a violation of what the U.S. 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>

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

*"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]

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

*"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)]

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

*[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"];*



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

3 "An agreement [consensual contract] obtained by duress, coercion, or intimidation is invalid, since the party  
4 coerced is not exercising his free will, and the test is not so much the means by which the party is compelled to  
5 execute the agreement as the state of mind induced.<sup>4</sup> Duress, like fraud, rarely becomes material, except where  
6 a contract or conveyance has been made which the maker wishes to avoid. As a general rule, duress renders the  
7 contract or conveyance voidable, not void, at the option of the person coerced,<sup>5</sup> and it is susceptible of  
8 ratification. Like other voidable contracts, it is valid until it is avoided by the person entitled to avoid it.<sup>6</sup>  
9 However, duress in the form of physical compulsion, in which a party is caused to appear to assent when he has  
10 no intention of doing so, is generally deemed to render the resulting purported contract void.<sup>7</sup>"  
11 [American Jurisprudence 2d, Duress, §21 (1999)]

12 The inference is therefore inescapable that:

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

## 17 **7. Why all man-made law is religious in nature**<sup>8</sup>

18 A fascinating book on the subject of Biblical Law entitled *The Institutes of Biblical Law* by Rousas John Rushdoony  
19 irrefutably establishes that all law is religious, and that it represents a *covenant* between man and God which is characterized  
20 as divine revelation. When we consider that government is founded exclusively on law, government itself then becomes a  
21 religion to implement or execute or enforce divine revelation. When government abuses the authority delegated by God  
22 through God's law, then it also becomes a false religious cult. This exposition will set the stage for section 9 later, which  
23 establishes that our present day government is nothing but a cult surrounding the false religion it created with its own unjust  
24 law because this law has become a vain substitute and an affront to God's Law found in the Bible. Here are some very  
25 insightful quotes from pp. 4-5 of that wonderful book:

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

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

34 *In contrast to every law derived from revelation, nomos for the Greeks originated in the*  
35 *mind (nous). So the genuine nomos is no mere obligatory law, but something in which an*  
36 *entity valid in itself is discovered and appropriated...It is "the order which exists (from time*  
37 *immemorial), is valid and is put into operation."*<sup>9</sup>

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

<sup>4</sup> Brown v. Pierce, 74 U.S. 205, 7 Wall 205, 19 L.Ed. 134

<sup>5</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); Faske 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.

<sup>6</sup> Faske v. Gershman, 30 Misc.2d. 442, 215 N.Y.S.2d. 144; Heider v. Unicume, 142 Or. 416, 20 P.2d. 384; Glenney v. Crane (Tex Civ App Houston (1st Dist)), 352 S.W.2d. 773, writ ref n r e (May 16, 1962)

<sup>7</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>8</sup> Source: *Great IRS Hoax*, Form #11.302, Section 4.4.9.

<sup>9</sup> Hermann Kleinknecht and W. Gutbrod, *Law* (London: Adam and Charles Black, 1962), p. 21

**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>10</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.**

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>11</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>12</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>13</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>14</sup>

There is no contradiction between law and grace. The question in James's Epistle is faith and works, not faith and law.<sup>15</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

<sup>10</sup> Mao Tse-Tung, *The foolish Old Man Who Removed Mountains* (Peking: Foreign Languages Press, 1966), p. 3.

<sup>11</sup> Morris Raphael Cohen, *Reason and Law* (New York: Collier Books, 1961), p. 84 f.

<sup>12</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>13</sup> Kleinknecht an Gutbrod, *Law*, p. 44

<sup>14</sup> W.J. Harrelson, "Law in the OT," in *The Interpreter's Dictionary of the Bible*, (New York: Abingdon Press, 1962), III, 77.

<sup>15</sup> Kleinknecht an Gutbrod, *Law*, p. 125.

1 *simmers.<sup>16</sup> The law was rejected only as mediator and as the source of justification.<sup>17</sup> Jesus fully recognized the*  
2 *law, and obeyed the law. It was only the absurd interpretations of the law He rejected. Moreover,*

3 *We are not entitled to gather from the teaching of Jesus in the Gospels that He made any*  
4 *formal distinction between the Law of Moses and the Law of God. His mission being not*  
5 *to destroy but to fulfil the Law and the Prophets (Mt. 5:17), so far from saying anything in*  
6 *disparagement of the Law of Moses or from encouraging His disciples to assume an*  
7 *attitude of independence with regard to it, He expressly recognized the authority of the*  
8 *Law of Moses as such, and of the Pharisees as its official interpreters. (Mt. 23:1-3).<sup>18</sup>*

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

12 *St. Peter, e.g. required a special revelation before he would enter the house of the*  
13 *uncircumcised Cornelius and admit the first Gentile convert into the Church by baptism*  
14 *(acts 10:1-48) --a step which did not fail to arouse opposition on the part of those who*  
15 *"were of the circumcision" (cf. 11:1-18).<sup>19</sup>*

16 *The second characteristic of Biblical law is that it is a treaty or covenant. Kline has shown that the form of the*  
17 *giving of the law, the language of the text, the historical prologue, the requirement of imprecations and*  
18 *benedictions, and much more, all point to the fact that the law is a treaty established by God with His people.*  
19 *Indeed, "the revelation committed to the two tables was rather a suzerainty treaty or covenant than a legal code."<sup>20</sup>*  
20 *The full covenant summary, the Ten Commandments, was inscribed on each of the two tables of stone, one table*  
21 *or copy of the treaty for each party in the treaty, God and Israel.<sup>21</sup>*

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

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

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

39 *The God to whom the earth belongs will have Israel for His own property, Ex. xix. 5. It is*  
40 *only on the ground of the gracious election and guidance of God that the divine commands*  
41 *to the people are given, and therefore the Decalogue, Ex. xx. 2, places at its forefront the*  
42 *fact of election.<sup>23</sup>*

43 *In the law, the total life of man is ordered: "there is no primary distinction between the inner and the outer life;*  
44 *the holy calling of the people must be realized in both."<sup>24</sup>*

<sup>16</sup> *Ibid.*, pp. 74, 81-91.

<sup>17</sup> *Ibid.*, p. 95.

<sup>18</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>19</sup> Olaf Moe, "Law," in James Hastings, ed., *Dictionary of the Apostolic Church* (New York: Charles Scribner's Sons, 1919), I, 685.

<sup>20</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>21</sup> Kline, *op. cit.*, p. 19.

<sup>22</sup> *Ibid.*, p. 17.

<sup>23</sup> Gustave Friedrich Oehler, *Theology of the Old Testament* (Grand Rapids: Zondervan, 1883), p. 177.

<sup>24</sup> *Ibid.*, p. 182.

The third characteristic of the Biblical law or covenant is that it constitutes a plan for dominion under God. God called Adam to exercise dominion in terms of God's revelation, God's law (Gen. 1:26 ff.; 2:15-17). This same calling, after the fall, was required of the godly line, and in Noah it was formally renewed (Gen. 9:1-17). It was again renewed with Abraham, with Jacob, with Israel in the person of Moses, with Joshua, David, Solomon (whose Proverbs echo the law), with Hezekiah and Josiah, and finally with Jesus Christ. The sacrament of the Lord's Supper is the renewal of the covenant: "this is my blood of the new testament" (or covenant), so that the sacrament itself re-establishes the law, this time with a new elect group (Matt. 26:28; 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>25</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>26</sup>

Such ideas, common in Calvinist and Lutheran circles, and in virtually all churches, are still heretical nonsense.<sup>27</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>28</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>29</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>30</sup>

<sup>25</sup> Kline, *Treaty of the Great King*, p. 41.

<sup>26</sup> John Calvin, *Institutes of the Christian Religion*, bk. IV, chap. XX, para. Xiv. In the John Allen translation (Philadelphia: Presbyterian Board of Christiana Education, 1936), II, 787 f.

<sup>27</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>28</sup> *Ibid.*, p. 73.

<sup>29</sup> *Ibid.*, p. 75.

<sup>30</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.

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

To summarize the findings of this section:

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

#### **8. The result of violating God’s laws or putting man’s laws above God’s laws is slavery, servitude, and captivity<sup>31</sup>**

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

*But to the wicked, God says:*

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

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. The governments described below that violated God’s laws and thereby alienated themselves from God consisted of kings, but today’s equivalent is our politicians, who by law should be servants but who through extortion under the color of law in illegally enforcing income taxes, have made themselves into the equivalent of kings.

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

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

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

<sup>31</sup> Source: Great IRS Hoax, Form #11.302, Section 4.4.11.



<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>11</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,<sup>12</sup>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.

## 9. Abuse of Law as Religion<sup>32</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>32</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  
Section 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 lie 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 1. Decisions made at various levels of the court system are considered to be interpretations of tax laws and may  
2 be used by either examiners or taxpayers to support a position.

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

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

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

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

17 Nor is it taxation. ‘A tax,’ says Webster’s Dictionary, ‘is a rate or sum of money assessed on the person or  
18 property of a citizen by government for the use of the nation or State.’ ‘Taxes are burdens or charges imposed  
19 by the Legislature upon persons or property to raise money for public purposes.’ Cooley, Const. Lim., 479.”  
20 [Loan Association v. Topeka, 20 Wall. 655 (1874) ]

21 In that sense, franchise codes become a vehicle for propaganda focused solely on propagating false presumptions and beliefs  
22 about the liabilities of the average American toward the government. To the legal layman and the average American however,  
23 such a ruse will at least “look” like law, but those who advance it know or at least SHOULD know that it isn’t. If they don’t  
24 know, they are victims of propaganda and mental programming in law school and government publications. Only a select  
25 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  
26 so well paid that they keep their mouths SHUT.

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

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

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

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

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

<p>The “Trade or Business” Scam, Form #05.001 FORMS PAGE: <a href="http://sedm.org/Forms/FormIndex.htm">http://sedm.org/Forms/FormIndex.htm</a> DIRECT LINK: <a href="https://sedm.org/Forms/05-MemLaw/TradeOrBusScam.pdf">https://sedm.org/Forms/05-MemLaw/TradeOrBusScam.pdf</a></p>
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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:

Revenue Act of 1939, 53 Stat. 1, Exhibit #05.027  
<http://sedm.org/Exhibits/ExhibitIndex.htm>

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 I--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:



1 “The principle that there is a presumption of innocence in favor of the accused is the undoubted law, axiomatic  
2 and elementary, and its enforcement lies at the foundation of the administration of our criminal law.”  
3 [Coffin v. United States, 156 U.S. 432, 453 (1895)]  
4

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

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

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

13 “guilt must be proven by legally obtained evidence”

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

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

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

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

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

28 Federal Rules of Evidence  
29 Rule 610. Religious Beliefs or Opinions

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

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

34 (1) [8:4993] Conclusive presumptions affecting protected interests: A conclusive presumption may be defeated  
35 where its application would impair a party’s constitutionally-protected liberty or property interests. In such  
36 cases, conclusive presumptions have been held to violate a party’s due process and equal protection  
37 rights. [Vlandis v. Kline (1973) 412 U.S. 441, 449, 93 S.Ct. 2230, 2235; Cleveland Bd. of Ed. v. LaFleur (1974)  
38 414 US 632, 639-640, 94 S.Ct. 1208, 1215-presumption under Illinois law that unmarried fathers are unfit  
39 violates process]  
40 [Federal Civil Trials and Evidence, Rutter Group, paragraph 8:4993, p. 8K-34]

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

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

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

<p>Presumption: Chief Weapon for Unlawfully Enlarging Federal Jurisdiction, Form #05.017 FORMS PAGE: <a href="http://sedm.org/Forms/FormIndex.htm">http://sedm.org/Forms/FormIndex.htm</a> DIRECT LINK: <a href="https://sedm.org/Forms/05-MemLaw/Presumption.pdf">https://sedm.org/Forms/05-MemLaw/Presumption.pdf</a></p>
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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.

#### **10. Civil statutes are not "law" as defined in the Bible<sup>33</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.

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

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:

*Requirement for Equal Protection and Equal Treatment*, Form #05.033  
FORMS PAGE: <http://sedm.org/Forms/FormIndex.htm>  
DIRECT LINK: <https://sedm.org/Forms/05-MemLaw/EqualProtection.pdf>

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

<sup>33</sup> Source: *Why Domicile and Becoming a "Taxpayer" Require Your Consent*, Form #05.002, Section 10.3; <https://sedm.org/Forms/FormIndex.htm>.

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 they were 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.' 1 Hamilton's Works (Ed. 1885) 270. **The legislation, in the discrimination it makes, is class legislation. Whenever a distinction is made in the burdens a law imposes or in the benefits it confers on any citizens by reason of their birth, or wealth, or religion, it is class legislation, and leads inevitably to oppression and abuses, and to general unrest and disturbance in society.** It was hoped and believed that the great amendments to the constitution which followed the late Civil War had rendered such legislation impossible for all future time." [Pollock v. Farmers' Loan and Trust Co., 157 U.S. 429 (1895)]

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]

**"special law.** One relating to particular persons or things; one made for individual cases or for particular places or districts; one operating upon a selected class, rather than upon the public generally. A private law. A law is "special" when it is different from others of the same general kind or designed for a particular purpose, or limited in range or confined to a prescribed field of action or operation. A "special law" relates to either particular persons, places, or things or to persons, places, or things which, though not particularized, are separated by any

method of selection from the whole class to which the law might, but not such legislation, be applied. *Utah Farm Bureau Ins. Co. v. Utah Ins. Guaranty Ass'n*, Utah, 564 P.2d. 751, 754. A special law applies only to an individual or a number of individuals out of a single class similarly situated and affected, or to a special locality. *Board of County Com'rs of Lemhi County v. Swensen*, Idaho, 80 Idaho 198, 327 P.2d. 361, 362. See also *Private bill; Private law. Compare General law; Public law.*"  
[Black's Law Dictionary, Sixth Edition, pp. 1397-1398]

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

"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>34</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>35</sup> That is, a public officer occupies a fiduciary relationship to the political entity on whose behalf he or she serves.<sup>36</sup> and owes a fiduciary duty to the public.<sup>37</sup> It has been said that the fiduciary responsibilities of a public officer cannot be less than those of a private individual.<sup>38</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>39</sup>"  
[63C American Jurisprudence 2d, Public Officers and Employees, §247 (1999)]

<sup>34</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>35</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>36</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>37</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>38</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>39</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).

**QUESTION FOR DOUBTERS:** If the analysis in this section is NOT accurate, then why did God say the following about either rejecting or disobeying His commandments and law or replacing them with man-made commandments and statutes, such as we have today?:

**Israel Carried Captive to Assyria**

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

7 For so it was that the children of Israel had sinned against the Lord their God, who had brought them up out of the land of Egypt, from under the hand of Pharaoh king of Egypt; and they had feared other gods, 8 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. 9 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. 10 They set up for themselves sacred pillars and wooden images[a] on every high hill and under every green tree. 11 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, 12 for they served idols, of which the Lord had said to them, "You shall not do this thing."

13 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." 14 Nevertheless they would not hear, but stiffened their necks, like the necks of their fathers, who did not believe in the Lord their God. 15 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. 16 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. 17 And they caused their sons and daughters to pass through the fire, practiced witchcraft and soothsaying, and sold themselves to do evil in the sight of the Lord, to provoke Him to anger. 18 Therefore the Lord was very angry with Israel, and removed them from His sight; there was none left but the tribe of Judah alone.

19 Also Judah did not keep the commandments of the Lord their God, but walked in the statutes of Israel which they made. 20 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. 21 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. 22 For the children of Israel walked in all the sins of Jeroboam which he did; they did not depart from them, 23 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.

[2 Kings 17:5-23, Bible, NKJV]

1 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>

2 **11. Too much law causes crime!**

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

5 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  
6 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  
7 almost impossible NOT to be a criminal in modern society; and, what you should do about it.

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

11 "All persons in the United States are chargeable with knowledge of the Statutes-at-Large....[I]t is well  
12 established that anyone who deals with the government assumes the risk that the agent acting in the government's  
13 behalf has exceeded the bounds of his authority,"



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 effect 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.

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

If in fact you own your own body and all the fruits of your labor, then they are PRIVATE property that cannot be licensed or regulated by the government without THEM getting YOUR permission. That is the legal definition of "ownership" itself.

1 The fact that they DON'T ask for such permission can only be explained by the fact that you must have volunteered. But  
2 how?

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

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

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

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

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

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

20  
21 **"PROPERTY.** Rightful dominion over external objects; ownership; the unrestricted and exclusive right to a  
22 **thing; the right to dispose of the substance of a thing in every legal way, to possess it, to use it and to exclude**  
23 **every one else from interfering with it. Mackeld. Rom. Law, § 265.**

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

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

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

37 *The word is also commonly used to denote any external object over which, the right of property is exercised. In*  
38 *this sense it is a very wide term, and includes every class of acquisitions which a man can own or have an interest*  
39 *in. See Scranton v. Wheeler, 179 D.S. 141, 21 Sup.Ct. 48, 45 L.Ed. 126; Lawrence v. Hennessey, 165 Mo. 659,*  
40 *65 S.W. 717; Boston & L. R. Corp. v. Salem & L. R. Co., 2 Gray (Mass.), 35; National Tel. News Co. v. Western*  
41 *Union Tel. Co., 119 Fed. 294, 56 C.C.A. 198, 60 L.R.A. 805; Hamilton v. Rathbone, 175 U.S. 414, 20 Sup.Ct.*  
42 *155, 44 L.Ed. 219; Stanton v. Lewis, 26 Conn. 449; Wilson v. Ward Lumber Co. (C. C.) 67 Fed. 674.*

43 *—Absolute property . In respect to chattels personal property is said to be "absolute" where a man has, solely*  
44 *and exclusively, the right and also the occupation of any movable chattels, so permanent, but may at some times*  
45 *subsist and not at other times; such for example, as the property a man may have in wild animals which he has*  
46 *caught and keeps, and which are his only so long as he retains possession of them. 2 Bl.Comm. 389.—Real*  
47 *property . A general term for lands, tenements, and hereditaments; property which, on the death of the owner*  
48 *intestate, passes to his heir. Real property is either corporeal or incorporeal. See Code N. Y. § 462 — Separate*  
49 *property . The separate property of a married woman is that which she owns in her own right, which is liable*  
50 *only for her own debts, and which she can encumber and dispose of at her own will.—Special property. Property*  
51 *of a qualified, temporary, or limited nature; as distinguished from absolute, general, or unconditional property.*  
52 *Such is the property of a bailee in the article bailed, of a sheriff in goods temporarily in his hands under a levy,*  
53 *of the finder of lost goods while looking for the owner, of a person in wild animals which he has caught. Stief v.*

Hart, 1 N.Y. 24; Moulton v. Witherell, 52 Me. 242; Eisendrach v. Knauer, 64 111. 402; Phelps v. People, 72 N.Y. 357.  
[Black's Law Dictionary, Second Edition, p. 955]

Why, then, do you need "permission" from anyone, including a government, to use property and exclude all others from using, controlling, or benefitting from the property, if you have absolute ownership over it? The answer is you don't, unless you are physically present **AND** domiciled where there are no constitutional rights, which means either abroad or on 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>

Perhaps nothing exemplifies my point more so than a personal experience I had several years ago. I was invited by a friend to accompany him on a fishing expedition to one of the local lakes owned by the county where we both reside. Being the careful individual that I am, I researched the laws concerning wildlife management, as well as, the regulations adopted by 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 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 what promised to be an enjoyable outing.

However, the day was not to go unspoiled. Not long after we had launched our boat and found what we thought looked like a promising spot, we were approached by a game warden. I remained unconcerned as we chatted and I proudly showed him that I was only using live bait and therefore required no state sanction. He asked for proof of my residence, which I 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 that I was in violation of state law. I was beginning to protest that I was in full compliance of the wildlife management code 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 for appearing in public and not possessing a picture ID. At that moment, the veil was lifted from my eyes as my day of personal enlightenment dawned.

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 a leisurely stroll around my neighborhood. In almost half a century on this earth, I have never been arrested, much less 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 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 you, am I really free? Are you really free? Are your papers in order? Are you a criminal? And even if you have such papers, don't they really evidence a public office that you don't lawfully serve in ANYWAY, so why do you need them? 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>

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

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 the law. Remember, all those licenses and permits you are required to obtain are accompanied by fees. While on the flip side, every breach of the never-ending, self-perpetuating, always-growing bureaucracy carries a fine. You are forced to pay in order to abide by the law so you can avoid having to pay for breaking the law.

Therefore, as the beast has grown, it has become the State's own self-interest that drives legislators to constantly search for new sources of revenue. That's why 519 laws were passed in my home state last year. That is why 500 new laws will 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>

**What Is "Law"?**

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EXHIBIT: \_\_\_\_\_

## 12. How judges unconstitutionally “make law”

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

1. Refusing to acknowledge or protect private rights or private property against government taxation, regulation, or enforcement. This constitutes a common law “trespass”. The main purpose for establishing government is protecting PRIVATE property, so a failure to do so makes those claiming to be “government” into a de facto government as described in Form #05.043. By “private”, we mean that defined in:

SEDM Disclaimer, Section 4.3

<https://sedm.org/disclaimer.htm>

2. Imposing civil obligations (whether statutory or common law) upon litigants that they did not consent to in writing in cases where there is no proven injury to any other party. This constitutes slavery in violation of the Thirteenth Amendment and a taking of private property in the form of labor and chattel property. This is because:

2.1. The Declaration of Independence says that all just powers derive from CONSENT in some form.

2.2. It also violates the principles of standing requiring a demonstrated injury traceable to the defendant before a judicial action can commence.

3. Adding things to statutory definitions that do not expressly appear. This violates the following Rules of Statutory Construction and Interpretation:

*“Expressio unius est exclusio alterius. A maxim of statutory interpretation meaning that the expression of one thing is the exclusion of another. Burgin v. Forbes, 293 Ky. 456, 169 S.W.2d. 321, 325; Newblock v. Bowles, 170 Okl. 487, 40 P.2d. 1097, 1100. Mention of one thing implies exclusion of another. When certain persons or things are specified in a law, contract, or will, an intention to exclude all others from its operation may be inferred. Under this maxim, if statute specifies one exception to a general rule or assumes to specify the effects of a certain provision, other exceptions or effects are excluded.”*  
[Black’s Law Dictionary, Sixth Edition, p. 581]

*“When a statute includes an explicit definition, we must follow that definition, even if it varies from that term’s ordinary meaning. Meese v. Keene, 481 U.S. 465, 484-485 (1987) (“It is axiomatic that the statutory definition of the term excludes unstated meanings of that term”); Colautti v. Franklin, 439 U.S. at 392-393, n. 10 (“As a rule, ‘a definition which declares what a term “means” . . . excludes any meaning that is not stated”); Western Union Telegraph Co. v. Lenroot, 323 U.S. 490, 502 (1945); Fox v. Standard Oil Co. of N.J., 294 U.S. 87, 95-96 (1935) (Cardozo, J.); see also 2A N. Singer, Sutherland on Statutes and Statutory Construction § 47.07, p. 152, and n. 10 (5th ed. 1992) (collecting cases). That is to say, the statute, read “as a whole,” post at 998 [530 U.S. 943] (THOMAS, J., dissenting), leads the reader to a definition. That definition does not include the Attorney General’s restriction -- “the child up to the head.” Its words, “substantial portion,” indicate the contrary.”*  
[Stenberg v. Carhart, 530 U.S. 914 (2000)]

4. Refusing to enforce the constitutional limitations against government, and thus to REPEAL the constitution in a specific case by:
  - 4.1. Fiat. OR
  - 4.2. Claiming the party consented. Rights that are inalienable as the Declaration of Independence indicates cannot be given away in relation to a de jure government, even WITH consent. OR
  - 4.3. Imposing or enforcing invented judicial rules or doctrines which undermine the protection of constitutional rights, such as the six Brandeis Rules described in Ashwander v. Tennessee Valley Authority, 297 U.S. 288, 56 S.Ct. 466 (1936) .
5. Interfering with the proper enforcement of a statute by:
  - 5.1. Refusing to enforce a specific statute. This in effect “repeals” the statute for a specific case.
  - 5.2. Allowing the government to legislatively exclude itself from applicability to any specific statute. All are equal under “real law”. Any attempt to make any specific party UNEQUAL is a franchise that parties must consent to individually, IF they are even able to consent because their rights are NOT “unalienable”.
  - 5.3. Allowing parties to claim a civil status or a “benefit” under the civil statutes applying to a geographical place they are NOT physically present in or domiciled in. All law is prima facie territorial. When it operates extraterritorially, it operates ONLY by contract. This is FRAUD upon the government and violates the principles of jurisdiction.
6. Imputing the “force of law” to that which has no force in the specific case at issue. This usually happens because:
  - 6.1. Civil statutes are being enforced outside the territory they are limited to (extraterritorially) or against those not domiciled on said territory as required by Federal Rule of Civil Procedure 17(b). This is criminal identity theft as



documented in Form #05.046. Domicile MUST be consensual and if no consent is given, then the common law rather than civil statutes apply.

6.2. A civil status and public office such as “taxpayer” is imputed or enforced against a party who does not lawfully occupy said office.<sup>40</sup> Such offices are limited to those lawfully elected or appointed and not to the public generally.

6.3. Franchises are being abused to CREATE new public offices or civil statuses extraterritorially. Franchises can ADD duties to EXISTING offices, but may not CREATE new public offices extraterritorially. Such an abuse constitutes an unconstitutional “invasion” within the meaning of Article 4, Section 4 when implemented by the national government within the exclusive jurisdiction of a constitutional state.

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

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

7. Making 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. All presumptions violate due process of law and are unconstitutional.

*“When we consider the nature and the theory of our institutions of government, the principles upon which they are supposed 370\*370 to rest, and review the history of their development, we are constrained to conclude that they do not mean to leave room for the play and action of purely personal and arbitrary power. Sovereignty itself is, of course, not subject to law, for it is the author and source of law; but in our system, while sovereign powers are delegated to the agencies of government, sovereignty itself remains with the people, by whom and for whom all government exists and acts. And the law is the definition and limitation of power. It is, indeed, quite true, that there must always be lodged somewhere, and in some person or body, the authority of final decision; and in many cases of mere administration the responsibility is purely political, no appeal lying except to the ultimate tribunal of the public judgment, exercised either in the pressure of opinion or by means of the suffrage. But the fundamental rights to life, liberty, and the pursuit of happiness, considered as individual possessions, are secured by those maxims of constitutional law which are the monuments showing the victorious progress of the race in securing to men the blessings of civilization under the reign of just and equal laws, so that, in the famous language of the Massachusetts Bill of Rights, the government of the commonwealth “may be a government of laws and not of men.” For, the very idea that one man may be compelled to hold his life, or the means of living, or any material right essential to the enjoyment of life, at the mere will of another, seems to be intolerable in any country where freedom prevails, as being the essence of slavery itself.”*

*[Yick Wo v. Hopkins, 118 U.S. 356 1886]*

8. Disregarding or not enforcing the domicile prerequisite for the enforcement of the civil statute as required by Federal Rule of Civil Procedure 17(b). This:

8.1. Causes the statute being enforced to be a purely private law or contract matter.

8.2. Makes the activity NON-GOVERNMENTAL in character and subject to the Clearfield Doctrine.

8.3. Results in criminal identity theft and compelled contracting, as described in Government Identity Theft, Form #05.046.

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.”*

<sup>40</sup> See: Your Exclusive Right to Declare or Establish Your Civil Status, Form #13.008; <https://sedm.org/Forms/FormIndex.htm>.

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, Book XI, Section 6, 1758;

SOURCE: [http://famguardian.org/Publications/SpiritOfLaws/sol\\_11.htm](http://famguardian.org/Publications/SpiritOfLaws/sol_11.htm)]

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

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

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

Reading Law: The Interpretation of Legal Texts, Antonin Scalia and Bryan A. Garner, ISBN: 978-0314275554  
<https://www.amazon.com/Reading-Law-Interpretation-Legal-Texts/dp/031427555X>

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

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

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

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

1. Calling something voluntary “law” rather than merely “private law”, and thus deceiving you into believing that your consent at some point is not required to enforce. We clarified this subject earlier in section 4, where we talked about the difference between “operation of law” and “contracts”. The judge is essentially treating you like you are a CONTRACTOR by making the contract LOOK like real law. We also clarify this concept in our Disclaimer:

SEDM Disclaimer

Section 4: Meaning of Words

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

*“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-*

1 doing by its prohibitions. And it does not lay its commands or prohibitions upon good men  
2 in vain, although neither have any effect upon the wicked. It is a sin to try to alter this law,  
3 nor is it allowable to try to repeal a part of it, and it is impossible to abolish it entirely. We  
4 cannot be freed from its obligations by Senate or People, and we need not look outside  
5 ourselves for an expounder or interpreter of it. And there will not be different laws at Rome  
6 or at Athens, or different laws now and in the future, but one [eternal and unchangeable](#)  
7 [law](#) will be valid for all times and all nations, and there will be one master and one rule,  
8 that is God, for He is the author of [this law](#), its promulgator, and its enforcing judge.”  
9 [Marcus Tullius Cicero, 106-43 B.C.]

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

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

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

26 [. . .]

27 **6. The Court will not pass upon the constitutionality of a statute at the instance of one**  
28 **who has availed himself of its benefits.**[FN7](#) [Great Falls Mfg. Co. v. Attorney General](#),  
29 [124 U.S. 581, 8 S.Ct. 631, 31 L.Ed. 527](#); [Wall v. Parrot Silver & Copper Co.](#), [244 U.S.](#)  
30 [407, 411, 412, 37 S.Ct. 609, 61 L.Ed. 1229](#); [St. Louis Malleable Casting Co. v. Prendergast](#)  
31 [Construction Co.](#), [260 U.S. 469, 43 S.Ct. 178, 67 L.Ed. 351](#).

32  
33 FOOTNOTES:

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

38  
39 Municipal law, thus understood, is properly defined to be “a rule of civil conduct  
40 prescribed by the supreme power in a state, commanding what is right and prohibiting  
41 what is wrong.”

42 [. . .]

43 It is also called a rule to distinguish it from a compact or agreement; **for a compact is a**  
44 **promise proceeding from us, law is a command directed to us.** The language of a  
45 compact is, “I will, or will not, do this”; that of a law is, “thou shalt, or shalt not, do it.” It  
46 is true there is an obligation which a compact carries with it, equal in point of conscience  
47 to that of a law; but then the original of the obligation is different. **In compacts we**  
48 **ourselves determine and promise what shall be done, before we are obliged to do it;**  
49 **in laws, we are obliged to act without ourselves determining or promising anything**  
50 **at all.** Upon these accounts law is defined to be “a rule.”  
51 [[Readings on the History and System of the Common Law](#), Second Edition, [Roscoe](#)  
52 [Pound](#), 1925, p. 4]

"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)]

#### 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.

"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 Trafficant**] 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 PUBLIC 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

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 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, it’s 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/>

### 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:

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#### **What Is "Law"?**

Copyright Sovereignty Education and Defense Ministry, <http://sedm.org>  
Form #05.048, Rev. 4/5/2017

1. Foundations of Freedom Course, Form #12.021, Video 4: Willful Government Deception and Propaganda  
[https://youtu.be/hPWMfa\\_oD-w](https://youtu.be/hPWMfa_oD-w)
2. Legal Deception, Propaganda, and Fraud, Form #05.014  
<https://sedm.org/Forms/FormIndex.htm>
3. Presumption: Chief Weapon for Unlawfully Enlarging Federal Jurisdiction, Form #05.017  
<https://sedm.org/Forms/FormIndex.htm>

The biblical reason for this section is explained in the following videos:

1. Oreilly Factor, April 8, 2015–John Piper of the Oklahoma Wesleyan University  
[http://famguardian.org/Media/20150408\\_1958-The\\_O'Reilly\\_Factor-Dealing%20with%20slanderous%20liberals%20biblically-Everett%20Piper.mp4](http://famguardian.org/Media/20150408_1958-The_O'Reilly_Factor-Dealing%20with%20slanderous%20liberals%20biblically-Everett%20Piper.mp4)
2. Overcoming the World 2014 Conference: Against the World (OFFSITE LINK)-Ligonier Ministries. Click here for original source, minutes 15-24.  
<http://sedm.org/Media/Ligonier-OvercomingTheWorld2014-Against%20the%20World-15-24-Language.mp4>
3. Words are Our Enemies' Weapons, Part 1 (OFFSITE LINK)-Sheldon Emry  
<http://sheldonemrylibrary.famguardian.org/CassetteTapedMessages/1976/7603a.mp3>
4. Words are Our Enemies' Weapons, Part 2 (OFFSITE LINK)-Sheldon Emry  
<http://sheldonemrylibrary.famguardian.org/CassetteTapedMessages/1976/7603b.mp3>
5. Roman Catholicism and the Battle Over Words (OFFSITE LINK)-Ligonier Ministries  
<https://youtu.be/uxmEK1RGJQc>
6. The Keys to Freedom (OFFSITE LINK)-Bob Hamp  
<https://youtu.be/rYIDRxDU5mw>

The legal purpose of these definitions is to prevent GOVERNMENT crime using words:

<u>Word Crimes</u> -Weird Al Yankovic <a href="https://youtu.be/8Gv0H-vPoDc">https://youtu.be/8Gv0H-vPoDc</a>
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[. . .]

## **SEDM: DISCLAIMER/LICENSE AGREEMENT**

### **4. MEANING OF WORDS**

The term “law” is defined as follows:

*“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.]

*“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.]

“Law” is defined to EXCLUDE any and all civil statutory codes, franchises, or privileges in relation to any and all governments and to include ONLY the COMMON law, the CONSTITUTION (if trespassing government actors ONLY are involved), and the CRIMINAL law.



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.

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](#).

[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 Trafficant] 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

1 to accord to them — is wholly inconsistent with the spirit and genius as well as with the words of the  
2 Constitution.”  
3 [Downes v. Bidwell, [182 U.S. 244](#) (1901), Justice Harlan, Dissenting]

4 Civil statutory codes, franchises, or privileges are referred to on this website as “private law”, but not “law”. The word  
5 “public” precedes all uses of “law” when dealing with acts of government and hence, refers only to COMMON law and  
6 CRIMINAL law that applies equally to everyone, regardless of [their consent](#). Involvement in any and all [“private law”](#)  
7 [franchises or privileges](#) offered by any government ALWAYS undermines and threatens sovereignty, autonomy, and [equality](#),  
8 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: <https://sedm.org/Forms/FormIndex.htm>  
DIRECT LINK: <http://sedm.org/Forms/05-MemLaw/Franchises.pdf>

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

- 11 1. A criminal attempt and conspiracy to recruit us to be [a public officer called a “person”, “taxpayer”, “citizen”,](#)  
12 [“resident”](#), etc.
- 13 2. A solicitation of [illegal bribes called “taxes”](#) to treat us “AS IF” we are a public officer.
- 14 3. A [criminal conspiracy to convert PRIVATE rights into PUBLIC rights](#) and to violate the Bill of Rights.

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

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

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

- 39 1. A SPECIFIC formerly PRIVATE owner consented IN WRITING to convert said property to PUBLIC property.
- 40 2. The owner was either abroad, domiciled on, or at least PRESENT on federal territory NOT protected by the Constitution and  
41 therefore had the legal capacity to ALIENATE a Constitutional right or relieve a public servant of the fiduciary obligation to respect  
42 and protect the right. Those physically present but not necessarily domiciled in a constitutional but not statutory state protected by  
43 the constitution cannot lawfully alienate rights to a real, de jure government, even WITH their consent.
- 44 3. If the government refuses to meet the above burden of proof, it shall be CONCLUSIVELY PRESUMED to be operating in a  
45 PRIVATE, corporate capacity on an EQUAL footing with every other private corporation and which is therefore NOT protected by  
46 official, judicial, or sovereign immunity.”

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

*Separation Between Public and Private Course*, Form #12.025  
 FORMS PAGE: <http://sedm.org/Forms/FormIndex.htm>  
 DIRECT LINK: <https://sedm.org/LibertyU/SeparatingPublicPrivate.pdf>

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

4 **14. Summary of Criteria for determining whether an enactment is “law” or merely a private law franchise**

5 Based on the previous discussion, below is a list that readers can use to determine whether an enactment being enforced  
 6 against them is “law” or merely a private law franchise. If you find any of the characteristics below apply to the statute being  
 7 enforced, then it is voluntary and private law and you can use it to circumvent enforcement:

8 **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

#	Characteristic	Reason	Example(s)
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.
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>41</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>42</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

<sup>41</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>42</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)]



under the U.C.C. against them as the BUYER.<sup>43</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:

*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>

## 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>44</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 2 and 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."*

<sup>43</sup> See: *Path to Freedom*, Form #09.015, Section 5.6: Merchant or Buyer?; <https://sedm.org/Forms/09-Procs/PathToFreedom.pdf>.

<sup>44</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)

1 "If Congress can employ money indefinitely to the general welfare, and are the sole and supreme judges of the  
2 general welfare, they may take the care of religion into their own hands; they may appoint teachers in every  
3 State, county and parish and pay them out of their public treasury; they may take into their own hands the  
4 education of children, establishing in like manner schools throughout the Union; they may assume the  
5 provision of the poor; they may undertake the regulation of all roads other than post-roads; in short, every  
6 thing, from the highest object of state legislation down to the most minute object of police, would be thrown  
7 under the power of Congress.... Were the power of Congress to be established in the latitude contended for, it  
8 would subvert the very foundations, and transmute the very nature of the limited Government established by  
9 the people of America."

10 "If Congress can do whatever in their discretion can be done by money, and will promote the general welfare,  
11 the government is no longer a limited one possessing enumerated powers, but an indefinite one subject to  
12 particular exceptions."

13 [James Madison. House of Representatives, February 7, 1792, On the Cod Fishery Bill, granting Bounties]

14  
15 It has been urged and echoed, that the power "to lay and collect taxes, duties, imposts, and excises, to pay the  
16 debts, and provide for the common defense and general welfare of the United States," amounts to an unlimited  
17 commission to exercise every power which may be alleged to be necessary for the common defense or general  
18 welfare. No stronger proof could be given of the distress under which these writers labor for objections, than  
19 their stooping to such a misconstruction. Had no other enumeration or definition of the powers of the Congress  
20 been found in the Constitution, than the general expressions just cited, the authors of the objection might have  
21 had some color for it... For what purpose could the enumeration of particular powers be inserted, if these and  
22 all others were meant to be included in the preceding general power? Nothing is more natural nor common than  
23 first to use a general phrase, and then to explain and qualify it by a recital of particulars... But what would have  
24 been thought of that assembly, if, attaching themselves to these general expressions, and disregarding the  
25 specifications which ascertain and limit their import, they had exercised an unlimited power of providing for the  
26 common defense and general welfare? (Federalists #41)  
27 [Federalist #41. Saturday, January 19, 1788, James Madison]

28  
29 Congress has not unlimited powers to provide for the general welfare, but only those specifically enumerated.

30 They are not to do anything they please to provide for the general welfare, but only to lay taxes for that purpose.  
31 To consider the latter phrase not as describing the purpose of the first, but as giving a distinct and independent  
32 power to do any act they please which may be good for the Union, would render all the preceding and subsequent  
33 enumerations of power completely useless. It would reduce the whole instrument to a single phrase, that of  
34 instituting a Congress with power to do whatever would be for the good of the United States; and as they would  
35 be the sole judges of the good or evil, it would be also a power to do whatever evil they please.... Certainly no  
36 such universal power was meant to be given them. It was intended to lace them up straightly within the enumerated  
37 powers and those without which, as means, these powers could not be carried into effect.

38 That of instituting a Congress with power to do whatever would be for the good of the United States; and, as they  
39 would be the sole judges of the good or evil, it would be also a power to do whatever evil they please.

40 [Thomas Jefferson: Opinion on National Bank, 1791. ME 3:148; SOURCE:

41 <http://fmguardian.org/Subjects/Politics/ThomasJefferson/jeff1020.htm> and

42 <http://thefederalistpapers.org/founders/jefferson/thomas-jefferson-opinion-on-national-bank-1791>]

43  
44 Mr. GILES. The present section of the bill (he continued) appears to contain a direct bounty on occupations; and  
45 if that be its object, it is the first attempt as yet made by this government to exercise such authority; -- and its  
46 constitutionality struck him in a doubtful point of view; for in no part of the Constitution could he, in express  
47 terms, find a power given to Congress to grant bounties on occupations: the power is neither {427} directly  
48 granted, nor (by any reasonable construction that he could give) annexed to any other specified in the  
49 Constitution.

50 [On the Cod Fishery Bill, granting Bounties. House of Representatives, February 3, 1792]

51  
52 Mr. WILLIAMSON. In the Constitution of this government, there are two or three remarkable provisions which  
53 seem to be in point. It is provided that direct taxes shall be apportioned among the several states according to  
54 their respective numbers. It is also provided that "all duties, imposts, and excises, shall be uniform throughout  
55 the United States;" and it is provided that no preference shall be given, by any regulation of commercial revenue,  
56 to the ports of one state over those of another. The clear and obvious intention of the articles mentioned was, that  
57 Congress might not have the power of imposing unequal burdens -- that it might not be in their power to gratify

one part of the Union by oppressing another. It appeared possible, and not very improbable, that the time might come, when, by greater cohesion, by more unanimity, by more address, the representatives of one part of the Union might attempt to impose unequal taxes, or to relieve their constituents at the expense of the people. To prevent the possibility of such a combination, the articles that I have mentioned were inserted in the Constitution.

I do not hazard much in saying that the present Constitution had never been adopted without those preliminary guards on the Constitution. Establish the general doctrine of bounties, and all the provisions I have mentioned become useless. They vanish into air, and, like the baseless fabric of a vision, leave not a trace behind. The common defence and general welfare, in the hands of a good politician, may supersede every part of our Constitution, and leave us in the hands of time and chance. Manufactures in general are useful to the nation; they prescribe the public good and general welfare. How many of them are springing up in the Northern States! Let them be properly supported by bounties, and you will find no occasion for unequal taxes. The tax may be equal in the beginning; it will be sufficiently unequal in the end.

The object of the bounty, and the amount of it, are equally to be disregarded in the present case. We are simply to consider whether bounties may safely be given under the present Constitution. For myself, I would rather begin with a bounty of one million per annum, than one thousand. I wish that my constituents may know whether they are to put any confidence in that paper called the Constitution.

Unless the Southern States are protected by the Constitution, their valuable staple, and their visionary wealth, must occasion their destruction. Three short years has this government existed; it is not three years; but we have already given serious alarms to many of our fellow-citizens. Establish the doctrine of bounties; set aside that part of the Constitution which requires equal taxes, and demands similar distributions; destroy this barrier; -- and it is not a few fishermen that will enter, claiming ten or twelve thousand dollars, but all manner of persons; people of every trade and occupation may enter in at the breach, until they have eaten up the bread of our children.

Mr. MADISON. It is supposed, by some gentlemen, that Congress have authority not only to grant bounties in the sense here used, merely as a commutation for drawback, but even to grant them under a power by virtue of which they may do any thing which they may think conducive to the general welfare! This, sir, in my mind, raises the important and fundamental question, whether the general terms which have been cited are {428} to be considered as a sort of caption, or general description of the specified powers; and as having no further meaning, and giving no further powers, than what is found in that specification, or as an abstract and indefinite delegation of power extending to all cases whatever -- to all such, at least, as will admit the application of money -- which is giving as much latitude as any government could well desire.

I, sir, have always conceived -- I believe those who proposed the Constitution conceived -- it is still more fully known, and more material to observe, that those who ratified the Constitution conceived -- that this is not an indefinite government, deriving its powers from the general terms prefixed to the specified powers -- but a limited government, tied down to the specified powers, which explain and define the general terms.

It is to be recollected that the terms "common defence and general welfare," as here used, are not novel terms, first introduced into this Constitution. They are terms familiar in their construction, and well known to the people of America. They are repeatedly found in the old Articles of Confederation, where, although they are susceptible of as great a latitude as can be given them by the context here, it was never supposed or pretended that they conveyed any such power as is now assigned to them. On the contrary, it was always considered clear and certain that the old Congress was limited to the enumerated powers, and that the enumeration limited and explained the general terms. I ask the gentlemen themselves, whether it was ever supposed or suspected that the old Congress could give away the money of the states to bounties to encourage agriculture, or for any other purpose they pleased. If such a power had been possessed by that body, it would have been much less impotent, or have borne a very different character from that universally ascribed to it.

The novel idea now annexed to those terms, and never before entertained by the friends or enemies of the government, will have a further consequence, which cannot have been taken into the view of the gentlemen. Their construction would not only give Congress the complete legislative power I have stated, -- it would do more; it would supersede all the restrictions understood at present to lie, in their power with respect to a judiciary. It would put it in the power of Congress to establish courts throughout the United States, with cognizance of suits between citizen and citizen, and in all cases whatsoever.

This, sir, seems to be demonstrable; for if the clause in question really authorizes Congress to do whatever they think fit, provided it be for the general welfare, of which they are to judge, and money can be applied to it, Congress must have power to create and support a judiciary establishment, with a jurisdiction extending to all cases favorable, in their opinion, to the general welfare, in the same manner as they have power to pass laws, and apply money providing in any other way for the general welfare. I shall be reminded, perhaps, that, according to the terms of the Constitution, the judicial power is to extend to certain cases only, not to all cases. But this circumstance can have no effect in the argument, it being presupposed by the gentlemen, that the specification of certain objects does not limit the import of the general terms. Taking these terms as an abstract 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 appoint 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 primitive.  
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 remedies 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 do 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 produce 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 himself. 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". It's 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>

## 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

<https://sedm.org/liberty-university/liberty-university-2-2-philosophy-of-liberty/>

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:

[Presumption: Chief Weapon for Unlawfully Enlarging Federal Jurisdiction, Form #05.017](#)

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

- 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 QUALIFIED ownership shared with them. That conversion can ONLY occur where rights are lienable, 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](https://sedm.org/Forms/FormIndex.htm), Form #12.025  
<https://sedm.org/Forms/FormIndex.htm>

## 17. Resources for Further Research

1. [Lawfully Avoiding Government Obligations Course](http://sedm.org/Forms/FormIndex.htm), Form #12.040-how to apply the concepts in this document to lawfully avoiding alleged but not actual government “obligations”.  
<http://sedm.org/Forms/FormIndex.htm>
2. [The Law](https://famguardian.org/Publications/TheLaw/TheLaw.htm), Frederic Bastiat-an authoritative exposition of the proper purposes of “law” as classically understood. Written by a judge in France who sat on the bench for over 8 years.<sup>45</sup>  
<https://famguardian.org/Publications/TheLaw/TheLaw.htm>
3. [Why All Man-Made Law is Religious in Nature](http://famguardian.org/Subjects/LawAndGovt/ChurchVState/WhyAllManmadeLawRelig.htm) (OFFSITE LINK) -Family Guardian  
<http://famguardian.org/Subjects/LawAndGovt/ChurchVState/WhyAllManmadeLawRelig.htm>
4. [What is “law”?](https://nikeinsights.famguardian.org/forums/topic/what-is-law/), Nike Insights  
<https://nikeinsights.famguardian.org/forums/topic/what-is-law/>
5. [What is “Justice”?](https://sedm.org/Forms/FormIndex.htm), Form #05.050 -the purpose of law is to effect “justice” as legally defined. Do YOU know what justice means?  
FORMS PAGE: <http://sedm.org/Forms/FormIndex.htm>  
DIRECT LINK: <https://sedm.org/Forms/05-MemLaw/WhatIsJustice.pdf>
6. [The Purpose of Law](https://famguardian.org/Subjects/LawAndGovt/Articles/PurposeOfLaw.htm)-Family Guardian Fellowship  
<https://famguardian.org/Subjects/LawAndGovt/Articles/PurposeOfLaw.htm>

<sup>45</sup> For proof that Bastiat was a judge for over 8 years, see: [Frederic Bastiat: The Unseen Radical](https://youtu.be/AZ9Q7-KaGwM), David M. Hart, Mises Institute, <https://youtu.be/AZ9Q7-KaGwM>.

7. *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>
8. *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>
9. *Famous Quotes About Rights and Liberty*, Form #08.001, Sections 5 and 17  
FORMS PAGE: <http://sedm.org/Forms/FormIndex.htm>  
DIRECT LINK: <http://sedm.org/Forms/08-PolicyDocs/FamousQuotes.pdf>
10. *Four Law Systems Course*, Form #12.039  
FORMS PAGE: <http://sedm.org/Forms/FormIndex.htm>  
DIRECT LINK: <http://sedm.org/LibertyU/FourLawSystems.pdf>
11. *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>
12. *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>
13. *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>
14. *Common Law Practice Guide*, Litigation Tool #10.013  
<http://sedm.org/Litigation/LitIndex.htm>
15. *Authority and the Politics of Power* (OFFSITE LINK)-Nike Research  
<http://nikeinsights.famguardian.org/forums/topic/authority-and-the-politics-of-power/>
16. *It’s an Illusion* -John Harris. The REAL meaning of what the *de facto government* calls “law”  
<http://sedm.org/its-an-illusion-a-lecture-in-law-by-john-harris/>
17. *Why We Must Personally Learn, Follow, and Enforce the Law* -SEDM  
<http://sedm.org/home/why-we-must-personally-learn-follow-and-enforce-the-law/>
18. *Philosophy of Law*-Wikipedia  
[https://en.wikipedia.org/wiki/Philosophy\\_of\\_law](https://en.wikipedia.org/wiki/Philosophy_of_law)
19. *Sovereignty, Chapter 22: What is Law?*-Rousas John Rushdoony, p. 129  
<https://www.scribd.com/document/54737934/Sovereignty>
20. *The Law is No More* (OFFSITE LINK) – Pastor John Weaver  
<https://www.youtube.com/watch?v=5vQitQtqfA>
21. *The Necessity of God’s Law in Society* (OFFSITE LINK) -Pastor John Weaver  
<https://youtu.be/wA6Mo4Ewg74>
22. *How Much Criminalization Will You Tolerate From Your Government?*-Freedom Taker  
<https://youtu.be/EZTMKfTP6P0>
23. *The Government Mafia* (OFFSITE LINK) -Clint Richardson  
<https://sedm.org/government-mafia/>
24. *Illegal Everything* (OFFSITE LINK)-John Stossel  
<https://www.youtube.com/watch?v=nBiJB8YuDBQ>
25. *Buried in Law* (OFFSITE LINK) -John Stossel, Fox News, 7-24/2014  
<https://youtu.be/B-xjjNurU50>
26. *Westlaw Keycites Under Key 15AK417: Force of Law*-court cases demonstrating how to prove if a regulation has the force and effect of law  
<https://famguardian.org/Subjects/LawAndGovt/ChallJurisdiction/ForceOfLaw-Keycite15AK417-20090122.pdf>
18. **Questions that Readers, Grand Jurors, and Petit Jurors Should Be Asking the Government**



The purpose of this section is to show how to apply the concepts in this document to the most frequent occasion when they might be useful: Disputing an income tax liability. We have developed some questions that satisfy this goal as a didactic device that has real-world applications. If you would like a useful document to start with writing your own similar questions, see:

Lawfully Avoiding Government Obligations Course, Form #12.040  
<http://sedm.org/Forms/FormIndex.htm>

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:

Reasonable Belief About Income Tax Liability, Form #05.007  
<http://sedm.org/Forms/FormIndex.htm>

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 an alleged tax liability is an “obligation” as defined below:

*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.)*

YOUR ANSWER: \_\_\_\_Admit \_\_\_\_Deny

CLARIFICATION:\_\_\_\_\_

2. Admit that every attempt to enforce an alleged tax liability requires the existence of the type of “obligation” defined in the previous question or the enforcement is illegal and possibly even unconstitutional.

YOUR ANSWER: \_\_\_\_Admit \_\_\_\_Deny

CLARIFICATION:\_\_\_\_\_

3. Admit that there are only TWO ways to lawfully create an obligation, which are: 1. Contract; 2. An injury (called “operation of law”).

*California 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.)*

*California Civil Code – CIV*  
*DIVISION 3. OBLIGATIONS [1427 - 3272.9]*  
*( Heading of Division 3 amended by Stats. 1988, Ch. 160, Sec. 14. )*

[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.)

YOUR ANSWER: \_\_\_\_Admit \_\_\_\_Deny

CLARIFICATION:\_\_\_\_\_

4. Admit that the phrase “operation of law” as defined in the previous question deals with cases where: 1. An injury occurred AND; 2. The party instituting the injury did not consent or contract with the government to do or not do anything.

YOUR ANSWER: \_\_\_\_Admit \_\_\_\_Deny

CLARIFICATION:\_\_\_\_\_

5. Admit that there is no injury or injured party in a criminal tax prosecution where the defendant collects nothing from the government. “Taxes” are not “debts” as constitutionally defined:

"The assessment of taxes does not create a debt that can be enforced by suit, or upon which a promise to pay interest can be implied. It is a proceeding in invitum."

The next case was that of the City of Camden v. Allen, [Footnote 8] 1857. That was an action of debt brought to recover a tax by the municipality to which it was due. The language of the Supreme Court of New Jersey was still more explicit: "A tax, in its essential characteristics," said the court, "is not a debt nor in the nature of a debt. A tax is an impost levied by authority of government upon its citizens or subjects for the support of the state. It is not founded on contract or agreement. It operates in invitum. A debt is a sum of money due by certain and express agreement. It originates in and is founded upon contracts express or implied."  
[Lane County v. Oregon, 74 U.S. 71 71 (1868)]

YOUR ANSWER: \_\_\_\_Admit \_\_\_\_Deny

CLARIFICATION:\_\_\_\_\_

6. Admit that even where the defendant in a criminal tax prosecution receives government payments, if he or she receives LESS than was paid in, the net “benefit recipient” is the government and not the alleged “defendant”.

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.

YOUR ANSWER: \_\_\_\_Admit \_\_\_\_Deny

CLARIFICATION:\_\_\_\_\_

7. Admit that the national government cannot authorize, license, or establish any franchise or excise within the borders of a constitutional statute that might give rise to a contractual obligation on the part of the recipients of the license or “benefit”.

“Thus, Congress having power to regulate commerce with foreign nations, and among the several States, and with the Indian tribes, may, without doubt, provide for **granting** coasting **licenses**, licenses to pilots, licenses to trade with the Indians, and any other **licenses** necessary or proper for the exercise of that great and extensive power; and the same observation is applicable to every other power of Congress, to the exercise of which the granting of licenses may be incident. All such licenses confer authority, and give rights to the licensee.

But very different considerations apply to the **internal commerce or domestic trade of the States**. Over this commerce and trade Congress has **no power of regulation nor any direct control**. This power belongs **exclusively to the States**. **No interference by Congress with the business of citizens transacted within a State is warranted by the Constitution, except such as is strictly incidental to the exercise of powers clearly granted to the legislature**. The power to authorize a business within a State is plainly repugnant to the exclusive power of the State over the same subject. It is true that the power of Congress to tax is a very extensive power. It is given in the Constitution, with only one exception and only two qualifications. Congress cannot tax exports, and it must impose direct taxes by the rule of apportionment, and indirect taxes by the rule of uniformity. Thus limited, and thus only, it reaches every subject, and may be exercised at discretion. But, it reaches only existing subjects. **Congress cannot authorize a trade or business within a State in order to tax it.**”  
[License Tax Cases, [72 U.S. 462](#), 18 L.Ed. 497, 5 Wall. 462, 2 A.F.T.R. 2224 (1866) ]

YOUR ANSWER: \_\_\_\_Admit \_\_\_\_Deny

CLARIFICATION:\_\_\_\_\_

8. Admit that “trade or business” as used above is limited to include ONLY the following:

[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—

(26) “The term ‘trade or business’ includes the performance of the functions [activities] of a public office.”

YOUR ANSWER: \_\_\_\_Admit \_\_\_\_Deny

CLARIFICATION:\_\_\_\_\_

9. Admit that the purpose of providing a statutory definition is to supersede, not enlarge, the common or ordinary dictionary definition of a word.

“When a statute includes an explicit definition, we must follow that definition, even if it varies from that term’s ordinary meaning. Meese v. Keene, 481 U.S. 465, 484-485 (1987) (“It is axiomatic that the statutory definition of the term excludes unstated meanings of that term”); Colautti v. Franklin, 439 U.S. at 392-393, n. 10 (“As a rule, ‘a definition which declares what a term “means” . . . excludes any meaning that is not stated”); Western Union Telegraph Co. v. Lenroot, 323 U.S. 490, 502 (1945); Fox v. Standard Oil Co. of N.J., 294 U.S. 87, 95-96 (1935) (Cardozo, J.); see also 2A N. Singer, Sutherland on Statutes and Statutory Construction § 47.07, p. 152, and n. 10 (5th ed. 1992) (collecting cases). **That is to say, the statute, read “as a whole,” post at 998 [530 U.S. 943] (THOMAS, J., dissenting), leads the reader to a definition.** That definition does not include the Attorney General’s restriction -- “the child up to the head.” Its words, “substantial portion,” indicate the contrary.”  
[Stenberg v. Carhart, [530 U.S. 914](#) (2000)]

YOUR ANSWER: \_\_\_\_Admit \_\_\_\_Deny

CLARIFICATION:\_\_\_\_\_

10. Admit that it is NOT an injury for those not actually COLLECTING a “benefit” to not sign up for, contract for, or be eligible to receive such a “benefit” or participate in a franchise that distributes the “benefit”.

1. *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.*
2. *Privilegium est beneficium personale et extinguitur cum person.*  
*A privilege is a personal benefit and dies with the person. 3 Buls. 8.*
3. *Quae inter alios acta sunt nemini nocere debent, sed prodesse possunt.*  
*Transactions between strangers may benefit, but cannot injure, persons who are parties to them. 6 Co. 1.*
4. *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.*
5. *When the common law and statute law concur, the common law is to be preferred. 4 Co. 71*
6. *Verba dicta de persona, intelligi debent de conditione personae. Words spoken of the person are to be understood of the condition of the person. 2 Roll. R. 72.*

[Bouvier's Maxims of Law, 1856;  
<http://famguardian.org/Publications/BouvierMaximsOfLaw/BouviersMaxims.htm>]

YOUR ANSWER: \_\_\_\_Admit \_\_\_\_Deny

CLARIFICATION:\_\_\_\_\_

11. Admit that not signing up for or consenting to receive a benefit is NOT an act of “anarchy”, but merely an exercise of your right to manage yourself and your absolutely owned private property, keeping in mind that your body and everything earned by your body is PRIVATE property.

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

YOUR ANSWER: \_\_\_\_Admit \_\_\_\_Deny

CLARIFICATION:\_\_\_\_\_

12. Admit that the essence of ownership of absolutely owned private property is the right to EXCLUDE any and all others, INCLUDING GOVERNMENTS, from using, benefitting from, or any way controlling 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)]

FOOTNOTES:

[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).

YOUR ANSWER: \_\_\_\_Admit \_\_\_\_Deny

CLARIFICATION:\_\_\_\_\_

13. Admit that EXCLUDING THE GOVERNMENT from the “right to exclude” that is the essence of ownership in effect imputes or enforces superior or supernatural powers to the government and in effect makes ALL PROPERTY into government/PUBLIC property.

YOUR ANSWER: \_\_\_\_Admit \_\_\_\_Deny

CLARIFICATION:\_\_\_\_\_

14. Admit that the right to absolutely own PRIVATE property is equivalent to the phrase “pursuit of happiness” in 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]*

*“nor shall any State deprive any person of life, liberty, or property, without due process of law;”*  
*[Fourteenth Amendment]*

*“The provision [Fourteenth Amendment, Section 1], it is to be observed, places property under the same protection as life and liberty. Except by due process of law, no State can deprive any person of either. The provision has been supposed to secure to every individual the essential conditions for the pursuit of happiness; and for that reason has not been heretofore, and should never be, construed in any narrow or restricted sense.”*  
*[Munn v. Illinois, 94 U.S. 113 (1877)]*

YOUR ANSWER: \_\_\_\_Admit \_\_\_\_Deny

CLARIFICATION:\_\_\_\_\_

15. Admit that the Declaration of Independence is not merely public policy, but actual “law” enacted by Congress into law by its first official act on page 1 of the Statutes at Large.

YOUR ANSWER: \_\_\_\_Admit \_\_\_\_Deny

CLARIFICATION:\_\_\_\_\_

16. Admit that the inability to exclude THE GOVERNMENT from the use of one’s property denies the owner the “right to exclude” that is the essence of ownership. Thus, it maliciously makes people “unhappy” and violates the Declaration of Independence as organic law because the right of absolute ownership of property is the equated with “the pursuit of happiness” by the U.S. Supreme Court.

*“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]*

YOUR ANSWER: \_\_\_\_Admit \_\_\_\_Deny



CLARIFICATION:\_\_\_\_\_

17. Admit that because there is no injured party in a criminal tax prosecution, the ONLY source of authority to enforce the obligation is CONTRACT:

*California 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.)*

YOUR ANSWER: \_\_\_\_Admit \_\_\_\_Deny

CLARIFICATION:\_\_\_\_\_

18. Admit that “operation of law” does not involve the DIRECT consent of the party but may involve the INDIRECT consent in choosing a civil domicile:

*“Operation of law. This term expresses **the manner in which rights, and sometimes liabilities, devolve upon a person by the mere application to the particular transaction of the established rules of law, without the act or co-operation of the party himself.**”*  
*[Black’s Law Dictionary, Fourth Edition, p. 1243]*

YOUR ANSWER: \_\_\_\_Admit \_\_\_\_Deny

CLARIFICATION:\_\_\_\_\_

19. Admit that even in the absence of a civil domicile or the “force of law” in the case of civil statutes, the common law permits a party who injured to sue the party who injured them.

*“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]*

[Lujan v. Defenders of Wildlife \(1992\)](#)

*Over the years, our cases have established that the irreducible constitutional minimum of standing contains three elements.*

*[1] First, 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] Second, 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] Third, 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 these elements. See *FW/PBS, Inc. v. Dallas*, 493 U. S. 215, 231 (1990); *Warth, supra*, at 508. Since they are not mere pleading requirements but rather an indispensable part of the plaintiff's case, each element must be supported in the same way as any other matter on which the plaintiff bears the burden of proof, i. e., with the manner and degree of evidence required at the successive stages of the litigation. See *Lujan v. National Wildlife Federation*, 497 U. S. 871, 883-889 (1990); *Gladstone, Realtors v. Village of Bellwood*, 441 U. S. 91, 114-115, and n. 31 (1979); *Simon, supra*, at 45, n. 25; *Warth, supra*, at 527, and n. 6 (Brennan, J., dissenting). At the pleading stage, general factual allegations of injury resulting from the defendant's conduct may suffice, for on a motion to dismiss we "presum[e] that general allegations embrace those specific facts that are necessary to support the claim." *National Wildlife Federation, supra*, at 889. In response to a summary judgment motion, however, the plaintiff can no longer rest on such "mere allegations," but must "set forth" by affidavit or other evidence "specific facts," Fed. Rule Civ. Proc. 56(e), which for purposes of the summary judgment motion will be taken to be true. And at the final stage, those facts (if controverted) must be "supported adequately by the evidence adduced at trial." *Gladstone, supra*, at 115, n. 31.

When the suit is one challenging the legality of government action or inaction, the nature and extent of facts that must be averred (at the summary judgment stage) or proved (at the trial stage) in order to establish standing depends considerably upon whether the plaintiff is himself an object of the action (or forgone action) at issue. If he is, there is ordinarily little question that the action or inaction has <sup>562</sup>caused him injury, and that a judgment preventing or requiring the action will redress it. When, however, as in this case, a plaintiff's asserted injury arises from the government's allegedly unlawful regulation (or lack of regulation) of someone else, much more is needed. In that circumstance, causation and redressability ordinarily hinge on the response of the regulated (or regulable) third party to the government action or inaction—and perhaps on the response of others as well. The existence of one or more of the essential elements of standing "depends on the unfettered choices made by independent actors not before the courts and whose exercise of broad and legitimate discretion the courts cannot presume either to control or to predict," *ASARCO Inc. v. Kadish*, 490 U. S. 605, 615 (1989) (opinion of Kennedy, J.); see also *Simon, supra*, at 41-42; and it becomes the burden of the plaintiff to adduce facts showing that those choices have been or will be made in such manner as to produce causation and permit redressability of injury. E. g., *Warth, supra*, at 505. Thus, when the plaintiff is not himself the object of the government action or inaction he challenges, standing is not precluded, but it is ordinarily "substantially more difficult" to establish. *Allen, supra*, at 758; *Simon, supra*, at 44-45; *Warth, supra*, at 505.

[*Lujan v. Defenders of Wildlife*, 504 U.S. 555 (1992)]

YOUR ANSWER: \_\_\_\_Admit \_\_\_\_Deny

CLARIFICATION:\_\_\_\_\_

20. Admit that you can sue someone civilly for an injury without civil statutes, then they are OPTIONAL and require consent to acquire the "force of law", meaning the ability to use them to impose or enforce a civil obligation of any kind.

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

YOUR ANSWER: \_\_\_\_Admit \_\_\_\_Deny

CLARIFICATION:\_\_\_\_\_

21. Admit that "operation of law" statutes are either involuntary because they are criminal OR acquire their "force of law" from the consent of the party in choosing a civil domicile:

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.)

Wikipedia: Operation of Law, Downloaded 9/3/2013

The phrase "by operation of law" is a [legal term](#) that indicates that a right or liability has been created for a party, irrespective of the intent of that party, because it is dictated by existing legal principles. **For example, if a person dies without a will, his heirs are determined by operation of law. Similarly, if a person marries or has a child after his or her will has been executed, the law writes this pretermitted spouse or pretermitted heir into the will if no provision for this situation was specifically included.** [Adverse possession](#), in which title to land passes because non-owners have occupied it for a certain period of time, is another important right that vests by operation of law.[\[1\]](#)

Events that occur by operation of law do so because [courts](#) have determined over time that the rights thus created or transferred represent what the intent of the party would have been, had they thought about the situation in advance; or because the results fulfilled the settled expectations of parties with respect to their property; or because legal instruments of [title](#) provide for these transfers to occur automatically on certain named contingencies.

Rights that arise by operation of law often arise by design of certain contingencies set forth in a legal instrument. If a [life estate](#) is created in a tract of land, and the person by whose life the estate is measured dies, title to the property reverts to the original grantor – or, possibly, to the grantor's legal heirs – by operation of law. Nothing needs to be put in writing to affirm that this will happen. [Joint tenants](#) with rights of survivorship create a similar situation. Joint tenants with rights of survivorship deeds are always taken in equal shares, and when one joint tenant dies, the other tenants equally acquire title by virtue of the terms of the [conveyance](#) itself, by operation of law.

Rights or liabilities created by operation of law can also be created involuntarily, because a contingency occurs for which a party has failed to plan (e.g. failure to write a will); or because a specific condition exists for a set period of time (e.g. adverse possession of property or creation of an [easement](#); failure of a court to rule on a [motion](#) within a certain period automatically defeating the motion; failure of a party to act on a filed [complaint](#) within a certain time causing [dismissal](#) of the case); or because an existing legal relationship is invalidated, but the parties to that relationship still require a mechanism to distribute their rights (e.g. under the [Uniform Commercial Code](#), where a [contract](#) for which both parties have performed partially is voided, the court will create a new contract based on the performance that has actually been rendered and containing reasonable terms to accommodate the expectations of the parties).

Because title to property that arises by operation of law is usually contingent upon proof of certain contingencies, and title records may not contain evidence of those contingencies, legal proceedings are sometimes required to turn title that arises by operation of law into [marketable title](#).  
[Wikipedia: "operation of Law", Downloaded 9/3/2013;  
SOURCE: [http://en.wikipedia.org/wiki/Operation\\_of\\_law](http://en.wikipedia.org/wiki/Operation_of_law)]

YOUR ANSWER: \_\_\_\_Admit \_\_\_\_Deny

CLARIFICATION:\_\_\_\_\_

22. Admit that the "contract" being enforced in a criminal income tax prosecution is the "public office" contract, also called "trade or business" contract, and oath:

"It is true, that the person who accepts an office may be supposed to enter into a compact to be answerable to the government, which he serves, for any violation of his duty; and, having taken the oath of office, he would unquestionably be liable, in such case, to a prosecution for perjury in the Federal Courts. But because one man, by his own act [CONSENT], renders himself amenable to a particular jurisdiction, shall another man, who has not incurred a similar obligation, be implicated? If, in other words, it is sufficient to vest a jurisdiction in this court, that a Federal Officer is concerned; if it is a sufficient proof of a case arising under a law of the United States to affect other persons, that such officer is bound, by law, to discharge his duty with fidelity; a source of jurisdiction is opened, which must inevitably overflow and destroy all the barriers between the judicial authorities of the State and the general government. Anything which can prevent a Federal Officer from the punctual, as well as from an impartial, performance of his duty; an assault and battery; or the recovery of a debt, as well as the offer of a bribe, may be made a foundation of the jurisdiction of this court; and, **considering the constant disposition of power to extend the sphere of its influence, fictions will be resorted to, when real cases**

1 cease to occur. A mere fiction, that the defendant is in the custody of the marshall, has rendered the jurisdiction  
2 of the King's Bench universal in all personal actions."  
3 [United States v. Worrall, 2 U.S. 384 (1798)]  
4 SOURCE: [http://scholar.google.com/scholar\\_case?case=3339893669697439168](http://scholar.google.com/scholar_case?case=3339893669697439168)

5 See also: The "Trade or Business" Scam, Form #05.001; [https://sedm.org/Forms/05-](https://sedm.org/Forms/05-MemLaw/TradeOrBusScam.pdf)  
6 MemLaw/TradeOrBusScam.pdf

7 YOUR ANSWER: \_\_\_\_Admit \_\_\_\_Deny

8  
9 CLARIFICATION:\_\_\_\_\_

- 10 23. Admit that statutory definition of "person" for the purposes of civil penalties or criminal enforcement includes ONLY  
11 those who are party to the "public office" contract or who have contracted directly with the government as "partners"  
12 and that the "duty" derives from the equivalent of their "employment agreement".

13 [TITLE 26 > Subtitle F > CHAPTER 68 > Subchapter B > PART I > § 6671](#)  
14 [§ 6671. Rules for application of assessable penalties](#)

15 (b) Person defined

16 The term "person", as used in this subchapter, includes an officer or employee of a corporation, or a member or  
17 employee of a partnership, who as such officer, employee, or member is under a duty to perform the act in  
18 respect of which the violation occurs.  
19 \_\_\_\_\_

20 [TITLE 26 > Subtitle F > CHAPTER 75 > Subchapter D > § 7343](#)  
21 [§ 7343. Definition of term "person"](#)

22 The term "person" as used in this chapter includes an officer or employee of a corporation, or a member or  
23 employee of a partnership, who as such officer, employee, or member is under a duty to perform the act in respect  
24 of which the violation occurs.  
25 \_\_\_\_\_

26 "I. DUTY TO ACCOUNT FOR PUBLIC FUNDS

27 § 909. In general. -

28 **It is the duty of the public officer, like any other agent or trustee, although not declared by express statute, to**  
29 **faithfully account for and pay over to the proper authorities all moneys which may come into his hands upon**  
30 **the public account, and the performance of this duty may be enforced by proper actions against the officer**  
31 **himself, or against those who have become sureties for the faithful discharge of his duties."**  
32 [Treatise on the Law of Public Offices and officers, p. 609, §909; Floyd Mechem, 1890;  
33 SOURCE: <http://books.google.com/books?id=g-I9AAAAIAAJ&printsec=titlepage>

34 See also: Why Your Government is Either a Thief or You are a "Public Officer" for Income Tax Purposes, Form  
35 #05.008; <https://sedm.org/Forms/05-MemLaw/ReasonableBelief.pdf>

36 YOUR ANSWER: \_\_\_\_Admit \_\_\_\_Deny

37  
38 CLARIFICATION:\_\_\_\_\_

- 39 24. Admit that ordinary Americans domiciled and physically present in a Constitutional state of the Union are NOT  
40 "public officers" or engaged in a "trade or business" as defined previously.

41 YOUR ANSWER: \_\_\_\_Admit \_\_\_\_Deny

42  
43 CLARIFICATION:\_\_\_\_\_

- 44 25. Admit that that it is an act of criminal identity theft to treat those NOT engaged in a "public office" or "trade or  
45 business" AS IF they ARE, and ESPECIALLY when they don't consent.

See also: Government Identity Theft, Form #05.046; <https://sedm.org/Forms/05-MemLaw/GovernmentIdentityTheft.pdf>

YOUR ANSWER: \_\_\_\_Admit \_\_\_\_Deny

CLARIFICATION:\_\_\_\_\_

26. Admit that it a crime to bribe an agent of the government with alleged “tax withholdings” that aren’t actually due as a private human not occupying a public office in exchange for creating an office called statutory “taxpayer” or being treated AS IF they are public officer.

18 U.S. Code § 211 - Acceptance or solicitation to obtain appointive public office

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

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

(June 25, 1948, ch. 645, 62 Stat. 694, § 211, formerly § 215; Sept. 13, 1951, ch. 380, 65 Stat. 320; renumbered § 211, Pub. L. 87-849, § 1(b), Oct. 23, 1962, 76 Stat. 1125; Pub. L. 103-322, title XXXIII, § 330016(1)(H), Sept. 13, 1994, 108 Stat. 2147.)

[SOURCE: <https://www.law.cornell.edu/uscode/text/18/211>]

YOUR ANSWER: \_\_\_\_Admit \_\_\_\_Deny

CLARIFICATION:\_\_\_\_\_

27. Admit that if per the License Tax Cases earlier, Congress cannot create a taxable franchise within a Constitutional state, then the Social Security Number CANNOT lawfully be used as the equivalent of a “franchise mark” to recruit franchisees or to in effect CREATE public offices.

“... a commercial business arrangement is a “franchise” if it satisfies three definitional elements. Specifically, the franchisor must:

- (1) promise to provide a trademark or other commercial symbol;
- (2) promise to exercise significant control or provide significant assistance in the operation of the business; and
- (3) require a minimum payment of at least \$500 during the first six months of operations.”

[FTC Franchise Rule Compliance Guide, May 2008, p. 1;

SOURCE: <http://business.ftc.gov/documents/bus70-franchise-rule-compliance-guide>]

“A franchise entails the right to operate a business that is “identified or associated with the franchisor’s trademark, or to offer, sell, or distribute goods, services, or commodities that are identified or associated with the franchisor’s trademark.” The term “trademark” is intended to be read broadly to cover not only trademarks, but any service mark, trade name, or other advertising or commercial symbol. This is generally referred to as the “trademark” or “mark” element.

The franchisor [the government] need not own the mark itself, but at the very least must have the right to license the use of the mark to others. Indeed, the right to use the franchisor’s mark in the operation of the business - either by selling goods or performing services identified with the mark or by using the mark, in whole or in part, in the business’ name - is an integral part of franchising. In fact, a supplier can avoid Rule coverage of a particular distribution arrangement by expressly prohibiting the distributor from using its mark.”

[FTC Franchise Rule Compliance Guide, May 2008;

SOURCE: <http://business.ftc.gov/documents/bus70-franchise-rule-compliance-guide>]

YOUR ANSWER: \_\_\_\_Admit \_\_\_\_Deny



CLARIFICATION:\_\_\_\_\_

28. Admit that anyone in government seeking to enforce an alleged statutory obligation is the moving party.

YOUR ANSWER: \_\_\_\_Admit \_\_\_\_Deny

CLARIFICATION:\_\_\_\_\_

29. Admit that the moving party in any legal proceeding ALWAYS has the burden of proof.

YOUR ANSWER: \_\_\_\_Admit \_\_\_\_Deny

CLARIFICATION:\_\_\_\_\_

30. Admit that the government as moving party in any statutory enforcement proceeding has the burden of proving that the obligation they seek to enforce originates from ONE of the TWO possible options below:

*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.)*

YOUR ANSWER: \_\_\_\_Admit \_\_\_\_Deny

CLARIFICATION:\_\_\_\_\_

31. Admit that government agents seeking to satisfy the above burden of proof are NOT accountable for anything they say or write, UNLESS verified by penalty of perjury.

*"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)]*

*"It is unfortunately all too common for government manuals, handbooks, and in-house publications to contain statements that were not meant or are not wholly reliable. If they go counter to governing statutes and regulations of the highest or higher dignity, e.g. regulations published in the Federal Register, they do not bind the government, and persons relying on them do so at their peril. Caterpillar Tractor Co. v. United States, 589 F.2d. 1040, 1043, 218 Ct.Cl. 517 (1978) (A Handbook for Exporters, a Treasury publication). Dunphy v. United States [529 F.2d. 532, 208 Ct.Cl. 986 (1975)], supra (Navy publication entitled All Hands). In such cases it is necessary to examine any informal publication to see if it was really written to fasten legal consequences on the government. Dunphy, supra. See also Donovan v. United States, 139 U.S. App. D.C. 364, 433 F.2d. 522 (D.C.Cir.), cert. denied, 401 U.S. 944, 91 S.Ct. 955, 28 L.Ed. 2d 225 (1971). (Employees Performance Improvement Handbook, an FAA publication)(merely advisory and directory publications do not have mandatory consequences). Bartholomew v. United States, 740 F.2d. 526, 532 n. 3 (7th Cir. 1984)(quoting Fiorentino v. United States, 607 F.2d. 963, 968, 221 Ct.Cl. 545 (1979), cert. denied, 444 U.S. 1083, 100 S.Ct. 1039, 62 L.Ed. 2d 768 (1980).*

*Lecroy 's proposition that the statements in the handbook were binding is inapposite to the accepted law among the circuits that publications are not binding.\*fn15 We find that the Commissioner did not abuse his discretion in promulgating the challenged regulations. First, Farms and International did not justifiably rely on the Handbook. Taxpayers who rely on Treasury publications, which are mere guidelines, do so at their peril.*

Caterpillar Tractor Co. v. United States, 589 F.2d. 1040, 1043, 218 Ct.Cl. 517 (1978). Further, the Treasury's position on the sixty-day rule was made public through proposed section 1.993-2(d)(2) in 1972, before the taxable years at issue. Charbonnet v. United States, 455 F.2d. 1195, 1199-1200 (5th Cir.1972). See also Wendland v. Commissioner of Internal Revenue, 739 F.2d. 580, 581 (11th Cir.1984). Second, whatever harm has been suffered by Farms and International resulted from a lack of prudence. As even the Lecroy 751 F.2d. at 127. See also 79 T.C. at 1069. "[CWT Farms Inc. v. Commissioner of Internal Revenue, 755 F.2d. 790 (11th Cir. 03/19/1985)]

See also Reasonable Belief About Income Tax Liability, Form #05.007; <https://sedm.org/Forms/05-MemLaw/ReasonableBelief.pdf>.

YOUR ANSWER: \_\_\_\_Admit \_\_\_\_Deny

CLARIFICATION:\_\_\_\_\_

32. Admit that WITHOUT accountability for telling the truth and using one's REAL birthname, there is NO WAY anyone working in the government can ever actually satisfy their burden of proof, and there is no way that those they are corresponding with can have a "reasonable belief" based on evidence of their alleged "obligations"

See Reasonable Belief About Income Tax Liability, Form #05.007; <https://sedm.org/Forms/05-MemLaw/ReasonableBelief.pdf>.

YOUR ANSWER: \_\_\_\_Admit \_\_\_\_Deny

CLARIFICATION:\_\_\_\_\_

### **Affirmation:**

I declare under penalty of perjury as required under [26 U.S.C. §6065](#) that the answers provided by me to the foregoing questions are true, correct, and complete to the best of my knowledge and ability, so help me God. I also declare that these answers are completely consistent with each other and with my understanding of both the Constitution of the United States, Internal Revenue Code, Treasury Regulations, the Internal Revenue Manual (I.R.M.), and the rulings of the Supreme Court but not necessarily lower federal courts.

Name (print):\_\_\_\_\_

Signature:\_\_\_\_\_

Date:\_\_\_\_\_

Witness name (print):\_\_\_\_\_

Witness Signature:\_\_\_\_\_

Witness Date:\_\_\_\_\_