

ENUMERATION OF INALIENABLE RIGHTS



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

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

DEDICATION

"It is the greatest absurdity to suppose it [would be] in the power of one, or any number of men, at the entering into society, to renounce their essential natural rights, or the means of preserving those rights; when the grand end of civil government, from the very nature of its institution, is for the support, protection, and defense of those very rights; the principal of which ... are life, liberty, and property. If men, through fear, fraud, or mistake, should in terms renounce or give up any essential natural right, the eternal law of reason and the grand end of society would absolutely vacate such renunciation. The right to freedom being the gift of God Almighty, it is not in the power of man to alienate this gift and voluntarily become a slave"

[Samuel Adams, The Rights of the Colonists, November 20, 1772; <http://www.foundingfatherquotes.com/father/quotes/2/>]

Legal implications of the above:

1. The civil status indicative of "entering into society" is that of a "citizen". See *Minor v. Happersett*, 88 U.S. (21 wall.) 164 (1874).
https://scholar.google.com/scholar_case?case=5117525999793250938
2. "Civil status" is described in:

<u>Civil Status (important!)-SEDM</u> https://sedm.org/civil-status/

3. The implication of the above is that NO privileges can attach to the status of "citizen". For a description of what "privilege" means, see:

<u>Government Instituted Slavery Using Franchises, Form #05.030</u> https://sedm.org/Forms/05-MemLaw/Franchises.pdf

4. The reason that no privileges can attach to the status of "citizen" is that privileges are the main method of surrendering natural or constitutional rights.

"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 (1877)]

"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)]

5. Because no privileges can attach to "citizen", the status ALSO cannot be a privilege, and therefore cannot be a STATUTORY status.
6. Since the income tax is imposed upon "citizens" and "residents" in 26 C.F.R. §1.1-1, then these parties, BY DEFINITION cannot be people with natural or constitutional rights because the status therein is treated as a taxable privilege in that context. See:

Why You are a "national", "state national", and Constitutional but not Statutory Citizen, Form #05.006
<https://sedm.org/Forms/05-MemLaw/WhyANational.pdf>

7. The only way you can be a "citizen" WITHOUT privileges is therefore to be so in a POLITICAL rather than CIVIL or STATUTORY context.

Political Jurisdiction, Form #05.004
<https://sedm.org/Forms/05-MemLaw/PoliticalJurisdiction.pdf>

8. The above is why a "privilege" is defined as a private or special right imputed or assigned to those who are OTHER than "citizens":

"Privilege. A particular benefit or advantage enjoyed by a person, company, or class beyond the common advantages of other citizens."

[Black's Law Dictionary, Sixth Edition, p. 1197; SOURCE:

<https://famguardian.org/TaxFreedom/CitesByTopic/privilege.htm>]

9. For the purposes of the above, "privileges", "civil status", and "benefits" are synonymous with a CIVIL status under any act of the government. All civil statutory law is law for government and not PRIVATE people:

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

10. The above concepts are ALSO why it is a maxim of the common law that you have a right to NOT receive, and by implication NOT PAY FOR, a "benefit"/privilege that you DO NOT WANT:

"Invito beneficium non datur. No one is obliged to accept a benefit against his consent. Dig. 50, 17, 69. But if he does not dissent he will be considered as assenting. Vide Assent."

"Potest quis renunciare pro se, et suis, juri quod pro se introductum est. A man may relinquish, for himself and his heirs, a right which was introduced for his own benefit. See 1 Bouv. Inst. n. 83."

"Quae inter alios acta sunt nemini nocere debent, sed prodesse possunt. Transactions between strangers may benefit, but cannot injure, persons who are parties to them. 6 Co. 1."

[Bouvier's Maxims of Law, 1856; SOURCE:

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

"Life, faculties, production—in other words individuality, liberty, property—that is man. And in spite of the cunning of artful political leaders, these three gifts from God precede all human legislation, and are superior to it."

[Frederic Bastiat (b. 1801 - d. 1850), *The Law*; <http://famguardian.org/Publications/TheLaw/TheLaw.htm>]

"Under our system the people, who are there called subjects, are the sovereign. Their rights, whether collective or individual, are not bound to give way to a sentiment of loyalty to the person of the monarch. The citizen here knows no person, however near to those in power, or however powerful himself, to whom he need yield the rights which the law secures to him when it is well administered. When he, in one of the courts of competent jurisdiction, has established his right to property, [106 U.S. 196, 209] there is no reason why deference to any person, natural or artificial, not even the United States, should prevent him from using the means which the law gives him for the protection and enforcement of that right."

[[U.S. v. Lee, 106 U.S. 196 \(1882\)](#)]

"The erosion of a nation's concern for life and for individual rights, has always preceded the intrusion of tyranny."

[Gerry Spence, *"With Justice For None"* p.95]

"And yet the same revolutionary beliefs for which our forebears fought are still at issue around the globe--the belief that the rights of man come not from the generosity of the state, but from the hand of God."

[John F. Kennedy]

"The sacred rights of mankind are not to be rummaged for, among old parchments, or musty records. They are written, as with a sun beam, in the whole volume of human nature, by the hand of the divinity itself; and can never be erased or obscured by mortal power."

[Alexander Hamilton, 23 Feb. 1775]

"The rights of the individuals are restricted only to the extent that they have been voluntarily surrendered by the [\[STATUTORY, Form #05.006\] citizenship](#) to the agencies of government."

[City of Dallas v Mitchell, 245 S.W. 944]

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

"By the absolute rights [such as ABSOLUTE ownership of property] of individuals we mean those which are so in their primary and strictest sense; such as would belong to their persons merely in a state of nature, and which every man is entitled to enjoy whether out of society [as a [non-resident non-person, Form #05.020](#)] or in it [as a [STATUTORY or CONSTITUTIONAL citizen, Form #05.006](#)]." - Ibid.

[William Blackstone, Commentaries on the Laws of England (1765), Book 1, Chapter 1; SOURCE:

<https://lonang.com/library/reference/blackstone-commentaries-law-england/bla-101/>]

California Code of Civil Procedure
Section 1866.

When a statute or instrument is equally susceptible of two interpretations, one in favor of natural right, and the other against it, the former is to be adopted.

U.S. Code, Annotated, Fourteenth Amendment, Westlaw, 2002

"All privileges granted to citizen by Amnds 1 to 10 against infringement by federal government HAVE NOT been absorbed by this amendment as privileges incident to citizenship of the United States and by this clause protected against infringement by the states." Watkins v. Oaklawn Jockey Club. D.C.Ark.1949, 86 F.Supp. 1006, affirmed 183 F.2d. 440.

"Rights claimed under Amends. 1 to 8, adopted as restrictions of the powers of the national government, ARE NOT protected by this clause." Maxwell v. Dow, Utah 1900, 20 S.Ct. 448, 176 U.S. 601, 44 L.Ed. 597."

"Although it has been vigorously asserted that the rights specified in the Amends. 1 to 8 are among the privileges and immunities protected by this clause, and although this view has been defended by many distinguished jurists, including several justices of the federal Supreme Court, that [this] court holds otherwise and asserts that it is the character of the right claimed, whether specified as above or not, that is controlling." State v. Felch, 1918, 105 A. 23, 92 Vt. 477

[U.S. Code, Annotated, Fourteenth Amendment, Westlaw, 2002]

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Enumeration of Inalienable Rights

Copyright Sovereignty Education and Defense Ministry, <http://sedm.org>
Form 10.002, Rev. 11-14-2021

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1. Introduction

This short memorandum of law is intended to provide detailed coverage of the subject of PRIVATE, UNALIENABLE rights. It goes into greater detail on the subject introduced in the following free course:

Unalienable Rights Course, Form #12.038 -course which gives you the basics of unalienable rights, and when they can lawfully be given up
<http://sedm.org/Forms/FormIndex.htm>

Understanding this subject is extremely important for the freedom minded person, because it is foundational to protecting your rights. As we say repeatedly on our website, you must know your rights before you have any!

A sovereign who is not subject to federal civil statutes (civil protection franchises) because they are not domiciled on federal territory cannot cite that law in his defense, and can only defend himself/herself by litigating in defense of his Constitutional and natural rights. He/she must do so in equity and not statute, and proceed against the perpetrator as a private individual. His/her standing derives from the injury to his/her PRIVATE rights, and not from the authority of a federal statute that only applies to those domiciled within the federal zone. This is covered further in:

Federal Enforcement Authority Within States of the Union, Form #05.032
<http://sedm.org/Forms/FormIndex.htm>

There is no single place we have found which even attempts to enumerate all of these rights or “protected liberty interests”. You won’t find them listed in any statute or legislative act or legal reference book. The only source we have found which identifies them is mainly rulings of the U.S. Supreme Court and state Supreme Courts. The following subsections constitute a summary of these rights, provided for ready reference in order to save you the MUCHO research time we had to devote in producing it:

Throughout our website, we consistently define the term “private” as follows. THIS is what we mean by “PRIVATE UNALIENABLE RIGHTS”:

DISCLAIMER 4. Meaning of Words

4.3. Private

The word "private" when it appears in front of other entity names such as "person", "individual", "business", "employee", "employer", etc. shall imply that the entity is:

1. *In possession of absolute, exclusive ownership and control over their own labor, body, and all their property. In Roman Law this was called "dominium".*
2. *On an EQUAL rather than inferior relationship to government in court. This means that they have no obligations to any government OTHER than possibly the duty to serve on jury and vote upon voluntary acceptance of the obligations of the civil status of “citizen” (and the DOMICILE that creates it). Otherwise, they are entirely free and unregulated unless and until they INJURE the equal rights of another under the common law.*
3. *A “nonresident” in relation to the state and federal government.*
4. *Not a PUBLIC entity defined within any state or federal statutory law. This includes but is not limited to statutory "person", "individual", "taxpayer", "driver", "spouse" under any under any civil statute or franchise.*
5. *Not engaged in a public office or "trade or business" (per 26 U.S.C. §7701(a)(26)). Such offices include but are not limited to statutory "person", "individual", "taxpayer", "driver", "spouse" under any civil statute or franchise.*

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

6. *Not consenting to contract with or acquire any public status, public privilege, or public right under any state or federal franchise. For instance, the phrase "private employee" means a common law worker that is NOT the statutory "employee" defined within 26 U.S.C. §3401(c) or 26 C.F.R. §301.3401(c)-1 or any other federal or state law or statute.*

7. Not sharing ownership or control of their body or property with anyone, and especially a government. In other words, ownership is not "qualified" but "absolute".
8. Not subject to civil enforcement or regulation of any kind, except AFTER an injury to the equal rights of others has occurred. Preventive rather than corrective regulation is an unlawful taking of property according to the Fifth Amendment Takings Clause.
9. Not "privileged" or party to a franchise of any kind:

"PRIVILEGE. "A right, power, franchise, or immunity held by a person or class, against or beyond the course of the law. [. . .] That which releases one from the performance of a duty or obligation, or exempts one from a liability which he would otherwise be required to perform, or sustain in common [common law] with all other persons." State v. Grosnickle, 189 Wis. 17, 206 N.W. 895, 896. A peculiar advantage, exemption, or immunity. Sacramento Orphanage & Children's Home v. Chambers, 25 Cal.App. 536, 144 P. 317, 319.
[Black's Law Dictionary, Fourth Edition, pp. 1359-1360]

"Is it a franchise? A franchise is said to be a right reserved to the people by the constitution, as the elective franchise. Again, it is said to be a privilege conferred by grant from government, and vested in one or more individuals, as a public office. Corporations, or bodies politic are the most usual franchises known to our laws. In England they are very numerous, and are defined to be royal privileges in the hands of a subject. An information will lie in many cases growing out of these grants, especially where corporations are concerned, as by the statute of 9 Anne, ch. 20, and in which the public have an interest. In 1 Strange R. (The King v. Sir William Louthier,) it was held that an information of this kind did not lie in the case of private rights, where no franchise of the crown has been invaded.

If this is so--if in England a privilege existing in a subject, which the king alone could grant, constitutes it a franchise--in this country, under our institutions, a privilege or immunity of a public nature, which could not be exercised without a legislative grant, would also be a franchise."
[People v. Ridgley, 21 Ill. 65, 1859 WL 6687, 11 Peck 65 (Ill., 1859)]

10. The equivalent to a common law or Constitutional "person" who retains all of their common law and Constitutional protections and waives none.

"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]

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.

Every attempt by anyone in government to alienate rights that the Declaration of Independence says are UNALIENABLE shall also be treated as "PRIVATE BUSINESS ACTIVITY" that cannot be protected by sovereign, official, or judicial immunity. So called "government" cannot make a profitable business or franchise out of alienating inalienable rights without ceasing to be a classical/de jure government and instead becoming in effect an economic terrorist and de facto government in violation of Article 4, Section 4.

"No servant [or government 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]

[SEDM Disclaimer, Section 4.3: Private; SOURCE: <http://sedm.org/disclaimer.htm>]

1 We expand upon the above definition later in section 10.2.

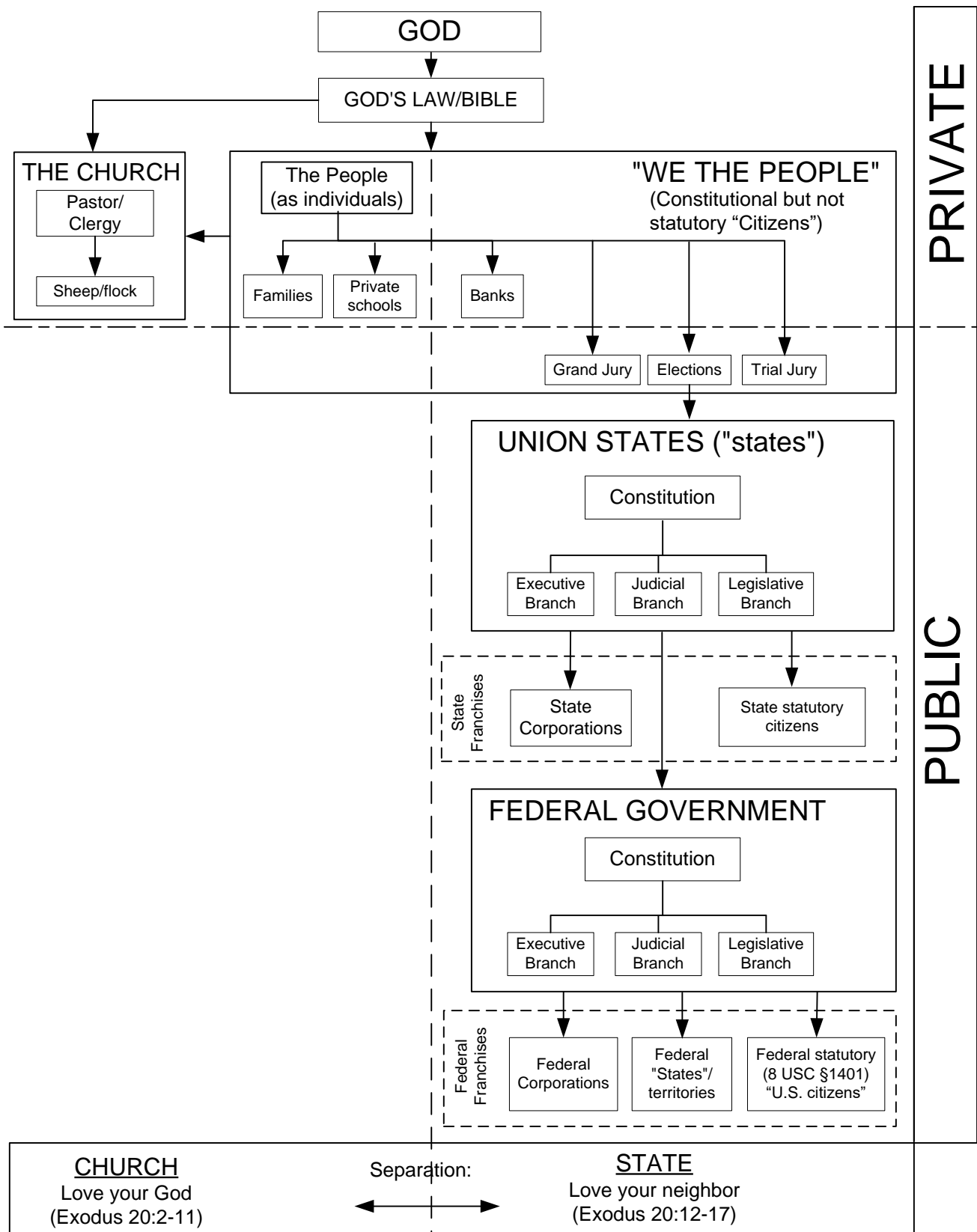
2 Finally, those wishing an authoritative, Shepardized version of this document with exhaustive authorities useful in litigation
3 should refer to the following free book on our site:

Sovereignty and Freedom Points and Authorities, Litigation Tool #10.018-exhaustive points and authorities you can use
in court pleadings to explain and prove and defend your unalienable rights
<https://sedm.org/Litigation/LitIndex.htm>

4 **2. The Big Picture: Private v. Public**

5 Below is a diagram showing the division between PRIVATE and PUBLIC rights, and their relationship to the separation
6 between Church and State. It is divided into four quadrants. Any attempt to move a box to a different quadrant requires the
7 consent of the person or entity within that box, as documented in the memorandum of law entitled *Requirement for Consent*,
8 Form #05.003.
9

1 **Figure 1: The Big Picture of Private v. Public**



2
3

1 Click on the following links for information about the above diagram:

- 2 1. Believe in God in 5 Minutes!
3 <http://sedm.org/believe-in-god-in-5-minutes-scientific-proof/>
- 4 2. Description of the above diagram
5 <https://famguardian.org/Subjects/Taxes/Remedies/PowerToCreate.htm>
- 6 3. Downloadable version of the above diagram
7 <https://famguardian.org/Subjects/Taxes/Citizenship/NaturalOrder.pdf>
- 8 4. Description of techniques used by corrupted government workers to reverse or undermine the above hierarchy
9 <https://famguardian.org/Subjects/Taxes/Evidence/HowScCorruptOurRepubGovt.htm>
- 10 5. Sermon on "The Theology of Creation" that describes the above diagram by John Macarthur
11 <https://www.youtube.com/watch?v=gkkYQMIH3co>
- 12 6. Description of the separation between PUBLIC and PRIVATE shown above
13 <http://sedm.org/LibertyU/SeparatingPublicPrivate.pdf>
- 14 7. Enumeration of PRIVATE, INALIENABLE RIGHTS, Form #10.002
15 <http://sedm.org/Forms/10-Emancipation/EnumRights.pdf>
- 16 8. Unalienable (PRIVATE) Rights Course, Form #12.038
17 <http://sedm.org/LibertyU/UnalienableRights.pdf>
- 18 9. The End and Purpose of God's Creation, R.C. Sproul
19 <https://www.youtube.com/watch?v=bQFluYOg7uo>

3. The MOST important job of government: Keeping PRIVATE from being converted to PUBLIC without the EXPRESS consent of the Owner

The purpose of establishing government is to protect PRIVATE property and PRIVATE rights. The Declaration of Independence says so:

*"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]

By PRIVATE, we mean property and rights protected by the constitution and the common law and NOT any civil statute. Only those in government can be the object of obligations within civil statutes. We therefore define PRIVATE as follows:

SEDM Disclaimer

4. Meaning of Words

4.3. Private

The word "private" when it appears in front of other entity names such as "person", "individual", "business", "employee", "employer", etc. shall imply that the entity is:

1. In possession of absolute, exclusive ownership and control over their own labor, body, and all their property. In Roman Law this was called "dominium".
2. On an EQUAL rather than inferior relationship to government in court. This means that they have no obligations to any government OTHER than possibly the duty to serve on jury and vote upon voluntary acceptance of the obligations of the civil status of "citizen" (and the DOMICILE that creates it). Otherwise, they are entirely free and unregulated unless and until they INJURE the equal rights of another under the common law.
3. A "nonresident" in relation to the state and federal government.
4. Not a PUBLIC entity defined within any state or federal statutory law. This includes but is not limited to statutory "person", "individual", "taxpayer", "driver", "spouse" under any under any civil statute or franchise.
5. Not engaged in a public office or "trade or business" (per 26 U.S.C. §7701(a)(26)). Such offices include but are not limited to statutory "person", "individual", "taxpayer", "driver", "spouse" under any civil statute or franchise.

"PRIVATE PERSON. An individual who is not the incumbent of an office."

[Black's Law Dictionary, Fourth Edition, p. 1359]

6. Not consenting to contract with or acquire any public status, public privilege, or public right under any state or federal franchise. For instance, the phrase "private employee" means a common law worker that is NOT the statutory "employee" defined within 26 U.S.C. §3401(c) or 26 C.F.R. §301.3401(c)-1 or any other federal or state law or statute.
7. Not sharing ownership or control of their body or property with anyone, and especially a government. In other words, ownership is not "qualified" but "absolute".
8. Not subject to civil enforcement or regulation of any kind, except AFTER an injury to the equal rights of others has occurred. Preventive rather than corrective regulation is an unlawful taking of property according to the Fifth Amendment Takings Clause.
9. Not "privileged" or party to a franchise of any kind:

*"PRIVILEGE. **A right, power, franchise, or immunity held by a person or class, against or beyond the course of the law.** [. . .] That which releases one from the performance of a duty or obligation, or exempts one from a liability **which he would otherwise be required to perform, or sustain in common [common law] with all other persons.** State v. Grosnickle, 189 Wis. 17, 206 N.W. 895, 896. A peculiar advantage, exemption, or immunity. Sacramento Orphanage & Children's Home v. Chambers, 25 Cal.App. 536, 144 P. 317, 319.*

[Black's Law Dictionary, Fourth Edition, pp. 1359-1360]

1
2
3 "Is it a franchise? A franchise is said to be a right reserved to the people by the
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6 Corporations, or bodies politic are the most usual franchises known to our laws. In
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20 "The words "privileges" and "immunities," like the greater part of the legal phraseology
21 of this country, have been carried over from the law of Great Britain, and recur constantly
22 either as such or in equivalent expressions from the time of Magna Charta. For all
23 practical purposes they are synonymous in meaning, and originally signified a peculiar
24 right or private law conceded to particular persons or places whereby a certain
25 individual or class of individuals was exempted from the rigor of the common law.
26 Privilege or immunity is conferred upon any person when he is invested with a legal claim
27 to the exercise of special or peculiar rights, authorizing him to enjoy some particular
28 advantage or exemption. "

29 [The Privileges and Immunities of State Citizenship, Roger Howell, PhD, 1918, pp. 9-10;
30 SOURCE:

31 http://famguardian.org/Publications/ThePrivAndImmOfStateCit/The_privileges_and_im
32 [munities_of_state_c.pdf/](http://famguardian.org/Publications/ThePrivAndImmOfStateCit/The_privileges_and_im)

33
34 See Magill v. Browne, Fed.Cas. No. 8952, 16 Fed.Cas. 408; 6 Words and Phrases, 5583,
35 5584; A J. Lien, "Privileges and Immunities of Citizens of the United States," in
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43 will hate the one and love the other, or else he will be loyal to the one and despise the
44 other. **You cannot serve God and mammon [government]."**
45 [[Luke 16:13](#), Bible, NKJV]

46 [SEDM Disclaimer, Section 4.3: Private; SOURCE: <http://sedm.org/disclaimer.htm>]

47 The first duty of a public officer is to protect the PRIVATE, meaning property covered by the Constitution and the Common
48 law and NOT CIVIL STATUTORY CODES:

49 "As expressed otherwise, the powers delegated to a public officer are held in trust for the people and are to be
50 exercised in behalf of the government or of all citizens who may need the intervention of the officer. ¹
51 Furthermore, the view has been expressed that all public officers, within whatever branch and whatever level
52 of government, and whatever be their private vocations, are trustees of the people, and accordingly labor under
53 every disability and prohibition imposed by law upon trustees relative to the making of personal financial gain
54 from a discharge of their trusts. ² That is, a public officer occupies a fiduciary relationship to the political

¹ State ex rel. Nagle v. Sullivan, 98 Mont. 425, 40 P.2d. 995, 99 A.L.R. 321; Jersey City v. Hague, 18 N.J. 584, 115 A.2d. 8.

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

entity on whose behalf he or she serves.³ and owes a fiduciary duty to the public.⁴ It has been said that the fiduciary responsibilities of a public officer cannot be less than those of a private individual.⁵ Furthermore, it has been stated that any enterprise undertaken by the public official which tends to weaken public confidence and undermine the sense of security for individual rights is against public policy.⁶ [63C American Jurisprudence 2d, Public Officers and Employees, §247 (1999)]

5 CFR § 2635.101 - Basic obligation of public service.
[§ 2635.101 Basic obligation of public service.](#)

(a) Public service is a public trust.

Each [employee](#) has a responsibility to the United [States](#) Government and its citizens to place loyalty to the Constitution, laws and ethical principles above private gain. To ensure that every citizen can have complete confidence in the integrity of the [Federal Government](#), each [employee](#) shall respect and adhere to the principles of ethical conduct set forth in this section, as well as the implementing standards contained in this part and in supplemental [agency](#) regulations.

(b) General principles.

The following general principles apply to every [employee](#) and may form the basis for the standards contained in this part. Where a situation is not covered by the standards set forth in this part, [employees](#) shall apply the principles set forth in this section in determining whether their conduct is proper.

(1) Public service is a public trust, requiring [employees](#) to place loyalty to the Constitution, the laws and ethical principles above private gain.

(2) [Employees](#) shall not hold financial interests that conflict with the conscientious performance of duty.

(3) [Employees](#) shall not engage in financial transactions using nonpublic Government information or allow the improper use of such information to further any private interest.

(4) An [employee](#) shall not, except as permitted by [subpart B](#) of this part, solicit or accept any gift or other item of monetary value from any [person](#) or entity seeking official action from, doing business with, or conducting activities regulated by the [employee's agency](#), or whose interests may be substantially affected by the performance or nonperformance of the [employee's](#) duties.

(5) [Employees](#) shall put forth honest effort in the performance of their duties.

(6) [Employees](#) shall not knowingly make unauthorized commitments or promises of any kind purporting to bind the Government.

(7) [Employees](#) shall not use public office for private gain.

(8) [Employees](#) shall act impartially and not give preferential treatment to any private organization or individual.

(9) [Employees](#) shall protect and conserve Federal property and shall not use it for other than authorized activities.

(10) [Employees](#) shall not engage in outside employment or activities, including seeking or negotiating for employment, that conflict with official Government duties and responsibilities.

(11) [Employees](#) shall disclose waste, fraud, abuse, and corruption to appropriate authorities.

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

⁴ United States v. Holzer (CA7 Ill), 816 F.2d. 304 and vacated, remanded on other grounds 484 U.S. 807, 98 L.Ed. 2d 18, 108 S.Ct. 53, on remand (CA7 Ill) 840 F.2d. 1343, cert den 486 U.S. 1035, 100 L.Ed. 2d 608, 108 S.Ct. 2022 and (criticized on other grounds by United States v. Osser (CA3 Pa) 864 F.2d. 1056) and (superseded by statute on other grounds as stated in United States v. Little (CA5 Miss) 889 F.2d. 1367) and (among conflicting authorities on other grounds noted in United States v. Boylan (CA1 Mass) 898 F.2d. 230, 29 Fed.Rules.Evid.Serv. 1223).

⁵ Chicago ex rel. Cohen v. Keane, 64 Ill.2d. 559, 2 Ill.Dec. 285, 357 N.E.2d. 452, later proceeding (1st Dist) 105 Ill.App.3d. 298, 61 Ill.Dec. 172, 434 N.E.2d. 325.

⁶ Indiana State Ethics Comm'n v. Nelson (Ind App), 656 N.E.2d. 1172, reh gr (Ind App) 659 N.E.2d. 260, reh den (Jan 24, 1996) and transfer den (May 28, 1996).

(12) Employees shall satisfy in good faith their obligations as citizens, including all just financial obligations, especially those - such as Federal, State, or local taxes - that are imposed by law.

(13) Employees shall adhere to all laws and regulations that provide equal opportunity for all Americans regardless of race, color, religion, sex, national origin, age, or handicap.

(14) Employees shall endeavor to avoid any actions creating the appearance that they are violating the law or the ethical standards set forth in this part. Whether particular circumstances create an appearance that the law or these standards have been violated shall be determined from the perspective of a reasonable person with knowledge of the relevant facts.

(c) **Related statutes.**

In addition to the standards of ethical conduct set forth in this part, there are conflict of interest statutes that prohibit certain conduct. Criminal conflict of interest statutes of general applicability to all employees, 18 U.S.C. 201, 203, 205, 208, and 209, are summarized in the appropriate subparts of this part and must be taken into consideration in determining whether conduct is proper. Citations to other generally applicable statutes relating to employee conduct are set forth in subpart I and employees are further cautioned that there may be additional statutory and regulatory restrictions applicable to them generally or as employees of their specific agencies. Because an employee is considered to be on notice of the requirements of any statute, an employee should not rely upon any description or synopsis of a statutory restriction, but should refer to the statute itself and obtain the advice of an agency ethics official as needed.

Every attempt to convert PRIVATE to PUBLIC without the knowledge or express WRITTEN and INFORMED consent of the original HUMAN owner therefore constitutes a THEFT at worse and a FRAUD at best. A government which violates this requirement in effect is NO GOVERNMENT AT ALL, but a de facto government mafia or criminal "protection racket" which has STOLEN the entire country and made it into PUBLIC rather than PRIVATE property. Such a government has no business forcing you to pay for protecting private property if they won't even do the basic job of protecting that property from THEIR OWN thefts without being bribed to leave you alone! Justice itself is legally defined as the right to be left alone, and it can NEVER become a privilege. It is a RIGHT. When it becomes a privilege, you have INJUSTICE, not JUSTICE.

There are two methods, or means, and only two, whereby man's needs and desires can be satisfied. **One is the production and exchange of wealth;** this is the **economic means**.^[17] The other is the uncompensated appropriation of wealth produced by others; this is the **political means**. The primitive exercise of the political means was, as we have seen, by conquest, confiscation, expropriation, and the introduction of a slave-economy. The conqueror parceled out the conquered territory among beneficiaries, who thenceforth satisfied their needs and desires by exploiting the labour of the enslaved inhabitants.^[18] The feudal State, and the merchant-State, wherever found, merely took over and developed successively the heritage of character, intention and apparatus of exploitation which the primitive State transmitted to them; they are in essence merely higher integrations of the primitive State.

The State, then, whether primitive, feudal or merchant, is the **organization of the political means**. Now, since man tends always to satisfy his needs and desires with the least possible exertion, he will employ the political means whenever he can - exclusively, if possible; otherwise, in association with the economic means. He will, at the present time, that is, have recourse to the State's modern apparatus of exploitation; the apparatus of tariffs, concessions, rent-monopoly, and the like. It is a matter of the commonest observation that this is his first instinct. So long, therefore, as the organization of the political means is available - so long as the highly-centralized bureaucratic State stands as primarily a distributor of economic advantage, an arbiter of exploitation, so long will that instinct effectively declare itself. A proletarian State would merely, like the merchant-State, shift the incidence of exploitation, and there is no historic ground for the presumption that a collectivist State would be in any essential respect unlike its predecessors; ^[19] as we are beginning to see, "**the Russian experiment**" has amounted to the erection of a highly-centralized bureaucratic State upon the ruins of another, leaving the entire apparatus of exploitation intact and ready for use. Hence, in view of the law of fundamental economics just cited, the expectation that collectivism will appreciably alter the essential character of the State appears illusory. [Our Enemy, the State, Albert J. Knock, Chapter 2, Section IV; SOURCE: <https://famguardian.org/Publications/OurEnemyTheState/nockoets2.htm>]

In other words, the FIRST duty of government is to maintain ABSOLUTE, inviolable Constitutional separation between PRIVATE and PUBLIC and never allow the two to be comingled or confused or even exchanged. The inalienability of CONSTITUTIONAL rights ensures this separation. To ignore, destroy, or refuse to enforce the unalienability of natural rights is to DESTROY that separation. The mandatory separation between PRIVATE and PUBLIC is exhaustively described in the following presentation:

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

4. How You Voluntarily Surrender Your Rights

A very important subject to study and thoroughly understand is the exact mechanisms by which you surrender Constitutional and common law protections. That is the subject of this section. To put the issue as simply as we can, a waiver of Constitutional or common law protections is a waiver or surrender of your inherent sovereignty. The main mechanism is to accept privileges of one kind or another from any government. Below is how one court describes how you waive your sovereignty and sovereign immunity toward a specific government:

*"The rights of sovereignty extend to all persons and things **not privileged**, that are within the territory. They extend to all strangers resident therein; not only to those who are naturalized, and to those who are domiciled therein, having taken up their abode with the intention of permanent residence, but also to those whose residence is transitory. All strangers are under the protection of the sovereign while they are within his territory and owe a temporary allegiance in return for that protection."*
[Carlisle v. United States, 83 U.S. 147, 154 (1873)]

First, we should emphasize that according to the Declaration of Independence, which is organic law enacted in the first official act of Congress on page 1 of the statutes at large, all JUST powers of government derive from the CONSENT of the parties affected.

*"That to secure these rights, governments are instituted among men, **deriving their just powers from the consent of the governed**."*
[Declaration of Independence]

Criminal law and common law do not need your consent to enforce but every other type of law does. Hence, every civil statutory enforcement proceeding requires that anyone who injured your rights has to either admit they STOLE them, or prove that you consented to give them away.

"Waivers of Constitutional rights not only must be voluntary, but must be knowing, intelligent acts done with sufficient awareness of the relevant circumstances and likely consequences."
[Brady v. U.S., 397 U.S. 742 (1970)]

For an exhaustive treatment of how consent is both explicitly and implicitly conveyed, we refer you to the following memorandum of law:

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

Below is a tabular list of the mechanisms we know of so far by which you voluntarily surrender your Constitutional rights or common law rights. This list grows over time, but these are the main mechanisms:

1. Explicit consent. This happens mostly in criminal cases such as:
 - 1.1. Sex offenders agreeing to register in order to be able to leave jail.
 - 1.2. Offenders posting bail and agreeing not to flee in exchange for not being incarcerated.
2. Misrepresenting your civil status on government forms to declare or elect an effective domicile or residence in a place you are not physically located and which is on federal territory. This includes:
 - 2.1. Declaring yourself to be a STATUTORY "U.S. citizen" or STATUTORY "citizen of the United States" on a federal government form. State citizens are non-resident non-persons and cannot truthfully do this.

*"No white person born within the limits of the United States, and subject to **their** [the states, and not the federal government] jurisdiction, or born without those limits, and subsequently naturalized under **their** laws, **owes the status of citizenship to the recent amendments** [Thirteenth and Fourteenth Amendments] to the Federal Constitution."*
[Van Valkenburg v. Brown, 43 Cal. 43 (1872)]

- 2.2. Filling out any government "benefit" form, which always causes you to nominate yourself to be treated AS IF you are a public officer in the national government.

For more details on how to AVOID misrepresenting your civil status on government forms, see:

Avoiding Traps in Government Forms Course, Form #12.023
<http://sedm.org/Forms/FormIndex.htm>

3. Making mistakes in court:

3.1. Letting a government judge or prosecutor abuse the rules of statutory construction to add to the meaning of definitions of geographic terms, such as “United States”, “State”, etc. They do this because of a financial conflict of interest which is a crime, in violation of 18 U.S.C. §208, 28 U.S.C. §§144, 455. The result is that the judge essentially becomes a legislator in writing NEW definitions, and thereby violates the separation of powers. For all the devious means that they do this, see:

Legal Deception, Propaganda, and Fraud, Form #05.014

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

3.2. Invoking the “benefit” of federal statutes that only apply on federal territory by using them to establish standing or injury in a case in federal district court.

3.3. Not declaring your civil status as a non-resident non-person in federal court. The ONLY reason you can go into federal district court is for constitutional rights violations under either a 42 U.S.C. §1983 suit or a Bivens action. You can’t claim the benefit of any civil statutes other than these in federal court. If you show up in federal court and are not entertaining this type of action, you will be PRESUMED to be a STATUTORY “U.S. citizen” (8 U.S.C. §1401) domiciled on federal territory and NOT within a state of the Union. The “U.S. citizen” is a public office, and that office is domiciled on federal territory. When you invoke the “benefit” of this civil status, then you acquire the SAME domicile as the office, which is the District of Criminals pursuant to Federal Rule of Civil Procedure 17.

4. Participation in franchises or “benefits”, if domiciled on federal territory and not holding a public office.

4.1. Below is how you waive your common law rights, meaning your EQUALITY in relation to anyone and everyone:

*"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
[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.

4.2. Below is the U.S. Supreme Court on the subject of waiving Constitutional rights. These are called the Brandeis Rules:

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)]

"...when a State willingly accepts a substantial benefit from the Federal Government, it waives its immunity under the Eleventh Amendment and consents to suit by the intended beneficiaries of that federal assistance."
[Papasan v. Allain, 478 U.S. 265 (1986)]

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.

[SOURCE:

<http://www.leginfo.ca.gov/cgi-bin/displaycode?section=civ&group=01001-02000&file=1565-1590>]

- 4.3. Federal franchises, such as Social Security, Medicare, Obamacare, etc. cannot lawfully be offered within a Constitutional state. The reason is that Constitutional rights of those in states of the Union are INALIENABLE, which means you aren't LEGALLY PERMITTED to give them up, even WITH your consent. That means you can't lawfully give consent to participate in a franchise, or consent to be treated as if you are domiciled or resident on federal territory when you in fact are not:

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

- 4.3.1. For a memorandum on this subject, see:

4.3.1.1. *Why You Aren't Eligible for Social Security*, Form #06.001

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

4.3.1.2. *Government Instituted Slavery Using Franchises*, Form #05.030, Section 11: Government Franchises may NOT lawfully be offered to persons domiciled in Constitutional states of the Union and may only be offered to those domiciled on federal territory

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

- 4.3.2. Below is what the U.S. Supreme Court held on this subject:

"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 result of violating any one or more of the above rules is COMMUNISM as defined by the United States 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 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

1 to a corrupted federal judiciary] acknowledges no constitutional or statutory limitations upon its conduct or
2 upon that of its members [ANARCHISTS!, Form #08.020]. The Communist Party is relatively small
3 numerically, and gives scant indication of capacity ever to attain its ends by lawful political means. The peril
4 inherent in its operation arises not from its numbers, but from its failure to acknowledge any limitation as to
5 the nature of its activities, and its dedication to the proposition that the present constitutional Government of
6 the United States ultimately must be brought to ruin by any available means, including resort to; force and
7 violence [or using income taxes]. Holding that doctrine, its role as the agency of a hostile foreign power [the
8 Federal Reserve and the American Bar Association (ABA)] renders its existence a clear present and continuing
9 danger to the security of the United States. It is the means whereby individuals are seduced [illegally
10 KIDNAPPED via identity theft!, Form #05.046] into the service of the world Communist movement [using
11 FALSE information returns and other PERJURIOUS government forms, Form #04.001], trained to do its
12 bidding [by FALSE government publications and statements that the government is not accountable for the
13 accuracy of, Form #05.007], and directed and controlled [using FRANCHISES illegally enforced upon
14 NONRESIDENTS, Form #05.030] in the conspiratorial performance of their revolutionary services.
15 Therefore, the Communist Party should be outlawed

16 Consistent with the above, below is how we define “law” within our Disclaimer:

17 **SEDM Disclaimer**

18 **4. Meaning of Words**

19 **4.3. Private**

20
21 [. . .]

22 Every attempt by anyone in government to alienate rights that the Declaration of Independence says are
23 UNALIENABLE shall also be treated as “PRIVATE BUSINESS ACTIVITY” that cannot be protected by sovereign,
24 official, or judicial immunity. So called “government” cannot make a profitable business or franchise out of
25 alienating inalienable rights without ceasing to be a classical/de jure government and instead becoming in effect
26 an economic terrorist and de facto government in violation of Article 4, Section 4.

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

31 [. . .]

32 **4.8. Law**

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

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

39 [. . .]

40 **6. The Court will not pass upon the constitutionality of a statute at the instance of one**
41 **who has availed himself of its benefits.**FN7 Great Falls Mfg. Co. v. Attorney General,
42 124 U.S. 581, 8 S.Ct. 631, 31 L.Ed. 527; Wall v. Parrot Silver & Copper Co., 244 U.S.
43 407, 411, 412, 37 S.Ct. 609, 61 L.Ed. 1229; St. Louis Malleable Casting Co. v. Prendergast
44 Construction Co., 260 U.S. 469, 43 S.Ct. 178, 67 L.Ed. 351.

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

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

49
50 Municipal law, thus understood, is properly defined to be “a rule of civil conduct
51 prescribed by the supreme power in a state, commanding what is right and prohibiting
52 what is wrong.”

[...]

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

"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]

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.

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

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

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

1 proposition that the present constitutional Government of the United States ultimately
2 must be brought to ruin by any available means, including resort to; [force and violence](#)
3 [or using income taxes]. Holding that doctrine, its role as the agency of a hostile foreign
4 power [the Federal Reserve and the American Bar Association (ABA)] renders its
5 existence a clear present and continuing danger to the security of the United States. It
6 is the means whereby individuals are [seduced \[illegally KIDNAPPED via identity theft\],](#)
7 [Form #05.0461](#) into the service of the world Communist movement [using FALSE
8 information returns and other PERJURIOUS government forms, [Form #04.001](#)],
9 trained to do its bidding [by FALSE government publications and statements that the
10 government is not accountable for the accuracy of, [Form #05.007](#)], and directed and
11 controlled [using FRANCHISES illegally enforced upon NONRESIDENTS, [Form](#)
12 [#05.030](#)] in the conspiratorial performance of their revolutionary services. Therefore,
13 the Communist Party should be outlawed

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

17 "These are words of weighty import. They involve consequences of the most momentous
18 character. I take leave to say that if the principles thus announced should ever receive
19 the sanction of a majority of this court, a radical and mischievous change in our system
20 of government will be the result. We will, in that event, pass from the era of constitutional
21 liberty guarded and protected by a written constitution into an era of legislative
22 absolutism.

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

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

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

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

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

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

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

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

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

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

[SEDM Disclaimer, Section 4.3: Private; SOURCE: <http://sedm.org/disclaimer.htm>]

5. How PRIVATE inalienable rights are UNCONSTITUTIONALLY and UNLAWFULLY converted to PUBLIC rights and PUBLIC property by corrupt and covetous public servants

"A state may not impose a charge for the enjoyment of a right granted by the Federal Constitution. Thus, it may not exact a license tax for the privilege of carrying on interstate commerce (McGoldrick v. Berwind-White Co., 309 U.S. 33, 56-58), although it may tax the property used in, or the income derived from, that commerce, so long as those taxes are not discriminatory. *Id.*, p. 47 and cases cited. A license tax applied to activities guaranteed by the First Amendment would have the same destructive effect. It is true that the First Amendment, like the commerce clause, draws no distinction between license taxes, fixed sum taxes, and other kinds of taxes. But that is no reason why we should shut our eyes to the nature of the tax and its destructive influence. The power to impose a license tax on the exercise of these freedoms is indeed as potent as the power of censorship which this Court has repeatedly struck down. Lovell v. Griffin, 303 U.S. 444; Schneider v. State, *supra*; Cantwell v. Connecticut, 310 U.S. 296, 306; Largent v. Texas, 318 U.S. 418; Jamison v. Texas, *supra*. It

was for that reason that the dissenting opinions in Jones v. Opelika, supra, stressed the nature of this type of tax.
316 U.S. pp. 607-609, 620, 623.
[Murdock v. Pennsylvania, 319 U.S. 105 (1943)]

"Legislature can name any privilege a taxable privilege and tax it....but legislature cannot name something to be taxable privilege unless it is first a privilege..."
[Jack Cole Co. v. Alfred T McFarland, Sup. Ct. Tenn. 337 S.W.2d. 453]

There are many ways to unconstitutionally destroy the separation between PRIVATE and PUBLIC documented in the previous section, many of which are described Form #12.025 mentioned at the end of the previous section. Below is a list of the more common and important ways:

1. Confusing PRIVATE "employees" with STATUTORY "employees" (5 U.S.C. §2105(a) and 26 U.S.C. §3401(c)). They are MUTUALLY exclusive and not equivalent. See:

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>

2. Confusing STATUTORY "U.S.[**] citizens" (8 U.S.C. §1401 and 26 C.F.R. §1.1-1(c)) with CONSTITUTIONAL "citizens of the United States[***]" (Fourteenth Amendment). They are MUTUALLY exclusive and not equivalent. See:

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

3. Confusing the STATUTORY geographical "United States[**]" with the CONSTITUTIONAL geographical "United States[***]". They are MUTUALLY exclusive and not equivalent. See:

Citizenship Status v. Tax Status, Form #10.011
<https://sedm.org/Forms/10-Emancipation/CitizenshipStatusVTaxStatus/CitizenshipVTaxStatus.htm>

4. Confusing STATUTORY "persons" or "individuals" with CONSTITUTIONAL "persons". They are NOT the same and mutually exclusive. See:

Proof That There Is a "Straw Man", Form #05.042
<https://sedm.org/Forms/FormIndex.htm>

5. Not defining WHICH context, STATUTORY or CONSTITUTIONAL they mean on government forms they make you fill out. In effect, they will try to deceive you into believing that the terms used have their PRIVATE or CONSTITUTIONAL or ordinary meaning but INTERPRET their meaning in court to have the STATUTORY meaning.

The above tactics of DECEPTION and criminal identity theft and how to PROSECUTE them as the CRIMES and breach of the public trust that they are is exhaustively described in:

1. Legal Deception, Propaganda, and Fraud, Form #05.014
<https://sedm.org/Forms/FormIndex.htm>
2. Government Identity Theft, Form #05.046
<https://sedm.org/Forms/FormIndex.htm>

To give you some idea how this works, we refer back to 5 C.F.R. §2635.101, which shows EXACTLY how PRIVATE and PUBLIC are deliberately confused and made to appear equivalent:

5 CFR § 2635.101 - Basic obligation of public service.
§ 2635.101 Basic obligation of public service.

(b)General principles.

[...]

(12) Employees shall satisfy in good faith their obligations as citizens, including all just financial obligations, especially those - such as Federal, State, or local taxes - that are imposed by law.

The above mentions OBLIGATIONS. We prove in the following that obligations, in general, can only be created by either a demonstrated injury or a CONTRACT and by NO OTHER LAWFUL METHOD:

1. Lawfully Avoiding Government Obligations, Form #12.040

Enumeration of Inalienable Rights

Copyright Sovereignty Education and Defense Ministry, <http://sedm.org>
Form 10.002, Rev. 11-14-2021

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EXHIBIT: _____

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

- 2 2. Proof of Claim: Your Main Defense Against Government Greed and Corruption, Form #09.073

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

4 Based on the above two documents and analysis, the OBLIGATIONS mentioned in 5 C.F.R. §2635.101(b)(12) MUST be a
5 product of contract. But WHAT contract? The answer is your EMPLOYMENT contract with Uncle Sam!

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

20 [United States v. Worrall, 2 U.S. 384 (1798)]

21 SOURCE: http://scholar.google.com/scholar_case?case=3339893669697439168/

22 In other words, you must be a statutory PUBLIC "employee" and not a PRIVATE or common law "employee" to have a
23 revenue taxable obligation and the TAX is upon earnings from the office, and not PRIVATE earnings. Below are is evidence
24 supporting this which is not exhaustive.

- 25 1. The REAL obligation to file a tax return comes from the OFFICE of statutory "employee" and not the status of
26 CONSTITUTIONAL "citizen":⁷

27 "I: DUTY TO ACCOUNT FOR PUBLIC FUNDS

28 § 909. In general. -It is the duty of the public officer, like any other agent or trustee, although not declared by
29 express statute, to faithfully account for and pay over to the proper authorities all moneys which may come
30 into his hands upon the public account, and the performance of this duty may be enforced by proper actions
31 against the officer himself, or against those who have become sureties for the faithful discharge of his duties."

32 [Treatise on the Law of Public Offices and officers, p. 609, §909; Floyd Mechem, 1890;

33 SOURCE: <http://books.google.com/books?id=g-I9AAAAIAAJ&printsec=titlepage>

- 34 2. The "citizens" mentioned in paragraph (12) above are 8 U.S.C. §1401 territorial STATUTORY "citizens", not state
35 citizens or CONSTITUTIONAL "citizens of the United States[***]". All territorial statutory "citizens" are
36 franchisees of the national government exercising a PUBLIC privilege.

37 "Finally, this Court is mindful of the years of past practice in which territorial citizenship has been treated as
38 a statutory [PRIVILEGE!], and not a constitutional, right. In the unincorporated territories of Puerto Rico,
39 Guam, the U.S. Virgin Islands, and the Northern Mariana Islands, birthright citizenship was conferred upon their
40 inhabitants by various statutes many years after the United States acquired them. See Amicus Br. at 10-11. If the
41 Citizenship Clause guaranteed birthright citizenship in unincorporated territories, these statutes would have
42 been unnecessary."

43 [Tuaua v. U.S.A., 951 F.Supp.2d. 88 (2013)]

44 "The 1st section of the 14th article [Fourteenth Amendment], to which our attention is more specifically invited,
45 opens with a definition of citizenship—not only citizenship of the United States[***], but citizenship of the states.
46 No such definition was previously found in the Constitution, nor had any attempt been made to define it by act
47 of Congress. It had been the occasion of much discussion in the courts, by the executive departments and in the
48 public journals. It had been said by eminent judges that no man was a citizen of the United States[***] except
49 as he was a citizen of one of the states composing the Union. Those therefore, who had been born and resided
50 always in the District of Columbia or in the territories, though within the United States[*], were not citizens."
51 [Slaughter-House Cases, 83 U.S. (16 Wall.) 36, 21 L.Ed. 394 (1873)]

7 For more on the subject of the legal obligation to file income tax returns, see: Legal Requirement to File Federal Income Tax Returns, Form #05.009;
<https://sedm.org/Forms/FormIndex.htm>.

1 “. . . the Supreme Court in the Insular Cases⁸ provides authoritative guidance on the territorial scope of the
2 term "the United States" in the Fourteenth Amendment. The Insular Cases were a series of Supreme Court
3 decisions that addressed challenges to duties on goods transported from Puerto Rico to the continental United
4 States. Puerto Rico, like the Philippines, had been recently ceded to the United States. The Court considered the
5 territorial scope of the term "the United States" in the Constitution and held that this term as used in the
6 uniformity clause of the Constitution was territorially limited to the states of the Union. U.S. Const. art. I, § 8
7 ("[A]ll Duties, Imposts and Excises shall be uniform throughout the United States." (emphasis added)); see
8 *Downes v. Bidwell*, 182 U.S. 244, 251, 21 S.Ct. 770, 773, 45 L.Ed. 1088 (1901) ("It can nowhere be inferred
9 that the territories were considered a part of the United States. The Constitution was created by the people of
10 the United States, as a union of States, to be governed solely by representatives of the States; ... In short, the
11 Constitution deals with States, their people, and their representatives."); *Rabang*, 35 F.3d at 1452. Puerto Rico
12 was merely a territory "appurtenant and belonging to the United States, but not a part of the United States
13 within the revenue clauses of the Constitution." *Downes*, 182 U.S. at 287, 21 S.Ct. at 787.

14 The Court's conclusion in *Downes* was derived in part by analyzing the territorial scope of the Thirteenth and
15 Fourteenth Amendments. The Thirteenth Amendment prohibits slavery and involuntary servitude "within the
16 United States, or any place subject to their jurisdiction." U.S. Const. amend. XIII, § 1 (emphasis added). The
17 Fourteenth Amendment states that persons "born or naturalized in the United States, and subject to the
18 jurisdiction thereof, are citizens of the United States and of the State wherein they reside." U.S. Const. amend
19 XIV, § 1 (emphasis added). The disjunctive "or" in the Thirteenth Amendment demonstrates that "there may
20 be places within the jurisdiction of the United States that are not part of the Union" to which the Thirteenth
21 Amendment would apply. *Downes*, 182 U.S. at 251, 21 S.Ct. at 773. Citizenship under the Fourteenth
22 Amendment, however, "is not extended to persons born in any place 'subject to [the United States]'
23 jurisdiction,' " but is limited to persons born or naturalized in the states of the Union. *Downes*, 182 U.S. at 251,
24 21 S.Ct. at 773 (emphasis added); see also *id.* at 263, 21 S.Ct. at 777 ("[I]n dealing with foreign sovereignties,
25 the term 'United States' has a broader meaning than when used in the Constitution, and includes all territories
26 subject to the jurisdiction of the Federal government, wherever located.").⁹
27 [*Valmonte v. I.N.S.*, 136 F.3d 914 (C.A.2, 1998)]

- 28 3. The ONLY "person" who is the subject of CRIMINAL provisions of the Internal Revenue Code are those in
29 partnership with Uncle Sam or serving in offices within a FEDERAL and not STATE corporation.

30 TITLE 26 > Subtitle F > CHAPTER 75 > Subchapter D > § 7343
31 §7343. Definition of term "person"

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

- 35 4. The ONLY "person" who is the subject of CIVIL enforcement such as penalties in the Internal Revenue Code are those
36 in partnership with Uncle Sam or serving in offices within a FEDERAL and not STATE corporation.

37 TITLE 26 > Subtitle F > CHAPTER 68 > Subchapter B > PART I > § 6671
38 § 6671. Rules for application of assessable penalties

39 (b) Person defined

40 The term "person", as used in this subchapter, includes an officer or employee of a corporation, or a member or
41 employee of a partnership, who as such officer, employee, or member is under a duty to perform the act in
42 respect of which the violation occurs.

- 43 5. There are not enforcement implementing regulations for any of the criminal or civil provisions under Part 1 of the
44 regulations, and therefore the only proper audience for ALL revenue enforcement is public officers and not private
45 humans. More on this is found in:

46 Federal Enforcement Authority Within States of the Union, Form #05.032
47 <https://sedm.org/Forms/FormIndex.htm>

- 48 6. The requirement to provide or use a Taxpayer Identification Number (TIN) or Social Security Number (SSN) found in
49 26 C.F.R. §301.6109-1(b) originates from your status as a statutory "employee" (5 U.S.C. §2105(a)) or public officer

⁸ *De Lima v. Bidwell*, 182 U.S. 1, 21 S.Ct. 743, 45 L.Ed. 1041 (1901); *Dooley v. United States*, 182 U.S. 222, 21 S.Ct. 762, 45 L.Ed. 1074 (1901);
Armstrong v. United States, 182 U.S. 243, 21 S.Ct. 827, 45 L.Ed. 1086 (1901); and *Downes v. Bidwell*, 182 U.S. 244, 21 S.Ct. 770, 45 L.Ed. 1088 (1901).

⁹ Congress, under the Act of February 21, 1871, ch. 62, § 34, 16 Stat. 419, 426, expressly extended the Constitution and federal laws to the District of
Columbia. See *Downes*, 182 U.S. at 261, 21 S.Ct. at 777 (stating that the "mere cession of the District of Columbia" from portions of Virginia and
Maryland did not "take [the District of Columbia] out of the United States or from under the aegis of the Constitution.").

within the U.S. Treasury Department, not a PRIVATE or common law “employee”. Note that the regulation that is under 26 C.F.R. Part 301, which pertains to EMPLOYEES of the treasury. If the requirement had originated from Part 1, which is the income tax, it would be in Part 1 and therefore have the number of 26 C.F.R. §1.6109-1(b), instead of 26 C.F.R. §301.6109-1(b). See About SSNs and TINs on Government Forms and Correspondence, Form #05.012 for exhaustive proof of this subject.

[TITLE 5 > PART I > 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.*

One cannot have “obligations” under the Internal Revenue Code WITHOUT being a statutory but not constitutional “person”. These obligations can either be CIVIL in the case of 26 U.S.C. §6671(b) or CRIMINAL in the case of 26 U.S.C. §7343. Note that STATUTORY “citizens” are NOWHERE mentioned in the definition of “person” above, and therefore the obligation does not attach to this civil statutory status of “citizen”. For more on how you can’t have an obligation under civil statutes WITHOUT a contract with the national government, see:

1. Civil Status (important!)-SEDM
<https://sedm.org/civil-status/>
2. Your Exclusive Right to Declare or Establish Your Civil Status, Form #13.008
<https://sedm.org/Forms/FormIndex.htm>

Mentioning “citizens” in 26 C.F.R. §2635.101(b)(12) is therefore a RED HERRING designed to make it falsely APPEAR that the obligation is associated with the status of STATUTORY “citizen” instead of what it is REALLY associated with, which is STATUTORY “employee”. The result is criminal IDENTITY theft if you let them get away with this, folks! We talk more about this deception in the context of income taxes in the following:

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

6. Tabular Enumeration of Rights

Table 1: Enumeration of Inalienable Rights

#	Description	Law(s)	Case or other authorities
1	ASSOCIATION AND RELIGION		
1.1	Right to associate	First Amendment	
1.2	Right to be left alone		Olmstead v. United States, 277 U.S. 438, 478 (1928) (Brandeis, J., dissenting) Washington v. Harper, 494 U.S. 210 (1990) Hill v. Colorado, 530 U.S. 703, 751, 120 S.Ct. 2480, 2508 (2000)
1.3	Freedom from compelled association	First Amendment	American Jurisprudence 2d, Constitutional law, §546: Forced and Prohibited Associations (1999) Rutan v. Republican Party of Illinois, 497 U.S. 62, 110 S.Ct. 2729, 111 L.Ed.2d. 52, 5 I.E.R. Cas. (BNA) 673 (1990)
1.4	Right to practice religion	First Amendment	O'Lone v. Estate of Shabazz, 482 U.S. 342 (1987) (for prisoners)
1.5	Collective activity to obtain meaningful access to the courts is a fundamental right within the protections of the First Amendment	First Amendment	Roberts v. United States Jaycees, 468 U.S. 609 (1984) In re Primus, 436 U.S. 412, 426 (1978) NAACP v. Button, 371 U.S. 415, at 429-430 (1963)
1.6	Right to be free from compulsion by state to join a labor union involved in ideological activities		Aboud v. Detroit Board of Education, 431 U.S. 209, 236 (1977) Roberts v. United States Jaycees, 468 U.S. 609 (1984)
2	SPEECH		
2.1	Right to speak	First Amendment	Thornburgh v. Abbott, 490 U.S. 401, 407 (1989) (for prisoners)
2.2	Right to not speak or remain silent	First Amendment	Wooley v. Maynard, 430 U.S. 705, 97 S.Ct. 1428, 51 L.Ed.2d. 752 (1977) Miranda v. Arizona, 384 U.S. 436 (1966) Aboud v. Detroit Bd. of Ed., 431 U.S. 209, 97 S.Ct. 1782, 52 L.Ed.2d. 261 (1977) Malloy v. Hogan, 378 U.S. 1 (1964) (direct compulsion to testify) Griffin v. California, 380 U.S. 609, 613-614 (1965) (indirect compulsion to testify prohibited) McCune v. Lile, 536 U.S. 24 (2002) ("we have construed the text to prohibit not only direct orders to testify, but also indirect compulsion effected by comments on a defendant's refusal to take the stand")
2.3	Right of freedom from prior restraints on speech		Southeastern Promotions, Ltd. V. Conrad, 420 U.S. 546, 558-559 (1975)
2.4	Right to remain anonymous when speaking		Macintyre v. Ohio Elections Commission, 514 U.S. 334 (1995) Talley v. California, 362 U.S. 60 (1960)
2.5	Right to not be penalized based on failure to testify		Uniformed Sanitation Men Assn., Inc. v. Commissioner of Sanitation of City of New York, 392 U.S. 280, 284-285 (1968) Lefkowitz v. Turley, 414 U.S. 70, 77-79 (1973) Lefkowitz v. Cunningham, 431 U.S. 801, 804-806 (1977) McKune v. Lile, 536 U.S. 24, 35 (2002)
2.6	Right to not be compelled to give testimony in a civil proceeding		McCarthy v. Arndstein, 266 U.S. 34, 40 (1924)
2.7	Right to demand grant of witness immunity prior to any testimony		Kastigar v. United States, 406 U.S. 441, 446-447 (1972)
3	DEFENSE AND SELF-DEFENSE		
3.1	Right to bear arms	Second Amendment	See also: http://famguardian.org/Subjects/GunControl/Research/CourtDecisions/court.htm
3.2	Right to not quarter soldiers in your house	Third Amendment	
3.3	Right to self-defense (when life threatened)		Beard v. U.S., 158 U.S. 550 (1895)
4	FAMILY, SELF, AND HOME		
4.1	Right to marry and divorce		Loving v. Virginia, 388 U.S. 1 (1967) (for everyone) Turner v. Safley, 482 U.S. 78 (1987) (for prisoners)
4.2	Right to procreate		Skinner v. Oklahoma ex rel. Williamson, 316 U.S. 535 (1942)

#	Description	Law(s)	Case or other authorities
4.3	Right to establish a home and bring up children		Troxel v. Granville, 530 U.S. 57 (2000) ("we held that the "liberty" protected by the Due Process Clause includes the right of parents to "establish a home and bring up children" and "to control the education of their own.") Meyer v. Nebraska, 262 U.S. 390, 399, 401 (1923) (establish a home and bring up children) Pierce v. Society of Sisters, 268 U.S. 510, 534-535 (1925) (held that the "liberty of parents and guardians" includes the right "to direct the upbringing and education of children under their control.")
4.4	Right to make decisions about the care, custody, and upbringing of one's children		Stanley v. Illinois, 405 U.S. 645, 651 (1972) ("It is plain that the interest of a parent in the companionship, care, custody, and management of his or her children `come[s] to this Court with a momentum for respect lacking when appeal is made to liberties which derive merely from shifting economic arrangements'" (citation omitted)); Wisconsin v. Yoder, 406 U.S. 205, 232 (1972) ("The history and culture of Western civilization reflect a strong tradition of parental concern for the nurture and upbringing of their children. This primary role of the parents in the upbringing of their children is now established beyond debate as an enduring American tradition"); Quilloin v. Walcott, 434 U.S. 246, 255 (1978) ("We have recognized on numerous occasions that the relationship between parent and child is constitutionally protected"); Parham v. J. R., 442 U.S. 584, 602 (1979) ("Our jurisprudence historically has reflected Western civilization concepts of the family as a unit with broad parental authority over minor children. Our cases have consistently followed that course"); Santosky v. Kramer, 455 U.S. 745, 753 (1982) (discussing "[t]he fundamental liberty interest of natural parents in the care, custody, and management of their child"); Washington v. Glucksberg, 521 U.S. 702, at 720 (1997) ("In a long line of cases, we have held that, in addition to the specific freedoms protected by the Bill of Rights, the `liberty' specially protected by the Due Process Clause includes the righ[t] . . . to direct the education and upbringing of one's children" (citing Meyer and Pierce)) Troxel v. Granville, 530 U.S. 57 (2000)
4.5	Right to use contraceptives		Griswold v. Connecticut, 381 U.S. 479 (1965) Eisenstadt v. Baird, 405 U.S. 438 (1972)
4.6	Right to contract	Constitution, Art. 1, Section 10 (in relation to states) 42 U.S.C. §1981(b)	Sinking Fund Cases, 99 U.S. 700 (1878) (in relation to federal government) Standard Oil v. U.S., 221 U.S. 1 (1910). (noting "the freedom of the individual right to contract when not unduly or improperly exercised [is] the most efficient means for the prevention of monopoly")
4.7	Right to send children to private school		Pierce v. Society of Sisters, 268 U.S. 510 (1925)
4.8	Right to privacy	Fourth Amendment	
4.9	Freedom from unreasonable searches and seizures	Fourth Amendment	
4.10	Spousal privilege against incrimination of spouse		What to Do When the IRS Comes Knocking, Section 5; http://famguardian.org/TaxFreedom/Forms/Discovery/WhatToDoWhenTheIRSComesKnocking.pdf Trammel v. United States, 445 U.S. 40 at 51, 100 S.Ct. at 913 (1980)
4.11	Right to enjoy property		Lynch v. Household Finance Corp., 405 U.S. 538 (1972)
4.12	Right of equal protection	42 U.S.C. §1981(a) Fourteenth Amendment U.S. Constitution, Article IV, Section 2	Gulf, C. & S.F.R. Co. v. Ellis, 165 U.S. 150 (1897)
4.13	Right to not be subjected to involuntary servitude or slavery	Thirteenth Amendment 42 U.S.C. §1994 18 U.S.C. §1589 (abuse of legal process)	Plessy v. Ferguson, 163 U.S. 537 (1896) Clyatt v. United States, 197 U.S. 207; 25 S.Ct. 429; 49 L.Ed. 726 (1905)
4.14	Right to not take anti-psychotic drugs except in presence of compelling state interest		Washington v. Harper, 494 U.S. 210 (1990) Riggins v. Nevada, 504 U.S. 127 (1992) Sell v. United States, 539 U.S. 166 (2003)

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#	Description	Law(s)	Case or other authorities
4.15	Right to refusal of artificial provision of life-sustaining food and water to hastening one's own death.		Cruzan v. Director, MDH, 497 U.S. 261 (1990)
4.16	Right to make decisions that will affect one's own or one's family's destiny		Fitzgerald v. Porter Memorial Hospital, 523 F.2d. 716, 719-720 (CA7 1975) (footnotes omitted), cert. denied, 425 U.S. 916 (1976)
4.17	Right to not be sterilized as a felon		Skinner v. Oklahoma ex rel. Williamson, 316 U.S. 535, 541 (1942) (invalidating a statute authorizing sterilization of certain felons).
4.18	Right of inviolability of the person		Union Pacific R. Co. v. Botsford, 141 U.S. 250, 251-252 (1891) ("The inviolability of the person" has been held as "sacred" and "carefully guarded" as any common law right.) Downer v. Veilleux, 322 A.2d. 82, 91 (Me.1974) ("The rationale of this rule lies in the fact that every competent adult has the right to forego treatment, or even cure, if it entails what for him are intolerable consequences or risks, however unwise his sense of values may be to others") Cruzan v. Director, MDH, 497 U.S. 261 (1990)
5	TRAVEL		
5.1	Right to travel		Saenz v. Roe, 526 U.S. 489 (1999) (thoroughly explains the right) United States v. Guest, 383 U.S. 745, 757 (1966) Shapiro v. Thompson, 394 U.S. 618 (1969)
5.2	Right of freedom from physical restraint		Kansas v. Hendricks, 521 U.S. 346 (1997) Foucha v. Louisiana, 504 U.S. 71, 80 (1992) Ingraham v. Wright, 430 U.S. 651, 673-674 (1977) Board of Regents v. Roth, 408 U.S. 564, 572 (1972) Jacobson v. Massachusetts, 197 U.S. 11, 26 (1905) ("[T]he liberty secured by the Constitution of the United States to every person within its jurisdiction does not [521 U.S. 357] import an absolute right in each person to be at all times and in all circumstances, wholly free from restraint. There are manifold restraints to which every person is necessarily subject for the common good. On any other basis, organized society could not exist with safety to its members.")
5.3	Right to travel to another state to get an abortion		Doe v. Bolton, 410 U.S. 179, 200 (1973)
5.4	Right of nonresidents to enter or leave a state		Shapiro v. Thompson, 394 U.S. 618, 631 (1969)
5.5	There is <i>no fundamental right</i> to have or to register a car		Williams v. Vermont, 472 U.S. 14 (1985)
6	DUE PROCESS		
6.1	Right to indictment by Grand Jury, not government	Fifth Amendment	
6.2	Right of freedom from double-jeopardy	Fifth Amendment	
6.3	Right to no incriminate self	Fifth Amendment	
6.4	Right to life, liberty, and property. Cannot be deprived of without due process of law	Fifth Amendment	
6.5	Property may not be taken by state without just compensation	Fifth Amendment	
6.6	Right to not be victimized by warrantless seizures	Fourth Amendment	
6.7	Right to speedy trial in criminal case	Sixth Amendment	
6.8	Right to impartial jury in the district where crime committed	Sixth Amendment	
6.9	Right to be informed of the nature and cause of accusations	Sixth Amendment	
6.10	Right to confront witnesses	Sixth Amendment	
6.11	Right to compel witnesses to testify in your defense	Sixth Amendment	Washington v. Texas, 388 U.S. 14 (1967)

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#	Description	Law(s)	Case or other authorities
6.12	Right to assistance of Counsel in Criminal prosecutions	Sixth Amendment	Grosjean v. American Press Co., 297 U.S. 233, 243-244 (1936) ("the fundamental right of the accused to the aid of counsel in a criminal prosecution" is "safeguarded against state action by the due process of law clause of the Fourteenth Amendment"). United States v. Cronin, 466 U.S. 648, 653 (1984) ("Without counsel, the right to a trial itself would be of little avail") McMann v. Richardson, 397 U.S. 759, 771, n. 14 (1970) ("the right to counsel is the right to the effective assistance of counsel.")
6.13	Right of trial by jury	Sixth Amendment	
6.14	Right to be free of cruel or unusual punishment	Eighth Amendment	
6.15	Rights not enumerated in the Constitution are retained by the people	Ninth Amendment	
6.16	Rights not enumerated in the Constitution are retained by the States or the People	Tenth Amendment	
6.17	Right of prisoners of access to court		Lassiter v. Department of Social Servs. Of Durham City, 452 U.S. 18 (1981) (parental rights) Boddie v. Connecticut, 401 U.S. 371 (1971) (divorce) Wong Yang Sung v. McGrath, 339 U.S. 33, 49-50 (1950) (deportation)
6.18	Right to "reasonable notice" or "due notice" of the laws which one is bound to obey	26 C.F.R. §601.702(a)(2)(ii) (publication in federal register before enforceable) 5 U.S.C. §553(b) 44 U.S.C. §1505(a), (c)(2)	Holden v. Hardy, 169 U.S. 366 (1898) ("It is sufficient to say that there are certain immutable principles of justice which inhere in the very idea of free government which no member of the Union may disregard, as that <u>no man shall be condemned in his person or property without due notice and an opportunity of being heard in his own defense.</u> ") Powell v. Alabama, 287 U.S. 45 (1932) ("It never has been doubted by this court, or any other, so far as we know, that notice and hearing are preliminary steps essential to the passing of an enforceable judgment, and that they, together with a legally <i>competent</i> tribunal having jurisdiction of the case, constitute basic elements of the constitutional requirement of due process of law.")
6.19	Right of an indigent defendant to a free transcript in aid of appealing his conviction for violating city ordinances		Griffin v. Illinois, 351 U.S. 12 (1956)
6.20	Right of freedom from institutional confinement		Schall v. Martin, 467 U.S. 253 (1984) (children have a protected liberty interest in "freedom from institutional restraints") Reno v. Flores, 507 U.S. 292 (1993)
6.21	Right to meaningful opportunity to present a defense		Crane v. Kentucky, 476 U.S. 683, 690 (1986) (quoting California v. Trombetta, 467 U.S. 479, 485 (1984)) ("the Constitution guarantees criminal defendants 'a meaningful opportunity to present a complete defense.'")
6.22	Right to a fair trial of impartial jurors		Sheppard v. Maxwell, 384 U.S. 333 at 350-351 (1966) Gentile v. State Bar of Nevada, 501 U.S. 1030 (1991) Turner v. Louisiana, 379 U.S. 466, 473 (1965) (evidence in criminal trial must come solely from witness stand in public courtroom with full evidentiary protections).
6.23	Lawyers enjoy a "broad monopoly" or right to do things that other citizens may not lawfully do		Supreme Court of NH v. Piper, 470 U.S. 274 (1985) (Lawyers do enjoy a "broad monopoly . . . to do things other citizens may not lawfully do." In re Griffiths, 413 U.S. 717, GO>731 (1973))
7	POLITICAL RIGHTS		
7.1	Right to vote, regardless of gender	Nineteenth Amendment	
7.2	Right to vote without paying a poll tax	24 th Amendment	
7.3	Right to vote if 18 or older	26 th Amendment	
8	EDUCATION		
8.1	Right to teach foreign language in a parochial school		Meyer v. Nebraska, 262 U.S. 390 (1923)
8.2	Right of free speech in educational settings		Board of education of Westside Community Schools v. Mergens by and Through Mergens, 496 U.S. 226 (1990) Shelton v. Tucker, 364 U.S. 479 (1960)

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#	Description	Law(s)	Case or other authorities
9	STATES RIGHTS		
9.1	Right to NOT spend money on “nontherapeutic abortions for minor adults”		Maier v. Roe, 432 U.S. 464 (1977) Webster v. Reproductive Health Services, 492 U.S. 490, 508-511 (1989)
9.2	Right to <i>not</i> be civilly sued in a federal court by a resident of the state		Alden v. Maine, 527 U.S. 706 (1999)
9.3	Right of sovereignty in courts of a foreign sovereign when not conducting “commerce” within the legislative jurisdiction of a foreign sovereign	Foreign Sovereign Immunities Act, 28 U.S.C. §§1602-1611	World-Wide Volkswagen v. Woodson, 444 U.S. 286 (1980)
9.4	Governments or states may violate the Constitutional rights of persons in the context of their employment role as “public officers” (Patronage exception)		Rutan v. Republican Party of Illinois, 497 U.S. 62 (1990)
9.5	Right to not subsidize the exercise of a fundamental right		Regan v. Taxation with Representation of Wash., 461 U.S. 540, at 549 (1983) (“[A] legislature’s decision not to subsidize the exercise of a fundamental right does not infringe the right.”) Buckley v. Valeo, 424 U.S. 1 (1976) Cammarano v. United States, 358 U.S. 498 (1959) Harris v. McRae, 448 U.S. 297 at 317 (1980), n.19. (“A refusal to fund protected activity, without more, cannot be equated with the imposition of a ‘penalty’ on that activity.”)
9.6	Right to search an automobile without a search warrant		California v. Carney, 471 U.S. 386 (1985) Carroll v. United States, 267 U.S. 132 (1925)

7. The Bill of Rights is “Self-Executing”: No Statutes Needed to Enforce in Court

Other important factors in enforcing constitutional rights in courts of justice are that:

1. The Bill of Rights, which are the first 8 Amendments to the United States Constitution, are “self-executing”, meaning that no statute implementing the right need be cited to establish standing to sue in court over violation of the right.

*The design of the Fourteenth Amendment has proved significant also in maintaining the traditional separation of powers 524*524 between Congress and the Judiciary. **The first eight Amendments to the Constitution set forth self-executing prohibitions on governmental action, and this Court has had primary authority to interpret those prohibitions.** The Bingham draft, some thought, departed from that tradition by vesting in Congress primary power to interpret and elaborate on the meaning of the new Amendment through legislation. Under it, “Congress, and not the courts, was to judge whether or not any of the privileges or immunities were not secured to citizens in the several States.” Flack, *supra*, at 64. While this separation-of-powers aspect did not occasion the widespread resistance which was caused by the proposal’s threat to the federal balance, it nonetheless attracted the attention of various Members. See Cong. Globe, 39th Cong., 1st Sess., at 1064 (statement of Rep. Hale) (noting that Bill of Rights, unlike the Bingham proposal, **“provide[s] safeguards to be enforced by the courts, and not to be exercised by the Legislature”**); *id.*, at App. 133 (statement of Rep. Rogers) (prior to Bingham proposal it “was left entirely for the courts . . . to enforce the privileges and immunities of the citizens”). As enacted, the Fourteenth Amendment confers substantive rights against the States which, like the provisions of the Bill of Rights, are self-executing. Cf. *South Carolina v. Katzenbach*, 383 U. S., at 325 (discussing Fifteenth Amendment). The power to interpret the Constitution in a case or controversy remains in the Judiciary. [City of Boerne v. Flores, 521 U.S. 507 (1997)]*

2. Statutes create and enforce PUBLIC RIGHTS, not PRIVATE RIGHTS. Nearly all civil law we are aware of is law for GOVERNMENT and not private persons. See:

Why Statutory Civil Law is Law for Government and Not Private Persons, Form #05.037
<http://sedm.org/Forms/FormIndex.htm>

8. Legal Justice: The Right to Be LEFT ALONE

A very important subject that comes up all the time in the freedom community and especially in the context of litigation is the subject of “justice”. This term is widely misunderstood and quite subjective for most people.

Almost universally, everyone says they want “justice” but even among those who want it, there is no agreement on what it means.

Among the left, they want “social justice” and equate it with redistribution of wealth and villainizing the producers. Among the right and conservatives, they want legal justice and/or biblical justice. These two approaches are completely incompatible. If we can’t agree on a common definition, then we predict that revolution and anarchy will eventually result sooner rather than later. Therefore, this subject is of EXTREME importance and EVERYONE should study it. It ought to be taught in grammar school.

Without a convergence and common agreement throughout society on precisely what it means, true “justice” can NEVER realistically be achieved. We must agree upon a definition in order to know EXACTLY what we are fighting for in the context of this ministry. That is the purpose of this memorandum of law.

The following subsections introduce the subject of legal “justice”. If you want a more in depth treatment of the subject of “justice” that also relates it to the term “social justice”, then please see the following memorandum on our site:

What is “Justice”?, Form #05.050
<https://sedm.org/Forms/FormIndex.htm>

8.1 Legal definition of “justice”

The essence of the meaning of “justice” in fact, is the right to be “left alone”:

PAULSEN, *ETHICS* (Thilly’s translation), chap. 9.

1 "Justice, as a moral habit, is that tendency of the will and mode of conduct which refrains from disturbing the
2 lives and interests of others, and, as far as possible, hinders such interference on the part of others. This virtue
3 springs from the individual's respect for his fellows as ends in themselves and as his co equals. The different
4 spheres of interests may be roughly classified as follows: body and life; the family, or the extended individual
5 life; property, or the totality of the instruments of action; honor, or the ideal existence; and finally freedom, or
6 the possibility of fashioning one's life as an end in itself. The law defends these different spheres, thus giving rise
7 to a corresponding number of spheres of rights, each being protected by a prohibition. . . . To violate the rights,
8 to interfere with the interests of others, is injustice. All injustice is ultimately directed against the life of the
9 neighbor; it is an open avowal that the latter is not an end in itself, having the same value as the individual's own
10 life. The general formula of the duty of justice may therefore be stated as follows: Do no wrong yourself, and
11 permit no wrong to be done, so far as lies in your power; or, expressed positively: Respect and protect the right."
12 [Readings on the History and System of the Common Law, Second Edition, Roscoe Pound, 1925, p. 2]

13 The U.S. Supreme Court stated the above slightly differently:

14 "The makers of our Constitution undertook to secure conditions favorable to the pursuit of happiness. They
15 recognized the significance of man's spiritual nature, of his feelings and of his intellect. They knew that only a
16 part of the pain, pleasure and satisfactions of life are to be found in material things. They sought to protect
17 Americans in their beliefs, their thoughts, their emotions and their sensations. They conferred, as against the
18 Government, the right to be let alone - the most comprehensive of rights and the right most valued by civilized
19 men."
20 [Olmstead v. United States, 277 U.S. 438, 478 (1928) (Brandeis, J., dissenting); see also Washington v. Harper,
21 494 U.S. 210 (1990)]

22 So in the context of "government" as legally defined, the FIRST duty of government is to LEAVE YOU ALONE, and to
23 ONLY enforce that which you have specifically asked for and consented to in a civil context. If they won't do that, then you
24 shouldn't be hiring them to protect your right to be left alone by anyone ELSE through paying them "taxes".

25 "Justice is the end of government. It is the end of civil society. It ever has been, and ever will be pursued, until
26 it be obtained, or until liberty be lost in the pursuit."
27 [James Madison, The Federalist No. 51 (1788)]

28 The Bible also states the foundation of justice by saying:

29 "Do not strive with [or try to regulate or control or enslave] a man without cause, if he has done you no harm."
30 [Prov. 3:30, Bible, NKJV]

31 And finally, Thomas Jefferson agreed with the above by defining "justice" as follows in his First Inaugural Address:

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

38 Therefore, the word "injustice" means interference with the equal rights of others absent their consent and which constitutes
39 an injury NOT as any law defines it, but as the PERSON who is injured defines it. Under this conception of "justice",
40 anything done with your consent cannot be classified as "injustice" or an injury.

41 The most obvious form of injustice is a criminal mafia that will continue to disturb and threaten you until you pay them
42 "protection money" in order to essentially procure the PRIVILEGE to be left alone. This is the model upon which the IRS
43 operates: They continue to harass, lien, and levy you administratively, even if you are NOT a statutory "taxpayer" and instead
44 are a non-resident non-person, unless and until you essentially pay them "protection money". Materials on our site prove
45 extensively that a criminal mafia is EXACTLY what the IRS is, including the following memorandum of law:

Origins and Authority of the Internal Revenue Service, Form #05.005
<http://sedm.org/Forms/FormIndex.htm>

46 The concept of justice explains why a policeman must have "probable cause" in order to detain, arrest, or interrogate you.
47 The presumption is that you have a right to be left alone and the policemen must not disturb your peace unless they have a
48 reasonable cause to do so that is or can be demonstrated with court admissible evidence.

The concept of justice originates from the legal definition of property. The essence and foundation of the “property right”, as held by the U.S. Supreme Court, is the right to EXCLUDE ANYONE AND EVERYONE else, from using, controlling, or benefitting from the use of YOUR property:

“We have repeatedly held that, as to property reserved by its owner for private use, ‘the right to exclude [others is] ‘one of the most essential sticks in the bundle of rights that are commonly characterized as property.’ ”
Loretto v. Teleprompter Manhattan CATV Corp., 458 U.S. 419, 433 (1982), quoting *Kaiser Aetna v. United States*, 444 U.S. 164, 176 (1979). “
[*Nollan v. California Coastal Comm’n*, 483 U.S. 825 (1987)]

“In this case, we hold that the ‘right to exclude,’ so universally held to be a fundamental element of the property right,^[11] 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).

The right to exclude that is the essence of the right to PRIVATE property extends not only to other people or businesses, but to ANY and EVERY government, because under the concept of equal protection and equal treatment, all “persons”, including artificial “persons” such as government corporations, are EQUAL. The result of exercising your right to exclude the government is that they HAVE to LEAVE THE PROPERTY ALONE, and NOT try to steal it or deceive you into donating it to them. The only lawful basis for interfering with the use or ownership of any kind of property is when the property is abused to INJURE the equal rights of your sovereign neighbor, and that interference can come only AFTER the injury is inflicted, and not before.

“The sole end, for which mankind are warranted, individually or collectively... in interfering with the liberty of action of any of their number, is self-protection.”
[John Stewart Mill, *On Liberty*, p. 223]

*“Do not strive with [or try to regulate or control or enslave] a man without cause, **if he has done you no harm.**”*
[Prov. 3:30, Bible, NKJV]

Every remedy provided by a lawful de jure government for the protection of private rights therefore BEGINS with demonstrating a quantifiable PAST and not FUTURE injury to a specific, enumerated natural or constitutional right. That remedy can only be imposed absent our consent when the following two conditions are met:

1. Someone’s else’s equal rights have been injured.. AND
2. A specific injury has resulted from that violation under the common law.
 - 2.1. If the remedy is a civil statutory remedy, we must have a domicile within the jurisdiction of the court administering the remedy before it can be invoked.
 - 2.2. If the remedy is a civil common law remedy, no domicile is necessary to invoke it in court.
 - 2.3. If the remedy is a criminal remedy, the violation occurred on territory protected by the sovereign. Otherwise the act of criminal enforcement against nonresident parties amounts essentially to international terrorism.

Fulfillment of the above requirements in a court of law is why those serving as “judges” are referred to as “justices”.

“Leaving people alone” and “not injuring them” are therefore equivalent. The biblical definition of “love” also fills this requirement not to harm others and thereby to ensure that you “leave them alone”.

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

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

In order to sue someone in court for an injury to your private rights under the common law, you must be able to demonstrate an injury. This is called “standing”. You don’t have the right or the jurisdiction to interfere with others and drag them into court until THEY have injured you and thereby disturbed your right to be left alone. That’s what the Readings on the History and System of Common Law book above implies.

8.2 Legal justice can easily be perverted when it is defined as “give every man his due”

This section is prompted by the following question appearing in our Member Forums:

Ministry Introduction: Your Definition of “Justice”

After advising a friend to review materials regarding the Introduction to your Ministry, she raises a valid point on the “Legal definition of Justice”. According to your Form #12.014, It is stated that the legal definition of justice is the right to simply be left alone.

Her concerns as well as mine are these:

1. After clicking the link and reading the entire page including Black’s Law Dictionary, we didn’t find anywhere where the “legal definition” of Justice is the right to be left alone.

2. After researching the bible, hoping to discover even biblical law that implies justice as simply the right to be left alone, I came up empty handed there as well.

3. No legal dictionary has this meaning, and it appears on the surface that this statement is purely driven by your contempt of the government. Not that that’s a bad thing, however, it doesn’t reflect “truth” and truth is justice.

I address these issues because that statement seems a bit misleading to the average person whose reading your material for the first time, and might be deterred from moving forward on the Path to Freedom if in fact there is no way to prove the author’s perspective of it.

As a member subscriber, I understand the mission at hand, and probably share the same sentiment as the author, however, I feel it my duty to at least address it, as it might be a hindrance to those who are willing to learn from and be a part of this ministry.

[SEDM Member Forum 9.4, SOURCE: <http://sedm.org/forums/topic/ministry-introduction-your-definition-of-justice/#post-122811>]

First of all, the author of the above appears to have missed the definition of “justice” in the context of the common law that we provided in section 8.1 earlier:

PAULSEN, ETHICS (Thilly’s translation), chap. 9.

***“Justice, as a moral habit, is that tendency of the will and mode of conduct which refrains from disturbing the lives and interests of others, and, as far as possible, hinders such interference on the part of others.** This virtue springs from the individual’s respect for his fellows as ends in themselves and as his co equals. The different spheres of interests may be roughly classified as follows: body and life; the family, or the extended individual life; property, or the totality of the instruments of action; honor, or the ideal existence; and finally freedom, or the possibility of fashioning one’s life as an end in itself. The law defends these different spheres, thus giving rise to a corresponding number of spheres of rights, each being protected by a prohibition. . . . To violate the rights, to interfere with the interests of others, is injustice. All injustice is ultimately directed against the life of the neighbor; it is an open avowal that the latter is not an end in itself, having the same value as the individual’s own life. The general formula of the duty of justice may therefore be stated as follows: Do no wrong yourself, and permit no wrong to be done, so far as lies in your power; or, expressed positively: Respect and protect the right.”*
[Readings on the History and System of the Common Law, Second Edition, Roscoe Pound, 1925, p. 2]

The author also overlooked most of the other treatment in section 8.1, which also defined “justice” using the Bible and the U.S. Supreme Court. The fact that the word “justice” does not appear in the authorities cited isn’t terribly relevant, because the concept is sound from the authorities provided. The reader too should reread section 8.1 if they are at all uncertain about the meaning of justice.

Second of all, the main source of confusion comes from those who define justice as “giving every man his due”. It is quite common, for instance, to see legal definitions of “justice” include the phrase “give every man his due” rather than simply “the right to be left alone”. Below are a few notable examples we dug up from various authoritative sources:

Enumeration of Inalienable Rights

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Form 10.002, Rev. 11-14-2021

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EXHIBIT: _____

Justice, n. Title given to judges, particularly judges of U.S. and state supreme courts, and as well to judges of appellate courts. The U.S. Supreme Court, and most state supreme courts are composed of a chief justice and several associate justices.

Proper administration of laws. In jurisprudence, the constant and perpetual disposition of legal matters or disputes **to render every man his due.**

Commutative justice concerns obligations as between persons (e.g., in exchange of goods) and requires proportionate equality in dealings of person to person; Distributive justice concerns obligations of the community to the individual, and requires fair disbursement of common advantages and sharing of common burdens; Social justice concerns obligations of individual to community and its end is the common good.

In Feudal law, jurisdiction; judicial cognizance of causes or offenses. High justice was the jurisdiction or right of trying crimes of every kind, even the highest. **This was a privilege claimed and exercised by the great lords or barons of the middle ages.** Law justice was jurisdiction of petty offenses.

See also Miscarriage of justice; Obstructing justice.

[Black's Law Dictionary, Sixth Edition, p. 864]

The object of Law is the administration of justice. Law is a body of rule for the systematic and regular public administration of justice. Hence we may ask, at the outset, what is justice?

INSTITUTES OF JUSTINIAN, I, I, sees. 1, 3.

Justice is the set and constant purpose which **gives to every man his due.** The precepts of law are these: to live honorably, to injure no one, and **to "give every man his due".**
[[Readings on the History and System of the Common Law, Second Edition, Roscoe Pound, 1925, p. 1](#)]

JUSTICE - The constant and perpetual disposition to **render every man his due.** Justinian, Inst. b. 1, tit. 1; Co. 2d Inst. 56.
[[Bouvier's Law Dictionary \(1856\)](#)]

Justice — is **rendering to every one [equally, whether citizen or alien] that which is his due.** It has been distinguished from equity in this respect, that while justice means merely the doing [of] what positive law demands, equity means the doing of what is fair and right in every separate case.
[Easton's Bible Dictionary, 1996]

The above definitions invite a PERVERSION of justice, and especially by judges. This is because:

1. He who writes the rules or definitions always wins. In other words, the CREATOR or GRANTOR of a PUBLIC right (franchise) literally OWNS everyone who exercises that right. See:
 - 1.1. The U.S. Supreme Court:

"These general rules are well settled:

(1) **That the United States, when it creates rights in individuals against itself [a "public right", which is a euphemism for a "franchise" to help the court disguise the nature of the transaction], is under no obligation to provide a remedy through the courts.** United States ex rel. Dunlap v. Black, 128 U.S. 40, 9 Sup.Ct. 12, 32 L.Ed. 354; Ex parte Atocha, 17 Wall. 439, 21 L.Ed. 696; Gordon v. United States, 7 Wall. 188, 195, 19 L.Ed. 35; De Groot v. United States, 5 Wall. 419, 431, 433, 18 L.Ed. 700; Comegys v. Vasse, 1 Pet. 193, 212, 7 L.Ed. 108.

(2) **That where a statute creates a right and provides a special remedy, that remedy is exclusive.** Wilder Manufacturing Co. v. Corn Products Co., 236 U.S. 165, 174, 175, 35 Sup.Ct. 398, 59 L.Ed. 520, Ann. Cas. 1916A, 118; Arnson v. Murphy, 109 U.S. 238, 3 Sup.Ct. 184, 27 L.Ed. 920; Barnet v. National Bank, 98 U.S. 555, 558, 25 L.Ed. 212; Farmers' & Mechanics' National Bank v. Dearing, 91 U.S. 29, 35, 23 L.Ed. 196. Still the fact that the right and the remedy are thus intertwined might not, if the provision stood alone, require us to hold that the remedy expressly given excludes a right of review by the Court of Claims, where the decision of the special tribunal involved no disputed question of fact and the denial of compensation was rested wholly upon the

construction of the act. See *Medbury v. United States*, 173 U.S. 492, 19 Sup.Ct. 503, 43 L.Ed. 779; *Parish v. MacVeagh*, 214 U.S. 124, 29 Sup.Ct. 556, 53 L.Ed. 936; *McLean v. United States*, 226 U.S. 374, 33 Sup.Ct. 122, 57 L.Ed. 260; *United States v. Laughlin* (No. 200), 249 U.S. 440, 39 Sup.Ct. 340, 63 L.Ed. 696, decided April 14, 1919."
[U.S. v. *Babcock*, 250 U.S. 328, 39 S.Ct. 464 (1919)]

1.2. *O'Reilly Factor*, April 8, 2015, John Piper of the Oklahoma Wesleyan University
http://famguardian1.org/Mirror/Famguardian/20150408_1958-The_O'Reilly_Factor-Dealing%20with%20slanderous%20liberals%20biblically-Everett%20Piper.mp4

2. Congress WRITES the rules in their statutory civil franchises and civil laws. This includes the entire civil code. These "rules" protect ONLY "public rights", not PRIVATE rights. In fact, you have to give up ALL of your natural and constitutional and common law rights to pursue a civil statutory remedy OF ANY KIND. In other words, you have to VOLUNTARILY SURRENDER your SOVEREIGN IMMUNITY to invoke a statutory remedy. This waiver of sovereignty and sovereign immunity under the common law and the Constitution is, in fact, how one becomes a "subject" under any "act of Congress":

"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]

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.

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

[...]

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

3. The civil franchise code, in turn, only regulates public officers on official business and cannot impair PRIVATE or CONSTITUTIONAL rights. That is why 4 U.S.C. §72 requires public officers to serve in places NOT protected by the Constitution on federal territory within the exclusive jurisdiction of Congress. See:

3.1. *Proof That There Is a "Straw Man"*, Form #05.042

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

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

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

4. Judges essentially by fiat write the "definitions" by adding to statutes and case law through presumption and violation of the Rules of Statutory Construction and Interpretation. On the other hand, judges CANNOT violate these rules if statutes are not invoked to determine "what is due". See:

Legal Deception, Propaganda, and Fraud, Form #05.014

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

5. Judges are financially “incentivized” to use the statutory PUBLIC definitions and thereby ENFRANCHISE you and the administration of justice in order to increase their importance, pay, and government revenues.¹⁰ It makes them into lords over their own franchise “fiefdom”:

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

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

[Black’s Law Dictionary, Seventh Edition, p. 668]

6. The definition judges INVENT by illegal means and fiat invites you to use the civil STATUTORY definitions of what is “due” if you or they don’t like the common law definitions. This then invites you to become a public officer and therefore “subject” of the government who is INFERIOR. That public officer is called a civil statutory “citizen”, “resident”, “person”, or “taxpayer”, etc.

The reason that so many legal reference sources try to confuse the definition of “justice” and replace “the right to be left alone” with the phrase “give every man his due” is to try to turn justice into a franchise and “benefit” that they can charge for and which you then have an obligation to PAY directly and personally for. That payment usually is demanded through income (franchise) taxes:

“Hominum caus jus constitutum est. Law is established for the benefit of man.”
[Bouvier’s Law Dictionary, 1856; SOURCE:
<http://famguardian.org/Publications/BouvierMaximsOfLaw/BouviersMaxims.htm>*]*

Franchises are covered in:

[Government Instituted Slavery Using Franchises](http://sedm.org/Forms/FormIndex.htm), Form #05.030
<http://sedm.org/Forms/FormIndex.htm>

This type of abuse by judges in collusion with legislators is a perversion of the original meaning of the word so that “justice” can be turned into a profitable franchise and the courts can be turned into a place of business, like the money changers who Jesus got angry at.

“To no one will we sell, to no one will we refuse or delay right or justice.”
[Magna Carta, ch. 40 (1215)]

“Woe to you, scribes [religious leaders] and Pharisees [lawyers], hypocrites! For you pay tithe of mint and anise and cummin [to the false god of government] with your attorney licenses and your 501(c)(3) and “privileged” tax exemptions, neither of which any positive law requires], and have neglected the weightier [most important] matters of the law [God’s Law]: justice and mercy and faith [in God, and Truth]. These you ought to have done, without leaving the others undone.”

[Jesus (God) in Matt. 23:23, Bible, NKJV]

Government is a ministry OF GOD that can never be done for profit. The minute it adopts a profit motive or tries to recruit you as a public officer in order to pay you “benefits” is the minute it becomes INJUSTICE. That injustice turns an ELITE class of BENEFACTORS of the franchise loot into plunderers of the oppressed or enfranchised class. It also turns the ballot box and the jury box into a BATTLEGROUND for loot.

“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

¹⁰ Watch the following video for proof, right from Supreme Court justice Antonin Scalia: SEDM Exhibit 11.006;
<http://sedm.org/Exhibits/ExhibitIndex.htm>.

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 escape from that obligation. If he contributes the smallest mite of his earnings to that purpose he will have a greater regard for the government and more self-respect 597*597 for himself feeling that though he is poor in fact, he is not a pauper of his government. And it is to be hoped that, whatever woes and embarrassments may betide our people, they may never lose their manliness and self-respect. Those qualities preserved, they will ultimately triumph over all reverses of fortune."

[...]

"Here I close my opinion. I could not say less in view of questions of such gravity that go down to the very foundation of the government. If the provisions of the Constitution can be set aside by an act of Congress, where is the course of usurpation to end? **The present assault upon capital is but the beginning. It will be but the stepping-stone to others, larger and more sweeping, till our political contests will become a war of the poor against the rich; a war constantly growing in intensity and bitterness.**"

"If the court sanctions the power of discriminating taxation, and nullifies the uniformity mandate of the Constitution," as said by one who has been all his life a student of our institutions, "it will mark the hour when the sure decadence of our present government will commence." If the purely arbitrary limitation of \$4000 in the present law can be sustained, none having less than that amount of income being assessed or taxed for the support of the government, the limitation of future Congresses may be fixed at a much larger sum, at five or ten or twenty thousand dollars, parties possessing an income of that amount alone being bound to bear the burdens of government; or the limitation may be designated at such an amount as a board of "walking delegates" may deem necessary. There is no safety in allowing the limitation to be adjusted except in strict compliance with the mandates of the Constitution which require its taxation, if imposed by direct taxes, to be apportioned among the States according to their representation, and if imposed by indirect taxes, to be uniform in operation and, so far as practicable, in proportion to their property, equal upon all citizens. **Unless the rule of the Constitution governs, a majority may fix the limitation at such rate as will not include any of their own number.**" [Pollock v. Farmers' Loan & Trust Co., 157 U.S. 429 (Supreme Court 1895)]

"And **you shall take no bribe, for a bribe blinds the discerning and perverts the words of the righteous.**" [Exodus 23:8, Bible, NKJV]

"He who is greedy for gain troubles his own house,
But he who hates bribes will live."
[Prov. 15:27, Bible, NKJV]

"Surely oppression destroys a wise man's reason.
And **a bribe debases the heart.**"
[Ecclesiastes 7:7, Bible, NKJV]

Justice implies equity between you and the government, and franchises destroy that equity. If you and the government are truly equal to each other and THEY claim to be "sovereign" then you are too, because all their authority was delegated by WE THE PEOPLE individually. You can't delegate what you don't have. Usury and injustice always happens when private financial interest is allowed to trump justice, equality, and equity between you and the government. By "usury", we mean the abuse of money and franchises to create inequality between people under the law. Justice and "leaving you alone" on the one hand, and franchises and "giving men their due" on the other hand are entirely incompatible with each other. They should NEVER be allowed to be confused, because EVIL and criminal conflict of interest will always result. That evil will happen because of the inequality and subjection that is created through franchises and commerce.

"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>

To choose a domicile within the jurisdiction of a secular and therefore pagan government under civil statutes that impute superior or supernatural powers to the government is to nominate a secular king to be ABOVE you and to FIRE God as your protector:

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]

Judges in civil franchise court try to make justice profitable by saying that the civil STATUTES are what is "due" rather than the Bill of Rights. If you gave a judge a choice of WHICH law he would enforce:

1. Common law or the Constitution that netted him NO money, NO power, and creates extra work executing because it relies on case law instead of statutes.
2. Civil franchise "codes", which are profitable and literally make him the head of his own little fiefdom or "franchise".

...then which one do you think he will ALWAYS choose? This subject is called "choice of law" in the legal field¹¹. It's inevitable that the judge will ALWAYS choose civil franchises so he can STEAL the most money and grab the most power. Why even OFFER a judge this option by choosing a domicile, becoming a statutory "citizen" or "resident"? Its insanity and commercial suicide.

"It has long been my opinion, and I have never shrunk from its expression,... that the germ of dissolution of our Federal Government is in the constitution of the Federal Judiciary--an irresponsible body (for impeachment is scarcely a scare-crow), working like gravity by night and by day, gaining a little today and a little tomorrow, and advancing its noiseless step like a thief over the field of jurisdiction until all shall be usurped from the States and the government be consolidated into one. To this I am opposed."
[Thomas Jefferson to Charles Hammond, 1821. ME 15:331]

"Contrary to all correct example, [the Federal judiciary] are in the habit of going out of the question before them, to throw an anchor ahead and grapple further hold for future advances of power. They are then in fact the corps of sappers and miners, steadily working to undermine the independent rights of the States and to consolidate all power in the hands of that government in which they have so important a freehold estate."
[Thomas Jefferson: Autobiography, 1821. ME 1:121]

"The judiciary of the United States is the subtle corps of sappers and miners constantly working under ground to undermine the foundations of our confederated fabric. They are construing our Constitution from a co-ordination of a general and special government to a general and supreme one alone. This will lay all things at their feet, and they are too well versed in English law to forget the maxim, 'boni judicis est ampliari jurisdictionem.'"
[Thomas Jefferson to Thomas Ritchie, 1820. ME 15:297]

¹¹ For a discussion of Choice of Law rules, see: *Federal Jurisdiction*, Form #05.018, Section 3; <http://sedm.org/Forms/FormIndex.htm>.

1 "When all government, domestic and foreign, in little as in great things, shall be drawn to Washington as the
2 center of all power, it will render powerless the checks provided of one government on another and will become
3 as venal and oppressive as the government from which we separated."
4 [Thomas Jefferson to Charles Hammond, 1821. ME 15:332]

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

9 However, you can't cite the statutes if you are private, because they don't and can't regulate PRIVATE people. The only
10 people this ministry helps are PRIVATE people who don't participate in government franchises.

11 "Under basic rules of construction, statutory laws enacted by legislative bodies cannot impair rights given under
12 a constitution. 194 B.R. at 925."
13 [In re Young, 235 B.R. 666 (Bankr.M.D.Fla., 1999)]

14 Civil statutes are privileges and franchises that only public officers can invoke. Accepting the "benefit" and "protection" of
15 the civil statutes, which create PUBLIC rights (privileges) available only to PUBLIC OFFICERS called STATUTORY (civil)
16 "citizens", is how they recruit you into volunteering to make Pyramids for Pharaoh without straw for free and make you
17 fornicate with the Beast. In effect, they try to bribe you with "benefits" to put PERSONAL interest above the requirements
18 of God's law and even above the requirements of the Constitution.

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

31
32 "I [God] brought you up from Egypt [government slavery using franchises] and brought you to the land of which
33 I swore to your fathers; and I said, 'I will never break My covenant with you. And you shall make no covenant
34 [contract or franchise or agreement of ANY kind] with the inhabitants of this [corrupt pagan] land; you shall
35 tear down their [man/government worshipping socialist] altars.' But you have not obeyed Me. Why have you
36 done this?

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

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

42 We demonstrate in the following document how using "giving every man his due" as the definition of justice inevitably
43 perverts and corrupts the finest of people in government because it turns the civil statutory code into a "protection franchise"
44 that makes you into an indentured servant, slave, and whore of the government, often without even your knowledge:

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

45 The only way that the equity and equality that justice demands can be maintained between EVERYONE is to ensure that the
46 ONLY measure for whether an injury has occurred is the criminal law and the constitution and the common law but NOT the
47 civil statutes or franchise codes. Equality between the governed and the governors as the basis for ALL your freedom is
48 covered in the following. You should NEVER surrender that equality, even for a bribe or "benefit":

1. Requirement for Equal Protection and Equal Treatment, Form #05.033
<http://sedm.org/Forms/FormIndex.htm>
2. Foundations of Freedom, Form #12.021, Video 1: Introduction
<http://sedm.org/Forms/FormIndex.htm>

The Bible already defines “what is due to others”, which is NOTHING. Why, then, would you want to define “justice” as giving people “what is their due”? If you owe others NOTHING, they have NO CHOICE but to “leave you alone”, and especially in court:

“Owe no one anything except to love one another, for he who loves another has fulfilled the law.”
[Romans 13:8, Bible, NKJV]

Adding ANYTHING to the above definition of “what is due” merely invites what Jesus called “the evil one” (Matt. 5:37) into your life. That method of invitation is dramatized in the following video:

[Devil's Advocate: Lawyers-What We Are Up Against](http://famguardian1.org/Media/DevilsAdvocate-Part13.mp4), SEDM
<http://famguardian1.org/Media/DevilsAdvocate-Part13.mp4>

For those die hard socialists who think the world owes them something for nothing, or that they have the right to abuse their authority as a jurist or a voter to sanction the government to STEAL your money and redistribute it to others, consider the following holding of the U.S. Supreme Court.

“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)]

Consider also what Mark Twain said on the same subject:

“Don’t go around saying the world owes you a living. The world owes you nothing. It was here first.”
[Mark Twain]

It’s a crime and sin to bribe a jurist or a voter, including with “benefits”. Any politician who offers more STOLEN loot, meaning an increase in “benefits” to government dependents, indirectly is guilty of that crime. No one receiving such a benefit can vote for any politician offering such “bribes” without becoming a CRIMINAL under both secular law and God’s law. That crime is IMPLEMENTED by using franchises to create inequality and impute superior powers to the government. It makes the government into the owner of EVERYTHING and EVERYONE, because ultimately EVERYONE becomes a public officer called a “taxpayer”. Property held in the name of the office and associated with the franchise license number, meaning the SSN or Slave Surveillance Number, becomes PUBLIC property you no longer own. That’s the ONLY way they can lawfully redistribute wealth: by moving money around that continues to be THEIRS and not YOURS, no matter WHOSE hands it ends up in.

Most of what happens in modern political campaigns would be irrelevant to the average American if the government had no “goodies” or “benefits” to ILLEGALLY bribe voters and jurists with. The bribes are STOLEN money to those who do not wish to participate or who are not allowed to quit. This makes those who receive the bribes into criminals and money launderers. God says it’s outside your “delegation order” found in the bible to be able to consent to do this. When you do it, you are a sinner and surrender the protections of His holy law:

*“My son, if sinners [socialists, in this case] entice you,
Do not consent [do not abuse your power of choice]
If they say, “Come with us,
Let us lie in wait to shed blood [of innocent “nontaxpayers”];
Let us lurk secretly for the innocent without cause;
Let us swallow them alive like Sheol,
And whole, like those who go down to the Pit:
We shall fill our houses with spoil [plunder];
Cast in your lot [AND YOUR VOTE] among us,
Let us all have one purse [share the STOLEN LOOT]”--*

*My son, do not walk in the way with them [do not ASSOCIATE with them and don't let the government
FORCE you to associate with them either by forcing you to become a “taxpayer”/government whore or a
“U.S. citizen”].
Keep your foot from their path;
For their feet run to evil,
And they make haste to shed blood.
Surely, in vain the net is spread
In the sight of any bird;
But they lie in wait for their own blood.
They lurk secretly for their own lives.
So are the ways of everyone who is greedy for gain [or unearned government benefits];
It takes away the life of its owners.”
[Proverbs 1:10-19, Bible, NKJV]*

8.3 “Justice” in your interactions with government

Let’s apply these concepts of justice to the way the government interacts with you personally. The minute that anyone does any of the following without your consent:

1. Interferes with or penalizes the exercise of any constitutional right.
2. Treats you unequally.
3. Forces any status upon you such as “taxpayer”, “citizen”, “resident”, “spouse”, “driver”, etc.
4. Procures your consent to anything by any method you did not authorize. For instance, they PRESUME you consented rather than procure your consent in writing, even though you told them that the ONLY method by which you can or will consent is IN WRITING.
5. Compels you to contract with them or makes you a party to a contract or government franchise that you do not expressly consent to.
6. Calls anything voluntary while REFUSING to defend your ABSOLUTE RIGHT NOT to volunteer. This is FRAUD and it’s a crime.
7. Imputes or assumes any kind of fiduciary duty on your part towards anyone else absent express written consent.
8. Enforces civil statutory laws of any jurisdiction that you are not domiciled within and therefore protected by.
9. Demands any kind of property without rendering its equivalent in value. This is theft in violation of the Fifth Amendment Takings Clause.
10. Enforces any obligation associated with any status upon you, such as franchisee, public officer, etc.
11. As a government:
 - 11.1. Refuses to recognize or protect private rights.
 - 11.2. Insists that ALL your property is public property that the government has title to and you are a transferee or trustee over.
 - 11.3. Refuses to offer a status on government forms of “not subject but not exempt” or “other”, and thus compels you to choose a status that is within their jurisdiction as a public officer.
12. Converts private property or RIGHTS to property to a public use, public office, or public purpose without your EXPRESS consent, INCLUDING through the process of taxation. Yes, “taxes” are involuntary for “taxpayers”, but only AFTER you VOLUNTEER to become a statutory “taxpayer” by signing up for a government franchise, and

AFTER they protect your right to NOT participate or volunteer. Otherwise, we are really dealing with what the U.S. Supreme Court calls “robbery in the name of taxation”.

13. Abuses its taxation power to redistribute wealth between private individuals:

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

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

. then an act of terrorism, theft, and possibly even slavery or involuntary servitude has occurred, all of which are torts cognizable under the state or federal constitutions and the common law.

The way that governments ensure that they are not the object of civil injustice and are “let alone” is by enforcing the requirement that whenever anyone wants to sue them, they must produce consent to be sued published as a positive law statute. This is called “sovereign immunity”:

A state's freedom from litigation was established as a constitutional right through the Eleventh Amendment. The inherent nature of sovereignty prevents actions against a state by its own citizens without its consent. [491 U.S. 39] In *Atascadero*, 473 U.S. at 242, we identified this principle as an essential element of the constitutional checks and balances:

The “constitutionally mandated balance of power” between the States and the Federal Government was adopted by the Framers to ensure the protection of “our fundamental liberties.” [Garcia v. San Antonio Metropolitan Transit Authority, 469 U.S. 528, 572 (Powell, J., dissenting)]. By guaranteeing the sovereign immunity of the States against suit in federal court, the Eleventh Amendment serves to maintain this balance.
[[Great Northern Ins. Co. v. Read, 322 U.S. 47, 51 \(1944\)](#)]

Likewise, all the authority possessed by both the state and federal governments is delegated by We The People to them. The people cannot delegate an authority collectively that they individually do not ALSO possess.

“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 \(1936\)](#)]

Both the Constitution and the Declaration of Independence require that “all men are created equal” and that all “persons”, including governments, are treated equally IN EVERY RESPECT. That means that no creation of men, including a government, can have any more authority than a single man. All “persons”, whether human or artificial are, in fact EQUAL in every respect, with the possible exception that artificial entities are not protected by the Bill of Rights. This is covered further in:

Requirement for Equal Protection and Equal Treatment, Form #05.033
<http://sedm.org/Forms/FormIndex.htm>

No government can or should therefore have or be able to enforce any more authority than a single human being. This means that if the government claims “sovereign immunity” and insists that it cannot be sued without its express written consent, then the government, in turn, when it is enforcing any civil liability against ANY American, has the EQUAL burden to produce evidence of THEIR consent IN WRITING to be sued. That consent must, in turn, be given by a person domiciled in a place OTHER than that protected by the U.S.A. Constitution, because the Declaration of Independence says the rights of people in states of the Union are “unalienable”, which means they CANNOT be sold, bargained away, or transferred by ANY process, including a franchise or contract, even WITH consent.

“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]

Therefore, the only people who can lawfully “alienate” any Constitutional right in relation to a real, de jure government by exercising their right to contract, are those **NOT** protected by the Constitution and who therefore are either domiciled on federal territory or situated abroad, which also is not protected by the Constitution.

Any attempt to treat any government as having more power, authority, or rights than a single human, in fact, constitutes idolatry. The source of all government power in America is The Sovereign People as individuals, who are human beings and no civil statutory “persons”. Any power that did not come from this “natural” source is, therefore “supernatural”, and all religions are based on the worship of such “supernatural beings” or “superior beings”.

“Religion. Man’s relation to Divinity, to reverence, worship, obedience, and submission to mandates and precepts of supernatural or superior beings. In its broadest sense includes all forms of belief in the existence of superior beings exercising power over human beings by volition, imposing rules of conduct, with future rewards and punishments. Bond uniting man to God, and a virtue whose purpose is to render God worship due him as source of all being and principle of all government of things. Nikulnikoff v. Archbishop, etc., of Russian Orthodox Greek Catholic Church, 142 Misc. 894, 255 N.Y.S. 653, 663.”
[Black’s Law Dictionary, Sixth Edition, p. 1292]

By “worship”, we really mean “obedience” to the dictates of the supernatural or superior being.

“worship 1. chiefly Brit: a person of importance—used as a title for various officials (as magistrates and some mayors) 2: reverence [obedience] offered a divine being or supernatural power; also: an act of expressing such reverence 3: a form of religious practice with its creed and ritual 4: extravagant respect or admiration for or devotion to an object of esteem <~ the dollar>.”
[Webster’s Ninth New Collegiate Dictionary, 1983, ISBN 0-87779-510-X, p. 1361]

In these respects, both law and religion are twin sisters, because the object of BOTH is “obedience” and “submission” to a “sovereign” of one kind or another. Those in such “submission” are called “subjects” in the legal field. The only difference between REAL religion and state worship is WHICH sovereign: God or man:

“Obedientia est legis essentia. Obedience is the essence of the law, 11 Co. 100.”
[Bouvier’s Maxims of Law, 1856;
SOURCE: <http://fanguardian.org/Publications/BouvierMaximsOfLaw/BouviersMaxims.htm>]

A quick way to determine whether you are engaging in idolatry is to look at whether the authority being exercised by a so-called “government” has a “natural” source, meaning whether any human being who is not IN the government can lawfully exercise such authority. If they cannot, you are dealing with a state-sponsored religion and a de facto government rather than a REAL, de jure government. The nature of that de facto government is described in:

Socialism: The New American Civil Religion, Form #05.016
<http://sedm.org/Forms/FormIndex.htm>

Lastly, we discuss the concept of “justice” in the context of franchises and your right to contract later in:

Requirement for Consent, Form #05.003, Section 9.10.4: Justice in the context of franchises and your right to contract
<http://sedm.org/Forms/FormIndex.htm>

8.4 PREVENTIVE justice requires consent and voluntary membership, while CORRECTIVE justice does not

1 There are two main conditions that courts and government can intervene:

- 2 1. PREVENTIVE JUSTICE: BEFORE an injury or likely injury occurs to prevent the injury. This is done usually under
3 the auspices of a franchise contract of some kind, such as the vehicle code, tax code, etc.
- 4 2. CORRECTIVE JUSTICE: AFTER a proven injury occurs, to provide financial compensation to undo the damage.
5 This is done using the common law.

6 It is very important to recognize that when government acts in a PREVENTIVE mode before an injury occurs against a non-
7 consenting party, they cannot do so without violating the Thirteenth Amendment prohibition on involuntary servitude and
8 the Fifth Amendment prohibition on the taking of property, meaning labor or services. Hence, whenever governments seek
9 to institute PREVENTIVE justice, they must procure your consent in advance of the enforcement action in order to lawfully
10 do so to avoid violating the Fifth or Thirteenth Amendments. It is a maxim law that anything you consent to cannot form the
11 basis for an injury, remedy, or standing in any court of law:

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

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

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

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

22 The civil statutory code is an example of law that implements PREVENTIVE justice. Statutes which implement
23 PREVENTIVE justice are defined as "malum prohibitum":

24 *"Malum prohibitum. A wrong prohibited; a thing which is wrong because prohibited; an act which is not*
25 *inherently immoral, but becomes so because its commission is expressly forbidden by positive law; an act*
26 *involving an illegality resulting from positive law. Compare Malum in se. "*
27 *[Black's Law Dictionary, Sixth Edition, p. 960]*

28 CORRECTIVE justice is different. When an injury can be proven in court with evidence, the party instituting the injury has
29 an implied duty and obligation to provide remedy to his or her victim and the court may compel the perpetrator to supply the
30 remedy, regardless of whether they consent or not. For instance, if another driver damages your vehicle, then he has to
31 reimburse you to fix the damage, whether he wants to or consents to. If he refuses to do so, the court can lien or even order
32 the confiscation of his property. The criminal law is an example of CORRECTIVE justice. Law which implements
33 CORRECTIVE justice is called "malum in se".

34 *MALUM IN SE. A wrong in itself; an act or case involving illegality from the very nature of the transaction, upon*
35 *principles of natural, moral, and public law. Story, Ag. B 346. State v. Shedoudy, 45 N.M. 516, 118 P.2d. 280,*
36 *287.*

37 *An act is said to be malum In se when it is inherently and essentially evil, that is, immoral in its nature and*
38 *injurious in its consequences, without any regard to the fact of its being noticed or punished by the law of the*
39 *state. Such are most or all of the offenses cognizable at common law, (without the denouncement of a statute;)*
40 *as murder, larceny, etc.*
41 *[Black's Law Dictionary, Fourth Edition, p. 1112]*

42 Next, we must consider HOW consent is obtained in the case of PREVENTIVE justice. In practical terms that consent is
43 procured by filling out an application to procure a the "benefits" of a civil status under a government franchise. For example,
44 the penalty or civil provisions of the vehicle code only becomes enforceable against statutory "drivers", who are those that
45 INDIVIDUALLY consented to participate in the vehicle code licensing franchise. For instance, police cannot tow an
46 unregistered vehicle operated by an unlicensed driver. The vehicle has to be registered before it can be towed or else towing
47 it would be THEFT. The act of "registering" it transmutes ownership of the property from ABSOLUTE to QUALIFIED, in
48 which ownership and/or control is shared with the government.

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

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

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

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

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

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

The act of consenting to share the ownership of otherwise absolutely owned property with the government is called "moiety":

"Moiety (moy-ə-tee). 1. A half of something (such as an estate). 2. A portion less than half; a small segment. 3. In customs law, a payment made to an informant who assists the seizure of contraband."
[Black's Law Dictionary, Seventh Edition, p. 1021]

You can NEVER be free as long as you share either ownership or control of ANY of your property with any government. Everything you have should be "absolutely owned". The Declaration of Independence describes the right to ABSOLUTELY own property as "the pursuit of happiness", and it is the most important right you have. Any attempt to dilute or alienate that right is a recipe for UNHAPPINESS:

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

Property that is absolutely owned is PRIVATE property. Property whose ownership or control is shared with any government is PUBLIC property. Property in your custody that is absolutely owned in its entirety by the government is called a "usufruct":

USUFRUCT. In [the civil law](#). The right of enjoying a thing, the property of which is vested in another, and to draw from the same all the profit, utility, and advantage which it may produce, provided it be without altering the substance of the thing. Civ.Code La. art. 533. Mulford v. Le Franc, 26 Cal. 102; Modern Music Shop v. Concordia Fire Ins. Co. of Milwaukee, 131 Misc. 305, 226 N.Y.S. 630, 635.

Under Greek Law. A right attached to the person which may not be inherited. New England Trust Co. v. Wood, Mass., 93 N.E.2d. 547, 549.

Imperfect Usufruct

An imperfect or quasi usufruct is that which is of things which would be useless to the usufructuary if he did not consume or expend them or change the substance of them; as, money, grain, liquors. Civ.Code La. art. 534.

See Quasi Usufruct *infra*.

Legal Usufruct

See that title.

Perfect Usufruct

An usufruct in those things which the usufructuary can enjoy without changing their substance, though their substance may be diminished or deteriorate naturally by time or by the use to which they are applied, as, a house, a piece of land, furniture, and other movable effects. Civ.Code La. art. 534.

Quasi Usufruct

In the civil law. Originally the usufruct gave no right to the substance of the thing, and consequently none to its consumption; hence only an inconsumable thing could be the object of it, whether movable or immovable. But in later times the right of usufruct was, by analogy, extended to consumable things, and therewith arose the distinction between true and quasi usufructs. See Mackeld. Rom. Law, §307; Civ.Code La. art. 534. See Imperfect Usufruct, *supra*.

[Black's Law Dictionary, Fourth Edition, p. 1713]

If there is anything that you absolutely must have to survive that is absolutely owned by the government or whose ownership is shared with the government, then the government has you by the balls and you become a slave, whether you want to or not:

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

Every type of government franchise at its core is nothing more than a loan of government property. This includes marriage license, driver license, professional license, the income tax, etc. The abuse of loans of property to create slavery is called usury. Below is the biblical prohibition against usury:

'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, 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.
'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, 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]

Any attempt to COMPEL you to consent to PREVENTIVE justice or to any civil or franchise status that implies consent is ALSO a form of usury and illegal duress. Furthermore, if your rights are "inalienable" as the Declaration of Independence says, then you aren't even ALLOWED legally to consent. Any attempt by a REAL de jure government to alienate rights that are supposed to be unalienable is itself DURESS:

"An agreement [consensual contract] obtained by duress, coercion, or intimidation is invalid, since the party coerced is not exercising his free will, and the test is not so much the means by which the party is compelled to execute the agreement as the state of mind induced.¹² Duress, like fraud, rarely becomes material, except where a contract or conveyance has been made which the maker wishes to avoid. As a general rule, duress renders the contract or conveyance voidable, not void, at the option of the person coerced,¹³ and it is susceptible of ratification. Like other voidable contracts, it is valid until it is avoided by the person entitled to avoid it.¹⁴ However, duress in the form of physical compulsion, in which a party is caused to appear to assent when he has no intention of doing so, is generally deemed to render the resulting purported contract void.¹⁵"

¹² Brown v. Pierce, 74 U.S. 205, 7 Wall 205, 19 L.Ed. 134

¹³ Barnette v. Wells Fargo Nevada Nat'l Bank, 270 U.S. 438, 70 L.Ed. 669, 46 S.Ct. 326 (holding that acts induced by duress which operate solely on the mind, and fall short of actual physical compulsion, are not void at law, but are voidable only, at the election of him whose acts were induced by it); Fiske v. Gershman, 30 Misc.2d. 442, 215 N.Y.S.2d. 144; Glenney v. Crane (Tex Civ App Houston (1st Dist)), 352 S.W.2d. 773, writ ref n r e (May 16, 1962); Carroll v. Fetty, 121 W.Va. 215, 2 S.E.2d. 521, cert den 308 U.S. 571, 84 L.Ed. 479, 60 S.Ct. 85.

¹⁴ Fiske v. Gershman, 30 Misc.2d. 442, 215 N.Y.S.2d. 144; Heider v. Unicume, 142 Or. 416, 20 P.2d. 384; Glenney v. Crane (Tex Civ App Houston (1st Dist)), 352 S.W.2d. 773, writ ref n r e (May 16, 1962)

¹⁵ Restatement 2d, Contracts §174, stating that if conduct that appears to be a manifestation of assent by a party who does not intend to engage in that conduct is physically compelled by duress, the conduct is not effective as a manifestation of assent.

The essence of ownership is the right to exclude ANYONE and EVERYONE from using or benefitting from the property. If you can't exclude the government from owning or controlling specific property, then THEY and not YOU are the REAL absolute owner. If the so-called "government" will not provide a way for you to absolutely own ANYTHING, then there is no de jure government. Instead, you live on a FARM and you are government cattle:

How to Leave the Government Farm, Form #12.020

<http://youtu.be/Mp1gJ3iF2Ik>

Everything you own should be PRIVATE and you should NEVER allow any portion of your property to become PUBLIC. That is the ONLY way you can ever be truly happy or truly free. "Pursuit of happiness" mentioned in the Declaration of Independence has been equated by the courts as the right to absolutely and privately own private property. *Munn v. Illinois*, 94 U.S. 113 (1877). The main purpose of establishing government is, in fact, to PREVENT such a conversion. For more information on the mandatory legal separation between PUBLIC and PRIVATE, see:

Separation Between Public and Private Course, Form #12.025

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

DIRECT LINK: <https://sedm.org/LibertyU/SeparatingPublicPrivate.pdf>

8.5 The Right to Ignore the State (Civilly)

Private property is the origin of your right to be left alone by the state. Absolute ownership of land is the origin of your right to post "No Trespassing" signs around the property and to control anyone and everyone who sets foot on the property. Without private property, legal "justice" is IMPOSSIBLE. We define "private property" as follows:

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4. Meaning of Words

4.3. Private

The word "private" when it appears in front of other entity names such as "person", "individual", "business", "employee", "employer", etc. shall imply that the entity is:

1. In possession of absolute, exclusive ownership and control over their own labor, body, and all their property. In Roman Law this was called "*dominium*".
2. On an EQUAL rather than inferior relationship to government in court. This means that they have no obligations to any government OTHER than possibly the duty to serve on jury and vote upon voluntary acceptance of the obligations of the civil status of "citizen" (and the DOMICILE that creates it). Otherwise, they are entirely free and unregulated unless and until they INJURE the equal rights of another under the common law.
3. A "nonresident" in relation to the state and federal government.
4. Not a PUBLIC entity defined within any state or federal statutory law. This includes but is not limited to statutory "person", "individual", "taxpayer", "driver", "spouse" under any under any civil statute or franchise.
5. Not engaged in a public office or "trade or business" (per 26 U.S.C. §7701(a)(26)). Such offices include but are not limited to statutory "person", "individual", "taxpayer", "driver", "spouse" under any civil statute or franchise.

"PRIVATE PERSON. An individual who is not the incumbent of an office."
[Black's Law Dictionary, Fourth Edition, p. 1359]

6. Not consenting to contract with or acquire any public status, public privilege, or public right under any state or federal franchise. For instance, the phrase "private employee" means a common law worker that is NOT the statutory "employee" defined within 26 U.S.C. §3401(c) or 26 C.F.R. §301.3401(c)-1 or any other federal or state law or statute.
7. Not sharing ownership or control of their body or property with anyone, and especially a government. In other words, ownership is not "qualified" but "absolute".
8. Not subject to civil enforcement or regulation of any kind, except AFTER an injury to the equal rights of others has occurred. Preventive rather than corrective regulation is an unlawful taking of property according to the Fifth Amendment Takings Clause.
9. Not "privileged" or party to a franchise of any kind:

Enumeration of Inalienable Rights

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Form 10.002, Rev. 11-14-2021

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EXHIBIT: _____

1 "PRIVILEGE. "A right, power, franchise, or immunity held by a person or class, against
2 or beyond the course of the law. [. . .] That which releases one from the performance of a
3 duty or obligation, or exempts one from a liability which he would otherwise be required
4 to perform, or sustain in common [common law] with all other persons. State v.
5 Grosnickle, 189 Wis. 17, 206 N.W. 895, 896. A peculiar advantage, exemption, or
6 immunity. Sacramento Orphanage & Children's Home v. Chambers, 25 Cal.App. 536, 144
7 P. 317, 319.
8 [Black's Law Dictionary, Fourth Edition, pp. 1359-1360]

11 "Is it a franchise? A franchise is said to be a right reserved to the people by the
12 constitution, as the elective franchise. Again, it is said to be a privilege conferred by grant
13 from government, and vested in one or more individuals, as a public office.
14 Corporations, or bodies politic are the most usual franchises known to our laws. In
15 England they are very numerous, and are defined to be royal privileges in the hands of a
16 subject. An information will lie in many cases growing out of these grants, especially where
17 corporations are concerned, as by the statute of 9 Anne, ch. 20, and in which the public
18 have an interest. In 1 Strange R. (The King v. Sir William Louthier,) it was held that an
19 information of this kind did not lie in the case of private rights, where no franchise of the
20 crown has been invaded.

22 If this is so--if in England a privilege existing in a subject, which the king alone could
23 grant, constitutes it a franchise--in this country, under our institutions, a privilege or
24 immunity of a public nature, which could not be exercised without a legislative grant,
25 would also be a franchise."
26 [People v. Ridgley, 21 Ill. 65, 1859 WL 6687, 11 Peck 65 (Ill., 1859)]

- 27 10. The equivalent to a common law or Constitutional "person" who retains all of their common law and
28 Constitutional protections and waives none.

29 "The words "privileges" and "immunities," like the greater part of the legal phraseology
30 of this country, have been carried over from the law of Great Britain, and recur constantly
31 either as such or in equivalent expressions from the time of Magna Charta. For all
32 practical purposes they are synonymous in meaning, and originally signified a peculiar
33 right or private law conceded to particular persons or places whereby a certain
34 individual or class of individuals was exempted from the rigor of the common law.
35 Privilege or immunity is conferred upon any person when he is invested with a legal claim
36 to the exercise of special or peculiar rights, authorizing him to enjoy some particular
37 advantage or exemption. "
38 [The Privileges and Immunities of State Citizenship, Roger Howell, PhD, 1918, pp. 9-10;
39 SOURCE:
40 http://famguardian.org/Publications/ThePrivAndImmOfStateCit/The_privileges_and_im
41 [munities_of_state_c.pdf](http://famguardian.org/Publications/ThePrivAndImmOfStateCit/The_privileges_and_im)]

43 See Magill v. Browne, Fed.Cas. No. 8952, 16 Fed.Cas. 408; 6 Words and Phrases, 5583,
44 5584; A J. Lien, "Privileges and Immunities of Citizens of the United States," in
45 Columbia University Studies in History, Economics, and Public Law, vol. 54, p. 31.

46 Every attempt by anyone in government to alienate rights that the Declaration of Independence says are
47 UNALIENABLE shall also be treated as "PRIVATE BUSINESS ACTIVITY" that cannot be protected by sovereign,
48 official, or judicial immunity. So called "government" cannot make a profitable business or franchise out of
49 alienating inalienable rights without ceasing to be a classical/de jure government and instead becoming in effect
50 an economic terrorist and de facto government in violation of Article 4, Section 4.

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

55 [SEDM Disclaimer, Section 4.3: Private; SOURCE: <http://sedm.org/disclaimer.htm>]

56 The best description we have seen of your absolute right to be left alone by the government comes from an author named
57 Herbert Spencer, whose works you can read below:

Selected Works of Herbert Spencer, Constitution Society
<http://constitution.famguardian.org/hs/spencer.htm>

1 A fascinating essay on “The Right to Ignore the State” is found in the list below. Indirectly, this essay is a description of
2 “justice” as legally defined, because justice itself is the right to be left alone by EVERYONE:

The Right to Ignore the State, Herbert Spencer
http://constitution.famguardian.org/hs/ignore_state.htm

3 Herbert Spencer was an incredible prophet and a magnificent defender of laissez-faire. Among his numerous works is *The*
4 *Man Versus The State*, first published in 1884. That book launched one of the most spirited attacks on statism ever written.
5 He ridiculed the idea that government intervention of any kind "will work as it is intended to work, which it never does." He
6 drew on his tremendous knowledge of history, citing one dramatic case after another of price controls, usury laws, slum
7 clearance laws, and myriad other laws which, touted as compassionate policies, intensified human misery. Below is one of
8 his essays that explores the principles of self-government, which Henry David Thoreau defended in his seminal essay, *Civil*
9 *Disobedience*.

10 Not being a lawyer, Spencer did not distinguish WHAT aspect of your connection with the state you may voluntarily abandon,
11 but the implication is quite clear: It is the protection of the civil statutes of the state. Those civil statutes only acquire the
12 “force of law” among those who have voluntarily and consensually chosen a civil domicile within the state, and thereby
13 acquired the statutory civil status of “citizen” or “resident”. We cover this subject at length in the following exhaustive free
14 memorandum of law:

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

15 A human being who must be CIVILLY left alone and who is therefore protected ONLY by God’s law, the constitution, the
16 criminal law, and the common law is referred to by any one or more of the following names:

- 17 1. “nonresident”.
18 2. “transient foreigner”.
19 3. "stateless person".
20 4. “in transitu”.
21 5. “transient”.
22 6. “sojourner”.
23 7. “civilly dead”.

24 You have an absolute, constitutional right to acquire and retain ANY civil status you want from the above list, and violating
25 that right constitutes criminal identity theft. This is covered in:

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

26 Indirectly, what Herbert’s essay does is define and identify the legal existence of all the above civil statuses. Judges and
27 government prosecutors intent on STEALING your money or your PRIVATE property sometimes try to mock those who
28 claim to be any of the above civil statuses by falsely calling them “frivolous”, even though these are perfectly acceptable civil
29 statuses expressly identified by the courts themselves. They do this as a mind game and guilt trip to prevent you from escaping
30 their usury and the CRIMINAL IDENTITY THEFT that implements it as described below:

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

31 An entire memorandum of law has been written about those who have the absolute, constitutional right to be left alone as
32 follows:

Non-Resident Non-Person Position, Form #05.020
<https://sedm.org/Forms/FormIndex.htm>

Unfortunately, Spencer writes more as a philosopher than a lawyer, and because of this, falls prey to the plight of all philosophers who are legally ignorant. One member in our forums who apologized for being a philosopher who is legally ignorant got the following response in the member forums:

Family Guardian is confused about the definition of socialism

*The bible says that people who focus on philosophy rather than REAL LAW from the Bible are an abomination.
You should study law BEFORE you study philosophy:*

*One who turns away his ear from hearing the law,
Even his prayer is an abomination.
[Prov. 28:9, Bible, NKJV]*

*"Beware lest anyone cheat you through philosophy and empty deceit, according to the
tradition of men, according to the basic principles of the world, and not according to
Christ."
[Col. 2:8, Bible, NKJV]*

[SOURCE: <https://famguardian.org/forums/forums/topic/family-guardian-is-confused-about-the-definition-of-socialism/#post-21640>]

The MAJOR mistake of Spencer, like so many other philosophers before him, is in thinking that ANY MAN can be a legitimate source of law for any civilized society. The Bible identifies God as THE ONLY "lawgiver" and therefore source of law. Isaiah 33:22. Any attempt to make any man the source of law results in religious idolatry, as described in the following:

Why All Man-Made Law is Religious in Nature, Family Guardian Fellowship
<https://famguardian.org/Subjects/LawAndGovt/ChurchVState/WhyAllManmadeLawRelig.htm>

Everything not found in God's law is, in turn, merely a temporary civil man-made rather than god-made franchise that Christians are FORBIDDEN from consenting to or participating in. They are "non-resident non-persons" to all such law as described in:

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

The remainder of this section after the horizontal line below reprints Spencer's fascinating essay for the edification of the reader on the subject of what "justice" means. What he calls "the law of equal freedom" is documented in Requirement for Equal Protection and Equal Treatment, Form #05.033. If you like his genre of writing, Lysander Spooner¹⁶ also lived the same time as him and wrote about many of the same subjects.

The Right to Ignore the State
by Herbert Spencer (1820-1903)

1. The Right to Voluntary Outlawry

As a corollary to the proposition that all institutions must be subordinated to the law of equal freedom, we cannot choose but admit the right of the citizen to adopt a condition of voluntary outlawry. If every man has freedom to do all that he wills, provided he infringes not the equal freedom of any other man, then he is free to drop connection with the state — to relinquish its protection, and to refuse paying toward its support. It is self-evident that in so behaving he in no way trenches upon the liberty of others; for his position is a passive one; and whilst passive he cannot become an aggressor. It is equally self-evident that he cannot be compelled to continue one of a political corporation, without a breach of the moral law, seeing that citizenship involves payment of taxes; and the taking away of a man's property against his will, is an infringement of his rights. Government being simply an agent employed in common by a number of individuals to secure to them certain

¹⁶ See: Published Authors: Lysander Spooner, Family Guardian Fellowship;
<https://famguardian.org/PublishedAuthors/Indiv/SpoonerLysander/LysanderSpooner.htm>.

advantages, the very nature of the connection implies that it is for each to say whether he will employ such an agent or not. If any one of them determines to ignore this mutual-safety confederation, nothing can be said except that he loses all claim to its good offices, and exposes himself to the danger of maltreatment — a thing he is quite at liberty to do if he likes. He cannot be coerced into political combination without a breach of the law of equal freedom; he *can* withdraw from it without committing any such breach; and he has therefore a right so to withdraw.

2. The Immorality of the State

"No human laws are of any validity if contrary to the law of nature; and such of them as are valid derive all their force and all their authority mediately or immediately from this original." Thus writes Blackstone^[1], to whom let all honour be given for having so far outseen the ideas of his time; and, indeed, we may say of our time. A good antidote, this, for those political superstitions which so widely prevail. A good check upon that sentiment of power-worship which still misleads us by magnifying the prerogatives of constitutional governments as it once did those of monarchs. Let men learn that a legislature is *not* "our God upon earth," though, by the authority they ascribe to it, and the things they expect from it, they would seem to think it is. Let them learn rather that it is an institution serving a purely temporary purpose, whose power, when not stolen, is at the best borrowed.

Nay, indeed, have we not seen that government is essentially immoral? Is it not the offspring of evil, bearing about it all the marks of its parentage? Does it not exist because crime exists? Is it not strong, or as we say, despotic, when crime is great? Is there not more liberty, that is, less government, as crime diminishes? And must not government cease when crime ceases, for very lack of objects on which to perform its function? Not only does magisterial power exist *because* of evil; but it exists *by* evil. Violence is employed to maintain it; and all violence involves criminality. Soldiers, policemen, and gaolers; swords, batons, and fetters, are instruments for inflicting pain; and all infliction of pain is in the abstract wrong. The state employs evil weapons to subjugate evil, and is alike contaminated by the objects with which it deals, and the means by which it works. Morality cannot recognize it; for morality, being simply a statement of the perfect law can give no countenance to any thing growing out of, and living by, breaches of that law. Wherefore, legislative authority can never be ethical must always be conventional merely.

Hence, there is a certain inconsistency in the attempt to determine the right position, structure, and conduct of a government by appeal to the first principles of rectitude. For, as just pointed out, the acts of an institution which is in both nature and origin imperfect, cannot be made to square with the perfect law. All that we can do is to ascertain, firstly, in what attitude a legislature must stand to the community to avoid being by its mere existence an embodied wrong; — secondly, in what manner it must be constituted so as to exhibit the least incongruity with the moral law; — and thirdly, to what sphere its actions must be limited to prevent it from multiplying those breaches of equity it is set up to prevent.

The first condition to be conformed to before a legislature can be established without violating the law of equal freedom, is the acknowledgment of the right now under discussion — the right to ignore the state.^[2]

3. The People as the Source of Power

Upholders of pure despotism may fitly believe state-control to be unlimited and unconditional. They who assert that men are made for governments and not governments for men, may consistently hold that no one can remove himself beyond the pale of political organization. But they who maintain that the people are the only legitimate source of power — that legislative authority is not original, but deputed — cannot deny the right to ignore the state without entangling themselves in an absurdity.

For, if legislative authority is deputed, it follows that those from whom it proceeds are the masters of those on whom it is conferred: it follows further, that as masters they confer the said authority voluntarily: and this implies that they may give or withhold it as they please. To call that deputed which is wrenched from men whether they will or not, is nonsense. But what is here true of all collectively is equally true of each separately. As a government can rightly act for the people, only when empowered by them, so also can it rightly act for the individual, only when empowered by him. If A, B, and C, debate whether they shall employ an agent to perform for them a certain service, and if whilst A and B agree to do so, C dissents, C cannot equitably be made a party to the agreement in spite of himself. And this must be equally true of thirty as of three: and if of thirty, why not of three hundred, or three thousand, or three millions?

4. Subordination of Government Authority

1 Of the political superstitions lately alluded to, none is so universally diffused as the notion that majorities are omnipotent.
2 Under the impression that the preservation of order will ever require power to be wielded by some party, the moral sense of
3 our time feels that such power cannot rightly be conferred on any but the largest moiety of society. It interprets literally the
4 saying that "the voice of the people is the voice of God," and transferring to the one the sacredness attached to the other, it
5 concludes that from the will of the people, that is of the majority, there can be no appeal. Yet is this belief entirely erroneous.

6 Suppose, for the sake of argument, that, struck by some Malthusian panic, a legislature duly representing public opinion were
7 to enact that all children born during the next ten years should be drowned. Does any one think such an enactment would be
8 warrantable? If not, there is evidently a limit to the power of a majority. Suppose, again, that of two races living together —
9 Celts and Saxons, for example — the most numerous determined to make the others their slaves. Would the authority of the
10 greatest number be in such case valid? If not, there is something to which its authority must be subordinate. Suppose, once
11 more, that all men having incomes under 50 pounds a year were to resolve upon reducing every income above that amount
12 to their own standard, and appropriating the excess for public purposes. Could their resolution be justified? If not, it must be
13 a third time confessed that there is a law to which the popular voice must defer. What, then, is that law, if not the law of pure
14 equity — the law of equal freedom? These restraints, which all would put to the will of the majority, are exactly the restraints
15 set up by that law. We deny the right of a majority to murder, to enslave, or to rob, simply because murder, enslaving, and
16 robbery are violations of that law — violations too gross to be overlooked. But if great violations of it are wrong, so also are
17 smaller ones. If the will of the many cannot supersede the first principle of morality in these cases, neither can it in any. So
18 that, however insignificant the minority, and however trifling the proposed trespass against their rights, no such trespass is
19 permissible.

20 When we have made our constitution purely democratic, thinks to himself the earnest reformer, we shall have brought
21 government into harmony with absolute justice. Such a faith, though perhaps needful for this age, is a very erroneous one.
22 By no process can coercion be made equitable. The freest form of government is only the least objectional form. The rule of
23 the many by the few we call tyranny: the rule of the few by the many is tyranny also; only of a less intense kind. "You shall
24 do as we will, and not as you will," is in either case the declaration: and if the hundred make it to the ninety-nine, instead of
25 the ninety-nine to the hundred, it is only a fraction less immoral. Of two such parties, whichever fulfils this declaration
26 necessarily breaks the law of equal freedom: the only difference being that by the one it is broken in the persons of ninety-
27 nine, whilst by the other it is broken in the persons of a hundred. And the merit of the democratic form of government consists
28 solely in this, that it trespasses against the smallest number.

29 The very existence of majorities and minorities is indicative of an immoral state. The man whose character harmonizes with
30 the moral law, we found to be one who can obtain complete happiness without diminishing the happiness of his fellows. But
31 the enactment of public arrangements by vote implies a society consisting of men otherwise constituted — implies that the
32 desires of some cannot be satisfied without sacrificing the desires of others — implies that in the pursuit of their happiness
33 the majority inflict a certain amount of unhappiness on the minority — implies, therefore, organic immorality. Thus, from
34 another point of view, we again perceive that even in its most equitable form it is impossible for government to dissociate
35 itself from evil; and further, that unless the right to ignore the state is recognized, its acts must be essentially criminal.

36 **5. The Limits of Taxation**

37 That a man is free to abandon the benefits and throw off the burdens of citizenship, may indeed be inferred from the
38 admissions of existing authorities and of current opinion. Unprepared as they probably are for so extreme a doctrine as the
39 one here maintained, the radicals of our day yet unwittingly profess their belief in a maxim which obviously embodies this
40 doctrine. Do we not continually hear them quote Blackstone's assertion that "no subject of England can be constrained to pay
41 any aids or taxes even for the defence of the realm or the support of government, but such as are imposed by his own consent,
42 or that of his representative in parliament?" And what does this mean? It means, say they, that every man should have a vote.
43 True: but it means much more. If there is any sense in words it is a distinct enunciation of the very right now contended for.
44 In affirming that a man may not be taxed unless he has directly or indirectly given his consent, it affirms that he may refuse
45 to be so taxed; and to refuse to be taxed, is to cut all connection with the state. Perhaps it will be said that this consent is not
46 a specific, but a general one, and that the citizen is understood to have assented to every thing his representative may do,
47 when he voted for him. But suppose he did not vote for him; and on the contrary did all in his power to get elected some one
48 holding opposite views — what then? The reply will probably be that, by taking part in such an election, he tacitly agreed to
49 abide by the decision of the majority. And how if he did not vote at all? Why then he cannot justly complain of any tax, seeing
50 that he made no protest against its imposition. So, curiously enough, it seems that he gave his consent in whatever way he
51 acted — whether he said yes, whether he said no, or whether he remained neuter! A rather awkward doctrine this. Here stands
52 an unfortunate citizen who is asked if he will pay money for a certain proffered advantage; and whether he employs the only

1 means of expressing his refusal or does not employ it, we are told that he practically agrees; if only the number of others who
2 agree is greater than the number of those who dissent. And thus we are introduced to the novel principle that A's consent to
3 a thing is not determined by what A says, but by what B may happen to say!

4 It is for those who quote Blackstone to choose between this absurdity and the doctrine above set forth. Either his maxim
5 implies the right to ignore the state, or it is sheer nonsense.

6 **6. On Civil and Religious Liberty**

7 There is a strange heterogeneity in our political faiths. Systems that have had their day, and are beginning here and there to
8 let the daylight through, are patched with modern notions utterly unlike in quality and colour; and men gravely display these
9 systems, wear them, and walk about in them, quite unconscious of their grotesqueness. This transition state of ours, partaking
10 as it does equally of the past and the future, breeds hybrid theories exhibiting the oddest union of bygone despotism and
11 coming freedom. Here are types of the old organization curiously disguised by germs of the new — peculiarities showing
12 adaptation to a preceding state modified by rudiments that prophesy of something to come — making altogether so chaotic a
13 mixture of relationships that there is no saying to what class these births of the age should be referred.

14 As ideas must of necessity bear the stamp of the time, it is useless to lament the contentment with which these incongruous
15 beliefs are held. Otherwise it would seem unfortunate that men do not pursue to the end the trains of reasoning which have
16 led to these partial modifications. In the present case, for example, consistency would force them to admit that, on other points
17 besides the one just noticed, they hold opinions and use arguments in which the right to ignore the state is involved.

18 For what is the meaning of Dissent? The time was when a man's faith and his mode of worship were as much determinable
19 by law as his secular acts; and, according to provisions extant in our statute-book, are so still. Thanks to the growth of a
20 Protestant spirit, however, we have ignored the state in this matter — wholly in theory, and partly in practice. But how have
21 we done so? By assuming an attitude which, if consistently maintained, implies a right to ignore the state entirely. Observe
22 the positions of the two parties. "This is your creed," says the legislator; "you must believe and openly profess what is here
23 set down for you." "I shall not do any thing of the kind," answers the non-conformist, "I will go to prison rather." "Your
24 religious ordinances," pursues the legislator, "shall be such as we have prescribed. You shall attend the churches we have
25 endowed, and adopt the ceremonies used in them." "Nothing shall induce me to do so," is the reply; "I altogether deny your
26 power to dictate to me in such matters, and mean to resist to the uttermost." "Lastly," adds the legislator, "we shall require
27 you to pay such sums of money toward the support of these religious institutions, as we may see fit to ask." "Not a farthing
28 will you have from me," exclaims our sturdy Independent: "even did I believe in the doctrines of your church (which I do
29 not), I should still rebel against your interference; and if you take my property, it shall be by force and under protest."

30 What now does this proceeding amount to when regarded in the abstract? It amounts to an assertion by the individual of the
31 right to exercise one of his faculties — the religious sentiment — without let or hindrance, and with no limit save that set up
32 by the equal claims of others. And what is meant by ignoring the state? Simply an assertion of the right similarly to exercise
33 *all* the faculties. The one is just an expansion of the other — rests on the same footing with the other — must stand or fall
34 with the other. Men do indeed speak of civil and religious liberty as different things; but the distinction is quite arbitrary.
35 They are parts of the same whole and cannot philosophically be separated.

36 "Yes they can," interposes an objector; "assertion of the one is imperative as being a religious duty. The liberty to worship
37 God in the way that seems to him right, is a liberty without which a man cannot fulfil what he believes to be Divine commands,
38 and therefore conscience requires him to maintain it." True enough; but how if the same can be asserted of all other liberty?
39 How if maintenance of this also turns out to be a matter of conscience? Have we not seen that human happiness is the Divine
40 will — that only by exercising our faculties is this happiness obtainable — and that it is impossible to exercise them without
41 freedom? And if this freedom for the exercise of faculties is a condition without which the Divine will cannot be fulfilled,
42 the preservation of it is, by our objector's own showing, a duty. Or, in other words, it appears not only that the maintenance
43 of liberty of action *may* be a point of conscience, but that it *ought* to be one. And thus we are clearly shown that the claims
44 to ignore the state in religious and in secular matters are in essence identical.

45 The other reason commonly assigned for nonconformity, admits of similar treatment. Besides resisting state dictation in the
46 abstract, the dissenter resists it from disapprobation of the doctrines taught. No legislative injunction will make him adopt
47 what he considers an erroneous belief; and, bearing in mind his duty toward his fellow-men, he refuses to help through the
48 medium of his purse in disseminating this erroneous belief. The position is perfectly intelligible. But it is one which either
49 commits its adherents to civil nonconformity also, or leaves them in a dilemma. For why do they refuse to be instrumental in

1 spreading error? Because error is averse to human happiness. And on what ground is any piece of secular legislation
2 disapproved? For the same reason — because thought adverse to human happiness. How then can it be shown that the state
3 ought to be resisted in the one case and not in the other? Will any one deliberately assert that if a government demands money
4 from us to aid in *teaching* what we think will produce evil, we ought to refuse it; but that if the money is for the purpose of
5 *doing* what we think will produce evil, we ought not to refuse it? Yet such is the hopeful proposition which those have to
6 maintain who recognize the right to ignore the state in religious matters, but deny it in civil matters.

7 **7. Progress Hindered by Lack of Social Morality**

8 The substance of the essay once more reminds us of the incongruity between a perfect law and an imperfect state. The
9 practicability of the principle here laid down varies directly as social morality. In a thoroughly vicious community its
10 admission would be productive of anarchy. In a completely virtuous one its admission will be both innocuous and inevitable.
11 Progress toward a condition of social health — a condition, that is, in which the remedial measures of legislation will no
12 longer be needed, is progress toward a condition in which those remedial measures will be cast aside, and the authority
13 prescribing them disregarded. The two changes are of necessity coordinate. That moral sense whose supremacy will make
14 society harmonious and government unnecessary, is the same moral sense which will then make each man assert his freedom
15 even to the extent of ignoring the state — is the same moral sense which, by deterring the majority from coercing the minority,
16 will eventually render government impossible. And as what are merely different manifestations of the same sentiment must
17 bear a constant ratio to each other, the tendency to repudiate governments will increase only at the same rate that governments
18 become needless.

19 Let not any be alarmed, therefore, at the promulgation of the foregoing doctrine. There are many changes yet to be passed
20 through before it can begin to exercise much influence. Probably a long time will elapse before the right to ignore the State
21 will be generally admitted, even in theory. It will be still longer before it receives legislative recognition. And even then there
22 will be plenty of checks upon the premature exercise of it. A sharp experience will sufficiently instruct those who may too
23 soon abandon legal protection. Whilst, in the majority of men, there is such a love of tried arrangements, and so great a dread
24 of experiments, that they will probably not act upon this right until long after it is safe to do so.

25 **8. The Coming Decay of the State**

26 It is a mistake to assume that government must necessarily last forever. The institution marks a certain stage of civilization
27 — is natural to a particular phase of human development. It is not essential, but incidental. As amongst the Bushmen we find
28 a state antecedent to government, so may there be one in which it shall have become extinct. Already has it lost something of
29 its importance. The time was when the history of a people was but the history of its government. It is otherwise now. The
30 once universal despotism was but a manifestation of the extreme necessity of restraint. Feudalism, serfdom, slavery, all
31 tyrannical institutions, are merely the most vigorous kinds of rule, springing out of, and necessary to, a bad state of man. The
32 progress from these is in all cases the same — less government. Constitutional forms mean this. Political freedom means this.
33 Democracy means this. In societies, associations, joint-stock companies, we have new agencies occupying big fields filled in
34 less advanced times and countries by the State. With us the legislature is dwarfed by newer and greater powers — is no longer
35 master, but slave. "Pressure from without" has come to be acknowledged as ultimate ruler. The triumph of the Anti-Corn Law
36 League is simply the most marked instance yet of the new style of government, that of opinion, overcoming the old style, that
37 of force. It bids fair to become a trite remark that the law-maker is but the servant of the thinker. Daily is Statecraft held in
38 less repute. Even the "Times" can see that "the social changes thickening around us establish a truth sufficiently humiliating
39 to legislative bodies," and that "the great stages of our progress are determined rather by the spontaneous workings of society,
40 connected as they are with the progress of art and science, the operation of nature, and other such unpolitical causes, than by
41 the proposition of a bill, the passing of an act, or any other event of politics or of State." Thus, as civilization advances, does
42 government decay. To the bad it is essential; to the good, not. It is the check which national wickedness makes to itself, and
43 exists only to the same degree. Its continuance is proof of still-existing barbarism. What a cage is to the wild beast, law is to
44 the selfish man. Restraint is for the savage, the rapacious, the violent; not for the just, the gentle, the benevolent. All necessity
45 for external force implies a morbid state. Dungeons for the felon; a strait jacket for the maniac; crutches for the lame; stays
46 for the weak-backed; for the infirm of purpose a master; for the foolish a guide; but for the sound mind in a sound body none
47 of these. Were there no thieves and murderers, prisons would be unnecessary. It is only because tyranny is yet rife in the
48 world that we have armies. Barristers, judges, juries, all the instruments of law, exist simply because knavery exists.
49 Magisterial force is the sequence of social vice, and the policeman is but the complement of the criminal. Therefore it is that
50 we call government "a necessary evil."

What then must be thought of a morality which chooses this probationary institution for its basis, builds a vast fabric of conclusions upon its assumed permanence, selects acts of parliament for its materials, and employs the statesman for its architect? The expediency-philosopher does this. It takes government into partnership, assigns to it entire control of its affairs, enjoins all to defer to its judgment, makes it, in short, the vital principle, the very soul, of its system. When Paley teaches that "the interest of the whole society is binding upon every part of it," he implies the existence of some supreme power by which "that interest of the whole society" is to be determined. And elsewhere he more explicitly tells us that for the attainment of a national advantage the private will of the subject is to give way, and that "the proof of this advantage lies with the legislature." Still more decisive is Bentham when he says that "the happiness of the individuals of whom a community is composed — that is, their pleasures and their security — is the sole end which the legislator ought to have in view, the sole standard in conformity with which each individual ought, as far as depends upon the legislature, to be made to fashion his behavior." These positions, be it remembered, are not voluntarily assumed; they are necessitated by the premises. If, as its propounder tells us, "expediency" means the benefit of the mass, not of the individual, — of the future as much as of the present, — it presupposes some one to judge of what will most conduce to that benefit. Upon the "utility" of this or that measure the views are so various as to render an umpire essential. Whether protective duties, or established religions, or capital punishments, or poor-laws, do or do not minister to the "general good" are questions concerning which there is such difference of opinion that, were nothing to be done till all agreed upon them, we might stand still to the end of time. If each man carried out, independently of a State power, his own notions of what would best secure "the greatest happiness of the greatest number," society would quickly lapse into confusion. Clearly, therefore, a morality established upon a maxim of which the practical interpretation is questionable involves the existence of some authority whose decisions respecting it shall be final, — that is, a legislature. And without that authority such a morality must ever remain inoperative.

See here, then, the predicament, a system of moral philosophy professes to be a code of correct rules for the control of human beings — fitted for the regulation of the best as well as the worst members of the race — applicable, if true, to the guidance of humanity in its highest conceivable perfection. Government, however, is an institution originating in man's imperfection; an institution confessedly begotten by necessity out of evil; one which might be dispensed with were the world peopled with the unselfish, the conscientious, the philanthropic; one, in short, inconsistent with this same "highest conceivable perfection." How, then, can that be a true system of morality which adopts government as one of its premises?

Author's Endnotes

¹ Sir William Blackstone (1723-1780) was the most renowned of English jurists.

² Hence may be drawn an argument for direct taxation; seeing that only when taxation is direct does repudiation of state burdens become possible.

9. PUBLIC Property v. PRIVATE Property¹⁷

A very important subject is the division of legal authority between PUBLIC and PRIVATE property. On this subject the U.S. Supreme Court held:

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

If you can't "execute" them, then you ALSO can't enforce them against ANYONE else. Some people might be tempted to say that we all construe them against the private person daily, but in fact we can't do that WITHOUT being a public officer WITHIN the government.

"The reason why States are "bodies politic and corporate" is simple: just as a corporation is an entity that can act only through its agents, "[t]he State is a political corporate body, can act only through agents, and can command only by laws." Poindexter v. Greenhow, *supra*, 114 U.S., at 288, 5 S.Ct. at 912-913. See also Black's Law Dictionary 159 (5th ed. 1979) ("**Body politic or corporate": "A social compact by which the whole people covenants with each citizen, and each citizen with the whole people, that all shall be governed by certain laws for the common good"). As a "**body politic and corporate**," a State falls squarely within the Dictionary Act's definition of a "person."
[Will v. Michigan Dept. of State Police, 491 U.S. 58, 109 S.Ct. 2304 (U.S.Mich.,1989)]**

¹⁷ Source: *Government Instituted Slavery Using Franchises*, Form #05.030, Section 3; <http://sedm.org/Forms/FormIndex.htm>.

If we do enforce the law as a private person, we are criminally impersonating a public officer in violation of 18 U.S.C. §912. Another U.S. Supreme Court cite also confirms why this must be:

"All the powers of the government [including ALL of its civil enforcement powers against the public] must be carried into operation by individual agency, either through the medium of public officers, or contracts made with [private] individuals."
[Osborn v. Bank of U.S., 22 U.S. 738 (1824)]

"...we are of the opinion that there is a clear distinction in this particular between an [PRIVATE] individual and a [PUBLIC] corporation, and that the latter has no right to refuse to submit its books and papers for an examination at the suit of the state. The individual may stand upon his constitutional rights as a citizen. He is entitled to carry on his private business in his own way. His power to contract is unlimited. He owes no duty to the state or to his neighbors to divulge his business, or to open his doors to an investigation, so far as it may tend to criminate him. He owes no such duty to the state, since he receives nothing therefrom, beyond the protection of his life and property. His rights are such as existed by the law of the land long antecedent to the organization of the state, and can only be taken from him by due process of law, and in accordance with the Constitution. Among his rights are a refusal to incriminate himself, and the immunity of himself and his property from arrest or seizure except under a warrant of the law. He owes nothing to the public so long as he does not trespass upon their rights."

"Upon the other hand, the [PUBLIC] corporation is a creature of the state. It is presumed to be incorporated for the benefit of the public. It receives certain special privileges and franchises, and holds them subject to the laws of the state and the limitations of its charter. Its powers are limited by law. It can make no contract not authorized by its charter. Its rights to [201 U.S. 43, 75] act as a corporation are only preserved to it so long as it obeys the laws of its creation. There is a reserved right in the legislature to investigate its contracts and find out whether it has exceeded its powers. It would be a strange anomaly to hold that a state, having chartered a corporation to make use of certain franchises, could not, in the exercise of its sovereignty, inquire how these franchises had been employed, and whether they had been abused, and demand the production of the corporate books and papers for that purpose. The defense amounts to this: That an officer of a corporation which is charged with a criminal violation of the statute, may plead the criminality of such corporation as a refusal to produce its books. To state this proposition is to answer it. While an individual may lawfully refuse to answer incriminating questions unless protected by an immunity statute, it does not follow that a corporation, vested with special privileges and franchises, may refuse to show its hand when charged with an abuse of such privileges."
[Hale v. Henkel, 201 U.S. 43 (1906)]

You MUST therefore be an agent of the government and therefore a PUBLIC officer in order to "make constitutions or laws or administer, execute, or ENFORCE EITHER". Here is more proof:

*"A defendant sued as a wrong-doer, who seeks to substitute the state in his place, or to justify by the authority of the state, or to defend on the ground that the state has adopted his act and exonerated him, cannot rest on the bare assertion of his defense. He is bound to establish it. **The state is a political corporate body, can act only through agents, and can command only by laws.** It is necessary, therefore, for such a defendant, in order to complete his defense, to produce a law of the state which constitutes his commission as its agent, and a warrant for his act."*
[Poindexter v. Greenhow, 114 U.S. 270 (1885)]

By "act" above, they implicitly also include "enforce". If you aren't an agent of the state, they can't enforce against you. Examples of "agents" or "public officers" of the government include all the following:

1. "person" (26 U.S.C. §7701(a)(1)).
2. "individual" (26 C.F.R. §1441-1(c)(3)).
3. "taxpayer" (26 U.S.C. §7701(a)(14)).
4. "withholding agent" (26 U.S.C. §7701(a)(16)).

"The government thus lays a tax, through the [GOVERNMENT] instrumentality [PUBLIC OFFICE] of the company [a FEDERAL and not STATE corporation], upon the income of a non-resident alien over whom it cannot justly exercise any control, nor upon whom it can justly lay any burden."
[United States v. Erie R. Co., 106 U.S. 327 (1882)]

So how do you "OBEY" a law without "EXECUTING" it? We'll give you a hint: It CAN'T BE DONE!

Likewise, if ONLY public officers can "administer, execute, or enforce" the law, then the following additional requirements of the law are unavoidable and also implied:

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1. Congress cannot impose DUTIES against private persons through the civil law. Otherwise the Thirteenth Amendment would be violated and the party executing said duties would be criminally impersonating an agent or officer of the government in violation of 18 U.S.C. §912.
2. Congress can only impose DUTIES upon public officers through the civil statutory law.
3. The civil statutory law is law for GOVERNMENT, and not PRIVATE persons. See:

Why Statutory Civil Law is Law for Government and Not Private Persons, Form #05.037
<http://sedm.org/Forms/FormIndex.htm>

4. Those who enforce any civil statutory duties against you are PRESUMING that you occupy a public office.
5. You cannot unilaterally “elect” yourself into a public office in the government by filling out a government form, even if you consent to volunteer.
6. Even if you ARE a public officer, you can only execute the office in a place EXPRESSLY authorized by Congress per 4 U.S.C. §72, which means ONLY the District of Columbia and “not elsewhere”.

[TITLE 4 > CHAPTER 3 > § 72](#)
[§ 72. Public offices; at seat of Government](#)

All offices attached to the seat of government shall be exercised in the District of Columbia, and not elsewhere, except as otherwise expressly provided by law.

7. If you are “construing, administering, or executing” the laws, then you are doing so as a public officer and:
 - 7.1. You are bound and constrained in all your actions by the constitution like every OTHER public officer while on official business interacting with PRIVATE humans.
 - 7.2. The Public Records exception to the Federal Rule of Evidence 803(8), Hearsay Exceptions Rule applies. EVERYTHING you produce in the process of “construing, administering, or executing” the laws is instantly admissible and cannot be excluded from the record by any judge. If a judge interferes with the admission of such evidence, he is:
 - 7.2.1. Interfering with the duties of a coordinate branch of the government in violation of the Separation of Powers.
 - 7.2.2. Criminally obstructing justice.

If you would like to study the subject of private property and its protection further after reading the following subsections, please refer to the following vast resources on the subject:

1. [Unalienable Rights Course](#), Form #12.038 -course which gives you the basics of unalienable rights, and when they can lawfully be given up
<http://sedm.org/Forms/FormIndex.htm>
2. [Separation Between Public and Private Course](#), Form #12.025
<http://sedm.org/Forms/FormIndex.htm>
3. [Private Right or Public Right? Course](#), Form #12.044
<http://sedm.org/Forms/FormIndex.htm>
4. [Private v. Public Property/Rights and Protection Playlist](#), SEDM Youtube Channel
<https://www.youtube.com/playlist?list=PLin1scINPT0txYewMRT66TXYn6AUF0KTu>
5. [Sovereignty and Freedom Points and Authorities](#), Litigation Tool #10.018
<https://sedm.org/Litigation/LitIndex.htm>
6. [Legal Remedies That Protect Private Rights Course](#), Form #12.019
<http://sedm.org/Forms/FormIndex.htm>
7. [Property and Privacy Protection Topic](#), Family Guardian Fellowship
<http://famguardian.org/Subjects/PropertyPrivacy/PropertyPrivacy.htm>
8. [Sovereignty and Freedom Topic](#), Section 6: Private and Natural Rights, Family Guardian Fellowship
<http://famguardian.org/Subjects/Freedom/Freedom.htm#RIGHTS>

1.1 Property in the context of franchises

In order to fully understand and comprehend the nature of franchises, it is essential to thoroughly understand the distinctions between PUBLIC and PRIVATE property. The following subsections will deal with this important subject extensively. In the following subsections, we will establish the following facts:

1. There are TWO types of property:

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- 1.1. Public property. This type of property is protected by the CIVIL law.
1.2. Private property. This type of property is protected by the COMMON law.
2. Specific legal rights attach to EACH of the two types of property. These “rights” in turn, are ALSO property as legally defined.

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

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

[...]

[Black's Law Dictionary, Fifth Edition, p. 1095]

3. Human beings can simultaneously be in possession of BOTH PUBLIC and PRIVATE rights. This gives rise to TWO legal “persons”: PUBLIC and PRIVATE.
3.1. The CIVIL law attaches to the PUBLIC person.
3.2. The COMMON law and the Constitution attach to and protect the PRIVATE person.
This is consistent with the following maxim of law.

Quando duo juro concurrunt in und personâ, aequum est ac si essent in diversis.
*When two rights [public right v. private right] concur in one person, it is the same as if they were **two separate persons**.* 4 Co. 118.
[Bouvier's Maxims of Law, 1856;
SOURCE: <http://famguardian.org/Publications/BouvierMaximsOfLaw/BouviersMaxims.htm>]

4. That the purpose of the Constitution and the establishment of government itself is to protect EXCLUSIVELY PRIVATE rights.

*“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 [EXCLUSIVELY PRIVATE, God-given] rights, Governments are instituted among Men, deriving their just powers from the consent of the governed.** -”*
[Declaration of Independence, 1776]

The VERY FIRST step in protecting PRIVATE rights and PRIVATE property is to prevent such property from being converted to PUBLIC property or PUBLIC rights without the consent of the owner. In other words, the VERY FIRST step in protecting PRIVATE rights is to protect you from the GOVERNMENT’S OWN theft. Obviously, if a government becomes corrupted and refuses to protect PRIVATE rights or recognize them, there is absolutely no reason you can or should want to hire them to protect you from ANYONE ELSE.

5. The main method for protecting PRIVATE rights is to impose the following burden of proof and presumption upon any entity or person claiming to be “government”:

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

1. A SPECIFIC formerly PRIVATE owner consented IN WRITING to convert said property to PUBLIC property.
2. The owner was domiciled on federal territory NOT protected by the Constitution and therefore had the legal capacity to ALIENATE a Constitutional right or relieve a public servant of the fiduciary obligation to respect and protect the right. Those domiciled in a constitutional but not statutory state and who are “citizens” or “residents” protected by the constitution cannot alienate rights to a real, de jure government.

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

6. That the ability to regulate **EXCLUSIVELY PRIVATE** conduct is repugnant to the constitution and therefore such conduct cannot lawfully become the subject of any civil statutory law.

"Under basic rules of construction, statutory laws enacted by legislative bodies cannot impair rights given under a constitution. 194 B.R. at 925. "
[In re Young, 235 B.R. 666 (Bankr.M.D.Fla., 1999)]

7. That the terms "person", "persons", "individual", "individuals" as used within the civil statutory law by default imply **PUBLIC** "persons" and therefore public offices within the government and not **PRIVATE** human beings. All such offices are creations and franchises of the government and therefore property of the government subject to its exclusive control.
8. That if the government wants to call you a statutory "person" or "individual" under the civil law, then:
- 8.1. You must volunteer or consent at some point to occupy a public office in the government while situated physically in a place not protected by the USA Constitution and the Bill of Rights....namely, federal territory. In some cases, that public office is also called a "citizen" or "resident".
- 8.2. If you don't volunteer, they are essentially exercising unconstitutional "eminent domain" over your **PRIVATE** property. Keep in mind that rights protected by the Constitution are **PRIVATE PROPERTY**.
9. That there are **VERY SPECIFIC** and well defined rules for converting **PRIVATE** property into **PUBLIC PROPERTY** and **OFFICES**, and that all such rules require your express consent except when a crime is involved.
10. That if a corrupted judge or public servant imposes upon you any civil statutory status, including that of "person" or "individual" without **PROVING** with evidence that you consented to the status **AND** had the **CAPACITY** to lawfully consent at the time you consented, they are:
- 10.1. Violating due process of law.
- 10.2. Imposing involuntary servitude.
- 10.3. **STEALING** property from you. We call this "theft by presumption".
- 10.4. Kidnapping your identity and moving it to federal territory.
- 10.5. Instituting eminent domain over **EXCLUSIVELY PRIVATE** property.
11. That within the common law, the main mechanism for **PREVENTING** the conversion of **PRIVATE** property to **PUBLIC** property through government franchises are the following maxims of law. These maxims of law **MANDATE** that all governments must protect your right **NOT** to participate in franchises or be held accountable for the consequences of receiving a "benefit" you did not consent to receive and/or regarded as an **INJURY** rather than a "benefit":

Invito beneficium non datur.
No one is obliged to accept a benefit against his consent. Dig. 50, 17, 69. But if he does not dissent he will be considered as assenting. Vide Assent.

Quilibet potest renunciare juri pro se inducto.
Any one may renounce a law introduced for his own benefit. To this rule there are some exceptions. See 1 Bouv. Inst. n. 83.

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

For an example of how this phenomenon works in the case of the Internal Revenue Code, Subtitles A and C "trade or business" franchise, see:

[Why Your Government is Either a Thief or You are a "Public Officer" for Income Tax Purposes](http://sedm.org/Forms/FormIndex.htm), Form #05.008
<http://sedm.org/Forms/FormIndex.htm>

As an example of why an understanding of this subject is **EXTREMELY** important, consider the following dialog at an IRS audit in which the **FIRST** question out of the mouth of the agent is **ALWAYS** "What is **YOUR** Social Security Number?":

IRS AGENT: What is **YOUR** Social Security Number?

YOU: 20 C.F.R. §422.103(d) says SSNs belong to the government. The only way it could be MY number is if I am 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.

IRS AGENT: That’s ridiculous. Everyone HAS a SSN.

YOU: Well then EVERYONE is a STUPID whore for acting as a federal employee or agent without compensation THEY and not YOU determine. The charge for my services to act as a federal “employee” or officer or trustee in possession of public property such as an SSN is ALL the tax and penalty liability that might result PLUS \$1,000 per hour. Will you agree in writing pay the compensation I demand to act essentially as your federal coworker, because if you don’t, then it’s not MY number?

IRS AGENT: It’s YOUR number, not the government’s.

YOU: Well why do the regulations at 20 C.F.R. §422.103(d) say it belongs to the Social Security Administration instead of me? I am not appearing as a Social Security employee at this meeting and its unreasonable and prejudicial for you to assume that I am. I am also not appearing here as “federal personnel” as defined in [5 U.S.C. §552a\(a\)\(13\)](#). I don’t even qualify for Social Security and never have, and what you are asking me to do by providing an INVALID and knowingly FALSE number is to VIOLATE THE LAW and commit fraud by providing that which I am not legally entitled to and thereby fraudulently procure the benefits of a federal franchise. Is that your intention?

IRS AGENT: Don’t play word games with me. It’s YOUR number.

YOU: Well good. Then if it’s MY number and MY property, then I have EXCLUSIVE control and use over it. That is what the word “property” implies. That means I, and not you, may penalize people for abusing MY property. The penalty for wrongful use or possession of MY property is all the tax and penalty liability that might result from using said number for tax collection plus \$1,000 per hour for educating you about your lawful duties because you obviously don’t know what they are. If it’s MY property, then your job is to protect me from abuses of MY property. If you can penalize me for misusing YOUR procedures and forms, which are YOUR property, then I am EQUALLY entitled to penalize you for misusing MY property. Are you willing to sign an agreement in writing to pay for the ABUSE of what you call MY property, because if you aren’t, you are depriving me of exclusive use and control over MY property and depriving me of the equal right to prevent abuses of my property??

IRS AGENT: OK, well it’s OUR number. Sorry for deceiving you. Can you give us OUR number that WE assigned to you?

YOU: You DIDN’T assign it to ME as a private person, which is what I am appearing here today as. You can’t lawfully issue public property such as an SSN to a private person. That’s criminal embezzlement. The only way it could have been assigned to me is if I’m acting as a “public officer” or federal employee at this moment, and I am NOT. I am here as a private person and not a public employee. Therefore, it couldn’t have been lawfully issued to me. Keep this up, and I’m going to file a criminal complaint with the U.S. Attorney for embezzlement in violation of [18 U.S.C. §641](#) and impersonating a public officer in violation of [18 U.S.C. §912](#). I’m not here as a public officer and you are asking me to act like one without compensation and without legal authority. Where is the compensation that I demand to act as a fiduciary and trustee over your STINKING number, which is public property? I remind you that the very purpose why governments are created is to PROTECT and maintain the separation between “public property” and “private property” in order to preserve my inalienable constitutional rights that you took an oath to support and defend. Why do you continue to insist on co-mingling and confusing them in order to STEAL my labor, property, and money without compensation in violation of the Fifth Amendment takings clause?

Usually, after the above interchange, the IRS agent will realize he is digging a DEEP hole for himself and will abruptly end that sort of inquiry, and many times will also end his collection efforts.

9.1 What is “Property”?

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Property is legally defined as follows:

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

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

Property embraces everything which is or may be the subject of ownership, whether a legal ownership. or whether beneficial, or a private ownership. *Davis v. Davis*. TexCiv-App., 495 S.W.2d. 607. 611. Term includes not only ownership and possession but also the right of use and enjoyment for lawful purposes. *Hoffmann v. Kinealy, Mo.*, 389 S.W.2d. 745, 752.

Property, within constitutional protection, denotes group of rights inhering in citizen's relation to physical thing, as right to possess, use and dispose of it. *Cereghino v. State By and Through State Highway Commission*, 230 Or. 439, 370 P.2d. 694, 697.

Goodwill is property, *Howell v. Bowden*, TexCiv. App., 368 S.W.2d. 842, &18; as is an insurance policy and rights incident thereto, including a right to the proceeds, *Harris v. Harris*, 83 N.M. 441,493 P.2d. 407, 408.

Criminal code. "Property" means anything of value. including real estate, tangible and intangible personal property, contract rights, choses-in-action and other interests in or claims to wealth, admission or transportation tickets, captured or domestic animals, food and drink, electric or other power. Model Penal Code. Q 223.0. See also Property of another, infra. Dusts. Under definition in Restatement, Second, Trusts, Q 2(c), it denotes interest in things and not the things themselves.
[Black's Law Dictionary, Fifth Edition, p. 1095]

Keep in mind the following critical facts about "property" as legally defined:

1. The essence of the "property" right, also called "ownership", is the RIGHT TO EXCLUDE others from using or benefitting from the use of the property.

"We have repeatedly held that, as to property reserved by its owner for private use, 'the right to exclude [others is] 'one of the most essential sticks in the bundle of rights that are commonly characterized as property.' "
Loretto v. Teleprompter Manhattan CATV Corp., 458 U.S. 419, 433 (1982), quoting Kaiser Aetna v. United States, 444 U.S. 164, 176 (1979). "
[*Nollan v. California Coastal Comm'n*, 483 U.S. 825 (1987)]

"In this case, we hold that the 'right to exclude,' so universally held to be a fundamental element of the property right,^[11] falls within this category of interests that the Government cannot take without compensation."
[*Kaiser Aetna v. United States*, 444 U.S. 164 (1979)]

[11] See, e. g., *United States v. Pueblo of San Ildefonso*, 206 Ct.Cl. 649, 669-670, 513 F.2d. 1383, 1394 (1975); *United States v. Lutz*, 295 F.2d. 736, 740 (CA5 1961). As stated by Mr. Justice Brandeis, "[a]n essential element of individual property is the legal right to exclude others from enjoying it." *International News Service v. Associated Press*, 248 U.S. 215, 250 (1918) (dissenting opinion).

2. It's NOT your property if you can't exclude EVERYONE, including the GOVERNMENT from using, benefitting from the use, or taxing the specific property.
3. All constitutional rights and statutory privileges are property.
4. Anything that conveys a right or privilege is property.
5. Contracts convey rights or privileges and are therefore property.

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1 6. All franchises are contracts between the grantor and the grantee and therefore property.

2 **9.2 “Public” v. “Private” property ownership**

3 Next, we would like to compare the two types of property: Public v. Private. There are two types of ownership of “property”:
4 Absolute and Qualified. The following definition describes and compares these two types of ownership:

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

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

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

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

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

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

22 Participation in franchises causes PRIVATE property to transmute into PUBLIC property. Below is a table comparing these
23 two great classes of property and the legal aspects of their status.

24 **Table 2: Public v. Private Property**

#	Characteristic	Public	Private
1	Authority for ownership comes from	Grantor/ creator of franchise	God/natural law
2	Type of ownership	Qualified	Absolute
3	Law protecting ownership	Statutory franchises	Bill of Rights (First Ten Amendments to the U.S. Constitution)
4	Owner is	The public as LEGAL owner and the human being as EQUITABLE owner	A single person as LEGAL owner
5	Ownership is a	Privilege/franchise	Right
6	Courts protecting ownership	Franchise court (Article 4 of the USA Constitution)	Constitutional court
7	Subject to taxation?	Yes	No (you have the right EXCLUDE government from using or benefitting from it)
8	Title held by	Statutory citizen (Statutory citizens are public officers)	Constitutional citizen (Constitutional citizens are human beings and may NOT be public officers)
9	Character of YOUR/HUMAN title	Equitable	Legal

#	Characteristic	Public	Private
10	Conversion to opposite type of property by	<ol style="list-style-type: none"> 1. Removing government identifying number. 2. Donation. 	<ol style="list-style-type: none"> 1. Associating with government identifying number.¹⁸ 2. Donation. 3. Eminent domain (with compensation). 4. THEFT (Internal Revenue Service).

Private and Public property MUST, at all times, remain completely separate from each other. If in fact rights are UNALIENABLE as declared in the Declaration of Independence, then you aren't allowed legally to consent to donate them to any government. Hence, they must remain private. You can't delegate that authority to anyone else either, because you can't delegate what you don't have:

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

*"Nemo plus juris ad alienum transfere potest, quam ispe habent.
One cannot transfer to another a right which he has not. Dig. 50, 17, 54; 10 Pet. 161, 175."
[Bouvier's Maxims of Law, 1856;
SOURCE: <http://famguardian.org/Publications/BouvierMaximsOfLaw/BouviersMaxims.htm>]*

For a fascinating and powerful presentation showing why private and public are separate, how to keep them that way, and how governments illegally try to convert PRIVATE to PUBLIC in order to STEAL from you, see:

[Separation Between Public and Private Course, Form #12.025](http://sedm.org/Forms/FormIndex.htm)
<http://sedm.org/Forms/FormIndex.htm>

9.3 The purpose and foundation of de jure government: Protection of EXCLUSIVELY PRIVATE rights

The main purpose for which all governments are established is the protection of EXCLUSIVELY PRIVATE rights and property. This purpose is the foundation of all the just authority of any government as held by the Declaration of Independence:

"We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness.--That to secure these rights, Governments are instituted among Men, deriving their just powers from the consent of the governed."
[Declaration of Independence, 1776]

The fiduciary duty that a public officer who works for the government has is founded upon the requirement to protect PRIVATE property.

*"As expressed otherwise, the powers delegated to a public officer are held in trust for the people and are to be exercised in behalf of the government or of all citizens who may need the intervention of the officer."¹⁹
Furthermore, the view has been expressed that all public officers, within whatever branch and whatever level of government, and whatever be their private vocations, are trustees of the people, and accordingly labor under every disability and prohibition imposed by law upon trustees relative to the making of personal financial gain from a discharge of their trusts.²⁰ That is, a public officer occupies a fiduciary relationship to the political*

¹⁸ See: [About SSNs and TINs on Government Forms and Correspondence, Form #05.012.](#)

¹⁹ State ex rel. Nagle v. Sullivan, 98 Mont. 425, 40 P.2d. 995, 99 A.L.R. 321; Jersey City v. Hague, 18 N.J. 584, 115 A.2d. 8.

²⁰ Georgia Dep't of Human Resources v. Sistrunk, 249 Ga. 543, 291 S.E.2d. 524. A public official is held in public trust. Madlener v. Finley (1st Dist), 161 Ill.App.3d. 796, 113 Ill.Dec. 712, 515 N.E.2d. 697, app gr 117 Ill.Dec. 226, 520 N.E.2d. 387 and revd on other grounds 128 Ill.2d. 147, 131 Ill.Dec. 145, 538 N.E.2d. 520.

1 entity on whose behalf he or she serves.²¹ and owes a fiduciary duty to the public.²² It has been said that the
2 fiduciary responsibilities of a public officer cannot be less than those of a private individual.²³ Furthermore,
3 it has been stated that any enterprise undertaken by the public official which tends to weaken public confidence
4 and undermine the sense of security for individual rights is against public policy.²⁴
5 [63C American Jurisprudence 2d, Public Officers and Employees, §247 (1999)]

6 The VERY FIRST step that any lawful de jure government must take in protecting PRIVATE property and PRIVATE rights
7 is to protect it from being converted to PUBLIC/GOVERNMENT property. After all: If the people you hire to protect you
8 won't even do the job of protecting you from THEM, why should you hire them to protect you from ANYONE ELSE?

9 The U.S. Supreme Court has also affirmed that the protection of PRIVATE rights and PRIVATE property is "the foundation
10 of the government" when it held the following. The case below was a challenge to the constitutionality of the first national
11 income tax, and the U.S. government rightfully lost that challenge:

12 *"Here I close my opinion. I could not say less in view of questions of such gravity that they go down to the very*
13 *foundations of the government. If the provisions of the Constitution can be set aside by an act of Congress, where*
14 *is the course of usurpation to end?"*

15 *The present assault upon capital [THEFT! and WEALTH TRANSFER by unconstitutional CONVERSION of*
16 *PRIVATE property to PUBLIC property] is but the beginning. It will be but the stepping stone to others larger*
17 *and more sweeping, until our political contest will become war of the poor against the rich; a war of growing*
18 *intensity and bitterness."*
19 *[Pollock v. Farmers' Loan & Trust Co., 157 U.S. 429, 158 U.S. 601 (1895), hearing the case against the first*
20 *income tax passed by Congress that included people in states of the Union. They declared that first income tax*
21 *UNCONSTITUTIONAL, by the way]*

22 In the above landmark case, the lawyer for the petitioner, Mr. Choate, even referred to the income tax as COMMUNISM,
23 and he was obviously right! Why? Because communism like socialism operates upon the following political premises:

- 24 1. All property is PUBLIC property and there IS no PRIVATE property.
- 25 2. The government owns and/or controls all property and said property is LOANED to the people.
- 26 3. The government and/or the collective has rights superior to those of the individual. There is and can be NO equality or
27 equal protection under the law without the right of PRIVATE property. In that sense, the government or the "state" is
28 a pagan idol with "supernatural powers" because human beings are "natural" and they are inferior to the collective.
- 29 4. Control is synonymous with ownership. If the government CONTROLS the property but the citizen "owns" it, then:
30 4.1. The REAL owner is the government.
31 4.2. The ownership of the property is QUALIFIED rather than ABSOLUTE.
32 4.3. The person holding the property is a mere CUSTODIAN over GOVERNMENT property and has EQUITABLE
33 rather than LEGAL ownership. Hence, their name in combination with the Social Security Number constitutes a
34 PUBLIC office synonymous with the government itself.
- 35 5. Everyone in temporary use of said property is an officer and agent of the state. A "public officer", after all, is someone
36 who is in charge of the PROPERTY of the public. It is otherwise a crime to use public property for a PRIVATE use or
37 benefit. That crime is called theft or conversion:

38 *"Public office. The right, authority, and duty created and conferred by law, by which for a given period, either*
39 *fixed by law or enduring at the pleasure of the creating power, an individual is invested with some portion of the*
40 *sovereign functions of government for the benefit of the public. Walker v. Rich, 79 Cal.App. 139, 249 P. 56, 58.*
41 *An agency for the state, the duties of which involve in their performance the exercise of some portion of the*
42 *sovereign power, either great or small. Yaselli v. Goff, C.C.A., 12 F.2d. 396, 403, 56 A.L.R. 1239; Lacey v. State,*
43 *13 Ala.App. 212, 68 So. 706, 710; Curtin v. State, 61 Cal.App. 377, 214 P. 1030, 1035; Shelmadine v. City of*

²¹ Chicago Park Dist. v. Kenroy, Inc., 78 Ill.2d. 555, 37 Ill.Dec. 291, 402 N.E.2d. 181, appeal after remand (1st Dist) 107 Ill.App.3d. 222, 63 Ill.Dec. 134, 437 N.E.2d. 783.

²² United States v. Holzer (CA7 Ill), 816 F.2d. 304 and vacated, remanded on other grounds 484 U.S. 807, 98 L.Ed. 2d 18, 108 S.Ct. 53, on remand (CA7 Ill) 840 F.2d. 1343, cert den 486 U.S. 1035, 100 L.Ed. 2d 608, 108 S.Ct. 2022 and (criticized on other grounds by United States v. Osser (CA3 Pa) 864 F.2d. 1056) and (superseded by statute on other grounds as stated in United States v. Little (CA5 Miss) 889 F.2d. 1367) and (among conflicting authorities on other grounds noted in United States v. Boylan (CA1 Mass), 898 F.2d. 230, 29 Fed.Rules.Evid.Serv. 1223).

²³ Chicago ex rel. Cohen v. Keane, 64 Ill.2d. 559, 2 Ill.Dec. 285, 357 N.E.2d. 452, later proceeding (1st Dist) 105 Ill.App.3d. 298, 61 Ill.Dec. 172, 434 N.E.2d. 325.

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

Elkhart, 75 Ind.App. 493, 129 N.E. 878. *State ex rel. Colorado River Commission v. Frohmler*, 46 Ariz. 413, 52 P.2d. 483, 486. **Where, by virtue of law, a person is clothed, not as an incidental or transient authority, but for such time as de- notes duration and continuance, with Independent power to control the property of the public, or with public functions to be exercised in the supposed interest of the people, the service to be compensated by a stated yearly salary, and the occupant having a designation or title, the position so created is a public office.** *State v. Brennan*, 49 Ohio.St. 33, 29 N.E. 593.
[Black's Law Dictionary, Fourth Edition, p. 1235]

Look at some of the planks of the Communist Manifesto, Karl Marx and confirm the above for yourself:

1. Abolition of property in land and application of all rents of land to public purposes.
 2. A heavy progressive or graduated income tax.
- [...]
[Wikipedia on "The Communist Manifesto", 12-27-2011; SOURCE:
http://en.wikipedia.org/wiki/The_Communist_Manifesto]

The legal definition of "property" confirms that one who OWNS a thing has the EXCLUSIVE right to use and dispose of and CONTROL the use of his or her or its property and ALL the fruits and "benefits" associated with the use of such property . The implication is that you as the PRIVATE owner have a right to EXCLUDE ALL OTHERS including all governments from using, benefitting from, or controlling your property. Governments, after all, are simply legal "persons" and the constitution guarantees that ALL "persons" are equal. If your neighbor can't benefit from your property without your consent, then neither can any so-called "government".

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

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

Property embraces everything which is or may be the subject of ownership, whether a legal ownership. or whether beneficial, or a private ownership. *Davis v. Davis. TexCiv-App.*, 495 S.W.2d. 607. 611. Term includes not only ownership and possession but also the right of use and enjoyment for lawful purposes. *Hoffmann v. Kinealy, Mo.*, 389 S.W.2d. 745, 752.

Property, within constitutional protection, denotes group of rights inhering in citizen's relation to physical thing, as right to possess, use and dispose of it. *Cereghino v. State By and Through State Highway Commission*, 230 Or. 439, 370 P.2d. 694, 697.

[...]

[Black's Law Dictionary, Fifth Edition, p. 1095]

In a lawful de jure government under our constitution:

1. All "persons" are absolutely equal under the law. No government can have any more rights than a single human being, no matter how many people make up that government. If your neighbor can't take your property without your consent, then neither can the government. The only exception to this requirement of equality is that artificial persons do not have constitutional rights, but only such "privileges" as statutory law grants them. See:

Requirement for Equal Protection and Equal Treatment, Form #05.033
<http://sedm.org/Forms/FormIndex.htm>
2. All property is CONCLUSIVELY presumed to be EXCLUSIVELY PRIVATE until the GOVERNMENT meets the burden of proof on the record of the legal proceeding that you EXPRESSLY consented IN WRITING to donate the property or use of the property to the PUBLIC:

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

- 10 3. You have to knowingly and intentionally DONATE your PRIVATE property to a public use and a PUBLIC purpose
11 before the government can lawfully REGULATE its use. In other words, you have to at least SHARE your ownership
12 of otherwise private property with the government and become an EQUITABLE rather than ABSOLUTE owner of the
13 property before they can acquire the right to regulate its use or impose obligations or duties upon its original owner.
- 14 4. That donation ordinarily occurs by applying for and/or using a license in connection with the use of SPECIFIC
15 otherwise PRIVATE property.
- 16 5. The process of applying for or using a license and thereby converting PRIVATE into PUBLIC cannot be compelled. If
17 it is, the constitutional violation is called “eminent domain” without compensation or STEALING, in violation of the
18 Fifth Amendment Takings Clause.
- 19 6. You have a PUBLIC persona (office) and a PRIVATE persona (human) at all times.
 - 20 6.1. That which you VOLUNTARILY attach a government license number to, such as a Social Security Number or
21 Taxpayer Identification Number, becomes PRIVATE property donated to a public use to procure the benefits of a
22 PUBLIC franchise. That property, in turn, is effectively OWNED by the government grantor of your public
23 persona and the public office it represents.
 - 24 6.2. If you were compelled to use a government license number, such as an SSN or TIN, then a theft and taking
25 without compensation has occurred, because all property associated with such numbers was unlawfully converted
26 and STOLEN.
- 27 7. If the right to contract of the parties conducting any business transaction has any meaning at all, it implies the right to
28 EXCLUDE the government from participation in their relationship.
 - 29 7.1. You can write the contract such that neither party may use or invoke a license number, or complain to a licensing
30 board, about the transaction, and thus the government is CONTRACTED OUT of the otherwise PRIVATE
31 relationship. Consequently, the transaction becomes EXCLUSIVELY PRIVATE and government may not tax or
32 regulate or arbitrate the relationship in any way under the terms of the license franchise.
 - 33 7.2. Every consumer of your services has a right to do business with those who are unlicensed. This right is a natural
34 consequence of the right to CONTRACT and NOT CONTRACT. The thing they are NOT contracting with is the
35 GOVERNMENT, and the thing they are not contracting FOR is STATUTORY/FRANCHISE “protection”.
36 Therefore, even those who have applied for government license numbers are NOT obligated to use them in
37 connection with any specific transaction and may not have their licenses suspended or revoked for failure or
38 refusal to use them for a specific transaction.
- 39 8. If the government invades the commercial relationship between you and those you do business with by forcing either
40 party to use or invoke the license number or pursue remedies or “benefits” under the license, they are:
 - 41 8.1. Interfering with your UNALIENABLE right to contract.
 - 42 8.2. Compelling you to donate EXCLUSIVELY PRIVATE property to a PUBLIC use.
 - 43 8.3. Exercising unconstitutional eminent domain over your otherwise PRIVATE property.
 - 44 8.4. Compelling you to accept a public “benefit”, where the “protection” afforded by the license is the “benefit”.

45 The above requirements of the USA Constitution are circumvented with nothing more than the simple PRESUMPTION,
46 usually on the part of the IRS and corrupted judges who want to STEAL from you, that the GOVERNMENT owns it and that
47 you have to prove that they CONSENTED to let you keep the fruits of it. They can’t and never have proven that they have
48 such a right, and all such presumptions are a violation of due process of law.

49 (1) [8:4993] *Conclusive presumptions affecting protected interests:*

50 A conclusive presumption may be defeated where its application would impair a party's constitutionally-protected
51 liberty or property interests. In such cases, conclusive presumptions have been held to violate a party's due
52 process and equal protection rights. [Vlandis v. Kline (1973) [412 U.S. 441](#), 449, 93 S.Ct. 2230, 2235; Cleveland

53 Bed. of Ed. v. LaFleur (1974) [414 U.S. 632](#), 639-640, 94 S.Ct. 1208, 1215-presumption under Illinois law that
54 unmarried fathers are unfit violates process]
55 [[Federal Civil Trials and Evidence, Rutter Group \(2006\), paragraph 8:4993, p. 8K-34\]](#)

In order to unconstitutionally and TREASONOUSLY circumvent the above limitation on their right to presume, corrupt governments and government actors will play "word games" with citizenship and key definitions in the ENCRYPTED "code" in order to KIDNAP your legal identity and place it OUTSIDE the above protections of the constitution by:

1. PRESUMING that you are a public officer and therefore, that everything held in your name is PUBLIC property of the GOVERNMENT and not YOUR PRIVATE PROPERTY. See:

Why Your Government is Either a Thief or You are a "Public Officer" for Income Tax Purposes, Form #05.008

DIRECT LINK: <http://sedm.org/Forms/05-MemLaw/WhyThiefOrPubOfficer.pdf>

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

2. Abusing fraudulent information returns to criminally and unlawfully "elect" you into public offices in the government:

Correcting Erroneous Information Returns, Form #04.001

DIRECT LINK: <http://sedm.org/Forms/04-Tax/CorrErrInfoRtns/CorrErrInfoRtns.pdf>

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

3. PRESUMING that because you did not rebut evidence connecting you to a public office, then you CONSENT to occupy the office.

4. PRESUMING that ALL of the four contexts for "United States" are equivalent.

5. PRESUME that CONSTITUTIONAL citizens and STATUTORY citizens are EQUIVALENT under federal law. They are NOT. A CONSTITUTIONAL citizen is a "non-resident" under federal civil law and NOT a STATUTORY "national and citizen of the United States** at birth" per 8 U.S.C. §1401. See the document below:

Why You are a "national", "state national", and Constitutional but not Statutory Citizen, Form #05.006

DIRECT LINK: <http://sedm.org/Forms/05-MemLaw/WhyANational.pdf>

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

6. PRESUMING that "nationality" and "domicile" are equivalent. They are NOT. See:

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

DIRECT LINK: <http://sedm.org/Forms/05-MemLaw/Domicile.pdf>

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

7. Using the word "citizenship" in place of "nationality" OR "domicile", and refusing to disclose WHICH of the two they mean in EVERY context.

8. Confusing the POLITICAL/CONSTITUTIONAL meaning of words with the civil STATUTORY context. For instance, asking on government forms whether you are a POLITICAL/CONSTITUTIONAL citizen and then FALSELY PRESUMING that you are a STATUTORY citizen under 8 U.S.C. §1401.

9. Confusing the words "[domicile](#)" and "[residence](#)" or impute either to you without satisfying the burden of proving that you EXPRESSLY CONSENTED to it and thereby illegally kidnap your civil legal identity against your will. One can have only one "domicile" but many "residences" and BOTH require your consent. See:

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

DIRECT LINK: <http://sedm.org/Forms/05-MemLaw/Domicile.pdf>

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

10. Adding things or classes of things to the meaning of statutory terms that do not EXPRESSLY appear in their definitions, in violation of the rules of statutory construction. See:

Legal Deception, Propaganda, and Fraud, Form #05.014

DIRECT LINK: <http://sedm.org/Forms/05-MemLaw/LegalDecPropFraud.pdf>

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

11. Refusing to allow the jury to read the definitions in the law and then give them a definition that is in conflict with the statutory definition. This substitutes the JUDGES will for what the law expressly says and thereby substitutes PUBLIC POLICY for the written law.

12. Publishing deceptive government publications that are in deliberate conflict with what the statutes define "United States" as and then tell the public that they CANNOT rely on the publication. The [IRS does this with ALL of their publications](#) and it is FRAUD. See:

Reasonable Belief About Income Tax Liability, Form #05.007

DIRECT LINK: <http://sedm.org/Forms/05-MemLaw/ReasonableBelief.pdf>

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

This kind of arbitrary discretion is PROHIBITED by the Constitution, as held by the U.S. Supreme Court:

"When we consider the nature and the theory of our institutions of government, the principles upon which they are supposed to rest, and review the history of their development, we are constrained to conclude that they do not mean to leave room for the play and action of purely personal and arbitrary power."

[Yick Wo v. Hopkins, [118 U.S. 356, 369](#), 6 S.Sup.Ct. 1064, 1071]

Thomas Jefferson, our most revered founding father, precisely predicted the above abuses when he astutely said:

"It has long been my opinion, and I have never shrunk from its expression,... that the germ of dissolution of our Federal Government is in the constitution of the Federal Judiciary--an irresponsible body (for impeachment is scarcely a scare-crow), working like gravity by night and by day, gaining a little today and a little tomorrow, and advancing its noiseless step like a thief over the field of jurisdiction until all shall be usurped from the States and the government be consolidated into one. To this I am opposed."

[Thomas Jefferson to Charles Hammond, 1821. ME 15:331]

"Contrary to all correct example, [the Federal judiciary] are in the habit of going out of the question before them, to throw an anchor ahead and grapple further hold for future advances of power. They are then in fact the corps of sappers and miners, steadily working to undermine the independent rights of the States and to consolidate all power in the hands of that government in which they have so important a freehold estate."

[Thomas Jefferson: Autobiography, 1821. ME 1:121]

"The judiciary of the United States is the subtle corps of sappers and miners constantly working under ground to undermine the foundations of our confederated fabric. They are construing our Constitution from a co-ordination of a general and special government to a general and supreme one alone. This will lay all things at their feet, and they are too well versed in English law to forget the maxim, 'boni judicis est ampliare jurisdictionem.'"

[Thomas Jefferson to Thomas Ritchie, 1820. ME 15:297]

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

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

"What an augmentation of the field for jobbing, speculating, plundering, office-building [["trade or business" scam](#)] and office-hunting would be produced by an assumption [[PRESUMPTION](#)] of all the State powers into the hands of the General Government!"

[Thomas Jefferson to Gideon Granger, 1800. ME 10:168]

The key to preventing the unconstitutional abuse of presumption by the corrupted judiciary and IRS to STEAL from people is to completely understand the content of the following memorandum of law and consistently apply it in every interaction with the government:

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

It ought to be very obvious to the reader that:

1. The rules for converting PRIVATE property to PUBLIC property ought to be consistently, completely, clearly, and unambiguously defined by every government officer you come in contact with, and ESPECIALLY in court. These rules ought to be DEMANDED to be declared EVEN BEFORE you enter a plea in a criminal case.
2. If the government asserts any right over your PRIVATE property, they are PRESUMING they are the LEGAL owner and relegating you to EQUITABLE ownership. This presumption should be forcefully challenged.
3. If they won't expressly define the rules, or try to cloud the rules for converting PRIVATE property to PUBLIC property, then they are:
 - 3.1. Defeating the very purpose for which they were established as a "government". Hence, they are not a true "government" but a de facto private corporation PRETENDING to be a "government", which is a CRIME under 18 U.S.C. §912.
 - 3.2. Exercising unconstitutional eminent domain over private property without the consent of the owner and without compensation.
 - 3.3. Trying to STEAL from you.
 - 3.4. Violating their fiduciary duty to the public.

9.4 The Ability to Regulate Private Rights and Private Conduct is Repugnant to the Constitution

The following cite establishes that private rights and private property are entirely beyond the control of the government:

Enumeration of Inalienable Rights

Copyright Sovereignty Education and Defense Ministry, <http://sedm.org>
Form 10.002, Rev. 11-14-2021

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EXHIBIT: _____

When one becomes a member of society, he necessarily parts with some rights or privileges which, as an individual not affected by his relations to others, he might retain. "A body politic," as aptly defined in the preamble of the Constitution of Massachusetts, "is a social compact by which the whole people covenants with each citizen, and each citizen with the whole people, that all shall be governed by certain laws for the common good." This does not confer power upon the whole people to control rights which are purely and exclusively private, *Thorpe v. R. & B. Railroad Co.*, 27 Vt. 143; but it does authorize the establishment of laws requiring each citizen to so conduct himself, and so use his own property, as not unnecessarily to injure another. This is the very essence of government, and 125*125 has found expression in the maxim *sic utere tuo ut alienum non laedas*. From this source come the police powers, which, as was said by Mr. Chief Justice Taney in the *License Cases*, 5 How. 583, "are nothing more or less than the powers of government inherent in every sovereignty, . . . that is to say, . . . the power to govern men and things." Under these powers the government regulates the conduct of its citizens one towards another, and the manner in which each shall use his own property, when such regulation becomes necessary for the public good. In their exercise it has been customary in England from time immemorial, and in this country from its first colonization, to regulate ferries, common carriers, hackmen, bakers, millers, wharfingers, innkeepers, &c., and in so doing to fix a maximum of charge to be made for services rendered, accommodations furnished, and articles sold. To this day, statutes are to be found in many of the States upon some or all these subjects; and we think it has never yet been successfully contended that such legislation came within any of the constitutional prohibitions against interference with private property. With the Fifth Amendment in force, Congress, in 1820, conferred power upon the city of Washington "to regulate . . . the rates of wharfage at private wharves, . . . the sweeping of chimneys, and to fix the rates of fees therefor, . . . and the weight and quality of bread," 3 Stat. 587, sect. 7; and, in 1848, "to make all necessary regulations respecting hackney carriages and the rates of fare of the same, and the rates of hauling by cartmen, wagoners, carmen, and draymen, and the rates of commission of auctioneers," 9 id. 224, sect. 2. [*Munn v. Illinois*, 94 U.S. 113 (1877), SOURCE: http://scholar.google.com/scholar_case?case=6419197193322400931]

Notice that they say that the ONLY basis to regulate private rights is to prevent injury of one man to another by the use of said property. They say that this authority is the origin of the "police powers" of the state. What they hide, however, is that these same POLICE POWERS involve the CRIMINAL laws and EXCLUDE the CIVIL laws or even franchises. You can TELL they are trying to hide something because around this subject they invoke the Latin language that is unknown to most Americans to conceal the nature of what they are doing. Whenever anyone invokes Latin in a legal setting, a red flag ought to go up because you KNOW they are trying to hide a KEY fact. Here is the Latin they invoked:

"sic utere tuo ut alienum non laedas"

The other phrase to notice in the Munn case above is the use of the word "social compact". A compact is legally defined as a contract.

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

Therefore, one cannot exercise their First Amendment right to legally associate with or contract with a SOCIETY and thereby become a party to the "social compact/contract" without ALSO becoming a STATUTORY "citizen". By statutory citizen, we really mean a domiciliary of a SPECIFIC municipal jurisdiction, and not someone who was born or naturalized in that place. Hence, by STATUTORY citizen we mean a person who:

1. Has voluntarily chosen a civil domicile within a specific municipal jurisdiction and thereby become a "citizen" or "resident" of said jurisdiction. "citizens" or "residents" collectively are called "inhabitants".
2. Has indicated their choice of domicile on government forms in the block called "residence" or "permanent address".
3. CONSENTS to be protected by the regional civil laws of a SPECIFIC municipal government.

A CONSTITUTIONAL citizen, on the other hand, is someone who cannot consent to choose the place of their birth. These people in federal statutes are called "non-residents". Neither BEING BORN nor being PHYSICALLY PRESENT in a place is an express exercise of one's discretion or an act of CONSENT, and therefore cannot make one a government contractor called a statutory "U.S. citizen". That is why birth or naturalization determines nationality but not their status under the CIVIL laws. All civil jurisdiction is based on "consent of the governed", as the Declaration of Independence indicates. Those who do NOT consent to the civil laws that implement the social compact of the municipal government they are PHYSICALLY situated within are called "free inhabitants", "nonresidents", "transient foreigners", or "foreign sovereigns". These "free inhabitants" are mentioned in the Articles of Confederation, which continue to this day and they are NOT the

1 same and mutually exclusive to a statutory "U.S. citizen". These "free inhabitants" instead are CIVILLY governed by the
2 common law RATHER than the civil law.

3 Policemen are NOT allowed to involve themselves in CIVIL disputes and may ONLY intervene or arrest anyone when a
4 CRIME has been committed. They CANNOT arrest for an "infraction", which is a word designed to hide the fact that the
5 statute being enforced is a CIVIL or FRANCHISE statute not involving the CRIMINAL "police powers". Hence, civil
6 jurisdiction over PRIVATE rights is NOT authorized among those who HAVE such rights. Only those who know those
7 rights and claim and enforce them, not through attorneys but in their proper person, have such rights. Nor can those PRIVATE
8 rights lawfully be surrendered to a REAL, de jure government, even WITH consent, if they are, in fact UNALIENABLE as
9 the Declaration of Independence indicates.

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

12 The only people who can consent to give away a right are those who HAVE no rights because they are domiciled on federal
13 territory not protected by the Constitution or the Bill of Rights:

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

30 To apply these concepts, the police enforce the "vehicle code", but most of the vehicle code is a civil franchise that they may
31 NOT enforce without ABUSING the police powers of the state. In recognition of these concepts, the civil provisions of the
32 vehicle code are called "infractions" rather than "crimes". AND, before the civil provisions of the vehicle code may lawfully
33 be enforced against those using the public roadways, one must be a "resident" with a domicile not within the state, but on
34 federal territory where rights don't exist. All civil law attaches to SPECIFIC territory. That is why by applying for a driver's
35 license, most state vehicle codes require that the person must be a "resident" of the state, meaning a person with a domicile
36 within the statutory but not Constitutional "United States", meaning federal territory.

37 So what the vehicle codes in most states do is mix CRIMINAL and CIVIL and even PRIVATE franchise law all into one
38 title of code, call it the "Vehicle code", and make it extremely difficult for even the most law abiding "citizen" to distinguish
39 which provisions are CIVIL/FRANCHISES and which are CRIMINAL, because they want to put the police force to an
40 UNLAWFUL use enforcing CIVIL rather than CRIMINAL law. This has the practical effect of making the "CODE" not
41 only a deception, but void for vagueness on its face, because it fails to give reasonable notice to the public at large, WHICH
42 specific provisions pertain to EACH subset of the population. That, in fact, is why they have to call it "the code", rather than
43 simply "law": Because the truth is encrypted and hidden in order to unlawfully expand their otherwise extremely limited
44 civil jurisdiction. The two subsets of the population who they want to confuse and mix together in order to undermine your
45 sovereignty are:

- 46 1. Those who consent to the "social compact" by choosing a domicile or residence within a specific municipal
47 jurisdiction. These people are identified by the following statutory terms:
 - 48 1.1. Individuals.
 - 49 1.2. Residents.
 - 50 1.3. Citizens.
 - 51 1.4. Inhabitants.
 - 52 1.5. PUBLIC officers serving as an instrumentality of the government.
- 53 2. Those who do NOT consent to the "social compact" and who therefore are called:
 - 54 2.1. Free inhabitants.

- 2.2. Nonresidents.
- 2.3. Transient foreigners.
- 2.4. Sojourners.
- 2.5. EXCLUSIVELY PRIVATE human beings beyond the reach of the civil statutes implementing the social compact.

So how can they reach those in constitutional states with the vehicle code who are neither domiciled on federal territory nor representing a public office that is domiciled there? The way they get around the problem of only being able to enforce the CIVIL provisions of the vehicle code against domiciliaries of the federal zone is to:

1. Force those who apply for driver licenses to misrepresent their status so they appear as either statutory citizens or public officers on official business. This is done using the "permanent address" block and requiring a Social Security Number to get a license.
2. Confuse CONSTITUTIONAL "citizens" with STATUTORY "citizens", to make them appear the same even though they are NOT.
3. Arrest people domiciled in constitutional states for driving WITHOUT a license, even though technically these provisions can only be enforceable against those who are acting as a public officer WHILE driving AND who are STATUTORY but not CONSTITUTIONAL "citizens". This creates the false appearance that EVERYONE must have a license, rather than only those domiciled on federal territory or representing an office domiciled there.

The act of "governing" WITHOUT consent therefore implies CRIMINAL governing, not CIVIL governing. To procure CIVIL jurisdiction over a private right requires the CONSENT of the owner of the right. That is why the U.S. Supreme Court states in Munn the following:

"When one becomes a member of society, he necessarily parts with some rights or privileges which, as an individual not affected by his relations to others, he might retain."
[Munn v. Illinois, 94 U.S. 113 (1877),
SOURCE: http://scholar.google.com/scholar_case?case=6419197193322400931]

Therefore, if one DOES NOT consent to join a "society" as a statutory citizen, he RETAINS those SOVEREIGN rights that would otherwise be lost through the enforcement of the civil law. Here is how the U.S. Supreme Court describes this requirement of law:

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

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

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

[3] third, that whenever the public needs require, the public may take it upon payment of due compensation."
[Budd v. People of State of New York, 143 U.S. 517 (1892)]

A PRIVATE right that is unalienable cannot be given away by a citizen, even WITH consent, to a de jure government. Hence, the only people that any government may CIVILLY govern are those without unalienable rights, all of whom MUST therefore be domiciled on federal territory where CONSTITUTIONAL rights do not exist.

Notice that when they are talking about "regulating" conduct using CIVIL law, all of a sudden they mention "citizens" instead of ALL PEOPLE. These "citizens" are those with a DOMICILE within federal territory not protected by the Constitution:

*"Under these powers the government regulates the **conduct of its citizens** one towards another, and the manner in which each shall use his own property, when such regulation becomes necessary for the public good."*
[Munn v. Illinois, 94 U.S. 113 (1877),
SOURCE: http://scholar.google.com/scholar_case?case=6419197193322400931]

All "citizens" that they can regulate therefore must be WITHIN the government and be acting as public officers. Otherwise, they would continue to be PRIVATE parties beyond the CIVIL control of any government. Hence, in a Republican Form of Government where the People are sovereign:

1. The only "subjects" under the civil law are public officers in the government.
2. The government is counted as a STATUTORY "citizen" but not a CONSTITUTIONAL "citizen". All CONSTITUTIONAL citizens are human beings and CANNOT be artificial entities. All STATUTORY citizens, on the other hand, are artificial entities and franchises and NOT CONSTITUTIONAL citizens.

"A corporation [the U.S. government, and all those who represent it as public officers, is a federal corporation per 28 U.S.C. §3002(15)(A)] is a citizen, resident, or inhabitant of the state or country by or under the laws of which it was created, and of that state or country only."
[19 Corpus Juris Secundum (C.J.S.), Corporations, §886 (2003)]

Citizens of the United States within the meaning of this Amendment must be natural and not artificial persons; a corporate body is not a citizen of the United States. [14]

FOOTNOTES:

[14] *Insurance Co. v. New Orleans*, 13 Fed.Cas. 67 (C.C.D.La. 1870). Not being citizens of the United States, corporations accordingly have been declared unable "to claim the protection of that clause of the Fourteenth Amendment which secures the privileges and immunities of citizens of the United States against abridgment or impairment by the law of a State." *Orient Ins. Co. v. Daggs*, 172 U.S. 557, 561 (1869). This conclusion was in harmony with the earlier holding in *Paul v. Virginia*, 75 U.S. (8 Wall.) 168 (1869), to the effect that corporations were not within the scope of the privileges and immunities clause of state citizenship set out in Article IV, Sec. 2. See also *Selover, Bates & Co. v. Walsh*, 226 U.S. 112, 126 (1912); *Berea College v. Kentucky*, 211 U.S. 45 (1908); *Liberty Warehouse Co. v. Tobacco Growers*, 276 U.S. 71, 89 (1928); *Grosjean v. American Press Co.*, 297 U.S. 233, 244 (1936).
[SOURCE: Annotated Fourteenth Amendment, Congressional Research Service:
http://www.law.cornell.edu/amdt14a_hd1/]

3. The only statutory "citizens" are public offices in the government.
4. By serving in a public office, one becomes the same type of "citizen" as the GOVERNMENT is.

These observations are consistent with the very word roots that form the word "republic". The following video says the word origin comes from "res publica", which means a collection of PUBLIC rights shared by the public. You must therefore JOIN "the public" and become a public officer before you can partake of said PUBLIC right.

Overview of America, SEDM Liberty University, Section 2.3
<http://sedm.org/LibertyU/LibertyU.htm>

This gives a WHOLE NEW MEANING to Abraham Lincoln's Gettysburg Address, in which he refers to American government as:

"A government of the people, by the people, and for the people."

You gotta volunteer as an uncompensated public officer for the government to CIVILLY govern you. Hence, the only thing they can CIVILLY GOVERN, is the GOVERNMENT! Pretty sneaky, huh? Here is a whole memorandum of law on this subject proving such a conclusion:

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

The other important point we wish to emphasize is that those who are EXCLUSIVELY private and therefore beyond the reach of the civil law are:

1. Free inhabitants.

Enumeration of Inalienable Rights

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2. Not a statutory “person” under the civil law or franchise statute in question.
3. Not “individuals” under the CIVIL law if they are human beings. All statutory “individuals”, in fact, are identified as “employees” under 5 U.S.C. §2105(a). This is the ONLY statute that describes HOW one becomes a statutory “individual” that we have been able to find.
4. “foreign”, a “transient foreigner”, and sovereign in respect to government CIVIL but not CRIMINAL jurisdiction.
5. NOT “subject to” but also not necessarily statutorily “exempt” under the civil or franchise statute in question.

For a VERY interesting background on the subject of this section, we recommend reading the following case:

Mugler v. Kansas, 123 U.S. 623 (1887)
SOURCE: http://scholar.google.com/scholar_case?case=12658364258779560123

9.5 The Right to be left alone

The purpose of the Constitution of the United States of America is to confer the “right to be left alone”, which is the essence of being sovereign:

*"The makers of our Constitution undertook to secure conditions favorable to the pursuit of happiness. They recognized the significance of man's spiritual nature, of his feelings and of his intellect. They knew that only a part of the pain, pleasure and satisfactions of life are to be found in material things. They sought to protect Americans in their beliefs, their thoughts, their emotions and their sensations. **They conferred, as against the Government, the right to be let alone - the most comprehensive of rights and the right most valued by civilized men.**"*

[Olmstead v. United States, 277 U.S. 438, 478 (1928) (Brandeis, J., dissenting) ; see also Washington v. Harper, 494 U.S. 210 (1990)]

The legal definition of “justice” confirms that its purpose is to protect your right to be “left alone”:

PAULSEN, ETHICS (Thilly's translation), chap. 9.

"Justice, as a moral habit, is that tendency of the will and mode of conduct which refrains from disturbing the lives and interests of others, and, as far as possible, hinders such interference on the part of others. This virtue springs from the individual's respect for his fellows as ends in themselves and as his co equals. The different spheres of interests may be roughly classified as follows: body and life; the family, or the extended individual life; property, or the totality of the instruments of action; honor, or the ideal existence; and finally freedom, or the possibility of fashioning one's life as an end in itself. The law defends these different spheres, thus giving rise to a corresponding number of spheres of rights, each being protected by a prohibition. . . . To violate the rights, to interfere with the interests of others, is injustice. All injustice is ultimately directed against the life of the neighbor; it is an open avowal that the latter is not an end in itself, having the same value as the individual's own life. The general formula of the duty of justice may therefore be stated as follows: Do no wrong yourself, and permit no wrong to be done, so far as lies in your power; or, expressed positively: Respect and protect the right."
[Readings on the History and System of the Common Law, Second Edition, Roscoe Pound, 1925, p. 2]

The Bible also states the foundation of justice by saying:

*"Do not strive with [or try to regulate or control or enslave] a man without cause, **if he has done you no harm.**"*
[Prov. 3:30, Bible, NKJV]

And finally, Thomas Jefferson agreed with the above by defining “justice” as follows in his First Inaugural Address:

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

Therefore, the word “injustice” means interference with the equal rights of others absent their consent and which constitutes an injury NOT as any law defines it, but as the PERSON who is injured defines it. Under this conception of “justice”, anything done with your consent cannot be classified as “injustice” or an injury.

Those who are “private persons” fit in the category of people who must be left alone as a matter of law:

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"There is a clear distinction in this particular case between an individual and a corporation, and that the latter has no right to refuse to submit its books and papers for an examination at the suit of the State. The individual may stand upon his constitutional rights as a citizen. He is entitled to carry on his private business in his own way. His power to contract is unlimited. He owes no such duty to the State, since he receives nothing therefrom, beyond the protection of his life and property. His rights are such as existed by the law of the land long antecedent to the organization of the State, and can only be taken from him by due process of law, and in accordance with the constitution. Among his rights are a refusal to incriminate himself, and the immunity of himself and his property from arrest or seizure except under a warrant of the law. He owes nothing to the public so long as he does not trespass upon their rights."
[Hale v. Henkel, [201 U.S. 43](#), 74 (1906)]

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

2. Private employers, states, and political subdivisions are not required to enter into payroll deduction agreements. Taxpayers should determine whether their employers will accept and process executed agreements before agreements are submitted for approval or finalized.
[SOURCE: <http://sedm.org/Exhibits/EX05.043.pdf>]

The U.S. Supreme Court has also held that the ability to regulate what it calls "private conduct" is repugnant to the constitution. It is the differentiation between PRIVATE rights and PUBLIC rights, in fact, that forms the basis for enforcing your right to be left alone:

"The power to "legislate generally upon" life, liberty, and property, as opposed to the "power to provide modes of redress" against offensive state action, was "repugnant" to the Constitution. *Id.*, at 15. See also *United States v. Reese*, [92 U.S. 214, 218](#) (1876); *United States v. Harris*, [106 U.S. 629, 639](#) (1883); *James v. Bowman*, [190 U.S. 127, 139](#) (1903). Although the specific holdings of these early cases might have been superseded or modified, see, e.g., *Heart of Atlanta Motel, Inc. v. United States*, [379 U.S. 241](#) (1964); *United States v. Guest*, [383 U.S. 745](#) (1966), their treatment of Congress' §5 power as corrective or preventive, not definitional, has not been questioned."
[*City of Boerne v. Flores, Archbishop of San Antonio*, [521 U.S. 507](#) (1997)]

Only by taking on a "public character" or engaging in "public conduct" rather than a "private" character may our actions become the proper or lawful subject of federal or state legislation or regulation.

"One great object of the Constitution is to permit citizens to structure their private relations as they choose subject only to the constraints of statutory or decisional law." [500 U.S. 614, 620]

To implement these principles, courts must consider from time to time where the governmental sphere [e.g., "public purpose" and "public office"] ends and the private sphere begins. Although the conduct of private parties lies beyond the Constitution's scope in most instances, governmental authority may dominate an activity to such an extent that its participants must be deemed to act with the authority of the government and, as a result, be subject to constitutional constraints. This is the jurisprudence of state action, which explores the "essential dichotomy" between the private sphere and the public sphere, with all its attendant constitutional obligations. *Moose Lodge*, *supra*, at 172. "

[. . .]

Given that the statutory authorization for the challenges exercised in this case is clear, the remainder of our state action analysis centers around the second part of the *Lugar* test, whether a private litigant, in all fairness, must be deemed a government actor in the use of peremptory challenges. Although we have recognized that this aspect of the analysis is often a fact-bound inquiry, see *Lugar*, *supra*, 457 U.S. at 939, our cases disclose certain principles of general application. Our precedents establish that, in determining whether a particular action or course of conduct is governmental in character, it is relevant to examine the following: the extent to which the actor relies on governmental assistance and benefits, see *Tulsa Professional Collection Services, Inc. v. Pope*, [485 U.S. 478](#) (1988); *Burton v. Wilmington Parking Authority*, [365 U.S. 715](#) (1961); whether the actor is performing a traditional governmental function, see *Terry v. Adams*, [345 U.S. 461](#) (1953); *Marsh v. Alabama*, [326 U.S. 501](#) (1946); cf. *San Francisco Arts & Athletics, Inc. v. United States Olympic [500 U.S. 614, 622] Committee*, [483 U.S. 522, 544 -545](#) (1987); and whether the injury caused is aggravated in a unique way by the incidents of governmental authority, see *Shelley v. Kraemer*, [334 U.S. 1](#) (1948). Based on our application of these three principles to the circumstances here, we hold that the exercise of peremptory challenges by the defendant in the District Court was pursuant to a course of state action.
[*Edmonson v. Leesville Concrete Company*, [500 U.S. 614](#) (1991)]

The phrase “subject only to the constraints of statutory or decisional law” refers ONLY to statutes or court decisions that pertain to licensed or privileged activities or franchises, all of which:

1. Cause the licensee or franchisee to represent a “public office” and work for the government.
2. Cause the licensee or franchisee to act in a representative capacity as an officer of the government, which is a federal corporation and therefore he or she becomes an “officer or employee of a corporation” acting in a representative capacity. See 26 U.S.C. §6671(b) and 26 U.S.C. §7434, which both define a “person” within the I.R.C. criminal and penalty provisions as an officer or employee of a corporation.
3. Change the effective domicile of the “office” or “public office” of the licensee or franchisee to federal territory pursuant to Federal Rule of Civil Procedure 17(b), 26 U.S.C. §7701(a)(39), and 26 U.S.C. §7408(d).

IV. PARTIES > Rule 17.

(b) Capacity to Sue or be Sued.

Capacity to sue or be sued is determined as follows:

(1) for an individual who is not acting in a representative capacity, by the law of the individual's domicile;

(2) for a corporation [or the officers or “public officers” of the corporation], by the law under which it was organized; and

(3) for all other parties, by the law of the state where the court is located, except that:

(A) a partnership or other unincorporated association with no such capacity under that state's law may sue or be sued in its common name to enforce a substantive right existing under the United States Constitution or laws; and

*(B) **28 U.S.C. §§754 and 959**(a) govern the capacity of a receiver appointed by a United States court to sue or be sued in a United States court.*

4. Create a “res” or “office” which is the subject of federal legislation and a “person” or “individual” within federal statutes. For instance, the definition of “individual” within 5 U.S.C. §552a(a)(2) reveals that it is a government employee with a domicile in the statutory “United States”, which is federal territory. Notice that the statute below is in Title 5, which is “Government Organization and Employees”, and that “citizens and residents of the United States” share in common a legal domicile on federal territory. An “individual” is an officer of the government, and not a natural man or woman. The office is the “individual”, and not the man or woman who fills it:

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

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

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

If you don’t maintain a domicile on federal territory, which is called the “United States” in the U.S. Code, or you don’t work for the government by participating in its franchises, then the government has NO AUTHORITY to even keep records on you under the authority of the Privacy Act and you would be committing perjury under penalty of perjury to call yourself an “individual” on a government form. Why? Because you are the sovereign and the sovereign is not the subject of the law, but the author of the law!

“Since in common usage, the term person does not include the sovereign, statutes not employing the phrase are ordinarily construed to exclude it.”
[United States v. Cooper Corporation, 312 U.S. 600 (1941)]

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

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

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

[Billings v. Hall, 7 CA. 1]

"In Europe, the executive is synonymous with the sovereign power of a state...where it is too commonly acquired by force or fraud, or both...In America, however the case is widely different. Our government is founded upon compact. **Sovereignty was, and is, in the people.**"
[The Betsy, 3 Dall 6]

In summary, the only way the government can control you through civil law is to connect you to public conduct or a "public office" within the government executed on federal territory. If they are asserting jurisdiction that you believe they don't have, it is probably because:

1. You misrepresented your domicile as being on federal territory within the "United States" or the "State of ___" by declaring yourself to be either a statutory "U.S. citizen" pursuant to 8 U.S.C. §1401 or a statutory "resident" (alien) pursuant to 26 U.S.C. §7701(b)(1)(A). This made you subject to their laws and put you into a privileged state.
2. You filled out a government application for a franchise, which includes government benefits, professional licenses, driver's licenses, marriage licenses, etc.
3. Someone else filed a document with the government which connected you to a franchise, even though you never consented to participate in the franchise. For instance, IRS information returns such as W-2, 1042S, 1098, and 1099 presumptively connect you to a "trade or business" in the U.S. government pursuant to 26 U.S.C. §6041. A "trade or business" is then defined in 26 U.S.C. §7701(a)(26) as "the functions of a public office". The only way to prevent this evidence from creating a liability under the franchise agreement provisions is to rebut it promptly. See:

Correcting Erroneous Information Returns, Form #04.001
<http://sedm.org/Forms/FormIndex.htm>

9.6 The PUBLIC You (straw man) vs. the PRIVATE You (human)

It is extremely important to know the difference between PRIVATE and PUBLIC "persons", because we all have private and public identities. This division of our identities is recognized in the following maxim of law:

Quando duo juro concurrunt in und personâ, aequum est ac si essent in diversis.
When two rights [public right v. private right] concur in one person, it is the same as if they were **two separate persons**, 4 Co. 118.
[Bouvier's Maxims of Law, 1856;
SOURCE: <http://fanguardian.org/Publications/BouvierMaximsOfLaw/BouviarsMaxims.htm>]

The U.S. Supreme Court also recognizes the division of PUBLIC v. PRIVATE:

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

"All the powers of the government [including ALL of its civil enforcement powers against the public] must be carried into operation **by individual agency, either through the medium of public officers, or contracts made with [private] individuals.**"
[Osborn v. Bank of U.S., 22 U.S. 738 (1824)]

"...we are of the opinion that there is a clear distinction in this particular between an [PRIVATE] individual and a [PUBLIC] corporation, and that the latter has no right to refuse to submit its books and papers for an examination at the suit of the state. The individual may stand upon his constitutional rights as a citizen. He is entitled to carry on his private business in his own way. His power to contract is unlimited. He owes no duty to the state or to his neighbors to divulge his business, or to open his doors to an investigation, so far as it may tend to criminate him. He owes no such duty to the state, since he receives nothing therefrom, beyond the protection of his life and property. His rights are such as existed by the law of the land long antecedent to the organization of the state, and can only be taken from him by due process of law, and in accordance with the Constitution. Among his rights are a refusal to incriminate himself, and the immunity of himself and his property from arrest or seizure except under a warrant of the law. He owes nothing to the public so long as he does not trespass upon their rights.

"Upon the other hand, the [PUBLIC] corporation is a creature of the state. It is presumed to be incorporated for the benefit of the public. It receives certain special privileges and franchises, and holds them subject to the laws of the state and the limitations of its charter. Its powers are limited by law. It can make no contract not

1 authorized by its charter. Its rights to [201 U.S. 43, 75] act as a corporation are only preserved to it so long
2 as it obeys the laws of its creation. There is a reserved right in the legislature to investigate its contracts and
3 find out whether it has exceeded its powers. It would be a strange anomaly to hold that a state, having chartered
4 a corporation to make use of certain franchises, could not, in the exercise of its sovereignty, inquire how these
5 franchises had been employed, and whether they had been abused, and demand the production of the corporate
6 books and papers for that purpose. The defense amounts to this: That an officer of a corporation which is charged
7 with a criminal violation of the statute, may plead the criminality of such corporation as a refusal to produce its
8 books. To state this proposition is to answer it. While an individual may lawfully refuse to answer incriminating
9 questions unless protected by an immunity statute, it does not follow that a corporation, vested with special
10 privileges and franchises, may refuse to show its hand when charged with an abuse of such privileges. "
11 [Hale v. Henkel, 201 U.S. 43 (1906)]

12 The next time you are in court as a PRIVATE person, here are some questions for the next jury, judge, or government
13 prosecutor trying to enforce a civil obligation upon you as a PRESUMED public officer called a "citizen", "resident",
14 "person", or "taxpayer":

- 15 1. How do you, a PRIVATE human, "OBEY" a law without "EXECUTING" it? We'll give you a hint: It CAN'T BE
16 DONE!
- 17 2. What "public office" or franchise does the government claim to have "created" and therefore have the right to control
18 in the context of my otherwise exclusively PRIVATE property and PRIVATE rights under the Constitution?
- 19 3. Who is the "customer" in the context of the IRS: The STATUTORY "taxpayer" public office or the PRIVATE human
20 filling the office?
- 21 4. Who gets to define what a "benefit" is in the context of "customers"? Isn't it the human volunteering to be surety for
22 the "taxpayer" office and not the government grantor of the public office franchise?
- 23 5. What if I as the human compelled to become surety for the office define that compulsion as an INJURY rather than a
24 BENEFIT? Does that "end the privilege" and the jurisdiction to tax and regulate?
- 25 6. Does the national government claim the right to create franchises within a constitutional state in order to tax them?
26 The Constitution says they CANNOT and that this is an "invasion" within the meaning of Article 4, Section 4 of the
27 Constitution:

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

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

- 44 7. Isn't a judge compelling you to violate your religious beliefs by compelling you to serve in a public office or accept the
45 DUTES of the office? Isn't this a violation of the First Commandment NOT to serve "other gods", which can and does
46 mean civil rulers or governments?

47 *But the thing displeased Samuel when they said, "Give us a king to judge us." So Samuel prayed to the Lord.*
48 *And the Lord said to Samuel, "Heed the voice of the people in all that they say to you; for they have rejected*
49 *Me [God], that I should not reign over them. According to all the works which they have done since the day that*
50 *I brought them up out of Egypt, even to this day—with which they have forsaken Me and served other gods*
51 *[Kings, in this case]—so they are doing to you also [government becoming idolatry]. Now therefore, heed their*
52 *voice. However, you shall solemnly forewarn them, and show them the behavior of the king who will reign*
53 *over them."*
54 [1 Sam. 8:6-9, Bible, NKJV]

- 55 8. How can one UNILATERALLY ELECT themselves into public office by filling out a government form? The form
56 isn't even signed by anyone in the government, such as a tax form or social security application, and therefore couldn't

POSSIBLY be a valid contract anyway? Isn't this a FRAUD upon the United States and criminal bribery, using illegal "withholdings" to bribe someone to TREAT you as a public officer? See 18 U.S.C. §211.

9. How can a judge enforce civil statutory law that only applies to public officers without requiring proof on the record that you are CONSENSUALLY and LAWFULLY engaged in a public office? In other words, that you waived sovereign immunity by entering into a contract with the government.

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

[United States v. Worrall, 2 U.S. 384 (1798)]

SOURCE: http://scholar.google.com/scholar_case?case=3339893669697439168/

10. Isn't this involuntary servitude in violation of the Thirteenth Amendment to serve in a public office if you DON'T consent and they won't let you TALK about the ABSENCE of your consent?
11. Isn't it a violation of due process of law to PRESUME that you are public officer WITHOUT EVIDENCE on the record from an unbiased witness who has no financial interest in the outcome?

"A presumption is an assumption of fact that the law requires to be made from another fact or group of facts found or otherwise established in the action. A presumption is not evidence."

[Black's Law Dictionary, Sixth Edition, p. 1185]

"If any question of fact or liability be conclusively be presumed [rather than proven] against him, this is not due process of law. [...] the presumption of innocence under which guilt must be proven by legally obtained evidence and the verdict must be supported by the evidence presented; rights at the earliest stage of the criminal process; and the guarantee that an individual will not be tried more than once for the same offence (double jeopardy).

[Black's Law Dictionary, Sixth Edition, p. 500]

"A presumption is neither evidence nor a substitute for evidence."²⁵

[American Jurisprudence 2d, Evidence, §181 (1999)]

12. If the judge won't enforce the requirement that the government as moving party has the burden of proving WITH EVIDENCE that you were LAWFULLY "appointed or elected" to a public office, aren't you therefore PRESUMED to be EXCLUSIVELY PRIVATE and therefore beyond the reach of the civil statutory law?
13. Isn't the judge criminally obstructing justice to interfere with requiring evidence on the record that you lawfully occupy a public office? See 18 U.S.C. §1503, whereby the judge is criminally "influencing" the PUBLIC you.
14. Isn't an unsupported presumption that prejudices a PRIVATE right a violation of the Constitution and doesn't the rights that UNCONSTITUTIONAL presumption prejudicially conveys to the government constitute a taking of rights without just compensation in violation of the Fifth Amendment Takings Clause?
15. Don't the rights that UNCONSTITUTIONAL presumptions prejudicially convey to the government constitute a taking of rights without just compensation in violation of the Fifth Amendment Takings Clause?
16. By what authority does the judge impose federal civil law within a constitutional state of the Union because:
- 16.1. Constitutional states are legislatively but not constitutionally foreign jurisdiction.
- 16.2. Federal Rule of Civil Procedure 17(b) requires that those with a domicile outside of federal territory cannot be sued under federal law.

²⁵ 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.

16.3. The Rules of Decision Act, 28 U.S.C. §1652 dictates that state rather than federal law applies.

16.4. National franchises and the PRIVATE law that implements them cannot be offered or enforced within constitutional states per License Tax Cases, [72 U.S. 462](#), 18 L.Ed. 497, 5 Wall. 462, 2 A.F.T.R. 2224 (1866).

17. Even if we ARE lawfully serving in a public office, don't we have the right to:

17.1. Be off duty?

17.2. Choose WHEN we want to be off duty?

17.3. Choose WHAT financial transactions we want to connect to the office?

17.4. Be protected in NOT volunteering to connect a specific activity to the public office? Governments LIE by calling something "voluntary" and yet refusing to protect those who do NOT consent to "volunteer", don't they?

17.5. Not be coerced to sign up for OTHER, unrelated public offices when we sign up for a single office? For instance, do we have a right not become a FEDERAL officer when we sign up for a STATE "driver license" and "public office" that ALSO requires us to have a Social Security Number to get the license, and therefore to ALSO become a FEDERAL officer at the same time.

If the answer to all the above is NO, then there ARE no PRIVATE rights or PRIVATE property and there IS no "government" because governments only protect PRIVATE rights and private property!

We'd love to hear a jury, judge, or prosecutor address this subject before they hall him away in a straight jacket to the nuthouse because of a completely irrational and maybe even criminal answer.

The next time you end up in front of a judge or government attorney enforcing a civil statute against you, you might want to insist on proof in the record during the process of challenging jurisdiction as a defendant or respondent:

1. WHICH of the two "persons" they are addressing or enforcing against.
2. How the two statuses, PUBLIC v. PRIVATE, became connected.
3. What specific act of EXPRESS consent connected the two. PRESUMPTION alone on the part of government can't. A presumption that the two became connected WITHOUT consent is an unconstitutional eminent domain in violation of the Fifth Amendment Takings Clause.

In a criminal trial, such a question would be called a "bill of particulars".

We can handle private and public affairs from the private, but we cannot handle private affairs from the public. The latter is one of the biggest mistakes many people make when trying to handle their commercial and lawful (private) or legal (public) affairs. Those who use PUBLIC property for PRIVATE gain in fact are STEALING and such stealing has always been a crime.

In law, all rights attach to LAND, and all privileges attach to one's STATUS under voluntary civil franchises. An example of privileged statuses include "taxpayer" (under the tax code), "person", "individual", "driver" (under the vehicle code), "spouse" (under the family code). Rights are PRIVATE, PRIVILEGES are PUBLIC.

In our society, the PRIVATE "straw man" was created by the application for the birth certificate. It is a legal person under contract law and under the Uniform Commercial Code (U.C.C.), with capacity to sue or be sued under the common law. It is PRIVATE PROPERTY of the human being described in the birth certificate.

The PUBLIC officer "straw man" (e.g. statutory "taxpayer") was created by the SSA Form SS-5, Application for a Social Security Card. It is a privileged STATUS under an [unconstitutional national franchise](#) of the [de facto government](#). It is PROPERTY of the national government. The PUBLIC "straw man" is thoroughly described in:

Proof that There Is a "Straw Man", Form #05.042

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

The PRIVATE "John Doe" is a statutory "non-resident alien non-individual" not engaged in the "trade or business"/PUBLIC OFFICER franchise in relation to the PUBLIC. He exists in the republic and is a free inhabitant under the Articles of Confederation. He has inalienable rights and unlimited liabilities. Those unlimited liabilities are described in

The Unlimited Liability Universe

<http://famguardian.org/Subjects/Spirituality/Articles/UnlimitedLiabilityUniverse.htm>

The PUBLIC "JOHN DOE" is a public office in the government corporation and statutory "U.S. citizen" per 8 U.S.C. §1401, 26 U.S.C. §3121(e), and 26 C.F.R. §1.1-1(c). He exists in the privileged socialist democracy. He has "benefits", franchises, obligations, immunities, and limited liability.

In the PRIVATE, money is an ASSET and always in the form of something that has intrinsic value, i.e. gold or silver. Payment for anything is in the form of commercial set off.

In the PUBLIC, money is a LIABILITY or debt and normally takes the form of a promissory note, i.e. an Federal Reserve Note (FRN), a check, bond or note. Payment is in the form of discharge in the future.

The PRIVATE realm is the basis for all contract and commerce under the Uniform Commercial Code (U.C.C.). The PUBLIC realm was created by the bankruptcy of the PRIVATE entity. Generally, creditors can operate from the PRIVATE. PUBLIC entities are all debtors (or slaves). The exercise of the right to contract by the PRIVATE straw man makes human beings into SURETY for the PUBLIC straw man.

Your judicious exercise of your right to contract and the requirement for consent that protects it is the main thing that keeps the PUBLIC separate from the PRIVATE. See:

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

Be careful how you use your right to contract! It is the most DANGEROUS right you have because it can destroy ALL of your PRIVATE rights by converting them to PUBLIC rights and offices.

"These general rules are well settled:

(1) That the United States, when it creates rights in individuals against itself [a "public right", which is a euphemism for a "franchise" to help the court disguise the nature of the transaction], is under no obligation to provide a remedy through the courts. *United States ex rel. Dunlap v. Black*, 128 U.S. 40, 9 Sup.Ct. 12, 32 L.Ed. 354; *Ex parte Atocha*, 17 Wall. 439, 21 L.Ed. 696; *Gordon v. United States*, 7 Wall. 188, 195, 19 L.Ed. 35; *De Groot v. United States*, 5 Wall. 419, 431, 433, 18 L.Ed. 700; *Comegys v. Vasse*, 1 Pet. 193, 212, 7 L.Ed. 108.

(2) That where a statute creates a right and provides a special remedy, that remedy is exclusive. *Wilder Manufacturing Co. v. Corn Products Co.*, 236 U.S. 165, 174, 175, 35 Sup.Ct. 398, 59 L.Ed. 520, Ann. Cas. 1916A, 118; *Arnson v. Murphy*, 109 U.S. 238, 3 Sup.Ct. 184, 27 L.Ed. 920; *Barnet v. National Bank*, 98 U.S. 555, 558, 25 L.Ed. 212; *Farmers' & Mechanics' National Bank v. Dearing*, 91 U.S. 29, 35, 23 L.Ed. 196. Still the fact that the right and the remedy are thus intertwined might not, if the provision stood alone, require us to hold that the remedy expressly given excludes a right of review by the Court of Claims, where the decision of the special tribunal involved no disputed question of fact and the denial of compensation was rested wholly upon the construction of the act. See *Medbury v. United States*, 173 U.S. 492, 198, 19 Sup.Ct. 503, 43 L.Ed. 779; *Parish v. MacVeagh*, 214 U.S. 124, 29 Sup.Ct. 556, 53 L.Ed. 936; *McLean v. United States*, 226 U.S. 374, 33 Sup.Ct. 122, 57 L.Ed. 260; *United States v. Laughlin* (No. 200), 249 U.S. 440, 39 Sup.Ct. 340, 63 L.Ed. 696, decided April 14, 1919."
[*U.S. v. Babcock*, 250 U.S. 328, 39 S.Ct. 464 (1919)]

All PUBLIC franchises are contracts or agreements and therefore participating in them is an act of contracting.

"It is generally conceded that a franchise is the subject of a contract between the grantor and the grantee, and that it does in fact constitute a contract when the requisite element of a consideration is present.²⁶ Conversely, a franchise granted without consideration is not a contract binding upon the state, franchisee, or pseudo-franchisee.²⁷ "

²⁶ *Larson v. South Dakota*, 278 U.S. 429, 73 L.Ed. 441, 49 S.Ct. 196; *Grand Trunk Western R. Co. v. South Bend*, 227 U.S. 544, 57 L.Ed. 633, 33 S.Ct. 303; *Blair v. Chicago*, 201 U.S. 400, 50 L.Ed. 801, 26 S.Ct. 427; *Arkansas-Missouri Power Co. v. Brown*, 176 Ark. 774, 4 S.W.2d. 15, 58 A.L.R. 534; *Chicago General R. Co. v. Chicago*, 176 Ill. 253, 52 N.E. 880; *Louisville v. Louisville Home Tel. Co.*, 149 Ky. 234, 148 S.W. 13; *State ex rel. Kansas City v. East Fifth Street R. Co.*, 140 Mo. 539, 41 S.W. 955; *Baker v. Montana Petroleum Co.*, 99 Mont. 465, 44 P.2d. 735; *Re Board of Fire Comrs.* 27 N.J. 192, 142 A.2d. 85; *Chrysler Light & P. Co. v. Belfield*, 58 N.D. 33, 224 N.W. 871, 63 A.L.R. 1337; *Franklin County v. Public Utilities Com.*, 107 Ohio.St. 442, 140 N.E. 87, 30 A.L.R. 429; *State ex rel. Daniel v. Broad River Power Co.*, 157 S.C. 1, 153 S.E. 537; *Rutland Electric Light Co. v. Marble City Electric Light Co.*, 65 Vt. 377, 26 A. 635; *Virginia-Western Power Co. v. Commonwealth*, 125 Va. 469, 99 S.E. 723, 9 A.L.R. 1148, cert den 251 U.S. 557, 64 L.Ed. 413, 40 S.Ct. 179, disapproved on other grounds *Victoria v. Victoria Ice, Light & Power Co.* 134 Va. 134, 114 S.E. 92, 28 A.L.R. 562, and disapproved on other grounds *Richmond v. Virginia Ry. & Power Co.*, 141 Va. 69, 126 S.E. 353.

²⁷ *Pennsylvania R. Co. v. Bowers*, 124 Pa. 183, 16 A. 836.

Franchises include Social Security, income taxation (“trade or business”/public office franchise), unemployment insurance, driver licensing (“driver” franchise), and marriage licensing (“spouse” franchise).

“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]

Governments become corrupt by:

1. Refusing to recognize the PRIVATE.
2. Undermining or interfering with the invocation of the common law in courts of justice.
3. Allowing false information returns to be abused to convert the PRIVATE into the PUBLIC without the consent of the owner.
4. Destroying or undermining remedies for the protection of PRIVATE rights.
5. Replacing CONSTITUTIONAL courts with LEGISLATIVE FRANCHISE courts.
6. Making judges into statutory franchisees such as “taxpayers”, through which they are compelled to have a conflict of interest that ultimately destroys or undermines all private rights. This is a crime and a civil offense in violation of 18 U.S.C. §208, 28 U.S.C. §144, and 28 U.S.C. §455.
7. Offering or enforcing government franchises to people not domiciled on federal territory. This breaks down the separation of powers and enforces franchise law extraterritorially.
8. Abusing “words of art” to blur or confuse the separation between the PUBLIC and the PRIVATE. (deception)
9. Removing the domicile prerequisite for participation in government franchises through policy and not law, thus converting them into essentially PRIVATE business ventures that operate entirely through the right to contract.
10. Abusing sovereign immunity to protect PRIVATE government business ventures, thus destroying competition and implementing a state-sponsored monopoly.
11. Refusing to criminally prosecute those who compel participation in government franchises.
12. Turning citizenship into a statutory franchise, and thus causing people who claim citizen status to unwittingly become PUBLIC officers.
13. Allowing presumption to be used as a substitute for evidence in any proceeding to enforce government franchises against an otherwise PRIVATE party. This violates due process of law, unfairly advantages the government, and imputes to the government supernatural powers as an object of religious worship.

Therefore, it is important to learn how to be EXCLUSIVELY PRIVATE and a CREDITOR in all of our affairs. Freedom is possible in the PRIVATE; it is not even a valid fantasy in the realm of the PUBLIC.

Below is a summary:

Table 3: Public v. Private

#	Characteristic	Private	Public
1	Name	“John Doe”	“JOHN DOE” (idemsonans)
2	Created by	Birth certificate	Application for SS Card, Form SS-5
3	Property of	Human being	Government
4	Protected by	Common law	Statutory franchises
5	Type of rights exercised	Private rights Constitutional rights	Public rights Statutory privileges
6	Rights/privileges attach to	LAND you stand on	Statutory STATUS under a voluntary civil franchise
7	Courts which protect or vindicate rights/privileges	Constitutional courts under Article III in the true Judicial Branch	Legislative administrative franchise courts under Articles 1 and IV in the Executive Branch.
8	Domiciled on	Private property	Public property/federal territory
9	Commercial standing	Creditor	Debtor
10	Money	Gold and silver	Promissory note (debt instrument)

#	Characteristic	Private	Public
11	Sovereign being worshipped/obeyed	God	Governments and political rulers (The Beast, Rev. 19:19). Paganism
12	Purpose of government	Protect PRIVATE rights	Expand revenues and control over the populace and consolidate all rights and sovereignty to itself
13	Government consists of	Body POLITIC (PRIVATE) and body CORPORATE (PUBLIC)	Body CORPORATE (PUBLIC) only . All those in the body POLITIC are converted into officers of the corporation by abusing franchises.

9.7 All PUBLIC/GOVERNMENT law attaches to government territory, all PRIVATE law attaches to your right to contract

A very important consideration to understand is that:

1. All EXCLUSIVELY PUBLIC LAW attaches to the government's own territory. By "PUBLIC", we mean law that runs the government and ONLY the government.
2. All EXCLUSIVELY PRIVATE law attaches to one of the following:
 - 2.1. The exercise of your right to contract with others.
 - 2.2. The property you own and lend out to others based on specific conditions.

Item 2.2 needs further attention. Here is how that mechanism works:

*"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]

Next, we must describe exactly what we mean by "territory", and the three types of "territory" identified by the U.S. Supreme Court in relation to the term "United States". Below is how the united States Supreme Court addressed the question of the meaning of the term "United States" (see Black's Law Dictionary) in the famous case of *Hooven & Allison Co. v. Evatt*, 324 U.S. 652 (1945). The Court ruled that the term United States has three uses:

"The term 'United States' may be used in any one of several senses. It may be merely the name of a sovereign occupying the position analogous to that of other sovereigns in the family of nations. It may designate the territory over which the sovereignty of the United States extends, or it may be the collective name of the states which are united by and under the Constitution."

[Hooven & Allison Co. v. Evatt, 324 U.S. 652 (1945)]

We will now break the above definition into its three contexts and show what each means.

1 **Table 4: Meanings assigned to "United States" by the U.S. Supreme Court in *Hooven & Allison v. Evatt***

#	U.S. Supreme Court Definition of "United States" in <i>Hooven</i>	Context in which usually used	Referred to in this article as	Interpretation
1	"It may be merely the name of a sovereign occupying the position analogous to that of other sovereigns in the family of nations."	International law	"United States**"	"These <u>united States</u> ," when traveling abroad, you come under the jurisdiction of the President through his agents in the U.S. State Department, where "U.S." refers to the sovereign society. You are a "Citizen of the United States" like someone is a Citizen of France, or England. We identify this version of "United States" with a single asterisk after its name: "United States*" throughout this article.
2	"It may designate the territory over which the sovereignty of the United States extends, or"	Federal law Federal forms	"United States**"	"The United States (the District of Columbia, possessions and territories)". Here Congress has exclusive legislative jurisdiction. In this sense, the term "United States" is a singular noun. You are a person residing in the District of Columbia, one of its Territories or Federal areas (enclaves). Hence, even a person living in the one of the sovereign States could still be a member of the Federal area and therefore a "citizen of the United States." This is the definition used in most "Acts of Congress" and federal statutes. We identify this version of "United States" with two asterisks after its name: "United States**" throughout this article. This definition is also synonymous with the "United States" corporation found in 28 U.S.C. §3002(15)(A).
3	"...as the collective name for the states which are united by and under the Constitution."	Constitution of the United States	"United States***"	"The <u>several States</u> which is the <u>united States of America</u> ." Referring to the <u>50 sovereign States</u> , which are united under the <u>Constitution of the United States of America</u> . The federal areas within these states are not included in this definition because the <u>Congress does not</u> have exclusive legislative authority over any of the <u>50 sovereign States within the Union of States</u> . Rights are retained by the <u>States</u> in the 9th and 10th Amendments, and you are a "Citizen of these <u>united States</u> ." This is the definition used in the Constitution for the United States of America. We identify this version of "United States" with a three asterisks after its name: "United States***" throughout this article.

2 The way our present system functions, all PUBLIC rights are attached to federal territory. They cannot lawfully attach to
 3 EXCLUSIVELY PRIVATE property because the right to regulate EXCLUSIVELY PRIVATE rights is repugnant to the
 4 constitution, as held by the U.S. Supreme Court.

5 Lastly, when the government enters the realm of commerce and private business activity, it operates in equity and is treated
 6 as EQUAL in every respect to everyone else. ONLY in this capacity can it enact law that does NOT attach to its own territory
 7 and to those DOMICILED on its territory:

8 *See also Clearfield Trust Co. v. United States*, 318 U.S. 363, 369 (1943) ("The United States does business on
 9 business terms") (quoting *United States v. National Exchange Bank of Baltimore*, 270 U.S. 527, 534 (1926));
 10 *Perry v. United States*, *supra* at 352 (1935) ("When the United States, with constitutional authority, makes
 11 contracts, it has rights and incurs responsibilities similar to those of individuals who are parties to such
 12 instruments. There is no difference . . . except that the United States cannot be sued without its consent")
 13 (citation omitted); *United States v. Bostwick*, 94 U.S. 53, 66 (1877) ("The United States, when they contract with
 14 their citizens, are controlled by the same laws that govern the citizen in that behalf"); *Cooke v. United States*,
 15 91 U.S. 389, 398 (1875) (explaining that when the United States "comes down from its position of sovereignty,
 16 and enters the domain of commerce, it submits itself to the same laws that govern individuals there").

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

26 If a government wants to reach outside its territory and create PRIVATE law for those who have not consented to its
 27 jurisdiction by choosing a domicile on its territory, the ONLY method it has for doing this is to exercise its right to contract.

28 *Debt and contract [franchise agreement, in this case] are of no particular place.*

Locus contractus regit actum.

The place of the contract [franchise agreement, in this case] governs the act.

[Bouvier's Maxims of Law, 1856;

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

The most important method by which governments exercise their PRIVATE right to contract and disassociate with the territorial limitation upon their lawmaking powers is through the use or abuse of franchises, which are contracts.

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,²⁸ 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.²⁹

[American Jurisprudence 2d, Franchises, §4: Generally (1999)]

9.8 “Political (PUBLIC) law” v. “civil (PRIVATE/COMMON) law”

Within our republican government, the founding fathers recognized three classes of law:

1. Criminal law. Protects both PUBLIC and PRIVATE rights.
2. Civil law. Protects exclusively PRIVATE rights. In effect, it implements ONLY the common law and does not regulate the government at all.
3. Political law. Protects exclusively PUBLIC rights of public officers and offices within the government.

The above three types of law were identified in the following document upon which the founding fathers wrote the constitution and based the design of our republican form of government:

The Spirit of Laws, Charles de Montesquieu, 1758

SOURCE: <http://famguardian.org/Publications/SpiritOfLaws/sol.htm>

The Spirit of Laws book is where the founding fathers got the idea of separation of powers and three branches of government: Executive, Legislative, and Judicial. Montesquieu defines “political law” and “political liberty” as follows:

1. A general Idea.

I make a distinction between the laws that establish political liberty, as it relates to the constitution, and those by which it is established, as it relates to the citizen. The former shall be the subject of this book; the latter I shall examine in the next.

[The Spirit of Laws, Charles de Montesquieu, 1758, Book XI, Section 1;

SOURCE: http://famguardian.org/Publications/SpiritOfLaws/sol_11.htm#001]

The Constitution in turn is a POLITICAL document which represents law EXCLUSIVELY for public officers within the government. It does not obligate or abrogate any PRIVATE right. It defines what the courts call “public rights”, meaning rights possessed and owned exclusively by the government ONLY.

“And the Constitution itself is in every real sense a law-the lawmakers being the people themselves, in whom under our system all political power and sovereignty primarily resides, and through whom such power and sovereignty primarily speaks. It is by that law, and not otherwise, that the legislative, executive, and judicial agencies which it created exercise such political authority as they have been permitted to possess. The Constitution speaks for itself in terms so plain that to misunderstand their import is not rationally possible. ‘We the People of the United States,’ it says, ‘do ordain and establish this Constitution.’ Ordain and establish! These are definite words of enactment, and without more would stamp what follows with the dignity and character of law. The framers of the Constitution, however, were not content to let the matter rest here, but provided explicitly-‘This Constitution, and the Laws of the United States which shall be made in Pursuance thereof; ...

²⁸ Georgia R. & Power Co. v. Atlanta, 154 Ga. 731, 115 S.E. 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 N.W. 691.

²⁹ Georgia R. & Power Co. v. Atlanta, 154 Ga. 731, 115 S.E. 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 N.W. 691.

1 *shall be the supreme Law of the Land.' (Const. art. 6, cl. 2.) The supremacy of the Constitution as law is thus*
2 *declared without qualification. That supremacy is absolute; the supremacy of a statute enacted by Congress is*
3 *not absolute but conditioned upon its being made in pursuance of the Constitution. And a judicial tribunal,*
4 *clothed by that instrument with complete judicial power, and, therefore, by the very nature of the power, required*
5 *to ascertain and apply the law to the facts in every case or proceeding properly brought for adjudication, must*
6 *apply the supreme law and reject the inferior stat- [298 U.S. 238, 297] ute whenever the two conflict. In the*
7 *discharge of that duty, the opinion of the lawmakers that a statute passed by them is valid must be given great*
8 *weight, Adkins v. Children's Hospital, 261 U.S. 525, 544, 43 S.Ct. 394, 24 A.L.R. 1238; but their opinion, or the*
9 *court's opinion, that the statute will prove greatly or generally beneficial is wholly irrelevant to the inquiry.*
10 *Schechter Poultry Corp. v. United States, 295 U.S. 495, 549, 550 S., 55 S.Ct. 837, 97 A.L.R. 947. "*
11 *[Carter v. Carter Coal Co., 298 U.S. 238 (1936)]*

12 The vast majority of laws passed by Congress are what Montesquieu calls "political law" that is intended exclusively for the
13 government and not the private citizen. The authority for implementing such political law is Article 4, Section 3, Clause 2
14 of the United States Constitution. To wit:

15 *United States Constitution*
16 *Article 4, Section 3, Clause 2*

17 *The Congress shall have Power to dispose of and make all needful Rules and Regulations respecting the*
18 *Territory or other Property belonging to the United States; and nothing in this Constitution shall be so construed*
19 *as to Prejudice any Claims of the United States, or of any particular State.*

20 Tax franchise codes such as the Internal Revenue Code, for instance, are what Montesquieu calls "political law" exclusively
21 for the government or public officer and not the private (CONSTITUTIONAL) citizen. Why? Because:

- 22 1. The U.S. Supreme Court identified taxes as a "political matter". "Political law", "political questions", and "political
23 matters" cannot be heard by true constitutional courts and may ONLY be heard in legislative franchise courts officiated
24 by the Executive and not Judicial branch:

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

32 *[Miller Brothers Co. v. Maryland, 347 U.S. 340 (1954)]*

- 33 2. The U.S. Tax Court:
34 2.1. Is an Article I Court in the LEGISLATIVE and not JUDICIAL branch, and hence, can only officiate over matters
35 INTERNAL to the government. See 26 U.S.C. §7441.
36 2.2. Is a POLITICAL court in the POLITICAL branch of the government. Namely, the Executive branch.
37 2.3. Is limited to the District of Columbia because all public offices are limited to serve there per 4 U.S.C. §72. It travels
38 all over the country, but this is done ILLEGALLY and in violation of the separation of powers.
39 3. The activity subject to excise taxation is limited exclusively to "public offices" in the government, which is what a "trade
40 or business" is statutorily defined as in 26 U.S.C. §7701(a)(26).

41 [26 U.S.C. Sec. 7701\(a\)\(26\)](#)

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

43 In Book XXVI, Section 15 of the Spirit of Laws, Montesquieu says that POLITICAL laws should not be allowed to regulate
44 CIVIL conduct, meaning that POLITICAL laws limited exclusively to the government should not be enforced upon the
45 PRIVATE citizen or made to "appear" as though they are "civil law" that applies to everyone:

46 *The Spirit of Laws, Book XXVI, Section 15*

47 *15. That we should not regulate by the Principles of political Law those Things which depend on the Principles*
48 *of civil Law.*

As men have given up their natural independence to live under political laws, they have given up the natural community of goods to live under civil laws.

By the first, they acquired [PUBLIC] liberty; by the second, [PRIVATE] property. We should not decide by the laws of [PUBLIC] liberty, which, as we have already said, is only the government of the community, what ought to be decided by the laws concerning [PRIVATE] property. It is a paralogism to say that the good of the individual should give way to that of the public; this can never take place, except when the government of the community, or, in other words, the liberty of the subject is concerned; this does not affect such cases as relate to private property, because the public good consists in every one's having his property, which was given him by the civil laws, invariably preserved.

Cicero maintains that the Agrarian laws were unjust; because the community was established with no other view than that every one might be able to preserve his property.

Let us, therefore, lay down a certain maxim, that whenever the public good happens to be the matter in question, it is not for the advantage of the public to deprive an individual of his property, or even to retrench the least part of it by a law, or a political regulation. In this case we should follow the rigour of the civil law, which is the Palladium of [PRIVATE] property.

Thus when the public has occasion for the estate of an individual, it ought never to act by the rigour of political law; it is here that the civil law ought to triumph, which, with the eyes of a mother, regards every individual as the whole community.

If the political magistrate would erect a public edifice, or make a new road, he must indemnify those who are injured by it; the public is in this respect like an individual who treats with an individual. It is fully enough that it can oblige a citizen to sell his inheritance, and that it can strip him of this great privilege which he holds from the civil law, the not being forced to alienate his possessions.

After the nations which subverted the Roman empire had abused their very conquests, the spirit of liberty called them back to that of equity. They exercised the most barbarous laws with moderation: and if any one should doubt the truth of this, he need only read Beaumanoir's admirable work on jurisprudence, written in the twelfth century.

They mended the highways in his time as we do at present. He says, that when a highway could not be repaired, they made a new one as near the old as possible; but indemnified the proprietors at the expense of those who reaped any advantage from the road.⁴ They determined at that time by the civil law; in our days, we determine by the law of politics.

[The Spirit of Laws, Charles de Montesquieu, 1758, Book XXVI, Section 15;
SOURCE: http://famguardian.org/Publications/SpiritOfLaws/sol_11.htm#001/]

What Montesquieu is implying is what we have been saying all along, and he said it in 1758, which was even before the Declaration of Independence was written:

1. The purpose of establishing government is exclusively to protect PRIVATE rights.
2. PRIVATE rights are protected by the CIVIL law. The civil law, in turn is based in EQUITY rather than PRIVILEGE:

"Thus when the public has occasion for the estate of an individual, it ought never to act by the rigour of political law; it is here that the civil law ought to triumph, which, with the eyes of a mother, regards every individual as the whole community."

3. PUBLIC or government rights are protected by the PUBLIC or POLITICAL or GOVERNMENT law and NOT the CIVIL law.
4. The first and most important role of government is to prevent the POLITICAL or GOVERNMENT law from being used or especially ABUSED as an excuse to confiscate or jeopardize PRIVATE property.

Unfortunately, it is precisely the above type of corruption that Montesquieu describes that is the foundation of the present de facto government, tax system, and money system. ALL of them treat every human being as a PUBLIC officer against their consent, and impose what he calls the "rigors of the political law" upon them, in what amounts to a THEFT and CONFISCATION of otherwise PRIVATE property by enforcing PUBLIC law against PRIVATE people.

The implications of Montesquieu's position are that the only areas where POLITICAL law and CIVIL law should therefore overlap is in the exercise of the political rights to vote and serve on jury duty. Why? Because jurists are regarded as public officers in 18 U.S.C. §201(a)(1):

(a) For the purpose of this section—

(1) the term “public official” means Member of Congress, Delegate, or Resident Commissioner, either before or after such official has qualified, or an officer or employee or person acting for or on behalf of the United States, or any department, agency or branch of Government thereof, including the District of Columbia, in any official function, under or by authority of any such department, agency, or branch of Government, **or a juror**;

However, it has also repeatedly been held by the courts that poll taxes are unconstitutional. Hence, voters technically are NOT to be regarded as public officers or franchisees for any purpose OTHER than their role as a voter. Recall that all statutory “Taxpayers” are public officers in the government.

In the days since Montesquieu, the purpose and definition of what he has called the CIVIL law has since been purposefully and maliciously corrupted so that it no longer protects exclusively PRIVATE rights or implements the COMMON law, but rather protects mainly PUBLIC rights and POLITICAL officers in the government. In other words, society has become corrupted by the following means that he warned would happen:

1. What Montesquieu calls CIVIL law has become the POLITICAL law.
2. There is not CIVIL (common) law anymore as he defines it, because the courts interfere with the enforcement of the common law and the protection of PRIVATE rights.
3. The purpose of government has transformed from protecting mainly PRIVATE rights using the common law to that of protecting PUBLIC rights using the STATUTE law, which in turn has become exclusively POLITICAL law.
4. All those who insist on remaining exclusively private cannot utilize any government service, because the present government forms refuse to recognize such a status or provide services to those with such status.
5. Everyone who wants to call themselves a “citizen” is no longer PRIVATE, but PUBLIC. “citizen” has become a public officer in the government rather than a private human being.
6. All “citizens” are STATUTORY rather than CONSTITUTIONAL in nature.
 - 6.1. There are no longer any CONSTITUTIONAL citizens because the courts refuse to recognize or protect them.
 - 6.2. People are forced to accept the duties of a statutory “citizen” and public officer to get any remedy at all in court or in any government agency.

The above transformations are documented in the following memorandum of law on our site:

De Facto Government Scam, Form #05.043

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

9.9 Lawful methods for converting PRIVATE property into PUBLIC property

Next, we must carefully consider all the rules by which EXCLUSIVELY PRIVATE property is lawfully converted into PUBLIC property subject to government control or civil regulation. These rules are important, because the status of a particular type of property as either PRIVATE or PUBLIC determines whether either COMMON LAW or STATUTORY LAW apply respectively.

In general, only by either accepting physical property from the government or voluntarily applying for and claiming a status or right under a government franchise can one procure a PUBLIC status and be subject to STATUTORY civil law. If one wishes to be governed ONLY by the common law, then they must make their status very clear in every interaction with the government and on EVERY government form they fill out so as to avoid connecting them to any statutory franchise. Below is an example from a U.S. Department of Justice guide for prosecuting “sovereign citizens” that proves WHY this is the case:

*“What evidence refutes a good faith defense will depend on the facts and circumstances of each case. It is often helpful to focus on evidence that shows the defendant knew the law but disregarded it or was simply defying it. For instance, evidence that the defendant received proper advice from a CPA or tax preparer, or that the defendant failed to consult legitimate sources about his or her understanding of the tax laws can be helpful. **To refute claims that wages are not income, that the defendant did not understand the meaning of “wages,” or that the defendant is a state citizen but not a citizen of the United States, look for loan applications during the prosecution period. Tax defiers and sovereign citizens never seem to have a problem understanding the definition of income on a loan application. They also do not hesitate to check the “yes” box to the question***

1 "are you a U.S. citizen." Any evidence that the defendant accepted Government benefits, such as
2 unemployment, Medicare, social security, or the Alaska Permanent Fund Dividend will also be helpful to refute
3 the defendant's claims that he or she is not a citizen subject to federal laws."
4 [Prosecuting Tax Defier and Sovereign Citizen Cases—Frequently Asked Questions, U.S. Attorneys Bulletin,
5 Volume 61, No. 2, March 2013, p. 48;
6 SOURCE: <http://famguardian.org/Publications/USAttyBulletins/usab6102.pdf>]

7 The bottom line is that if you accept a government benefit, they PRESUME the right to rape and pillage absolutely
8 ANYTHING you own. Our Path to Freedom, Form #09.015 process, by the way, makes the use of the above OFFENSE by
9 the government in prosecuting you IMPOSSIBLE. The exhaustive list of attachment forms we provide which define the
10 terms on all government forms they could use as evidence to prove the above also defeat the above tactic by U.S. Attorneys.
11 Also keep in mind that the above tactic is useful against the GOVERNMENT as an offensive weapon. If your property is
12 private, you can loan it to THEM with FRANCHISE conditions found in Form #06.027. If they argue that you can't do it to
13 them, indirectly they are destroying the main source of THEIR jurisdiction as well. Let them shoot themselves in the foot in
14 front of the jury!

15 Below is a detailed list of the rules for converting PRIVATE property to PUBLIC property:

- 16 1. The purpose for establishing governments is mainly to protect private property. The Declaration of Independence affirms
17 this:

18 *"We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator*
19 *with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness.--That to secure*
20 *these rights, Governments are instituted among Men, deriving their just powers from the consent of the governed,*
21 *-"*
22 [Declaration of Independence, 1776]

- 23 2. Government protects private rights by keeping "public [government] property" and "private property" separate and never
24 allowing them to be joined together. This is the heart of the separation of powers doctrine: separation of what is private
25 from what is public with the goal of protecting mainly what is private. See:

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

- 26 3. All property BEGINS as private property. The only way to lawfully change it to public property is through the exercise
27 of your unalienable constitutional right to contract. All franchises qualify as a type of contract, and therefore, franchises
28 are one of many methods to lawfully convert PRIVATE property to PUBLIC property. The exercise of the right to
29 contract, in turn, is an act of consent that eliminates any possibility of a legal remedy of the donor against the donee:

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

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

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

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

- 40 4. In law, all rights are "property".

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

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

Property embraces everything which is or may be the subject of ownership, whether a legal ownership, or whether beneficial, or a private ownership. *Davis v. Davis*. TexCiv-App., 495 S.W.2d. 607. 611. Term includes not only ownership and possession but also the right of use and enjoyment for lawful purposes. *Hoffmann v. Kinealy, Mo.*, 389 S.W.2d. 745, 752.

Property, within constitutional protection, denotes group of rights inhering in citizen's relation to physical thing, as right to possess, use and dispose of it. *Cereghino v. State By and Through State Highway Commission*, 230 Or. 439, 370 P.2d. 694, 697.
[*Black's Law Dictionary*, Fifth Edition, p. 1095]

By protecting your constitutional rights, the government is protecting your PRIVATE property. Your rights are private property because they came from God, not from the government. Only what the government creates can become public property. An example is corporations, which are a public franchise that makes officers of the corporation into public officers.

5. The process of taxation is the process of converting "private property" into a "public use" and a "public purpose". Below are definitions of these terms for your enlightenment.

Public use. *Eminent domain.* The constitutional and statutory basis for taking property by eminent domain. For condemnation purposes, "public use" is one which confers some benefit or advantage to the public; it is not confined to actual use by public. It is measured in terms of right of public to use proposed facilities for which condemnation is sought and, as long as public has right of use, whether exercised by one or many members of public, a "public advantage" or "public benefit" accrues sufficient to constitute a public use. *Montana Power Co. v. Bokma, Mont.*, 457 P.2d. 769, 772, 773.

Public use, in constitutional provisions restricting the exercise of the right to take property in virtue of eminent domain, means a use concerning the whole community distinguished from particular individuals. But each and every member of society need not be equally interested in such use, or be personally and directly affected by it; if the object is to satisfy a great public want or exigency, that is sufficient. *Ringe Co. v. Los Angeles County*, 262 U.S. 700, 43 S.Ct. 689, 692, 67 L.Ed. 1186. The term may be said to mean public usefulness, utility, or advantage, or what is productive of general benefit. It may be limited to the inhabitants of a small or restricted locality, but must be in common, and not for a particular individual. The use must be a needful one for the public, which cannot be surrendered without obvious general loss and inconvenience. A "public use" for which land may be taken defies absolute definition for it changes with varying conditions of society, new appliances in the sciences, changing conceptions of scope and functions of government, and other differing circumstances brought about by an increase in population and new modes of communication and transportation. *Katz v. Brandon*, 156 Conn. 521, 245 A.2d. 579, 586.

See also *Condemnation; Eminent domain.*
[*Black's Law Dictionary*, Sixth Edition, p. 1232]

"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*]

1 6. The federal government has no power of eminent domain within states of the Union. This means that they cannot
2 lawfully convert private property to a public use or a public purpose within the exclusive jurisdiction of states of the
3 Union:

4 ***“The United States have no constitutional capacity to exercise municipal jurisdiction, sovereignty, or eminent***
5 ***domain, within the limits of a State or elsewhere, except in cases where it is delegated, and the court***
6 ***denies the faculty of the Federal Government to add to its powers by treaty***
7 ***or compact.”***
8 *[Dred Scott v. Sandford, 60 U.S. 393, 508-509 (1856)]*

9 7. The Fifth Amendment prohibits converting private property to a public use or a public purpose without just compensation
10 if the owner does not consent, and this prohibition applies to the Federal government as well as states of the Union. It
11 was made applicable to states of the Union by the Fourteenth Amendment in 1868.

12 *Fifth Amendment - Rights of Persons*

13 ***No person shall*** *be held to answer for a capital, or otherwise infamous crime, unless on a presentment or*
14 *indictment of a Grand Jury, except in cases arising in the land or naval forces, or in the Militia, when in actual*
15 *service in time of War or public danger; nor shall any person be subject for the same offence to be twice put in*
16 *jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor **be***
17 ***deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public***
18 ***use, without just compensation.***
19 *[United States Constitution, Fifth Amendment]*

20 If the conversion of private property to public property is done without the express consent of the party affected by the
21 conversion and without compensation, then the following violations have occurred:

22 7.1. Violation of the Fifth Amendment “takings clause” above.

23 7.2. “Conversion” in violation of 18 U.S.C. §654.

24 7.3. Theft.

25 8. Because taxation involves converting private property to a public use, public purpose, and public office, then it involves
26 eminent domain if the owner of the property did not expressly consent to the taking:

27 ***Eminent domain.** The power to take private property for public use by the state, municipalities, and private*
28 *persons or corporations authorized to exercise functions of public character. Housing Authority of Cherokee*
29 *National of Oklahoma v. Langley, Okl., 555 P.2d. 1025, 1028. Fifth Amendment, U.S. Constitution.*

30 *In the United States, the power of eminent domain is founded in both the federal (Fifth Amend.) and state*
31 *constitutions. **However, the Constitution limits the power to taking for a public purpose and prohibits the***
32 ***exercise of the power of eminent domain without just compensation to the owners of the property which is***
33 ***taken. The process of exercising the power of eminent domain is commonly referred to as “condemnation”,***
34 ***or, “expropriation”.***

35 *The right of eminent domain is the right of the state, through its regular organization, to reassert, either*
36 *temporarily or permanently, its dominion over any portion of the soil of the state on account of public exigency*
37 *and for the public good. Thus, in time of war or insurrection, the proper authorities may possess and hold any*
38 *part of the territory of the state for the common safety; and in time of peace the legislature may authorize the*
39 *appropriation of the same to public purposes, such as the opening of roads, construction of defenses, or providing*
40 *channels for trade or travel. Eminent domain is the highest and most exact idea of property remaining in the*
41 *government, or in the aggregate body of the people in their sovereign capacity. It gives a right to resume the*
42 *possession of the property in the manner directed by the constitution and the laws of the state, whenever the public*
43 *interest requires it.*

44 *See also Adequate compensation; Condemnation; Constructive taking; Damages; Expropriation; Fair market*
45 *value; Just compensation; Larger parcel; Public use; Take.*
46 *[Black’s Law Dictionary, Fifth Edition, p. 470]*

47 9. The Fifth Amendment requires that any taking of private property without the consent of the owner ***must*** involve
48 compensation. The Constitution must be consistent with itself. The taxation clauses found in Article 1, Section 8,
49 Clauses 1 and 3 cannot conflict with the Fifth Amendment. The Fifth Amendment contains no exception to the
50 requirement for just compensation upon conversion of private property to a public use, even in the case of taxation. This
51 is why all taxes must be indirect excise taxes against people who provide their consent by applying for a license to engage

1 in the taxed activity: The application for the license constitutes constructive consent to donate the fruits of the activity
2 to a public use, public purpose, and public office.

- 3 10. There is only ONE condition in which the conversion of private property to public property does NOT require
4 compensation, which is when the owner donates the private property to a public use, public purpose, or public office.
5 To wit:

6 *"Men are endowed by their Creator with certain unalienable rights, -life, liberty, and the pursuit of happiness;'*
7 *and to 'secure,' not grant or create, these rights, governments are instituted. That property [or income] which a*
8 *man has honestly acquired he retains full control of, subject to these limitations: First, that he shall not use it*
9 *to his neighbor's injury, and that does not mean that he must use it for his neighbor's benefit [e.g. SOCIAL*
10 *SECURITY, Medicare, and every other public "benefit"];*
11 *second, that if he devotes it to a public use, he gives*
12 *to the public a right to control that use; and third, that whenever the public needs require, the public may take*
13 *it upon payment of due compensation."*

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

14 The above rules are summarized below:
15

Table 5: Rules for converting private property to a public use or a public office

#	Description	Requires consent of owner to be taken from owner?
1	The owner of property justly acquired enjoys full and exclusive use and control over the property. This right includes <u>the right to exclude government uses</u> or ownership of said property.	Yes
2	He may not use the property to injure the equal rights of his neighbor. For instance, when you murder someone, the government can take your liberty and labor from you by putting you in jail or your life from you by instituting the death penalty against you. Both your life and your labor are “property”. Therefore, the basis for the “taking” was violation of the equal rights of a fellow sovereign “neighbor”.	No
3	He cannot be compelled or required to use it to “benefit” his neighbor. That means he cannot be compelled to donate the property to any franchise that would “benefit” his neighbor such as Social Security, Medicare, etc.	Yes
4	If he donates it to a public use, he gives the public the right to control that use.	Yes
5	Whenever the public needs require, the public may take it without his consent upon payment of due compensation. E.g. “eminent domain”.	No

11. The following two methods are the ONLY methods involving consent of the owner that may be LAWFULLY employed to convert PRIVATE property into PUBLIC property. Anything else is unlawful and THEFT:

11.1. **DIRECT CONVERSION:** Owner donates the property by conveying title or possession to the government.³⁰

11.2. **INDIRECT CONVERSION:** Owner assumes a PUBLIC status as a PUBLIC officer in the HOLDING of title to the property.³¹ All such statuses and the rights that attach to it are creations and property of the government, the use of which is a privilege. The status and all PUBLIC RIGHTS that attach to it conveys a “benefit” for which the status user must pay an excise tax. The tax acts as a rental or use fee for the status, which is government property.

12. You and ONLY you can authorize your private property to be donated to a public use, public purpose, and public office. No third party can lawfully convert or donate your private property to a public use, public purpose, or public office without your knowledge and express consent. If they do, they are guilty of theft and conversion, and especially if they are acting in a quasi-governmental capacity as a “withholding agent” as defined in 26 U.S.C. §7701(a)(16).

12.1. A withholding agent cannot file an information return connecting your earnings to a “trade or business” without you actually occupying a “public office” in the government BEFORE you filled out any tax form.

12.2. A withholding agent cannot file IRS Form W-2 against your earnings if you didn’t sign an IRS Form W-4 contract and thereby consent to donate your private property to a public office in the U.S. government and therefore a “public use”.

12.3. That donation process is accomplished by your own voluntary self-assessment and ONLY by that method. Before such a self-assessment, you are a “nontaxpayer” and a private person. After the assessment, you become a “taxpayer” and a public officer in the government engaged in the “trade or business” franchise.

12.4. In order to have an income tax liability, you must complete, sign, and “file” an income tax return and thereby assess yourself:

*“Our system of taxation is based upon voluntary assessment and payment, not distraint.”
[Flora v. U.S., 362 U.S. 145 (1960)]*

By assessing yourself, you implicitly give your consent to allow the public the right to control that use of the formerly PRIVATE property donated to a public use.

³⁰ An example of direct conversion would be the process of “registering” a vehicle with the Department of Motor Vehicles in your state. The act of registration constitutes consent by original ABSOLUTE owner to change the ownership of the property from ABSOLUTE to QUALIFIED and to convey legal title to the state and qualified title to himself.

³¹ An example of a PUBLIC status is statutory “taxpayer” (public office called “trade or business”), statutory “citizen”, statutory “driver” (vehicle), statutory voter (registered voters are public officers).

1 A THEFT of property has occurred on behalf of the government if it attempts to do any of the following:

- 2 1. Circumvents any of the above rules.
- 3 2. Blurs, confuses, or obfuscates the distinction between PRIVATE property and PUBLIC property.
- 4 3. Refuses to identify EXACTLY which of the mechanisms identified in item 10 above was employed in EACH specific
- 5 case where it:
- 6 3.1. Asserts a right to regulate the use of private property.
- 7 3.2. Asserts a right to convert the character of property from PRIVATE to PUBLIC.
- 8 3.3. Asserts a right to TAX what you THOUGHT was PRIVATE property.

9 The next time someone from the government asserts a tax obligation, you might want to ask them the following very insightful

10 questions based on the content of this section:

- 11 1. Please describe at EXACTLY what point in the taxation process my earnings were LAWFULLY converted from
- 12 EXCLUSIVELY PRIVATE to PUBLIC and thereby became SUBJECT to civil statutory law and government
- 13 jurisdiction. Check one or more. If none are checked, it shall CONCLUSIVELY be PRESUMED that no tax is owed:
- 14 1.1. ____ There is no private property. EVERYTHING belongs to us and we just “RENT” it to you through taxes.
- 15 Hence, we are NOT a “government” because there is not private property to protect. Everything is PUBLIC
- 16 property by default.
- 17 1.2. ____ When I was born?
- 18 1.3. ____ When I became a CONSTITUTIONAL citizen?
- 19 1.4. ____ When I changed my domicile to a CONSTITUTIONAL and not STATUTORY “State”.
- 20 1.5. ____ When I indicated “U.S. citizen” or “U.S. resident” on a government form, and the agent accepting it
- 21 FALSELY PRESUMED that meant I was a STATUTORY “national and citizen of the United States” per 8
- 22 U.S.C. §1401 rather than a CONSTITUTIONAL “citizen of the United States”.
- 23 1.6. ____ When I disclosed and used a Social Security Number or Taxpayer Identification Number to my otherwise
- 24 PRIVATE employer?
- 25 1.7. ____ When I submitted my withholding documents, such as IRS Forms W-4 or W-8?
- 26 1.8. ____ When the information return was filed against my otherwise PRIVATE earnings that connected my
- 27 otherwise PRIVATE earnings to a PUBLIC office in the national government?
- 28 1.9. ____ When I FAILED to rebut the false information return connecting my otherwise PRIVATE earnings to a
- 29 PUBLIC office in the national government?
- 30 1.10. ____ When I filed a “taxpayer” form, such as IRS Forms 1040 or 1040NR?
- 31 1.11. ____ When the IRS or state did an assessment under the authority of 26 U.S.C. §6020(b).
- 32 1.12. ____ When I failed to rebut a collection notice from the IRS?
- 33 1.13. ____ When the IRS levied monies from my EXCLUSIVELY private account, which must be held by a PUBLIC
- 34 OFFICER per 26 U.S.C. §6331(a) before it can lawfully be levied?
- 35 1.14. ____ When the government decided they wanted to STEAL my money and simply TOOK it, and were protected
- 36 from the THEFT by a complicit Department of Justice, who split the proceeds with them?
- 37 1.15. ____ When I demonstrated legal ignorance of the law to the government sufficient to overlook or not recognize
- 38 that it is impossible to convert PRIVATE to PUBLIC without my consent, as the Declaration of Independence
- 39 requires.
- 40 2. How can the conversion from PRIVATE to PUBLIC occur without my consent and without violating the Fifth
- 41 Amendment Takings Clause?
- 42 3. If you won’t answer the previous questions, how the HELL am I supposed to receive constitutionally mandated
- 43 “reasonable notice” of the following:
- 44 3.1. EXACTLY what property I exclusively own and therefore what property is NOT subject to government taxation
- 45 or regulation?
- 46 3.2. EXACTLY what conduct is expected of me by the law?
- 47 4. EXACTLY where in your publications is the first question answered and why should I believe it if even you refuse to
- 48 take responsibility for the accuracy of said publications?
- 49 5. EXACTLY where in the statutes and regulations is the first question answered?
- 50 6. How can you refuse to answer the above questions if your own mission statement says you are required to help people
- 51 obey the law and comply with the law?

52 **9.10 Unlawful methods abused by government to convert PRIVATE property to PUBLIC**

53 **property**

Enumeration of Inalienable Rights

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Form 10.002, Rev. 11-14-2021

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EXHIBIT: _____

There are a LOT more ways to UNLAWFULLY convert PRIVATE property to PUBLIC property than there are ways to do it lawfully. This section will address the most prevalent methods abused by state actors so that you will immediately recognize them when you are victimized by them. For the purposes of this section CONTROL and OWNERSHIP are synonymous. Hence, if the TITLE of the property remains in your name but there is any aspect of control over the USE of said property that does not demonstrably injure others, then the property ceases to be absolutely owned and therefore is owned by the government.

Based on the previous section, there is ONLY one condition in which PRIVATE property can be converted to PUBLIC property without the consent of the owner, which is when it is used to INJURE the rights of others. Any other type of conversion is THEFT. The U.S. Supreme Court describes that process of illegally CONVERTING property from PRIVATE to PUBLIC as follows. Notice that they only reference the “citizen” as being the object of regulation, which implies that those who are “nonresidents” and “transient foreigners” are beyond the control of those governments in whose territory they have not chosen a civil domicile:

“The doctrine that each one must so use his own as not to injure his neighbor — sic utere tuo ut alienum non laedas — is the rule by which every member of society must possess and enjoy his property; and all legislation essential to secure this common and equal enjoyment is a legitimate exercise of State authority. Except in cases where property may be destroyed to arrest a conflagration or the ravages of pestilence, or be taken under the pressure of an immediate and overwhelming necessity to prevent a public calamity, the power of the State over the property of the citizen [NOT EVERYONE, but only those consent to become citizens by choosing a domicile] does not extend beyond such limits.”
[Munn v. Illinois, 94 U.S. 113 (1877)]

Below is a list of the more prevalent means abused by corrupt and covetous governments to illegally convert PRIVATE property to PUBLIC PROPERTY without the express consent of the owner. Many of these techniques are unrecognizable to the average American and therefore surreptitious, which is why they continue to be abused so regularly and chronically by public dis-servants:

1. Deceptively label statutory PRIVILEGES as RIGHTS.
2. Confuse STATUTORY citizenship with CONSTITUTIONAL citizenship.
3. Refuse to admit that the court you are litigating in is a FRANCHISE court that has no jurisdiction over non-franchisees or people who do not consent to the franchise.
4. Abuse the words “includes” and “including” to add anything they want to the definition of “person” or “individual” within the franchise. All such “persons” are public officers and not private human beings. See:

Legal Deception, Propaganda, and Fraud, Form #05.014
<http://sedm.org/Forms/FormIndex.htm>
5. Refuse to impose the burden of proof upon the government to show that you EXPRESSLY CONSENTED to convert PRIVATE property into PUBLIC property BEFORE they can claim jurisdiction over it.
6. Silently PRESUME that the property in question is PUBLIC property connected with the “trade or business” (public office per 26 U.S.C. §7701(a)(26)) franchise and force you to prove that it ISN’T by CHALLENGING false information returns filed against it, such as IRS Forms W-2, 1098, 1099, and K-1. See:

Correcting Erroneous Information Returns, Form #04.001
<http://sedm.org/Forms/FormIndex.htm>
7. Presume that the STATUTORY and CONSTITUTIONAL contexts for geographical words are the same. They are NOT, and in fact are mutually exclusive.
8. Presume that because you submitted an application for a franchise, that you:
 - 8.1. CONSENTED to the franchise and were not under duress.
 - 8.2. Were requesting a “benefit” and therefore agreed to the obligations associated with the “benefit”.

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

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

- 8.3. Agree to accept the obligations associated with the status described on the application, such as “taxpayer”, “driver”, “spouse”.

If you want to prevent the above, reserve all your rights on the application, indicate duress, and define all terms on the form as NOT connected with any government or statutory law.

9. PRESUME that the OWNER has a civil statutory status that he or she did not consent to, such as:
 - 9.1. "spouse" under the family code of your state, which is a franchise.
 - 9.2. "driver" under the vehicle code of your state, which is a franchise.
 - 9.3. "taxpayer" under the tax code of your state, which is a franchise.
10. PRESUME in the case of physical PROPERTY that it was situated on federal territory to which the general and exclusive jurisdiction of the national government applies, even though it is not. This is primarily done by playing word games with geographical "words of art" such as "State" and "United States".
11. Refuse to satisfy the burden of proving that the owner of the property expressly consented in a manner that he/she prescribed to change the status of either himself or the property over which they claim a public interest.
12. Judges will interfere with attempts to introduce evidence in the proceeding that challenges any of the above presumptions.
13. Unlawfully compel the use of Social Security Numbers or Taxpayer Identification Numbers in violation of 42 U.S.C. §408(a)(8) in connection with specific property as a precondition of rendering a usually essential service. It will be illegally compelled because:
 - 13.1. The party against whom it was compelled was not a statutory "Taxpayer" or "person" or "individual" or to whom a duty to furnish said number lawfully applies.
 - 13.2. The property was not located on territory subject to the territorial jurisdiction of that national government.
14. Use one franchise as a way to recruit franchisees under OTHER franchises that are completely unrelated. For instance, they will enact a vehicle code statute that allows for confiscation of REGISTERED vehicles only that are being operated by UNLICENSED drivers. That way, everyone who wants to protect their vehicle also indirectly has to ALSO become a statutory "driver" using the public road ways for commercial activity and thus subject to regulation by the state, even though they in fact ARE NOT intending to do so.
15. Issue a license and then refuse to recognize the authority and ability in court of those possessing said license to act in an EXCLUSIVELY PRIVATE capacity. For instance:
 - 15.1. They may have a contractor's license but they are NOT allowed to operate as OTHER than a licensed contractor...OR are NOT allowed to operate in an exclusively PRIVATE capacity.
 - 15.2. They may have a vehicle registration but are NOT allowed to remove it or NOT use it during times when they are NOT using the public roadways for hire, which is most of the time. In other words, the vehicle is the equivalent to "off duty" at some times. They allow police officers, who are PUBLIC officers, to be off duty, but not anyone who DOESN'T work for the government.
16. Issue or demand GOVERNMENT ID and then presume that the applicant is a statutory "resident" for ALL purposes, rather than JUST the specific reason the ID was issued. Since a "resident" is a public officer, in effect they are PRESUMING that you are a public officer 24 hours a day, 7 days a week, and that you HAVE to assume this capacity without pay or "benefit" and without the ability to quit. See:

[Why Domicile and Becoming a "Taxpayer" Require Your Consent](http://sedm.org/Forms/FormIndex.htm), Form #05.002, Section 13.6
<http://sedm.org/Forms/FormIndex.htm>

What all of the above government abuses have in common is that they do one or more of the following:

1. Involve PRESUMPTIONS which violate due process of law and are therefore UNCONSTITUTIONAL. See:
[Presumption: Chief Weapon for Unlawfully Enlarging Federal Jurisdiction](http://sedm.org/Forms/FormIndex.htm), Form #05.017
<http://sedm.org/Forms/FormIndex.htm>
2. Refuse to RECOGNIZE the existence of PRIVATE property or PRIVATE rights.
3. Violate the very purpose of establishing government to begin with, which is to PROTECT PRIVATE property by LEAVING IT ALONE and not regulating or benefitting from its use or abuse until AFTER it has been used to injure the equal rights of anyone OTHER than the original owner.
4. Violate the Unconstitutional Conditions Doctrine of the U.S. Supreme Court.
5. Needlessly interfere with the ownership or control of otherwise PRIVATE property.
6. Often act upon property BEFORE it is used to institute an injury, instead of AFTER. Whenever the law acts to PREVENT future harm rather than CORRECT past harm, it requires the consent of the owner. The common law itself only provides remedies for PAST harm and cannot act on future conduct, except in the case of injunctions where PAST harm is already demonstrated.
7. Institute involuntary servitude against the owner in violation of the Thirteenth Amendment.
8. Represent an eminent domain over PRIVATE property in violation of the state constitution in most states.
9. Violate the takings clauses of the Fifth Amendment to the United States Constitution.

10. Violate the maxim of law that the government has a duty to protect your right to NOT receive a “benefit” and NOT pay for “benefits” that you don’t want or don’t need.

Invito beneficium non datur.

No one is obliged to accept a benefit against his consent. Dig. 50, 17, 69. But if he does not dissent he will be considered as assenting. Vide Assent.

Quilibet potest renunciare juri pro se inducto.

Any one may renounce a law introduced for his own benefit. To this rule there are some exceptions. See 1 Bouv. Inst. n. 83.

[Bouvier’s Maxims of Law, 1856,

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

It ought to be obvious to the reader that the basis for Socialism is public ownership of ALL property.

“socialism n (1839) **1:** any of various economic and political theories advocating collective or governmental ownership and administration of the means of production and distribution of goods **2 a:** a system of society or group living in which there is no private property **b:** a system or condition of society in which the means of production are owned and controlled by the state **3:** a stage of society in Marxist theory transitional between capitalism and communism and distinguished by unequal distribution of goods and pay according to work done.”
[Webster’s Ninth New Collegiate Dictionary, 1983, ISBN 0-87779-510-X, p. 1118]

Any system of law that recognizes no absolute and inviolable constitutional boundary between PRIVATE property and PUBLIC property, or which regards ALL property as being subject to government taxation and/or regulation is a socialist or collectivist system. That socialist system is exhaustively described in the following:

Socialism: The New American Civil Religion, Form #05.016
<http://sedm.org/Forms/FormIndex.htm>

Below is how the U.S. Supreme Court characterizes efforts to violate the rules for converting PRIVATE property into PUBLIC property listed above and thereby STEAL PRIVATE property. The text below the following line up to the end of the section comes from the case indicated:

Munn v. Illinois, 94 U.S. 113 (1877)

The question presented, therefore, is one of the greatest importance, — whether it is within the competency of a State to fix the compensation which an individual may receive for the use of his own property in his private business, and for his services in connection with it.

[. . .]

139*139 The validity of the legislation was, among other grounds, assailed in the State court as being in conflict with that provision of the State Constitution which declares that no person shall be deprived of life, liberty, or property without due process of law, and with that provision of the Fourteenth Amendment of the Federal Constitution which imposes a similar restriction upon the action of the State. The State court held, in substance, that the constitutional provision was not violated so long as the owner was not deprived of the title and possession of his property; and that it did not deny to the legislature the power to make all needful rules and regulations respecting the use and enjoyment of the property, referring, in support of the position, to instances of its action in prescribing the interest on money, in establishing and regulating public ferries and public mills, and fixing the compensation in the shape of tolls, and in delegating power to municipal bodies to regulate the charges of hackmen and draymen, and the weight and price of bread. In this court the legislation was also assailed on the same ground, our jurisdiction arising upon the clause of the Fourteenth Amendment, ordaining that no State shall deprive any person of life, liberty, or property without due process of law. But it would seem from its opinion that the court holds that property loses something of its private character when employed in such a way as to be generally useful. The doctrine declared is that property “becomes clothed with a public interest when used in a manner to make it of public consequence, and affect the community at large;” and from such clothing the right of the legislature is deduced to control the use of the property, and to determine the compensation which the owner may receive for it. **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,**

1 ceasing to be held merely in private right, they referred to property dedicated by the owner to public uses, or to
2 property the use of which was granted by the government, or in connection with which special privileges were
3 conferred. Unless the property was thus dedicated, or some right bestowed by the government was held with the
4 property, either by specific grant or by prescription of so long a time as 140*140 to imply a grant originally, the
5 property was not affected by any public interest so as to be taken out of the category of property held in private right.
6 But it is not in any such sense that the terms "clothing property with a public interest" are used in this case. From the nature
7 of the business under consideration — the storage of grain — which, in any sense in which the words can be used, is a private
8 business, in which the public are interested only as they are interested in the storage of other products of the soil, or in articles
9 of manufacture, it is clear that the court intended to declare that, whenever one devotes his property to a business which is
10 useful to the public, — "affects the community at large," — the legislature can regulate the compensation which the owner
11 may receive for its use, and for his own services in connection with it. "When, therefore," says the court, "one devotes his
12 property to a use in which the public has an interest, he, in effect, grants to the public an interest in that use, and must submit
13 to be controlled by the public for the common good, to the extent of the interest he has thus created. He may withdraw his
14 grant by discontinuing the use; but, so long as he maintains the use, he must submit to the control." The building used by the
15 defendants was for the storage of grain: in such storage, says the court, the public has an interest; therefore the defendants,
16 by devoting the building to that storage, have granted the public an interest in that use, and must submit to have their
17 compensation regulated by the legislature.

18 If this be sound law, if there be no protection, either in the principles upon which our republican government is
19 founded, or in the prohibitions of the Constitution against such invasion of private rights, all property and all business
20 in the State are held at the mercy of a majority of its legislature. The public has no greater interest in the use of buildings
21 for the storage of grain than it has in the use of buildings for the residences of families, nor, indeed, anything like so great an
22 interest; and, according to the doctrine announced, the legislature may fix the rent of all tenements used for residences, without
23 reference to the cost of their erection. If the owner does not like the rates prescribed, he may cease renting his houses. He has
24 granted to the public, says the court, an interest in the use of the 141*141 buildings, and "he may withdraw his grant by
25 discontinuing the use; but, so long as he maintains the use, he must submit to the control." The public is interested in the
26 manufacture of cotton, woollen, and silken fabrics, in the construction of machinery, in the printing and publication of books
27 and periodicals, and in the making of utensils of every variety, useful and ornamental; indeed, there is hardly an enterprise
28 or business engaging the attention and labor of any considerable portion of the community, in which the public has
29 not an interest in the sense in which that term is used by the court in its opinion; and the doctrine which allows the
30 legislature to interfere with and regulate the charges which the owners of property thus employed shall make for its
31 use, that is, the rates at which all these different kinds of business shall be carried on, has never before been asserted,
32 so far as I am aware, by any judicial tribunal in the United States.

33 The doctrine of the State court, that no one is deprived of his property, within the meaning of the constitutional
34 inhibition, so long as he retains its title and possession, and the doctrine of this court, that, whenever one's property
35 is used in such a manner as to affect the community at large, it becomes by that fact clothed with a public interest,
36 and ceases to be juris privati only, appear to me to destroy, for all useful purposes, the efficacy of the constitutional
37 guaranty. All that is beneficial in property arises from its use, and the fruits of that use; and whatever deprives a
38 person of them deprives him of all that is desirable or valuable in the title and possession. If the constitutional guaranty
39 extends no further than to prevent a deprivation of title and possession, and allows a deprivation of use, and the fruits
40 of that use, it does not merit the encomiums it has received. Unless I have misread the history of the provision now
41 incorporated into all our State constitutions, and by the Fifth and Fourteenth Amendments into our Federal Constitution, and
42 have misunderstood the interpretation it has received, it is not thus limited in its scope, and thus impotent for good. It has a
43 much more extended operation than either court, State, or Federal has given to it. The provision, it is to be observed,
44 places property under the same protection as life and liberty. Except by due process of law, no State can 142*142
45 deprive any person of either. The provision has been supposed to secure to every individual the essential conditions
46 for the pursuit of happiness; and for that reason has not been heretofore, and should never be, construed in any
47 narrow or restricted sense.

48 No State "shall deprive any person of life, liberty, or property without due process of law," says the Fourteenth Amendment
49 to the Constitution. By the term "life," as here used, something more is meant than mere animal existence. The inhibition
50 against its deprivation extends to all those limbs and faculties by which life is enjoyed. The provision equally prohibits the
51 mutilation of the body by the amputation of an arm or leg, or the putting out of an eye, or the destruction of any other organ
52 of the body through which the soul communicates with the outer world. The deprivation not only of life, but of whatever God
53 has given to everyone with life, for its growth and enjoyment, is prohibited by the provision in question, if its efficacy be not
54 frittered away by judicial decision.

1 By the term "liberty," as used in the provision, something more is meant than mere freedom from physical restraint or the
2 bounds of a prison. It means freedom to go where one may choose, and to act in such manner, not inconsistent with the equal
3 rights of others, as his judgment may dictate for the promotion of his happiness; that is, to pursue such callings and avocations
4 as may be most suitable to develop his capacities, and give to them their highest enjoyment.

5 **The same liberal construction which is required for the protection of life and liberty, in all particulars in which life**
6 **and liberty are of any value, should be applied to the protection of private property. If the legislature of a State, under**
7 **pretence of providing for the public good, or for any other reason, can determine, against the consent of the owner,**
8 **the uses to which private property shall be devoted, or the prices which the owner shall receive for its uses, it can**
9 **deprive him of the property as completely as by a special act for its confiscation or destruction. If, for instance, the**
10 **owner is prohibited from using his building for the purposes for which it was designed, it is of little consequence that**
11 **he is permitted to retain the 143*143 title and possession; or, if he is compelled to take as compensation for its use less**
12 **than the expenses to which he is subjected by its ownership, he is, for all practical purposes, deprived of the property,**
13 **as effectually as if the legislature had ordered his forcible dispossession. If it be admitted that the legislature has any**
14 **control over the compensation, the extent of that compensation becomes a mere matter of legislative discretion. The**
15 **amount fixed will operate as a partial destruction of the value of the property, if it fall below the amount which the**
16 **owner would obtain by contract, and, practically, as a complete destruction, if it be less than the cost of retaining its**
17 **possession. There is, indeed, no protection of any value under the constitutional provision, which does not extend to**
18 **the use and income of the property, as well as to its title and possession.**

19 This court has heretofore held in many instances that a constitutional provision intended for the protection of rights of private
20 property should be liberally construed. It has so held in the numerous cases where it has been called upon to give effect to
21 the provision prohibiting the States from legislation impairing the obligation of contracts; the provision being construed to
22 secure from direct attack not only the contract itself, but all the essential incidents which give it value and enable its owner
23 to enforce it. Thus, in *Bronson v. Kinzie*, reported in the 1st of Howard, it was held that an act of the legislature of Illinois,
24 giving to a mortgagor twelve months within which to redeem his mortgaged property from a judicial sale, and prohibiting its
25 sale for less than two-thirds of its appraised value, was void as applied to mortgages executed prior to its passage. It was
26 contended, in support of the act, that it affected only the remedy of the mortgagee, and did not impair the contract; but the
27 court replied that there was no substantial difference between a retrospective law declaring a particular contract to be
28 abrogated and void, and one which took away all remedy to enforce it, or encumbered the remedy with conditions that
29 rendered it useless or impracticable to pursue it. And, referring to the constitutional provision, the court said, speaking through
30 Mr. Chief Justice Taney, that

31 *"it would be unjust to the memory of the distinguished men who framed it, to suppose that it was designed to*
32 *protect a mere barren and 144*144 abstract right, without any practical operation upon the business of life. It*
33 *was undoubtedly adopted as a part of the Constitution for a great and useful purpose. It was to maintain the*
34 *integrity of contracts, and to secure their faithful execution throughout this Union, by placing them under the*
35 *protection of the Constitution of the United States. And it would but Ill. become this court, under any*
36 *circumstances, to depart from the plain meaning of the words used, and to sanction a distinction between the*
37 *right and the remedy, which would render this provision illusive and nugatory, mere words of form, affording no*
38 *protection and producing no practical result."*

39 And in *Pumpelly v. Green Bay Company*, 13 Wall. 177, the language of the court is equally emphatic. That case arose in
40 Wisconsin, the constitution of which declares, like the constitutions of nearly all the States, that private property shall not be
41 taken for public use without just compensation; and this court held that the flooding of one's land by a dam constructed across
42 a river under a law of the State was a taking within the prohibition, and required compensation to be made to the owner of
43 the land thus flooded. The court, speaking through Mr. Justice Miller, said: —

44 *"It would be a very curious and unsatisfactory result, if, in construing a provision of constitutional law, always*
45 *understood to have been adopted for protection and security to the rights of the individual as against the*
46 *government, and which has received the commendation of jurists, statesmen, and commentators, as placing the*
47 *just principles of the common law on that subject beyond the power of ordinary legislation to change or control*
48 *them, it shall be held that, if the government refrains from the absolute conversion of real property to the uses of*
49 *the public, it can destroy its value entirely, can inflict irreparable and permanent injury to any extent, can, in*
50 *effect, subject it to total destruction without making any compensation, because, in the narrowest sense of the*
51 *word, it is not taken for the public use. Such a construction would pervert the constitutional provision into a*
52 *restriction on the rights of the citizen, as those rights stood at the common law, instead of the government, and*
53 *make it an authority for invasion of private right under the pretext of the public good, which had no warrant*
54 *in the laws or practices of our ancestors."*

1 The views expressed in these citations, applied to this case, would render the constitutional provision invoked by the
2 defendants effectual to protect them in the uses, income, and revenues of their property, as well as in its title and
3 possession. The construction actually given by the State court and by this court makes the provision, in the language
4 of Taney, a protection to "a mere barren and abstract right, without any practical operation upon the business of
5 life," and renders it "illusiv and nugatory, mere words of form, affording no protection and producing no practical
6 result."

7 The power of the State over the property of the citizen under the constitutional guaranty is well defined. The State may take
8 his property for public uses, upon just compensation being made therefor. It may take a portion of his property by way of
9 taxation for the support of the government. It may control the use and possession of his property, so far as may be necessary
10 for the protection of the rights of others, and to secure to them the equal use and enjoyment of their property. The doctrine
11 that each one must so use his own as not to injure his neighbor — sic utere tuo ut alienum non lædas — is the rule by
12 which every member of society must possess and enjoy his property; and all legislation essential to secure this common
13 and equal enjoyment is a legitimate exercise of State authority. Except in cases where property may be destroyed to
14 arrest a conflagration or the ravages of pestilence, or be taken under the pressure of an immediate and overwhelming
15 necessity to prevent a public calamity, the power of the State over the property of the citizen does not extend beyond
16 such limits.

17 It is true that the legislation which secures to all protection in their rights, and the equal use and enjoyment of their property,
18 embraces an almost infinite variety of subjects. Whatever affects the peace, good order, morals, and health of the community,
19 comes within its scope; and every one must use and enjoy his property subject to the restrictions which such legislation
20 imposes. What is termed the police power of the State, which, from the language often used respecting it, one would suppose
21 to be an undefined and irresponsible element in government, can only interfere with the conduct of individuals in their
22 intercourse with each other, and in the use of their property, so far 146*146 as may be required to secure these objects. The
23 compensation which the owners of property, not having any special rights or privileges from the government in
24 connection with it, may demand for its use, or for their own services in union with it, forms no element of consideration
25 in prescribing regulations for that purpose. If one construct a building in a city, the State, or the municipality exercising a
26 delegated power from the State, may require its walls to be of sufficient thickness for the uses intended; it may forbid the
27 employment of inflammable materials in its construction, so as not to endanger the safety of his neighbors; if designed as a
28 theatre, church, or public hall, it may prescribe ample means of egress, so as to afford facility for escape in case of accident;
29 it may forbid the storage in it of powder, nitro-glycerine, or other explosive material; it may require its occupants daily to
30 remove decayed vegetable and animal matter, which would otherwise accumulate and engender disease; it may exclude from
31 it all occupations and business calculated to disturb the neighborhood or infect the air. Indeed, there is no end of regulations
32 with respect to the use of property which may not be legitimately prescribed, having for their object the peace, good order,
33 safety, and health of the community, thus securing to all the equal enjoyment of their property; but in establishing these
34 regulations it is evident that compensation to the owner for the use of his property, or for his services in union with it, is not
35 a matter of any importance: whether it be one sum or another does not affect the regulation, either in respect to its utility or
36 mode of enforcement. One may go, in like manner, through the whole round of regulations authorized by legislation, State
37 or municipal, under what is termed the police power, and in no instance will he find that the compensation of the owner for
38 the use of his property has any influence in establishing them. It is only where some right or privilege is conferred by the
39 government or municipality upon the owner, which he can use in connection with his property, or by means of which
40 the use of his property is rendered more valuable to him, or he thereby enjoys an advantage over others, that the
41 compensation to be received by him becomes a legitimate matter of regulation. Submission to the regulation of
42 compensation in such cases is an implied condition 147*147 of the grant, and the State, in exercising its power of
43 prescribing the compensation, only determines the conditions upon which its concession shall be enjoyed. When the
44 privilege ends, the power of regulation ceases.

45 Jurists and writers on public law find authority for the exercise of this police power of the State and the numerous regulations
46 which it prescribes in the doctrine already stated, that everyone must use and enjoy his property consistently with the rights
47 of others, and the equal use and enjoyment by them of their property. "The police power of the State," says the Supreme
48 Court of Vermont, "extends to the protection of the lives, limbs, health, comfort, and quiet of all persons, and the protection
49 of all property in the State. According to the maxim, sic utere tuo ut alienum non lædas, which, being of universal application,
50 it must, of course, be within the range of legislative action to define the mode and manner in which every one may so use his
51 own as not to injure others." Thorpe v. Rutland & Burlington Railroad Co., 27 Vt. 149. "We think it a settled principle
52 growing out of the nature of well-ordered civil society," says the Supreme Court of Massachusetts, "that every holder of
53 property, however absolute and unqualified may be his title, holds it under the implied liability that his use of it shall not be
54 injurious to the equal enjoyment of others having an equal right to the enjoyment of their property, nor injurious to the rights

1 of the community." Commonwealth v. Alger, 7 Cush. 84. In his Commentaries, after speaking of the protection afforded by
2 the Constitution to private property, Chancellor Kent says: —

3 *"But though property be thus protected, it is still to be understood that the law-giver has the right to prescribe*
4 *the mode and manner of using it, so far as may be necessary to prevent the abuse of the right, to the injury or*
5 *annoyance of others, or of the public. The government may, by general regulations, interdict such uses of property*
6 *as would create nuisances and become dangerous to the lives, or health, or peace, or comfort of the citizens.*
7 *Unwholesome trades, slaughter-houses, operations offensive to the senses, the deposit of powder, the application*
8 *of steam-power to propel cars, the building with combustible materials, and the burial of the dead, may all be*
9 *interdicted by law, in the-midst of dense masses of population, 148*148 on the general and rational principle*
10 *that every person ought so to use his property as not to injure his neighbors, and that private interests must be*
11 *made subservient to the general interests of the community. 2 Kent, 340.*

12 The Italics in these citations are mine. The citations show what I have already stated to be the case, that the regulations which
13 the State, in the exercise of its police power, authorizes with respect to the use of property are entirely independent of any
14 question of compensation for such use, or for the services of the owner in connection with it.

15 There is nothing in the character of the business of the defendants as warehousemen which called for the interference
16 complained of in this case. Their buildings are not nuisances; their occupation of receiving and storing grain infringes upon
17 no rights of others, disturbs no neighborhood, infects not the air, and in no respect prevents others from using and enjoying
18 their property as to them may seem best. **The legislation in question is nothing less than a bold assertion of absolute**
19 **power by the State to control at its discretion the property and business of the citizen, and fix the compensation he**
20 **shall receive. The will of the legislature is made the condition upon which the owner shall receive the fruits of his**
21 **property and the just reward of his labor, industry, and enterprise. "That government," says Story, "can scarcely be**
22 **deemed to be free where the rights of property are left solely dependent upon the will of a legislative body without any**
23 **restraint. The fundamental maxims of a free government seem to require that the rights of personal liberty and private**
24 **property should be held sacred."** Wilkeson v. Leland, 2 Pet. 657. **The decision of the court in this case gives**
25 **unrestrained license to legislative will.**

26 The several instances mentioned by counsel in the argument and by the court in its opinion, in which legislation has fixed the
27 compensation which parties may receive for the use of their property and services, do not militate against the views I have
28 expressed of the power of the State over the property of the citizen. They were mostly cases of public ferries, bridges, and
29 turnpikes, of wharfingers, hackmen, and draymen, and of interest on money. In all these cases, except that of interest on
30 money, which I shall presently notice there was some special 149*149 privilege granted by the State or municipality; and no
31 one, I suppose, has ever contended that the State had not a right to prescribe the conditions upon which such privilege should
32 be enjoyed. **The State in such cases exercises no greater right than an individual may exercise over the use of his own**
33 **property when leased or loaned to others. The conditions upon which the privilege shall be enjoyed being stated or**
34 **implied in the legislation authorizing its grant, no right is, of course, impaired by their enforcement. The recipient of**
35 **the privilege, in effect, stipulates to comply with the conditions. It matters not how limited the privilege conferred, its**
36 **acceptance implies an assent to the regulation of its use and the compensation for it.** The privilege which the hackman
37 and drayman have to the use of stands on the public streets, not allowed to the ordinary coachman or laborer with teams,
38 constitutes a sufficient warrant for the regulation of their fares. In the case of the warehousemen of Chicago, no right or
39 privilege is conferred by the government upon them; and hence no assent of theirs can be alleged to justify any interference
40 with their charges for the use of their property.

41 The quotations from the writings of Sir Matthew Hale, so far from supporting the positions of the court, do not recognize the
42 interference of the government, even to the extent which I have admitted to be legitimate. They state merely that the franchise
43 of a public ferry belongs to the king, and cannot be used by the subject except by license from him, or prescription time out
44 of mind; and that when the subject has a public wharf by license from the king, or from having dedicated his private wharf
45 to the public, as in the case of a street opened by him through his own land, he must allow the use of the wharf for reasonable
46 and moderate charges. Thus, in the first quotation which is taken from his treatise De Jure Maris, Hale says that the king has

47 *"a right of franchise or privilege, that no man may set up a common ferry for all passengers without a prescription*
48 *time out of mind or a charter from the king. He may make a ferry for his own use or the use of his family, but not*
49 *for the common use of all the king's subjects passing that way; because it doth in consequent tend to a common*
50 *charge, and is become a thing of public interest and use, and every man for his passage 150*150 pays a toll,*
51 *which is a common charge, and every ferry ought to be under a public regulation, viz., that it give attendance at*
52 *due times, keep a boat in due order, and take but reasonable toll; for if he fail in these he is finable."*

1 Of course, one who obtains a license from the king to establish a public ferry, at which "every man for his passage pays a
2 toll," must take it on condition that he charge only reasonable toll, and, indeed, subject to such regulations as the king may
3 prescribe.

4 In the second quotation, which is taken from his treatise De Portibus Maris, Hale says: —

5 *"A man, for his own private advantage, may, in a port or town, set up a wharf or crane, and may take what rates*
6 *he and his customers can agree for crantage, wharfage, housellage, pesage; for he doth no more than is lawful*
7 *for any man to do, viz., makes the most of his own. If the king or subject have a public wharf, unto which all*
8 *persons that come to that port must come and unlade or lade their goods as for the purpose, because they are the*
9 *wharves only licensed by the king, or because there is no other wharf in that port, as it may fall out where a port*
10 *is newly erected, in that case there cannot be taken arbitrary and excessive duties for crantage, wharfage, pesage,*
11 *&c.; neither can they be enhanced to an immoderate rate, but the duties must be reasonable and moderate, though*
12 *settled by the king's license or charter. For now the wharf and crane and other conveniences are affected with a*
13 *public interest, and they cease to be juris privati only; as if a man set out a street in new building on his own land,*
14 *it is now no longer bare private interest, but is affected by the public interest."*

15 The purport of which is, that if one have a public wharf, by license from the government or his own dedication, he must exact
16 only reasonable compensation for its use. By its dedication to public use, a wharf is as much brought under the common-law
17 rule of subjection to reasonable charges as it would be if originally established or licensed by the crown. All property
18 dedicated to public use by an individual owner, as in the case of land for a park or street, falls at once, by force of the
19 dedication, under the law governing property appropriated by the government for similar purposes.

20 I do not doubt the justice of the encomiums passed upon Sir 151*151 Matthew Hale as a learned jurist of his day; but I am
21 unable to perceive the pertinency of his observations upon public ferries and public wharves, found in his treatises on "The
22 Rights of the Sea" and on "The Ports of the Sea," to the questions presented by the warehousing law of Illinois, undertaking
23 to regulate the compensation received by the owners of private property, when that property is used for private purposes.

24 The principal authority cited in support of the ruling of the court is that of Alnutt v. Inglis, decided by the King's Bench, and
25 reported in 12 East. But that case, so far from sustaining the ruling, establishes, in my judgment, the doctrine that everyone
26 has a right to charge for his property, or for its use, whatever he pleases, unless he enjoys in connection with it some right or
27 privilege from the government not accorded to others; and even then it only decides what is above stated in the quotations
28 from Sir Matthew Hale, that he must submit, so long as he retains the right or privilege, to reasonable rates. In that case, the
29 London Dock Company, under certain acts of Parliament, possessed the exclusive right of receiving imported goods into
30 their warehouses before the duties were paid; and the question was whether the company was bound to receive them for a
31 reasonable reward, or whether it could arbitrarily fix its compensation. In deciding the case, the Chief Justice, Lord
32 Ellenborough, said: —

33 *"There is no doubt that the general principle is favored, both in law and justice, that every man may fix what*
34 *price he pleases upon his own property, or the use of it; but if, for a particular purpose, the public have a right*
35 *to resort to his premises and make use of them, and he have a monopoly in them for that purpose, if he will take*
36 *the benefit of that monopoly, he must, as an equivalent, perform the duty attached to it on reasonable terms."*

37 And, coming to the conclusion that the company's warehouses were invested with "the monopoly of a public privilege," he
38 held that by law the company must confine itself to take reasonable rates; and added, that if the crown should thereafter think
39 it advisable to extend the privilege more generally to other persons and places, so that the public would not be restrained from
40 exercising a choice of warehouses for the purpose, the company might be enfranchised from the restriction which 152*152
41 attached to a monopoly; but, so long as its warehouses were the only places which could be resorted to for that purpose, the
42 company was bound to let the trade have the use of them for a reasonable hire and reward. The other judges of the court
43 placed their concurrence in the decision upon the ground that the company possessed a legal monopoly of the business, having
44 the only warehouses where goods imported could be lawfully received without previous payment of the duties. From this
45 case it appears that it is only where some privilege in the bestowal of the government is enjoyed in connection with the
46 property, that it is affected with a public interest in any proper sense of the terms. It is the public privilege conferred with the
47 use of the property which creates the public interest in it.

48 In the case decided by the Supreme Court of Alabama, where a power granted to the city of Mobile to license bakers, and to
49 regulate the weight and price of bread, was sustained so far as regulating the weight of the bread was concerned, no question
50 was made as to the right to regulate the price. 3 Ala. 137. There is no doubt of the competency of the State to prescribe the
51 weight of a loaf of bread, as it may declare what weight shall constitute a pound or a ton. But I deny the power of any
52 legislature under our government to fix the price which one shall receive for his property of any kind. If the power can be

exercised as to one article, it may as to all articles, and the prices of everything, from a calico gown to a city mansion, may be the subject of legislative direction.

Other instances of a similar character may, no doubt, be cited of attempted legislative interference with the rights of property. The act of Congress of 1820, mentioned by the court, is one of them. There Congress undertook to confer upon the city of Washington power to regulate the rates of wharfage at private wharves, and the fees for sweeping chimneys. Until some authoritative adjudication is had upon these and similar provisions, I must adhere, notwithstanding the legislation, to my opinion, that those who own property have the right to fix the compensation at which they will allow its use, and that those who control services have a right to fix the compensation at which they will be rendered. The chimney-sweeps may, I think, safely claim all the compensation which 153*153 they can obtain by bargain for their work. In the absence of any contract for property or services, the law allows only a reasonable price or compensation; but what is a reasonable price in any case will depend upon a variety of considerations, and is not a matter for legislative determination.

The practice of regulating by legislation the interest receivable for the use of money, when considered with reference to its origin, is only the assertion of a right of the government to control the extent to which a privilege granted by it may be exercised and enjoyed. By the ancient common law it was unlawful to take any money for the use of money: all who did so were called usurers, a term of great reproach, and were exposed to the censure of the church; and if, after the death of a person, it was discovered that he had been a usurer whilst living, his chattels were forfeited to the king, and his lands escheated to the lord of the fee. No action could be maintained on any promise to pay for the use of money, because of the unlawfulness of the contract. Whilst the common law thus condemned all usury, Parliament interfered, and made it lawful to take a limited amount of interest. It was not upon the theory that the legislature could arbitrarily fix the compensation which one could receive for the use of property, which, by the general law, was the subject of hire for compensation, that Parliament acted, but in order to confer a privilege which the common law denied. The reasons which L.Ed. to this legislation originally have long since ceased to exist; and if the legislation is still persisted in, it is because a long acquiescence in the exercise of a power, especially when it was rightfully assumed in the first instance, is generally received as sufficient evidence of its continued lawfulness. 10 Bac. Abr. 264.[*]

There were also recognized in England, by the ancient common law, certain privileges as belonging to the lord of the manor, which grew out of the state of the country, the condition of the people, and the relation existing between him and 154*154 his tenants under the feudal system. Among these was the right of the lord to compel all the tenants within his manor to grind their corn at his mill. No one, therefore, could set up a mill except by his license, or by the license of the crown, unless he claimed the right by prescription, which presupposed a grant from the lord or crown, and, of course, with such license went the right to regulate the tolls to be received. Woolrych on the Law of Waters, c. 6, of Mills. Hence originated the doctrine which at one time obtained generally in this country, that there could be no mill to grind corn for the public, without a grant or license from the public authorities. It is still, I believe, asserted in some States. This doctrine being recognized, all the rest followed. The right to control the toll accompanied the right to control the establishment of the mill.

It requires no comment to point out the radical differences between the cases of public mills and interest on money, and that of the warehouses in Chicago. No prerogative or privilege of the crown to establish warehouses was ever asserted at the common law. **The business of a warehouseman was, at common law, a private business and is so in its nature. It has no special privileges connected with it, nor did the law ever extend to it any greater protection than it extended to all other private business. No reason can be assigned to justify legislation interfering with the legitimate profits of that business, that would not equally justify an intermeddling with the business of every man in the community, so soon, at least, as his business became generally useful.**

10. PUBLIC Rights v. PRIVATE Rights³²

If you would like a simplified training course or presentation summarizing everything in the following subsections, please see:

Private Right or Public Right? Course, Form #12.044
<https://sedm.org/Forms/FormIndex.htm>

³² Adapted from Great IRS Hoax, Form #11.302, Section 4.3 with permission.

10.1 Introduction

"Indeed, in a free government almost all other rights would become worthless if the government possessed power over the private fortune of every citizen."
[John Marshall; SOURCE: <http://quotio.com/quote/Indeed-in-a-free/315738>]

*"This nation, as experience has proved, cannot always remain at peace, and has no right to expect that it always will have wise and humane rulers, sincerely attached to the principles of the Constitution. **Wicked men, ambitious of power, with hatred of liberty and contempt of law,** may fill the place once occupied by Washington and Lincoln; and if this right is conceded, and the calamities of war again befall us, **the dangers to human liberty are frightful to contemplate.** ... For this, and other equally weighty reasons, they secured the inheritance they had fought to maintain, by incorporating in a written Constitution **the safeguards which time had proven were essential** to its preservation. **Not one of these safeguards can the President or Congress or the Judiciary disturb,** except the one concerning the writ of habeas corpus."*
[[Ex Parte Milligan](#), 71 U.S. 2, 18 L.Ed. 281, 297 (1866)]

This section concerns itself with the origin and nature of rights and privileges. We discuss the subject both from a biblical as well as a legal/civil perspective. The subject of rights and privileges is of utmost importance in understanding our role in society and the relationship that government has to us as the sovereign people that they serve. Failure to fully understand this subject can result in making you into a government slave and signing away all your rights and sovereignty without even realizing it.

The various articles contained within this chapter will demonstrate to you the facts and the proof, not only that these things are true, but just how they are used to infringe upon your Unalienable Rights as Sovereign Americans and "natural persons" of the several Union states. These Sovereign Americans of the several Union states are the only People who have Constitutional (Natural) Rights. No other status of "citizenship" or "residency" has these Natural Rights, yet you claim these other forms of citizenship every day, and as you do so, you are unknowingly waving your Natural Rights for the illusion of benefits and privileges from the federal government. In effect, you have exchanged your own Natural Rights for mere "government privileges" and thereby irreparably compromised your personal liberty and sovereignty [Whoops.]

It is all a matter of perspective and choice. The problem is, you probably don't know or understand that there are two sides to this coin - and more importantly, that you have a choice. If you don't know how or when to "Reserve your Rights" then you become prey to oppression and tyranny by anyone, including the various levels of government, who might wish to take advantage of you for their own sake or their notions of what is best for you. It is time to take charge of your own destiny and stop being so casual about your Rights. You do have them, in that they do still exist. The question is do you have access to them, when you need them the most. Not likely, unless you understand and use this valuable information at every turn in your involvement with all levels of government.

So, please, take the time to read, study and verify this information thoroughly for yourself. And please, feel free to share it with others. Organize discussion groups with your friends, relatives, and with your various clubs and organizations. The more people who become enlightened, the sooner we can stop the insanity of oppression and tyranny, by any one, especially our own government.

Time after time we have all heard the expression, "*The People have the power.*" Probably more times than any one of us can count. We have heard that "We the People..." are the masters and the federal government is the servant of the People. Today, most of us would agree that it is the other way around. Yet few of us can explain how or why this has come to be true. While most of us understand these powers are actually our Rights as they were known, understood and written into the Declarations of Independence, the Constitution of the United States of America and the Bill of Rights, few of us understand how to use and enforce these Rights. The majority of us are unaware of how to protect these rights and ourselves from those who would choose to usurp them, entrapping us into a web of deceit and misleading us to believe we must obey what are obviously laws which function outside our protections under the Constitution.

We often hear speakers proclaim "*The people must protect (reserve) their Rights or they won't have any.*" Yet, few actually know how. Of course every elected official is required to take an oath of office, which includes the statement "... to protect and defend the Constitution of the United States of America...". As we all have come to realize, we are gradually losing our Rights with each passing year, as the government continues to erode them away with still more federal regulation being imposed.

In paraphrasing Supreme Court Justice Clarence Thomas (well known for his conservative views), he said:

1 *"... I promise to fight federalism at every turn. But, the People must first 'reserve' their 'Rights' or I can do nothing*
2 *..."*

3 We have all heard other notable people make similar statements in the past, and yet I have found that very few of us actually
4 know and understand what is meant by these words. Most of us assume that the government itself is waging the battle to
5 protect our Rights, or simply believe that these Rights we have are just there and known to all. So, who in their right mind
6 would, or even could, get away with denying them? As you read this section, not only will you come to know exactly what
7 Justice Thomas meant in those few words, but you will also understand precisely how to go about "reserving your Rights."
8 You will learn that there is a lot more going on here than first meets the eye.

9 So, how do we protect and enforce these Unalienable Rights granted to us by our Creator, from those who would steal them
10 away? Who are those that would trick us into being unknowing and unwilling victims of what seems to be unconstitutional
11 laws that violate our natural rights?

12 Most would agree that it is the government and big business which seek to usurp our rights. The government on all levels
13 (local, county, state and federal) operates on a system that is actually outside the protections of the Constitution, which is a
14 little known and even less understood conspiracy perpetrated on the American People to control their lives and their money
15 (property and other assets). Meanwhile, big business lobbies congress to the point that "We the People..." have little if any
16 input or affect in the legislative process. So, it is our elected officials in government who have betrayed both their oaths of
17 office, and our faith that they will do what they promised during the election process.

18 It is our goal, as set forth in this book, to inform you as to precisely how government and big business accomplish these deeds
19 of deception, trickery and fraud. Then, to further instruct you, we will educate you as to how to overcome these obstacles
20 and barriers to the freedoms we were granted by our Creator, and guaranteed by our Constitution, for which so many have
21 fought and died to preserve and protect for ourselves and for our posterity.

22 We have the power - we always have! It is time then to reeducate ourselves, getting away from the leftist rhetoric and back
23 to the simple facts of the matter in an effort to save our Constitution and our Individual Freedoms. Our tolerance and silence
24 has too long been mistaken for ignorance, and the faith we have entrusted in our elected officials has certainly been betrayed.

25 *"No legislative act contrary to the Constitution can be valid. To deny this would be to affirm that the deputy*
26 *(agent) is greater than his principal; that the servant is above the master; that the representatives of the people*
27 *are superior to the people; that men, acting by virtue of powers may do not only what their powers do not*
28 *authorize, but what they forbid. It is not to be supposed that the Constitution could intend to enable the*
29 *representatives of the people to substitute their will to that of their constituents. A Constitution is, in fact, and*
30 *must be regarded by judges, as fundamental law. If there should happen to be an irreconcilable variance between*
31 *the two, the Constitution is to be preferred to the statute."*
32 *[Alexander Hamilton (Federalist Paper # 78)]*

33 *"Where rights secured by the Federal Constitution are involved, there can be no rule-making or legislation*
34 *which would abrogate them."*
35 *[Miranda v. Arizona, 384 U.S. 436 (1966)]*

36 *"Truth is incontrovertible, ignorance can deride it, panic may resent it, malice may destroy it, but there it is."*
37 *[Winston Churchill]*

38 **10.2 The "Publici Juris" or "Public Rights" Scam³³**

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

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

³³ Source: *Why the Federal Income Tax is Limited to Federal Territory, Possessions, Enclaves, Offices, and Other Property*, Form #04.404, Section 2;
<https://sedm.org/Forms/FormIndex.htm>.

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

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

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

10 *[Black’s Law Dictionary, Fourth Edition, p. 1397]*

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

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

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

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

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

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

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

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

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

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

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

30 You CANNOT be a CONSTITUTIONAL “[person](#)” and a STATUTORY “[person](#)” at the SAME time:

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

34 *“The words “privileges” and “immunities,” like the greater part of the legal phraseology of this country, have*
35 *been carried over from the law of Great Britain, and recur constantly either as such or in equivalent expressions*
36 *from the time of Magna Charta. For all practical purposes they are synonymous in meaning, and originally*
37 *signified a peculiar right or private law conceded to particular persons or places whereby a certain individual*
38 *or class of individuals was exempted from the rigor of the common law. Privilege or immunity is conferred*
39 *upon any person when he is invested with a legal claim to the exercise of special or peculiar rights, authorizing*
40 *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]
See Magill v. Browne, Fed.Cas. No. 8952, 16 Fed.Cas. 408; 6 Words and Phrases, 5583, 5584; A J. Lien, "Privileges and Immunities of Citizens of the United States," in Columbia University Studies in History, Economics, and Public Law, vol. 54, p. 31.

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

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

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

[. . .]

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

FOOTNOTES:

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

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

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

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

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

4. You have SURRENDERED all constitutional remedies in the way described on the next page.

BEND OVER!

Notice in the Brandeis Rules THAT:

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

Here's another example:

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

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

[. . .]

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

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

More on judges unconstitutionally “making law” at:

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

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

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

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

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

[. . .]

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

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

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

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

Government Identity Theft, Form #05.046
<https://sedm.org/Forms/05-MemLaw/GovernmentIdentityTheft.pdf>
9. Lastly, there are cases where even though the offending party in the government who you are suing INDIVIDUALLY caused an unlawful taking of PRIVATE property, the property is still in the CUSTODY of the government.
 - 9.1. Suing the corrupt individual will not return the property and you have to sue the PROPERTY and indirectly the party possessing it at the time, which is usually the government.
 - 9.2. The action to return the property must be filed as an “in rem” action against the PROPERTY and NOT the government.
 - 9.3. In rem actions against the government for property unlawfully in their custody ARE permitted and are NOT privileges, but RIGHTS and NO STATUTE is necessary to reclaim the property WRONGFULLY in government possession. Property taken from a “nontaxpayer” under the color but without the actual authority of law is not “taxes”, but THEFT, and therefore would NOT come under the Internal Revenue Code, which only governs interactions with CONSENTING STATUTORY “taxpayers”:

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

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

“A claim against the United States is a right to demand money from the United States.³⁴ Such claims are sometimes spoken of as gratuitous in that they cannot be enforced by suit without statutory consent.³⁵ **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.**³⁶ **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.**³⁷”
[American Jurisprudence 2d, United States, §45 (1999)]

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

California Civil Code
Section 2224

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

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

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

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

10.3 PRIVATE Rights Defined and Explained

“The people...are the only sure reliance for the preservation of our liberty.”
[Thomas Jefferson to James Madison, 1787. ME 6:392]

“The people of every country are the only safe guardians of their own rights.”
[Thomas Jefferson to John Wyche, 1809]

³⁴ 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).

³⁵ Blagge v. Balch, 162 U.S. 439, 40 L.Ed. 1032, 16 S.Ct. 853.

³⁶ Wilson v. Shaw, 204 U.S. 24, 51 L.Ed. 351, 27 S.Ct. 233.

³⁷ 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.

The Bill of Rights documents PRIVATE rights. We define “private” as follows:

SEDM Disclaimer

4. Meaning of Words

4.3. Private

The word "private" when it appears in front of other entity names such as "person", "individual", "business", "employee", "employer", etc. shall imply that the entity is:

1. In possession of absolute, exclusive ownership and control over their own labor, body, and all their property. In Roman Law this was called "dominium".
2. On an EQUAL rather than inferior relationship to government in court. This means that they have no obligations to any government OTHER than possibly the duty to serve on jury and vote upon voluntary acceptance of the obligations of the civil status of “citizen” (and the DOMICILE that creates it). Otherwise, they are entirely free and unregulated unless and until they INJURE the equal rights of another under the common law.
3. A “nonresident” in relation to the state and federal government.
4. Not a PUBLIC entity defined within any state or federal statutory law. This includes but is not limited to statutory "person", "individual", "taxpayer", "driver", "spouse" under any under any civil statute or franchise.
5. Not engaged in a public office or "trade or business" (per 26 U.S.C. §7701(a)(26)). Such offices include but are not limited to statutory "person", "individual", "taxpayer", "driver", "spouse" under any civil statute or franchise.

"PRIVATE PERSON. An individual who is not the incumbent of an office."
[Black's Law Dictionary, Fourth Edition, p. 1359]

6. Not consenting to contract with or acquire any public status, public privilege, or public right under any state or federal franchise. For instance, the phrase "private employee" means a common law worker that is NOT the statutory "employee" defined within 26 U.S.C. §3401(c) or 26 C.F.R. §301.3401(c)-1 or any other federal or state law or statute.
7. Not sharing ownership or control of their body or property with anyone, and especially a government. In other words, ownership is not "qualified" but "absolute".
8. Not subject to civil enforcement or regulation of any kind, except AFTER an injury to the equal rights of others has occurred. Preventive rather than corrective regulation is an unlawful taking of property according to the Fifth Amendment Takings Clause.
9. Not "privileged" or party to a franchise of any kind:

"PRIVILEGE. "A right, power, franchise, or immunity held by a person or class, against or beyond the course of the law. [. . .] That which releases one from the performance of a duty or obligation, or exempts one from a liability which he would otherwise be required to perform, or sustain in common [common law] with all other persons. State v. Grosnickle, 189 Wis. 17, 206 N.W. 895, 896. A peculiar advantage, exemption, or immunity. Sacramento Orphanage & Children's Home v. Chambers, 25 Cal.App. 536, 144 P. 317, 319.
[Black's Law Dictionary, Fourth Edition, pp. 1359-1360]

"Is it a franchise? A franchise is said to be a right reserved to the people by the constitution, as the elective franchise. Again, it is said to be a privilege conferred by grant from government, and vested in one or more individuals, as a public office. Corporations, or bodies politic are the most usual franchises known to our laws. In England they are very numerous, and are defined to be royal privileges in the hands of a subject. An information will lie in many cases growing out of these grants, especially where corporations are concerned, as by the statute of 9 Anne, ch. 20, and in which the public have an interest. In 1 Strange R. (The King v. Sir William Louthier,) it was held that an information of this kind did not lie in the case of private rights, where no franchise of the crown has been invaded.

If this is so--if in England a privilege existing in a subject, which the king alone could grant, constitutes it a franchise--in this country, under our institutions, a privilege or immunity of a public nature, which could not be exercised without a legislative grant, would also be a franchise."
[People v. Ridgley, 21 Ill. 65, 1859 WL 6687, 11 Peck 65 (Ill., 1859)]

10. The equivalent to a common law or Constitutional "person" who retains all of their common law and Constitutional protections and waives none.

"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/

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.

Every attempt by anyone in government to alienate rights that the Declaration of Independence says are UNALIENABLE shall also be treated as "PRIVATE BUSINESS ACTIVITY" that cannot be protected by sovereign, official, or judicial immunity. So called "government" cannot make a [profitable business or franchise](#) out of alienating inalienable rights without ceasing to be a classical/de jure government and instead becoming in effect an [economic terrorist and de facto government in violation of Article 4, Section 4.](#)

"No servant [or government 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]

[SEDM Disclaimer, Section 4.3: Private; SOURCE: <http://sedm.org/disclaimer.htm>]

Black's Law Dictionary (Sixth Edition) defines our Constitutional Rights:

"... Natural rights are those which grow out of the nature of man [the Creator] and depend upon personality, as distinguished from such as are created by law and depend upon civilized society; or those which are plainly assured by natural law;..."
[Black's Law Dictionary, Sixth Edition, p. 1324]

In other words, Natural Rights or Natural Laws come from nature [the Creator] and are separate and distinct from those laws derived by man. We also call them PRIVATE rights. Our Constitution not only recognizes these Natural Rights (Natural Laws), but guarantees them as individual Rights. The Constitution recognizes that they are superior to all other laws, including the laws made by man (any level of government). That is, unless of course you freely waive your Rights, which is exactly what you do under compulsion every time you file an income tax return. It is likely, however, that you didn't know that is what you were doing. Hence, this section.

Possession of a legal right conveys certain advantages upon us in a court of law as revealed by the U.S. supreme Court, *Marbury v. Madison*, 5 U.S. 137, 1 Cranch 137, 2 L.Ed. 60 (1803):

The very essence of civil liberty certainly consists in the right of every individual [note that he said individual, and not citizen, since you don't have to be a citizen to have the protection of government] to claim the protection of the laws, whenever he receives an injury. One of the first duties of government is to afford that protection. In Great Britain the king himself is sued in the respectful form of a petition, and he never fails to comply with the judgment of his court.

In the 3d vol. of his Commentaries, p. 23, Blackstone states two cases in which a remedy is afforded by mere operation of law.

"In all other cases," he says, "it is a general and indisputable rule, that where there is a legal right, there is also a legal remedy by suit, or action at law, whenever that right is invaded."

And afterwards, p. 109, of the same vol. he says,

1 *"I am next to consider such injuries as are cognizable by the court of the common law.*
2 *And herein I shall for the present only remark, that all possible injuries whatsoever, that*
3 *did not fall within the exclusive cognizance of either the ecclesiastical, military, or*
4 *maritime tribunals, are, for that very reason, within the cognizance of the common law*
5 *courts of justice; for it is a settled and invariable principle in the laws of England, that*
6 *every right, when withheld, must have a remedy, and every injury its proper redress.*

7 *The government of the United States has been emphatically termed a government of laws, and not of men. It will*
8 *certainly cease to deserve this high appellation, if the laws furnish no remedy for the violation of a vested legal*
9 *right."*

10 The above case is often cited as an authority on the subject of rights, even by the government, and makes mandatory reading
11 for the budding freedom fighter.

12 The supreme Court has said repeatedly that governments may not tax or regulate the exercise of PRIVATE rights. Here is
13 but one example:

14 *"A state may not impose a charge for the enjoyment of a right granted by the Federal Constitution."*
15 *[Murdock v. Commonwealth of Pennsylvania, 319 U.S. 105, 63 S.Ct. 870 (1943)]*

16 However, governments can regulate the exercise of "privileges":

17 *"The power to tax the exercise of a privilege is the power to control or suppress its enjoyment."*
18 *[Murdock v. Commonwealth of Pennsylvania, 319 U.S. 105, 63 S.Ct. 870 (1943)]*

19 **10.4 PUBLIC Rights/Privileges Defined and Explained**

20 What is a "privilege"? It is a PUBLIC right created by government in civil statutes conveying a right AGAINST the
21 government or an agent of the government ONLY.

22 **PRIVILEGE.** *A particular and peculiar benefit or advantage enjoyed by a person, company, or class, beyond*
23 *the common advantages of other citizens. An exceptional or extraordinary power or exemption. A right, power,*
24 *franchise, or immunity held by a person or class, against or beyond the course of the law. Waterloo Water Co. v.*
25 *Village of Waterloo, 193 N.Y.S. 360, 362, 200 App.Div. 718; Colonial Motor Coach Corporation v. City of*
26 *Oswego, 215 N.Y.S. 159,163,126 Misc. 829; Cope v. Flanery, 234 P. 845, 849, 70 Cal.App. 738; Bank of*
27 *Commerce & Trust Co. v. Senter, 260 S.W. 144, 147, 149 Tenn. 569; State v. Betts, 24 N.J.L. 557.*

28 *An exemption from some burden or attendance, with which certain persons are indulged, from a supposition of*
29 *law that the stations they All, or the offices they are engaged in, are such as require all their time and care, and*
30 *that, therefore, without this indulgence, it would be impracticable to execute such offices to that advantage which*
31 *the public good requires. Dike v. State, 38 Min. 366, 38 N.W. 95; International Trust Co. v. American L. & T.*
32 *Co., 62 Minn. 501, 65 N.W. 78. State v. Gilman, 33 W.Va. 146, 10 S.E. 283, 6 L.R.A. 847. That which releases*
33 *one from the performance of a duty or obligation, or exempts one from a liability which he would otherwise be*
34 *required to perform, or sustain in common with all other persons. State v. Grosnickle, 189 Wis. 17, 206 N.W. 895,*
35 *896. A peculiar advantage, exemption, or immunity. Sacramento Orphanage & Children's Home v. Chambers,*
36 *25 Cal.App. 536, 144 P. 317, 319.*

37 **Civil Law**

38 *A right which the nature of a debt gives to a creditor, and which entitles him to be preferred before other creditors.*
39 *Civil Code La. art. 3186. It is merely an accessory of the debt which it secures, and falls with the extinguishment*
40 *of the debt. A. Baldwin & Co. v. McCain, 159 La. 966, 106 So. 459, 460. The civil-law privilege became, by*
41 *adoption of the admiralty courts, the admiralty lien. Howe, Stud. Civ. L. 89; The J. E. Rumbell, 148 U.S. 1, 13S.Ct.*
42 *498, 37 L.Ed. 345.*

43 **Privileges and immunities.** *Within the meaning of the 14th amendment of the United States constitution,*
44 *such privileges as are fundamental, which belong to the citizens of all free governments and which have at all*
45 *times been enjoyed by citizens of the United States. La Tourette v. McMaster, 104 S.C. 501, 89 S.E. 398, 399.*
46 *They are only those which owe their existence to the federal government, its national character, its Constitution,*
47 *or its laws. Ownbey v. Morgan, 256 U.S. 94, 41 S.Ct. 433, 65 L.Ed. 837, 17 A.L.R. 873; Prudential Ins. Co. of*
48 *America v. Cheek, 25 U.S. 530, 42 S.Ct. 516, 520, 66 L.Ed. 1044, 27 A.L.R. 27; Rosenthal v. New York, 33 S.Ct*
49 *27, 226 U.S. 260, 57 L.Ed. 212, Ann.Cas.1914B, 71.*
50 *[Black's Law Dictionary, Fourth Edition, pp. 1359-1360]*

Those who may exercise government privileges must hold an OFFICE within the government to do so. It is interesting that we had to go to the English dictionary rather than the law dictionary to determine that privileges=offices:

priv•i•lege \ 'priv-lij, 'pri-və- \ noun

[Middle English, from Anglo-French, from Latin *privilegium* law for or against a private person, from *privus* private + *leg-*, *lex* law] 12th century: a right or immunity granted as a peculiar benefit, advantage, or favor: PREROGATIVE especially: such a right or immunity attached specifically to a position or an office.

[Mish, F. C. (2003). *Preface*. Merriam-Webster's collegiate dictionary. (Eleventh ed.). Springfield, MA: Merriam-Webster, Inc.]

The key to having PRIVATE rights is to *avoid* the government trap of becoming a person in receipt of government privileges, meaning PUBLIC privileges. Even the U.S. Supreme court admitted this, when it said:

"The rights of sovereignty extend to all persons and things **not privileged**, that are within the territory. They extend to all strangers resident therein; not only to those who are naturalized, and to those who are domiciled therein, having taken up their abode with the intention of permanent residence, but also to those whose residence is transitory. All strangers are under the protection of the sovereign while they are within his territory and owe a temporary allegiance in return for that protection."

[*Carlisle v. United States*, 83 U.S. 147, 154 (1873)]

Keep in mind that being a statutory "U.S. citizen", in receipt of the "privileges and immunities" of federal citizenship derived from 8 U.S.C. §1401 is the very privilege that in effect, denies you your other Constitutionally guaranteed rights and personal sovereignty. Therefore, the key to having rights is also to not be a privileged statutory "U.S. citizen" or a "citizen of the United States" under 8 U.S.C. §1401, but instead to be a "national" defined in 8 U.S.C. §1101(a)(21) and the Fourteenth Amendment. You don't need statutory federal citizenship found in 8 U.S.C. §1401 to have rights. Your PRIVATE rights come from the land you live on and not your citizenship status. The only thing that being a statutory "U.S. citizen" under 8 U.S.C. §1401 does is take away rights, not endow you with rights. "U.S. citizen" status under 8 U.S.C. §1401 was invented only to regulate and enslave people born in and occupying territories and possessions of the United States and has absolutely no bearing upon persons born in states of the Union. Everyone else who was born in a state of the Union already had the rights of kings!

"No white person born within the limits of the United States, and subject to their [the states, and not the federal government] jurisdiction, or born without those limits, and subsequently naturalized under their laws, owes the status of citizenship to the recent amendments [Thirteenth and Fourteenth Amendments] to the Federal Constitution."

[*Van Valkenburg v. Brown*, 43 Cal. 43 (1872)]

10.5 PUBLIC rights are created legislatively by the State and can be taken away while PRIVATE rights are created by God and cannot be taken away

If you want to find out whether something is a privilege, look for a statute that authorizes it to be TAKEN AWAY. If you find one, then it's a PUBLIC PRIVILEGE rather than PRIVATE RIGHT.

A PRIVATE right is a behavior or a choice, the exercise of which can't be taken away, fined, taxed, or regulated by anyone, including the government. The rights recognized by the Bill of Rights are "unalienable" according to the Declaration of Independence because they are created by God rather than the Government.

"We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness.--That to secure these rights, Governments are instituted among Men, deriving their just powers from the consent of the governed, --"

[*Declaration of Independence*]

The word "unalienable" is defined as follows:

"Unalienable. Inalienable; incapable of being aliened, that is, sold and transferred."

[*Black's Law Dictionary*, Fourth Edition, p. 1693]

So in other words, PRIVATE rights protected by the Constitution or a REAL, de jure government may not lawfully be bargained away, sold, or transferred in relation to that government, including by the commercial mechanism of a franchise. Governments must drop to the level of PRIVATE individuals and surrender their sovereign immunity, in fact, before they can entice you out of a right protected by the Constitution without violating the Constitution and even then, they are violating the purpose of their creation and engaging in a commercial conflict of interest in criminal violation of 18 U.S.C. §208 to make a business (franchise) out of destroying and enticing you out of your rights.

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

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

What specifically do PRIVATE rights attach to? They attach irrevocably to LAND protected by the Constitution, and not to the STATUS of the people standing on said 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)]

Notice that the Declaration of Independence also states that all men are EQUAL. The results of the requirement that rights are unalienable and that all men are equal are the following:

1. Kings are impossible.
2. The source of all sovereignty is the People as private individuals and NOT as a collective.

"Sovereignty is the right to govern; a nation or State-sovereign is the person or persons in whom that resides. In Europe the sovereignty is generally ascribed to the Prince; here it rests with the people; there, the sovereign actually administers the Government; here, never in a single instance; our Governors are the agents [fiduciaries] of the people, and at most stand in the same relation to their sovereign, in which regents in Europe stand to their sovereigns. Their Princes have personal powers, dignities, and pre-eminences, our rulers have none but official; nor do they partake in the sovereignty otherwise, or in any other capacity, than as private citizens." at 472.
[Justice Wilson, Chisholm, Ex'r. v. Georgia, 2 Dall. (U.S.) 419, 1 L.ed. 454, 457, 471, 472) (1794)]

3. All governments are established by authority delegated by the people they serve. In that sense, they govern ONLY by our continuing consent and when they fail to do their job properly, it is our right AND duty as the Sovereigns they serve to fire them by changing our domicile and forming a competing government that does a better job.
4. No group or collection of men can have any more authority than a single man.
5. No government, which is simply a collection of men, can have any more authority, rights, or privileges than a single man.
6. The people cannot delegate an authority they do not themselves individually have. For instance, they cannot delegate the authority to injure the equal rights of others by stealing from others. Hence, they cannot delegate an authority to a government to collect a tax that redistributes wealth by taking from one group of private individuals and giving it to another group or class of private individuals.
7. A government that asserts "sovereign immunity" must also give natural persons the same right. When governments assert sovereign immunity in court, their opponent has to produce evidence of consent to be sued in writing. The same concept of sovereign immunity pertains to us as natural persons, where if the government attempts to allege that we consented to something, they too must produce evidence of consent to be sued and surrender rights IN WRITING.

1 8. The only place where all men are UNEQUAL is on federal territory where Constitutional rights do not exist.

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

Philosophy of Liberty http://sedm.org/LibertyU/PhilosophyOfLiberty.htm

3 Why is all of this relevant and important to the subject of government authority over private persons? Because once you
4 understand this concept of equality, you also understand that:

- 5 1. The foundation of the Constitution is equal protection.
6 2. Any attempt to make us unequal constitutes tyranny, usurpation, and slavery.
7 3. Any attempt to do any of the following constitutes tyranny, usurpation, and slavery:
8 3.1. Replace rights with privileges.
9 3.2. Describe rights as privileges.
10 3.3. Call a privilege a “right”.
11 4. Any attempt to do any of the following constitutes tyranny, usurpation, and slavery because it compels us into subjection
12 and subordination to a political ruler as a “public official”:
13 4.1. Compel us to participate in a government franchise.
14 4.2. Presume that we consented to participate in said franchise without being required to obtain our consent in writing
15 where all rights surrendered to procure the benefits of the franchise are fully disclosed.
16 4.3. Replace a de jure government service with a franchise.
17 4.4. Confer benefits of a franchise against our will and without our consent.
18 5. Any attempt to make some persons or groups of persons more equal than others is idolatry in violation of the first four
19 commandments of the Ten Commandments. See Exodus 20:3-8. It amounts to the establishment of a religion and a
20 “superior being”. All religions are based on the “worship” of superior beings, and the essence of “worship” is obedience.
21 The fact that obedience to this superior being is a product of the force implemented under the authority of law doesn’t
22 change the nature of the relationship at all. It is STILL a religion.

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

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

30 A PUBLIC privilege, on the other hand, is something that can be taken away at any moment, usually at the discretion of the
31 entity providing it, subject only to the contractual and legal constraints governing your relationship with that entity. They
32 attach to your CIVIL STATUS, which you acquire through a domicile in a specific place and thereby becoming subject to
33 the statutory civil laws of that place. For instance, it is unconstitutional for the government to tax or fine you for exercising
34 your right to free speech guaranteed by the First Amendment to the Constitution. Voting, for instance, is a privilege. It is
35 also called the “elective franchise”. The government can lawfully revoke that privilege if you are convicted of a felony.
36 Anything that can be revoked legislatively is a privilege rather than a right.

37 You can’t be fined for exercising the right not to incriminate yourself guaranteed by the 5th Amendment, by, for instance,
38 fining you \$500 (under the “Jurat” amendment and 26 U.S.C. §6702) for refusing to sign your 1040 income tax return “under
39 penalty of perjury”. The government also should never be permitted to fine you for your right under the Petition clause of
40 the constitution to correct a government wrongdoing (the First Amendment states that we have a right “to petition the
41 Government for a redress of grievances.”), but in fact the courts routinely do this anyway, in violation of the Constitution.
42 This tactic is part of the “judicial conspiracy to protect the income tax” defined elsewhere in this document, including in
43 section 6.6. The fact that most Americans allow and tolerate this kind of injustice, abuse, and violation of their God-given
44 rights confounds us and simply reveals how apathetic and indifferent we have become about our heritage and our treasured
45 rights under the Constitution of the United States.

46 PUBLIC privileges attach to a statutory “status” rather than to land protected by the Constitution as in the case of rights.
47 Such statutory statuses include “taxpayer”, “citizen”, “resident”, “employee”, “driver”, “spouse”, etc. If you don’t have the

status, then you can't exercise the privilege, and usually the only way you can acquire the status is by filling out a government form that usually calls itself an "application". For instance, IRS Form W-4 identifies itself as an "Employee Withholding Allowance Certificate". If you fill out, sign, and submit that form the regulations controlling its use say that it is an agreement or contract and that you are to be treated as a statutory "employee" beyond that point but NOT before. If you don't want the status of statutory "employee" under federal law or don't want the "benefits" associated with said status such as social insurance, then you have to use a different form such as IRS Form W-8BEN.

Privileges, however, are much different from rights. Privileges we want are how the government, our employer, and others we know enslave and coerce us into giving up our rights voluntarily. Giving up a right is an injury, and as one shrewd friend frequently said:

"The more you want, the more the world can hurt you."

The more needy and desperate we allow ourselves to become, the more susceptible we become to being abused by voluntarily jeopardizing our rights and becoming willing slaves to others. There is nothing unconstitutional or illegal about giving away our rights to PRIVATE parties and not governments in exchange for benefits in this way, so long as we do it voluntarily and with full knowledge of exactly what we are giving up to procure the benefit. The Constitution doesn't apply to transactions involving private parties, in fact. This is called "informed consent". Situations where we surrender rights in exchange for privileges are commonplace and actually are the foundation of the commercial marketplace. This exchange is referred to as a business transaction and is usually governed by some contractual or legal vehicle in order to protect the property interests of the parties to the transaction. This legal vehicle is the Uniform Commercial Code, or UCC and the contract that fixes the rights of the two or PRIVATE parties to it. An example of a privilege we give up our property rights to exercise is legalized gambling. If a person is a compulsive gambler and they lose their whole life savings and gamble themselves into massive debt, they in effect have sold themselves into legalized financial slavery to the casino. That's perfectly legal, and the laws will protect the property interest of the casino and the right of the casino to collect on the debt. Even though the Thirteenth Amendment outlawed slavery and even though the gambler might be a slave in this circumstance, because it was his choice and he wasn't compelled to do it, then it isn't illegal or unconstitutional.

Another example of privileges being exchanged for rights is when we obtain a state marriage license. When we voluntarily get a marriage license, we basically surrender our God-given right to control the fruit of our marriage, including our children and all our property, and give jurisdiction to the government to control every aspect of our lives. Many people do this because their hormones get the better of them and they aren't practical or rational enough to negotiate the terms of their marriage and won't sit down with their spouse and write down an agreement that will keep the government out of their lives. Marriage is supposed to be a confidential spiritual and religious union between a man and a woman, but when we get a marriage license, we violate the separation of church and state and actually get married not only to our spouse, but also to the government. We become, in effect, a polygamist! A marriage license is a license to the government, not to us, that allows them to invade our lives any way they see fit at any time at the request of either spouse and based on the presumption that they are furthering the "public good", whatever that is! If couples get married in the church and get a marriage certificate but don't get a marriage license from the state, then the government has no jurisdiction over the spouses, the children, or the property of the marriage, and the only way it can get jurisdiction, under such circumstances is to PROVE that someone within the relationship is being hurt by the actions of others. If divorce results from an unlicensed marriage, the parties can litigate if need be, but the government has to stay within the bounds of any written or verbal agreement that the spouses have between them.

The government can't take away or even bargain away rights protected by the Constitution because the Declaration of Independence, which is "organic law" of this country which is implemented by the Constitution, says these rights are "unalienable", which means they can't be sold or transferred by any commercial process, including franchises.

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

However, governments can definitely take away privileges, often indiscriminately. For instance, receiving social security checks is a privilege, and not a right. The courts have repeatedly ruled that social security is not a contract or a right, but a privilege. We can only earn that privilege by "volunteering" to be a U.S. or "federal" statutory and NOT constitutional "citizen" and paying into the Social Security System. Paying into the Social Security System means participants have to waive their right to not be taxed on our income with direct taxes, which the Constitution forbids. Same thing for Medicare and disability insurance. There is nothing immoral or unethical or illegal with being taxed on our income to support these programs provided:

1. The programs are ONLY offered to those domiciled and physically present on federal territory that is no part of any state of the Union, who are called statutory “U.S. citizens” and “U.S. residents”. Offering the “benefit” to those domiciled outside the territory of the sovereign such as those domiciled in states of the Union is a violation of the separation of powers doctrine.
2. Those being offered the “benefit” are informed prior to joining that participation was voluntary and that we could not be coerced to join or punished for not joining.
3. The program is only offered to EXISTING public officers in the government and is NOT used as a mechanism to unlawfully create any NEW offices. Pursuant to 4 U.S.C. §72, all such public offices may be exercised ONLY in the District of Columbia and NOT elsewhere, except as expressly provided by law. There is no provision within the I.R.C. or the Social Security Act that in fact authorizes the creation of NEW public offices or the exercise of the offices that it does regulate within the exclusive jurisdiction of any state of the Union. Furthermore, there are no internal revenue districts within any state of the Union, so revenue can’t be collected outside the District of Columbia, which is the only remaining internal revenue district.
4. There is some measure of accountability and fiduciary duty associated with the government in managing and investing our money. Good stewardship of our contributions by the government is expected and bad stewardship is punished by the law and those who enforce the law.
5. We are informed frequently by the fiduciary that we can leave the program at any time, and that our benefits will be proportional to our contributions.
6. We made a conscious, informed decision on a signed contract to sacrifice our rights to qualify to receive the benefit or privilege. This is called “informed consent”, which can only exist where there is “full disclosure” by either party of the rights surrendered and the benefits obtained through the surrender of rights. This approach is the basis for what is called “good faith” dealing.
7. If you die young or never collect benefits, your contributions plus interest should be given to your relatives, so that the government doesn’t benefit financially from people dying.
8. There is no unwritten or invisible or undisclosed contract that binds us, and nothing will be expected of us that wasn’t clearly explained up front before we signed the contract.

However, the problem is that our federal government has mismanaged the funds put into the Social Security System and squandered the money. This has lead them to violate their fiduciary duties and the above requirements as follows:

1. Government employees routinely and deliberately waive or overlook the domicile requirement as a matter of public policy rather than law, and thereby turn a government function into private business. See 20 C.F.R. §422.104, which says that only statutory “citizens” and “residents” domiciled on federal territory within a statutory but not constitutional “State” may lawfully participate.
2. The government refuses to be accountable or to notify us of the benefits we have earned. They also don’t tell us on their statements how much we would earn if we quit contributing today and only drew benefits based on what we paid in the past.
3. The federal government won’t tell us that participation is voluntary and they provide no means on the social security website (<http://www.ssa.gov>) to de-enroll from the program. Instead, they try to fool us all into thinking that the program is mandatory when in fact it is entirely voluntary. The reason the U.S. Government won’t tell us that participation is voluntarily is that so many people would leave such an inefficient and poorly managed system to start their own plans when they find this out that the Ponzi scheme it has become would suffer instant meltdown and would turn into a big scandal!
4. If you never collect benefits or you die young, all the money you paid in and the interest aren’t given to your relatives as an inheritance. The government keeps EVERYTHING, and this is a BIG injustice that would not occur if the program were run more like the annuity that it should be.
5. There is no written agreement or contract, so they have no obligation or liability to be good stewards over our contributions.
6. Our kids are coerced into joining the system when they are born under the Enumeration At Birth program and the decision is made by their parents and not by them directly. This is unethical and immoral.
7. We are also coerced by our parents to join because the IRS deceives us into thinking that we are obligated to get Socialist Security Numbers for each of our children in order to qualify to use them as deductions on our taxes. In effect, they bribe us with our own money to sell our children into slavery into this inept and poorly managed system.

For all the above reasons and many more, we recommend exiting this bankrupt welfare-state system as quickly as you can.! It’s a “privilege” you can’t be coerced to participate in anyway. We have to ask ourselves: Is a compelled benefit really a benefit, or just another form of slavery? The trick is determining how to escape, because you will get absolutely NO help

from the Social Security Administration or the government! We provide answers to this dilemma of how to abandon the Social Security Program and your federal citizenship in Chapter 3 of the *Tax Fraud Prevention Manual*, Form #06.008.

10.6 The Creator of a Right Determines Who May Regulate and Tax It

The creator of a right determines who may regulate and tax a specific right. If the creator is God or the Constitution, the right is PRIVATE. If the creator is the state through a legislative enactment, the right is PUBLIC.

According to the Declaration of Independence, our PRIVATE rights come for God and not government or any law enacted by government:

"We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness.--That to secure these rights, Governments are instituted among Men, deriving their just powers from the consent of the governed, --"
[Declaration of Independence, 1776]

Some people ignorantly argue that the Declaration of Independence cited above is not "LAW" and they are wrong. The very first enactment of Congress on p. 1 of volume 1 of the Statutes At Large incorporated the Declaration of Independence as the laws of this country. Don't believe us on this critical point? Watch Judge Andrew Napolitano say the same thing. He also says that law is THE MOST VIOLATED provision of law in existence:

Judge Andrew Napolitano says the Declaration of Independence is LAW enacted by Congress, Exhibit #03.006
<http://sedm.org/Exhibits/ExhibitIndex.htm>

An unalienable PRIVATE right is one that cannot be sold, bargained away, or transferred by any process, including either your consent or through any franchise:

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

As the Declaration of Independence states, governments are established to secure and protect PRIVATE rights. Here is an affirmation of these principles by the U.S. Supreme Court:

"The most basic function of any government is to provide for the security of the individual and of his [PRIVATE] property. Lanzetta v. New Jersey, 306 U. S. 451, 455. These ends of society are served by the criminal laws which for the most part are aimed at the prevention of crime. Without the reasonably effective performance of the task of preventing private violence and retaliation, it is idle to talk about human dignity and civilized values."
[Miranda v. Arizona, 384 U.S. 436, 539 (1966)]

Any attempt to alienate PRIVATE rights, and especially if done without the consent of the owner of the right, therefore:

1. Works a purpose OPPOSITE for which government was created.
2. Is a breach of fiduciary duty on the part of the government.
3. Is a theft.
4. Must be classified as PRIVATE business activity that may not be protected with sovereign immunity. Sovereign immunity, recall, may only be invoked by de jure governments, not private corporations masquerading as "government", which we call "de facto government".

We should be asking ourselves: Just how sacred are our God given constitutionally protected PRIVATE rights? Have we lost sight of our objective of restoring liberty for ourselves and family? And even if we know something is wrong, and we start to do something about it, are we standing on solid ground?

We are the masters over our government and not its subjects. We are the "sovereign people" as the U.S. Supreme Court called us in *Boyd v. State of Nebraska*, 12 S.Ct. 375, 143 U.S. 135, 36 L.Ed. 103 (1892). We should not allow ourselves to be compelled to waive fundamental rights to comply with some taxing scheme, merely for exercising my right to work and exist.

We absolutely have no "legal duty" to waive our fundamental rights to:

- 1 1. Speak or not to speak, as protected under the First Amendment.
- 2 2. Be secure in my personal home, papers and effects, as protected under the Fourth Amendment.
- 3 3. Not be compelled to be a witness against oneself per the Fifth Amendment.
- 4 4. Due process of law, as protected under the Fifth and Fourteenth Amendments.
- 5 5. An impartial jury, as protected under the Sixth amendment.
- 6 6. Any other rights protected under the Ninth Amendment.

7 This is not a wild theory claim. We don't need to claim rights under the state Uniform Commercial Code. Our rights are God
8 given, not commercially given. Neither do I need to fear waiving a right because I use a "zip code" as part of my mailing
9 address.

10 The Supreme Court of the United States has already ruled on the standard for waiver of rights.

11 *"Waivers of constitutional rights not only must be voluntary but must be knowing, intelligent acts done with*
12 *sufficient awareness of the relevant circumstances and likely consequences."*
13 *[Brady v. U.S., 397 U.S. at 749, 90 S.Ct. 1463 at 1469 (1970).]*

14 See also the following cases:

15 *Fuentes v. Shevin, 407 U.S. 67 (1972);*
16 *Brookhart v. Janis, 384 U.S. 6 (1966);*
17 *Empsak v. U.S., 349 U.S. 190 (1955);*
18 *Johnson v. Zerbst, 304 U.S. 58 (1938).*

19 The issue of protection of rights has a track record 10 miles long. We should be able to confidently say:

20 *"We got em, they are ours, you (government) can't take em. If you (government) say that we lost them or waived*
21 *them, the burden of proof is on you (government) to show us how we lost them or waived them or where you have*
22 *the authority to take them."*

23 Let us cite an example that establishes a standard for the protection of rights, so you can see some of these cases that establish
24 that track record. Back in the 60's, there was a voting rights case down in Texas. The state of Texas was imposing a poll tax
25 on the voters prior to letting them vote. The Texas U.S. District Court said in *U.S. v. Texas*, 252 F.Supp. 234, 254, (1966):

26 *"Since, in general, only those who wish to vote pay the poll tax, the tax as administered by the State, is equivalent*
27 *to a charge or a penalty imposed on the exercise of a fundamental right. If the tax were increased to a high degree,*
28 *as it could be if valid, it would result in the destruction of the right to vote. See Grosjean v. American Press Co.,*
29 *297 U.S. 233, 244, 54 S.Ct. 444 (1936). "*
30 *[U.S. v. Texas, 252 F.Supp. 234, 254, (1966)]*

31 [Note that the court reiterated the fundamental premise of law expressed by Chief Justice John Marshall in the landmark
32 decision of *McCulloch v. Maryland*, 4 Wheat 418 at 431 (1819), that "the power to tax is the power to destroy."]

33 The Texas district court went on to quote from the Supreme Court case of *Harman v. Forssenius*, 380 U.S. 528 at 540, 85
34 S.Ct. 1177, 1185 (1965):

35 *"It has long been established that a State may not impose a penalty upon those who exercise a right guaranteed*
36 *by the Constitution." Frost & Frost Trucking Co. v. Railroad Comm'n of California, 271 U.S. 583. "Constitutional*
37 *rights would be of little value if they could be indirectly denied,' Smith v. Allwright, 321 US. 649, 644, or*
38 *manipulated out of existence,' Gomillion v. Lightfoot, 364 U.S. 339, 345."*
39 *[Harman v. Forssenius, 380 U.S. 528 at 540, 85 S.Ct. 1177, 1185 (1965)]*

40 That Texas federal district court held the poll tax unconstitutional and invalid and enjoined the state of Texas from requiring
41 the payment of a poll tax as a prerequisite to voting.

42 Now a rare legal procedure followed that ruling. The state of Texas appealed. Not to the court of appeals, but directly to the
43 Supreme Court. And in an equally rare circumstance, the Supreme Court took the district court's opinion as its own and
44 affirmed the Judgment based on the facts and opinion stated by the district court. See *Texas v. U.S.*, 384 U.S. 155 (1966).

45 When the Amendments to the Constitution for the United States were ratified, they were considered a bill of restrictions on
46 the government, not a legislative grant of privileges that could be taken from "we the people." The courts have upheld this

premise many times, so if you're going to take a stand, it would be wise to base that stand on a position that has, at the minimum, the track record established for the guarantee of fundamental rights. There is none better!!

The conclusion of this exercise then, is that the government cannot tax or penalize the exercise of a right. You might then ask yourself:

1. How can the IRS impose a \$5000 fine for filing a so-called "frivolous" tax return that exercises our Fifth Amendment right not to incriminate ourselves and doesn't have our signature? (this is called a Jurat violation)
2. Why does the IRS impose a \$50 fine upon employers or individual who file a 1099 form that does not have a social security number if the party we employed wants his or her 5th Amendment right not to incriminate him/herself respected?
3. Why can the state require individuals to provide their social security number in order to get a driver's license that allows them to exercise their RIGHT to travel?
4. Why can the government impose penalties on individuals for the exercise of rights when the Constitution in Article 1, Section 9, Clause 3 specifically forbids the federal government to impose Bills of Attainder, which are penalties not imposed by a jury trial? Likewise, Article 1, Section 10 also forbids states to impose penalties without a judicial trial?

The answer is that neither the state nor federal governments are legally allowed to do any of the above in a state of the union where the Bill of Rights apply, because they amount to a tax or a penalty on the exercise of a God-given right! On the other hand, they are perfectly entitled to do all of the above as long as they are doing so within the federal zone, where the Bill of Rights do not apply, which is why we say throughout this book that the Internal Revenue Code and most state income tax laws can only apply within the federal zone. The source of authority to do the above is a legislative grant of PUBLIC privileges, not PRIVATE rights. If you look for the implementing regulations that authorize any of the above actions, they don't exist. Because implementing regulations are not required for laws that only apply to government employees, then this is a strong clue that Subtitle A of the Internal Revenue Code can ONLY apply to federal employees who are elected or appointed officers of the United States government in receipt of taxable privileges of public office. Applying any of the penalties mentioned above to anyone but appointed or elected officers of the United States government and who reside in states of the Union are ILLEGAL and constitute a tort that you can sue for in court. These are the very illegal actions that convert our glorious republic into a relativistic, totalitarian socialistic democracy where the collective as a whole is the sovereign and no individuals have rights. They continue to be perpetrated because of fundamental ignorance about the separation of powers and sovereignty between the state and federal governments.

10.7 PUBLIC rights and PRIVATE rights compared

We have prepared the following table to compare rights with privileges to make this section crystal clear and to help you discern the two:

1 **Table 6: Private Rights and PUBLIC privileges compared**

#	Characteristic	PRIVATE Right	PUBLIC Privilege
1	Name	Right	Privilege
2	How created	By God through His law	Legislatively granted by government (“publici juris”)
3	Attach to	IRREVOCABLY to land protected by the Constitution	Statutory “statuses” such as “taxpayer”, “citizen”, “resident”, “spouse”, “driver”, “benefit recipient”, “employee”
4	Exercised ONLY by	Human beings	Public offices and officers of the state and federal government
5	Described in	Bill of Rights God’s Laws Natural law	Statutes Codes Administrative regulations
6	Can be legislatively revoked?	No	Yes
7	Protected by	Police powers of the state Article III constitutional and NOT franchise courts	Administrative codes, regulations, and Article IV legislative franchise courts

2 Lastly, it is VERY important to realize that the very words we use to describe ourselves establish whether we are engaged in
3 a privileged activity or a right. We must be VERY careful to recognize key “words or art” that create a false legal presumption
4 of “privilege” and remove or replace them from our written and spoken vocabulary and all the government forms and
5 correspondence. This subject is covered more thoroughly in section 2.5.2.6 of the *Sovereignty Forms and Instructions*
6 *Manual*, Form #10.005, if you would like to know more. Below is a table showing you how to describe yourself so as to
7 avoid any association with “privileged” and thus “taxable” activities or status:
8

1 **Table 7: Privileged v. Nonprivileged words**

#	Condition	Privileged PUBLIC Status	Unprivileged PRIVATE status	Reason
1	Place where you live	Residence	Dwelling	The only people who have a “residence” are aliens. See 26 C.F.R. §1.872-1
2	Residency	Resident Citizen	Inhabitant Free inhabitant	The only “residents” are aliens with a domicile in the District of Columbia under the I.R.C.
3	Citizenship status	Citizen	National	A subject “citizen” is subject to the legislative jurisdiction of the government. A “national” is not, unless of course he injures the equal rights of others.
4	“Taxpayer” status	Taxpayer	Nontaxpayer	A “taxpayer” is subject to the I.R.C. A “nontaxpayer” is not. He is “foreign” with respect to it, as defined in 26 U.S.C. §7701(a)(31)
5	Marriage status	Married	Betrothed	Those who are “married” have a license. The only “marriages” recognized in most states is a licensed marriage. All persons with licensed marriages are polygamists. They marry BOTH the state AND their spouse and consent to be subject to the family code in their state.
6	Country to which you owe allegiance	“United States”	“United States of America”	The “United States” is the government of the District of Columbia and the territories and possessions of the federal government and excludes states of the Union, which are “foreign” with respect to the legislative jurisdiction of states of the Union.
7	What you earn by working	“wages” “income”	Earnings	“wages”, which are defined under 26 C.F.R. §31.3401(a)-3, can only be earned by federal statutory “employees”, which are elected or appointed officers of the United States government under 26 C.F.R. §31.3401(c)-1. “income” can only be earned by federally chartered corporations under the indirect excise tax upon “trade or business” activity described in Subtitle A of the Internal Revenue Code. Since you don’t hold a “public office” and are not engaged in a “trade or business”, then you are incapable of earning either “wages” or “income”. See section 5.6.7 later for details.
8	Employment status	Self-employed Employee	Self-supporting Worker	The only “employees” under the Internal Revenue Code are those connected with a “trade or business”, as defined in 26 U.S.C. §7701(a)(26) and 26 C.F.R. §31.3401(c)-1. The only people who are “self-employed” are those federal “employees” who have income connected with a “trade or business”, which is a “public office” as shown in 26 U.S.C. §1402.
9	Method of defining words	“includes”	“means”	See <i>Legal Deception, Propaganda, and Fraud</i> , Form #05.014, Section 15.2.
10	Place to send mail	Address	Dwelling	You can’t “have” or “possess” an address. An “address” is information, not a location. A dwelling is a physical location.

Do you see how tricky this game with words is? The trickiness is deliberate, so that you can be deceived by a covetous government into becoming a “subject” of their corrupt laws and a feudal serf residing on the federal plantation:

“For where [government] envy and self-seeking [of money they are not entitled to] exist, confusion [and deception] and every evil thing will be there.”
[James 3:16, Bible, NKJV]

10.8 PRIVATE Civil Liberties v. PUBLIC Civil Rights v. PUBLIC Political Rights

There is a great deal of confusion over the distinctions between “civil rights”, “civil liberties”, “constitutional rights”, and “political rights” and the nature of each as either PUBLIC or PRIVATE. We believe this confusion is deliberately crafted to confuse PUBLIC and PRIVATE so that PRIVATE is easier to STEAL for covetous politicians.

Most legal publications are not very useful in helping distinguish each right as PUBLIC or PRIVATE and the definitions have historically changed drastically over the years, which makes the task even more difficult. The distinctions we make in this section are therefore somewhat arbitrary but intended to prevent the confusion of PUBLIC and PRIVATE rights so that PRIVATE rights are not lost or indiscriminately converted to PUBLIC rights without the consent of the owner.

It is very important to understand that there are three classes of rights within our system of jurisprudence. All other “rights” are simply subsets of these three classes of rights:

1. PRIVATE Civil Liberties. Also called PRIVATE rights. Relate to the Bill of Rights and natural rights and have no relation to the establishment, support or management of the government. Attach to the land you stand on and not your citizenship status. Everyone, whether alien or citizen, has this kind of right and the protection afforded by government is equal to all for this type of right. On this subject, the U.S. Supreme Court said:

“The Fourteenth Amendment of the Constitution is not confined to the protection of citizens. It says:

Nor shall any State deprive any person of life, liberty, or property without due process of law, nor deny to any person within its jurisdiction the equal protection of the laws.

These provisions are universal in their application to all persons within the territorial jurisdiction, without regard to any differences of race, of color, or of nationality; and the equal protection of the laws is a pledge of the protection of equal laws.”
[Yick Wo v. Hopkins, 118 U.S. 356 (1886)]

2. PUBLIC Civil Rights. Also called PUBLIC rights. Privileges granted to STATUTORY “citizens” and “residents” and created by Congress. Available mainly to those physically present on and domiciled on federal territory. You lose these rights if you change your domicile to be outside of federal territory.
3. PUBLIC Political rights. Also called PUBLIC rights. Are a privilege incident to citizenship. Involve participation, directly or indirectly, in the establishment or management of the government. They include voting, the right to serve as a jurist, and the right to occupy public office. In most jurisdictions, political rights usually have the prerequisite of “allegiance”, in order to ensure that those who manage or administer the government as voters and jurists have the best interests of the society in mind.

“Civil rights” and “Political rights” as used above were first defined and clarified in the case of *Fletcher v. Tuttle*, 151 Ill. 41, 37 N.E. 683 (1894). Note that BOTH of these types of rights refer to “members of a district community or nation” rather than merely to ALL people physically situated on specific land:

“As defined by Anderson, a civil right is ‘a right accorded to every member of a district community or nation,’ while a political right is a ‘right exercisable in the administration of government.’ And, Law Dict. 905. Says Bouvier: ‘Political rights consist in the power to participate, directly or indirectly, in the establishment or management of the government. These political rights are fixed by the constitution. Every citizen has the right of voting for public officers, and of being elected. These are the political rights which the humblest citizen possesses. Civil rights are those which have no relation to the establishment, support, or management of the government. They consist in the power of acquiring and enjoying property, or exercising the paternal and marital powers, and the like. It will be observed that every one, unless deprived of them by sentence of civil death, is in the enjoyment of the civil rights, which is not the case with political rights; for an alien, for example, has no political, although in full enjoyment of the civil, rights.’ 2 Bouv. Law Dict. 597.

The question, then, is whether the assertion and protection of political rights, as judicial power is apportioned in this state between courts of law and courts of chancery, are a proper matter of chancery jurisdiction. We would not be understood as holding that political rights are not a matter of judicial solicitude and protection, and that the appropriate judicial tribunal will not, in proper cases, give them prompt and efficient protection, but we think they do not come within the proper cognizance of courts of equity. In *Sheridan v. Colvin*, 78 Ill. 237, this court, adopting, in substance, the language of Kerr on Injunctions, said: 'It is elementary law that the subject of the jurisdiction of the court of chancery is civil property. The court is conversant only with the questions of property and the maintenance of civil rights. Injury to property, whether actual or prospective, is the foundation on which the jurisdiction rests. The court has no jurisdiction in matters merely criminal or [151 Ill. 54]merely immoral, which do not affect any right of property. Nor do matters of a political character come within the jurisdiction of the court of chancery. Nor has the court of chancery jurisdiction to interfere with the public duties of any department of the government, except under special circumstances, and where necessary for the protection of rights or property.' In that case the police commissioners of the city of Chicago filed their bill in chancery against the mayor, the members of the common council, and certain officers of the city to restrain the enforcement of the city ordinance reorganizing the police force of the city, and depriving the complainants of their functions as police commissioners, it being claimed that the common council had no power to pass the ordinance, and that it was consequently void. It was held that the rights which were thus sought to be protected and enforced were purely political, and that a court of chancery, therefore, had no jurisdiction to interfere with the passage or enforcement of the ordinance. In *Dickey v. Reed*, 78 Ill. 261, a bill in chancery was filed by the state's attorney of Cook county, and by taxpayers of the city of Chicago, to restrain the members of the common council of the city and the city clerk from canvassing the returns of the election held in the city April 23, 1875, upon the question whether the city would become incorporated under the general incorporation act. It was claimed that the election, for certain reasons, was void, and also that gross frauds had been perpetrated at the election, by depositing a large number of ballots in the ballot boxes which had not been cast by the voters, and that a large number of the illegal and fraudulent votes in favor of organization had been cast, and that various other irregularities, having the effect of invalidating the election, had intervened. A preliminary injunction having been awarded, it was disregarded by the city officers, who proceeded, notwithstanding, to canvass the vote and declare [151 Ill. 55]the result. Various of the city officers and their advisers were attached and fined for contempt, and, on appeal to this court from the judgment for contempt, it was held that the matter presented by the bill was a matter over which a court of chancery had no jurisdiction, and that the injunction was void, so that its violation was not an act which subjected the violators to proceedings for contempt. In *Harris v. Schryock*, 82 Ill. 119, it was held that the power to hold an election is political, and not judicial, and that a court of equity has no jurisdiction to restrain officers from the exercise of such powers; and it was said that this was in accordance with repeated decisions of this court, and in support of that statement. *People v. City of Galesburg*, 48 Ill. 485; *Walton v. Develing*, 61 Ill. 201; *Darst v. People*, 62 Ill. 306; and *Dickey v. Reed*, supra, are cited. So, in *Delahanty v. Warner*, 75 Ill. 185, it was held that a court of equity has no jurisdiction to entertain a bill to enjoin the mayor and aldermen of a city from removing a party from office, and appointing a successor, and from preventing the party from discharging his duties after removal by them, as the party's remedy as law is complete by quo warranto against the successor, or by mandamus against the mayor and councilmen. In *State v. Stanton*, 6 Wall. 50, a bill was filed by the state of Georgia against the secretary of war and other officers representing the executive authority of the United States, to restrain them in the execution of the acts of congress known as the 'Reconstruction Acts,' on the ground that the enforcement of those acts would annul and totally abolish the existing state government of the state, and establish another and different one in its place, and would, in effect, overthrow and destroy the corporate existence of the state, by depriving it of all means and instrumentalities whereby its existence might and otherwise would be maintained; and it was held that the bill [151 Ill. 56]called for a judgment upon a political question, and that it would not therefore be entertained by a court of chancery; and it was further held that the character of the bill was not changed by the fact that, in setting forth the political rights sought to be protected, it averred that the state had real and personal property, such, for example, as public buildings, etc., of the enjoyment of which, by the destruction of its corporate existence, the state would be deprived, such averment not being the substantial ground of the relief sought. In *Re Sawyer*, 124 U. S. 200, 8 Sup.Ct. 482, it was held that the circuit court of the United States had no jurisdiction to entertain a bill in equity to restrain the mayor and committee of a city in Nebraska from removing a city officer upon charges filed against him for misfeasance in office, and that an injunction issued on such bill, as well as an order committing certain persons for contempt in disregarding the injunction, was absolutely void. In that case the court say. 'The office and jurisdiction of a court of equity, unless enlarged by express statute, are limited to the protection of rights of property. It has no jurisdiction over the prosecution, the punishment, or the pardon of crimes or misdemeanors, or over the appointment and removal of public officers. To assume such jurisdiction, or to sustain a bill in equity to restrain or relieve against proceedings for the punishment of offenses, or for the removal of public officers, is to invade the domain of the courts of common law, or of the executive and administrative department of the government.' In support of its decision, the court cites, among various other cases, the decisions of this court in *Delahanty v. Warner*, *Sheridan v. Colvin*, and *Dickey v. Reed*, above referred to, and quotes with approval the passage in the opinion in *Sheridan v. Colvin* above set forth, taken, in substance, from Kerr on Injunctions. [151 Ill. 57]Other authorities of similar import might be referred to, but the foregoing are amply sufficient to show that wherever the established distinctions between equitable and common-law jurisdiction are observed, as they are in this state, courts of equity have no authority or jurisdiction to interpose for the protection of rights which are merely political, and where no civil or property right is involved. In all such cases, the remedy, if there is one, may be sought in a court of law. The extraordinary jurisdiction of courts of chancery cannot therefore be invoked to protect the right of a citizen to vote or to be voted for at an election, or his right to be a candidate for or to be elected to any office; nor can it be invoked for the purpose of restraining the holding of an election, or of directing or controlling the mode in which, or of determining the rules of law in pursuance of which, an election shall be held. These matters involve in themselves no property rights, but pertain solely to the political administration of government. If a public officer, charged with political administration, has disobeyed or threatens to disobey the mandate of the

1 law, whether in respect to calling or conducting an election or otherwise, the party injured or threatened with
2 injury in his political rights is not without remedy; but his remedy must be sought in a court of law, and not in a
3 court of chancery.

4 The only decision to which we are referred in which relief of the character of that sought in this case was given
5 in what was in substance an equitable proceeding is *State v. Cunningham*, 83 Wis. 90, 53 N. W. 35. That was an
6 original proceeding brought in the supreme court of Wisconsin, to test the validity of the apportionment law,
7 passed by the legislature of that state, dividing the state into legislative districts. An injunction was prayed to
8 restrain the secretary of state from publishing notices of an election of members of the senate and assembly in
9 the legislative districts attempted to be created by that act, and from filing [151 Ill. 58] and preserving in his office
10 certificates of nomination and nomination papers, and from certifying the same to the several county clerks. The
11 court entertained jurisdiction of the proceeding, and, on final hearing, awarded a perpetual injunction as prayed
12 for. We have carefully considered the case as reported, and, if we understand it correctly, it cannot, in our opinion,
13 be regarded as an authority in favor of equity jurisdiction in the case before us. In this connection it may be borne
14 in mind, as a matter of some importance, that the Wisconsin Code of Procedure attempts to abolish the distinction
15 between actions at law and in equity; but as to precisely how far that statutory provision has been held to have
16 broken down the distinctions between common-law and equitable remedies we do not pretend to be accurately
17 advised. But, whether that distinction is held to remain practically unaffected by the statute or not, it appears
18 from the opinion of the court that its jurisdiction to grant a remedy by injunction in that case was based solely
19 upon that provision of the constitution of Wisconsin which gives to the supreme court jurisdiction 'to issue writs
20 of habeas corpus, mandamus, injunction, quo warranto, certiorari, and other original and remedial rights, and
21 to hear and determine the same. Const. art. 7, § 3. In construing this provision of the constitution, the court holds
22 that these various writs, and injunction among them, are prerogative writs; and that the supreme court is thereby
23 given original jurisdiction in all judicial questions affecting the sovereignty of the state, its franchises and
24 prerogatives, or the liberty of the people; and that injunction and mandamus are thereby made correlative
25 remedies, so as to authorize resort to injunction to restrain excess of action in the same class of cases where
26 mandamus may be resorted to for the purpose of supplying defects. Thus, the court, in the opinion, quoting the
27 language of a former decision in which this constitutional provision is construed, say: 'And it is very safe to
28 assume that the [151 Ill. 59] constitution gives injunction to restrain excess in the same class of cases as it gives
29 mandamus to supply defect; the use of the one writ or the other in each case turning solely on the accident of
30 overaction or shortcoming of the defendant; and it may be that, where defect and excess meet in a single case,
31 the court might meet both, in its discretion, by one of the writs, without being driven to send out both, tied together
32 with red tape, for a single purpose.' And again: 'Inasmuch as the use of the writ of injunction, in the exercise of
33 the original jurisdiction of this court, is correlative with the writ of mandamus, the former issuing to restrain
34 where the latter compels action, it is plain that this case, as against the respondent, is a proper one for an
35 injunction to restrain unauthorized action by him in a matter where his duties are clearly ministerial, and affect
36 the sovereignty rights and franchises of the state, and the liberties of the people.' It thus seems plain that, in view
37 of the construction of the constitution of Wisconsin adopted by the supreme court of that state, the prerogative
38 writ of injunction of which that court is given original jurisdiction is a writ of a different nature, and having a
39 different scope and purpose, from an ordinary injunction in equity. Where the established distinctions between
40 equity and common-law jurisdiction are observed, injunction and mandamus are not correlative remedies, in the
41 sense of being applicable to the same subject-matter, the choice of a writ to be resorted to in a particular case to
42 depend upon whether there is an excess of action to be restrained or a defect to be supplied. The two writs properly
43 pertain to entirely different jurisdictions, and to different classes of proceedings, injunction being the proper writ
44 only in cases of equitable cognizance, and mandamus being a common-law writ, and applicable only in cases
45 coming within the appropriate jurisdiction of courts of common law. Besides, it would seem that, in Wisconsin,
46 the writ of injunction of which the supreme [151 Ill. 60] court is given original jurisdiction is not limited, as is the
47 jurisdiction of courts of equity, to cases involving civil or property rights, but may be resorted to in all cases
48 'affecting the sovereignty of the state, its franchises or prerogatives, or the liberties of the people,' thus including
49 within its scope the protection of political as well as civil or property rights. It thus seems plain that *State v.*
50 *Cunningham* was decided under a judicial system differing essentially from ours, and that it cannot be resorted
51 to as an authority upon the question of the jurisdiction of courts of equity in this state in cases of this character.
52 [*Fletcher v. Tuttle*, 151 Ill. 41, 37 N.E. 683 (Ill., 1894)]

53 Black's Law Dictionary, Sixth Edition, refers to "civil rights" as "civil liberties", and defines them as follows:

54 "Civil liberties. Personal, natural rights guaranteed and protected by the Constitution; e.g. freedom of speech,
55 press, freedom from discrimination, etc. Body of law dealing with natural liberties, shorn of excesses which
56 invade equal rights of others. Constitutionally, they are restraints on government. *Sowers v. Ohio Civil Rights*
57 *Commission*, 20 Ohio Misc. 115, 252 N.E.2d. 463, 476. State law may recognize liberty interests more extensive
58 than those independently protected by the Federal Constitution. *Mills v. Rogers*, 457 U.S. 291, 300, 102 S.Ct.
59 2442, 2449, 73 L.Ed.2d. 16 (1982). See also Bill of Rights, Civil Rights Acts; Fundamental rights."
60 [Black's Law Dictionary, Sixth Edition, p. 246]

61 As we said previously, the rights indicated in the Bill of Rights are PRIVATE, so the above refers to PRIVATE rights. If
62 they are referring to civil statutes as the origin of the right, then it is a PUBLIC right and PUBLIC privilege.

63 Black's Law Dictionary, Sixth Edition, defines "political rights" as follows:

1 ***“Political rights.*** *Those which may be exercised in the formation or administration of the government. Rights of*
2 *citizens established or recognized by constitutions which give them the power to participate directly or indirectly*
3 *in the establishment or administration of the government.”*
4 *[Black’s Law Dictionary, Sixth Edition, p. 1159]*

5 Below is a tabular summary that compares these two fundamental types of rights and the place from which they derive in the
6 case of states of the Union:
7

Table 8: Two types of rights within states of the Union: PRIVATE Civil Liberties v. Political PUBLIC Rights

#	Right	Origin	Classification	
			Civil PRIVATE Liberty	Political PUBLIC Right
1	Freedom of speech and assembly	First Amendment	•	
1.1	Right to assemble and associate free of government interference.	First Amendment	•	
1.2	Right to speak freely without punishment	First Amendment	•	
1.3	Right to not be compelled to associate with any political or economic activity or group	First Amendment	•	
2	Right to bear arms and own a gun	Second Amendment	•	
3	Right to not be required to accommodate soldiers in your house	Third Amendment	•	
4	Right of privacy and security of personal papers and effects from search and seizure	Fourth Amendment	•	
5	Right to due process	Fifth Amendment	•	
5.1	Cannot be required to incriminate oneself	Fifth Amendment	•	
5.2	Property cannot be taken without just compensation or a court hearing	Fifth Amendment	•	
6	Rights of accused	Sixth Amendment	•	
6.1	Right to be informed of charges	Sixth Amendment	•	
6.2	Right of speedy trial	Sixth Amendment	•	
6.3	Right to counsel	Sixth Amendment	•	
6.4	Right to obtain witnesses in one's favor	Sixth Amendment	•	
6.5	Right to be confronted by witness against us	Sixth Amendment	•	
7	Right to jury in civil trials.	Seventh Amendment	•	
8	Right to not have excessive bails, punishments or fines imposed	Eighth Amendment	•	
9	Rights of persons reserved where not delegated to federal government	Ninth Amendment	•	
10	Rights of states reserved where not delegated to federal government	Tenth Amendment	•	
11	Right to vote	Fifteenth Amendment; State Constitution		•
12	Right to serve on jury duty	State Constitution		•

On federal land or property where exclusive federal jurisdiction applies, as described in Article 1, Section 8, Clause 17 of the Federal Constitution, the above table looks very different. Remember that the Bill of Rights does not apply within federal property. Therefore, all rights are PUBLIC rights that derive from federal legislation and “acts of congress” published in the Statutes at Large and codified in Title 48 of the U.S. Code. Since Congress can rewrite its own laws any time it wants, then it can take away rights by simple legislation. Therefore, on federal property, what are mistakenly called “rights” are really just “privileges”. Anything that can be taken away on a whim or through a legislative enactment simply cannot be described as a “PRIVATE right”.

Below is the revised version of the above table that reflects these realities. The term “Civil PUBLIC Privilege” as used in the following table is the equivalent to “Civil Right”. The term “Civil Right” is NOT equivalent to “Civil Liberty” as defined earlier. Civil Rights are PUBLIC, Civil Liberties are always PRIVATE.

1 **Table 9: Two types of PUBLIC rights within the Federal Zone**

#	Right	Origin	Classification	
			Civil PUBLIC Privilege	Political PUBLIC Privilege
1	Freedom of speech and assembly	Acts of Congress	●	
1.1	Right to assemble and associate free of government interference.	Acts of Congress	●	
1.2	Right to speak freely without punishment	Acts of Congress	●	
1.3	Right to not be compelled to associate with any political or economic activity or group	Acts of Congress	●	
2	Right to bear arms and own a gun	Acts of Congress	●	
3	Right to not be required to accommodate soldiers in your house	Acts of Congress	●	
4	Right of privacy and security of personal papers and effects from search and seizure	Acts of Congress	●	
5	Right to due process	Acts of Congress	●	
5.1	Cannot be required to incriminate oneself	Acts of Congress	●	
5.2	Property cannot be taken without just compensation or a court hearing	Acts of Congress	●	
6	Rights of accused	Acts of Congress	●	
6.1	Right to be informed of charges	Acts of Congress	●	
6.2	Right of speedy trial	Acts of Congress	●	
6.3	Right to counsel	Acts of Congress	●	
6.4	Right to obtain witnesses in one's favor	Acts of Congress	●	
6.5	Right to be confronted by witness against us	Acts of Congress	●	
7	Right to jury in civil trials.	Acts of Congress	●	
8	Right to not have excessive bails, punishments or fines imposed	Acts of Congress	●	
9	Rights of persons reserved where not delegated to federal government	Acts of Congress	●	
10	Rights of states reserved where not delegated to federal government	Acts of Congress	●	
11	Right to vote	Acts of Congress		●
12	Right to serve on jury duty	Acts of Congress		●

2 Within federal territories, possessions, and Indian reservations, “PRIVATE rights” don’t exist and the “PUBLIC privileges”
3 that replace them are legislatively granted and often, there isn’t even a Constitution to protect people from government
4 usurpation. The only “laws” within federal territories and possessions are those that are enacted by Congress, in most cases.
5 Below is a listing of the legislative “Bill of Rights” for each of the territories and possessions of the United States that are
6 under the stewardship of the U.S. Congress. “Bill of Rights” is a misnomer, and they should be called “Bill of Privileges”
7 rather than “Bill of Rights” because the rights conveyed are PUBLIC and can be revoked. When a territory is emancipated
8 as the Philippines was, all of these so-called rights can be revoked by Congress through a mere act of legislation. The list
9 below is not all-inclusive but shows you only the most important territories and possessions:

10 **Table 10: “Bill of PUBLIC Rights” for U.S. territories, possessions, and Indian reservations**

#	Territory/Possession	Legislative “Bill of Rights” Found At
1	Guam	48 U.S.C. §1421b
2	Puerto Rico	48 U.S.C. §737
3	Virgin Islands	48 U.S.C. §1561
4	Indian Reservations	48 U.S.C. §1302 48 U.S.C. §1451

11 Your public servants don’t want you to know or be able to distinguish between PRIVATE and PUBLIC rights and the
12 circumstances when you exercise each. They want you to believe that all rights attach to your citizenship status or your

domicile so that you falsely believe that they are “PUBLIC privileges” incident to citizenship rather than PRIVATE rights granted by God and which can’t be taken away. They also want to do this in order to bring you within their legislative jurisdiction and tax and pillage your labor and property, because being a “citizen” under federal law implies a domicile within federal jurisdiction and outside of the state you live in. Below is a deceptive definition of “citizen” from Black’s Law Dictionary to prove our point:

*“**citizen**. One who, under the [Constitution](#) and laws of the [United States](#), or of a particular state, is a member of the political community, **owing allegiance and being entitled to the enjoyment of full civil rights**. All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the state wherein they reside. [U.S. Const., 14th Amend.](#) See [Citizenship](#).*

“Citizens” are members of a political community who, in their associated capacity, have established or submitted themselves to the dominion of a government for the promotion of their general welfare and the protection of their individual as well as collective rights. Herriott v. City of Seattle, 81 Wash.2d. 48, 500 P.2d. 101, 109.

[. . .]

*Under diversity statute [28 U.S.C. §1332], which mirrors [U.S. Const, Article III](#)’s diversity clause, a person is a “citizen of a state” if he or she is a citizen of the United States and a domiciliary of a state of the United States. [Gibbons v. Udaras na Gaeltachta, D.C.N.Y., 549 F.Supp. 1094, 1116.](#)
[Black’s Law Dictionary, Sixth Edition, p. 244]*

Notice in the above:

1. Phrase “..and laws of the United States”. This means the thing described is a STATUTORY citizen. A Constitutional citizen would not be subject to the “laws of the United States” but would be subject to the common law and protected by the Constitution.
2. The phrase “are members of a political community who, in their associated capacity, have established or submitted themselves to the dominion of a government”. The only way you can do that is to choose a domicile in that place because domicile is a prerequisite to either voting or serving as a jurist. Nonresidents aren’t allowed to do either.

The term “civil rights” as used above is therefore NOT equivalent to “civil liberties” as used earlier, even though Black’s Law Dictionary tries to confuse the two. Civil rights are PUBLIC PRIVILEGES granted by statute. Civil liberties are NOT and are PRIVATE. Notice that they didn’t mention who *else*, other than “citizens”, enjoys “full civil rights”, because they want to create a false presumption that all rights derive from citizenship as “entitlements” or “privileges”. We show above, however, that civil liberties originate exclusively from the Bill of Rights in the Federal Constitution.

Notice that none of the Amendments that form the Bill of Rights mention anything about a requirement for “citizenship”. The cites below help drive home our point to show that EVERYONE, whether “citizen” or “alien” (called “resident” in law) is entitled to “civil liberties” under the law”.

*“The very essence of civil liberty certainly consists in the right of every individual [not **citizen**, but individual] to claim the protection of the laws, whenever he receives an injury. One of the first duties of government is to afford that protection.”
[[Marbury v. Madison](#), 5 U.S. 137, 1 Cranch 137, 2 L.Ed. 60 (1803)]*

*“Is any one of the rights secured to the individual by the Fifth or by the Sixth Amendment any more a privilege or immunity of a citizen of the United States than are those secured by the Seventh? **In none are they privileges or immunities granted and belonging to the individual as a citizen of the United States, but they are secured to all persons as against the Federal government, entirely irrespective of such citizenship.** As the individual does not enjoy them as a privilege of citizenship of the United States, therefore, when the Fourteenth Amendment prohibits the abridgment by the states of those privileges or immunities which he enjoys as such citizen, it is not correct or reasonable to say that it covers and extends to [176 U.S. 581, 596] certain rights which he does not enjoy by reason of his citizenship, but simply because those rights exist in favor of all individuals as against Federal governmental powers.”
[[Maxwell v. Dow](#), 176 U.S. 581 (1900)]*

*“In [Truax v. Raich](#), *supra*, the people of the state of Arizona adopted an act, entitled ‘An act to protect the [\[271 U.S. 500, 528\]](#) citizens of the United States in their employment against noncitizens of the United States,’ and*

provided that an employer of more than five workers at any one time in that state should not employ less than 80 per cent. qualified electors or native-born citizens, and that any employer who did so should be subject upon conviction to the payment of a fine and imprisonment. **It was held that such a law denied aliens an opportunity of earning a livelihood and deprived them of their liberty without due process of law, and denied them the equal protection of the laws. As against the Chinese merchants of the Philippines, we think the present law which deprives them of something indispensable to the carrying on of their business, and is obviously intended chiefly to affect them as distinguished from the rest of the community, is a denial to them of the equal protection of the laws."**

[Yu Cong Eng v. Trinidad, 271 U.S. 500 (1926)]

The alien retains immunities from burdens which the citizen must shoulder. By withholding his allegiance from the United States, he leaves outstanding a foreign [342 U.S. 586] call on his loyalties which international law not only permits our Government to recognize, but commands it to respect. In deference to it, certain dispensations from conscription for any military service have been granted foreign nationals. **They cannot, consistently with our international commitments, be compelled "to take part in the operations of war directed against their own country."** In addition to such general immunities they may enjoy particular treaty privileges.

Under our law, the alien in several respects stands on an equal footing with citizens, but, in others, has never been conceded legal parity with the citizen. Most importantly, to protract this ambiguous status within the country is not his right, but is a matter of permission and [342 U.S. 587] tolerance. The Government's power to terminate its hospitality has been asserted and sustained by this Court since the question first arose. [Harisiades v. Shaughnessy, 342 U.S. 580 (1952)]

"Civil rights", on the other hand, are only available to domiciled statutory citizens and residents. The term "inhabitant" is a person domiciled in a particular place. This is confirmed by the content of Federal Rule of Civil Procedure 17, which says that the capacity to sue or be sued is determined by the law of the domicile of the party.

"RIGHT: ...Civil rights are such as belong to every citizen of the state or country, or, in a wider sense, to all its inhabitants, and are not connected with the organization or administration of the government." [Black's Law Dictionary, Fourth Edition, 1968, pp. 1486-1488]

IV. PARTIES > Rule 17.

Rule 17. Parties Plaintiff and Defendant; Capacity

(b) Capacity to Sue or be Sued.

Capacity to sue or be sued is determined as follows:

(1) for an individual who is not acting in a representative capacity, by the law of the individual's domicile;
(2) for a corporation [the "United States", in this case, or its officers on official duty representing the corporation], by the law under which it was organized [laws of the District of Columbia]; and

(3) for all other parties, by the law of the state where the court is located, except that:

(A) a partnership or other unincorporated association with no such capacity under that state's law may sue or be sued in its common name to enforce a substantive right existing under the United States Constitution or laws; and

(B) 28 U.S.C. §§754 and 959(a) govern the capacity of a receiver appointed by a United States court to sue or be sued in a United States court.

[SOURCE: <http://www.law.cornell.edu/rules/frcp/Rule17.htm>]

The reason that EVERYONE is entitled to civil liberties, including "aliens", is because our Constitution is based on the concept of "equal protection of the laws". Equal protection is mandated in states of the Union by Section 1 of the Fourteenth Amendment. Here is what the Supreme Court says on the requirement for "equal protection":

"The equal protection demanded by the fourteenth amendment forbids this. No language is more worthy of frequent and thoughtful consideration than these words of Mr. Justice Matthews, speaking for this court, in Yick Wo v. Hopkins, 118 U.S. 356, 369, 6 S.Sup.Ct. 1064, 1071: 'When we consider the nature and the theory of our institutions of government, the principles upon which they are supposed to rest, and review the history of their development, we are constrained to conclude that they do not mean to leave room for the play and action of purely personal and arbitrary power.' The first official action of this nation declared the foundation of government in these words: 'We hold these truths to be self-evident, [165 U.S. 150, 160] 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.' While such declaration of principles may not have the force of organic law, or be made the basis of judicial decision as to the limits of right and duty, and while in all cases reference must be had to the organic law of the nation for such limits, yet the latter is but the body and the letter of which the former is the thought and the spirit, and it is always safe to read the letter of the constitution in the spirit of the Declaration of

1 *Independence. **No duty rests more imperatively upon the courts than the enforcement of those constitutional***
2 ***provisions intended to secure that equality of rights which is the foundation of free government.***
3 *[Gulf, C. & S.F.R. Co. v. Ellis, [165 U.S. 150](#) (1897)]*

4 Equal protection means that EVERYONE, whether they are a “citizen” or an “alien” (which is called a “resident” in the tax
5 code) or “non-resident non-person”, is entitled to the SAME civil liberties but NOT necessarily the same “civil PUBLIC
6 rights”.

7 On the other hand, not all People have the same “political rights”. Only “citizens” can vote and serve on jury duty while
8 aliens are excluded from these functions in most states. The reason is that only citizens claim “allegiance” to the political
9 body and therefore only they are likely to exercise their political rights in such a way that will preserve, defend, and protect
10 the existing governmental system and the rights of their fellow men. Chaos would result if aliens could come into a country
11 who are intent on destroying the country and then exercise sovereign powers of voting and jury service in such a way as to
12 disrespect the law and destroy the existing civil order.

13 **10.9 Why we MUST know and assert our rights and can’t depend on anyone to help us**

14 All rights come not from the government, from a judge, or any law, but from God, our Creator alone, just as the Declaration
15 of Independence says. Since rights don’t come from any man, but from God, then it’s vain and foolish to ask any earthly
16 man what your rights are. To remain free, we must know what rights are instinctively and be willing to literally fight for
17 them at all times. It’s not only impossible, but illegal for an attorney who practices law to fight for your rights within the
18 context of a court proceeding. Your attorney cannot claim or exercise any of the rights God gave you while he is representing
19 you in any court proceeding. For further details on this, read our article below:

20 <http://famguardian.org/Subjects/LawAndGovt/Articles/WhyYouDontWantAnAtty/WhyYouDon'tWantAnAttorney.htm>

21 An attorney cannot assert any of your rights on your behalf. Only YOU, the sovereign, can. Below is a very good explanation
22 of why we can’t be free and at the same time allow an attorney to represent us in court. The quote below is extracted from a
23 federal court decision:

24 *"The privilege against self-incrimination [Fifth Amendment] is neither accorded to the passive **resistant**, nor the*
25 *person who is ignorant of their rights, nor to one who is indifferent thereto. It is a **fighting** clause. **Its benefits***
26 ***can be retained only by sustained combat. It cannot be claimed by an attorney or solicitor. It is only valid***
27 ***when insisted upon by a belligerent claimant** in person."
28 *[U.S. v. Johnson, 76 F.Supp. 538 (1947), Emphasis added]**

29 Please notice the boldfaced and underlined words the court used in the above quote! What human endeavor are these words
30 normally used in connection with? WAR! Freedom is not for the timid, but for the brave. That is why they call America
31 “Land of the Free and Home of the Brave!”. If you want to stay free, then you must be willing to fight with anyone and
32 everyone who tries to take away that freedom, and especially with tyrannical public servants.

33 *Rights [read Liberties] are always demanded!*

34 Also note in the quote above that what the court above called a “privilege” is really structured in the Bill of Rights as a
35 “Liberty” or restraint on government! Who is afforded “civil rights”? One who knows them and demands them! Our pledge
36 of allegiance says “with liberty and justice for ALL”. If you are going to stay free, then you must help everyone to stay free.
37 A chain is only as strong as its weakest link. The weakest link is the most helpless, ignorant, and defenseless members of
38 society. We can only remain free so long as we are willing to donate our effort and money to defending the weakest members
39 of society from government abuse. If we only protect our rights and don’t help our neighbor defend his, then the tyrants in
40 government will isolate, divide, and eventually conquer and enslave everyone.

41 **10.10 Why you shouldn’t cite federal statutes (PUBLIC RIGHTS) as authority for protecting** 42 **your PRIVATE rights**

43 Nearly all federal civil law is a civil franchise that you must volunteer for. This is covered in:

Why Statutory Civil Law is Law for Government and Not Private Persons, Form #05.037
<http://sedm.org/Litigation/LitIndex.htm>

1 As such:

- 2 1. One must be domiciled or resident on federal territory to invoke federal civil statutory law. State citizens domiciled in
3 constitutional states of the Union do NOT satisfy this criteria.
- 4 2. One must consent to the statutory “citizen” or “resident” franchise by describing themselves as such on government
5 forms.
- 6 3. If you are a state citizen domiciled in a constitutional state of the Union and you cite federal statutory law as authority
7 for an injury, then indirectly you are:
 - 8 3.1. Misrepresenting your status as a statutory “citizen of the United States” under federal law.
 - 9 3.2. Conferring civil jurisdiction to a federal court that they would not otherwise lawfully have.
 - 10 3.3. Waiving sovereign immunity under 28 U.S.C. Chapter 97, section 28 U.S.C. §1603(b)(3).

11 There are exceptions to the above, but they are rare. Any enactment of Congress that implements a constitutional provision,
12 for instance, would be an exception. For instance, the civil rights found mainly in Title 42, Chapter 21 entitled “Civil Rights”
13 implement the Fourteenth Amendment. They do not CREATE “privileges” or “rights”, but rather enforce them as authorized
14 by the Fourteenth Amendment, Section 5. This is revealed in the following document:

Section 1983 Litigation, Litigation Tool #08.008

<http://sedm.org/Litigation/LitIndex.htm>

15 The most often cited statute within Chapter 21 is 42 U.S.C. §1983. To wit:

16 TITLE 42 > CHAPTER 21 > SUBCHAPTER I > Sec. 1983.

17 Sec. 1983. - Civil action for deprivation of rights

18 ***Every person** [not “man” or “woman”, but “person”] who, under color of any statute, ordinance, regulation,
19 custom, or usage, **of any State or Territory or the District of Columbia**, subjects, or causes to be subjected, any
20 citizen of the United States or other person within the jurisdiction thereof to the deprivation of any rights,
21 privileges, or immunities secured by the Constitution and laws, shall be liable to the party injured in an action at
22 law, suit in equity, or other proper proceeding for redress, except that in any action brought against a judicial
23 officer for an act or omission taken in such officer's judicial capacity, injunctive relief shall not be granted unless
24 a declaratory decree was violated or declaratory relief was unavailable. For the purposes of this section, any Act
25 of Congress applicable exclusively to the District of Columbia shall be considered to be a statute of the District
26 of Columbia*

27 The first thing to notice about the above, is that they use the word “person” instead of “man or woman”. This “person” is a
28 CONSTITUTIONAL person described in the Fourteenth Amendment, not a STATUTORY “person” domiciled or resident
29 on federal territory and subject to the GENERAL jurisdiction of the national government. The phrase “within the jurisdiction”
30 above means the SUBJECT MATTER jurisdiction and not the GENERAL jurisdiction. How do we know this? Because:

- 31 1. They mention the laws of a State or territory or the District of Columbia RATHER than those of the national
32 government.
- 33 2. The statute may ONLY be enforced against officers of constitutional states depriving those under their protection of
34 their constitutionally guaranteed rights. It may NOT be enforced against ANY private person.

35 *“Title 42, § 1983 of the U.S. Code provides a mechanism for seeking redress for an alleged deprivation of a
36 litigant's federal constitutional and federal statutory rights by persons acting under color of state law.”*

37 *[Section 1983 Litigation, Litigation Tool #08.008, p. 1;*

38 *FORMS PAGE: <http://sedm.org/Litigation/LitIndex.htm>]*

39 On the opposite end of the spectrum, we have civil franchises such as Social Security, Medicare, marriage licenses, driver
40 licenses, all of which require you to volunteer by filling out an application and using government property before you are
41 treated as a statutory “person”, “taxpayer”, “spouse”, “citizen”, or “resident”. This is covered in:

Government Instituted Slavery Using Franchises, Form #05.030

<http://sedm.org/Litigation/LitIndex.htm>

42 You will find out later that the status of being either a STATUTORY “citizen” or STATUTORY “resident” within a franchise
43 is not a status you want to have under federal law, because that is how you become a “taxpayer”! They also use the word

“State”, which we know from 4 U.S.C. §110(d) means a federal State, which is a territory or possession of the United States. States of the Union do NOT fit this category, folks!

A very important aspect of natural rights is the following fact:

“You don’t need stinking federal statutes to protect them!”
[Family Guardian Fellowship]

Below is an example of a sovereign Indian tribe that sued a state official under the provisions of 42 U.S.C. §1983 and yet tried to assert that it was “sovereign”. The U.S. Supreme Court admitted that it could NOT cite this statute as authority:

“The issue pivotal here is whether a tribe [which enjoys “sovereign immunity” from suit] qualifies as a claimant -- a “person within the jurisdiction” of the United States -- under § 1983. [5] The United States maintains it does not, invoking the Court’s “longstanding interpretive presumption that ‘person’ does not include the sovereign,” a presumption that “may be disregarded only upon some affirmative showing of statutory intent to the contrary.” Brief for United States as Amicus Curiae 7-8 (quoting Vermont Agency of Natural Resources v. United States ex rel. Stevens, 529 U.S. 765, 780-781 (2000)); see Will, 491 U.S. at 64. Nothing in the text, purpose, or history of § 1983, the Government contends, overcomes the interpretive presumption [538 U.S. 710] that “‘person’ does not include the sovereign.” Brief for United States as Amicus Curiae 7-8 (some internal quotation marks omitted). Furthermore, the Government urges, given the Court’s decision that “person” excludes sovereigns as defendants under § 1983, it would be anomalous for the Court to give the same word a different meaning when it appears later in the same sentence. Id. at 8; see Brown v. Gardner, 513 U.S. 115, 118 (1994) (the “presumption that a given term is used to mean the same thing throughout a statute” is “surely at its most vigorous when a term is repeated within a given sentence”); cf. Lafayette v. Louisiana Power & Light Co., 435 U.S. 389, 397 (1978) (because municipalities are “persons” entitled to sue under the antitrust laws, they are also, in principle, “persons” capable of being sued under those laws).

The Tribe responds that Congress intended § 1983 “to provide a powerful civil remedy against all forms of official violation of federally protected rights.” Brief for Respondents 45 (quoting Monell v. New York City Dept. of Social Servs., 436 U.S. 658, 700-701 (1978)). To achieve that remedial purpose, the Tribe maintains, § 1983 should be “broadly construed.” Brief for Respondents 45 (citing Monell, 436 U.S. at 684-685) (internal quotation marks omitted). Indian tribes, the Tribe here asserts, “have been especially vulnerable to infringement of their federally protected rights by states.” Brief for Respondents 42 (citing, inter alia, The Kansas Indians, 5 Wall. 737 (1867) (state taxation of tribal lands); Minnesota v. Mille Lacs Band of Chippewa Indians, 526 U.S. 172 (1999) (state infringement on tribal rights to hunt, fish, and gather on ceded lands); Mississippi Band of Choctaw Indians v. Holyfield, 490 U.S. 30 (1989) (tribal jurisdiction over Indian child custody proceedings); California v. Cabazon Band of Mission Indians, 480 U.S. 202 (1987) (state attempt to regulate gambling on tribal land)). To guard against such infringements, the Tribe contends, the [538 U.S. 711] Court should read § 1983 to encompass suits brought by Indian tribes.

As we have recognized in other contexts, qualification of a sovereign as a “person” who may maintain a particular claim for relief depends not “upon a bare analysis of the word ‘person,’” Pfizer Inc. v. Government of India, 434 U.S. 308, 317 (1978), but on the “legislative environment” in which the word appears, Georgia v. Evans, 316 U.S. 159, 161 (1942). Thus, in Georgia, the Court held that a State, as purchaser of asphalt shipped in interstate commerce, qualified as a “person” entitled to seek redress under the Sherman Act for restraint of trade. Id. at 160-163. Similarly, in Pfizer, the Court held that a foreign nation, as purchaser of antibiotics, ranked as a “person” qualified to sue pharmaceuticals manufacturers under our antitrust laws. Pfizer, 434 U.S. at 309-320; cf. Stevens, 529 U.S. at 787, and n. 18 (deciding States are not “person[s]” subject to qui tam liability under the False Claims Act, but leaving open the question whether they “can be ‘persons’ for purposes of commencing an FCA qui tam action” (emphasis deleted)); United States v. Cleveland Indians Baseball Co., 532 U.S. 200, 213 (2001) (“Although we generally presume that identical words used in different parts of the same act are intended to have the same meaning, the presumption is not rigid, and the meaning of the same words well may vary to meet the purposes of the law.” (internal quotation marks, brackets, and citations omitted)).

There is in this case no allegation that the County lacked probable cause or that the warrant was otherwise defective. It is only by virtue of the Tribe’s asserted “sovereign” status that it claims immunity from the County’s processes. See App. 97-105, ¶¶1-25, 108-110, ¶¶33-39; 291 F.3d. at 554 (Court of Appeals “find[s] that the County and its agents violated the Tribe’s sovereign immunity when they obtained and executed a search warrant against the Tribe and tribal [538 U.S. 712] property.” (emphasis added)). Section 1983 was designed to secure private rights against government encroachment, see Will, 491 U.S. at 66, not to advance a sovereign’s prerogative to withhold evidence relevant to a criminal investigation. For example, as the County acknowledges, a tribal member complaining of a Fourth Amendment violation would be a “person” qualified to sue under § 1983. See Brief for Petitioners 20, n. 7. But like other private persons, that member would have no right to immunity from an appropriately executed search warrant based on probable cause. Accordingly, we hold that the [sovereign] Tribe may not sue under § 1983 to vindicate the sovereign right it here claims. {6}” [Inyo County, California v. Paiute Shoshone Indians, 538 U.S. 701 (2003)]

State courts are the only appropriate forum in which to litigate to protect your rights if you live in a state of the Union and not on federal property. The Supreme Court confirmed this when it said:

*"It would be the vainest show of learning to attempt to prove by citations of authority, that up to the adoption of the recent Amendments [the Thirteenth and Fourteenth Amendment], no claim or pretense was set up that those rights depended on the Federal government for their existence or protection, beyond the very few express limitations which the Federal Constitution imposed upon the states—such as the prohibition against ex post facto laws, bill of attainder, and laws impairing the obligation of contracts. **But with the exception of these and a few other restrictions, the entire domain of the privileges and immunities of citizens of the states, as above defined, lay within the constitutional and legislative power of the states, and without that of the Federal government. Was it the purpose of the 14th Amendment, by the simple declaration that no state should make or enforce any law which shall abridge the privileges and immunities of citizens of the United States, to transfer the security and protection of all the civil rights which we have mentioned, from the states to the Federal government?** And where it is declared that Congress shall have the power to enforce that article, was it intended to bring within the power of Congress the entire domain of civil rights heretofore belonging exclusively to the states?"*

We are convinced that no such result was intended by the Congress which proposed these amendments, nor by the legislatures of the states, which ratified them.

Having shown that the privileges and immunities relied on in the argument are those which belong to citizens of the states as such, and that they are left to the state governments for security and protection, and not by this article placed under the special care of the Federal government, we may hold ourselves excused from defining the privileges and immunities of citizens of the United States which no state can abridge, until some case involving those privileges may make it necessary to do so."
[Slaughter-House Cases, 83 U.S. (16 Wall.) 36, 21 L.Ed. 394 (1873) , emphasis added]

When properly litigated in a state court, the only authority necessary for the defense of rights is the Constitution itself and proof of your domicile in a state of the Union and not on federal property. The Supreme Court alluded to this fact when it stated:

*"The government of the United States has been emphatically termed a government of laws, and not of men. **It will certainly cease to deserve that high appellation, if the laws furnish no remedy for the violation of a vested legal right.**"*
[Marbury v. Madison, [5 U.S. 137](#), 1 Cranch 137, 2 L.Ed. 60 (1803)]

Those citing EXCLUSIVELY the constitution do not NEED federal statutes, as held by the U.S. Supreme Court:

*The design of the Fourteenth Amendment has proved significant also in maintaining the traditional separation of powers 524*524 between Congress and the Judiciary. **The first eight Amendments to the Constitution set forth self-executing prohibitions on governmental action, and this Court has had primary authority to interpret those prohibitions.** The Bingham draft, some thought, departed from that tradition by vesting in Congress primary power to interpret and elaborate on the meaning of the new Amendment through legislation. Under it, "Congress, and not the courts, was to judge whether or not any of the privileges or immunities were not secured to citizens in the several States." Flack, *supra*, at 64. While this separation-of-powers aspect did not occasion the widespread resistance which was caused by the proposal's threat to the federal balance, it nonetheless attracted the attention of various Members. See Cong. Globe, 39th Cong., 1st Sess., at 1064 (statement of Rep. Hale) (noting that Bill of Rights, unlike the Bingham proposal, **"provide[s] safeguards to be enforced by the courts, and not to be exercised by the Legislature"**); *id.*, at App. 133 (statement of Rep. Rogers) (prior to Bingham proposal it "was left entirely for the courts . . . to enforce the privileges and immunities of the citizens"). As enacted, the Fourteenth Amendment confers substantive rights against the States which, like the provisions of the Bill of Rights, are self-executing. Cf. [South Carolina v. Katzenbach](#), 383 U. S., at 325 (discussing Fifteenth Amendment). The power to interpret the Constitution in a case or controversy remains in the Judiciary.
[City of Boerne v. Flores, 521 U.S. 507 (1997)]*

Nearly all federal statutes dealing with the protection of so-called "rights" exist for the following reasons. And by "rights" we really mean franchise privileges:

1. They only apply within federal jurisdiction and on federal land, where the Bill of Rights do not apply and where federal jurisdiction is exclusive and plenary. See *Downes v. Bidwell*, 182 U.S. 244 (1901). These statutes are therefore meant as a substitute for the Bill of Rights that only applies in federal areas.
2. They are intended to be used by "persons" domiciled on federal territory wherever situated and may only be invoked by nonresident parties where a specific extraterritorial subject matter issue enumerated in the Constitution is involved, such as interstate commerce.
3. The result of persons citing federal statutes who are domiciled in Constitutional states of the Union is that these people basically are volunteering or "electing" to become "resident" parties and/or "taxpayers" for the purposes of the dispute.

Keep in mind that if you are a Constitutional and not statutory "citizen", then making such an election is a CRIME pursuant to [18 U.S.C. §911](#)!

Per Fourteenth Amendment, Section 5, [42 U.S.C. §1981](#), implements the equal protection provisions of said amendment as follows:

[TITLE 42 > CHAPTER 21 > SUBCHAPTER I > Sec. 1981.](#)
[Sec. 1981. - Equal rights under the law](#)

(a) Statement of equal rights

All persons within the jurisdiction of the United States shall have the same right in every State and Territory to make and enforce contracts, to sue, be parties, give evidence, and to the full and equal benefit of all laws and proceedings for the security of persons and property as is enjoyed by white citizens, shall be subject to like punishment, pains, penalties, taxes, licenses, and exactions of every kind, and to no other.

The whole chapter 21 only applies to people "within the jurisdiction of the United States", which we already said are CONSTITUTIONAL and NOT federal STATUTORY "persons". If you are domiciled within a state of the Union and don't maintain a domicile on federal territory, then that doesn't include you, amigo! By "like", they mean the same "taxes" as "U.S. citizens" pay who were born in federal territories or possessions or the District of Columbia. Notice they put "punishment, pains, penalties, and taxes" in the same sentence because they are all equivalent!

"A fine is a tax for doing something wrong. A tax is a fine for doing something right."

Here is some more evidence:

[TITLE 42 > CHAPTER 21 > SUBCHAPTER IX > §2000h-4](#)
[§2000h-4. Construction of provisions not to exclude operation of State laws and not to invalidate consistent State laws](#)

Nothing contained in any title of this Act shall be construed as indicating an intent on the part of Congress to occupy the field in which any such title operates to the exclusion of State laws on the same subject matter, nor shall any provision of this Act be construed as invalidating any provision of State law unless such provision is inconsistent with any of the purposes of this Act, or any provision thereof.

It's silly to go to such great lengths to free yourself of federal taxes by spending countless hours reading and studying and applying this book if you are going to turn right around and call on Uncle [Big Brother] to protect you from people in your own state! If you want to be sovereign, you can't depend on Big Brother for anything, because the minute you start doing so, they [the IRS goons in this case] are going to come knocking on your door and ask you to "pay up"! People who are sovereign look out for themselves and don't take handouts or help from anyone, folks!

Lastly, when filling out government forms, it is VERY important to do so in such a way as to PRECLUDE citing or enforcing any federal statute against you. Below is the language we use to do that extracted from one of our forms:

SECTION 4: DEFINITION OF KEY "WORDS OF ART" ON ALL ATTACHED GOVERNMENT FORMS

[. . .]

As a general rule, NONE of the terms used on any government form I submit, have submitted, or will submit imply or may be interpreted as any word or "term" used in any federal or state statute. All such submissions, in fact, are compelled and may be interpreted as prima facie evidence of DURESS. The Submitter is, always has been, and always will be EXCLUSIVELY PRIVATE and therefore beyond the reach of any federal or state statute. He/she does not intend, by submitting any government form, to waive his/her/its sovereignty or sovereign immunity or apply for or accept any government "benefit". Instead, he/she seeks ONLY to recover monies STOLEN from him/her or prevent them from being STOLEN to begin with:

"As independent sovereignty, it is State's province and duty to forbid interference by another state or foreign power with status of its own citizens. Roberts v Roberts (1947) 81 C.A.2d. 871, 185 P.2d. 381.

"
[Black's Law Dictionary, 4th Ed., p 1300]

"Under basic rules of construction, statutory laws enacted by legislative bodies cannot impair rights given under a constitution. 194 B.R. at 925. "
[In re Young, 235 B.R. 666 (Bankr.M.D.Fla., 1999)]

Below are the definitions I provide of all key “words of art” commonly found on government forms as a SUBSTITUTE for statutory definitions:

[. . .]

“All CIVIL statutory terms TO WHICH OBLIGATIONS AND PRIVILEGES attach are limited to territory over which Congress has EXCLUSIVE GENERAL jurisdiction. All of the statutes TO WHICH CIVIL OBLIGATIONS AND PRIVILEGES ATTACH indicated in the statutes (including those in 8 U.S.C. §§1401 and 1408) STOP at the border to federal territory and do not apply within states of the Union. I cannot have a status in a place that I am not civilly domiciled, and especially a status that I do NOT consent to and to which rights and obligations attach. Otherwise, the Declaration of Independence is violated because I am subjected to obligations that I didn't consent to and am a slave. This is proven in:

Your Exclusive Right to Declare or Establish Your Civil Status, Form #13.008

DIRECT LINK: <http://sedm.org/Forms/13-SelfFamilyChurchGovnce/RightToDeclStatus.pdf>

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

As the U.S. Supreme Court held, all law is prima facie territorial and confined to the territory of the specific state. The states of the Union are NOT “territory” as defined, and therefore, all of the CIVIL STATUTES found in Title 8 of the U.S. code CONNECTED WITH UNITED STATES TERRITORY AND DOMICILIARIES do not extend into or relate to anyone civilly domiciled in a constitutional state, regardless of what the definition of “United States” is and whether it is GEOGRAPHICAL or GOVERNMENT sense. As held by the U.S. Supreme Court in the License Tax Cases, Congress cannot lawfully offer or extend any federal franchise or the statutes that enforce it into a foreign jurisdiction such as a state of the Union. If it does, it is engaging in a “commercial invasion” in violation of Article 4, Section 4 of the United States Constitution. That is why public offices, which are a franchise, are limited by 4 U.S.C. §72 to being exercised ONLY in the District of Columbia and NOT ELSEWHERE. Furthermore, it is a violation of the legislative intent of the constitution and criminal activity to: 1. Make an ordinary CONSTITUTIONAL and PRIVATE citizen into a PUBLIC officer in the government; 2. Pay PUBLIC monies or “benefits” to ordinary PRIVATE CITIZENS.; 3. Bribe or entice and PRIVATE human to become a PUBLIC OFFICER in exchange for “benefits”. This would eliminate all PRIVATE property and replace a CONSTITUTIONAL government with a gigantic, corporate, SOCIALIST monopoly and employer of EVERYONE in violation of the Sherman Anti-Trust Act.

Any and every attempt by the Recipient or any government actor to associate the Submitter of this form with any statutory civil status found in federal or state statutes is hereby declared to be an act of criminal identity theft as described in the document below. This attachment hereby formally requests any and every government employee who becomes aware of such identity theft to prosecute and report it by every available means or be guilty of misprision of felony and become an accessory after the fact if they don't (18 U.S.C. §§3 and 4):

Government Identity Theft, Form #05.046

DIRECT LINK: <http://sedm.org/Forms/05-MemLaw/GovernmentIdentityTheft.pdf>

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

[Tax Form Attachment, Form #04.201, Section 4; SOURCE: <http://sedm.org/Forms/FormIndex.htm>]

Those who are inclined to question the need or propriety for the above type of language are directed to read the following excerpt from a U.S. Attorneys Bulletin used to PROSECUTE tax crimes of so-called “sovereign citizens”, of which we are NOT:

“What evidence refutes a good faith defense will depend on the facts and circumstances of each case. It is often helpful to focus on evidence that shows the defendant knew the law but disregarded it or was simply defying it. For instance, evidence that the defendant received proper advice from a CPA or tax preparer, or that the defendant failed to consult legitimate sources about his or her understanding of the tax laws can be helpful. To refute claims that wages are not income, that the defendant did not understand the meaning of “wages,” or that the defendant is a state citizen but not a citizen of the United States, look for loan applications during the prosecution period. Tax defiers and sovereign citizens never seem to have a problem understanding the definition of income on a loan application. They also do not hesitate to check the “yes” box to the question “are you a U.S. citizen.” Any evidence that the defendant accepted Government benefits, such as unemployment, Medicare, social security, or the Alaska Permanent Fund Dividend will also be helpful to refute the defendant's claims that he or she is not a citizen subject to federal laws.”

[Prosecuting Tax Defier and Sovereign Citizen Cases—Frequently Asked Questions, U.S. Attorneys Bulletin, Volume 61, No. 2, March 2013, p. 48;

SOURCE: <http://famguardian.org/Publications/USAttyBulletins/usab6102.pdf>]

11. Other Restraints Upon The Government

The following represent absolute prohibitions upon the actions of the government identified by the U.S. Supreme Court. They are not “rights” per se, but they are intended to protect rights:

Enumeration of Inalienable Rights

Copyright Sovereignty Education and Defense Ministry, <http://sedm.org>
Form 10.002, Rev. 11-14-2021

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EXHIBIT: _____

11.1 Restraints upon all branches of government

For further information beyond that indicated in the following subsections, refer to the following:

1. Woe to You Lawyers!-Fred Rodell. A Professor of Law at Yale University explains how the legal profession is a big fraud.
http://famguardian.org/Publications/WoeToYouLawyers/woe_onto_you_lawyers.pdf
2. Federal Usurpation-Franklin Pierce. Extensive documentation of destruction of the constitution and treason within the government
<http://famguardian.org/Publications/FederalUsurpation/FederalUsurpation.pdf>

11.1.1 Legislature may not pass and judiciary may not enforce any law that violates natural law

*In Hooker v. Canal Co.,*³⁸ a Connecticut case, the court say:

'The fundamental maxims of a free government require that the right of personal liberty and private property should be held sacred.'

They cite and approve the expressions of Marshall, C. J., in *Fletcher v. Peck*:³⁹

'And it may well be doubted whether the nature of society and of government does not prescribe some limits to the legislative power.' &c.

This whole subject is fully treated in the late decision of *Booth v. Woodbury*,⁴⁰ where it is expressly held that the legislature can pass no laws contrary to the 'principles of natural justice.'

All these cases, and the jurisprudence of Connecticut on *133 this subject, are in harmony with and in fact founded upon the case of *Calder v. Bull*,⁴¹ a case which went from Connecticut to this court; and the expressions in *Goshen v. Stonington* are almost identical with those of Mr. Justice Chase, where he says:

'I cannot subscribe to the omnipotence of a State legislature, or that it is absolute and without control, although its authority should not be expressly restrained by the constitution or fundamental law of the State.'

***13 But both in this court and many of the State courts the same rule is applied.*⁴²

*A case quite in point is *Brown v. Hummel*,⁴³ in the Supreme Court of Pennsylvania. There a devise of land was made to an orphan asylum, with a provision that the land be never sold, but the rents and profits only be applied to the use of the asylum. The legislature, by a special act, directed that part of the land be sold.*

The court held unanimously that the act was void and unconstitutional.

If the legislature can, by a special act, dispense with the performance of one condition of a devise, they can with any.

*Such an act as this is different from those enabling or healing acts often passed, such as those authorizing a sale of minors' lands, or those of lunatics, &c. In all such cases they merely remove a personal disability.⁴⁴ Acts, too, will be cited on the other side in which power has been given to corporations to sell, where in the gifts to them no such power was expressly given. Such cases are from the purpose. *134 To say nothing about the constitutionality or safety of this sort of legislation in general, it may be noted that in many cases the legislature*

³⁸ [FN34 14 Connecticut, 152](#); and see *Gas Co. v. Gas Co.*, 25 Id. 38, and *Hotchkiss v. Porter*, 30 Id. 418.

³⁹ [FN35 5 Cranch, 185](#).

⁴⁰ [FN36 32 Connecticut, 118](#).

⁴¹ [FN37 3 Dallas, 386](#).

⁴² [FN38 Terrett v. Taylor, 9 Cranch, 43](#); *Wilkeson v. Leland*, 2 Pet. 657; *Irvine's Appeal*, 16 Pennsylvania State, 256; *Shoenberger v. School District*, 32 Id. 34; *Railroad Co. v. Davis*, 2 Devereux & Battle, 451; *Hatch v. Vermont Railroad*, 25 Vermont, 49; [Benson v. Mayor, &c., 10 Barbour, 223](#); *Regent's University v. Williams*, 9 Gill & Johnson, 365; *Billings v. Hall*, 7 California, 1.

⁴³ [FN39 6 Pennsylvania State, 86](#).

⁴⁴ [FN40 Powers v. Bergen, 2 Selden, 358](#); *Shoenberger v. School District*, 32 Pennsylvania State, 34; [Leggett v. Hunter, 5 E. P. Smith, 445](#).

has only aided an intent of a donor left unexpressed or but insufficiently given, or cases in which perhaps the legislature was itself the donor. But can any case be found where, without the assent of the heirs, a power to destroy the identity and substance of the gift has been given in any case where it was plain that the testator meant to keep the land in specie, forever undivided in the corporation, beneficiary, and devisee? What is proper to be done in any case where heirs may have an interest, and what the legislature of Connecticut itself has done, may be seen in the Acts of Connecticut, May Sessions, 1850, at page 82. There Thaddeus and Eunice Burr, she owning it, had granted a lot for a parsonage. An act reciting that the land was not now and never could be wanted for a parsonage, and that a sale was desirable and expedient, authorized a sale. But how? It declares the sale is to be made 'with the assent of the heirs of the said Eunice;' and the act authorized the heirs to release a condition in the deed, in the presence of witnesses; and such release, it was enacted, 'shall operate to forever estop said heirs, and all claiming under them.' This is the right way; and in no other way, assuredly, in a case like the present, could a sale be authorized and the right of property in the heirs be duly respected.

***14 It will be argued that a legislature has power as parens patriae to interfere and authorize a sale of land in cases like the one at bar; but the authorities say that the legislatures in this country have no such power.*

In Moore v. Moore,⁴⁵ a Kentucky case, the court say:

*'We do not admit that the commonwealth as parens patriae can rightfully interfere, unless there has been an escheat to her, and then she can become absolute and beneficial owner. Rights here are regulated by law, and if any person has a claim to property ineffectually dedicated to charity, the commonwealth has *135 no prerogative right to decide on that claim and dispose of the property, as the King of England has been permitted to do.'*
[Stanley v. Colt, 72 U.S. 119, 1866 WL 9404 (U.S.,1866)]

If you would like a summary of all the principles of natural law referred to in the above case, see:

Principles of Natural and Politic Law, J.J. Burlamaqui
http://famguardian.org/PublishedAuthors/Indiv/BurlamaquiJJ/burla_.htm

11.1.2 Government cannot do indirectly what it cannot do directly

*"I turn now to the arguments by which the constitutionality of the act of Congress has been attempted to be supported. It is said that, though Congress cannot directly abrogate contracts, or impair their obligation, it may indirectly, by the exercise of other powers granted to it. This I have conceded, but **I deny that an acknowledged power can be exerted solely for the purpose of effecting indirectly an unconstitutional end which the legislature cannot directly attempt to reach. If the purpose were declared in the act, I think no court would hesitate to pronounce the act void. In Hoke v. Harderson, to which I have referred, Chief Justice Ruffin, when considering at length an argument that a legislature could purposely do indirectly what it could not do directly, used this strong language: 'The argument is unsound in this, that it supposes (what cannot be admitted as a supposition) the legislature will, designedly and wilfully, violate the Constitution, in utter disregard of their oaths and duty. To do indirectly in the abused exercise of an acknowledged power, not given for, but perverted for that purpose, that which is expressly forbidden to be done directly, is a gross and wicked infraction of the Constitution.'**"*
[Sinking Fund Cases, 99 U.S. 700, (1878)]

11.1.3 Government cannot use its taxing powers to take from A and give to B

*****7** Of all the powers conferred upon government that of taxation is most liable to abuse. Given a purpose or object for which taxation may be lawfully used and the extent of its exercise is in its very nature unlimited. It is true that express limitation on the amount of tax to levied or the things to be taxed may be imposed by constitution or statute, but in most instances for which taxes are levied, as the support of government, the prosecution of war, the National defence, any limitation is unsafe. The entire resources of the people should in some instances be at the disposal of the government.*

*The power to tax is, therefore, the strongest, the most pervading of all the 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. The State of Maryland,⁴⁶ 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 ***664** State bank of circulation within a year or two after its passage. **This power can as readily be employed against one class of individuals and in***

⁴⁵ [FN41 4 Dana, 366](#); and see Lepage v. McNamara, 5 Clarke (Iowa), 124, and [White v. Fisk, 22 Connecticut, 31\(54\)](#).

⁴⁶ [FN5 4 Wheaton 431](#).

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.'⁴⁷

Coulter, J., in *Northern Liberties v. St. John's Church*,⁴⁸ 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 purpose of carrying on the government in all its machinery and operations—that they are imposed for a public purpose.'

****8 We have established, we think, beyond cavil that there can be no lawful tax which is not laid for a public purpose."**
[*Citizens' Savings & Loan Ass'n v. City of Topeka*, 87 U.S. 655 (1874)]

Whether the Legislature of any of the States can revise and correct by law, a decision of any of its Courts of Justice, although not prohibited by the Constitution of the State, is a question of very great importance, and not necessary NOW to be determined; because the resolution or law in question does not go so far. I cannot subscribe to the omnipotence of a State *388 Legislature, or that it is absolute and without control; although its authority should not be expressly restrained by the Constitution, or fundamental law, of the State. The people of the United States erected their Constitutions, or forms of government, to establish justice, to promote the general welfare, to secure the blessings of liberty; and to protect their persons and property from violence. The purposes for which men enter into society will determine the nature and terms of the social compact; and as they are the foundation of the legislative power, they will decide what are the proper objects of it: The nature, and ends of legislative power will limit the exercise of it. This fundamental principle flows from the very nature of our free Republican governments, that no man should be compelled to do what the laws do not require; nor to refrain from acts which the laws permit. **There are acts which the Federal, or State, Legislature cannot do, without exceeding their authority. There are certain vital principles in our free Republican governments, which will determine and over-rule an apparent and flagrant abuse of legislative power; as to authorize manifest injustice by positive law; or to take away that security for personal liberty, or private property, for the protection whereof the government was established. An ACT of the Legislature (for I cannot call it a law) contrary to the great first principles of the social compact, cannot be considered a rightful exercise of legislative authority.** The obligation of a law in governments established on express compact, and on republican principles, must be determined by the nature of the power, on which it is founded. A few instances will suffice to explain what I mean. A law that punished a citizen for an innocent action, or, in other words, for an act, which, when done, was in violation of no existing law; a law that destroys, or impairs, the lawful private contracts of citizens; a law that makes a man a Judge in his own cause; **or a law that takes property from A. and gives it to B: It is against all reason and justice, for a people to entrust a Legislature with SUCH powers; and, therefore, it cannot be presumed that they have done it. The genius, the nature, and the spirit, of our State Governments, amount to a prohibition of such acts of legislation; and the general principles of law and reason forbid them.** The Legislature may enjoin, permit, forbid, and punish; they may declare new crimes; and establish rules of conduct for all its citizens in future cases; they may command what is right, and prohibit what is wrong; but they cannot change innocence into guilt; or punish innocence as a crime; or violate the right of an antecedent lawful private contract; or the right of private property. To maintain that our Federal, or State, Legislature possesses such powers, if they had not been expressly restrained; would, *389 in my opinion, be a political heresy, altogether inadmissible in our free republican governments.
[*Calder v. Bull*, 3 U.S. 386, (1798)]

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 contracts of citizens; a law that made a man judge in his own case; **and a law that took the property from A. and gave it to B. '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 contract, or the right of private property. To maintain that a Federal or State**

⁴⁷ FN6 Cooley on Constitutional Limitations, 479.

⁴⁸ FN7 13 Pennsylvania State, 104; see also *Pray v. Northern Liberties*, 31 Id. 69; *Matter of Mayor of New York*, 11 Johnson, 77; *Camden v. Allen*, 2 Dutcher, 398; *Sharpless v. Mayor of Philadelphia*, *supra*; *Hanson v. Vernon*, 27 Iowa, 47; *Whiting v. Fond du Lac*, 25 Wisconsin, 188.

1 legislature possesses such powers if they had not been expressly restrained, would, in my opinion, be a political
2 heresy altogether inadmissible in all free republican governments. ' 3 Dall. 388.
3 [Sinking Fund Cases, 99 U.S. 700, (1878)]

4 **11.1.4 Government may not punish citizens for innocent acts or turn innocence into guilt**

5 Whether the Legislature of any of the States can revise and correct by law, a decision of any of its Courts of
6 Justice, although not prohibited by the Constitution of the State, is a question of very great importance, and not
7 necessary NOW to be determined; because the resolution or law in question does not go so far. I cannot subscribe
8 to the omnipotence of a State *388 Legislature, or that it is absolute and without control; although its authority
9 should not be expressly restrained by the Constitution, or fundamental law, of the State. The people of the United
10 States erected their Constitutions, or forms of government, to establish justice, to promote the general welfare, to
11 secure the blessings of liberty; and to protect their persons and property from violence. The purposes for which
12 men enter into society will determine the nature and terms of the social compact; and as they are the foundation
13 of the legislative power, they will decide what are the proper objects of it: The nature, and ends of legislative
14 power will limit the exercise of it. This fundamental principle flows from the very nature of our free Republican
15 governments, that no man should be compelled to do what the laws do not require; nor to refrain from acts which
16 the laws permit. There are acts which the Federal, or State, Legislature cannot do, without exceeding their
17 authority. There are certain vital principles in our free Republican governments, which will determine and
18 over-rule an apparent and flagrant abuse of legislative power; as to authorize manifest injustice by positive
19 law; or to take away that security for personal liberty, or private property, for the protection whereof of the
20 government was established. An ACT of the Legislature (for I cannot call it a law) contrary to the great first
21 principles of the social compact, cannot be considered a rightful exercise of legislative authority. The obligation
22 of a law in governments established on express compact, and on republican principles, must be determined by
23 the nature of the power, on which it is founded. A few instances will suffice to explain what I mean. A law that
24 punished a citizen for an innocent action, or, in other words, for an act, which, when done, was in violation of
25 no existing law; a law that destroys, or impairs, the lawful private contracts of citizens; a law that makes a man
26 a Judge in his own cause; or a law that takes property from A. and gives it to B: It is against all reason and
27 justice, for a people to entrust a Legislature with SUCH powers; and, therefore, it cannot be presumed that
28 they have done it. The genius, the nature, and the spirit, of our State Governments, amount to a prohibition of
29 such acts of legislation; and the general principles of law and reason forbid them. The Legislature may enjoin,
30 permit, forbid, and punish; they may declare new crimes; and establish rules of conduct for all its citizens in
31 future cases; they may command what is right, and prohibit what is wrong; but they cannot change innocence
32 into guilt; or punish innocence as a crime; or violate the right of an antecedent lawful private contract; or the
33 right of private property. To maintain that our Federal, or State, Legislature possesses such powers, if they had
34 not been expressly restrained; would, *389 in my opinion, be a political heresy, altogether inadmissible in our
35 free republican governments.
36 [Calder v. Bull, 3 U.S. 386, (1798)]
37

38 In Calder v. Bull, which was here in 1798, Mr. Justice Chase said, that there were acts which the Federal and
39 State legislatures could not do without exceeding their authority, and among them he mentioned a law which
40 punished a citizen for an innocent act; a law that destroyed or impaired the lawful private contracts of citizens;
41 a law that made a man judge in his own case; and a law that took the property from A. and gave it to B. 'It is
42 against all reason and justice,' he added, 'for a people to intrust a legislature with such powers, and therefore
43 it cannot be presumed that they have done it. They may command what is right and prohibit what is wrong;
44 but they cannot change innocence into guilt, or punish innocence as a crime, or violate the right of an
45 antecedent lawful private contract, or the right of private property. To maintain that a Federal or State
46 legislature possesses such powers if they had not been expressly restrained, would, in my opinion, be a political
47 heresy altogether inadmissible in all free republican governments. ' 3 Dall. 388.
48 [Sinking Fund Cases, 99 U.S. 700, (1878)]

49 **11.1.5 Government cannot hold a man accountable to a law without giving him “reasonable** 50 **notice” of what he will be held accountable for in advance of any penalties**

51 This concept is exhaustively explained below:

Requirement for Reasonable Notice, Form #05.022
<http://sedm.org/Forms/FormIndex.htm>

52 **11.2 Restraints upon the Judiciary**

53 For further information beyond that indicated in the following subsections, refer to the following:

- 54 1. Code of Conduct for U.S. Judges, Federal Judicial Center

<http://www.uscourts.gov/RulesAndPolicies/CodesOfConduct/CodeConductUnitedStatesJudges.aspx>

2. What Happened to Justice, Sovereignty Education and Defense Ministry-proves why we don't have an Article III judiciary and why the courts we do have are in the Executive branch.
<http://sedm.org/ItemInfo/Ebooks/WhatHappJustice/WhatHappJustice.htm>
3. Global Corruption Report-Corruption throughout the world in the judiciary
http://www.transparency.org/publications/gcr/download_gcr
4. Recusal: Analysis of Case Law Under 28 U.S.C. § 455 & 144-Federal Judicial Center (FJC)
<http://famguardian.org/PublishedAuthors/Govt/FJC/Recusal.pdf>

11.2.1 No litigant may be deprived of “due process of law”

The U.S. Supreme Court has said the following about “due process” in the context of tax proceedings:

Exactly what due process of law requires in the assessment and collection of general taxes has never been decided by this court, although we have had frequent occasion to hold that, in proceedings for the condemnation of land under the laws of eminent domain, or for the imposition of special taxes for local improvements, notice to the owner at some stage of the proceedings, as well as an opportunity to defend, is essential. [Cites omitted.] But laws for the assessment and collection of general taxes stand upon a somewhat different footing, and are construed with the utmost liberality, sometimes even to the extent of holding that no notice whatever is necessary. Due process of law was well defined by Mr. Justice Field in *Hagar v. Reclamation Dist., No. 108*, 111 U.S. 701, 28 L.Ed. 569, 4 Sup.Ct.Rep. 663, in the following words: "It is sufficient to observe here, that by 'due process' is meant one which, following the forms of law, is appropriate to the case, and just to the parties to be affected. It must be pursuant in the ordinary mode prescribed by the law; it must be adapted to the end to be attained; and wherever it is necessary for the protection of the parties, it must give them an opportunity to be heard respecting the justice of the judgment sought. The clause in question means, therefore, that there can be no proceeding against life, liberty, or property which may result in deprivation of either, without the observance of those general rules established in our system of jurisprudence for the security of private rights."

Under the Fourth Amendment, the legislature is bound to provide a method for the assessment and collection of taxes that shall not be inconsistent with natural justice; but it is not bound to provide that the particular steps of a procedure for the collection of such taxes shall be proved by written evidence; and it may properly impose upon the taxpayer the burden of showing that in a particular case the statutory method was not observed."
[Turpin v. Lemon, 187 U.S. 51, 23 S.Ct. 20 (1902)]

In the context of legal proceedings generally, “due process” is defined as follows:

Due process of law. Law in its regular course of administration through courts of justice. Due process of law in each particular case means such an exercise of the powers of the government as the settled maxims of law permit and sanction, and under such safeguards for the protection of individual rights as those maxims prescribe for the class of cases to which the one in question belongs. **A course of legal proceedings according to those rules and principles which have been established in our systems of jurisprudence for the enforcement and protection of private rights.** To give such proceedings any validity, there must be a tribunal competent by its constitution—that is, by the law of the creation—to pass upon the subject-matter of the suit; and, if that involves merely a determination of the personal liability of the defendant, **he must be brought within its jurisdiction by service of process within the state, or his voluntary appearance.** *Pennoy v. Neff*, 95 U.S. 714, 24 L.Ed. 565. Due process of law implies the right of the person affected thereby to be present before the tribunal which pronounces judgment upon the question of life, liberty, or property, in its most comprehensive sense; to be heard, by testimony or otherwise, and to have the right of controverting, by proof, every material fact which bears on the question of right in the matter involved. **If any question of fact or liability be conclusively be presumed [rather than proven] against him, this is not due process of law.**

An orderly proceeding wherein a person with notice, actual or constructive, and has an opportunity to be heard and to enforce and protect his rights before a court having the power to hear and determine the case. *Kazubowski v. Kazubowski*, 45 Ill.2d. 405, 259 N.E.2d. 282, 290. Phrase means that no person shall be deprived of life, liberty, property or of any right granted him by statute, unless matter involved first shall have been adjudicated against him upon trial conducted according to established rules regulating judicial proceedings, and it forbids condemnation without a hearing. *Pettit v. Penn, LaApp.*, 180 So.2d 66, 69. The concept of “due process of law” as it is embodied in the Fifth Amendment demands that a law shall not be unreasonable, arbitrary, or capricious and that the means selected shall have a reasonable and substantial relation to the object being sought. *U.S. v. Smith, D.C.Iowa*, 249 F.Supp. 515, 516. Fundamental requisite of “due process of law” is the opportunity to be heard, to be aware that a matter is pending, to make an informed choice whether to acquiesce or contest, and to assert before the appropriate decision-making body the reasons for such choice. *Trinity Episcopal Corp. v. Romney, D.C.N.Y.*, 387 F.Supp. 1044, 1084. Aside from all else, “due process” means fundamental fairness and substantial justice. *Vaughn v. State*, 3 Tenn.Crim.App. 54, 456 S.W.2d 879, 883.

Embodied in the due process concept are the basic rights of a defendant in criminal proceedings and the requisites for a fair trial. These rights and requirements have been expanded by Supreme Court decisions and include, timely notice of a hearing or trial which informs the accused of the charges against him or her; the opportunity to confront accusers and to present evidence on one's own behalf before an impartial jury or judge; the presumption of innocence under which **guilt must be proven by legally obtained evidence** and the verdict must be supported by the evidence presented; rights at the earliest stage of the criminal process; and the guarantee that an individual will not be tried more than once for the same offence (double jeopardy). [Black's Law Dictionary, Sixth Edition, p. 500]

Due process is the lawful means by which the government protects your right to private property.

"The guaranty of due process of law is one of the most important to be found in the Federal Constitution or any of the Amendments; *Ulman v. Mayor, etc. of Baltimore*, 72 Md. 587, 20 A. 141, *aff'd* 165 U.S. 719, 41 L.Ed. 1184, 17 S.Ct. 1001. It has been described as the very essence of a scheme of ordered justice, *Brock v. North Carolina*, 344 U.S. 424, 97 L.Ed. 456, 73 S.Ct. 349 and it has been said that without it the right to private property could not be said to exist, in the sense in which it is known to our laws. [*Ochoa v. Hernandez y Morales*, [230 U.S. 139](#), 57 L Ed 1427, 33 S Ct 1033]

Due process includes or implies all the minimum elements indicated below, in addition to several other elements not mentioned here:

1. Reasonable notice of the pendency of the suit or proceedings. See:

"It is sufficient to say that there are certain immutable principles of justice which inhere in the very idea of free government which no member of the Union may disregard, as that **no man shall be condemned in his person or property without due notice and an opportunity of being heard in his own defense.**" [*Holden v. Hardy*, [169 U.S. 366](#) (1898)]

"An elementary and fundamental requirement of due process in any proceeding which is to be accorded finality is notice reasonably calculated, under all circumstances, to apprise interested parties of the pendency of the action and afford them an opportunity to present their objections." *Mullane v. Central Hanover Bank & Trust Co.*, 339 U.S. 306, 314 (1950). Without proper prior notice to those who may be affected by a government decision, all other procedural rights may be nullified. The exact contents of the notice required by due process will, of course, vary with the circumstances. [*Administrative Law and Process in a Nutshell*, Ernest Gellhorn, 1990, West Publishing, p. 214]

2. An opportunity for a hearing prior to being deprived of property.

"This analysis as to liberty parallels the accepted due process analysis as to property. **The Court has consistently held that some kind of hearing is required at some time before a person is finally deprived of his property** [418 U.S. 539, 558] **interests**, *Anti-Fascist Committee v. McGrath*, [341 U.S. 123, 168](#) (1951) (*Frankfurter, J., concurring*). The requirement for some kind of a hearing applies to the taking of private property, *Grannis v. Ordean*, [234 U.S. 385](#) (1914), the revocation of licenses, *In re Ruffalo*, [390 U.S. 544](#) (1968), the operation of state dispute-settlement mechanisms, when one person seeks to take property from another, or to government-created jobs held, absent "cause" for termination, *Board of Regents v. Roth*, [408 U.S. 564](#) (1972); *Arnett v. Kennedy*, [416 U.S. 134, 164](#) (1974) (*POWELL, J., concurring*); *id.*, at 171 (*WHITE, J., concurring in part and dissenting in part*); *id.*, at 206 (*MARSHALL, J., dissenting*). Cf. *Stanley v. Illinois*, [405 U.S. 645, 652-654](#) (1972); *Bell v. Burson*, [402 U.S. 535](#) (1971)." [*Wolff v. McDonnell*, 418 U.S. 539, 94 S.Ct. 2963, 41 L.Ed.2d. 935 (1974)]

"In this case the sole question is whether there has been a taking of property without that procedural due process that is required by the Fourteenth Amendment. We have dealt over and over again with the question of what constitutes "the right to be heard" (*Schroeder v. New York*, [371 U.S. 208, 212](#)) within the meaning of procedural due process. See *Mullane v. Central Hanover Trust Co.*, [339 U.S. 306, 314](#) . In the latter case we said that the right to be heard "has little reality or worth unless one is informed that the matter is pending and can choose for himself whether [\[395 U.S. 337, 340\]](#) to appear or default, acquiesce or contest." [339 U.S., at 314](#) . [*Snidach v. Family Finance Corp.*, [395 U.S. 337](#) (1969)]

"If the right to notice and a hearing is to serve its full purpose, it is clear that it must be granted at a time when the deprivation can still be prevented. At a later hearing, an individual's possessions can be returned to him if they were unfairly or mistakenly taken in the first place. Damages may even be awarded him for wrongful deprivation. But no later hearing and no damage award can undo the fact that the arbitrary taking that was subject to the right of due process has already occurred. This Court [the Supreme Court] has not embraced the general proposition that a wrong may be done if it can be undone." [*Stanley v. Illinois*, [405 U.S. 645, 647, 31 L.Ed.2d. 551, 556](#), Ct. 1208 (1972)]

3. Impartial jurors and decision makers.

2 (1) Rule I.

3 An exaction by the U.S. Government, which is not based upon law, statutory or otherwise, is a taking of property
4 without due process of law, in violation of the Fifth Amendment to the U.S. Constitution. Accordingly, an Appeals
5 representative in his or her conclusions of fact or application of the law, shall hew to the law and the recognized
6 standards of legal construction. It shall be his or her duty to determine the correct amount of the tax, with strict
7 impartiality as between the taxpayer and the Government, and without favoritism or discrimination as between
8 taxpayers.

10 Few, if any, interests under the Constitution are more fundamental than the right to a fair trial by "impartial"
11 jurors, and an outcome affected by extrajudicial statements would violate that fundamental right. See, e.g.,
12 Sheppard, 384 U.S. at 350-351; Turner v. Louisiana, 379 U.S. 466, 473 (1965) (evidence in criminal trial must
13 come solely from witness stand in public courtroom with full evidentiary protections). Even if a fair trial can
14 ultimately be ensured through voir dire, change of venue, or some other device, these measures entail serious
15 costs to the system. Extensive voir dire may not be able to filter out all of the effects of pretrial publicity, and
16 with increasingly widespread media coverage of criminal trials, a change of venue may not suffice to undo the
17 effects of statements such as those made by petitioner. The State has a substantial interest in preventing officers
18 of the court, such as lawyers, from imposing such costs on the judicial system and on the litigants. [501 U.S.
19 1076]

20 The restraint on speech is narrowly tailored to achieve those objectives. The regulation of attorneys' speech is
21 limited -- it applies only to speech that is substantially likely to have a materially prejudicial effect; it is neutral
22 as to points of view, applying equally to all attorneys participating in a pending case; and it merely postpones
23 the attorneys' comments until after the trial. While supported by the substantial state interest in preventing
24 prejudice to an adjudicative proceeding by those who have a duty to protect its integrity, the Rule is limited on
25 its face to preventing only speech having a substantial likelihood of materially prejudicing that proceeding.
26 [Gentile v. State Bar of Nevada, 501 U.S. 1030 (1991)]

28 "Moreover, in each case, the decisionmaker must be impartial, there must be some record of the proceedings,
29 and the decisionmaker's conclusions must be set forth in written form indicating both the evidence and the reasons
30 relied upon. Because the Due Process Clause requires these procedures, I agree that the case must be remanded
31 as the Court orders."
32 [Morrissey v. Brewer, 408 U.S. 471 (1972)]

33 4. Impartial witnesses:

34 A fair trial in a fair tribunal is a basic requirement of due process. Fairness, of course, requires an absence
35 of actual bias in the trial of cases. But our system of law has always endeavored to prevent even the probability
36 of unfairness. To this end, no man can be a judge in his own case, and no man is permitted to try cases where
37 he has an interest in the outcome. That interest cannot be defined with precision. Circumstances and
38 relationships must be considered. This Court has said, however, that

39 Every procedure which would offer a possible temptation to the average man as a judge . . . not
40 to hold the balance nice, clear, and true between the State and the accused denies the latter due
41 process of law.

42 Tumey v. Ohio, 273 U.S. 510, 532. Such a stringent rule may sometimes bar trial by judges who have no actual
43 bias and who would do their very best to weigh the scales of justice equally between contending parties. But, to
44 perform its high function in the best way, "justice must satisfy the appearance of justice." Offutt v. United States,
45 348 U.S. 11, 14. [349 U.S. 137]

46 It would be very strange if our system of law permitted a judge to act as a grand jury and then try the very persons
47 accused as a result of his investigations. Perhaps no State has ever forced a defendant to accept grand jurors as
48 proper trial jurors to pass on charges growing out of their hearings.[7] A single "judge-grand jury" is even more
49 a part of the accusatory process than an ordinary lay grand juror. Having been a part of that process, a judge
50 cannot be, in the very nature of things, wholly disinterested in the conviction or acquittal of those accused. While
51 he would not likely have all the zeal of a prosecutor, it can certainly not be said that he would have none of that
52 zeal.[8] Fair trials are too important a part of our free society to let prosecuting judges be trial judges of the
53 charges they prefer.[9] It is true that contempt committed in a trial courtroom can under some circumstances be
54 punished summarily by the trial judge. See Cooke v. United States, 267 U.S. 517, 539. But adjudication by a
55 trial judge of a contempt committed in his immediate presence in open court cannot be likened to the proceedings
56 here. For we held in the Oliver case that a person charged with contempt before a "one-man grand jury" could
57 not be summarily tried. [349 U.S. 138]
58 [In Re. Murchison, 349 U.S. 133 (1955)]

1 5. Trial by jury in a civil matter when demanded:

2 *U.S. Constitution: Seventh Amendment*
3 *Seventh Amendment - Civil Trials*

4 *In Suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall*
5 *be preserved, and no fact tried by a jury, shall be otherwise re-examined in any Court of the United States, than*
6 *according to the rules of the common law.*

7 6. All actions of the agency must be justified with the authority of law.

8 [26 C.F.R. §601.106\(f\)\(1\)](#)

9 *Rule I. An exaction by the U.S. Government, which is not based upon law, statutory or otherwise, is a taking of*
10 *property without due process of law, in violation of the Fifth Amendment to the U.S. Constitution.*

11 7. Right to examine all the evidence being used against you:

12 *"Certain principles have remained relatively immutable in our jurisprudence. One of these is that where*
13 *governmental action seriously injures an individual, and the reasonableness of the action depends on fact*
14 *findings, the evidence used to prove the Government's case must be disclosed to the individual so that he has an*
15 *opportunity to show that it is untrue. While it is important in the case of documentary evidence, it is more*
16 *important where the evidence consists of testimony of individuals..."*

17 *"We have formalized these protections in the requirements of confrontation and cross-examination. This court*
18 *has been zealous to protect these rights from erosion. It has spoken out...in all types of cases where*
19 *administrative...actions were under scrutiny."*
20 *[Greene v. McElroy, 360 U.S. 474, 496-497 (1959)]*

21 8. Right to speak in your own defense and present evidence in the record in your own defense.

22 *"I agree that a parole may not be revoked, consistently with the Due Process Clause, unless the parolee is*
23 *afforded, first, a preliminary hearing at the time of arrest to determine whether there is probable cause to believe*
24 *[408 U.S. 491] that he has violated his parole conditions and, second, a final hearing within a reasonable time*
25 *to determine whether he has, in fact, violated those conditions and whether his parole should be revoked. For*
26 *each hearing, the parolee is entitled to notice of the violations alleged and the evidence against him,*
27 *opportunity to be heard in person and to present witnesses and documentary evidence, and the right to confront*
28 *and cross-examine adverse witnesses, unless it is specifically found that a witness would thereby be exposed to*
29 *a significant risk of harm. Moreover, in each case, the decisionmaker must be impartial, there must be some*
30 *record of the proceedings, and the decisionmaker's conclusions must be set forth in written form indicating both*
31 *the evidence and the reasons relied upon. Because the Due Process Clause requires these procedures, I agree*
32 *that the case must be remanded as the Court orders."*
33 *[Morrissey v. Brewer, 408 U.S. 471 (1972)]*

34 9. All evidence used must be completely consistent with the rules of evidence.

35 9.1. All evidence used must be introduced only through testimony under oath. Federal Rule of Evidence (F.R.E.) 603.

36 *"Testimony which is not given under oath (or affirmation) is not competent evidence and may not be considered*
37 *unless objection is waived"*
38 *[Federal Civil Trials and Evidence, Rutter Group (2006) 8:220]*

39 **IMPORTANT NOTE!:** If you don't object to evidence submitted without an oath or authenticating signature, then
40 you are presumed to waive this requirement.

41 9.2. Witness must lay a foundation for real [physical] evidence, and proponent must offer sufficient evidence to support
42 a finding that the matter in question is what the proponent claims it to be. Federal Rule of Evidence (F.R.E.) 901(a).
43 If the person authenticating provides a "pseudo name", refuses to provide their real legal name, refuses to identify
44 themselves, or is protected by the court from identifying themselves and thereby becomes a "secret witness", then
45 none of the evidence is admissible. If the witness cannot be held liable for perjury because he did not swear an
46 oath, then all evidence he provides is inadmissible and lacks relevancy. Federal Civil Trials and Evidence, Rutter
47 Group (2006) 8:375. It is quite frequent for IRS agents to use pseudo names and to print those pseudo names on
48 the official IRS identification badges. It is therefore crucial to obtain copies of not only their IRS badges, but also
49 of their state and federal government ID, like driver's licenses and passports, and to compare the IRS ID with the
50 others to ensure consistency.

1 "From the scant information available it may tentatively be concluded that the Confrontation Clause was meant
2 to constitutionalize a barrier against flagrant abuses, trials by anonymous accusers, and absentee witnesses.
3 That the Clause was intended to ordain common law rules of evidence with constitutional sanction is doubtful,
4 notwithstanding English decisions that equate confrontation and hearsay. Rather, having established a broad
5 principle, it is far more likely that the Framers anticipated it would be supplemented, as a matter of judge-made
6 common law, by prevailing rules of evidence.
7 [*California v. Green*, 399 U.S. 149 (1970)]

8 "No nation can remain true to the ideal of liberty under law and at the same time permit people to have their
9 homes destroyed and their lives blasted by the slurs of unseen and unsworn informers. There is no possible
10 way to contest the truthfulness of anonymous accusations. The supposed accuser can neither be identified nor
11 interrogated. He may be the most worthless and irresponsible character in the community. What he said may be
12 wholly malicious, untrue, unreliable, or inaccurately reported. In a court of law, the triers of fact could not even
13 listen to such gossip, must less decide the most trifling issue on it."
14 [*Jay v. Boy*, 351 U.S. 345 (1956)]

15 10. An opportunity to face your accusers and ask them questions on the record.

16 "The fundamental requisite of due process of law is the opportunity to be heard". *Grannis v. Ordean*, 234 U.S.
17 385,394 (1914). The hearing must be "at a meaningful time and in a meaningful manner." *Armstrong v. Manzo*,
18 380 U.S. 545, 552(1965). In the present context these principles require...timely and adequate notice detailing
19 reasons..., and an effective opportunity to defend by confronting any adverse witnesses and by presenting
20 arguments and evidence... These rights are important in cases...challenged...as resting on incorrect or
21 misleading factual premises or on misapplication of rules or policies to the facts of particular cases."

22 "In almost every setting where important decisions turn on questions of fact, due process requires an opportunity
23 to confront and cross-examine adverse witnesses. E.g., *ICC v. Louisville & N.R. Co.*, 227 U.S. 88, 93-94
24 (1913) 503 U.S. L.Ed 2nd 391(1992), *Willner v. Committee on Character and Fitness*, 373 U.S. 474,496-497
25 (1959)"
26 [*Goldberg v. Kelly*, 397 U.S. 254 (1970) (emphasis added)]

28 The Sixth Amendment gives a criminal defendant the right "to be confronted with the witnesses against him." This
29 language "comes to us on faded parchment," *California v. Green*, 399 U.S. 149, 174 (1970) (Harlan, J.,
30 concurring), with a lineage that traces back to the beginnings of Western legal culture. There are indications that
31 a right of confrontation existed under Roman law. The Roman Governor Festus, discussing the proper treatment
32 of his prisoner, Paul, stated: "It is not the manner of the Romans to deliver any man up to die before the accused
33 has met his accusers face to face, and has been given a chance to defend himself against the [487 U.S. 1012,
34 1016] charges." Acts 25:16. It has been argued that a form of the right of confrontation was recognized in
35 England well before the right to jury trial. Pollitt, *The Right of Confrontation: Its History and Modern Dress*, 8
36 *J. Pub. L.* 381, 384-387 (1959).

37 Most of this Court's encounters with the Confrontation Clause have involved either the admissibility of out-of-
38 court statements, see, e. g., *Ohio v. Roberts*, 448 U.S. 56 (1980); *Dutton v. Evans*, 400 U.S. 74 (1970), or
39 restrictions on the scope of cross-examination, *Delaware v. Van Arsdall*, 475 U.S. 673 (1986); *Davis v. Alaska*,
40 415 U.S. 308 (1974). Cf. *Delaware v. Fensterer*, 474 U.S. 15, 18 -19 (1985) (per curiam) (noting these two
41 categories and finding neither applicable). The reason for that is not, as the State suggests, that these elements
42 are the essence of the Clause's protection - but rather, quite to the contrary, that there is at least some room for
43 doubt (and hence litigation) as to the extent to which the Clause includes those elements, whereas, as Justice
44 Harlan put it, "[s]imply as a matter of English" it confers at least "a right to meet face to face all those who
45 appear and give evidence at trial." *California v. Green*, supra, at 175. Simply as a matter of Latin as well, since
46 the word "confront" ultimately derives from the prefix "con-" (from "contra" meaning "against" or "opposed")
47 and the noun "frons" (forehead). Shakespeare was thus describing the root meaning of confrontation when he
48 had Richard the Second say: "Then call them to our presence - face to face, and frowning brow to brow, ourselves
49 will hear the accuser and the accused freely speak" *Richard II*, Act I, sc. 1.

50 We have never doubted, therefore, that the Confrontation Clause guarantees the defendant a face-to-face
51 meeting with witnesses appearing before the trier of fact. See *Kentucky v. Stincer*, 482 U.S. 730, 748, 749-750
52 (1987) (MARSHALL, J., dissenting). For example, in *Kirby v. United States*, 174 U.S. 47, 55 (1899), which
53 concerned the admissibility of prior convictions of codefendants to prove an element of the offense [487 U.S.
54 1012, 1017] of receiving stolen Government property, we described the operation of the Clause as follows:
55 "[A] fact which can be primarily established only by witnesses cannot be proved against an accused . . . except
56 by witnesses who confront him at the trial, upon whom he can look while being tried, whom he is entitled to
57 cross-examine, and whose testimony he may impeach in every mode authorized by the established rules
58 governing the trial or conduct of criminal cases." Similarly, in *Dowdell v. United States*, 221 U.S. 325, 330
59 (1911), we described a provision of the Philippine Bill of Rights as substantially the same as the Sixth
60 Amendment, and proceeded to interpret it as intended "to secure the accused the right to be tried, so far as
61 facts provable by witnesses are concerned, by only such witnesses as meet him face to face at the trial, who
62 give their testimony in his presence, and give to the accused an opportunity of cross-examination." More

recently, we have described the "literal right to 'confront' the witness at the time of trial" as forming "the core of the values furthered by the Confrontation Clause." *California v. Green*, *supra*, at 157. Last Term, the plurality opinion in *Pennsylvania v. Ritchie*, 480 U.S. 39, 51 (1987), stated that "[t]he Confrontation Clause provides two types of protections for a criminal defendant: the right physically to face those who testify against him, and the right to conduct cross-examination."
[*Coy v. Iowa*, 487 U.S. 1012 (1988)]

11. The right to point out violations of law and other grievances of the government without the imposition of any penalty. The First Amendment guarantees us a right to Petition the Government for redress of grievances. Every such right creates a duty on the part of the government it is directed at, and that right implies the absence of any penalty for engaging in such a petition.
12. The right to not be hauled into a foreign jurisdiction as a nonresident defendant without proof on the record of "minimum contacts" with the forum:

The Due Process Clause of the Fourteenth Amendment limits the power of a state court to render a valid personal judgment against a nonresident defendant. *Kulko v. California Superior Court*, 436 U.S. 84, 91 (1978). A judgment rendered in violation of due process is void in the rendering State and is not entitled to full faith and credit elsewhere. *Pennover v. Neff*, 95 U.S. 714, 732-733 (1878). Due process requires that the defendant be given adequate notice of the suit, *Mullane v. Central Hanover Trust Co.*, 339 U.S. 306, 313-314 (1950), and be subject to the personal jurisdiction of the court, *International Shoe Co. v. Washington*, 326 U.S. 310 (1945). In the present case, it is not contended that notice was inadequate; the only question is whether these particular petitioners were subject to the jurisdiction of the Oklahoma courts.

As has long been settled, and as we reaffirm today, a state court may exercise personal jurisdiction over a nonresident defendant only so long as there exist "minimum contacts" between the defendant and the forum State. *International Shoe Co. v. Washington*, *supra*, at 316. The concept of minimum contacts, in turn, can be seen to perform two related, but [444 U.S. 286, 292] distinguishable, functions. It protects the defendant against the burdens of litigating in a distant or inconvenient forum. And it acts to ensure that the States, through their courts, do not reach out beyond the limits imposed on them by their status as coequal sovereigns in a federal system.

The protection against inconvenient litigation is typically described in terms of "reasonableness" or "fairness." We have said that the defendant's contacts with the forum State must be such that maintenance of the suit "does not offend 'traditional notions of fair play and substantial justice.'" *International Shoe Co. v. Washington*, *supra*, at 316, quoting *Milliken v. Meyer*, 311 U.S. 457, 463 (1940). The relationship between the defendant and the forum must be such that it is "reasonable . . . to require the corporation to defend the particular suit which is brought there." 326 U.S., at 317. Implicit in this emphasis on reasonableness is the understanding that the burden on the defendant, while always a primary concern, will in an appropriate case be considered in light of other relevant factors, including the forum State's interest in adjudicating the dispute, see *McGee v. International Life Ins. Co.*, 355 U.S. 220, 223 (1957); the plaintiff's interest in obtaining convenient and effective relief, see *Kulko v. California Superior Court*, *supra*, at 92, at least when that interest is not adequately protected by the plaintiff's power to choose the forum, cf. *Shaffer v. Heitner*, 433 U.S. 186, 211, n. 37 (1977); the interstate judicial system's interest in obtaining the most efficient resolution of controversies; and the shared interest of the several States in furthering fundamental substantive social policies, see *Kulko v. California Superior Court*, *supra*, at 93, 98.
[*World-Wide Volkswagen Corp. v. Woodson*, 444 U.S. 286 (1980)]

11.2.2 Men are presumed innocent until proven guilty with evidence

The presumption of innocence, although not articulated in the Constitution, is a basic component of a fair trial under our system of criminal justice. Long ago this Court stated:

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

11.2.3 Courts may not entertain "political questions"

Courts may not involve themselves in any strictly political question:

1. *Baker v. Carr*, 369 U.S. 186 (1962). Establishes criteria for determining jurisdiction to decide specific aspects of political questions.
2. *Luther v. Borden*, 48 U.S. 1 (1849). Denied all court's jurisdiction to hear strictly political matters.
3. *Fletcher v. Tuttle*, 151 Ill. 41, 37 N.E. 683 (1894). Defined "political rights".

4. O'Brien v. Brown, 409 U.S. 1 (1972). Ruled that equity courts must refrain from interfering in the administration of the internal affairs of a political party. Note that any number of people, including a single human, can define a political party.

Courts may not involve themselves in the affairs of a political party or its members:

1. Lynch v. Torquato, 343 F.2d. 370 (3rd Cir. 1965). Court dismissed petitioner's challenge to the method of selecting the Democratic County Committee and Chairman.
2. Farmer-Labor State Central Committee v. Holm, 227 Minn. 52, 33 N.W.2d. 831 (1948). Court ruled that "In factional controversies within a party, where there is not controlling statute or clear right based on statute law, the courts will not assume jurisdiction, but will leave the matter for determination within the party organization... Such a convention is a deliberative body, and unless it acts arbitrarily, oppressively, or fraudulently, its final determination as to candidates, or any other question of which it has jurisdiction, will be followed by the courts."
3. White v. Berry, 171 U.S. 366 (1898). Ruled that court of equity will refrain from exercising jurisdiction over the appointment or removal of public officers.

Courts may not compel participation in political parties or interfere with membership in them:

1. Democratic Party of U.S. v. Wisconsin, ex re. LaFollette, 450 U.S. 107, 101 S.Ct. 1010, 67 L.Ed.2d. 82 (1981). Court ruled that freedom of political association "necessarily presupposes the freedom to identify the people who comprise the association, and to limit the association to those people only."
2. Tashjian v. Republican Party of Connecticut, 479 U.S. 208, 107 S.Ct. 544, 93 L.Ed.2d. 514 (1986): Ruled that a state could not constitutionally require that voters in party primaries be registered members of that party.

The criteria for determining whether a question is a "political question" is best described in Baker v. Carr, which was explained in Nixon v. United States, 506 U.S. 224 (1993) as follows:

"A controversy is nonjusticiable -- i.e., involves a political question -- where there is a textually demonstrable constitutional commitment of the issue to a coordinate political department; or a lack of judicially discoverable and manageable standards for resolving it. . . ."
[Nixon v. United States, 506 U.S. 224 (1993)]

The second criteria above: "or a lack of judicially discoverable and manageable standards for resolving it" is explained in the same case:

The majority states that the question raised in this case meets two of the criteria for political questions set out in Baker v. Carr, 369 U.S. 186 (1962). It concludes first that there is "a textually demonstrable constitutional commitment of the issue to a coordinate political department." It also finds that the question cannot be resolved for "a lack of judicially discoverable and manageable standards." Ante, at 228.

Of course the issue in the political question doctrine is not whether the constitutional text commits exclusive responsibility for a particular governmental function to one of the political branches. There are numerous instances of this sort of textual commitment, e.g., Art. I, 8, and it is not thought that disputes implicating these provisions are nonjusticiable. Rather, the issue is whether the Constitution has given one of the political branches final responsibility for interpreting the scope and nature of such a power.

Although Baker directs the Court to search for "a textually demonstrable constitutional commitment" of such responsibility, there are few, if any, explicit and unequivocal instances in the Constitution of this sort of textual commitment. Conferral on Congress of the power to "Judge" qualifications of its Members by Art. I, 5, may, for example, preclude judicial review of whether a prospective member in fact meets those qualifications. See Powell v. McCormack, 395 U.S. 486, 548 (1969). The courts therefore are usually left to infer the presence of a political question from the text and structure of the Constitution. In drawing the inference that the Constitution has committed final interpretive authority to one of the political branches, courts are sometimes aided by textual evidence that the judiciary was not meant to exercise judicial review - a coordinate inquiry expressed in Baker's "lack of judicially discoverable and manageable standards" criterion. See, e.g., Coleman v. Miller, 307 U.S. 433, 452-454 (1939), where the Court refused to determine [506 U.S. 224, 241] the lifespan of a proposed constitutional amendment, given Art. V's placement of the amendment process with Congress and the lack of any judicial standard for resolving the question. See also id., at 457-460 (Black, J., concurring). [Nixon v. United States, 506 U.S. 224 (1993)]

The best description of the political questions doctrine appears in the following U.S. Supreme Court case:

"But, fortunately for our freedom from political excitements in judicial duties, this court [the U.S. Supreme Court] can never with propriety be called on officially to be the umpire in questions merely political. The adjustment of these questions belongs to the people and their political representatives, either in the State or general government. These questions relate to matters not to be settled on strict legal principles. They are adjusted rather by inclination, or prejudice or compromise, often.

[...]

Another evil, alarming and little foreseen, involved in regarding these as questions for the final arbitrament of judges would be that, in such an event, all political privileges and rights would, in a dispute among the people, depend on our decision finally. We would possess the power to decide against, as well as for, them, and, under a prejudiced or arbitrary judiciary, the public liberties and popular privileges might thus be much perverted, if not entirely prostrated. But, allowing the people to make constitutions and unmake them, allowing their representatives to make laws and unmake them, and without our interference as to their principles or policy in doing it, yet, when constitutions and laws are made and put in force by others, then the courts, as empowered by the State or the Union, commence their functions and may decide on the rights which conflicting parties can legally set up under them, rather than about their formation itself. Our power begins after theirs [the Sovereign People] ends. Constitutions and laws precede the judiciary, and we act only under and after them, and as to disputed rights beneath them, rather than disputed points in making them. We speak what is the law, jus dicere, we speak or construe what is the constitution, after both are made, but we make, or revise, or control neither. The disputed rights beneath constitutions already made are to be governed by precedents, by sound legal principles, by positive legislation [e.g. "positive law"], clear contracts, moral duties, and fixed rules; they are per se questions of law, and are well suited to the education and habits of the bench. But the other disputed points in making constitutions, depending often, as before shown, on policy, inclination, popular resolves and popular will and arising not in respect to private rights, not what is meum and tuum, but in relation to politics, they belong to politics, and they are settled by political tribunals, and are too dear to a people bred in the school of Sydney and Russel for them ever to intrust their final decision, when disputed, to a class of men who are so far removed from them as the judiciary, a class also who might decide them erroneously, as well as right, and if in the former way, the consequences might not be able to be averted except by a revolution, while a wrong decision by a political forum can often be peacefully corrected by new elections or instructions in a single month; and if the people, in the distribution of powers under the constitution, should ever think of making judges supreme arbiters in political controversies when not selected by nor, frequently, amenable to them nor at liberty to follow such various considerations in their judgments as [48 U.S. 53] belong to mere political questions, they will dethrone themselves and lose one of their own invaluable birthrights; building up in this way -- slowly, but surely -- a new sovereign power in the republic, in most respects irresponsible and unchangeable for life, and one more dangerous, in theory at least, than the worst elective oligarchy in the worst of times. Again, instead of controlling the people in political affairs, the judiciary in our system was designed rather to control individuals, on the one hand, when encroaching, or to defend them, on the other, under the Constitution and the laws, when they are encroached upon. And if the judiciary at times seems to fill the important station of a check in the government, it is rather a check on the legislature, who may attempt to pass laws contrary to the Constitution, or on the executive, who may violate both the laws and Constitution, than on the people themselves in their primary capacity as makers and amenders of constitutions."

[Luther v. Borden, 48 U.S. 1 (1849)]

For further information on this subject, see:

Political Jurisdiction, Form #05.004
<http://sedm.org/Forms/FormIndex.htm>

11.2.4 A man cannot be judge in his own case

"No man is allowed to be a judge in his own cause, because his interest would certainly bias his judgment, and, not improbably, corrupt his integrity. With equal, nay with greater reason, a body of men are unfit to be both judges and parties at the same time; yet what are many of the most important acts of legislation, but so many judicial determinations, not indeed concerning the rights of single persons, but concerning the rights of large bodies of citizens? And what are the different classes of legislators but advocates and parties to the causes which they determine? Is a law proposed concerning private debts? It is a question to which the creditors are parties on one side and the debtors on the other. Justice ought to hold the balance between them. Yet the parties are, and must be, themselves the judges; and the most numerous party, or, in other words, the most powerful faction must be expected to prevail. Shall domestic manufactures be encouraged, and in what degree, by restrictions on foreign manufactures? are questions which would be differently decided by the landed and the manufacturing classes, and probably by neither with a sole regard to justice and the public good. The apportionment of taxes on the various descriptions of property is an act which seems to require the most exact impartiality; yet there is, perhaps, no legislative act in which greater opportunity and temptation are given to a predominant party to trample on the rules of justice. Every shilling with which they overburden the inferior number, is a shilling saved to their own pockets."

[James Madison, *Federalist Paper* #10]

1 Whether the Legislature of any of the States can revise and correct by law, a decision of any of its Courts of
2 Justice, although not prohibited by the Constitution of the State, is a question of very great importance, and not
3 necessary NOW to be determined; because the resolution or law in question does not go so far. I cannot subscribe
4 to the omnipotence of a State *388 Legislature, or that it is absolute and without control; although its authority
5 should not be expressly restrained by the Constitution, or fundamental law, of the State. The people of the United
6 States erected their Constitutions, or forms of government, to establish justice, to promote the general welfare, to
7 secure the blessings of liberty; and to protect their persons and property from violence. The purposes for which
8 men enter into society will determine the nature and terms of the social compact; and as they are the foundation
9 of the legislative power, they will decide what are the proper objects of it: The nature, and ends of legislative
10 power will limit the exercise of it. This fundamental principle flows from the very nature of our free Republican
11 governments, that no man should be compelled to do what the laws do not require; nor to refrain from acts which
12 the laws permit. There are acts which the Federal, or State, Legislature cannot do, without exceeding their
13 authority. There are certain vital principles in our free Republican governments, which will determine and
14 over-rule an apparent and flagrant abuse of legislative power; as to authorize manifest injustice by positive
15 law; or to take away that security for personal liberty, or private property, for the protection whereof the
16 government was established. An ACT of the Legislature (for I cannot call it a law) contrary to the great first
17 principles of the social compact, cannot be considered a rightful exercise of legislative authority. The obligation
18 of a law in governments established on express compact, and on republican principles, must be determined by
19 the nature of the power, on which it is founded. A few instances will suffice to explain what I mean. A law that
20 punished a citizen for an innocent action, or, in other words, for an act, which, when done, was in violation of no
21 existing law; a law that destroys, or impairs, the lawful private contracts of citizens; a law that makes a man a
22 Judge in his own cause; or a law that takes property from A. and gives it to B: It is against all reason and justice,
23 for a people to entrust a Legislature with SUCH powers; and, therefore, it cannot be presumed that they have
24 done it. The genius, the nature, and the spirit, of our State Governments, amount to a prohibition of such acts
25 of legislation; and the general principles of law and reason forbid them. The Legislature may enjoin, permit,
26 forbid, and punish; they may declare new crimes; and establish rules of conduct for all its citizens in future cases;
27 they may command what is right, and prohibit what is wrong; but they cannot change innocence into guilt; or
28 punish innocence as a crime; or violate the right of an antecedent lawful private contract; or the right of private
29 property. To maintain that our Federal, or State, Legislature possesses such powers, if they had not been expressly
30 restrained; would, *389 in my opinion, be a political heresy, altogether inadmissible in our free republican
31 governments.
32 [Calder v. Bull, 3 U.S. 386, (1798)]
33

34 In Calder v. Bull, which was here in 1798, Mr. Justice Chase said, that there were acts which the Federal and
35 State legislatures could not do without exceeding their authority, and among them he mentioned a law which
36 punished a citizen for an innocent act; a law that destroyed or impaired the lawful private contracts of citizens;
37 a law that made a man judge in his own case; and a law that took the property from A. and gave it to B. 'It is
38 against all reason and justice,' he added, 'for a people to intrust a legislature with such powers, and therefore
39 it cannot be presumed that they have done it. They may command what is right and prohibit what is wrong;
40 but they cannot change innocence into guilt, or punish innocence as a crime, or violate the right of an
41 antecedent lawful private contract, or the right of private property. To maintain that a Federal or State
42 legislature possesses such powers if they had not been expressly restrained, would, in my opinion, be a political
43 heresy altogether inadmissible in all free republican governments.' 3 Dall. 388.
44 [Sinking Fund Cases, 99 U.S. 700, (1878)]
45

12. How You Lose Constitutional or Natural Rights: Exchanging them for Government Civil Statutory Privileges

The following subsections describe all the various ways that you surrender your Constitutional or Natural Rights. For a detailed treatment of this subject as a single memorandum of law, see:

Why Statutory Civil Law is Law for Government and Not Private Persons, Form #05.037
<https://sedm.org/Forms/FormIndex.htm>

12.1 How You Voluntarily Surrender Your Constitutional/Private Rights to Become a Privileged Government “Straw man”/Public Officer⁴⁹

“Many [idolaters] seek the ruler’s favor [privileges], But [justice \[Form #05.050\]](#) for man comes from the Lord [rather than the government/Caesar].”
[Prov. 29:26, Bible, NKJV]

“For the love of money [for government “benefits” or payments or privileges] is a root of all kinds of evil, for which some have strayed from the faith in their greediness, and pierced themselves through with many sorrows.
[1 Tim. 6:10, Bible, NKJV]

“Most assuredly, I say to you, whoever commits sin is a slave of sin.”
[John 8:34, Bible, NKJV]

This article summarizes in a nutshell content from many different places on this site into a single, succinct, and cohesive explanation of how you lose your rights, liberty, and freedom by usually unknowingly exchanging them for government privileges. The fact that this process is largely unknown by most Americans is more a product of deficient legal education and legal ignorance than it is choice. That legal ignorance about this subject is deliberately fostered by the following culpable parties to protect the main source of their unjust authority over you:

1. The Internal Revenue Service, which isn’t even part of the U.S. government.⁵⁰
2. American and State BAR Associations.
3. Tax Lawyers.
4. American Institute of Certified Public Accountants.
5. State Societies of CPA’s.
6. Individual Certified Public Accountants and Public Accounting Firms, who prepare income tax returns.
7. Professional Tax preparers.

All the conspirators earn billions of dollars every year and act essentially as uncompensated agents for the IRS. It is really an organized criminal conspiracy to subvert the private property rights of American citizens domiciled on non-federal land who are wholly employed within the private sector. The main organizers are corrupt federal judges, who protect the criminal activity mainly because their “benefits” and pay and retirement depend on it.⁵¹

Throughout this site, we refer to equality or rights between you and the government in court is the MAIN source of your freedom, as acknowledged by the U.S. Supreme Court:

“No duty rests more imperatively upon the courts than the enforcement of those constitutional provisions intended to secure that equality of rights which is the foundation of free government.”
[Gulf, C. & S.F.R. Co. v. Ellis, [165 U.S. 150](#) (1897)]

So, in order to destroy your freedom or private/constitutional rights, the government must make you subservient and unequal in relation to itself, and thus to create a “dulocracy”. There is no other way.

⁴⁹ SOURCE: *Why the Federal Income Tax is a Privilege Tax Upon Government Property*, Form #04.404, Section 3;
<https://sedm.org/Forms/FormIndex.htm>.

⁵⁰ See: *Origins and Authority of the Internal Revenue Service*, Form #05.005; <https://sedm.org/Forms/FormIndex.htm>.

⁵¹ See: *What Happened to Justice?*, Form #06.012; <https://sedm.org/Forms/FormIndex.htm>.

"Dulocracy: A government where servants and slaves have so much license and privilege [franchises] that they domineer."
[Black's Law Dictionary, Fourth Edition]

But how, you might ask, is this "dulocracy" created without violating the constitution or the laws protecting property? The answer is that you must CONSENT to it! And that to entice you to consent, they must bribe or entice you to give up rights in exchange for privileges. The bribe comes in the form of "benefits" or advantages or what we call "civil services" (in our Disclaimer, Section 4) offered by civil statutes. The bribe and the rights you have to give up to procure the bribe, in turn, are "property" from a legal perspective, so in effect, they are enticing you with PROPERTY of some kind:

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

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

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

The property and rights to property can take many forms:

1. A privilege. All privileges constitute loans or grants of government property with conditions or legal strings attached taking the form of civil statutes. They can be taken away at the whim of the grantor of the property. This gets back to the original definition of "ownership", the essence of which is "the right to exclude" per the U.S. Supreme court:

"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,^[11] falls within this category of interests that the Government cannot take without compensation."
[*Kaiser Aetna v. United States*, 444 U.S. 164 (1979)]

FOOTNOTES:

[11] See, e. g., United States v. Pueblo of San Ildefonso, 206 Ct.Cl. 649, 669-670, 513 F.2d. 1383, 1394 (1975); United States v. Lutz, 295 F.2d. 736, 740 (CA5 1961). As stated by Mr. Justice Brandeis, "[a]n essential element of individual property is the legal right to exclude others from enjoying it." International News Service v. Associated Press, 248 U.S. 215, 250 (1918) (dissenting opinion).

2. A franchise. This is a specific TYPE of privilege which constitutes a contract or agreement. The legal definition of "franchise" is that it is "a privilege in the hands of a subject". So, to put government property in your HANDS or your CUSTODY, you become party to a franchise.

3. A commercial benefit offered by government.
4. A government "service". We call these "civil services" in our [Disclaimer, Section 4](#).
5. An "entitlement"
6. A license.
7. Free healthcare, which actually isn't really "free" because they make you pay for it one way or another.
8. Old age pension such as Social Security.
9. The ability to vote or serve on jury duty. Convicted felons cannot do either in most states, and therefore these two things are PRIVILEGES, not RIGHTS.
10. A privilege granted by a statute against the government, such as tax remedies.
11. A privilege granted by statute against ANOTHER man or woman who is ALSO party to the same franchise contract or compact that you are party to.
12. The civil status that the privilege attaches to, such as "person", "taxpayer", "citizen", or "resident", all of which are creations of and therefore PROPERTY of their creator, which is the Legislative branch.

The above all constitute property because:

1. All rights are property.
2. Anything that CONVEYS rights is property.
3. Contracts convey rights and therefore are property.
4. All franchises are implemented as contracts or agreements and therefore property.

So, to make you the LAWFUL target of any CIVIL STATUTORY enforcement, the only thing the government has to prove is that you either received a government commercial benefit or government property of some kind, or are even ELIGIBLE to receive such a benefit. Those who are "eligible" are assigned a civil STATUTORY status of some kind, such as "person", "driver", "citizen", "resident", "taxpayer", etc. This then gives them the lawful authority under Article 4, Section 3, Clause 2 of the Constitution to "make all needful rules" to REGULATE all those in custody of such property through DIRECT legislation. Thus, you become a SUBJECT because government property is "in your hands", as the definition of "franchise" proves. The statutes at 5 U.S.C. §553(a)(2) recognize the authority to DIRECTLY regulate your personal conduct as someone in custody of government property without the need for implementing regulations or even public notice!

[5 U.S. Code § 553 - Rule making](#)

(a) This section applies, according to the provisions thereof, except to the extent that there is involved—

[. . .]

(2) a matter relating to [agency](#) management or personnel or to public property, loans, grants, benefits, or contracts.

What ALL of the above have in common is that they are government property or loans of government property of one kind or another. THIS, in fact, is why they call it a tax RETURN: You are RETURNING a portion of the government property in your custody, folks! In the context of "income taxation" as an excise tax upon the "public office"/"trade or business" franchise, no one we know of would refer to it as a "benefit", "contract", or grant, so the only thing it can relate to is "agency management and personnel", meaning activities WITHIN the federal and not state government ONLY.

Most of the time, the government doesn't even have the burden of proof to produce evidence that you are eligible for the benefit or property or service, because you actually HELP them produce it? How? Because most people are DUMB enough to either REQUEST or INVOKE a statutory civil status on a government form signed under penalty of perjury in order to PURSUE the privilege. This occurs when you fill out a "Driver License Application", a "Marriage License Application", or an SS-5 Application for Social Security CARD or even NUMBER. The CARD and the NUMBER are property of the government on loan to you per 20 C.F.R. §422.103(d). Both of these are what the Federal Trade Commission calls a "franchise mark". The SSN is akin to an inventory control number. A unique identifier that people use to tag other property and attach other government privileges to that property. People use the Social Security Number to tag new bank accounts and then list those bank accounts on their tax returns to help Uncle keep better track of their property.

Acceptance of the application results in a transfer of GOVERNMENT property to you, with conditions or strings attached. Those conditions come in the form of civil statutes that IMPLEMENT the equivalent of a FRANCHISE contract or agreement.

Enumeration of Inalienable Rights

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Form 10.002, Rev. 11-14-2021

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EXHIBIT: _____

Not surprisingly, even the current definition of “comity” itself recognizes this mechanism of regulating those in receipt, custody, control, or “benefit” of government property as follows:

*“comity. Courtesy; complaisance; respect; **a willingness to grant a privilege, not as a matter of right, but out of deference and good will.** Recognition that one sovereignty allows within its territory to the legislative, executive, or judicial act of another sovereignty, having due regard to rights of its own citizens. Nowell v. Nowell, Tex.Civ.App., 408 S.W.2d. 550, 553. In general, principle of “comity” is that courts of one state or jurisdiction will give effect to laws and judicial decisions of another state or jurisdiction, not as a matter of obligation, but out of deference and mutual respect. Brown v. Babbitt Ford, Inc., 117 Ariz. 192, 571 P.2d. 689, 695. See also Full faith and credit clause.”*
[Black’s Law Dictionary, Sixth Edition, p. 267]

Who exactly is “granting the privilege” above? Both YOU and the GOVERNMENT! The government as a MERCHANT under the U.C.C. grants it by creating the civil statutory franchise and offering a civil status it LEGISLATIVELY created to which the benefit attaches. It owns everything it creates, as is pointed out in:

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

You as the BUYER under the U.C.C. also grant it by asking for the civil status that makes you eligible to receive the benefit or property. This is how COMITY works!

Where’s the constitutional problem with this? The problem is that Congress has NEVER had the authority to create or enforce franchises within the constitutional states of the Union!

*“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)]

Let’s now apply these concepts to perhaps the most EGREGIOUS example at the federal level of a DENIAL and DESTRUCTION of equality of you in relation to them, done ironically in the NAME of PROTECTING equality! 42 U.S.C. §1981.

So-called STATUTORY “equal protection” is implemented in the enactments of Congress pertaining NOT to the Fourteenth Amendment, but to federal territory ONLY :

TITLE 42 > CHAPTER 21 > SUBCHAPTER I > Sec. 1981.
Sec. 1981. - Equal rights under the law

(a) Statement of equal rights

All persons within the jurisdiction of the United States shall have the same right in every State and Territory to make and enforce contracts, to sue, be parties, give evidence, and to the full and equal benefit of all laws and proceedings for the security of persons and property as is enjoyed by white citizens, **shall be subject to like punishment, pains, penalties, taxes, licenses, and exactions of every kind, and to no other.**

This statute TECHNICALLY produces INEQUALITY and turns JUSTICE into a legislative PRIVILEGE. Whenever you turn justice into a revocable privilege, it becomes INJUSTICE, as we point out in Form #05.050, Section 5.3. It produces INEQUALITY between the governed and the governors because:

1. The government is the enforcer and you are not.
2. You can't make your OWN rules for your own property to enforce against the government under the statute as the government does to you, because the statute doesn't recognize that authority. Equality demands the same rights of ALL parties on both sides.
3. You are presumed to CONSENT to the statutes when invoking the status that implements the benefit you seek. Anything you consent to cannot form the basis for an injury under the common law. Thus, you can NEVER sue the government for any part of the statutes you claim the "benefit" of. Therefore, you have waived your sovereignty and sovereign immunity to pursue a "benefit"/property. They, however, can sue YOU for refusing to follow the statute as a precondition of receiving its "benefit". Is that "fair"?

"Volunt 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 concentire.

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://fanguardian.org/Publications/BouvierMaximsOfLaw/BouviarsMaxims.htm>]

The above is why we put the following warning on the opening page of our website:

"People of all races, genders, political beliefs, sexual orientations, and nearly all religions are welcome here. All are treated equally under REAL "law". The only way to remain truly free and equal under the civil law is to avoid seeking government civil services, benefits, property, special or civil status, exemptions, privileges, or special treatment. All such pursuits of government services or property require individual and lawful consent to a franchise and the surrender of inalienable constitutional rights AND EQUALITY in the process, and should therefore be AVOIDED. The rights and equality given up are the "cost" of procuring the "benefit" or property from the government, in fact. Nothing in life is truly "free". Anyone who claims that such "benefits" or property should be free and cost them nothing is a thief who wants to use the government as a means to STEAL on his or her behalf. All just rights spring from responsibilities/obligations under the laws of a higher power. If that higher power is God, you can be truly and objectively free. If it is government, you are guaranteed to be a slave because they can lawfully set the cost of their property as high as they want as a Merchant under the U.C.C. If you want it really bad from people with a monopoly, then you will get it REALLY bad. Bend over. There are NO constitutional limits on the price government can charge for their monopoly services or property. Those who want no responsibilities can have no real/PRIVATE rights, but only privileges dispensed to wards of the state which are disguised to LOOK like unalienable rights. Obligations and rights are two sides of the same coin, just like self-ownership and personal responsibility. For the biblical version of this paragraph, read 1 Sam. 8:10-22. For the reason God answered Samuel by telling him to allow the people to have a king, read Deut. 28:43-51, which is God's curse upon those who allow a king above them. Click Here for a detailed description of the legal, moral, and spiritual consequences of violating this paragraph."

[SEDM Opening Page; <http://sedm.org>]

The key word in the above statute is "benefit". The PRIVILEGES attached to the civil status of "person" and enforced by the courts is the BENEFIT afforded those who claim the status. Anyone who accepts ANY benefit based on adopting such a status waives ALL constitutional rights and all NATURAL rights. This is explained in the Brandeis Rules documented below:

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

[. . .]

6. The Court will not pass upon the constitutionality of a statute at the instance of one who has availed himself of its benefits. *FN7 Great Falls Mfg. Co. v. Attorney General, 124 U.S. 581, 8 S.Ct. 631, 31 L.Ed. 527;*

Wall v. Parrot Silver & Copper Co., 244 U.S. 407, 411, 412, 37 S.Ct. 609, 61 L.Ed. 1229; *St. Louis Malleable Casting Co. v. Prendergast Construction Co.*, 260 U.S. 469, 43 S.Ct. 178, 67 L.Ed. 351.

FOOTNOTES

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

The "taxes, licenses, and exactions" mentioned in the statute are examples of CIVIL STATUTORY OBLIGATIONS that TAKE AWAY CONSTITUTIONAL or NATURAL PRIVATE RIGHTS. Such civil statutory obligations cannot be imposed involuntarily, or else slavery in violation of the Thirteenth Amendment and an unconstitutional Fifth Amendment taking would result. Thus, the STATUTORY "equality" mentioned above is equality of TREATMENT in ENFORCING PRIVILEGES or "benefits" against those who have VOLUNTARILY accepted them. ABSOLUTELY OWNED, CONSTITUTIONALLY protected PRIVATE rights CANNOT be taken away by imposing "taxes, license, and exactions" without the express consent of the original PRIVATE owner. That [consent \(Form #05.003\)](#) is usually impliedly or tacitly expressed by claiming the "benefits" of a specific FICTIONAL civil statutory status, such as "person", "citizen", or "resident". The courts will NEVER admit this, because it is the source of ALL of their unjust statutory power over you. You have to KNOW it. By refusing to discuss this CRUCIAL "third rail issue", this legislation and the courts which enforce it are in effect making your consent to be CIVILLY "governed" essentially invisible, so that you can never find out how you gave your consent or expressly revoke it. This devious process is called "tacit procuration" or "sub silentio".

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

"Qui tacet consentire videtur. He who is silent appears to consent. Jenk. Cent. 32."
[*Bouvier's Maxims of Law, 1856*;
SOURCE: <http://famguardian.org/Publications/BouvierMaximsOfLaw/BouviersMaxims.htm>]

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

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

The U.S. Supreme Court describes this "tacit procuration" or "sub silentio" as follows:

"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 (1877)]

Notice the phrase "of course". They use this phrase so that they don't have to explain or address the method of consent further. It is their "dirty little secret" that they can't elaborate on because it is the source of ALL of their unjust authority. They just ASSUME/PRESUME it exists. For more on "invisible consent", see:

<p><i>Requirement for Consent</i>, Form #05.003, Section 9.4 https://sedm.org/Forms/FormIndex.htm</p>

The term "all laws" in 42 U.S.C. §1981 earlier means CIVIL STATUTORY privileges/benefits mentioned in [5 U.S.C. §553\(a\)\(2\)](#) that are NOT, in fact "law" as legally defined, but revocable privileges which must be voluntarily accepted to become the lawful target of ENFORCEMENT activity. For proof, see:

What is "law"?, Form #05.048

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

42 U.S.C. §1981 is a SUBSTITUTE for the equal protection clauses of the constitution that applies ONLY to CIVIL STATUTORY "persons" [domiciled \(Form #05.002\)](#) on federal territory within the exclusive jurisdiction of Congress as required by [Federal Rule of Civil Procedure 17\(b\)](#). Those NOT so domiciled are beyond the reach of the CIVIL jurisdiction of the federal courts and have no "capacity to sue or be sued" under the federal civil statutes, but retain their standing under the constitution. This is because the Constitution does not limit or control what happens on federal territory, except possibly the Thirteenth Amendment, which applies everywhere IN THE COUNTRY. This statute implements [CIVIL STATUTORY PUBLIC PRIVILEGES \(Form #05.037\)](#) that can be taken away without your consent, not ABSOLUTELY OWNED PRIVATE RIGHTS that cannot be taken away. The "persons" they refer to are fictional civil statutory "persons", not CONSTITUTIONAL persons". All constitutional "persons" are HUMAN BEINGS and not [Congressionally created "fictions of law" \(Form #05.042\), also called "straw men"](#). The rights spoken of attach to the [fictional civil statutory status \(Form #13.008\)](#) OF "person" not to human beings standing on land as the CONSTITUTION does. "Within the jurisdiction" means [domiciled \(Form #05.002\)](#) on federal territory. Domicile (Form #05.002) is a civil statutory protection franchise or privilege, not a PRIVATE right. "Within the jurisdiction" above does NOT refer to people physically within the boundaries of the COUNTRY "United States OF AMERICA" mentioned in the Articles of Confederation. The constitution is "self-executing" and needs no civil statutes such as this one to enforce or to define the extent of enforcement.

"As enacted, the Fourteenth Amendment confers substantive rights against the States which, like the provisions of the Bill of Rights, are self-executing. Cf. [South Carolina v. Katzenbach](#), 383 U.S., at 325 (discussing Fifteenth Amendment). The power to interpret the Constitution in a case or controversy remains in the Judiciary."
[City of Boerne v. Flores, 521 U.S. 507 (1997)]

Thus, CONSTITUTIONAL "persons" do not need civil statutes or the [civil statutes](#) they attach the privilege to such as the above to be entitled to protection of PRIVATE RIGHTS that are NOT statutory privileges within any court. This statute is therefore a devious attempt to deceive the reader into exchanging your PRIVATE CONSTITUTIONAL RIGHTS for REVOCABLE STATUTORY PUBLIC PRIVILEGES. Don't go for it! As a practical matter, the reader must always be aware that YOU CANNOT BE A CONSTITUTIONAL PERSON AND A STATUTORY PERSON under federal law at the SAME time! They are mutually exclusive and non-overlapping. This is the main implication of City of Boerne above and the Brandeis Rules, in fact. Thus, they are using EQUIVOCATION between the STATUTORY and CONSTITUTIONAL contexts for "person" to deceive the reader into thinking they are equivalent. For more on "equivocation" as a tool of tyranny and deception, see:

Legal Deception, Propaganda, and Fraud, Form #05.014, Section 16.1

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

Some federal courts have INCORRECTLY interpreted this statute as an attempt to IMPLEMENT the [Fourteenth Amendment's "necessary and proper" clause, clause 5](#), which says

"The Congress shall have power to enforce, by appropriate legislation, the provisions of this article."

... but this is simply not what it does, as explained in City of Boerne above. For an example of this MISINTERPRETATION of the purpose of this amendment, see the following, which deals with a closely related statute to this one:

1. [Section 1983 Litigation](#), Litigation Tool #08.008
<https://sedm.org/Litigation/LitIndex.htm>
2. [Rosenstock's Section 1983 Civil Rights Digest](#), Litigation Tool #08.009
<https://sedm.org/Litigation/LitIndex.htm>

1 It's now crystal clear to all readers from this discussion to not be tricked into thinking the beneficent government has crafted
2 a civil rights statute for the protection and REAL benefit of the American people. Those days are long gone where legislation
3 helps us.

4 The artfully employed, but always pernicious application of presumption, is ever present in nearly every confusing,
5 obfuscated federal statute and regulation. And the end goal is the destruction of personal liberty and the aggrandizement of
6 money and power taken from the people, with a corresponding decrease in the freedom and liberty of these same sovereign
7 people.

8 Stated simply, over a period of many decades, through the abuse of legislation and the pernicious drafting of same, the
9 nation's core founding principles, have steadfastly been eroded, destroyed, and attacked from within, by the senators, by the
10 elected representatives, and the many presidents who betrayed the American people and abrogated their respective oaths of
11 office. It goes far beyond the pale and is the very essence of the devil incarnate.

12 These B.S. civil rights statutes in 42 U.S.C. are similar to the closely distanced steel rails/fences, that slowly narrow so the
13 swine and cows will naturally form an obedient, single file line, and walk mindlessly in lock step, prior to their execution
14 inside the meat harvesting and packing plants.

15 The corrupted statutes and regulations trick the masses of people and act as inducements and legal fences, to herd and guide
16 the unsuspecting sheeple, to their own eventual slaughter.

17 As an example of how the above process works as a method to HUNT you like an animal and trap you, consider the
18 requirement to use a "franchise mark" called a Social Security Number to live or work.

- 19 1. You can only participate in Social Security by earning statutory "Wages" per 26 U.S.C. §3401.
- 20 2. Only those subject to FICA, meaning Social Security insurance, have to supply an SSN. 26 C.F.R. §31.6011(b)-2.
- 21 3. Reports of covered "wages" earnings are submitted under the authority of 26 C.F.R. §31.6051-1 and MUST include an SSN.
- 22 4. Jurisdiction over FICA insurance is "special maritime jurisdiction", meaning contract. See:
23 [Criminal Resource Manual, Section 662](#)
- 24 5. You can only earn "wages" by volunteering in submitting a W-4 under 26 U.S.C. §3402(p). If you don't, the employer is
25 stealing if they treat your PRIVATE, ABSOLUTELY OWNED earnings as STATUTORY "wages" and you must correct
26 your earnings and request a refund of FICA tax when or if you file income tax.
- 27 6. It is otherwise ILLEGAL to compel the use of an SSN per 42 U.S.C. §408(a)(8).
- 28 7. Once you sign up for FICA using a W-4:
 - 29 7.1. EVERYTHING you earn even as a nonresident alien, is and MUST be treated AS IF it was related to "services performed
30 within the United States**", meaning THE GOVERNMENT and not the GEOGRAPHICAL "United States" per 26
31 U.S.C. §7701(a)(9) and (a)(10). There is NO SUCH THING as "employment" for services performed OUTSIDE the
32 "United States**" government. For proof, see 26 C.F.R. §31.3121(b)-3(a). The IRS also admitted this on their own
33 letterhead as follows:

Cynthia Mills Letter, IRS Disclosure Officer Hoverdale Letter, SEDM Exhibit #09.023
<https://sedm.org/Exhibits/ExhibitIndex.htm>
 - 34 7.2. You agree to be treated as a STATUTORY government "EMPLOYEE" under 26 U.S.C. §3401(c) AND 5 U.S.C.
35 §2105(a). That's what the W-4 says: "EMPLOYEE Withholding allowance certificate".
 - 36 7.3. Everything you earn is now "effectively connected to a trade or business", meaning a PUBLIC OFFICE per 26 U.S.C.
37 §7701(a)(26) .
 - 38 7.4. Everything you earn will be TREATED as a "federal payment", meaning a GOVERNMENT payment instead of your
39 PRIVATE absolutely owned property. For proof, see 26 U.S.C. §3402(p)(1)(C).
 - 40 7.5. The REAL party in interest performing the services for the employer is UNCLE SAM and the office that he owns called
41 "employee", which functions as the equivalent of a "Kelly Girl" on loan to your employer. You don't exist anymore,
42 and the SSN is the "employee badge" identifying you as a franchisee.
 - 43 8. Because everything then becomes "services performed WITHIN the United States**", then EVERYTHING is now taxable
44 under the Internal Revenue Code. Thus, you had to agree to make ALL your earnings taxable even if they weren't previously,
45 in order to participate in FICA/Social Security. SCAM!
 - 46 9. By participating in government social insurance, you now have surrendered ALL of your constitutional protections. The
47 constitution does NOT protect government "employees" or even private employees on the job.

1 *"The restrictions that the Constitution places upon the government in its capacity as lawmaker, i.e., as the*
2 *regulator of private conduct, are not the same as the restrictions that it places upon the government in its capacity*
3 *as employer. We have recognized this in many contexts, with respect to many different constitutional guarantees.*
4 *Private citizens perhaps cannot be prevented from wearing long hair, but policemen can. Kelley v. Johnson, 425*
5 *U.S. 238, 247 (1976). Private citizens cannot have their property searched without probable cause, but in many*
6 *circumstances government employees can. O'Connor v. Ortega, 480 U.S. 709, 723 (1987) (plurality opinion);*
7 *id., at 732 (SCALIA, J., concurring in judgment). Private citizens cannot be punished for refusing to provide the*
8 *government information that may incriminate them, but government employees can be dismissed when the*
9 *incriminating information that they refuse to provide relates to the performance of their job. Gardner v.*
10 *Broderick, [497 U.S. 62, 95] 392 U.S. 273, 277 -278 (1968). With regard to freedom of speech in particular:*
11 *Private citizens cannot be punished for speech of merely private concern, but government employees can be fired*
12 *for that reason. Connick v. Myers, 461 U.S. 138, 147 (1983). Private citizens cannot be punished for partisan*
13 *political activity, but federal and state employees can be dismissed and otherwise punished for that reason. Public*
14 *Workers v. Mitchell, 330 U.S. 75, 101 (1947); Civil Service Comm'n v. Letter Carriers, 413 U.S. 548, 556 (1973);*
15 *Broadrick v. Oklahoma, 413 U.S. 601, 616 -617 (1973)."*

16 *[Rutan v. Republican Party of Illinois, 497 U.S. 62 (1990)]*

17 Thus, FICA/Social Security Insurance is the CONSIDERATION that creates the obligation to furnish the SSN. If you never
18 consent to participate and don't want the "benefit", you can't be compelled to use the number. AND its used as a CARROT
19 to give up control and absolute ownership of ALL of your earnings. NOW do you understand the significance of the following
20 scriptures?:

21 *'For among My people are found wicked men;*
22 *They lie in wait as one who sets snares;*
23 *They set a trap;*
24 *They catch men.*
25 ²⁷*As a cage is full of birds,*
26 *So their houses are full of deceit.*
27 *Therefore they have become great and grown rich.*
28 ²⁸*They have grown fat, they are sleek;*
29 *Yes, they surpass the deeds of the wicked;*
30 *They do not plead the cause,*
31 *The cause of the fatherless;*
32 *Yet they prosper,*
33 *And the right of the needy they do not defend.*
34 ²⁹*Shall I not punish them for these things?' says the Lord.*
35 *'Shall I not avenge Myself on such a nation as this?'*

36 ³⁰*"An astonishing and horrible thing*
37 *Has been committed in the land:*
38 ³¹*The prophets prophesy falsely,*
39 *And the priests rule by their own power;*
40 *And My people love to have it so.*
41 *But what will you do in the end?*

42 *[Isaiah 42:21-25, Bible, NKJV]*

43 It's a biblical sin to number the people collectively, or to number yourself PERSONALLY. That's what the Mark of the
44 Beast is all about!

45 ¹⁴*So the Lord sent a plague upon Israel, and seventy thousand men of Israel fell.¹ And God sent an angel to*
46 *Jerusalem to destroy it. As he was destroying, the Lord looked and relented of the disaster, and said to the angel*
47 *who was destroying, "It is enough; now restrain your hand." And the angel of the Lord stood by the threshing*
48 *floor of Ornan the Jebusite.*

49 ¹⁶*Then David lifted his eyes and saw the angel of the Lord standing between earth and heaven, having in his hand*
50 *a drawn sword stretched out over Jerusalem. So David and the elders, clothed in sackcloth, fell on their faces.¹⁷*
51 *And David said to God, "Was it not I who commanded the people to be numbered? I am the one who has sinned*
52 *and done evil indeed; but these sheep, what have they done? Let Your hand, I pray, O Lord my God, be against*
53 *me and my father's house, but not against Your people that they should be plagued."*

54 *[1 Chron. 21:14-17, Bible, NKJV]*

55 Ironically, the very purpose of the GOVERNMENT'S mark, meaning the Slave Surveillance Number, is essentially to ensure
56 that an accounting system is in place to literally FORCE you have to PAY for value of ALL property and services you demand
57 from the government, and thus, to take responsibility for paying your own way. So it's really about personal responsibility

for pulling one's own weight. The U.S. Supreme Court has held, in fact, that the ONLY occasion where the government can COMPEL you to provide a Social Security Number is if you are asking for a "benefit", and by implication government property:

"Roy may no more prevail on his religious objection to the Government's use of a Social Security number for his daughter than he could on a sincere religious objection to the size or color of the Government's filing cabinets. The Free Exercise Clause affords an individual protection from certain forms of governmental compulsion; it does not afford an individual a right to dictate the conduct of the Government's internal procedures.

[. . .]

*The Federal Government's use of a Social Security number for Little Bird of the Snow does not itself in any degree impair Roy's "freedom to believe, express, and exercise" his religion.^[6] 701*701 Consequently, appellees' objection to the statutory requirement that each state agency "shall utilize" a Social Security number in the administration of its plan is without merit. It follows that their request for an injunction against use of the Social Security number in processing benefit applications should have been rejected. We therefore hold that the portion of the District Court's injunction that permanently restrained the Secretary from making any use of the Social Security number that had been issued in the name of Little Bird of the Snow Roy must be vacated.*

[. . .]

The statutory requirement that applicants provide a Social Security number is wholly neutral in religious terms and uniformly applicable. There is no claim that there is any attempt by Congress to discriminate invidiously or any covert suppression of particular religious beliefs. The administrative requirement does not create any danger of censorship^[8] or place a direct condition or burden on the dissemination of religious views.^[9] It does not intrude on the organization of a religious institution^[10] or school.^[11] It may indeed confront some applicants for benefits with choices, but in no sense does it affirmatively compel appellees, by threat of sanctions, to refrain from religiously motivated conduct^[12] or to engage in conduct that they find objectionable for religious reasons.^[13] Rather, it is appellees who seek benefits from the Government and who assert that, because of certain religious beliefs, they should be excused from compliance with a condition that is binding on all other persons who seek the same benefits from the Government.

[. . .]

*We conclude then that government regulation that indirectly and incidentally calls for a choice between securing a governmental benefit and adherence to religious beliefs is wholly different from governmental action or legislation that criminalizes religiously inspired activity or inescapably compels conduct that some find objectionable for religious reasons. Although the denial of government benefits over religious objection can raise serious Free Exercise problems, these two very different forms of government action are not governed by the same constitutional standard. A governmental burden on religious liberty is not insulated from review simply because it is indirect, Thomas v. Review Board of Indiana Employment Security Div., 450 U. S. 707, 717-718 (1981) (citing Sherbert v. Verner, 374 U. S., at 404); 707*707 but the nature of the burden is relevant to the standard the government must meet to justify the burden.*

[Bowen v. Roy, 476 U.S. 693 (1986)]

If you want to abuse the tax system, the voter roles, and your time as a jurist to effect socialism by compelling the government to transfer wealth from the 1 percenters to subsidize your idle life of luxury, then the Bible says you DESERVE to be punished and curse. Who are we to interfere with such a curse?:

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]

For more on the main subjects of this article, which are equality and franchises, see:

1. *Government Instituted Slavery Using Franchises*, Form #05.030
<https://sedm.org/Forms/05-MemLaw/Franchises.pdf>
2. *Requirement for Equal Protection and Equal Treatment*, Form #05.033
<https://sedm.org/Forms/05-MemLaw/EqualProtection.pdf>
3. *Consent and Exchange*, Oren Bar-Gill, Harvard Law School
https://papers.ssrn.com/sol3/papers.cfm?abstract_id=1002046

12.2 Membership in a Specific Class, Status, or Group As a Cause for Loss of Rights⁵²

A frequent source of debate on this site is the discrimination and inequality imposed by creating and enforcing civil franchises, how this inequality constitutes discrimination, and how it also causes a loss of constitutional rights. In the constitution, all protected “persons”, who are all HUMAN BEINGS are treated AND TAXED equally. So how does one become UNEQUAL and how can this inequality be PREVENTED? That is the subject of this article.

In speaking of the loss of constitutional rights at the hands of government, the U.S. Supreme Court has held:

When one becomes a member of society, he necessarily parts with some rights or privileges which, as an individual not affected by his relations to others, he might retain. “A body politic,” as aptly defined in the preamble of the Constitution of Massachusetts, “is a social compact by which the whole people covenants with each citizen, and each citizen with the whole people, that all shall be governed by certain laws for the common good.” This does not confer power upon the whole people to control rights which are purely and exclusively private, [Thorpe v. R. & B. Railroad Co.](#), 27 Vt. 143; but it does authorize the establishment of laws requiring each citizen to so conduct himself, and so use his own property, as not unnecessarily to injure another. This is the very essence of government, and 125*125 has found expression in the maxim sic utere tuo ut alienum non laedas. From this source come the police powers, which, as was said by Mr. Chief Justice Taney in the [License Cases](#), 5 How. 583, “are nothing more or less than the powers of government inherent in every sovereignty, . . . that is to say, . . . the power to govern men and things.” Under these powers the government regulates the conduct of its citizens one towards another, and the manner in which each shall use his own property, when such regulation becomes necessary for the public good. In their exercise it has been customary in England from time immemorial, and in this country from its first colonization, to regulate ferries, common carriers, hackmen, bakers, millers, wharfingers, innkeepers, &c., and in so doing to fix a maximum of charge to be made for services rendered, accommodations furnished, and articles sold. To this day, statutes are to be found in many of the States upon some or all these subjects; and we think it has never yet been successfully contended that such legislation came within any of the constitutional prohibitions against interference with private property. With the Fifth Amendment in force, Congress, in 1820, conferred power upon the city of Washington “to regulate . . . the rates of wharfage at private wharves, . . . the sweeping of chimneys, and to fix the rates of fees therefor, . . . and the weight and quality of bread,” 3 Stat. 587, sect. 7; and, in 1848, “to make all necessary regulations respecting hackney carriages and the rates of fare of the same, and the rates of hauling by cartmen, wagoners, carmen, and draymen, and the rates of commission of auctioneers,” 9 id. 224, sect. 2.

From this it is apparent that, down to the time of the adoption of the Fourteenth Amendment, it was not supposed that statutes regulating the use, or even the price of the use, of private property necessarily deprived an owner of his property without due process of law. Under some circumstances they may, but not under all. The amendment does not change the law in this particular: it simply prevents the States from doing that which will operate as such a deprivation.
[*Munn v. Illinois*, 94 U.S. 113 (1877); SOURCE:
https://scholar.google.com/scholar_case?case=6419197193322400931]

The term “compact” as used above means CONTRACT. Look it up if you don’t believe us. So can a government FORCE you to contract with them? NO! They are created to protect your right to contract or not contract with anyone and everyone,

⁵² Source: *Your Exclusive Right to Declare or Establish Your Civil Status*, Form #13.008, Section 11.6; <https://sedm.org/Forms/FormIndex.htm>.

including THEM. If you can't refuse to contract with the government, then you don't own yourself because they can put anything in the contract or "social compact" they want! And what form does this "social compact take"? The civil statutory codes, that's what. Rebut the following if you disagree or be found to agree:

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

The above Munn case, however, raises many more questions than it answers, because they are hiding a large part of the truth from the reader, as we will explain later:

1. If the Declaration of Independence says that all just powers of government derive from the consent of the governed, then what exactly constitutes CONSENT in this context?
2. What if one chooses to not consent to ANYTHING the government offers? Would they THEN retain all their constitutional rights and lose none of them to civil statutory regulation?
3. Is it possible to not give up ANY constitutional rights without being punished, ostracized, or targeted for economic sanctions such as those that result from not getting a "RES-IDENT" ID card or a driver license?
4. Exactly WHAT constitutes "membership" that causes a loss of CONSTITUTIONAL or PRIVATE rights? Is it:
 - 4.1. "nationality"?
 - 4.2. "residence"? In the tax code this is the temporary dwelling place of an ALIEN who is NOT a national or a citizen
 - 4.3. "domicile"? You can't register to vote without a domicile within the district, and since you can only have one domicile, you can only vote in ONE place at a time. Voters are certainly POLITICAL members of the community by virtue of their ability to vote, but does that imply that they are LEGAL or CIVIL "persons" under the civil code? [Form #05.002](#) proves that they are.
 - 4.4. A VOLUNTARY franchise status such as "spouse" (under the family code), "person", "taxpayer" (under the tax code), driver (under the vehicle code), or "citizen", or "resident" under the civil code?

The only ones in the above list item 4 that ARE consensual are the last three: residence, domicile, and franchise statuses. And we prove in [Form #05.002](#) that 4.2 and 4.3 are a civil statutory protection franchises, so they are a subset of item 4.4 above indirectly. Nationality is NOT consensual, because an act of birth is not an explicit act of consent. "Residence" is consensual in the case of aliens because you don't have to BE in a foreign country if you don't want to. Presence on the territory of a foreign country on the part of an alien is a PRIVILEGE, not a right.

The reasons for not allowing to other aliens exemption 'from the jurisdiction of the country in which they are found' were stated as follows: 'When private individuals of one nation [states of the Unions are "nations" under the law of nations] spread themselves through another as business or caprice may direct, mingling indiscriminately with the inhabitants of that other, or when merchant vessels enter for the purposes of trade, it would be obviously inconvenient and dangerous to society, and would subject the laws to continual infraction, and the government to degradation, if such individuals or merchants did not owe temporary and local allegiance, and were not amenable to the jurisdiction of the country. Nor can the foreign sovereign have any motive for wishing such exemption. His subjects thus passing into foreign countries are not employed by him, nor are they engaged in national pursuits. Consequently, there are powerful motives for not exempting persons of this description from the jurisdiction of the country in which they are found, and no one motive for requiring it. The implied license, therefore, under which they enter, can never be construed to grant such exemption.' 7 Cranch, 144.

In short, the judgment in the case of The Exchange declared, as incontrovertible principles, that the jurisdiction of every nation within its own territory is exclusive and absolute, and is susceptible of no limitation not imposed by the nation itself; that all exceptions to its full and absolute territorial jurisdiction must be traced up to its own consent, express or implied; that upon its consent to cede, or to waive the exercise of, a part of its territorial jurisdiction, rest the exemptions from that jurisdiction of foreign sovereigns or their armies entering its territory with its permission, and of their foreign ministers and public ships of war; and that the implied license, under which private individuals of another nation enter the territory and mingle indiscriminately with its inhabitants, for purposes of business or pleasure, can never be construed to grant to them an exemption from the jurisdiction of the country in which they are found. See, also, Carlisle v. U. S. (1872) 16 Wall. 147, 155 ; Radich v. Hutchins (1877) 95 U. S. 210 ; Wildenhuss' Case (1887) 120 U. S. 1, 7 Sup. Ct. 385 ; Chae Chan Ping v. U. S. (1889) 130 U. S. 581, 603, 604, 9 Sup. Ct. 623. [United States v. Wong Kim Ark, 169 U.S. 649, 18 S.Ct. 456, 42 L.Ed. 890 (1898)]

"Residents, as distinguished from citizens, are aliens who are permitted to take up a permanent abode in the country. Being bound to the society by reason of their 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 citizens."

1 ***They have only certain privileges which the law, or custom, gives them. Permanent residents are those who***
2 ***have been given the right of perpetual residence. They are a sort of citizen of a less privileged character, and***
3 ***are subject to the society without enjoying all its advantages. Their children succeed to their status; for the right***
4 ***of perpetual residence given them by the State passes to their children.***
5 ***[The Law of Nations, Vattel, Book 1, Chapter 19, Section 213, p. 87]***

6 So the ONLY thing left that they can be talking about above that might cause a VOLUNTARY surrender of rights are
7 franchises, which are then defined as temporary GRANTS of government property, keeping in mind that RIGHTS are also
8 property. On this website, we use the term “franchise” and “privilege” interchangeably. We have never seen a court ruling
9 that distinguishes the two, and privilege is used in the definition, so they are synonymous for all practical purposes. Below
10 is the definition:

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

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

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

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

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

30 *General and Special. The charter of a corporation is its “general” franchise, while **a “special” franchise consists***
31 ***in any rights granted by the public to use property for a public use but-with private profit.*** *Lord v. Equitable Life*
32 *Assur. Soc., 194 N.Y. 212, 87 N.E. 443, 22 L.R.A. (N.S.) 420.*
33 *[Black’s Law Dictionary, Fourth Edition, pp. 786-787]*

34 Note the phrase “**which does not belong to citizens of country generally of common right**”, meaning that it does NOT apply
35 EQUALLY to everyone in society, but only a SUBSET of people in the society. How then does one join this SUBSET that
36 are participants in the franchise, one might ask? The answer is that you must have government property or even statutory
37 privileges in “your hands” to prove that you are a “subject” of the franchise. But WHAT SPECIFIC property exactly are
38 they referring to?

39 The word “privilege” in the above definition is a code word for grants of government property. A “grant” is a temporary loan
40 of property with usually civil legal strings or conditions or obligations attached. The property can be demanded to be returned
41 at any time by the grantor, which would then constitute a revocation of the franchise. Here is an example of the use of these
42 two words as synonyms by the same court quoted in the lead post:

43 **“We have repeatedly held that the Federal Government may impose appropriate conditions on the use of federal**
44 **property or privileges and may require that state instrumentalities comply with conditions that are reasonably**
45 **related to the federal interest in particular national projects or programs. See, e. g., Ivanhoe Irrigation Dist. v.**
46 *McCracken, 357 U.S. 275, 294 -296 (1958); Oklahoma v. Civil Service Comm’n, 330 U.S. 127, 142 -144 (1947);*
47 *United States v. San Francisco, 310 U.S. 16 (1940); cf. National League of Cities v. Usery, 426 U.S. 833, 853*
48 *(1976); Fry v. United States, 421 U.S. 542 (1975). **A requirement that States, like all other users, pay a portion of***
49 ***the costs of the benefits they enjoy from federal programs is surely permissible since it is closely related to the***
50 ***[435 U.S. 444, 462] federal interest in recovering costs from those who benefit and since it effects no greater***
51 ***interference with state sovereignty than do the restrictions which this Court has approved.”***
52 *[Massachusetts v. United States, 435 U.S. 444 (1978); SOURCE:*
53 ***https://scholar.google.com/scholar_case?case=16842193024599209893***
54 ***]***

54 Later in the Munn Case, the same court obtusely admits that this is exactly what they are doing:

Enumeration of Inalienable Rights

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Form 10.002, Rev. 11-14-2021

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EXHIBIT: _____

1 “The compensation which the owners of property, not having any special rights or privileges from the
2 government in connection with it, may demand for its use, or for their own services in union with it, forms no
3 element of consideration in prescribing regulations for that purpose.

4 [...]

5 “It is only where some right or privilege [which are GOVERNMENT PROPERTY] is conferred by the
6 government or municipality upon the owner, which he can use in connection with his property, or by means of
7 which the use of his property is rendered more valuable to him, or he thereby enjoys an advantage over others,
8 that the compensation to be received by him becomes a legitimate matter of regulation. Submission to the
9 regulation of compensation in such cases is an implied condition of the grant, and the State, in exercising its power
10 of prescribing the compensation, only determines the conditions upon which its concession shall be enjoyed. When
11 the privilege ends, the power of regulation ceases.”

12 [Munn v. Illinois, 94 U.S. 113 (1877); SOURCE:

13 https://scholar.google.com/scholar_case?case=6419197193322400931]

14
15 “The State in such cases exercises no greater right than an individual may exercise over the use of his own
16 property when leased or loaned to others. The conditions upon which the privilege shall be enjoyed being stated
17 or implied in the legislation authorizing its grant, no right is, of course, impaired by their enforcement. The
18 recipient of the privilege, in effect, stipulates to comply with the conditions. It matters not how limited the privilege
19 conferred, its acceptance implies an assent to the regulation of its use and the compensation for it.”

20 [Munn v. Illinois, 94 U.S. 113 (1877); SOURCE:

21 https://scholar.google.com/scholar_case?case=6419197193322400931]

22 So, the source of the government’s ability to enact civil legislation that regulates otherwise private, constitutionally protected
23 property is the receipt and grant of government property of one kind or another with civil legal strings attached. That property
24 can take the following forms listed:

25 [5 U.S. Code §553 – Rule making](#)

26 (a) This section applies, according to the provisions thereof, except to the extent that there is involved—

27 (2) a matter relating to [agency](#) management or personnel or to public property, loans, grants, benefits, or
28 contracts.

29 The context for the lead quote then is that membership implies receipt of at least one of the above types of government
30 property, which includes government offices, public property, loans, grants, benefits and contracts, all of which are property.
31 So we must then ask ourself:

- 32 1. What SPECIFIC type of “membership” are they talking about in the lead post?
- 33 2. How is it measured and identified and proven with evidence in court?
- 34 3. Why didn’t they IDENTIFY IN THE RULING HOW to identify when and how membership was pursued by the target of
35 the enforcement action or regulation? Are they trying to hide it?
- 36 4. The definition of “franchise” above uses the phrase “in the hands of the subject”, as if to imply that it is property in the
37 custody or “benefit” of the recipient. But HOW exactly can we prove with evidence that it is “IN YOUR HANDS”, because
38 that in fact is exactly and only HOW you become a “subject” as they call it.

39 The answer is that they are talking about civil statutes under franchises to which privileges (public rights), or obligations are
40 attached. In other words, to find the NAME of the “membership” they are talking about, you look in the definition section
41 of the civil statutes which regulate and find definitions for various types of civil “persons” to whom the obligations attach,
42 such as “driver” (under the vehicle code), “spouse” (under the family code), “citizen” or “resident” or “taxpayer” under the
43 tax code, “person” (under civil statutes). Each of these civil statutes is what the U.S. Supreme court calls a “class”, and only
44 members of that class are targeted to both RECEIVE the privilege (public right) AND to have the liability described. Here
45 is how they describe it in the landmark case of Pollock v. Farmer’s Loan and Trust, in which the FIRST income tax of the
46 modern era was declared UNCONSTITUTIONAL:

47 “The income tax law under consideration is marked by discriminating features which affect the whole law. It
48 discriminates between those who receive an income of four thousand dollars and those who do not. It thus vitiates,
49 in my judgment, by this arbitrary discrimination, the whole legislation. Hamilton says in one of his papers, (the
50 *Continentalist*,) “the genius of liberty reprobates everything arbitrary or discretionary in taxation. It exacts that
51 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**
2 **a distinction is made in the burdens a law imposes or in the benefits it confers on any citizens by reason of their**
3 **birth, or wealth, or religion, it is class legislation, and leads inevitably to oppression and abuses, and to general**
4 **unrest and disturbance in society [e.g. wars, political conflict, violence, anarchy].** It was hoped and believed that
5 the great amendments to the Constitution which followed the late civil war had rendered such legislation
6 impossible for all future time. But the objectionable legislation reappears in the act under consideration. It is the
7 same in essential character as that of the English income statute of 1691, which taxed Protestants at a certain
8 rate, Catholics, as a class, at double the rate of Protestants, and Jews at another and separate rate. Under wise
9 and constitutional legislation every citizen should contribute his proportion, however small the sum, to the
10 support of the government, and it is no kindness to urge any of our citizens to escape from that obligation. If he
11 contributes the smallest mite of his earnings to that purpose he will have a greater regard for the government and
12 more self-respect ⁵⁹⁷*⁵⁹⁷ for himself feeling that though he is poor in fact, he is not a pauper of his government.
13 And it is to be hoped that, whatever woes and embarrassments may betide our people, they may never lose their
14 manliness and self-respect. Those qualities preserved, they will ultimately triumph over all reverses of fortune.”

16 [. . .]

17 “Here I close my opinion. I could not say less in view of questions of such gravity that go down to the very
18 foundation of the government. If the provisions of the Constitution can be set aside by an act of Congress, where
19 is the course of usurpation to end? **The present assault upon capital is but the beginning. It will be but the**
20 **stepping-stone to others, larger and more sweeping, till our political contests will become a war of the poor against**
21 **the rich; a war constantly growing in intensity and bitterness.”**

22 **“If the court sanctions the power of discriminating taxation, and nullifies the uniformity mandate of the**
23 **Constitution,” as said by one who has been all his life a student of our institutions, “it will mark the hour when**
24 **the sure decadence of our present government will commence.”** If the purely arbitrary limitation of \$4000 in the
25 present law can be sustained, none having less than that amount of income being assessed or taxed for the support
26 of the government, the limitation of future Congresses may be fixed at a much larger sum, at five or ten or twenty
27 thousand dollars, parties possessing an income of that amount alone being bound to bear the burdens of
28 government; or the limitation may be designated at such an amount as a board of “walking delegates” may deem
29 necessary. There is no safety in allowing the limitation to be adjusted except in strict compliance with the
30 mandates of the Constitution which require its taxation, if imposed by direct taxes, to be apportioned among the
31 States according to their representation, and if imposed by indirect taxes, to be uniform in operation and, so far
32 as practicable, in proportion to their property, equal upon all citizens. **Unless the rule of the Constitution governs,**
33 **a majority may fix the limitation at such rate as will not include any of their own number.”**
34 [Pollock v. Farmers’ Loan & Trust Co., 157 U.S. 429 (Supreme Court 1895); SOURCE:
35 https://scholar.google.com/scholar_case?case=7292056596996651119]

36 Note the use of the word “discriminates”. This is a sign that they are talking about a VOLUNTARY franchise to which you
37 must be a member to be the target of the UNCONSTITUTIONAL tax, which they call “class legislation”. The
38 DISTINCTION they are talking about is the CIVIL STATUS of the group targeted for the tax, instead of treating everyone
39 equally. That status, in the case of the Internal Revenue Code is [STATUTORY “citizen”](#), [STATUTORY “resident”](#),
40 [“nonresident alien” \(Form #05.020\)](#), [“person” \(Form #08.023\)](#), and “taxpayer”. Each of these civil statuses have a different
41 subset if privileges (public rights) and corresponding obligations under the I.R.C. Since those privileges and obligations are
42 not equal for every one of these statuses, then based on Pollock above, the tax code is “class legislation”. Another name for
43 that is FRANCHISES. Franchises are also sometimes called “special law”:

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

55 VOLUNTARY franchises are the main method of creating INEQUALITY, implementing “special law”, and violating what
56 the above case calls “uniformity”. When INEQUALITY is present, UNIFORMITY cannot be present because the tax
57 discriminates against certain classes while not taxing others or taxing them at a reduced rate. Below is an example of this
58 phenomenon:

59 “Revenue Laws relate to taxpayers [instrumentalities, officers, employees, and elected officials of the [national](#)
60 [Government](#)] and not to non-taxpayers [[non-resident non-persons domiciled in states of the Union](#) without the

exclusive jurisdiction of the national 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)]

Those who argue against the idea that “taxpayer” is a privilege have no defense for the above except perhaps to say that the “nontaxpayer” above was not the SPECIFICALLY liable party, but that there was indeed an ACTUAL “taxpayer” in the above case. But WHAT about people who DO NOT WANT to BE “taxpayers” and are victims of identity theft by the filers of false information returns? Why can’t THEY claim that there IS no “taxpayer” in their case, and that the fiction of “taxpayer” is a product of a crime, and that they instead, like the above case retain all their constitutional rights and remedies? That crime is described in:

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

They have no answer for that other than to say “frivolous” and have no rebuttal for any of the other evidence in this article. HOGWASH! Its frivolous to say an argument is bad without rebutting the evidence it is based on, which is in this article. Here is another example:

*“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 (2nd Circuit Court of Appeals, March 6, 1961)]

In the above case:

1. Botta v. Scanlon was a claim for a refund based on the Fifth Amendment.
[Botta v. Scanlon](#), 288 F.2d 504 (2nd Circuit Court of Appeals, March 6, 1961)
2. The basis of the claim was honored
3. So there is a constitutional Remedy.
4. Botta was a Nontaxpayer.
5. The only difference between the Botta Case and most other cases is the “taxpayer” status.
6. Those who INVOKE “taxpayer” status CANNOT accompany their claim with a constitutional claim
7. So it’s ONE or the other: CONSTITUTION, or STATUTES, but never BOTH.
8. Botta was ONLY a CONSTITUTIONAL claim, not a statutory claim.

Constitutional claims ARE permitted for those who have their property seized and who are NOT “taxpayers” but are still protected by the Fifth Amendment. So “taxpayer” does come with obligations, and the obligations are that you LOSE constitutional protections. The U.S. Supreme Court even WARNS people that citing ANY statute waives constitutional rights, so you can’t claim a statutory status without forfeiting constitutional rights and replacing them with civil statutory privileges:

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

[...]

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

FOOTNOTES:

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

What if you don't volunteer to be a "taxpayer"? You retain Fifth Amendment protections.

"Taxpayer" status isn't related DIRECTLY to your liability based on our reading of 26 C.F.R. §1.1-1, but it does produce an obligation to surrender constitutional or Fifth Amendment Remedy, based on Botta. A LOSS of a specific remedy such as a constitutional remedy is, no doubt, an obligation you can't avoid if you claim the status. Can obligations without corresponding consideration be valid without consent? NO.

So you're a volunteer. Congress CANNOT by any legislation, compel a surrender of ALL constitutional protections. You must volunteer for the status that does so. Any other way is involuntary servitude.

That case even equated "liability" with "taxpayer" status. The only difference in Botta is that by "liability", they don't mean TAX liability, but liability to surrender constitutional protections. It's not poorly worded. It's encrypted truth.

Subsequent to the Botta Case, on Nov. 2, 1966, Congress enacted [26 U.S.C. §7426](#) giving remedy to "persons other than taxpayers". Did these people suddenly LOSE their Fifth Amendment protections after this enactment? NO. Beyond that point, they had an administrative remedy to DISGUISE their Fifth Amendment remedy in administrative language. They still didn't need "taxpayer" to get a remedy. But they had to agree to become a statutory "person" with a civil status who is now an "individual" who is subject. So these wrongful targets of enforcement activity were compelled to exchange CONSTITUTIONAL rights for STATUTORY privileges and became subject, even if they previously were not. See legislative notes under the statute:

26 U.S. Code § 7426 – Civil actions by persons other than taxpayers
<https://www.law.cornell.edu/uscode/text/26/7426>

BUT, nontaxpayers can still invoke constitutional remedies if they don't want the statute or the status or its liabilities. 26 U.S.C. §7426 is not exclusive and CAN'T be exclusive because it doesn't deal with GOVERNMENT property. It protects PRIVATE property under the Fifth Amendment just like in Botta.

Keep in mind that "taxpayer" is a STATUTORY "civil status" or franchise status is PROPERTY, and that it was legislatively created by Congress. Whatever Congress creates it literally OWNS and controls, including anyone and everyone claiming the status. That's the hypothesis proven in the following article:

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

The U.S. Supreme Court has also admitted that the legislative creator of a thing is the owner and only legitimate controller:

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 \(1983\)\]](#)

In the case of "taxpayer" per the above, Congress has dictated that ONLY "taxpayers" can go to Tax Court, and that they have the burden of proof as the "transferee" of government property under [26 U.S.C. §6903](#), to prove NON-LIABILITY. In other words, they have the unfortunate burden to prove a NEGATIVE, which is absurd and a literal impossibility in most cases. In other words, they are GOVERNMENT WHORES until they prove that they are NOT. Imagine the irony of the following quote proving this, which says "the taxpayer" has the burden, who simply by invoking the status, is a government whore:

"..the taxpayer can not be left in the unpardonable position of having to prove a negative"
[Elkins v. United States, 364 U.S. 206, 218, 80 S.Ct. 1437, 1444, 4 L.Ed.2d. 1669 (1960) ; Flores v. U.S., 551 F.2d. 1169, 1175 (9th Cir. 1977); Portillo v Comm'r, 932 F.2d. 938, Affirming, reversing and remanding 58 TCM 1386, Dec 46, 373 (M), TC Memo, 1990-68 [91-2 USTC P50, 304]; Weimerschirch [79-1 USTC P9359], 596 F.2d. at 361]

To this irony we respond with the following:

"Maddam, you have all the equipment necessary to be a whore, but that does not make you one by presumption. Until such time as you demonstrate the traits of a whore or claim to be one, I'll presume that you are a lady who will be treated with respect."

"Maddam, we've already established you are a whore. We're just negotiating the PRICE now. Taxpayers are whores."

Could it be that our detractor who ejected us from his forum didn't want his clients or friends, who he advocates calling themselves "taxpayers" on government forms, being referred to as WHORES? Probably so. He knew that the only remedy he could offer was a CIVIL STATUTORY remedy which required that his clients surrender ALL their constitutional rights to get an administrative remedy to recover money unlawfully withheld or reported or levied upon them AFTER they made the mistake of claiming to be "taxpayers" on government forms absent duress. Our detractor also incorrectly interpreted our allegation of being a whore as a "taxpayer" or civil "person", but GOD is the one who gave it that name, not us. See:

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

This detractor also told us that "taxpayer" really only means someone who PAID the "tax", not someone who actually surrenders any remedies, and cited court cases to prove it that even the IRS says cannot form the basis for a reasonable belief. To that, we respond by saying that if you HAVE to use a government form that identifies the submitter then simply attach or add a definition to the form defining the word "taxpayer" as follows:

"2. **"taxpayer"**:
2.1. A fictional creation of Congress.
2.2. Described in [26 U.S.C. §7701\(a\)\(14\)](#) and [26 U.S.C. §1313](#).
2.3. A civil statutory status that is domiciled in the "United States**" (federal zone, not a state of the Union) as defined in [26 U.S.C. §7701\(a\)\(9\)](#) and (a)(10) as required by Federal Rule of Civil Procedure 17.
2.4. Not a human being.
2.5. Animated by a human being under criminal compulsion to accept the civil obligations attached to the status in violation of the Thirteenth Amendment, human trafficking laws, identity theft criminal statutes, and criminal laws prohibiting peonage.
2.6. Suffers the disabilities of someone who has surrendered ALL of their constitutional rights and exchanged them for statutory public privileges. See [Ashwander v. Tennessee Valley Authority, 297 U.S. 288, 56 S.Ct. 466 \(1936\)](#), Brandeis Rules, Rule 6.

See "nontaxpayer" later. It is BAD ENOUGH that I am a victim of human trafficking as a target of illegal tax enforcement and criminal identity theft, but to force me to submit a tax form that identifies me as a "taxpayer" who consents to the peonage to procure the PRIVILEGE of getting a criminal mafia to "leave me alone" (which is the legal definition of "justice", by the way) is unconscionable."
[Tax Form Attachment, Form #04.201, Section 4: Definitions of Key Words of Art; <https://sedm.org/Forms/04-Tax/2-Withholding/TaxFormAtt.pdf>]

You know what they said to this suggestion?

"I am not going to risk not getting my refund through the statutory administrative remedy provided, because there IS no CONSTITUTIONAL remedy and sovereign immunity requires Uncle's consent to get one."

How ridiculous is that? You can only lose a constitutional or Fifth Amendment right of PRIVATE property by VOLUNTARILY surrendering it to pursue a statutory remedy. What he is saying is that everyone has to surrender all their constitutional rights to go to court. Remember, however, that IN THE CASE OF CONSTITUTIONAL violations, there is an IMPLIED WAIVER of STATUTORY sovereign immunity! We saw this earlier with the Botta case. Congress cannot by legislation undermine or defeat a constitutional remedy. Only you can surrender it as PRIVATE PROPERTY.

"Under basic rules of construction, statutory laws enacted by legislative bodies cannot impair rights given under a constitution. 194 B.R. at 925. "
[In re Young, 235 B.R. 666 (Bankr.M.D.Fla., 1999)]

The next question we must ask ourselves is WHAT specific type of property listed in [5 U.S.C. §553\(a\)\(2\)](#) earlier does the CIVIL STATUS of "taxpayer", for instance, fall under. No sane or rational jury would ever call taxation a contract or a "benefit", so it can't be that. The only thing LEFT in the list is "agency management and personnel" or "public property". Why does it HAVE to be "public property", you might ask? We explain in the following article that whenever the government wants to reach extraterritorial parties, the ONLY method they have is either CONTRACT or PROPERTY. Since CONTRACTS are a TYPE of property, then it all devolves to PROPERTY:

Proof that When a Government Wants to Reach a Nonresident Extraterritorially, the ONLY way They Have to Do It is through Property, SEDM Blog
<https://sedm.org/proof-that-when-a-government-wants-to-reach-a-nonresident-extraterritorially-the-only-way-they-have-to-do-it-is-through-the-property-they-own/>

What type of property under [5 U.S.C. §553\(a\)\(2\)](#) is it? THE STATUS OF "TAXPAYER" ITSELF! If you claim the status to pursue the BENEFIT of the PUBLIC RIGHTS it entails as a "transferee", then you implicitly accept the corresponding obligations of the status. Welcome to the federal plantation, cows!

But wait a MINUTE! The U.S. Code says that when they establish a PRIVILEGED public office as "taxpayer" outside the District of Columbia, they must EXPRESSLY authorize it in the specific geographical place it is executed or else it is de facto and unlawful.

[TITLE 4 > CHAPTER 3 > § 72](#)
[§ 72. Public offices; at seat of Government](#)

All offices attached to the seat of government shall be exercised in the District of Columbia, and not elsewhere, except as otherwise expressly provided by law.

And guess what, they have NEVER done this in the exclusive jurisdiction of a constitutional state. We prove that in the following document:

Challenge to Income Tax Enforcement Authority Within Constitutional States of the Union, Form #05.052
<https://sedm.org/Forms/FormIndex.htm>

Let's then apply these concepts to the income tax to answer some of the questions posed by this article:

- QUESTION:** If the Declaration of Independence says that all just powers of government derive from the consent of the governed, then what exactly constitutes CONSENT in this context?

ANSWER: Using a Social Security Number, which is what the FTC calls a "franchise mark" in connection with requesting a government "benefit" or service is what constitutes constructive consent. Also, invoking a specific status to which UNEQUAL "benefits" or public rights attach, such as "citizen", "resident", or "U.S. person". All these statuses impose a tax on WORLDWIDE earnings (watch out!) and are subject to DEDUCTIONS under [26 U.S.C. §162](#). Deductions are a commercial privilege that comes with a COST. just ask COOK in the famous case of [Cook v. Tait, 265 U.S. 47 \(1924\)](#), in which Cook, who was a nonresident alien living in Mexico, erroneously filed a 1040 tax return and therefore had to pay income tax on his earnings from Mexico. IDIOT! See the following for the sordid details of that SCAM.:

[Tax Return History-Citizenship](#), Family Guardian Fellowship
<https://famguardian.org/Subjects/Taxes/Citizenship/TaxReturnHistory-Citizenship/TaxReturnHistory-Citizenship.htm>

- QUESTION:** What if one chooses to not consent to ANYTHING the government offers. Would they THEN retain all their constitutional rights and lose none of them to civil statutory regulation?

ANSWER: YES

3. **QUESTION:** Is it possible to not give up ANY constitutional rights without being punished, ostracized, or targeted for economic sanctions such as those that result from not getting a “RES-IDENT” ID card or a driver license?
- ANSWER:** If you can travel and conduct commerce without ID connecting you to “resident” or “domiciliary” or “citizen” or “driver” status, and obtain the ID WITHOUT a Social Security Number, then you have retained all your constitutionally protected rights because you are not a “member” as they describe in the Munn Case. But of course, they will NEVER show you the exit door to the federal plantation, which is why they didn’t discuss this in the Munn Case. What good is a government farm without cows to milk?
4. **QUESTION:** Exactly WHAT constitutes “membership” that causes a loss of CONSTITUTIONAL or PRIVATE rights?:
- ANSWERS:**
- 4.1. It is NOT “nationality” or being an American National or State National because an act of birth is not an act of consent.
 - 4.2. It is “resident” status of an alien, because being here as an alien is a privilege but you don’t HAVE to come here. If you come here there is an IMPLIED OBLIGATION to submit to regulations by the foreign government you are visiting.
 - 4.3. It is “domicile” in the case of the civil statutory franchise codes, because they cannot be enforced without it pursuant to Federal Rule of Civil Procedure 17.
 - 4.4. It is voluntarily invoking any civil status in the tax code that comes with either obligations or a REDUCTION in constitutional remedies, both of which are losses of property. Such statuses include “citizen”, “resident”, “person”, or “taxpayer”. They DO NOT include “nonresident alien” because you can be a “nonresident alien” WITHOUT being an alien who is privileged or the “individual” described in 26 U.S.C. §1441(e) or 26 C.F.R. §1.1441-1(c)(3) (SEDM Form #04.225). We call this status a “non-person”. Even “Taxpayer” is a form of membership, because it implies a LOSS of constitutional remedies and substituting STATUTORY remedies in their place.

In retort to our claims about “taxpayers” being a privilege, some members have suggested that the LIABILITY for income tax attaches to “citizens” and “residents” in 26 C.F.R. §1.1-1, and thus, there is no disability associated with being a statutory “taxpayer” as defined in 26 U.S.C. §7701(a)(14). This, however, cannot be true because:

1. The only way to surrender constitutional rights is with consent in some form.
2. The remedies under 26 U.S.C. §7433 pertain ONLY to STATUTORY “taxpayers”
3. The remedies under 26 U.S.C. §7433 are “exclusive”, meaning EXCLUSIVE of CONSTITUTIONAL remedies.
4. The ability to “exclude” constitutional remedies betrays that federal government property is involved, because the essence of OWNERSHIP of such property is, in fact “the right to exclude” as held by the U.S. Supreme Court:

“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,^[11] 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).

So EVEN “taxpayer” status is a privilege, as we point out in:

1. *Sovereignty Forms and Instructions Online*, Form #10.004, Cites by Topic: “taxpayer”
<https://famguardian.org/TaxFreedom/CitesByTopic/taxpayer.htm>
2. *Who are “Taxpayers”, and Who Needs a “Taxpayer Identification Number”?*, Form #05.013
<https://sedm.org/Forms/05-MemLaw/WhoAreTaxpayers.pdf>
3. *Your Rights as a “nontaxpayer”*, IRS Publication 1a
<https://sedm.org/LibertyU/NontaxpayerBOR.pdf>

Below was part of the debate we had with one of our members suggesting that one should avoid “taxpayer” status. Their identity shall remain anonymous at this point for privacy purposes. The debate was held on a Telegram chat channel that we

used to participate in, but were EJECTED from because of the issues raised in this article that the moderator positively refused to discuss but had no evidentiary basis to rebut any of the content of this article or objective reason for doing so:

5. I recognize that your channel is an important marketing platform for your services, since I don't believe that you advertise. As such, you don't want it poisoned with anything that would adversely affect your image. Thus, you can't have debates on the platform and it is thus a propaganda vehicle more than an educational tool, at least for people like me, if not for all your members. You should at least have the decency to honestly admit that to your members, or else it's another scam just like the IRS dribble we both vociferously oppose.

6. I also recognize that the channel is "your property" and that you have a right to "make all needful rules" to moderate it just like 4:3:2, including excluding specific "members", or "persons", whatever you want to call them. Far be it from me to interfere with the use of that property or anyone ELSE'S property.

7. Since there is no "benefit" or beneficial right conveyed to me by the use of your channel as property, then I choose to no longer be a "person" within your channel or community or your jurisdiction (within that channel) and I am proud and relieved of it by virtue of terminating my membership. This is the same right you claim to exercise by choosing NRA over US Person, ironically. So I must have that right or else you don't

8. The same arguments that apply to your Telegram channel apply to the government's civil membership and franchise community called "citizens", "residents", "taxpayers", and "persons". If you think they don't, then you are misleading people and promoting statism. It seems hypocritical to claim the following:

8.1 That they need your consent in some form to tax you. You allege that this consent is manifested by choosing a form of membership/status OR by demanding or accepting government property/privileges.
8.2 That as far as membership choice, you have a right to associate in the way you see fit under the First Amendment and your right to contract or NOT contract, including the right to associate politically as an NRA instead of a U.S. Person.

8.3 However, by telling me or anyone else that I MUST pick ONE of the membership statuses offered and cannot simply quit entirely from ALL civil statuses, there is a contradiction so obvious that anyone can see it. There are more choices than NRA or US Person and you know it. If there aren't we are ALL slaves in violation of the Thirteenth Amendment. Nationality is not consensual membership. Asking for government property, whether as a benefit or a domicile is consent. You only want to recognize the benefit or status component that goes with the benefit but there is more to it than that.

8.4 The contradiction of saying that I can't choose "none of the above" for a status would be the equivalent of saying: You have an OBLIGATION to participate in MY Telegram community and to obey MY rules, even though you don't want to be a member and don't see anything in there as a "benefit" or have any reason whatsoever to participate. AND YOU MUST pay your membership dues for the PRIVILEGE of doing so, or else we will levy your bank account and lien your property.

9. It's quite ironic that you say I shouldn't make it about status, but that is exactly what YOU have made it all about: Choosing the right status. The main difference between you and me is that you think no one can force you to be a "U.S. person", and that they have to give you the choice of NRA to escape obligations to avoid slavery, but you refuse to acknowledge the right to not choose ANY status and be "stateless". The U.S. Supreme Court recognizes they have no STATUTORY jurisdiction over those who are stateless, and yet you don't seem to care.

10. I'm not suggesting that any of the above membership issues should form a basis for challenging a tax liability, because the civil statutes in the IRC trade or business franchise agreement proving you aren't subject are sufficient proof without adopting ANY civil status beyond NRA. You maliciously put words in my mouth in your Telegram channel and I will not allow you to target me with such malicious, public abuse. You abused your platform to do to me exactly what you didn't want me to do to you and which I was NOT doing, which is slander you. That was never my intention and you ought to know that by now.

You can't talk butterfly talk with caterpillar people.

The opponent in the above debate could not rebut anything in this article, and until he at least rebuts it all, we must conclude that we are correct on the subject of "taxpayer" at least. In their defense, we must say that the two of us agree on 99.99% of everything and have only a small dispute over the "taxpayer" issue. They even helped us assemble some of the content of this article. We even agree that the income tax is a privilege tax, as described for the most part in:

[Why the Federal Income Tax is a Privilege Tax Upon Federal Property](https://sedm.org/product/why-the-federal-income-tax-is-a-privilege-tax-on-government-property-form-04-404/), Form #04.404
<https://sedm.org/product/why-the-federal-income-tax-is-a-privilege-tax-on-government-property-form-04-404/>

Note that we ARE NOT suggesting, by this article, that claiming “non-taxpayer” status is a way to dispute a tax liability. It ISN’T and will be called “frivolous”. But we ARE saying that if you want to retain AS MANY of your CONSTITUTIONAL rights as you can and NOT surrender them in exchange for civil statutory remedies, then you must approximate as close as possible the civil status we define in our Disclaimer as a “non-resident non-person” but not CALL it that in your pleadings or correspondence. Instead, invoke the statutory terms used in the definition itself and ONLY those, so that you speak the language of your audience and don’t confuse them. That status is described as follows for the benefit of the reader at this point:

SEDM Disclaimer
Section 4, Meaning of Words

4.25 “Non-Person” or “non-resident non-person”

1. Tax status:

1.1. Is NOT a STATUTORY “nonresident alien individual” as defined in [26 U.S.C. §1441\(e\)](#) and [26 C.F.R. §1.1441-1\(c\)\(3\)\(ii\)](#), both of which are alien residents of Puerto Rico AND NO ONE ELSE.

1.2. Because they are “nonresident aliens” but not “nonresident alien individuals”, then they are not a statutory “person”. You must be an statutory “individual” to be a statutory “person” per [26 U.S.C. §7701\(a\)](#) if you are a man or woman.

More on this at: [Tax Status Presentation, Form #12.043](#).

2. Not domiciled on federal territory and not representing a corporate or governmental office that is so domiciled under [Federal Rule of Civil Procedure 17](#). See [Form #05.002](#) for details.

3. Not engaged in a public office within any government. This includes the civil office of “person”, “individual”, “citizen”, or “resident”. See [Form #05.037](#) and [Form #05.042](#) for court-admissible proof that statutory “persons”, “individuals”, “citizens”, and “residents” are public offices.

4. Not “purposefully or consensually availing themselves” of commerce with any government. Therefore, they do not waive sovereign immunity under the [Foreign Sovereign Immunities Act \(FSIA\)](#), [28 U.S.C. Chapter 97](#).

5. Obligations and Rights in relation to Governments:

5.1. Waives any and all privileges and immunities of any civil status and all rights or “entitlements” to receive “benefits” or “civil services” from any government. It is a maxim of law that [REAL de jure governments \(Form #05.043\)](#) MUST give you the right to not receive or be eligible to receive “benefits” of any kind. See Form #05.040 for a description of the SCAM of abusing “benefits” to destroy sovereignty. The reason is because they MUST guarantee your right to be self-governing and self-supporting:

Invito beneficium non datur.

No one is obliged to accept a benefit against his consent. Dig. 50, 17, 69. But if he does not dissent he will be considered as assenting. Vide Assent.

Potest quis renunciare pro se, et suis, juri quod pro se introductum est.

A man may relinquish, for himself and his heirs, a right which was introduced for his own benefit. See 1 Bouv. Inst. n. 83.

Quilibet potest renunciare juri pro se inducto.

Any one may renounce a law introduced for his own benefit. To this rule there are some exceptions. See 1 Bouv. Inst. n. 83.

[Bouvier’s Maxims of Law, 1856;

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

5.2. Because they are not in receipt of or eligible to receive property or benefits from the government, they owe no CIVIL STATUTORY obligations to that government or any STATUTORY “citizen” or STATUTORY “resident”, as “obligations” are described in [California Civil Code Section 1428](#). This means they are not party to any contracts or compacts and have injured NO ONE as injury is defined NOT by statute, but by the common law. See [Form #12.040](#) for further details on the definition of “obligations”.

5.3. Because they owe no statutory civil obligations, the definition of “justice” REQUIRES that they MUST be left alone by the government. See [Form #05.050](#) for a description of “justice”.

6. For the purposes of citizenship on government forms:

6.1. Does NOT identify as a STATUTORY “citizen” ([8 U.S.C. §1401](#) and [26 C.F.R. §1.1-1\(c\)](#)), “resident” (alien under [26 U.S.C. §7701\(b\)\(1\)\(A\)](#)), “U.S. citizen” (not defined in any statute), “U.S. resident” (not defined in any statute), or “U.S. person” ([26 U.S.C. §7701\(a\)\(30\)](#)).

*6.2. Identifies himself as a “national” per [8 U.S.C. §1101\(a\)\(21\)](#) and per common law by virtue of birth or naturalization within the CONSTITUTIONAL “United States***”.*

7. Earnings originate from outside:
7.1. The [STATUTORY “United States”](#) as defined in [26 U.S.C. §7701\(a\)\(9\) and \(a\)\(10\)](#) (federal zone) and
7.2. The U.S. government federal corporation as a privileged legal fiction.
Thus, their earnings are not includible in “gross income” under [26 U.S.C. §871](#) and are a “foreign estate”
under [26 U.S.C. §7701\(a\)\(31\)](#). See [26 U.S.C. §872](#) and [26 C.F.R. §1.872-2\(f\)](#) and [26 C.F.R. §1.871-7\(a\)\(4\)](#) and [26](#)
[U.S.C. §861\(a\)\(3\)\(C\)\(i\)](#) for proof.

8. Does not and cannot earn [STATUTORY “wages”](#) as defined in [26 U.S.C. §3401\(a\)](#) for services performed
outside the [STATUTORY “United States”](#) as defined in [26 U.S.C. §7701\(a\)\(9\) and \(a\)\(10\)](#) (federal zone) and the
CORPORATION “United States” as a legal fiction. Not subject to “wage” withholding of any kind for such
services per:

- 8.1. [26 C.F.R. §31.3401\(a\)\(6\)-1\(b\)](#) in the case of income tax.
8.2. [26 C.F.R. §31.3121\(b\)-3\(c\)\(1\)](#) in the case of Social Security.

9. Expressly exempt from income tax reporting under:

- 9.1. [26 C.F.R. §1.1441-1\(b\)\(5\)\(i\)](#).
9.2. [26 C.F.R. §1.1441-1\(e\)\(1\)\(ii\)\(A\)\(1\)](#).
9.3. [26 C.F.R. §1.6041-4\(a\)\(1\)](#).

10. Exempt from backup withholding because earnings are not reportable by [26 U.S.C. §3406\(g\)](#) and [26 C.F.R.](#)
[§31.3406\(g\)-1\(e\)](#). Only “reportable payments” are subject to such withholding.

11. Because they are exempt from income tax reporting and therefore withholding, they have no “taxable
income”.

11.1. Only reportable income is taxable.

11.2. There is NO WAY provided within the Internal Revenue Code to make earnings not connected to a
statutory “trade or business”/public office ([Form #05.001](#)) under [26 U.S.C. §6041](#) reportable.

11.3. The only way to make earnings of a nonresident alien not engaged in the “trade or business” franchise
taxable under [26 U.S.C. §871\(a\)](#) is therefore only when the PAYOR is lawfully engaged in a “trade or business”
but the PAYEE is not. This situation would have to involve the U.S. government ONLY and not private parties in
the states of the Union. The information returns would have to be a [Form 1042s](#). It is a crime under [18 U.S.C.](#)
[§912](#) for a private party to occupy a public office or to impersonate a public office, and Congress cannot
establish public offices within the exclusive jurisdiction of the states of the Union to tax them, according to the
[License Tax Cases](#), 72 U.S. 462, 18 L.Ed. 497, 68 S.Ct. 331 (1866).

12. Continue to be a “national of the United States” ([Form #05.006](#)) and not lose their CONSTITUTIONAL
citizenship while filing form 1040NR. See [26 U.S.C. §873\(b\)\(3\)](#). They do NOT need to “expatriate” their
nationality to file as a “nonresident alien” and will not satisfy the conditions in [26 U.S.C. §877](#) (expatriation to
avoid tax). Expatriation is loss of NATIONALITY, and NOT loss of STATUTORY “citizen” status under [8 U.S.C.](#)
[§1401](#).

13. If they submit a Form W-8 to control withholding and revoke Form W-4, then they:

- 13.1. Can submit [SSA Form 7008](#) to correct their SSA earnings to zero them out. See [SEDM Form #06.042](#).
13.2. Can use [IRS Form 843](#) to request a full refund or abatement of all FICA and Medicare taxes withheld if
the employer or business associate continues to file W-2 forms or withhold against your wishes. See [SEDM](#)
[Form #06.043](#).

14. Are eligible to replace the SSN with a TEMPORARY International Taxpayer Identification Number (ITIN)
that expires AUTOMATICALLY every year and is therefore NOT permanent and changes. If you previously
applied for an SSN and were ineligible to participate, you can terminate the SSN and replace it with the ITIN. If
you can’t prove you were ineligible for Social Security, then they will not allow you to replace the SSN with an
ITIN. See:

- 14.1. [Form W-7](#) for the application.
14.2. [Understanding Your IRS Individual Taxpayer Identification Number, Publication 1915](#)
14.3. [Why You Aren’t Eligible for Social Security, Form #06.001](#) for proof that no one within the exclusive
jurisdiction of a constitutional state of the Union is eligible for Social Security.

15. Must file the paper version of IRS Form 1040NR, because there are no electronic online providers that
automate the preparation of the form or allow you to attach the forms necessary to submit a complete and
accurate return that correctly reflects your status. This is in part because the IRS doesn’t want to make it easy
or convenient to leave their slave plantation.

16. Is a SUBSET of “nonresident aliens” who are not required to have or to use Social Security Numbers (SSNs)
or Taxpayer Identification Numbers (TINs) in connection with tax withholding or reporting. They are expressly
exempted from this requirement by:

- 16.1.. [31 C.F.R. §1020.410\(b\)\(3\)\(x\)](#).
16.2.. [26 C.F.R. §301.6109-1\(b\)\(2\)](#).
16.3.. [W-8BEN Inst. p. 1.2.4.5 \(Cat 25576H\)](#).
16.4.. [Instructions for the Requesters of Forms W-8BEN, W-8BEN-E, W-8ECI, W-8EXP, and W-8IMY, p. 1.2.6 \(Cat](#)

26698G).
16.5.. Pub 515 Inst. p. 7 (Cat. No 16029L).
More on SSNs and TINs at:
About SSNs and TINs on Government Forms and Correspondence, Form #05.012
About SSNs and TINs on Government Forms and Correspondence, Form #04.104
[SEDM Disclaimer, Section 4.25: "non-resident non-person"; SOURCE:
https://sedm.org/disclaimer.htm#4.25_Non-Person]

For an example of how such a party would respond to a collection notice, read the following:

Using the Laws of Property to Respond to a Federal or State Tax Collection Notice, Form #14.015
<https://sedm.org/using-the-laws-of-property-to-respond-to-a-federal-or-state-tax-collection-notice/>

For information about how such a person described in this article would file a tax return, see:

How to File Returns, Form #09.074 (Member Subscription form)
<https://sedm.org/product/filing-returns-form-09-074/>

If you want to read the Shepards Report on all the cases that cite *Munn v. Illinois*, see the following. This is a hugely important case:

https://famguardian.org/Subjects/PropertyPrivacy/Property/PublicVPrivate/Shepard_s_report_Munn%20v.%20Illinois%2094%20U.S.%20113_%204%20Otto%20113_%2024%20L.%20Ed.%2077_%201876%20U.S.%20LEXIS-20201228.pdf

For those readers interested in exploring their constitutional rights, the private property that they constitute, and how that private property can be LAWFULLY converted to PUBLIC/GOVERNMENT property, see:

1. *Proof: God Says Spiritual Men and Women are NOT "Persons" or "Human Beings" as Legally Defined*-SEDM Blog
<https://sedm.org/spiritual-men-and-women-are-not-human-beings-as-legally-defined/>
2. *Your Exclusive Right to Declare or Establish Your Civil Status*, Form #13.008
<https://sedm.org/Forms/13-SelfFamilyChurchGovnce/RightToDeclStatus.pdf>
3. *Unalienable Rights Course*, Form #12.038
<https://sedm.org/LibertyU/UnalienableRights.pdf>
4. *Separation Between Public and Private Course*, Form #12.025
<https://sedm.org/LibertyU/SeparatingPublicPrivate.pdf>
5. *Private Right or Public Right? Course*, Form #12.044
<https://sedm.org/LibertyU/PrivateRightOrPublicRight.pdf>
6. *Enumeration of Inalienable Rights*, Form #10.002
<https://sedm.org/Forms/10-Emancipation/EnumRights.pdf>
7. *Legal Remedies That Protect Private Rights Course*, Form #12.019 (Member Subscription form)
<https://sedm.org/product/legal-remedies-that-protect-private-rights-course-form-12-019/>

NOW do you know what the Lord means when he makes the following statement in the book of Revelation?

⁴ And I heard another voice from heaven saying, "Come out of her [the Babylon Whore De Facto Government, Form #05.043], my people, lest you share in her sins, and lest you receive of her plagues. ⁵ For her sins [lawlessness, Form #05.048] have reached to heaven, and God has remembered her iniquities. ⁶ Render to her just as she rendered to you, and repay her double [THIEVES pay DOUBLE what they STOLE, Exodus 22:7] according to her works; in the cup which she has mixed, mix double for her. ⁷ In the measure that she glorified herself and lived luxuriously [a Socialist Security Check paid for with money STOLEN from young folk who will never collect a dime, Form #11.407], in the same measure give her torment and sorrow; for she says in her heart, 'I sit as queen, and am no widow [for Christians are married to their Husband, God, Isaiah 54:5], and will not see sorrow.' ⁸ Therefore her plagues will come in one day—death and mourning and famine. And she will be utterly burned with fire, for strong is the Lord God who judges her. [Rev. 18:4-8, Bible, NIKJV]

God is talking about citizenship, residence, domicile, and ALL government franchises and how we CANNOT participate and must EXIT them IMMEDIATELY. NOW do you ALSO know why we put the following warning on the opening page of our website, which indirectly is derived from the above scripture?

People of all races, genders, political beliefs, sexual orientations, and nearly all religions are welcome here. All are treated equally under [REAL "law"](#). The only way to remain truly free and equal under the civil law is to avoid seeking government civil services, benefits, property, [special or civil status](#), exemptions, privileges, or special treatment. All such pursuits of government services or property require [individual and lawful consent](#) to a franchise and the surrender of [inalienable constitutional rights](#) AND [EQUALITY](#) in the process, and should therefore be AVOIDED. The rights and equality given up are the "cost" of procuring the "benefit" or property from the government, in fact. Nothing in life is truly "free". Anyone who claims that such "benefits" or property should be free and cost them nothing is a thief who wants to use the government as a means to STEAL on his or her behalf. All [just rights](#) spring from responsibilities/obligations under the [laws of a higher power](#). If that higher power is God, you can be [truly and objectively free](#). If it is government, you are [guaranteed to be a slave](#) because they can lawfully set the cost of their property as high as they want as a Merchant under the U.C.C. [If you want it really bad from people with a monopoly, then you will get it REALLY bad. Bend over.](#) There are NO constitutional limits on the price government can charge for their monopoly services or property. Those who want no responsibilities can have no [real/PRIVATE rights](#), but only privileges dispensed to wards of the state which are disguised to LOOK like unalienable rights. Obligations and rights are two sides of the same coin, just like self-ownership and personal responsibility. For the biblical version of this paragraph, read [1 Sam. 8:10-22](#). For the reason God answered Samuel by telling him to allow the people to have a king, read [Deut. 28:43-51](#), which is God's curse upon those who allow a king above them. [Click Here](#) (<https://famguardian.org/Subjects/Taxes/Evidence/HowScCorruptOurRepubGovt.htm>) for a detailed description of the legal, moral, and spiritual consequences of violating this paragraph. [SEDM Website Opening Page; <https://sedm.org>]

Below is the BIBLICAL version of the above paragraph, which is also repeated in Deut. 28:43-51:

⁶ But the thing displeased Samuel when they said, "Give us a king to judge us." So Samuel prayed to the Lord. ⁷ And the Lord said to Samuel, "Heed the voice of the people in all that they say to you; for they have not rejected you, but they have rejected Me, that I should not reign over them." ⁸ 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—so they are doing to you also. ⁹ Now therefore, heed their voice. However, you shall solemnly forewarn them, and show them the behavior of the king who will reign over them."

¹⁰ So Samuel told all the words of the Lord to the people who asked him for a king. ¹¹ And he said, "This will be the behavior of the king who will reign over you: He will take your sons and appoint them for his own chariots and to be his horsemen, and some will run before his chariots. ¹² 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. ¹³ He will take your daughters to be perfumers, cooks, and bakers. ¹⁴ And he will take the best of your fields, your vineyards, and your olive groves, and give them to his servants. ¹⁵ He will take a tenth of your grain and your vintage, and give it to his officers and servants. ¹⁶ And he will take your male servants, your female servants, your finest young men, and your donkeys, and put them to his work. ¹⁷ He will take a tenth of your sheep. And you will be his servants. ¹⁸ 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."

¹⁹ Nevertheless the people refused to obey the voice of Samuel; and they said, "No, but we will have a king over us, ²⁰ 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 8:6-20, Bible, NKJV]

The above biblical cite is again repeated in Deut. 28:43-51, and it's the scariest curse in all the bible reserved for those who borrow government property by the methods described in this article using franchises:

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

1 shall eat the increase of your livestock and the produce of your land [with "trade or business" franchise taxes], until
2 you [and all your property] are destroyed [or **STOLEN/CONFISCATED**]; they shall not leave you grain or new
3 wine or oil, or the increase of your cattle or the offspring of your flocks, until they have destroyed you.
4 [[Deut. 28:43-51](#), Bible, NKJV]

5 And HERE is how this THIEVERY and enslavement by the Beast Babylon Whore is described by ITSELF!

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

14 This is VERY serious business, folks!



1 Lastly, if you the reader find anything inaccurate in this article, please immediately bring it to our attention through our
2 Contact Us page so that we may fix it. We published this article not to somehow be “right” or better than anyone else, but to
3 subject our research on this subject to thorough peer review so that it can be continually improved. We don’t censor or
4 “cancel” people on this website, as the opponent described above tried to do to us or as the left makes a PROFESSION out
5 of doing.

6 **12.3 Warning About the Use of Labels or Civil Statutory Statuses to Describe Yourself**⁵³

7 Our [Member Agreement, Form #01.001](#), requires that all Members of this website and readers of our materials ARE NOT
8 allowed to call themselves "sovereign citizens", STATUTORY "citizens", or "citizens" and they may not use or ANY OTHER
9 name, label, or stereotype (other than [AMERICAN NATIONAL but not STATUTORY "citizen" as described in Form](#)
10 [#05.006](#)) to describe themselves, and certainly not in a court of law, on a legal pleading, or on a [government form \(Form](#)
11 [#12.023](#)). God's example in the Bible applies here. The only thing He called HIMSELF was "[I Am](#)" ([Exodus 3:14](#)), and if you
12 are truly a Christian serving and representing Him 24 hours a day, 7 days a week and thereby PRACTICING your faith,
13 THAT is the only thing you can truthfully call YOURSELF as when interacting with any state officer. Anyone who interferes
14 with that in the government is interfering with your First Amendment right to practice your religion in violation of the First
15 Amendment and the [Religious Freedom Restoration Act \(RFRA\)](#), [42 U.S.C. Chapter 21B](#). See also [TANZIN et al. v.](#)
16 [TANVIR et al. No. 19–71, Decided Dec. 10, 2020, U.S. Supreme Court](#).

17 These considerations are the true significance of what it means to have "[separation of church and state](#)" and "[sanctification](#)"
18 in a theological sense. [Your body is God's temple \(1 Cor. 6:19-20\)](#) and you can't worship (meaning serve or obey or accept
19 CIVIL "obligations" in a legal sense as anyone other than a voluntary government employee of) Caesar in or with your
20 Temple without violating the First Commandment of the Ten Commandments in [Exodus 20](#). That is the only way we know
21 of in a legal sense that Christians can truthfully be described as "IN the world but not "OF the world". You are an [ambassador](#)
22 [and agent of God \(2 Cor. 5:20\)](#) and can act in no other capacity or you will surrender the CIVIL protections of [God's law](#)
23 [\(Form #13.001\)](#) in so doing. The Bible is your [DELEGATION OF AUTHORITY ORDER \(Form #13.007\)](#) as a Christian
24 and Trustee over His property, which is [the entire Earth and all the Heavens \(Psalm 89:11\)](#). If in fact you are Trustees and
25 the trust indenture (the Bible) says you can't contract with governments, then it is LEGALLY IMPOSSIBLE to [consent \(Form](#)
26 [#05.003\)](#) to alienate or give up rights or property that belong to the trust and come from God and are GRANTED or LOANED
27 to you temporarily as a Christian. Anyone from the [de facto government \(Form #05.024\)](#) who attempts to deceive or defraud
28 you through [sophistry \(Form #12.042\)](#) to give up property or rights to them in that scenario cannot claim to have lawfully
29 acquired such rights or property. This is because it is literally OUTSIDE of your delegation of authority order (the Bible) to
30 convert them to public use or from the status of PRIVATE (owned by God) to PUBLIC (owned by Caesar) to do so as
31 documented in [Separation Between Public and Private Course, Form #12.025](#)). This is the SAME defense they use when
32 THEY are sued for doing or refusing to do something and you can use it too! God is the only Sovereign, and we exercise
33 sovereignty only when we are representing Him. On this subject, Jesus, our example, said about us being an agent of the
34 Father who we represent as Christians the following:

35 *"He who receives you receives Me, and he who receives Me receives Him [God] who sent Me."*
36 *[Matt. 10:40, Bible, NKJV]*

37 *"He who hears you hears Me, he who rejects you rejects Me, and he who rejects Me rejects Him [God] who sent*
38 *Me."*
39 *[Luke 10:16, Bible, NKJV]*

40 *Jesus said to them, "My food is to do the will of Him [God] who sent Me, and to finish His work."*
41 *[John 4:34, Bible, NKJV]*

42 *"And he who sees Me sees Him [God] who sent Me."*
43 *[John 12:45, Bible, NKJV]*

44 An important purpose of this website is to disassociate and disconnect from all [domicile \(a civil statutory protection franchise,](#)
45 [Form #05.002\)](#), [privileges, franchises \(Form #05.030\)](#), "benefits", and civil statutory jurisdiction. This cannot be done
46 WITHOUT abandoning all [civil statuses \(Form #13.008\)](#), labels, and stereotypes to which [CIVIL legal obligations \(Form](#)
47 [#12.040\)](#), "benefits", privileges, exemptions, or rights might attach. The Apostle Paul warned of this by saying: "You were
48 bought at a price. Do not become slaves of men" in [1 Cor. 6:20](#) and [1 Cor. 7:23](#). In a legal sense, the ONLY thing he can

⁵³ SOURCE: *Citizenship, Domicile, and Tax Status Options*, Form #10.003, Section 5; <https://sedm.org/Forms/FormIndex.htm>.

mean is that you can NEVER use any [CIVIL status](#), name, label, or stereotype to describe yourself that DOES in fact infer or imply a [legally enforceable CIVIL statutory obligation \(Form #05.037\)](#) against you in the context of any government. Anyone who CONSENSUALLY violates these requirements absent provable duress and in connection with administrative correspondence or litigation is clearly using our materials in an unauthorized manner in violation of our [Member Agreement, Form #01.001](#). For a clarification on THIS and other abuses of [the term "sovereign"](#), please read and heed: [Policy Document: Rebutted False Arguments About Sovereignty, Form #08.018](#). The reason we have to do this is that invoking a [civil status](#) that comes with CIVIL STATUTORY obligations makes you a borrower of government property. In law, all rights or privileges are property, and being a borrower makes you servant to the [GOVERNMENT grantor or lender](#) per [Prov. 22:7](#) and literally a [GOVERNMENT SLAVE \(Form #05.030\)](#). That slavery comes with the following curse:

"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 \(1877\)\]](#)

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.
[\[Deut. 28:43-51, Bible, NKJV\]](#)

To put this biblical prohibition and relationship with governments in commercial terms, the government grantor or "lender" of their property is called a "Merchant" in [U.C.C. §2-104\(1\)](#) and the debtor or borrower or renter is called a "Buyer" under [U.C.C. §2-103\(1\)\(a\)](#). God ONLY permits Christians to be "Merchants" and NEVER "Buyers" in relation to any and all governments. That way, they will always work for you and you can NEVER work for or "serve" them, since the First Four commandments of the Ten Commandments in [Exodus 20](#) prohibit such "worship" and/or servitude and the superior or supernatural LEGAL powers on the part of government that is used to COMPEL or ENFORCE (Form #05.032) it. This biblically mandated status of being a "Merchant" ONLY is explained [Path to Freedom, Form #09.015](#), Sections 5.6 and 5.7. The biblical Hierarchy of Sovereignty can be viewed by [clicking here](#) (<https://famguardian.org/Subjects/Taxes/Remedies/PowerToCreate.htm>). Below are the commands of Jesus (God) Himself on this subject:

"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 called "the State" from BELOW as public SERVANTS 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."
[\[Matt. 20:25-28, Bible, NKJV\]](#)

Lastly, note that this biblical approach is NOT anarchist in any fashion. Members are subject to the criminal laws, the common law, and biblical law. They can't be members WITHOUT being subject to the laws of their religion. The biblical mandate is that Christians cannot consent to anything government offers and thus contract with them. The only systems of law that do NOT depend on consent in some form to acquire "the force of law" are the criminal law, the common law, and biblical law. Everything else is essentially government contracting in one form or another under [a contract called "the social compact", as Rousseau called it](#). The Social Security Number is, in fact, what the FTC calls a "franchise mark" evidencing your status AS a government contractor, as we describe in [About SSNs and TINs on Government Forms and Correspondence, Form #05.012](#). Welcome to the [government farm/plantation](#), I mean "franchise", amigo! These distinctions are further described in:

1. [What is "law"? Form #05.048](#)
FORMS PAGE: <https://sedm.org/Forms/FormIndex.htm>
DIRECT LINK: <https://sedm.org/Forms/05-MemLaw/WhatIsLaw.pdf>
2. [Rebutted False Arguments About Sovereignty, Form #08.018](#), Sections 5.5 and 6.5
FORMS PAGE: <https://sedm.org/Forms/FormIndex.htm>
DIRECT LINK: <https://sedm.org/Forms/08-PolicyDocs/RebFalseArgSovereignty.pdf>
3. [Problems with Atheistic Anarchism](#), Form #08.020
Video: <http://youtu.be/n883Ce11ML0>
Slides: <https://sedm.org/Forms/08-PolicyDocs/ProbsWithAtheistAnarchism.pdf>
4. [Four Law Systems Course, Form #12.039](#)
5. [Rebutted False Arguments About the Common Law, Form #08.025](#)
FORMS PAGE: <https://sedm.org/Forms/FormIndex.htm>
DIRECT LINK: <https://sedm.org/Forms/08-PolicyDocs/RebuttedFalseArgumentsAboutCommonLaw.pdf>

13. The History of the Application of the Constitution Outside of States of the Union

Many if not most of the rights spoken of in this document apply inside states of the Union and do not apply on federal territory. This is because the Constitution and the rights that it protects attach to land and not the status of the 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)]

As such, it is VERY important when litigating to protect your rights to know exactly where the Constitution physically applies. Obviously, we know it applies to land under the exclusive jurisdiction of states of the Union, but what about places OUTSIDE of those areas, such as federal enclaves, territories, and possessions? This area of law is called "extraterritorial application of the constitution".

The most instructive U.S. Supreme Court case on the subject of the history of the application of the Constitution outside of states of the Union is the following case, which we repeat here for the edification of the reader:

*The Framers foresaw that the United States would expand and acquire new territories. See [American Ins. Co. v. 356 Bales of Cotton](#), 1 Pet. 511, 542, 7 L.Ed. 242 (1828). Article IV, § 3, cl. 1, grants Congress the power to admit new States. Clause 2 of the same section grants Congress the "Power to dispose of and make all needful Rules and Regulations respecting the Territory or other Property belonging to the United States." Save for a few notable (and notorious) exceptions, e.g., [Dred Scott v. Sandford](#), 19 How. 393, 15 L.Ed. 691 (1857), throughout most of our history there was little need to explore the outer boundaries of the Constitution's geographic reach. When Congress exercised its power to create new territories, it guaranteed constitutional protections to the inhabitants by statute. See, e.g., An Act: to establish a Territorial Government for Utah, § 17, 9 Stat. 458 ("[T]he Constitution and laws of the United States are hereby extended over and declared to be in force in said Territory of Utah"); Rev. Stat. § 1891 ("The Constitution and all laws of the United States which are not locally inapplicable shall have the same force and effect within all the organized Territories, and in every Territory hereafter organized as elsewhere within the United States"); see generally Burnett, *United States: American Expansion and Territorial Deannexation*, 72 U. Chi. L.Rev. 797, 825-827 (2005). In particular, there was no need to test the limits of the Suspension Clause because, as early as 1789, Congress extended the writ to the Territories. See Act of Aug. 7, 1789, 1 Stat. 52 (reaffirming Art. II of Northwest Ordinance of 1787, which provided that "[t]he inhabitants of the said territory, shall always be entitled to the benefits of the writ of habeas corpus").*

*Fundamental questions regarding the Constitution's geographic scope first arose at the dawn of the 20th century when the Nation acquired noncontiguous Territories: Puerto Rico, Guam, and the Philippines—ceded to the United States by Spain at the conclusion of the Spanish-American War—and Hawaii—annexed by the United States in 1898. At this point Congress chose to discontinue its previous practice [2254*2254](#) of extending constitutional rights to the Territories by statute. See, e.g., An Act Temporarily to provide for the administration*

of the affairs of civil government in the Philippine Islands, and for other purposes, 32 Stat. 692 (noting that Rev. Stat. § 1891 did not apply to the Philippines).

In a series of opinions later known as the *Insular Cases*, the Court addressed whether the Constitution, by its own force, applies in any territory that is not a State. See [De Lima v. Bidwell](#), 182 U.S. 1, 21 S.Ct. 743, 45 L.Ed. 1041 (1901); [Dooley v. United States](#), 182 U.S. 222, 21 S.Ct. 762, 45 L.Ed. 1074 (1901); [Armstrong v. United States](#), 182 U.S. 243, 21 S.Ct. 827, 45 L.Ed. 1086 (1901); [Downes v. Bidwell](#), 182 U.S. 244, 21 S.Ct. 770, 45 L.Ed. 1088 (1901); [Hawaii v. Mankichi](#), 190 U.S. 197, 23 S.Ct. 787, 47 L.Ed. 1016 (1903); [Dorr v. United States](#), 195 U.S. 138, 24 S.Ct. 808, 49 L.Ed. 128 (1904). The Court held that the Constitution has independent force in these Territories, a force not contingent upon acts of legislative grace. Yet it took note of the difficulties inherent in that position.

Prior to their cession to the United States, the former Spanish colonies operated under a civil-law system, without experience in the various aspects of the Anglo-American legal tradition, for instance the use of grand and petit juries. At least with regard to the Philippines, a complete transformation of the prevailing legal culture would have been not only disruptive but also unnecessary, as the United States intended to grant independence to that Territory. See An Act To declare the purpose of the people of the United States as to the future political status of the people of the Philippine Islands, and to provide a more autonomous government for those islands (Jones Act), 39 Stat. 545 (noting that “it was never the intention of the people of the United States in the incipency of the War with Spain to make it a war of conquest or for territorial aggrandizement” and that “it is, as it has always been, the purpose of the people of the United States to withdraw their sovereignty over the Philippine Islands and to recognize their independence as soon as a stable government can be established therein”). The Court thus was reluctant to risk the uncertainty and instability that could result from a rule that displaced altogether the existing legal systems in these newly acquired Territories. See [Downes](#), *supra*, at 282, 21 S.Ct. 770 (“It is obvious that in the annexation of outlying and distant possessions grave questions will arise from differences of race, habits, laws and customs of the people, and from differences of soil, climate and production...”).

These considerations resulted in the doctrine of territorial incorporation, under which the Constitution applies in full in incorporated Territories surely destined for statehood but only in part in unincorporated Territories. See [Dorr](#), *supra*, at 143, 24 S.Ct. 808 (“Until Congress shall see fit to incorporate territory ceded by treaty into the United States,... the territory is to be governed under the power existing in Congress to make laws for such territories and subject to such constitutional restrictions upon the powers of that body as are applicable to the situation”); [Downes](#), *supra*, at 293, 21 S.Ct. 770 ([White, J., concurring](#)) (“[T]he determination of what particular provision of the Constitution is applicable, generally speaking, in all cases, involves an inquiry into the situation of the territory and its relations to the United States”). As the Court later made clear, “the real issue in the *Insular Cases* was not whether the Constitution extended to the Philippines or Porto Rico when we went there, but which of its provisions were applicable by way of 2255*2255 limitation upon the exercise of executive and legislative power in dealing with new conditions and requirements.” [Balzac v. Porto Rico](#), 258 U.S. 298, 312, 42 S.Ct. 343, 66 L.Ed. 627 (1922). It may well be that over time the ties between the United States and any of its unincorporated Territories strengthen in ways that are of constitutional significance. Cf. [Torres v. Puerto Rico](#), 442 U.S. 465, 475-476, 99 S.Ct. 2425, 61 L.Ed.2d. 1 (1979) ([Brennan, J., concurring in judgment](#)) (“Whatever the validity of the [*Insular Cases*] in the particular historical context in which they were decided, those cases are clearly not authority for questioning the application of the Fourth Amendment—or any other provision of the Bill of Rights—to the Commonwealth of Puerto Rico in the 1970’s”). But, as early as [Balzac](#) in 1922, the Court took for granted that even in unincorporated Territories the Government of the United States was bound to provide to noncitizen inhabitants “guaranties of certain fundamental personal rights declared in the Constitution.” 258 U.S., at 312, 42 S.Ct. 343; see also [Late Corp. of Church of Jesus Christ of Latter-Day Saints v. United States](#), 136 U.S. 1, 44, 10 S.Ct. 792, 34 L.Ed. 478 (1890) (“Doubtless Congress, in legislating for the Territories would be subject to those fundamental limitations in favor of personal rights which are formulated in the Constitution and its amendments”). Yet noting the inherent practical difficulties of enforcing all constitutional provisions “always and everywhere,” [Balzac](#), *supra*, at 312, 42 S.Ct. 343, the Court devised in the *Insular Cases* a doctrine that allowed it to use its power sparingly and where it would be most needed. This century-old doctrine informs our analysis in the present matter.

Practical considerations likewise influenced the Court’s analysis a half century later in [Reid](#), 354 U.S. 1, 77 S.Ct. 1222, 1 L.Ed.2d 1148. The petitioners there, spouses of American servicemen, lived on American military bases in England and Japan. They were charged with crimes committed in those countries and tried before military courts, consistent with executive agreements the United States had entered into with the British and Japanese Governments. *Id.*, at 15-16, and nn. 29-30, 77 S.Ct. 1222 (*plurality opinion*). Because the petitioners were not themselves military personnel, they argued they were entitled to trial by jury.

Justice Black, writing for the plurality, contrasted the cases before him with the *Insular Cases*, which involved territories “with wholly dissimilar traditions and institutions” that Congress intended to govern only “temporarily.” *Id.*, at 14, 77 S.Ct. 1222. Justice Frankfurter argued that the “specific circumstances of each particular case” are relevant in determining the geographic scope of the Constitution. *Id.*, at 54, 77 S.Ct. 1222 (opinion concurring in result). And Justice Harlan, who had joined an opinion reaching the opposite result in the case in the previous Term, [Reid v. Covert](#), 351 U.S. 487, 76 S.Ct. 880, 100 L.Ed. 1352 (1956), was most explicit in rejecting a “rigid and abstract rule” for determining where constitutional guarantees extend. [Reid](#), 354 U.S., at 74, 77 S.Ct. 1222 (opinion concurring in result). He read the *Insular Cases* to teach that whether a constitutional provision has extraterritorial effect depends upon the “particular circumstances, the practical

necessities, and the possible alternatives which Congress had before it” and, in particular, whether judicial enforcement of the provision would be “impracticable and anomalous.” *Id.*, at 74-75, 77 S.Ct. 1222; see also *United States v. Verdugo-Urquidez*, 494 U.S. 259, 277-278, 110 S.Ct. 1056, 108 L.Ed.2d. 222 (1990) (KENNEDY, J., concurring) (applying the “impracticable 2256*2256 and anomalous” extraterritoriality test in the Fourth Amendment context).

That the petitioners in *Reid* were American citizens was a key factor in the case and was central to the plurality’s conclusion that the Fifth and Sixth Amendments apply to American civilians tried outside the United States. But practical considerations, related not to the petitioners’ citizenship but to the place of their confinement and trial, were relevant to each Member of the *Reid* majority. And to Justices Harlan and Frankfurter (whose votes were necessary to the Court’s disposition) these considerations were the decisive factors in the case.

Indeed the majority splintered on this very point. The key disagreement between the plurality and the concurring Justices in *Reid* was over the continued precedential value of the Court’s previous opinion in *In re Ross*, 140 U.S. 453, 11 S.Ct. 897, 35 L.Ed. 581 (1891), which the *Reid* Court understood as holding that under some circumstances Americans abroad have no right to indictment and trial by jury. The petitioner in *Ross* was a sailor serving on an American merchant vessel in Japanese waters who was tried before an American consular tribunal for the murder of a fellow crewman. 140 U.S., at 459, 479, 11 S.Ct. 897. The *Ross* Court held that the petitioner, who was a British subject, had no rights under the Fifth and Sixth Amendments. *Id.*, at 464, 11 S.Ct. 897. The petitioner’s citizenship played no role in the disposition of the case, however. The Court assumed (consistent with the maritime custom of the time) that *Ross* had all the rights of a similarly situated American citizen. *Id.*, at 479, 11 S.Ct. 897 (noting that *Ross* was “under the protection and subject to the laws of the United States equally with the seaman who was native born”). The Justices in *Reid* therefore properly understood *Ross* as standing for the proposition that, at least in some circumstances, the jury provisions of the Fifth and Sixth Amendments have no application to American citizens tried by American authorities abroad. See 354 U.S., at 11-12, 77 S.Ct. 1222 (plurality opinion) (describing *Ross* as holding that “constitutional protections applied ‘only to citizens and others within the United States ... and not to residents or temporary sojourners abroad’” (quoting *Ross*, *supra*, at 464, 11 S.Ct. 897)); 354 U.S., at 64, 77 S.Ct. 1222 (Frankfurter, J., concurring in result) (noting that the consular tribunals upheld in *Ross* “w[ere] based on long-established custom and they were justified as the best possible means for securing justice for the few Americans present in [foreign] countries”); 354 U.S., at 75, 77 S.Ct. 1222 (Harlan, J., concurring in result) (“[W]hat *Ross* and the *Insular Cases* hold is that the particular local setting, the practical necessities, and the possible alternatives are relevant to a question of judgment, namely, whether jury trial should be deemed a necessary condition of the exercise of Congress’ power to provide for the trial of Americans overseas”).

The *Reid* plurality doubted that *Ross* was rightly decided, precisely because it believed the opinion was insufficiently protective of the rights of American citizens. See 354 U.S., at 10-12, 77 S.Ct. 1222; see also *id.*, at 78, 77 S.Ct. 1222 (Clark, J., dissenting) (noting that “four of my brothers would specifically overrule and two would impair the long-recognized vitality of an old and respected precedent in our law, the case of *In re Ross*, 140 U.S. 453, 11 S.Ct. 897, 35 L.Ed. 581 (1891)”). But Justices Harlan and Frankfurter, while willing to hold that the American citizen petitioners in the cases before them were entitled to the protections of Fifth and Sixth Amendments, were unwilling to overturn *Ross*. 354 U.S., at 64, 77 S.Ct. 1222 (Frankfurter, J., concurring in result); 2257*2257 *id.*, at 75, 77 S.Ct. 1222 (Harlan, J., concurring in result). Instead, the two concurring Justices distinguished *Ross* from the cases before them, not on the basis of the citizenship of the petitioners, but on practical considerations that made jury trial a more feasible option for them than it was for the petitioner in *Ross*. If citizenship had been the only relevant factor in the case, it would have been necessary for the Court to overturn *Ross*, something Justices Harlan and Frankfurter were unwilling to do. See *Verdugo-Urquidez*, *supra*, at 277, 110 S.Ct. 1056 (KENNEDY, J., concurring) (noting that *Ross* had not been overruled).

Practical considerations weighed heavily as well in *Johnson v. Eisentrager*, 339 U.S. 763, 70 S.Ct. 936, 94 L.Ed. 1255 (1950), where the Court addressed whether habeas corpus jurisdiction extended to enemy aliens who had been convicted of violating the laws of war. The prisoners were detained at Landsberg Prison in Germany during the Allied Powers’ post-War occupation. The Court stressed the difficulties of ordering the Government to produce the prisoners in a habeas corpus proceeding. It “would require allocation of shipping space, guarding personnel, billeting and rations” and would damage the prestige of military commanders at a sensitive time. *Id.*, at 779, 70 S.Ct. 936. In considering these factors the Court sought to balance the constraints of military occupation with constitutional necessities. *Id.*, at 769-779, 70 S.Ct. 936; see *Rasul*, 542 U.S., at 475-476, 124 S.Ct. 2686 (discussing the factors relevant to *Eisentrager*’s constitutional holding); 542 U.S., at 486, 124 S.Ct. 2686 (KENNEDY, J., concurring in judgment) (same).

True, the Court in *Eisentrager* denied access to the writ, and it noted the prisoners “at no relevant time were within any territory over which the United States is sovereign, and [that] the scenes of their offense, their capture, their trial and their punishment were all beyond the territorial jurisdiction of any court of the United States.” 339 U.S., at 778, 70 S.Ct. 936. The Government seizes upon this language as proof positive that the *Eisentrager* Court adopted a formalistic, sovereignty-based test for determining the reach of the Suspension Clause. See Brief for Federal Respondents 18-20. We reject this reading for three reasons.

First, we do not accept the idea that the above-quoted passage from *Eisentrager* is the only authoritative language in the opinion and that all the rest is dicta. The Court’s further determinations, based on practical considerations,

were integral to Part II of its opinion and came before the decision announced its holding. See [339 U.S., at 781, 70 S.Ct. 936](#).

Second, because the United States lacked both *de jure* sovereignty and plenary control over Landsberg Prison, see *infra*, at 2258 – 2259, it is far from clear that the *Eisentrager* Court used the term sovereignty only in the narrow technical sense and not to connote the degree of control the military asserted over the facility. See *supra*, at 2250 – 2251. The Justices who decided *Eisentrager* would have understood sovereignty as a multifaceted concept. See *Black's Law Dictionary* 1568 (4th ed.1951) (defining “sovereignty” as “[t]he supreme, absolute, and uncontrollable power by which any independent state is governed”; “the international independence of a state, combined with the right and power of regulating its internal affairs without foreign dictation”; and “[t]he power to do everything in a state without accountability”); *Ballentine's Law Dictionary With Pronunciations* 1216 (2d ed.1948) (defining “sovereignty” as “[t]hat public authority which commands in civil society, and orders and directs what each citizen is to perform to obtain the end of its institution”). In its principal brief in *Eisentrager*, the Government advocated a bright-line test for determining the scope of the writ, similar to the one it advocates in these cases. See Brief for Petitioners in *Johnson v. Eisentrager*, O.T.1949, No. 306, pp. 74-75. Yet the Court mentioned the concept of territorial sovereignty only twice in its opinion. See [Eisentrager, supra, at 778, 780, 70 S.Ct. 936](#). That the Court devoted a significant portion of Part II to a discussion of practical barriers to the running of the writ suggests that the Court was not concerned exclusively with the formal legal status of Landsberg Prison but also with the objective degree of control the United States asserted over it. Even if we assume the *Eisentrager* Court considered the United States' lack of formal legal sovereignty over Landsberg Prison as the decisive factor in that case, its holding is not inconsistent with a functional approach to questions of extraterritoriality. The formal legal status of a given territory affects, at least to some extent, the political branches' control over that territory. *De jure* sovereignty is a factor that bears upon which constitutional guarantees apply there.

Third, if the Government's reading of *Eisentrager* were correct, the opinion would have marked not only a change in, but a complete repudiation of, the *Insular Cases*' (and later *Reid*'s) functional approach to questions of extraterritoriality. We cannot accept the Government's view. Nothing in *Eisentrager* says that *de jure* sovereignty is or has ever been the only relevant consideration in determining the geographic reach of the Constitution or of habeas corpus. Were that the case, there would be considerable tension between *Eisentrager*, on the one hand, and the *Insular Cases* and *Reid*, on the other. Our cases need not be read to conflict in this manner. A constricted reading of *Eisentrager* overlooks what we see as a common thread uniting the *Insular Cases*, *Eisentrager*, and *Reid*: the idea that questions of extraterritoriality turn on objective factors and practical concerns, not formalism.

B

The Government's formal sovereignty-based test raises troubling separation-of-powers concerns as well. The political history of Guantanamo illustrates the deficiencies of this approach. The United States has maintained complete and uninterrupted control of the bay for over 100 years. At the close of the Spanish-American War, Spain ceded control over the entire island of Cuba to the United States and specifically “relinquishe[d] all claim of sovereignty ... and title.” See Treaty of Paris, Dec. 10, 1898, U.S.-Spain, Art. I, 30 Stat. 1755, T.S. No. 343. From the date the treaty with Spain was signed until the Cuban Republic was established on May 20, 1902, the United States governed the territory “in trust” for the benefit of the Cuban people. [Neely v. Henkel, 180 U.S. 109, 120, 21 S.Ct. 302, 45 L.Ed. 448 \(1901\)](#); H. Thomas, *Cuba or The Pursuit of Freedom* 436, 460 (1998). And although it recognized, by entering into the 1903 Lease Agreement, that Cuba retained “ultimate sovereignty” over Guantanamo, the United States continued to maintain the same plenary control it had enjoyed since 1898. Yet the Government's view is that the Constitution had no effect there, at least as to noncitizens, because the United States disclaimed sovereignty in the formal sense of the term. The necessary implication of the argument is that by surrendering formal sovereignty over any unincorporated territory to a third party, while at the same time entering into a lease that grants total control over the territory back to the United States, it would be possible [2259*2259](#) for the political branches to govern without legal constraint.

Our basic charter cannot be contracted away like this. The Constitution grants Congress and the President the power to acquire, dispose of, and govern territory, not the power to decide when and where its terms apply. Even when the United States acts outside its borders, its powers are not “absolute and unlimited” but are subject “to such restrictions as are expressed in the Constitution.” [Murphy v. Ramsey, 114 U.S. 15, 44, 5 S.Ct. 747, 29 L.Ed. 47 \(1885\)](#). Abstaining from questions involving formal sovereignty and territorial governance is one thing. To hold the political branches have the power to switch the Constitution on or off at will is quite another. The former position reflects this Court's recognition that certain matters requiring political judgments are best left to the political branches. The latter would permit a striking anomaly in our tripartite system of government, leading to a regime in which Congress and the President, not this Court, say “what the law is.” [Marbury v. Madison, 1 Cranch 137, 177, 2 L.Ed. 60 \(1803\)](#).

These concerns have particular bearing upon the Suspension Clause question in the cases now before us, for the writ of habeas corpus is itself an indispensable mechanism for monitoring the separation of powers. The test for determining the scope of this provision must not be subject to manipulation by those whose power it is designed to restrain.
[*Boumediene v. Bush*, 553 U.S. 723 (Supreme Court 2008);
SOURCE: https://scholar.google.com/scholar_case?case=913322981351483444]

1 **14. Proof that I and my Property are Still Protected by the Constitution and Therefore am NOT**
2 **subject to Civil Statutes Which Would Abrogate such Protections**

3 **1. FACTS FOR JURY**

- 4 1. At the time of receiving earnings or the alleged civil offense, I was physically situated on land protected by the constitution.
5 2. The property or earnings targeted for government enforcement activity (meaning UNCONSTITUTIONAL taking in
6 violation of the Fifth Amendment] does NOT satisfy any of the conditions that follow, and therefore remains private and
7 constitutionally protected:

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

11 *[1] First, that he shall not use it to his neighbor's injury, and that does not mean that he must use it for his
12 neighbor's benefit;*

13 *[2] second, that if he devotes it to a public use, he gives to the public a right to control that use; and*

14 *[3] third, that whenever the public needs require, the public may take it upon payment of due compensation.*

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

16
17 **"When Sir Matthew Hale, and the sages of the law in his day, spoke of property as affected by a public interest,
18 and ceasing from that cause to be juris privati solely, that is, ceasing to be held merely in private right, they
19 referred to**

20 **[1] property dedicated [DONATED] by the owner to public uses, or**

21 **[2] to property the use of which was granted by the government [e.g. Social Security Card], or**

22 **[3] in connection with which special privileges were conferred [licenses].**

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

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

- 28 3. I do not claim nor invoke the benefits or privileges, in this case, of any civil status such as "citizen", "resident", or
29 "person", "taxpayer", "driver", etc and thus, cannot be responsible for the obligations attached to such statuses. It is
30 my RIGHT under the First Amendment and my right to NOT contract, to NOT adopt any civil status which might
31 carry obligations or sanction a loss of property that such obligations might entail. Even IF I claim to be a MEMBER or
32 even government "customer" called a "citizen" or "person" for one title of code, that does not make me a "citizen" for
33 ALL titles of code. The rules of statutory construction and interpretation require that every title is independent of the
34 other and that I must at all times have the ability to AVOID a "benefit" and the obligations or loss of property that
35 might go with it:

36 *"The citizen cannot complain [about the laws or the tax system], because he has voluntarily submitted himself to
37 such a form of government. He owes allegiance to the two departments, so to speak, and within their respective
38 spheres must pay the penalties which each exacts for disobedience to its laws. In return, he can demand protection
39 from each within its own jurisdiction."*

40 *[United States v. Cruikshank, 92 U.S. 542 (1875) [emphasis added]]*

41 *"When one becomes a member of society [called a STATUTORY "citizen", not a CONSTITUTIONAL "citizen"],
42 he necessarily parts with some rights or privileges which, as an individual not affected by his relations to others,
43 he might retain. "A body politic," as aptly defined in the preamble of the Constitution of Massachusetts, "is a
44 social compact by which the whole people covenants with each citizen, and each citizen with the whole people,
45 that all shall be governed by certain laws for the common good." This does not confer power upon the whole
46 people to control rights which are purely and exclusively private, Thorpe v. R. & B. Railroad Co., 27 Vt. 143; but*

it does authorize the establishment of laws requiring each citizen to so conduct himself, and so use his own property, as not unnecessarily to injure another. This is the very essence of government, and 125*125 has found expression in the maxim sic utere tuo ut alienum non laedas. From this source come the police powers, which, as was said by Mr. Chief Justice Taney in the License Cases, 5 How. 583, "are nothing more or less than the powers of government inherent in every sovereignty, . . . that is to say, . . . the power to govern men and things." Under these powers the government regulates the conduct of its citizens one towards another, and the manner in which each shall use his own property, when such regulation becomes necessary for the public good. In their exercise it has been customary in England from time immemorial, and in this country from its first colonization, to regulate ferries, common carriers, hackmen, bakers, millers, wharfingers, innkeepers, &c., and in so doing to fix a maximum of charge to be made for services rendered, accommodations furnished, and articles sold. To this day, statutes are to be found in many of the States upon some or all these subjects; and we think it has never yet been successfully contended that such legislation came within any of the constitutional prohibitions against interference with private property. With the Fifth Amendment in force, Congress, in 1820, conferred power upon the city of Washington "to regulate . . . the rates of wharfage at private wharves, . . . the sweeping of chimneys, and to fix the rates of fees therefor, . . . and the weight and quality of bread," 3 Stat. 587, sect. 7; and, in 1848, "to make all necessary regulations respecting hackney carriages and the rates of fare of the same, and the rates of hauling by cartmen, wagoners, carmen, and draymen, and the rates of commission of auctioneers," 9 id. 224, sect. 2.

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

SOURCE: http://scholar.google.com/scholar_case?case=6419197193322400931]

"Cujus est commodum ejus debet esse incommodum. He who receives the benefit should also bear the disadvantage."

Hominum caus jus constitutum est. Law [civil STATUTES] is established for the benefit of man.

Injuria propria non cadet in beneficium facientis. One's own wrong shall not benefit the person doing it.

Invito beneficium non datur. No one is obliged to accept a benefit against his consent. Dig. 50, 17, 69. But if he does not dissent he will be considered as assenting. Vide Assent.

Potest quis renunciare pro se, et suis, juri quod pro se introductum est. A man may relinquish, for himself and his heirs, a right which was introduced for his own benefit. See 1 Bouv. Inst. n. 83.

Privilegium est beneficium personale et extinguitur cum person. A privilege is a personal benefit and dies with the person. 3 Buls. 8.

Que sentit commodum, sentire debet et onus. He who derives a benefit from a thing, ought to feel the disadvantages attending it. 2 Bouv. Inst. n. 1433.

Quilibet potest renunciare juri pro se inducto. Any one may renounce a law introduced for his own benefit. To this rule there are some exceptions. See 1 Bouv. Inst. n. 83.

[Bouvier's Maxims of Law, 1856;

<https://famguardian.org/Publications/BouvierMaximsOfLaw/BouviereMaxims.htm>]

4. I am not aware of doing any of the things above necessary to LOSE constitutional protections or rights.
5. Statutory "taxpayer" under the [Internal Revenue Code Section 7491](#) has the burden of proof, but I don't claim to be a "taxpayer" and imposing such a civil status and the obligations of such a status is an unconstitutional taking without my express consent. A third party information return filer cannot "elect" me into the office of "taxpayer" without my consent and if they do, they are engaging in unconstitutional involuntary servitude. As pointed out in the Brandeis Rules found in *Ashwander v. Tennessee Valley Authority*, 297 U.S. 288, 56 S.Ct. 466 (1936), one who avails himself of the "benefit" of a statute or the status that the benefit attaches to WAIVES constitutional rights, and I do not consent to waive and cannot be COMPELLED to waive constitutional rights. More at: [Policy Document: IRS Fraud and Deception About the Statutory Word "Person"](#), Form #08.023; <https://sedm.org/Forms/08-PolicyDocs/IRSPerson.pdf>. Your solicitation or receipt of the "benefit" of my services as a "taxpayer" or a "person", in fact, is an acceptance of MY franchise agreement as documented in: [Injury Defense Franchise](#), Form #06.027; <https://sedm.org/Forms/06-AvoidingFranch/InjuryDefenseFranchise.pdf>. This is an outgrowth of my EQUAL right to "make all needful rules" under Article 4, Section 3, Clause 2 respecting MY property, just like you do with the Internal Revenue Code "trade or business" excise taxable franchise.

2. LAW INTERPRETING AND APPLYING THE FACTS FOR THE JUDGE

1. The constitution attaches to land and not the status of the people on the land. That's why it calls itself "the law of 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. If one is standing on land abroad or on federal territory not protected by the Constitution, there are no constitutional rights other than possibly the Thirteenth Amendment which applies everywhere throughout the COUNTRY, not merely within constitutional states.
3. The rights found in the constitution are absolute. They only become "qualified" or shared rights or property by adopting a PUBLIC civil statutory status VOLUNTARILY, which itself is a VOLUNTARY and avoidable "benefit":

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

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

*"The rights of the individual are not derived from governmental agencies [through PRIVILEGES conveyed by civil statutes, Form #05.037], either municipal, state or federal, or even from the Constitution. They exist inherently in every man, by endowment of the Creator, and are merely reaffirmed in the Constitution, and restricted only to the extent that they have been voluntarily surrendered by the citizenship [meaning DOMICILE, not NATIONALITY] to the agencies of government. The people's rights are not derived from the government, but the government's authority comes from the people.*946 The Constitution but states again these rights already existing, and when legislative encroachment by the nation, state, or municipality invade these original and permanent rights, it is the duty of the courts to so declare, and to afford the necessary relief. The fewer restrictions that surround the individual liberties of the citizen, except those for the preservation of the public health, safety, and morals, the more contented the people and the more successful the democracy."*
[City of Dallas v Mitchell, 245 S.W. 944 (1922)]

They use Latin in the definition to disguise the term "public right" because they are trying to pull a fast one on the mainstream populace. Whenever a court or a legal dictionary uses Latin, guaranteed they are trying to deceive or mislead you to disguise their LACK of lawful authority. Notice the phrase in the above "owned by the public", and by that they mean PUBLIC property. The word "benefit" also betrays a privilege as well. "Common property" implies COLLECTIVE control and ownership, rather than PERSONAL ownership.

4. No one but the constitutionally protected, absolute owner of private property may change the civil status of the property into shared or qualified ownership. This is because ownership implies "the right to exclude" any and all others from using, controlling, or benefitting from the property. Implicit in ownership, in fact, is the right to "make all needful rules" or "conditions" for the use or benefit of the property, INCLUDING setting the terms that the GOVERNMENT shall use or benefit from the property. If the government can exclude you by taking it away without proving you hurt someone with it, then you are not the real absolute owner. THEY ARE. And as the owner, THEY must pay the tax on the property, not you. Ownership and responsibility are two sides of the same coin and always go together. Ownership WITHOUT responsibility is called a "usufruct". Third parties may not abuse government forms such as information returns to unilaterally change the civil status (Form #13.008) of earnings from PRIVATE to PUBLIC (or to CIVIL STATUTORY "gross income" or "taxable income") without the consent of the owner or have any effect on anything other than their OWN private property without STEALING property or rights or converting what doesn't belong to them.

Property. *That which is peculiar or proper to any person; that which belongs exclusively to one. In the strict legal sense, an aggregate of rights which are guaranteed and protected by the government. Fulton Light, Heat & Power Co. v. State, 65 Misc.Rep. 263, 121 N.Y.S. 536. The term is said to extend to every species of valuable right and interest. More specifically, ownership; the unrestricted and exclusive right to a thing; the right to dispose of a thing in every legal way, to possess it, to use it, and to exclude everyone else from interfering with it. That dominion or indefinite right of use or disposition which one may lawfully exercise over particular things or subjects. The exclusive right of possessing, enjoying, and disposing of a thing. The highest right a man can have to anything;*

being used to refer to that right which one has to lands or tenements, goods or chattels, which no way depends on another man's courtesy.

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

Property embraces everything which is or may be the subject of ownership, whether a legal ownership, or whether beneficial, or a private ownership. *Davis v. Davis*. TexCiv-App., 495 S.W.2d. 607. 611. Term includes not only ownership and possession but also the right of use and enjoyment for lawful purposes. *Hoffmann v. Kinealy, Mo.*, 389 S.W.2d. 745, 752.

Property, within constitutional protection, denotes group of rights inhering in citizen's relation to physical thing, as right to possess, use and dispose of it. *Cereghino v. State By and Through State Highway Commission*, 230 Or. 439, 370 P.2d. 694, 697.
[Black's Law Dictionary, Fifth Edition, p. 1095]

USUFRUCT. In the civil law. The right of enjoying a thing, the property of which is vested in another, and to draw from the same all the profit, utility, and advantage which it may produce, provided it be without altering the substance of the thing. Civ.Code La. art. 533. *Mulford v. Le Franc*, 26 Cal. 102; *Modern Music Shop v. Concordia* [Black's Law Dictionary, Fourth Edition, p. 1713]

5. Rights are unalienable, and an unalienable right is one that you cannot consent to give away in relation to a real, de jure government:

"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]

6. There is a presumption AGAINST waivers of constitutional rights:

"The question of a waiver of a federally guaranteed constitutional right is, of course, a federal question controlled by federal law. There is a presumption against the waiver of constitutional rights, see, e.g. *Glasser v. United States*, 314 U.S. 60, 70-71, 86 L.Ed. 680, 699, 62 S.Ct. 457, and for a waiver to be effective it must be clearly established that there was an 'intentional relinquishment or abandonment of a known right or privilege.' *Johnson v. Zerbst*, 304 U.S. 458, 464, 82 L.Ed. 1461, 1466, 58 S.Ct. 1019, 146 A.L.R. 357."

[*Brookhart v. Janis*, 384 U.S. 1; 86 S.Ct. 1245; 16 L.Ed.2d 314 (1966)]

7. No statute or regulation can impair a constitutional right.

"Where rights secured by the Constitution are involved, there can be no rule making or legislation which would abrogate them."

[*Miranda v. Arizona*, 384 U.S. 436, 491 (1966)]

"Due process of law is violated when the government vindictively attempts to penalize a person for exercising a protected statutory or constitutional right."

[*United States v. Conkins*, 9 F.3d 1377, 1382 (9th Cir. 1993)]

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

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

8. Waivers of constitutional rights must be knowing:

1 *“Waivers of Constitutional rights not only must be voluntary, but must be knowing, intelligent acts done with*
2 *sufficient awareness of the relevant circumstances and likely consequences.”*
3 *[Brady v. U.S., 397 U.S. 742 (1970)]*

4 **9. Constitutional rights in a civil context, unless there is consent, cannot be taken away, even WITH the majority vote of a jury.**

5 *“The very purpose of a Bill of Rights was to withdraw certain subjects from the vicissitudes of political*
6 *controversy, to place them beyond the reach of majorities and officials and to establish them as legal principles*
7 *to be applied by the courts. One’s right to life, liberty, and property, to free speech, a free press, freedom of*
8 *worship and assembly, and other fundamental rights may not be submitted to vote; they depend on the outcome*
9 *of no elections.”*
10 *[West Virginia Bd. of Ed. v Barnett, 319 U.S. 624, 638 (1943)]*

11 **10. The following are the only ways of losing the protections of the constitution and the Bill of Rights which I am aware of:**

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

15 [. . .]

16 6. *The Court will not pass upon the constitutionality of a statute at the instance of one who has availed himself of*
17 *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*
18 *Silver & Copper Co., 244 U.S. 407, 411, 412, 37 S.Ct. 609, 61 L.Ed. 1229; St. Louis Malleable Casting Co. v.*
19 *Prendergast Construction Co., 260 U.S. 469, 43 S.Ct. 178, 67 L.Ed. 351.*

20
21 **FOOTNOTES:**

22 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.*
23 *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.*
24 *1108.*
25 *[Ashwander v. Tennessee Valley Authority, 297 U.S. 288, 56 S.Ct. 466 (1936)]*

26
27 Municipal law, thus understood, is properly defined to be “a rule of civil conduct prescribed by the supreme
28 power in a state, commanding what is right and prohibiting what is wrong.”

29 [. . .]

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

37
38 *“The words “privileges” and “immunities,” like the greater part of the legal phraseology of this country, have*
39 *been carried over from the law of Great Britain, and recur constantly either as such or in equivalent expressions*
40 *from the time of Magna Charta. For all practical purposes they are synonymous in meaning, and originally*
41 *signified a peculiar right or private law conceded to particular persons or places whereby a certain individual*
42 *or class of individuals was exempted from the rigor of the common law. Privilege or immunity is conferred upon*
43 *any person when he is invested with a legal claim to the exercise of special or peculiar rights, authorizing him to*
44 *enjoy some particular advantage or exemption.[1] ”*
45 *[The Privileges and Immunities of State Citizenship, Roger Howell, PhD, 1918, pp. 9-10;*
46 *SOURCE:*
47 http://famguardian.org/Publications/ThePrivAndImmOfStateCit/The_privileges_and_immunities_of_state_c.pdf
48 *]*

49 **FOOTNOTES:**

[1] 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.

3. BURDEN OF PROOF UPON THE GOVERNMENT AS MOVING PARTY ASSERTING A LIABILITY

1. If the government believes that I have waived any constitutional right, it therefore has the burden of proof or producing evidence to prove it before it may penalize or regulate me for the exercise of constitutional rights.
2. Until the government satisfies that burden of proof, any CIVIL enforcement activity directed at me is a trespass, a taking of private, constitutionally protected property, and/or involuntary servitude.
3. Since the government claims a right to enforce and thereby take away constitutional rights, and has not proven that I consented to give them away, the only explanation of their activity that would make the enforcement activity legal is the presumption that I am in a geographical place NOT protected by the constitution and therefore am either abroad, on federal territory, or in a federal enclave within the exterior limits of the state. The government is therefore demanded to produce evidence of same.

More on the laws of property at:

1. *Your Exclusive Right to Declare or Establish Your Civil Status*, Form #13.008
<https://sedm.org/Forms/13-SelfFamilyChurchGovnce/RightToDeclStatus.pdf>
2. *Separation Between Public and Private Course*, Form #12.025
<https://sedm.org/LibertyU/SeparatingPublicPrivate.pdf>
3. *Private Right or Public Right? Course*, Form #12.044
<https://sedm.org/LibertyU/PrivateRightOrPublicRight.pdf>

15. The Bill of NO Rights

The Bill of NO Rights

"We, the sensible people of the United States, in an attempt to help everyone get along, restore some semblance of Justice, avoid any more riots, keep our nation safe, promote positive behavior, and secure the blessings of debt-free liberty to ourselves and our great-great-grandchildren, hereby try one more time to ordain and establish some common sense guidelines for the terminally whiny, guilt-ridden, deluded, and other liberal Bed-wetters.

We hold these truths to be self-evident: that a whole lot of people are confused by the Bill of Rights and are so dim that they require a Bill of No Rights."

ARTICLE I: You do not have the right to a new car, big screen TV or any other form of wealth. More power to you if you can legally acquire them, but no one is guaranteeing anything.

ARTICLE II: You do not have the right to never be offended. This country is based on freedom, and that means freedom for everyone - not just you! You may leave the room, change the channel, express a different opinion, etc., but the world is full of idiots, and probably always will be.

ARTICLE III: You do not have the right to be free from harm. If you stick a screwdriver in your eye, learn to be more careful. Do not expect the tool manufacturer to make you and all your relatives independently wealthy.

ARTICLE IV: You do not have the right to free food and housing. Americans are the most charitable people to be found, and will gladly help anyone in need, but we are quickly growing weary of subsidizing generation after generation of professional couch potatoes who achieve nothing more than the creation of another generation of professional couch potatoes.

ARTICLE V: You do not have the right to free health care. That would be nice, but from the looks of public housing, we're just not interested in public health care.

ARTICLE VI: You do not have the right to physically harm other people. If you kidnap, rape, intentionally maim, or kill someone, don't be surprised if the rest of us want to see you fry in the electric chair.

Enumeration of Inalienable Rights

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EXHIBIT: _____

ARTICLE VII: You do not have the right to the possessions of others. If you rob, cheat or coerce away the goods or services of other citizens, don't be surprised if the rest of us get together and lock you away in a place where you still won't have the right to a big screen color TV or a life of leisure.

ARTICLE VIII: You don't have the right to demand that our children risk their lives in foreign wars to soothe your aching conscience. We hate oppressive governments and won't lift a finger to stop you from going to fight if you'd like. However, we do not enjoy parenting the entire world and do not want to spend so much of our time battling each and every little tyrant with a military uniform and a funny hat.

ARTICLE IX: You don't have the right to a job. All of us sure want all of you to have one, and will gladly help you along in hard times, but we expect you to take advantage of the opportunities of education and vocational training laid before you to make yourself useful.

ARTICLE X: You do not have the right to happiness. Being an American means that you have the right to *pursue* happiness -- which, by the way, is a lot easier if you are unencumbered by an overabundance of idiotic laws created by those of you who were confused by the Bill of Rights.

[The Bill of No Rights, SOURCE: <http://famguardian.org/Subjects/Politics/Articles/BillOfNoRights.htm>]

The Bill of NO Rights is necessary because of the way that the courts have REDEFINED "Justice". Originally, "justice was legally defined as "the right to be LEFT ALONE". In order to promote the evils of government franchises and "benefits" and unconstitutionally expand the power of government:

1. "Justice" has been REDEFINED to mean "give every man his due"
2. People have been invited through the polls and the jury box to add ANYTHING they want to the phrase "what is due" in order to abuse the legal system to STEAL property from others and "benefit" themselves with it.

For an explanation of this [corruption](#) of the meaning of "[justice](#)", see:

1. *What is "Justice"?*, Form #05.050
<http://sedm.org/Forms/FormIndex.htm>
2. *Requirement for Consent*, Form #05.003, Section 3
<http://sedm.org/Forms/FormIndex.htm>
3. *Sovereignty Forms and Instructions Online*, Form #10.004, Cites by Topic: "justice"
<http://famguardian.org/TaxFreedom/CitesByTopic/justice.htm>
4. *The Government "Benefits" Scam*, Form #05.040
<http://sedm.org/Forms/FormIndex.htm>
5. *The Simple Cure for Socialism*
http://famguardian.org/Subjects/Communism/Humor/bird_feeder.mp4
6. *The Law*, Frederic Bastiat
<http://famguardian.org/Publications/TheLaw/TheLaw.htm>

16. Resources For Further Reading and Research

The following resources may prove helpful to those readers who wish to further investigate the subject of this pamphlet:

1. *Sovereignty and Freedom Points and Authorities*, Litigation Tool #10.018-exhaustive points and authorities you can use in court pleadings to explain and prove and defend your unalienable rights
<https://sedm.org/Litigation/LitIndex.htm>
2. *Constitution Society, Jon Roland* -everything you could ever want to know about what the constitution requires and the rights it protects
<http://constitution.famguardian.org>
 - 2.1. *Rights, Powers, and Duties*
http://constitution.famguardian.org/cs_power.htm
 - 2.2. *Liberty Library of Constitutional Classics*-extensive historical background on U.S. Constitution
<http://constitution.famguardian.org/liberlib.htm>

3. Unalienable Rights Course, Form #12.038 -course which gives you the basics of unalienable rights, and when they can lawfully be given up
<http://sedm.org/Forms/FormIndex.htm>
4. Separation Between Public and Private Course, Form #12.025-How to stay private and challenge attempts to make you public. VERY IMPORTANT.
<http://sedm.org/Forms/FormIndex.htm>
5. SEDM Forms/Pubs Page, Section 1.14: Private Property Protection
<http://sedm.org/Forms/FormIndex.htm>
6. Private v. Public Property/Rights and Protection Playlist (OFFSITE LINK)-SEDM Youtube Channel
<https://www.youtube.com/playlist?list=PLin1scINPT0txYewMRT66TXn6AUF0KTu>
7. Understanding American Property Rights (OFFSITE LINK) -Family Guardian Fellowship. Detailed exposition of the laws of property.
<http://famguardian.org/Publications/PropertyRights/tableoc.html>
8. Legal Remedies That Protect Private Rights Course, Form #12.019-This training course provides members with an overview of how to employ the courts to protect their PRIVATE rights. PRIVATE rights are the only thing that members can have, because they are not allowed to use our materials to interact with third parties unless they are NOT participating in any government franchise or benefit
<http://sedm.org/Forms/FormIndex.htm>
9. Famous Quotes About Rights and Liberty, Form #08.003
FORMS PAGE: <http://sedm.org/Forms/FormIndex.htm>
DIRECT LINK: <http://sedm.org/Forms/08-PolicyDocs/FamousQuotes.pdf>
10. Know Your Rights and Citizenship Status, Form #10.009-detailed book explaining your rights
<http://sedm.org/Forms/FormIndex.htm>
11. Property and Privacy Protection Topic (OFFSITE LINK)- Family Guardian Fellowship
<http://famguardian.org/Subjects/PropertyPrivacy/PropertyPrivacy.htm>
12. Sovereignty and Freedom Topic, Section 6: Private and Natural Rights, Family Guardian Fellowship
<http://famguardian.org/Subjects/Freedom/Freedom.htm>
13. Sovereignty Forms and Instructions Online, Form #10.004, Cites by Topic: “rights” -Family Guardian Fellowship
<http://famguardian.org/TaxFreedom/CitesByTopic/rights.htm>
14. Sovereignty and Freedom Topic, Section 6: Private and Natural Rights (OFFSITE LINK), Family Guardian Fellowship
<http://famguardian.org/Subjects/Freedom/Freedom.htm#RIGHTS:>
15. Government Instituted Slavery Using Franchises, Form #05.030-how rights are unlawfully converted into statutory “privileges”
FORMS PAGE: <http://sedm.org/Forms/FormIndex.htm>
DIRECT LINK: <http://sedm.org/Forms/05-MemLaw/Franchises.pdf>
16. Sovereignty and Freedom Topic, Section 6: Private and Natural Rights-Family Guardian Website. Resources for those who want to defend their rights.
<http://famguardian.org/Subjects/Freedom/Freedom.htm>
17. Rights of Man, Thomas Paine. Paine was instrumental in fomenting the American Revolution.
<http://www.ushistory.org/paine/rights/>
18. Thomas Jefferson on Politics and Government, Form #11.206
FORMS PAGE: <http://sedm.org/Forms/FormIndex.htm>
DIRECT LINK: <http://famguardian.org/Subjects/Politics/ThomasJefferson/jeffcont.htm>
19. Annotated Constitution of the United States
Findlaw: <http://www.findlaw.com/casecode/constitution/>
Congressional Research Service: <http://famguardian.org/PublishedAuthors/Govt/CRS/USConstAnnotated.pdf>