

# ***WHY YOU AREN'T ELIGIBLE FOR SOCIAL SECURITY***



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## 1 Introduction

In a number of corporate states of the Union, there is often a legal requirement to provide a Social Security Number when applying for a various types of licenses, privileges, and benefits or when going to work for a company. The only exception to this rule in most cases is if:

1. The applicant has a religious objection to having or using a Social Security Number
2. The applicant is NOT eligible for Social Security.

Below is an example of such a requirement from the California DMV Driver's License Application, Form DMV-44:

**Figure 1: California DMV-44 Drivers License Application Front Statement**

<b>3 COMPLETE THIS SECTION ONLY IF YOU ARE NOT ELIGIBLE FOR A SOCIAL SECURITY NUMBER:</b>	
I certify under penalty of perjury under the laws of the State of California that no Social Security Number has ever been issued to me and I am not presently eligible for a Social Security Number. I understand that pursuant to Vehicle Code Section 12801 I must provide my Social Security Number to the Department of Motor Vehicles when one is assigned to me.	
Signature <b>X</b>	Date

On the back of the same form, we found the following note:

**Figure 2: California DMV-44 Drivers License Application Back Statement**

<p style="text-align: center;"><b>DISCLOSURE STATEMENTS</b></p> <ul style="list-style-type: none"><li>• <b>SOCIAL SECURITY NUMBER COLLECTION DISCLOSURE</b> — You are required by law to provide your Social Security Number, if you are eligible for one, or your application will be denied. An applicant who is legally present in the United States, but not authorized to work and therefore ineligible for a Social Security Number may still be eligible for a California Driver License/Identification Card. Authority to collect the social security number is 42 U.S.C. 405 and California Vehicle Code §1653.5, §4150, §4150.2, §12800, and §12801. It will be used in the administration of driver license laws and motor vehicle registration laws and to respond to requests for information from the:<ul style="list-style-type: none"><li>• Franchise Tax Board for tax administration</li><li>• Any agency operating pursuant to 42 U.S.C. 601 et seq. It will be used to aid in the collection of monies owed in connection with:<ul style="list-style-type: none"><li>✓ failure to pay fines or failure to appear in court by an applicant</li><li>✓ Aid to Families with Dependent Children</li><li>✓ Child Support</li><li>✓ Establishment of Paternity</li></ul></li></ul></li><li>• DMV verifies your social security number, name and birth date on our records with the Social Security Administration. You will not be issued or be able to renew your driver license or identification card until the Social Security Administration verifies the information you have provided is correct. By applying for a driver license or identification card, you authorize and consent to a search of any and all databases at the Social Security Administration by the California Department of Motor Vehicles, to verify the information you have provided.</li><li>• The mailing address listed on the front of this application will be the address shown on your driver license or identification card.</li></ul>
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The purpose of this pamphlet is to introduce exculpatory, court admissible evidence showing why the average American is not, never has been, and never will be eligible to participate in Social Security. The audience for the pamphlet is anyone who demands that you produce a Social Security Number in order to qualify for a job, government service, privilege, or benefit. This might include:

1. The Department of Motor Vehicles, in the case of driver's licenses.
2. Private employers who are accepting your job application.
3. Financial institutions where you are opening new accounts.
4. Business associates and partners.
5. Schools who want your child to provide a SSN on a school form.

You are encouraged to provide this pamphlet attached to any application in which the recipient is likely to challenge your statement that you aren't eligible for Social Security, don't have a Social Security Number, and/or never applied for one. We will conclude this pamphlet with a brief series of questions based on the evidence presented, which will leave the reader with no option but to acknowledge the conclusions of this pamphlet. If you are denied a job, a financial account, a license of any kind, a business opportunity, or an education for your child because of failure to disclose a Social Security number, we strongly recommend that you use the following form to develop legal evidence useful in court in prosecuting and filing criminal complaints against those who discriminated against you:

*Denial of Application and Discrimination Affidavit*, Form #06.013  
<http://sedm.org/Forms/FormIndex.htm>

## **2 The FRAUD in a nutshell**

This pamphlet does not challenge offering or enforcing Social Security WITHIN the U.S. government among government public officers and statutory "employees" under 5 U.S.C. §2105. It does, however, challenge:

1. Whether people in a Constitutional state can lawfully alienate a right that the Declaration of Independence says are INALIENABLE. That means they are INCAPABLE of being given away, even WITH consent. The Declaration of Independence was enacted into law on the first page of the Statutes At Large and is therefore LAW.
2. The ability of any government to make a profitable business (a franchise) out of alienating rights that the Declaration of Independence says are INALIENABLE. This:
  - 2.1. Creates a criminal financial conflict of interest in those administering government.
  - 2.2. Turns a de jure government into a de facto government.

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

3. Whether the Social Security Administration, in implementing the Social Security Act, can completely disregard the requirement of civil domicile of the parties subject and thereby acts purely by contract extraterritorially in a Constitutional state WITHOUT:
  - 3.1. Waiving sovereign immunity.
  - 3.2. Waiving official immunity.
  - 3.3. Waiving judicial immunity.
  - 3.4. Waiving immunity under the Foreign Sovereign Immunities Act, 28 U.S.C. Chapter 97 in the forum state.
  - 3.5. Forfeiting their right to be heard in a federal court and being heard in a Constitutional common law state court. See *Alden v. Maine*, 527 U.S. 706 (1999).
4. The ability to pay public monies collected through "taxes" to private people.

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

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

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

*"A tax, in the general understanding of the term and as used in the constitution, signifies an exaction for the support of the government. The word has never thought to connote the expropriation of money from one group for the benefit of another."*  
*[U.S. v. Butler, 297 U.S. 1 (1936)]*

1 5. The ability to offer taxable franchises within the exclusive jurisdiction of a constitutional state.

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

7 But very different considerations apply to the **internal commerce** or **domestic trade** of the **States**. Over this  
8 commerce and trade Congress has **no power of regulation nor any direct control**. This power belongs **exclusively**  
9 to the States. **No interference by Congress with the business of citizens transacted within a State is warranted**  
10 **by the Constitution, except such as is strictly incidental to the exercise of powers clearly granted to the**  
11 **legislature**. The power to authorize a business within a State is plainly repugnant to the exclusive power of the  
12 State over the same subject. It is true that the power of Congress to tax is a very extensive power. It is given in  
13 the Constitution, with only one exception and only two qualifications. Congress cannot tax exports, and it must  
14 impose direct taxes by the rule of apportionment, and indirect taxes by the rule of uniformity. Thus limited, and  
15 thus only, it reaches every subject, and may be exercised at discretion. But, it reaches only existing subjects.  
16 **Congress cannot authorize a trade or business within a State in order to tax it.**”

17 [*License Tax Cases*, [72 U.S. 462](#), 18 L.Ed. 497, 5 Wall. 462, 2 A.F.T.R. 2224 (1866) ]

18 6. The ability of the national government to offer any government franchises OUTSIDE of federal enclaves within the  
19 constitutional states.

20 7. The ability of the national government to treat Social Security as a franchise contract when it creates no  
21 RECIPROCAL obligation on them to deliver the main consideration or reason for participating, which is the payment  
22 of benefits. Contracts without EITHER mutual consideration OR mutual obligation are unenforceable.

23 “We must conclude that **a person covered by the Act has not such a right in benefit payments**... This is not to  
24 say, however, that Congress may exercise its power to modify the statutory scheme free of all constitutional  
25 restraint.”

26 [*Flemming v. Nestor*, [363 U.S. 603](#) (1960) ]

27 8. The ability of the national government to impute the “force of law” to that which has never been enacted into positive  
28 law and therefore is not admissible legal evidence of ANYTHING, much less an obligation. The entire Titles 26 and  
29 42 are not positive law and can only acquire the “force of law” by the LAWFUL consent of the parties, none of whom  
30 can be situated where rights are INALIENABLE, such as in a constitutional state. See 1 U.S.C. §204, which says these  
31 titles are not positive law.

32 9. The ability of any court to use anything from Titles 26 and 42 of the U.S. Code as legal evidence of an obligation  
33 WITHOUT violating due process of law.

34 9.1. Quoting an entire Title of Code that is not positive law and a mere PRESUMPTION, or PRIMA FACIE  
35 PRESUMPTION, violates due process of law.

36 [1 U.S.C. §204: Codes and Supplements as evidence of the laws of United States and District of Columbia; citation](#)  
37 [of Codes and Supplements](#)

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

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

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

43 (a) United States Code. -

44 **[1] The matter set forth in the edition of the Code of Laws of the United States current at any time shall,**  
45 **together with the then current supplement, if any, establish prima facie [by presumption] the laws of the United**  
46 **States, general and permanent in their nature, in force on the day preceding the commencement of the session**  
47 **following the last session the legislation of which is included:**

48 **[2] Provided, however, That whenever titles of such Code shall have been enacted into positive law the text**  
49 **thereof shall be legal evidence of the laws therein contained, in all the courts of the United States, the several**  
50 **States, and the Territories and insular possessions of the United States.**

51

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

5           9.2. Any attempt to engage in a conclusive presumption of this kind that prejudices private or constitutional rights is a  
6 violation of due process of law.

7           (1) [8:4993] *Conclusive presumptions affecting protected interests:*

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

14           10. The ability to use Social Security Numbers as what the Federal Trade Commission (F.T.C.) calls a "franchise mark"  
15 within constitutional states of the Union:

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

21           ***The franchisor [the government] need not own the mark itself, but at the very least must have the right to***  
22 ***license the use of the mark to others. Indeed, the right to use the franchisor's mark in the operation of the***  
23 ***business - either by selling goods or performing services identified with the mark or by using the mark, in***  
24 ***whole or in part, in the business' name - is an integral part of franchising. In fact, a supplier can avoid Rule***  
25 ***coverage of a particular distribution arrangement by expressly prohibiting the distributor from using its mark."***  
26 *[FTC Franchise Rule Compliance Guide, May 2008;*  
27 *SOURCE: <http://business.ftc.gov/documents/bus70-franchise-rule-compliance-guide>]*

28           11. The ability to offer government franchises to those who are not ALREADY in the government and serving as public  
29 officers BEFORE they signed up for the franchise.

30           12. The ability to use government franchises to turn PRIVATE people in to PUBLIC officers without:

31           12.1. A proper oath. . .or

32           12.2. A proper employment agreement. . .or

33           12.3. The people serving in said offices even KNOWING they are public officers. . .or

34           12.4. Legislation that "expressly authorizes" those offices to be exercised in the exact place they are executed as  
35 required by 4 U.S.C. §72.

36           13. The ability of judges and government administrators to add to the definitions of the following terms in the Social  
37 Security Act entirely by fiat so as to place Constitutional states or PRIVATE people in those states within the statutory  
38 definition who are not expressly found there:

39           13.1. "State"

40           13.2. "United States"

41           13.3. "Employee"

42           13.4. "person"

43           13.5. "individual"

44           Below are the rules of statutory construction and interpretation that PREVENT them from doing this:

45           *"Expressio unius est exclusio alterius. A maxim of statutory interpretation meaning that **the expression of one***  
46 ***thing is the exclusion of another.** Burgin v. Forbes, 293 Ky. 456, 169 S.W.2d. 321, 325; Newblock v. Bowles,*  
47 *170 Okl. 487, 40 P.2d. 1097, 1100. Mention of one thing implies exclusion of another. **When certain persons or***  
48 ***things are specified in a law, contract, or will, an intention to exclude all others from its operation may be***  
49 ***inferred.** Under this maxim, if statute specifies one exception to a general rule or assumes to specify the effects*  
50 *of a certain provision, other exceptions or effects are excluded."*  
51 *[Black's Law Dictionary, Sixth Edition, p. 581]*

52           ***"When a statute includes an explicit definition, we must follow that definition, even if it varies from that term's***  
53 ***ordinary meaning.** Meese v. Keene, 481 U.S. 465, 484-485 (1987) ("It is axiomatic that the statutory definition*  
54 *of the term excludes unstated meanings of that term"); Colautti v. Franklin, 439 U.S. at 392-393, n. 10 ("As a*  
55 *rule, `a definition which declares what a term "means" . . . excludes any meaning that is not stated"); Western*



1 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  
2 (1935) (Cardozo, J.); see also 2A N. Singer, Sutherland on Statutes and Statutory Construction § 47.07, p. 152,  
3 and n. 10 (5th ed. 1992) (collecting cases). That is to say, the statute, read "as a whole," post at 998 [530 U.S.  
4 943] (THOMAS, J., dissenting), leads the reader to a definition. That definition does not include the Attorney  
5 General's restriction -- "the child up to the head." Its words, "substantial portion," indicate the contrary."  
6 [*Stenberg v. Carhart*, 530 U.S. 914 (2000)]

- 7 14. Whether it constitutes criminal identity theft when the above rules of statutory construction are violated and people  
8 within the exclusive jurisdiction of a Constitutional state are treated AS IF they are on federal territory and subject to  
9 federal law that would otherwise be "foreign". See:

Government Identity Theft, Form #05.046  
<https://sedm.org/Forms/FormIndex.htm>

- 10 15. Whether offering or enforcing Social Security to those not domiciled on federal territory and therefore extraterritorially  
11 constitutes:

12 15.1. A loan of property to those who apply. The public rights conveyed by the Social Security Act in fact are the  
13 "property" being loaned.

14 15.2. A private law business activity outside of what is EXPRESSLY authorized by the Constitution.

15 "It is, we think, a sound principle, that when a government becomes a partner in any trading [or by implication  
16 SOCIAL INSURANCE] company, it divests itself, so far as concerns the transactions of that company, of its  
17 sovereign character, and takes that of a private citizen. Instead of communicating to the company its privileges  
18 and its prerogatives, it descends to a level with those with whom it associates itself, and takes the character  
19 which belongs to its associates, and to the business which is to be transacted."  
20 [*Bank of the U.S., The v. The Planters' Bank of Georgia*, 22 U.S. 904, 9 Wheat 904, 6 L.Ed. 244 (1824)]

- 21 16. Whether offering national franchises in constitutional states subverts the entire constitution and transforms the  
22 government of limited delegated powers to UNLIMITED powers, and thus ANARCHY and idolatry:

23 "With respect to the words general welfare, I have always regarded them as qualified by the detail of powers  
24 connected with them. To take them in a literal and unlimited sense would be a metamorphosis of the Constitution  
25 into a character which there is a host of proofs was not contemplated by its creator."

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

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

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

39  
40 It has been urged and echoed, that the power "to lay and collect taxes, duties, imposts, and excises, to pay the  
41 debts, and provide for the common defense and general welfare of the United States," amounts to an unlimited  
42 commission to exercise every power which may be alleged to be necessary for the common defense or general  
43 welfare. No stronger proof could be given of the distress under which these writers labor for objections, than  
44 their stooping to such a misconstruction. Had no other enumeration or definition of the powers of the Congress  
45 been found in the Constitution, than the general expressions just cited, the authors of the objection might have  
46 had some color for it... For what purpose could the enumeration of particular powers be inserted, if these and  
47 all others were meant to be included in the preceding general power? Nothing is more natural nor common than  
48 first to use a general phrase, and then to explain and qualify it by a recital of particulars... But what would have  
49 been thought of that assembly, if, attaching themselves to these general expressions, and disregarding the  
50 specifications which ascertain and limit their import, they had exercised an unlimited power of providing for the  
51 common defense and general welfare? (*Federalists #41*)

52 [*Federalist #41. Saturday, January 19, 1788, James Madison*]



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

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

That of instituting a Congress with power to do whatever would be for the good of the United States; and, as they would be the sole judges of the good or evil, it would be also a power to do whatever evil they please.  
[Thomas Jefferson: Opinion on National Bank, 1791. ME 3:148; SOURCE:  
<http://famguardian.org/Subjects/Politics/ThomasJefferson/jeff1020.htm> and  
<http://thefederalistpapers.org/founders/jefferson/thomas-jefferson-opinion-on-national-bank-1791>]

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

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

Mr. WILLIAMSON. In the Constitution of this government, there are two or three remarkable provisions which seem to be in point. It is provided that direct taxes shall be apportioned among the several states according to their respective numbers. It is also provided that "all duties, imposts, and excises, shall be uniform throughout the United States;" and it is provided that no preference shall be given, by any regulation of commercial revenue, to the ports of one state over those of another. The clear and obvious intention of the articles mentioned was, that Congress might not have the power of imposing unequal burdens -- that it might not be in 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 pay point teachers in every state, county, and parish, and pay them out of their public treasury; they may take into their own hands the education of children, establishing in like manner schools throughout the Union; they may assume the provision for the poor; they may undertake the regulation of all roads other than post-roads; in short, every thing, from the highest object of state legislation down to the most minute object of police, would be thrown under the power of Congress; for every object I have mentioned would admit of the application of money, and might be called, if Congress pleased, provisions for the general welfare.

The language held in various discussions of this house is a proof that the doctrine in question was never entertained by this body. Arguments, wherever the subject would permit, have constantly been drawn from the peculiar nature of this government, as limited to certain enumerated powers, instead of extending, like other governments, to all cases not particularly excepted. In a very late instance -- I mean the debate on the representation bill -- it must be remembered that an argument much used, particularly by gentlemen from Massachusetts, against the ratio of 1 for 30,000, was, that this government was unlike the state governments, which had an indefinite variety of objects within their power; that it had a small number of objects only to attend to; and therefore, that a smaller number of representatives would be sufficient to administer it.

Arguments have been advanced to show that because, in the regulation of trade, indirect and eventual encouragement is given to manufactures, therefore Congress have power to give money in direct bounties, or to grant it in any other way that would answer the same purpose. But surely, sir, there is a great and obvious difference, which it cannot be necessary to enlarge upon. A duty laid on imported implements of husbandry would, in its operation, be an indirect tax on exported produce; but will any one say that, by virtue of a mere power to lay duties on imports, Congress might go directly to the produce or implements of agriculture, or to the articles exported? It is true, duties on exports are expressly prohibited; but if there were no article forbidding them, a power directly to tax exports could never be deduced from a power to tax imports, although such a power might indirectly and incidentally affect exports.

In short, sir, without going farther into the subject. Which I should not have here touched at all but for the reasons already mentioned, I venture to declare it as my opinion, that, were the power of Congress to be established in the latitude contended for, it would subvert the very foundations, and transmute the very nature of the limited government established by the people of America; and what inferences might be drawn, or what consequences ensue, from such a step, it is incumbent on us all to consider.

17. Whether the criminal identity theft in the previous step also constitutes “human trafficking”, whereby those who are forced against their will to become public officer franchisees to pay off an endless mountain of ever-expanding federal debt are “peons” and “slaves” under the Thirteenth Amendment, which applies EVERYWHERE, including federal territory:

*“That is does not conflict with the Thirteenth Amendment, which abolished slavery and involuntary servitude, except as a punishment for crime, is too clear for argument. Slavery implies involuntary servitude—a state of bondage; the ownership of mankind as a chattel, or at least the control of the labor and services of one man for the benefit of another, and the absence of a legal right to the disposal of his own person, property, and services. This amendment was said in the Slaughter House Cases, 16 Wall, 36, to have been intended primarily to abolish slavery, as it had been previously known in this country, and that it equally forbade Mexican peonage or the Chinese coolie trade, when they amounted to slavery or involuntary servitude and that the use of the word ‘servitude’ was intended to prohibit the use of all forms of involuntary slavery, of whatever class or name.”*  
[Plessy v. Ferguson, 163 U.S. 537, 542 (1896)]

*“It is not open to doubt that Congress may enforce the 13th Amendment by direct legislation, punishing the holding of a person in slavery or in involuntary servitude except as a punishment for crime. In the exercise of that power Congress has enacted these sections denouncing peonage, and punishing one who holds another in that condition of involuntary servitude. This legislation is not limited to the territories or other parts of the strictly national domain, but is operative in the states and wherever the sovereignty of the United States extends. We entertain no doubt of the validity of the legislation, or its applicability to the case of any person holding another in a state of peonage, and this whether there be a municipal ordinance or state law sanctioning such holding. It operates directly on every citizen of the Republic, wherever his residence may be.”*  
[Clyatt v. United States, 197 U.S. 207; 25 S.Ct. 429; 49 L.Ed. 726 (1905)]

18. The ability of Constitutional states to act essentially as federal corporation franchises and thereby undermine and corrupt the very purpose of their creation, which is the protection of PRIVATE property and PRIVATE rights. This:
- 18.1. Creates a criminal financial conflict of interest in judges and politicians who offer or enforce all such programs.
- 18.2. Turns the election process essentially into an auction process that auctions off other people’s rights and property to the highest bidder.
- 18.3. Makes due process of law in any court trial IMPOSSIBLE in all litigation dealing with those who don’t want to participate in the franchise. The most basic element of due process is an impartial decision maker with no financial interest because it is a crime, in violation of 18 U.S.C. §208. Anyone who participates as a juror in a case involving any franchise who also participates in that franchise can NEVER be completely impartial.
19. The ability of those in the government to call the Social Security System voluntary but to REFUSE to allow or not protect their RIGHT to quit, and to no provide any forms or procedures to quit. Isn’t this FRAUD? See:

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

20. Whether those who are victimized by the above can use EXACTLY the same mechanism to acquire rights against the national government. Namely, by instituting their own anti-franchise franchise that nullifies the government’s franchise, such as the following.

*“The State in such cases exercises no greater right than an individual may exercise over the use of his own property when leased or loaned to others. The conditions upon which the privilege shall be enjoyed being stated or implied in the legislation authorizing its grant, no right is, of course, impaired by their enforcement. The recipient of the privilege, in effect, stipulates to comply with the conditions. It matters not how limited the privilege conferred, its acceptance implies an assent to the regulation of its use and the compensation for it.”*  
[Munn v. Illinois, 94 U.S. 113 (1876)]

A failure to allow this is a violation of the requirement for equal protection and equal treatment that makes the government into an unconstitutional religion with superior or supernatural powers in violation of the First Amendment and the Constitutional prohibition against “Titles of Nobility”:

Injury Defense Franchise and Agreement, Form #06.027  
<https://sedm.org/Forms/FormIndex.htm>

21. The ability to do ANY of the above things WITHOUT violating the Separation of Powers Doctrine that is at the heart of the Constitution:

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

### 3 Social Security Definitions

The Social Security Act and its legislative history may be read on the SSA website at:

<http://www.ssa.gov/history/law.html>

The following definitions are provided as found in the Social Security Act, which you may read at:

**Table 1: Social Security Definitions**

Word	Definition	Location within Social Security Act(s)
"United States"	<p><u>ORIGINAL 1935 ACT DEFINITION:</u></p> <p><i>"(2) The term United States when used in a geographical sense means the States, Alaska, Hawaii, and the District of Columbia."</i></p> <p><u>CURRENT DEFINITION:</u></p> <p><i>"(2) The term "United States" when used in a geographical sense means, except where otherwise provided, the States."</i></p>	<ol style="list-style-type: none"><li>1. <a href="#">Social Security Act of 1935, Section 1101(a)(2).</a></li><li>2. <a href="#">Current Social Security Act, Section 1101(a)(2).</a></li><li>3. 42 U.S.C. §1301(a)(2)</li></ol>
"State"	<p><u>ORIGINAL 1935 ACT DEFINITION:</u></p> <p><i>"The term State (except when used in section 531) includes Alaska, Hawaii, and the District of Columbia."</i></p> <p><u>CURRENT DEFINITION:</u></p> <p><i>"(1) The term 'State', except where otherwise provided, includes the District of Columbia and the Commonwealth of Puerto Rico, and when used in titles IV, V, VII, XI, XIX, and XXI includes the Virgin Islands and Guam. Such term when used in titles III, IX, and XII also includes the Virgin Islands. Such term when used in title V and in part B of this title also includes American Samoa, the Northern Mariana Islands, and the Trust Territory of the Pacific Islands. Such term when used in titles XIX and XXI also includes the Northern Mariana Islands and American Samoa. In the case of Puerto Rico, the Virgin Islands, and Guam, titles I, X, and XIV, and title XVI (as in effect without regard to the amendment made by section 301 of the Social Security Amendments of 1972<sup>[31]</sup>) shall continue to apply, and the term 'State' when used in such titles (but not in title XVI as in effect pursuant to such amendment after December 31, 1973) includes Puerto Rico, the Virgin Islands, and Guam. Such term when used in title XX also includes the Virgin Islands, Guam, American Samoa, and the Northern Mariana Islands. Such term when used in title IV also includes American Samoa."</i></p>	<ol style="list-style-type: none"><li>1. <a href="#">Social Security Act of 1935, Section 1101(a)(1).</a></li><li>2. <a href="#">Current Social Security Act, Section 1101(a)(1)</a></li><li>3. <a href="#">42 U.S.C. §1301(a)(1)</a></li></ol>
"Currently insured individual"	<p><u>CURRENT DEFINITION:</u></p> <p><i>(c)<sup>[234]</sup> For purposes of subsections (a) and (b), the criterion specified in this subsection is that the individual, if not a United States citizen or national—</i></p> <p><i>(1) has been assigned a social security account number that was, at the time of assignment, or at any later time, consistent with the requirements of subclause (I) or (III) of section 205(c)(2)(B)(i); or</i></p>	<ol style="list-style-type: none"><li>1. <a href="#">Current Social Security Act, Section 214(c)</a></li><li>2. <a href="#">42 U.S.C. §414(c)</a></li></ol>

Word	Definition	Location within Social Security Act(s)
	<p>(2) at the time any such quarters of coverage are earned—</p> <p>(A) is described in subparagraph (B) or (D) of section 101(a)(15) of the Immigration and Nationality Act,</p> <p>(B) is lawfully admitted temporarily to the United States for business (in the case of an individual described in such subparagraph (B)) or the performance as a crewman (in the case of an individual described in such subparagraph (D)), and</p> <p>(C) the business engaged in or service as a crewman performed is within the scope of the terms of such individual's admission to the United States.</p>	

#### 4 Definition of “franchise”<sup>1</sup>

Social Security is a “franchise”. The word “[franchise](#)” means a loan rather than a gift of specific property with legal strings or “obligations” attached.

**FRANCHISE.** A special privilege conferred by government on individual or corporation, and which does not belong to citizens of country generally of common right. *Elliott v. City of Eugene*, 135 Or. 108, 294 P. 358, 360. In England it is defined to be a royal privilege in the hands of a subject.

A “franchise,” as used by Blackstone in defining quo warranto, (3 Com. 262 [4th Am. Ed.] 322), had reference to a royal privilege or branch of the king's prerogative subsisting in the hands of the subject, and must arise from the king's grant, or be held by prescription, but today we understand a franchise to be some special privilege conferred by government on an individual, natural or artificial, which is not enjoyed by its citizens in general. *State v. Fernandez*, 106 Fla. 779, 143 So. 638, 639, 86 A.L.R. 240.

**In this country a franchise is a privilege or immunity of a public nature, which cannot be legally exercised without legislative grant. To be a corporation is a franchise.** The various powers conferred on corporations are franchises. The execution of a policy of insurance by an insurance company [e.g. **Social Insurance/Socialist Security**], and the issuing a bank note by an incorporated bank [such as a **Federal Reserve NOTE**], are franchises. *People v. Utica Ins. Co.*, 15 Johns., N.Y., 387, 8 Am.Dec. 243. But it does not embrace the property acquired by the exercise of the franchise. *Bridgeport v. New York & N. H. R. Co.*, 36 Conn. 255, 4 Arn.Rep. 63. Nor involve interest in land acquired by grantee. *Whitbeck v. Funk*, 140 Or. 70, 12 P.2d 1019, 1020. **In a popular sense, the political rights of subjects and citizens are franchises, such as the right of suffrage. etc. Pierce v. Emery**, 32 N.H. 484; *State v. Black Diamond Co.*, 97 Ohio St. 24, 119 N.E. 195, 199, L.R.A.1918E, 352.

*Elective Franchise.* The right of suffrage: the right or privilege of voting in public elections.

*Exclusive Franchise.* See *Exclusive Privilege or Franchise*.

*General and Special.* The charter of a corporation is its “general” franchise, while a “special” franchise consists in any rights granted by the public to use property for a public use but-with private profit. *Lord v. Equitable Life Assur. Soc.*, 194 N.Y. 212, 81 N.E. 443, 22 L.R.A.,N.S., 420.

*Personal Franchise.* A franchise of corporate existence, or one which authorizes the formation and existence of a corporation, is sometimes called a “personal” franchise. as distinguished from a “property” franchise, which authorizes a corporation so formed to apply its property to some particular enterprise or exercise some special privilege in its employment, as, for example, to construct and operate a railroad. See *Sandham v. Nye*, 9 Misc.ReP. 541, 30 N.Y.S. 552.

*Secondary Franchises.* The franchise of corporate existence being sometimes called the “primary” franchise of a corporation, its “secondary” franchises are the special and peculiar rights, privileges, or grants which it may, receive under its charter or from a municipal corporation, such as the right to use the public streets, exact tolls, collect fares, etc. *State v. Topeka Water Co.*, 61 Kan. 547, 60 P. 337; *Virginia Canon Toll Road Co. v. People*,

<sup>1</sup> Source: *SEDM Disclaimer*, Section 4: Meaning of Words, under “franchise”; <https://sedm.org/disclaimer.htm>.



22 Colo. 429, 45 P. 398 37 L.R.A. 711. The franchises of a corporation are divisible into (1) corporate or general franchises; and (2) "special or secondary franchises. The former is the franchise to exist as a corporation, while the latter are certain rights and privileges conferred upon existing corporations. Gulf Refining Co. v. Cleveland Trust Co., 166 Miss. 759, 108 So. 158, 160.

Special Franchisee. See Secondary Franchises, *supra*.  
[Black's Law Dictionary, 4th Edition, pp. 786-787]

The definition of "privilege" in the definition above means PROPERTY, whether physical or intangible. This loan is often called a "grant" in statutes, as in the case of Social Security in [42 U.S. Code Subchapter I-Grants to the States for Old-Age Assistance](#). That grant is to federal territories and NOT constitutional states, as demonstrated by the definition of "State" found in [42 U.S.C. §1301](#)(a)(1). Hence, Social Security cannot be offered in constitutional states, but only federal territories, as proven in this form.

*"For here, the state must deposit the proceeds of its taxation in the federal treasury, upon terms which make the deposit suspiciously like a forced loan to be repaid only in accordance with restrictions imposed by federal law. Title IX, §§ 903 (a) (3), 904 (a), (b), (c). All moneys withdrawn from this fund must be used exclusively for the payment of compensation. § 903 (a) (4). And this compensation is to be paid through public employment offices in the state or such other agencies as a federal board may approve. § 903 (a) (1)."*  
[[Steward Machine Co. v. Davis, 301 U.S. 548 \(1937\)](#)]

In the case of government franchises, property loaned can include one or more of the following:

1. A public right or public privilege granted by a statute that is not found in the Constitution but rather created by the Legislature. This includes remedies provided in franchise courts in the Executive Branch under Article I or Article IV to vindicate such rights. It does not include remedies provided in true Article III courts.

*"The distinction between public rights and private rights has not been definitively explained in our precedents. Nor is it necessary to do so in the present cases, for it suffices to observe that a matter of public rights must at a minimum arise "between the government and others." Ex parte Bakelite Corp., supra, at 451, 49 S.Ct., at 413. In contrast, "the liability of one individual to another under the law as defined," Crowell v. Benson, supra, at 51, 52 S.Ct., at 292, is a matter of private rights. Our precedents clearly establish that only controversies in the former category may be removed from Art. III courts and delegated to legislative courts or administrative agencies for their determination. See Atlas Roofing Co. v. Occupational Safety and Health Review Comm'n, 430 U.S. 442, 450, n. 7, 97 S.Ct. 1261, 1266, n. 7, 51 L.Ed.2d. 464 (1977); Crowell v. Benson, supra, 285 U.S., at 50-51, 52 S.Ct., at 292. See also Katz, Federal Legislative Courts, 43 Harv.L.Rev. 894, 917-918 (1930).FN24 Private-rights disputes, on the other hand, lie at the core of the historically recognized judicial power."*

[. . .]

Although Crowell and Raddatz do not explicitly distinguish between rights created by Congress [PUBLIC RIGHTS] and other [PRIVATE] rights, such a distinction underlies in part Crowell's and Raddatz' recognition of a critical difference between rights created by federal statute and rights recognized by the Constitution. Moreover, such a distinction seems to us to be necessary in light of the delicate accommodations required by the principle of separation of powers reflected in Art. III. The constitutional system of checks and balances is designed to guard against "encroachment or aggrandizement" by Congress at the expense of the other branches of government. Buckley v. Valeo, 424 U.S., at 122, 96 S.Ct., at 683. But when Congress creates a statutory right [a "privilege" or "public right" in this case, such as a "trade or business"], it clearly has the discretion, in defining that right, to create presumptions, or assign burdens of proof, or prescribe remedies; it may also provide that persons seeking to vindicate that right must do so before particularized tribunals created to perform the specialized adjudicative tasks related to that right. FN35 Such provisions do, in a sense, affect the exercise of judicial power, but they are also incidental to Congress' power to define the right that it has created. No comparable justification exists, however, when the right being adjudicated is not of congressional creation. In such a situation, substantial inroads into functions that have traditionally been performed by the Judiciary cannot be characterized merely as incidental extensions of Congress' power to define rights that it has created. Rather, such inroads suggest unwarranted encroachments upon the judicial power of the United States, which our Constitution reserves for Art. III courts.  
[[Northern Pipeline Const. Co. v. Marathon Pipe Line Co., 458 U.S. 50, 102 S.Ct. 2858 \(1983\)](#)]



2. Any type of privilege, immunity, or exemption granted by a statute to a specific class of people and not to all people generally that is not found in the Constitution. All such statutes are referred to as "special law" or "private law", where the government itself is acting in a private rather than a public capacity on an equal footing with every other private human in equity. The U.S. Supreme court also called such legislation "class legislation" in [Pollock v. Farmers Loan and Trust, 157 U.S. 429 \(1895\)](#) and the ONLY "class" they can be talking about are public officers in the U.S. government and not to all people generally. See [Why Your Government is Either a Thief or You Are a "Public Officer" for Income Tax Purposes, Form #05.008](#) for proof:

*"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]

3. A statutory "[civil status](#)" created and therefore owned by the legislature. This includes statutory "taxpayers", "drivers", "persons", "individuals", etc. All such entities are creations of Congress and public rights which carry obligations when consensually and lawfully exercised. See:

[Your Exclusive Right to Declare or Establish Your Civil Status, Form #13.008](#)  
<https://sedm.org/Forms/13-SelfFamilyChurchGovnce/RightToDeclStatus.pdf>

4. A STATUTORY Social Security Card. The regulations at [20 C.F.R. §422.103\(d\)](#) indicates the card is property of the government and must be returned upon request.
5. A U.S. passport. The passport indicates that it is property of the government that must be returned upon request.
6. A "[license](#)", which is legally defined as permission by the state to do something that would otherwise be illegal or even criminal.

In legal parlance, such a loan makes the recipient a temporary trustee, and if they violate their trust, the property can be taken back through administrative action or physical seizure and without legal process so long as the conditions of the loan allowed for these methods of enforcement:

*"How, then, are purely equitable obligations created? For the most part, either by the acts of third persons or by equity alone. But how can one person impose an obligation upon another? By giving property to the latter on the terms of his assuming an obligation in respect to it. At law there are only two means by which the object of the donor could be at all accomplished, consistently with the entire ownership of the property passing to the donee, namely: first, by imposing a real obligation upon the property; secondly, by subjecting the title of the donee to a condition subsequent. The first of these the law does not permit; the second is entirely inadequate. Equity, however, can secure most of the objects of the donor, and yet avoid the mischiefs of real obligations by imposing upon the donee (and upon all persons to whom the property shall afterwards come without value or with notice) a personal obligation with respect to the property; and accordingly this is what equity does. It is in this way that all trusts are created, and all equitable charges made (i.e., equitable hypothecations or liens created) by testators in their wills. In this way, also, most trusts are created by acts inter vivos, except in those cases in which the trustee incurs a legal as well as an equitable obligation. In short, as property is the subject of every equitable obligation, so the owner of property is the only person whose act or acts can be the means of creating an obligation in respect to that property. Moreover, the owner of property can create an obligation in respect to it in only two ways: first, by incurring the obligation himself, in which case he commonly also incurs a legal obligation; secondly, by imposing the obligation upon some third person; and this he does in the way just explained."*

[Readings on the History and System of the Common Law, Second Edition, Roscoe Pound, 1925, p. 543]

*"When Sir Matthew Hale, and the sages of the law in his day, spoke of property as affected by a public interest, and ceasing from that cause to be juris privati solely, that is, ceasing to be held merely in private right, they referred to*

*[1] property dedicated [DONATED] by the owner to public uses, or*

[2] to property the use of which was granted by the government [e.g. Social Security Card], or

[3] in connection with which special privileges were conferred [licenses].

Unless the property was thus dedicated [by one of the above three mechanisms], or some right bestowed by the government was held with the property, either by specific grant or by prescription of so long a time as to imply a grant originally, the property was not affected by any public interest so as to be taken out of the category of property held in private right."

[Munn v. Illinois, 94 U.S. 113, 139-140 (1876)]

The above authorities imply that a mere act of accepting or using the property in question in effect represents "implied consent" to abide by the conditions associated with the loan, as described in the California Civil Code below:

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.*

The U.S. Supreme Court further acknowledged the above mechanisms of using loans of government property to create equitable obligations against the recipient of the property as follows. Note that they ALSO imply that YOU can use exactly the same mechanism against the government to impose obligations upon them, if they are trying to acquire your physical property, your services, your labor, your time, or impose any kind of [obligation \(Form #12.040\)](#) against you without your express written consent, because all such activities involve efforts to acquire what is usually PRIVATE, absolutely owned property that you can use to control the GOVERNMENT as the lawful owner:

*"The State in such cases exercises no greater right than an individual may exercise over the use of his own property when leased or loaned to others. The conditions upon which the privilege shall be enjoyed being stated or implied in the legislation authorizing its grant, no right is, of course, impaired by their enforcement. The recipient of the privilege, in effect, stipulates to comply with the conditions. It matters not how limited the privilege conferred, its acceptance implies an assent to the regulation of its use and the compensation for it."*  
[Munn v. Illinois, 94 U.S. 113 (1876)]

The [injustice \(Form #05.050\)](#), [sophistry](#), and [deception \(Form #05.014\)](#) underlying their welfare state system is that:

1. Governments don't produce anything, but merely transfer wealth between otherwise private people (see [Separation Between Public and Private Course, Form #12.025](#)).
2. The money they are paying you can never be more than what you paid them, and if it is, then they are abusing their taxing powers!

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

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

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

3. If they try to pay you more than you paid them, they must make you into a public officer to do so to avoid the prohibition of the case above. In doing so, they in most cases must illegally establish a public office and in effect use

"benefits" to criminally bribe you to illegally impersonate such an office. See [The "Trade or Business" Scam, Form #05.001](#) for details.

4. Paying you back what was originally your own money and NOTHING more is not a "benefit" or even a loan by them to you. If anything, it is a temporary loan by you to them! And it's an unjust loan because they don't have to pay interest!
5. Since you are the real lender, then you are the only real party who can make rules against them and not vice versa. See [Article 4, Section 3, Clause 2 of the Constitution](#) for where the ability to make those rules comes from.
6. All franchises are contracts that require mutual consideration and mutual obligation to be enforceable. Since government isn't contractually obligated to provide the main consideration, which is "benefits" and isn't obligated to provide ANYTHING that is truly economically valuable beyond that, then the "contract" or "compact" is unenforceable against you and can impose no obligations on you based on mere equitable principals of contract law.

*"We must conclude that a person covered by the Act has not such a right in benefit payments... This is not to say, however, that Congress may exercise its power to modify the statutory scheme free of all constitutional restraint."*

*[Flemming v. Nestor, 363 U.S. 603 (1960) ]*

*"... railroad benefits, like social security benefits, are not contractual and may be altered or even eliminated at any time."*

*[United States Railroad Retirement Board v. Fritz, 449 U.S. 166 (1980) ]*

For further details on government franchises, see:

1. *Sovereignty Forms and Instructions Online*, Form #10.014, Cites by Topic: "franchise"  
<http://famguardian.org/TaxFreedom/CitesByTopic/franchise.htm>
2. *Government Franchises Course*, Form #12.012  
Slides: <https://sedm.org/LibertyU/GovFranchises.pdf>  
Video: <http://youtu.be/vnDcauqlbTQ>
3. *Government Instituted Slavery Using Franchises*, Form #05.030  
<https://sedm.org/Forms/05-MemLaw/Franchises.pdf>

For information on how to avoid franchises, quit them, or use your own PERSONAL franchises to DEFEND yourself against illegal government franchise administration or enforcement, usually against ineligible parties, see:

1. *Avoiding Traps on Government Forms Course*, Form #12.023  
<https://sedm.org/LibertyU/AvoidingTrapsGovForms.pdf>
2. *Path to Freedom*, Form #09.015, Section 5  
<https://sedm.org/Forms/09-Procs/PathToFreedom.pdf>
3. *Injury Defense Franchise and Agreement*, Form #06.027  
<https://sedm.org/Forms/06-AvoidingFranch/InjuryDefenseFranchise.pdf>
4. *SEDM Forms/Pubs page*, Section 1.6: Avoiding Government Franchises  
<https://sedm.org/Forms/FormIndex-Singlepg.htm#1.6>. [AVOIDING GOVERNMENT FRANCHISES AND LICENSES](#)
5. *The Government "Benefits" Scam*, Form #05.040 (Member Subscription form)  
<https://sedm.org/Forms/FormIndex.htm>
6. *Why the Government is the Only Real Beneficiary of All Government Franchises*, Form #05.051 (Member Subscription form)  
<https://sedm.org/Forms/FormIndex.htm>

## **5 Requirements for Joining Social Security**

The process of applying for a Social Security Number is started by filling out the SSA form SS-5 available at:

<http://www.socialsecurity.gov/online/ss-5.html>

The requirements for joining Social Security are as follows:

1. “noncitizens”, which are those who are not statutory “U.S. citizens” pursuant to [8 U.S.C. §1401](#), cannot apply for a Social Security Number for the exclusive purpose of getting a Driver’s License. See SSA website FAQs. Below is the question on their website relating to this:

[Can a noncitizen obtain a Social Security number to get a drivers license?](#)

QUESTION: Can a noncitizen obtain a Social Security number to get a drivers license?

ANSWER: No. We no longer can assign an SSN to a noncitizen solely for the purpose of obtaining a driver’s license. Noncitizens otherwise ineligible for an SSN can, however, obtain one for purposes other than employment when-

- A Federal statute or regulation requires the noncitizen to provide an SSN to get a particular benefit or service; or
- A State or local law requires the noncitizen to provide a SSN to get general assistance benefits.

2. Only statutory “[U.S. citizens](#)” (8 U.S.C. §1401) and “lawful permanent residents” (aliens), both of whom have in common a legal domicile within the STATUTORY “United States” (federal territory, 26 U.S.C. §7701(a)(9) and (a)(10)) can lawfully apply for a Social Security Number and card. See [20 C.F.R. §422.104](#) at:

[https://law.justia.com/cfr/title20/20cfr422\\_main\\_02.html](https://law.justia.com/cfr/title20/20cfr422_main_02.html)

Since the above regulation is found in Title 20 of the Code of Federal Regulations, and the name of that title is “Employee’s Benefits”, those who join the Social Security program agree to act as federal “employees” from that point forward. Look at the name of the Title yourself at: <https://law.justia.com/cfr/>.

3. The [current Social Security Act, Section 1101](#), contains definitions of key terms used on the Social Security Website. The definitions of “State” and “United States”, which we repeat in section 2 earlier, indicate that a statutory “[U.S. citizen](#)” as used in the Act, means a person born in the District of Columbia or a federal territory or possession and domiciled there. The definition of the term does *not* include the states of the Union, and under the Rules of Statutory Construction, it is safe to conclude that what is not explicitly included is purposefully excluded.

*“expressio unius, exclusio alterius”—if one or more items is specifically listed, omitted items are purposely excluded. Becker v. United States, 451 U.S. 1306 (1981)*

*“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]

Persons domiciled in states of the Union on other than federal territory are NOT eligible for Social Security because:

1. The Supreme Court has indicated that Congress has NO LEGISLATIVE JURISDICTION within states of the Union:

*“It is no longer open to question that **the general government, unlike the states,** Hammer v. Dagenhart, [247 U.S. 251, 275](#), 38 S.Ct. 529, 3 A.L.R. 649, Ann.Cas.1918E 724, **possesses no inherent power in respect of the internal affairs of the states; and emphatically not with regard to legislation.**”*  
[Carter v. Carter Coal Co., [298 U.S. 238](#), 56 S.Ct. 855 (1936)]

*“The difficulties arising out of our dual form of government and the opportunities for differing opinions concerning the relative rights of state and national governments are many; **but for a very long time this court has steadfastly adhered to the doctrine that the taxing power of Congress does not extend to the states or their political subdivisions.** The same basic reasoning which leads to that conclusion, we think, requires like limitation upon the power which springs from the bankruptcy clause. United States v. Butler, supra.”*  
[Ashton v. Cameron County Water Improvement District No. 1, 298 U.S. 513, 56 S.Ct. 892 (1936)]

By implication, the Social Security program can ONLY be offered to those domiciled in the District of Columbia and the territories and possessions of the United States and NOT to persons domiciled in states of the Union.

2. A person born within and domiciled within states of the Union is classified as a “national” but not a “citizen” under federal law. He is NOT a statutory “national and citizen of the United States” under [8 U.S.C. §1401](#). See references below for exhaustive proof of this:

2.1. *Why You Are a “national”, “state national”, and Constitutional but Not Statutory Citizen*, Form #05.006:

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

2.2. *Tax Deposition Questions*, Form #03.016, Section 14: Citizenship

<http://famguardian.org/TaxFreedom/Forms/Discovery/Deposition/Deposition.htm>

3. Because people born in and domiciled within states of the Union are neither “U.S. citizens” under 8 U.S.C. §1401 nor “lawful permanent residents”, which are “aliens”, then they do not qualify for the Social Security Program. If they sign up, then they must commit perjury on the SS-5 form by indicating that they are “U.S. citizens”. Consequently, the vast majority of persons within states of the Union who signed up for the program are NOT eligible, and the moneys they contributed to the program were contributed illegally.
4. The reason the U.S. government is willing to “look the other way” by accepting unqualified applicants from states of the Union is because Social Security is the main method by which the IRS manufactures “taxpayers”, which are persons subject to federal jurisdiction and the Internal Revenue Code Subtitle A. A person who does not sign up for Social Security or a Social Security Number, unless he completes and submits a W-4 or 1040 form voluntarily, cannot be made liable for federal income taxes under I.R.C. Subtitle A.
5. Offering of Social Security to people in states of the Union is an enlargement of federal powers beyond what the Constitution authorizes over citizens of the states who would otherwise be “foreign” and outside of the jurisdiction of the federal government. The U.S. Supreme Court said that the states CANNOT consent to such an enlargement of federal powers or the breakdown of the Separation of Powers that it causes.

*State officials thus cannot consent to the enlargement of the powers of Congress beyond those enumerated in the Constitution. Indeed, the facts of this case raise the possibility that powerful incentives might lead both federal and state officials to view departures from the federal structure to be in their personal interests. Most citizens recognize the need for radioactive waste disposal sites, but few want sites near their homes. As a result, while it would be well within the authority of either federal or state officials to choose where the disposal sites will be, it is likely to be in the political interest of each individual official to avoid being held accountable to the voters for the choice of location. If [505 U.S. 144, 183] a federal official is faced with the alternatives of choosing a location or directing the States to do it, the official may well prefer the latter, as a means of shifting responsibility for the eventual decision. If a state official is faced with the same set of alternatives - choosing a location or having Congress direct the choice of a location - the state official may also prefer the latter, as it may permit the avoidance of personal responsibility. The interests of public officials thus may not coincide with the Constitution's intergovernmental allocation of authority. Where state officials purport to submit to the direction of Congress in this manner, federalism is hardly being advanced. "*  
*[New York v. United States, 505 U.S. 144 (1992)]*

6. If the State government cannot do it, then neither can the sovereign people in the states without violating the Constitution and destroying the protection for our liberties effected by the Separation of Powers:

*The answer follows from an understanding of the fundamental purpose served by our Government's federal structure. The Constitution does not protect the sovereignty of States for the benefit of the States or state governments as abstract political entities, or even for the benefit of the public officials governing the States. To the contrary, the Constitution divides authority between federal and state governments for the protection of individuals. State sovereignty is not just an end in itself: "Rather, federalism secures to citizens the liberties that derive from the diffusion of sovereign power." Coleman v. Thompson, 501 U.S. 722, 759 (1991) (BLACKMUN, J., dissenting). "Just as the separation and independence of the coordinate branches of the Federal Government serve to prevent the accumulation of excessive power in any one branch, a healthy balance of power between the States and the Federal Government will reduce the risk of tyranny and abuse from either front." Gregory v. [505 U.S. 144, 182] Ashcroft, 501 U.S., at 458. See The Federalist No. 51, p. 323. (C. Rossiter ed. 1961).*

*Where Congress exceeds its authority relative to the States, therefore, the departure from the constitutional plan cannot be ratified by the "consent" of state officials. An analogy to the separation of powers among the branches of the Federal Government clarifies this point. The Constitution's division of power among the three branches is violated where one branch invades the territory of another, whether or not the encroached-upon branch approves the encroachment. In Buckley v. Valeo, 424 U.S. 1, 118 -137 (1976), for instance, the Court held that Congress had infringed the President's appointment power, despite the fact that the President himself had manifested his consent to the statute that caused the infringement by signing it into law. See National League of Cities v. Usery, 426 U.S., at 842, n. 12. In INS v. Chadha, 462 U.S. 919, 944 -959 (1983), we held that the legislative veto violated the constitutional requirement that legislation be presented to the President, despite Presidents' approval of hundreds of statutes containing a legislative veto provision. See id., at 944-945. The constitutional authority of Congress cannot be expanded by the "consent" of the governmental unit whose domain is thereby narrowed, whether that unit is the Executive Branch or the States.*  
*[New York v. United States, 505 U.S. 144 (1992)]*



Any attempt to compel a person domiciled within a state of the Union on other than federal territory and protected by the Bill of Rights, to sign up for Social Security or to have or to use a Social Security Number against their will and without their consent, and in violation of the [Separation of Powers Doctrine](#) within the Constitution therefore constitutes:

1. Conspiracy Against Rights in violation of the Fourteenth Amendment and [18 U.S.C. §241](#)
2. Violation of [42 U.S.C. §408](#).
3. Violation of the Fourth Amendment right to privacy, because the information will be used to track me and hunt me like an animal.
4. An offense to my religious beliefs in violation of the [First Amendment](#).
5. Compelling me to comply with a law that I am not subject to.
6. Enticement into federal and state tax slavery in violation of the [Thirteenth Amendment](#), [42 U.S.C. §1994](#), and [18 U.S.C. §1581](#), and [18 U.S.C. §1589](#).
7. Compelled association in violation of the [First Amendment](#), whereby I am being compelled to maintain a domicile within federal jurisdiction and be subject to federal law, even though I otherwise would not be. Please rebut the following article if you disagree:  
<http://famguardian.org/Subjects/Taxes/Articles/DomicileBasisForTaxation.htm>

If you have further questions or doubts about how the unlawful administration of the Social Security System is being abused to break down the separation of powers between state and federal governments that is the foundation of the U.S. Constitution, please see and rebut the article below, and answer the questions at the end of section 9:

[Resignation of Compelled Social Security Trustee](#), Form #06.002  
<http://sedm.org/Forms/FormIndex.htm>

## 6 Who is eligible?

Only those within the STATUTORY “States” are expressly authorized. Those “States” are limited to federal territory not within any constitutional state.

### 1. ORIGINAL 1935 ACT DEFINITION:

*“The term State (except when used in section 531) includes Alaska, Hawaii, and the District of Columbia.”*  
*[Social Security Act of 1935, Section 1101(a)(1)]*

### 2. CURRENT DEFINITION:

*“(1) The term ‘State’, except where otherwise provided, includes the District of Columbia and the Commonwealth of Puerto Rico, and when used in titles IV, V, VII, XI, XIX, and XXI includes the Virgin Islands and Guam. Such term when used in titles III, IX, and XII also includes the Virgin Islands. Such term when used in title V and in part B of this title also includes American Samoa, the Northern Mariana Islands, and the Trust Territory of the Pacific Islands. Such term when used in titles XIX and XXI also includes the Northern Mariana Islands and American Samoa. In the case of Puerto Rico, the Virgin Islands, and Guam, titles I, X, and XIV, and title XVI (as in effect without regard to the amendment made by section 301 of the Social Security Amendments of 1972<sup>[1]</sup>) shall continue to apply, and the term ‘State’ when used in such titles (but not in title XVI as in effect pursuant to such amendment after December 31, 1973) includes Puerto Rico, the Virgin Islands, and Guam. Such term when used in title XX also includes the Virgin Islands, Guam, American Samoa, and the Northern Mariana Islands. Such term when used in title IV also includes American Samoa.”*  
*[Current Social Security Act, Section 1101(a)(1) and [42 U.S.C. §1301(a)(1)]*

Likewise, the term “State” above does not EXPRESSLY include federal enclaves or “States” covered by the Buck Act, 4 U.S.C. §104, and therefore, these places are PURPOSEFULLY EXCLUDED per the Rules of Statutory Construction and Interpretation:

*“expressio unius, exclusio alterius”—if one or more items is specifically listed, omitted items are purposely excluded. Becker v. United States, 451 U.S. 1306 (1981)*

*“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]

Any attempt to offer such a program within Constitutional States of the Union works a criminal, illegal, and even treasonous purpose:

1. It criminally bribes the Constitutional states and the officials within them to behave as federal territories.
2. It illegally creates public offices by making everyone who receives the benefit into illegally into public officers. It is otherwise illegal for any government to pay tax money to private citizens:

“The power to tax is, therefore, the strongest, the most pervading of all powers of government, reaching directly or indirectly to all classes of the people. **It was said by Chief Justice Marshall, in the case of McCulloch v. Md., 4 Wheat. 431, that the power to tax is the power to destroy.** A striking instance of the truth of the proposition is seen in the fact that the existing tax of ten per cent, imposed by the United States on the circulation of all other banks than the National Banks, drove out of existence every \*state bank of circulation within a year or two after its passage. This power can be readily employed against one class of individuals and in favor of another, so as to ruin the one class and give unlimited wealth and prosperity to the other, if there is no implied limitation of the uses for which the power may be exercised.

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

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

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

“A tax, in the general understanding of the term and as used in the constitution, signifies an exaction for the support of the government. The word has never thought to connote the expropriation of money from one group for the benefit of another.”  
[[U.S. v. Butler, 297 U.S. 1 \(1936\)](#)]

3. It results in criminal identity theft against all those who receive “benefits”.

**Government Identity Theft**, Form #05.046  
<https://sedm.org/Forms/FormIndex.htm>

4. It breaks down the separation of powers that are the heart of the Constitution and therefore commits TREASON.

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

5. It illegally establishes unconstitutional franchises within constitutional states in violation of the License Tax Cases:

“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) ]

6. It creates a criminal financial conflict of interest on the part of all federal judges presiding over disputes filed by people in the states of the Union who are illegally compelled to participate:
  - 6.1. The fact that judges were illegally made into statutory “taxpayers” creates a financial conflict of interest in them on the subject of anything they participate in, including federal income taxes or Social Security. See:
    - 6.1.1. [Lucas v. Earl, 281 U.S. 111 \(1930\)](#)
    - 6.1.2. [O'Malley v. Woodrough, 307 U.S. 277 \(1939\)](#)
    - 6.1.3. [Hatter v. U.S., 532 U.S. 557 \(2001\)](#).
  - 6.2. Judges are put in the unfortunate position of deciding whether to apply the Constitution under Article III or franchise statutes under Article 4, Section 3, Clause 2, to the litigants in deciding “choice of law” issues. They will always choose the latter, because it enhances their power and their prestige and minimizes their tax bill by FORCING real “nontaxpayers” to become statutory franchisee public officers called “taxpayers”.
  - 6.3. It incentivizes them to make cases unpublished which raise the issues in the pamphlet and even to sanction “licensed” attorneys who raise these issues, making it realistically impossible for attorneys to raise these issues or find case law that would sanction raising such issues.

## 7 **What are the legal consequences of participating in Social Security?**

When a person signs up for social security, their legal status changes as follows:

1. Signing up for Social Security makes one into a “Trustee”, agent, and fiduciary of the United States government under [26 U.S.C. §6903](#). The United States government is a foreign corporation with respect to a state of the Union, but it becomes a “domestic” corporation when you are acting as an “employee” and agent.

*“The United States Government is a foreign corporation with respect to a state.” [N.Y. v. re Merriam 36 N.E. 505, 141 N.Y. 479, affirmed 16 S.Ct. 1073, 41 L. Ed. 287] [underlines added]”*  
*[19 Corpus Juris Secundum (C.J.S.), Corporations, §884 (2003)]*

2. The United States Government is defined as a “federal corporation” in [28 U.S.C. §3002](#)(15)(A):

[TITLE 28 - JUDICIARY AND JUDICIAL PROCEDURE](#)  
[PART VI - PARTICULAR PROCEEDINGS](#)  
[CHAPTER 176 - FEDERAL DEBT COLLECTION PROCEDURE](#)  
[SUBCHAPTER A - DEFINITIONS AND GENERAL PROVISIONS](#)  
[Sec. 3002. Definitions](#)

(15) “**United States**” means -  
(A) **a Federal corporation**;  
(B) an agency, department, commission, board, or other entity of the United States; or  
(C) an instrumentality of the United States.

3. The Trust you are acting as a Trustee for is an “employee” of the United States government within the meaning of the Internal Revenue Code under 26 C.F.R. §31.3401(c)-1.
4. You, when acting as a Trustee, are an “officer or employee” of a federal corporation called the “United States”.
5. The legal “domicile” of the Trust you are acting on behalf of is the “District of Columbia”. This is where the “res” or “corpus” of the Social Security Trust has its only legal existence as a “person”. See:

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

6. The Social Security Number is the “Trustee License Number”. Whenever you write your name anywhere on a piece of paper, and especially in conjunction with your all caps name, such as “JOHN SMITH”, you are indicating that you are acting in a Trustee capacity. The only way to remove such a presumption is to black out the number or not put it on the form, and then to correct whoever sent you the form or notice to clarify that you are not acting as a Trustee or government employee, but instead are acting as a natural person. See:

[About SSNs and TINs on Government Forms and Correspondence](#), Form #05.012  
<https://sedm.org/Forms/FormIndex.htm>

7. As an “officer or employee of a corporation”, you are the proper subject of the penalty and criminal provisions of the Internal Revenue Code under:
- 7.1. [26 U.S.C. §6671\(b\)](#)
- 7.2. [26 U.S.C. §7343](#)
8. The Internal Revenue Code becomes enforceable against you without the need for implementing regulations. The following statutes say that implementing regulations published in the Federal Register are not required in the case of federal employees or contractors:
- 8.1. [5 U.S.C. §553\(a\)\(2\)](#)
- 8.2. [44 U.S.C. §1505\(a\)\(1\)](#)
9. As a Trustee over the Social Security Trust, you are a “public officer” engaged in a “trade or business” as defined in [26 U.S.C. §7701\(a\)\(26\)](#). Consequently, the earnings of the federal corporation you preside over as Trustee are taxable under the Internal Revenue Code. You are exercising the functions of a “public office” because you are exercising fiduciary duty over payments paid to the Federal Government. You are in business with Uncle Sam and essentially become a “Kelly Girl”. Income taxes are really just the “profits” of the Social Security trust created when you signed up for the program, which are “kicked back” to the mother corporation called the “United States”.
10. All items that you take deductions on under [26 U.S.C. §162](#), earned income credit under [26 U.S.C. §32](#), or a graduated rate of tax under [26 U.S.C. §1](#) become “effectively connected with a trade or business”, which is a code word for saying that they are public property, because a “trade or business” is a “public office”. This “trade or business” then becomes a means of earning you “revenue” or “profit” as a private individual, because it serves to reduce your tax liability as a Trustee filing 1040 returns for the Social Security Trust. What the government doesn’t tell you, however, is that you can’t reduce a liability you wouldn’t have if had just been smart enough not to sign up for Social Security to begin with! See the following article for more details on “The trade or business scam” for further details:

*The “Trade or Business” Scam*, Form #05.001  
<https://sedm.org/Forms/FormIndex.htm>

11. Below is what the Supreme Court said about all property you donated for “public use” by the Trust in acquiring reduced tax liability:

*“Surely the matters in which the public has the most interest are the supplies of food and clothing; yet can it be that by reason of this interest the state may fix the price at which the butcher must sell his meat, or the vendor of boots and shoes his goods? 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 which a man has honestly acquired he retains full control of, subject to these limitations: First, that he shall not use it to his neighbor's injury, and that does not mean that he must use it for his neighbor's benefit; second, that if he devotes it to a public use, he gives to the public a right to control that use; and third, that whenever the public needs require, the public may take it upon payment of due compensation.*  
[Budd v. People of State of New York, 143 U.S. 517 (1892)]

Therefore, whatever you take deductions on comes under the jurisdiction of the Internal Revenue Code, which is the vehicle by which the “public” controls the use of your formerly private property. Every benefit has a string attached, and in this case, the string is that you as Trustee, and all property you donate for temporary use by the Trust then comes under the jurisdiction of the Internal Revenue Code and the Social Security Act.

12. Your Trust employer, the “United States” government, is your new boss. As your new boss, it does not need territorial jurisdiction over you. All it needs is “in rem” jurisdiction over the property you donated to the trust, which includes all your earnings. All this property, while it is donated to a public use, becomes federal property under government management. That is why the Slave Surveillance Number is assigned to all accounts: to track government property, contracts, and employees.
13. Because the property already is government property while you are using it in connection with a “trade or business”, then you implicitly have already given the government permission to repossess that which always was theirs. That is why they can issue a “Notice of Levy” without any judicial process and immediately and conveniently take custody of your bank accounts, personal property, and retirement funds: Because they have the mark of the Beast, the Slave Surveillance Number on them, which means you already gave them to your new benefactor and caretaker, the United States Government.
14. The United States Government does *not* need territorial jurisdiction over you in order to drag you into federal court while you are acting as one of its Trustees and fiduciaries under [26 U.S.C. §6903](#). Any matter relating to federal contracts, whether they are Trust Contracts or federal employment contracts (with the “Trustee”), may ONLY be heard in a federal court. It is a violation of the separation of powers doctrine for a state to hear a matter which might affect the federal government. See [Alden v. Maine, 527 U.S. 706 \(1999\)](#). Federal Jurisdiction over Trustees is indeed “subject matter

jurisdiction”, but it doesn’t derive primarily from the Internal Revenue Code. Instead it derives from the agency and contract you maintain as a “Trustee”:

*American Jurisprudence, 2d  
United States  
§ 42 Interest on claim [77 Am Jur 2d UNITED STATES]*

*The interest to be recovered as damages for the delayed payment of a contractual obligation to the United States is not controlled by state statute or local common law. 75 In the absence of an applicable federal statute, the federal courts must determine according to their own criteria the appropriate measure of damages. 76 State law may, however, be adopted as the federal law of decision in some instances. 77  
[American Jurisprudence 2d, United States, Section 42: Interest on Claim (1999)]*

15. The U.S. Supreme Court has always given wide latitude to manage its own “employees” which includes both its Social Security Trusts and the Trustees who are exercising agency over the Trust and its corpus or property. You better bow down and worship your new boss: Uncle Sam!

If you want to know more about the above, please consult:

*Why Your Government is Either a Thief or You Are a “Public Officer” for Income Tax Purposes*, Form #05.008  
<https://sedm.org/Forms/FormIndex.htm>

If you want a detailed proof of the above, consult the free pamphlet below. The pamphlet also includes documentation whereby you can legally quit Social Security for good:

*Resignation of Compelled Social Security Trustee*, Form #06.002  
<http://sedm.org/Forms/FormIndex.htm>

## **8 Social Security is “foreign” with respect to the constitutional states and may not be offered there**

### **8.1 Statutory evidence**

The definitions of the provisions within the Internal Revenue Code for the collection of Social Security insurance premiums limit themselves to territorial statutory citizens and exclude constitutional state citizens or what we call “state nationals”:

26 U.S. Code § 3121. Definitions

*(e) STATE, UNITED STATES, AND CITIZEN*

*For purposes of this chapter—*

*(1) STATE*

**The term “State” includes the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, and American Samoa.**

*(2) UNITED STATES*

**The term “United States” when used in a geographical sense includes the Commonwealth of Puerto Rico, the Virgin Islands, Guam, and American Samoa.**

*An individual who is a citizen of the Commonwealth of Puerto Rico (but not otherwise a citizen of the United States shall be considered, for purposes of this section, as a citizen of the United States.*

26 C.F.R. §31.3121(e)-1 State, United States, and citizen.

(a) When used in the regulations in this subpart, the term “State” includes the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, the Territories of Alaska and Hawaii before their admission as States, and (when used with respect to services performed after 1960) Guam and American Samoa.

(b) When used in the regulations in this subpart, the term “United States”, when used in a geographical sense, means the several states (including the Territories of Alaska and Hawaii before their admission as States), the District of Columbia, the Commonwealth of Puerto Rico, and the Virgin Islands. When used in the regulations in this subpart with respect to services performed after 1960, the term “United States” also includes Guam and American Samoa when the term is used in a geographical sense. The term “citizen of the United States” includes a citizen of the Commonwealth of Puerto Rico or the Virgin Islands, and, effective January 1, 1961, a citizen of Guam or American Samoa.  
[T.D. 6744, 29 FR 8314, July 2, 1964]

[SOURCE: <https://law.justia.com/cfr/title26/26-15.0.1.1.1.html#26:15.0.1.1.2.10.62>]

The Social Security Act itself also defines “State” and “United States to EXPRESSLY include federal territories:

Social Security Act  
SEC. 1101. [42 U.S.C. 1301] (a) When used in this Act—

“(2) The term “United States” when used in a geographical sense means, except where otherwise provided, the States.”  
[Social Security Act as of 2005, Section 1101]

Social Security Act  
SEC. 1101. [42 U.S.C. 1301] (a) When used in this Act—

(1) The term ‘State’, except where otherwise provided, includes the District of Columbia and the Commonwealth of Puerto Rico, and when used in titles IV, V, VII, XI, XIX, and XXI includes the Virgin Islands and Guam. Such term when used in titles III, IX, and XII also includes the Virgin Islands. Such term when used in title V and in part B of this title also includes American Samoa, the Northern Mariana Islands, and the Trust Territory of the Pacific Islands. Such term when used in titles XIX and XXI also includes the Northern Mariana Islands and American Samoa. In the case of Puerto Rico, the Virgin Islands, and Guam, titles I, X, and XIV, and title XVI (as in effect without regard to the amendment made by section 301 of the Social Security Amendments of 1972[3]) shall continue to apply, and the term ‘State’ when used in such titles (but not in title XVI as in effect pursuant to such amendment after December 31, 1973) includes Puerto Rico, the Virgin Islands, and Guam. Such term when used in title XX also includes the Virgin Islands, Guam, American Samoa, and the Northern Mariana Islands. Such term when used in title IV also includes American Samoa.”  
[Social Security Act as of 2005, Section 1101]

Constitutional states are therefore expressly excluded per the rules of statutory construction:

“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)]



## 8.2 Historical context

The U.S. became a member of the International Labor Organization (I.L.O) in 1933. In the following year, Congress passed the first federal social security act, Act of June 27, 1934, c. 868, 48 Stat. 1283, which was tied to the federal power over interstate commerce; in essence, those subject to the act were those who engaged in interstate transportation. Immediately, the constitutionality of this act was challenged and in May, 1935, the Supreme Court held that act unconstitutional in *Railroad Retirement Board v. Alton R. Co.*, 295 U.S. 330, 368, 55 S.Ct. 758, 771 (1935). The dispositive part of this decision not only found that the ‘federalees’ lacked the power to adopt this social security act within constitutional states based on interstate commerce, but it also indicated that a vast array of social programs were equally beyond the power of Congress to implement within the constitutional states:

*"The catalogue of means and actions which might be imposed upon an employer in any business, tending to the satisfaction and comfort of his employees, seems endless. Provision for free medical attendance and nursing, for clothing, for food, for housing, for the education of children, and a hundred other matters might with equal propriety be proposed as tending to relieve the employee of mental strain and worry. Can it fairly be said that the power of Congress to regulate interstate commerce extends to the prescription of any or all of these things? Is it not apparent that they are really and essentially related solely to the social welfare of the worker, and therefore remote from any regulation of commerce as such? We think the answer is plain. These matters obviously lie outside the orbit of congressional power."*  
[*Railroad Retirement Board v. Alton R. Co.*, 295 U.S. 330, 368, 55 S.Ct. 758, 771 (1935)]

It must be noted that today there are congressional enactments that make "provision for free medicine, food, housing," and others. The *Railroad Retirement Board v. Alton R. Co.* case has never been reversed, although the socialists have criticized it. If it is still valid, then what is the constitutional basis for the very programs which the Court held were unconstitutional? Is it just possible that these programs have a constitutional or even an EXTRA-constitutional foundation of which most people are unaware? There are only two possible answers to this question, and we will soon discuss which applies, because Alton already ruled out applicability to the Constitutional states of the Union:

1. The law only applies on federal territory or abroad where the constitution DOES NOT apply and is enacted pursuant to Article 1, Section 8, Clause 17 and Article 4, Section 3, Clause 2. . .OR

*"Indeed, the practical interpretation put by Congress upon the Constitution has been long continued and uniform to the effect [182 U.S. 244, 279] that the Constitution is applicable to territories acquired by purchase or conquest, only when and so far as Congress shall so direct. Notwithstanding its duty to 'guarantee to every state in this Union a republican form of government' (art. 4, 4), by which we understand, according to the definition of Webster, 'a government in which the supreme power resides in the whole body of the people, and is exercised by representatives elected by them,' Congress did not hesitate, in the original organization of the territories of Louisiana, Florida, the Northwest Territory, and its subdivisions of Ohio, Indiana, Michigan, Illinois, and Wisconsin and still more recently in the case of Alaska, to establish a form of government bearing a much greater analogy to a British Crown colony than a republican state of America, and to vest the legislative power either in a governor and council, or a governor and judges, to be appointed by the President. It was not until they had attained a certain population that power was given them to organize a legislature by vote of the people. In all these cases, as well as in territories subsequently organized west of the Mississippi, Congress thought it necessary either to extend to Constitution and laws of the United States over them, or to declare that the inhabitants should be entitled to enjoy the right of trial by jury, of bail, and of the privilege of the writ of habeas corpus, as well as other privileges of the bill of rights."*  
[*Downes v. Bidwell*, 182 U.S. 244 (1901)]

2. The law only applies WITHIN the United States federal corporation to those who consensually serve the government as statutory “employees” in 5 U.S.C. §2105(a). In other words, “within the United States” or “sources within the United States” means government payments to government contractors, and the contractors are identified as “persons” in the Internal Revenue Code because they are “partners” with Uncle in 26 U.S.C. §7343 and 26 U.S.C. §6671(b).

*"The restrictions that the Constitution places upon the government in its capacity as lawmaker, i.e., as the regulator of private conduct, are not the same as the restrictions that it places upon the government in its capacity as employer. We have recognized this in many contexts, with respect to many different constitutional guarantees. Private citizens perhaps cannot be prevented from wearing long hair, but policemen can. *Kelley v. Johnson*, 425 U.S. 238, 247 (1976). Private citizens cannot have their property searched without probable cause, but in many circumstances government employees can. *O'Connor v. Ortega*, 480 U.S. 709, 723 (1987) (plurality opinion); *id.*, at 732 (SCALIA, J., concurring in judgment). Private citizens cannot be punished for refusing to provide the government information that may incriminate them, but government employees can be dismissed when the incriminating information that they refuse to provide relates to the performance of their job. *Gardner v. Broderick*, [497 U.S. 62, 95] 392 U.S. 273, 277 -278 (1968). With regard to freedom of speech in particular: Private citizens cannot be punished for speech of merely private concern, but government employees can be fired*

1                   for that reason. *Connick v. Myers*, 461 U.S. 138, 147 (1983). Private citizens cannot be punished for partisan  
2                   political activity, but federal and state employees can be dismissed and otherwise punished for that reason. *Public*  
3                   *Workers v. Mitchell*, 330 U.S. 75, 101 (1947); *Civil Service Comm'n v. Letter Carriers*, 413 U.S. 548, 556 (1973);  
4                   *Broadrick v. Oklahoma*, 413 U.S. 601, 616 -617 (1973)."  
5                   [*Rutan v. Republican Party of Illinois*, 497 U.S. 62 (1990)]

6       The second social security act<sup>2</sup> was adopted in August, 1935, without any amendment to the U.S. Constitution and only a  
7       mere 3 months after the decision in *Alton*. Is it to be supposed that just after the ink dried on the opinion in *Alton*, Congress  
8       deliberately passed another and broader unconstitutional law? Since the knowing adoption of an unconstitutional law must  
9       be rejected, there must be some other explanation of the constitutional foundation for the second act.

10      When the second federal social security law was adopted, it was also immediately challenged. The federal appellate courts  
11      were split regarding the validity of this law, with some finding this second social security attempt unconstitutional on the  
12      basis of *Alton*, while others upheld it.

13      Because of this split in the circuits, the Supreme Court decided to review those cases which questioned just the tax itself.  
14      Finally, in May, 1937, the Supreme Court rendered its decisions in *Charles C. Steward Mach. Co. v. Davis*, 301 U.S. 548, 57  
15      S.Ct. 883 (1937), and *Helvering v. Davis*, 301 U.S. 619, 57 S.Ct. 904 (1937), which held the tax valid.

16      But HOW are these seemingly conflicting cases reconciled with each other? The answer is that there are two contexts to  
17      interpret every federal enactment, according to the U.S. Supreme Court, and that first case dealt with the CONSTITUTIONAL  
18      states of the Union and interstate commerce, whereas the second one only dealt with federal territory or foreign commerce  
19      abroad:

20                   *"It is clear that Congress, as a legislative body, exercise two species of legislative power: the one, limited as to*  
21                   *its objects, but extending all over the Union: the other, an absolute, exclusive legislative power over the District*  
22                   *of Columbia. The preliminary inquiry in the case now before the Court, is, by virtue of which of these authorities*  
23                   *was the law in question passed?"*  
24                   [*Cohens v. Virginia*, 19 U.S. 264, 6 *Wheat.* 265; 5 *L.Ed.* 257 (1821)]

25      A close examination of the second line of social security decisions reveals the answer to the context for the ruling. In *Steward*  
26      *Machine*, 301 U.S., at 585, the Court touched upon the constitutional basis for the law in the following passage:

27                   *"The proceeds of the excise when collected are paid into the Treasury at Washington, and thereafter are subject*  
28                   *to appropriation like public moneys generally. Cincinnati Soap Co. v. United States, ante, p. 308"*  
29                   [*Steward Machine*, 301 U.S. 548 at 585 (1937)]

30      In *Davis*, 301 U.S., at 641, the Court again touched lightly upon the constitutional basis for the act with this simple statement:

31                   *"When such a contention comes here we naturally require a showing that by no reasonable possibility can the*  
32                   *challenged legislation fall within the wide range of discretion permitted to the Congress.' United States v. Butler,*  
33                   *supra*, 297 U.S. 1, at page 67, 56 S.Ct. 312, 320, 80 L.Ed. 477, 102 A.L.R. 914. Cf. *Cincinnati Soap Co. v. United*  
34                   *States*, 301 U.S. 308, 57 S.Ct. 764, May 3, 1937; *United States v. Realty Co.*, 163 U.S. 427, 440, 16 S.Ct. 1120,  
35                   *41 L.Ed. 215; Head Money Cases*, 112 U.S. 580 \* \* \*"  
36                   [*Helvering v. Davis*, 301 U.S. 619, 57 S.Ct. 904 (1937)]

37      Since both cases mentioned and relied upon *Cincinnati Soap*, it must be reviewed.

38      Congress has adopted many acts for relief of the poor applicable within its jurisdiction such as Washington, D.C.; see 16 Stat.  
39      65. Predictably, the *Cincinnati Soap* case is an insular possessions case, specifically concerning the Philippines. [U.S. v.](#)  
40      [Butler](#), 297 U.S. 1 (1936) found the agricultural features of the Agricultural Adjustment Act, May 12, 1933, c. 25, 48 Stat.  
41      31 unconstitutional, and the *Head Money Cases* concerned a tax upon aliens.

42      From this analysis we conclude that the Supreme Court was stating that social security originally applied only within the  
43      exclusive jurisdiction of the United States under Article 1, Section 8, Clause 17, specifically Washington, D.C., the federal  
44      enclaves within the states, the territories and insular possessions. That means the FIRST context identified above. The  
45      statutory geographical definitions in the Social Security Act and the statutes for collecting Social Security taxes are consistent  
46      with this fact, as we showed earlier in 26 U.S.C. §3121(e).

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<sup>2</sup> Social Security Act (Act of August 14, 1935, c. 531, 49 Stat. 620, 42 U.S.C., c. 7 (Supp.))

These findings are also confirmed by the holding in *Fong Yue Ting v. United States*, 149 U.S. 698, 13 S.Ct. 1016 (1893), which affirmed the exclusive jurisdiction of the federal government over aliens everywhere in the country.

*"Those laborers are not citizens of the United States; they are aliens. That the government of the United States, through the action of the legislative department, can exclude aliens from its territory is a proposition which we do not think open to controversy. Jurisdiction over its own territory to that extent is an incident of every independent nation. It is a part of its independence. If it could not exclude aliens, it would be to that extent subject to the control of another power." "The United States, in their relation to foreign countries and their subjects or citizens, are one nation, invested with powers which belong to independent nations, the exercise of which can be invoked for the maintenance of its absolute independence and security throughout its entire territory."* 130 U.S. 603, 604.

[*Fong Yue Ting v. United States*, 149 U.S. 698, 13 S.Ct. 1016 (1893)]

Based on the above, we interpret ALL statutory references to "aliens" as meaning people born in a foreign COUNTRY, not a legislatively foreign CONSTITUTIONAL state of the Union.

19 Corpus Juris Secundum (CJS) §§883-884 (Publication date 2003)

*"Foreign Corporations-The United States government is a foreign corporation with respect to a state."*

[SOURE; <https://famguardian.org/TaxFreedom/CitesByTopic/UnitedStates-19CJS883to884.pdf>]

All of the taxes imposed under the Internal Revenue Code are, in fact, upon aliens. The statutory definition of "individual" at 26 C.F.R. §1.1441-1(c)(3) includes only "aliens" and 26 C.F.R. §1.1441-1(d)(1) excludes citizens and residents from withholding. Furthermore, these same citizens and residents are also excluded from reporting if they are not engaged in a public office, because 26 U.S.C. §6041(a) allows information returns to be filed ONLY upon those engaged in a "trade or business", which is defined in 26 U.S.C. §7701(a)(26) as "the functions of a public office". Hence, all taxpayers are, for all intents and purposes, "nontaxpayers":

1. Not statutory "taxpayers".
2. Not statutory "persons" under 26 U.S.C. §7701(a)(1) because not "individuals" under 26 C.F.R. §1.1441-1(c)(3).

Jesus himself agreed with the above, when he said:

*And when he had come into the house, Jesus anticipated him, saying, "What do you think, Simon? From whom do the kings [governments] of the earth [lawfully] take customs or taxes, from their sons [citizens and subjects] or from strangers [statutory "aliens", which are synonymous with "residents" in the tax code, and exclude "citizens"]?"*

*Peter said to Him, "From strangers [statutory "aliens"/"residents" ONLY. See 26 C.F.R. §1.1-1(a)(2)(ii) and 26 C.F.R. §1.1441-1(c)(3)]."*

*Jesus said to him, "Then the sons [of the King, Constitutional but not statutory "citizens" of the Republic, who are all sovereign "nationals" and "non-resident non-persons"] are free [sovereign over their own person and labor. e.g. SOVEREIGN IMMUNITY]."*

[Matt. 17:24-27, Bible, NKJV]

### **8.3 Rebuttal to the mistaken view that all human "taxpayers" are NOT "aliens"**

Some people might mistakenly be inclined to argue with this section by saying that the parties against whom the tax is imposed in 26 C.F.R. §1.1-1 include the following:

#### **Title 26: Internal Revenue**

#### **PART 1—INCOME TAXES**

#### **Normal Taxes and Surtaxes**

#### **§1.1-1 Income tax on individuals.**

#### **(a) General rule.**

**(1) Section 1 of the Code imposes an income tax on the income of every individual who is a citizen or resident of the United States and, to the extent provided by section 871(b) or 877(b), on the income of a nonresident alien individual.**

However, upon closer examination, we find that:

1. Only when ABROAD under 26 U.S.C. §911 are STATUTORY “U.S. citizens” and “U.S. residents” subject to the income tax.
2. While abroad, these statutory citizens and residents are “aliens” in relation to the country they are in.
3. As “aliens” in relation to the country they are in, they interface to the Internal Revenue Code as “aliens” under a tax treaty and therefore are statutory “individuals” under 26 C.F.R. §1.1441-1(c)(3).
4. In such a capacity as “aliens” in relation to the foreign country, they are called “qualified individuals” in 26 U.S.C. §911(d)(1). What makes them “qualified” as aliens and statutory “individuals” is their physical location and behavior.

*U.S. Code › Title 26 › Subtitle A › Chapter 1 › Subchapter N › Part III › Subpart B › § 911  
26 U.S. Code § 911 - Citizens or residents of the United States living abroad*

*(d) DEFINITIONS AND SPECIAL RULES*

*For purposes of this section—*

*(1) QUALIFIED INDIVIDUAL*

*The term “qualified individual” means an individual whose tax home is in a foreign country and who is—*

*(A) a citizen of the United States and establishes to the satisfaction of the Secretary that he has been a bona fide resident of a foreign country or countries for an uninterrupted period which includes an entire taxable year,*  
*or*

*(B) a citizen or resident of the United States and who, during any period of 12 consecutive months, is present in a foreign country or countries during at least 330 full days in such period.*

*[SOURCE: <https://www.law.cornell.edu/uscode/text/26/911>]*

Notice they refer to statutory “citizens” and “residents” as “bona fide residents”. 26 U.S.C. §7701(b)(1)(A) defines “residents” as “aliens”!

5. The statutory “U.S.[\*\*] citizens” abroad under 26 U.S.C. §911:

- 5.1. Are only statutory “citizens” so long as they have a civil domicile on federal territory not within any state. Since domicile is discretionary, they can abandon it to become “nonresidents” not subject to the Internal Revenue Code as described in Form #05.020:

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

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

- 5.2. Are ONLY statutory “U.S.[\*\*] citizens” by virtue of birth within a federal territory or possession under 8 U.S.C. §1401. They would NOT be statutory citizens if they were born within the exclusive jurisdiction of a constitutional state of the Union. We prove this exhaustively in:

*Why You Are a “national”, “state national”, and Constitutional but Not Statutory Citizen*, Form #05.006

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

Consistent with the above:

1. The phrase “wherever resident” used in 26 C.F.R. §1.1-1(b) means wherever they have the civil status of “resident” in relation to a foreign country, not wherever they are physically located:

*Title 26: Internal Revenue  
PART 1—INCOME TAXES  
Normal Taxes and Surtaxes  
§1.1-1 Income tax on individuals.*

*(b) Citizens or residents of the United States liable to tax.*

***In general, all citizens of the United States, wherever resident, and all resident alien individuals are liable to the income taxes imposed by the Code whether the income is received from sources within or without the United States.*** Pursuant to section 876, a nonresident alien individual who is a bona fide resident of Puerto Rico during the entire taxable year is, except as provided in section 933 with respect to Puerto Rican source income, subject to taxation in the same manner as a resident alien individual. As to tax on nonresident alien individuals, see sections 871 and 877.

For a proof that “wherever resident” means wherever they ARE “residents” under 26 U.S.C. §7701(b)(1)(A), see:

Flawed Tax Arguments to Avoid, Form #08.004, Section 8.20: The phrase “wherever resident” in 26 C.F.R. §1.1-1 means WHEREVER LOCATED, not WHEREVER DOMICILED OR LOCATED ABROAD

<https://sedm.org/Forms/08-PolicyDocs/FlawedArgsToAvoid.pdf>

2. Furthermore, even though the above regulation says “whether the income is received from sources within or sources without” whether it is “income” is determined by whether it is earned abroad, regardless of the physical place is was paid FROM.

26 C.F.R. §1.911-3 Determination of amount of foreign earned income to be excluded.

(a) Definition of foreign earned income.

For purposes of section 911 and the regulations thereunder, the term “foreign earned income” means earned income (as defined in paragraph (b) of this section) from sources within a foreign country (as defined in §1.911-2(h)) that is earned during a period for which the individual qualifies under §1.911-2(a) to make an election. Earned income is from sources within a foreign country if it is attributable to services performed by an individual in a foreign country or countries. The place of receipt of earned income is immaterial in determining whether earned income is attributable to services performed in a foreign country or countries.

3. The following document proves that statutory “citizens” and “residents” domiciled on federal territory and working there are NOT liable to pay any tax:

Flawed Tax Arguments to Avoid, Form #08.004, Section 8.24: Statutory “U.S.\*\* citizens” and “U.S.\*\* residents(alien)s” born on federal territory, domiciled there, and working there owe Subtitle A income tax on their earnings while there

<https://sedm.org/Forms/08-PolicyDocs/FlawedArgsToAvoid.pdf>

## 8.4 Why Steward Machine Company ruling is severely defective and even misleading

Charles C. Steward Mach. Co. v. Davis, 301 U.S. 548, 57 S.Ct. 883 (1937) was a case brought by an Alabama corporation, which is a franchise. It was not a federal corporation and therefore foreign and nonresident with respect to the national government.

“A corporation is a citizen, resident, or inhabitant of the state or country by or under the laws of which it was created, and of that state or country only.”

[19 Corpus Juris Secundum (C.J.S.), Corporations, §886 (2003)]

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

[Black’s Law Dictionary, 6<sup>th</sup> Edition, p. 648]

The Steward case explains that 43 Constitutional states at the time had adopted Social Security in some form. However, what they didn’t clarify is WHERE it could be enforced or which of the two or both contexts in the previous section apply in each case. In fact, in the case of the 43 states mentioned, the following constraints apply:

1. The act could only apply where the jurisdictions between states and the federal government geographically OVERLAP, since state income tax codes piggyback on the Internal Revenue Code.
2. Because of the Separation of Powers Doctrine, there is NO PLACE technically where the two jurisdictions physically overlap. See:

Government Conspiracy to Destroy the Separation of Powers, Form #05.023

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

3. In the case of a Constitutional state, the only physical place where the jurisdictions overlap WITHIN a constitutional state is within federal enclaves under the Assimilated Crimes Act.

California Revenue and Taxation Code, Section 6017

**Revenue and Taxation Code – RTC**

DIVISION 2. OTHER TAXES [6001 - 60709]( Heading of Division 2 amended by Stats. 1968, Ch. 279. ) PART

1. SALES AND USE TAXES [6001 - 7176]( Part 1 added by Stats. 1941, Ch. 36. )

**CHAPTER 1. General Provisions and Definitions [6001 - 6024]( Chapter 1 added by Stats. 1941, Ch. 36. )**



RTC 6017. "In this State" or "in the State" means within the exterior limits of the State of California and includes all territory within these limits owned by or ceded to the United States of America.

California Revenue and Taxation Code, Section 17018

Revenue and Taxation Code – RTC

DIVISION 2. OTHER TAXES [6001 - 60709]( Heading of Division 2 amended by Stats. 1968, Ch. 279. )

PART 10. PERSONAL INCOME TAX [17001 - 18181]( Part 10 added by Stats. 1943, Ch. 659. )

CHAPTER 1. General Provisions and Definitions [17001 - 17039.2]

17018. "State" includes the District of Columbia, and the possessions of the United States.

4. The federal government must CONSENT to the overlap, and in fact expressly did so IN FEDERAL TERRITORIES ONLY through the Public Salary Tax Act of 1939, 53 Stat. 574, now codified in the Buck Act at 4 U.S.C. §106. The definition of "State" in that act means a territory or possession of the United States and NOT a constitutional state.

Title 4. FLAG AND SEAL, SEAT OF GOVERNMENT, AND THE STATES Chapter 4. THE STATES

4 U.S. Code § 110 - Same; definitions

(d)The term "State" includes any Territory or possession of the United States.

5. The Sixteenth Amendment created NO NEW taxing powers and therefore did not expand any of the subject matter jurisdictions listed in Article 1, Section 8 of the Constitution to NEW or previously exempt parties:

*"The provisions of the sixteenth amendment **conferred no new power of taxation**, but simply prohibited [Congress' original power to tax incomes] from being taken out of the category of **indirect taxation, to which it inherently belonged**, and being placed in the category of direct taxation subject to apportionment."*  
[Treasury Decision 2303]

*"...**the 16th Amendment conferred no new power of taxation**, but simply prohibited the previous complete and plenary power of income taxation possessed by Congress from the beginning from being taken out of the category of **indirect** taxation [on corporations and businesses rather than individuals] to which it inherently belonged, and being placed in the category of direct taxation."*  
[Stanton v. Baltic Mining Co., 240 U.S. 103, 112-13, 36 S.Ct. 278 (1916)]

*"The Sixteenth Amendment... has no real bearing and may be put out of view. As pointed out in recent decisions, it **does not extend the taxing power to new or excepted subjects**..."*  
[William E. Peck & Co. v. Lowe, 247 U.S. 165 (1918)]

6. Even before the Sixteenth Amendment, Congress was taxing statutory "nonresident aliens" domiciled abroad. These in fact were the ONLY people subject to tax as human beings both before and after the Sixteenth Amendment was passed.
7. Charles C. Steward Mach. Co. v. Davis, 301 U.S. 548, 57 S.Ct. 883 (1937) mentions "duties, imposts, and excises" in Article 1, Section 8, Clause 1, which means taxes on IMPORTS and FOREIGN COMMERCE only. The only way that earnings WITHIN a state could be "foreign commerce" is ONLY if they relate to "nonresident aliens" mentioned in 26 U.S.C. §7701(b)(1)(B).
8. Congress CANNOT consent to the overlap of state and federal power in any of its territories or possessions within the Buck Act, 4 U.S.C. Chapter 4 or the Public Salary Tax Act of 1939 and doing so would DESTROY the separation of powers and amount to a conspiracy between the state and federal governments to impair constitutionally protected rights. That is why Constitutional states are not mentioned in the definition of "State" within the Act at 4 U.S.C. §110(d).

*We start with first principles. The Constitution creates a Federal Government of enumerated powers. See U.S. Const., Art. I, 8. As James Madison wrote, "[t]he powers delegated by the proposed Constitution to the federal government are few and defined. Those which are to remain in the State governments are numerous and indefinite." The Federalist No. 45, pp. 292-293 (C. Rossiter ed. 1961). **This constitutionally mandated division of authority "was adopted by the Framers to ensure protection of our fundamental liberties."** Gregory v. Ashcroft, 501 U.S. 452, 458 (1991) (internal quotation marks omitted). **"Just as the separation and independence of the coordinate branches of the Federal Government serves to prevent the accumulation of excessive power in any one branch, a healthy balance of power between the States and the Federal Government will reduce the risk of tyranny and abuse from either front.***  
[U.S. v. Lopez, 514 U.S. 549 (1995)]

The fact that the court in *Charles C. Steward Mach. Co. v. Davis*, 301 U.S. 548, 57 S.Ct. 883 (1937) did not explicitly clarify that the Social Security tax was constitutional BECAUSE:

1. It fell in category 1 of the previous section because it was implemented as a tax upon foreign commerce outside the STATUTORY “United States” (26 U.S.C. §7701(a)(9) and (a)(10), meaning federal territory) or applicable only to statutory “nonresident aliens” within the STATUTORY geographical “United States”. See 26 C.F.R. §31.3121(b)-3(c)(3). Statutory “Nonresident aliens” (26 U.S.C. §7701(b)(1)(B)), because they are not physically on land protected by the Constitution cannot have their constitutional rights impaired by such a tax. The Fifth Amendment Takings Clause prevents this. The Constitution attaches to the LAND, not to the statutory status of those people ON the land:

*“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)]

2. It also fell in category 2 of the previous section because it was imposed as an excise tax ONLY upon on statutory “employees” who are defined in 26 U.S.C. §3401(c), 26 C.F.R. §31.3401(c)-1(a), and 5 U.S.C. §2105(a), meaning elected or appointed public officers within the United States government. The IRS attempted to expand upon these statutory definitions of “employee” and “employer” by trying to expand the definitions in 26 C.F.R. §31.3121(d)-1 and 26 C.F.R. §31.3121(d)-2, but this was an unconstitutional usurpation as we point out in the next section.

The court deliberately omitting mention of the above constraints appears to be designed to create the false impression that Social Security applies everywhere and even in Constitutional states of the Union, when in fact it cannot and does not. The STATUTORY geographical “United States” nowhere expressly includes constitutional states of the Union and under the Rules of Statutory Construction and Interpretation, they are purposefully excluded:

*“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”); *Colausti 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)]

The Court similarly tersely bypassed this “Third Rail Issue” again later in *Brushaber* by quoting cases dealing only with foreign commerce external to states of the Union in the last sentence of the case, without amplifying or even acknowledging limitations of the act to exclusively owned federal territory or abroad. The reason, according to Congress is that they are COMMUNISTS. The essence of being a “communist” is, in fact, a refusal or failure acknowledge the limitations placed by law, and by implication the Constitution (fundamental law) itself, upon the behavior of those in government:

[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 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 following things are therefore certain about the limitations of the Constitutional states in participating in Social Security:

1. To allow anyone to be simultaneously taxed and regulated by state AND federal government at the same time creates irreconcilable and even criminal conflicts of interest (18 U.S.C. §208, 28 U.S.C. §144, and 28 U.S.C. §455) by those who subject to it and violates the following biblical prohibition:

*"No servant [or biological person] can serve two masters; for either he will hate the one and love the other, or else he will be loyal to the one and despise the other. You cannot serve God and mammon [government]."*  
[Luke 16:13, Bible, NKJV]

2. Congress cannot offer or enforce any taxable franchise within a constitutional state, as declare in the License Tax Cases, 72 U.S. 462, 18 L.Ed. 497, 5 Wall. 462, 2 A.F.T.R. 2224 (1866) , which has never been overruled. They obtusely mention this case in Steward but refuse to address its true relevance to the case to confuse the reader. The Steward Machine case, however, identifies the tax as an excise tax, and therefore Social Security fits in this category of being a tax on a "trade or business" that cannot occur within the exclusive jurisdiction of a constitutional state.

*"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) ]

The ONLY way that constitutional states have around the above limitation is to:

- 2.1. Waive their sovereignty and sovereign immunity and agree to be treated, in effect, as federal territories and possessions under the statutory definitions found in section 8.1. Otherwise, they couldn't litigate issues on the act without going ONLY to the U.S. Supreme Court as required by the Eleventh Amendment.
- 2.2. FRAUDULENTLY PRETEND like everyone in the CONSTITUTIONAL state who participates in Social Security within their state ARE either statutory territorial citizens under 8 U.S.C. §1401.
- 2.3. FRAUDULENTLY PRETEND that participants are physically WORKING ABROAD at the time they earn their paycheck.

2.4. Deceive state nationals in their state into believing they are statutory “residents” under 26 U.S.C. §7701(b)(1)(A), meaning aliens, in relation to the national government. A “resident” tax return filed with the state is such a party. Nonresidents are domiciled outside of federal enclaves and are “state nationals” and “non-resident non-persons”. See:

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

2.5. Hide the definition of statutory “individual” in 26 C.F.R. §1.1441-1(c)(3), which is an “alien”. Thus, they must fraudulently treat state nationals as ALIENS. It is a legal impossibility to be BOTH a “national” under 8 U.S.C. §1101(a)(21) and an “alien” at the same time. They are OPPOSITES and mutually exclusive.

3. States of the Union cannot consent to be treated AS IF they are the STATUTORY “States” found in 4 U.S.C. §110(d), meaning federal territories and possessions. That would violate the separation of powers doctrine and subject them to financial conflicts of interest that would undermine the protection of private or constitutional rights of people under their care.

*“This power, being essential to the maintenance of the authority of local government, and to the safety and welfare of the people, is inalienable. As was said by Chief Justice WAITE, referring to earlier decisions to the same effect: ‘No legislature can bargain away the public health or the public morals. The people themselves cannot do it, much less their servants. The supervision of both these subjects of governmental power is continuing in its nature, and they are to be dealt with as the special exigencies of the moment may require. Government is organized with a view to their preservation, and cannot divest itself of the power to provide for them. For this purpose the largest legislative discretion is allowed, and the discretion cannot be parted with any more than the power itself.’ Stone v. Mississippi, 101 U.S. 814, 819. See, also, Butchers’ Union, etc., Co. v. Crescent City, etc., Co., 111 U.S. 746, 753, 4 S.Sup.Ct.Rep. 652; New Orleans Gas Co. v. Louisiana Light Co., 115 U.S. 650, 672, 6 S.Sup.Ct.Rep. 252; New Orleans v. Houston, 119 U.S. 265, 275, 7 S.Sup.Ct.Rep. 198.” [Leisy v. Hardin, 135 U.S. 100 (1890)]*

4. Whatever payments the Social Security system pays MUST be paid to federal statutory “employees”. They cannot be paid to private parties for wealth transfer, because then they cease to be “taxes” as legally defined. THAT, in fact, is the reason why statutory “employees” are defined as limited to elected or appointed public officers and DO NOT include private humans in 26 C.F.R. §31.3401(c)-1(a):

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

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

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

*“A tax, in the general understanding of the term and as used in the constitution, signifies an exaction for the support of the government. The word has never thought to connote the expropriation of money from one group for the benefit of another.” [U.S. v. Butler, 297 U.S. 1 (1936)]*

5. Private humans protected the Constitution cannot consent to be treated AS IF they are statutory “employees”, meaning they can’t unilaterally elect or appoint themselves into federal public office by filling out a Social Security Application, Form SS-5. That would be the crime of impersonating a public officer in violation of 18 U.S.C. §912. To force them to BECOME statutory “employees” against their will or to submit out a W-4 withholding form as a private human who is NOT already a public officer by other means constitutes unconstitutional peonage in violation of the Thirteenth Amendment and 18 U.S.C. §1581.

6. Private humans born within and domiciled within a Constitutional state cannot declare themselves a STATUTORY “U.S. citizen” under 8 U.S.C. §1401 on any Social Security Application, such as Form SS-5, without committing the crime of impersonating a STATUTORY citizen in violation of 18 U.S.C. §911. They are instead “foreigners” and statutory “non-residents” as described in the following:



The ONLY way out of the above conflicts is the express consent of the participant, because under the common law, no one can complain of anything they consented to:

*"Voluntati non fit injuria.  
He who consents cannot receive an injury. 2 Bouv. Inst. n. 2279, 2327; 4 T. R. 657; Shelf. on mar. & Div. 449.*

*Consensus tollit errorem.  
Consent removes or obviates a mistake. Co. Litt. 126.*

*Melius est omnia mala pati quam malo consentire.  
It is better to suffer every wrong or ill, than to consent to it. 3 Co. Inst. 23.*

*Nemo videtur fraudare eos qui sciunt, et consentiunt.  
One cannot complain of having been deceived when he knew the fact and gave his consent. Dig. 50, 17, 145."*  
[Bouvier's Maxims of Law, 1856;  
SOURCE: <http://famguardian.org/Publications/BouvierMaximsOfLaw/BouviersMaxims.htm>]

However, rights that are inalienable as the Declaration of Independence says are legally INCAPABLE of being given away. You aren't ALLOWED to consent to give them away:

*"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]

Consequently, the ONLY physical place where the following statute can apply is either on federal territory subject to the exclusive jurisdiction of Congress or abroad, and both of these places are not protected by the Constitution and therefore, rights are ALIENABLE in these places. These are the SAME places that are the ONLY place the Social Security Act can be offered or enforced:

*CALIFORNIA CIVIL CODE  
DIVISION 3. OBLIGATIONS  
PART 2. CONTRACTS  
CHAPTER 3. CONSENT  
[Section 1589](#)*

*1589. A voluntary acceptance of the benefit of a transaction is equivalent to a consent to all the obligations arising from it, so far as the facts are known, or ought to be known, to the person accepting.*

## **8.5 Caselaw for the current income tax confirms our conclusions**

IRS likes to frequently cite Brushaber v. Union Pacific Railroad, 240 U.S. 1 (1916) as the basis for the authority of the current income tax. The last sentence of this case cites three cases involving ONLY foreign commerce as the authority for the income tax.

1. [Field v. Clark, 143 U.S. 649](#). Dealt with a Tariff upon dress goods and wearing apparel importation, meaning foreign commerce.
2. [Buttfield v. Stranahan, 192 U.S. 470, 496](#). Dealt with importation of tea (foreign commerce).
3. [Oceanic Steam Navigation Co. v. Stranahan, 214 U.S. 320](#). Dealt with transportation of diseased and dangerous alien immigrants into the country. A tax of \$100 for each diseased passenger was collected as a penalty against the transportation company.

Note that NONE of the above cases dealt with "citizens" or "residents" and all dealt ONLY with aliens. The current income tax limits itself ONLY to aliens, as verified by 26 U.S.C. §1441, which identifies statutory "nonresident aliens" as the ONLY



type of biological human subject to withholding. The implication is that those NOT subject to withholding are not “taxpayers” or more precisely, are “nontaxpayers”. Most of the people subject to the Social Security insurance premiums fit in this category, as identified under 26 C.F.R. §31.3121(b)-3(c)(3):

26 C.F.R. PART 31—EMPLOYMENT TAXES AND COLLECTION OF INCOME TAX AT SOURCE  
Title 26 - Internal Revenue  
[§ 31.3121\(b\)-3 Employment; services performed after 1954.](#)

(c) *Services performed outside the United States—(1) In general. Except as provided in paragraphs (c)(2) and (3) of this section, services performed outside the United States (see §31.3121(e)–1) do not constitute employment.*

(2) *On or in connection with an American vessel or American aircraft. (i) Services performed after 1954 by an employee for an employer “on or in connection with” an American vessel or American aircraft outside the United States (see §31.3121(e)–1) constitute employment if:*

(a) *The employee is also employed “on and in connection with” such vessel or aircraft when outside the United States; and*

(b) *The services are performed under a contract of service, between the employee and the employer, which is entered into within the United States, or during the performance of the contract under which the services are performed and while the employee is employed on the vessel or aircraft it touches at a port within the United States; and*

(c) *The services are not excepted under section 3121(b).*

(ii) *An employee performs services on and in connection with the vessel or aircraft if he performs services on such vessel or aircraft which are also in connection with the vessel or aircraft. Services performed on the vessel by employees as officers or members of the crew, or as employees of concessionaires, of the vessel, for example, are performed under such circumstances, since such services are also connected with the vessel. Similarly, services performed on the aircraft by employees as officers or members of the crew of the aircraft are performed on and in connection with such aircraft. Services may be performed on the vessel or aircraft, however, which have no connection with it, as in the case of services performed by an employee while on the vessel or aircraft merely as a passenger in the general sense. For example, the services of a buyer in the employ of a department store while he is a passenger on a vessel are not in connection with the vessel.*

(iii) *If services are performed by an employee “on and in connection with” an American vessel or American aircraft when outside the United States and the conditions listed in paragraph (c)(2)(i) (b) and (c) of this section are met, then the services of that employee performed on or in connection with the vessel or aircraft constitute employment. The expression “on or in connection with” refers not only to services performed on the vessel or aircraft but also to services connected with the vessel or aircraft which are not actually performed on it (for example, shore services performed as officers or members of the crew, or as employees of concessionaires, of the vessel).*

(iv) *Services performed by a member of the crew or other employee whose contract of service is not entered into within the United States, and during the performance of which and while the employee is employed on the vessel or aircraft it does not touch at a port within the United States, do not constitute employment under this subparagraph, notwithstanding services performed by other members of the crew or other employees on or in connection with the vessel or aircraft may constitute employment.*

(v) *A vessel includes every description of watercraft, or other contrivance, used as a means of transportation on water. An aircraft includes every description of craft, or other contrivance, used as a means of transportation through the air. In the case of an aircraft, the term “port” means an airport. An airport means an area on land or water used regularly by aircraft for receiving or discharging passengers or cargo. For definitions of “American vessel” and “American aircraft”, see §31.3121(f)–1.*

(vi) *With respect to services performed outside the United States on or in connection with an American vessel or American aircraft, the citizenship or residence of the employee is immaterial, and the citizenship or residence of the employer is material only in case it has a bearing in determining whether a vessel is an American vessel.*

[SOURCE: <https://law.justia.com/cfr/title26/26-15.0.1.1.1.html#26-15.0.1.1.2.10.36>]

The only “citizens” subject to the Social Security tax are STATUTORY territorial citizens under 8 U.S.C. §1401 who are abroad and NOT within a constitutional state:

26 C.F.R. PART 31—EMPLOYMENT TAXES AND COLLECTION OF INCOME TAX AT SOURCE  
Title 26 - Internal Revenue

[§ 31.3121\(b\)-3 Employment; services performed after 1954.](#)

**(b) Services performed within the United States.**

*Services performed after 1954 within the United States (see §31.3121(e)-1) by an employee for his employer, unless specifically excepted by section 3121(b), constitute employment. With respect to services performed within the United States, the place where the contract of service is entered into is immaterial. The citizenship or residence of the employee or of the employer also is immaterial except to the extent provided in any specific exception from employment. Thus, the employee and the employer may be citizens and residents of a foreign country and the contract of service may be entered into in a foreign country, and yet, if the employee under such contract performs services within the United States, there may be to that extent employment.*

[ . . . ]

*(c) The services are not excepted under section 3121(b).*

*(3) By a citizen of the United States as an employee for an American employer. Services performed after 1954 outside the United States by a citizen of the United States as an employee for an American employer constitute employment provided the services are not specifically excepted under section 3121(b). For definitions of "citizen of the United States" and "American employer", see §§31.3121(e)-1 and 3121 (h)-1, respectively.*

[SOURCE: <https://law.justia.com/cfr/title26/26-15.0.1.1.1.html#26:15.0.1.1.2.10.36>]

Furthermore, even THESE social security participants MUST work for the government. The definition of "employee" mentioned above is a public officer under 5 U.S.C. §2105(a) and not a private human:

[26 U.S.C. §3401\(c\) Employee](#)

*For purposes of this chapter, the term "employee" includes [is limited to] an officer, employee, or elected official of the United States, a State, or any political subdivision thereof, or the District of Columbia, or any agency or instrumentality of any one or more of the foregoing. The term "employee" also includes an officer of a corporation.*

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26 C.F.R. §31.3401(c)-1(a)

*"...the term [employee] includes officers and employees, whether elected or appointed, of the United States, a [federal] State, Territory, Puerto Rico or any political subdivision, thereof, or the District of Columbia, or any agency or instrumentality of any one or more of the foregoing. The term 'employee' also includes an officer of a corporation."*

The regulations at 26 C.F.R. §31.3121(d)-1 and 26 C.F.R. §31.3121(d)-2 try to ILLEGALLY and UNCONSTITUTIONALLY expand upon the above definitions to include EVERYONE, but this is an unconstitutional expansion of the statutory and regulatory definitions to fool PRIVATE people protected by the Constitution into believing the Social Security applies to them when in fact it does NOT. The U.S. Supreme Court held that regulations cannot EXPAND the scope of the statutes they implement or add things not expressly mentioned. U.S. v. Calamaro, 354 U.S. 351, 77 S.Ct. 1138 (1957).

There ARE, in fact, occasions when the Secretary of an agency may write regulations that expand the scope of the statutes they implement, but ONLY in the context of personnel WITHIN his or her department pursuant to 5 U.S.C. §301:

[TITLE 5 > PART 1 > CHAPTER 3 > § 301](#)  
[§ 301. Departmental regulations](#)

*The head of an Executive department or military department **may prescribe regulations for the government of his department, the conduct of its employees, the distribution and performance of its business, and the custody, use, and preservation of its records, papers, and property.** This section does not authorize withholding information from the public or limiting the availability of records to the public.*

An example of AUTHORIZED expansions of statutes are the ONLY statutes mandating the use of Social Security Numbers under the Internal Revenue Code, 26 U.S.C. §6109. ALL such regulations are under 26 U.S.C. Part 301 and therefore apply ONLY within the Internal Revenue Service and to no one OUTSIDE of the IRS or within a constitutional state.

**Title 26: Internal Revenue**

**PART 301—PROCEDURE AND ADMINISTRATION**  
**§301.6109-1 Identifying numbers.**

**(a) In general—**

**(1) Taxpayer identifying numbers—**

(i) *Principal types.* There are several types of taxpayer identifying numbers that include the following: social security numbers, Internal Revenue Service (IRS) individual taxpayer identification numbers, IRS adoption taxpayer identification numbers, and employer identification numbers. Social security numbers take the form 000–00–0000. IRS individual taxpayer identification numbers and IRS adoption taxpayer identification numbers also take the form 000–00–0000 but include a specific number or numbers designated by the IRS. Employer identification numbers take the form 00–0000000.

(ii) *Uses.* Social security numbers, IRS individual taxpayer identification numbers, and IRS adoption taxpayer identification numbers are used to identify individual persons. Employer identification numbers are used to identify employers. For the definition of social security number and employer identification number, see §§301.7701–11 and 301.7701–12, respectively. For the definition of IRS individual taxpayer identification number, see paragraph (d)(3) of this section. For the definition of IRS adoption taxpayer identification number, see §301.6109–3(a). Except as otherwise provided in applicable regulations under this chapter or on a return, statement, or other document, and related instructions, taxpayer identifying numbers must be used as follows:

(A) Except as otherwise provided in paragraph (a)(1)(ii)(B) and (D) of this section, and §301.6109–3, an individual required to furnish a taxpayer identifying number must use a social security number.

(B) Except as otherwise provided in paragraph (a)(1)(ii)(D) of this section and §301.6109–3, an individual required to furnish a taxpayer identifying number but who is not eligible to obtain a social security number must use an IRS individual taxpayer identification number.

(C) Any person other than an individual (such as corporations, partnerships, nonprofit associations, trusts, estates, and similar nonindividual persons) that is required to furnish a taxpayer identifying number must use an employer identification number.

(D) An individual, whether U.S. or foreign, who is an employer or who is engaged in a trade or business as a sole proprietor should use an employer identification number as required by returns, statements, or other documents and their related instructions.

**(2) A trust that is treated as owned by one or more persons pursuant to sections 671 through 678—**

**(i) Obtaining a taxpayer identification number—**

(A) *General rule.* Unless the exception in paragraph (a)(2)(i)(B) of this section applies, a trust that is treated as owned by one or more persons under sections 671 through 678 must obtain a taxpayer identification number as provided in paragraph (d)(2) of this section.

(B) *Exception for a trust all of which is treated as owned by one grantor or one other person and that reports under §1.671–4(b)(2)(i)(A) of this chapter.* A trust that is treated as owned by one grantor or one other person under sections 671 through 678 need not obtain a taxpayer identification number, provided the trust reports pursuant to §1.671–4(b)(2)(i)(A) of this chapter. The trustee must obtain a taxpayer identification number as provided in paragraph (d)(2) of this section for the first taxable year that the trust is no longer owned by one grantor or one other person or for the first taxable year that the trust does not report pursuant to §1.671–4(b)(2)(i)(A) of this chapter.

(ii) *Obligations of persons who make payments to certain trusts.* Any payor that is required to file an information return with respect to payments of income or proceeds to a trust must show the name and taxpayer identification number that the trustee has furnished to the payor on the return. Regardless of whether the trustee furnishes to the payor the name and taxpayer identification number of the grantor or other person treated as an owner of the trust, or the name and taxpayer identification number of the trust, the payor must furnish a statement to recipients to the trustee of the trust, rather than to the grantor or other person treated as the owner of the trust. Under these circumstances, the payor satisfies the obligation to show the name and taxpayer identification number of the payee on the information return and to furnish a statement to recipients to the person whose taxpayer identification number is required to be shown on the form.

(3) Obtaining a taxpayer identification number for a trust, or portion of a trust, following the death of the individual treated as the owner—

(i) In general—

(A) A trust all of which was treated as owned by a decedent. In general, a trust all of which is treated as owned by a decedent under subpart E (section 671 and following), part I, subchapter J, chapter 1 of the Internal Revenue Code as of the date of the decedent's death must obtain a new taxpayer identification number following the death of the decedent if the trust will continue after the death of the decedent.

(B) Taxpayer identification number of trust with multiple owners. With respect to a portion of a trust treated as owned under subpart E (section 671 and following), part I, subchapter J, chapter 1 (subpart E) of the Internal Revenue Code by a decedent as of the date of the decedent's death, if, following the death of the decedent, the portion treated as owned by the decedent remains part of the original trust and the other portion (or portions) of the trust continues to be treated as owned under subpart E by a grantor(s) or other person(s), the trust reports under the taxpayer identification number assigned to the trust prior to the decedent's death and the portion of the trust treated as owned by the decedent prior to the decedent's death (assuming the decedent's portion of the trust is not treated as terminating upon the decedent's death) continues to report under the taxpayer identification number used for reporting by the other portion (or portions) of the trust. For example, if a trust, reporting under §1.671-4(a) of this chapter, is treated as owned by three persons and one of them dies, the trust, including the portion of the trust no longer treated as owned by a grantor or other person, continues to report under the tax identification number assigned to the trust prior to the death of that person. See §1.671-4(a) of this chapter regarding rules for filing the Form 1041, "U.S. Income Tax Return for Estates and Trusts," where only a portion of the trust is treated as owned by one or more persons under subpart E.

(ii) Furnishing correct taxpayer identification number to payors following the death of the decedent. If the trust continues after the death of the decedent and is required to obtain a new taxpayer identification number under paragraph (a)(3)(i)(A) of this section, the trustee must furnish payors with a new Form W-9, "Request for Taxpayer Identification Number and Certification," or an acceptable substitute Form W-9, containing the new taxpayer identification number required under paragraph (a)(3)(i)(A) of this section, the name of the trust, and the address of the trustee.

(4) Taxpayer identification number to be used by a trust upon termination of a section 645 election—

(i) If there is an executor. Upon the termination of the section 645 election period, if there is an executor, the trustee of the former electing trust may need to obtain a taxpayer identification number. If §1.645-1(g) of this chapter regarding the appointment of an executor after a section 645 election is made applies to the electing trust, the electing trust must obtain a new TIN upon termination of the election period. See the instructions to the Form 1041 for whether a new taxpayer identification number is required for other former electing trusts.

(ii) If there is no executor. Upon termination of the section 645 election period, if there is no executor, the trustee of the former electing trust must obtain a new taxpayer identification number.

(iii) Requirement to provide taxpayer identification number to payors. If the trustee is required to obtain a new taxpayer identification number for a former electing trust pursuant to this paragraph (a)(4), or pursuant to the instructions to the Form 1041, the trustee must furnish all payors of the trust with a completed Form W-9 or acceptable substitute Form W-9 signed under penalties of perjury by the trustee providing each payor with the name of the trust, the new taxpayer identification number, and the address of the trustee.

(5) Persons treated as payors. For purposes of paragraphs (a)(2), (3), and (4) of this section, a payor is a person described in §§1.671-4(b)(4) of this chapter.

(6) Effective date. Paragraphs (a)(3), (4), and (5) of this section apply to trusts of decedents dying on or after December 24, 2002.

(b) Requirement to furnish one's own number—

**(1) U.S. persons. Every U.S. person who makes under this title a return, statement, or other document must furnish its own taxpayer identifying number as required by the forms and the accompanying instructions. A U.S. person whose number must be included on a document filed by another person must give the taxpayer identifying number so required to the other person on request. For penalties for failure to supply taxpayer identifying numbers, see sections 6721 through 6724. For provisions dealing specifically with the duty of employees with respect to their social security numbers, see §31.6011(b)-2 (a) and (b) of this chapter**

**(Employment Tax Regulations). For provisions dealing specifically with the duty of employers with respect to employer identification numbers, see §31.6011(b)-1 of this chapter (Employment Tax Regulations).**

(2) Foreign persons. The provisions of paragraph (b)(1) of this section regarding the furnishing of one's own number shall apply to the following foreign persons—

(i) A foreign person that has income effectively connected with the conduct of a U.S. trade or business at any time during the taxable year;

(ii) A foreign person that has a U.S. office or place of business or a U.S. fiscal or paying agent at any time during the taxable year;

(iii) A nonresident alien treated as a resident under section 6013(g) or (h);

(iv) A foreign person that makes a return of tax (including income, estate, and gift tax returns), an amended return, or a refund claim under this title but excluding information returns, statements, or documents;

(v) A foreign person that makes an election under §301.7701-3(c);

(vi) A foreign person that furnishes a withholding certificate described in §1.1441-1(e)(2) or (3) of this chapter or §1.1441-5(c)(2)(iv) or (3)(iii) of this chapter to the extent required under §1.1441-1(e)(4)(vii) of this chapter;

(vii) A foreign person whose taxpayer identifying number is required to be furnished on any return, statement, or other document as required by the income tax regulations under section 897 or 1445. This paragraph (b)(2)(vii) applies as of November 3, 2003; and

(viii) A foreign person that furnishes a withholding certificate described in §1.1446-1(c)(2) or (3) of this chapter or whose taxpayer identification number is required to be furnished on any return, statement, or other document as required by the income tax regulations under section 1446. This paragraph (b)(2)(viii) shall apply to partnership taxable years beginning after May 18, 2005, or such earlier time as the regulations under §§1.1446-1 through 1.1446-5 of this chapter apply by reason of an election under §1.1446-7 of this chapter.

(c) Requirement to furnish another's number. Every person required under this title to make a return, statement, or other document must furnish such taxpayer identifying numbers of other U.S. persons and foreign persons that are described in paragraph (b)(2)(i), (ii), (iii), (vi), (vii), or (viii) of this section as required by the forms and the accompanying instructions. The taxpayer identifying number of any person furnishing a withholding certificate referred to in paragraph (b)(2)(vi) or (viii) of this section shall also be furnished if it is actually known to the person making a return, statement, or other document described in this paragraph (c). If the person making the return, statement, or other document does not know the taxpayer identifying number of the other person, and such other person is one that is described in paragraph (b)(2)(i), (ii), (iii), (vi), (vii), or (viii) of this section, such person must request the other person's number. The request should state that the identifying number is required to be furnished under authority of law. When the person making the return, statement, or other document does not know the number of the other person, and has complied with the request provision of this paragraph (c), such person must sign an affidavit on the transmittal document forwarding such returns, statements, or other documents to the Internal Revenue Service, so stating. A person required to file a taxpayer identifying number shall correct any errors in such filing when such person's attention has been drawn to them. References in this paragraph (c) to paragraph (b)(2)(viii) of this section shall apply to partnership taxable years beginning after May 18, 2005, or such earlier time as the regulations under §§1.1446-1 through 1.1446-5 of this chapter apply by reason of an election under §1.1446-7 of this chapter.

(d) Obtaining a taxpayer identifying number—

(1) Social security number. Any individual required to furnish a social security number pursuant to paragraph (b) of this section shall apply for one, if he has not done so previously, on Form SS-5, which may be obtained from any Social Security Administration or Internal Revenue Service office. He shall make such application far enough in advance of the first required use of such number to permit issuance of the number in time for compliance with such requirement. The form, together with any supplementary statement, shall be prepared and filed in accordance with the form, instructions, and regulations applicable thereto, and shall set forth fully and clearly the data therein called for. Individuals who are ineligible for or do not wish to participate in the benefits of the social security program shall nevertheless obtain a social security number if they are required to furnish such a number pursuant to paragraph (b) of this section.

(2) Employer identification number—



(i) In general. Any person required to furnish an employer identification number must apply for one, if not done so previously, on Form SS-4. A Form SS-4 may be obtained from any office of the Internal Revenue Service, U.S. consular office abroad, or from an acceptance agent described in paragraph (d)(3)(iv) of this section. The person must make such application far enough in advance of the first required use of the employer identification number to permit issuance of the number in time for compliance with such requirement. The form, together with any supplementary statement, must be prepared and filed in accordance with the form, accompanying instructions, and relevant regulations, and must set forth fully and clearly the requested data.

(ii) [Reserved]

(iii) Special rule for Section 708(b)(1)(B) terminations. A new partnership that is formed as a result of the termination of a partnership under section 708(b)(1)(B) will retain the employer identification number of the terminated partnership. This paragraph (d)(2)(iii) applies to terminations of partnerships under section 708(b)(1)(B) occurring on or after May 9, 1997; however, this paragraph (d)(2)(iii) may be applied to terminations occurring on or after May 9, 1996, provided that the partnership and its partners apply this paragraph (d)(2)(iii) to the termination in a consistent manner.

Therefore, Social Security Numbers and/or TINs can ONLY be mandated for or issued to those WITHIN the IRS and no one else. For further information on this subject, see:

About SSNs and TINs on Government Forms and Correspondence, Form #05.012  
<https://sedm.org/Forms/FormIndex.htm>

## 9 Social Security Numbers

### 9.1 Introduction

All those assigned Social Security Numbers are federal “employees”. For the proof, we refer you to the Privacy Act, [5 U.S.C. §552a](#), which says:

[TITLE 5 > PART I > CHAPTER 5 > SUBCHAPTER II > § 552a](#)  
[§ 552a. Records maintained on individuals](#)

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

(13) the term “Federal personnel” means officers and employees of the Government of the United States, members of the uniformed services (including members of the Reserve Components), individuals entitled to receive immediate or deferred retirement benefits under any retirement program of the Government of the United States (including survivor benefits).

The above is also confirmed by the regulation which authorizes issuance of the number at [20 C.F.R. §422.104](#). That section falls under Title 20 of the Code of Federal Regulations, which is entitled “Employee’s Benefits”. The “employee” they are talking about is that defined in 26 C.F.R. §31.3401(c)-1:

[26 C.F.R. §31.3401\(c \)-1 Employee:](#)

“...the term [employee] includes officers and employees, whether elected or appointed, of the United States, a [federal] State, Territory, Puerto Rico or any political subdivision, thereof, or the District of Columbia, or any agency or instrumentality of any one or more of the foregoing. The term ‘employee’ also includes an officer of a corporation.”

The federal government has no jurisdiction within a state to control behavior of private employees, and therefore the only type of “employee” they can be referring to in the context of Social Security Numbers is public employees who work for the federal government. Note that Title 20 of the Code of Federal Regulations qualifies as “legislation” in the context of the Supreme Court ruling below:

“It is no longer open to question that the general government, unlike the states, *Hammer v. Dagenhart*, [247 U.S. 251, 275](#), 38 S.Ct. 529, 3 A.L.R. 649, *Ann.Cas.1918E 724*, possesses no inherent power in respect of the internal affairs of the states; and emphatically not with regard to legislation.”  
[*Carter v. Carter Coal Co.*, [298 U.S. 238](#), 56 S.Ct. 855 (1936)]

IRS also has a code word or “word of art” that they use to describe this employment relationship. It is called a “trade or business”, which is defined in [26 U.S.C. §7701](#)(a)(26) as “the functions of a public office”. A “trade or business” is the main thing that is taxable under Subtitle A of the Internal Revenue Code. To supply an SSN is to admit that you are a federal “employee” who is engaged in a taxable activity. Any bank account which has the number attached also effectively becomes property of the federal government, because the number, which is government property, can only be used in the execution of the official duties of a federal “employee” in the furtherance of a “public purpose”. To use public property for any other purpose is illegal under [18 U.S.C. §208](#).

Having a Social Security Number also creates a “presumption” that you are domiciled in the “United States”, which is defined in the I.R.C. as the “District of Columbia” in [26 U.S.C. §7701](#)(a)(9) and (a)(10). What “U.S. citizens” and “residents aliens” listed below have in common is a “domicile” in the “United States”:

[26 C.F.R. §301.6109-1\(g\)](#)

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

(1) *General rule—*

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

The U.S. Supreme Court also admitted that this very domicile is the basis for instituting federal income taxes:

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

Therefore, if someone asks you for a Social Security Number on any form or application, indirectly they are asking you two questions identified below. If you give them a number, your answer to both questions is YES:

1. Are you a federal “employee” on official business?
2. Is your domicile in the District of Columbia?

Therefore, those who don’t consent to be federal “employee”, domiciliaries of the federal zone, or “taxpayers” cannot indicate a number on any government form and where one is requested, must instead indicate:

1. Nothing: Wait if they ask you. If they insist, put one of the following 3
2. “NA”= “None Available” or Not Applicable”
3. “NONE”= NONE or “NONE TO GIVE”

## **9.2 Social Security Numbers (SSNs) and Taxpayer Identification Numbers (TINs) are what the FTC calls a “franchise mark”**

The Federal Trade Commission (F.T.C.) has defined a commercial franchise as follows:

“...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>]

In the context of the above document, the “Social Security Number” or “Taxpayer Identification Number” function essentially as what the FTC calls a “franchise mark”. It behaves as what we call a “de facto license” to represent Caesar as a public officer:

*"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>]

This same SSN or TIN “franchise mark” is what the Bible calls “the mark of the beast”. It defines “the Beast” as the government or civil rulers:

*"And I saw **the beast, the kings of the earth, and their armies**, gathered together to make war against Him who sat on the horse and against His army."  
[Rev. 19:19, Bible, NKJV]*

*"He [the government BEAST] causes all, both small and great, rich and poor, free and slave, to receive a mark on their right hand or on their foreheads,<sup>17</sup> and that no one may buy or sell except one who has the mark or<sup>18</sup> the name of the beast, or the number of his name.  
[Rev. 13:16-17, Bible, NKJV]*

The “business” that is “operated” or “licensed” by THE BEAST in statutes is called a “trade or business” which is defined as follows:

[26 U.S.C. Sec. 7701\(a\)\(26\)](#)

*"The term 'trade or business' includes the performance of the functions of a public office."*

Those engaged in “the trade or business” franchise activity are officers of Caesar and have fired God as their civil protector. By becoming said public officers or officers of Caesar, they have violated the FIRST COMMANDMENT of the Ten Commandments, because they are “serving other gods”, and the pagan god they serve is a man:

*"You shall have no other gods [including governments or civil rulers] before Me.*

*"You shall not make for yourself a carved image—any likeness of anything that is in heaven above, or that is in the earth beneath, or that is in the water under the earth; **you shall not bow down to them nor serve them. For I, the LORD your God, am a jealous God, visiting the iniquity of the fathers upon the children to the third and fourth generations of those who hate Me.** but showing mercy to thousands, to those who love Me and keep My commandments.  
[Exodus 20:3-6, Bible, NKJV]*

By “bowing down” as indicated above, the Bible means that you cannot become UNEQUAL or especially INFERIOR to any government or civil ruler under the civil law. In other words, you cannot surrender your equality and be civilly governed by any government or civil ruler under the Roman system of jus civile, civil law, or civil “statutes”. That is not to say that you are lawless or an “anarchist” by any means, because you are still accountable under criminal law, equity, and the common law in any court. All civil statutory codes make the government superior and you inferior so you can’t consent to a domicile and thereby become subject to it. The word “subjection” in the following means INFERIORITY:

*"Protectio trahit subjectionem, subjectio projectionem.  
Protection draws to it subjection, subjection, protection. Co. Litt. 65."  
[Bouvier's Maxims of Law, 1856;  
SOURCE: <http://famguardian.org/Publications/BouvierMaximsOfLaw/BouviersMaxims.htm>]*

Below are ways one becomes subject to Caesar's civil statutory "codes" and civil franchises as a "subject", and thereby surrenders their equality to engage in government idolatry:

1. Domicile by choice: Choosing domicile within a specific jurisdiction.
2. Domicile by operation of law. Also called domicile of necessity:
  - 2.1. Representing an entity that has a domicile within a specific jurisdiction even though not domiciled oneself in said jurisdiction. For instance, representing a federal corporation as a public officer of said corporation, even though domiciled outside the federal zone. The authority for this type of jurisdiction is, for instance, Federal Rule of Civil Procedure 17(b).
  - 2.2. Becoming a dependent of someone else, and thereby assuming the same domicile as that of your care giver. For instance, being a minor and dependent and having the same civil domicile as your parents. Another example is becoming a government dependent and assuming the domicile of the government paying you the welfare check.
  - 2.3. Being committed to a prison as a prisoner, and thereby assuming the domicile of the government owning or funding the prison.

Those who violate the First Commandment by doing any of the above become subject to the civil statutory franchises or codes. They are thereby committing the following form of idolatry because they are nominating a King to be ABOVE them rather than EQUAL to them under the common law:

*Then all the elders of Israel gathered together and came to Samuel at Ramah, and said to him, "Look, you are old, and your sons do not walk in your ways. Now make us a king to judge us like all the nations [and be OVER them]"*.

*But the thing displeased Samuel when they said, "Give us a king to judge us." So Samuel prayed to the Lord. And the Lord said to Samuel, "Heed the voice of the people in all that they say to you; for they have rejected Me [God], that I should not reign over them." According to all the works which they have done since the day that I brought them up out of Egypt, even to this day—with which they have forsaken Me and served other gods [Kings, in this case]—so they are doing to you also [government becoming idolatry]. Now therefore, heed their voice. However, you shall solemnly forewarn them, and show them the behavior of the king who will reign over them."*

*So Samuel told all the words of the LORD to the people who asked him for a king. And he said, "This will be the behavior of the king who will reign over you: He will take [STEAL] your sons and appoint them for his own chariots and to be his horsemen, and some will run before his chariots. He will appoint captains over his thousands and captains over his fifties, will set some to plow his ground and reap his harvest, and some to make his weapons of war and equipment for his chariots. He will take [STEAL] your daughters to be perfumers, cooks, and bakers. And he will take [STEAL] the best of your fields, your vineyards, and your olive groves, and give them to his servants. He will take [STEAL] a tenth of your grain and your vintage, and give it to his officers and servants. And he will take [STEAL] your male servants, your female servants, your finest young men, and your donkeys, and put them to his work [as SLAVES]. He will take [STEAL] a tenth of your sheep. And you will be his servants. And you will cry out in that day because of your king whom you have chosen for yourselves, and the LORD will not hear you in that day."*

*Nevertheless the people refused to obey the voice of Samuel; and they said, "No, but we will have a king over us, that we also may be like all the nations, and that our king may judge us and go out before us and fight our battles." [1 Sam. 8:4-20, Bible, NKJV]*

### 9.3 State citizens or nationals cannot use numbers

26 U.S.C. §6109 prescribes when identifying numbers must be used.

U.S. Code › [Title 26](#) › [Subtitle F](#) › [Chapter 61](#) › [Subchapter B](#) › § 6109

[26 U.S. Code § 6109 - Identifying numbers](#)

#### (a) SUPPLYING OF IDENTIFYING NUMBERS

When required by regulations prescribed by the Secretary:

#### (1) INCLUSION IN RETURNS

Any person required under the authority of this title to make a return, statement, or other document shall include in such return, statement, or other document such identifying number as may be prescribed for securing proper identification of such person.

**(2) FURNISHING NUMBER TO OTHER PERSONS**

Any person with respect to whom a return, statement, or other document is required under the authority of this title to be made by another person or whose identifying number is required to be shown on a return of another person shall furnish to such other person such identifying number as may be prescribed for securing his proper identification.

**(3) FURNISHING NUMBER OF ANOTHER PERSON**

Any person required under the authority of this title to make a return, statement, or other document with respect to another person shall request from such other person, and shall include in any such return, statement, or other document, such identifying number as may be prescribed for securing proper identification of such other person.

**(4) FURNISHING IDENTIFYING NUMBER OF TAX RETURN PREPARER**

Any return or claim for refund prepared by a tax return preparer shall bear such identifying number for securing proper identification of such preparer, his employer, or both, as may be prescribed. For purposes of this paragraph, the terms "return" and "claim for refund" have the respective meanings given to such terms by section 6696(e).

For purposes of paragraphs (1), (2), and (3), the identifying number of an individual (or his estate) shall be such individual's social security account number.

**(b) LIMITATION**

(1) Except as provided in paragraph (2), a return of any person with respect to his liability for tax, or any statement or other document in support thereof, shall not be considered for purposes of paragraphs (2) and (3) of subsection (a) as a return, statement, or other document with respect to another person.

(2) For purposes of paragraphs (2) and (3) of subsection (a), a return of an estate or trust with respect to its liability for tax, and any statement or other document in support thereof, shall be considered as a return, statement, or other document with respect to each beneficiary of such estate or trust.

So the requirement to furnish, and by implication apply for and receive, a government issued identifying number is as follows:

1. When regulations issued by the Secretary of Treasury require it.
2. In the context of statutory "persons":
  - 2.1. On tax returns or information returns (e.g. W-2, 1098, 1099, etc.)
  - 2.2. To another person ONLY when a return must be filed against them, such as an information return. This would include "withholding agents".
3. In the context of tax return preparers.

State citizens or nationals do not fit into any of the above circumstances, because:

1. There are no implementing regulations for enforcement of the Internal Revenue Code pertaining to the "tax" imposed under Subtitle A. Hence, item 1 above does not apply. See:

IRS Due Process Meeting Handout, Form #03.008 FORMS PAGE: <a href="https://sedm.org/Forms/FormIndex.htm">https://sedm.org/Forms/FormIndex.htm</a> DIRECT LINK: <a href="https://sedm.org/Forms/03-Discovery/IRSDueProcMtgHandout.pdf">https://sedm.org/Forms/03-Discovery/IRSDueProcMtgHandout.pdf</a>
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2. State citizens or nationals are not STATUTORY civil "persons" because they have a foreign domicile outside the CIVIL and exclusive jurisdiction of the national government. This rules out item 2 above and 26 U.S.C. §6109(a)(2) and (3).. See:
  - 2.1. Why Domicile and Becoming a "Taxpayer" Require Your Consent, Form #05.002  
<https://sedm.org/Forms/FormIndex.htm>
  - 2.2. Citizenship Status v. Tax Status, Form #10.011, Section 12  
<https://sedm.org/Forms/10-Emancipation/CitizenshipStatusVTaxStatus/CitizenshipVTaxStatus.htm>



3. State citizens or nationals are not domiciled or present within the geographical definition of “United States” defined in 26 U.S.C. §7701(a)(9) and (a)(10) and 4 U.S.C. §110 and therefore are “foreign” but not “persons” under the Internal Revenue Code. Again, this rules out item 2 above and 26 U.S.C. §6109(a)(2) and (3). Therefore, they are NEITHER:
  - 3.1. Statutory “U.S. persons” under 26 U.S.C. §7701(a)(30). You can’t be a “U.S. person” UNLESS you are either physically present within or domiciled within the territorial “United States” ..NOR
  - 3.2. Statutory “Foreign persons” 26 C.F.R. §1.1441-1. You can’t be a “foreign person” without ALSO being a STATUTORY “person”.
4. 26 U.S.C. §6109(a)(4) relating to Tax Return Preparers doesn’t apply, because it is a CRIME for state citizens or nationals to file a tax return. See:
  - 4.1. *Why It’s a Crime for a State Citizen to File a 1040 Income Tax Return*, Form #08.021  
<https://sedm.org/Forms/FormIndex.htm>
  - 4.2. *Legal Requirement to File Federal Income Tax Returns*, Form #05.009  
<https://sedm.org/Forms/FormIndex.htm>
5. We prove in the following that ALL statutory civil law, if it imposes duties OTHER than reparations for injuries paid ONLY to the victims of the injury, is law for government and not private people or humans. Taxation is a civil liability and therefore a civil statutory franchise that can and does regulate ONLY public officers on official business. State citizens or nationals are NOT such “public officers” and have a right NOT to be compelled to become one. A violation of this right is involuntary servitude in violation of the Thirteenth Amendment.
  - 5.1. *Why Statutory Civil Law is Law for Government and Not Private Persons*, Form #05.037  
<https://sedm.org/Forms/FormIndex.htm>
  - 5.2. *Why Your Government is Either a Thief or You Are a “Public Officer” for Income Tax Purposes*, Form #05.008  
<https://sedm.org/Forms/FormIndex.htm>
  - 5.3. *Proof That There Is a “Straw Man”*, Form #05.042  
<https://sedm.org/Forms/FormIndex.htm>

## 9.4 Who can lawfully be issued a "Social Security Number"?

First of all, who may Social Security Numbers be issued to? The answer is found in [20 C.F.R. §422.104](#):

*Code of Federal Regulations*  
[TITLE 20--EMPLOYEES' BENEFITS](#)  
*CHAPTER III--SOCIAL SECURITY ADMINISTRATION*  
*PART 422\_ORGANIZATION AND PROCEDURES--Table of Contents*  
*Subpart B\_General Procedures*  
[Sec. 422.104 Who can be assigned a social security number.](#)

*(a) Persons eligible for SSN assignment. We can assign you a social security number if you meet the evidence requirements in §422.107 and you are:*

*(1) A United States citizen; or*

*(2) An alien lawfully admitted to the United States for permanent residence or under other authority of law permitting you to work in the United States (§422.105 describes how we determine if a nonimmigrant alien is permitted to work in the United States); or*

*(3) An alien who cannot provide evidence of alien status showing lawful admission to the U.S., or an alien with evidence of lawful admission but without authority to work in the U.S., if the evidence described in §422.107(e) does not exist, but only for a valid nonwork reason. We consider you to have a valid nonwork reason if:*

*(i) You need a social security number to satisfy a Federal statute or regulation that requires you to have a social security number in order to receive a Federally-funded benefit to which you have otherwise established entitlement and you reside either in or outside the U.S.; or*

*(ii) You need a social security number to satisfy a State or local law that requires you to have a social security number in order to receive public assistance benefits to which you have otherwise established entitlement, and you are legally in the United States.*

(b) Annotation for a nonwork purpose. If we assign you a social security number as an alien for a nonwork purpose, we will indicate in our records that you are not authorized to work. We will also mark your social security card with a legend such as "NOT VALID FOR EMPLOYMENT." If earnings are reported to us on your number, we will inform the Department of Homeland Security of the reported earnings.  
[68 FR 55308, Sept. 25, 2003]

The section above very deceptively doesn't indicate that the main prerequisite of receiving a number is that one is acting as or agrees to act as a federal "employee" or "public officer", but this is indeed the case. The first thing we notice about the above, is that it is in [Title 20 of the Code of Federal Regulations](#), which is entitled "Employee's Benefits". That term "employee" is defined in [5 U.S.C. §2105](#), [26 U.S.C. §3401\(c\)](#), and [26 C.F.R. §31.3401\(c\)-1](#) as a federal employee and NOT a private employee. The federal government has no authority over private employees or private employers in states of the Union, as confirmed by the U.S. Supreme Court:

"It is no longer open to question that the general government, unlike the states, Hammer v. Dagenhart, 247 U.S. 251, 275, 38 S.Ct. 529, 3 A.L.R. 649, Ann.Cas.1918E 724, possesses no inherent power in respect of the internal affairs of the states; and emphatically not with regard to legislation."  
[Carter v. Carter Coal Co., [298 U.S. 238](#), 56 S.Ct. 855 (1936) ]

"The difficulties arising out of our dual form of government and the opportunities for differing opinions concerning the relative rights of state and national governments are many; but for a very long time this court has steadfastly adhered to the doctrine that the taxing power of Congress does not extend to the states or their political subdivisions. The same basic reasoning which leads to that conclusion, we think, requires like limitation upon the power which springs from the bankruptcy clause. United States v. Butler, supra."  
[Ashton v. Cameron County Water Improvement District No. 1, [298 U.S. 513](#); 56 S.Ct. 892 (1936) ]

The IRS also admits in its own Internal Revenue Manual, in black and white, that private employers do not have to deduct or withhold:

Internal Revenue Manual (I.R.M.), Section 5.14.10.2 (09-30-2004)  
Payroll Deduction Agreements

**2. Private employers, states, and political subdivisions are not required to enter into payroll deduction agreements.** Taxpayers should determine whether their employers will accept and process executed agreements before agreements are submitted for approval or finalized.  
[<http://www.irs.gov/irm/part5/ch14s10.html>]

Consequently, whenever you use the SSN in any context, which is "public property" owned by the government, you are admitting to be acting as a federal "employee" on official duty. That is the only way the government can lawfully operate, because if they didn't do it this way, they would be abusing their taxing power to become a Robinhood who transfers property between citizens, which the U.S. Supreme Court said below they cannot lawfully do:

"In Calder v. Bull, which was here in 1798, Mr. Justice Chase said, that there were acts which the Federal and State legislatures could not do without exceeding their authority, and among them he mentioned a law which punished a citizen for an innocent act; a law that destroyed or impaired the lawful private [labor] contracts [and labor compensation, e.g. earnings from employment through compelled W-4 withholding] of citizens; a law that made a man judge in his own case; and a law that took the property from A [the worker], and gave it to B [the government or another citizen, such as through social welfare programs]. 'It is against all reason and justice,' he added, 'for a people to intrust a legislature with such powers, and therefore it cannot be presumed that they have done it. They may command what is right and prohibit what is wrong; but they cannot change innocence into guilt, or punish innocence as a crime, or violate the right of an antecedent lawful private [employment] contract [by compelling W-4 withholding, for instance], or the right of private property. To maintain that a Federal or State legislature possesses such powers [of THEFT!] if they had not been expressly restrained, would, in my opinion, be a political heresy altogether inadmissible in all free republican governments.' 3 Dall. 388."  
[Sinking Fund Cases, 99 U.S. 700 (1878)]

Consequently, if you are receiving federal payments or "benefits", there are only two ways to describe the result:

1. Your government is a thief and a Robinhood and you continue to be a private citizen....OR
2. You Are a federal "employee" and the payment is "employment compensation".

Take your pick, but you have to pick either one of the two and not both.

If the number is attached to any of your bank or financial accounts, those accounts are owned by the federal government and under their supervision because they were opened by its "employees" or "public officers" in the conduct of a type of federal employment called a "trade or business". A ["trade or business"](#) is defined in [26 U.S.C. §7701\(a\)\(26\)](#) as a "public office" in which you essentially become a business partner with the federal government. Your employment compensation consists of:

1. Deferred employment compensation called Social Security benefits.
2. Unemployment compensation (FICA) benefits
3. Medicare benefits
4. Reductions in federal tax liability taken under the following sections of the code:
  - 4.1. Graduated and reduced rate of tax under [26 U.S.C. §1](#)
  - 4.2. Earned income credit under [26 U.S.C. §32](#)
  - 4.3. "Trade or Business" deductions under [26 U.S.C. §162](#)

In the context of federal "benefit" programs, which essentially amount to "social insurance", the Privacy Act, 5 U.S.C. §552a confirms that all those who participate in such programs are "federal personnel":

[TITLE 5 > PART I > CHAPTER 5 > SUBCHAPTER II > § 552a](#)  
[§ 552a. Records maintained on individuals](#)

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

*(13) the term "Federal personnel" means officers and employees of the Government of the United States, members of the uniformed services (including members of the Reserve Components), individuals entitled to receive immediate or deferred retirement benefits under any retirement program of the Government of the United States (including survivor benefits).*

Consequently, anyone who asks you to supply YOUR "Social Security Number" indirectly is asking you the following TWO questions:

1. "Are you a federal "employee" or "public officer" on official duty at the moment?". . . AND
2. If you are, what is your license number to act in that capacity?

The answer to this question should always be that you are a private human being and not a statutory "person" or "individual" and who cannot lawfully possess or use government property or numbers, and that it is UNLAWFUL for you to impersonate a "public officer" of the U.S. government in violation of [18 U.S.C. §912](#) by providing or using one as a private human being. Furthermore, if they insist that you have or use one, then make sure you fill out an IRS Form 56 and make THEM, not YOU the surety and the person responsible for the duties associated with the "public office" they are effectively creating by using a number against your will. The [First Amendment](#) to the United States Constitution guarantees us a right of free association. This implies at least the ability to determine when we are working and when we are off work. The employment contract for federal "employees" is found in [Title 5 of the U.S. Code](#). It doesn't say what the working hours are for federal benefit recipients, and therefore we can choose what those hours are even if we did voluntarily apply for and continue to use such a number.

If you would like a more thorough analysis of why "taxpayers" under Subtitle A of the Internal Revenue Code are nearly all federal "employees", please read our free pamphlet below:

<p><a href="#">Why Your Government is Either a Thief or You Are a "Public Officer" for Income Tax Purposes</a>, Form #05.008 <a href="http://sedm.org/Forms/FormIndex.htm">http://sedm.org/Forms/FormIndex.htm</a></p>
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If you find anything wrong with the above analysis or any part of this article, then please send us your corrections so we can improve them.

## **9.5 Who owns the Number and why you don't "have" a number**

First of all, based on the discussion in section 2 earlier, the only parties who can lawfully be assigned a Social Security Number are federal "employees". The SSN is "public property" owned exclusively by the federal government, as confirmed by the regulations authorizing its issuance:

Title 20: Employees' Benefits  
[PART 422—ORGANIZATION AND PROCEDURES](#)  
[Subpart B—General Procedures](#)  
[§ 422.103 Social security numbers.](#)

(d) Social security number cards.

A person who is assigned a social security number will receive a social security number card from SSA within a reasonable time after the number has been assigned. (See §422.104 regarding the assignment of social security number cards to aliens.) **Social security number cards are the property of SSA and must be returned upon request.**

Notice that the above regulation is in Title 20, which is “Employee’s Benefits”. If you aren’t an “employee” as defined in 5 U.S.C. §2105, then you can’t receive this “benefit”.

[TITLE 5 > PART III > Subpart A > CHAPTER 21 > § 2105](#)  
[§ 2105. Employee](#)

(a) *For the purpose of this title, “employee”, except as otherwise provided by this section or when specifically modified, means an officer and an individual who is—*

*(1) appointed in the civil service by one of the following acting in an official capacity—*

- (A) the President;*
- (B) a Member or Members of Congress, or the Congress;*
- (C) a member of a uniformed service;*
- (D) an individual who is an employee under this section;*
- (E) the head of a Government controlled corporation; or*
- (F) an adjutant general designated by the Secretary concerned under section 709 (c) of title 32;*

*(2) engaged in the performance of a Federal function under authority of law or an Executive act; and*

*(3) subject to the supervision of an individual named by paragraph (1) of this subsection while engaged in the performance of the duties of his position.*

*(b) An individual who is employed at the United States Naval Academy in the midshipmen’s laundry, the midshipmen’s tailor shop, the midshipmen’s cobbler and barber shops, and the midshipmen’s store, except an individual employed by the Academy dairy (if any), and whose employment in such a position began before October 1, 1996, and has been uninterrupted in such a position since that date is deemed an employee.*

*(c) An employee paid from nonappropriated funds of the Army and Air Force Exchange Service, Army and Air Force Motion Picture Service, Navy Ship’s Stores Ashore, Navy exchanges, Marine Corps exchanges, Coast Guard exchanges, and other instrumentalities of the United States under the jurisdiction of the armed forces conducted for the comfort, pleasure, contentment, and mental and physical improvement of personnel of the armed forces is deemed not an employee for the purpose of—*

*(1) laws administered by the Office of Personnel Management, except—*

- (A) section 7204;*
- (B) as otherwise specifically provided in this title;*
- (C) the Fair Labor Standards Act of 1938;*
- (D) for the purpose of entering into an interchange agreement to provide for the noncompetitive movement of employees between such instrumentalities and the competitive service; or*
- (E) subchapter V of chapter 63, which shall be applied so as to construe references to benefit programs to refer to applicable programs for employees paid from nonappropriated funds; or*

*(2) subchapter I of chapter 81, chapter 84 (except to the extent specifically provided therein), and section 7902 of this title.*

*This subsection does not affect the status of these nonappropriated fund activities as Federal instrumentalities.*

*(d) A Reserve of the armed forces who is not on active duty or who is on active duty for training is deemed not an employee or an individual holding an office of trust or profit or discharging an official function under or in connection with the United States because of his appointment, oath, or status, or any duties or functions performed or pay or allowances received in that capacity.*

*(e) Except as otherwise provided by law, an employee of the United States Postal Service or of the Postal Rate Commission is deemed not an employee for purposes of this title.*

(f) For purposes of sections 1212, 1213, 1214, 1215, 1216, 1221, 1222, 2302, and 7701, employees appointed under chapter 73 or 74 of title 38 shall be employees.

Notice also that the definition of “employee” above:

1. Implicitly EXCLUDES private employees or anyone not expressly identified.
2. Includes only appointed or commissioned officers of the United States exercising the sovereign functions of a “public office” in the U.S. government.
3. Does not include what most companies would describe as common law employees.

The only lawful use of “public property”, such as a Social Security Number or Social Security Card, is for a “public use”. Here is how Black's Law Dictionary very eloquently describes it:

***“Public purpose.** In the law of taxation, eminent domain, etc., this is a term of classification to distinguish the objects for which, according to settled usage, the government is to provide, from those which, by the like usage, are left to private interest, inclination, or liberality. The constitutional requirement that the purpose of any tax, police regulation, or particular exertion of the power of eminent domain shall be the convenience, safety, or welfare of the entire community and not the welfare of a specific individual or class of persons [such as, for instance, federal benefit recipients as individuals]. “Public purpose” that will justify expenditure of public money generally means such an activity as will serve as benefit to community as a body and which at same time is directly related function of government. Pack v. Southwestern Bell Tel. & Tel. Co., 215 Tenn. 503, 387 S.W.2d. 789, 794.*

*The term is synonymous with governmental purpose. As employed to denote the objects for which taxes may be levied, it has no relation to the urgency of the public need or to the extent of the public benefit which is to follow; the essential requisite being that a public service or use shall affect the inhabitants as a community, and not merely as individuals. A public purpose or public business has for its objective the promotion of the public health, safety, morals, general welfare, security, prosperity, and contentment of all the inhabitants or residents within a given political division, as, for example, a state, the sovereign powers of which are exercised to promote such public purpose or public business.”*  
[Black's Law Dictionary, Sixth Edition, p. 1231, Emphasis added]

In effect, the number constitutes a license to act as a government employee or “trustee” over public property. The number can only be used in connection with the official employment duties as a federal “employee”. If you are a private party who is not acting in a representative capacity and not exercising the agency of federal employment or private contracts, you cannot lawfully use such a number and you cannot admit to ever having been issued one. The number, which is public property, can only lawfully be assigned to the custody and possession of the federal statutory “employee” or “public officer” while he is acting as a federal statutory “employee” or “public officer”, and not to the private human being. It is the same way with private employers, who will often fire their employees if they take company property home for private use. If you use this public property for private use, then:

1. You would be abusing public/government property, the SSN, for private gain. This is a criminal violation of [18 U.S.C. §208\(a\)](#). Only federal “employees” on official duty can use or dispose of public/government property. If you are not on official duty as a federal “employee”, then you cannot possess or “have” such a number and cannot truthfully claim to have ever been issued one.
2. You would be embezzling public property and converting it to private use, in violation of [18 U.S.C. §641](#).
3. You would be impersonating a public employee, which is a crime under [18 U.S.C. §912](#) :

[TITLE 18 > PART 1 > CHAPTER 43 > § 912](#)  
[§ 912. Officer or employee of the United States](#)

*Whoever falsely assumes or pretends to be an officer or employee acting under the authority of the United States or any department, agency or officer thereof, and acts as such, or in such pretended character demands or obtains any money, paper, document, or thing of value, shall be fined under this title or imprisoned not more than three years, or both.*

Aside from the above, Webster's Collegiate Dictionary defines the word “have” as follows:

***“have. 1 a:** to hold or maintain as a possession, privilege, or entitlement <they ~ a new car><I ~ my rights> **b:** to hold in one's use, service, regard, or at one's disposal <the group will ~! enough tickets for everyone>; . . . **2.** To feel obligation in regard to --usu. used with an infinitive with to <we ~ things to do> . . . **3:** to stand in a certain relationship to <~ enemies>.*  
[Webster's Collegiate Dictionary, 1983, ISBN 0-87779-510-X, p. 556]



In order to "have" a number:

1. You must be able to control the use of the number by all those who use it. "Ownership" implies FULL and EXCLUSIVE control. All uses of the number must require your consent, in accordance with the Privacy Act, [5 U.S.C. §552a\(b\)](#). Otherwise, it is "their" number and not "yours". Remember: "The" and "IRS" together spells "THEIRS". Everything you "think" you own is really "THEIRS" when you use "their" numbers.
2. Its use must provide a definite benefit to you personally that is contractually and legally protected. Social security benefits are not contractually or legally protected, according to the Supreme Court, and therefore, they are not necessarily "benefits".
3. It must be in connection with an "entitlement or privilege". It is not a "privilege" to be tracked by IRS computers and be terrorized and harassed to illegally pay bribery money to a bloated government that does not respect your rights or obey the Constitution. It's a "liability" and not a "privilege".

Since [Social Security Numbers](#) (SSNs) and [Taxpayer Identifications Numbers](#) (TINs) do not fit any of the above criteria in the context of taxation, then they cannot be described as "your" number. The Supreme Court, in fact, agreed with these conclusions when it said in [Flemming v. Nestor, 363 U.S. 603 \(1960\)](#) that Social Security is not a contract and receipt of benefits is not a "right".

*"We must conclude that a person covered by the Act has not such a right in benefit payments... This is not to say, however, that Congress may exercise its power to modify the statutory scheme free of all constitutional restraint."*

*[Flemming v. Nestor, [363 U.S. 603 \(1960\)](#) ]*

Without a contractual entitlement and guarantee, then there is no definite or certain "benefit", which means that one cannot "have" any right or entitlement to anything by virtue of having such a number. Consequently, when one is asked what is "your" number, one can honestly respond by saying:

*"I don't have one. Any number the government might have associated me with was involuntary and compelled and I have asked them repeatedly to eliminate this form of 'compelled association' in violation of the [First Amendment](#). The fact that you won't amounts to identity theft, kidnapping, and conspiracy against rights in violation of the Constitution and [18 U.S.C. §241](#)"*

The Social Security System, in fact, is a Trust. All trusts require three entities to operate:

1. A "Grantor" or "Settlor", which is the entity that created the trust. That would be the American People who, through their elected representatives, wrote the Social Security Act.
2. A "Trustee", which is you, who is a federal "employee" managing the trust.
3. A "Beneficiary", which is the U.S. government. The purpose of the Social Security System is NOT to pay you benefits in old age, it is to increase the general revenues so to inflate the federal retirement and power and control of your "public servants".

The Social Security Trust is a "constructive trust", which is created when you complete and sign the SSA Form SS-5, application for Social Security. It is constructive, because you never explicitly signed a trust agreement and agreed to act as a "Trustee", nor was your consent fully informed of the terms of the trust. The trust document is the [Social Security Act of 1935](#), codified in [Title 42 of the U.S. Code](#). The assets of the trust are accumulated from your earnings. The trust is a "social insurance program" and the federal government is in the "insurance business" for its federal "[employees](#)". The federal Constitution, [Tenth Amendment](#), forbids the federal government from offering such social insurance to anything BUT its own "[employees](#)", or offering it anywhere except within its own territories under its exclusive control. If you don't believe us, look at [IRS Form 4029](#), which identifies Social Security as an "insurance program".

The [Social Security Number](#) attaches to the position of "Trustee" of the trust. The all caps person name that is similar to your name when associated with government property in the form of the number is the legal "[res](#)" or "person" who is:

1. Acting as the Trustee and federal "[employee](#)".
2. A fiduciary over government payments under [26 U.S.C. §6901](#).
3. A "transferee" under [26 U.S.C. §6903](#).
4. "An officer of a corporation", where the "corporation" is the United States Government, which is identified in [28 U.S.C. §3002\(15\)\(A\)](#) as a "federal corporation". As an "officer of a federal corporation", you are mentioned in [26 U.S.C. §6671\(b\)](#) and [26 U.S.C. §7343](#) as the only proper subject of the penalty and criminal provisions of the Internal Revenue

Code. You Are also subject to the penalty and criminal provisions of the I.R.C. without the need for implementing regulations by virtue of the fact that [44 U.S.C. §1505](#)(a)(1) says that implementing regulations are not required for those who are federal employees. Federal statutes may be enforced DIRECTLY against federal employees without the need for implementing regulations.

The so-called Social Security "benefits" that you allegedly receive don't make you the "Beneficiary" of the trust by any stretch of the imagination, but rather simply a federal "employee" and "Trustee" and "fiduciary" over public monies that used to be yours but became public monies when you joined the program and agreed to act as "Trustee". When you filled out and signed the IRS Form W-4, which is a contract (see [26 C.F.R. §31.3401\(a\)-3](#)), you obligated yourself to several things under the terms of the contract or what the government calls a "voluntary withholding agreement". In effect, you signed a private contract with the U.S. government to become part of the government and thereby qualify for federal employee benefits, including "social insurance":

1. You changed from a private citizen to a federal public "employee" subject to the legislative jurisdiction of the federal government.
2. Your private employment earnings changed character from that of *private* earnings to public property and federal payments. The Internal Revenue Code is the means by which that public property or "gift" is then managed under [26 U.S.C. §321](#)(d). This is documented further in section 5.4.6 of the [Great IRS Hoax, Form #11.302](#).

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

3. Your earnings are now called "[wages](#)", which is a "[word of art](#)" for income connected to a "[trade or business](#)" and a "[public office](#)" that originates from within the District of Columbia. [Click here](#) for an article showing how this scam works. See also [Great IRS Hoax, Form #11.302](#), section 5.6.7.
4. You consented to be treated as a "person" with a legal "[domicile](#)" within Washington, D.C., even if you in fact do not have a domicile there. [4 U.S.C. §72](#) says that all "public offices" must occur in the District of Columbia, and you identified yourself as a federal "employee" holding such an office by virtue of the fact that the upper left corner of the IRS Form W-4 says "[employee](#)", which is defined in [26 C.F.R. §31.3401\(c\)-1](#) as an elected or appointed officer of the United States Government. This is the same "public office" which is the only proper subject of levies in [26 U.S.C. §6331](#)(a) . See the following for more details on this scam:

[Why Domicile and Becoming a "Taxpayer" Require Your Consent](#), Form #05.002  
<http://famguardian.org/Subjects/Taxes/Articles/DomicileBasisForTaxation.htm>

5. You contractually agreed to include your earnings subject to the W-4 withholding agreement as "[gross income](#)" on a tax return:

Title 26: Internal Revenue  
[PART 31—EMPLOYMENT TAXES AND COLLECTION OF INCOME TAX AT SOURCE](#)  
[Subpart E—Collection of Income Tax at Source](#)  
[Sec. 31.3402\(p\)-1 Voluntary withholding agreements.](#)

(a) In general.

*An employee and his employer may enter into an agreement under section 3402(b) to provide for the withholding of income tax upon payments of amounts described in paragraph (b)(1) of Sec. 31.3401(a)-3, made after December 31, 1970. **An agreement may be entered into under this section only with respect to amounts which are includible in the gross income of the employee under section 61, and must be applicable to all such amounts paid by the employer to the employee.**"*

As a voluntary "Trustee", you become a "[fiduciary](#)" under [26 U.S.C. §6901](#) and a "[transferee](#)" under [26 U.S.C. §6903](#) over federal property, which includes the Social Security Number and the Social Security card. The Social Security retirement benefits, in fact, simply represent deferred federal employment compensation as a "Trustee". All employment compensation is paid to this "Trustee" and not to you as a natural and private person. The payment checks are sent to the all caps Trustee,

not the lower case you the natural person. You must consent or agree by your actions to represent this Trustee in order to cash these deferred employment compensation payments to the Trustee called Social Security Checks. No one can compel you to act as a "Trustee". To do otherwise would be to institute involuntary servitude in violation of the [Thirteenth Amendment](#). Because of the provisions of the Thirteenth Amendment, you can resign at any time as "Trustee" but the government is going to make it very difficult for you to discover how to resign because they want to keep the federal gravy train and your earnings running right up to their front porch.

If you want to know how to indefinitely terminate your federal "employee" position and your role as "Trustee", please consult our free pamphlet below. You can also use the completed version of this form as proof that you are not a federal "employee" and therefore do not qualify to have or use a number:

Resignation of Compelled Social Security Trustee, Form #06.002  
<http://sedm.org/Forms/FormIndex.htm>

If you want to remove all such numbers from your personal account to change the character from public property back to private property, please see section 7 of our article below:

About IRS Form W-8BEN, Form #04.202  
<http://sedm.org/Forms/FormIndex.htm>

## **9.6 Mandatory Use of SSNs/TINs**

### **9.6.1 Compelled use forbidden by Privacy Act**

The Privacy Act forbids compelled use of SSNs. Those demanding numbers must disclose BOTH whether the disclosure is MANDATORY or VOLUNTARY, and the statute that makes it mandatory IN YOUR CASE and based on YOUR SPECIFIC STATUS:

*Disclosure of Social Security Number*

Section 7 of [Pub. L. 93-579](#) provided that:

*"(a)(1) It shall be unlawful for any Federal, State or local government agency to deny to any individual any right, benefit, or privilege provided by law because of such individual's refusal to disclose his social security account number. "*

*(2) the [The] provisions of paragraph (1) of this subsection shall not apply with respect to— "*

*(A) any disclosure which is required by Federal statute, or "*

*(B) the disclosure of a social security number to any Federal, State, or local agency maintaining a system of records in existence and operating before January 1, 1975, if such disclosure was required under statute or regulation adopted prior to such date to verify the identity of an individual. "*

*(b) Any Federal, State, or local government agency which requests an individual to disclose his social security account number shall inform that individual whether that disclosure is mandatory or voluntary, by what statutory or other authority such number is solicited, and what uses will be made of it."*

[SOURCE: 5 U.S.C. §552a Legislative Notes, <https://www.law.cornell.edu/uscode/text/5/552a>]

### **9.6.2 Burden of Proof on Those Compelling Use**

5 U.S.C. §552a Legislative Notes and Section 7(b) of the Privacy Act, Pub.L. 93-579 provide that those demanding government identifying numbers MUST meet the following burden of proof:

*(b) Any Federal, State, or local government agency which requests an individual to disclose his social security account number shall inform that individual whether that disclosure is mandatory or voluntary, by what statutory or other authority such number is solicited, and what uses will be made of it."*

[SOURCE: 5 U.S.C. §552a Legislative Notes and Section 7(b) of the Privacy Act, Pub.L. 93-579,  
<https://www.law.cornell.edu/uscode/text/5/552a>]

Implicit in the above requirement is that:

1. You must be a statutory “taxpayer” subject to the provision of the I.R.C. cited. If you are NOT a statutory “taxpayer” per 26 U.S.C. §7701(a)(14), then no provision of the I.R.C. applies to you, including 26 U.S.C. §§6039 or 6039E.

*“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, instrumentalities, 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 and who did not volunteer to participate in the federal “trade or business” franchise]. 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)]

*“And by statutory definition, ‘taxpayer’ includes any person, trust or estate subject to a tax imposed by the revenue act. ...Since the statutory definition of ‘taxpayer’ is exclusive, the federal courts do not have the power to create nonstatutory taxpayers for the purpose of applying the provisions of the Revenue Acts...”*  
[C.I.R. v. Trustees of L. Inv. Ass’n, 100 F.2d. 18 (1939) ]

2. You must have the statutory STATUS associated with the requirement. For instance, 26 C.F.R. §301.6109-1 describes only statutory “U.S. persons” per 26 U.S.C. §7701(a)(30) and “nonresident alien individuals” engaged in the “trade or business” franchise. If you are neither a “U.S. person” nor a “nonresident alien individual”, then this provision also does not mandate disclosure of any number. Example: A “nonresident alien” NON-individual.
3. The clerk accepting the form cannot lawfully represent you or make legal determinations about your status. They must accept whatever you tell them you are on the government form and not challenge or question it. If they do, they are:
  - 3.1. Practicing law on your behalf without your consent.
  - 3.2. Unlawfully exceeding their delegated authority.
  - 3.3. Committing the crime of tampering with a federal witness per 18 U.S.C. §1512, and especially if they threaten you if you do not accept the status they insist on.

### **9.6.3 Penalties for compelled use**

5 U.S.C. §552a(g)(4) provides for a penalty of a minimum of \$1,000 for compelled use of Social Security Numbers:

5 U.S.C. §552a(g)(4)

*(4) In any suit brought under the provisions of subsection (g)(1)(C ) or (D) of this section in which the court determines that the agency acted in a manner which was intentional or willful, the United States shall be liable to the individual in an amount equal to the sum of—*

*(A) actual damages sustained by the individual as a result of the refusal or failure, but **in no case shall a person entitled to recovery receive less than the sum of \$1,000;** and*

*(B) the costs of the action together with reasonable attorney fees as determined by the court.”*

[SOURCE: <https://www.law.cornell.edu/uscode/text/5/552a>]

For additional information, read Doe v. Chao, 540 U.S. 614 (2004):

[http://en.wikipedia.org/wiki/Doe\\_v.\\_Chao](http://en.wikipedia.org/wiki/Doe_v._Chao)

### **9.6.4 When is it mandatory under the I.R.C. to provide government issued numbers?**

[26 C.F.R. §301.6109-1\(b\)](#) is the only provision of law which expressly requires the use of Taxpayer Identification Numbers. It says on the requirement to use such numbers the following:

[26 C.F.R. §301.6109-1\(b\)](#)

(b) Requirement to furnish one's own number—

(1) U.S. persons.

Every U.S. person who makes under this title a return, statement, or other document must furnish its own taxpayer identifying number as required by the forms and the accompanying instructions.

(2) Foreign persons.

The provisions of paragraph (b)(1) of this section regarding the furnishing of one's own number shall apply to the following foreign persons--

(i) A foreign person that has income effectively connected with the conduct of a U.S. trade or business at any time during the taxable year;

(ii) A foreign person that has a U.S. office or place of business or a U.S. fiscal or paying agent at any time during the taxable year;

(iii) A nonresident alien treated as a resident under section 6013(g) or (h);

(iv) A foreign person that makes a return of tax (including income, estate, and gift tax returns), an amended return, or a refund claim under this title but excluding information returns, statements, or documents;

(v) A foreign person that makes an election under Sec. 301.7701-3(c);

(vi) A foreign person that furnishes a withholding certificate described in Sec. 1.1441-1(e)(2) or (3) of this chapter or Sec. 1.1441-5(c)(2)(iv) or (3)(iii) of this chapter to the extent required under Sec. 1.1441-1(e)(4)(vii) of this chapter;

(vii) A foreign person whose taxpayer identifying number is required to be furnished on any return, statement, or other document as required by the income tax regulations under section 897 or 1445. This paragraph (b)(2)(vii) applies as of November 3, 2003; and

(viii) A foreign person that furnishes a withholding certificate described in Sec. 1.1446-1(c)(2) or (3) of this chapter or whose taxpayer identification number is required to be furnished on any return, statement, or other document as required by the income tax regulations under section 1446. This paragraph (b)(2)(viii) shall apply to partnership taxable years beginning after May 18, 2005, or such earlier time as the regulations under Sec. 1.1446-1 through 1.1446-5 of this chapter apply by reason of an election under Sec. 1.1446-7 of this chapter.

Notice the word “its”. This should clue you into the fact that the tax code doesn’t apply to flesh and blood people, who are called “natural persons” in regulations like that above. If they had meant to refer to such a natural person, the word “its” would have said “his” or “her”. Consequently, the only type of “person”, they can be referring to is a privileged corporation or an officer representing said corporation, as was pointed out at the beginning of chapter 5 of the [Great IRS Hoax, Form #11.302](#) . Also keep in your mind that the above regulation implements a code that is not positive law and therefore imposes no obligation upon anyone who does not consent to be bound by it by occupying a public office or position of employment within the U.S. government. The “[U.S. person](#)” identified above is defined below to mean a person born in or “[resident](#)” only within the District of Columbia, as follows.. Note that “[United States](#)” is defined in [26 U.S.C. §7701](#)(a)(9) and (a)(10) to mean ONLY the District of Columbia:

[TITLE 26](#) > [Subtitle F](#) > [CHAPTER 79](#) > [Sec. 7701](#).  
[Sec. 7701. - Definitions](#)

(a)(30) [United States](#) person

The term “United States person” means -

(A) a [corporate] [citizen](#) or [resident](#) [alien] of the [federal] United States,

(B) a domestic partnership,

(C) a domestic [corporation](#),

(D) any estate (other than a foreign estate, within the meaning of paragraph (31)), and

(E) any trust if -

(i) a court within the United States is able to exercise primary supervision over the administration of the trust, and

(ii) one or more United States persons have the authority to control all substantial decisions of the trust.

All government identifying numbers may only lawfully be issued to persons participating in government franchises. They act as the equivalent of license numbers for those engaging in franchises. The following IRS publications plainly admit when government issued numbers are mandatory, and all of them relate to those obtaining or qualifying for some government benefit or privilege. These cites are VERY important because once you can prove the things for which TINs are positively required, then all other uses are VOLUNTARY and not mandatory. Simply show them the list below and if your circumstances are not in it, then demand that they show a statute documenting an affirmative requirement to provide an identifying number:



1. IRS Publication 519, Year 2005, p. 23:

**Identification Number**

A taxpayer identification number must be furnished on returns, statements, and other tax related documents. For an individual, this is a social security number (SSN). If you do not have and are not eligible to get an SSN, you must apply for an individual taxpayer identification number (ITIN). An employer identification number (EIN) is required if you are engaged in a trade or business as a sole proprietor and have employees or a qualified retirement plan.

You must furnish a taxpayer identification number if you are:

- An alien who has income effectively connected with the conduct of a U.S. trade or business at any time during the year.
- An alien who has a U.S. office or place of business at any time during the year.
- A nonresident alien spouse treated as a resident, as discussed in chapter 1, or
- Any other alien who files a tax return, an amended return, or a refund claim (but not information returns).

Social Security Number (SSN). Generally, you can get an SSN if you have been lawfully admitted to the United States for permanent residence or under other immigration categories that authorize U.S. employment.

[ . . . ]

**Individual taxpayer identification number (ITIN).** If you do not have and are not eligible to get an SSN, you must apply for an ITIN. For details on how to do so, see Form W-7 and its instructions. It usually takes about 4-6 weeks to get an ITIN. If you already have an ITIN, enter it whenever an SSN is required on your tax return.

An ITIN is for tax use only. It does not entitle you to social security benefits or change your employment or immigration status under U.S. law.

In addition to those aliens who are required to furnish a taxpayer identification number and are not eligible for an SSN, a Form W-7 should be filed for:

- Alien individuals who are claimed as dependents and are not eligible for an SSN, and
- Alien spouses who are claimed as exemptions and are not eligible for an SSN.

**Employer identification number (EIN).** An individual may use an SSN (or ITIN) for individual taxes and an EIN for business taxes. To apply for an EIN, file Form SS-4. Application for Employer Identification Number, with the IRS.

2. IRS Form 1040NR Instructions, Year 2007, p. 9. You can't avail yourself of the "benefits" of the franchise without providing your franchisee license number.

Line 7c, Column (2)

You must enter each dependent's identifying number (SSN, ITIN, or adoption taxpayer identification number (ATIN)). If you do not enter the **correct identifying number**, at the time we process your return we may **disallow the exemption claimed** (such as the child tax credit) based on the dependent.

3. IRS Form 1042s Instructions, Year 2006, p. 14. What all of the circumstances below have in common is that they involve a "benefit" that is usually financial or tangible to the recipient, and therefore require a franchisee license number called a Taxpayer Identification Number:

Box 14, Recipient's U.S. Taxpayer Identification Number (TIN)

**You must obtain a U.S. taxpayer identification number (TIN) for:**

- Any recipient whose income is effectively connected with the conduct of a trade or business in the United States.  
**Note.** For these recipients, exemption code 01 should be entered in box 6.
- Any foreign person claiming a reduced rate of, or exemption from, tax under a tax treaty between a foreign country and the United States, unless the income is an unexpected payment (as described in Regulations section 1.1441-6(g)) or consists of dividends and interest from stocks and debt obligations that are actively traded; dividends from any redeemable security issued by an investment company registered under the

Investment Company Act of 1940 (mutual fund); dividends, interest, or royalties from units of beneficial interest in a unit investment trust that are (or were, upon issuance) publicly offered and are registered with the Securities and Exchange Commission under the Securities Act of 1933; and amounts paid with respect to loans of any of the above securities.

- Any nonresident alien individual claiming exemption from tax under section 871(f) for certain annuities received under qualified plans.
- A foreign organization claiming an exemption from tax solely because of its status as a tax-exempt organization under section 501(c ) or as a private foundation.
- Any *QI*.
- Any *WP* or *WT*.
- Any nonresident alien individual claiming exemption from withholding on compensation for independent personal services [services connected with a "trade or business"].
- Any foreign grantor trust with five or fewer grantors.
- Any branch of a foreign bank or foreign insurance company that is treated as a U.S. person.

If a foreign person provides a TIN on a Form W-8, but is not required to do so, the withholding agent must include the TIN on Form 1042-S.

We have taken the time to further investigate the last item above and put it in tabular form for your reading pleasure:

1 **Table 2: I.R.C. Statutory "Benefits"**

#	Name	Code section	Notes
1	Effectively connected with the "trade or business" franchise	26 U.S.C. §7701(a)(26) 26 U.S.C. §871(b) 26 U.S.C. §1	
2	Foreign person claiming reduced rate of, exemption from, tax under treaty	26 U.S.C. §894 26 U.S.C. §6114 26 U.S.C. §6712 26 U.S.C. §1(h)(11)(C)(i)(II)	
3	Nonresident alien claiming exemption for annuities received under qualified plans	26 U.S.C. §871(f)	
4	Foreign organization claiming an exemption from tax solely because of its status as a tax exempt organization	26 U.S.C. §501(c )	
5	Qualified Intermediary (QI)	26 C.F.R. §1.1441-1(e)(5): Generally 26 C.F.R. §1.1441-1(e)(5)(ii): Definition	Pursuant to 26 C.F.R. §1.1441-1(c )(14), one cannot be "qualified" without being a "U.S. person", meaning a person with a legal domicile on federal territory in the "United States" (District of Columbia).
6	Withholding Foreign Partnership (WP) or Withholding Foreign Trust (WT)	26 C.F.R. §1.1441-5(c )	<p>A withholding foreign partnership (WP) is any foreign partnership that has entered into a WP withholding agreement with the IRS and is acting in that capacity. A withholding foreign trust (WT) is a foreign simple or grantor trust that has entered into a WT withholding agreement with the IRS and is acting in that capacity.</p> <p>A WP or WT may act in that capacity only for payments of amounts subject to NRA withholding that are distributed to, or included in the distributive share of, its direct partners, beneficiaries, or owners. A WP or WT acting in that capacity must assume NRA withholding responsibility for these amounts. You may treat a WP or WT as a payee if it has provided you with documentation (discussed later) that represents that it is acting as a WP or WT for such amounts.</p> <p>You cannot be a WP or a WT without an EIN. A WP or WT must provide you with a Form W-8IMY that certifies that the WP or WT is acting in that capacity and a written statement identifying the amounts for which it is so acting. The statement is not required to contain withholding rate pool information or any information relating to the identity of a direct partner, beneficiary, or owner. The Form W-8IMY must contain the WP-EIN or WT-EIN.</p> <p>See: <a href="http://www.irs.gov/businesses/small/international/article/0,,id=127923,00.html">http://www.irs.gov/businesses/small/international/article/0,,id=127923,00.html</a></p>

#	Name	Code section	Notes
7	Nonresident claiming exemption for independent personal services	26 C.F.R. §1.1441-4(b)(4): Withholding 26 C.F.R. §1.1461-1(c)(2)(i): Reporting 26 C.F.R. §1.1441-6(g)(1): TIN requirement	Claimed using IRS Form 8233. The term “personal services” is defined as work performed in connection with a “trade or business” pursuant to 26 C.F.R. §1.469-9(b)(4) and 26 C.F.R. §1.1441-4. 26 U.S.C. §864(b)(1)(A) excludes services performed for foreign employers, meaning employers other than the U.S. government. See: <a href="http://www.irs.gov/businesses/small/international/article/0,,id=106259,00.html">http://www.irs.gov/businesses/small/international/article/0,,id=106259,00.html</a>
8	Foreign grantor trust with five or fewer grantors	26 U.S.C. §§671 to 679 26 C.F.R. §1.1441-5(e): Generally 26 C.F.R. §1.1441-1(c)(26): Definition	A foreign grantor trust is a foreign trust but only to the extent all or a portion of the income [meaning “trade or business” earnings or payments from the U.S. government pursuant to 26 U.S.C. §871 and 26 U.S.C. §643(b)] of the trust is treated as owned by the grantor or another person under sections 671 through 679.
9	Any branch of a foreign bank or foreign insurance company that is treated as a “U.S. person”	26 U.S.C. §7701(a)(30)	All “U.S. persons” have a domicile in the “United States”, meaning the District of Columbia. Choice of domicile is voluntary and therefore this status is voluntary. All “U.S. persons” and “individuals” are government agents, instrumentalities, employees, or officers.

To summarize all of the requirements pertaining to the mandatory use of identifying numbers from all the publications above:

1. Only “individuals” are required to obtain identifying numbers. “Individuals” are defined in 5 U.S.C. §552a(a)(2) as “citizens” and “residents” of the “United States”, meaning persons with a legal domicile on federal territory and not within the exclusive jurisdiction of any state of the Union. This is also consistent with the requirements of 20 C.F.R. §422.104, which limits issuance of SSNs to “citizens” and “residents” of the “United States”, meaning federal territory of the “federal zone”.
2. “citizens” are nowhere expressly required to obtain an identifying number. Only “aliens” are required to obtain a number, which are foreign nationals born in a foreign country. They are only required to obtain identifying numbers when domiciled on federal territory and outside the exclusive jurisdiction of a state of the Union. The reason they can be required to obtain such a number is because all aliens are “privileged” while they are visiting federal territory. This is confirmed by the following authorities, which prove that “aliens” with a domicile in a country are “privileged”:

*“Residents, as distinguished from citizens, are aliens who are permitted to take up a permanent abode [domicile] in the country. Being bound to the society by reason of their [intention of] dwelling in it, they are subject to its laws so long as they remain there, and, being protected by it, they must defend it, although they do not enjoy all the rights of citizenship. They have only certain privileges which the law, or custom, gives them. Permanent residents are those who have been given the right of perpetual residence. They are a sort of citizen of a less privileged character, and are subject to the society without enjoying all its advantages. Their children succeed to their status; for the right of perpetual residence given them by the State passes to their children.”*  
*[The Law of Nations, p. 87, E. De Vattel, Volume Three, 1758, Carnegie Institution of Washington; emphasis added.]*

3. If you are participating in a federal benefit or franchise, then you must provide a number. These benefits are identified or IRS Form 1042s instructions and include:
  - 3.1. A “trade or business”, which is defined in 26 U.S.C. §7701(a)(26) as “the functions of a public office”.
  - 3.2. Reduced rate or exemption from tax arising from a tax treaty with a foreign country.
  - 3.3. Exemptions such as child write-offs.
  - 3.4. Any nonresident alien individual claiming exemption from tax under section 871(f) for certain annuities received under qualified plans.
  - 3.5. A foreign organization claiming an exemption from tax solely because of its status as a tax-exempt organization under section 501(c ) or as a private foundation.
  - 3.6. Any QI.
  - 3.7. Any WP or WT.
  - 3.8. Any nonresident alien individual claiming exemption from withholding on compensation for independent personal services [services connected with a “trade or business”].
  - 3.9. Any foreign grantor trust with five or fewer grantors.
  - 3.10. Any branch of a foreign bank or foreign insurance company that is treated as a “U.S. person” under 26 U.S.C. §7701(a)(30).
4. There is no authority within the I.R.C. to CREATE a “public office” by filling out any form. You must be elected into the office by a lawful vote and you can’t “elect” yourself into office by simply filling out a form. You must ALREADY be a “public officer” within the U.S. government in order to have a tax liability that can be reduced by any of the above so-called “benefits”. 4 U.S.C. §72 says that all “public offices” must be exercised in the District of Columbia and not elsewhere except as expressly provided in an act of Congress. There is no act of Congress which expressly authorizes “public offices” within any state of the Union, and therefore it is ILLEGAL to participate in the “trade or business” franchise as a person domiciled within the exclusive jurisdiction of a state of the Union. Consequently, anyone domiciled within a state of the Union cannot be a party to any of the above “benefits” and is being deceived and defrauded if they think they either have a liability or need to reduce the liability by participating in any of the above franchises.

*For thus says the LORD:  
“You have sold yourselves for nothing,  
And you shall be redeemed without money.”*  
*[Isaiah 52:3, Bible, NKJV]*

*“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 [e.g. LICENSE using a Social Security Number] 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) ]

5. If you aren't an "alien" and meet any one of the following requirements, then you aren't required to obtain or use a government issued identifying number
- 5.1. Do not participate government franchises.
  - 5.2. Terminated participation in all federal franchises
  - 5.3. Were not qualified at the time you signed up because not domiciled on federal territory.
- No government institution, financial institution, or employer may therefore lawfully compel the use of Social Security Numbers against those who meet the above criteria. If an employer financial institution attempts to compel use of the SSN, the victim has not only a standing under the above statute, but also can sue the institution for involuntary servitude under the Thirteenth Amendment. The reason is that this would constitute the equivalent of involuntary servitude in violation of the Thirteenth Amendment, because it would essentially amount to compelling a person to act as a federal "employee", as we showed earlier. The following statute makes it a CRIME to compel the use of Social Security numbers against those who meet the above criteria:

TITLE 42 - THE PUBLIC HEALTH AND WELFARE  
CHAPTER 7 - SOCIAL SECURITY  
SUBCHAPTER II - FEDERAL OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE BENEFITS  
[Sec. 408. Penalties](#)

(a) In general  
**Whoever -...**

**(8) discloses, uses, or compels the disclosure of the social security number of any person in violation of the laws of the United States; shall be guilty of a felony and upon conviction thereof shall be fined under title 18 or imprisoned for not more than five years, or both.**

6. Use of a government number constitutes prima facie evidence that you are acting in a representative capacity as an officer of the government. The reason this must be so is because the government cannot pay "benefits" to private human beings, so you must become their agent and officer acting in an official capacity to make the transaction lawful:

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

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

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

"A tax, in the general understanding of the term and as used in the constitution, signifies an exaction for the support of the government. The word has never thought to connote the expropriation of money from one group for the benefit of another."  
[[U.S. v. Butler](#), 297 U.S. 1 (1936)]

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"In *Calder v. Bull*, which was here in 1798, Mr. Justice Chase said, that there were acts which the Federal and State legislatures could not do without exceeding their authority, and among them he mentioned a law which punished a citizen for an innocent act; a law that destroyed or impaired the lawful private [labor] contracts [and labor compensation, e.g. earnings from employment through compelled W-4 withholding] of citizens; a law that made a man judge in his own case; and a law that took the property from A [the worker], and gave it to B [the government or another citizen, such as through social welfare programs]. 'It is against all reason and justice,' he added, 'for a people to intrust a legislature with such powers, and therefore it cannot be presumed that they have done it. They may command what is right and prohibit what is wrong; but they cannot change innocence into guilt, or punish innocence as a crime, or violate the right of an antecedent lawful private [employment] contract [by compelling W-4 withholding, for instance], or the right of private property. To maintain that a Federal or State legislature possesses such powers [of THEFT!] if they had not been expressly restrained, would, in my opinion, be a political heresy altogether inadmissible in all free republican governments.' 3 Dall. 388."  
[*Sinking Fund Cases*, 99 U.S. 700 (1878) ]

- 16 7. You are not required to associate the number with any of your private property. Compelling you to do so violates the  
17 Fifth Amendment takings clause. You and only you determinate what subset of your private property you wish to  
18 associate with and donate to a "public use" and a "public purpose" by associating it with government property in the  
19 form of the government owned number.  
20 8. Associating a government number with your private property, such as your financial accounts, real estate, etc. makes the  
21 property into the equivalent of "private property donated to a public use to procure the benefits of a government  
22 franchise". If associating your property with a number does not render a government benefit, then it is a BAD idea to  
23 basically give away your private property without any compensation. The government just loves people to do this, but  
24 they can't require them to donate their private property to a public use.

25 "Men are endowed by their Creator with certain unalienable rights, -life, liberty, and the pursuit of happiness;"  
26 and to 'secure,' not grant or create, these rights, governments are instituted. That property [or income] which a  
27 man has honestly acquired he retains full control of, subject to these limitations: First, that he shall not use it  
28 to his neighbor's injury, and that does not mean that he must use it for his  
29 neighbor's benefit [e.g. SOCIAL SECURITY, Medicare, and every other  
30 public "benefit"]; second, that if he devotes it to a public use, he gives to the public a right to control  
31 that use; and third, that whenever the public needs require, the public may take it upon payment of due  
32 compensation."  
33 [Budd v. People of State of New York, 143 U.S. 517 (1892)]

## 34 10 How Scoundrels Corrupted Our Republican Form of Government: With franchises<sup>3</sup>

35 "All systems of government suppose they are to be administered by men of common sense and common honesty.  
36 In our country, as all ultimately depends on the voice of the people, they have it in their power, and it is to be  
37 presumed they generally will choose men of this description: but if they will not, the case, to be sure, is without  
38 remedy. If they choose fools, they will have foolish laws. If they choose knaves, they will have knavish ones. But  
39 this can never be the case until they are generally fools or knaves themselves, which, thank God, is not likely ever  
40 to become the character of the American people." [Justice Iredell] (*Fries's Case* (CC) F Cas No 5126, supra.)  
41 [*Ludecke v. Watkins*, 335 U.S. 160; 92 L.Ed 1881, 1890; 68 S.Ct. 1429 (1948)]

42 "The chief enemies of republican freedom are mental sloth, conformity, bigotry, superstition, credulity, monopoly  
43 in the market of ideas, and utter, benighted ignorance."  
44 [*Adderley v. State of Florida*, 385 U.S. 39, 49 (1967)]

### 45 10.1 Original Design of our Republic

46 The Great IRS Hoax, Form #11.302, Section 4.1 showed you the hierarchy of sovereignty and where you fit personally in  
47 that hierarchy. They showed you in Great IRS Hoax, Form #11.302, Section 4.5 that Article 4, Section 4 of the U.S.  
48 Constitution guarantees to all Americans a "republican form of government". Then in section 5.1.1 they showed you the  
49 order that our state and federal governments were created and the distinct sovereignties that comprise all the elements of our  
50 republican political system. Now we are going to tie the whole picture together and show you graphically the tools and

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<sup>3</sup> Source: *How Scoundrels Corrupted Our Republican Form of Government*, Family Guardian Fellowship;  
<https://famguardian.org/Subjects/Taxes/Evidence/HowScCorruptOurRepubGovt.htm>.

techniques that specific covetous government servants have used over the years to corrupt and debase that system for their own personal financial and political benefit.

*"The king establishes the land by [justice](#); but he who receives bribes overthrows it."*  
*[Prov. 29:4, Bible, NKJV]*

After you have learned these techniques by which corruption is introduced, we will spend the rest of the chapter showing *exactly* how these techniques have been specifically applied over the years to corrupt and debase and destroy our political system and undermine our personal liberties, rights, and freedoms. This will train your perception to be on the lookout for any future attempts by our covetous politicians to further corrupt our system so that you can act swiftly at a political level to oppose and prevent it.

First of all, the foundation of our republican form of government is all the following as a group:

1. Sovereign power held by the People through their direct participation in the affairs of government as jurists and voters.

*"The sovereignty of a state does not reside in the persons who fill the different departments of its government, but in the People, from whom the government emanated; and they may change it at their discretion. Sovereignty, then in this country, abides with the constituency, and not with the agent; and this remark is true, both in reference to the federal and state government."*  
*[Spooner v. McConnell, 22 F. 939, 943]*

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*"There is no such thing as a power of inherent sovereignty in the government of the United States .... In this country sovereignty resides in the people, and Congress can exercise no power which they have not, by their Constitution entrusted to it: All else is withheld."*  
*[Julliard v. Greenman: 110 U.S. 421, (1884)]*

2. All powers exercised by government are directly delegated to those serving in government by the people, both collectively and individually.

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

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

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

The implication is that the people AS INDIVIDUALS are EQUAL to the government in the eyes of the law because you can't delegate what you don't have:

*"Derativa potestas non potest esse major primitiva.  
The power which is derived cannot be greater than that from which it is derived."*

*Nemo dat qui non habet. No one can give who does not possess. Jenk. Cent. 250.*

*Nemo plus juris ad alienum transfere potest, quam ispe habent. One cannot transfer to another a right which he has not. Dig. 50, 17, 54; 10 Pet. 161, 175.*

*Nemo potest facere per alium quod per se non potest. No one can do that by another which he cannot do by himself.*

1 *Qui per alium facit per seipsum facere videtur. He who does anything through another, is considered as doing it*  
2 *himself. Co. Litt. 258.*

3 *Quicquid acquiritur servo, acquiritur domino. Whatever is acquired by the servant, is acquired for the master.*  
4 *15 Bin. Ab. 327.*

5 *Quod per me non possum, nec per alium. What I cannot do in person, I cannot do by proxy. 4 Co. 24.*

6 *What a man cannot transfer, he cannot bind by articles.*

7 *[Bouvier's Maxims of Law, 1856;*

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

9 3. Separation of powers between three branches of government. That separation is described in:

*Government Conspiracy to Destroy the Separation of Powers*, Form #05.023

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

10 4. Distinct separation of property rights between PUBLIC and PRIVATE. By "public" we mean GOVERNMENT  
11 property. That separation is described in:

*Separation Between Public and Private Course*, Form #12.025

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

12 Without ALL of the above, every government becomes corrupt and turns into a de facto government as described in:

*De Facto Government Scam*, Form #05.043

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

13 The concept separation of powers is called the "[Separation of Powers Doctrine](#)":

14 "[Separation of powers](#). The governments of the states and the United States are divided into three departments  
15 or branches: the legislative, which is empowered to make laws, the executive which is required to carry out the  
16 laws, and the judicial which is charged with interpreting the laws and adjudicating disputes under the laws.  
17 Under this constitutional doctrine of "separation of powers," one branch is not permitted to encroach on the  
18 domain or exercise the powers of another branch. See U.S. Constitution, Articles I-III. See also *Power*  
19 *(Constitutional Powers)*."

20 *[Black's Law Dictionary, Sixth Edition, p. 1365]*

21 Here is how no less than the U.S. Supreme Court described the purpose of this separation of powers:

22 "*We start with first principles. The Constitution creates a Federal Government of enumerated powers. See U.S.*  
23 *Const., Art. I, 8. As James Madison wrote, "[t]he powers delegated by the proposed Constitution to the federal*  
24 *government are few and defined. Those which are to remain in the State governments are numerous and*  
25 *indefinite."* *The Federalist No. 45*, pp. 292-293 (C. Rossiter ed. 1961). *This constitutionally mandated division*  
26 *of authority "was adopted by the Framers to ensure protection of our fundamental liberties."* *Gregory v.*  
27 *Ashcroft*, 501 U.S. 452, 458 (1991) (internal quotation marks omitted). *"Just as the separation and*  
28 *independence of the coordinate branches of the Federal Government serves to prevent the accumulation of*  
29 *excessive power in any one branch, a healthy balance of power between the States and the Federal Government*  
30 *will reduce the risk of tyranny and abuse from either front."* *Ibid.*

31 *[U.S. v. Lopez, 514 U.S. 549 (1995)]*

32 The founding fathers believed that men were inherently corrupt. They believed that absolute power corrupts absolutely so  
33 they avoided concentrating too much power into any single individual.

34 "*When all government, domestic and foreign, in little as in great things, shall be drawn to Washington as the*  
35 *center of all power, it will render powerless the checks provided of one government on another and will become*  
36 *as venal and oppressive as the government from which we separated."*

37 *[Thomas Jefferson to Charles Hammond, 1821. ME 15:332]*

38 "*Our government is now taking so steady a course as to show by what road it will pass to destruction; to wit: by*  
39 *consolidation first and then corruption, its necessary consequence. The engine of consolidation will be the*  
40 *Federal judiciary; the two other branches the corrupting and corrupted instruments."*

41 *[Thomas Jefferson to Nathaniel Macon, 1821. ME 15:341]*

42 "*The [federal] judiciary branch is the instrument which, working like gravity, without intermission, is to press*  
43 *us at last into one consolidated mass."*

44 *[Thomas Jefferson to Archibald Thwait, 1821. ME 15:307]*

"There is no danger I apprehend so much as the consolidation of our government by the noiseless and therefore unalarming instrumentality of the Supreme Court."  
[Thomas Jefferson to William Johnson, 1823. ME 15:421]

"I wish... to see maintained that wholesome distribution of powers established by the Constitution for the limitation of both [the State and General governments], and never to see all offices transferred to Washington where, further withdrawn from the eyes of the people, they may more secretly be bought and sold as at market."  
[Thomas Jefferson to William Johnson, 1823. ME 15:450]

"What an augmentation of the field for jobbing, speculating, plundering, office-building and office-hunting would be produced by an assumption of all the State powers into the hands of the General Government!"  
[Thomas Jefferson to Gideon Granger, 1800. ME 10:168]

"I see,... and with the deepest affliction, the rapid strides with which the federal branch of our government is advancing towards the usurpation of all the rights reserved to the States, and the consolidation in itself of all powers, foreign and domestic; and that, too, by constructions which, if legitimate, leave no limits to their power... It is but too evident that the three ruling branches of [the Federal government] are in combination to strip their colleagues, the State authorities, of the powers reserved by them, and to exercise themselves all functions foreign and domestic."  
[Thomas Jefferson to William Branch Giles, 1825. ME 16:146]

"We already see the [judiciary] power, installed for life, responsible to no authority (for impeachment is not even a scare-crow), advancing with a noiseless and steady pace to the great object of consolidation. The foundations are already deeply laid by their decisions for the annihilation of constitutional State rights and the removal of every check, every counterpoise to the engulfing power of which themselves are to make a sovereign part."  
[Thomas Jefferson to William T. Barry, 1822. ME 15:388]

For further quotes supporting the above, see:

[Thomas Jefferson on Politics and Government](http://famguardian.org/Subjects/Politics/ThomasJefferson/jeff1060.htm)  
<http://famguardian.org/Subjects/Politics/ThomasJefferson/jeff1060.htm>

They instead wanted an egalitarian and utopian society. They loathed the idea of a king because they had seen how corrupt the monarchies of Europe had become by reading the history books. They loathed it so much that they specifically prohibited titles of nobility in Article 1, Section 9, Clause 8:

**U.S. Constitution; Article 1, Section 9, Clause 8**

*No Title of Nobility shall be granted by the United States: And no Person holding any Office of Profit or Trust under them, shall, without the Consent of the Congress, accept of any present, Emolument, Office, or Title, of any kind whatever, from any King, Prince or foreign State.*

So the founders instead distributed and dispersed political power into several independent branches of government that have sovereign power over a finite sphere and prohibited the branches from assuming each other's duties. This, they believed, would prevent collusion against their rights and liberties. They therefore divided the government into the Executive, Legislative, and Judicial branches and made them independent of each other, and assigned very specific duties to each. In effect, these three branches became "foreign" to each other and in constant competition with each other for power and control.

The founders further dispersed political power by dividing power between the several states and the federal government and gave most of the power to the states. They gave each state their own seats in Congress, in the Senate. They made the states just like "foreign countries" and independent nations so that there would be the greatest separation of powers possible between the federal government and the states:

**"The States between each other are sovereign and independent.** *They are distinct and separate sovereignties, except so far as they have parted with some of the attributes of sovereignty by the Constitution. **They continue to be nations, with all their rights, and under all their national obligations, and with all the rights of nations in every particular;** except in the surrender by each to the common purposes and objects of the Union, under the Constitution. The rights of each State, when not so yielded up, remain absolute."*  
[Bank of Augusta v. Earle, 38 U.S. (13 Pet.) 519, 10 L.Ed. 274 (1839)]

Then the founders created multiple states so that the states would be in competition with each other for citizens and for commerce. When one state got too oppressive or taxed people too much, the people could then move to an economically



more attractive state and climate. This kept the states from oppressing their citizens and it gave the people a means to keep their state and their government in check. Then they put the federal government in charge of regulating commerce among and between the states, and the intention of this was to *maximize*, not obstruct, commerce between the states so that we would act as a unified economic union and like a country. Even so, they didn't want our country to be a "nation" under the [law of nations](#), because they didn't want a [national government](#) with unlimited powers. They wanted a "federation", so they called our central government the "federal government" instead of a "[national government](#)". To give us a "[national government](#)" would be a recipe for tyranny:

*"By that law the several States and Governments spread over our globe, are considered as forming a society, not a NATION. It has only been by a very few comprehensive minds, such as those of Elizabeth and the Fourth Henry, that this last great idea has been even contemplated. 3rdly. and chiefly, I shall examine the important question before us, by the Constitution of the United States, and the legitimate result of that valuable instrument.*

*["Chisholm v. Georgia, 2 Dall. (U.S.) 419, 1 L.Ed. 440 (1794)]*

The ingenious founders also made the people the sovereigns in charge of both the state and federal governments by giving them a Bill of Rights and mandating frequent elections. Frequent elections:

1. Ensured that rulers would not be in office long enough to learn enough to get sneaky with the people or abuse their power.
2. Kept the rulers accountable to the people and provided a prompt feedback mechanism to make sure politicians and rulers were incentivized to listen to the people.
3. Created a stable political system that would automatically converge onto the will of the majority so that the country would be at peace instead of at war within itself.

The founders even gave the people their own house in Congress called the House of Representatives, so that the power between the states, in the Senate, and the People, in the House, would be well-balanced. They also made sure that these sovereign electors and citizens were well armed with a good education, so they could keep their government in check and capably defend their freedom, property, and liberty by themselves. When things got rough and governments became corrupt, these rugged and self-sufficient citizens were also guaranteed the right to defend their property using arms that the [U.S. Constitution](#) said in the [Second Amendment](#) that they had a right to keep and use. This ensured that citizens wouldn't need to depend on the government for a handout or socialist benefits and wouldn't have to worry about having a government that would plunder their property or their liberty.

Finally, the founding fathers created the institution of trial by jury, so that if government got totally corrupt and passed unjust laws that violated God's laws, the people could put themselves back in control through jury nullification. This also effectively dealt with the problem of corrupt judges, because both the jury and the grand jury could override the judge as well when they detected a conflict of interest by judging both the facts *and* the law. Here is how [Thomas Jefferson](#) described the duty of the jury in such a circumstance:

*"It is left... to the juries, if they think the permanent judges are under any bias whatever in any cause, to take on themselves to judge the law as well as the fact. They never exercise this power but when they suspect partiality in the judges; and by the exercise of this power they have been the firmest bulwarks of English liberty."*  
*[Thomas Jefferson to Abbe Arnoux, 1789. ME 7:423, Papers 15:283]*

The design that our founding fathers had for our political system was elegant, unique, unprecedented, ingenious, perfectly balanced, and inherently just. It was founded on the concept of [Natural Order](#) and [Natural Law](#), which as we explained in section 4.1 are based on the sequence that things were created. This concept made sense, even to people who didn't believe in God, so it had wide support among a very diverse country of immigrants from all over the world and of many different religious faiths. [Natural Law](#) and [Natural Order](#) unified our country because it was just and fair and righteous. That is the basis for the phrase on our currency, which says:

*"E Pluribus Unum"*

...which means: "*From many, one.*" Our system of [Natural Law](#) and [Natural Order](#) also happened to be based on God's sovereign design for *self*-government, as we explained throughout chapter 4. The founders also recognized that [liberty](#) without God and morality are impossible:

1                   *"We have no government armed with the power capable of contending with human passions unbridled by morality*  
2                   *and religion. Avarice [greed], ambition, revenge, or gallantry [debauchery], would break the strongest cords of*  
3                   *our Constitution as a whale goes through a net. **Our Constitution was made only for a moral and religious***  
4                   ***people. It is wholly inadequate to the government of any other.**"*  
5                   *[John Adams, 2<sup>nd</sup> President]*

6       So the founders included the requirement for BOTH God and Liberty on all of our currency. They put the phrase "[In God](#)  
7       [We Trust](#)" and the phrase "Liberty" side by side, and they were probably thinking of the following scripture when they did  
8       that!:

9                   *"Now the Lord is the Spirit; and where the Spirit of the Lord is, there is liberty."*  
10                  *[2 Cor. 3:17, Bible, NKJV]*

11       By creating such distinct separation of powers among all the forces of government, the founders ensured that the only way  
12       anything would get done within government was exclusively by informed consent and *not* by force or terror. The Declaration  
13       of Independence identifies the source of ALL "just" government power as "consent". Anything not consensual is therefore  
14       unjust and tyrannical. An informed and sovereign People will only do things voluntarily and consensually when it is in their  
15       absolute best interests. This would ensure that government would never engage in anything that wasn't in the best interests  
16       of everyone as a whole, because people, at least theoretically, would never consent to anything that would either hurt them  
17       or injure their Constitutional rights. The Supreme Court described this kind of government by consent as "government by  
18       compact":

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

24       Here is the legal definition of "compact" to prove our point that the Constitution and all federal law written in  
25       furtherance of it are indeed a "compact":

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

33       Enacting a mutual agreement into positive law then, becomes the vehicle for expressing the fact that the People collectively  
34       agreed and consented to the law and to accept any adverse impact that law might have on their liberty. Public servants then,  
35       are just the apparatus that the sovereign People use for governing themselves through the operation of positive law. As the  
36       definition above shows, the apparatus and machinery of government is simply the "rudder" that steers the ship, but the  
37       "Captain" of the ship is the People *both* individually and collectively. In a true Republican Form of Government, the REAL  
38       government is the people individually and collectively, and not their "public servants". That is the true meaning of the phrase  
39       "a government of the people, by the people, and for the people" used by Abraham Lincoln in the Gettysburg Address.

40       Our de jure Constitutional Republic started out as a perfectly balanced and just system indeed. But somewhere along the  
41       way, it was deliberately corrupted by evil men for personal gain. Just like Cain (in the Bible) destroyed the tranquility and  
42       peace of an idyllic world and divided the Family of Adam by first introducing murder into the world, greedy politicians who  
43       wanted to line their pockets corrupted our wonderful system and brought evil into the government. How did it happen? They  
44       did it with a combination of force, fraud, and the corrupting influence of money. This process can be shown graphically and  
45       described in scientific terms over a period of years to show *precisely* how it was done. We will now attempt to do this so that  
46       the process is crystal clear in your mind. What we are trying to show are the following elements in our diagram:

- 47       1. The distinct sovereignties *between* governments:
  - 48           1.1. States
  - 49           1.2. The federal government
- 50       2. The sovereignties *within* governments:
  - 51           2.1. Executive branch
  - 52           2.2. Legislative branch

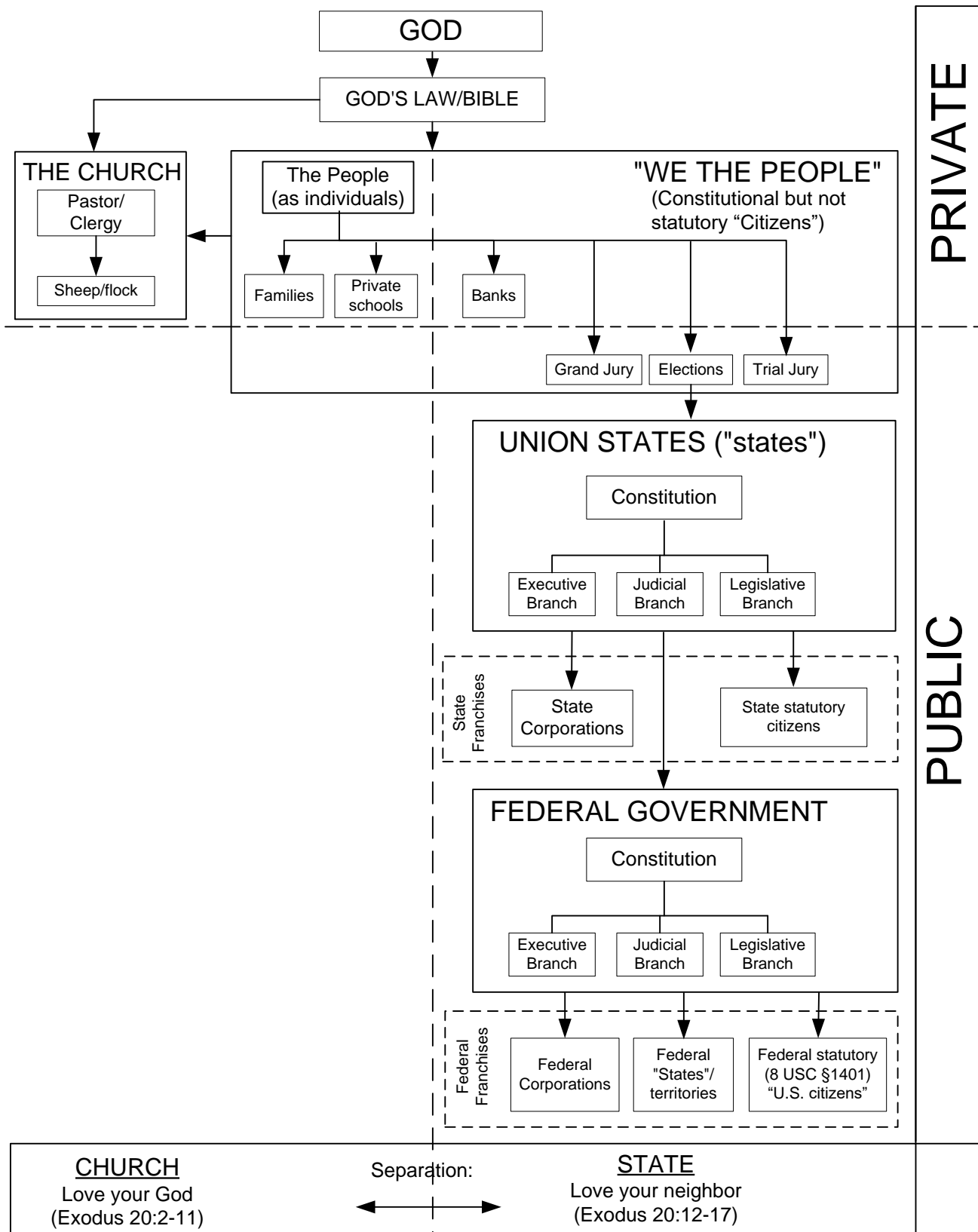
2.3. Judicial branch

3. The hierarchy of sovereignty between all the sovereignties based on their sequence of creation.

4. The corrupting influence of force, fraud, and money, including the branch that initiated it, the date it was initiated, and the object it was initiated against.

To meet the above objectives, we will start off with the diagram found in Great IRS Hoax, Form #11.302, Section 5.1.1 and expand it with some of the added elements found in the [Natural Order diagram](#) found earlier in Great IRS Hoax, Form #11.302, Section 4.1. To the bottom of the diagram, we add the Ten Commandments, which establishes the “Separation of Church v. State”. The first four commandments in [Exodus 20:2-11](#) establish the church and the last six commandments found in [Exodus 20:12-17](#) define how we should relate to other people, who Jesus later called our “neighbor” in [Matt. 22:39](#). The main and only purpose of government is to love and protect and serve its inhabitants and citizens, who collectively are “neighbors”. What results is a schematic diagram of the initial political system that the founders gave us absent all corruption. This is called the “[De jure](#) U.S. Government”. It is the only lawful government we have and its organization is defined by our Constitution. It's organization is also defined by the Bible, which we also call "Natural Law" throughout this document.

**Figure 3: De Jure Hierarchy of Sovereignty**



1

2 Each box in the above diagram represents a sovereignty or sovereign entity that helps distribute power throughout our system  
3 of government to prevent corruption or tyranny. The arrows with dark ends indicate an act of creation by the sovereign

### Why You Aren't Eligible for Social Security

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above. That act of creation carries with it an implied delegation of authority to do specific tasks and establishes a fiduciary relationship between the creator, and his subordinate creation. The above system as shown functions properly and fully and provides the best defense for our liberties only when there is complete separation between each sovereignty, which is to say that all actions performed and all choices made by any one sovereign:

1. Are completely free of fraud, force, conflict of interest, or duress.
2. Are accomplished completely voluntarily, which is to say that they are done for the mutual benefit of all parties involved rather than any one single party exercising undue influence.
3. Involve fully informed consent made with a full awareness by all parties to the agreement of all rights which are being surrendered to procure any benefits acquired.
4. Are done mainly or exclusively for the benefit of the sovereign above the agent who is the actor.
5. Are done for righteous reasons and noble intent, meaning that they are accomplished for the benefit of someone else rather than one's own personal or financial benefit. This requirement is the foundation of what a fiduciary relationship means and also the only way that conflicts of interest and the corruption they can cause can be eliminated.

## 10.2 Main Technique of Corruption: Introduce Franchises to replace UNALIENABLE PRIVATE Rights with REVOCABLE PUBLIC Statutory PRIVILEGES

*"The rich ruleth over the poor, and the borrower [is] servant to the lender."  
[Prov. 22:7, Bible, NKJV]*

The secret to how scoundrels corrupt our republic based on inalienable rights and replace it with a democracy based on revocable statutory privileges is to offer to loan you government property with conditions or legal strings attached. That process is called a "franchise". The Bible and the U.S. Supreme Court both describe EXACTLY, from a legal perspective, WHEN AND HOW you personally facilitate this inversion of the de jure hierarchy in the previous section to make public servants into masters and make you the sovereign into a government employee or officer. It is done with loans of government property that have legal strings attached. This loan is what we call "government franchises" (Form #05.030) on our website. The word "privilege" in fact is synonymous with loans of absolutely owned GOVERNMENT property and the legal strings attached to the loan.

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

"The State in such cases exercises no greater right than an individual may exercise over the use of his own property when leased or loaned to others. The conditions upon which the privilege shall be enjoyed being stated or implied in the legislation authorizing its grant, no right is, of course, impaired by their enforcement. The recipient of the privilege, in effect, stipulates to comply with the conditions. It matters not how limited the privilege conferred, its acceptance implies an assent to the regulation of its use and the compensation for it."  
[Munn v. Illinois, 94 U.S. 113 (1876) ]

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### Curses of Disobedience [to God's Laws]

"The alien [Washington, D.C. is legislatively "alien" in relation to states of the Union] who is among you shall rise higher and higher above you, and you shall come down lower and lower [malicious destruction of EQUAL PROTECTION and EQUAL TREATMENT by abusing FRANCHISES]. He shall lend to you [Federal Reserve counterfeiting franchise], but you shall not lend to him; he shall be the head, and you shall be the tail.

"Moreover all these curses shall come upon you and pursue and overtake you, until you are destroyed, because you did not obey the voice of the Lord your God, to keep His commandments and His statutes which He commanded you. And they shall be upon you for a sign and a wonder, and on your descendants forever.

*"Because you did not serve [ONLY] the Lord your God with joy and gladness of heart, for the abundance of everything, therefore you shall serve your [covetous thieving lawyer] enemies, whom the Lord will send against you, in hunger, in thirst, in nakedness, and in need of everything; and He will put a yoke of iron [franchise codes] on your neck until He has destroyed you. The Lord will bring a nation against you from afar [the District of CRIMINALS], from the end of the earth, as swift as the eagle flies [the American Eagle], a nation whose language*



[LEGALESE] you will not understand, a nation of fierce [coercive and fascist] countenance, which does not respect the elderly [assassinates them by denying them healthcare through bureaucratic delays on an Obamacare waiting list] nor show favor to the young [destroying their ability to learn in the public FOOL system]. And they shall eat the increase of your livestock and the produce of your land [with "trade or business" franchise taxes], until you [and all your property] are destroyed [or STOLEN/CONFISCATED]; they shall not leave you grain or new wine or oil, or the increase of your cattle or the offspring of your flocks, until they have destroyed you. [Deut. 28:43-51, Bible, NKJV]

The problem with all such loans is that the [covetous de facto \(Form #05.043\) government](#) offering them can theoretically attach ANY condition they want to the loan. If the property is something that is life threatening to do without, then they can destroy ALL of your constitutional rights and leave you with no judicial or legal remedy whatsoever for the loss of your [fundamental or natural PRIVATE rights and otherwise PRIVATE property](#)! This, in fact, is EXACTLY what Pharaoh did to the Israelites during the famine in Egypt, described in [Genesis 47](#).

*"But when Congress creates a statutory right [a "privilege" or "public right" in this case, such as a "trade or business"], it clearly has the discretion, in defining that right, to create presumptions, or assign burdens of proof, or prescribe remedies; it may also provide that persons seeking to vindicate that right must do so before particularized tribunals created to perform the specialized adjudicative tasks related to that right. FN35 Such provisions do, in a sense, affect the exercise of judicial power, but they are also incidental to Congress' power to define the right that it has created. No comparable justification exists, however, when the right being adjudicated is not of congressional creation. In such a situation, substantial inroads into functions that have traditionally been performed by the Judiciary cannot be characterized merely as incidental extensions of Congress' power to define rights that it has created. Rather, such inroads suggest unwarranted encroachments upon the judicial power of the United States, which our Constitution reserves for Art. III courts."*  
[\[Northern Pipeline Const. Co. v. Marathon Pipe Line Co., 458 U.S. 50, 102 S.Ct. 2858 \(1983\)\]](#)

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*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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*"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)  
[f\]](#)

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.

Whether you know it or not, by accepting such physical or intangible property you are, in effect, your implied consent (assent) is implied to enter into a contract with the government that offered it in the process. And because the government is asking you to GIVE rights in relation to them that would otherwise be [INALIENABLE \(Form #12.038\)](#), they are acting in a private, non-governmental capacity as a [de facto government \(Form #05.043\)](#) with no real official, judicial, or [sovereign immunity](#).

That [franchise contract \(Form #12.012\)](#) will, almost inevitably, end up being an [adhesion contract](#) that will be extremely one-sided and will not only NOT "[benefit](#)" you (the "Buyer") in the aggregate, but will work an extreme injury, inequality, and [injustice \(Form #05.050\)](#) that God actually forbids:

#### **Lending to the Poor**

**If one of your brethren becomes poor [desperate], and falls into poverty among you, then you shall help him, like a stranger or a sojourner [transient foreigner and/or non-resident non-person, Form #05.020], that he may live with you. Take no usury or interest from him; but fear your God, that your brother may live with you. You shall not lend him your money for usury, nor lend him your food at a profit. I am the Lord your God, who brought you out of the land of Egypt, to give you the land of Canaan and to be your God.**

#### **The Law Concerning Slavery**

**And if one of your brethren who dwells by you becomes poor, and sells himself to you, you shall not compel him to serve as a slave. As a hired servant and a sojourner he shall be with you, and shall serve you until the Year of Jubilee. And then he shall depart from you—he and his children with him—and shall return to his own family. He shall return to the possession of his fathers. For they are My servants [Form #13.007], whom I brought out of the land of Egypt; they shall not be sold as slaves. You shall not rule over him with rigor, but you shall fear your God."**  
[Lev. 25:35-43, Bible, NKJV]

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#### **Adhesion Contract**

Also found in: [Dictionary](#), [Thesaurus](#), [Financial](#), [Wikipedia](#).

Related to Adhesion Contract: [unilateral contract](#), [exculpatory clause](#), [personal contract](#), [Unconscionable contract](#)

#### **Adhesion Contract**

A type of contract, a legally binding agreement between two parties to do a certain thing, in which one side has all the bargaining power and uses it to write the contract primarily to his or her advantage.

An example of an adhesion contract is a standardized contract form that offers goods or services to consumers on essentially a "take it or leave it" basis without giving consumers realistic opportunities to negotiate terms that would benefit their interests. When this occurs, the consumer cannot obtain the desired product or service unless he or she acquiesces to the form contract.

There is nothing unenforceable or even wrong about adhesion contracts. In fact, most businesses would never conclude their volume of transactions if it were necessary to negotiate all the terms of every [Consumer Credit](#) contract. Insurance contracts and residential leases are other kinds of adhesion contracts. This does not mean, however, that all adhesion contracts are valid. Many adhesion contracts are [Unconscionable](#); they are so unfair to the weaker party that a court will refuse to enforce them. An example would be severe penalty provisions for failure to pay loan installments promptly that are physically hidden by small print located in the middle of an obscure paragraph of a lengthy loan agreement. In such a case a court can find that there is no meeting of the minds of the parties to the contract and that the weaker party has not accepted the terms of the contract.

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adhesion contract (contract of adhesion)

n. a contract (often a signed form) so imbalanced in favor of one party over the other that there is a strong implication it was not freely bargained. Example: a rich landlord dealing with a poor tenant who has no choice and must accept all terms of a lease, no matter how restrictive or burdensome, since the tenant cannot afford to move. An adhesion contract can give the little guy the opportunity to claim in court that the contract with the big shot is invalid. This doctrine should be used and applied more often, but the same big guy-little guy inequity may apply in the ability to afford a trial or find and pay a resourceful lawyer. (See: [contract](#))

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[The Free Dictionary by Farlex: Adhesion Contract; Downloaded 10/9/2019; SOURCE: <https://legal-dictionary.thefreedictionary.com/Adhesion+Contract>]

The temptation of the offer of the government franchise as an adhesion contract is exhaustively described, personified, and even dramatized in the following:

1. The Temptation of Jesus by Satan on the Mountain in [Matthew 4:1-11](https://www.biblegateway.com/passage/?search=Matthew+4&version=NKJV).  
<https://www.biblegateway.com/passage/?search=Matthew+4&version=NKJV>
2. *Devil's Advocate: What We are Up Against*, SEDM (OFFSITE LINK)  
<https://sedm.org/what-we-are-up-against/>
3. *Philosophical Implications of the Temptation of Jesus*, Stefan Molyneux  
<https://sedm.org/philosophical-implications-of-the-temptation-of-jesus/>
4. *Social Security: Mark of the Beast*, Form #11.407  
<http://famguardian.org/Publications/SocialSecurity/TOC.htm>

James Madison, whose notes were used to draft the Bill of Rights, predicted this perversion of the de jure Constitutional design, when he very insightfully said the following:

*"With respect to the words general welfare, I have always regarded them as qualified by the detail of powers connected with them. To take them in a literal and unlimited sense would be a metamorphosis of the Constitution into a character which there is a host of proofs was not contemplated by its creator."*

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

*"If Congress can do whatever in their discretion can be done by money, and will promote the general welfare, the government is no longer a limited one possessing enumerated powers, but an indefinite one subject to particular exceptions."*  
*[James Madison. House of Representatives, February 7, 1792, On the Cod Fishery Bill, granting Bounties]*

The term "general welfare" is synonymous with "benefit" in franchise language. "general welfare" as used above is, in fact, the basis for the entire [modern welfare state](#) that will eventually lead to a massive financial collapse and crisis worldwide.<sup>4</sup> Anyone who therefore supports such a system is ultimately an anarchist intent on destroying our present dysfunctional government and thereby committing the crime of Treason:<sup>5</sup>

*Socialism: The New American Civil Religion*, Form #05.016  
<https://sedm.org/Forms/05-MemLaw/SocialismCivilReligion.pdf>

The Bible also describes how to REVERSE this inversion, how to restore our constitutional rights, and how to put public servants back in their role as servants rather than masters. Note that accepting custody or "benefit" or loans of government property in effect behaves as an act of contracting, because it accomplishes the same effect, which is to create implied "obligations" in a legal sense:

<sup>4</sup> For details on the devastating political effects of the modern welfare state, see:

*Communism, Socialism, Collectivism Page*, Section 10: Welfare State, Family Guardian Fellowship,  
[https://famguardian.org/Subjects/Communism/Communism.htm#Welfare\\_State](https://famguardian.org/Subjects/Communism/Communism.htm#Welfare_State)

<sup>5</sup> In the landmark case of *Steward Machine Co. v. Davis*, 310 U.S. 548 (1937) legalizing social security, the U.S. Supreme Court had the following to say about the treason of inverting the relationship of the states to the federal government:

*"If the time shall ever arrive when, for an object appealing, however strongly, to our sympathies, the dignity of the States shall bow to the dictation of Congress by conforming their legislation thereto, when the power and majesty and honor of those who created shall become subordinate to the thing of their creation, I but feebly utter my apprehensions when **I express my firm conviction that we shall see 'the beginning of the end.'**"*  
*[Steward Machine Co. v. Davis, 310 U.S. 548, 606 (1937)]*

"For the Lord your God will bless you just as He promised you; **you shall lend to many nations, but you shall not borrow**; you shall reign over many nations, but they shall not reign over you."  
[Deut. 15:6, Bible, NKJV]

"The Lord will open to you His good treasure, the heavens, to give the rain to your land in its season, and to bless all the work of your hand. **You shall lend to many nations, but you shall not borrow.**"  
[Deut. 28:12, Bible, NKJV]

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

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

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

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

Following the above commandments requires not signing up for and quitting any and all government benefits and services you may have consensually signed up for or retained eligibility for. All such applications and/or eligibility is called "special law" in the legal field.

**"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]

We also prove that all such "special law" is not "law" in a classical sense, but rather an act of contracting, because it does not apply equally to all. It is what the U.S. Supreme Court referred to as "class legislation" in Pollock v. Farmers Loan and Trust in which they declared the first income tax unconstitutional:

**"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 four thousand dollars 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 [e.g. wars, political conflict, violence, anarchy].** 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. But the objectionable legislation reappears in the act under consideration. It is the same in essential character as that of the English income statute of 1691, which taxed Protestants at a certain rate, Catholics, as a class, at double the rate of Protestants, and Jews at another and separate rate. Under wise and constitutional legislation every citizen should contribute his proportion, however small the sum, to the support of the government, and it is no kindness to urge any of our citizens to

1 escape from that obligation. If he contributes the smallest mite of his earnings to that purpose he will have a  
2 greater regard for the government and more self-respect [597\\*597](#) for himself feeling that though he is poor in  
3 fact, he is not a pauper of his government. And it is to be hoped that, whatever woes and embarrassments may  
4 betide our people, they may never lose their manliness and self-respect. Those qualities preserved, they will  
5 ultimately triumph over all reverses of fortune.”  
6 [Pollock v. Farmers' Loan & Trust Co., 157 U.S. 429 (Supreme Court 1895)]

7 To realistically apply the above biblical prohibitions against contracting with any government so as to eliminate the reversal  
8 of roles and destroy the dulocracy, see:

Path to Freedom, Form #09.015

<https://sedm.org/Forms/09-Procs/PathToFreedom.pdf>

9 Section 5 of the above document in particular deals with how to eliminate the dulocracy. Section 5.6 also discusses the above  
10 mechanisms.

11 The idea of a present day dulocracy is entirely consistent with the theme of our website, which is the abuse of government  
12 franchises and privileges to destroy PRIVATE rights, STEAL private property, promote unhappiness, and inject malice and  
13 vitriol into the political process, as documented in:

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>

14 The U.S. Supreme Court and the Bible both predicted these negative and unintended consequences of the abuse of government  
15 franchises, when they said:

16 “Here I close my opinion. I could not say less in view of questions of such gravity that they go down to the **very**  
17 **foundations of the government**. If the provisions of the Constitution can be set aside by an act of Congress,  
18 where is the course of usurpation to end?”

19 The present **assault upon capital** [THEFT! and WEALTH TRANSFER by unconstitutional CONVERSION of  
20 PRIVATE property to PUBLIC property] is but the beginning. **It will be but the stepping stone to others larger**  
21 **and more sweeping**, until our political contest will become war of the poor against the rich; a war of growing  
22 intensity and bitterness.”

23 [Pollock v. Farmers' Loan & Trust Co., 157 U.S. 429, 158 U.S. 601 (1895), hearing the case against the first  
24 income tax passed by Congress that included people in states of the Union. They declared that first income tax  
25 UNCONSTITUTIONAL, by the way]

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

38 [[James 4:4](#), Bible, NKJV]

39 The “foundations of the government” spoken of above are PRIVATE property, separation between public and private, and  
40 equality of treatment and opportunity, which collectively are called “legal justice”, as we point out on our opening page:

41 Our ministry accomplishes the above goals by emphasizing:

42 12. The pursuit of legal “justice” (Form #05.050), which means absolutely owned private property (Form  
43 #10.002), and equality of TREATMENT and OPPORTUNITY (Form #05.033) under REAL LAW (Form  
44 #05.048). The following would be INJUSTICE, not JUSTICE:



12.1 Outlawing or refusing to recognize or enforce [absolutely owned private property \(Form #12.025\)](#).

12.2 Imposing equality of OUTCOME by law, such as by abusing taxing powers to redistribute wealth. See [Form #11.302](#).

12.3 Any attempt by government to use judicial process or administrative enforcement to enforce any civil obligation derived from any source OTHER than express written consent or to an injury against the equal rights of others demonstrated with court admissible evidence. See [Form #09.073](#) and [Form #12.040](#).

12.4 Offering, implementing, or enforcing any [civil franchise \(Form #05.030\)](#). This enforces superior powers on the part of the government as a form of inequality and results in religious idolatry. This includes making justice into a civil public privilege ([Form #05.050, Section 13](#)) or turning CONSTITUTIONAL PRIVATE citizens into STATUTORY PUBLIC citizens engaged in a public office and a franchise ([Form #05.006](#)).

Not only would the above be INJUSTICE, it would outlaw HAPPINESS, because the right to absolutely own private property is equated with “the pursuit of happiness” in the Declaration of Independence, according to the U.S. Supreme Court. See [Form #05.050](#) for the definition of “justice”. [Click here](#) to view a video on why all franchises produce selfishness, unhappiness, inequality, and ingratitude.  
[SEDM Website Opening Page; SOURCE: <http://sedm.org>]

Too many public servants have assumed absolute authority over the people they are supposed to serve. This REVERSAL of roles and making the SERVANTS into the MASTERS was never the intent of the Founding Fathers who established the American governments as republics where the rights of the people are to be paramount and the sovereignty of the governments are limited by the rights of the people. Sovereignty in America is not based on the same premise as sovereignty in Europe. Sovereignty in Europe was based on the notion of the Divine Right of Kings where the king's sovereignty was absolute and the people were his subjects. Sovereignty in America is based on the notion that citizens are endowed by the Creator with unalienable rights and then lend their permission to the governments to carry out certain, limited responsibilities on their behalf. In a republican form of government, the government is never allowed to overstep its authority or trample on the rights of the citizen no matter how egalitarian the political arguments may be.

Jesus Himself also emphasized that public SERVANTS should never become RULERS or have superior authority to the people they are supposed to SERVE when He said the following.

*“You know that the rulers of the Gentiles [unbelievers] lord it over them [govern from ABOVE as pagan idols] , and those who are great exercise authority over them [supernatural powers that are the object of idol worship]. **Yet it shall not be so among you; but whoever desires to become great among you, let him be your servant [serve the sovereign people from BELOW rather than rule from above]. And whoever desires to be first among you, let him be your slave—just as the Son of Man did not come to be served, but to serve, and to give His life a ransom for many.**”*  
[[Matt. 20:25-28](#), Bible, NKJV]

Notice the word “ransom for many” in the above. This is an admission that Jesus acknowledges that cunning public servant lawyers have KIDNAPPED our legal identity from the protection of God’s law and that legal identity has been transported to a legislatively foreign jurisdiction, the District of Criminals. We exhaustively prove this with evidence in the following memorandum of law:

[Government Identity Theft, Form #05.046](https://sedm.org/Forms/05-MemLaw/GovernmentIdentityTheft.pdf)  
<https://sedm.org/Forms/05-MemLaw/GovernmentIdentityTheft.pdf>

Jesus also states in Matt. 20:25-28 that it is the DUTY and obligation of every Christian to fight this corruption of our political system. The Holy Bible is our Delegation of Authority to do precisely this, in fact, and to restore God to His proper role as the ruler of ALL nations and ALL politicians and the only rightful Lawgiver of all human law. That delegation of authority is described in:

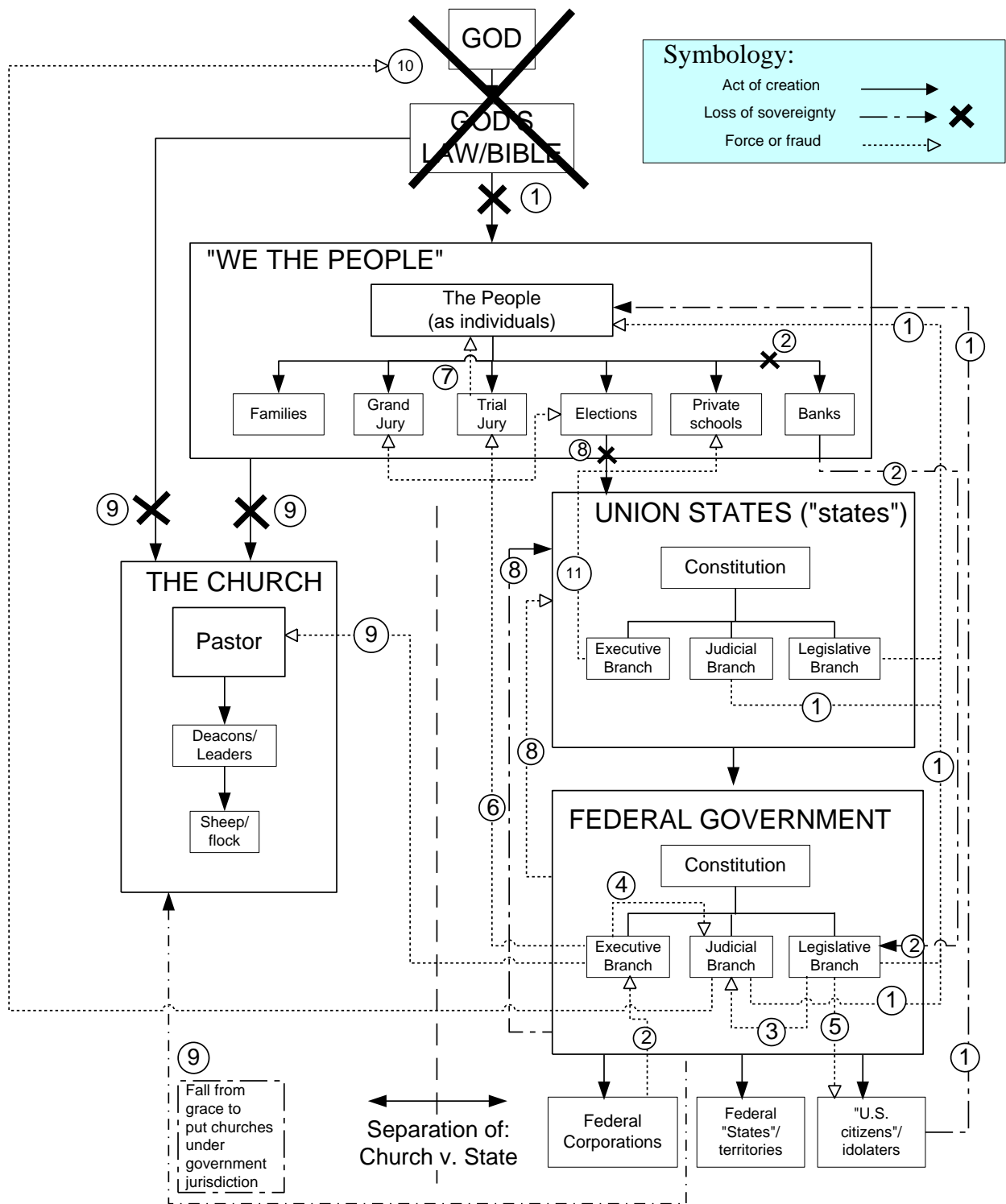
[Delegation of Authority Order from God to Christians, Form #13.007](https://sedm.org/Forms/13-SelfFamilyChurchGovnce/DelOfAuthority.pdf)  
<https://sedm.org/Forms/13-SelfFamilyChurchGovnce/DelOfAuthority.pdf>

### 10.3 Graphical Depiction of the Corruption

With the above in mind, we will now add all of the corrupting influences accomplished to our system of government over the years. These are shown with dashed lines representing the application of unlawful or immoral force or fraud. The hollow

1 end of each line indicates the sovereign against which the force or fraud is applied. The number above or next to the dotted  
2 line indicates the item in the table that follows the diagram which explains each incidence of force or fraud.

3 **Figure 4: Graphical depiction of the process of corruption**



5 Below is a table explaining each incidence of force or fraud that corrupted the originally perfect system:

1 Table 6-1: Specific instances of force, fraud, and conflict of interest that corrupted our political system

# (on diagram above)	Year(s)	Acting Sovereignty/ agent	Law(s) violated	Explanation
1	1868	State legislatures State judges Federal legislature Federal judges	<a href="#">18 U.S.C. §241</a> (conspiracy against rights) <a href="#">Thirteenth Amendment</a> (slavery and peonage) <a href="#">42 U.S.C. §1994</a> (peonage) <a href="#">18 U.S.C. §1581</a> (peonage/slavery) <a href="#">18 U.S.C. §2381</a> (treason)	After the civil war, the 14 <sup>th</sup> Amendment was passed in 1868. That amendment along with "words of art" were used as a means to deceive constitutional citizens to falsely believe that they were also privileged statutory "U.S. citizens" pursuant to 8 U.S.C. §1401, and thus to unconstitutionally extent federal jurisdiction and enforce federal franchises within states of the Union. The citizenship status described in that amendment was only supposed to apply to emancipated slaves but the federal government in concert with the states confused the law and the interpretation of the law enough that everyone thought they were statutory federal citizens rather than the "non-citizen nationals" immune from federal jurisdiction, which is foreign with respect to states of the Union. This put Americans in the states in a privileged federal status and put them under the jurisdiction of the federal government. At the point that Americans voluntarily and unknowingly accept privileged federal citizenship, they lose their sovereignty and go to the bottom of the sovereignty hierarchy. State courts and state legislatures cooperated in this conspiracy against rights by requiring electors and jurists to be presumed statutory "U.S. citizens" in order to serve. At the same time, they didn't define the term "U.S. citizen" in their election laws or voter registration, creating a "presumption" in favor of people believing that they are statutory "citizens of the United States", even though technically they are not.
2	1913	Corporations/ businesses/and special interests	<a href="#">18 U.S.C. §201</a> (bribery of public officials) <a href="#">Const. Art. 1, Sect. 2, Clause 3</a> (direct taxes) <a href="#">Const. Art. 1, Sect. 9, Clause 4</a> (direct taxes) <a href="#">18 U.S.C. §219</a> (government employees acting as agents of foreign principals-Federal Reserve)	Around the turn of the century, the gilded age created a lot of very wealthy people and big corporations. The corrupting influence of the money they had lead them to dominate the U.S. senate and the Republican party., which was the majority party at the time. The people became restless because they were paying most of the taxes indirectly via tariffs on imported goods while the big corporations were paying very little. This lead to a vote by Congress to send the new Sixteenth Amendment to the states for ratification. Corporations heavily influenced this legislation so that it would favor taxing individuals instead of corporations, which lead the Republicans in the Senate to word the Amendment ambiguously so that it could or would be misconstrued to apply to natural persons instead of the corporations it was really intended to apply to by the American people. This created much subsequent litigation and confusion on the part of the Average American about exactly what the taxing powers of Congress are, and gave Congressman a lot of wiggle room to misrepresent the purpose of the Sixteenth Amendment to their constituents. Today, Congressmen use the ambiguity of the Amendment to regularly lie to their Constituents by saying that the "Sixteenth Amendment" authorizes Congress to tax the income of every American. This is an absolute lie and is completely inconsistent with the rulings of the U.S. Supreme Court. Courts below the Supreme Court have also used the same ambiguity mechanism to expand the operation of the income tax beyond its clearly limited application to the federal zone. During the same year as the Sixteenth Amendment was ratified, in 1913, the Congress also passed the Federal Reserve Act immediately after the Sixteenth Amendment. By doing this, they surrendered their control over the money system to a consortium of private banks. The Sixteenth Amendment was passed first in February of 1913 because it was the lender-security for the Non-Federal Reserve that would be needed to create a "credit line" and collateral. The Federal Reserve Act was passed in December of that same year. At that point, the Congress had an unlimited private credit line from commercial banks and a means to print as much money as they wanted in order to fund socialist expansion of the government. But remember that the bible says:  <i>"The rich ruleth over the poor, and the borrower [is] servant to the lender." [Prov. 22:7]</i>
3	1911- 1939	Federal legislature	<a href="#">28 U.S.C. §144</a> (conflict of interest of federal judges) <a href="#">28 U.S.C. §455</a> (conflict of interest of federal judges)	In 1911, the U.S. Congress passed the Judicial Code of 1911 and thereby made all District and Circuit courts into entirely administrative courts which had jurisdiction over only the federal zone. All the federal courts except the U.S. Supreme Court changed character from being Article III courts to Article IV territorial courts only. All the district courts were renamed from "District Court of the United States" to "United States District Court". The Supreme Court said in <i>Balzac v. Porto Rico</i> , 258 U.S. 298 (1922) that the "United States District Court" is an Article IV territorial court, not an Article III constitutional court. Consequently, all the federal courts excepting the Supreme Court became administrative courts that were part of the Executive rather than the Judicial Branch of the government and all the judges became Executive Branch employees. See our article " <a href="#">Authorities on Jurisdiction of Federal Courts</a> "

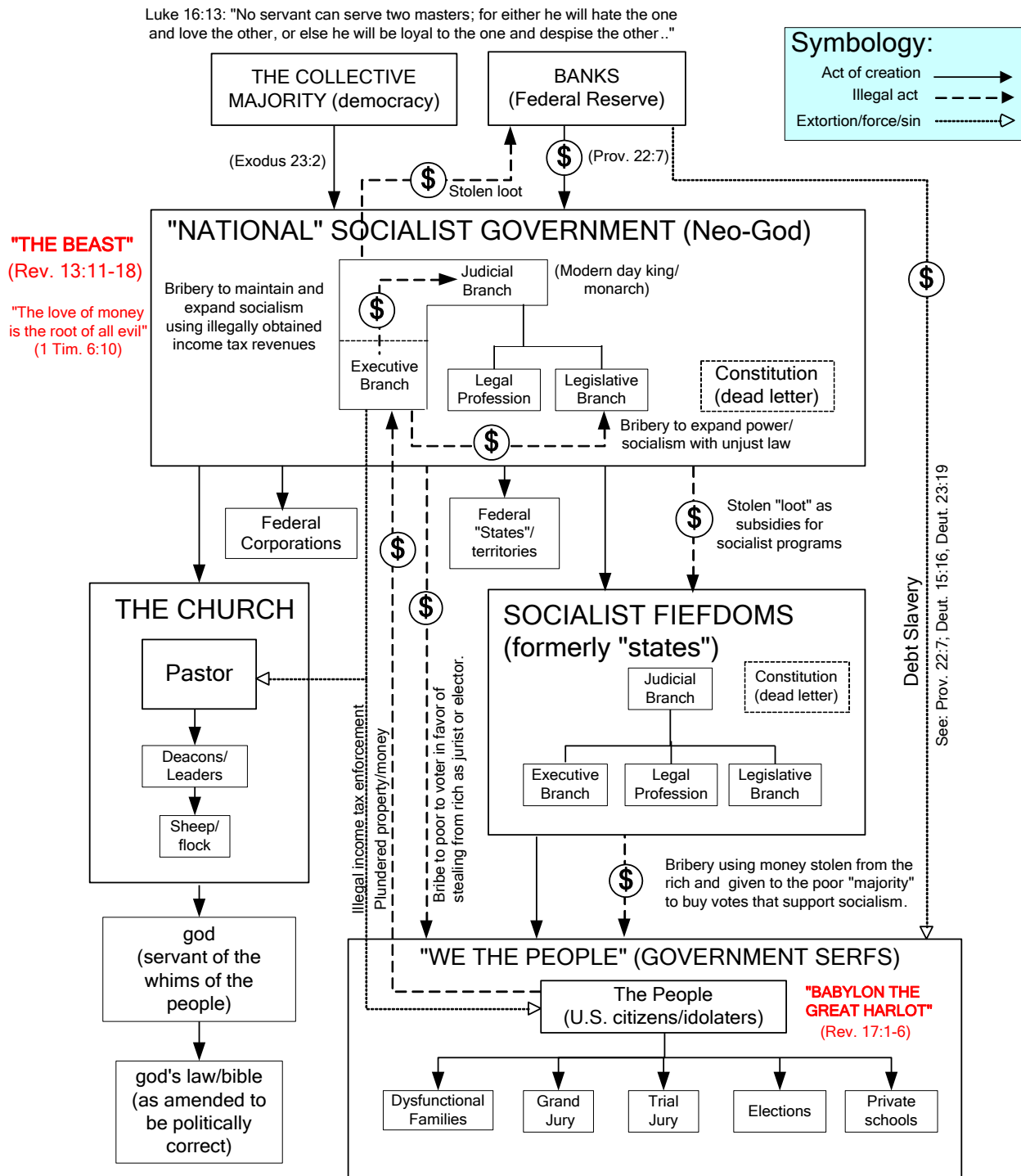
# (on diagram above)	Year(s)	Acting Sovereignty/ agent	Law(s) violated	Explanation
				<p>(<a href="http://famguardian.org/Subjects/LawAndGovt/ChallJurisdiction/AuthoritiesArticle/AuthOnJurisdiction.htm">http://famguardian.org/Subjects/LawAndGovt/ChallJurisdiction/AuthoritiesArticle/AuthOnJurisdiction.htm</a>) for further details.</p> <p>The Revenue Act of 1932 then tried to apply income taxes against federal judges. The purpose was to put them under complete control of the Executive Branch through terrorism and extortion by the IRS. This was litigated by the Supreme Court in 1932 in the case of <i>O'Malley v. Woodrough</i>, 309 U.S. 277 (1939) just before the war started. The court ruled that the Executive Branch couldn't unilaterally modify the terms of their employment contracts, so they rewrote the tax law to go around it subsequent to that by only taxing NEW federal judges and leaving the existing ones alone so as not to violate the Constitutional prohibition against reducing judges salaries. Since that time, federal judges have been beholden to the greed and malice of the Legislative branch because they are under IRS control. This occurred at a time when we had a very popular socialist President who threatened the Supreme Court if they didn't go along with his plan to replace capitalism with socialism, starting with Social Security. President Roosevelt tried to retire all the U.S. Supreme Court justices and then double the size of the court and pack the court with all of his own socialist cronies in a famous coup called "The Roosevelt Supreme Court Packing Plan".</p>
4	1939- Present	Federal executive branch	<p><a href="#">28 U.S.C. §144</a> (conflict of interest of federal judges)</p> <p><a href="#">28 U.S.C. §455</a> (conflict of interest of federal judges)</p> <p>Separation of powers Doctrine</p>	Right after the Supreme Court case of <i>O'Malley v. Woodrough</i> in 1939, the U.S. Congress wasted no time in passing a new Revenue Act that skirted the findings of the Supreme Court's that declared income taxes levied against them to be unconstitutional. In effect, they made the payment of income taxes by federal judges an implied part of their employment agreement as "appointed officers" of the United States government in receipt of federal privileges. Once the judges were under control of the IRS, they could be terrorized and plundered if they did not cooperate with the enforcement of federal income taxes. This also endowed all federal judges with an implied conflict of interest in violation of 28 U.S.C. §455 and 28 U.S.C. §144
5	1939- Present	Federal legislative branch	<p><a href="#">Const. Art. 1, Sect. 2, Clause 3</a> <a href="#">Const. Art. 1, Sect. 9, Clause 4</a> <a href="#">18 U.S.C. §1589(3)</a> (forced labor)</p>	The Revenue Act of 1939 passed by the U.S. Congress instituted a very oppressive income tax to fund the upcoming World War II effort. It was called the "Victory Tax" and it was a voluntary withholding effort, but after the war and after people on a large scale got used to sending their money to Washington, D.C. every month through payroll withholding, the politicians cleverly decided not to tell them the truth that it was voluntary. The politicians then began rewriting the tax laws to further confuse and deceive people and hide the truth about the voluntary nature of the income tax. This included the Internal Revenue Codes of 1954 and 1986, which were major updates of the IRC that further hid the truth from the legal profession and added so much complexity to the tax laws that no one even understands them anymore.
6	1950- Present	Federal executive branch	<p><a href="#">18 U.S.C. §597</a> (expenditures to influence voting)</p> <p><a href="#">18 U.S.C. §872</a> (extortion)</p> <p><a href="#">18 U.S.C. §880</a> (receiving the proceeds of extortion)</p> <p><a href="#">18 U.S.C. §1957</a> (Engaging in monetary transactions in property derived from specified unlawful activity)</p>	<p>Federal government uses income tax revenues after World War II to begin socialist subsidies, starting with Lyndon Johnson's "Great Society" plan. Instead of paying off the war debt and ending the income tax like we did after the Civil war in 1872, the government adopted socialism and borrowed itself into a deep hole, following the illustrious example of Franklin Roosevelt's "New Deal" program. This socialist expansion was facilitated by the enactment of the Federal Reserve Act of 1913, which gave the government unlimited borrowing power. The income tax, however, had to continue because it was the "lender security" for the PRIVATE Federal Reserve banking trust that was creating all this debt and fake money. The income tax had the effect of making all Americans into surety for government debts they never authorized. The Civil Rights movement of the 1960's accelerated the growth of the socialist cancer to cause voters to abuse their power to elect politicians who would subsidize and expand the welfare-state concept.</p> <p><i>"Democracy has never been and never can be so desirable as aristocracy or monarchy, but while it lasts, is more bloody than either. Remember, democracy never lasts long. It soon wastes, exhausts, and murders itself. There never was a democracy that never did commit suicide."</i> [John Adams, 1815]</p>
7	1939- Present	Trial jury	<a href="#">18 U.S.C. §2111</a> (robbery)	Trial juries filled with people receiving government socialist handouts (money STOLEN from hard-working Americans) vote against tax protesters to illegally enforce the income tax laws, and especially in the case of the wealthy. Trial by jury

# (on diagram above)	Year(s)	Acting Sovereignty/ agent	Law(s) violated	Explanation
				becomes MOB RULE and a means to mug and rob the producers of society. The jurists are also under duress by the judge, who does not allow evidence to be admitted that would be prejudicial to government (or his retirement check) and who makes cases unpublished where the government lost on income tax issues. Because these same jurists were also educated in public schools, they are easily lead like sheep to do the government's dirty work of plundering their fellow citizens by upholding a tax that is actually voluntary. The result is slavery of wage earners and the rich to the IRS. The war of the "have-nots" and the "haves" using the taxing authority of the government continues on and expands.
8	1960- Present	Federal government	<a href="#">18 U.S.C. §873</a> (blackmail)	The federal government begins using income tax revenues and socialist welfare programs to manipulate the states. For instance: 1. They made it mandatory for states to require people getting drivers licenses to provide a Socialist Security Number or their welfare subsidies would be cut off. 2. They encourage states to require voters and jurists to be "U.S. citizens" in order to serve these functions so that they would also be put under federal jurisdiction. 3. They mandate that all persons receiving welfare benefits or unemployment benefits that include federal subsidies to have Socialist Security Numbers.
9	1980's- Present	Federal executive branch	<a href="#">18 U.S.C. §208</a> (conflict of interest) <a href="#">18 U.S.C. §872</a> (extortion) <a href="#">18 U.S.C. §876</a> (mailing threatening communications)	IRS abuses its power to manipulate and silence churches that speak out about government abuses or are politically active. This has the effect of making the churches politically irrelevant forces in our society so that the government would have no competition for the affections and the allegiance of the people.
10	1960- Present	Federal judicial branch	God's laws (bible)	Federal judiciary eliminates God and prayer in the schools. This leaves kids in a spiritual vacuum. Drugs, sex, teenage pregnancy run rampant. Families begin breaking apart. God is blasphemed. Single parents raise an increasing number of kids and these children don't have the balance they need in the family to have proper sex roles. Gender identity crisis and psychology problems result, causing homosexuality to run rampant. This further accelerates the breakdown of the family because these dysfunctional kids have dysfunctional families of their own. Because God is not in the schools, eventually the people begin to reject God as well. This expands the power of government because when the people aren't governed by God, they are ruled by tyrants and become peasants and serfs eventually. That is how the Israelites ended up in bondage to the Egyptians: because they would not serve God or trust him for their security. They wanted a big powerful Egyptian government to take care of them and be comfortable and safe, which was idolatry toward government.
11	2000- Present	State executive branch	<a href="#">18 U.S.C. §208</a> (acts affecting a personal financial interest)	The state executive branches abuse their power to set very high licensing requirements for home schools and private schools, backed by teachers unions and contributions of these unions to their political campaigns. Licensing requirements become so high that only public schools have the capital to comply, virtually eliminating private and home schooling. Teachers and inferior environment in public schools further contributes to bad education and liberal socialist values, further eroding sovereignty of the people and making them easy prey for sly politicians who want to enslave them with more unjust laws and expand their fiefdom. Government continues to grow in power and rights and liberties simultaneously erode further.



1 After our corrupt politicians are finished socially re-engineering our system of government using the tax code and a corrupted  
2 federal judiciary, below is what happens to our original republican government system. This is what we refer to as the “De  
3 facto U.S. Government”. It has replaced our “De jure U.S. Government” not through operation of law, but through fraud,  
4 force, and corruption. One of our readers calls this new architecture for social organization “The New Civil Religion of  
5 Socialism”, where the collective will of the majority or whatever the judge says is sovereign, not God, and is the object of  
6 worship and servitude in courtrooms all over the country, who are run by devil-worshipping modern-day monarchs called  
7 “judges”. These tyrants wear black-robos and chant in Latin and perform exorcism on hand-cuffed subjects to remove  
8 imaginary “demons” from the people that are defined by majority vote among a population of criminals (by God’s law),  
9 homosexuals, drug abusers, adulterers, and atheists. The vilification of these demons are also legislated into existence with  
10 “judge-made law”, which is engineered to maximize litigation and profits to the legal industry. The legal industry, in turn,  
11 has been made into a part of the government because it is licensed and regulated by government. This profession “worships”  
12 the judge as an idol and is comprised of golf and law school buddies and fellow members of the American Bar Association,  
13 who hobnob with the judge and do whatever he says or risk having their attorney license pulled. In this totalitarian socialist  
14 democracy/oligarchy shown below, the people have no inalienable or God-given individual rights, but only statutory  
15 “privileges” and franchises granted by the will of the majority that are excise taxable. After all, when God and Truth are  
16 demoted to being a selfish creation of man and a politically correct vain fantasy, then the concept of “divine right” vanishes  
17 entirely from our political system.

18 **Figure 5: Our present SOCIALIST Oligarchy**



1

2 In the above diagram, all people in receipt of federal funds stolen through illegally collected or involuntarily paid federal  
 3 income taxes effectively become federal "employees". They identified themselves as such when they filed their W-4 payroll  
 4 withholding form, which is a contract that says on the top "Employee Withholding Allowance Certificate". The Internal  
 5 Revenue Code identifies "employee" to mean someone who works for the federal government in 26 U.S.C. §3401(c). These  
 6 federal "employees" are moral and spiritual "whores" and "harlots". They are just like Judas or Essau...they exchanged the  
 7 Truth for a lie and liberty for slavery and they did it mainly for money and personal security. They are:

1. So concerned about avoiding being terrorized by their government or the IRS for “making waves”.
2. So immobilized by their own fear and ignorance that they don’t dare do anything.
3. So addicted to sin and other unhealthy distractions that they don’t have the time to do justice.
4. So poor that they can’t afford an expensive lawyer to be able to right the many wrongs imposed on them by a corrupted government. Justice is a luxury that only the rich can afford in our society.
5. So legally ignorant, thanks to our public “fool”, I mean “school” system that they aren’t able to right their wrongs on their own in court without a lawyer.
6. So afraid of corrupt judges and lawyers who are bought and paid for with money that they stole from hardworking Americans in illegally enforcing what is actually a voluntary Subtitle A income against those who in fact and indeed can only be described per the law as “nontaxpayers”
7. So unable to take care of their own needs because:
  - 7.1. Most of their money has been plundered by a government unable and unwilling to control its spending.
  - 7.2. They have allowed themselves to depend too much on government and allowed too much of their own hard-earned money to be stolen from them.
  - 7.3. They spent everything they had and went deep in debt to buy things they didn't need.
8. So covetous of that government welfare or socialist security or unemployment check or paycheck that comes in the mail every month.

...that they wouldn’t dare upset the apple cart or try to right the many wrongs that maintain the status quo by doing justice as a voter or jurist. As long as they get their socialist handout and they live comfortably on the “loot” their “[Parens Patriae](#)”, or “Big Brother” sends them, they don’t care that massive injustice is occurring in courtrooms and at the IRS every day and that they are sanctioning, aiding, and abetting that injustice as voters and jurists with a financial conflict of interest in criminal violation of 18 U.S.C. §§201 and 208. In effect, they are bribed to look the other way while their own government loots and oppresses their neighbor and then uses that loot to buy votes and influence.

*“Thou shalt not steal.”*  
[[Exodus 20:15](#), Bible, NKJV]

*“For all the law is fulfilled in one word, even in this: “You shall love your neighbor as yourself.”*  
[[Gal 5:14](#), Bible, NKJV]

Would you rob your neighbor? No you say? Well then, would you look the other way while someone else robs him in your name? Government is **YOUR AGENT**. If government robs your neighbor, God will hold you, not the agent who did it for you, personally responsible, because government is your agent. God put you in charge of your government and you are the steward. Frederic Bastiat described the nature of this horrible corruption of the system in the following book on our website:

The Law, by Frederic Bastiat  
<http://famguardian.org/Publications/TheLaw/TheLaw.htm>

If you want to know what the above type of government is like spiritually, economically, and politically, read the first-hand accounts in the Book of Judges found in the Bible. Corruption, sin, servitude, violence, and wars characterize this notable and most ignominious period and “social experiment” as documented in the Bible. Now do you understand why God’s law mandates that we serve ONLY Him and not be slaves of man or government? When we don’t, the above totalitarian socialist democracy/tyranny is the result, where politicians and judges in government become the only sovereign and the people are there to bow down to and “worship” and serve an evil and corrupt government as slaves.

## 10.4 God's Remedy for the Corruption

Below is the way God himself describes the corrupted dilemma we find ourselves in because we have abandoned the path laid by our founding fathers, as described in [Isaiah 1:1-26](#):

*Alas, sinful nation,  
A people laden with iniquity  
A brood of evildoers  
Children who are corrupters!  
They have forsaken the Lord  
They have provoked to anger  
The Holy One of Israel,  
They have turned away backward.*

Why should you be stricken again?  
 You will revolt more and more.  
 The whole head is sick [*they are out of their minds!; insane or STUPID or both*].  
 And the whole heart faints....  
  
 Wash yourselves, make yourselves clean;  
 Put away the evil of your doings from before My eyes.  
 Cease to do evil,  
 Learn to do good;  
 Seek justice,  
 Rebuke the oppressor [*the IRS and the Federal Reserve and a corrupted judicial system*];  
 Defend the fatherless,  
 Plead for the widow [*and the "nontaxpayer"*]....  
  
 How the faithful city has become a harlot!  
 It [the Constitutional Republic] was full of justice;  
 Righteousness lodged in it,  
 But now murderers [*and abortionists, and socialists, and democrats, and liars and corrupted judges*].  
 Your silver has become dross,  
 Your wine mixed with water.  
 Your princes [President, Congressmen, Judges] are rebellious.  
 Everyone loves bribes,  
 And follows after rewards.  
 They do not defend the fatherless,  
 nor does the cause of the widow [or the "nontaxpayer"] come before them.  
  
 Therefore the Lord says,  
 The Lord of hosts, the Mighty One of Israel,  
 "Ah, I will rid Myself of My adversaries,  
 And take vengeance on My enemies.  
 I will turn My hand against you,  
 And thoroughly purge away your dross,  
 And take away your alloy.  
 I will restore your judges [*eliminate the BAD judges*] as at the first,  
 And your counselors [*eliminate the BAD lawyers*] as at the beginning.  
 Afterward you shall be called the city of righteousness, the faithful city."  
 [Isaiah 1:1-26, Bible, NKJV]

So according to the Bible, the real problem is corrupted lawyers and judges and people who are after money and rewards, and God says the way to fix the corruption and graft is to eliminate the bad judges and lawyers. Whose job is that? It is the even more corrupted Congress! (see [28 U.S.C. §134\(a\)](#) and [28 U.S.C. §44\(b\)](#))

"O My people! Those who lead you cause you to err,  
 And destroy the way of your paths."  
 [Isaiah 3:12, Bible, NKJV]

"The king establishes the land by justice; but he who receives bribes [or government "benefits", if paid to voters, jurists, judges, or prosecutors] overthrows it."  
 [Prov. 29:4, Bible, NKJV]

Can thieves and corrupted judges and lawyers and jurors, who are all bribed with unlawfully collected monies they lust after in the pursuit of socialist benefits, reform themselves if left to their own devices?

"When you [the jury] saw a thief [the corrupted judges and lawyers paid with extorted and stolen tax money],  
 you consented with him, And have been a partaker with adulterers."  
 [Psalm 50:18, Bible, NKJV]

"The people will be oppressed.  
Every one by another and every one by his [socialist] neighbor [sitting on a jury who was indoctrinated and brainwashed in a government school to trust government];  
 The child will be insolent toward the elder,  
 And the base toward the honorable."  
 [Isaiah 3:5, Bible, NKJV]

"It must be conceded that there are rights [and property] in every free government beyond the control of the State [or any judge or jury]. A government which recognized no such rights, which held the lives, liberty and property of its citizens, subject at all times to the disposition and unlimited control of even the most democratic depository

1 of power, is after all a despotism. It is true that it is a despotism of the many--of the majority, if you choose to  
2 call it so--but it is not the less a despotism."  
3 [Loan Ass'n v. Topeka, [87 U.S. \(20 Wall.\) 655](#), 665 (1874)]

4 The answer is an emphatic no. It is up to **We The People** as the sovereigns in charge of our lawless government to right this  
5 massive injustice because a corrupted legislature and judiciary and the passive socialist voters in charge of the government  
6 today simply cannot remedy their own addiction to the money that was stolen from their neighbor by the criminals they  
7 elected into office. These elected representatives were supposed to be elected to serve and protect the people, but they have  
8 become the worst abusers of the people because they only got into politics and government for selfish reasons. Notice we  
9 didn't say they got into "public service", because we would be lying to call it that. It would be more accurate to call what  
10 they do "self-service" instead of "public service". One of our readers has a name for these kinds of people. He calls them  
11 SLAT: Scum, Liars, and Thieves. If you add up all the drug money, all the stolen property, all the white collar crime together,  
12 it would all pale in comparison to the "extortion under the color of law" that our own de facto government is instituting  
13 against its own people. If we solve no crime problem other than that one problem, then the government will have done the  
14 most important thing it can do to solve our crime problem and probably significantly reduce the prison population at the same  
15 time. There are lots of people in jail who were put there wrongfully for income tax crimes that aren't technically even crimes.  
16 These people were maliciously prosecuted by a corrupted Satan worshipping DOJ with the complicity of a corrupted judiciary  
17 and they MUST be freed because they have become slaves and political prisoners of a corrupted state for the sake of statutes  
18 that operate as the equivalent of a "civil religion" and which are not and cannot be law in their case. That's right: the corrupted  
19 state has erected a counterfeit church and religion that is a cheap imitation of God's design complete with churches, prayers,  
20 priests, deacons, tithes, and even its own "Bible" (franchise) and they have done so in violation of the First Amendment. The  
21 nature of that civil religion is exhaustively described below:

*Socialism: The New American Civil Religion*, Form #05.016  
DIRECT LINK: <http://sedm.org/Forms/05-MemLaw/SocialismCivilReligion.pdf> (OFFSITE LINK)  
FORMS PAGE: <http://sedm.org/Forms/FormIndex.htm> (OFFSITE)

22 Why does God describe the source of the corruption as bad lawyers and judges instead of the people accepting the franchises  
23 as "Buyers", you might ask? The answer is that:

- 24 1. The Constitution and the Declaration of Independence recognize natural rights as INALIENABLE. See  
*Unalienable Rights Course*, Form #12.038  
<https://sedm.org/LibertyU/UnalienableRights.pdf>
- 25 2. An INALIENABLE right is one that YOU AREN'T ALLOWED BY LAW to consent (Form #05.003) to give away.  
26 3. If you can't even lawfully consent (Form #05.003) to give away the right, then you can never lose it or contract it away  
27 by participating in a government franchise (Form #05.030) or accepting a loan of government property.  
28 4. The fact that judges and lawyers ALLOW inalienable rights (Form #12.038) to be given away in a place where they  
29 aren't allowed to be given away is a sign that they love money and enhancing their own power more than they love  
30 freedom or the Constitution.  
31 5. Because they love money and power more than they love freedom and obeying the constitution, they are committing  
32 treason punishable by death in violation of [18 U.S.C. §2381](#) and serving Satan himself.

33 Below is how we explain this conundrum in our Disclaimer:

34 *Every attempt by anyone in government to alienate rights that the Declaration of Independence says are*  
35 *UNALIENABLE shall also be treated as "PRIVATE BUSINESS ACTIVITY" that cannot be protected by sovereign,*  
36 *official, or judicial immunity. So called "government" cannot make a profitable business or franchise out of*  
37 *alienating inalienable rights without ceasing to be a classical/de jure government and instead becoming in effect*  
38 *an economic terrorist and de facto government in violation of Article 4, Section 4.*

39 *"No servant [or government or biological person] can serve **two masters**; for either he*  
40 *will hate the one and love the other, or else he will be loyal to the one and despise the*  
41 *other. **You cannot serve God and mammon [government]."***  
42 *[[Luke 16:13](#), Bible, NKJV]*

43 *[Disclaimer, Section 4: Meaning of Words: "Private"; SOURCE: <https://famguardian.org/disclaimer.htm>]*



## 10.5 De Jure v. De Facto Government

We will now close this section with a tabular summary that compares our original “de jure” government to the “de facto” government that we presently suffer under. This corrupted “de facto” government only continues to exist because of our passive and tolerant approach towards the illegal activities of the government servants. We can fix this if we really want to, folks. Let’s do it!

**Table 6-2: Comparison of our "De jure" v. "De facto" government**

#	Type of Separation of Powers	De jure government	De facto government
1	Separation of Church and State	Government has no power to control or regulate the political activities of churches	IRS 501(c) designation allows government to remove tax exemption from churches if they get politically involved
2	Separation of Money and State	Only lawful money is gold and the value of the dollar is tied to gold. Government can’t manufacture more gold so they can’t abuse their power to coin money to enrich themselves.	Fiat currency is Federal Reserve Notes (FRNs). Government can print any amount of these it wants and thereby enrich itself and steal from the those who hold dollars by lowering the value of the dollars in circulation (inflation)
3	Separation of Marriage and State	People getting married did not have marriage licenses from the state. Instead, the ceremony was exclusively ecclesiastical and it was recorded only in the family Bible and church records.	Pastor acts as an agent of both God and the state. He performs the ceremony and is also licensed by the state to sign the state marriage license. Churches force members getting married to obtain state marriage license by saying they won’t marry them without a state-issued marriage license.
4	Separation of School and State	Schools were rural and remote and most were private or religious. There were very few public schools and a large percentage of the population was home-schooled.	Most student go to public schools. They are dumbed-down by the state to be good serfs/sheep by being told they are “taxpayers” and being shown in high school how to fill out a tax return without even being shown how to balance a check book. They are taught that government is the sovereign and not the people, and that people should obey the government.
5	Separation of State and Federal government	States control the Senate and all legislation and taxation internal to a state. Federal government controls only foreign commerce in the form of imposts, excises, and duties under Article 1, Section 8, Clause 3 of the Constitution.	Federal government receives lion’s share of income taxes over both internal and external trade. It redistributes the proceeds from these taxes to the socialist states, who are coerced to modify their laws in compliance with federal dictates in order to get their fair share of this stolen “loot”.
6	Separation between branches of government: Executive, Legislative, Judicial	Three branches of government are entirely independent and not controlled by other branches.	Judges are “employees” of the executive branch and have a conflict of interest because they are beholden to IRS extortion. Executive controls the illegal tax collection activities of the IRS and dictates to other branches it’s tax policy through illegal IRS extortion. Using the IRS, Executive becomes the “Gestapo” that controls everything and everyone. Congress and the courts refuse to reform this extortion because they benefit most financially by it.
7	Separation of Commerce and State	Federal government regulates only foreign commerce of corporations. States regulate all internal commerce. Private individuals have complete privacy and are not regulated because they don’t have Socialist Security Numbers and are not monitored by the IRS Gestapo. Banks are independent and do not have to participate in a national banking system so they don’t coerce their depositors to bet government-issued numbers nor do they snoop/spy on their depositors as an agent of the IRS Gestapo. Private employers are not regulated or monitored by federal	All credit issued by a central, private Federal Reserve consortium. Federal Reserve rules coerce private banks to illegally enforce federal laws in states of the Union that only apply in the federal zone. Namely, they force depositors to have Socialist Security Numbers and they report all currency transactions over \$3,000 to the Dept of the Treasury (CTR’s). “Spying” on financial affairs

#	Type of Separation of Powers	De jure government	De facto government
		Gestapo and their contracts with their employees are private and sacred.	citizens by government makes citizens afraid of IRS and government and coerces them to illegally pay income taxes by government. Employers are coerced to enslave their employees to IRS through wage reporting and withholding, often against the will of employees.
8	Separation of Media and State	Press was free to report as they saw fit under the First Amendment. Most newspapers were small-town newspapers and were private and independent.	Television, radio, the internet, and corporations have taken over the media and concentrated control of it to the hands of a very few huge and "privileged" corporations that are in bed with the federal and state governments. Media is no longer independent, and broadcasters don't dare cross the government for fear of either losing their FCC license, being subjected to an IRS audit, or having their government sponsorship revoked.
9	Separation of Family and State	Families were completely separate from the state. Private individuals were not subject to direct taxation or regulation by either state or federal government. No Socialist Security Numbers and no government surveillance of private commerce by individuals. Women stayed home and out of the workforce. Men dominated the political and commercial landscape and also defended their family from encroachments by government. Children were home-schooled and worked on the farm. They inherited the republican values of their parents. Morality was taught by the churches and there was an emphasis on personal responsibility, modesty, manners, respect, and humility.	Using income taxes, mom was removed from the home to enter the workforce so she could replace the income stolen from dad by the IRS through illegal enforcement of the tax laws. Conflict over money breaks families down and divorce rate reaches epidemic proportions. Children are neglected by their parents because parents both have to work full-time and duke it out with each other in divorce court. Majority of children raised in single parent homes. Television and a liberal media dominates and distorts the thoughts and minds of the children. Public schools filled with homosexuals and liberals, many of whom have no children of their own, teach our children to be selfish, rebellious, sexually promiscuous, homosexual drug-abusers. Pornography invades the home through the internet, cable-TV, and video rentals, creating a negative fixation on sex. Television interferes with family communication so that children are alienated from their parents so that they do not inherit good morals or respect for authority from their parents.. Crime rate and prison population reaches unprecedented levels. Citizens therefore lose their ability to govern themselves and the legal field and government come in and take over their lives.
10	Separation of Charity and State	Churches and families were responsible for charity. When a person was old or became unemployed, members of the church or family would take them. Personal responsibility and morality within churches and families would encourage them to improve their lives.	Monolithic, huge, and terribly inefficient government bureaucracies replace families and churches as major source of charity. These bureaucracies have no idea what personal responsibility is and are not allowed to talk about morality because they are not allowed to talk about God. Generations of people grow up under this welfare umbrella without ever having to take responsibility for themselves, and these people abuse their voting power to perpetuate it. Supremacy of families and churches is eliminated and government becomes the new "god" for everyone to worship. See Jeremiah 2:26-28.

#	Type of Separation of Powers	De jure government	De facto government
11	Separation of Public and Private Property	All property is presumed to be absolutely owned, private, and not subject to state or public or government control. This is the foundation of the Fifth Amendment protection for private property. See: <a href="#">Separation Between Public and Private Course, Form #12.025</a> .	Corrupt and covetous public servants implement socialism, where all property is presumed to be absolutely owned by the government, and everyone is a BORROWER of said property with conditions. Those conditions are called "franchises", and government can regulate and control ANYONE and ANYTHING it wants. See <a href="#">Government Instituted Slavery Using Franchises, Form #05.030</a> .

If you would like to know all the characteristics of the de facto government we live under and see proof that it is de facto, see:

1. *Government Corruption*, Form #11.401 (OFFSITE LINK) -SEDM  
<http://sedm.org/GovCorruption/GovCorruption.htm>
2. *Government Corruption: Causes and Remedies*, Form #11.026 (OFFSITE LINK) – SEDM  
<http://sedm.org/GovCorruption/GovCorruption.pdf>
3. *De Facto Government Scam*, Form #05.043 (OFFSITE LINK)-Proves that we don't have a real, de jure government, and explains all the ways this de facto government illegally expands and protects its own criminal extortion enterprise and protection racket.  
<http://sedm.org/Forms/05-MemLaw/DeFactoGov.pdf>

## **11 Detailed Answers to Common Questions from recipients of this form About Your Social Security Participation**

### **11.1 Do you HAVE a Social Security Number**

#### **QUESTION:**

Do you HAVE a Social Security Number?

#### **ANSWER:**

No. It is impossible for anyone, including you, to legally “have” or possess such a number. You cannot own or exclusively control an abstraction or fiction of the mind or the information that represents it: You can only “know” it. To say that I “HAVE” it also is to imply that I OWN it. If in fact it is “mine” then I have a right to control it completely, including when and how it is used, to place conditions on its use and disclosure, and to deny it entirely to anyone and everyone. That is what “ownership” in a legal sense actually implies: The right to exclude and the power to control its use:

*“We have repeatedly held that, as to property reserved by its owner for private use, ‘the right to exclude [others is]’ one of the most essential sticks in the bundle of rights that are commonly characterized as property.”* *Loretto v. Teleprompter Manhattan CATV Corp.*, 458 U.S. 419, 433 (1982), quoting *Kaiser Aetna v. United States*, 444 U.S. 164, 176 (1979). “

[*Nollan v. California Coastal Comm’n*, 483 U.S. 825 (1987)]

*“In this case, we hold that the ‘right to exclude,’ so universally held to be a fundamental element of the property right,<sup>[11]</sup> falls within this category of interests that the Government cannot take without compensation.”*

[*Kaiser Aetna v. United States*, 444 U.S. 164 (1979)]

[11] See, e. g., *United States v. Pueblo of San Ildefonso*, 206 Ct.Cl. 649, 669-670, 513 F.2d. 1383, 1394 (1975); *United States v. Lutz*, 295 F.2d. 736, 740 (CA5 1961). As stated by Mr. Justice Brandeis, “[a]n essential element of individual property is the legal right to exclude others from enjoying it.” *International News Service v. Associated Press*, 248 U.S. 215, 250 (1918) (dissenting opinion).

1 I therefore respond to you with some questions of my own:

2 1. WHOSE number is the one you are asking for?:

3 1.1. The NONSTATUTORY one that I OWN which is a PRIVATE franchise with you private and subject to the  
4 following anti-franchise franchise:

*Injury Defense Franchise and Agreement*, Form #06.027  
<https://sedm.org/Forms/FormIndex.htm>

5 1.2. The STATUTORY one you own which is public?

6 If I own it, I get to regulate and make rules for YOUR use of it. If YOU own it, YOU get to make the rules for it under  
7 Article 4, Section 3, Clause 2 of the Constitution. It can't be both.

8 2. Since I'm the one filling out the form, can't I define the term "Social Security Number" to mean item 1.1 above. The  
9 creator of a thing, including a form, is the ONLY one who can define what it means, RIGHT?

10 3. Are you coercing me and instituting duress if you won't allow me to define the term as indicated in item 2 above?

11 4. If I can't trust anything the government says or writes, and the form is signed under penalty of perjury, aren't you in  
12 effect asking me to swear under penalty of perjury to that which not even the government will guarantee is the truth?<sup>6</sup>  
13 Isn't that just plain STUPID and doesn't it violate the requirement for equal protection and equal treatment? Shouldn't  
14 the government have to sign what they produce under penalty of perjury as well?

15 5. Can I get a passport or authorization to drive WITHOUT accepting government property and criminally impersonating  
16 a public officer in custody and control of such property?

17 6. If I can't, then aren't you violating the Unconstitutional Conditions Doctrine of the U.S. Supreme Court?<sup>7</sup>

18 7. Since a STATUTORY number is YOURS or the governments per 20 C.F.R. §422.103, and I am not a public officer who  
19 is the only person who can use or possess public property such as the number, aren't you enticing me to commit the  
20 crime of embezzling public property? You ought to put yourself in jail!

21 8. By enticing me to accept the property and "benefits" associated with the possession or use of said PUBLIC property,  
22 aren't you criminally trying to bribe me to accept a public office with bribes called "benefits" per 18 U.S.C. §210 and  
23 211?

24 Governments are created ONLY to protect PRIVATE rights and PRIVATE property. That protection BEGINS by ensuring  
25 that the two of these things ALWAYS remain separate and never get mixed together or confused in order to unlawfully  
26 expand government power. The constitutional requirement to ensure this separation is documented in:

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

27 If you won't recognize this separation or protect my private property by protecting it, then you are nothing but a THIEF and  
28 a ROBBER. If you are going to use word games and equivocation to break down that separation, you are not only not a  
29 government, but a de facto government:<sup>8</sup>

30 *"Most assuredly, I say to you, **he who does not enter the sheepfold by the door [rules of statutory construction],***  
31 ***but climbs up some other way [deceit, presumption, and equivocation], the same is a thief and a robber. But***  
32 ***he who enters by the door is the shepherd [LAWFUL PROTECTOR/GOVERNOR] of the sheep. To him the***  
33 *doorkeeper opens, and the sheep hear [read and learn] his voice [THE LAW]; and he calls his own sheep by*

<sup>6</sup> See: *Legal Deception, Propaganda, and Fraud*, Form #05.014; <https://sedm.org/Forms/FormIndex.htm>

<sup>7</sup> For further information on the Unconstitutional Conditions Doctrine, see: *Government Instituted Slavery Using Franchises*, Form #05.030, Section 28.2;  
<https://sedm.org/Forms/FormIndex.htm>

<sup>8</sup> See *De Facto Government Scam*, Form #05.043; <https://sedm.org/Forms/FormIndex.htm>

name [RATHER THAN Social Security Number] and leads [rather than COERCES] them out. And when he brings out his own sheep, he goes before them [because the shepherd/protector is EQUAL and not SUPERIOR under the law]; and the sheep follow [obey] him, for they know his voice [and THE LAW]. Yet they will by no means follow a stranger [de facto THIEF government], but will flee from [refuse to obey] him, for they do not know the voice of strangers." Jesus used this illustration, but they did not understand the things which He spoke to them.  
[John 10:1-6, Bible, NKJV]

"Getting treasures by a lying tongue is the fleeting fantasy of those who seek death."  
[Prov. 21:6, Bible, NKJV]

"Whoever guards his mouth and tongue Keeps his soul from troubles."  
[Prov. 21:23, Bible, NKJV]

## 11.2 What is YOUR Social Security Number?

### QUESTION:

What is YOUR Social Security Number?

### ANSWER:

20 C.F.R. §422.103(d) says SSNs belong to the government. The only way it could be MY number is if I am appearing here today as a federal employee or officer on official business. If that is the case, no, I am here as a private human being and not a government statutory "employee" in possession or use of "public property" such as a number. Therefore, I don't HAVE a Social Security Number. Furthermore, I am not lawfully eligible and never have been eligible to participate in Social Security and any records you have to the contrary are FALSE and FRAUDULENT and should be DESTROYED.

## 11.3 Were you ever eligible to participate

### QUESTION:

Were you ever eligible to participate in Social Security the past or did you ever ask for one?

### ANSWER:

1. If you signed up: If I filled out the application instead of my parents, I was not aware at the time that I was not eligible. The Social Security Administration, by accepting my application, and knowing full well that I was not physically within or domiciled within the "State" or "United States" where the program is offered at 42 U.S.C. §1101(a)(1) and 42 U.S.C. §1101(a)(2) and was not a public officer at the time of making said application, was complicit in defrauding the United States government and should be prosecuted for criminal conspiracy to do so.
2. If your parents signed up for you: I never signed up for the program EVER and I have never been eligible. Other people such as my parents may have thought that they had the authority to sign up for me, but since I never consented and never participated in the application process, then I never applied, and even if application had been made, it was made fraudulently, because not only I, but you also do not qualify by law to participate in the program.

Once I became fully aware of my ineligibility, I sent official legal papers to the Social Security Administration requesting that I be removed from eligibility and the FRAUDULENTLY paid contributions repaid. Let me show you a copy of the papers I sent in. Therefore, I do not participate and I do not wish to sign up again. [Show them the following document you sent to SSA which is available free below:

Resignation of Compelled Social Security Trustee, Form #06.002  
<http://sedm.org/Forms/FormIndex.htm>

## 11.4 What do you mean, you don't qualify?

### QUESTION:



1 What do you mean, you don't qualify?

2 **ANSWER:**

3 The analysis in this pamphlet, section 3 shows that the program can only be offered to STATUTORY "U.S. citizens" under  
4 [8 U.S.C. §1401](#) or "lawful permanent residents" under 20 C.F.R. §422.104. Title 20 of the Federal Regulations says  
5 "Employees Benefits" and I was not a statutory "Employee" under 5 U.S.C. §2105(a) at the time of application, nor could I  
6 unilaterally MAKE myself such a statutory "employee" without the proper oath or appointment document. To do otherwise  
7 is the crime of impersonating a public officer in violation of 18 U.S.C. §912.

8 All of the groups eligible to participate under 20 C.F.R. §422.104 have in common a domicile or at least physical presence  
9 in the STATUTORY "United States" which is defined in the Social Security Act, Section 1101 as the District of Columbia  
10 and the territories and possessions of the United States. I am not part of either one of these two groups and neither are you.  
11 The Social Security Act is "legislation" and the Supreme Court said that congress has NO POWER to legislate within states.  
12 Here is what they said:

13 *"It is no longer open to question that **the general government, unlike the states**, Hammer v. Dagenhart, [247 U.S.](#)  
14 [251, 275](#), 38 S.Ct. 529, 3 A.L.R. 649, Ann.Cas.1918E 724, **possesses no inherent power in respect of the internal**  
15 **affairs of the states; and emphatically not with regard to legislation.**"*  
16 *[Carter v. Carter Coal Co., [298 U.S. 238](#), 56 S.Ct. 855 (1936)]*

17 Are you going to sit here and tell me the Social Security Act is NOT legislation? If you do, you are admitting that it isn't law  
18 and that I don't have to follow it. What part of the phrase "*no inherent power in respect of the internal affairs of states*" do  
19 you NOT understand, sir?

20 **11.5 How could you not be a "U.S. citizen"? Don't "U.S. citizens" qualify?**

21 **QUESTION:**

22 How could you not be a "[U.S. citizen](#)"? Don't "[U.S. citizens](#)" qualify?

23 **ANSWER:**

24 The term "United States", for the purposes of citizenship in [8 U.S.C. §1401](#), is limited to the District of Columbia and the  
25 territories and possessions of the United States. The federal government is a foreign corporation with respect to a state and  
26 its laws and legislative jurisdiction do not extend into the states.

27 *"A foreign corporation is one that derives its existence solely from the laws of another state, government, or*  
28 *country, and the term is used indiscriminately, sometimes in statutes, to designate either a corporation created*  
29 *by or under the laws of another state or a corporation created by or under the laws of a foreign country."*

30 *"A federal corporation operating within a state is considered a domestic corporation rather than a foreign*  
31 *corporation. **The United States government is a [foreign](#) corporation with respect to a state.**"*  
32 *[19 Corpus Juris Secundum (C.J.S.), Corporations, §883 (2003)]*

33 Therefore, a federal law which defines what a "U.S. citizen" is can't identify you as one. It's a basic tenet of law that the  
34 laws of any state cannot apply outside its own territory. The states of the Union are NOT territory of the federal government.

35 *"Judge Story, in his treatise on the Conflicts of Laws, lays down, as the basis upon which all reasonings on the*  
36 *law of comity must necessarily rest, the following maxims: First 'that **every nation possesses an exclusive***  
37 ***sovereignty and jurisdiction within its own territory**'; secondly, '**that no state or nation can by its laws directly***  
38 ***affect or bind property out of its own territory, or bind persons not resident therein, whether they are natural***  
39 ***born subjects or others.**' The learned judge then adds: 'From these two maxims or propositions there follows a*  
40 *third, and that is that whatever force and obligation the laws of one country have in another depend solely upon*  
41 *the laws and municipal regulation of the latter; that is to say, upon its own proper jurisdiction and polity, and*  
42 *upon its own express or tacit consent." Story on Conflict of Laws §23."*  
43 *[Baltimore & Ohio Railroad Co. v. Chambers, 73 Ohio St. 16, 76 N.E. 91, 11 L.R.A., N.S., 1012 (1905)]*

In fact, I am what is called a “national” under 8 U.S.C. §1101(a)(21) but not a STATUTORY “U.S. citizen” under 8 U.S.C. §1401. I can be a CONSTITUTIONAL citizen at the time of birth WITHOUT being a STATUTORY citizen. I’d be happy to give you all the evidence you need to prove it for yourself.

[Give them the link to our pamphlet below:

*Why You Are a “national”, “state national”, and Constitutional but Not Statutory Citizen*, Form #05.006

<http://sedm.org/Forms/FormIndex.htm>]

The guy who wrote this pamphlet [above] has studied this subject for FIVE YEARS and had his work reviewed by over a MILLION people. Are you going to accuse him of being wrong without even looking at the evidence? Isn’t that rather presumptuous of you? I don’t run my life by presumptions, but by law and facts, and anyone who doesn’t do the same is a threat to my liberty and a law breaker. Are you going to follow the law like any patriotic American should, or am I going to have to engage your supervisor into this interchange and escalate what should have been a simple thing.

## **11.6 Your interpretation of the Social Security Act is absurd!**

### **QUESTION:**

Your interpretation of the Social Security Act is absurd! What you are basically saying is that the Social Security Administration has been violating the law all these years and that all of the people who joined the program who live within the states of the Union are not eligible to participate or to receive benefits. I can’t believe that!

### **ANSWER:**

The only rational basis for belief is what the written law actually says. Everything else should be presumed to be a LIE, as the following memorandum exhaustively proves with court admissible evidence:

*Legal Deception, Propaganda, and Fraud*, Form #05.014

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

Look at the definitions for yourself in section 4 of this pamphlet and tell me why they are either wrong or why my interpretation of them is wrong. They seem pretty straightforward to me. If you think I’m wrong, then simply prove it by answering the questions at the end of this pamphlet and disprove the evidence for yourself. If you can’t do it, then please quit bothering me and give me my driver license or passport WITHOUT the Social Security Number that I’m asking. If you won’t issue it, then please sign this form indicating that you refused my application, so that if I get stopped for driving without a license or can’t get a bank account without a passport, I have proof to show the officer or clerk that you said you couldn’t and wouldn’t issue me one or give me an account.

## **11.7 Well why don’t you give me the number you used to have before you quit the program?**

### **QUESTION:**

Well why don’t you give me the number you used to have before you quit the program (if you indicated leaving the program)?

### **ANSWER:**

It’s illegal for me to do that. The Social Security regulations at [20 C.F.R. §422.103](#) identify the Social Security Number and card as the property of the United States government.

*Title 20: Employees' Benefits*

[PART 422—ORGANIZATION AND PROCEDURES](#)

[Subpart B—General Procedures](#)

[§422.103 Social security numbers.](#)

*(d) Social security number cards. A person who is assigned a social security number will receive a social security number card from SSA within a reasonable time after the number has been assigned. (See §422.104 regarding*

1 *the assignment of social security number cards to aliens.) **Social security number cards are***  
2 ***the property of SSA and must be returned upon request.***

3 Consequently, it is public property which can only be used for a public purpose. I am not acting as a public employee or a  
4 federal employee on official business during this application process and I would be committing a crime to abuse public  
5 property that is not mine for a private purpose. Title 20 of the Federal Regulations ONLY allows federal statutory  
6 “employees” to have, apply for, or use STATUTORY Social Security Numbers.

7 Furthermore, you can’t compel me to act as a federal “employee” in this particular circumstance. That’s slavery in violation  
8 of the Thirteenth Amendment. Are you asking me to violate the law by abusing government property, because if you are,  
9 I’m going to report you to your supervisor!?! [If they have further questions, please ask them to rebut the questions at the  
10 end, which point out that if they continue to insist on providing a number, they are compelling you to break the law and  
11 compelling you to associate with the federal government as an “employee”, which is slavery.]

## 12 **12 Rebutted False Arguments by the Social Security Administration about the Applicability of** 13 **Social Security to Constitutional States of the Union**

14 The following false arguments about Social Security have previously been stated by the Social Security Administration in  
15 correspondence resulting from the submission of the following form to the Social Security Administration.

*Resignation of Compelled Social Security Trustee*, Form #06.002  
<https://sedm.org/Forms/06-AvoidingFranch/SSTrustIndenture.pdf>

16 We include a rebuttal to show that they are either lying or feigning ignorance.

### 17 **12.1 FALSE STATEMENT: “Unless specifically exempted by law, everyone working in the** 18 **United States must pay Social Security taxes”**

#### 19 **FALSE STATEMENT:**

20 “Unless specifically exempted by law, everyone working in the United States must pay Social Security taxes”

#### 21 **REBUTTAL:**

22 This fraudulent argument is covered in:

*Flawed Tax Arguments to Avoid*, Form #08.004, Section 8.13: Exempt on a government form is the only method for  
avoiding the liability for tax  
<https://sedm.org/Forms/08-PolicyDocs/FlawedArgsToAvoid.pdf>

23 In that context “United States” can only mean the GOVERNMENT de facto corporation and not the geographical “United  
24 States” and especially not the Constitutional “United States” defined in any statute. The ability to regulate or tax  
25 ABSOLUTELY OWNED private property is repugnant to the constitution and hence, everything OUTSIDE the government  
26 is private and exempt “by fundamental law”.<sup>9</sup> If “exempted” includes those NOT SUBJECT but not STATUTORILY or  
27 EXPRESSLY exempt, meaning people domiciled within constitutional states of the Union, then you might be correct.  
28 “Fundamental law”, meaning the Constitution and NOT any federal statute, is can make people NOT subject while at the  
29 same time not statutorily exempt because not subject to the statutes. :

30 *Title 21*  
31 *Part 1-Income Taxes*  
32 *§ 1.312-6 Earnings and profits.*

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<sup>9</sup> See: *The “Trade or Business” Scam*, Form #05.001; <https://sedm.org/Forms/05-MemLaw/TradeOrBusScam.pdf>.

(b) Among the items entering into the computation of corporate earnings and profits for a particular period are all income exempted by statute, income not taxable by the Federal Government under the Constitution, as well as all items includible in gross income under section 61 or corresponding provisions of prior revenue acts. Gains and losses within the purview of section 1002 or corresponding provisions of prior revenue acts are brought into the earnings and profits at the time and to the extent such gains and losses are recognized under that section. Interest on State bonds and certain other obligations, although not taxable when received by a corporation, is taxable to the same extent as other dividends when distributed to shareholders in the form of dividends.

Treasury Regulations of (1939)

"Sec. 29,21-1. Meaning of net income. The tax imposed by chapter 1 is upon income. Neither income exempted by statute or fundamental law... enter into the computation of net income as defined by section 21."

Internal Revenue Code (1939)

"Sec 22(b). No other items are exempt from gross income except

(1) those items of income which are, under the Constitution, not taxable by the Federal Government;  
(2) those items of income which are exempt from tax on income under the provisions of any Act of Congress still in effect; and (3) the income exempted under the provisions of section 116."

"[It is an] essential, unalterable right in nature, engrafted into the British constitution as a fundamental law, and ever held sacred and irrevocable by the subjects within the realm, that what a man has honestly acquired is absolutely his own, which he may freely give, but cannot be taken from him without his consent."

[Samuel Adams, The Massachusetts Circular Letter, February 11, 1768; SOURCE:  
<https://founders.archives.gov/documents/Adams/99-02-02-7094>]

You don't need no STINKING statute to exempt earnings if you aren't subject to the statute to begin with because exclusively private, non-resident, and not domiciled within the exclusive jurisdiction of Congress on federal territory. A person in China who isn't doing business on federal territory, is not physically there, and has no domicile there doesn't need a STINKING statute to expressly exempt him. He isn't subject to being with so he doesn't need an express exemption. State citizens similarly fit in this category. Not surprisingly, the IRS also does NOT provide a line or box on any tax form we have seen to deduct "income exempt by fundamental law" or "not taxable by the Federal Government under the Constitution". They do this in order to create the false PRESUMPTION that everything you earn is taxable. The U.S. Supreme Court, however, recognized that not EVERYTHING you earn is "income" or falls into the category of "gross income", which implies that only those things connected with the voluntary "trade or business" excise taxable franchise/privilege are the proper subject of the tax.

"We must reject in this case, as we have rejected in cases arising under the Corporation Excise Tax Act of 1909 (Doyle, Collector, v. Mitchell Brothers Co., 247 U.S. 179, 38 Sup.Ct. 467, 62 L.Ed.--), the broad contention submitted on behalf of the government that all receipts—everything that comes in—are income within the proper definition of the term 'gross income,' and that the entire proceeds of a conversion of capital assets, in whatever form and under whatever circumstances accomplished, should be treated as gross income. Certainly the term 'income' has no broader meaning in the 1913 act than in that of 1909 (see Stratton's Independence v. Howbert, 231 U.S. 399, 416, 417 S., 34 Sup.Ct. 136), and for the present purpose we assume there is not difference in its meaning as used in the two acts."

[Southern Pacific Co. v. Lowe, 247 U.S. 330, 335, 38 S.Ct. 540 (1918)]

## **12.2 FALSE STATEMENT: "People [or "individuals"] cannot voluntarily end their participation in the program."**

### **FALSE STATEMENT:**

"People [or "individuals"] cannot voluntarily end their participation in the program."

### **REBUTTAL:**

If they are CONSTITUTIONAL “individuals” but not STATUTORY “Individuals”, then they can. These two types of “individuals” are not equivalent and in most cases mutually exclusive. Why does the Social Security Administration provide the SSA Form 521 and procedures for quitting in the Program Operations Manual System Section GN 00206.000 if you can’t quit? You didn’t cite the legal authority that specifically authorizes you to DISALLOW people to quit. Therefore, you don’t have that authority and all you are communicating to me is that you are legally ignorant and that you have a policy that is not binding on anyone. Once again, ALL I WANT IS THE STATUTE AND THE IMPLEMENTING REGULATION THAT AUTHORIZES YOU TO MAKE SUCH A CLAIM. Everything else you say is irrelevant. The U.S. Supreme Court held in Marbury v. Madison that we are a society of law and not men. Show me the law, not your irrelevant “policy” that is not law. A society based on policy is a society of men, not law.

### **12.3 FALSE STATEMENT: “Under Federal law, the payment of Social Security taxes is mandatory, regardless of the citizenship or place of residence of either the employer or the employee.”**

#### **FALSE STATEMENT:**

“Under Federal law, the payment of Social Security taxes is mandatory, regardless of the citizenship or place of residence of either the employer or the employee.”

#### **REBUTTAL:**

That’s a LIE and/or a deception. Domicile on federal territory is a prerequisite for the collection of *any and all* federal income taxes. That fact is exhaustively proven in the document below and you are demanded to rebut this document within 30 days or be estopped from later contradicting yourself:

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>

20 C.F.R. §422.104 says *only* statutory and NOT constitutional “U.S. citizens” pursuant to 8 U.S.C. §1401 and permanent residents pursuant to 26 U.S.C. §7701(b)(1)(A) may lawfully participate in Social Security. The term “U.S.” within the term “U.S. citizen” can only mean the federal zone and no part of a state of the Union.

*“It is no longer open to question that **the general government, unlike the states**, Hammer v. Dagenhart, 247 U.S. 251, 275, 38 S.Ct. 529, 3 A.L.R. 649, Ann.Cas.1918E 724, **possesses no inherent power in respect of the internal affairs of the states; and emphatically not with regard to legislation.**”*  
[Carter v. Carter Coal Co., 298 U.S. 238, 56 S.Ct. 855 (1936)]

*“The difficulties arising out of our dual form of government and the opportunities for differing opinions concerning the relative rights of state and national governments are many; **but for a very long time this court has steadfastly adhered to the doctrine that the taxing power of Congress does not extend to the states or their political subdivisions.** The same basic reasoning which leads to that conclusion, we think, requires like limitation upon the power which springs from the bankruptcy clause. United States v. Butler, supra.”*  
[Ashton v. Cameron County Water Improvement District No. 1, 298 U.S. 513, 56 S.Ct. 892 (1936)]

I am NEITHER a statutory “U.S. citizen” nor a statutory “U.S. resident” because I do not have a domicile on federal territory within the statutory but not constitutional “United States”. I am a statutory “non-resident nonperson” not engaged in a “trade or business” as defined in 26 U.S.C. §7701(a)(26) and therefore not allowed to lawfully participate in Social Security. It is a FRAUD upon the United States for you to allow me to participate cognizable under the False Claims Act and you are an accessory after the fact to this FRAUD to allow me to continue to unlawfully participate. 26 U.S.C. §3121 does NOT define my PRIVATE employer and business associates as “American employers” because they also do not have a domicile on federal territory and therefore also are not statutory “U.S. citizens” or statutory “residents” (aliens). They are “citizens” within the meaning of the Constitution, because the term “United States” in the constitution implies states of the Union and EXCLUDES federal territory. Please provide proof that a person domiciled outside the statutory “United States” in a “foreign state” called a state of the Union constitutes a statutory “American employer” who is a statutory “U.S. citizen” or statutory “resident” that is consistent with the analysis found below and do so within 30 days or be found in default and agreement:

Why You Are a “national”, “state national”, and Constitutional but Not Statutory Citizen, Form #05.006



**12.4 FALSE STATEMENT: “Similarly, people cannot withdraw the Social Security taxes that they have already paid.”**

**FALSE STATEMENT:**

“Similarly, people cannot withdraw the Social Security taxes that they have already paid.”

**REBUTTAL:**

That’s a LIE. Any funds illegally collected by the government through fraud, duress, or unlawful activity (not expressly authorized by law) instituted by either you or your agents (including “withholding agents” pursuant to 26 U.S.C. §7701(a)(14)) MUST be paid back, according to the courts, even if there is no statute authorizing it and even if the injured party is a nonresident protected by the constitution and not described any statute!

*“A claim against the United States is a right to demand money from the United States.”<sup>10</sup> Such claims are sometimes spoken of as gratuitous in that they cannot be enforced by suit without statutory consent.<sup>11</sup> The general rule of non-liability of the United States does not mean that a citizen cannot be protected against the wrongful governmental acts that affect the citizen or his or her property.<sup>12</sup> If, for example, money or property of an innocent person goes into the federal treasury by fraud to which a government agent was a party, the United States cannot [lawfully] hold the money or property against the claim of the injured party.<sup>13</sup>”  
[American Jurisprudence 2d, United States, §45 (1999)]*

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

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

**12.5 FALSE STATEMENT: “The Supreme Court has upheld the constitutionality of the Social Security system, as established by the Social Security Act, and mandatory individual participation.”**

**FALSE STATEMENT:**

“The Supreme Court has upheld the constitutionality of the Social Security system, as established by the Social Security Act, and mandatory individual participation.”

<sup>10</sup> United States ex rel. Angarica v. Bayard, 127 U.S. 251, 32 L.Ed. 159, 8 S.Ct. 1156, 4 A.F.T.R. 4628 (holding that a claim against the Secretary of State for money awarded under a treaty is a claim against the United States); Hobbs v. McLean, 117 U.S. 567, 29 L.Ed. 940, 6 S.Ct. 870; Manning v. Leighton, 65 Vt. 84, 26 A. 258, motion dismd 66 Vt. 56, 28 A 630 and (disapproved on other grounds by Button’s Estate v. Anderson, 112 Vt. 531, 28 A.2d. 404, 143 A.L.R. 195).

<sup>11</sup> Blagge v. Balch, 162 U.S. 439, 40 L.Ed. 1032, 16 S.Ct. 853.

<sup>12</sup> Wilson v. Shaw, 204 U.S. 24, 51 L.Ed. 351, 27 S.Ct. 233.

<sup>13</sup> Bull v. United States, 295 U.S. 247, 79 L.Ed. 1421, 55 S.Ct. 695, 35-1 U.S.T.C. ¶ 9346, 15 A.F.T.R. 1069; United States v. State Bank, 96 U.S. 30, 96 Otto 30, 24 L.Ed. 647.

## **REBUTTAL:**

Of course Social Security is constitutional if offered and enforced ONLY in the federal “States” (territories and possessions) where it is expressly authorized by the Social Security Act itself. The term “State” is nowhere defined to include a state of the Union and it can’t be without violating the separation of powers doctrine. It is only federal “States”, meaning territories and possessions, that the act may lawfully be offered or enforced within. I am domiciled in a “foreign state” for the purposes of federal statutory law and I am therefore not subject to federal statutory civil law. The term “foreign state” includes either states of the Union or the Kingdom of Heaven on Earth. All those domiciled outside the federal territory (“United States”) and within a state of the Union are protected by the Constitution and may not lawfully be offered federal franchises nor become the object of enforcement for federal franchises. The Declaration of Independence says their rights are “unalienable”, which means they cannot lawfully be bargained away through any commercial process. All franchises such as Social Security constitute a “commercial process” within the meaning of the word “unalienable”. Show me a definition of “State” in any version of the Social Security Act that includes any state of the Union and if you can’t, then quit LYING to me and quit unconstitutionally PRESUMING that I am domiciled on federal territory not protected by the Constitution or that I am a person who has no constitutional rights. That’s an act of TREASON! You’re treating me like a slave and violating the Thirteenth Amendment prohibition against involuntary servitude to make me a slave of your false presumptions.

## **13 Clarification of the significance of any alleged “benefits” I may have allegedly received so far**

Because I now know that the Social Security Program is FRAUDULENTLY and UNCONSTITUTIONALLY being offered in geographical places where it is not authorized by law, then I must define the legal significance and status of any and all so-called or alleged “benefits” that may have been paid to me. This section will do that with the following list:

1. Any payroll deductions you received from me were ILLEGAL.
2. Such deductions therefore remain MY property and not YOURS. Hence, you are a bailee or transferee of PRIVATE property.
3. As the Bailee or transferee of my private property, I have the right to make rules for use of said property just like YOU have the right to make rules for YOUR property under Article 4, Section 3, Clause 2 of the U.S. Constitution.
4. The terms of the temporary loan of the illegal payroll deductions are documented in:  
Injury Defense Franchise and Agreement, Form #06.027  
<https://sedm.org/Forms/FormIndex.htm>
5. I don’t need to sue you under the Social Security Act to get the monies you were illegally paid BACK. I can’t invoke an act which I am not subject to as a nonresident. I must instead use the Constitution or the common law to do so, both of which are “self-executing”. See:  
Non-Resident Non-Person Position, Form #05.020  
<https://sedm.org/Forms/FormIndex.htm>
6. You have a legal and moral duty to return the unlawfully paid payroll deductions, REGARDLESS of whether you publish a form or procedure to do so:

*“A claim against the United States is a right to demand money from the United States. <sup>14</sup> Such claims are sometimes spoken of as gratuitous in that they cannot be enforced by suit without statutory consent. <sup>15</sup> The general rule of non-liability of the United States does not mean that a citizen cannot be protected against the wrongful governmental acts that affect the citizen or his or her property. <sup>16</sup> If, for example, money or property of an innocent person goes into the federal treasury by fraud to which a government agent was a party, the United States cannot [lawfully] hold the money or property against the claim of the injured party. <sup>17</sup>”*  
*[American Jurisprudence 2d, United States, §45 (1999)]*

*“When the Government has illegally received money which is the property of an innocent citizen and when this money has gone into the Treasury of the United States, there arises an implied contract on the part of the*

<sup>14</sup> United States ex rel. Angarica v. Bayard, 127 U.S. 251, 32 L.Ed. 159, 8 S.Ct. 1156, 4 AFTR 4628 (holding that a claim against the Secretary of State for money awarded under a treaty is a claim against the United States); Hobbs v. McLean, 117 U.S. 567, 29 L.Ed. 940, 6 S.Ct. 870; Manning v. Leighton, 65 Vt. 84, 26 A 258, motion dismd 66 Vt. 56, 28 A 630 and (disapproved on other grounds by Button’s Estate v. Anderson, 112 Vt. 531, 28 A.2d. 404, 143 A.L.R. 195).

<sup>15</sup> Blagge v. Balch, 162 U.S. 439, 40 L.Ed. 1032, 16 S.Ct. 853.

<sup>16</sup> Wilson v. Shaw, 204 U.S. 24, 51 L.Ed. 351, 27 S.Ct. 233.

<sup>17</sup> Bull v. United States, 295 U.S. 247, 79 L.Ed. 1421, 55 S.Ct. 695, 35-1 USTC ¶9346, 15 AFTR 1069; United States v. State Bank, 96 U.S. 30, 96 Otto 30, 24 L.Ed. 647.

Government to make restitution to the rightful owner under the Tucker Act and this court has jurisdiction to entertain the suit.

*90 Ct.Cl. at 613, 31 F.Supp. at 769.*

*[Gordon v. U. S., 227 Ct.Cl. 328, 649 F.2d. 837 (Ct.Cl., 1981)]*

California Civil Code  
Section 2224

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

*"The United States, we have held, cannot, as against the claim of an innocent party, hold his money which has gone into its treasury by means of the fraud of its agent. While here the money was taken through mistake without element of fraud, the unjust retention is immoral and amounts in law to a fraud of the taxpayer's rights. What was said in the State Bank Case applies with equal force to this situation. 'An action will lie whenever the defendant has received money which is the property of the plaintiff, and which the defendant is obligated by natural justice and equity to refund. The form of the indebtedness or the mode in which it was incurred is immaterial.'"*

*[Bull v. United States, 295 U.S. 247, 261, 55 S.Ct. 695, 700, 79 L.Ed. 1421]*

7. To IGNORE the above legal duty or fall silent when I ask for PRIVATE property back that is in your possession as a Bailee is a criminal offense, and constitutes a conspiracy of silence to protect your own CRIMINAL behavior in this situation.
8. Because you have refused to abide by the legal duty administratively in prior correspondence, the only non-judicial remedy I am left with is to get you to pay me money by any means possible until the entire inflation-adjusted amount, PLUS INTEREST, is returned in its entirety.
9. Any amount you pay me under the circumstances of item 7 above are not STATUTORY "benefits", but rather a settlement of debt owed to me by virtue of private property loaned to you and in your possession. You have NO DELEGATED AUTHORITY to characterize it any other way. I am the ONLY one who can make rules for my PRIVATE PROPERTY, no matter who possesses it.
10. I DO NOT AUTHORIZE YOU to repay me more than the inflation adjusted amount of payroll deductions plus interest. If you do, then be forewarned that this amount shall be treated as a GIFT to me that can come with NO OBLIGATION or "quid pro quo" whatsoever, whether express or implied. Once again I MAKE THE RULES, not you.
11. Because you can never pay me back more than the inflation adjusted amount I loaned to you, then there can never be a basis to claim either standing to sue me for an injury or a criminal enforcement action because you were allegedly injured by property loss. YOU WILL LOSE ALL SUCH ACTIONS.
12. Because, as Madison put it, you seek to completely nullify the entire constitution by attempting to offer government franchises in the constitutional states, then clearly you are not acting as "government" in the context of these interactions, but a private, for profit, mafia protection racket that wants to turn me into a peon:

*"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 of the poor; they may undertake the regulation of all roads other than post-roads; in short, every thing, from the highest object of state legislation down to the most minute object of police, would be thrown under the power of Congress.... Were the power of Congress to be established in the latitude contended for, it would subvert the very foundations, and transmute the very nature of the limited Government established by the people of America."*

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

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

13. As a non-governmental actor and a de facto government you implicitly waive all official, judicial, and sovereign immunity and can be sued under the terms of the loan of PRIVATE property that is in your temporary custody. There is no statute of limitations for FRAUD.

14. As a religious person, I am acting on behalf of my CREATOR 24 hours a day, seven days a week. My delegation of authority order FORBIDS me from consenting to any loan of government property.<sup>18</sup> It only authorizes me to be a Merchant and the government to be a Buyer and not the other way:

*"For the Lord your God will bless you just as He promised you; **you shall lend to many nations, but you shall not borrow**; you shall reign over many nations, but they shall not reign over you."*  
[Deut. 15:6, Bible, NKJV]

*"The Lord will open to you His good treasure, the heavens, to give the rain to your land in its season, and to bless all the work of your hand. **You shall lend to many nations, but you shall not borrow.**"*  
[Deut. 28:12, Bible, NKJV]

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

15. God also described the consequences of allowing YOU to be the Merchant instead of me, and I therefore have no delegated authority from God as is full time trustee to participate in, consent to, or receive the "benefits" of any government franchise. This is because all such franchises constitutes loans of government property.

#### **Curses of Disobedience [to God's Laws]**

**"The alien [Washington, D.C. is legislatively "alien" in relation to states of the Union] who is among you shall rise higher and higher above you, and you shall come down lower and lower [malicious destruction of EQUAL PROTECTION and EQUAL TREATMENT by abusing FRANCHISES]. He shall lend to you [Federal Reserve counterfeiting franchise], but you shall not lend to him; he shall be the head, and you shall be the tail.**

**"Moreover all these curses shall come upon you and pursue and overtake you, until you are destroyed, because you did not obey the voice of the Lord your God, to keep His commandments and His statutes which He commanded you. And they shall be upon you for a sign and a wonder, and on your descendants forever.**

*"Because you did not serve [ONLY] the Lord your God with joy and gladness of heart, for the abundance of everything, therefore you shall serve your [covetous thieving lawyer] enemies, whom the Lord will send against you, in hunger, in thirst, in nakedness, and in need of everything; and He will put a yoke of iron [franchise codes] on your neck until He has destroyed you. The Lord will bring a nation against you from afar [the District of CRIMINALS], from the end of the earth, as swift as the eagle flies [the American Eagle], a nation whose language [LEGALESE] you will not understand, a nation of fierce [coercive and fascist] countenance, which does not respect the elderly [assassinates them by denying them healthcare through bureaucratic delays on an Obamacare waiting list] nor show favor to the young [destroying their ability to learn in the public FOOL system]. And they shall eat the increase of your livestock and the produce of your land [with "trade or business" franchise taxes], until you [and all your property] are destroyed [or STOLEN/CONFISCATED]; they shall not leave you grain or new wine or oil, or the increase of your cattle or the offspring of your flocks, until they have destroyed you.*  
[Deut. 28:43-51, Bible, NKJV]

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

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

<sup>18</sup> For my delegation of authority order, see: *Delegation of Authority Order from God to Christians*, Form #13.007; <https://sedm.org/Forms/FormIndex.htm>.

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

## 4 **14 Conclusions and Summary**

5 Based on the exhaustive treatment of the MISapplication of Social Security within states of the Union, we can safely conclude  
6 that:

- 7 1. During the landmark case of *Charles C. Steward Mach. Co. v. Davis*, 301 U.S. 548, 57 S.Ct. 883 (1937) often quoted  
8 by the Social Security Administration, one justice prophetically predicted that the program would be “the end of the  
9 republic!”:

10 *"In my judgment you can not by tributes to humanity make any adequate compensation for the wrong you would*  
11 *inflict by removing the sources of power and political action from those who are to be thereby affected. If the time*  
12 *shall ever arrive when, for an object appealing, however strongly, to our sympathies, the dignity of the States*  
13 *shall bow to the dictation of Congress by conforming their legislation thereto, when the power and majesty and*  
14 *honor of those who created shall become subordinate to the thing of their creation, I but feebly utter my*  
15 *apprehensions when I express my firm conviction that we shall see 'the beginning of the end.'*  
16 *[Charles C. Steward Mach. Co. v. Davis, 301 U.S. 548, 57 S.Ct. 883 (1937), Justice McReynolds]*

17 In other words, if the national government is not SUBORINATE to the states and the people in them, individually, then  
18 the whole system will come crashing down, which is exactly what it is doing with:

- 19 1.1. Over 20 Trillion dollars in national debt and unprecedented deficits.  
20 1.2. An exploding population of baby boomers retiring at the rate of over 10,000 a day leaving the payroll and going  
21 on Social Security.  
22 1.3. The Social Security Administration paying out more than it takes in.  
23 1.4. Over 70% of the federal budget being consumed with entitlements such as Social Security and Medicare.  
24 1.5. A huge population of young people who overwhelmingly believe that Social Security will NOT be available for  
25 them when they retire.  
26 2. Social Security is EXTRA-CONSTITUTIONAL, meaning that it ONLY applies where the constitution DOES NOT  
27 apply, meaning either on federal territory under the exclusive jurisdiction of Congress or abroad.  
28 3. Social Security is limited to those who fit ALL of the following criteria:  
29 3.1. A statutory “resident” abroad but not within a constitutional state as a statutory “U.S.\*\* citizen” under 8 U.S.C.  
30 §1401 or “U.S.\*\* resident” under 26 U.S.C. §7701(b)(1)(A).  
31 3.2. Serving in the U.S. government with reportable “trade or business” earnings from a public office under 26 U.S.C.  
32 §7701(a)(26) and 26 U.S.C. §6041(a). Statutory “income” that is not reportable is not taxable, either for the  
33 Subtitle A Income Tax or the Social Security insurance premiums.  
34 3.3. Domiciled on federal territory within the statutory “United States[\*\*]” (federal zone) under 26 U.S.C.  
35 §7701(a)(9) and (a)(10) and 4 U.S.C. §110(d). If they aren’t domiciled there, then they are “non-resident non-  
36 persons” as described in Form #05.020. Domicile is discretionary and you don’t have to be domiciled there, even  
37 if you are physically there.  
38 3.4. Working for a domestic corporation with a foreign subsidiary that has an agreement with the national government  
39 to provide social security under 26 C.F.R. §31.3121(l)-1.  
40 3.5. CONSENTS to participate by selecting a domicile on federal territory and voluntarily filing a W-4 form that  
41 represents that they are government statutory “employees” under 5 U.S.C. §2105(a), 26 U.S.C. §3401(c), and 26  
42 C.F.R. §31.3401(c)-1(a).  
43 4. People born within and domiciled within the exclusive jurisdiction of Constitutional states of the Union who are  
44 participating in social security are doing so ILLEGALLY, by MISREPRESENTING their status on government forms.  
45 See:

*Avoiding Traps on Government Forms Course*, Form #12.023  
<https://sedm.org/Forms/FormIndex.htm>

- 46 5. The government is looking the other way on those illegally participating in Social Security because it benefits them  
47 handsomely, and in return they have NO LIABILITY to pay anyone ANYTHING!

48 *"We must conclude that a person covered by the Act has not such a right in benefit payments as would make*  
49 *every defeasance of "accrued" interests violative of the Due Process Clause of the Fifth Amendment.*

50 *"This is not to say, however, that Congress may exercise its power to modify the statutory scheme free of all*  
51 *constitutional restraint."*



[Fleming v. Nestor, 363 U.S. 603 (1960); SOURCE: [https://scholar.google.com/scholar\\_case?case=5373695872604515216](https://scholar.google.com/scholar_case?case=5373695872604515216) [Emphasis added]]

**"There is no claim here that Congress has taken property in violation of the Fifth Amendment, since railroad benefits, like social security benefits, are not contractual and may be altered or even eliminated at any time. Hisquierdo v. Hisquierdo, 439 U. S. 572, 575 (1979); Flemming v. Nestor, 363 U. S. 603, 608-611 (1960)."**  
[United States Railroad Retirement Board v. Fritz, 449 U.S. 166 (1980); SOURCE: [https://scholar.google.com/scholar\\_case?case=12776259632629956565](https://scholar.google.com/scholar_case?case=12776259632629956565)]

6. The Social Security Administration commonly calls Social Security a contract or "compact". In order to be valid, a "contract" or "compact" MUST involve MUTUAL consideration and MUTUAL obligation. Since the government isn't obligated to provide ANYTHING as indicated above, they can't obligate YOU to do anything either. Therefore the Social Security Administration is LYING!

**Contract.** An agreement between two or more [sovereign] persons which creates an obligation to do or not to do a particular thing. As defined in Restatement, Second, Contracts §3: "A contract is a promise or a set of promises for the breach of which the law gives a remedy, or the performance of which the law in some way recognizes as a duty." A legal relationships consisting of the rights and duties of the contracting parties; a promise or set of promises constituting an agreement between the parties that gives each a legal duty to the other and also the right to seek a remedy for the breach of those duties. **Its essentials are competent parties, subject matter, a legal consideration, mutuality of agreement, and mutuality of consideration. Lamoureux v. Burrillville Racing Ass'n, 91 R.I. 94, 161 A.2d. 213, 215.**

Under U.C.C., term refers to total legal obligation which results from parties' agreement as affected by the Code. Section 1-201(11). As to sales, "contract" and "agreement" are limited to those relating to present or future sales of goods, and "contract for sale" includes both a present sale of goods and a contract to sell goods at a future time. U.C.C. §2-106(a).

The writing which contains the agreement of parties with the terms and conditions, and which serves as a proof of the obligation  
[Black's Law Dictionary, Sixth Edition, p. 322]

7. Those who refuse to acknowledge the limits placed by the statutes and the constitution documented herein are, by the admission of no less than the U.S. Congress, "COMMUNISTS" for all intents and purposes. The definition of "communism" indicates that the essence of it is a failure or refusal to acknowledge the statutory or constitutional limits imposed upon people in the government. Those limits BEGIN with observing the Rules of Statutory Construction and Interpretation documented in Form #05.014.

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

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

that doctrine, its role as the agency of a hostile foreign power [the Federal Reserve and the American Bar Association (ABA)] renders its existence a clear present and continuing danger to the security of the United States. It is the means whereby individuals are seduced [illegally KIDNAPPED via identity theft!, Form #05.046] into the service of the world Communist movement [using FALSE information returns and other PERJURIOUS government forms, Form #04.001], trained to do its bidding [by FALSE government publications and statements that the government is not accountable for the accuracy of, Form #05.007], and directed and controlled [using FRANCHISES illegally enforced upon NONRESIDENTS, Form #05.030] in the conspiratorial performance of their revolutionary services. Therefore, the Communist Party should be outlawed

U.S. Supreme Court Justice Antonin Scalia famously understood these concepts. He devoted his life to educating people in the legal profession about the limits of the Rules of Statutory Construction and Interpretation upon judges. We believe that this was the reason for his untimely death: He was too effective at it and pissed off the financial elites running the show behind the scene! You can read or view his works on the subject below:

7.1. Reading Law: The Interpretation of Legal Texts, Supreme Court Justice Antonin Scalia and Bryan A Garner (OFFSITE LINK) -book about statutory interpretation

<https://www.amazon.com/Reading-Law-Interpretation-Legal-Texts/dp/031427555X>

7.2. Statutory Interpretation, by Supreme Court Justice Antonin Scalia (OFFSITE LINK)

<https://sedm.org/statutory-interpretation-justice-scalia/>

7.3. Constitution Interpretation, Justice Scalia

<https://sedm.org/constitutional-interpretation-justice-scalia/>

8. There is a judicial conspiracy to conceal and obfuscate the above critical facts. This conspiracy is a product of financial conflict of interest in violation of 18 U.S.C. §208, 28 U.S.C. §144, and 28 U.S.C. §455. It is more a conspiracy of omission, silence, and inaction than one of overt collaboration. Such issues that create their silence and omission we call "Third Rail Issues". That conspiracy is described in:

8.1. How Judges Unconstitutionally "Make Law", Litigation Tool #01.009-how by VIOLATING the Rules of Statutory Construction and Interpretation, judges are acting in a POLITICAL rather than JUDICIAL capacity and unconstitutionally "making law".

<http://sedm.org/Litigation/01-General/HowJudgesMakeLaw.pdf>

8.2. Legal Deception, Propaganda, and Fraud, Form #05.014, Section 13.9. Section 15 talks about how these rules are UNCONSTITUTIONALLY violated by corrupt judges with a criminal financial conflict of interest.

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

8.3. Reading Law: The Interpretation of Legal Texts, Supreme Court Justice Antonin Scalia and Bryan A Garner (OFFSITE LINK) -book about statutory interpretation

<https://www.amazon.com/Reading-Law-Interpretation-Legal-Texts/dp/031427555X>

8.4. Statutory Interpretation, by Supreme Court Justice Antonin Scalia (OFFSITE LINK)

<https://sedm.org/statutory-interpretation-justice-scalia/>

8.5. Constitution Interpretation, Justice Scalia

<https://sedm.org/constitutional-interpretation-justice-scalia/>

8.6. Collection of U.S. Supreme Court Legal Maxims, Litigation Tool #10.216, U.S. Department of Justice

[https://sedm.org/Litigation/10-PracticeGuides/USSupremeCourtMaxims\\_1993-1998-Governmentattic.org.pdf](https://sedm.org/Litigation/10-PracticeGuides/USSupremeCourtMaxims_1993-1998-Governmentattic.org.pdf)

8.7. Reinquist Court Canons of Statutory Construction, Litigation Tool #10.217

[https://sedm.org/Litigation/10-PracticeGuides/Rehnquist\\_Court\\_Canons\\_citations.pdf](https://sedm.org/Litigation/10-PracticeGuides/Rehnquist_Court_Canons_citations.pdf)

8.8. Statutory Interpretation: General Principles and Recent Trends, Congressional Research Service Report 97-589, Litigation Tool #10.215

<https://sedm.org/Litigation/10->

[PracticeGuides/Statutory%20Interpretation.General.Principles.MARCH.30.2006.CRS97-589.pdf](https://sedm.org/Litigation/10-PracticeGuides/Statutory%20Interpretation.General.Principles.MARCH.30.2006.CRS97-589.pdf)

8.9. Family Guardian Forum 6.5: Word Games that STEAL from and deceive people

<https://famguardian.org/forums/forums/forum/6-issue-and-research-debates-anyone-can-read-only-members-can-post/65-word-games-that-steal-from-and-deceive-people/>

8.10. What Happened to Justice?, Form #06.012

<https://sedm.org/ItemInfo/Ebooks/WhatHappJustice/WhatHappJustice.htm>

9. When confronted with the above facts, the ONLY thing the Social Security Administration has been able to respond with so far is:

9.1. Silence or avoidance of the entire content of this memorandum of law.

9.2. Unsigned, unaccountable propaganda not verified under penalty of perjury and therefore IRRELEVANT and a non-response.

10. By responding with silence and inaction and completely avoiding the issues in this pamphlet, they have:

10.1. Admitted the entire thing is true under Federal Rule of Civil Procedure 8(b)(6).

10.2. Have become criminally liable for Misprision of felony under 18 U.S.C. §4 and have become an accessory after the fact under 18 U.S.C. §3 to the crimes documented in *Resignation of Compelled Social Security Trustee*, Form #06.002; <https://sedm.org/Forms/06-AvoidingFranch/SSTrustIndenture.pdf>.

11. The end result of the above confluence of factors is that the American people have been allowed to, in effect, make themselves into the victim of criminal identity theft as exhaustively documented in:

*Government Identity Theft*, Form #05.046

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

12. In terms of states of the Union, they are ONLY allowed to participate in the program IF they unconstitutionally and/or fraudulently:

12.1. Waive their sovereignty and sovereign immunity and agree to be treated, in effect, as federal territories and possessions under the statutory definitions found in section 8.1. Otherwise, they couldn't litigate issues on the act without going ONLY to the U.S. Supreme Court as required by the Eleventh Amendment.

12.2. FRAUDULENTLY PRETEND like everyone in the CONSTITUTIONAL state who participates in Social Security within their state ARE either statutory territorial citizens under 8 U.S.C. §1401.

12.3. FRAUDULENTLY PRETEND that participants are physically WORKING ABROAD at the time they earn their paycheck.

12.4. Deceive state nationals in their state into believing they are statutory "residents" under 26 U.S.C. §7701(b)(1)(A), meaning aliens, in relation to the national government. A "resident" tax return filed with the state is such a party. Nonresidents are domiciled outside of federal enclaves and are "state nationals" and "non-resident non-persons". See:

*Non-Resident Non-Person Position*, Form #05.020

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

12.5. Hide the definition of statutory "individual" in 26 C.F.R. §1.1441-1(c)(3), which is an "alien". Thus, they must fraudulently treat state nationals as ALIENS. It is a legal impossibility to be BOTH a "national" under 8 U.S.C. §1101(a)(21) and an "alien" at the same time. They are OPPOSITES and mutually exclusive.

13. The types of FRAUD and DECEPTION documented in the previous step give rise to a "de facto government":

**de facto**: In fact, in deed, actually. **This phrase is used to characterize an officer, a government, a past action or a state of affairs which must be accepted for all practical purposes, but is illegal or illegitimate. Thus, an office, a position or status existing under a claim or color of right such as a de facto corporation.** In this sense it is the contrary of de jure, which means rightful, legitimate, just, or constitutional. Thus, an officer, king, or government de facto is one who is in actual possession of the office or supreme power, but by usurpation, or without lawful title; while an officer, king, or governor de jure is one who has just claim and rightful title to the office or power, but has never had plenary possession of it, or is not in actual possession. *MacLeod v. United States*, 229 U.S. 416, 33 S.Ct. 955, 57 L.Ed. 1260. A wife de facto is one whose marriage is voidable by decree, as distinguished from a wife de jure, or lawful wife. But the term is also frequently used independently of any distinction from de jure; thus a blockade de facto is a blockade which is actually maintained, as distinguished from a mere paper blockade. Compare *De jure*.  
[Black's Law Dictionary, Sixth Edition, p. 416]

- 13.1. The nature of the present governments as "de facto" is exhaustively documented in:

*De Facto Government Scam*, Form #05.043

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

13.2. The government is "de facto" because they are imputing or presuming or acquiescing to a civil statutory status that you DO NOT and CANNOT lawfully have and which it is even a CRIME to have within a de jure government that vigorously enforces its own criminal laws.

13.3. Silence, omission, and presumption and legal ignorance by the populace and even people in the legal profession is the MAIN thing protecting this "de facto government".

14. The only remedy for a de facto government is:

14.1. Legal education on everyone's part. See:

*Liberty University*, SEDM

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

14.2. Learn and enforce the rules of statutory construction and interpretation.

*Legal Deception, Propaganda, and Fraud*, Form #05.014

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

14.3. Indict and remove judges and lawyers and government workers who misapply these rules. Even GOD says this is what we must do!

*Alas, sinful nation,  
A people laden with iniquity*

A brood of evildoers [[Form #11.401](#)]  
Children who are corrupters [[Form #11.401](#)]  
*They have forsaken the Lord*  
They have provoked to anger  
The Holy One of Israel,  
They have turned away backward.  
Why should you be stricken again?  
*You will revolt more and more.*  
The whole head is sick [they are out of their minds!: insane or STUPID or both, See:  
<https://sedm.org/diabolical-narcissism-the-origin-of-all-evil-in-the-political-sphere/>],  
And the whole heart faints....

Wash yourselves, make yourselves clean;  
Put away the evil of your doings from before My eyes.  
Cease to do evil [[Form #11.401](#)],  
Learn to do good;  
Seek justice [[Form #05.050](#)],  
Rebuke the oppressor [the IRS and the Federal Reserve and a corrupted judicial system];  
Defend the fatherless,  
Plead for the widow [and the “nontaxpayer“, [Form #08.008](#)]....

How the faithful city has become a harlot!  
It [the Constitutional Republic] was full of justice [[Form #05.050](#)];  
Righteousness lodged in it,  
But now murderers [and abortionists, and socialists ([Form #05.020](#)), and democrats, and liars and corrupted  
judges [[Litigation Tool #01.009](#)].  
Your silver has become dross,  
Your wine mixed with water.  
Your princes [President, Congressmen, Judges] are rebellious,  
Everyone loves bribes [[18 U.S.C. §208](#), [28 U.S.C. §144](#), [28 U.S.C. §455](#)],  
And follows after rewards.  
They do not defend the fatherless,  
nor does the cause of the widow [or the “nontaxpayer”] come before them.

Therefore the Lord says,  
The Lord of hosts, the Mighty One of Israel,  
“Ah, I will rid Myself of My adversaries,  
And take vengeance on My enemies.  
I will turn My hand against you,  
And thoroughly purge away your dross,  
And take away your alloy.  
I will restore your judges [eliminate the BAD judges, [Litigation Tool #01.009](#)] as at the first,  
And your counselors [eliminate the BAD lawyers] as at the beginning.  
Afterward you shall be called the city of righteousness, the faithful city.”  
[[Isaiah 1:1-26](#), Bible, NKJV]

15. It is YOUR job as an American concerned about their freedom to DESTROY the conspiracy of silence and prosecute the criminals instituting the criminal identity theft. This is done by:
- 15.1. Noticing them of the facts on this subject with Forms #06.001 and 06.002. This destroys their “plausible deniability” and creates mens rea and wilfulness that can be used to prosecute them.
- 15.2. Initiating a constitutional lawsuit to FORCE them to stop these abuses and usurpations.
- The prison house door is WIDE open, and unlocked with the knowledge provided herein. When will the American people act:

*“The ideal tyranny is that which is ignorantly self-administered by its victims. The most perfect slaves are, therefore, those which blissfully and unwaredly enslave themselves [[because of their own legal ignorance](#)].”*  
[Dresden James]

## 15 Questions that Readers, Grand Jurors, and Petit Jurors Should be Asking the Government

These questions are provided for readers, Grand Jurors, and Petit Jurors to present to the government or anyone else who would challenge the facts and law appearing in this pamphlet, most of whom work for the government or stand to gain financially from perpetuating the fraud. If you find yourself in receipt of this pamphlet, you are demanded to answer the questions within 10 days. Pursuant to [Federal Rule of Civil Procedure 8\(b\)\(6\)](#), failure to deny within 10 days constitutes an admission to each question. Pursuant to [26 U.S.C. §6065](#), all of your answers must be signed under penalty of perjury. We are not interested in agency policy, but only sources of reasonable belief identified in the pamphlet below:

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.

### **15.1 Authority of Social Security Act**

1. Admit that the Social Security Act is codified in Title 42 of the U.S. Code, Chapter 7.

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

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

2. Admit that [1 U.S.C. §204](#) indicates that Title 42 of the U.S. Code is not “positive law”, and that it is “prima facie evidence” of the law.

See: <https://www.law.cornell.edu/uscode/text/1/204>

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

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

3. Admit that in the case of titles that are not “positive law”, the Statutes At Large furnish the only source of legally admissible evidence that is not “prima facie evidence”.

#### **United States Code: About**

*The United States Code is the codification by subject matter of the general and permanent laws of the United States based on what is printed in the Statutes at Large. It is divided by broad subjects into [50 titles](#) and published by the [Office of the Law Revision Counsel](#) of the U.S. House of Representatives.*

*Since 1926, the United States Code has been published every six years. In between editions, annual cumulative supplements are published in order to present the most current information. Documents are available only as ASCII text files.*

*GPO Access contains the 2000 and 1994 editions of the U.S. Code, plus annual supplements. At this time, the Statutes at Large is not available on GPO Access.*

*When a section is affected by a law passed after a supplement's revision date, the header for that section includes a note that identifies the public law affecting it. In order to find the updated information, you must search the public laws databases for the referenced public law number.*

*The U.S. Code on GPO Access is the official version of the Code, however, two unofficial editions are available. These are the U.S.C.A.(U.S. Code Annotated) and the U.S.C.S. (U.S. Code Service). The U.S.C.A. and U.S.C.S. contain everything that is printed in the official U.S. Code but also include annotations to case law relevant to the particular statute. While these unofficial versions may be more current, they are not official and not available from the U.S. Government Printing Office.*

**NOTE: Of the 50 titles, only 23 have been enacted into positive (statutory) law. These titles are 1, 3, 4, 5, 9, 10, 11, 13, 14, 17, 18, 23, 28, 31, 32, 35, 36, 37, 38, 39, 44, 46, and 49. When a title of the Code was enacted into positive law, the text of the title became legal evidence of the law. Titles that have not been enacted into positive law are only prima facie evidence of the law. In that case, the Statutes at Large still govern.**

*The U.S. Code does not include regulations issued by executive branch agencies, decisions of the Federal courts, treaties, or laws enacted by State or local governments. Regulations issued by executive branch agencies are available in the Code of Federal Regulations. Proposed and recently adopted regulations may be found in the Federal Register.*

[SOURCE: U.S. Government Printing Office Website,  
<http://www.gpoaccess.gov/uscode/about.html>]



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

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

4. Admit that “prima facie” means “presumed”.

**“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]

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

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

5. Admit that a “presumption” may not lawfully act as evidence:

*American Jurisprudence 2d  
Evidence, §181*

**A presumption is neither evidence nor a substitute for evidence.**<sup>19</sup> *Properly used, the term "presumption" is a rule of law directing that if a party proves certain facts (the "basic facts") at a trial or hearing, the factfinder must also accept an additional fact (the "presumed fact") as proven unless sufficient evidence is introduced tending to rebut the presumed fact.*<sup>20</sup> *In a sense, therefore, a presumption is an inference which is mandatory unless rebutted.*<sup>21</sup>

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

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

6. Admit that all “presumptions” which prejudice constitutionally protected rights are unconstitutional and therefore unlawful.

*(1) [8:4993] Conclusive presumptions affecting protected interests:*

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

See also and rebut the questions at the end with your answers:

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

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

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

<sup>19</sup> Levasseur v. Field, (Me) 332 A.2d. 765; Hinds v. John Hancock Mut. Life Ins. Co., 155 Me 349, 155 A.2d. 721, 85 A.L.R.2d. 703 (superseded by statute on other grounds as stated in Poitras v. R. E. Glidden Body Shop, Inc. (Me) 430 A.2d. 1113); Connizzo v. General American Life Ins. Co. (Mo App) 520 S.W.2d. 661.

<sup>20</sup> Inferences and presumptions are a staple of our adversary system of factfinding, since it is often necessary for the trier of fact to determine the existence of an element of a crime—that is an ultimate or elemental fact—from the existence of one or more evidentiary or basic facts. County Court of Ulster County v. Allen, 442 U.S. 140, 60 L.Ed. 2d 777, 99 S.Ct. 2213.

<sup>21</sup> Legille v. Dann, 178 U.S.App.D.C. 78, 544 F.2d. 1, 191 USPQ 529; Murray v. Montgomery Ward Life Ins. Co., 196 Colo 225, 584 P.2d. 78; Re Estate of Borom (Ind App) 562 N.E.2d. 772; Manchester v. Dugan (Me) 247 A.2d. 827; Ferdinand v. Agricultural Ins. Co., 22 N.J. 482, 126 A.2d. 323, 62 A.L.R.2d. 1179; Smith v. Bohlen, 95 N.C.App. 347, 382 S.E.2d. 812, affd 328 N.C. 564, 402 S.E.2d. 380; Larmay v. Van Etten, 129 Vt. 368, 278 A.2d. 736; Martin v. Phillips, 235 Va. 523, 369 S.E.2d. 397.

1 7. Admit that the only persons against whom “prima facie” evidence may lawfully be used which might injure their rights  
2 without their consent are those who have no rights to protect.

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

4  
5 CLARIFICATION:\_\_\_\_\_

6 8. Admit that the federal employees are not protected by the Bill of Rights in relationship to their employer, the federal  
7 government.

8 “The restrictions that the Constitution places upon the government in its capacity as lawmaker, i.e., as the  
9 regulator of private conduct, are not the same as the restrictions that it places upon the government in its capacity  
10 as employer. We have recognized this in many contexts, with respect to many different constitutional guarantees.  
11 Private citizens perhaps cannot be prevented from wearing long hair, but policemen can. *Kelley v. Johnson*, 425  
12 U.S. 238, 247 (1976). Private citizens cannot have their property searched without probable cause, but in many  
13 circumstances government employees can. *O'Connor v. Ortega*, 480 U.S. 709, 723 (1987) (plurality opinion);  
14 *id.*, at 732 (SCALIA, J., concurring in judgment). Private citizens cannot be punished for refusing to provide the  
15 government information that may incriminate them, but government employees can be dismissed when the  
16 incriminating information that they refuse to provide relates to the performance of their job. *Gardner v.*  
17 *Broderick*, [497 U.S. 62, 95] 392 U.S. 273, 277-278 (1968). With regard to freedom of speech in particular:  
18 Private citizens cannot be punished for speech of merely private concern, but government employees can be fired  
19 for that reason. *Connick v. Myers*, 461 U.S. 138, 147 (1983). Private citizens cannot be punished for partisan  
20 political activity, but federal and state employees can be dismissed and otherwise punished for that reason. *Public*  
21 *Workers v. Mitchell*, 330 U.S. 75, 101 (1947); *Civil Service Comm’n v. Letter Carriers*, 413 U.S. 548, 556 (1973);  
22 *Broadrick v. Oklahoma*, 413 U.S. 601, 616-617 (1973).”  
23 [*Rutan v. Republican Party of Illinois*, 497 U.S. 62 (1990)]

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

25  
26 CLARIFICATION:\_\_\_\_\_

27 9. Admit that citing provisions within the Social Security Act against a person who is not subject to it constitutes an abuse  
28 of statutory code as a form of “political propaganda” which could accomplish nothing but deceive the hearer into  
29 compliance with that which is not “law” in his case.

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

31  
32 CLARIFICATION:\_\_\_\_\_

33 10. Admit that only statutory “U.S. citizens” and “lawful permanent residents” may apply for the Social Security program.  
34 See website above and 20 C.F.R. §422.104(a).

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

36 11. Admit that the term “United States” is defined in the current Social Security Act in section 1101(a)(2) as follows:

37 [SEC. 1101. \[42 U.S.C. 1301\] \(a\) When used in this Act—](#)

38 “(2) The term “United States” when used in a geographical sense means, except where otherwise provided, the  
39 States.”

40 [*Social Security Act as of 2005, Section 1101*]

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

42 12. Admit that the term “State” is defined in the current Social Security Act in section 1101(a)(1) as follows:

43 *Social Security Act*  
44 [SEC. 1101. \[42 U.S.C. 1301\] \(a\) When used in this Act—](#)

(1) The term 'State', except where otherwise provided, includes the District of Columbia and the Commonwealth of Puerto Rico, and when used in titles IV, V, VII, XI, XIX, and XXI includes the Virgin Islands and Guam. Such term when used in titles III, IX, and XII also includes the Virgin Islands. Such term when used in title V and in part B of this title also includes American Samoa, the Northern Mariana Islands, and the Trust Territory of the Pacific Islands. Such term when used in titles XIX and XXI also includes the Northern Mariana Islands and American Samoa. In the case of Puerto Rico, the Virgin Islands, and Guam, titles I, X, and XIV, and title XVI (as in effect without regard to the amendment made by section 301 of the Social Security Amendments of 1972[3]) shall continue to apply, and the term 'State' when used in such titles (but not in title XVI as in effect pursuant to such amendment after December 31, 1973) includes Puerto Rico, the Virgin Islands, and Guam. Such term when used in title XX also includes the Virgin Islands, Guam, American Samoa, and the Northern Mariana Islands. Such term when used in title IV also includes American Samoa.”  
[Social Security Act as of 2005, Section 1101]

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

13. Admit that states of the Union are not included in the above definition of either “State” or “United States”.

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

14. Admit that under the rules of statutory construction, that which is not explicitly included is excluded by implication:

“*expressio unius, exclusio alterius*”—if one or more items is specifically listed, omitted items are purposely excluded. *Becker v. United States*, 451 U.S. 1306 (1981)

“*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]

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

15. Admit that the federal government has no legislative jurisdiction within states of the Union according to the U.S. Supreme Court:

“It is no longer open to question that **the general government, unlike the states**, *Hammer v. Dagenhart*, 247 U.S. 251, 275, 38 S.Ct. 529, 3 A.L.R. 649, *Ann.Cas.1918E 724*, **possesses no inherent power in respect of the internal affairs of the states; and emphatically not with regard to legislation**.”  
[*Carter v. Carter Coal Co.*, 298 U.S. 238, 56 S.Ct. 855 (1936)]

“The difficulties arising out of our dual form of government and the opportunities for differing opinions concerning the relative rights of state and national governments are many; **but for a very long time this court has steadfastly adhered to the doctrine that the taxing power of Congress does not extend to the states or their political subdivisions**. The same basic reasoning which leads to that conclusion, we think, requires like limitation upon the power which springs from the bankruptcy clause. *United States v. Butler*, *supra*.”  
[*Ashton v. Cameron County Water Improvement District No. 1*, 298 U.S. 513; 56 S.Ct. 892 (1936)]

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

16. Admit that the Social Security Act qualifies as “legislation” as indicated in the above cites.

YOUR ANSWER: \_\_\_\_\_

17. Admit that it is ILLEGAL for the Social Security Administration to approve an application from a person who is not a statutory “U.S. citizen” under 8 U.S.C. §1401 or lawful “permanent resident”.

Title 20: Employees' Benefits  
PART 422—ORGANIZATION AND PROCEDURES  
Subpart B—General Procedures  
§ 422.104 Who can be assigned a social security number.

(a) Persons eligible for SSN assignment. We can assign you a social security number if you meet the evidence requirements in §422.107 and you are:

(1) A United States citizen; or

(2) An alien lawfully admitted to the United States for permanent residence or under other authority of law permitting you to work in the United States (§422.105 describes how we determine if a nonimmigrant alien is permitted to work in the United States); or

(3) An alien who cannot provide evidence of alien status showing lawful admission to the U.S., or an alien with evidence of lawful admission but without authority to work in the U.S., if the evidence described in §422.107(e) does not exist, but only for a valid nonwork reason. We consider you to have a valid nonwork reason if:

(i) You need a social security number to satisfy a Federal statute or regulation that requires you to have a social security number in order to receive a Federally-funded benefit to which you have otherwise established entitlement and you reside either in or outside the U.S.; or

(ii) You need a social security number to satisfy a State or local law that requires you to have a social security number in order to receive public assistance benefits to which you have otherwise established entitlement, and you are legally in the United States.

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

18. Admit that persons domiciled within the exclusive jurisdiction of a state of the Union on other than federal territory are neither statutory “U.S. citizen” under [8 U.S.C. §1401](#) nor lawful “permanent resident”.

See:

<p><i>Why You Are a “National” or a “State National” and not a “U.S. Citizen”, Form #05.006</i> <a href="http://sedm.org/Forms/FormIndex.htm">http://sedm.org/Forms/FormIndex.htm</a></p>
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YOUR ANSWER: \_\_\_\_Admit \_\_\_\_Deny

19. Admit that an illegal or unconstitutional act does not constitute an “act” of a government, but simply the act of a private individual masquerading as a public officer:

**“... the maxim that the King can do no wrong has no place in our system of government; yet it is also true, in respect to the State itself, that whatever wrong is attempted in its name is imputable to its government and not to the State, for, as it can speak and act only by law, whatever it does say and do must be lawful. That which therefore is unlawful because made so by the supreme law, the Constitution of the United States, is not the word or deed of the State, but is the mere wrong and trespass of those individual persons who falsely spread and act in its name.”**

*“This distinction is essential to the idea of constitutional government. To deny it or blot it out obliterates the line of demarcation that separates constitutional government from absolutism, free self- government based on the sovereignty of the people from that despotism, whether of the one or the many, which enables the agent of the state to declare and decree that he is the state; to say ‘L’Etat, c’est moi.’ Of what avail are written constitutions, whose bills of right, for the security of individual liberty, have been written too often with the blood of martyrs shed upon the battle-field and the scaffold, if their limitations and restraints upon power may be overpassed with impunity by the very agencies created and appointed to guard, defend, and enforce them; and that, too, with the sacred authority of law, not only compelling obedience, but entitled to respect? And how else can these principles of individual liberty and right be maintained, if, when violated, the judicial tribunals are forbidden to visit penalties upon individual offenders, who are the instruments of wrong, whenever they interpose the shield of the state? **The doctrine is not to be tolerated.** The whole frame and scheme of the political institutions of this country, state and federal, protest against it. Their continued existence is not compatible with it. It is the doctrine of absolutism, pure, simple, and naked, and of communism which is its twin, the double progeny of the same evil birth.”*

*[U.S. Supreme Court in [Poindexter v. Greenhow](#), 114 U.S. 270, 5 S.Ct. 903 (1885)]*

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

20. Admit that an illegal or unconstitutional act is an “act” of a private individual that certainly cannot be recognized as an act of any kind on the part of a legitimate government.

"An unconstitutional act is not a law; it confers no rights; it imposes no duties; it affords no protection; it creates no office; it is in legal contemplation, as inoperative as though it had never been passed."  
[Norton v. Shelby County, [118 US 425](#) (1885)]

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

21. Admit that an illegally issued Social Security Number is not a Social Security Number, but simply an illegal act that cannot be recognized and certainly not benefited from by anyone exercising a lawful, constitutional function of government.

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

22. Admit that persons born in states of the Union are "nationals" under [8 U.S.C. §1101](#)(a)(21) but not "citizens" under [8 U.S.C. §1401](#). If you disagree, please rebut:

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

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

23. Admit that applicant has stated under penalty of perjury that he is NOT neither a statutory "U.S. citizen" as defined in [8 U.S.C. §1401](#) nor a "lawful permanent resident".

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

## **15.2 Voluntary Nature of Social Security**

1. Admit that participation in the Social Security Program is voluntary in the case of human beings and that a human being cannot be compelled to either complete, sign under penalty of perjury, or submit SSA Form SS-5.

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

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

2. Admit that no program can rightfully be called "voluntary" if there is no official or approved way to quit.

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

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

3. Admit that the SSA Program Operations Manual System (POMS), Section GN 00206.000 Withdrawals, documents the approved method by which a participant in Social Security may terminate his or her participation.

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

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

4. Admit that the payment of Social Security benefits on behalf of the U.S. government is not a "contract":

"... railroad benefits, like social security benefits, are not contractual and may be altered or even eliminated at any time."  
[United States Railroad Retirement Board v. Fritz, [449 U.S. 166](#) (1980)]

"We must conclude that **a person covered by the Act has not such a right in benefit payments**... This is not to say, however, that Congress may exercise its power to modify the statutory scheme free of all constitutional restraint."  
[Flemming v. Nestor, [363 U.S. 603](#) (1960)]



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

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

5. Admit that if payment of benefits by the government is not contractual and therefore voluntary, then the payment of payroll deductions to pay for said benefits must be equally voluntary.

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

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

6. Admit that the U.S. Supreme Court has NEVER ruled that a person who was a “nontaxpayer” had to participate in the Social Security Program or to deduct and withhold Social Security Insurance premiums.

*"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. With them[non-taxpayers] Congress does not assume to deal and they are neither of the subject nor of the object of federal revenue laws."*  
[Economy Plumbing & Heating v. U.S., 470 F.2d. 585 (1972)]

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

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

7. Admit that the choice about whether one wishes to become a “taxpayer” as defined in 26 U.S.C. §7701(a)(14) is voluntary, and that those who accept this choice become “effectively connected with the conduct of a trade or business in the United States (government)”. A “trade or business” is statutorily defined in 26 U.S.C. §7701(a)(26) as “the functions of a public office”.

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

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

8. Admit that there is no statute which would extend the definition of the term “trade or business” within the Internal Revenue Code to include anything other than those engaged in a “public office” as defined in [26 U.S.C. §7701\(a\)\(26\)](#) and that the rules of statutory construction do not permit the definition to be arbitrarily extended.

*"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)]

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

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

9. Admit that all the cases in which the U.S. Supreme Court has held that payment of Social Security insurance premiums are mandatory related to those who were “taxpayers” under the I.R.C.

See:

- Bowen v. Roy, 476 U.S. 693 (1976);  
<http://caselaw.lp.findlaw.com/scripts/getcase.pl?court=us&vol=476&invol=693>
- U.S. v. Lee, 455 U.S. 252 (1982);  
<http://caselaw.lp.findlaw.com/scripts/getcase.pl?court=us&vol=455&invol=252>

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

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

10. Admit that the U.S. Supreme Court has NEVER ruled that a person who was a “nontaxpayer” had to participate in the Social Security Program or to deduct and withhold Social Security Insurance premiums.

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

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

11. Admit that the submitter of this correspondence indicates under penalty of perjury that he/she is a “nontaxpayer”.

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

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

12. Admit that the U.S. Supreme Court recognizes the existence of “nontaxpayers” in the case of *South Carolina v. Regan*, [465 U.S. 367](#) (1984).

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

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

13. Admit that you have no statutory authority to convert a “nontaxpayer” into a “taxpayer”, and neither do the federal courts.

*"A reasonable construction of the taxing statutes does not include vesting any tax official with absolute power of assessment against individuals not specified in the statutes as a person liable for the tax without an opportunity for judicial review of this status before the appellation of 'taxpayer' is bestowed upon them and their property is seized..."*

[*Botta v. Scanlon*, 288 F.2d. 504, 508 (1961)]

United States Code  
TITLE 28 - JUDICIARY AND JUDICIAL PROCEDURE  
PART VI - PARTICULAR PROCEEDINGS  
CHAPTER 151 - DECLARATORY JUDGMENTS  
Sec. 2201. Creation of remedy

(a) **In a case of actual controversy within its jurisdiction, except with respect to Federal taxes other than actions brought under section 7428 of the Internal Revenue Code of 1986, a proceeding under section 505 or 1146 of title 11, or in any civil action involving an antidumping or countervailing duty proceeding regarding a class or kind of merchandise of a free trade area country (as defined in section 516A(f)(10) of the Tariff Act of 1930), as determined by the administering authority, any court of the United States, upon the filing of an appropriate pleading, may declare the rights and other legal relations of any interested party seeking such**

declaration, whether or not further relief is or could be sought. Any such declaration shall have the force and effect of a final judgment or decree and shall be reviewable as such.

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

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

14. Admit that if you tell me in your responsive correspondence that participation in Social Security or the payment of Social Security Insurance premiums is mandatory, you are operating on the “presumption” that I am a “taxpayer” and a person who has earnings “effectively connected with the conduct of a trade or business”.

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

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

### 15.3 Nature as a franchise

1. Admit that Social Security is a franchise.

“...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 [the SSN/TIN];  
(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>]

FRANCHISE. A special privilege conferred by government on individual or corporation, and which does not belong to citizens of country generally of common right. Elliott v. City of Eugene, 135 Or. 108, 294 P. 358, 360. In England it is defined to be a royal privilege in the hands of a subject.

A “franchise,” as used by Blackstone in defining quo warranto, (3 Com. 262 [4th Am. Ed.] 322), had reference to a royal privilege or branch of the king’s prerogative subsisting in the hands of the subject, and must arise from the king’s grant, or be held by prescription, but today we understand a franchise to be some special privilege conferred by government on an individual, natural or artificial, which is not enjoyed by its citizens in general. State v. Fernandez, 106 Fla. 779, 143 So. 638, 639, 86 A.L.R. 240.

In this country a franchise is a privilege or immunity of a public nature, which cannot be legally exercised without legislative grant. To be a corporation is a franchise. The various powers conferred on corporations are franchises. The execution of a policy of insurance by an insurance company [e.g. **Social Insurance/Social Security**], and the issuing a bank note by an incorporated bank [**such as a Federal Reserve NOTE**], are franchises. People v. Utica Ins. Co., 15 Johns., N.Y., 387, 8 Am.Dec. 243. But it does not embrace the property acquired by the exercise of the franchise. Bridgeport v. New York & N. H. R. Co., 36 Conn. 255, 4 Am.Rep. 63. Nor involve interest in land acquired by grantee. Whitbeck v. Funk, 140 Or. 70, 12 P.2d. 1019, 1020. In a popular sense, the political rights of subjects and citizens are franchises, such as the right of suffrage, etc. Pierce v. Emery, 32 N.H. 484; State v. Black Diamond Co., 97 Ohio St. 24, 119 N.E. 195, 199, L.R.A.1918E, 352.

Elective Franchise. The right of suffrage: the right or privilege of voting in public elections.

Exclusive Franchise. See Exclusive Privilege or Franchise.

General and Special. The charter of a corporation is its “general” franchise, while a “special” franchise consists in any rights granted by the public to use property for a public use but-with private profit. Lord v. Equitable Life Assur. Soc., 194 N.Y. 212, 81 N.E. 443, 22 L.R.A.,N.S., 420.

Personal Franchise. A franchise of corporate existence, or one which authorizes the formation and existence of a corporation, is sometimes called a “personal” franchise, as distinguished from a “property” franchise, which authorizes a corporation so formed to apply its property to some particular enterprise or exercise some special privilege in its employment, as, for example, to construct and operate a railroad. See Sandham v. Nye, 9 Misc.ReP. 541, 30 N.Y.S. 552.

Secondary Franchises. The franchise of corporate existence being sometimes called the "primary" franchise of a corporation, its "secondary" franchises are the special and peculiar rights, privileges, or grants which it may, receive under its charter or from a municipal corporation, such as the right to use the public streets, exact tolls, collect fares, etc. *State v. Topeka Water Co.*, 61 Kan. 547, 60 P. 337; *Virginia Canon Toll Road Co. v. People*, 22 Colo. 429, 45 P. 398 37 L.R.A. 711. The franchises of a corporation are divisible into (1) corporate or general franchises; and (2) "special or secondary franchises. The former is the franchise to exist as a corporation, while the latter are certain rights and privileges conferred upon existing corporations. *Gulf Refining Co. v. Cleveland Trust Co.*, 166 Miss. 759, 108 So. 158, 160.

Special Franchisee. See Secondary Franchises, *supra*.  
[Black's Law Dictionary, Fourth Edition, pp. 786-787]

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

2. Admit that Social Security Numbers are what the FTC calls a "franchise mark":

"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

3. Admit that Congress cannot lawfully establish a franchise within a constitutional state in order to tax it, according to the U.S. Supreme Court:

"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

4. Admit that any attempt to offer or enforce any taxable franchise within a constitutional state constitutes a commercial "invasion" in violation of Article 4, Section 4 of the Constitution and a waiver of official, judicial, and sovereign immunity:

*United States Constitution*

*Article 4 States Relations*

Section 4. Obligations of United States to States

The United States shall guarantee to every State in this Union a Republican Form of Government, and shall protect each of them against Invasion; and on Application of the Legislature, or of the Executive (when the Legislature cannot be convened) against domestic Violence.

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

5. Admit that it is a criminal act to bribe a state or an official within a state with the proceeds or “benefits” of the above unconstitutional “invasion” in order to permit or protect the invasion.

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

6. Admit that the founding fathers said the following about such an unconstitutional “invasion”:

*“With respect to the words general welfare, I have always regarded them as qualified by the detail of powers connected with them. To take them in a literal and unlimited sense would be a metamorphosis of the Constitution into a character which there is a host of proofs was not contemplated by its creator.”*

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

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

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

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

*[Federalist #41. Saturday, January 19, 1788, James Madison]*

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

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



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

3 [Thomas Jefferson: Opinion on National Bank, 1791. ME 3:148; SOURCE:  
4 <http://famguardian.org/Subjects/Politics/ThomasJefferson/jeff1020.htm> and  
5 <http://thefederalistpapers.org/founders/jefferson/thomas-jefferson-opinion-on-national-bank-1791>]

6  
7 Mr. GILES. The present section of the bill (he continued) appears to contain a direct bounty on occupations; and  
8 if that be its object, it is the first attempt as yet made by this government to exercise such authority; -- and its  
9 constitutionality struck him in a doubtful point of view; for in no part of the Constitution could he, in express  
10 terms, find a power given to Congress to grant bounties on occupations: the power is neither {427} directly  
11 granted, nor (by any reasonable construction that he could give) annexed to any other specified in the  
12 Constitution.

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

14  
15 Mr. WILLIAMSON. In the Constitution of this government, there are two or three remarkable provisions which  
16 seem to be in point. It is provided that direct taxes shall be apportioned among the several states according to  
17 their respective numbers. It is also provided that "all duties, imposts, and excises, shall be uniform throughout  
18 the United States;" and it is provided that no preference shall be given, by any regulation of commercial revenue,  
19 to the ports of one state over those of another. The clear and obvious intention of the articles mentioned was, that  
20 Congress might not have the power of imposing unequal burdens -- that it might not be in their power to gratify  
21 one part of the Union by oppressing another. It appeared possible, and not very improbable, that the time might  
22 come, when, by greater cohesion, by more unanimity, by more address, the representatives of one part of the  
23 Union might attempt to impose unequal taxes, or to relieve their constituents at the expense of the people. To  
24 prevent the possibility of such a combination, the articles that I have mentioned were inserted in the Constitution.

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

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

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

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

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

55 It is to be recollected that the terms "common defence and general welfare," as here used, are not novel terms,  
56 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 a point teachers in every state, county, and parish, and pay them out of their public treasury; they may take into their own hands the education of children, establishing in like manner schools throughout the Union; they may assume the provision for the poor; they may undertake the regulation of all roads other than post-roads; in short, every thing, from the highest object of state legislation down to the most minute object of police, would be thrown under the power of Congress; for every object I have mentioned would admit of the application of money, and might be called, if Congress pleased, provisions for the general welfare.

The language held in various discussions of this house is a proof that the doctrine in question was never entertained by this body. Arguments, wherever the subject would permit, have constantly been drawn from the peculiar nature of this government, as limited to certain enumerated powers, instead of extending, like other governments, to all cases not particularly excepted. In a very late instance -- I mean the debate on the representation bill -- it must be remembered that an argument much used, particularly by gentlemen from Massachusetts, against the ratio of 1 for 30,000, was, that this government was unlike the state governments, which had an indefinite variety of objects within their power; that it had a small number of objects only to attend to; and therefore, that a smaller number of representatives would be sufficient to administer it.

Arguments have been advanced to show that because, in the regulation of trade, indirect and eventual encouragement is given to manufactures, therefore Congress have power to give money in direct bounties, or to grant it in any other way that would answer the same purpose. But surely, sir, there is a great and obvious difference, which it cannot be necessary to enlarge upon. A duty laid on imported implements of husbandry would, in its operation, be an indirect tax on exported produce; but will any one say that, by virtue of a mere power to lay duties on imports, Congress might go directly to the produce or implements of agriculture, or to the articles exported? It is true, duties on exports are expressly prohibited; but if there were no article forbidding them, a power directly to tax exports could never be deduced from a power to tax imports, although such a power might indirectly and incidentally affect exports.

In short, sir, without going farther into the subject. Which I should not have here touched at all but for the reasons already mentioned, I venture to declare it as my opinion, that, were the power of Congress to be established in the latitude contended for, it would subvert the very foundations, and transmute the very nature of the limited government established by the people of America; and what inferences might be drawn, or what consequences ensue, from such a step, it is incumbent on us all to consider.

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

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

7. Admit that all franchises are based on contracts and require the mutual, continuing consent of BOTH parties to the transaction.

American Jurisprudence 2d  
Franchises, Section 4: Generally

As a rule, franchises spring from contracts between the sovereign power and private citizens, made upon valuable considerations, for purposes of individual advantage as well as public benefit,<sup>22</sup> and thus a franchise partakes of a double nature and character. So far as it affects or concerns the public, it is publici juris and is subject to governmental control. The legislature may prescribe the manner of granting it, to whom it may be granted, the conditions and terms upon which it may be held, and the duty of the grantee to the public in exercising it, and may also provide for its forfeiture upon the failure of the grantee to perform that duty. But when granted, it becomes the property of the grantee, and is a private right, subject only to the governmental control growing out of its other nature as publici juris.<sup>23</sup>  
[Am.Jur.2d, Franchises, §4; 36 Am.Jur.2d Franchises, §4]

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

8. Admit that private parties who participate in government franchises become “public officers” of one kind or another, exercising agency on behalf of the government granting the privilege.

“A franchise is a contract with a sovereign authority by which the grantee is licensed to conduct a business of a quasi-governmental nature within a particular area. West Coast Disposal Service, Inc. v. Smith (Fla App), 143 So.2d. 352”  
[American Jurisprudence 2d, Franchises, §1, Footnote 7]

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

9. Admit that the rights guaranteed by the Bill of Rights are “unalienable”.

“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

10. Admit that an “unalienable right” possessed by a private person cannot be sold, transferred, or lawfully bargained away in relation to the government without violating the Bill of Rights.

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

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

11. Admit that because Constitutionally protected rights cannot be sold, aliened, or bargained away by a private person in relation to the government, then the government cannot lawfully offer franchises that cause a surrender of Constitutional rights to property to anyone protected by the Constitution.

“It would be a palpable incongruity to strike down an act of state legislation which, by words of express divestment, seeks to strip the citizen of rights guaranteed by the federal Constitution, but to uphold an act by which the same result is accomplished under the guise of a surrender of a right in exchange for a valuable privilege which the state threatens otherwise to withhold. It is not necessary to challenge the proposition that, as a general rule, the state, having power to deny a privilege altogether, may grant it upon such conditions as it sees

<sup>22</sup> State v Real Estate Bank, 5 Ark 595; State ex rel. Hutton v Baton Rouge, 217 La 857, 47 So.2d. 665.

<sup>23</sup> Georgia R. & Power Co. v Atlanta, 154 Ga 731, 115 SE 263; Lippencott v Allander, 27 Iowa 460; State ex rel. Hutton v Baton Rouge, 217 La 857, 47 So.2d. 665; Tower v Tower & S. Street R. Co. 68 Minn 500, 71 NW 691.

1 fit to impose. But the power of the state in that respect is not unlimited, and one of the limitations is that it may  
2 not impose conditions which require the relinquishment of Constitutional rights. If the state may compel the  
3 surrender of one constitutional right as a condition of its favor, it may, in like manner, compel a surrender of all.  
4 It is inconceivable that guaranties embedded in the Constitution of the United States may thus be manipulated  
5 out or existence."  
6 [Frost v. Railroad Commission, 271 U.S. 583, 46 S.Ct. 605 (1926)]

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

8 12. Admit that the only place not protected by the Constitution is federal territory and foreign countries.

9 "Indeed, the practical interpretation put by Congress upon the Constitution has been long continued and uniform  
10 to the effect [182 U.S. 244, 279] that the Constitution is applicable to territories acquired by purchase or  
11 conquest, only when and so far as Congress shall so direct. Notwithstanding its duty to 'guarantee to every  
12 state in this Union a republican form of government' (art. 4, 4), by which we understand, according to the  
13 definition of Webster, 'a government in which the supreme power resides in the whole body of the people, and  
14 is exercised by representatives elected by them.' Congress did not hesitate, in the original organization of the  
15 territories of Louisiana, Florida, the Northwest Territory, and its subdivisions of Ohio, Indiana, Michigan,  
16 Illinois, and Wisconsin and still more recently in the case of Alaska, to establish a form of government bearing  
17 a much greater analogy to a British Crown colony than a republican state of America, and to vest the legislative  
18 power either in a governor and council, or a governor and judges, to be appointed by the President. It was not  
19 until they had attained a certain population that power was given them to organize a legislature by vote of the  
20 people. In all these cases, as well as in territories subsequently organized west of the Mississippi, Congress  
21 thought it necessary either to extend to Constitution and laws of the United States over them, or to declare that  
22 the inhabitants should be entitled to enjoy the right of trial by jury, of bail, and of the privilege of the writ of  
23 habeas corpus, as well as other privileges of the bill of rights."  
24 [Downes v. Bidwell, [182 U.S. 244](#) (1901)]

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

26 13. Admit that states of the Union are not federal "territory" as ordinarily used in federal or state law.

27 Corpus Juris Secundum Legal Encyclopedia, Territories  
28 "§1. Definitions, Nature, and Distinctions

29 "The word 'territory,' when used to designate a political organization has a distinctive, fixed, and legal  
30 meaning under the political institutions of the United States, and does not necessarily include all the territorial  
31 possessions of the United States, but may include only the portions thereof which are organized and exercise  
32 governmental functions under act of congress."

33 "While the term 'territory' is often loosely used, and has even been construed to include municipal subdivisions  
34 of a territory, and 'territories of the' United States is sometimes used to refer to the entire domain over which the  
35 United States exercises dominion, the word 'territory,' when used to designate a political organization, has a  
36 distinctive, fixed, and legal meaning under the political institutions of the United States, and the term 'territory'  
37 or 'territories' does not necessarily include only a portion or the portions thereof which are organized and  
38 exercise government functions under acts of congress. The term 'territories' has been defined to be political  
39 subdivisions of the outlying dominion of the United States, and in this sense the term 'territory' is not a description  
40 of a definite area of land but of a political unit governing and being governed as such. The question whether a  
41 particular subdivision or entity is a territory is not determined by the particular form of government with which  
42 it is, more or less temporarily, invested.

43 "Territories' or 'territory' as including 'state' or 'states.'" While the term 'territories of the' [United States](#) may,  
44 under certain circumstances, include the states of the Union, as used in the federal Constitution and in  
45 ordinary acts of congress "territory" does not include a [foreign state](#).

46 "As used in this title, the term 'territories' generally refers to the political subdivisions created by congress,  
47 and not within the boundaries of any of the several states."

48 [Corpus Juris Secundum Legal Encyclopedia, Territories, §1]

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

## 15.4 Eligibility to participate

1. Admit that only statutory “U.S. citizens” as defined in 8 U.S.C. §1401 or “permanent residents” may lawfully participate in the Social Security Program pursuant to 20 C.F.R. §422.104.

[Code of Federal Regulations]  
[Title 20, Volume 2]  
[Revised as of April 1, 2006]  
From the U.S. Government Printing Office via GPO Access  
[CITE: 20CFR422]  
[Page 1201]

TITLE 20--EMPLOYEES' BENEFITS  
CHAPTER III--SOCIAL SECURITY ADMINISTRATION  
PART 422\_ORGANIZATION AND PROCEDURES--Table of Contents  
Subpart B\_General Procedures  
Sec. 422.104 Who can be assigned a social security number.

(a) Persons eligible for SSN assignment. We can assign you a social security number if you meet the evidence requirements in Sec. 422.107 and you are:

(1) A United States citizen; or  
(2) An alien lawfully admitted to the United States for permanent residence or under other authority of law permitting you to work in the United States (Sec. 422.105 describes how we determine if a nonimmigrant alien is permitted to work in the United States); or

[SOURCE:  
[http://a257.g.akamaitech.net/7/257/2422/10apr20061500/edocket.access.gpo.gov/cfr\\_2006/aprqrtr/20cfr422.104.htm](http://a257.g.akamaitech.net/7/257/2422/10apr20061500/edocket.access.gpo.gov/cfr_2006/aprqrtr/20cfr422.104.htm)]

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

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

2. Admit that what statutory “U.S. citizens” as defined in 8 U.S.C. §1401 or “permanent residents” have in common is a legal domicile within the “United States” and the status of being “U.S. persons” as defined in [26 U.S.C. §7701\(a\)\(30\)](#).

[TITLE 26 > Subtitle F > CHAPTER 79 > Sec. 7701.](#)  
[Sec. 7701. - Definitions](#)

(a)(30) [United States person](#)  
The term “United States person” means -  
(A) a [citizen](#) or [resident](#) of the United States,  
(B) a domestic partnership,  
(C) a domestic [corporation](#),  
(D) any estate (other than a foreign estate, within the meaning of paragraph (31)), and  
(E) any trust if -  
(i) a court within the United States is able to exercise primary supervision over the administration of the trust, and  
(ii) one or more United States persons have the authority to control all substantial decisions of the trust.

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

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

3. Admit that a human being born within and domiciled within a state of the Union or some other place outside federal territory and who is not a federal “employee” or “public officer” acting in a representative capacity on behalf of the U.S. government is neither a statutory “U.S. citizen” pursuant to 8 U.S.C. §1401, a “U.S. person” as defined in 26 U.S.C. §7701(a)(30), nor an “individual” as defined in 5 U.S.C. §552a(a)(2).

Rebut questions at the end of:

[Why You Are a “national”, “state national”, and Constitutional but Not Statutory Citizen](#), Form #05.006  
<http://sedm.org/Forms/FormIndex.htm>



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

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

## 15.5 Effects of participation

1. Admit that Social Security Numbers and Social Security Cards are the property of the Social Security Administration, pursuant to 20 C.F.R. §422.103(d).

*Title 20: Employees' Benefits*  
PART 422—ORGANIZATION AND PROCEDURES  
Subpart B—General Procedures  
§422.103 Social security numbers.

*(d) Social security number cards.*

*A person who is assigned a social security number will receive a social security number card from SSA within a reasonable time after the number has been assigned. (See §422.104 regarding the assignment of social security number cards to aliens.) **Social security number cards are the property of SSA and must be returned upon request.***

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

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

2. Admit that because Social Security Numbers and Social Security Cards are the property of the U.S. government, then they constitute property devoted to a “public purpose” or “public use”:

***“Public purpose.** In the law of taxation, eminent domain, etc., this is a term of classification to distinguish the objects for which, according to settled usage, the government is to provide, from those which, by the like usage, are left to private interest, inclination, or liberality. The constitutional requirement that the purpose of any tax, police regulation, or particular exertion of the power of eminent domain shall be the convenience, safety, or welfare of the entire community and not the welfare of a specific individual or class of persons [such as, for instance, federal benefit recipients as individuals]. “Public purpose” that will justify expenditure of public money generally means such an activity as will serve as benefit to community as a body and which at same time is directly related function of government. *Pack v. Southwestern Bell Tel. & Tel. Co.*, 215 Tenn. 503, 387 S.W.2d. 789, 794.*

*The term is synonymous with governmental purpose. As employed to denote the objects for which taxes may be levied, it has no relation to the urgency of the public need or to the extent of the public benefit which is to follow; **the essential requisite being that a public service or use shall affect the inhabitants as a community, and not merely as individuals.** A public purpose or public business has for its objective the promotion of the public health, safety, morals, general welfare, security, prosperity, and contentment of all the inhabitants or residents within a given political division, as, for example, a state, the sovereign powers of which are exercised to promote such public purpose or public business.”*  
*[Black’s Law Dictionary, Sixth Edition, p. 1231, Emphasis added]*

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

3. Admit that it is illegal to use public property for a private purpose:

TITLE 18 > PART I > CHAPTER 11 > § 208  
§ 208. Acts affecting a personal financial interest

*(a) Except as permitted by subsection (b) hereof, **whoever, being an officer or employee of the executive branch of the United States Government, or of any independent agency of the United States,** a Federal Reserve bank director, officer, or employee, or an officer or employee of the District of Columbia, including a special Government employee, **participates personally and substantially as a Government officer or employee, through decision, approval, disapproval, recommendation, the rendering of advice, investigation, or otherwise, in a judicial or other proceeding, application, request for a ruling or other determination, contract, claim, controversy, charge, accusation, arrest, or other particular matter in which, to his knowledge, he, his spouse, minor child, general partner, organization in which he is serving as officer, director, trustee, general partner or employee, or any person or organization with whom he is negotiating or has any arrangement concerning prospective employment, has a financial [or personal/private] interest—***

Shall be subject to the penalties set forth in section [216](#) of this title.

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

4. Admit that the Social Security SS-5 Application for a Social Security Card constitutes an agreement to become “federal personnel” and a “public officer” and “trustee” over public property.

[TITLE 5 > PART I > CHAPTER 5 > SUBCHAPTER II > § 552a](#)  
[§ 552a. Records maintained on individuals](#)

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

(13) the term “Federal personnel” means officers and employees of the Government of the United States, members of the uniformed services (including members of the Reserve Components), individuals entitled to receive immediate or deferred retirement benefits under any retirement program of the Government of the United States (including survivor benefits).

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

5. Admit that only public “employees” on official duty can possess, use, or control property devoted to a “public use”.

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

6. Admit that a person who uses a Social Security Number or Social Security Card for a private purpose is guilty of the crimes of embezzlement in violation of [18 U.S.C. §641](#).

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

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

7. Admit that because Social Security Numbers and Social Security Cards are public property, then only “public officers” or federal “employees” may use them in the official conduct of their constitutionally authorized duties.

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

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

8. Admit that 5 U.S.C. §552a(a)(13) defines all those eligible to receive deferred federal retirement benefits such as Social Security as “federal personnel”:

[TITLE 5 > PART I > CHAPTER 5 > SUBCHAPTER II > § 552a](#)  
[§ 552a. Records maintained on individuals](#)

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

(13) the term “Federal personnel” means officers and employees of the Government of the United States, members of the uniformed services (including members of the Reserve Components), individuals entitled to receive immediate or deferred retirement benefits under any retirement program of the Government of the United States (including survivor benefits).

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

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

9. Admit that a government employee who asks a private human what “their” social security number is actually is asking two questions rather than one:

- a. “Are you a ‘public officer’ or federal ‘employee’ on official duty?”  
b. “If you are, what is your license number or franchise mark to act in that capacity (e.g. Social Security Number)?”

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

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

10. Admit that if the private human responds back with a number, then they have answered “yes” to the first question, Question (a), and provided the license number in answer to the second question, Question (b) in the previous question.

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

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

11. Admit that the Social Security Number is primarily used to control you, and that you have no control or ownership over how the government uses or discloses it.

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

12. Admit that it is impossible to “have” a number. A number is information and you can know information but you can’t own it unless it is copyrighted.

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

13. Admit that claiming a number or participating in Social Security guarantees NOTHING, according to the Supreme Court.

*“We must conclude that a person covered by the Act has not such a right in benefit payments... This is not to say, however, that Congress may exercise its power to modify the statutory scheme free of all constitutional restraint.”*

*[Flemming v. Nestor , 363 U.S. 603 (1960)]*

***“The Social Security system may be accurately described as a form of social insurance, enacted pursuant to Congress’ power to “spend money in aid of the general welfare.” Helvering v. Davis, supra, at 640, whereby persons gainfully employed, and those who employ them, are taxed to permit the payment of benefits to the retired and disabled, and their dependents. Plainly the expectation is that many members of the present productive work force will in turn become beneficiaries rather than supporters of the program. But each worker’s benefits, though flowing from the contributions he made to the [363 U.S. 603, 610] national economy while actively employed, are not dependent on the degree to which he was called upon to support the system by taxation. It is apparent that the noncontractual interest of an employee covered by the Act cannot be soundly analogized to that of the holder of an annuity, whose right to benefits is bottomed on his contractual premium payments.”***

*[Flemming v. Nestor, 363 U.S. 603, 610, 80 S.Ct. 1367 (1960)]*

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

14. Admit that without a guaranteed benefit, anyone using a number cannot claim any legally enforceable right or entitlement or “property”.

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

15. Admit that some states will not issue a driver’s license to a person without a Social Security Number unless they are not eligible to apply for Social Security.

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

16. Admit that applicant has stated he is not eligible for the Social Security program and is not acting as a federal “employee”, agent, fiduciary, or contractor in the context of this application for a Driver’s License.

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

17. Admit that a government employee, employer, or financial institution who compels a person to provide or use a social security number is compelling the object of the demand to act in a representative capacity as a public officer or federal

“employee”, because such persons are the only ones lawfully authorized to have or to use public property such as Social Security Numbers and Social Security Cards.

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

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

18. Admit that the term “individual” is defined in 5 U.S.C. §552a(a)(2) as follows:

[TITLE 5 > PART I > CHAPTER 5 > SUBCHAPTER II > § 552a](#)  
[§ 552a. Records maintained on individuals](#)

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

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

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

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

19. Admit that the “citizens and aliens lawfully admitted for permanent residence” have in common a legal domicile in the statutory but not constitutional “United States”.

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

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

20. Admit that the statutory “United States” as referred to in the preceding question excludes states of the Union and includes only federal territory and possessions.

*“It is no longer open to question that the general government, unlike the states, Hammer v. Dagenhart, 247 U.S. 251, 275, 38 S.Ct. 529, 3 A.L.R. 649, Ann.Cas.1918E 724, possesses no inherent power in respect of the internal affairs of the states; and emphatically not with regard to legislation.”*  
*[Carter v. Carter Coal Co., 298 U.S. 238, 56 S.Ct. 855 (1936)]*

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

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

21. Admit that those who use Social Security Numbers are presumed to be statutory “U.S. citizens” as defined in 8 U.S.C. §1401 or resident aliens as defined in 26 U.S.C. §7701(b)(1)(A).

[26 C.F.R. § 301.6109-1\(g\)\(1\)\(i\)](#)  
(g) Special rules for taxpayer identifying numbers issued to foreign persons—  
(1) General rule—

(i) Social security number.

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

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

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

1 22. Admit that applicant has stated under penalty of perjury that he is NOT neither a statutory "U.S. citizen" as defined in [8](#)  
2 [U.S.C. §1401](#) nor a "lawful permanent resident".

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

4 23. Admit that applicant has provided to you evidence that he is a "national" as defined in [8 U.S.C. §1101](#)(a)(21) but not a  
5 statutory "national and citizen of the United States" under 8 U.S.C. §1401.

6 "...the only means by which an American can lawfully leave the country or return to it - absent a Presidentially  
7 granted exception - is with a passport... As a travel control document, a passport is both proof of identity and  
8 proof of allegiance to the United States. Even under a travel control statute, however, a passport remains in a  
9 sense a document by which the Government vouches for the bearer and for his conduct. "  
10 [*Haig vs Agee*, [453 U.S. 280](#) (1981)]

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

12 24. Admit that those who either never applied for Social Security or whose application was made by others who they never  
13 authorized cannot be obligated to participate and that any number that might have been assigned under such circumstance  
14 is illegally obtained and invalid because issued without consent.

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

16 25. Admit that it is a federal crime to compel the use or disclosure of Social Security Numbers.

17 *TITLE 42 - THE PUBLIC HEALTH AND WELFARE*  
18 *CHAPTER 7 - SOCIAL SECURITY*  
19 *SUBCHAPTER II - FEDERAL OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE BENEFITS*  
20 [Sec. 408. Penalties](#)

21 *(a) In general*  
22 *Whoever -...*

23 *(8) discloses, uses, or compels the disclosure of the social security number of any person in violation of the laws*  
24 *of the United States; shall be guilty of a felony and upon conviction thereof shall be fined under title 18 or*  
25 *imprisoned for not more than five years, or both.*

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

27 **Affirmation:**

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

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

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

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

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

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

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



## 16 Resources for Further Study and Rebuttal

If you were unable to find your specific questions or concerns answered, thousands of pages of additional resources are available that back up everything in this pamphlet below:

If you would like to learn more about the subjects covered in this pamphlet, please consult the following companion publications:

1. Resignation of Compelled Social Security Trustee, Form #06.002. Provides a method to withdraw an illegal social security application. The document also refers to this document for proof that they are not eligible for social security  
<http://sedm.org/Forms/FormIndex.htm>
2. About SSNs and TINs on Government Forms and Correspondence, Form #05.012  
<https://sedm.org/Forms/05-MemLaw/AboutSSNsAndTINs.pdf>
3. About SSNs and TINs on Government Forms and Correspondence, Form #07.004  
<https://sedm.org/Forms/04-Tax/1-Procedure/AboutSSNs/AboutSSNs.htm>
4. Socialism: The New American Civil Religion, Form #05.016-detail on socialism, which Social Security implements  
<http://sedm.org/Forms/FormIndex.htm>
5. Social Security Policy Manual, Form #06.013- Manual which teaches how to live without a Social Security Number.  
<http://sedm.org/Forms/FormIndex.htm>
6. Social Security: Mark of the Beast, Form #11.407. Describes why Social Security violates the Bible.  
<http://famguardian.org/Publications/SocialSecurity/TOC.htm>
7. Great IRS Hoax, Form #11.302- Free book which documents why the federal income tax laws are violated by the IRS and why the average American is not subject to the I.R.C.  
<http://famguardian.org/Publications/GreatIRSHoax/GreatIRSHoax.htm>
8. Government Instituted Slavery Using Franchises, Form #05.030. Shows how unconstitutionally administered federal franchises such as Social Security are used to destroy constitutional rights and break down the separation of powers between the state and federal government.  
<http://sedm.org/Forms/FormIndex.htm>
9. Federal Enforcement Authority in States of the Union, Form #05.032. Proves that the federal government has no ability to legislate within a state of the Union.  
<http://sedm.org/Forms/FormIndex.htm>
10. Challenge to Income Tax Enforcement Authority Within Constitutional States of the Union, Form #05.052  
<http://sedm.org/Forms/FormIndex.htm>
11. Comment Upon the Voluntary Nature of Social Security, Attorney Larry Becraft  
<http://fly.hiwaay.net/~becraft/ssn.html>
12. Property and Privacy Protection Page, Section 7: Numerical Identification and Automated Tracking, Family Guardian Fellowship  
[https://famguardian.org/Subjects/PropertyPrivacy/PropertyPrivacy.htm#NUMERICAL\\_IDENTIFICATION\\_AND\\_AUTOMATED\\_TRACKING](https://famguardian.org/Subjects/PropertyPrivacy/PropertyPrivacy.htm#NUMERICAL_IDENTIFICATION_AND_AUTOMATED_TRACKING)
13. 42 U.S.C. Chapter 7: Social Security-U.S. code version of Social Security  
<https://www.law.cornell.edu/uscode/text/42/chapter-7>
14. Social Security Website- Website of Social Security Administration  
<http://ssa.gov>
15. Social Security Legislative History  
<http://www.ssa.gov/history/law.html>
16. Social Security Act of 1935  
<http://www.ssa.gov/history/35actinx.html>
17. Social Security Act, Form #06.037  
<https://sedm.org/Forms/FormIndex.htm>
18. Social Security Program Operations Manual System (POMS)  
<https://secure.ssa.gov/apps10/>
19. Your Rights Regarding Social Security Numbers- Article which describe your rights relating to the use and disclosure of Social Security Numbers  
<http://famguardian.org/Subjects/Taxes/ChallJurisdiction/YourRightsAndSSNs.htm>
20. Social Security Handbook  
[http://www.ssa.gov/OP\\_Home/handbook/ssa-hbk.htm](http://www.ssa.gov/OP_Home/handbook/ssa-hbk.htm)
21. Social Security Training, Form #06.035

- 1 <https://sedm.org/Forms/FormIndex.htm>  
2 22. *Social Security Training Audio*, Form #06.036  
3 <https://sedm.org/Forms/FormIndex.htm>