

YOUR EXCLUSIVE RIGHT TO DECLARE OR ESTABLISH YOUR CIVIL STATUS



“In all domestic concerns each state of the Union is to be deemed an independent sovereignty. As such, it is its province and its duty to forbid interference by another state as well as by any foreign power with the status of its own citizens. Unless at least one of the spouses is a resident thereof in good faith, the courts of such sister state or of such foreign power cannot acquire jurisdiction to dissolve the marriage of those who have an established domicile in the state which resents such interference with matters which disturb its social serenity or affect the morals of its inhabitants.”

[Roberts v. Roberts, 81 Cal.App.2d. 871, 879 (1947);

https://scholar.google.com/scholar_case?case=13809397457737233441/

DEDICATION

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

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

[2] The other principle of public law referred to follows from the one mentioned; that is, that no State can exercise direct jurisdiction and authority over persons or property without its territory."

[Pennoyer v. Neff, 95 U.S. 714 (1878);

https://scholar.google.com/scholar_case?case=13333263776496540273]

*"Residence in fact, coupled with the purpose to make the place of residence one's home, are the essential elements of domicile. [Mitchell v. United States, 21 Wall. 350](#); [Pannill v. Roanoke Times Co., 252 F. 910](#); [Beekman v. Beekman, 53 Fla. 858](#); 43 So. 923; [Babcock v. Slater, 212 Mass. 434](#); 99 N.E. 173; [Matter of Newcomb, 192 N.Y. 238](#); 84 N.E. 950; Beale, Conflict of Laws, § 15.2. We conclude, as the Special Master found, that Green ceased to have a place of residence in Texas after 1911. About 1914 he gave up his nominal place of abode in the room which he had rented in Terrell, Texas, and which in fact he had never occupied. After that he was never identified in fact with any place of residence in Texas, and there was 425*425 nothing in his life to connect him with a Texas home other than his frequent statements that his legal residence was in Texas. While one's statements may supply evidence of the intention requisite to establish domicile at a given place of residence, they cannot supply the fact of residence there; Matter of Newcomb, supra, 250; Matter of Trowbridge, 266 N.Y. 283, 292; 194 N.E. 756; and they are of slight weight when they conflict with the fact. [Feehan v. Tax Comm'r, 237 Mass. 169, 171](#); 129 N.E. 292; [Dorrance's Estate, 309 Pa. 151](#); 163 A. 303. This is the more so where, as here, decedent's declarations are shown to have been inspired by the desire to establish a nominal residence for tax purposes, different from his actual residence in fact. [Thayer v. Boston, 124 Mass. 132](#); [Feehan v. Tax Comm'r, supra](#); [Matter of Trowbridge, supra](#); Beale, supra, § 41C. In such circumstances the actual fact as to the place of residence and decedent's real attitude and intention with respect to it as disclosed by his entire course of conduct are the controlling factors in ascertaining his domicile. Thayer v. Boston, supra. When one intends the facts to which the law attaches consequences, he must abide the consequences whether intended or not. [National City Bank v. Hotchkiss, 231 U.S. 50, 56](#); [Dickinson v. Brookline, 181 Mass. 195, 196](#); 63 N.E. 331."*

[State of Texas v. Florida, 307 U.S. 398 (1939);

https://scholar.google.com/scholar_case?case=9265522746177498247

EDITORIAL: Civil status election imputed through domicile--a function of location (geography) and intent. Is your tax domicile the STATUTORY United States in its geographical sense (so defined) or your state in its geographical sense? The choice is yours.]

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1 Introduction

Before any lawful government enforcement action may be attempted, there must exist what is called a “privity” between the enforcer and the target of the enforcement.

PRIVITY. Mutual or successive relationship to the same rights of property. 1 GreenL.Ev. § 189; Duffy v. Blake, 91 Wash. 140, 157 P. 480, 482; Haverhill v. International Ry. Co., 217 App.Div. 521, 217 N.Y.S. 522, 523. Thus, the executor is in privity with the testator, the heir with the ancestor, the assignee with the assignor, the donee with the donor, and the lessee with the lessor. Litchfield v. Crane, 8 S.Ct. 210, 123 U.S. 549, 31 L.Ed. 199.

Derivative interest founded on, or growing out of, contract, connection, or bond of union between parties; mutuality of interest. Hodgson v. Midwest Oil Co., C.C.A.Wyo., 17 F.2d. 71, 75.

Private knowledge; joint knowledge with another of a private concern; cognizance implying a consent or concurrence. Taylor v. Ferroman Properties, 103 Fla. 960, 139 So. 149, 150.

In a strict and technical sense a judgment creditor does not occupy such a relation to his debtor as to fall within the meaning of the word "privity," for there is no succession to the property of the debtor until a sale under execution is had and the judgment creditor has become vested with the title thereof. But a majority of the courts have enlarged the meaning of the word, and consequently have held that there is privity between the two before there is an actual devolution of the title of the property owned by the debtor. Buss v. Kemp Lumber Co., 23 N.M. 567, 170 P. 54, 56, L.R.A.1918C, 1015.

Privity of blood exists between an heir and his ancestor, (privity in blood inheritable,) and between coparceners. This privity was formerly of importance in the law of descent cast. Co. Litt. 271a, 242a; 2 Inst. 516; 8 Coke, 42b.

Privity of contract is that connection or relationship which exists between two or more contracting parties. It is essential to the maintenance of an action on any contract that there should subsist a privity between the plaintiff and defendant in respect of the matter sued on. Brown.

*Privity of estate is that which exists between lessor and lessee, tenant for life and remainderman or reversioner, etc., and their respective assignees, and between joint tenants and coparceners. Privity of estate is required for a release by enlargement. Sweet.
[Black's Law Dictionary, Fourth Edition, pp. 1361-1362]*

To put it simply, a privity is a legal relationship consisting of a bundle or group of legal obligations that each party owes to the other in the context of their legal relationship.

OBLIGATION. A generic word, derived from the Latin substantive "obligatio," having many, wide, and varied meanings, according to the context in which it is used. Enyeart v. City of Lincoln, 136 Neb. 146, 285 N.W. 314, 318. That which a person is bound to do or forbear; any duty imposed by law, promise, contract, relations of society, courtesy, kindness, etc. Goodwin v. Fredrich, 135 Neb. 203, 280 N.W. 917, 923. Duty. Rucks-Brandt Const. Co. v. Price, 165 Okl. 178, 23 P.2d. 690. Duty imposed by law. Helvering v. British-American Tobacco Co., C.C.A., 69 F.2d. 528, 530. Law or duty binding parties to perform their agreement. An undertaking to perform. State v. Citrus County, 116 Fla. 676, 157 So. 4, 97 A.L.R. 431. That which constitutes a legal or moral duty and which renders a person liable to coercion and punishment for neglecting it; a word of broad meaning, and the particular meaning intended is to be gained by consideration of its context. An obligation or debt may exist by reason of a judgment as well as an express contract, in either case there being a legal duty on the part of the one bound to comply with the promise. Schwartz v. California Claim Service, 52 Cal.App.2d. 47, 125 P.2d. 883, 888. Liabilities created by contract or law, Rose v. W. B. Worthen Co., 186 Ark. 205, 53 S.W.2d. 15, 16, 85 A.L.R. 212; or tort. Exchange Bank v. Ford, 3 P. 449, 451, 7 Colo. 314. As legal term word originally meant a sealed bond, but it now extends to any certain written promise to pay money or do a specific thing. Lee v. Kenan, C.C.A.Fla., 78 F.2d. 425, 100 A.L.R. 869. A formal and binding agreement or acknowledgment of a liability to pay a certain sum or do a certain thing. United States v. One Zumstein Briefmarken Katalog 1938, D.C. Pa., 24 F.Supp. 516, 519.

The binding power of a vow, promise, oath, or contract. or of law, civil, political, or moral, independent of a promise; that which constitutes legal or moral duty, and which renders a person liable to coercion and punishment for neglecting it. Webster.

A tie which binds us to pay or do something agreeably to the laws and customs of the country in which the obligation is made. Inst. 3, 14.

Obligation is (1) legal or moral duty, as opposed to physical compulsion: (2) a duty incumbent upon an individual, or a specific and limited number of individuals, as opposed to a duty imposed upon the world at large; (3) the right to enforce such a duty. (jus in personam,) as opposed to such a right as that of property, (jus in rem,) which avails against the world at large: (4) a bond containing a penalty, with a condition annexed, for the payment of money, performance of covenants, or the like. Mozley & Whitley.

"Obligation" is the correlative of "right." Taking the latter word in its politico-ethical sense, as a power of free action lodged in a person, "obligation" is the corresponding duty, constraint, or binding force which should prevent all other persons from denying, abridging, or obstructing such right, or interfering with its exercise. And the same is its meaning as the correlative of a "jus in rem." Taking "right" as meaning a "jus in personam," (a power, demand, claim, or privilege inherent in one person, and incident upon another,) the "obligation" is the coercive force or control imposed upon the person of incidence by the moral law and the positive law, (or the moral law as recognized and sanctioned by the positive law,) constraining him to accede to the demand, render up the thing claimed, pay the money due, or otherwise perform what is expected of him with respect to the subject-matter of the right.

A penal bond or "writing obligatory." that is, a bond containing a penalty, with a condition annexed for the payment of money, performance of covenants, or the like, and which differs from a bill, the latter being generally without a penalty in condition, though it may be obligatory. Co.Litt. 172.

A deed whereby a man binds himself under a penalty to do a thing. Com.Dig. Obligation (A): Taylor v. Glaser. 2 Serg. & R., Pa., 502; Denton v. Adams, 6 Vt. 40. The word has a very broad and comprehensive legal signification and embraces all instruments of writing, however informal, whereby one party contracts with another for the payment of money or the delivery of specific articles. State v. Campbell, 103 N.C. 344, 9 S.E. 410; Morrison v. Lovejoy, 6 Minn. 353, Gil. 224; Sinton v. Carter Co., 23 F. 535.

In English expositions of the Roman law, and works upon general jurisprudence. "obligation" is used to translate the Latin "obligatio." In this sense its meaning is much wider than as a technical term of English law. See Obligatio.

Absolute obligation. One which gives no alternative to the obligor, but requires fulfillment according to the engagement.

Conjunctive or alternative obligation. The former is one in which the several objects in it are connected by a copulative, or in any other manner which shows that all of them are severally comprised in the contract. This contract creates as many different obligations as there are different objects; and the debtor, when he wishes to discharge himself, may force the creditor to receive them separately. But where the things which form the object of the contract are separated by a disjunctive, then the obligation is alternative, and the performance of either of such things will discharge the obligor. The choice of performing one of the obligations belongs to the obligor, unless it is expressly agreed that it shall belong to the creditor. Civ.Code La. art. 2068; Dougl. 14; 1 Ld. Raym. 279; Galloway v. Legan, 4 Mart. N. S. (La.) 167. A promise to deliver a certain thing or to pay a specified sum of money is an example of an alternative obligation. Civ.Code La. arts. 2063, 2066, 2067.

Contractual obligation. One which arises from a contract or agreement.

Determinate or indeterminate obligation. A determinate obligation is one which has for its object a certain thing: as, an obligation to deliver a certain horse named Bucephalus, in which case the obligation can be discharged only by delivering the identical horse. An indeterminate obligation is one where the obligor binds himself to deliver one of a certain species: as, to deliver a horse, where the delivery of any horse will discharge the obligation.

Divisible or indivisible obligation. A divisible obligation is one which, being a unit, may nevertheless be lawfully divided, with or without the consent of the parties. An indivisible obligation is one which is not susceptible of division: as, for example, if I promise to pay you one hundred dollars, you cannot assign one-half of this to another, so as to give him a right of action against me for his share.

Express or implied obligation. Express or conventional obligations are those by which the obligor binds himself in express terms to perform his obligation, while implied obligations are such as are raised by the implication or inference of the law from the nature of the transaction.

Failure to meet obligations. See Failure to Meet Obligations.

Joint or several obligation. A joint obligation is one by which two or more obligors bind themselves jointly for the performance of the obligation. France v. France, 94 Or. 414, 185 P. 1108.

A several obligation is one where the obligors promise, each for himself, to fulfill the engagement.

Moral obligation. A duty which is valid and binding in conscience and according to natural justice, but is not recognized by the law as adequate to set in motion the machinery of justice; that is, one which rests upon ethical considerations alone, and is not imposed or enforced by positive law. *Taylor v. Hotchkiss*, 81 App.Div. 470, 80 N.Y.S. 1042; *Bailey v. Philadelphia*, 167 Pa. 569, 31 A. 925, 46 Am.St.Rep. 691. A duty which would be enforceable by law, were it not for some positive rule, which, with a view to general benefit, exempts the party in that particular instance from legal liability. *Backhaus v. Lee*, 49 N.D. 821, 194 N.W. 887, 890; *Longstreth v. City of Philadelphia*, 245 Pa. 233, 91 A. 667.

Natural or civil obligation. A natural obligation is one which cannot be enforced by action, but which is binding on the party who makes it in conscience and according to natural justice; *Blair v. Williams*, 4 Litt., Ky., 41. As, for instance, when the action is barred by the act of limitation, a natural obligation still subsists, although the civil obligation is extinguished; *Sturges v. Crowninshield*, 4 Wheat. 197, 4 L.Ed. 529; *Ogden v. Saunders*, 12 Wheat. 318, 337, 6 L.Ed. 606. A civil obligation is a legal tie, which gives the party with whom it is contracted the right of enforcing its performance by law. Civ.Code La. art. 1757; Poth. Obl. 173, 191.

Obediential obligation. One incumbent on parties in consequence of the situation or relationship in which they are placed. Ersk. Prin. 60. Perfect or imperfect obligation. A perfect obligation is one recognized and sanctioned by positive law; one of which the fulfillment can be enforced by the aid of the law. *Aycock v. Martin*, 37 Ga. 124, 92 Am.Dec. 56. But if the duty created by the obligation operates only on the moral sense, without being enforced by any positive law, it is called an "imperfect obligation," and creates no right of action, nor has it any legal operation. The duty of exercising gratitude, charity, and the other merely moral duties are examples of this kind of obligation. Civ.Code La. art. 1757; *Edwards v. Kearzey*, 96 U.S. 600, 24 L.Ed. 793.

Personal or heritable obligation. An obligation is heritable when the heirs and assigns of one party may enforce the performance against the heirs of the other. Civ.Code La. art. 1997. It is personal when the obligor binds himself only, not his heirs or representatives. An obligation is strictly personal when none but the obligee can enforce the performance, or when it can be enforced only against the obligor. Civ.Code La. art. 1997. An obligation may be personal as to the obligee, and heritable as to the obligor, and it may in like manner be heritable as to the obligee, and personal as to the obligor. Civ.Code La. art. 1998. For the term personal obligation, as used in a different sense, see the next paragraph.

Personal or real obligation. A personal obligation is one by which the obligor binds himself to perform an act, without directly binding his property for its performance. A real obligation is one by which real estate, and not the person, is liable to the obligee for the performance.

Thus, when an estate owes an easement, as a right of way, it is the thing, and not the owner, who owes the easement. Another instance of a real obligation occurs when a person buys an estate which has been mortgaged, subject to the mortgage; he is not liable for the debt, though the estate is. In these cases the owner has an interest only because he is seized of the servient estate or the mortgaged premises, and he may discharge himself by abandoning or parting with the property. The obligation is both personal and real when the obligor has bound himself and pledged his estate for the fulfillment of the obligations. In the civil law and in Louisiana, a real obligation is one which is attached to immovable property, and it passes with such property into whatever hands the property may come, without making the third possessor personally responsible. Civ.Code La art. 1997.

Primary obligation. An obligation which is the principal object of the contract.

For example, the primary obligation of the seller is to deliver the thing sold, and to transfer the title to it. It is distinguished from the accessory or secondary obligation to pay damages for not doing so., 1 Bouv.Inst. no. 702. The words "primary" and "direct, contrasted with "secondary," when spoken with reference to an obligation, refer to the remedy provided by law for enforcing the obligation, rather than to the character and limits of the obligation itself. *Kilton v. Providence Tool Co.*, 27, R.I. 605, 48 A. 1039.

Primitive or secondary obligation. A primitive obligation, which in one sense may also be called a principal obligation, is one which is contracted with a design that it should itself be the first fulfilled. A secondary obligation is one which is contracted and is to be performed in case the primitive cannot be. For example, if one sells his house, he binds himself to give a title; but if he finds he cannot as when the title is in another, then his secondary obligation is to pay damages for nonperformance of the obligation.

Principal or accessory obligation. A principal obligation is one which arises from the principal object of the engagement of the contracting parties; while an accessory obligation depends upon or is collateral to the principal. See Poth. Obl. no. 182.

For example, In the case of the sale of a house and lot of ground, the principal obligation on the part of the vendor is to make title for it; the accessory obligation is to deliver all the title-papers which the vendor has relating to it, to take care of the estate until it is delivered, and the like. See, further, the title Accessory Obligation.

Pure obligation. One which is not suspended by any condition, whether it has been contracted without any condition, or, when thus contracted, the condition has been accomplished. Poth. Obl. no. 176. See simple obligation.

Simple or conditional obligation. Simple obligations are such as are not dependent for their execution on any event provided for by the parties, and which are not agreed to become void on the happening of any such event. Conditional obligations are such as are made to depend on an uncertain event. If the obligation is not to take effect until the event happens, it is a suspensive condition; if the obligation takes effect immediately, but is liable to be defeated when the event happens, it is then a resolutive condition. Civ.Code La. arts. 2020, 2021; Moss v. Smoker, 2 La. Ann. 989. A simple obligation is also defined as one which is not suspended by any condition, either because it has been contracted without condition, or, having been contracted with one, the condition has been fulfilled; and a conditional obligation is also defined as one the execution of which is suspended by a condition which has not been accomplished, and subject to which it has been contracted.

Single or penal obligation. A penal obligation is one to which is attached a penal clause, which is to be enforced if the principal obligation be not performed. A single obligation is one without any penalty: as where one simply promises to pay another one hundred dollars. This is called a single bill, when it is under seal.

Solidary obligation. In the law of Louisiana, one which binds each of the obligors for the whole debt, as distinguished from a "joint" obligation, which binds the parties each for his separate proportion of the debt. Groves v. Sentell, 14 S.Ct. 898, 153 U.S. 465, 38 L.Ed. 785. See Solidary.

[Black's Law Dictionary, Fourth Edition, pp. 1223-1226]

Obligations, in turn, can ONLY be created by:

1. An injury or tort. In this case, consent of neither party is involved.
2. A contract entered into absent duress. In this case, mutual consent and mutual obligation must exist or the contract is invalid.

The output of the creation of the privity and the obligations it represents is what is called a "civil status". A "civil status" is effectively a label given to a party which identifies them as party to a privity with a SPECIFIC identified other party. The most obvious example of a "civil status" is that of a "person" under civil statutory law. "Person" is what the courts call a "res" which gives them civil control over you under one of three different systems of civil law. Civil status is VERY important because it is the source of civil statutory jurisdiction of courts over you and their right to "personal jurisdiction" over you. It also describes how your actions affect "choice of law" and your "status" in any court cases you bring. This article summarizes the major aspects of this important subject.

Human beings who are "sovereign" in fact:

1. Have no "civil status" under statutory law.
2. Only have a "civil status" under the constitution and the common law.
3. Are not party to the "social compact", but "foreigners" among citizens. The Law of Nations, Book 1, Section 213 calls them "inhabitants".
4. Are not privileged "aliens".
5. Participate in NO government franchises or privileges, but instead reserve all their PRIVATE, UNALIENABLE rights (Form #12.038) and thereby remain exclusively private. See Form #05.030.
6. Were described as "idiots" under early Greek law. See:

Are You an "Idiot"?, Sovereignty Education and Defense Ministry (SEDM)
<https://sedm.org/are-you-an-idiot-we-are/>
7. Understand the distinctions between PUBLIC and PRIVATE and maintain absolute separation between the two in all their interactions with any so-called "government". They ensure that all of their property remains absolutely owned and exclusively private. Thus, they can control and dictate all uses and everyone who wants to take or control it. See:

Separation Between Public and Private Course, Form #12.025
<https://sedm.org/LibertyU/SeparatingPublicPrivate.pdf>
8. Civilly govern themselves without external interference, except possibly of common law and criminal courts.
9. Replace the civil statutory protection franchise with private contracts and franchises of their own for everyone they do business with, thus rendering "civil services" on the part of organized governments irrelevant and unnecessary. For a definition of "civil services", see the definition in our Disclaimer, Section 4. In that sense, they have FIRED the

government from a civil perspective and retain all of their God-given inalienable rights. All rights reserved, U.C.C. §1-308.

10. Are civilly governed mainly by the “civil laws” found in the Holy Bible. This is a protected First Amendment right to practice their religion.

Laws of the Bible, Litigation Tool #09.001

<https://sedm.org/Litigation/09-Reference/LawsOfTheBible.pdf>

You cannot have a “civil status” under the laws of a place WITHOUT at least one of the following conditions:

1. A physical presence in that place. The status would be under the COMMON law. Common law is based on physical location of people on land rather than their statutory civil status.
2. CONSENSUALLY doing business in that place. The status would be under the common law. See the Foreign Sovereign Immunities Act (FSIA), 28 U.S.C. Chapter 97 and *International Shoe Co. v. Washington*, 326 U.S. 310 (1945).
3. A domicile in that place. This would be a status under the civil statutes of that place. See Federal Rule of Civil Procedure 17(a).
4. CONSENSUALLY representing an artificial entity (a legal fiction) that has a domicile in that place. This would be a status under the civil statutes of that place. See Federal Rule of Civil Procedure 17(b).
5. Consenting to a civil status under the laws of that place. Anything done consensually cannot form the basis for an injury in a court of law. Such consent is usually manifested by filling out a government form identifying yourself with a specific statutory status, such as a W-4, 1040, driver's license application, etc. This is covered in:

Avoiding Traps in Government Forms Course, Form #12.023

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

If any of the above rules are violated, you are a victim of criminal identity theft:

Government Identity Theft, Form #05.046

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

"civil status" is further discussed in:

1. [Civil Status \(important!\)](https://sedm.org/litigation-main/civil-status/)-Article under "Litigation->Civil Status (important!)" on the SEDM menus
2. [Proof That There Is a “Straw Man”, Form #05.042](https://sedm.org/Forms/05-MemLaw/StrawMan.pdf)
3. [Legal Fictions, Form #09.071](https://sedm.org/Forms/09-Procs/LegalFictions.pdf)

A task that most Americans are frequently asked to engage in is to fill out government forms describing their status under some system of civil law. For instance:

1. They are asked to fill out tax forms describing their status. All tax liability is a civil liability which requires domicile within the forum in order to enforce.
2. They are asked to fill out forms describing their marriage status. Jurisdiction over marriage originates from one's choice of domicile within the forum.
3. They are asked to declare their citizenship status and domicile when they register to vote. The “right” to vote is actually a franchise that springs from one's choice of domicile.
4. They are asked to describe their citizenship status on jury summons forms when they report for jury service. Jury service is also a derivative franchise that originates from one's choice of domicile within the state in which one is acting as a juror.
5. If they file a lawsuit against someone in court, they are expected to disclose their status and standing to entertain the suit in the civil complaint. Even if they *have* the right status, if they don't *describe* it properly in their complaint, their lawsuit may be dismissed.
6. When they fill out an application for a government benefit, they are required usually to declare that they are a “citizen” or “resident” of the civil laws of the government offering the benefit. What both of these two statuses have in common is that they require you to have a domicile within the forum. This is true, for instance, in the case of Social Security.

20 C.F.R. §422.104 requires that you MUST be a “citizen” or “permanent resident”, both of whom have in common a domicile on federal territory that is no part of any state of the Union.

What all of the above occasions have in common is that they:

1. Relate to the CIVIL STATUTORY status of the applicant.
2. Cannot and do not prescribe or impute any lawful civil status to a nonresident but only to those domiciled within the jurisdiction of the specific government that created the form.
3. Require a statement under penalty of perjury before a government official.
4. Constitute testimony of a witness.
5. Often constitute an act of political association that is protected by the First Amendment prohibition against compelled association.
6. Are an exercise of your sovereignty in declaring the status most desirable and advantageous to you.
7. Are often also an exercise of your right to contract. When you sign up for a benefit or a franchise such as Social Security, you are signing a contract because all franchises are contracts between the grantor and the grantee:

*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,¹ 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.²*
[American Jurisprudence 2d, Franchises, §4: Generally (1999)]

This document will prove that you have an unalienable right in declaring your civil AND statutory status:

1. To not have a civil statutory status.
2. To be LEFT ALONE by the government in a civil statutory context if you decide not to have any statutory civil status. This is because “justice” itself is defined as the right to be let alone. See What Is “Justice”?, Form #05.050.
3. To not be coerced or intimidated or subject to duress in any way in connection with a failure to adopt a specific status.
4. To invalidate and render inadmissible anything you signed in the presence of duress when it was signed under penalty of perjury.
5. To not be called “frivolous” or be over-ruled by any judge or jury for refusing to adopt a specific status.
6. To define the meaning of all words appearing on government forms, regardless of how the government defines them.
7. To demand proof of consent to any status that the government seeks to enforce against you.
8. To contest and prosecute as unconstitutional the alienation of any constitutional right if you are standing on land protected by the Constitution. That unconstitutional alienation usually occurs by offering or enforcing federal franchises within a constitutional state of the Union.
9. If you are completing a government form that creates any rights on behalf of any government, you have a right to:
 - 9.1. Not be compelled to contract or not to contract.
 - 9.2. Make your consent contingent on a specific prerequisite.
 - 9.3. Expect MUTUAL obligations on the part of both you and the grantor of the benefit.

2 Your Civil Status Under the Bible/Gospel

1. As a sinner our status was condemned “in Adam.” Romans 5:12ff.
2. When we believed, the Spirit baptized us “into Christ” (Romans 6) to share in the marvelous benefits of his triumphant history.
3. The word “baptized” simply means “placed into.” It has NOTHING to do with water, but everything to do with a change in legal, spiritual status.

¹ 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.

² 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.

4. The number one problem among all believers in all denominations is to believe, understand, and claim this change of status. All Biblical counseling should and must begin around this status change. In my history as a Christian, I have only met one man who understood this (Miles Stanford).

*"Reckon (account, think, claim) yourself to be (1) dead unto sin, and (2) but alive to God in Christ Jesus."
[Romans 6:11]*

This is the first command in Romans. Why? And, why is this the key to spiritual growth? And, why do believers not understand this command, even though it is the key to our walk with God?

Are you a sinner or a saint? Are you in Adam or in Christ? Most Christians think and act like sinners. Why?

The secular law system works the same way in the balance between freedom and slavery:

Are you a [sovereign national \(Form #05.006\)](#), or a [STATUTORY U.S. citizen](#)? Most American act like U.S. citizens. Why?

"Count yourself dead to the United States, Inc. and alive to freedom."

Please think about this.

For a sermon on this subject elaborating further, see:

[Getting Out](#), Pastor Tim Keller
<https://sedm.org/getting-out-sermon-by-tim-keller-of-the-gospel-coalition/>

For more on the secular side of this subject, see:

1. [Civil Status \(important!\)](#) (from the Litigation->Civil Status menu item)
2. [Your Exclusive Right to Declare or Establish Your Civil Status](#), Form #13.008
<https://sedm.org/Forms/13-SelfFamilyChurchGovnce/RightToDeclStatus.pdf>
3. [Membership in a Specific Class, Status, or Group As a Cause for Loss of Rights](#), SEDM Blog
<https://sedm.org/membership-in-a-specific-class-status-or-group-as-a-cause-for-loss-of-rights/>
4. [Citizenship Status v. Tax Status](#), Form #10.011
<https://sedm.org/Forms/10-Emancipation/CitizenshipStatusVTaxStatus/CitizenshipVTaxStatus.htm>
5. [Proof That There Is a "Straw Man"](#), Form #05.042
<https://sedm.org/Forms/05-MemLaw/StrawMan.pdf>

Provided by: [Nike Insights \(http://nikeinsights.famguardian.org\)](http://nikeinsights.famguardian.org)

3 Basis for your EXCLUSIVE right to declare and establish your civil status

The right to declare and establish your civil and statutory status is tied to the legal definition of "property" itself. "Property" as legally defined is that which you EXCLUSIVELY own and control, and can deprive all others of using or benefitting from:

***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]

Note that YOUR BODY, your labor, and all that you own at least STARTS OUT as exclusively your property, and by EXCLUSIVELY we mean that it is PRIVATE property beyond the civil control or regulation of any government. Only by donating it or some portion of it to a "public use", "public purpose", or "public office" can its use be civilly regulated by any government.

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

"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,³ falls within this category of interests that the Government cannot take without compensation."
[Kaiser Aetna v. United States, 444 U.S. 164 (1979)]

The only time a government can take away your property without compensation in return and without your consent is when you have hurt someone with it, and that deprivation can only occur AFTER the injury, not BEFORE. Any deprivation BEFORE the injury must involve your express consent to donate the property or some interest in the property to a "public use", "public purpose", and/or "public office". These rules were identified by the U.S. Supreme Court as follows:

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

³ 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 only way one can rationally disagree with the conclusions of this section is to advocate one of the following positions, all of which corrupt and destroy the notion of private property that is behind any and every great republic:

1. That there is no PRIVATE property and that EVERYTHING is PUBLIC property owned by the government.
2. That the government is the LEGAL owner of EVERYTHING and that they only LOAN it to you.
3. That “taxes” are the “rent” you pay to use GOVERNMENT property. If you don’t pay the taxes, they can take it away from you and thereby EXCLUDE you from using or benefitting from it.

All the above premises are the foundation of socialism, in which the government either completely owns or at least CONTROLS 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]

Lastly, we emphasize that the purpose for which ALL governments are established, is to protect PRIVATE rights and PRIVATE property, according to our Declaration of Independence. Anyone who argues with this section indirectly is advocating that we DO NOT have a “government” as defined by our founding documents:

“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. --That whenever any Form of Government becomes destructive of these ends, it is the Right of the People to alter or to abolish it, and to institute new Government, laying its foundation on such principles and organizing its powers in such form, as to them shall seem most likely to effect their Safety and Happiness.”
[Declaration of Independence]

Furthermore, anyone who takes the position that there is no PRIVATE property and that the GOVERNMENT owns EVERYTHING, indirectly must advocate atheism and is a THIEF, because the Bible itself says that GOD owns THE WHOLE EARTH AND THE HEAVENS. Caesar cannot own or even control that which does not belong to him:

“Behold, the heaven and the heaven of heavens is the LORD’s thy God, the earth also, with all that therein is.”
[Deuteronomy 10:12-14, Bible, NKJV]

“The heavens are Yours, the earth also is Yours; The world and all its fullness, You have founded them.”
[Psalm 89:11, Bible, NKJV]

4 What do we mean by “civil status”?

A civil status is a term defined or described in either the constitution or statutes or the common law to which both obligations and rights simultaneously attach. Example “civil statuses” would be “person” (under a civil statute), “taxpayer” (under the tax code), “driver” (under the vehicle code), “individual”, etc. Every obligation gives rise to a corresponding right on the part of the entity or person to whom the obligation is owed. An obligation, in turn, could include the requirement to perform a specific service, or it could include some measure of control over property in your custody or control. Obligations are always enforceable through some type of legal penalty or administrative or judicial enforcement for non-performance.

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

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

(Enacted 1872.)

The ONLY method for lawfully creating obligations is either through your consent in the form of a contract or “operation of law”. “Operation of law” involves a case where your actions or inactions have injured the equal rights of someone else. That injury violates the concept of “justice” itself, which is the “right to be let alone”.⁴

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

An obligation arises either from:

One — The contract of the parties; or,

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

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

A violation of the above rules for creating obligations constitutes one of the following:

1. Unconstitutional taking of private property under the Fifth Amendment or equivalent state constitution.
2. Involuntary servitude, in the case of the Thirteenth Amendment, if the thing compelled is some kind of service or physical performance.

For a detailed study of obligations owed to governments or citizens protected by government statutes generally, see:

1. *Lawfully Avoiding Government Obligations Course, Form #12.040*
<https://sedm.org/Forms/FormIndex.htm>
2. *Proof of Claim: Your Main Defense Against Government Greed and Corruption, Form #09.073*
<https://sedm.org/Forms/FormIndex.htm>

The use of the term “status” in this memorandum:

1. Is associated with the domicile of the party in question. Before one may have any kind of civil status, one must:
 - 1.1. CONSENSUALLY have a domicile or residence within the forum or jurisdiction in question.
 - 1.2. Have legal evidence of said domicile admissible in court to prove the domicile they claim.
 - 1.3. Acquire statutory “citizen” or “resident” status under the civil laws of the place by virtue of choosing a domicile within that place.
2. Relates exclusively to the civil status of a party under the CIVIL STATUTORY laws of a specific jurisdiction.
 - 2.1. Civil statutory laws only pertain to those consensually domiciled within the forum or jurisdiction.
 - 2.2. They may not be enforced against non-residents or those not domiciled within the forum or jurisdiction unless the non-resident satisfies the “Minimum Contacts Doctrine” spoken of by the U.S. Supreme Court in *International Shoe Co. v. Washington*, 326 U.S. 310 (1945).
3. Does NOT relate to the CRIMINAL laws. Criminal laws do not attach to the status of the parties or to their consent in any way. Instead, they attach at the point when a harmful act is committed against a specific party on the territory to which said law attaches.

A well-known book on domicile explains the origin of “civil status” as follows:

§ 29. Status.⁵ It may be laid down that the status-or, as it is sometimes called, civil status, in contradistinction to political status - of a person depends largely, although not universally, upon domicil. The older jurists,

⁴ See *What Is “Justice”?*, Form #05.050 for an exhaustive definition of “justice”; SOURCE: <https://sedm.org/Forms/FormIndex.htm>.

⁵ On this general subject, see Story, Confl. of L. ch. 4; Burge, For. & Col. L. vol. i ch. 3 et. seq.; Phillimore, Int. L. vol. iv. ch. 17; Westlake, Priv. Int. L. 1st ed. ch. 13; id. 2d ed. ch. 2, 3; Foote, Priv. Int. L. ch. 8; Wharton, Conf. of L. ch. 3; Dicey, Dom. pt. 3, ch. 2; Piggott, For. Judgments, ch. 10; Savigny, System, etc. vol. viii. §§ 362-365 (Guthrie's trans. p. 148 et. seq.); Bar, Int. Priv. und Strafrecht, §§ 42-46 (Gillespie's trans. p. 160 et. seq.); and see particularly the learned and elaborate opinion of Gray, C. J., in *Rosa v. Ross*, 129 Mass. 243 (given infra, §32, note 2). In these places the reader will find collected almost all of the important authorities upon the subject of status.

whose opinions are fully collected by Story⁶ and Burge⁷ maintained, with few exceptions, the principle of the ubiquity of status, conferred by the *lex domicilii* with little qualification. Lord Westbury, in *Udny v. Udny*⁸ thus states the doctrine broadly: "The civil status is governed by one single principle, namely, that of domicile, which is the criterion established by law for the purpose of determining civil status. For it is on this basis, that the personal rights of the party - that is to say, the law which determines his majority and minority, his marriage, succession, testacy, or intestacy-must depend." Gray, C. J., in the late Massachusetts case of *Ross v. Ross*⁹ speaking with special reference to capacity to inherit, says: "It is a general principle that the status or condition of a person, the relation in which he stands to another person, and by which he is qualified or made capable to take" certain rights in that other's property, is fixed by the law of the domicile; and that this status and capacity are to be recognized and upheld in every other State, so far as they are not inconsistent with its own laws and policy."

But great difficulty in the discussion of this subject has arisen by reason of the loose and varying use of the term status and the want of any clear definition of what is meant by it. Savigny¹⁰ understood it to mean "capacity to have rights and to act;" and this undoubtedly was the sense in which it was understood by the older jurists. In *Niboyet v. Niboyet*,¹¹ Brett, L. J., gives this definition: "The status of an individual, used as a legal term, means the legal position of the individual in or with regard to the rest of a community." But whatever may be the definition of the term, or whatever rules applicable to status in general may be looked upon as having received general acceptance, there are certain prominent states or conditions of persons, which have been treated of by writers and considered by the courts, and these it will be well to examine separately, with a view to ascertain how far they are affected by domicile.
[Treatise on the Law of Domicil, M.W. Jacobs, 1887; Little Brown and Company, §29, pp. 38-39]

Below is an example of the above, from the U.S. Supreme Court. The "status" spoken in this case of is that of being "married" under the laws of a specific state:

"To prevent any misapplication of the views expressed in this opinion, it is proper to observe that we do not mean to assert, by any thing we have said, that a State may not authorize proceedings to determine the status of one of its citizens towards a non-resident, which would be binding within the State, though made without service of process or personal notice to the non-resident. The jurisdiction which every State possesses to determine the civil status and capacities of all its inhabitants involves authority to prescribe the conditions on which proceedings affecting them may be commenced and carried on within its territory. The State, for example, has absolute 735*735 right to prescribe the conditions upon which the marriage relation between its own citizens shall be created, and the causes for which it may be dissolved. One of the parties guilty of acts for which, by the law of the State, a dissolution may be granted, may have removed to a State where no dissolution is permitted. The complaining party would, therefore, fail if a divorce were sought in the State of the defendant; and if application could not be made to the tribunals of the complainant's domicile in such case, and proceedings be there instituted without personal service of process or personal notice to the offending party, the injured citizen would be without redress. Bish. Marr. and Div., sect. 156."
[Pennoyer v. Neff, 95 U.S. 714 (1878)]

"Domicile" and "Nationality" are distinguished in the following U.S. Supreme Court case:

In *Udny v. Udny* (1869) L. R. 1 H. L. Sc. 441, the point decided was one of inheritance, depending upon the question whether the domicile of the father was in England or in Scotland, he being in either alternative a British subject. Lord Chancellor Hatherley said: "The question of naturalization and of allegiance is distinct from that of domicile." Page 452. Lord Westbury, in the passage relied on by the counsel for the United States, began by saying: "The law of England, and of almost all civilized countries, ascribes to each individual at his birth two distinct legal states or conditions,—one by virtue of which he becomes the subject [NATIONAL] of some particular country, binding him by the tie of natural allegiance, and which may be called his political status; another by virtue of which he has ascribed to him the character of a citizen of some particular country, and as such is possessed of certain municipal rights, and subject to certain obligations, which latter character is the civil status or condition of the individual, and may be quite different from his political status." And then, while maintaining that the civil status is universally governed by the single principle of domicile (domicilium), the criterion established by international law for the purpose of determining civil

⁶ Ubi supra.

⁷ Ubi supra.

⁸ L.R. 1 Sch. App. 441, 457.

⁹ 129 Mass. 243, 246.

¹⁰ System, etc. §361 (Guthrie's Trans, p. 139). Bar understands status in the same sense, §44 (Gillespie's trans. p.172). Gray, C. J., in the case above cited, thus distinguishes the two phases of capacity which go to make up status: "The capacity or qualification to inherit or succeed to property, which is an incident of the status or condition, requiring no action to give it effect, is to be distinguished from the capacity or competency to enter into contracts that confer rights upon others. A capacity to take and have differs from a capacity to do and contract; in short, a capacity of holding from a capacity to act." *Ross v. Ross*, ubi supra.

¹¹ L. B. 4 P. D. 1, 11.

status, and the basis on which 'the personal rights of the party—that is to say, the law which determines his majority or minority, his marriage, succession, testacy, or intestacy— must depend,' he yet distinctly recognized that a man's political status, his country (patria), and his 'nationality,—that is, natural allegiance,—'may depend on different laws in different countries.' Pages 457, 460. He evidently used the word 'citizen,' not as equivalent to 'subject,' but rather to 'inhabitant'; and had no thought of impeaching the established rule that all persons born under British dominion are natural-born subjects.
[United States v. Wong Kim Ark, 169 U.S. 649, 18 S.Ct. 456, 42 L.Ed. 890 (1898) ;
SOURCE: http://scholar.google.com/scholar_case?case=3381955771263111765]

In law, all rights are property. Hence, “civil rights” attach to the CIVIL STATUTORY STATUS of a “person”:

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]

Those who do not have a domicile in a specific municipal jurisdiction are regarded as “non-residents”, and hence, they have no “civil status” or “status” under the “civil laws” of the jurisdiction they are non-resident in relation to. An example of this phenomenon is found in Federal Rule of Civil Procedure 17(b) , in which jurisdiction is described as follows:

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.

A human being with no domicile within federal territory, based on the above:

1. Has no capacity to sue or be sued in federal court under the CIVIL statutes of the national government.
2. Has no "status" or "civil status" under any federal civil statute, including:
 - 2.1. "person".
 - 2.2. "individual".
3. Is not a statutory "citizen" under federal law such as 26 U.S.C. §3121(e) and 26 C.F.R. §1.1-1(c), but rather a statutory "non-resident non-person". If they are ALSO a public officer in the national government, they are also a statutory "individual" and "nonresident alien" (26 U.S.C. §7701(b)(1)(B)) in relation to the national government.
4. May STILL sue under the constitution and the common law because both of these sources of law attach to the TERRITORY rather than the "civil status" of the physical people ON that physical territory. This is, in part, because the CONSTITUTION is "self-executing" and needs no statutes to enforce:¹²

"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)]

We must emphasize at this point that the ABSENCE of a STATUTORY "civil status" is ALSO a "civil status", but under a DIFFERENT system of law, which is that of the ORGANIC law rather than the STATUTORY law. As an extension of your right to associate/disassociate and contract/not contract under the First Amendment, you can choose to be a CONSTITUTIONAL "PERSON" WITHOUT being a STATUTORY "PERSON". The state in such a case STILL has a duty to protect THAT LACK OF STATUS under the CIVIL STATUTORY LAW and to protect the right to ONLY have a "civil status" under the CONSTITUTION or the COMMON LAW:

"In all domestic concerns each state of the Union is to be deemed an independent sovereignty. As such, it is its province and its duty to forbid interference by another state as well as by any foreign power with the status of its own citizens. Unless at least one of the spouses is a resident thereof in good faith, the courts of such sister state or of such foreign power cannot acquire jurisdiction to dissolve the marriage of those who have an established domicile in the state which resents such interference with matters which disturb its social serenity or affect the morals of its inhabitants."
[Roberts v. Roberts, 81 Cal.App.2d. 871, 879 (1947);
https://scholar.google.com/scholar_case?case=13809397457737233441]

If, in fact, "consent makes the law" per the maxims of the common law, then "consent" of the PARTY claiming OR NOT CLAIMING the "civil status" makes the CIVIL STATUTORY "PERSON" as well:

Consensus facit legem. Consent makes the law. A contract is a law between the parties, which can acquire force only by consent.

¹² On the subject of the "self-executing" nature of the Constitution, the U.S. Supreme Court has held:

*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)]

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

An example of a “status” that one not domiciled on federal territory cannot lawfully have is that of statutory “taxpayer” as defined in 26 U.S.C. §7701(a)(14). All tax liability is a CIVIL liability which attaches to a CIVIL statutory status:

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

(a)When used in this title, where not otherwise distinctly expressed or manifestly incompatible with the intent thereof—

(14) Taxpayer

The term “taxpayer” means any person subject to any internal revenue tax.

In a sense then, all civil statutory law acts as the equivalent of a “protection franchise” that you have to consent to before you become party to. “Privileges” under the protection franchise attach to the status of “citizen”. Those who are non-residents are not parties to the franchise contract and are not bound by the franchise contract:

There is but one law which, from its nature, needs unanimous consent. This is the social compact; for civil association is the most voluntary of all acts. Every man being born free and his own master, no one, under any pretext whatsoever, can make any man subject without his consent. To decide that the son of a slave is born a slave is to decide that he is not born a man.

If then there are opponents when the social compact is made, their opposition does not invalidate the contract, but merely prevents them from being included in it. They are foreigners among citizens. When the State is instituted, residence constitutes consent; to dwell within its territory is to submit to the Sovereign.^[34]

Apart from this primitive contract, the vote of the majority always binds all the rest. This follows from the contract itself. But it is asked how a man can be both free and forced to conform to wills that are not his own. How are the opponents at once free and subject to laws they have not agreed to?

I retort that the question is wrongly put. **The citizen gives his consent to all the laws, including those which are passed in spite of his opposition, and even those which punish him when he dares to break any of them.** The constant will of all the members of the State is the general will; by virtue of it they are citizens and free^[35]. When in the popular assembly a law is proposed, what the people is asked is not exactly whether it approves or rejects the proposal, but whether it is in conformity with the general will, which is their will. Each man, in giving his vote, states his opinion on that point; and the general will is found by counting votes. When therefore the opinion that is contrary to my own prevails, this proves neither more nor less than that I was mistaken, and that what I thought to be the general will was not so. If my particular opinion had carried the day I should have achieved the opposite of what was my will; and it is in that case that I should not have been free.

This presupposes, indeed, that all the qualities of the general will still reside in the majority: when they cease to do so, whatever side a man may take, liberty is no longer possible.

In my earlier demonstration of how particular wills are substituted for the general will in public deliberation, I have adequately pointed out the practicable methods of avoiding this abuse; and I shall have more to say of them later on. I have also given the principles for determining the proportional number of votes for declaring that will. A difference of one vote destroys equality; a single opponent destroys unanimity; but between equality and unanimity, there are several grades of unequal division, at each of which this proportion may be fixed in accordance with the condition and the needs of the body politic.

There are two general rules that may serve to regulate this relation. First, the more grave and important the questions discussed, the nearer should the opinion that is to prevail approach unanimity. Secondly, the more the matter in hand calls for speed, the smaller the prescribed difference in the numbers of votes may be allowed to become: where an instant decision has to be reached, a majority of one vote should be enough. The first of these two rules seems more in harmony with the laws, and the second with practical affairs. In any case, it is the combination of them that gives the best proportions for determining the majority necessary.

[The Social Contract or Principles of Political Right, Jean Jacques Rousseau, 1762, Book IV, Chapter 2;
SOURCE: <https://famguardian.org/Publications/TheSocialContract-Rousseau/Rousseau%20Social%20Contract.htm>]

FOOTNOTES:

[34] This should of course be understood as applying to a free State; for elsewhere family, goods, lack of a refuge, necessity, or violence may detain a man in a country against his will; and then his dwelling there no longer by itself implies his consent to the contract or to its violation.

[35] At Genoa, the word Liberty may be read over the front of the prisons and on the chains of the galley-slaves. This application of the device is good and just. It is indeed only malefactors of all estates who prevent the citizen from being free. In the country in which all such men were in the galleys, the most perfect liberty would be enjoyed.

There is one last very important point we wish to make. That point is that the civil statutory laws and the domicile they attach to are not the ONLY method of civilly protecting one's rights. Some types of civil protection do not require consent of party. For instance, the U.S. Constitution is an example of a limitation upon government that does NOT require the express consent of those who are protected by it.

1. The USA Constitution is a "compact" or contract.
2. It establishes a public trust, which is an artificial "person" in which:
 - 2.1. The corpus of the trust is all public rights and public property.
 - 2.2. The trustees of the trust are people working in the government.
 - 2.3. All constitutional but not statutory citizens are the "beneficiaries".
3. The parties who established this public trust are the States of the Union and the government they created. Individual human beings are NOT party to it or trustees under it:
4. The Bill of Rights portion of the constitution attaches to LAND protected by the constitution, and NOT the civil status of 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)]

5. The Bill of Rights is a "self-executing" restraint upon all government officers and agents upon all those physically present but not necessarily domiciled on the land it attaches to. Because the rights it covers are "self-executing", no statutory civil law is needed to give them "the force of law" against any officer of the government in relation to a person physically present upon land protected by the constitution.

*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)]

Those injured by the actions of the government, whether civilly domiciled there and therefore a "citizen" there OR NOT, are protected by the Bill of Rights and have standing to sue in ANY state or federal court for a violation of that right.

In confirmation of this section, examine the content of 1 U.S.C. §8:

1 U.S. Code § 8 - "Person", "human being", "child", and "individual" as including born-alive infant

(a) In determining the meaning of any Act of Congress, or of any ruling, regulation, or interpretation of the various administrative bureaus and agencies of the United States, the words "person", "human being", "child", and "individual", shall include every infant member of the species homo sapiens who is born alive at any stage of development.

(b) As used in this section, the term “born alive”, with respect to a member of the species homo sapiens, means the complete expulsion or extraction from his or her mother of that member, at any stage of development, who after such expulsion or extraction breathes or has a beating heart, pulsation of the umbilical cord, or definite movement of voluntary muscles, regardless of whether the umbilical cord has been cut, and regardless of whether the expulsion or extraction occurs as a result of natural or induced labor, cesarean section, or induced abortion.

(c) Nothing in this section shall be construed to affirm, deny, expand, or contract any legal status or legal right applicable to any member of the species homo sapiens at any point prior to being “born alive” as defined in this section.

[1 U.S.C. §8, Downloaded 9/13/2014]

5 Main Method of States of the Union in Controlling and Regulating its Inhabitants are Attaching Obligations to Property or Civil Statuses

Pennoyer v. Neff is a foundational case to understand how jurisdiction is exercised over you or your property. There are only TWO methods of asserting CIVIL STATUTORY jurisdiction over a party:

1. Jurisdiction over human beings having a domicile within the state. These are called “persons” in Pennoyer and they are synonymous with “domicile”. “Person” is a STATUTORY civil status
2. Jurisdiction over property owned by human beings and physically situated in the state.

We establish in the following memorandum on our site that domicile is voluntary and may be avoided. Those without a domicile in a specific forum or venue are beyond the civil statutory law of that jurisdiction:

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

Since domicile is voluntary and is a necessary prerequisite to civil jurisdiction, then those not having a domicile within the venue may only be reached by attaching obligations to their property. Actions against such property, under the circumstances, would be called “in rem”. An obligation is defined as follows:

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

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

(Enacted 1872.)

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

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

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

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

PART 1. OBLIGATIONS IN GENERAL [1427 - 1543] (Part 1 enacted 1872.)
TITLE 1. DEFINITION OF OBLIGATIONS [1427 - [1428.]] (Title 1 enacted 1872.)

[1428.] Section Fourteen Hundred and Twenty-eight.

An obligation arises either from:

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

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

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

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

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

Therefore, when anyone from the government seeks to enforce a “duty” or “obligation”, such as in tax correspondence, they have the [burden of proof \(Form #05.025\)](#) to demonstrate one of the following two things:

1. That you expressly consented to a contract with them. This is one of the two mechanisms recognized in Osborn v. Bank of U.S., [22 U.S. 738](#) (1824) ...OR
2. That “operation of law” is involved. In other words, that you injured a specific, identified flesh and blood person and that such a person has standing to sue in a civil or common law action.

The main difference between the above two methods of creating obligations is CONSENT or its ABSENCE. “Contracts” require INFORMED CONSENT while “operation of law” does NOT.

Below is an excerpt from the above-mentioned case demonstrating these principles for the edification of the reader:

*The several States of the Union are not, it is true, in every respect independent, many of the rights and powers which originally belonged to them being now vested in the government created by the Constitution. But, except as restrained and limited by that instrument, they possess and exercise the authority of independent States, and the principles of public law to which we have referred are applicable to them. One of these principles is, that every State possesses exclusive jurisdiction and sovereignty over persons and property within its territory. As a consequence, every State has the power to determine for itself the civil status and capacities of its inhabitants; to prescribe the subjects upon which they may contract, the forms and solemnities with which their contracts shall be executed, the rights and obligations arising from them, and the mode in which their validity shall be determined and their obligations enforced; and also to regulate the manner and conditions upon which property situated within such territory, both personal and real, may be acquired, enjoyed, and transferred. The other principle of public law referred to follows from the one mentioned; that is, that no State can exercise direct jurisdiction and authority over persons or property without its territory. Story, Conf. Laws, c. 2; Wheat. Int. Law, pt. 2, c. 2. The several States are of equal dignity and authority, and the independence of one implies the exclusion of power from all others. And so it is laid down by jurists, as an elementary principle, that the laws of one State have no operation outside of its territory, except so far as is allowed by comity; and that no tribunal established by it can extend its process beyond that territory so as to subject either persons or property to its decisions. "Any exertion of authority of this sort beyond this limit," says Story, "is a mere nullity, and incapable of binding 723*723 such persons or property in any other tribunals." Story, Conf. Laws, sect. 539.*

But as contracts made in one State may be enforceable only in another State, and property may be held by non-residents, the exercise of the jurisdiction which every State is admitted to possess over persons and property within its own territory will often affect persons and property without it. To any influence exerted in this way by a State affecting persons resident or property situated elsewhere, no objection can be justly taken; whilst any direct exertion of authority upon them, in an attempt to give ex-territorial operation to its laws, or to enforce an ex-territorial jurisdiction by its tribunals, would be deemed an encroachment upon the

independence of the State in which the persons are domiciled or the property is situated, and be resisted as usurpation.

Thus the State, through its tribunals, may compel persons domiciled within its limits to execute, in pursuance of their contracts respecting property elsewhere situated, instruments in such form and with such solemnities as to transfer the title, so far as such formalities can be complied with; and the exercise of this jurisdiction in no manner interferes with the supreme control over the property by the State within which it is situated. *Penn v. Lord Baltimore*, 1 Ves. 444; *Massie v. Watts*, 6 Cranch, 148; *Watkins v. Holman*, 16 Pet. 25; *Corbett v. Nutt*, 10 Wall. 464.

So the State, through its tribunals, may subject property situated within its limits owned by non-residents to the payment of the demand of its own citizens against them; and the exercise of this jurisdiction in no respect infringes upon the sovereignty of the State where the owners are domiciled. Every State owes protection to its own citizens; and, when non-residents deal with them, it is a legitimate and just exercise of authority to hold and appropriate any property owned by such non-residents to satisfy the claims of its citizens. It is in virtue of the State's jurisdiction over the property of the non-resident situated within its limits that its tribunals can inquire into that non-resident's obligations to its own citizens, and the inquiry can then be carried only to the extent necessary to control the disposition of the property. If the non-resident ⁷²⁴*724 have no property in the State, there is nothing upon which the tribunals can adjudicate.

These views are not new. They have been frequently expressed, with more or less distinctness, in opinions of eminent judges, and have been carried into adjudications in numerous cases. Thus, in *Picquet v. Swan*, 5 Mas. 35, Mr. Justice Story said: —

"Where a party is within a territory, he may justly be subjected to its process, and bound personally by the judgment pronounced on such process against him. Where he is not within such territory, and is not personally subject to its laws, if, on account of his supposed or actual property being within the territory, process by the local laws may, by attachment, go to compel his appearance, and for his default to appear judgment may be pronounced against him, such a judgment must, upon general principles, be deemed only to bind him to the extent of such property, and cannot have the effect of a conclusive judgment in personam, for the plain reason, that, except so far as the property is concerned, it is a judgment coram non jndice."

And in *Boswell's Lessee v. Otis*, 9 How. 336, where the title of the plaintiff in ejectment was acquired on a sheriff's sale, under a money decree rendered upon publication of notice against non-residents, in a suit brought to enforce a contract relating to land, Mr. Justice McLean said: —

"Jurisdiction is acquired in one of two modes: first, as against the person of the defendant by the service of process; or, secondly, by a procedure against the property of the defendant within the jurisdiction of the court. In the latter case, the defendant is not personally bound by the judgment beyond the property in question. And it is immaterial whether the proceeding against the property be by an attachment or bill in chancery. It must be substantially a proceeding in rem."

These citations are not made as authoritative expositions of the law; for the language was perhaps not essential to the decision of the cases in which it was used, but as expressions of the opinion of eminent jurists. But in *Cooper v. Reynolds*, reported in the 10th of Wallace, it was essential to the disposition of the case to declare the effect of a personal action against an absent party, without the jurisdiction of the court, not served ⁷²⁵*725 with process or voluntarily submitting to the tribunal, when it was sought to subject his property to the payment of a demand of a resident complainant; and in the opinion there delivered we have a clear statement of the law as to the efficacy of such actions, and the jurisdiction of the court over them. In that case, the action was for damages for alleged false imprisonment of the plaintiff; and, upon his affidavit that the defendants had fled from the State, or had absconded or concealed themselves so that the ordinary process of law could not reach them, a writ of attachment was sued out against their property. Publication was ordered by the court, giving notice to them to appear and plead, answer or demur, or that the action would be taken as confessed and proceeded in ex parte as to them. Publication was had; but they made default, and judgment was entered against them, and the attached property was sold under it. The purchaser having been put into possession of the property, the original owner brought ejectment for its recovery. In considering the character of the proceeding, the court, speaking through Mr. Justice Miller, said: —

"Its essential purpose or nature is to establish, by the judgment of the court, a demand or claim against the defendant, and subject his property lying within the territorial jurisdiction of the court to the payment of that demand. But the plaintiff is met at the commencement of his proceedings by the fact that the defendant is not within the territorial jurisdiction, and cannot be served with any process by which he can be brought personally within the power of the court. For this difficulty the statute has provided a remedy. It says that, upon affidavit being made of that fact, a writ of attachment may be issued and levied on any of the defendant's property, and a publication may be made warning him to appear; and that thereafter the court may proceed in the case, whether he appears or not. If the defendant appears, the cause becomes mainly a suit in personam, with the added incident, that the property attached remains liable, under the control of the court, to answer to any demand which may be established against the defendant by the final judgment of the court. But if there is no appearance of the defendant, and no service of process on him, the case becomes in its essential nature a

proceeding in rem, the only effect of which is to subject the property attached to the payment of the demand which the court may find to be due to the plaintiff. That such is 726*726 the nature of this proceeding in this latter class of cases is clearly evinced by two well-established propositions: first, the judgment of the court, though in form a personal judgment against the defendant, has no effect beyond the property attached in that suit. No general execution can be issued for any balance unpaid after the attached property is exhausted. No suit can be maintained on such a judgment in the same court, or in any other; nor can it be used as evidence in any other proceeding not affecting the attached property; nor could the costs in that proceeding be collected of defendant out of any other property than that attached in the suit. Second, the court, in such a suit, cannot proceed, unless the officer finds some property of defendant on which to levy the writ of attachment. A return that none can be found is the end of the case, and deprives the court of further jurisdiction, though the publication may have been duly made and proven in court."

[Pennoyer v. Neff, 95 U.S. 714 (1878); SOURCE: https://scholar.google.com/scholar_case?case=13333263776496540273]

The principles established by the above case are that:

1. Domicile is the origin of "civil status"
2. Statutory "person" is a civil status.
3. If you don't have a domicile in a venue or jurisdiction, you are called a "non-resident".
4. Those who are non-residents may only be compelled by attaching property they have within the physical locality of the jurisdiction or venue in question.
5. When proceedings are instituted against property of a non-resident, the proceeding is "in rem".
6. Those who are physically within a state but not domiciled there would be subject to the common law of the state and not the civil statutory law therein. This is because they would not have a civil status of "person" under the civil statutes of the state but still have an obligation under the common law for damages they cause to the equal rights of others. Common law does not require consent or domicile to be enforceable.

While we discuss jurisdiction in the context of states of the Union in relation to each other, the same principles of public law apply between those in a Constitutional state and their interactions with the federal zone or federal government.

6 State's FIRST and MOST IMPORTANT duty is to protect the civil "status" of its own inhabitants

The reason for establishing all free de jure governments is to protect exclusively PRIVATE rights. The very FIRST step in protecting PRIVATE rights is to:

1. Prevent PRIVATE rights from being involuntarily connected with or converted to PUBLIC rights and franchises by the government.
2. Protect the civil STATUS of PRIVATE human beings. All public rights and franchises attach to a civil statutory status. The act of imputing a PUBLIC or FRANCHISE status such as a "public officer" or government "employee" or "taxpayer" to anyone against their will therefore constitutes THEFT of PRIVATE property and eminent domain directed at such property if express consent of the affected party was NOT obtained and therefore, the conversion occurred against their will.

Consistent with the above, below are some cites that demonstrate this concept:

"In all domestic concerns each state of the Union is to be deemed an independent sovereignty. As such, it is its province and its duty to forbid interference by another state as well as by any foreign power with the status of its own citizens. Unless at least one of the spouses is a resident thereof in good faith, the courts of such sister state or of such foreign power cannot acquire jurisdiction to dissolve the marriage of those who have an established domicile in the state which resents such interference with matters which disturb its social serenity or affect the morals of its inhabitants."

[Roberts v. Roberts, 81 Cal.App.2d. 871, 879 (1947);

https://scholar.google.com/scholar_case?case=13809397457737233441]

"It is elementary that each state may determine the status of its own citizens. Milner v. Gatlin [139 Ga. 109, 76 S.E. 860] supra. The law that governs the status of any individual is the law of his legal situs, that is, the law of his domicile. Minor, supra [139 Ga.] at page 131 [76 S.E. 860.] At least this jurisdictional fact--dominion over the legal situs must be present before a court can presume to adjudicate a status, and in cases involving the custody of children it is usually essential that their actual situs as well be within the jurisdiction of the court before its decree will be accorded extraterritorial recognition."

[Boor v. Boor, 241 Iowa 973, 43 N.W.2d. 155 (Iowa, 1950)]

1 *"These parties, as man and wife, were domiciled in Pennsylvania. The husband went to Yucatan, Mexico, and*
2 *there obtained a divorce. The wife never was in Mexico. **The right of the Republic of Mexico to regulate the***
3 ***status of its own citizens cannot, on any principle of international law, justify the attempt to draw this wife's***
4 ***domicile to her husband's alleged new abode."***
5 *[Commonwealth v. Neal, 15 D.&C. 430 (Pa. D. & C., 1930)]*

6 It is also important to point out the very ESSENCE of one's sovereignty is, in fact, not only their CIVIL STATUS, but their
7 absolute RIGHT to declare and establish what it is.

8 **Sovereignty. 1) the state or quality of being sovereign 2) the status, dominion, rule, or power of a sovereign 3)**
9 **supreme and independent political authority 4) a sovereign state or governmental unit.**
10 *[Webster's New World Dictionary, 3rd College Ed. (1988), page 1283]*

11 In fact, we would argue that the right to declare and establish one's civil status is the method by which one exercises their
12 absolute right to contract and associate, because the product of contracting and associating is the establishment of a
13 particular status under a civil contract and the civil laws of a specific jurisdiction.

14 Later in section 12, we will show that any attempt to impute a civil status to someone against their will is theft, identity
15 theft, and eminent domain. We will also describe both administrative and judicial remedies for those who are victimized by
16 such crimes. Most such criminal activity is, in fact, engaged in MAINLY by corrupted governments across the globe.

17 **7 Four methods of acquiring a civil status**

18 There are four methods of lawfully acquiring a civil status:

- 19 1. Physical presence in the venue without a domicile. This triggers common law jurisdiction. If the venue is protected by
20 the constitution, it also triggers constitutional jurisdiction.
- 21 2. Physical presence WITH a consensual domicile. This triggers civil statutory jurisdiction. If the venue is protected by
22 the constitution, it also triggers constitutional jurisdiction.
- 23 3. Not physically present in the venue but purposefully and consensually doing business in the venue. This triggers
24 common law jurisdiction. This ordinarily does NOT trigger constitutional jurisdiction, even if the venue is protected
25 by the constitution.
- 26 4. Not physically present in the venue but domiciled in the venue. This triggers statutory jurisdiction. This ordinarily
27 does NOT trigger constitutional jurisdiction, even if the venue is protected by the constitution.

28 Those who don't fit any of the criteria must be considered by the civil courts to be:

- 29 1. "nonresidents".
- 30 2. "transient foreigners".
- 31 3. "stateless" but not civil statutory "persons".
- 32 4. "in transitu".
- 33 5. "transient".
- 34 6. "sojourner".
- 35 7. "civilly dead".

36 Below is a table summarizing the above:

37 **Table 1: Four method of acquiring civil status**

#	Physically present in venue?	Civil Domicile?	Common law jurisdiction?	Constitutional protections?	Civil statutory jurisdiction?	Consent implied?
1	Yes	No	Yes	Yes	No	No
2	Yes	Yes	No	Yes	Yes	Yes (domicile)
3	No	No	Yes	No	No	No
4	No	Yes	No	No	Yes	Yes (domicile)

38 **NOTES:**

1. Constitutional protection attaches to land and not to the civil status of the people physically ON that 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. Common law jurisdiction is the default law system applying equally to all in the absence of express or implied consent of the party. See:

Wikipedia: Civil Law (legal system)
[https://en.wikipedia.org/wiki/Civil_law_\(legal_system\)](https://en.wikipedia.org/wiki/Civil_law_(legal_system))

3. Domicile and civil statutory protection are synonymous. See Federal Rule of Civil Procedure 17(b).

4. Domicile and common law jurisdiction are mutually exclusive and cannot exist in the same place at the same time. This is because domicile is consensual and anything you consent to cannot form the basis for a common law injury:

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

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

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

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

5. Accepting a "benefit" or claiming the "benefit" of a civil statute while physically outside the venue but domiciled there causes a waiver of constitutional rights in the context of ONLY the statutes administering the "benefit", if the granting authority is not physically located on land protected by the Constitution. The District of Columbia, by the way, IS protected by the constitution. See [Downes v. Bidwell, 182 U.S. 244, 251, 21 S.Ct. 770, 773, 45 L.Ed. 1088 \(1901\)](#).

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:

[...]

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, 8 L.Ed. 1108.](#)
[Ashwander v. Tennessee Valley Authority, 297 U.S. 288, 56 S.Ct. 466 (1936)]

6. You CANNOT accept a statutory "benefit" without a domicile in the location granting the benefit.

6.1. This is because you cannot claim the benefit without a civil status there and you can't have a civil status WITHOUT a domicile:

"There are certain general principles which control the disposition of this case. They are, in the main, well settled; the difficulty lies in their application to the particular facts of the case in hand. It is elementary that every state has an undoubted right to determine the status, or domestic and social condition, of the persons domiciled within its territory, except in so far as the powers of the states in this respect are restrained, or duties and obligations imposed upon them by the constitution of the United States." Strader v. Graham, 10 How. 93. Again, the civil status is governed universally by one single principle, namely, that of domicile,

1 which is the criterion established by law for the purpose of determining the civil status; for it is on this basis
2 that the personal rights of a party, — that is to say, the law which determines his majority or minority, his
3 marriage, succession, testacy, or intestacy, — must depend. *Udny v. Udny*, L.R., 1 H. L. Sc. 457.
4 [*Woodward v. Woodward*, 11 S.W. 892, 87 Tenn. 644 (Tenn., 1889)]

5 "domicile. A person's legal home. That place where a man has his true, fixed, and permanent home and
6 principal establishment, and to which whenever he is absent he has the intention of returning. *Smith v. Smith*,
7 206 Pa.Super. 310, 213 A.2d. 94. Generally, physical presence within a state and the intention to make it one's
8 home are the requisites of establishing a "domicile" therein. The permanent residence of a person or the place
9 to which he intends to return even though he may actually reside elsewhere. A person may have more than one
10 residence but only one domicile. The legal domicile of a person is important since it, rather than the actual
11 residence, often controls the jurisdiction of the taxing authorities and determines where a person may
12 exercise the privilege of voting and other legal rights and privileges."
13 [*Black's Law Dictionary*, Sixth Edition, p. 485]

14 6.2. A government that offers or enforces a "benefit" to nonresidents with no domicile is a DE FACTO government as
15 described in:

De Facto Government Scam, Form #05.024
<https://sedm.org/Forms/FormIndex.htm>

16 7. You have a common law right to NOT receive or pay for a "benefit" or to terminate eligibility of a "benefit" you
17 previously consented to at any time. You also have a right to define HOW you consent to receive the benefit and can
18 specify that how consent is procured.

19 *Cujus est commodum ejus debet esse incommodum.*
20 He who receives the benefit should also bear the disadvantage.

21 *Que sentit commodum, sentire debet et onus.*
22 He who derives a benefit from a thing, ought to feel the disadvantages attending it. 2 Bouv. Inst. n. 1433.

23 *Hominum caus jus constitutum est.*
24 Law is established for the benefit of man.

25 *Injuria propria non cadet in beneficium facientis.*
26 One's own wrong shall not benefit the person doing it.

27 *Privatum incommodum publico bono peusatur.*
28 Private inconvenience is made up for by public benefit.

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

32 *Non videtur consensum retinuisse si quis ex praescripto minantis aliquid immutavit.*
33 He does not appear to have retained his consent, if he have changed anything through the means of a party
34 threatening. Bacon's Max. Reg. 33."
35 [*Bouvier's Maxims of Law*, 1856;
36 SOURCE: <http://famguardian.org/Publications/BouvierMaximsOfLaw/BouviersMaxims.htm>]

37 **8 Effect of acting in a representative capacity upon the civil "status" of a party**

38 Another very important consideration is the effect that operating in a representative capacity has on the civil "status" of a
39 party. This section will thoroughly examine this subject.

40 All "rights" in civil law attach to statutory "persons". Before one can have "rights", they must become a "person" by
41 choosing a civil domicile within the jurisdiction of the municipality that enacted the civil law which they are enforcing.
42 Statutory "persons" are of two types:

- 43 1. Human beings called "natural persons".
- 44 2. Artificial "persons" such as corporations, trusts, Limited Liability Companies (LLCs), or estates.

45 Artificial "persons" must be created under the civil laws of a specific jurisdiction. For instance, all states within the United
46 States of America:

1. Have statutes regulating the creation of PUBLIC corporations.
2. Have a specific filing procedure that must be followed in order to be recognized by the state as a corporation and therefore an artificial "person".
3. Allow for the issuance of "business licenses" to those entities that are not PUBLIC corporations.
4. Have an office dedicated to verifying the lawful existence of PUBLIC corporations. Namely, the Secretary of State.
5. Have an office in the local municipality that verifies the lawful existence of a licensed business that is NOT a PUBLIC corporation.

A trust or corporation may still lawfully be established WITHOUT either licensing or incorporating. This would be done by recording an "Affidavit of Trust" with the County Recorder. Such an artificial "person" would therefore be regarded as EXCLUSIVELY PRIVATE and therefore beyond the ability to regulate or directly control by the state or municipality.

This brings us to another important subject. There are TWO types of "persons" under the civil law: PUBLIC persons and PRIVATE persons:

1. PUBLIC persons:
 - 1.1. Are statutory creations of the government.
 - 1.2. Are subject to regulation, taxation, and control by the government.
 - 1.3. Are viewed as a "franchise" of the government subject to excise taxation.
2. PRIVATE persons:
 - 2.1. Are exclusively private.
 - 2.2. May not lawfully be regulated, taxed, or burdened by the civil laws of a place.

Below is an example of the dividing line between "PUBLIC" and "PRIVATE" persons:

*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/]*

The important point to note about the above is that:

1. EXCLUSIVELY private rights and private property are beyond the civil control of government.

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
[Munn v. Illinois, 94 U.S. 113 (1877),
SOURCE: http://scholar.google.com/scholar_case?case=6419197193322400931/]

2. By declaring or associating yourself with a domicile within the jurisdiction of a specific government, you:
 - 2.1. Select or nominate a specific protector.

2.2. Become a “citizen” and a “person” under the civil laws of that place.

3. As a “citizen”, you implicitly consent and covenant to be protected by and therefore “governed” and bound by the civil laws of that place. This produces a waiver of sovereign immunity which also causes a surrender of otherwise EXCLUSIVELY PRIVATE rights.

“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/]

All civil societies are run by “compact” and therefore contract and their civil laws “activate” and thereby “acquire the force of law” AGAINST YOU PERSONALLY only by your consent in choosing a civil domicile. The status you voluntarily declare and consent to is how you “contract” with and associate with specific municipal governments for protection.

“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.”

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

SOURCE: http://scholar.google.com/scholar_case?case=6419197193322400931/]

Note from the above the use of the terms “compacts” and “covenants”, which are contracting terms:

*“**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]

By agreeing to act in a representative capacity on behalf of an artificial entity such as a corporation, trust, or LLC, you:

1. Implicitly consent to all civil statutes associated with the entity you represent.
2. Implicitly consent to the civil laws associated with the specific place and associated government:
 - 2.1. Where the PUBLIC entity such as a corporation was created.
 - 2.2. Where the formerly PRIVATE entity was registered or licensed.

An example of item 2 above is found in Federal Rule of Civil Procedure 17(b)(2), in which is established the requirement that all corporations assume the civil domicile of the place where they were originally incorporated and thereby created:

[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>]

An example of the above phenomenon is found in the Corpus Juris Secundum legal encyclopedia:

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

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

Obviously, the above can only be referring to PUBLIC corporations rather than PRIVATE corporations, because the ability to regulate EXCLUSIVELY PRIVATE rights is repugnant to the constitution as held by the U.S. Supreme Court.

9 Parties with no civil STATUS or therefore “standing”

A person who has no capacity to civilly sue in a civil court is a person with no “status”. Federal Rule of Civil Procedure 17(b) describes the criteria one must meet in order to civilly sue, and the main criteria is DOMICILE within the state in question:

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:

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[SOURCE: <http://www.law.cornell.edu/rules/frcp/Rule17.htm>]

Parties who civilly sue in a federal court using civil statutes as their standing and who do not meet the above criteria will have their cases dismissed for lack of “standing” to sue pursuant to Federal Rule of Civil Procedure 12(b)(6).

A party with no civil STATUS and therefore no capacity to civilly sue is referred to as any of the following:

1. “nonresident”.
2. “transient foreigner”.
3. “stateless person”.
4. “in transitu”.
5. “transient”.
6. “sojourner”.
7. “civilly dead”.

The main behavior that imputes any of the above statuses to a specific party is a legislatively but not constitutionally foreign domicile. By “foreign domicile” we mean someone with a civil domicile in a state OTHER than the one they are litigating in. For instance:

1. A man domiciled in communist China, if he tried to civilly litigate in courts in California, would be a statutory and constitutional alien, nonresident, and transient foreigner in relation to California and those living in California. If he changed his domicile legally to California, he would change to a statutory “resident”.
2. A man domiciled in New York, if he tried to civilly litigate in courts in California, would be statutory but not constitutional alien, nonresident, and transient foreigner in relation to California. If he changed his domicile legally to California, he would change to a statutory “citizen” but NOT “resident”. The reason he wouldn’t be a “resident” is that you must be a constitutional alien to be a “resident”.

To say that one is “stateless” is to say that they are NOT domiciled in the state in which the court they are litigating is found. Here is proof from the U.S. Supreme Court:

*Petitioner Newman-Green, Inc., an Illinois corporation, brought this state law contract action in District Court against a Venezuelan corporation, four Venezuelan citizens, and **William L. Bettison, a United States citizen domiciled in Caracas, Venezuela**. Newman-Green's complaint alleged that the Venezuelan corporation had breached a licensing agreement, and that the individual defendants, joint and several guarantors of royalty payments due under the agreement, owed money to Newman-Green. Several years of discovery and pretrial*

1 motions followed. The District Court ultimately granted partial summary judgment for the guarantors and
2 partial summary judgment for Newman-Green. 590 F.Supp. 1083 (ND Ill.1984). Only Newman-Green
3 appealed.

4 At oral argument before a panel of the Seventh Circuit Court of Appeals, Judge Easterbrook inquired as to the
5 statutory basis for diversity jurisdiction, an issue which had not been previously raised either by counsel or by
6 the District Court Judge. In its complaint, Newman-Green had invoked 28 U.S.C. § 1332(a)(3), which confers
7 jurisdiction in the District Court when a citizen of one State sues both aliens and citizens of a State (or States)
8 different from the plaintiff's. In order to be a citizen of a State within the meaning of the diversity statute, a
9 natural person must both be a citizen of the United States and be domiciled within the State. See Robertson v.
10 Cease, 97 U.S. 646, 648-649 (1878); Brown v. Keene, 8 Pet. 112, 115 (1834). The problem in this case is that
11 Bettison, although a United States citizen, has no domicile in any State. He is therefore "stateless" for
12 purposes of § 1332(a)(3). Subsection 1332(a)(2), which confers jurisdiction in the District Court when a
13 citizen of a State sues aliens only, also could not be satisfied because Bettison is a United States citizen. [490
14 U.S. 829]

15 When a plaintiff sues more than one defendant in a diversity action, the plaintiff must meet the requirements of
16 the diversity statute for each defendant or face dismissal. *Strawbridge v. Curtiss*, 3 Cranch 267 (1806).{1}
17 Here, Bettison's "stateless" status destroyed complete diversity under § 1332(a)(3), and his United States
18 citizenship destroyed complete diversity under § 1332(a)(2). Instead of dismissing the case, however, the Court
19 of Appeals panel granted Newman-Green's motion, which it had invited, to amend the complaint to drop
20 Bettison as a party, thereby producing complete diversity under § 1332(a)(2). 832 F.2d 417 (1987). The panel,
21 in an opinion by Judge Easterbrook, relied both on 28 U.S.C. §1653 and on Rule 21 of the Federal Rules of
22 Civil Procedure as sources of its authority to grant this motion. The panel noted that, because the guarantors
23 are jointly and severally liable, Bettison is not an indispensable party, and dismissing him would not prejudice
24 the remaining guarantors. 832 F.2d. at 420, citing Fed.Rule Civ.Proc. 19(b). The panel then proceeded to the
25 merits of the case, ruling in Newman-Green's favor in large part, but remanding to allow the District Court to
26 quantify damages and to resolve certain minor issues.{2}
27 [*Newman-Green v. Alfonso Larrain*, 490 U.S. 826 (1989)]

28 Below is an authority from a federal appellate court recognizing that constitutional aliens cannot sue each other in a state
29 where neither one of them is domiciled. The implication is that they have no "status" and therefore "standing" to sue
30 within the forum:

31 The search for a constitutional basis for a § 1330 suit between two aliens brings us first, but only briefly, to
32 Article III's diversity grant. It provides, inter alia, that the judicial power shall extend to "Controversies
33 between a State, the Citizens thereof, and foreign States, Citizens or Subjects." The phrase nowhere mentions a
34 case between two aliens. Accordingly, Congress is powerless to confer jurisdiction over such suits, at least on
35 the basis of the diversity grant, 16 *Hodgson v. Bowerbank*, supra, 9 U.S. at 303, 3 L.Ed. 108; *Montalet v.*
36 *Murray*, 8 U.S. (4 Cranch) 46, 2 L.Ed. 545 (1807),¹⁷ and *Verlinden* must look elsewhere in Article III for
37 language to support its suit.

38 The clearest statement of the Framers' intent concerning Article III of the Constitution comes from Alexander
39 Hamilton, a delegate from New York. In *The Federalist*, No. 83, Hamilton wrote:

40 The judicial authority of the federal judicatures is declared by the Constitution to comprehend certain cases
41 particularly specified. The expression of those cases marks the precise limits, beyond which the federal courts
42 cannot extend their jurisdiction, because the objects of their cognizance being enumerated, the specification
43 would be nugatory if it did not exclude all ideas of more extensive authority.

44 A. Hamilton, *The Federalist*, No. 83, at 519 (Putnam ed. 1888). In other words, the Framers emphatically did
45 not intend to grant the legislature power to create jurisdiction over any cases Congress chose. Congressional
46 prerogative in this area is circumscribed.

47 "The first test of that Congressional power grew out of the Judiciary Act of 1789, ch. 20, 1 Stat. 73 (1789). In §
48 11 of that Act, Congress purported to confer on the district court's jurisdiction over any case "where an alien is
49 a party." In *Mossman v. Higginson*, 4 U.S. (4 Dall.) 12, 1 L.Ed. 720 (1800), however, the Supreme Court found
50 that the judicial power did not extend to a suit between two aliens, even where the statute conferred it. 22
51 Accord, *Hodgson v. Bowerbank*, supra. The Court in *Mossman* discussed the diversity clause of Article III,
52 and found jurisdiction lacking for the reason set forth in section III-A, supra. The Court did not discuss, but
53 by its holding passed upon, the "arising under" clause as well. Since judicial power was found wanting in
54 the constitutional sense, the Court necessarily held that a suit brought under § 11 did not "arise under" a
55 law of the United States for purposes of Article III. That is, the Supreme Court in *Mossman v. Higginson*
56 decided that, despite a federal interest in suits involving aliens,²³ Congress by the mere act of passing a
57 statute conferring jurisdiction over a class of suits did not bring those suits within the judicial power. The
58 reason is clear: to allow Congress to do so places no limits on the judicial power at all, and a sine qua non of
59 constitutional analysis instructs that this power is limited.
60 [*Verlinden B. V. v. Central Bank of Nigeria*, 647 F.2d. 320 (C.A.2 (N.Y.), 1981)]

10 Relationship of Status to First Amendment Right of Free Association

Your right to declare your civil status is an extension of your right of free association and freedom from compelled association protected by the First Amendment to the United States Constitution.

10.1 American Jurisprudence 2d

By declaring your status, for instance, as a “citizen”, “resident”, “taxpayer”, etc., you are exercising your right to associate politically with a group called a “state”.

“The right to associate or not to associate with others solely on the basis of individual choice, not being absolute,¹³ may conflict with a societal interest in requiring one to associate with others, or to prohibit one from associating with others, in order to accomplish what the state deems to be the common good. The Supreme Court, though rarely called upon to examine this aspect of the right to freedom of association, has nevertheless established certain basic rules which will cover many situations involving forced or prohibited associations. Thus, where a sufficiently compelling state interest, outside the political spectrum, can be accomplished only by requiring individuals to associate together for the common good, then such forced association is constitutional. ¹⁴ But the Supreme Court has made it clear that compelling an individual to become a member of an organization with political aspects [such as a state or municipality], or compelling an individual to become a member of an organization which financially supports [through payment of taxes], in more than an insignificant way, political personages or goals which the individual does not wish to support, is an infringement of the individual's constitutional right to freedom of association. ¹⁵ The First Amendment prevents the government, except in the most compelling circumstances, from wielding its power to interfere with its employees' freedom to believe and associate, or to not believe and not associate; it is not merely a tenure provision that protects public employees from actual or constructive discharge. ¹⁶ Thus, First Amendment principles prohibit a state from compelling any individual to associate with a political party, as a condition of retaining public employment. ¹⁷ The First Amendment protects nonpolicymaking public employees from discrimination based on their political beliefs or affiliation. ¹⁸ But the First Amendment protects the right of political party members to advocate that a specific person be elected or appointed to a particular office and that a specific person be hired to perform a governmental function. ¹⁹ In the First Amendment context, the

¹³ § 539.

¹⁴ Lathrop v. Donohue, 367 U.S. 820, 81 S.Ct. 1826, 6 L.Ed.2d. 1191 (1961), reh'g denied, 368 U.S. 871, 82 S.Ct. 23, 7 L.Ed.2d. 72 (1961) (a state supreme court may order integration of the state bar); Railway Emp. Dept. v. Hanson, 351 U.S. 225, 76 S.Ct. 714, 100 L.Ed. 1112 (1956), motion denied, 351 U.S. 979, 76 S.Ct. 1044, 100 L.Ed. 1494 (1956) and reh'g denied, 352 U.S. 859, 77 S.Ct. 22, 1 L.Ed.2d. 69 (1956) (upholding the validity of the union shop provision of the Railway Labor Act).

The First Amendment right to freedom of association of teachers was not violated by enforcement of a rule that white teachers whose children did not attend public schools would not be rehired. Cook v. Hudson, 511 F.2d. 744, 9 Empl. Prac. Dec. (CCH) ¶ 10134 (5th Cir. 1975), reh'g denied, 515 F.2d. 762 (5th Cir. 1975) and cert. granted, 424 U.S. 941, 96 S.Ct. 1408, 47 L.Ed.2d. 347 (1976) and cert. dismissed, 429 U.S. 165, 97 S.Ct. 543, 50 L.Ed.2d. 373, 12 Empl. Prac. Dec. (CCH) ¶ 11246 (1976).

Annotation: Supreme Court's views regarding Federal Constitution's First Amendment right of association as applied to elections and other political activities, 116 L.Ed.2d. 997, § 10.

¹⁵ 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), reh'g denied, 497 U.S. 1050, 111 S.Ct. 13, 111 L.Ed.2d. 828 (1990) and reh'g denied, 497 U.S. 1050, 111 S.Ct. 13, 111 L.Ed.2d. 828 (1990) (conditioning public employment hiring decisions on political belief and association violates the First Amendment rights of applicants in the absence of some vital governmental interest).

¹⁶ 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), reh'g denied, 497 U.S. 1050, 111 S.Ct. 13, 111 L.Ed.2d. 828 (1990) and reh'g denied, 497 U.S. 1050, 111 S.Ct. 13, 111 L.Ed.2d. 828 (1990).

Annotation: Public employee's right of free speech under Federal Constitution's First Amendment—Supreme Court cases, 97 L.Ed.2d. 903.

First Amendment protection for law enforcement employees subjected to discharge, transfer, or discipline because of speech, 109 A.L.R. Fed. 9.

First Amendment protection for judges or government attorneys subjected to discharge, transfer, or discipline because of speech, 108 A.L.R. Fed. 117.

First Amendment protection for public hospital or health employees subjected to discharge, transfer, or discipline because of speech, 107 A.L.R. Fed. 21.

First Amendment protection for publicly employed firefighters subjected to discharge, transfer, or discipline because of speech, 106 A.L.R. Fed. 396.

¹⁷ Abood v. Detroit Bd. of Ed., 431 U.S. 209, 97 S.Ct. 1782, 52 L.Ed.2d. 261, 95 L.R.R.M. (BNA) 2411, 81 Lab. Cas. (CCH) ¶ 55041 (1977), reh'g denied, 433 U.S. 915, 97 S.Ct. 2989, 53 L.Ed.2d. 1102 (1977); Parrish v. Nikolits, 86 F.3d. 1088 (11th Cir. 1996), cert. denied, 117 S.Ct. 1818, 137 L.Ed.2d. 1027 (U.S. 1997).

¹⁸ LaRou v. Ridlon, 98 F.3d. 659 (1st Cir. 1996); Parrish v. Nikolits, 86 F.3d. 1088 (11th Cir. 1996), cert. denied, 117 S.Ct. 1818, 137 L.Ed.2d. 1027 (U.S. 1997).

¹⁹ Vickery v. Jones, 100 F.3d. 1334 (7th Cir. 1996), cert. denied, 117 S.Ct. 1553, 137 L.Ed.2d. 701 (U.S. 1997).

political patronage exception to the First Amendment protection for public employees is to be construed broadly, so as presumptively to encompass positions placed by legislature outside of "merit" civil service. Positions specifically named in relevant federal, state, county, or municipal laws to which discretionary authority with respect to enforcement of that law or carrying out of some other policy of political concern is granted, such as a secretary of state given statutory authority over various state corporation law practices, fall within the political patronage exception to First Amendment protection of public employees.²⁰ However, a supposed interest in ensuring effective government and efficient government employees, political affiliation or loyalty, or high salaries paid to the employees in question should not be counted as indicative of positions that require a particular party affiliation.²¹

[American Jurisprudence 2d, Constitutional law, §546: Forced and Prohibited Associations (1999)]

Any of the following is an interference with your protected right of political affiliation:

1. Disregard evidence of your choice of domicile and "permanent address" on a government form.
2. Disregard your choice of which state or municipality you choose to be called a "citizen" or "resident" of.
3. Deciding over your objections that you are a member of a state or municipality called a "citizen" or a "resident" that you do not want to associate with, be protected by, or subsidize.

For more on the above, see:

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

10.2 First Amendment Law in a Nutshell, West Group, pp. 266-267

The First Amendment Law in a Nutshell book confirms that freedom from compelled association is a crucial part of freedom of expression.

Just as there is freedom to speak, to associate, and to believe, so also there is freedom not to speak, associate, or believe. "The right to speak and the right to refrain from speaking [on a government tax return, and in violation of the Fifth Amendment when coerced, for instance] are complementary components of the broader concept of 'individual freedom of mind.'" Wooley v. Maynard, [430 U.S. 703] (1977). Freedom of conscience dictates that no individual may be forced to espouse ideological causes with which he disagrees:

"[A]t the heart of the First Amendment is the notion that the individual should be free to believe as he will, and that in a free society one's beliefs should be shaped by his mind and by his conscience rather than coerced by the State [through illegal enforcement of the revenue laws]." Abood v. Detroit Board of Education [431 U.S. 209] (1977)

Freedom from compelled association is a vital component of freedom of expression. Indeed, freedom from compelled association illustrates the significance of the liberty or personal autonomy model of the First Amendment. As a general constitutional principle, it is for the individual and not for the state to choose one's associations and to define the persona which he holds out to the world. [First Amendment Law, Barron-Dienes, West Publishing, ISBN 0-314-22677-X, pp. 266-267]

Notice the key phrase above about your right to declare your status, in which the word "persona" is synonymous with "status":

Responsibilities of the position of director of a municipality's office of federal programs resembled those of a policymaker, privy to confidential information, a communicator, or some other office holder whose function was such that party affiliation was an equally important requirement for continued tenure. Ortiz-Pinero v. Rivera-Arroyo, 84 F.3d. 7 (1st Cir. 1996).

²⁰ McCloud v. Testa, 97 F.3d. 1536, 12 I.E.R. Cas. (BNA) 1833, 1996 Fed.App. 335P (6th Cir. 1996), reh'g and suggestion for reh'g en banc denied, (Feb. 13, 1997).

Law Reviews: Stokes, When Freedoms Conflict: Party Discipline and the First Amendment. 11 JL & Pol 751, Fall, 1995.

Pave, Public Employees and the First Amendment Petition Clause: Protecting the Rights of Citizen-Employees Who File Legitimate Grievances and Lawsuits Against Their Government Employers. 90 N.W. U LR 304, Fall, 1995.

Singer, Conduct and Belief: Public Employees' First Amendment Rights to Free Expression and Political Affiliation. 59 U Chi LR 897, Spring, 1992.

As to political patronage jobs, see § 472.

²¹ Parrish v. Nikolits, 86 F.3d. 1088 (11th Cir. 1996), cert. denied, 117 S.Ct. 1818, 137 L.Ed.2d. 1027 (U.S. 1997).

1 "As a general constitutional principle, it is for the individual and not for the state to choose one's
2 associations and to define the persona which he holds out to the world."

3 **10.3 Government Corruption as a Cause for Diaspora and Political Fragmentation of** 4 **Communities into Private Membership Associations (PMAs)²²**

5 This article will examine government corruption as the main cause of diaspora and political fragmentation of communities
6 into Private Membership Associations (PMAs) or new governments. This is a very important subject, because this
7 phenomenon can also trace the very origin of the United States of America and its war of revolution against Britain at the
8 time.

9 There are many reasons that governments degenerate, and the cause in most cases is the corruption of the morality of the
10 culture. There are specific phases in this degeneration and rebirth of governments:

11 1. Sin – Israel chooses idolatry. See:

Government Corruption, Form #11.401

<https://sedm.org/home/government-corruption/>

12 2. Servitude – Israel is enslaved or made to suffer. This often happens when foreign countries invade or the people are sent in
13 exile to other countries, like the Israelites were sent to captivity in Babylon for 70 years. See [John 8:34](#).

14 3. Sorrow and Repentance – They sorrow, begin to cry out to the Lord, and offer supplication.

15 4. Salvation – They were sent a judge restored to repentance, and a time of rest and peace and prosperity would follow.

16 Right now, our culture is in phase 1 above. Diaspora happens in this phase. When a society is in phase 3 and 4, people from
17 OTHER countries come to the country to escape the corruption in THEIR country. In that sense, they become "scattered
18 remnants" of the society they left. This scattering in fact is how Christianity quickly spread throughout the world, in fact!
19 Early Christians were persecuted by Rome in their country of origin and left elsewhere to escape the persecution.
20 Eventually, however, the Roman empire evolved to be BASED on Christianity at the Council of Nicaea in AD300. See:

Wikipedia: Council of Nicaea

https://en.wikipedia.org/wiki/First_Council_of_Nicaea

21 The above cycle is described in the Bible Book of Judges. See:

The Cycle of Judges, Oak Grove Church of Christ

<https://www.ogchurchofchrist.org/Sermons/the-cycle-of-the-judges-2/>

22 The last phase of the cycle, step 4 above, is described in its entirety in the Bible Book of Nehemiah, in which Nehemiah
23 gathers the originally scattered people into a destroyed city of Jerusalem to rebuild it, and rebuild the wall separating it
24 from the pagans outside. A sort of physical sanctification is what he sought as a kind of diaspora: Living IN THE
25 WORLD but not being OF THE WORLD. This is our favorite book in the Bible, in fact. That book is described in the
26 following sermon:

Laboring for a God Who Fights for Us, Tim Keller

<https://sedm.org/laboring-for-a-god-who-fights-for-us-tim-keller/>

27 The main theme of this website is:

28 1. Trusting and obeying God and His holy law. See:

The Laws of God, SEDM

<https://sedm.org/education/the-laws-of-god/>

29 2. Applying biblical law to discern and correct and avoid government corruption. See:

Delegation of Authority Order from God to Christians, Form #13.007

²² Source: *Government Corruption as a Cause for Diaspora and Political Fragmentation of Communities into Private Membership Associations (PMAs)*,
SEDM Blog: <https://sedm.org/government-corruption-as-a-cause-for-diaspora-and-political-fragmentation-of-communities-into-private-membership-associations/>

<https://sedm.org/Forms/13-SelfFamilyChurchGovnce/DelOfAuthority.pdf>

3. Following the biblical mandate to sanctify and separate ourselves from corrupt government as much as possible unless and until they at least respect biblical law and do not try to persecute or interfere with those who want to follow it. See:

Non-Resident Non-Person Position, Form #05.020

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

The last step above, that of separating ourselves as Christians civilly from a corrupt state we happen to live in, leads to a phenomenon called “diaspora”, which is defined as follows:

Wikipedia: *Diaspora*

A **diaspora** (*/daɪˈæspərə/ dye-AS-pər-ə*) is a population that is scattered across regions which are separate from its geographic place of origin.^[13] Historically, the word was used first in reference to the dispersion of **Greeks** in the **Hellenic world**, and later **Jews** after the **Babylonian exile**.^{[4][5][6][7]} The word “diaspora” is used today in reference to people who identify with a specific geographic location, but currently reside elsewhere.^{[8][9][10]}

Examples of notably large diasporic populations are the **Assyrian–Chaldean–Syriac diaspora**, which originated during and after the **early Arab-Muslim conquests** and continued to grow in the aftermath of the **Assyrian genocide**;^{[11][12]} the **southern Chinese** and **Indians** who left their homelands during the 19th and 20th centuries; the **Irish diaspora** that came into existence both during and after the **Great Famine**;^[13] the **Scottish diaspora** that developed on a large scale after the **Highland Clearances** and **Lowland Clearances**;^[14] the nomadic **Romani population** from the **Indian subcontinent**;^[15] the **Italian diaspora** and the **Mexican diaspora**; the **Circassians** in the aftermath of the **Circassian genocide**; the **Palestinian diaspora** due to the **Israeli–Palestinian conflict** and the broader **Arab–Israeli conflict**;^[16] the **Armenian diaspora** following the **Armenian genocide**;^{[17][18]} the **Lebanese diaspora** due to the **Lebanese Civil War**;^[19] the **Greek population** that fled or was displaced following the **fall of Constantinople**^[20] and the later **Greek genocide**^[21] as well as the **Istanbul pogroms**;^[22] and the emigration of **Anglo-Saxons** (primarily to the **Byzantine Empire**) after the **Norman Conquest of England**.^[23]

In contemporary times, scholars have differentiated the different kinds of diasporas which currently exist based on the causes of them, such as **colonialism**, trade/labour migrations, or the kinds of social coherence which exist within the diaspora communities and their ties to the ancestral lands; some diaspora communities maintain strong cultural and political ties to their homelands. Other qualities that may be typical of many diasporas are thoughts of return to the ancestral lands, maintaining any form of ties with the region of origin as well as relationships with other communities in the diaspora, and lack of full integration into the new host countries. Diasporas often maintain ties to the country of their historical affiliation and usually influence their current host country's policies towards their homeland.

According to a 2019 **United Nations** report, the **Indian diaspora** is the world's largest diaspora, with a population of 17.5 million, followed by the **Mexican diaspora**, with a population of 11.8 million, and the **Chinese diaspora**, with a population of 10.7 million.^[24]

[Wikipedia: *Diaspora*, Downloaded 11/24/22; SOURCE: <https://en.wikipedia.org/wiki/Diaspora>]

FOOTNOTES:

1. **"Population Facts"** (PDF). United Nations Department of Economic and Social Affairs. Population Division. December 2017. p. 3. Retrieved 8 February 2019. In 2017, with 16.6 million persons living abroad, India was the leading country of origin of international migrants. Migrants from Mexico constituted the second largest 'diaspora' in the world (13.0 million), followed by those from the Russian Federation (10.6 million), China (10.0 million), Bangladesh (7.5 million), the Syrian Arab Republic (6.9 million), Pakistan (6.0 million), Ukraine (5.9 million), the Philippines (5.7 million) and the United Kingdom. Since 2000, countries experiencing the largest increase in their diaspora populations were the Syrian Arab Republic (872 per cent), India (108 per cent) and the Philippines (85 per cent).
2. ^{a b c} **"Jump up to: ^ "Diaspora". Merriam Webster**. Retrieved 22 February 2011.
3. ^a **Melvin Ember, Carol R. Ember and Ian Skoggard, ed. (2004). *Encyclopedia of Diasporas: Immigrant and Refugee Cultures Around the World. Volume I: Overviews and Topics; Volume II: Diaspora Communities*. ISBN 978-0-306-48321-9.**
4. ^a **"diaspora | social science | Britannica". www.britannica.com**. Retrieved 29 September 2022.
5. ^a **"Diaspora". The Princeton Encyclopedia of Self-Determination**. Retrieved 29 September 2022.
6. ^a **"Diaspora | Definition, History, & Facts | Britannica". www.britannica.com**. Retrieved 17 September 2022.
7. ^a **Ages, Arnold (1973), Ages, Arnold (ed.), *"The Diaspora: Origin and Meaning"*, The Diaspora Dimension, Dordrecht: Springer Netherlands, pp. 3–19, doi:10.1007/978-94-010-2456-3_1, ISBN 978-94-010-2456-3, retrieved 29 September 2022**

8. [^] ["Diasporas"](#). Migration data portal. Retrieved 21 February 2020.
9. [^] Edwards, Brent Hayes (8 October 2014). ["Diaspora / Keywords for American Cultural Studies, Second Edition"](#). Retrieved 21 February 2020.
10. [^] ["Diaspora definition and meaning / Collins English Dictionary"](#). www.collinsdictionary.com. Retrieved 21 February 2020.
11. [^] Demir, Sara (2017). "The atrocities against the Assyrians in 1915: A legal perspective". In Travis, Hannibal (ed.). *The Assyrian Genocide: Cultural and Political Legacies*. Routledge. ISBN 978-1-351-98025-8.
12. [^] Gaunt, David; Atto, Naures; Barthoma, Soner O. (2019). "Introduction: Contextualizing the Sayfo in the First World War". *Let Them Not Return: Sayfo – The Genocide Against the Assyrian, Syriac, and Chaldean Christians in the Ottoman Empire*. Berghahn Books. ISBN 978-1-78533-499-3.
13. [^] David R. Montgomery (14 May 2007). [Dirt: The Erosion of Civilizations](#). University of California Press. ISBN 978-0-520-93316-3.
14. [^] ["The Highland Clearances"](#). Historic UK. Retrieved 9 September 2021.
15. [^] Simon Broughton; Mark Ellingham; Richard Trillo (1999). [World Music: Africa, Europe and the Middle East](#). Rough Guides. p. 147. ISBN 978-1-85828-635-8. Retrieved 8 December 2015.
16. [^] ["No way home: The tragedy of the Palestinian diaspora"](#). The Independent. 22 October 2009. Retrieved 23 November 2019.
17. [^] Bloxham, Donald (2005). ["The Great Game of Genocide: Imperialism, Nationalism, and the Destruction of the Ottoman Armenians"](#). Oxford: Oxford University Press.
18. [^] Harutyunyan, Arus. [Contesting National Identities in an Ethnically Homogeneous State: The Case of Armenian Democratization](#). Western Michigan University. p. 192. ISBN 9781109120127.
19. [^] Wwitz, James J. (March 2008). "Things Fall Apart: Containing the Spillover from an Iraqi Civil War by Daniel L. Byman and Kenneth M. Pollack". *Political Science Quarterly*. 123 (1): 157–158. doi:10.1002/j.1538-165x.2008.tb00621.x. ISSN 0032-3195.
20. [^] ["Fall of Constantinople"](#). Encyclopædia Britannica. Archived from the original on 19 August 2020. Retrieved 2 August 2020.
21. [^] Jones, Adam (2010). [Genocide : a comprehensive introduction](#) (revised ed.). London: Routledge. p. 163. ISBN 978-0-203-84696-4. OCLC 672333335.
22. [^] Kaya, Önder (9 January 2013). ["İstanbul'da GÜRCÜ Cemaati ve Katolik Gürcü kilisesi"](#). Şalom (in Turkish). Retrieved 25 April 2013.
23. [^] ["English Refugees in the Byzantine Armed Forces: The Varangian Guard and Anglo-Saxon Ethnic Consciousness"](#). De Re Militari.

Diasporas are almost always accompanied by SOME form of CIVIL LEGAL separation between a group and the country or state they live in. In that sense, they are "foreign" with respect to civil legislative jurisdiction in relation to the community they live in. The commonality of this civil legal separation between diaspora groups and the countries they live in, in fact, explains the great divide between the TWO legal systems found throughout our country: Civil and Criminal. Civil is based on consent and Criminal is not. People who don't integrate into the country or state they live in simply do not CONSENT to be "governed" by the civils statutes that regulate VOLUNTARY members of the CIVIL state called "citizens" and "residents" (aliens), and therefore DO NOT surrender any of their constitutional rights in exchange for POLITICAL privileges within a group they don't want to be part of:

"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. HN4 "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 has found expression in the maxim sic utere tuo ut alienum non loedas. From this source come the HN5 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. [Munn v. Illinois, 94 U.S. 113 (1876)]

The above Wikipedia article mentions that people engaged in diaspora originated in a different geographic place. In the Bible, that place is the Kingdom of Heaven. In a legal sense for Christians, the corporation called "The Kingdom of Heaven" is their "domicile of origin". Before we as Christians came here, we started in the presence of God in Heaven, as [Jeremiah 1:5](#) indicates. Thus, while visiting earth, we are AMBASSADORS and REPRESENTATIVES of God on a temporary diplomatic mission.

1 *"Now then, we are ambassadors for Christ, as though God were pleading through us: we implore you on*
2 *Christ's behalf, be reconciled to God.*
3 *[2 Cor. 5:20, Bible, NKVJ]*

4 That mission is described in:

Delegation of Authority Order from God to Christians, Form #13.007
<https://sedm.org/Forms/13-SelfFamilyChurchGovnce/DelOfAuthority.pdf>

5 The Bible is replete with many historical examples of WHY people become "scattered" abroad in other countries. In ALL
6 cases, it is because people DID NOT follow or REFUSED to follow the LAWS OF GOD! For examples with many more
7 NOT mentioned, see:

- 8 1. [Leviticus 26:33](#)
- 9 2. [Deut. 4:27](#)
- 10 3. [Deut. 28:64](#)
- 11 4. [1 Kings 14:15](#)
- 12 5. [Nehemiah 1:8](#)
- 13 6. [Jeremiah 9:16](#)
- 14 7. [Jeremiah 13:24](#)
- 15 8. [Jeremiah 18:17](#)
- 16 9. [Jeremiah 49:32](#)

17 The First Amendment protects the right of people of faith to live a CIVILLY separate and foreign lifestyle while they live
18 in the United States of America. From a legal perspective, that lifestyle consists of the following:

- 19 1. Not having a civil domicile or "residence" in the place we physically live. See:

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

- 20 2. Avoiding all civil franchises which might create a political hierarchy that competes with God's sovereign dominion
21 over our lives. See:

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

- 22 3. Identifying politically and legally as:

- 23 3.1. Nonresident alien.
- 24 3.2. Transient foreigner.
- 25 3.3. Sojourner.
- 26 3.4. Stateless person.

- 27 4. Being protected ONLY by the common law, the Constitution, and the criminal law and NEVER the civil statutory
28 code. See:

Choice of Law, Litigation Tool #01.010
<https://sedm.org/Litigation/01-General/ChoiceOfLaw.pdf>

- 29 5. Being a CIVIL anarchist, as Jesus was. See:

Jesus is an Anarchist, James Redford
<https://famguardian.org/Subjects/Spirituality/ChurchvState/JesusAnarchist.htm>

- 30 6. NOT being against ALL law, the criminal law, the constitution, or the common law. See:

Problems with Atheistic Anarchism, Form #08.020
SLIDES: <https://sedm.org/Forms/08-PolicyDocs/ProbsWithAtheistAnarchism.pdf>
VIDEO: <http://youtu.be/n883Ce1IML0>

31 Following the above essentially legally and civilly divorces the state we are physically within and substitutes in its place
32 essentially a Private Membership Association (PMA). This, in fact, is what ALL civil statutory codes do: Recognize and
33 create a system of government in which:

- 34 1. A club or group is established.
- 35 2. Identify the CIVIL "rules" for those who CONSENT to be "club members".

3. Designate a default law system to replace the civil law if or when some people within the geography DO NOT consent to join “the club” called “the State”. That would be the CRIMINAL law and the COMMON law.

Sometimes, it is easier to LEAVE a corrupted society physically than to be a diaspora within it. This happens, for instance, when Mexicans leave Mexico to come to the United States. It has also happened with Muslims leaving the war and violence torn Middle East.

Christians, by the way, are NOT the ONLY religion that takes this approach of sanctification and separation from the society they live within . Muslims immigrants who travel to western countries are famous for:

1. Rejecting local CIVIL laws and customs in favor of Sharia law.
2. Not integrating politically into the society by being a voter or a jurist.
3. Having large families and out-multiplying the society they are in to eventually overtake and replace it. This, by the way, is an important characteristic of all patriarchal societies and also happens with the Amish, who also have large families.

Even within secular communities, this kind of political separation occurs. For instance, the American Indians were displaced when the white man arrived. Eventually, they were put on legally and physically separate “reservations”. This also happened with the Canadian and Australian aboriginals. These reservations are legally and politically foreign to the geographies they are within, although the American Indians have since been declared STATUTORY citizens under [8 U.S.C. §1401](#) like other territorial citizens in Puerto Rico.

Lastly, an ENTIRE LAW system was invented by the Romans as they conquered new places and found that the people there wanted to be a diaspora group that did NOT integrate with THEIR law system. It's called the common law! That law system in fact, is still in place in America and most western countries and you can invoke it in most state courts if you don't like the civil statutory law.

Chapter II: The Civil and the Common Law

29. In the original civil law, jus civile, was exclusively for Roman citizens; it was not applied in controversies between foreigners. But as the number of foreigners increased in Rome it became necessary to find some law for deciding disputes among them. For this the Roman courts hit upon a very singular expedient. Observing that all the surrounding peoples with whom they were acquainted had certain principles of law in common, they took those common principles as rules of decision for such cases, and to the body of law thus obtained they gave the name of Jus gentium. The point on which the jus gentium differed most noticeably from the Jus civile was its simplicity and disregard of forms. All archaic law is full of forms, ceremonies and what to a modern mind seem useless and absurd technicalities. This was true of the [civil] law of old Rome. In many cases a sale, for instance, could be made only by the observance of a certain elaborate set of forms known as mancipation; if any one of these was omitted the transaction was void. **And doubtless the laws of the surrounding peoples had each its own peculiar requirements. But in all of them the consent of the parties to transfer the ownership for a price was required.** The Roman courts therefore in constructing their system of Jus gentium fixed upon this common characteristic and disregarded the local forms, so that a sale became the simplest affair possible.

30. After the conquest of Greece, the Greek philosophy made its way to Rome, and stoicism in particular obtained a great vogue among the lawyers. With it came the conception of natural law (Jus naturale) or the law of nature (jus naturae); to live according to nature was the main tenet of the stoic morality. The idea was of some simple principle or principles from which, if they could be discovered, a complete, systematic and equitable set of rules of conduct could be deduced, and the unfortunate departure from which by mankind generally was the source of the confusion and injustice that prevailed in human affairs. To bring their own law into conformity with the law of nature became the aim of the Roman jurists, and the praetor's edict and the responses were the instruments which they used to accomplish this. Simplicity and universality they regarded as marks of natural law, and since these were exactly the qualities which belonged to the jus gentium, it was no more than natural that the two should to a considerable extent be identified. The result was that under the name of natural law principles largely the same as those which the Roman courts had for a long time been administering between foreigners permeated and transformed the whole Roman law.

The way in which this was at first done was by recognizing two kinds of rights, rights by the civil law and rights by natural law, and practically subordinating the former to the latter. Thus if Caius was the owner of a thing by the civil law and Titius by natural law, the courts would not indeed deny up and down the right of Caius. They admitted that he was owner ; but they would not permit him to exercise his legal right to the prejudice of Titius, to whom on the other hand they accorded the practical benefits of ownership; and so by taking away the legal owner's remedies they practically nullified his right. Afterwards the two kinds of laws were more completely consolidated, the older civil law giving way to the law of nature when the two conflicted. **This double system of**

rights in the Roman law is of importance to the student of the English law, because a very similar dualism arose and still exists in the latter, whose origin is no doubt traceable in part to the influence of Roman ideas.

[An Elementary Treatise on the Common Law for the Use of Students, Henry T. Terry, The Maruzen-Kabushiki-Kaisha, 1906, pp. 18-20]

Further references and research:

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<https://www.merriam-webster.com/dictionary/diaspora>
3. Wikipedia: Indigenous Peoples in America
https://en.wikipedia.org/wiki/Indigenous_peoples_of_the_Americas
4. The Cycle of Judges, Oak Grove Church of Christ
<https://www.ogchurchofchrist.org/Sermons/the-cycle-of-the-judges-2/>
5. Socialism: The New American Civil Religion, Form #05.016
<https://sedm.org/Forms/05-MemLaw/SocialismCivilReligion.pdf>
6. Delegation of Authority Order from God to Christians, Form #13.007
<https://sedm.org/Forms/13-SelfFamilyChurchGovnce/DelOfAuthority.pdf>
7. Government Instituted Slavery Using Franchises, Form #05.030
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8. Problems with Atheistic Anarchism, Form #08.020
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9. Render to Caesar, Gino Casternovia
<https://sedm.org/render-to-caesar/>
10. Government Corruption, Form #11.401
<https://sedm.org/home/government-corruption/>

11 Authorities on the Exclusive Right to Declare One's Civil Status

11.1 United Nations International Covenant on Civil and Political Rights

The United Nations International Covenant on Civil and Political Rights acknowledges that EQUALITY of all is the foundation of freedom:

United Nations International Covenant on Civil and Political Rights

Preamble

The States Parties to the present Covenant,

*Considering that, in accordance with the principles proclaimed in the Charter of the United Nations, **recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world.***

Recognizing that these rights derive from the inherent dignity of the human person,

Recognizing that, in accordance with the Universal Declaration of Human Rights, the ideal of free human beings enjoying civil and political freedom and freedom from fear and want can only be achieved if conditions are created whereby everyone may enjoy his civil and political rights, as well as his economic, social and cultural rights,

Considering the obligation of States under the Charter of the United Nations to promote universal respect for, and observance of, human rights and freedoms,

Realizing that the individual, having duties to other individuals and to the community to which he belongs, is under a responsibility to strive for the promotion and observance of the rights recognized in the present Covenant,

1 Agree upon the following articles:
2 [United Nations International Covenant on Civil and Political Rights,
3 SOURCE: <http://www.hrweb.org/legal/cpr.html>]

4 By “political status”, they can only mean whether one chooses to be a “national” of their country or a full “citizen” who can
5 also vote and serve on jury duty. Domicile is the main difference distinguishing a “national” from a “citizen”. If you don’t
6 choose a domicile in your country, you remain a “national” but not a full “citizen”. The choice to transition from a
7 “national” to a “citizen” is a voluntary act that cannot be coerced and is a product of your First Amendment right to either
8 ASSOCIATE or NOT associate and your right to contract or NOT contract. You can be one without the other. For further
9 details, see;

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

10 The Covenant further acknowledges your right to choose BOTH your POLITICAL status (nationality and whether you
11 want to be treated as a CONSTITUTIONAL citizen) and your CIVIL status:

12 *United Nations International Covenant on Civil and Political Rights*

13 *Article 1, item 1*

14 *All peoples have the right of self-determination. By virtue of that right they freely determine their political*
15 *status* and freely pursue their economic, social and cultural development.

16 *Article 2, Item 1*

17 *Each State Party to the present Covenant undertakes to respect and to ensure to all individuals within its*
18 *territory and subject to its jurisdiction the rights recognized in the present Covenant, without distinction of any*
19 *kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin,*
20 *property, birth or other status.*

21 *Article 26*

22 *All persons are equal before the law and are entitled without any discrimination to the equal protection of*
23 *the law*. In this respect, the law shall prohibit any discrimination and guarantee to all persons equal and
24 effective protection against discrimination on any ground such as race, colour, sex, language, religion, political
25 or other opinion, national or social origin, property, birth or other status.
26 [United Nations International Covenant on Civil and Political Rights,
27 SOURCE: <http://www.hrweb.org/legal/cpr.html>]

28 We emphasize that one of the “statuses” they are describing above that you cannot be penalized or persecuted for is called
29 “stateless”, “nonresident”, “in transitu”, or “transient foreigner”. A “nonresident” or “stateless” person is someone who has
30 no “civil status” under the civil statutory franchise codes and no civil domicile in the forum. Domicile is a mandatory
31 prerequisite of all civil statutory statuses and Jesus had NONE so Christians can’t have any EITHER.

32 *The Humbled and Exalted Christ*

33 *“Let this mind be in you which was also in Christ Jesus, who, being in the form of God, did not consider it*
34 *robbery to be equal with God, but made Himself of no reputation, taking the form of a bondservant, and*
35 *coming in the likeness of men. And being found in appearance as a man, He humbled Himself and became*
36 *obedient to the point of death, even the death of the cross*. Therefore God also has highly exalted Him and
37 given Him the name which is above every name, that at the name of Jesus every knee should bow, of those in
38 heaven, and of those on earth, and of those under the earth, and that every tongue should confess that Jesus
39 Christ is Lord, to the glory of God the Father.”
40 [Phil 2:5-11, Bible, NKJV]

41 *“Think of yourselves the way Christ Jesus thought of himself. He had equal status with God but didn’t think so*
42 *much of himself that he had to cling to the advantages of that status no matter what. Not at all. When the*
43 *time came, he set aside the privileges of deity and took on the status of a slave, became human! Having*
44 *become human, he stayed human. It was an incredibly humbling process. He didn’t claim special privileges.*
45 *Instead, he lived a selfless, obedient life and then died a selfless, obedient death—and the worst kind of death*
46 *at that—a crucifixion.”*

1 *"Because of that obedience, God lifted him high and honored him far beyond anyone or anything, ever, so that*
2 *all created beings in heaven and on earth—even those long ago dead and buried—will bow in worship before*
3 *this Jesus Christ, and call out in praise that he is the Master of all, to the glorious honor of God the Father."*
4 *[Peterson, E. H. (2005). The Message: the Bible in contemporary language (Php 2:5–11). Colorado Springs,*
5 *CO: NavPress]*

6 Below is a summary of lessons learned from the above-amplified version of the same passage, put into the context of
7 privileges, civil status, and franchises:

- 8 1. Jesus forsook having a civil status and the privileges and franchises of the Kingdom of Heaven franchise that made that
9 status possible.
- 10 2. He instead chose a civil status lower for Himself than other mere humans below him in status.
- 11 3. BECAUSE He forsook the "benefits", privileges, and franchises associated with the civil status of "God" while here on
12 earth, he was blessed beyond all measure by God.

13 Moral of the Story: We can only be blessed by God if we do not seek to use benefits, privileges, and franchises to elevate
14 ourself above anyone else or to pursue a civil status above others.

15 *"Pure and undefiled religion before God and the Father is this: to visit orphans and widows in their trouble,*
16 *and to keep oneself unspotted [“foreign”, “sovereign”, and/or “alien”] from the world [and the corrupt*
17 *BEAST governments and rulers of the world]."*
18 *[James 1:27, Bible, NKJV]*

19 One cannot be "unspotted from the world" without surrendering and not pursuing any and all HUMAN civil statuses,
20 franchises, or benefits. Those who are Christians, however, cannot avoid the privileged status and office of "Christian"
21 under God's laws.

22 Below is a definition of "stateless", which is what Jesus was:

23 **Social Security Program Operations Manual System (POMS)**

24 **RS 02640.040 Stateless Persons**

25 **A. DEFINITIONS**

26 *There are two classes of stateless persons:*

27 **DE JURE**—Persons who do not have nationality in any country.

28 **DE FACTO**—Persons who have left the country of which they were nationals and no longer enjoy its
29 protection and assistance. They are usually political refugees. They are legally citizens of a country because its
30 laws do not permit denaturalization or only permit it with the country's approval.

31 **B. POLICY**

32 **1. De Jure Status**

33 *Once it is established that a person is de jure stateless, he/she keeps this status until he/she acquires nationality*
34 *in some country.*

35 *Any of the following establish an individual is de jure stateless:*

36 a. a "travel document" issued by the individual's country of residence showing the:

- 37 • holder is stateless; and
- 38 • document is issued under the United Nations Convention of 28 September 1954 Relating to the
39 Status of Stateless Persons. (The document shows the phrase "Convention of 28 September 1954"
40 on the cover and sometimes on each page.)

41 b. a "travel document" issued by the International Refugee Organization showing the person is stateless.

c. a document issued by the officials of the country of former citizenship showing the individual has been deprived of citizenship in that country.

2. De Facto Status

Assume an individual is de facto stateless if he/she:

a. says he/she is stateless but cannot establish he/she is de jure stateless; and

b. establishes that:

- he/she has taken up residence outside the country of his/her nationality;
- there has been an event which is hostile to him/her, such as a sudden or radical change in the government, in the country of nationality; and
- **NOTE:** In determining whether an event was hostile to the individual, it is sufficient to show the individual had reason to believe it would be hostile to him/her.
- he/she renounces, in a sworn statement, the protection and assistance of the government of the country of which he/she is a national and declares he/she is stateless. The statement must be sworn to before an individual legally authorized to administer oaths and the original statement must be submitted to SSA.

De facto status stays in effect only as long as the conditions in b. continue to exist. If, for example, the individual returns to his/her country of nationality, de facto statelessness ends.

[Social Security Program Operations Manual System (POMS), Section RS 02640.040 Stateless Persons;

SOURCE: <https://secure.ssa.gov/apps10/>]

For more on people who choose to be “stateless”, “nonresident”, or “transient foreigners” under the CIVIL franchise codes, see:

1. Non-Resident Non-Person Position, Form #05.020
<https://sedm.org/Forms/FormIndex.htm>
2. Why Domicile and Becoming a “Taxpayer” Require Your Consent, Form #05.002
<https://sedm.org/Forms/FormIndex.htm>
3. Sovereignty Forms and Instructions Online, Form #10.004, Cites by Topic: “stateless persons”
<https://famguardian.org/TaxFreedom/CitesByTopic/StatelessPerson.htm>

11.2 Corrigan v. Secretary of the Army, 211 F.2d. 293 (1954)

The following case deals with the military draft. Those who are drafted must undergo “induction” in order to change their status from civil to military. The point at which that status change becomes effective is when they CONSENT to it by voluntarily undergoing a ceremony and thereby consent to change their status. That ceremony can and usually is either an act of stepping over a physical line or taking an oath, both of which are voluntary acts. Without these outward manifestations of consent to voluntarily change one’s status from civilian to military, those drafted are presumed to retain their civilian status and not be under military jurisdiction.

Laughlin E. Waters, U.S. Atty., Max F. Deutz, Asst. U.S. Atty., and Clyde C. Downing, Asst. U.S. Atty., Los Angeles, Cal., for appellees.

Before STEPHENS, BONE, and POPE, Circuit Judges.

STEPHENS, Circuit Judge.

Ronald J. Corrigan, Hereinafter called ‘petitioner’, upon relation of his mother, through a petition for the issuance of the writ of habeas corpus, seeks his release from restraint of the United States Army officers who hold him as a member of the United States Armed Services. A hearing was had on the petition, the return thereto and an order to show cause pursuant to stipulation that the return should be considered as a traverse and that the proceedings should have the same force and effect that the issuance of the writ would have had, had it issued and had the hearing been held thereon. However, petitioner was present throughout the

proceedings. The court declined to order petitioner's release and instead dismissed the petition. Petitioner appealed.

The issue of fact is whether petitioner was ever inducted into the Service.

On the 15th day of April, 1953, petitioner, having been regularly processed through the Selective Service law, 50 U.S.C.A. Appendix, §451 et seq., and declared a Selectee with the A-1 classification, was, with about fifty Selectees, taken to a room around 9:00 A.M. where he was given physical and psychological examinations and near the middle of the day, the fifty Selectees were directed to take places in folding chairs which had been placed out in the room. The chairs occupied a space about twelve by eighteen feet in rows twelve inches apart with a center aisle the width of a chair. Petitioner was in the rear row.

Captain Earl S. Beydler entered the room and gave them a short orientation talk and then addressed them as follows: 'You are about to be inducted into the Armed Services of the United States. In just a moment I will ask you to stand and I will call off each of your names. As I call your name I want you to answer 'present' and to take one step forward. The step forward will constitute your induction into the Armed Services *295 of the United States-into the Army.'^{FN1} The call was completed and the men were given the accustomed oath. Petitioner claims that he did not take a step forward nor did he raise his hand and take the oath. However, he made no protest at the time of the ceremony.

It is not contended that either the step forward or the taking or giving of the oath is required by the Selective Service Act as necessary to induction. As said in Billings v. Truesdell, 1944, 321 U.S. 542, 559, 64 S.Ct. 737, 746, 88 L.Ed. 917; 'a selectee becomes 'actually inducted' within the meaning of § 11 of the Act ^{FN2} when in obedience to the order of his board and after the Army has found him acceptable for service he undergoes whatever ceremony or requirements of admission the War Department has prescribed.' Therefore, since the selectee is subject to civil authority until the moment of completion of the induction, at which moment he becomes subject to military authority, it is highly important that such moment should be marked with certainty. See Billings v. Truesdell, 1944, 321 U.S. 542, 64 S.Ct. 737, 88 L.Ed. 917.

For a time the [voluntary] oath marked the dividing line between the civilian and military status, but difficulties and uncertainties arose as to whether, in fact, the selectee had taken the oath. See our opinion in Lawrence v. Yost, 9 Cir., 1946, en banc, 157 F.2d. 44. Thereafter, the regulation (Army Special Regulation No. 615-180-1, paragraph 23), providing for the step forward, was promulgated.

[1] However, one may emerge from a selectee to a soldier without taking the step forward; that is, by conduct consistent with the soldier status;^{FN3} but the fact of the step forward, whether or not it was taken, is of high importance in this case. As to that issue of fact, it is claimed by petitioner that it was impossible for the men, other than those in the front row, to step forward and the physical set-up and the testimony practically demonstrate the truth of the claim. The inducting Captain testified in answer to a question as to space, 'There is space, not much.' 'Q. You mean he could shuffle? A. Correct.'

At no time does the inducting Captain claim that he saw petitioner take the step forward. As to the procedure, he testified on direct examination that when he calls a name at induction ceremonies, 'I wait for a response, * * * or if they are near the front of the room where I can see them, I see if they step forward.' Afterward, he would call the next name. 'Q. Did you at any time look to see if a man had taken a step forward? A. I look up each time I call a name. Q. What do you look for when you look up? A. For movement, for a man stepping forward. * * * Q. On that day did you see any man fail to step forward after his name was called by you? A. No.' On re-cross-examination, Captain Beydler was asked, 'Can you tell us that you recall whether or not you saw this petitioner move forward on April 15- after you called his name?' The Captain answered, 'No, I cannot.'

Petitioner testified that his mother and grandmother belonged to Jehovah's Witnesses; on re-cross-examination petitioner was asked, 'Were you a member of the enlisted reserves in the Army of the United States?' To which he replied in the affirmative. The record does not reveal how long or under what circumstances he was in such service. On *296 cross-examination, petitioner was asked, 'When did you become a conscientious objector?' Petitioner answered, 'While sitting in the room. I just thought. The material together, I would say, filled my mind, and this is one thing I wanted to do. * * * Q. When your name was called did you take a step forward? A. No.' He also testified that some of the selectees shuffled their feet or didn't move when their names were called.

Petitioner on cross-examination was asked, 'When was the first time that you advised anybody in the Army that you were a conscientious objector? * * * A. After the ceremony. The Court: What do you mean 'after the ceremony'? The Witness: Well, after the ceremony was over, I thought- well, there isn't much use in making a scene, and I just walked outside and told the Captain in charge. * * * I told him I did not take (the) oath or step forward. * * * He says, 'No. You are in the Army.' * * * Q. Isn't it a fact that when you saw Captain Beydler, after leaving the induction room that you told him you had changed your mind, that you were now a conscientious objector? A. I didn't say 'I changed my mind', No, sir. * * * I said 'I am'.'

Sergeant Frias, the chief coordinator at the induction station, testified that petitioner approached him on the floor of the induction room saying he was a conscientious objector. The Sergeant asked him if he had just

1 been inducted and he answered 'Yes', to which the Sergeant responded, 'I said, 'It is too late. I can't do
2 anything for you.'

3 After that, according to petitioner's testimony, he made three telephone calls and then told a Sergeant, '**I am**
4 **going home**'. Petitioner further testified, 'I had some friends and I went over to see and talked with them. * * *
5 I went over to another friend's and stayed all night. * * * I stayed another day and then I went on home.'

6 Petitioner did not respond to the call to board the bus for the railroad station the next morning, whereupon he
7 was noted as an 'absentee'. **Petitioner was forcibly taken from his home by military personnel, put in the**
8 **Post stockade at Camp Irwin, and then transported to Camp Roberts a few weeks thereafter.** The court asked
9 the witness, 'Have you been with that training company (at Camp Roberts) since? The Witness: No. That was a
10 Thursday, and then Friday morning they took me to the orderly room and to the company commander and I
11 refused the company commander's suggestion that I submit to training). * * * That was about 5:10. I went
12 back to the M.P. lock-up at Camp Roberts. I stayed there until Sunday morning. Sunday morning- The Court:
13 Yesterday? The Witness: Yes, yesterday at 10:45. And then I stayed at this M.P. lock-up Sunday and then here
14 today. * * * The Court: Did you ever tell the Colonel that, as long as you did not have to bear arms, you would
15 be willing to undergo training? A. I told him I would not accept any training.'

16 **[2] [3] We are of the opinion that the unnecessarily crowded set-up in the induction room made it physically**
17 **impossible for the inducting officer to have seen whether petitioner took the step forward and that it was in fact**
18 **impossible for petitioner to take a step forward. Therefore, we think, the court's finding on this factual issue was**
19 **in error. The evidence reveals no act after the induction ceremonies from which it could be found that**
20 **petitioner had in fact acquiesced in induction.^{FN4} but on the contrary his conduct is entirely consistent with**
21 **his claim that he did not submit to induction, and is not consistent with any theory of acquiescence. However,**
22 **the court made no finding on the subject of acquiescence.**

23 **[4] We hold that the evidence does not support the conclusion of the trial court that petitioner was inducted**
24 **into the Armed Services of the United States. *297 The judgment is reversed and remanded with instructions**
25 **to order petitioner's release from the custody of the Army officers.**

26 Reversed and remanded.

27 28 FOOTNOTES:

29 **FN1.** The quotation is from the affidavit of Captain Earl S. Beydler which was attached to the return and made
30 a part thereof. The affidavit was stipulated as the Captain's evidence in chief. The procedure followed by the
31 Captain was exactly in accord with Army Special Regulations 615-180-1, paragraph 23, issued by the
32 Department of the Army April 10, 1953.

33 **FN2.** Selective Training and Service Act of 1940, 54 Stat. 894, 50 U.S.C.A.Appendix, § 311; now 50
34 U.S.C.A.App. § 462, Selective Service Act of 1948, 62 Stat. 604, 622.

35 **FN3.** *Mayborn v. Heflebower*, 5 Cir., 1945, 145 F.2d. 864; *Sanford v. Callan*, 5 Cir., 1945, 148 F.2d. 376; cf.
36 *Cox v. Wedemeyer*, 9 Cir., 1951, 192 F.2d. 920, 923-924.

37 **FN4.** See footnote 3, supra.

38 [*Corrigan v. Secretary of the Army*, 211 F.2d. 293 (1954)
39 <http://famguardian.org/Subjects/Military/Draft/CorriganVSecretaryOfArmy-211-F.2d-293-1954.pdf>]

40 For further information on the above, please also read *Billings v. Truesdell*, 321 U.S. 542, 64 S.Ct. 737, U.S. (1944).

41 **11.3 People ex rel. Campbell v. Dewey, 23 Misc. 267, 50 N.Y.S. 1013, N.Y.Sup. 1898.**

42 At the time, then, of the Texas proceeding, both mother and child were domiciled in the state of New York, and
43 it was beyond the power of the Texas court to regulate the relations between them. **The relation of parent and**
44 **child is a civil status.** 1 Bish. Mar. & Div. § 16. "It is plain that every state has the right to determine the status
45 or domestic or social condition of persons domiciled within its territory." *Hunt v. Hunt*, 72 N. Y. 217, 227;
46 *Strader v. Graham*, 10 How. 82. **"Every nation may determine the status of its own domiciled subjects, and**
47 **any interference by foreign tribunals would be an officious intermeddling with a matter in which they have**
48 **no concern. The parties cannot consent to the change of status, and the judgment is not binding in a third**
49 **country."** *Black, Jur.* § 77. When the Texas proceeding was instituted the respondent and her child were
50 transiently in that state, upon a temporary occasion, and with the intention of returning to their domicile in New
51 York. **"Though a state may have a right to declare the condition of all persons within her limits, the right**

1 only exists while that person remains there. She has not the power of giving a condition or status that will
2 adhere to the person everywhere, but upon his return to his place of domicile he will occupy his former
3 position.” Maria v. Kirby, 12 B.Mon. 542, 545,- a case in which the decision is an adjudication of the precise
4 point in controversy.

5 It results, therefore, that the Texas decree is of no effect in this state upon the right of the respondent to the
6 custody of the child. The validity of that decree is further impugned for fatal irregularities in the proceeding,
7 but, its futility as an estoppel being already apparent, the discussion need not be prolonged.

8 The writ is dismissed, and, as the respondent's fitness for the care and control of the child is not questioned, it is
9 remanded to her custody.
10 [People ex rel. Campbell v. Dewey, 23 Misc. 267, 50 N.Y.S. 1013, N.Y.Sup. (1898)]

11 We can learn a lot from the above case:

- 12 1. Choosing a domicile is what makes you into a “subject” rather than a sovereign. In that sense, it causes a surrender of
13 sovereign immunity:

14 “Every nation may determine the status of its own domiciled subjects, and any interference by foreign tribunals
15 would be an officious intermeddling with a matter in which they have no concern.”

- 16 2. The right to make determinations about or changes in the civil status of someone originates from one’s voluntary
17 choice of domicile. See the above.

18 2.1. That authority is delegated to a specific government by your choice of domicile.

19 “It is plain that every state has the right to determine the status or domestic or social condition of persons
20 domiciled within its territory.” Hunt v. Hunt, 72 N. Y. 217, 227; Strader v. Graham, 10 How. 82. “Every nation
21 may determine the status of its own domiciled subjects, and any interference by foreign tribunals would be
22 an officious intermeddling with a matter in which they have no concern. The parties cannot consent to the
23 change of status, and the judgment is not binding in a third country.” Black, Jur. § 77. When the Texas
24 proceeding was instituted the respondent and her child were transiently in that state, upon a temporary
25 occasion, and with the intention of returning to their domicile in New York. “Though a state may have a right
26 to declare the condition of all persons within her limits, the right only exists while that person remains there.
27 She has not the power of giving a condition or status that will adhere to the person everywhere, but upon his
28 return to his place of domicile he will occupy his former position.” Maria v. Kirby, 12 B.Mon. 542, 545,- a
29 case in which the decision is an adjudication of the precise point in controversy.

30 2.2. The authority of the government is delegated by We the People.

31 2.3. If you never delegate the authority to make declarations of status by choosing a domicile within any government,
32 then you MUST have reserved it to yourself.

- 33 3. What makes a state or government “foreign” is the fact that you don’t have a domicile within their jurisdiction. It is an
34 intrusion into your sovereignty for a foreign state to determine your civil status.

35 “Every nation may determine the status of its own domiciled subjects, and any interference by foreign
36 tribunals would be an officious intermeddling with a matter in which they have no concern.”

- 37 4. When you are physically in a state or jurisdiction other than the one in which you are domiciled, the status declaration
38 is nonbinding on the foreign jurisdiction that you are in.

39 **11.4 U. S. v. Grimley, 137 U.S. 147, 11 S.Ct. 54, U.S. (1890)**

40 This case describes how:

- 41 1. Consent conveyed in the making of contracts works a change in one’s status.
42 2. No misrepresentation can undo the change in status made by the giving of consent unless the party injured by the
43 misrepresentation takes advantage of it.
44 3. Changes in status include marriage and enlistment in the military, which can only be undone by the consent of BOTH
45 parties.

46 Grimly enlisted in the armed services and made a deliberate misrepresentation in the application and then tried to undo the
47 contract using the misrepresentation. The party injured by the misrepresentation was the government, but because they did

not take advantage of the misrepresentation to undo the contract, then Grimly couldn't either and had to honor the change in status. Grimly therefore was not able to undo the contract and had to do time in prison for desertion.

This case involves a matter of contractual relation between the parties; and the law of contracts, as applicable thereto, is worthy of notice. The government, as contracting party, offers contract and service. Grimley accepts such contract, declaring that he possesses all the qualifications prescribed in the government's offer. The contract is duly signed. Grimley has made an untrue statement in regard to his qualifications. *151 The government makes no objection because of the untruth. The qualification is one for the benefit of the government, one of the contracting parties. Who can take advantage of Grimley's lack of qualification? Obviously only the party for whose benefit it was inserted. Such is the ordinary law of contracts. Suppose A., an individual, were to offer to enter into contract with persons of Anglo-Saxon descent, and B., representing that he is such descent, accepts the offer and enters into contract; can he thereafter, A. making no objection, repudiate the contract on the ground that he is not of Anglo-Saxon descent? A. has prescribed the terms. He contracts with B. upon the strength of his representations that he comes within those terms. Can B. thereafter plead his disability in avoidance of the contract? On the other hand, suppose for any reason it could be contended that the proviso as to age was for the benefit of the party enlisting, is Grimley in any better position? The matter of age is merely incidental, and not of the substance of the contract. And can a party by false representations as to such incidental matter obtain a contract, and thereafter disown and repudiate its obligations **55 on the simple ground that the fact in reference to this incidental matter was contrary to his representations? May he utter a falsehood to acquire a contract, and plead the truth to avoid it, when the matter in respect to which the falsehood is stated is for his benefit? It must be noted here that in the present contract is involved no matter of duress, imposition, ignorance, or intoxication. Grimley was sober, and of his own volition went to the recruiting office and enlisted. There was no compulsion, no solicitation, no misrepresentation. A man of mature years, he entered freely into the contract. But in this transaction something more is involved than the making of a contract, whose breach exposes to an action for damages. Enlistment is a contract, but it is one of those contracts which changes the status, and where that is changed, no breach of the contract destroys the new status or relieves from the obligations which its existence imposes. Marriage is a contract; but it is one which creates a status. Its contract *152 obligations are mutual faithfulness; but a breach of those obligations does not destroy the status or change the relation of the parties to each other. The parties remain husband and wife no matter what their conduct to each other, no matter how great their disregard of marital obligations. It is true that courts have power, under the statutes of most states, to terminate those contract obligations, and put an end to the marital relations. But this is never done at the instance of the wrong-doer. The injured party, and the injured party alone, can obtain relief and a change of status by judicial action. So, also, a foreigner by naturalization enters into new obligations. More than that, he thereby changes his status; he ceases to be an alien, and becomes a citizen, and, when that change is once accomplished, no disloyalty on his part, no breach of the obligations of citizenship, of itself, destroys his citizenship. In other words, it is a general rule accompanying a change of status, that when once accomplished it is not destroyed by the mere misconduct of one of the parties, and the guilty party cannot plead his own wrong as working a termination and destruction thereof. Especially is he debarred from pleading the existence of facts personal to himself, existing before the change of status, the entrance into new relations, which would have excused him from entering into those relations and making the change, or, if disclosed to the other party, would have led it to decline admission into the relation, or consent to the change. By enlistment the citizen becomes a soldier. His relations to the state and the public are changed. He acquires a new status, with correlative rights and duties; and although he may violate his contract obligations, his status as a soldier is unchanged. He cannot of his own volition throw off the garments he has once put on, nor can he, the state not objecting, renounce his relations and destroy his status on the plea that, if he had disclosed truthfully the facts, the other party, the state, would not have entered into the new relations with him, or permitted him to change his status. Of course these considerations may not apply where there is insanity, idiocy, infancy, or any other disability which, in its nature, disables a *153 party from changing his status or entering into new relations. But where a party is sui juris, without any disability to enter into the new relations, the rule generally applies as stated. A naturalized citizen would not be permitted, as a defense to a charge of treason, to say that he had acquired his citizenship through perjury, that he had not been a resident of the United States for five years, or within the state or territory where he was naturalized one year, or that he was not a man of good moral character, or that he was not attached to the constitution. No more can an enlisted soldier avoid a charge of desertion, and escape the consequences of such act, by proof that he was over age at the time of enlistment, or that he was not able-bodied, or that he had been convicted of a felony, or that before his enlistment he had been a deserter from the military service of the United States. These are matters which do not inhere in the substance of the contract, do not prevent a change of status, do not render the new relations assumed absolutely void; and in the case of a soldier, these considerations become of vast public importance. While our regular army is small compared with those of European nations, yet its vigor and efficiency are equally important. An army is not a deliberative body. It is the executive arm. Its law is that of obedience. No question can be left open as to the right to command in the officer, or the duty of obedience in the soldier. Vigor and efficiency on the part of the officer, and confidence among the soldiers in one another, are impaired if any question be left open as to their attitude to each other. So, unless there be in the nature of things some inherent vice in the existence of the relation, or natural wrong in the manner in which it was established, public policy requires that it should not be disturbed. Now, there is no inherent vice in the military service of a man 40 years of age. The age of 35, as prescribed in the statute, is one of convenience merely. The government has the right to the military service of all its able-bodied citizens; and may, when emergency arises, justly exact that service from all. And if, for its own convenience, and with a view to the selection of the best material, it has fixed the age at 35, it is a matter *154 which in any given case it may waive; and it does not lie in the mouth of any one above that age on that account alone, to demand release from an obligation voluntarily assumed, and

1 discharge from a service voluntarily entered into. The government, and the government alone, is the party to
2 the transaction that can raise objections on that ground. We conclude, therefore, that the age of the
3 petitioner was no ground for his discharge.
4 [U. S. v. Grimley, 137 U.S. 147, 11 S.Ct. 54, U.S. (1890)]

5 **11.5 In re Meador, 1 Abb.U.S. 317, 16 F.Cas. 1294, D.C.Ga. (1869)**

6 In this particular case, the litigants sued the government because they were having the liabilities of the status of “taxpayer”
7 enforced against them. In response, the court essentially declared that they had consented to become “taxpayers” subject to
8 the revenue acts by applying for a license. Thus the change in civil statutory status from “nontaxpayer” to “taxpayer” was a
9 consequence of their own voluntary act, required their consent, and thus could not be challenged by them.

10 “And here a thought suggests itself. As the Meadors, subsequently to the passage of this act of July 20, 1868,
11 applied for and obtained from the government a license or permit to deal in manufactured tobacco, snuff and
12 cigars, I am inclined to be of the opinion that they are, by this their own voluntary act, precluded from assailing
13 the constitutionality of this law, or otherwise controverting it. For the granting of a license or permit-the
14 yielding of a particular privilege-and its acceptance by the Meadors, was a contract, in which it was implied
15 that the provisions of the statute which governed, or in any way affected their business, and all other statutes
16 previously passed, which were in pari materia with those provisions, should be recognized and obeyed by
17 them. When the Meadors sought and accepted the privilege, the law was before them. And can they now
18 impugn its constitutionality or refuse to obey its provisions and stipulations, and so exempt themselves from
19 the consequences of their own acts?”
20 [In re Meador, 1 Abb.U.S. 317, 16 F.Cas. 1294, D.C.Ga. (1869)]

21 **11.6 United States v. Malinowski, 347 F.Supp. 352 (1992)**

22 The following case establishes that companies accepting withholding forms are not authorized to dishonor whatever the
23 employee puts on the withholding form. They must honor the worker’s claim or declaration of status without modification.

24 “The Company is not authorized to alter the form [W-4 or its equivalent] or to dishonor the worker’s claim. The
25 certificate goes into effect automatically”
26 [U.S. District Court Judge Huyett, [United States v. Malinowski, 347 F.Supp. 352 \(1992\)](#)]

27 **11.7 Roberts v. Roberts, 81 Cal.App.2d 871 (1947)**

28 [4] In all domestic concerns each state of the Union is to be deemed an independent sovereignty. As such, it is
29 its province and its duty to forbid interference by another state as well as by any foreign power with the status
30 of its own citizens. Unless at least one of the spouses is a resident thereof in good faith, the courts of such
31 sister state or of such foreign power cannot acquire jurisdiction to dissolve the marriage of those who have
32 an established domicile in the state which resents such interference with matters which disturb its social
33 serenity or affect the morals of its inhabitants. [5] Jurisdiction over divorce proceedings of residents of
34 California by the courts of a sister state cannot be conferred by agreement of the litigants. [6] As protector of
35 the morals of her people it is the duty of a court of this commonwealth to prevent the dissolution of a marriage
36 by the decree of a court of another jurisdiction pursuant to the collusion of the spouses. If by surrendering its
37 power it evades the performance of such duty, marriage will ultimately be considered as a formal device and its
38 dissolution freed from legal inhibitions. [7] Not only is a divorce of California [81 Cal.App.2d 880] residents
39 by a court of another state void because of the plaintiff’s lack of bona fide residence in the foreign state, but it is
40 void also for lack of the court’s jurisdiction over the State of California. [8] This state is a party to every
41 marriage contract of its own residents as well as the guardian of their morals. Not only can the litigants by
42 their collusion not confer jurisdiction upon Nevada courts over themselves but neither can they confer such
43 jurisdiction over this state.

44 [9] It therefore follows that a judgment of divorce by a court of Nevada without first having pursuant to its own
45 laws acquired...
46 [Roberts v. Roberts, 81 Cal.App.2d 871 [Civ. No. 15818. Second Dist., Div. Two. Oct. 17, 1947]

47 The above case illustrates that whenever you enter into a licensed transaction or request a license from the government:

- 48 1. You are entering into a contract with the government.
- 49 2. You consent to be subject to all the statutes that regulate those who hold such licenses.
- 50 3. The license creates property interests in both you and the government.
- 51 4. The state granting the license only has jurisdiction over the parties to the license so long as one or both are domiciled
- 52 within the state that granted the license. Another way of saying this is that the grantor of the franchise is only required

to recognize the change in status while the parties to the franchise are domiciled within their jurisdiction. Otherwise, the status change is not binding on the grantor of the franchise.

12 Civil status in relation to governments

Next, we will cover how civil statutory status affects the relationships between people and governments. This subject will be covered in the following subsections.

12.1 Passports

Passports issued by the national governments represent your political association with a specific country. That political association is called “nationality”. In statutes it equates with the status of “national” under 8 U.S.C. §1101(a)(21):

8 U.S.C. §1101

(a) As used in this chapter—

(21) The term “national” means a person owing permanent allegiance to a state.

The authority for issuance of national passports originates from 22 U.S.C. §212 and the regulations which implement it, which say:

22 U.S.C. §212

No passport shall be granted or issued to or verified for any other persons than those owing allegiance, whether citizens or not, to the United States

Title 22: Foreign Relations
[PART 51—PASSPORTS](#)
[Subpart A—General](#)
[§51.2 Passport issued to nationals only.](#)

(a) A United States passport shall be issued only to a national of the United States (22 U.S.C. 212).

(b) Unless authorized by the Department no person shall bear more than one valid or potentially valid U.S. passport at any one time.

[SD–165, 46 FR 2343, Jan. 9, 1981]

The status of being a “national” is a product of either physical birth within a country OR the act of being naturalized. Birth is not a voluntary act and one that you can’t control or undo. Naturalization, however, is a voluntary act and requires your consent.

Being a STATUTORY “national” under 8 U.S.C. §1101(a)(21) does not make people “subjects” under the civil statutes of any jurisdiction. Domicile does that:

In Udny v. Udny (1869) L. R. 1 H. L. Sc. 441, the point decided was one of inheritance, depending upon the question whether the domicile of the father was in England or in Scotland, he being in either alternative a British subject. Lord Chancellor Hatherley said: 'The question of naturalization and of allegiance is distinct from that of domicile.' Page 452. Lord Westbury, in the passage relied on by the counsel for the United States, began by saying: 'The law of England, and of almost all civilized countries, ascribes to each individual at his birth two distinct legal states or conditions,—one by virtue of which he becomes the subject [NATIONAL] of some particular country, binding him by the tie of natural allegiance, and which may be called his political status; another by virtue of which he has ascribed to him the character of a citizen of some particular country, and as such is possessed of certain municipal rights, and subject to certain obligations, which latter character is the civil status or condition of the individual, and may be quite different from his political status.' And then, while maintaining that the civil status is universally governed by the single principle of domicile (domicilium), the criterion established by international law for the purpose of determining civil status, and the basis on which 'the personal rights of the party—that is to say, the law which determines his majority or minority, his marriage, succession, testacy, or intestacy— must depend,' he yet distinctly

1 *recognized that a man's political status, his country (patria), and his 'nationality,—that is, natural*
2 *allegiance,'—'may depend on different laws in different countries.' Pages 457, 460. He evidently used the word*
3 *'citizen,' not as equivalent to 'subject,' but rather to 'inhabitant'; and had no thought of impeaching the*
4 *established rule that all persons born under British dominion are natural-born subjects.*
5 *[United States v. Wong Kim Ark, 169 U.S. 649, 18 S.Ct. 456, 42 L.Ed. 890 (1898) ;*
6 *SOURCE: http://scholar.google.com/scholar_case?case=3381955771263111765]*

7 The only way you can be a statutory “citizen” or “resident” in a specific place is to have a consensual domicile there.
8 Those who have not consented to a domicile may only be protected by the common law and the Constitution and not the
9 statute law. Domicile requires your consent and those who have not provided said consent and thereby exercised their right
10 of freedom from compelled association thereby become “non-resident non-persons” within the place they are physically
11 located. This is further discussed in:

- 12 1. *Why Domicile and Becoming a “Taxpayer” Require Your Consent*, Form #05.002
13 <https://sedm.org/Forms/FormIndex.htm>
14 2. *Non-Resident Non-Person Position*, Form #05.020
15 <https://sedm.org/Forms/FormIndex.htm>

16 In recognition of the above principles, our USA Passport Application Attachment, Form #06.007, contains the following
17 language, beginning after the line. The text included is not the entire document, but only the subset dealing with your right
18 to declare and establish your civil status:

19 _____
20 **LIMITATIONS APPLYING TO REVOCATION OR REFUSAL TO ISSUE U.S. PASSPORTS**

- 21 1. When passports CANNOT be denied or revoked:

22 [*22 U.S. Code § 2721. Impermissible basis for denial of passports*](#)

23 *A passport may not be denied issuance, revoked, restricted, or otherwise limited because*
24 *of any speech, activity, belief, affiliation, or membership, within or outside the [United](#)*
25 *[States](#), which, if held or conducted within the [United States](#), would be protected by the*
26 *first amendment to the Constitution of the [United States](#).*

27 *(Aug. 1, 1956, ch. 841, title I, § 49, as added [Pub. L. 102–138, title I](#), § 113, Oct. 28,*
28 *1991, [105 Stat. 655](#).)*

- 29 2. In my case, my religious beliefs forbid me to associate with, contract away rights to, do business with, or have a civil
30 statutory domicile within any government as a statutory “citizen”, “resident”, “person”, “taxpayer”, “individual”, etc.
31 They allow me to ONLY be protected and subject to the common law, the Constitution, and the criminal law.

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

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

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

42 _____
43 *“Do you not know that friendship with the world is enmity with God? Whoever therefore wants to be a friend*
44 *[[“citizen”](#), [“resident”](#), [“taxpayer”](#), [“inhabitant”](#), or [“subject”](#) under a king or political ruler] of the world [or*
45 *any man-made kingdom other than God’s Kingdom] makes himself an enemy of God.”*

[James 4:4, Bible, NKJV]

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

"Pure and undefiled religion before God and the Father is this: to visit orphans and widows in their trouble, and to keep oneself unspotted from the world [the obligations and concerns of the world]."
[James 1:27, Bible, NKJV]

"Do not walk in the statutes of your fathers [the heathens], nor observe their judgments, nor defile yourselves with their [pagan government] idols. I am the LORD your God: Walk in [obey] My statutes, keep My judgments, and do them; hallow My Sabbaths, and they will be a sign between Me and you, that you may know that I am the LORD your God."
[Ezekial 20:10-20, Bible, NKJV]

"You were bought at a price; do not become slaves of men."
[1 Cor. 7:23, Bible, NKJV]

"For you were bought at a price; therefore glorify God in your body and in your spirit, which are God's [and NOT Caesar's]."
[1 Cor. 6:20, Bible, NKJV]
SOURCE: <https://nikeinsights.famguardian.org/forums/topic/the-blood-bond-and-the-duty-to-resist-tyranny/>

The only domicile my God permits me to have under my delegation order (the Holy Bible) is the Kingdom of Heaven. Philippians 3:20. Furthermore, God warns me in my delegation order in Psalm 91 that I will be removed from His protection by choosing any other domicile. God owns the Heavens AND the Earth (Gen. 1:1, Psalm 24:1) so my domicile is within His Kingdom and He is my ONLY King. I will have NO KING other King Jesus! I am not permitted to allow the United States government to become my Lord and King. No man can serve two masters: Christ and State. [Matt. 6:24](#). There cannot be a Kingdom with two kings.

Patriot Pastor Garrett Lear at the Boston Tea Party 2008, Pastor Garrett Lear
<https://youtu.be/9351KGbkDrc>

Domicile and the statutory obligations associated with it, including those in ALL civil statutes ("person", "individual", "taxpayer", "citizen", "resident"), are voluntary. I do not volunteer and have no delegated authority under My God's law as his full-time ambassador in chains to volunteer. God's delegation order says my ONLY civil lawgiver is Jesus Christ and not any vain man or Earthly government (Isaiah 33:22). The Declaration of Independence says all such rights are UNALIENABLE and therefore I am legally incapable of volunteering as long as I am standing on land protected by the Constitution as I am now. That, in fact, is why the Constitution calls itself "the law of the land":

*"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]

The Declaration of Independence was enacted into LAW on the first page of the Statutes at Large as the first official act of Congress, and therefore the above limitation is binding on our interactions. My First Amendment right to civilly disassociate and become a statutory “non-resident non-person” not protected by or subject to the civil statutes, as a matter of religious right, is proven with court-admissible evidence in:

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

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

2.2. Non-Resident Non-Person Position, Form #05.020

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

3. I do not “have” a STATUTORY “Social Security Number” (20 C.F.R §422.103) and cannot have or own or even control that which I did not create and does not belong to me.

3.1. The regulations found at 20 C.F.R. §422.103(d) say the number and card belong to the government and NOT me. You will note that Title 20 of the U.S. Code identifies itself as “Employees’ benefits” and I am NOT such a statutory employee defined in 5 U.S.C. §2105(a) or 26 C.F.R. §31.3401-1(c). There is NO statutory definition that expressly identifies statutory “employee” as including PRIVATE people protected ONLY by the Constitution and NOT the statutes and therefore these people are purposefully excluded per the rules of statutory construction:

26 C.F.R. §31.3401(c)-1 Employee

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

3.2. I must be a public officer or government STATUTORY “employee” (5 U.S.C. §2105(a)) on official business to use or possess such government property such as a STATUTORY “Social Security Number” and I hereby certify UNDER PENALTY OF PERJURY that I am NOT such an officer and have no delegated authority from God under the Holy Bible trust indenture (as his full time “trustee”) to BECOME such an officer. See Exodus 20:1-17.

3.3. I would be committing the crime of impersonating a public officer to possess or use public property such as a STATUTORY Social Security Number or card in violation of 18 U.S.C. §912. You would also be guilty of the same crime to compel me to use a STATUTORY SSN or TIN in the context of this interaction. I am PRIVATE and not PUBLIC while I am in this physical office.

3.4. It is illegal to offer Social Security in states of the Union, and the U.S. Government has already agreed with me on this subject in responding to the following that I sent them:

Why You Aren’t Eligible for Social Security, Form #06.001

<https://sedm.org/Forms/06-AvoidingFranch/SSNotEligible.pdf>

3.5. To even ask me whether I have ever been issued a number, knowing that such an issuance to a PRIVATE NON-RESIDENT party is illegal, and/or penalizing me by denial of a passport for a failure to provide said number (fruit of a poisonous tree that cannot be used as legal evidence) would be compelling me to admit what I now know is a criminal violation in violation of the Fifth Amendment. The ONLY thing I can lawfully say to you about such a situation WITHOUT violating the Fifth Amendment is the following:

*“I have never **LAWFULLY** been issued a Social Security Number. Any evidence that such a number was lawfully issued is **KNOWINGLY FALSE** and must be destroyed. If it is **NOT** destroyed, then you are guilty of the crimes found under 18 U.S.C. §1030, 18 U.S.C. §912, 18 U.S.C. §201, etc. It would be a violation of my Fifth Amendment right against self-incrimination to compel me admit to **UNLAWFULLY** applying for such a number under penalty of perjury. If you believe it was **LAWFULLY** issued, you **MUST** contradict the evidence that the U.S. Attorney General **ALREADY** admitted to in separate correspondence and located again below:*

1. Why You Aren’t Eligible for Social Security, Form #06.001

<https://sedm.org/Forms/06-AvoidingFranch/SSNotEligible.pdf>

2. Resignation of Compelled Social Security Trustee, Form #06.002

<https://sedm.org/Forms/06-AvoidingFranch/SSTrustIndenture.pdf>

A failure to deny any aspects of the attachments that are false IN WRITING signed under penalty of perjury shall constitute an equitable estoppel against any future controversy on this subject per Federal Rule of Civil Procedure 8(b)(6).

"Silence can only be equated with fraud where there is a legal or moral duty to speak, or where an inquiry left unanswered would be intentionally misleading. . . This sort of deception will not be tolerated and if this is routine it should be corrected immediately." U.S. v. Tweel, 550 F.2d. 297, 299. See also U.S. v. Prudden, 424 F.2d. 1021, 1032; Carmine v. Bowen, 64 A. 932.; "Silence is a species of conduct, and constitutes an implied representation of the existence of facts in question. When silence is of such character and under such circumstances that it would become a fraud, it will operate as an Estoppel." Carmine v. Bowen, 64 A. 932.... "Fraud in its elementary common law sense of deceit... includes the deliberate concealment of material information in a setting of fiduciary obligation. A public official is a fiduciary toward the public,... and if he deliberately conceals material information from them he is guilty of fraud." McNally v. U.S., 483 U.S. 350, 371-372, Quoting U.S. v Holzer, 816 F.2d. 304, 307.

- 3.6. It is a violation of my religious beliefs and practices to have or use a STATUTORY Social Security Number mentioned in 20 C.F.R. §422.103. See: Social Security: Mark of the Beast, Form #11.407; <https://famguardian.org/Publications/SocialSecurity/TOC.htm>. Hence, any mention of the of the term "Social Security Number" or "Taxpayer Identification Number" in this submission and ALL government records pertaining to me are hereby defined to EXCLUDE any statutory or regulatory uses published by the national government. Instead, the terms shall be defined to mean a franchise license TO THE GOVERNMENT which enfranchises their uses of my private property and private rights under the following. The ability to define terms as I have done here is a legislative function that the recipient of this form has no delegated authority to engage in:

Injury Defense Franchise and Agreement, Form #09.007
<https://sedm.org/Forms/06-AvoidingFranch/InjuryDefenseFranchise.pdf>

4. Authority to deny or revoke passports is found in:
- 4.1. Public Law 114-94, Section 32101.
 - 4.2. No SSN provided on application: 22 U.S.C. §2714a(e)
 - 4.3. Tax debt greater than \$50K: 26 U.S.C. §7345.
5. The above provisions do NOT apply to me BECAUSE:
- 5.1. I am NOT domiciled in the STATUTORY "United States" as defined in 26 U.S.C. §7701(a)(9) and (a)(10) and 4 U.S.C. §110(d). Therefore per Federal Rule of Civil Procedure 17(b), the civil statutory acts of Congress are applicable ONLY there DO NOT apply to me.
 - 5.2. I am not THE statutory "individual" mentioned in 26 U.S.C. §7345(a) within the context of the Internal Revenue Code:

26 U.S. Code § 7345. Revocation or denial of passport in case of certain tax delinquencies

(a) IN GENERAL

If the Secretary receives certification by the Commissioner of Internal Revenue that an individual has a seriously delinquent tax debt, the Secretary shall transmit such certification to the Secretary of State for action with respect to denial, revocation, or limitation of a passport pursuant to section 32101 of the FAST Act.

26 C.F.R. §1.1441-1 Requirement for the deduction and withholding of tax on payments to foreign persons.

(c) Definitions

(3) Individual.

(i) Alien individual.

The term alien individual means an individual who is not a citizen or a national of the United States. See Sec. 1.1-1(c).

There is NO other definition of statutory "individual" OTHER than the above. Even the "qualified individual" mentioned in 26 U.S.C. §911(d)(1) is an ALIEN in relation to the foreign country he or she is temporarily within. Even that "qualified individual" is a citizen of federal territory and not a constitutional state, so I am NOT the party mentioned in 26 U.S.C. §911 either and I am CERTAINLY not abroad in this case. 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>

- 5.3. Not in the STATUTORY geographical "United States":

(a) When used in this title, where not otherwise distinctly expressed or manifestly incompatible with the intent thereof—

(9) United States

The term "United States" when used in a geographical sense includes only the [States](#) and the District of Columbia.

(10) State

The term "State" shall be construed to include the District of Columbia, where such construction is necessary to carry out provisions of this title.

- 5.4. Not a STATUTORY "citizen" OF THE above geographical "United States" (federal territory not within the exclusive jurisdiction of a constitutional state) defined in 8 U.S.C. §1401, 26 C.F.R. §1.1-1(c). State citizens and territorial citizens are NOT equivalent and in fact are TWO, non-overlapping, mutually exclusive groups. See Rogers v. Bellei, 401 U.S. 815 (1971), Valmonte v. I.N.S., 136 F.3d. 914 (C.A.2, 1998).
- 5.5. Not the statutory "person" who is the proper object of penalties such as denial or revocation of passports:

[26 U.S. Code § 6671. Rules for application of assessable penalties](#)

(b) PERSON DEFINED

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

- 5.6. Not the lawful target of enforcement as required by 26 U.S.C. §7345(b):

[26 U.S. Code § 6331. Levy and distraint](#)

(a) AUTHORITY OF SECRETARY

If any [person](#) liable to pay any [tax](#) neglects or refuses to pay the same within 10 days after notice and demand, it shall be lawful for the [Secretary](#) to collect such [tax](#) (and such further sum as shall be sufficient to cover the expenses of the [levy](#)) by [levy](#) upon all [property](#) and rights to [property](#) (except such [property](#) as is exempt under section 6334) belonging to such [person](#) or on which there is a lien provided in this chapter for the [payment](#) of such [tax](#). [Levy may be made upon the accrued salary or wages of any officer, employee, or elected official, of the United States, the District of Columbia, or any agency or instrumentality of the United States or the District of Columbia](#), by serving a notice of [levy](#) on the employer (as defined in section 3401(d)) of such officer, [employee](#), or elected official. If the [Secretary](#) makes a finding that the collection of such [tax](#) is in jeopardy, notice and demand for immediate [payment](#) of such [tax](#) may be made by the [Secretary](#) and, upon failure or refusal to pay such [tax](#), collection thereof by [levy](#) shall be lawful with

- 5.7. [26 U.S.C. §7345](#) has no implementing regulations under 26 C.F.R. Part 1, and hence, does NOT apply to anyone BUT government public officers or STATUTORY "employees" under 5 U.S.C. §2105(a) and 26 U.S.C. §3401(c), and DOES NOT apply to most people, and especially either me or those PRIVATE humans in states of the Union protected by the Constitution:

5.7.1. [44 U.S.C. §1505](#)(a) requires publication in the Federal Register of regulations that implement any kind of penalty.

5.7.2. [5 U.S.C. §552](#)(a)(1) says statutes may not be enforced until implementing regulations are published.

TITLE 5 > PART I > CHAPTER 5 > SUBCHAPTER II > §552
[§552. Public information; agency rules, opinions, orders, records, and proceedings](#)

(a)(1) Except to the extent that a person has actual and timely notice of the terms thereof, [a person may not in any manner be required to resort to, or be adversely affected by, a matter required to be published in the Federal Register and not so published](#). For the purpose of this paragraph, matter reasonably available to the

class of persons affected thereby is deemed published in the Federal Register when incorporated by reference therein with the approval of the Director of the Federal Register.

5.7.3. 26 C.F.R. §601.702(a)(2)(ii) says that a failure to publish regulations applying the statute to a specific tax shall not affect rights.

26 C.F.R. §601.702 Publication and public inspection

(a)(2)(ii) Effect of failure to publish.

Except to the extent that a person has actual and timely notice of the terms of any matter referred to in subparagraph (1) of this paragraph which is required to be published in the Federal Register, such person is not required in any manner to resort to, or be adversely affected by, such matter if it is not so published or is not incorporated by reference therein pursuant to subdivision (i) of this subparagraph. Thus, for example, any such matter which imposes an obligation and which is not so published or incorporated by reference will not adversely change or affect a person's rights.

5.8. There is no requirement to publish implementing regulations in the case of any of the following specifically exempted groups, NONE of which I am a member of:

5.8.1. A military or foreign affairs function of the United States. 5 U.S.C. §553(a)(1).

5.8.2. A matter relating to agency management or personnel or to public property, loans, grants, benefits, or contracts. 5 U.S.C. §553(a)(2).

5.8.3. Federal agencies or persons in their capacity as officers, agents, or employees thereof. 44 U.S.C. §1505(a)(1).

5.9. There are no implementing regulations under 26 C.F.R. Part 1 for 26 U.S.C. §7345, which would apply this statute to the income tax.

5.10. There are no implementing regulations for 22 U.S.C. §2714a(e) that would apply the provisions of 26 U.S.C. §7345. Therefore, pursuant to step 4.8 above, these provisions ONLY apply to STATUTORY government “employees” or officers on official business and DO NOT apply to most people, and especially to ME as a private human. These provisions are missing from:

5.10.1. 20 C.F.R.

https://law.justia.com/cfr/title22/22cfr51_main_02.html

5.10.2. 20 C.F.R. §51.70 pertaining to denial.

<https://law.justia.com/cfr/title22/22-1.0.1.6.33.5.5.1.html>

5.10.3. 20 C.F.R. §51.72 pertaining to revocation

<https://law.justia.com/cfr/title22/22-1.0.1.6.33.5.5.3.html>

5.11. 1 U.S.C. §204 says Title 26 is NOT positive law, and therefore is only “prima facie” evidence. That means it is NOT evidence but a mere statutory presumption that cannot impair constitutionally protected rights SUCH as my right to travel in this case.

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

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

Statutes creating permanent irrebuttable presumptions have long been disfavored under the Due Process Clauses of the Fifth and Fourteenth Amendments. In Heiner v. Donnan, 285 U.S. 312, 52 S.Ct. 358, 76 L.Ed. 772 (1932), the Court was faced with a constitutional challenge to a federal statute that created a conclusive presumption that gifts made within two years prior to the donor's death were made in contemplation of death, thus requiring payment by his estate of a higher tax. In holding that this irrefutable assumption was so arbitrary and unreasonable as to deprive the taxpayer of his property without due process of law, the Court stated that it had ‘held more than once that a statute creating a presumption which operates to deny a fair opportunity to rebut it violates the due process clause of the Fourteenth Amendment.’ Id., at 329, 52 S.Ct., at 362. See, e.g., Schlesinger v. Wisconsin, 270 U.S. 230, 46 S.Ct. 260, 70 L.Ed. 557 (1926); Hooper v. Tax Comm'n, 284 U.S. 206, 52 S.Ct. 120, 76 L.Ed. 248 (1931). See also Tot v. United States, 319 U.S. 463, 468-469, 63 S.Ct. 1241, 1245-1246, 87 L.Ed. 1519 (1943); Leary v. United States, 395 U.S. 6, 29-53, 89 S.Ct. 1532, 1544-1557, 23

L.Ed.2d. 57 (1969). Cf. *Turner v. United States*, 396 U.S. 398, 418-419, 90 S.Ct. 642, 653-654, 24 L.Ed.2d. 610 (1970).
[*Vlandis v. Kline*, 412 U.S. 441 (1973)]

5.12. Under the rules of statutory construction, NO executive branch employee or even a judge CAN lawfully add or PRESUME to add anything to the definitions in the statutes and doing so is acting in a LEGISLATIVE capacity that they have not delegated authority to exercise.

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

"It is apparent that a constitutional prohibition cannot be transgressed indirectly by the creation of a statutory presumption any more than it can be violated by direct enactment. The power to create presumptions is not a means of escape from constitutional restrictions."
[*Bailey v. Alabama*, 219 U.S. 219 (1911)]

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

5.13. If you believe the statutes impose the obligations indicated upon those who are not expressly mentioned, you as the Recipient and the moving party asserting said obligation MUST demonstrate your authority enforce against groups and parties not mentioned with legally admissible evidence signed under penalty of perjury.

5.14. In the absence of said proof, you are STEALING private property you have no right and the property you are stealing comes with the following strings attached to the temporary loan.

Injury Defense Franchise and Agreement, Form #09.007
<https://sedm.org/Forms/06-AvoidingFranch/InjuryDefenseFranchise.pdf>

The above agreement forbids you from removing any litigation in a state court to a federal court and mandates financial penalties for the theft and non-consensual use of my private property. You also are required to pay the ENTIRE amount of the litigation cost can cannot accept an appointed government attorney.

5.15. The above terms of the loan of my PRIVATE property and PRIVATE constitutionally protected rights continue until the value of the property plus consideration is returned under the terms of the above loan. That property consists of my constitutional right to travel and the value of the labor and services you STOLEN from me in protecting or defending that right and in complying with your baseless demands and FRAUDULENT claim of obligations. Those terms persist until you compensate me for the value of the property STOLEN in violation of the Fifth Amendment. That theft of property will require you to eventually compensate me, and there is a waiver of sovereign immunity implied in your THEFT per *Armstrong v. United States*, 364 U.S. 40 (1960).

5.16. Lastly, the following document exhaustively proves all of the above with court admissible legal authorities:

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

6. It is a violation of the Thirteenth Amendment to impose any involuntary obligation upon me, including statutory obligations imposed extraterritorially to nonresident parties such as myself. The Thirteenth Amendment applies BOTH to constitutional states AND to federal territory. It applies EVERYWHERE in the Union, in fact. *Clyatt v. U.S.*, 197 U.S. 207 (1905). I do not consent to any such obligations. See:

Proof of Claim: Your Main Defense Against Government Greed and Corruption, Form #09.073
<https://sedm.org/Forms/09-Procs/ProofOfClaim.pdf>

7. You may not use extraterritorial loans of government property under Constitution Article 4, Section 3, Clause 2 to destroy constitutional rights. This includes loans of the passport book itself or any "privileges" associated with receiving government "protection". I don't want your protection and waive all rights to receive it or pay for it when

abroad. It is therefore a violation of the Unconstitutional Conditions Doctrine of the U.S. Supreme Court to attach legal “strings” to the issuance of a passport. I paid for the issuance of the passport book so I own the book. See and rebut:

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

8. If you continue to try to enforce the DUTES of a public office against me, knowing full well as I have informed you that I am NOT such a public officer, you will be prosecuted for criminal identity theft, criminal peonage (18 U.S.C. §1589, 18 U.S.C. §1592-1593), and human trafficking (18 U.S.C. §1593A) as extensively documented in the following and under the conditions of the Injury Defense Franchise identified earlier:

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

The U.S. Congress has legally defined ANY attempt by you, the recipient, to evade or avoid the requirements of statutory or constitutional law documented herein and in all the associated attachment(s) as the very ESSENCE of communism itself! Any attempt therefore to penalize me by denying me a passport for bringing these up, which is my First Amendment right under 22 U.S.C. §2721 therefore ALSO constitutes communism as Congress defines it:

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

The Congress finds and declares that the Communist Party of the United States [consisting of the IRS, DOJ, and a corrupted federal judiciary], although purportedly a political party, is in fact an instrumentality of a conspiracy to overthrow the [de jure] Government of the United States [and replace it with a de facto government ruled by the judiciary]. It constitutes an authoritarian dictatorship [IRS, DOJ, and corrupted federal judiciary in collusion] within a [constitutional] republic, demanding for itself the rights and [FRANCHISE] privileges [including immunity from prosecution for their wrongdoing in violation of Article 1, Section 9, Clause 8 of the Constitution] accorded to political parties, but denying to all others the liberties [Bill of Rights] guaranteed by the Constitution [Form #10.002]. Unlike political parties, which evolve their policies and programs through public means, by the reconciliation of a wide variety of individual views, and submit those policies and programs to the electorate at large for approval or disapproval, the policies and programs of the Communist Party are secretly [by corrupt judges and the IRS in complete disregard of, Form #05.014, the tax franchise "codes", Form #05.001] prescribed for it by the foreign leaders of the world Communist movement [the IRS and Federal Reserve]. Its members [the Congress, which was terrorized to do IRS bidding by the framing of Congressman Traficant] have no part in determining its goals, and are not permitted to voice dissent to party objectives. Unlike members of political parties, members of the Communist Party are recruited for indoctrination [in the public FOOL system by homosexuals, liberals, and socialists] with respect to its objectives and methods, and are organized, instructed, and disciplined [by the IRS and a corrupted judiciary] to carry into action slavishly the assignments given them by their hierarchical chieftains. Unlike political parties, the Communist Party [thanks to a corrupted federal judiciary] acknowledges no constitutional or statutory limitations upon its conduct or upon that of its members [ANARCHISTS!, Form #08.020]. The Communist Party is relatively small numerically, and gives scant indication of capacity ever to attain its ends by lawful political means. The peril inherent in its operation arises not from its numbers, but from its failure to acknowledge any limitation as to the nature of its activities, and its dedication to the proposition that the present constitutional Government of the United States ultimately must be brought to ruin by any available means, including resort to force and violence [or using income taxes]. Holding that doctrine, its role as the agency of a hostile foreign power [the Federal Reserve and the American Bar Association (ABA)] renders its existence a clear present and continuing danger to the security of the United States. It is the means whereby individuals are seduced [illegally KIDNAPPED via identity theft!, Form #05.046] into the service of the world Communist movement [using FALSE information returns and other PERJURIOUS government forms, Form #04.001], trained to do its bidding [by FALSE government publications and statements that the government is not accountable for the accuracy of, Form #05.007], and directed and controlled [using FRANCHISES illegally enforced upon NONRESIDENTS, Form #05.030] in the conspiratorial performance of their revolutionary services. Therefore, the Communist Party should be outlawed

It is QUITE ironic and hypocritical that as the ONLY agency within the United States government responsible for tracking Human Trafficking worldwide, you are the WORST possible violator of it in the issuance of passports to state citizens who are non-resident to your civil legislative jurisdiction. You are kidnapping people’s civil identity into your jurisdiction with criminal identity theft as documented in *Government Identity Theft*, Form #05.046; <https://sedm.org/Forms/05-MemLaw/GovernmentIdentityTheft.pdf>:

Office to Monitor and Combat Trafficking in Persons, Department of State
<https://www.state.gov/j/tip/>

On the subject of such hypocrisy, Jesus (God) said to the lawyers who implemented it the following, which was written by a former tax collector and the first person Jesus called to repentance in the New Testament. This tax collector quit his job in DISGUST after Jesus showed him the lawlessness and hypocrisy of his profession:

"Woe to you, scribes and Pharisees [lawyers], hypocrites! For you are like whitewashed tombs which indeed appear beautiful outwardly, but inside are full of dead men's bones and all uncleanness. 28 Even so you also outwardly appear righteous to men, but inside you are full of hypocrisy and lawlessness. [Matt. 23:27-28, Bible, NKJV]

Thomas Jefferson warned in the Declaration of Independence that governments would invade the states as follows: "He has erected a multitude of New Offices, and sent hither swarms of Officers to harass our people and eat out their substance." In this case, you are doing this by ILLEGALLY appointing EVERY citizen as such officer without their consent, without compensation, without the necessary oath or appointment, and in the process making a profitable business out of alienating rights that the same Declaration says are "inalienable". It is an unconstitutional, commercial invasion of the states in violation of Article 4, Section 4 of the Constitution. The states CANNOT consent to such an invasion. In the process, you have turned an entire nation into not only a DEBTOR'S PRISON, but a literal cattle farm where STATUTORY "citizens" are cattle to be milked (How to Leave the Government Farm; <https://youtu.be/Mp1gJ3iF2Ik>) and made into involuntary surety for an endless mountain of intergenerational debt that will never be paid off and which constitutes criminal PEONAGE. The slaves built the pyramids and they are STILL doing so. Today we call them STATUTORY "citizens".

"For the love of money 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]

"Is this not the fast [act of faith, worship, and OBEDIENCE] that I [God] have chosen [for believers]: To loose the bonds of wickedness, To undo the heavy burdens, To let the oppressed go free, And that you break every yoke [franchise, contract, tie, dependency, or "benefit" with the government]?" [Isaiah 58:6, Bible, NKJV]

"The Spirit of the Lord God is upon Me, Because the Lord has anointed Me To preach good tidings to the poor; He has sent Me to heal the brokenhearted, To proclaim liberty to the [government] captives And the opening of the prison [government FARM, Form #12.020] to those who are bound; To proclaim the acceptable year of the Lord, And the day of vengeance of our God," [Isaiah 61:1-2, Bible, NKJV]

The AUTHOR of the Constitution wrote on the subject of this UNCONSTITUTIONAL commercial invasion of the states the following:

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

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

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

[James Madison. House of Representatives, February 7, 1792, On the Cod Fishery Bill, granting Bounties; Source: Socialism: The New American Civil Religion, Form #05.016; <https://sedm.org/Forms/05-MemLaw/SocialismCivilReligion.pdf>]

I declare under penalty of perjury under the laws of the United States of America, from without the "United States" pursuant to [28 U.S.C. §1746](#)(1), that the foregoing and the entire contents of this form and all those attached to it are true, correct, and complete to the best of my knowledge and belief. I also declare that the accompanying passport application is rendered false, fraudulent, misleading, and perjurious BY THE ACCEPTANCE AGENT if NOT accompanied AT ALL TIMES by this mandatory attachment.

12.2 Conditions under which a state-domiciled human can lawfully acquire a civil status under the FOREIGN laws of the national government

It is very important to understand the circumstances under which you can lawfully acquire a civil statutory status under the laws of a legislatively FOREIGN government, such as the case between a state domiciled human and the national government. This subject is called “EXTRATERRITORIAL JURISDICTION” by the U.S. Department of Justice. We will preface this discussion by saying that the following requirements must be met in order for the separation of powers doctrine and the equal protection clauses of the constitution to NOT be violated:

1. The civil status must be acquired CONSENSUALLY and absent DURESS while the party is physically on federal territory not within any state. Otherwise, they would be alienating an unalienable right, which is not permitted 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]

2. The rights associated with the civil status may only lawfully be enforced in the courts of the national government as a contract under Article 4, Section 3, Clause 2 of the Constitution.
3. The property or rights to property connected to the status extinguishes at the border between federal territory and state territory.
4. The contract or agreement may not enforce or require any OTHER status under the civil laws of the national government than the one immediately incident to the office it creates. For instance, if it is the public office franchise, it may not enforce the status of “citizen”, “resident”, “driver” or any other type of civil franchise under the laws of the national government. Otherwise:
 - 4.1. The parties entering into such an agreement will have criminal and illegal conflicts of interest that violate the separation of powers and most state constitutions. Most states have laws that prohibit a public officer in the national government from also serving in a public office in the state government.
 - 4.2. The purpose of government will be violated, which is the protection of PRIVATE property and PRIVATE rights. The first step in accomplishing that protection is to prevent the conversion of PRIVATE property to PUBLIC property to the maximum extent possible. If they won’t protect you from their OWN thefts, then you shouldn’t be hiring a government to protect you from other PRIVATE people.
5. If the human contracting with the government is domiciled in a state of the Union at the time of the contract or franchise or its enforcement, then the government must be treated as a PRIVATE party and may not enforce sovereign, official, or judicial immunity in the enforcement and the case must be heard in an Article III court in equity where the judge does not have an economic interest in the outcome. This ensures that due process of law is not violated. If equity is not allowed in court or sovereign immunity is enforced against the government, then the government in essence is creating an unconstitutional state-sponsored religion in violation of the First Amendment. It is making ITSELF into an entity to be worshipped by YOU by enforcing SUPERIOR or SUPER-NATURAL powers, meaning powers greater than YOU personally have as a natural human. See:

Socialism: The New American Civil Religion, Form #05.016

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

Most of the above ought to be common sense. We will now proceed to explain WHY these must be the case.

The main vehicle for creating and enforcing civil statuses within states of the Union is through government franchises. All franchises are implemented with excise taxes. All excises are upon specific activities which are usually licensed. An example of such a DE FACTO license is the SSN or TIN. The Constitutional authority for excise taxation is found in Article 1, Section 8, Clause 1 of the United States Constitution:

*United States Constitution
Article I: Legislative Department
Section 8.*

The Congress shall have Power To lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defence and general Welfare of the United States; but all Duties, Imposts and Excises shall be uniform throughout the United States;

The interpretation of the U.S. Supreme Court upon the above provision is that it pertains ONLY to imports coming into the country and to no other type of tax. The “activity” subject to excise taxation is therefore that of IMPORTING goods from foreign countries:

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

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

*"**The States, after they formed the Union, continued to have the same range of taxing power which they had before, barring only duties affecting exports, imports, and on tonnage.** 2 Congress, on the other hand, to lay taxes in order 'to pay the Debts and provide for the common Defence and general Welfare of the United States', Art. 1, Sec. 8, U.S.C.A.Const., **can reach every person** and every dollar in the land with due regard to Constitutional limitations as to the method of laying taxes."*
[*Graves v. People of State of New York*, 306 U.S. 466 (1939)]

The phrase “every person” as used in the last case above relates to:

1. “persons” domiciled on federal territory and licensed to engage in the regulated activity.. . OR
2. Those lawfully serving as public officers in the NATIONAL and not STATE government.

The term “every person” as used in *Graves* above does NOT include EVERYONE, or those domiciled in states of the Union.

*The foregoing considerations would lead, in case of doubt, to a construction of any statute as intended to be confined in its operation and effect to the territorial limits over which the lawmaker has general and legitimate power. 'All legislation is prima facie territorial.' *Ex parte Blain*, L. R. 12 Ch.Div. 522, 528; *State v. Carter*, 27 N.J.L. 499; *People v. Merrill*, 2 Park.Crim.Rep. 590, 596. Words having universal scope, such as 'every contract in restraint of trade,' 'every person who shall monopolize,' etc., will be taken, as a matter of course, to mean only everyone subject to such legislation, not all that the legislator subsequently may be able to catch. In the case of the present statute, the improbability of the United States attempting to make acts done in Panama or Costa Rica criminal is obvious, yet the law begins by making criminal the acts for which it gives a right to sue. We think it entirely plain that what the defendant did in Panama or Costa Rica is not within the scope of the statute so far as the present suit is concerned. Other objections of a serious nature are urged, but need not be discussed.*
[*American Banana Co. v. U.S. Fruit*, 213 U.S. 347 at 357-358]

*"The canon of construction which teaches that legislation of Congress, unless a contrary intent appears, is meant to apply only within the territorial jurisdiction of the United States, *Blackmer v. United States*, supra, at 437, is a valid approach whereby unexpressed congressional intent may be ascertained. It is based on the assumption that Congress is primarily concerned with domestic conditions."*
[*Foley Brothers, Inc. v. Filardo*, 336 U.S. 281 (1949)]

*"**The laws of Congress in respect to those matters [outside of Constitutionally delegated powers] do not extend into the territorial limits of the states, but have force only in the District of Columbia, and other places that are within the exclusive jurisdiction of the national government.**"*
[*Caha v. U.S.*, 152 U.S. 211 (1894)]

"There is a canon of legislative construction which teaches Congress that, unless a contrary intent appears [legislation] is meant to apply only within the territorial jurisdiction of the United States."
[*U.S. v. Spelar*, 338 U.S. 217 at 222]

By “territory” above is meant TERRITORIES of the United States and not land subject to the exclusive jurisdiction of a state of the Union.

"The word 'territory,' when used to designate a political organization has a distinctive, fixed, and legal meaning under the political institutions of the United States, and does not necessarily include all the territorial possessions of the United States, but may include only the portions thereof which are organized and exercise governmental functions under act of congress."

"While the term 'territory' is often loosely used, and has even been construed to include municipal subdivisions of a territory, and 'territories of the' United States is sometimes used to refer to the entire domain over which the United States exercises dominion, the word 'territory,' when used to designate a political organization, has a distinctive, fixed, and legal meaning under the political institutions of the United States, and the term 'territory' or 'territories' does not necessarily include only a portion or the portions thereof which are organized and exercise government functions under acts of congress. The term 'territories' has been defined to be political subdivisions of the outlying dominion of the United States, and in this sense the term 'territory' is not a description of a definite area of land but of a political unit governing and being governed as such. The question whether a particular subdivision or entity is a territory is not determined by the particular form of government with which it is, more or less temporarily, invested.

"Territories' or 'territory' as including 'state' or 'states.'" While the term 'territories of the' United States may, under certain circumstances, include the states of the Union, as used in the federal Constitution and in ordinary acts of congress "territory" does not include a foreign state.

"As used in this title, the term 'territories' generally refers to the political subdivisions created by congress, and not within the boundaries of any of the several states."

[86 Corpus Juris Secundum (C.J.S.), Territories, §1 (2003)]

Congress can only reach "persons" via civil law by their consent expressed in the following form:

1. They must choose a civil domicile within exclusive federal jurisdiction on federal territory to be subject to federal civil law...AND
2. They must apply for a license or run for a public office, both of which are federal franchises. All franchises are implemented with the civil statutory law of the NATIONAL but not FEDERAL government.

Unless and until they have done the above, they are NOT statutory "persons" under federal law and cannot be reached by the civil law of the national government. The Constitution protects states of the Union and all those domiciled therein by ensuring that nearly all federal legislation cannot reach beyond federal territory and is therefore legislatively "foreign" and "alien" in relation to the states. That is why we allege that the word "INTERNAL" within the phrase "INTERNAL Revenue Service" only relates to activities and offices executed on federal territory by federal officers. However, there are places where the Constitution does not apply, such as:

1. In a foreign country.
2. In a territory or possession of the United States. See 4 U.S.C. §110(d).

People in any of the above circumstances don't have any rights to protect, but only statutorily granted privileges and franchises. The U.S. Supreme Court recognized this when it held the following:

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

1 All legitimate governments are established primarily to protect private rights of those who expressly CONSENT to be
2 protected. However, that protection is only mandated by the Constitution and by law in places where the Constitution
3 applies. The Constitution, in turn attaches to the land and not to your status as a “person”, “citizen”, or “resident”
4 (alien). The Constitution doesn’t travel with you wherever you go but instead attaches to the land you are standing on at
5 the moment you receive an injury to your rights. THAT is why the Constitution calls itself “the law of the land”.

6 *“There could be no doubt as to the correctness of this conclusion, so far, at least, as it applied to the District*
7 *of Columbia. This District had been a part of the states of Maryland and [182 U.S. 244, 261] Virginia. It had*
8 *been subject to the Constitution, and was a part of the United States[***]. The Constitution had attached to it*
9 *irrevocably. There are steps which can never be taken backward. The tie that bound the states of Maryland*
10 *and Virginia to the Constitution could not be dissolved, without at least the consent of the Federal and state*
11 *governments to a formal separation. The mere cession of the District of Columbia to the Federal government*
12 *relinquished the authority of the states, but it did not take it out of the United States or from under the aegis*
13 *of the Constitution. Neither party had ever consented to that construction of the cession. If, before the*
14 *District was set off, Congress had passed an unconstitutional act affecting its inhabitants, it would have been*
15 *void. If done after the District was created, it would have been equally void; in other words, Congress could not*
16 *do indirectly, by carving out the District, what it could not do directly. The District still remained a part of the*
17 *United States, protected by the Constitution. Indeed, it would have been a fanciful construction to hold that*
18 *territory which had been once a part of the United States ceased to be such by being ceded directly to the*
19 *Federal government.”*
20 *[Downes v. Bidwell, 182 U.S. 244 (1901)]*

21 Former President William Howard Taft, the person most responsible for the introduction and ratification of the Sixteenth
22 Amendment, understood these concepts well when he made the following ruling as a U.S. Supreme Court Chief Justice
23 after leaving the office of President:

24 *“It is locality that is determinative of the application of the Constitution, in such matters as judicial procedure,*
25 *and not the status of the people who live in it.”*
26 *[Balzac v. Porto Rico, 258 U.S. 298 (1922)]*

27 The Constitution protects your rights by making them “unalienable” in relation to the government. The Declaration of
28 Independence declares that these rights are “unalienable”.

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

34 Below is the definition of “unalienable”:

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

37 The implication of the above is that it is ILLEGAL for you to bargain away any of your constitutional rights to a real, de
38 jure government through any commercial process. Franchises are a commercial process that exchanges PRIVATE rights
39 for PUBLIC privileges. Therefore, franchises cannot lawfully be offered within states of the Union without violating
40 organic/fundamental law and may only be offered where rights do not exist within the meaning of the Constitution, which
41 is federal territory or a foreign country.

42 Let’s examine this restriction even further. The Constitution requires that the federal government must protect the states of
43 the Union from invasion by “foreigners”.

44 *United States Constitution*
45 *Article IV: States Relations, Section 4.*

46 *The United States shall guarantee to every State in this Union a Republican Form of Government, and shall*
47 *protect each of them against Invasion; and on Application of the Legislature, or of the Executive (when the*
48 *Legislature cannot be convened) against domestic Violence.*

49 Well, guess what? The District of Columbia is “foreign” for the purposes of legislative jurisdiction with respect to people
50 domiciled in states of the Union.

1 "The United States government is a foreign corporation with respect to a state."
2 [19 Corpus Juris Secundum (C.J.S.), Corporations, §§883-884 (2003);
3 SOURCE: <http://famguardian.org/TaxFreedom/CitesByTopic/UnitedStates-19CJS883to884.pdf>]

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

9 *Foreign States*: "Nations outside of the United States...Term may also refer to another state; i.e. a sister state.
10 The term 'foreign nations', ...should be construed to mean all nations and states other than that in which the
11 action is brought; and hence, one state of the Union is foreign to another, in that sense."
12 [*Black's Law Dictionary*, Sixth Edition, p. 648]

13 *Foreign Laws*: "The laws of a foreign country or sister state."
14 [*Black's Law Dictionary*, Sixth Edition, p. 647]

15 Certainly, any attempt by the general government to offer franchises that destroy, regulate, and tax rights protected by the
16 Constitution within legislatively "foreign" states of the Union would constitute an "invasion" within the meaning of Article
17 4, Section 4 of the Constitution and an unconstitutional act of Treason. Our Bible dictionary says on the subject of "taxes"
18 that they constitute an act of war against a hostile state, in fact. In older times, "taxes" were called "tribute". Nearly all
19 such "taxes" and "tribute" are collected as franchise taxes:

20 "**TRIBUTE**. Tribute in the sense of an impost paid by one state to another, as a mark of subjugation, is a
21 common feature of international relationships in the biblical world. The tributary could be either a hostile state
22 or an ally. Like deportation, its purpose was to weaken a hostile state. Deportation aimed at depleting the
23 man-power. The aim of tribute was probably twofold: to impoverish the subjugated state and at the same time
24 to increase the conqueror's own revenues and to acquire commodities in short supply in his own country. As
25 an instrument of administration it was one of the simplest ever devised: the subjugated country could be made
26 responsible for the payment of a yearly tribute. Its non-arrival would be taken as a sign of rebellion, and an
27 expedition would then be sent to deal with the recalcitrant. This was probably the reason for the attack
28 recorded in Gn. 14.
29 [*New Bible Dictionary*, Third Edition. Wood, D. R. W., Wood, D. R. W., & Marshall, I. H. 1996, c1982, c1962;
30 InterVarsity Press: Downers Grove]

31 The U.S. Supreme Court recognized that the central government cannot lawfully offer licenses or franchises within a state
32 of the Union without violating the Constitution when it held the following:

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

38 But very different considerations apply to the internal commerce or domestic trade of the States. Over this
39 commerce and trade Congress has no power of regulation nor any direct control. This power belongs
40 exclusively to the States. No interference by Congress with the business of citizens transacted within a State
41 is warranted by the Constitution, except such as is strictly incidental to the exercise of powers clearly granted
42 to the legislature. The power to authorize a business within a State is plainly repugnant to the exclusive power
43 of the State over the same subject. It is true that the power of Congress to tax is a very extensive power. It is
44 given in the Constitution, with only one exception and only two qualifications. Congress cannot tax exports, and
45 it must impose direct taxes by the rule of apportionment, and indirect taxes by the rule of uniformity. Thus
46 limited, and thus only, it reaches every subject, and may be exercised at discretion. But, it reaches only existing
47 subjects. Congress cannot authorize [e.g. LICENSE, using a Social Security Number (SSN) or Taxpayer
48 Identification Number (TIN)] a trade or business [per 26 U.S.C. §7701(a)(26)] within a State in order to tax
49 it."
50 [*License Tax Cases*, 72 U.S. 462, 18 L.Ed. 497, 5 Wall. 462, 2 A.F.T.R. 2224 (1866)]

51 **12.3 Status declarations that make you party to contracts, franchises, or government "benefits"**

52 The Constitution protects your right to contract by requiring that no state may enact any law that impairs your right to
53 contract.

54 United States Constitution
55 Article I, Section 10

No State shall . . . pass any Bill of Attainder, ex post facto Law, or Law impairing the Obligation of Contracts, or grant any Title of Nobility.

Implicit in the meaning of “impair”, includes the following:

1. Dictating the terms of the contract.
2. Compelling either party to act as an agent of the state called a “public officer” under the terms of the contract against their will. For instance, when you sell real property, the Federal Investment in Real Property Transfer Act, 26 U.S.C. §§897 and 1445, requires the Buyer to withhold or deduct on the Seller an income tax and thereby to act as an assessor and collector of income tax. Congress cannot delegate its authority to tax to a private citizen and it resides ONLY in the legislative branch. That requirement can only pertain to public officers already serving in the legislative branch of the government before they entertained a real estate transaction. See:

Income Taxation of Real Estate Sales, Form #05.044
<http://sedm.org/Forms/FormIndex.htm>

3. Compelling you to make a state a party to any aspect of a contract between otherwise private parties. This amounts to theft of property, because all rights are property and the conveyance of rights under the agreement without consideration is a theft of property.
4. Compelling you to donate any portion of the consideration passing between the private parties to a public use, a public purpose, or a public office within the government and thereby subject it to taxation. All sales taxes, in fact, occur only on federal territory and the decision as a vendor to collect them amounts to consent to become a resident of federal territory. See, for instance, California Revenue and Taxation Code, Section 6017.
5. Refusing to enforce any provision of the contract that is not violative of the criminal law and therefore not already unenforceable. This amounts to a violation of constitutionally protected rights through omission.
6. Compelling you to contract with the state or participate in any franchise, including, but not limited to:
 - 6.1. Social Security.
 - 6.2. Medicare.
 - 6.3. Income taxes.
 - 6.4. Sales taxes.
 - 6.5. Property taxes.
 - 6.6. Unemployment insurance.

In support of the above, the U.S. Supreme Court has held the following:

“Surely the matters in which the public has the most interest are the supplies of food and clothing; yet can it be that by reason of this interest the state may fix the price [impair the contract!] at which the butcher must sell his meat, or the vendor of boots and shoes his goods? Men are endowed by their Creator with certain unalienable rights, -life, liberty, and the pursuit of happiness; and to ‘secure,’ not grant or create, these rights, governments are instituted. That property which a man has honestly acquired he retains full control of, subject to these limitations: First, that he shall not use it to his neighbor's injury, and that does not mean that he must use it for his neighbor's benefit; second, that if he devotes [donates it] it to a public use, he gives to the public a right to control that use; and third, that whenever the public needs require, the public may take it upon payment of due compensation.”
[Budd v. People of State of New York, 143 U.S. 517 (1892)]

An example of a status associated with a government franchise is the status of being “married”:

1. The rights of the parties associated with that civil status attach to the marriage contract.
2. The DEFAULT marriage contract, in turn, is codified in the family code of the state. That code is subject to continual revision by the legislature. You can replace or circumvent that DEFAULT marriage contract only through private contract between the spouses.
3. The collection of all the rights affected by the contract is called a “res” by the courts:

“It is universally conceded that a divorce proceeding, in so far as it affects the status of the parties, is an action in rem. 19 Cor. Jur. 22, § 24; 3 Freeman on Judgments (5th Ed.) 3152. It is usually said that the ‘marriage status’ is the res. Both parties to the marriage, and the state of the residence of each party to the marriage, has an interest in the marriage status. In order that any court may obtain jurisdiction over an action for divorce that court must in some way get jurisdiction over the res (the marriage status). The early cases assumed that such jurisdiction was obtained when the petitioning party was properly domiciled in the jurisdiction. Ditson v. Ditson, 4 R. I. 87, is the leading case so holding; see, also, Andrews v. Andrews, 188 U.S. 14, 23 S.Ct. 237, 47 L.Ed. 366.”
[Delanoy v. Delanoy, 216 Cal. 27, 13 P.2d. 719 (CA. 1932)]

1 4. The “res” is defined as follows:

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

10 *Res is everything that may form an object of rights and includes an object, subject-matter or status. In re*
11 *Riggle's Will, 11 A.D.2d. 51 205 N.Y.S.2d. 19, 21, 22. The term is particularly applied to an object, subject-*
12 *matter, or status, considered as the defendant in an action, or as an object against which, directly,*
13 *proceedings are taken. Thus, in a prize case, the captured vessel is “the res”; and proceedings of this*
14 *character are said to be in rem. (See In personam; In Rem.) “Res” may also denote the action or proceeding,*
15 *as when a cause, which is not between adversary parties, is entitled “In re _____”.*
16 *[Black's Law Dictionary, Sixth Edition, pp. 1304-1306]*

- 17 5. The “res”, or rights created by the marriage contract are created by mutual, voluntary, informed consent of the parties
18 to the contract, meaning the act of executing a valid marriage.
19 6. The “res” extinguishes when the domicile of either party extinguishes because the state offering the franchise does not
20 have jurisdiction over BOTH parties to the contract and therefore cannot enforce its obligations against BOTH parties:

21 *“If marriage is a civil contract, whereby the domicile of the husband is the domicile of the wife, and whereby*
22 *the contract between them was to be located in that domicile, it is difficult to see how the absence in another*
23 *state of either party to such contract from the state where was located the domicile of the marriage could be*
24 *said to carry such contract to another state, even if we were to concede that an idea, a mental apprehension,*
25 *or metaphysical existence could be transmuted so as to become capable of attaching to it some process of a*
26 *court, whereby it might be said to be under the exclusive jurisdiction of such court. If Mrs. McCreery could*
27 *carry that res in the state of Illinois, then Mr. McCreery had the same res in the state of South Carolina at*
28 *the same time. In other words, the same thing could be in two distinct places at one and the same time, which*
29 *res the courts of Illinois would have the power to control as if it were a physical entity, and which res the*
30 *courts of South Carolina would have the power, at the same moment of time, to control as if it were a*
31 *physical entity. Such a conclusion would be absurd. [. . .] The jurisdiction which every state possesses, to*
32 *determine the civil status and capacity of all of its inhabitants, involves authority to prescribe the conditions*
33 *on which proceedings which affect them may be commenced and carried on within its territory. The state, for*
34 *example, has absolute right to prescribe the conditions upon which the marriage relation [STATUS] between*
35 *its own citizens shall be created, and the causes for which it may be dissolved.*

36 [. . .]

37 *Charles W. McCreery, and Rhoda, his wife, whether it be said their contract should be governed by the laws*
38 *of the state of New York, where the marriage was solemnized, or whether of the state of South Carolina,*
39 *which was the husband's domicile, and where he is still domiciled, and where the marriage was to be*
40 *performed, never agreed that their rights, duties, and liabilities as husband or wife should be determined by*
41 *the state of Illinois, or that the determination of these rights, duties, and liabilities might be had in an action*
42 *for divorce for saevitia, where service upon either of them might be made by publication; and when,*
43 *therefore, a judgment of this last-named state was rendered in an action to which Charles W. McCreery was*
44 *no real party, such judgment was a nullity as to him.*

45 *[McCreery v. Davis, 44 S.C. 195, 28 L.R.A. 655, 22 S.E. 178, 51 Am. St. Rep. 794 (S.C., 1895)]*

- 46 7. A valid marriage usually requires a public ceremony, accompanied by witnesses, and which the parties attended
47 voluntarily and without duress. The presence of duress at the ceremony invalidates the contract and thereby destroys
48 the “res”.
49 8. The parties to the licensed marriage contract include the two spouses AND the government. Hence, those who obtain
50 STATE marriages using the DEFAULT marriage contract in effect are practicing criminal polygamy, because they are
51 marrying not only each other, but the STATE as well. An unlicensed marriage using a PRIVATE contract removes the
52 State as party so you avoid ILLEGAL polygamy with the state:

53 *JUSTICE MAAG delivered the opinion of the court: This action was brought in April of 1993 by Carolyn and*
54 *John West (grandparents) to obtain visitation rights with their grandson, Jacob Dean West. Jacob was born*
55 *January 27, 1992. He is the biological son of Ginger West and Gregory West, Carolyn and John's deceased*
56 *son...*

However, this constitutionally protected parental interest is not wholly without limit or beyond regulation. Prince v. Commonwealth of Massachusetts, 321 U.S. 158, 166, 88 L.Ed. 645, 64 S.Ct. 438, 442 (1944). "[T]he state has a wide range of power for limiting parental freedom and authority in things affecting the child's welfare." Prince, 321 U.S. at 167, 88 L.Ed. 645, 64 S.Ct. at 442. In fact, the entire familial relationship involves the State. When two people decide to get married, they are required to first procure a license from the State. If they have children of this marriage, they are required by the State to submit their children to certain things, such as school attendance and vaccinations. Furthermore, if at some time in the future the couple decides the marriage is not working, they must petition the State for a divorce. Marriage is a three-party contract between the man, the woman, and the State. Linneman v. Linneman, 1 Ill. App. 2d 48, 50, 116 N.E.2d. 182, 183 (1953), citing Van Koten v. Van Koten, 323 Ill. 323, 326, 154 N.E. 146 (1926). The State represents the public interest in the institution of marriage. Linneman, 1 Ill.App. 2d at 50, 116 N.E.2d. at 183. This public interest is what allows the State to intervene in certain situations to protect the interests of members of the family. The State is like a silent partner in the family who is not active in the everyday running of the family but becomes active and exercises its power and authority only when necessary to protect some important interest of family life. Taking all of this into consideration, the question no longer is whether the State has an interest or place in disputes such as the one at bar, but it becomes a question of timing and necessity. Has the State intervened too early or perhaps intervened where no intervention was warranted? This question then directs our discussion to an analysis of the provision of the Act that allows the challenged State intervention (750 ILCS 5/607(b) (West 1996)). [West v. West, 689 N.E.2d. 1215 (1998)]

Nearly all civil statutory law passed by government may be enforced only against those engaged in "public conduct" as public officers within the government. This is exhaustively proven by the following:

1. Why Statutory Civil Law is Law for Government and Not Private Persons, Form #05.037
<http://sedm.org/Forms/FormIndex.htm>
2. Why Your Government is Either a Thief or You are a "Public Officer" for Income Tax Purposes, Form #05.008
<http://sedm.org/Forms/FormIndex.htm>
3. Proof That There Is a "Straw Man", Form #05.042
<http://sedm.org/Forms/FormIndex.htm>

As the above authorities clearly demonstrate, nearly all civil laws passed by government are crafted in such a way that all the following statuses are synonyms for what is actually a "public office" within the government and describe the status of the office itself, rather than the human being holding said office or who is surety for said office:

1. "citizen" or "resident".
2. "person", "individual", "trust", or "estate".
3. Franchisee such as a "taxpayer" in the case of income taxes under I.R.C. Subtitle A.
4. Franchisees such as "beneficiaries" within the Social Security Act.
5. "United States", which both 26 U.S.C. §7701(a)(9) and (a)(10) and 26 U.S.C. §864(c)(3) confirm is the government and not the geographical states of the Union.

TITLE 26 > Subtitle F > CHAPTER 79 > Sec. 7701. [Internal Revenue Code]
Sec. 7701. - Definitions

(a) When used in this title, where not otherwise distinctly expressed or manifestly incompatible with the intent thereof—

(9) United States

The term "United States" when used in a geographical sense includes only the States and the District of Columbia.

(10) State

The term "State" shall be construed to include the District of Columbia, where such construction is necessary to carry out provisions of this title.

Uniform Commercial Code (U.C.C.)
§ 9-307. LOCATION OF DEBTOR.

(h) [Location of United States.]

The United States is located in the District of Columbia.

[SOURCE:

[http://www.law.cornell.edu/ucc/search/display.html?terms=district%20of%20columbia&url=/ucc/9/article9.htm#s9-307\]](http://www.law.cornell.edu/ucc/search/display.html?terms=district%20of%20columbia&url=/ucc/9/article9.htm#s9-307)

6. "State", which is a federal territory and/or a federal corporation under federal law, rather than a sovereign state of the Union pursuant to 4 U.S.C. §110(d), 26 U.S.C. §7701(a)(10), and the following:

At common law, a "corporation" was an "artificial perso[n] endowed with the legal capacity of perpetual succession" consisting either of a single individual (termed a "corporation sole") or of a collection of several individuals (a "corporation aggregate"). 3 H. Stephen, *Commentaries on the Laws of England* 166, 168 (1st Am. ed. 1845). The sovereign was considered a corporation. See *id.*, at 170; see also 1 W. Blackstone, *Commentaries* *467. Under the definitions supplied by contemporary law dictionaries, Territories would have been classified as "corporations" (and hence as "persons") at the time that 1983 was enacted and the Dictionary Act recodified. See *W. Anderson, A Dictionary of Law* 261 (1893) ("All corporations were originally modeled upon a state or nation"); *I J. Bouvier, A Law Dictionary Adapted to the Constitution and Laws of the United States of America* 318-319 (11th ed. 1866) ("In this extensive sense the United States may be termed a corporation"); *Van Brocklin v. Tennessee*, 117 U.S. 151, 154 (1886) ("The United States is a . . . great corporation . . . ordained and established by the American people") (quoting *United* [495 U.S. 182, 202] *States v. Maurice*, 26 F. Cas. 1211, 1216 (No. 15,747) (CC Va. 1823) (Marshall, C. J.)); *Cotton v. United States*, 11 How. 229, 231 (1851) (United States is "a corporation"). See generally *Trustees of Dartmouth College v. Woodward*, 4 Wheat. 518, 561-562 (1819) (explaining history of term "corporation"). [Ngraingas v. Sanchez, 495 U.S. 182 (1990)]

Consequently, when you fill out a form describing or declaring or associating yourself with any of the above statuses or as a "person" domiciled or resident in any of the above, indirectly the form you are filling out constitutes all the following, regardless of what it actually says:

1. An application or request to occupy a public office in the government.
2. An application for "benefits" under the terms of an existing government franchise agreement.
3. A waiver of sovereign immunity under the Foreign Sovereign Immunities Act (FSIA), 28 U.S.C. §1605(a)(2), which requires that those who engage in commerce within the legislative jurisdiction of the sovereign waive their sovereign immunity and their sovereignty and become a "person" or "resident" within the jurisdiction they are doing business in.
4. A disclosure of the de facto license number to act in the capacity as a public officer. That license number is called a Taxpayer Identification Number (T.I.N.) or a Social Security Number (S.S.N.).
5. A request to donate any property described on the form or connected with the de facto license number to a public use, a public office, and a public purpose in order to procure "benefits" under the terms of the franchise agreement that governs the submission and processing of the "benefit" form.
6. Because the form contains a perjury oath, it represents an abdication of God as your sovereign Lord and the redirection of your allegiance, trust, and sponsorship to a new pagan deity and provider called government:

"The doctrine is, that allegiance cannot be due to two sovereigns [God v. Government]; and taking an oath of allegiance to a new [on government form using a perjury statement], is the strongest evidence of withdrawing allegiance from a previous, sovereign [GOD]...."
[Talbot v. Janson, 3 U.S. 133 (1795)]

"No servant can serve two masters [God and government]; 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]

"Again you have heard that it was said to those of old, 'You shall not swear falsely, but shall perform your oaths to the Lord.'

"But I say to you, do not swear at all [on government form, for instance, using a perjury oath]: neither by heaven, for it is God's throne; nor by the earth, for it is His footstool; nor by Jerusalem, for it is the city of the great King.

"Nor shall you swear by your head, because you cannot make one hair white or black.

"But let your 'Yes' be 'Yes,' and your 'No,' 'No.' For whatever is more than these is from the evil one. "
[Jesus in Matt. 5:33-37, Bible, NKJV]

In the above sense, all forms of governing franchises within the government represent an opportunity to contract with the government because they create opportunities for you to accept “benefits” and all the obligations or strings attached to the “benefits”:

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.

Since the Constitution forbids the government from compelling you to contract with them, then by implication, no one, and especially an officer of the government, may dictate your status on a government form in such a way that any of your Constitutionally protected rights are impaired or prejudiced in any way. If they do, they are engaged in theft and slavery in violation of the Fifth Amendment takings clause and the Thirteenth Amendment.

12.4 Compelled or Non-Consensual Changes to Your Status on Government Forms is a Tort

Those who are members of this ministry are required to refrain from submitting any government form, and especially tax forms. There are likely to be occasions where third parties may:

1. Attempt to compel members to submit a government form.
2. Attempt to determine what form is appropriate.
3. Attempt to dictate what may go on the form before it will be accepted.

Nearly all government forms are submitted under penalty of perjury, and especially tax forms. Consequently, if you are compelled to submit a government form containing information that you know is not true and to sign it under penalty of perjury, then the following criminal torts have occurred:

1. Witness tampering in violation of 18 U.S.C. §1512.
2. Subornation of perjury in violation of 18 U.S.C. §1622.
3. Perjury in violation of 18 U.S.C. §§1001 and 1621.
4. Perjury in violation of 18 U.S.C. §1542 if the form is a passport application.

Below is an example of effective language we recommend that discourages others from trying to coach or advise you on what to put on a government form that is signed under penalty of perjury and which asks you about your citizenship status. This comes from our USA Passport Application Attachment, Form #06.007:

This form is provided as a mandatory attachment to U.S. Department of State form DS-11 or DS-82 in order to carefully define my citizenship status and legal domicile. The attached DS-11 or DS-82 passport application is INVALID and not useful as evidence in any legal proceeding WITHOUT this mandatory attachment also included in its entirety with no information altered or redacted on either the DS-11, DS-82, or this form by anyone other than me.

I sincerely apologize in advance for any extra work, effort, or inconvenience this attachment might have on your work schedule. I don't hate you or any government and I thank you for the important service you provide to us all. I know you, the recipient, work hard and I don't want to force you to have to work even harder. My intention is not to hurt you, make you feel inferior, or make more work for you, but to sincerely and vigilantly ensure that ALL laws are scrupulously known, applied, and obeyed by both myself and all who handle my application and all information connected with it. This is a fulfillment of the U.S. Supreme Court's requirement that:

"All persons in the United States are chargeable with knowledge of the Statutes-at-Large....[I]t is well established that anyone who deals with the government assumes the risk that the agent acting in the government's behalf has exceeded the bounds of his authority,"
[Bollow v. Federal Reserve Bank of San Francisco, 650 F.2d. 1093 (9th Cir. 1981)]

"Every man [including employees of the department of state] is supposed to know the law. A party who makes a contract with an officer [of the government or claims a status

that makes him a party to a franchise contract] without having it reduced to writing is knowingly accessory to a violation of duty on his part. Such a party aids in the violation of the law.”
[[Clark v. United States, 95 U.S. 539 \(1877\)](#)]

The reason why it is necessary for me to attach this form to the passport application form is that there are certain terms used on the form which have multiple legal contents and meanings, yet, no provisions are provided on the form for the applicant to indicate which one of the multiple legal meanings applies to the applicant. This leaves undue discretion to any judge or government bureaucrat to make unfounded presumptions about the meaning and context that are injurious to my constitutional rights.

“To avoid an arbitrary discretion in the courts, it is indispensable that they should be bound down by strict rules [of statutory construction and interpretation] and precedents, which serve to define and point out their duty in every particular case that comes before them.”
[Federalist Paper No. 78, Alexander Hamilton]

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

Also, there are certain terms used on the passport application form which are not defined either statutorily or on the form itself. The use of undefined or general terms is the main means of effecting unconstitutional arbitrary power and fraud upon the public.

“Dolus versatur generalibus. **A deceiver deals in generals.** 2 Co. 34.”
“Fraus latet in generalibus. **Fraud lies hid in general expressions.**”
Generale nihil certum implicat. **A general expression implies nothing certain.** 2 Co. 34.
[[Bouvier's Maxims of Law, 1856](#)]

Therefore, this attached form is necessary to remove the DELIBERATE ambiguity contained on the passport application form. Without the clarifications contained in this form, it would be possible for you to misconstrue my status as that of a statutory “citizen of the United States” pursuant to [8 U.S.C. §1401](#), resulting in me becoming the undeserving subject of unjust, illegal, and unconstitutional government enforcement activities. A statutory “U.S. citizen” cannot be a “foreign sovereign” by virtue of their statutory citizenship as described in [28 U.S.C. §1603\(b\)\(3\)](#) and I do not wish to forfeit the same sovereign immunity that the government itself enjoys under the concept of equal protection and equal treatment.

I also wish to prevent crimes that could result from making presumptions about my status. The following crimes inevitably will result if any status OTHER than that documented here is presumed by the Recipient:

1. Perjury or subornation of perjury pursuant to [18 U.S.C. §1542](#), [18 U.S.C. §1001](#), and [18 U.S.C. §1621](#).
2. Human trafficking pursuant to [18 U.S.C. Chapter 77](#), which is effected by withholding or taking identity documents from those abroad or intending to go abroad such as myself, and using withholding the documents as an excuse to impose government peonage to pay off the public debt or become surety for such debt. The civil or statutory statuses and obligations I am avoiding are the obligations being involuntarily imposed through the passport application process.
3. Compelled use of identifying numbers under [42 U.S.C. §408\(a\)\(8\)](#).
4. Identity theft under [42 U.S.C. §405\(c\)\(2\)\(C\)\(i\)](#), [42 U.S.C. §408\(a\)\(7\)](#), [18 U.S.C. §1028\(a\)\(7\)](#), and [18 U.S.C. §1028A](#) for the commercial abuse of my identity for the gain of the government without my consent. I hope you don't intend to force me to consent to criminal identity theft on your party merely to obtain an identity document, and to do so under the “auspices” of trying to provide protection I don't consent to or need. That would be the most egregious and ironic injury of all;
5. Impersonating a STATUTORY “national and citizen of the United States” under [18 U.S.C. §911](#). State citizens cannot declare themselves to be a statutory “citizen of the United States” pursuant to [8 U.S.C. §1401](#).
6. The offering or enforcing of national franchises in a constitutional State. Statutory “U.S. citizen” status is a franchise status that has been made the subject of the income tax in 26 U.S.C. §1, and the U.S. Supreme Court has held in the License Tax Cases that Congress cannot authorize a “trade or business” (such as “U.S. citizen” under 8 U.S.C. §1401) in a state in order to tax it. The License Tax Cases were a response to attempts to institute the first income tax in states of the Union in 1862, during the Civil War.

Applicant doesn't ever want to be a criminal by saying anything on a government form that I know either isn't true or which I can't prove with legally admissible evidence is true. The submission of this form is therefore provided at the advice of my counsel as an act of self-defense intended to protect my constitutional rights from being injured by false presumptions, being coerced under unlawful duress to engage in compelled association, or from having my legal identity kidnapped and moved to the District of Columbia pursuant to 26 U.S.C. §§7701(a)(39) and 7408(d) without my consent. It constitutes the same type of liability limitation and protection that you use against me during the passport application process. You refuse to provide your full legal birthname, interfere with taking pictures at the facility during the application process that might document your coercion, refuse to provide a return number to call you personally, refuse to corresponding with me by email or in writing, etc. If you can limit your liability, then so can I under the concept of equal protection and equal treatment. Otherwise, "United States" is an unconstitutional Title of Nobility.

DO NOT therefore attempt to:

1. Contact me to persuade me to change my citizenship or domicile status as documented on this form or to change any answer provided on the attached DS-11 or DS-82 form.
2. Remove, redact, or disassociate this form with the attached forms DS-11, DS-82, or DS-71 form(s).

Doing either of the above will cause you to engage in a criminal conspiracy to tamper with a witness in violation of 18 U.S.C. §1512 and to commit all of the crimes documented above. The penalty for violating these statutes is up to 25 years in jail. If you have a problem with my status as documented herein, please in your response copy this form and complete Section 11 of this form and send the completed signed form back to me.

[USA Passport Application Attachment, Form #06.007]

12.5 Federal Declaratory Judgment Act, 28 U.S.C. §2201(a)

The federal Declaratory Judgments Act, 28 U.S.C. §2201, allows federal courts to declare the rights and status of parties who petition for a declaratory judgment. It exempts from its jurisdiction your status under the tax code:

United States Code
TITLE 28 - JUDICIARY AND JUDICIAL PROCEDURE
PART VI - PARTICULAR PROCEEDINGS
CHAPTER 151 - DECLARATORY JUDGMENTS
Sec. 2201. Creation of remedy

(a) In a case of actual controversy within its jurisdiction, except with respect to Federal taxes other than actions brought under section 7428 of the Internal Revenue Code of 1986, a proceeding under section 505 or 1146 of title 11, or in any civil action involving an antidumping or countervailing duty proceeding regarding a class or kind of merchandise of a free trade area country (as defined in section 516A(f)(10) of the Tariff Act of 1930), as determined by the administering authority, any court of the United States, upon the filing of an appropriate pleading, may declare the rights and other legal relations of any interested party seeking such declaration, whether or not further relief is or could be sought. Any such declaration shall have the force and effect of a final judgment or decree and shall be reviewable as such.

Consistent with the federal Declaratory Judgments Act, federal courts who have been petitioned to declare a litigant to be a "taxpayer" have declined to do so and have cited the above act as authority:

Specifically, Rowen seeks a declaratory judgment against the United States of America with respect to "whether or not the plaintiff is a taxpayer pursuant to, and/or under 26 U.S.C. §7701(a)(14) ." (See Compl. at 2.) This Court lacks jurisdiction to issue a declaratory judgment "with respect to Federal taxes other than actions brought under section 7428 of the Internal Revenue Code of 1986," a code section that is not at issue in the instant action. See 28 U.S.C. §2201; see also Hughes v. United States, 953 F.2d. 531, 536-537 (9th Cir. 1991) (affirming dismissal of claim for declaratory relief under § 2201 where claim concerned question of tax liability). Accordingly, defendant's motion to dismiss is hereby GRANTED, and the instant action is hereby DISMISSED.
[Rowen v. U.S., 05-3766MMC. (N.D.Cal. 11/02/2005)]

The implications of the above are that:

1. The federal courts have no lawful delegated authority to determine or declare whether you are a "taxpayer".
2. If federal courts cannot directly declare you a "taxpayer", then they also cannot do it indirectly by, for instance:
 - 2.1. Presuming that you are a "taxpayer".
 - 2.2. Calling you a "taxpayer" before you have called yourself one.
 - 2.3. Arguing with you if you rebut others from calling you a "taxpayer".

2.4. Treating you as a “taxpayer” if you provide evidence to the contrary by enforcing any provision of the I.R.C. Subtitle A “taxpayer” franchise agreement against you as a “nontaxpayer”.

“Revenue Laws relate to taxpayers [instrumentalities, officers, employees, and elected officials of the national Government] and not to non-taxpayers [non-citizen nationals domiciled within the exclusive jurisdiction of a state of the Union and not subject to 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.”
[Economy Plumbing & Heating v. U.S., 470 F.2d. 585 (1972)]

Authorities supporting the above include the following:

“**It is almost unnecessary to say, that what the legislature cannot do directly, it cannot do indirectly. The stream can mount no higher than its source. The legislature cannot create corporations with illegal powers, nor grant unconstitutional powers to those already granted.**”
[Gelpcke v. City of Dubuque, 68 U.S. 175, 1863 WL 6638 (1863)]

“**Congress cannot do indirectly what the Constitution prohibits directly.**”
[Dred Scott v. Sandford, 60 U.S. 393, 1856 WL 8721 (1856)]

“In essence, the district court used attorney’s fees in this case as an alternative to, or substitute for, punitive damages (which were not available). **The district court cannot do indirectly what it is prohibited from doing directly.**”
[Simpson v. Sheahan, 104 F.3d. 998, C.A.7 (Ill.) (1997)]

“**It is axiomatic that the government cannot do indirectly (i.e. through funding decisions) what it cannot do directly.**”
[Com. of Mass. v. Secretary of Health and Human Services, 899 F.2d. 53, C.A.1 (Mass.) (1990)]

“Almost half a century ago, this Court made clear that the government “may not enact a regulation providing that no Republican ... shall be appointed to federal office.” *Public Workers v. Mitchell*, 330 U.S. 75, 100, 67 S.Ct. 556, 569, 91 L.Ed. 754 (1947). What the *78 **First Amendment precludes the government**2739 from commanding directly, it also precludes the government from accomplishing indirectly. See Perry, 408 U.S., at 597, 92 S.Ct., at 2697 (citing Speiser v. Randall, 357 U.S. 513, 526, 78 S.Ct. 1332, 1342, 2 L.Ed.2d. 1460 (1958)); see supra, at 2735.**”
[Rutan v. Republican Party of Illinois, 497 U.S. 62, 110 S.Ct. 2729, U.S.Ill. (1990)]

“Similarly, **numerous cases have held that governmental entities cannot do indirectly that which they cannot do directly. See *841 Board of County Comm’rs v. Umbehr, 518 U.S. 668, 674, 116 S.Ct. 2342, 135 L.Ed.2d. 843 (1996) (holding that the First Amendment protects an independent contractor from termination or prevention of the automatic renewal of his at-will government contract in retaliation for exercising his freedom of speech); El Dia, Inc. v. Rossello, 165 F.3d. 106, 109 (1st Cir.1999) (holding that a government could not withdraw advertising from a newspaper which published articles critical of that administration because it violated clearly established First Amendment law prohibiting retaliation for the exercising of freedom of speech); North Mississippi Communications v. Jones, 792 F.2d. 1330, 1337 (5th Cir.1986) (same).** The defendants violated clearly established Due Process and First Amendment law by boycotting the plaintiffs’ business in an effort to get them removed from the college.”
[Kinney v. Weaver, 111 F.Supp.2d. 831, E.D.Tex. (2000)]

12.6 Membership in a Specific Class, Status, or Group As a Cause for Loss of Rights

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, 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’s 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 ; *Wildenhuis' 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. They have only certain privileges which the law, or custom, gives them. Permanent residents are those who have been given the right of perpetual residence. They are a sort of citizen of a less privileged character, and are subject to the society without enjoying all its advantages. Their children succeed to their status; for the right of perpetual residence given them by the State passes to their children."
[*The Law of Nations, Vattel*, Book 1, Chapter 19, Section 213, p. 87]

So the ONLY thing left that they can be talking about above that might cause a VOLUNTARY surrender of rights are franchises, which are then defined as temporary GRANTS of government property, keeping in mind that RIGHTS are also property. On this website, we use the term "franchise" and "privilege" interchangeably. We have never seen a court ruling that distinguishes the two, and privilege is used in the definition, so they are synonymous for all practical purposes. Below is the definition:

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

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

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

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

Exclusive Franchise. See Exclusive Privilege or Franchise.

General and Special. The charter of a corporation is its “general” franchise, while a “special” franchise consists in any rights granted by the public to use property for a public use but-with private profit. Lord v. Equitable Life Assur. Soc., 194 N.Y. 212, 87 N.E. 443, 22 L.R.A. (N.S.) 420. [Black’s Law Dictionary, Fourth Edition, pp. 786-787]

Note the phrase “**which does not belong to citizens of country generally of common right**”, meaning that it does NOT apply EQUALLY to everyone in society, but only a SUBSET of people in the society. How then does one join this SUBSET that are participants in the franchise, one might ask? The answer is that you must have government property or even statutory privileges in “your hands” to prove that you are a “subject” of the franchise. But WHAT SPECIFIC property exactly are they referring to?

The word “privilege” in the above definition is a code word for grants of government property. A “grant” is a temporary loan of property with usually civil legal strings or conditions or obligations attached. The property can be demanded to be returned at any time by the grantor, which would then constitute a revocation of the franchise. Here is an example of the use of these two words as synonyms by the same court quoted in the lead post:

“We have repeatedly held that the Federal Government may impose appropriate conditions on the use of federal property or privileges and may require that state instrumentalities comply with conditions that are reasonably related to the federal interest in particular national projects or programs. See, e. g., *Ivanhoe Irrigation Dist. v. McCracken*, 357 U.S. 275, 294-296 (1958); *Oklahoma v. Civil Service Comm’n*, 330 U.S. 127, 142 -144 (1947); *United States v. San Francisco*, 310 U.S. 16 (1940); cf. *National League of Cities v. Usery*, 426 U.S. 833, 853 (1976); *Fry v. United States*, 421 U.S. 542 (1975). A requirement that States, like all other users, pay a portion of the costs of the benefits they enjoy from federal programs is surely permissible since it is closely related to the [435 U.S. 444, 462] federal interest in recovering costs from those who benefit and since it effects no greater interference with state sovereignty than do the restrictions which this Court has approved.”
[*Massachusetts v. United States*, 435 U.S. 444 (1978); SOURCE:
https://scholar.google.com/scholar_case?case=16842193024599209893]

Later in the Munn Case, the same court obtusely admits that this is exactly what they are doing:

“The compensation which the owners of property, not having any special rights or privileges from the government in connection with it, may demand for its use, or for their own services in union with it, forms no element of consideration in prescribing regulations for that purpose.

[. . .]

“It is only where some right or privilege [which are GOVERNMENT PROPERTY] is conferred by the government or municipality upon the owner, which he can use in connection with his property, or by means of which the use of his property is rendered more valuable to him, or he thereby enjoys an advantage over others, that the compensation to be received by him becomes a legitimate matter of regulation. Submission to the regulation of compensation in such cases is an implied condition of the grant, and the State, in exercising its power of prescribing the compensation, only determines the conditions upon which its concession shall be enjoyed. When the privilege ends, the power of regulation ceases.”
[*Munn v. Illinois*, 94 U.S. 113 (1877); SOURCE:
https://scholar.google.com/scholar_case?case=6419197193322400931]

“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); SOURCE:
https://scholar.google.com/scholar_case?case=6419197193322400931]

So, the source of the government’s ability to enact civil legislation that regulates otherwise private, constitutionally protected property is the receipt and grant of government property of one kind or another with civil legal strings attached. That property can take the following forms listed:

[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.

The context for the lead quote then is that membership implies receipt of at least one of the above types of government property, which includes government offices, public property, loans, grants, benefits, and contracts, all of which are property. So we must then ask ourself:

1. What SPECIFIC type of “membership” are they talking about in the lead post?
2. How is it measured and identified and proven with evidence in court?
3. Why didn’t they IDENTIFY IN THE RULING HOW to identify when and how membership was pursued by the target of the enforcement action or regulation? Are they trying to hide it?
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 custody or “benefit” of the recipient. But HOW exactly can we prove with evidence that it is “IN YOUR HANDS”, because that in fact is exactly and only HOW you become a “subject” as they call it.

The answer is that they are talking about civil statuses under franchises to which privileges (public rights), or obligations are attached. In other words, to find the NAME of the “membership” they are talking about, you look in the definition section of the civil statutes which regulate and find definitions for various types of civil “persons” to whom the obligations attach, such as “driver” (under the vehicle code), “spouse” (under the family code), “citizen” or “resident” or “taxpayer” under the tax code, “person” (under civil statutes). Each of these civil statuses is what the U.S. Supreme court calls a “class”, and only members of that class are targeted to both RECEIVE the privilege (public right) AND to have the liability described. Here 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 modern era was declared UNCONSTITUTIONAL:

“The income tax law under consideration is marked by discriminating features which affect the whole law. It discriminates between those who receive an income of four thousand dollars and those who do not. It thus vitiates, in my judgment, by this arbitrary discrimination, the whole legislation. Hamilton says in one of his papers, (the *Continentalist*,) “the genius of liberty reprobates everything arbitrary or discretionary in taxation. It exacts that every man, by a definite and general rule, should know what proportion of his property the State demands; whatever liberty we may boast of in theory, it cannot exist in fact while [arbitrary] assessments continue.” 1 Hamilton’s Works, ed. 1885, 270. The legislation, in the discrimination it makes, is class legislation. **Whenever a distinction is made in the burdens a law imposes or in the benefits it confers on any citizens by reason of their birth, or wealth, or religion, it is class legislation, and leads inevitably to oppression and abuses, and to general unrest and disturbance in society [e.g. wars, political conflict, violence, anarchy].** It was hoped and believed that the great amendments to the Constitution which followed the late civil war had rendered such legislation impossible for all future time. But the objectionable legislation reappears in the act under consideration. It is the same in essential character as that of the English income statute of 1691, which taxed Protestants at a certain rate, Catholics, as a class, at double the rate of Protestants, and Jews at another and separate rate. Under wise and constitutional legislation every citizen should contribute his proportion, however small the sum, to the support of the government, and it is no kindness to urge any of our citizens to 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); SOURCE: https://scholar.google.com/scholar_case?case=7292056596996651119]

Note the use of the word "discriminates". This is a sign that they are talking about a VOLUNTARY franchise to which you must be a member to be the target of the UNCONSTITUTIONAL tax, which they call "class legislation". The DISTINCTION they are talking about is the CIVIL STATUS of the group targeted for the tax, instead of treating everyone equally. That status, in the case of the Internal Revenue Code is STATUTORY "citizen", STATUTORY "resident", "nonresident alien" (Form #05.020), "person" (Form #08.023), and "taxpayer". Each of these civil statutory statuses have a different subset of privileges (public rights) and corresponding obligations under the I.R.C. Since those privileges and obligations are not equal for every one of these statuses, then based on Pollock above, the tax code is "class legislation". Another name for that is FRANCHISES. Franchises are also sometimes called "special law":

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

VOLUNTARY franchises are the main method of creating INEQUALITY, implementing "special law", and violating what the above case calls "uniformity". When INEQUALITY is present, UNIFORMITY cannot be present because the tax discriminates against certain classes while not taxing others or taxing them at a reduced rate. Below is an example of this phenomenon:

"Revenue Laws relate to taxpayers [instrumentalities, officers, employees, and elected officials of the national 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.](#)

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

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:

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-Tax2-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:

1. **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>
2. **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, Form #04.404](https://sedm.org/product/why-the-federal-income-tax-is-a-privilege-tax-on-government-property-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/BouviersMaxims.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 themself 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

1 Congress cannot establish public offices within the exclusive jurisdiction of the states of the Union to tax them,
2 according to the [License Tax Cases, 72 U.S. 462, 18 L.Ed. 497, 68 S.Ct. 331 \(1866\)](#).

3 12. Continue to be a “national of the United States*” (Form #05.006) and not lose their CONSTITUTIONAL
4 citizenship while filing form 1040NR. See [26 U.S.C. §873\(b\)\(3\)](#). They do NOT need to “expatriate” their
5 nationality to file as a “nonresident alien” and will not satisfy the conditions in [26 U.S.C. §877](#) (expatriation to
6 avoid tax). Expatriation is loss of NATIONALITY, and NOT loss of STATUTORY “citizen” status under [8 U.S.C.](#)
7 [§1401](#).

8 13. If they submit a Form W-8 to control withholding and revoke Form W-4, then they:

9 13.1. Can submit [SSA Form 7008](#) to correct their SSA earnings to zero them out. See [SEDM Form #06.042](#).

10 13.2. Can use [IRS Form 843](#) to request a full refund or abatement of all FICA and Medicare taxes withheld if
11 the employer or business associate continues to file W-2 forms or withhold against your wishes. See [SEDM](#)
12 [Form #06.043](#).

13 14. Are eligible to replace the SSN with a TEMPORARY International Taxpayer Identification Number (ITIN)
14 that expires AUTOMATICALLY every year and is therefore NOT permanent and changes. If you previously
15 applied for an SSN and were ineligible to participate, you can terminate the SSN and replace it with the ITIN. If
16 you can’t prove you were ineligible for Social Security, then they will not allow you to replace the SSN with an
17 ITIN. See:

18 14.1. [Form W-7](#) for the application.

19 14.2. [Understanding Your IRS Individual Taxpayer Identification Number, Publication 1915](#)

20 14.3. [Why You Aren’t Eligible for Social Security, Form #06.001](#) for proof that no one within the exclusive
21 jurisdiction of a constitutional state of the Union is eligible for Social Security.

22 15. Must file the paper version of IRS Form 1040NR, because there are no electronic online providers that
23 automate the preparation of the form or allow you to attach the forms necessary to submit a complete and
24 accurate return that correctly reflects your status. This is in part because the IRS doesn’t want to make it easy
25 or convenient to leave their slave plantation.

26 16. Is a SUBSET of “nonresident aliens” who are not required to have or to use Social Security Numbers
27 (SSNs) or Taxpayer Identification Numbers (TINs) in connection with tax withholding or reporting. They are
28 expressly exempted from this requirement by:

29 16.1. [31 C.F.R. §1020.410\(b\)\(3\)\(x\)](#).

30 16.2. [26 C.F.R. §301.6109-1\(b\)\(2\)](#).

31 16.3. [W-8BEN Inst. p. 1,2,4,5 \(Cat 25576H\)](#).

32 16.4. [Instructions for the Requesters of Forms W-8BEN, W-8BEN-E, W-8ECI, W-8EXP, and W-8IMY, p. 1,2,6](#)
33 [\(Cat 26698G\)](#).

34 16.5. [Pub 515 Inst. p. 7 \(Cat. No 16029L\)](#).

35 More on SSNs and TINs at:

36 [About SSNs and TINs on Government Forms and Correspondence, Form #05.012](#)

37 [About SSNs and TINs on Government Forms and Correspondence, Form #04.104](#)

38 [SEDM Disclaimer, Section 4.24: “non-resident non-person”; SOURCE:

39

40 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/>

41 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/>

42 If you want to read the Shepards Report on all the cases that cite Munn v. Illinois, see the following. This is a hugely
43 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

44 For those readers interested in exploring their constitutional rights, the private property that they constitute, and how that
45 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 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]

And HERE is how this THIEVERY and enslavement by the Beast Babylon Whore is described by ITSELF!

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

This is VERY serious business, folks!



Lastly, if you the reader find anything inaccurate in this article, please immediately bring it to our attention through our 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 subject our research on this subject to thorough peer review so that it can be continually improved. We don’t censor or “cancel” people on this website, as the opponent described above tried to do to us or as the left makes a PROFESSION out of doing.

13 Defending Yourself against involuntary changes to your civil status by governments

13.1 You have a right to define words on government forms or even make your own forms

The purpose of government forms is almost exclusively to create usually false presumptions that prejudice your status, forfeit usually a Constitutional right, and connect you to some form of government franchise in the process. As we pointed

out earlier in section 13.3.1, presumptions about your status are a constitutional tort if engaged in by anyone from the government. The Bible also makes presumptions a sin:

"But the person who does anything presumptuously, whether he is native-born or a stranger, that one brings reproach on the Lord, and he shall be cut off from among his people."
[Numbers 15:30, Bible, NKJV]

Those who are Christians therefore owe a duty God not to engage in presumptions and not to encourage, condone, or participate in presumptions by others. This is why gossip is a biblical sin, by the way. Consequently, they have a corresponding duty and a RIGHT to define every word that appears on any government form they fill out that is undefined or whose definition is not legally admissible as evidence in order to prevent being victimized by presumptions about the meaning of words used on the form. This, we might add, is not only an act of self-defense, but a "religious practice" of all Christians who take their faith and God's law seriously and which is protected by the First Amendment to the Constitution. Why is this important? Because:

1. The IRS says you can't and shouldn't rely on anything they publish or print, which means anything on any one of their forms or publications or on their website:

"IRS Publications, issued by the National Office, explain the law in plain language for taxpayers and their advisors... While a good source of general information, publications should not be cited to sustain a position."
[Internal Revenue Manual (I.R.M.), Section 4.10.7.2.8 (05-14-1999)]

2. Private publications also confirm the above:

p. 21: "As discussed in §2.3.3, the IRS is not bound by its statements or positions in unofficial pamphlets and publications."

p. 34: "6. IRS Pamphlets and Booklets. The IRS is not bound by statements or positions in its unofficial publications, such as handbooks and pamphlets."

p. 34: "7. Other Written and Oral Advice. Most taxpayers' requests for advice from the IRS are made orally. Unfortunately, the IRS is not bound by answers or positions stated by its employees orally, whether in person or by telephone. According to the procedural regulations, 'oral advice is advisory only and the Service is not bound to recognize it in the examination of the taxpayer's return.' 26 C.F.R. §601.201(k)(2). In rare cases, however, the IRS has been held to be equitably estopped to take a position different from that stated orally to, and justifiably relied on by, the taxpayer. The Omnibus Taxpayer Bill of Rights Act, enacted as part of the Technical and Miscellaneous Revenue Act of 1988, gives taxpayers some comfort, however. It amended section 6404 to require the Service to abate any penalty or addition to tax that is attributable to advice furnished in writing by any IRS agent or employee acting within the scope of his official capacity. Section 6404 as amended protects the taxpayer only if the following conditions are satisfied: the written advice from the IRS was issued in response to a written request from the taxpayer; reliance on the advice was reasonable; and the error in the advice did not result from inaccurate or incomplete information having been furnished by the taxpayer. Thus, it will still be difficult to bind the IRS even to written statements made by its employees. As was true before, taxpayers may be penalized for following oral advice from the IRS."

[Tax Procedure and Tax Fraud, Patricia Morgan, 1999, ISBN 0-314-06586-5, West Group]

3. The courts have also repeatedly held that you cannot rely on anything a government employee tells you or which the government prints as a reasonable basis for belief.

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

Lecroy 's proposition that the statements in the handbook were binding is inapposite to the accepted law among the circuits that publications are not binding."^{fn15} We find that the Commissioner did not abuse his

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

4. The Courts have also said you can't rely on anything the government or the IRS says. See [Boulez v. C.I.R., 258 U.S.App.D.C. 90, 810 F.2d. 209 \(1987\)](#).

Consequently, there is no reason to believe that you understand the meaning of words used on government forms and it is a hazard to your liberty to allow or permit a government employee to ASSUME that they know what the words mean either. Words that would fall into such a category include all the following "words of art", for instance:

1. "United States"
2. "State"
3. "income"
4. "employee"
5. "employer"
6. "trade or business"
7. "wages"
8. "gross income"

Not even the Internal Revenue Code, in fact, counts as evidence upon which to base a belief about what the above words mean. 1 U.S.C. §204 indicates that the entire title is "prima facie evidence", which means that it is nothing more than a "presumption":

[TITLE 1 > CHAPTER 3 > § 204](#)
[§ 204. Codes and Supplements as evidence of the laws of United States and District of Columbia; citation of Codes and Supplements](#)

In all courts, tribunals, and public offices of the United States, at home or abroad, of the District of Columbia, and of each State, Territory, or insular possession of the United States—

(a) United States Code.—

The matter set forth in the edition of the Code of Laws of the United States current at any time shall, together with the then current supplement, if any, establish prima facie the laws of the United States, general and permanent in their nature, in force on the day preceding the commencement of the session following the last session the legislation of which is included: Provided, however, That whenever titles of such Code shall have been enacted into positive law the text thereof shall be legal evidence of the laws therein contained, in all the courts of the United States, the several States, and the Territories and insular possessions of the United States

Below is the definition of "prima facie":

"Prima facie. *Lat.* At first sight; on the first appearance; on the face of it; so far as can be judged from the first disclosure; **presumably; a fact presumed to be true unless disproved by some evidence to the contrary.** *State ex rel. Herbert v. Whims*, 68 Ohio.App. 39, 28 N.E.2d. 596, 599, 22 O.O. 110. See also *Presumption*" [Black's Law Dictionary, Sixth Edition, p. 1189]

The courts have repeatedly held that presumptions are not evidence. Therefore anything that is "prima facie" is not evidence and a court cannot by its own authority turn a presumption into evidence without violating due process of law:

This court has never treated a presumption as any form of evidence. See, e.g., A.C. Aukerman Co. v. R.L. Chaides Constr. Co., 960 F.2d. 1020, 1037 (Fed.Cir.1992) ("[A] presumption is not evidence."); see also Del Vecchio v. Bowers, 296 U.S. 280, 286, 56 S.Ct. 190, 193, 80 L.Ed. 229 (1935) ("[A presumption] cannot acquire the attribute of evidence in the claimant's favor."); New York Life Ins. Co. v. Gamer, 303 U.S. 161, 171, 58 S.Ct. 500, 503, 82 L.Ed. 726 (1938) ("[A] presumption is not evidence and may not be given weight as

evidence.”). Although a decision of this court, Jensen v. Brown, 19 F.3d. 1413, 1415 (Fed.Cir.1994), dealing with presumptions in VA law is cited for the contrary proposition, the Jensen court did not so decide. [Routen v. West, 142 F.3d. 1434 C.A.Fed.,1998]

The entire Internal Revenue Code, Title 26 is “statutory law”, and anything that is a “statute” which creates presumption that prejudices a constitutionally protected right is a violation of due process of law by the party imposing or enforcing the statutory presumption to impair the rights of the litigants:

Statutes creating permanent irrebuttable presumptions have long been disfavored under the Due Process Clauses of the Fifth and Fourteenth Amendments. In Heiner v. Donnan, 285 U.S. 312, 52 S.Ct. 358, 76 L.Ed. 772 (1932), the Court was faced with a constitutional challenge to a federal statute that created a conclusive presumption that gifts made within two years prior to the donor's death were made in contemplation of death, thus requiring payment by his estate of a higher tax. In holding that this irrefutable assumption was so arbitrary and unreasonable as to deprive the taxpayer of his property without due process of law, the Court stated that it had ‘held more than once that a statute creating a presumption which operates to deny a fair opportunity to rebut it violates the due process clause of the Fourteenth Amendment.’ Id., at 329, 52 S.Ct., at 362. See, e.g., Schlesinger v. Wisconsin, 270 U.S. 230, 46 S.Ct. 260, 70 L.Ed. 557 (1926); Hooper v. Tax Comm'n, 284 U.S. 206, 52 S.Ct. 120, 76 L.Ed. 248 (1931). See also Tot v. United States, 319 U.S. 463, 468-469, 63 S.Ct. 1241, 1245-1246, 87 L.Ed. 1519 (1943); Leary v. United States, 395 U.S. 6, 29-53, 89 S.Ct. 1532, 1544-1557, 23 L.Ed.2d. 57 (1969). Cf. Turner v. United States, 396 U.S. 398, 418-419, 90 S.Ct. 642, 653-654, 24 L.Ed.2d. 610 (1970). [Vlandis v. Kline, 412 U.S. 441 (1973)]

Furthermore, the statutes that predated the Internal Revenue Code were all repealed when the Internal Revenue Code was first enacted in 1939. 53 Stat. 1, Section 4. See also:

SEDM Exhibit 1023, 53 Stat. 1
<http://sedm.org/Exhibits/ExhibitIndex.htm>

Therefore, the Statutes At Large prior to the enactment of the Internal Revenue Code in 1939 are also unreliable and not admissible as evidence of what the words mean because they are all repealed. Therefore, there is NO basis at all, even within any statute, upon which to base a “reasonable belief” about what the words appearing on tax forms REALLY mean! If you would like to learn more about what the government and the legal profession themselves say about this monumental scam and why the tax system is really little more than a state-sponsored religion regulating tithes to a state-sponsored church, see:

1. Reasonable Belief About Income Tax Liability, Form #05.007
<http://sedm.org/Forms/FormIndex.htm>
2. Socialism: The New American Civil Religion, Form #05.016
<http://sedm.org/Forms/FormIndex.htm>

Anyone who would therefore take a tax form that not even the IRS will guarantee the accuracy of and sign it under penalty of perjury as being truthful and accurate is a DAMN FOOL without at least defining each and every critical “word of art” appearing on the form in an attachment, and making the attachment an inseparable part of the form. Below is an example of a MANDATORY attachment that every member of this ministry must attach to any government tax form they fill out and submit which satisfies this purpose. We would argue that anyone who is a Christian owes a duty to God to attach the above form in order to prevent the sin of presumption on anyone’s part, and especially their own:

Tax Form Attachment, Form #04.201
<http://sedm.org/Forms/FormIndex.htm>

We therefore assert that:

1. Everyone has a right of self-defense. Implicit in that right is the right to define the meaning of what you say or put on government forms to prevent being injured by what you said or wrote.
2. The First Amendment guarantees us a right to:
 - 2.1. Speak
 - 2.2. Not speak.
 - 2.3. Define the intended meaning and significance of every word that we speak.

- 1 3. It is an unalienable right protected by the First Amendment to define and declare the MEANING and significance of
2 every word that proceeds out of our mouth.
3 3.1. Only the Creator of a thing can define its significance and relationship to the hearer or recipient of the thing.
4 3.2. The Creator of a thing is the OWNER of a thing. Implicit in the right of ownership is the right to EXCLUDE any
5 meaning that would commercially benefit the hearer.
6 3.3. No one may interfere with that right by redefining the words to contradict the definition or meaning intended by
7 the speaker. If they do, they are STEALING.
8 4. The moment that the hearer defines the speech to have a meaning not intended by the speaker or in conflict with the
9 way the speaker defined it is the minute that:
10 4.1. The speech ceases to be the responsibility or property of the “speaker”.
11 4.2. The hearer at that point then becomes exclusively responsible and the “owner” of their false perception of the
12 speech and the speaker then ceases to have any liability for the reaction of the hearer to the speech.
13 5. The only occasion where the hearer can have a reason or motive to define the words used by the speaker is when the
14 speaker does not define them him or her self.
15 6. In law rights are property and anything that creates rights is property. If speech is abused by the hearer to create legal
16 rights against you by attributing a status or intention to you that you did not have, then they are depriving you of the
17 use of your property using your own speech, which is your property. The very essence of owning “property” is the
18 right to exclude others from using or benefitting or enjoying it and to control HOW people use it. It’s not your speech
19 or your “property” if:
20 6.1. You can’t even define whether it is even factual and therefore reliable.
21 6.2. You can’t control how, when, or by whom it is used to advantage.
22 6.3. You can’t prevent others from using it against you.
23 7. It is an interference with your First Amendment right and an injury for anyone to interfere with your efforts to define
24 the words you use, and especially on government forms, by either penalizing you for defining the meaning of the
25 words or refusing to accept the form that includes definitions because:
26 7.1. They are interfering with your religious practice by forcing you to either engage in presumption, which is a sin, or
27 in encouraging others to engage in the sin.
28 7.2. They have deprived you of the right to communicate in the way you see fit. The essence of having a right is that
29 its exercise cannot be regulated or interfered with or else it isn’t a right but a privilege.
30 7.3. They are abusing PRESUMPTION to unconstitutionally establish a civil religion. That civil religion recognizes
31 or enforces an UNEQUAL relationship between you and the government, imputes SUPERNATURAL powers to
32 a government, and makes you a compelled “worshipper” of that religion who owes “tithes” called “taxes”. See:

Government Establishment of Religion, Form #05.038
<http://sedm.org/Forms/FormIndex.htm>

33 The IRS obviously knows the above, which is why they publish specifications on how you can make your OWN forms as a
34 substitute for theirs. As an example, see:

IRS Form W-8 Instructions for Requester of Forms W-8BEN, W-8ECI, W-8Exp, and W-8IMF, Catalog 26698G
<http://sedm.org/Forms/Tax/W-8BEN/IRSFormW-8Inst-RequesterOfForms-0506.pdf>

35 **13.2 You have a right to define the meaning of the perjury statement as an extension of your** 36 **right to contract**

37 Signing a perjury statement not only constitutes the taking of an oath, but also constitutes the conveying of consent to be
38 held accountable for the accuracy and truthfulness of what appears on the form. It therefore constitutes an act of
39 contracting that conveys consent and rights to the government to hold you accountable for the accuracy of what is on the
40 form. Governments are created to protect your right to contract and the Constitution forbids them from interfering with or
41 impairing the exercise of that inalienable right. Governments are created to ensure that every occasion you give consent or
42 contract is not coerced.

43 *"Independent of these views, there are many considerations which lead to the conclusion that the power to*
44 *impair contracts, by direct action to that end, does not exist with the general [federal] government. In the*
45 *first place, one of the objects of the Constitution, expressed in its preamble, was the establishment of justice,*
46 *and what that meant in its relations to contracts is not left, as was justly said by the late Chief Justice, in*
47 *Hepburn v. Griswold, to inference or conjecture. As he observes, at the time the Constitution was undergoing*
48 *discussion in the convention, the Congress of the Confederation was engaged in framing the ordinance for the*
49 *government of the Northwestern Territory, in which certain articles of compact were established between the*

people of the original States and the people of the Territory, for the purpose, as expressed in the instrument, of extending the fundamental principles of civil and religious liberty, upon which the States, their laws and constitutions, were erected. By that ordinance it was declared, that, in the just preservation of rights and property, 'no law ought ever to be made, or have force in the said Territory, that shall, in any manner, interfere with or affect private contracts or engagements bona fide and without fraud previously formed.' The same provision, adds the Chief Justice, found more condensed expression in the prohibition upon the States [in Article 1, Section 10 of the Constitution] against impairing the obligation of contracts, which has ever been recognized as an efficient safeguard against injustice; and though the prohibition is not applied in terms to the government of the United States, he expressed the opinion, speaking for himself and the majority of the court at the time, that it was clear 'that those who framed and those who adopted the Constitution intended that the spirit of this prohibition should pervade the entire body of legislation, and that the justice which the Constitution was ordained to establish was not thought by them to be compatible with legislation [or judicial precedent] of an opposite tendency.' 8 Wall. 623. [99 U.S. 700, 765] Similar views are found expressed in the opinions of other judges of this court." [Sinking Fund Cases, 99 U.S. 700 (1878)]

The presence of coercion, penalties, or duress of any kind in the process of giving consent renders the contract unenforceable and void.

"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. ²³ 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, ²⁴ and it is susceptible of ratification. Like other voidable contracts, it is valid until it is avoided by the person entitled to avoid it. ²⁵ 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. ²⁶" [American Jurisprudence 2d, Duress, §21 (1999)]

Any instance where you are required to give consent cannot be coerced or subject to penalty and must therefore be voluntary. Any penalty or threat of penalty in specifying the terms under which you provide your consent is an interference or impairment with your right to contract. This sort of unlawful interference with your right to contract happens all the time when the IRS illegally penalizes people for specifying the terms under which they consent to be held accountable on a tax form.

The perjury statement found at the end of nearly every IRS Form is based on the content of [28 U.S.C. §1746](#):

[TITLE 28 > PART V > CHAPTER 115 > § 1746](#)
[§1746. Unsworn declarations under penalty of perjury](#)

Wherever, under any law of the United States or under any rule, regulation, order, or requirement made pursuant to law, any matter is required or permitted to be supported, evidenced, established, or proved by the sworn declaration, verification, certificate, statement, oath, or affidavit, in writing of the person making the same (other than a deposition, or an oath of office, or an oath required to be taken before a specified official other than a notary public), such matter may, with like force and effect, be supported, evidenced, established, or proved by the unsworn declaration, certificate, verification, or statement, in writing of such person which is subscribed by him, as true under penalty of perjury, and dated, in substantially the following form:

(1) If executed without the United States: "I declare (or certify, verify, or state) under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on (date). (Signature)".

(2) If executed within the United States, its territories, possessions, or commonwealths: "I declare (or certify, verify, or state) under penalty of perjury that the foregoing is true and correct. Executed on (date). (Signature)".

²³ Brown v. Pierce, 74 U.S. 205, 7 Wall 205, 19 L.Ed. 134

²⁴ 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.

²⁵ 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)

²⁶ 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 term “United States” as used above means the territories and possessions of the United States and the District of Columbia and excludes states of the Union mentioned in the Constitution. Below is the perjury statement found on the IRS Form 1040 and 1040NR:

*“Under penalty of perjury, I declare that I have examined this return and accompanying schedules and statements, and to the best of my knowledge and belief, **they are true, correct, and complete.** Declaration of preparer (other than taxpayer) is based on all information of which preparer has any knowledge.”*
[IRS Forms 1040 and 1040NR jurat/perjury statement]

Notice, based on the above perjury statement, that:

1. You are a “taxpayer”. Notice it uses the words “(other than taxpayer)”. The implication is that you can’t use any standard IRS Form WITHOUT being a “nontaxpayer”. As a consequence, signing any standard IRS Form makes you a “taxpayer” and a “resident alien”. See:

Who are “Taxpayers” and Who Needs a “Taxpayer Identification Number”?, Form #05.013
<http://sedm.org/Forms/FormIndex.htm>

2. The perjury statement indicated in [28 U.S.C. §1746\(2\)](#) is assumed and established, which means that you are creating a presumption that you maintain a domicile on federal territory.

Those who want to avoid committing perjury under penalty of perjury by correcting the IRS form to reflect the fact that they are not a “taxpayer” and are not within the “United States” face an even bigger hurdle. If they try to modify the perjury statement to conform with [28 U.S.C. §1746\(1\)](#), frequently the IRS or government entity receiving the form will try to penalize them for modifying the form. The penalty is usually \$500 for modifying the jurat. This leaves them with the unpleasant prospect of choosing the lesser of the following two evils:

1. Committing perjury under penalty of perjury by misrepresenting themselves as a resident of the federal zone and destroying their sovereignty immunity in the process pursuant to [28 U.S.C. §1603\(b\)](#).
2. Changing the jurat statement, being the object of a \$500 penalty, and then risking having them reject the form.

How do we work around the above perjury statement at the end of most IRS Forms in order to avoid either becoming a “resident” of the federal “United States” or a presumed “taxpayer”? Below are a few examples of how to do this:

1. You can write a statement above the signature stating “signature not valid without the attached signed STATEMENT and all enclosures” and then on the attachment, redefine the ENTIRE perjury statement:

“IRS frequently and illegally penalizes parties not subject to their jurisdiction such as ‘nontaxpayers’ who attempt to physically modify language on their forms. They may only lawfully administer penalties to public officers and not private persons, because the U.S. Supreme Court has held that the ability to regulate private conduct is ‘repugnant to the constitution’. I, as a private person and a ‘nontaxpayer’ not subject to IRS penalties, am forced to create this attachment because I would be committing perjury if I signed the form as it is without making the perjury statement consistent with my circumstances as indicated in 28 U.S.C. §1746. Therefore, regardless of what the perjury statement says on your form, here is what I define the words in your perjury statement paragraph to mean:

*“Under penalties of perjury from without the ‘United States’ pursuant to 28 U.S.C. §1746(1), I declare that I have examined this return and accompanying schedules and statements, and to the best of my knowledge and belief, **they are true, correct, and complete.** I declare that I am a ‘nontaxpayer’ not subject to the Internal Revenue Code, not domiciled in the ‘United States’, and not participating in a ‘trade or business’ and that it is a Constitutional tort to enforce the I.R.C. against me. I also declare that any attempt to use the content of this form to enforce any provision of the I.R.C. against me shall render everything on this form as religious and political statements and beliefs rather than facts which are not admissible as evidence pursuant to Fed.Rul.Ev. 610.*

If you attempt to penalize me, you will be penalizing a person for refusing to commit perjury and will become an accessory to a conspiracy to commit perjury.”

2. You can write a statement above the signature stating “signature not valid without the attached signed STATEMENT and all enclosures” and then attach the following form:

Tax Form Attachment, Form #04.201
<http://sedm.org/Forms/FormIndex.htm>

3. You can make your own form or tax return and use whatever you want on the form. They can only penalize persons who use THEIR forms. If you make your own form, you can penalize THEM for misusing YOUR forms or the information on those forms. This is the approach taken by the following form. Pay particular attention to section 1 of the form:

Federal Nonresident Nonstatutory Claim for Return of Funds Unlawfully Paid to the Government -Long, Form #15.001
<http://sedm.org/Forms/FormIndex.htm>

13.3 Rebutting challenges or changes to your declaration of status by the government

13.3.1 Presumptions by others about your status unsupported by evidence are a tort

Your civil status is how to define your rights and standing in relation to others. All presumptions by the government which impair constitutionally protected rights are unconstitutional:

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

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

Likewise, statutes that create presumptions about your status are similarly impermissible:

Statutes creating permanent irrebuttable presumptions have long been disfavored under the Due Process Clauses of the Fifth and Fourteenth Amendments. In *Heiner v. Domman*, 285 U.S. 312, 52 S.Ct. 358, 76 L.Ed. 772 (1932), the Court was faced with a constitutional challenge to a federal statute that created a conclusive presumption that gifts made within two years prior to the donor's death were made in contemplation of death, thus requiring payment by his estate of a higher tax. In holding that this irrefutable assumption was so arbitrary and unreasonable as to deprive the taxpayer of his property without due process of law, the Court stated that it had 'held more than once that a statute creating a presumption which operates to deny a fair opportunity to rebut it violates the due process clause of the Fourteenth Amendment.' *Id.*, at 329, 52 S.Ct., at 362. See, e.g., *Schlesinger v. Wisconsin*, 270 U.S. 230, 46 S.Ct. 260, 70 L.Ed. 557 (1926); *Hooper v. Tax Comm'n*, 284 U.S. 206, 52 S.Ct. 120, 76 L.Ed. 248 (1931). See also *Tot v. United States*, 319 U.S. 463, 468-469, 63 S.Ct. 1241, 1245-1246, 87 L.Ed. 1519 (1943); *Leary v. United States*, 395 U.S. 6, 29-53, 89 S.Ct. 1532, 1544-1557, 23 L.Ed.2d. 57 (1969). Cf. *Turner v. United States*, 396 U.S. 398, 418-419, 90 S.Ct. 642, 653-654, 24 L.Ed.2d. 610 (1970). [Vlandis v. Kline, 412 U.S. 441 (1973)]

13.3.2 Calling your declaration of status "frivolous"

Those who lawfully deprive the government of jurisdiction and revenues by choosing their civil status carefully and accurately and truthfully declaring that status under penalty of perjury on government forms can and often are accused of being "frivolous" and may even be unlawfully penalized for doing so. It is important to remember that:

1. All such accusations and reactions to your declaration of status cannot and do not affect your status in the least.
2. The only thing that can effectively be used to challenge your declaration of status under penalty of perjury is a contradictory affidavit of equal or greater weight or authority signed under penalty of perjury by someone who has personal knowledge of your circumstances.

If you are penalized by a taxing authority, for instance, because they don't like your status declaration or the way you filled out a tax form, then we recommend using the following to respond:

Why Penalties are Illegal for Anything But Government Franchisees, Employees, Contractors, and Agents, Form #05.010
<http://sedm.org/Forms/FormIndex.htm>

If a court responds to your status declaration or determination by calling it "frivolous" or you expect that they will, we recommend the following resources:

1. Federal Pleading/Motion/Petition Attachment, Litigation Tool #01.002- this form defines the word “frivolous” as “truthful, accurate, and consistent with prevailing law”.
<http://sedm.org/Litigation/LitIndex.htm>
2. Responding to “Frivolous” Penalties or Accusations, Form #05.027
<http://sedm.org/Forms/FormIndex.htm>

14 Remedies for government identity theft, compelled association, compelled contracting (franchises), compelled false status declarations

Having thoroughly established by now that you have an unalienable right to contract, not contract, associate, and disassociate, the last thing we need to discuss are legal remedies provided for those who have been compelled to contract or associate by the government. This type of compulsion usually takes one or more of the following forms:

1. Being compelled to declare a specific status on a government form that you KNOW you do not have.
2. Not being provided with ALL the options available in the status block on a tax withholding form or not being allowed or threatened for submitting the correct form. This includes:
 - 2.1. Being compelled to submit an IRS Form W-4 for withholding instead of the proper IRS Form W-8. See:
About IRS Form W-8BEN, Form #04.202
<http://sedm.org/Forms/FormIndex.htm>
 - 2.2. Not being provided with the option for “nonresident” or “transient foreigner” in block 3 of the IRS Form W-8. The only option provided for human beings is “individual” and the ONLY individuals are public officers in the U.S. government. See:
Why Your Government is Either a Thief or You are a “Public Officer” for Income Tax Purposes, Form #05.008
<http://sedm.org/Forms/FormIndex.htm>
3. Being compelled to submit a resident tax form as a nonresident. For instance:
 - 3.1. Being compelled to submit an IRS Form 1040, which is a RESIDENT ALIEN tax form, as a condition of parole release for tax convictions when you are a NONRESIDENT.
 - 3.2. Being compelled to submit a driver license application as a NONRESIDENT of federal territory within the state, while only those who are RESIDENTS can lawfully apply.
4. Being compelled or threatened to provide a Social Security Number (SSN) or Taxpayer Identification Number (TIN) that you are NOT even eligible for as a prerequisite to getting a specific government service. See:
About SSNs and TINs on Government Forms and Correspondence, Form #05.012
<http://sedm.org/Forms/FormIndex.htm>
5. Being compelled to falsely declare yourself a statutory franchisee called a “taxpayer” on a tax form before they will give you any kind of administrative remedy for their violations of your constitutional rights. The withholding of remedies to nontaxpayers constitutes a bill of attainder AND a denial of equal protection of the laws.

14.1 False Presumptions About Your Status by Government Actors

The foundation of American jurisprudence is innocent until proven guilty WITH EVIDENCE:

The presumption of innocence plays a unique role in criminal proceedings. As Chief Justice Burger explained in his opinion for the Court in *Estelle v. Williams*, 425 U.S. 501 (1976): [507 U.S. 284]:

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).

To implement the presumption, courts must be alert to factors that may undermine the fairness of the factfinding process. In the administration of criminal justice, courts must carefully guard against dilution of the principle that guilt is to be established by probative evidence and beyond a reasonable doubt. In re Winship, 397 U.S. 358, 364 (1970). [425 U.S. 501, 504]
[*Delo v. Lashely*, 507 U.S. 272 (1993)]

The above presumption of innocence certainly applies in criminal tax proceedings.

In the context of government administrative enforcement, which is always civil in nature, government actors may not make any presumptions which impair constitutionally protected rights:

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

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

"The power to create presumptions is not a means of escape from constitutional restrictions," [New York Times v. Sullivan, 376 U.S. 254 (1964)]

Also, no statute may implement a permanent irrebuttable presumption:

"Statutes creating permanent irrebuttable presumptions have long been disfavored under the Due Process Clauses of the Fifth and Fourteenth Amendments. In Heiner v. Donnan, 285 U.S. 312, 52 S.Ct. 358, 76 L.Ed. 772 (1932), the Court was faced with a constitutional challenge to a federal statute that created a conclusive presumption that gifts made within two years prior to the donor's death were made in contemplation of death, thus requiring payment by his estate of a higher tax. In holding that this irrefutable assumption was so arbitrary and unreasonable as to deprive the taxpayer of his property without due process of law, the Court stated that it had 'held more than once that a statute creating a presumption which operates to deny a fair opportunity to rebut it violates the due process clause of the Fourteenth Amendment.' Id., at 329, 52 S.Ct., at 362. See, e.g., Schlesinger v. Wisconsin, 270 U.S. 230, 46 S.Ct. 260, 70 L.Ed. 557 (1926); Hoeper v. Tax Comm'n, 284 U.S. 206, 52 S.Ct. 120, 76 L.Ed. 248 (1931). See also Tot v. United States, 319 U.S. 463, 468-469, 63 S.Ct. 1241, 1245-1246, 87 L.Ed. 1519 (1943); Leary v. United States, 395 U.S. 6, 29-53, 89 S.Ct. 1532, 1544-1557, 23 L.Ed.2d. 57 (1969). Cf. Turner v. United States, 396 U.S. 398, 418-419, 90 S.Ct. 642, 653-654, 24 L.Ed.2d. 610 (1970). [Vlandis v. Kline, 412 U.S. 441 (1973)]

We emphasize that presumptions are NEITHER legally admissible evidence nor can they act as a SUBSTITUTE for legally admissible evidence. Every attempt to violate this requirement is a violation of due process of law. See:

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

14.2 **Burden of Proof Upon the Government in Civil Enforcement Proceedings**

The implications of the preceding section relating to presumptions are the following burden of proof upon government actors in the context of all civil enforcement proceedings:

1. Your property is presumed to be PRIVATE until the GOVERNMENT proves with evidence that you expressly and lawfully consented (on federal territory where inalienable rights do not exist) to convert it or some portion of it to PUBLIC. That means:
 - 1.1. You have a right to exclude EVERYONE else, including government, from using or benefitting from the use of your exclusively or absolutely owned PRIVATE 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).

- 1.2. They must demonstrate that it was lawfully converted from PRIVATE to PUBLIC by one of the following documented methods:

"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 for income] which a man has honestly acquired he retains full control of, subject to these limitations: First, that he shall not use it to his neighbor's injury, and that does not mean that he must use it for his neighbor's benefit [e.g. SOCIAL SECURITY, Medicare, and every other public "benefit"]; second, that if he devotes it to a public use, he gives to the public a right to control that use; and third, that whenever the public needs require, the public may take it upon payment of due compensation."

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

- 1.3. The above is summarized in the following:

"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.

- 1.4. If the government insists that it is not bound by the above requirements or property law, then they:

1.4.1. Have become "anarchists".

1.4.2. Are imputing superior or supernatural powers above everyone else to themselves.

1.4.3. Are Establishing an unconstitutional "Title of Nobility" to the term "U.S. Inc".

1.4.4. Are making themselves the object of religious obedience and worship, as the source of the supernatural powers. "Taxes" are the tithes to a state-sponsored church.

- 1.5. More on the above subject can be found at:

Separation Between Public and Private Course, Form #12.025

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

2. You are presumed to NOT BE LEGALLY ABLE to consent to anything a government wants to do to you any place other than on federal territory and in the context of your contractual obligations towards government.

- 2.1. This is the true significance of an "inalienable right" as described in the Declaration of Independence, which is organic law enacted in the first official act of Congress on page 1 of the Statutes at Large:

"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*]

- 2.2. The reason consent can lawfully be given on federal territory is because there are not constitutional rights to protect there:

"Indeed, the practical interpretation put by Congress upon the Constitution has been long continued and uniform to the effect [182 U.S. 244, 279] that the Constitution is applicable to territories acquired by purchase or conquest, only when and so far as Congress shall so direct. Notwithstanding its duty to 'guarantee to every

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

3. You are presumed to exclusively own your own body and all the fruits of that body and EXPRESSLY consent to share ownership and control with NO ONE until the GOVERNMENT proves you consented to give up a portion of that ownership. That consent can only lawfully (INALIENABLE RIGHTS) be given on federal territory and relate to property physically situated there. Otherwise, you are engaging in involuntary servitude in violation of the Thirteenth Amendment and aiding the government in violating the Declaration of Independence requirement for the CONSENT of the governed.

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

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

4. You are presumed to be PRIVATE until the GOVERNMENT proves you consented to become PUBLIC. The purpose of establishing government is to protect PRIVATE property, according to the Declaration of Independence. The first step in providing that protection is to prevent the conversion of PRIVATE property into PUBLIC property without the express consent of the owner. It is a violation of fiduciary duty for a public officer to undermine this protection:

"As expressed otherwise, the powers delegated [delegated by the Constitution and all statutes enacted in furtherance of it] 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. ²⁷ 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. ²⁸ That is, a public officer occupies a fiduciary relationship to the political entity on whose behalf he or she serves. ²⁹ and owes a fiduciary duty to the public. ³⁰ It has been said that the fiduciary

²⁷ State ex rel. Nagle v. Sullivan, 98 Mont. 425, 40P.2d. 995, 99 A.L.R. 321; Jersey City v. Hague, 18 N.J. 584, 115 A.2d. 8.

²⁸ 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.

²⁹ 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.

³⁰ 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

responsibilities of a public officer cannot be less than those of a private individual.³¹ 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.³²”
[63C American Jurisprudence 2d, Public Officers and Employees, §247 (1999)]

5. You are presumed to be a STATUTORY “nonresident” until the national GOVERNMENT as moving party proves that you are domiciled or physically present on federal territory.

“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)]

Foreign States: “Nations outside of the United States...Term may also refer to another state; i.e. a sister state. The term ‘foreign nations’, ...should be construed to mean all nations and states other than that in which the action is brought; and hence, one state of the Union is foreign to another, in that sense.”
[Black’s Law Dictionary, Sixth Edition, p. 648]

Foreign Laws: “The laws of a foreign country or sister state. In conflicts of law, the legal principles of jurisprudence which are part of the law of a sister state or nation. Foreign laws are additions to our own laws, and in that respect are called ‘jus receptum’.”
[Black’s Law Dictionary, Sixth Edition, p. 647]

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

- 5.1. Everything OUTSIDE the above “foreign corporation” is legislatively foreign from a civil statutory perspective. To become “domestic” requires that one must become a public officer within the corporation and therefore LEGALLY but not PHYSICALLY within that corporate fiction. That is also why the ONLY definition of “foreign” within the Internal Revenue Code relates to corporations.
- 5.2. This is a product of the separation of powers doctrine.
- 5.3. Federal Rule of Civil Procedure 17 says the civil law which is applicable is that of your legislatively foreign domicile, meaning state law. All law is prima facie territorial:

“It is a well established principle of law that all federal regulation applies only within the territorial jurisdiction of the United States unless a contrary intent appears.”
[Foley Brothers, Inc. v. Filardo, 336 U.S. 281 (1949)]

“The laws of Congress in respect to those matters [outside of Constitutionally delegated powers] do not extend into the territorial limits of the states, but have force only in the District of Columbia, and other places that are within the exclusive jurisdiction of the national government.”
[Caha v. U.S., 152 U.S. 211 (1894)]

“There is a canon of legislative construction which teaches Congress that, unless a contrary intent appears [legislation] is meant to apply only within the territorial jurisdiction of the United States.”
[U.S. v. Spelar, 338 U.S. 217 at 222]

“The foregoing considerations would lead, in case of doubt, to a construction of any statute as intended to be confined in its operation and effect to the territorial limits over which the lawmaker has general and legitimate power. ‘All legislation is prima facie territorial.’ Ex parte Blain, L. R. 12 Ch.Div. 522, 528; State v. Carter, 27 N.J.L. 499; People v. Merrill, 2 Park.Crim.Rep. 590, 596. Words having universal scope, such as ‘every contract in restraint of trade,’ ‘every person who shall monopolize,’ etc., will be taken, as a matter of course, to mean only everyone subject to such legislation, not all that the legislator subsequently may be able to catch [E.G. DECEIVE]. In the case of the present statute, the improbability of the United States attempting to make acts done in Panama or Costa Rica criminal is obvious, yet the law begins by making criminal the acts for which it gives a right to sue. We think it entirely plain that what the defendant did in Panama or Costa Rica

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).

³¹ 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.

³² 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).

is not within the scope of the statute so far as the present suit is concerned. Other objections of a serious nature are urged, but need not be discussed.”
[*American Banana Co. v. U.S. Fruit*, 213 U.S. 347 at 357-358]

6. You are presumed to be a “non-taxpayer” until the GOVERNMENT proves that you are a STATUTORY “taxpayer” as defined in 26 U.S.C. §7701(a)(14) domiciled on federal territory or representing a public office that is so domiciled under Federal Rule of Civil Procedure 17.
7. You are presumed to be a CONSTITUTIONAL person (meaning a man or woman) if you have a state mailing address and therefore NOT a STATUTORY “person” under most acts of national Congress. Nearly all statutory persons under ordinary acts of Congress are fictions of law and AGENTS AND OFFICERS OF THE NATIONAL GOVERNMENT.

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

“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)]

“The reason why States are “bodies politic and corporate” is simple: just as a corporation is an entity that can act [AND ENFORCE!] 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) (“[B]ody 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)]

For extensive proof that civil statutory laws only apply to officers or agents of the state, see:

- 7.1. *Proof That There Is a “Straw Man”*, Form #05.042
<http://sedm.org/Forms/FormIndex.htm>
- 7.2. *Why Statutory Civil Law is Law for Government and Not Private Persons*, Form #05.037
<http://sedm.org/Forms/FormIndex.htm>

Any attempt by a government to violate the above presumptions by treating you AS IF they are untrue should be forcefully challenged. The *Path to Freedom*, Form #09.015, Section 2 process ensures that all the above presumptions are established in your administrative record before any disputes or illegal enforcement occur, thus making any violation willful and knowing on the part of any and every government actor. That is why we insist on completing the Path to Freedom, Form #09.015, Section 2 process before you may engage us to help you with the “use” of our “tax information or services” in interacting with the de facto government. This ensures that you win the presumption war before the battle even begins.

14.3 Prosecuting government identity theft

1. Everyone who claims to be enforcing any government law is, by definition, a government actor, even if they work for an otherwise private entity. See:
 - 1.1. *Why Statutory Civil Law is Law for Government and Not Private Persons*, Form #05.037
<http://sedm.org/Forms/FormIndex.htm>
 - 1.2. *Proof That There Is a “Straw Man”*, Form #05.042
<http://sedm.org/Forms/FormIndex.htm>
2. If you are being told by a private company that you have to comply with a specific law, fill out a specific form, or fill it out in a specific way, and especially if they invoke a statute as authority for their demand, then:
 - 2.1. They are a government actor AND are trying to compel you to become one as well.
 - 2.2. If you are physically on land protected by the Constitution, they must OBEY the constitution even as a private company. This is proven by the State Action Doctrine of the U.S. Supreme Court.
3. Deception on government forms and rigging forms are the main method for committing government identity theft and changing your civil status without your consent. These abuses are described in:

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

4. The most prevalent type of government deception on government forms is to abuse “words of art” to deceive the hearer using “legalese”. This deception is exhaustively described in:

Legal Deception, Propaganda, and Fraud, Form #05.014

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

5. The following memorandum of law proves that any attempt to change your civil status without your consent is a criminal act of identity theft. It also provides remedies and tools for prosecuting such crimes.

Government Identity Theft, Form #05.046

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

6. Criminal conflicts of interest by government prosecutors, judges, jurists, administrators is the MAIN thing that protects the above types of abuses. If you want to ensure that you get a remedy for government identity theft, you MUST file criminal complaints you're your legal pleadings to FORCE the conflicted parties to speak about and prosecute their own attempts to interfere with remedies for the above. If not, judges are much more likely to criminally obstruct justice, censor the court record, censor you, and interfere with remedy. See:

Government Corruption: Causes and Remedies, Form #12.026

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

14.4 Administrative remedies

The main administrative remedy for preventing compulsion and preventing misrepresenting your status on government forms submitted to private third parties is to:

1. Keep in mind that most government forms are signed under penalty of perjury and therefore constitute "testimony of a witness". Warn the person instituting the duress of the criminal consequences of tampering with, influencing, or threatening such witnesses. Any attempt to influence, threaten, or intimidate the filer constitutes:
 - 1.1. Perjury in violation of 18 U.S.C. §1542, 18 U.S.C. §911, 18 U.S.C. §1001, and 18 U.S.C. §1621.
 - 1.2. Conspiracy to commit perjury.
 - 1.3. Criminal witness tampering in violation of 18 U.S.C. §1512 and state law.
2. Write on the form you are compelled to submit or sign

"Not valid, false, perjurious, and fraudulent without the following signed attachment included."

3. Including the appropriate attachment to the form from our website. For instance:

- 3.1. For compelled use of Social Security Numbers, include the following attachment:

Why It is Illegal for Me to Request or Use a Social Security Number, Form #04.205

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

- 3.2. For forms that ask for your citizenship, domicile, or "permanent address", include the following attachment:

Affidavit of Citizenship, Domicile, and Tax Status, Form #02.001

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

- 3.3. For tax forms, include the following attachment:

Tax Form Attachment, Form #04.201

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

- 3.4. For submissions to judicial tribunals, include the following attachment to the initial response or complaint:

Citizenship, Domicile, and Tax Status Options and Relationships, Form #10.003

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

4. If they refuse to accept the submission above with the attachment, delay the submission and send it to them certified mail with a proof of service several days BEFORE the in-person submission, and indicate that this submission replaces and is included by reference in ALL future submissions to them, and that a refusal to do so is a criminal conspiracy to commit perjury. Wait until you get the proof of service back and then go in and submit it in person. This will generate legal evidence of their conspiracy against your rights that you can use to procure judicial remedies described in the next section.

As far as developing the same kind of evidence in your direct interactions with the government, the following forms accomplish this as a mandatory part of the process of becoming a member. See Path to Freedom, Form #09.015, Section 2:

1. Legal Notice of Change in Domicile/Citizenship Records and Divorce from the United States, Form #10.001

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

2. Resignation of Compelled Social Security Trustee, Form #06.002

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

In conclusion, for further details on the content of this section, see:

1. *Avoiding Traps in Government Forms Course, Form #12.023* -common methods of committing identity theft using government forms
<http://sedm.org/Forms/FormIndex.htm>
2. *Path to Freedom*, Form #09.015, Section 5.4-mandates that you MUST define all terms on government forms to leave NO ROOM for a covetous public servant to PRESUME anything.
<http://sedm.org/Forms/FormIndex.htm>
3. *Requirement for Consent*, Form #05.003, Sections 9.1 and 11.2 – describes how to use the UCC to undermine the illegal or non-consensual enforcement of any government franchise.
<http://sedm.org/Forms/FormIndex.htm>
4. *Federal and State Tax Withholding Options for Private Employers*, Form #09.001, Section 24
<http://sedm.org/Forms/FormIndex.htm>
5. *Socialism: The New American Civil Religion*, Form #05.016, Section 16 –shows how to undermine the civil religion of socialism using the beast's own forms.
<http://sedm.org/Forms/FormIndex.htm>

14.5 Judicial remedies

On a basic level, any and every attempt to connect an otherwise EXCLUSIVELY PRIVATE human being to a civil status that they do not consent to violates every state constitution in the country because it converts PRIVATE rights and property into PUBLIC rights, property and franchises without the consent of the owner and therefore constitutes:

1. Eminent domain without compensation. Eminent domain without compensation violates every state compensation.
2. A violation of due process of law if officiated by a franchise court against a non-franchisee. There is no due process of law in a franchise court AND it is THEFT for a franchise court to hear a case against a non-franchisee. All they technically are allowed to do is DISMISS the case for lack of jurisdiction and NOT impair any of the rights of the non-franchisee.
3. THEFT, larceny, and even grand theft, because the economic value of the rights and property it usurps possession of is extreme.

Remedies for the above crimes and thefts vary based on the forum one intends to litigate. First of all we will summarize the main constraints to any remedy as we understand them:

1. 42 U.S.C. §1983 is only useful as a remedy against actors of a constitutional state who have deprived you of a constitutional right, meaning a right guaranteed by the Bill of Rights.
 - 1.1. The right must be vindicated ONLY in a federal court. The remedy is NOT available in state court.
 - 1.2. The remedy is NOT available against federal government actors.
 - 1.3. For further information, see:

Section 1983 Litigation, Litigation Tool #08.008
<http://sedm.org/Litigation/LitIndex.htm>

2. Bivens Actions are only useful in the case of wrongful search or seizure by federal actors in violation of the Fourth Amendment. They are not available against state actors. See *Bivens v. Six Unknown Federal Narcotics Agents*, 403 U.S. 388 (1971).
3. The first eight amendments to the United States Constitution are the ONLY thing needed to be cited as authority to civilly sue a federal actor who violated your constitutional rights. According to the U.S. Supreme Court, these amendments are “self-executing”, meaning that no federal statute need be invoked to avail oneself of their protections.

*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)]

4. Federal civil statutory law is limited to federal territory and those domiciled or resident on federal territory wherever physically situated. To cite or use any portion of it as a remedy while domiciled within a constitutional state is to:
 - 4.1. Confer unwarranted and unconstitutional jurisdiction to the court.
 - 4.2. Contradict yourself if you used the constitution as a basis to sue.
 - 4.3. Change the choice of law to federal law under Federal Rule of Civil Procedure 17 and remove all state law from consideration.
 - 4.4. For further details, see:
 - 4.4.1. *Federal Jurisdiction*, Form #05.018
<http://sedm.org/Forms/FormIndex.htm>
 - 4.4.2. *Why Statutory Civil Law is Law for Government and Not Private Persons*, Form #05.037
<http://sedm.org/Forms/FormIndex.htm>
5. The common law (case law) or the constitution are the only thing that can be cited as authority by a state domiciled exclusively private party.
 - 5.1. All cases cited MUST involve those similarly situated as you, meaning domiciled within a constitutional but not statutory "State", and not subject to federal civil law.
 - 5.2. Any citation of any other case constitutes kidnapping, misuse of case law for political purposes, and a violation of due process of law.

We have prepared the following table listing identity theft criminal statutes for all 50 states. You can use these as a start for your remedy:

Table 2: Criminal Identity Theft Statutes by Jurisdiction

JurName	AuthorityTypes.AuthTitle	LegalCite
Alabama	Crime: Identity Theft	C.O.A. Title 13A, Article 10
Alaska	Crime: Identity Theft	A.S. § 11.46.160
Arizona	Crime: Identity Theft	A.R.S. §13-2006
California	Crime: Identity Theft	Penal Code §484.1
Colorado	Crime: Identity Theft	C.R.S. §18-5-902
Connecticut	Crime: Identity Theft	C.G.S.A. §53a-129a to 53a-129c
Delaware	Crime: Identity Theft	D.C. Title 11, Section 854
Florida	Crime: Identity Theft	F.S. §817.568, 831.29
Georgia	Crime: Identity Theft	O.C.G.A. §16-9-121
Hawaii	Crime: Identity Theft	H.R.S. §708-839.6
Illinois	Crime: Identity Theft	720 ILCS 5/16-30
Indiana	Crime: Identity Theft	I.C. §35-43-5-3.5
Iowa	Crime: Identity Theft	I.C. §714.16B
Kansas	Crime: Identity Theft	K.R.S. §21-4018
Kentucky	Crime: Identity Theft	K.R.S. §514.160;K.R.S. §532.034
Louisiana	Crime: Identity Theft	RS §14:67.16
Maine	Crime: Identity Theft	17-A M.R.S. §905-A
Maryland	Crime: Identity Theft	M.C. §8-301
Massachusetts	Crime: Identity Theft	266 G.L.M. §37E
Minnesota	Crime: Identity Theft	M.S. § 609.527
Mississippi	Crime: Identity Theft	M.C. §97-19-85, 97-45-19
Missouri	Crime: Identity Theft	M.R.S. §570.223
Montana	Crime: Identity Theft	M.C.A. §§ 45-6-332
Nebraska	Crime: Identity Theft	N.R.S. §28-639

JurName	AuthorityTypes.AuthTitle	LegalCite
New Hampshire	Crime: Identity Theft	N.H.R.S. §638:26
New Jersey	Crime: Identity Theft	N.J.S.A. §2C:21-17
New Mexico	Crime: Identity Theft	N.M.S.A. §30-16-21.1; N.M.S. §30-16-24.1
New York	Crime: Identity Theft	General Business Code 380-S; Penal Code §190.78
North Carolina	Crime: Identity Theft	N.C.G.S. §14-113.20
Ohio	Crime: Identity Theft	O.R.C. §2913.49
Oklahoma	Crime: Identity Theft	21 O.S. § 1533.1
Oregon	Crime: Identity Theft	O.R.S. §165.803
Pennsylvania	Crime: Identity Theft	18 Pa.C.S.A. §4120
Rhode Island	Crime: Identity Theft	G.L.R.I. §11-18-20.1, 11-49.1-3
South Carolina	Crime: Identity Theft	S.C.C.O.L. §16-13-450, 510
South Dakota	Crime: Identity Theft	S.D.C.L. §22-40-8
Tennessee	Crime: Identity Theft	T.C. §39-14-150, 39-16-303
Texas	Crime: Identity Theft	Penal Code §32.51
Utah	Crime: Identity Theft	U.C. §76-6-1105
Virginia	Crime: Identity Theft	C.O.V. §18.2-186.3
Washington	Crime: Identity Theft	R.C.W. §9.35.020, 9A.58.020
West Virginia	Crime: Identity Theft	W.V.C. § 61-3-54
Wisconsin	Crime: Identity Theft	W.S. § 943.201
Wyoming	Crime: Identity Theft	W.S. § 6-3-901, 6-3-615

If you would like more information about remedies useful in prosecuting compelled association or contracting, or in being compelled to assume a franchise status that you don't consent to, please see:

1. *Legal Remedies that Protect Private Rights Course*, Form #12.019
<http://sedm.org/Forms/FormIndex.htm>
2. *Civil Causes of Action*, Litigation Tool #10.012
<http://sedm.org/Litigation/LitIndex.htm>
3. *Common Law Practice Guide*, Litigation Tool #10.013
<http://sedm.org/Litigation/LitIndex.htm>
4. *Enumeration of Inalienable Rights*, Form #10.002
<http://sedm.org/Forms/FormIndex.htm>

15 Conclusions

This section summarizes the findings of this document:

1. The foundation of all free government is the consent of the governed, according to the Declaration of independence. The Declaration of Independence is LAW, because it was published in Volume 1 of the Statutes At Large as law in the very first enactment of Congress. It is NOT just "policy" that can be violated.

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

2. There are things that YOU AREN'T ALLOWED BY LAW to consent to. This includes any and all attempts to surrender any constitutional right to a government when standing on land protected by the Constitution. See:

Requirement for Consent, Form #05.003, Section 7
<http://sedm.org/Forms/FormIndex.htm>

3. Any attempt within a state of the Union to offer or enforce franchises is a direct violation of the Declaration of Independence because:
 - 3.1. It is an attempt to alienate rights that are supposed to be inalienable.

- 3.2. It makes a profitable business out of alienating rights that are supposed to be inalienable.
- 3.3. It creates a criminal financial conflict of interest and a breach of fiduciary duty in the government.
- 3.4. It encourages government identity theft through the abuse of "words of art".
4. The consent of the governed is the origin of the great divide between civil and criminal law:
 - 4.1. Criminal laws do not require your consent to enforce. If you hurt someone, then you are subject to the criminal laws whether you have a domicile in the forum or not.
 - 4.2. Civil laws require a choice of domicile within the jurisdiction of a specific government in order to enforce against you. Enforcing the civil laws against persons not domiciled within a jurisdiction can and often does result in a violation of due process of law and a void judgment.
5. Choosing a civil domicile within a specific government is how one:
 - 5.1. Becomes a "subject" under the civil statutory law.
 - 5.2. Surrenders sovereign immunity pursuant to 26 U.S.C. §1603(b)(3).
 - 5.3. Changes their statutory status from a "nonresident" to a "citizen" or "resident".
 - 5.4. Changes their statutory status from a "transient foreigner" to a civil statutory "person" or "inhabitant".
 - 5.5. Acquires the ability to enforce the civil obligations associated with a specific government franchise.
6. One cannot be coerced to select or have a domicile in any specific place and if they do, the government of that place is:
 - 6.1. Exercising a taking in violation of the Fifth Amendment.
 - 6.2. Engaging in identity theft and kidnapping.
7. All CIVIL statutory terms TO WHICH OBLIGATIONS AND PRIVILEGES attach are limited to territory over which Congress has EXCLUSIVE GENERAL jurisdiction. All of the statuses TO WHICH CIVIL STATUTORY OBLIGATIONS AND PRIVILEGES ATTACH indicted 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. You cannot have a civil status in a place where you are not civilly domiciled, and especially a status that you do NOT consent to and to which rights and obligations attach. Otherwise, the Declaration of Independence is violated because you are subjected to obligations that you didn't consent to and are therefore a slave.
8. As the U.S. Supreme Court held, all law is prima facie territorial and confined to the territory of the specific state.
 - 8.1. The states of the Union are NOT "territory" as defined, and therefore, all of the CIVIL STATUSES 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.
 - 8.2. As held by the U.S. Supreme Court in License Tax Cases, 72 U.S. 462, 18 L.Ed. 497, 5 Wall. 462, 2 A.F.T.R. 2224 (1866), Congress cannot lawfully offer or extend any federal franchise or the statuses 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 a public office, which is a franchise, is limited by 4 U.S.C. §72 to being exercised ONLY in the District of Columbia and NOT ELSEWHERE.
 - 8.3. It is a violation of the legislative intent of the constitution and criminal activity to:
 - 8.3.1. Make an ordinary CONSTITUTIONAL and PRIVATE citizen into a PRIVATE officer in the government.
 - 8.3.2. Pay PUBLIC monies or "benefits" to ordinary PRIVATE CITIZENS.
 - 8.3.3. 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 monopoly and employer of EVERYONE in violation of the Sherman Anti-Trust Act.
9. Examples of civil disputes that are governed by civil statutory law from one's voluntary choice of domicile include:
 - 9.1. Marriage licenses.
 - 9.2. Income tax.
 - 9.3. Contract disputes between you and the government.
 - 9.4. Government benefits, such as Social Security, Medicare, Unemployment, etc.
10. The right to make determinations about or changes in the civil status of someone originates from one's voluntary choice of domicile. See the above.
 - 10.1. That authority is delegated to a specific government by your choice of domicile.

"It is plain that every state has the right to determine the status or domestic or social condition of persons domiciled within its territory." Hunt v. Hunt, 72 N. Y. 217, 227; [Strader v. Graham, 10 How. 82](#). "Every nation may determine the status of its own domiciled subjects, and any interference by foreign tribunals would be an officious intermeddling with a matter in which they have no concern. The parties cannot consent to the change of status, and the judgment is not binding in a third country." Black, Jur. § 77. When the Texas proceeding was instituted the respondent and her child were transiently in that state, upon a temporary occasion, and with the intention of returning to their domicile in New York. "Though a state may have a right to declare the condition of all persons within her limits, the right only exists while that person remains there. She has not the power of giving a condition or status that will adhere to the person everywhere, but upon his

*return to his place of domicile he will occupy his former position.” Maria v. Kirby, 12 B.Mon. 542, 545,- a case in which the decision is an adjudication of the precise point in controversy.
[People ex rel. Campbell v. Dewey, 23 Misc. 267, 50 N.Y.S. 1013, N.Y.Sup. (1898)]*

10.2. The authority of the government is delegated by We the People.

10.3. If you never delegated the authority to make declarations of status by choosing a domicile within any government, then you MUST have reserved it to yourself.

11. What makes a state or government “foreign” is the fact that you don’t have a domicile within their jurisdiction AND are not consensually engaged in a public office or contract with them. It is an injury to your sovereignty for a “foreign state” to determine your civil status.

“Every nation may determine the status of its own domiciled subjects, and any interference by foreign tribunals would be an officious intermeddling with a matter in which they have no concern.”

12. When you are physically in a state or jurisdiction or venue other than the one in which you are domiciled, all status declarations made by the state or government at the place of your domicile are nonbinding on the foreign jurisdiction that you are physically in.
13. The words you use to describe and declare your status in a legal setting may be characterized as:
- 13.1. An exercise of your right to politically or legally associate protected by the First Amendment.
- 13.2. An exercise of your right to contract protected by Article 1, Section 10 of the Constitution if the status carries with it obligations under any system of civil law.
- 13.3. An exercise of your right to speak, to not speak, and to define the significance of the words you use that is protected by the First Amendment.
14. Any attempt by an officer or agent of the government to describe you with any civil status other than what you describe yourself under the civil law or to enforce any of the legal obligations associated with that status constitutes:
- 14.1. Involuntary servitude in violation of the Thirteenth Amendment.
- 14.2. A violation of your right to contract, by compelling you to contract with the party who is advantaged by the status.
- 14.3. Compelled association, by compelling you to associate politically, legally, or both with the “state” or government associated with that status.
15. You can declare or acquire a new status:
- 15.1. Expressly either in writing or vocally. For instance, they could fill out a government application for benefits and thereby declare themselves to be a franchisee under the laws that administer the franchise.
- 15.2. Impliedly by their decision to accept a government “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.

16. Once you acquire a given legal status under the terms of a franchise or contract, that status can be changed usually only by:
- 16.1. The consent of all parties consistent with the contract or franchise itself.
- 16.2. One or more parties proving a misrepresentation of the contract and resulting injury to the victimized party which warrants termination of the contract for fraud.
- 16.3. One or more parties demonstrating the existence of 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.”³³ 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,³⁴ and it is

³³ Brown v. Pierce, 74 U.S. 205, 7 Wall 205, 19 L.Ed. 134

³⁴ Barnett 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

susceptible of ratification. Like other voidable contracts, it is valid until it is avoided by the person entitled to avoid it.³⁵ 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.³⁶ [American Jurisprudence 2d, Duress, §21 (1999)]

17. A contract which conveys a new civil status is not enforceable unless it conveys MUTUAL consideration or benefits and obligations to both parties. If only one party receives consideration, then the change of status cannot be considered enforceable.

Contract. An agreement between two or more [sovereign] persons which creates an obligation to do or not to do a particular thing. As defined in Restatement, Second, Contracts §3: "A contract is a promise or a set of promises for the breach of which the law gives a remedy, or the performance of which the law in some way recognizes as a duty." A legal relationships consisting of the rights and duties of the contracting parties; a promise or set of promises constituting an agreement between the parties that gives each a legal duty to the other and also the right to seek a remedy for the breach of those duties. **Its essentials are competent parties, subject matter, a legal consideration, mutuality of agreement, and mutuality of consideration.** Lamoureux v. Burrillville Racing Ass'n, 91 R.I. 94, 161 A.2d. 213, 215.

Under U.C.C., term refers to total legal obligation which results from parties' agreement as affected by the Code. Section 1-201(11). As to sales, "contract" and "agreement" are limited to those relating to present or future sales of goods, and "contract for sale" includes both a present sale of goods and a contract to sell goods at a future time. U.C.C. §2-106(a).

The writing which contains the agreement of parties with the terms and conditions, and which serves as a proof of the obligation
[Black's Law Dictionary, Sixth Edition, p. 322]

18. In law, all government franchises behave as contracts or at least oral or "parole" agreements:

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,³⁷ 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.**³⁸
[American Jurisprudence 2d, Franchises, §4: Generally (1999)]

19. All government franchises are enforced with civil statutory law. Therefore:
- 19.1. You cannot maintain a specific status under a franchise agreement without also having a domicile within the exclusive jurisdiction of the government grantor of the franchise.
- 19.2. When the domicile extinguishes in the territory the franchise is offered, the obligations under the franchise ALSO extinguish with it. If they don't, the government offering the franchise is NOT acting as a government, but a PRIVATE corporation in equity. If the government interferes with your ability to extinguish the civil statutory status, they are engaging in an unconstitutional taking of property in violation of the Fifth Amendment.
- 19.3. It is a violation of due process of law and of the Minimum Contacts Doctrine, U.S. Supreme Court to enforce franchises against parties domiciled outside of the territory of the government grantor of the franchise.
- 19.4. Any government enforcing the terms of a franchise against nonresident parties must satisfy the Minimum Contacts Doctrine, U.S. Supreme Court against the object of their enforcement.

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.

³⁵ Faske v. Gershman, 30 Misc.2d. 442, 215 N.Y.S.2d. 144; Heider v. Unicume, 142 Or 416, 20 P.2d. 384; Glenney v. Crane (Tex Civ App Houston (1st Dist)) 352 S.W.2d. 773, writ ref n r e (May 16, 1962)

³⁶ 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.

³⁷ 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.

³⁸ 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.

20. Those wishing to challenge a civil status determination of a government agent or officer in conflict with their wishes may challenge that determination by showing that:
- 20.1. One or more of the parties to the contract or franchise lacked the capacity to enter into the contract because, for instance, they were either not sui juris or had no delegated authority to do so if they were acting in a representative capacity on behalf of another.
 - 20.2. They are injured by the civil status.
 - 20.3. Duress existed in the contract or application that gave rise to the status.
 - 20.4. No consideration was conveyed which made the contract enforceable that gave rise to the change in status.
21. Every attempt to change your civil status without your express consent is a criminal act of identity theft. For documentation on how to prove you are the victim of such a crime and how to prosecute it, see:
- Government Identity Theft*, Form #05.046
<http://sedm.org/Forms/FormIndex.htm>
22. Those who are victims of identity theft, who are nonresident to the franchise grantor, or who cannot lawfully participate in an extraterritorial franchise of a foreign entity DO NOT have an obligation to obey the provisions of a franchise to get a remedy to LEAVE it or stop the illegal enforcement directed against them. For instance, those who are not STATUTORY “taxpayers”:
- 22.1. Do NOT need to exhaust administrative remedies applicable ONLY to statutory “taxpayers”.³⁹
 - 22.2. Do NOT need to pay the alleged FRAUDULENTLY enforced tax under the Full Payment Rule of the U.S. Supreme Court before they can challenge it.⁴⁰
 - 22.3. Cannot have the Declaratory Judgments Act, 28 U.S.C. §2201, enforced against them as nonresidents, which interferes with attempts to get a declaratory judgment identifying their proper status. The act DOES NOT apply to foreign domiciled parties born and domiciled within a Constitutional state of the Union.⁴¹
 - 22.4. Cannot have the Anti-Injunction Act, 26 U.S.C. §7421, enforced against them because they aren’t subject to it.⁴²

16 Resources for Further Study and Rebuttal

If you would like to study the subjects covered in this short pamphlet in further detail, may we recommend the following authoritative sources, and also welcome you to rebut any part of this pamphlet after you have read it and studied the subject carefully yourself just as we have:

1. *Civil Status (Important!)*, SEDM. In the Litigation->Civil Status (Important!) menu item of our site.
<https://sedm.org/litigation-main/civil-status/>
2. *Why Statutory Civil Law is Law for Government and Not Private Persons*, Form #05.037-the civil statutory code are rules for VOLUNTARY club members. If you are not a club member, you are PRIVATE.
<http://sedm.org/Forms/FormIndex.htm>
3. *Why Domicile and Becoming a “Taxpayer” Require Your Consent*, Form #05.002-domicile is the basis for “civil status”
<http://sedm.org/Forms/FormIndex.htm>
4. *How You Lose Constitutional or Natural Rights*, Form #10.015 -main method of LOSING private rights is MEMBERSHIP in a political group or the STATUTORY “citizen” or “resident” status that INDICATES membership.
<http://sedm.org/Forms/FormIndex.htm>
5. *Writ of Quo Warranto-Quasi Criminal*, Litigation Tool #03.008 (Member Subscriptions)-How to FORCE the government to admit they are engaging in criminal identity theft if they indict you for a franchise violation if you are still PRIVATE and never waived rights.
<https://sedm.org/product/writ-of-quo-warranto-quasi-criminal-litigation-tool-03-008/>
6. *Government Identity Theft*, Form #05.046-proves that any attempt to change your civil status without your consent is a criminal act of identity theft. Provides remedies and tools for prosecuting such crimes.
<http://sedm.org/Forms/FormIndex.htm>
7. *Legal Deception, Propaganda, and Fraud*, Form #05.014-the main method of deceiving people on government forms and in statutes is abuse of “words of art”, legalese, and equivocation. Shows how these mechanisms are unlawfully

³⁹ See *Flawed Tax Arguments to Avoid*, Form #08.004, Section 8.5.

⁴⁰ See *Court Remedies for Sovereigns: Taxation*, Litigation Tool #10.002, Section 6.2; <http://sedm.org/Litigation/LitIndex.htm>.

⁴¹ See *Flawed Tax Arguments to Avoid*, Form #08.004, Section 8.12.

⁴² See *Flawed Tax Arguments to Avoid*, Form #08.004, Section 8.11.

1 and even CRIMINALLY abused to commit identity theft and transport your legal identity to what Mark Twain called
2 “the District of Criminals”.

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

- 4 8. Legal Notice of Change in Domicile/Citizenship Records and Divorce from the United States, Form #10.001-provides a
5 way to change government records describing your citizenship and domicile, restore your PRIVATE status, and restore
6 the protections of the Constitution and common law

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

- 8 9. Declaratory Judgments Act, 28 U.S.C. §2201

9 <https://www.law.cornell.edu/uscode/text/28/2201>

- 10 10. SEDM Liberty University- Free educational materials for regaining your sovereignty as an entrepreneur or private
11 person

12 <http://sedm.org/LibertyU/LibertyU.htm>