

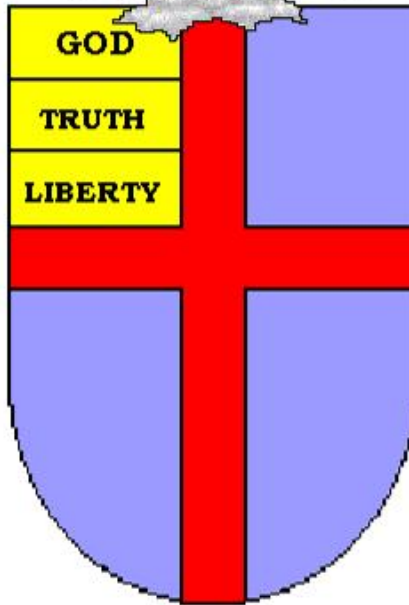
# **Government Franchises Form #12.012**

**by:**  
**Sovereignty Education  
and Defense Ministry  
(SEDM)**

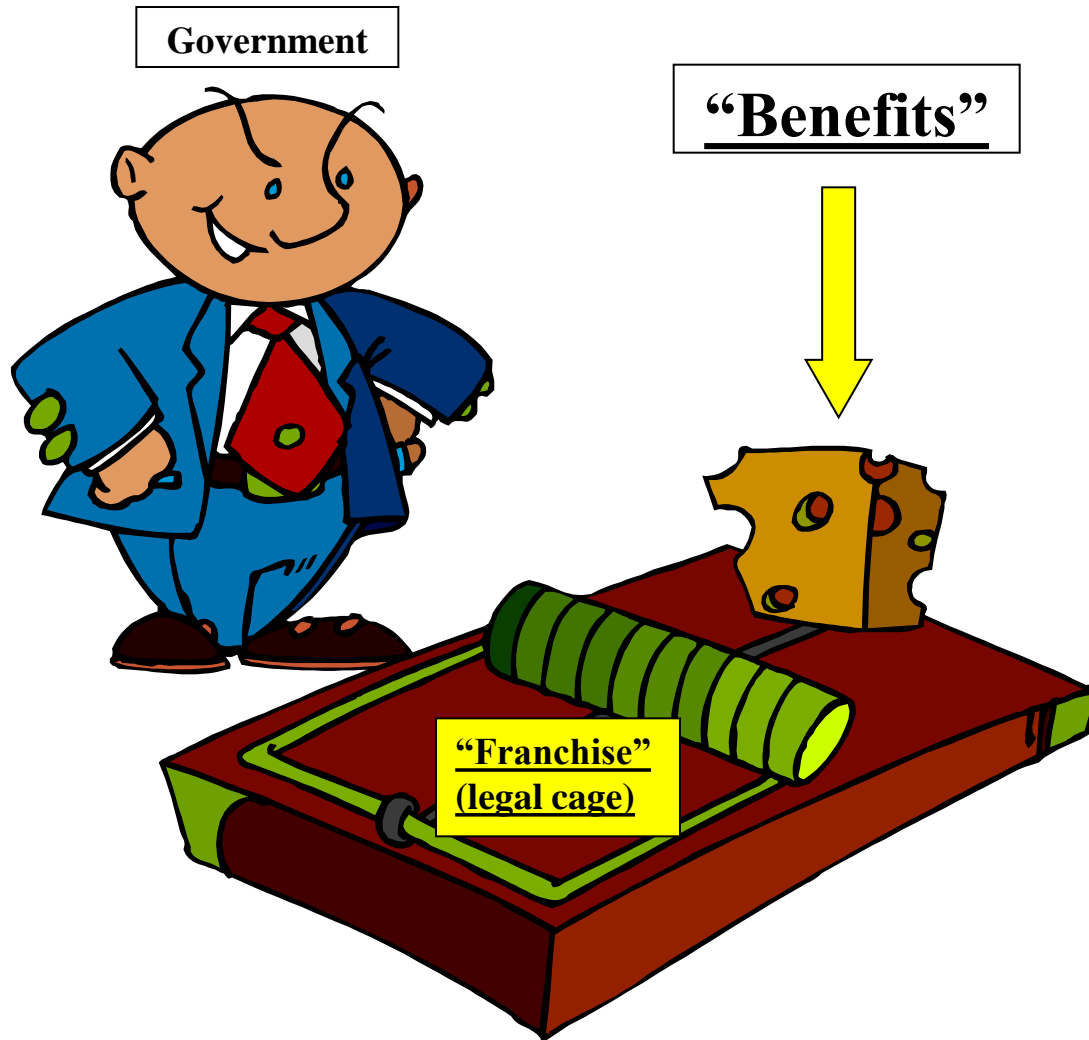
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**February 12, 2014**

**S E D M**



# The Franchise TRAP



# God Predicted This Corruption

***“For among My [God's] people are found wicked [covetous public servant] men; They lie in wait as one who sets snares; They set a trap; They catch men. As a cage is full of birds, So their houses are full of deceit. Therefore they have become great and grown rich. They have grown fat, they are sleek; Yes, they surpass the deeds of the wicked; They do not plead the cause, The cause of the fatherless [or the innocent, widows, or the nontaxpayer]; Yet they prosper, And the right of the needy they do not defend. Shall I not punish them for these things?’ says the Lord. ‘Shall I not avenge Myself on such a [corrupt] nation as this?’”***

***“An astonishing and horrible thing Has been committed in the land: The prophets [economic forecasters] prophesy falsely, And the priests [judges in franchise courts that worship government as a pagan deity] rule by their own power; And My people love to have it so. But what will you do in the end?””***

***[Jer. 5:26-31, Bible, NKJV]***

# ***Here is the DECEIT God Predicted***

- If you want to know all the DECEIT your [covetous public servants](#) are telling you, please watch:

***Foundations of Freedom, Video 4: Willful Government Deception and Propaganda, Form #12.021***

***[https://www.youtube.com/watch?v=hPWMfa\\_oD-w](https://www.youtube.com/watch?v=hPWMfa_oD-w)***

# Course Materials

If you want a copy of this presentation after viewing the course, you can download it from:

- Youtube channel video

<http://youtu.be/vnDcauqlbTQ>

- Liberty University, Item #4.1

<http://sedm.org/LibertyU/LibertyU.htm>

- Forms Page, Form #12.012

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



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# ***Course Outline***

- 1. Why this course is important**
- 2. Rights v. Privileges**
- 3. What keeps PRIVATE rights separate from PUBLIC rights?**
- 4. What is a franchise?**
- 5. Roles and relationships as franchises**
- 6. Franchise contracts and the civil law**
- 7. Franchises are created by LOANING/GRANTING property**
- 8. Where may franchises lawfully be enforced?**
- 9. Parties eligible to participate in franchises**
- 10. Effects of participation in franchises**
- 11. Rules for LAWFULLY Converting PRIVATE property into PUBLIC property**
- 12. Public v. Private franchises**

# ***Course Outline***

- 13. How franchises undermine the constitution**
- 14. What the Bible and the Found Fathers say about franchises**
- 15. Criminal provisions within franchise agreements**
- 16. How you consent (usually ILLEGALLY) to franchises**
- 17. How corrupt governments ILLEGALLY compel participation**
- 18. How franchises effect your standing in court**
- 19. Legislative “franchise courts”**
- 20. Avoiding government franchises and licenses**
- 21. Attacking franchises**
- 22. Legal remedies**
- 23. Conclusions**

# ***Course Outline***

- 24. Digging deeper**
- 25. Getting connected: resources**
- 26. Sovereignty Education and Defense Ministry**
- 27. SEDM Educational Curricula**
- 28. Questions?**

# ***Why this course is important***

- **Absolutely every American's life is adversely impacted by government franchises.**
- **Nearly every aspect of what most Americans object to about government is implemented by the criminal abuse of [civil franchises](#).**
- **Even most attorneys don't fully understand [franchises](#) or how to oppose their illegal enforcement.**
- **You MUST learn how franchises operate to be free, because if you don't, you are doomed to a life of government slavery.**

# Not a New Subject

- The concept of franchises are not new.
- Franchising began originally with the national fast food chains and have since expanded into many other commercial areas. **EXAMPLES:** McDonalds, Jack in the Box, Ben and Jerry's, etc.



# ***Not a New Subject***

- The notion of government as a **PRIVATE corporate business franchise** that competes with private industry for revenues in delivering “insurance”, **“social insurance”**, healthcare, etc is not something that most Americans have ever even thought about.
- We will therefore relate and compare private franchising with **GOVERNMENT franchising** so that people are keenly aware of the legal constraints that governments must operate under. This will allow them to protect themselves from monopolistic government abuse and adhesion contracts.

# *Rights v. Privileges*

- **Rights:**

- Come from and are **CREATED** by God.
- Attach to the **LAND** you stand on, like the Constitution itself, and **NOT** your statutory or **civil status** (such as “taxpayer”, “driver”, “spouse”).

*“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)]*

- Are “unalienable”:

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

*[Declaration of Independence]*

- Cannot be taken away by government unless their exercise has injured or taken away the **equal rights** of a fellow sovereign. An eye for an eye, and a tooth for a tooth. **Matt. 5:38**.
- Are vindicated/protected in Article III constitutional courts in the **JUDICIAL** and not franchise courts in the **EXECUTIVE** branch.



# *Rights v. Privileges*

- Privileges

- Come from and are CREATED by government. Government can only tax what it creates and it didn't create human beings.
- May lawfully be acquired or PROCURED through the consent of those NOT protected by the Constitution and who therefore do not have UNALIENABLE rights. The only place such an alienation of rights can lawfully occur is either ABROAD (where the constitution does not apply) or on federal territory not protected by the constitution.
- Attach to one's CIVIL STATUS and the PUBLIC OFFICE the status attaches to, such as:
  - » “citizen” or “resident” (domicile protection franchise)
  - » “taxpayer” (excise taxes are franchises)
  - » “individual” (a public office in the government and NOT a human being)
  - » “employee” (a public office in the government per 5 U.S.C. §2105(a))
  - » “spouse” (marriage license/franchise)
  - » “driver” (driver's license/franchise)
  - » “notary public” (who are all public officers in the state government)
- Are vindicated/protected ONLY in Article I or Article IV FRANCHISE courts in the EXECUTIVE rather than JUDICIAL branch.

# *Rights v. Privileges*

- Create an UNEQUAL relationship between the franchisor/government and the franchisee/human being. Hence, they DESTROY equal protection and result in paganism/religion towards government or civil rulers.
- Are commonly called “benefits” in modern parlance.
- Are legislatively granted through franchises.
- Can be taken away at any time, subject to the terms of the franchise contract or agreement.
- Are paid for through excise taxes upon “activities”. See, for instance, 26 U.S.C. §7701(a)(26).

# What Keeps **PRIVATE** rights **SEPARATE** from **PUBLIC** rights?

- “Rights” are “unalienable”, which means that a right cannot lawfully be sold, bargained away, or transferred to a real government through any commercial process, including franchises. In **OTHER** words, you **CANNOT LAWFULLY CONSENT** to give them away!:

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

- “Rights” are “property” as legally defined.
- No government actor can lawfully take away **PRIVATE PROPERTY** from you without your express consent. This would violate the Fifth Amendment takings clause.
- Consent to give up **PRIVATE PROPERTY** cannot be implied or PRESUMED, but must be provided **IN THE FORM** that **YOU** and not the **GOVERNMENT** defines because:
  - The customer/master is always right.
  - YOU as a “citizen”, “resident” or “inhabitant” are the “customer”.
  - The government/servant are simply a protection contractor and private business that delivers to the customer **ONLY** what he/she demands **IN WRITING**.

## ***What Keeps PRIVATE rights SEPARATE from PUBLIC rights?***

- Article IV FRANCHISE courts in the Executive Branch:
  - Must DISMISS all cases against OTHER than public officers because they lack jurisdiction. This includes U.S. Tax Court.
  - Are criminally conspiring to impersonate a public officer if they agree to hear a case involving a NON-Franchisee. Example: Tax Court cannot hear a case against a NON-taxpayer. See: The Tax Court SCAM, Form #05.039.
- You must take a VOLUNTARY oath and be lawfully elected or appointed INTO public office in order to change from a PRIVATE human being to a PUBLIC officer.
- You cannot lawfully or unilaterally “elect” yourself as a PRIVATE human being INTO a PUBLIC office by simply filling out a franchise form, such as a tax form, license application, etc. 18 U.S.C. §210-211.
- It is a criminal conflict of interest for a public officer or benefit recipient to serve as a jurist or voter in which the subject at issue is the subsidizing or paying for their “benefits” by either tax breaks or payment of taxes.

## ***What Keeps PRIVATE rights SEPARATE from PUBLIC rights?***

- It is a CRIME to “bribe” PRIVATE human beings with PUBLIC “benefits” in order to [entice them to ELECT themselves INTO public offices using tax forms, license application forms, etc.](#)
- You cannot lawfully exercise the FUNCTIONS of a PUBLIC office in a place not EXPRESSLY authorized to exercise it. [4 U.S.C. §72](#). Hence, you cannot exercise FEDERAL offices outside the DISTRICT OF COLUMBIA unless expressly authorized and IF YOU DO, you are criminally impersonating a public officer in violation of [18 U.S.C. §912](#). See: [Secretary’s Authority in the Several States Pursuant to 4 U.S.C. §72](#)  
<http://famguardian.org/Subjects/Taxes/ChallJurisdiction/BriefRegardingSecretary-4usc72.pdf>
- The ONLY place where you CAN consent to give away a constitutional right is where such rights DO NOT exist, which is ONLY on [federal territory](#) not protected by the Constitution.

## ***What Keeps PRIVATE rights SEPARATE from PUBLIC rights?***

- All the powers of the government, including their CIVIL ENFORCEMENT powers, are implemented ONLY through either public offices or contracts with PRIVATE human beings:

*“All the powers of the government [ including ALL of its civil enforcement powers against the public] must be carried into operation by individual agency, either through the medium of public officers, or contracts made with [private] individuals.”*

*[Osborn v. Bank of U.S., [22 U.S. 738](#) (1824)]*

- Whenever government seeks to enforce ANY civil statute, they as the moving party have the [BURDEN OF PROVING on the record of the proceeding](#) the existence of AT LEAST ONE of the following:
  - A lawfully created office that you occupy.
  - A CONTRACT with you to deliver the property or thing they claim that you owe.

# What Keeps **PRIVATE** rights **SEPARATE** from **PUBLIC** rights?

- Governments are instituted **EXCLUSIVELY** to protect **PRIVATE** rights. [Declaration of Independence](#).
- Any attempt to alienate **PRIVATE** rights:
  - Works **AGAINST** the purpose of government.
  - Is not only **NOT** a government function, but an **ANTI-GOVERNMENT** function.
- Any attempt to [PRESUME](#) consent to give up a constitutional right, or to infer **IMPLIED consent** is a constitutional tort:

*“The power to create [presumptions](#) is not a means of escape from constitutional restrictions.”*

[Bailey v. Alabama, [219 U.S. 219](#), 238, et seq., 31 S.Ct. 145; Manley v. Georgia, [279 U.S. 1](#), 5-6, 49 S.Ct. 215]
- Anyone in government who claims the right to **ALIENATE** your **PRIVATE** rights, **BY DEFINITION** therefore is:
  - **NOT** a government actor but a private human.
  - Engaging in a constitutional tort.
  - Cannot be protected by [official, judicial, or sovereign immunity](#).
  - If he/she is protected by a [corrupt judge](#), is engaging in a **PROTECTION RACKET** that only protects its own **CRIMINAL** activities and acts of **TREASON**.

## What Keeps PRIVATE rights SEPARATE from PUBLIC rights?

- It is a violation of the **FIDUCIARY duty of public officers** and a violation of their oath to interfere with or avoid the protection of PRIVATE rights or undermine them in any way.

*“As expressed otherwise, the powers delegated to a public officer are held in trust for the people and are to be exercised in behalf of the government or of all citizens who may need the intervention of the officer. 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. That is, a public officer occupies a fiduciary relationship to the political entity on whose behalf he or she serves and owes a fiduciary duty to the public. It has been said that the fiduciary responsibilities of a public officer cannot be less than those of a private individual. 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.”*

*[63C Am.Jur.2d., Public Officers and Employees §247]*



# What is a “Franchise”?

- **Legal 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 Arn.Rep. 63. Nor involve interest in land acquired by grantee. Whitbeck v. Funk, 140 Or. 70, 12 P.2d 1019, 1020. In a popular sense, the political rights of subjects and citizens are franchises, such as the right of suffrage. etc. Pierce v. Emery, 32 N.H. 484; State v. Black Diamond Co., 97 Ohio St. 24, 119 N.E. 195, 199, L.R.A.1918E, 352.**

**[Black's Law Dictionary, Fourth Edition, pp. 786-787]**

# Synonyms for Word “Franchise”

Franchises are known by any of the following names, or associated with any of the following things:

- “public right”.
- “public office”.
- “trade or business”: Defined in 26 U.S.C. §7701(a)(26) as “the functions of a public office” for the purpose of income taxation.
- “publici juris”.
- “privilege”.
- “excise taxable privilege”.
- “Congressionally created right”.
- “License”.
- “Social Security Number” or “Taxpayer Identification Number”: A de facto license to represent a public office in the de facto government.
- “Permit”

# ***Roles and Relationships as Franchises***

- **Franchises** are a natural outgrowth of the way humans relate.
- Humans relate and interact through “relationships”
- Each relationship has **“roles” or “statuses”** associated with it. Examples:
  - “Boyfriend” and “girlfriend”
  - “Husband” and “wife”
  - “Parent”, “father”, or “mother” and “child”
  - “Brother” and “sister”
  - “Business” and “customer”
  - “Employer” and “employee”
  - “Clergy” and “parishioner”
  - “Government” and “citizen”
  - “Attorney” and “client”
  - “Petitioner”, “Respondent” and “Court” for civil litigation
  - “State”, “Defendant”, and “Court” for criminal litigation
  - “Trustee” and “beneficiary”

# Roles and Relationships as Franchises

- Each **“role” or “status”** has both rights and obligations associated with it.
- In law, these **“rights”** and corresponding **“obligations”** are legally defined as **“property”**.

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

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

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

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

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

- **When the obligations of a “role” or “status” are avoided or violated, then a THEFT of property has occurred enforceable in court against the violator.**

# ***Rights and Obligations as “Property”***

- **Judge Judy was a family court judge in New York City for 13 years.**
- **She refers to her own husband as “hot property”.**
- **People who marry others for “property” are prostitutes. Any attempt to connect commerce or property ownership to a sexual act is criminal prostitution.**
- **[Judge Judy video clip, Biography Channel, dated 20131118]**

# ***Roles and Relationships as Franchises***

- **Written instruments often but not always define the rights and obligations of each “role” or “status”:**
  - **In the case of PRIVATE relations, these written instruments are contracts.**
  - **In the case of PUBLIC relations, these written instruments are the CIVIL LAW.**
- **When written instruments do NOT define the rights and obligations (property) associated with each “role” or “status”, common convention, custom, or practice usually does.**

# ***Roles and Relationships as Franchises***

- You cannot acquire a **“role” or “status”** or the obligations associated with them without **your consent** in some form.
  - For PRIVATE relations, **consent** is manifested by signing a contract.
  - For PUBLIC relations, **consent** is manifested by voluntarily acquiring the **CIVIL STATUTORY status** of **“citizen”, “resident”, or “inhabitant”**.
- Those enforcing the OBLIGATIONS of a specific role or status in court have a burden of proving that:
  - The party who has the PRIVATE obligation **consented** to a contract or agreement.
  - The party who has the PUBLIC obligation voluntarily consented to become a “citizen”, “resident”, or “inhabitant” AND that they also consented to the specific SUBROLE under the civil law such as “driver” (under the vehicle code), “spouse” (under the family code), “taxpayer” (under the tax code), etc.

# ***Nonconsensual Civil “Roles” and “Statuses”***

- Absent **EXPRESS consent** to the **“role” or “status”** proven with evidence:
  - The obligations associated with the role are NOT enforceable in court.
  - Any attempt to enforce PUBLIC statuses against the non-consenting party is:
    - » Unconstitutional eminent domain and a Fifth Amendment taking without compensation.
    - » Slavery in violation of the Thirteenth Amendment.
    - » Theft of PRIVATE rights and PRIVATE property.
- The above requirement is how governments enforce THEIR **EQUAL sovereignty** and right to be left alone. Anyone suing them civilly must produce an express waiver of **“sovereign immunity”**. Absent proof of such “waiver” and corresponding express statutory **consent (Form #05.003)**, the civil case against the government must be DISMISSED.



# ***Nonconsensual Civil “Roles” and “Statuses”***

- For further details on why you can't be compelled to assume any **“role” or “status”**, See:
  1. ***Your Exclusive Right to Declare or Establish Your Civil Status***,  
Form #13.008  
FORMS PAGE: <http://sedm.org/Forms/FormIndex.htm>  
DIRECT LINK: <http://sedm.org/Forms/13-SelfFamilyChurchGovnce/RightToDeclStatus.pdf>
  2. ***Civil Status*** (Important!)  
<https://sedm.org/litigation-main/civil-status/>

# How Governments Illegally FORCE Nonconsenting Parties into Civil “Roles” and “Statuses”

1. **PRESUMING** that you have a specific “civil status” or statutory status. This is a violation of due process of law.
2. Imposing a civil status against **NONRESIDENT** parties not **CONSENSUALLY** contracting with the government for protection.
3. Not allowing you to quit **franchises**, and thereby not allowing you to terminate a **“role” or “civil status”** associated with the **franchise**.
4. Claiming that you need an exemption within the **franchise** while **REFUSING** to recognize or protect those who do not **consent** to the **franchise** and therefore don’t **NEED** an “exemption”. For instance, not providing a **nonresident nontaxpayer** option on their tax forms.
5. Rigging the “status” block on their forms to not offer the **civil status** associated with non-**consenting** parties such as
  - Transient foreigner.
  - **Nonresident** statutory non-person and non-individual.
  - “Not subject” or “excluded” but not statutorily **“exempt”**. See: **Excluded Earnings and People**, Form #14.019  
<https://sedm.org/Forms/14-PropProtection/ExcludedEarningsAndPeople.pdf>
  - **Sovereign-all rights reserved**.

# How Governments Illegally FORCE Nonconsenting Parties into Civil “Roles” and “Statuses”

## 6. Falsely claiming that the service or product they provide is a “benefit” or REAL “entitlement”. In fact:

- You have no REAL private right or private property interest in any government “benefit”. They don’t owe you ANYTHING!

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

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

- Calling them “benefits” or “entitlements” when you aren’t ENTITLED to anything in an Article III Court is FRAUD:

*The Government “Benefits” Scam*, Form #05.040

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

- A REAL contract cannot exist WITHOUT:

- » MUTUAL obligation.
- » MUTUAL and EQUAL consideration. Government doesn’t have to provide any consideration.
- » The ability of YOU to alienate unalienable rights in relation to a REAL de jure government in the contracting process. You have no such authority.

- We prove with exhaustive evidence that nothing government provides constitutes PROPERTY or an absolute property interest:

*Why the Government is the Only Real Beneficiary of All Government Franchises*, Form #05.051

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

# ***How Governments Illegally FORCE Nonconsenting Parties into Civil “Roles” and “Statuses”***

**7. Terrorizing, raiding, arresting, fining, or harassing people who refuse to get a license, permit, or acquire a franchise status. This is ESPECIALLY true in the case parties who are NONRESIDENT to the federal zone or federal enclaves because:**

- Franchises may only be offered geographically where the Constitution does not apply.
- Nonresident parties cannot lawfully participate or alienate UNALIENABLE rights to consent to participate.
- Treating nonresidents of the federal zone AS IF they are residents is criminal identity theft. See:

*Government Identity Theft*, Form #05.045

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

# All franchises are contracts

- All franchises qualify as “contracts”

*As a rule, franchises spring from contracts between the sovereign power and private citizens, made upon valuable considerations, for purposes of individual advantage as well as public benefit, 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.*

*[Am.Jur.2d. Legal Encyclopedia, Franchises, §4: Generally]*

- **Franchises**, to be enforceable, must satisfy all the **same** criteria as contracts, which are:
  - An offer
  - A voluntary acceptance.
  - **Duress** may not be present and there may be no penalty for failure to participate by the party offering. Duress makes the agreement voidable but not necessarily void.
  - Mutual consideration and mutual obligation
  - Parties must be of legal age and thereby have the capacity to contract

# All franchises are contracts

- When the government makes contracts/franchises with private parties, it **operates in equity** on the same level as private individuals and may not assert sovereign immunity.

*See also Clearfield Trust Co. v. United States, 318 U.S. 363, 369 (1943) ("The United States does business on business terms") (quoting United States v. National Exchange Bank of Baltimore, 270 U.S. 527, 534 (1926)); Perry v. United States, supra at 352 (1935) ("When the United States, with constitutional authority, makes contracts, it has rights and incurs responsibilities similar to those of individuals who are parties to such instruments. There is no difference . . . except that the United States cannot be sued without its consent") (citation omitted); United States v. Bostwick, 94 U.S. 53, 66 (1877) ("The United States, when they contract with their citizens, are controlled by the same laws that govern the citizen in that behalf"); Cooke v. United States, 91 U.S. 389, 398 (1875) (explaining that when the United States "comes down from its position of sovereignty, and enters the domain of commerce, it submits itself to the same laws that govern individuals there").*

*See Jones, 1 Cl.Ct. at 85 ("Wherever the public and private acts of the government seem to commingle, a citizen or corporate body must by supposition be substituted in its place, and then the question be determined whether the action will lie against the supposed defendant");*  
**[United States v. Winstar Corp. 518 U.S. 839 (1996)]**

# ***All government franchises are implemented through civil law***

- All government franchise contracts are implemented through *civil statutory law*
- All civil statutory law attaches to your voluntary choice of domicile or residence. See:  
*Why Domicile and Becoming a “Taxpayer” Require Your Consent*, Form #05.002  
<http://sedm.org/Forms/FormIndex.htm>
- The main difference between franchises offered by private companies and those offered by legitimate de jure governments is that GOVERNMENT franchises require domicile or residence as a prerequisite to participate while PRIVATE franchises don't.
- ILLUSTRATION: McDonalds can offer a store franchise to people anywhere in the world exclusively through the exercise of their PRIVATE right to contract. However:
  - The U.S. government can only LAWFULLY offer its franchises to statutory “U.S. citizens” and “permanent residents” who have in common a domicile on federal territory that is no part of any Constitutional state of the Union.
  - If the government offers franchises to those in Constitutional states of the Union, the feds are violating:
    - » The mandate for a Republican Form of government in Art. 4, Section 4.
    - » The Separation of Powers Doctrine (Form #05.023).

## ***The “Role” or “Status” extinguishes when the Domicile Extinguishes***

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

[. . .]

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

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



# **Franchises are created Mainly by LOANING/GRANTING rather than GIFTING property**

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

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

## **Franchises are created Mainly by LOANING/GRANTING rather than GIFTING property**

**“When Sir Matthew Hale, and the sages of the law in his day, spoke of property as affected by a public interest, and ceasing from that cause to be *juris privati* solely, that is, ceasing to be held merely in private right, **they referred to property dedicated by the owner to public uses, or to property the use of which was granted by the government, or in connection with which special privileges were conferred. Unless the property was thus dedicated, or some right bestowed by the government was held with the property, either by specific grant or by prescription of so long a time as to imply a grant originally, the property was not affected by any public interest so as to be taken out of the category of property held in private right.”****

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

## **Franchises are created Mainly by LOANING/GRANTING rather than GIFTING property**

- **Maxims of law and Biblical proverbs  
which implement this concept:**

***“The rich rules over the poor,  
And the [human] borrower is servant [SLAVE!] to the  
[government] lender.”***

***[Prov. 22:7, Bible, NKJV]***

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

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

***[Bouvier’s Maxims of Law, 1856;***

***SOURCE: <http://famguardian.org/Publications/BouvierMaximsOfLaw/BouviereMaxims.htm>]***

## ***Franchises are created Mainly by LOANING/GRANTING rather than GIFTING property***

- **When someone LOANS or GRANTS rather than GIFTS you something, you become a trustee and custodian over the thing loaned and legal strings attach.**
- **The only requirement to impose such duties and create the trust relation through the LOAN are:**
  - **The property you receive must be in your custody and control.**
  - **The property must REMAIN the property of the party who gave it to you AFTER you take custody**
  - **You must receive NOTICE of the terms of the loan. That notice is formally furnished by publication in the [Federal Register](#) of the terms of the loan**
  - **No physical evidence of your express [consent](#) needs to be generated to prove [consent](#), other than that you ACCEPTED physical custody of the property**

# ***Examples of Property that UNCLE “LOANS” you to make you into a Franchisee***

- **Any kind of “status” you claim to which legal rights attach under a franchise.** Remember: All “rights” are property”! This includes:
  - “taxpayer” (I.R.C. “trade or business” franchise).
  - “citizen” or “resident” (civil law protection franchise”).
  - “driver” (vehicle code of your state).
  - “spouse” (family code of your state, which is a voluntary franchise).
- **A Social Security Card.** [20 C.F.R. §422.103\(d\)](#) says the card and the number belong to the U.S. government.
- **A “Taxpayer Identification Number” (TIN) issued under the authority of 26 U.S.C. §6109.** All “taxpayers” are public officers in the U.S. government. Per [26 C.F.R. §301.6109-1](#), use of the number provides prima facie evidence that the user is engaged in official government business called a “trade or business”, which is defined in [26 U.S.C. §7701\(a\)\(26\)](#) as “the functions of a public office” (in the U.S. and not state government).
- **Any kind of license.** Most licenses say on the back or in the statutes regulating them that they are property of the government and must be returned upon request. This includes:
  - Driver’s licenses.
  - Contracting licenses.
- **A USA Passport.** The passport indicates on page 6, note 2 that it is property of the U.S. government and must be returned upon request. So does [22 C.F.R. §51.7](#).

## ***Examples of Property that UNCLE “LOANS” you to make you into a Franchisee***

- **Any kind of government ID, including state Resident ID cards.** Nearly all such ID say they belong to the government. This includes Common Access Cards (CACs) used in the U.S. military.
- **A vehicle license plate.** Attaching it to the car makes a portion of the vehicle public property.
- **Stock in a public corporation.** All stock holders in corporations are regarded by the courts as **GOVERNMENT CONTRACTORS!**

*“The court held that the first company's charter was a contract between it and the state, within the protection of the constitution of the United States, and that the charter to the last company was therefore null and void., Mr. Justice DAVIS, delivering the opinion of the court, said that, if anything was settled by an unbroken chain of decisions in the federal courts, it was that an act of incorporation was a contract between the state and the stockholders, 'a departure from which now would involve dangers to society that cannot be foreseen, whould shock the sense of justice of the country, unhinge its business interests, and weaken, if not destroy, that respect which has always been felt for the judicial department of the government.'”*

***[New Orleans Gas Co. v. Louisiana Light Co., 115 U.S. 650 (1885)]***

## ***Proof that Uncle is Loaning You THEIR Property***

- **Every piece of government property must be accounted for. This is called “plant accounting”.**
- **Each item of government property is serialized with a plant account number.**
- **The Social Security Card has a warning on the back that it is property of the government and **MUST** be returned upon request **AND** it contains a “plant account” serial number accounting for it as property.**

This card is the official verification of your Social Security number. Please sign it right away. Keep it in a safe place.

Improper use of this card or number by anyone is punishable by fine, imprisonment or both.

This card belongs to the Social Security Administration and you must return it if we ask for it.

If you find a card that isn't yours, please return it to:

Social Security Administration  
P.O. Box 33008, Baltimore, MD 21290-3008

For any other Social Security business/information, contact your local Social Security office. If you write to the above address for any business other than returning a found card, it will take longer for us to answer your letter.

Social Security Administration  
Form SSA-3000 (6-99)

**D94868217**

# ***USE of GOVERNMENT Property is What Creates the Obligation, NOT POSSESSION***

- Simply having possession of a Social Security Card does not:
  - CREATE an obligation other than to return it upon notice and demand by its owner.
  - Convert any of your formerly PRIVATE property to PUBLIC property.
- For the SS Card to TRANSMUTE PRIVATE into PUBLIC, it must be **VOLUNTARILY CONNECTED** to specific property or a specific transaction.
- The act of **CONSENSUALLY USING** the property to hold or affect TITLE to formerly PRIVATE property is what transmutes the ownership from PRIVATE to PUBLIC:

*“When Sir Matthew Hale, and the sages of the law in his day, spoke of property as affected by a public interest, and ceasing from that cause to be juris privati solely, that is, ceasing to be held merely in private right, they referred to property dedicated by the owner to public uses, or to property the use of which was granted by the government, or in connection with which special privileges were conferred. Unless the property was thus dedicated, or some right bestowed by the government was held with the property, either by specific grant or by prescription of so long a time as to imply a grant originally, the property was not affected by any public interest so as to be taken out of the category of property held in private right.”*

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



# ***ANTI-PROPERTY and ANTI-MATTER***

- **Government franchise** property such as the **Social Security Number and Card** are like “anti-matter” in the Star Trek science fiction series. Whatever you **VOLUNTARILY** and **CONSENSUALLY** touch with this **PUBLIC** property:
  - Transmutes ownership from PRIVATE to PUBLIC.
  - Transmutes ownership from EXCLUSIVE ownership to SHARED ownership. The statutory “**person**” you are sharing it with is the **government corporation**.
  - Converts the original PRIVATE and ABSOLUTE owner of the property into an EQUITABLE owner.
  - Changes the status of the property to “*PRIVATE property voluntarily donated to a public use and a public purpose to procure the ‘benefits’ of a **franchise**”.*
- **Other examples:**
  - Vehicle registration.
  - Recording title to land under the Torrens Act system of land registration.
  - Acquiring a “license” and using it in connection with your professional activities.

# *Uncle is in the Property Rental Business!*

- Uncle has made a business out of renting its property.
- The property it rents out are the STATUSES or ROLES to which PUBLIC rights and PUBLIC entitlements attach.
- We call what they are doing a “RENT an IDENT Service”.
- Those RENTING this property are the only ones who the Internal Revenue SERVICE can lawfully “SERVICE”.
- The SSN or TIN acts as a “de facto license to represent a public office”.
- The “role or status” of “taxpayer” is the PUBLIC OFFICE being represented.
- The Social Security Card and associated number is just like a Costco or Sam’s PRIVILEGE card.
- If you don’t CONSENSUALLY USE the card or the Number in connection with a SPECIFIC transaction or specific PRIVATE property, then you don’t incur an obligation.
- If someone COMPELS the use of either the card or number, they are engaging in the crime of compelling you to impersonate a public office without your consent and therefore CRIMINALLY STEALING and ENSLAVING you.

# “Residence” Requirement for Franchises

- De jure government franchises cannot lawfully be offered to non-residents.
  - Offering them to nonresidents constitutes private business activity beyond the “core purposes of government”
  - Refusing to enforce the statutory domicile requirement (e.g., the requirement that you must be a “citizen” or “resident”) against those participating turns the franchise into private business activity that is not legitimate government activity and may not therefore be protected through sovereign immunity.
- Examples of “residence” requirements within existing government franchises:
  - Social Security: Available only to statutory “U.S. citizens and permanent residents” in 20 C.F.R. §422.104 who have in common a domicile on federal territory.
  - IRC Subtitle A income taxes:
    - » Only imposed upon statutory but not constitutional “U.S. citizens and permanent residents” when abroad: 26 U.S.C. §911
    - » Nonresidents expressly exempted by:
      - 26 C.F.R. §1.872-2(f)
      - 26 C.F.R. §31.3401(a)(6)-1(b)
      - 26 U.S.C. §861(a)(3)(C)(i)
      - 26 U.S.C. §3401(a)(6)
      - 26 U.S.C. §1402(b)
      - 26 U.S.C. §7701(a)(31)

# Where may de jure government franchises lawfully be implemented and enforced?

- Enforcement of DE JURE government franchises is limited to those with a **domicile** on **federal territory** in the statutory but not constitutional “**United States**”

## Federal Rule of Civil Procedure 17(b)

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, by the law under which it was organized; and

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

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

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

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

- For further details, see:
  - Why Domicile and Becoming a “Taxpayer” Require Your Consent, Form #05.002  
<https://sedm.org/Forms/05-MemLaw/Domicile.pdf>
  - Federal Enforcement Authority Within States of the Union, Form #05.032\*\* (Member Subscriptions)  
<http://sedm.org/Forms/FormIndex.htm>
  - Federal Jurisdiction, Form #05.018  
<http://sedm.org/Forms/FormIndex.htm>

## Where may privileges lawfully be authorized or taxed?

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

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

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

# *Parties Eligible to Participate in Franchises*

- Parties eligible to participate in de jure government franchises MUST have a domicile on federal territory.
- Parties with a domicile on federal territory include:
  - Statutory but not Constitutional “U.S. citizens” under 8 U.S.C. §1401
  - Statutory but not Constitutional “permanent residents” pursuant to 8 U.S.C. §1101(a)(3) and 26 U.S.C. §7701(b)(4)(B).
  - Statutory “U.S. persons” pursuant to 26 U.S.C. §7701(a)(30).
  - Residents of the Virgin Islands and the District of Columbia.

# Parties Eligible to Participate in Franchises

- Parties domiciled in states of the Union:
  - Are Constitutional or state Citizens, but NOT statutory “U.S. citizens” per 8 U.S.C. §1401. See:  
*Why You Are a “national”, “state national”, and Constitutional but not Statutory Citizen*, Form #05.006  
<http://sedm.org/Forms/FormIndex.htm>
  - Cannot lawfully “alien” their rights in relation to a REAL de jure government. The Declaration of Independence, in fact, says their rights are “unalienable”, meaning that they cannot LAWFULLY be sold, bargained away, or transferred by any legal vehicle, in relation to a REAL de jure, government, INCLUDING through government franchises.
  - Are NOT lawfully eligible to participate in government franchises and are not subject to federal civil law. This is a requirement of the separation of powers doctrine that is the heart of the United States Constitution. See:  
*Government Conspiracy to Destroy the Separation of Powers*, Form #05.023  
<http://sedm.org/Forms/FormIndex.htm>

# Effects of Participating in Franchises

- One becomes a [franchisee](#) usually by VOLUNTARILY applying for a “license” or “benefit” or to receive “government property” such as a Social Security Card and Number.
- Application for the license constitutes constructive consent to abide by the franchise contract in exchange for the “privilege” of procuring the “public benefits” or “[public rights](#)” or “public property” associated with the franchise:

“For the granting of a license or permit-the yielding of a particular privilege-and its acceptance by the Meadors, was a contract, in which it was implied that the provisions of the statute which governed, or in any way affected their business, and all other statutes previously passed, which were in pari materia with those provisions, should be recognized and obeyed by them. When the Meadors sought and accepted the privilege, the law was before them. And can they now impugn its constitutionality or refuse to obey its provisions and stipulations, and so exempt themselves from the consequences of their own acts?”

[\[In re Meador, 1 Abb.U.S. 317, 16 F.Cas. 1294, D.C.Ga. \(1869\)\]](#)

- An “alienation” and surrender of specific private rights over private property occurs under the [franchise contract](#).
  - The formerly private human being agrees to act as a public officer within the scope of the [franchise contract](#) and all activities described therein.
  - Private property associated with the franchise is converted to public property held in trust by a [public officer](#).



# ***Effects of Participating in Franchises***

- All franchises are contracts.
- All contracts create agency of each party on the part of the other parties to the contract. As a minimum, that agency requires the each party to act for the “benefit” of the other party in providing the consideration promised by the contract.
- The agency created by the contract is referred to as an “office” in government parlance.
- All franchisees are “public officers” within the government.
- REMEMBER:

***“All the powers of the government [including ALL of its civil enforcement powers against the public] must be carried into operation by individual [GOVERNMENT] agency, either through the medium of public officers, or contracts made with [private] individuals.”***

***[Osborn v. Bank of U.S., 22 U.S. 738 (1824)]***

# *Effects of Participating in Franchises*

- **Franchisees MUST become officers and public officers within the government and take on a public character because it is otherwise repugnant to the Constitution to tax, burden, or regulate PRIVATE conduct:**

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

*[City of Boerne v. Florez, Archbishop of San Antonio, [521 U.S. 507](#) (1997) ]*

- **An association of private property with the public domain is called “publici juris” in law**

# Publici Juris Defined

- **Legal definition:**

***“PUBLICI JURIS. Lat. Of public right. The word "public" in this sense means pertaining to the people, or affecting the community at large [the SOCIALIST collective]; that which concerns a multitude of people; and the word "right," as so used, means a well-founded claim; an interest; concern; advantage; benefit. State v. Lyon, 63 Okl. 285, 165 P. 419, 420.***

***This term, as applied to a thing or right [PRIVILEGE], means that it is open to or exercisable by all persons. It designates things which are owned by "the public:" that is, the entire state or community, and not by any private person. When a thing is common property, so that any one can make use of it who likes, it is said to be publici juris; as in the case of light, air, and public water. “***

***[Black’s Law Dictionary, Fourth Edition, p. 1397]***

# *Publici Juris Defined*

- **We allege that associating anything with a government identifying number (SSN or TIN):**
  - Changes the character of the thing so associated to “publici juris”
  - Donates and converts private property so associated to a public use, public purpose, and [public office](#)
  - Makes you the trustee with equitable title over the thing donated, instead of the LEGAL OWNER of the property
- **The compelled, involuntary use of government identifying numbers therefore constitutes THEFT and CONVERSION, which are CRIMES. See:**
  - *Why It is Illegal for Me to Request or Use a “Taxpayer Identification Number”*, Form #04.205  
<http://sedm.org/Forms/FormIndex.htm>
  - [18 U.S.C. §654](#), for instance.

## Examples of Franchisees who are “public officers”

- Elected or appointed public offices within the government
- “[Taxpayers](#)” under I.R.C. Subtitle A at [26 U.S.C. §7701](#)(a)(14). See also [26 U.S.C. §6671](#)(b) and [26 U.S.C. §7343](#), which identify a “[person](#)” as an officer or employee of a corporation or partnership involving the United States 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>

- Social security benefit recipients. See [5 U.S.C. §552a](#)(a)(13).

[TITLE 5](#) > [PART I](#) > [CHAPTER 5](#) > [SUBCHAPTER II](#) > § 552a

[§ 552a. Records maintained on individuals](#)

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

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

- Jurors. See [18 U.S.C. §201](#)(a)(1).
- FDIC Insured Banks. See [31 C.F.R. §202.2](#) .

## Examples of Franchisees who are “public officers”

- Licensed “drivers” under the [motor vehicle franchise code](#) in your state. Statutory “driving” is a privilege, and the motor vehicle code is a [franchise](#) that governs the exercise of the privilege.
- “Spouses” who are joined by a marriage license, which is a franchise agreement and a trust indenture that has a third party to the trust/contract and therefore constitutes “polygamy”.

*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.*

[West v. West, 689 N.E.2d 1215 (1998)]

- Privileged statutory “[U.S. citizens](#)” under [8 U.S.C. §1401](#), which are really just officers of the “[United States](#)” [federal corporation](#) and NOT human beings. See:

*Why You Are a “national”, “state national”, and Constitutional but not Statutory Citizen, Form #05.006, Section 3*

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

# Examples of Franchisees who are “public officers”

- **Notaries Public:**

*Chapter 1*

*Introduction*

*§1.1 Generally*

**A notary public (sometimes called a notary) is a public official appointed under authority of law with power, among other things, to administer oaths, certify affidavits, take acknowledgments, take depositions, perpetuate testimony, and protect negotiable instruments. Notaries are not appointed under federal law; they are appointed under the authority of the various states, districts, territories, as in the case of the Virgin Islands, and the commonwealth, in the case of Puerto Rico. The statutes, which define the powers and duties of a notary public, frequently grant the notary the authority to do all acts justified by commercial usage and the "law merchant".**

**[\[Anderson's Manual for Notaries Public, Ninth Edition, 2001, ISBN 1-58360-357-3\]](#)**

## ***The Ability to Regulate or Tax the Use of Private Property is Repugnant to the Constitution***

"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 [not EVERYONE, but only those who **CONSENT** to call themselves **STATUTORY "citizens"**] 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 lædas. 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."

[Munn. v. Illinois, 94 U.S. 113 (1876),

SOURCE: [http://scholar.google.com/scholar\\_case?case=6419197193322400931](http://scholar.google.com/scholar_case?case=6419197193322400931)]



# ***The Ability to Regulate or Tax the Use of Private Property is Repugnant to the Constitution***

- **More authorities on Munn v. Illinois:**

Munn v. Illinois, 94 U.S. 113 (1876) Shepards Report

[https://famguardian.org/Subjects/PropertyPrivacy/Property/PublicVPrivate/Shepards\\_report\\_Munn%20v.%20Illinois%2094%20U.S.%20113\\_%204%20Otto%20113\\_%2024%20L.%20Ed.%2077\\_%201876%20U.S.%20LEXIS-20201228.pdf](https://famguardian.org/Subjects/PropertyPrivacy/Property/PublicVPrivate/Shepards_report_Munn%20v.%20Illinois%2094%20U.S.%20113_%204%20Otto%20113_%2024%20L.%20Ed.%2077_%201876%20U.S.%20LEXIS-20201228.pdf)

## ***Rules for Lawfully Converting Private Property into Public Property***

- **All property starts out as EXCLUSIVELY PRIVATE and beyond the civil control of government.**
- **It is VERY important to understand the simple rules the government must abide by in converting YOUR PRIVATE property to PUBLIC property.**
- **Any attempt by government to do any of the following in respect to one's PRIVATE rights and/or PRIVATE property is THEFT and a taking of property in violation of the Fifth Amendment if the rules we will show you have been violated:**
  - **Asserts a right to regulate the use of private property.**
  - **Asserts a right to convert the character of property from PRIVATE to PUBLIC.**
  - **Asserts a right to TAX said property.**

# **Supreme Court Rules for Lawfully Converting Private Property into Public Property**

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

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

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

***[3] third, that whenever the public needs require, the public may take it upon payment of due compensation.”***

***[Budd v. People of State of New York, 143 U.S. 517 (1892) ]***

## **Summary of Rules for Converting PRIVATE property into PUBLIC property**

<b>#</b>	<b>Description</b>	<b>Requires consent of owner to be taken from owner?</b>
1	The owner of property justly acquired enjoys full and exclusive use and control over the property. This right includes <b><u>the right to exclude government uses</u></b> or ownership of said property.	Yes
2	He may not use the property to injure the equal rights of his neighbor. For instance, when you murder someone, the government can take your liberty and labor from you by putting you in jail or your life from you by instituting the death penalty against you. Both your life and your labor are “property”. Therefore, the basis for the “taking” was violation of the equal rights of a fellow sovereign “neighbor”.	No
3	He cannot be compelled or required to use it to “benefit” his neighbor. That means he cannot be compelled to donate the property to any franchise that would “benefit” his neighbor such as Social Security, Medicare, etc.	Yes
4	If he donates it to a public use, he gives the public the right to control that use.	Yes
5	Whenever the public needs require, the public may take it without his consent upon payment of due compensation. E.g. “eminent domain”.	No

**NOTE:** There is only ONE condition, Which is #2, in which the conversion of private property to public property does NOT require compensation or consent, which is when the owner injures someone with it, and the taking happens AFTER the demonstrated injury.

# Questions

- The only way you can lose your PRIVATE property without consent and without compensation is:
  - To DONATE it to a “public use” OR
  - INJURE the equal rights of others in the use of it
- QUESTIONS:
  - 1. How did your PRIVATE property PRIVATE labor become a lawful subject of taxation? Taxation, after all, is the process of CONVERTING PRIVATE property into PUBLIC property.
  - 2. By what specific authority does the government regulate or control any aspect of the use of your EXCLUSIVELY PRIVATE property that you have hurt NO ONE with?

# Answers

- **ANSWERS:**

- 1. You can't become a statutory "Taxpayer" without volunteering, and thereby DONATING your property to the government. See:

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

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

- 2. Only by **VOLUNTEERING** to assume the **CIVIL STATUS** of a **franchisee** (e.g. "taxpayer", "citizen", "spouse", "driver", etc.), **ABSENT DURESS OR COERCION of any kind**, can the government regulate the use of EXCLUSIVELY PRIVATE property.
  - » In this way, you DONATE your private property to a PUBLIC use, public purpose, and public office.
  - » If there was any duress applied to force you to volunteer, then the regulation becomes a form of THEFT

# ***Violation of the Rules for Converting PRIVATE property to PUBLIC property***

- **A THEFT of property has occurred on behalf of the government if it attempts to do any of the following:**
  - Circumvents any of the above rules.
  - Tries to blur, confuse, or obfuscate the distinction between PRIVATE property and PUBLIC property.
  - Refuses to identify EXACTLY which of the FIVE mechanisms listed in the preceding table was employed in EACH specific case where it:
    - » Asserts a right to regulate the use of PRIVATE property.
    - » Asserts a right to CONVERT the character of property from PRIVATE to PUBLIC.
    - » Asserts a right to TAX what you THOUGHT was PRIVATE property.
- **Is your ignorance of law and the rules for converting property causing you to:**
  - Unknowingly donate property to the government?
  - Condone and further government theft? The only difference between THEFT and a DONATION is CONSENT.
  - Aid and abet conspiracies by public servants (?) to:
    - » Deceive you about what the law permits and requires.
    - » Deprive you of Constitutional rights?

# PUBLIC v. PRIVATE Franchises

Characteristic	PUBLIC/GOVERNMENT Franchise	PRIVATE Franchise
Franchise agreement is	Civil law associated with the <u>domicile</u> of those who are <u>statutory but not constitutional “citizens” and “residents”</u> within the venue of the GRANTOR	Private law among all those who expressly consented in writing
<u>Consent</u> to the franchise procured by	IMPLIED by ACTION of participants: 1. Using the government’s license number; 2. Declaring a STATUS under the franchise such as “taxpayer”	EXPRESS by signing a WRITTEN contract absent duress
Franchise rights are property of	Government ( <u>de facto government</u> if property outside of federal territory)	Human being or private company
Choice of law governing disputes under the franchise agreement	Franchise agreement itself and <u>Federal Rule of Civil Procedure 17(b)</u> .	Franchise agreement only
Disputes legally resolved in	<u>Article 4, Section 3, Clause 2</u> statutory FRANCHISE court with INEQUITY	Constitutional court in EQUITY
Courts officiating disputes operate in	POLITICAL context and issue [political] OPINIONS	LEGAL context and issue ORDERS
Parties to the contract	Are “public officers” within the government grantor of the franchise	Maintain their status as private parties
Domicile of franchise participants	<u>Federal territory</u> . See <u>26 U.S.C. §7701(a)(39)</u> and <u>§7408(d)</u>	Wherever the parties declare it or express it in the franchise



## ***When is Government Operating a Franchise as a PRIVATE Company in EQUITY?***

- When **domicile** and one's status as a **statutory "citizen", "resident", or "U.S. person"** (**26 U.S.C. §7701(a)(30)**) under the civil laws of the grantor:
  - Is not required in the franchise agreement itself.
  - Is in the franchise agreement but is ignored or disregarded as a matter of policy and not law by the government. For instance, the government ignores the legal requirements of the franchise found in **20 C.F.R. §422.104** and insists that EVERYONE is eligible and TO HELL with the law.

## ***When is Government Operating a Franchise as a PRIVATE Company in EQUITY?***

- **When either of the two above conditions occur, then the government engaging in them:**
  - Is engaging in PRIVATE business activity beyond its core purpose as a de jure “government”
  - Is abusing its monopolistic authority to compete with private business concerns
  - Is “purposefully availing itself” of commerce in the foreign jurisdictions, such as states of the Union, that it operates the franchise
  - Implicitly waives sovereign immunity under the [Foreign Sovereign Immunities Act, 28 U.S.C. Chapter 97](#) and its equivalent act in the foreign jurisdictions that it operates the franchise
  - Implicitly agrees to be sued IN EQUITY in a Constitutional court if it enforces the franchise against [NONRESIDENTS](#)
  - Cannot truthfully identify the [statutory FRANCHISE courts](#) that administer the franchise as “government” courts, but simply PRIVATE arbitration boards

# REMEMBER!

- All DE JURE government law is **TERRITORIAL** in nature:

*“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](#)]*

- **DE FACTO government law** is NOT TERRITORIAL, but instead:
  - Is implemented exclusively through your **consent** and right to contract, like any other PRIVATE business.
  - Has a purpose OPPOSITE to that of any government, in that it aims to ALIENATE rights that are supposed to be UNALIENABLE, and therefore turns the public trust into a SHAM trust.
- By “**TERRITORIAL**”, we mean it attaches to property located on **federal territory** or to people **DOMICILED** on federal territory.

# ***How Franchises Undermine the Constitution***

- Franchises, when enforced against those domiciled outside of federal territory:
  - Replace equal protection with inequality, partiality, and unconstitutional “titles of nobility”. See:  
*Requirement for Equal Protection and Equal Treatment*, Form #05.033  
<http://sedm.org/Forms/FormIndex.htm>
  - Constitute an act of INTERNATIONAL TERRORISM and “invasion” in violation of Article 4, Section 4 of the USA Constitution, if implemented in a state of the Union against non-consenting parties. States of the Union are “nations” under the law of nations in nearly every particular.
  - Destroy the separation between:
    - » What is public and what is private. See:  
*Separation Between Public and Private Course*, Form #12.025  
<https://sedm.org/Forms/FormIndex.htm>  
  
*Public v. Private Employment: You Really Work for Uncle Sam if You Receive Federal “Benefits”*  
<http://famguardian.org/Subjects/Taxes/Remedies/PublicVPrivateEmployment.htm>

# ***How Franchises Undermine the Constitution***

- » The states and the federal government. Most state constitutions forbid public officers of the state from simultaneously acting as public officers of the national government. “Kickbacks” from the illegal enforcement of income taxes through the [ACTA system](#) bribe state officials to enforce state income taxes against parties who are not subject because not domiciled on federal territory within the exterior limits of the state.

For more details, see:

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

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

- Cause judges and prosecutors to have a criminal and illegal conflict of interest:
  - » Between protecting private rights on the one hand, and making a lucrative business out of taxing, regulating, and destroying them on the other hand.
  - » They cannot be “taxpayers” and federal “benefit” recipients, and yet also hear matters that could reduce those benefits if they enforced the law as written.
  - » This conflict is a criminal violation of [18 U.S.C. §208](#) and a civil violation of [28 U.S.C. §144](#) and [455](#).
- The above consequences gut and destroy the foundation of the federal and state Constitutions, which is [equal protection \(Form #05.033\)](#) and [separation of powers \(Form #05.023\)](#).

# How Franchises Undermine the Constitution

- Below is how one Congressman described the abuse of franchises to undermine the Constitution

*Mr. Logan: "...Natural laws can not be created, repealed, or modified by legislation. Congress should know there are many things which it can not do..."*

*"It is now proposed to make the Federal Government the guardian of its citizens. If that should be done, the Nation soon must perish. There can only be a free nation when the people themselves are free and administer the government which they have set up to protect their rights. Where the general government must provide work, and incidentally food and clothing for its citizens, freedom and individuality will be destroyed and eventually the citizens will become serfs to the general government..."*

*[Congressional Record-Senate, Volume 77- Part 4, June 10, 1933, Page 12522;*

*SOURCE: <http://famguardian.org/TaxFreedom/CitesByTopic/Sovereignty-CongRecord-Senate-JUNE101932.pdf>]*

# What the Founding Fathers Said About Franchises

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

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

***"My ardent desire is, and my aim has been...to comply strictly with all our engagements foreign and domestic; but to keep the United States free from political connections with every other Country. To see that they may be independent of all, and under the influence of none. In a word, I want an American character, that the powers of Europe may be convinced we act for ourselves and not for others [as “public officers”]; this, in my judgment, is the only way to be respected abroad and happy at home."***

***[George Washington, (letter to Patrick Henry, 9 October 1775);  
Reference: The Writings of George Washington, Fitzpatrick, ed., vol. 34 (335)]***

## **What the Founding Fathers Said About Franchises**

***“About to enter, fellow citizens, on the exercise of duties which comprehend everything dear and valuable to you, it is proper that you should understand what I deem the essential principles of our government, and consequently those which ought to shape its administration. I will compress them within the narrowest compass they will bear, stating the general principle, but not all its limitations. Equal and exact justice [Form #05.050] to all men, of whatever state or persuasion, religious or political; peace, commerce, and honest friendship with all nations – entangling alliances [contracts, treaties, franchises] with none;”***

***[Thomas Jefferson, First Inaugural Address, March 4, 1801]***



# ***What the Bible Says About Franchises***

***“Take heed to yourself, lest you make a covenant or mutual agreement [contract, franchise agreement] with the inhabitants of the land to which you go, lest it become a snare in the midst of you.”***

***[Exodus 34:12, Bible, Amplified version]***

***“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]***

## **Satan's Original Sin was the Abusive Commerce that Enslaved People, such as Abuse of Franchises**

**"By the abundance of your trading  
You became filled with violence within,  
And you sinned;  
Therefore I cast you as a profane thing  
Out of the mountain of God [garden of Eden];  
And I destroyed you, O covering cherub,  
From the midst of the fiery stones.**

**"Your heart was lifted up because of your beauty;  
You corrupted your wisdom for the sake of your splendor;  
I cast you to the ground,  
I laid you before kings,  
That they might gaze at you.**

**You defiled your sanctuaries  
By the multitude of your iniquities,  
By the iniquity of your trading;  
Therefore I brought fire from your midst;  
It devoured you,  
And I turned you to ashes upon the earth  
In the sight of all who saw you.  
All who knew you among the peoples are astonished at you;  
You have become a horror,  
And shall be no more forever."'"**

**[Ezekiel 28:13-19, Bible, NKJV]**

# ***Criminal Provisions within Franchise Agreements***

- Some **franchises** have penal provisions.
  - All such provisions in effect amount to contractual **consent** to be punished or incarcerated.
  - Punishment absent proof of **domicile** or **residence** within the jurisdiction of the grantor is a criminal violation of rights
- Since all **franchises** are implemented with civil law, then penal provisions of such contracts are:
  - Therefore sometimes referred to as “quasi-criminal”, meaning they are falsely referred to as criminal, but actually are civil contract law
  - Enforceable in CIVIL and not CRIMINAL court under the **Federal Rules of CIVIL Procedure** and NOT CRIMINAL procedure.

See **State ex rel McNamee et al v Stobie 92 SW 191 pg 212 Mo 1906.**

- “Quasi criminal” provisions within franchises agreements are the reason why some people refer to all crimes as being commercial: Because **franchises** are commercial.
- For further details, see:

**Government Instituted Slavery Using Franchises**, Form #05.030, Section 12

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

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

# How you consent (usually **ILLEGALLY**) to franchises

- **Your CONTINUING consent** is what gives the franchise contract the “force of law”

*“Consensus facit legem.*

*Consent makes the law. A contract is a law between the parties, which can acquire force only by consent.”*

*[Bouvier’s Maxims of Law, 1856;*

**SOURCE:**

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

- You submit an application to participate in the franchise, such as an SS-4, SS-5, W-7, W-9, or W-2
- You do not rebut false reports by others connecting you to **consent** to the franchise. See:

*Correcting Erroneous Information Returns*, Form #04.001

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

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

- You apply for or receive not perceived but REAL, tangible, “benefits” under the franchise as YOU define them, and not as the grantor defines them. See:

*The Government “Benefits” Scam*, Form #05.040

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

# How you consent (usually ILLEGALLY) to franchises

- You use the license number associated with the [franchise](#) voluntarily or you do not rebut the use of the license numbers by others against you. This includes [Social Security Numbers \(SSNs\)](#) and Taxpayer Identification Numbers (TINs). Use the following when you AREN'T consensually participating in franchises:

*Why It is Illegal for Me to Request or Use a "Taxpayer Identification Number"*, Form #04.204;

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

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

- You claim any "status" described in the statutory [franchise agreement](#), such as "[citizen](#)", "[resident](#)", "[individual](#)", "[taxpayer](#)", "driver", "spouse", etc. or you do not oppose the use of such words by others against you. Use the following when you aren't a franchisee:

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

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

DIRECT LINK: <http://sedm.org/Forms/06-AvoidingFranch/SSNotEligible.pdf>

- *Tax Form Attachment*, Form #04.201

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

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

- *Affidavit of Citizenship, Domicile, and Tax Status*, Form #02.001

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

DIRECT LINK: <http://sedm.org/Forms/02-Affidavits/AffCitDomTax.pdf>

# How you consent (usually **ILLEGALLY**) to franchises

- **Governing maxims of law on this subject:**

*“SUB SILENTIO. Under silence; without any notice being taken. Passing a thing sub silentio may be evidence of consent”*

*[Black’s Law Dictionary, Fourth Edition, p. 1593]*

*Qui tacet consentire videtur.*

*He who is silent appears to consent. Jenk. Cent. 32.*

*[Bouvier’s Maxims of Law, 1856;*

**SOURCE:**

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

- You quote provisions of the [franchise agreements](#) in your defense in [administrative correspondence](#) or court or you do not oppose the use of such provisions by others against you. The only thing that a non-franchisee can quote is the common law or the constitution and NOT statutory civil law. All statutory civil law is law for government and NOT private persons. See:

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

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

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

- For further details, see:

*Requirement for Consent*, Form #05.003

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

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

# ***How corrupt governments EVADE the requirement to provide REAL consideration***

- ***American Jurisprudence Legal Encyclopedia:***

*“It is generally considered that the obligation resting upon the grantee to comply with the terms and conditions of the grant constitutes a sufficient consideration. As expressed by some authorities, the benefit to the community may constitute the sole consideration for the grant of a franchise by a state.*

*[American Jurisprudence 2d, Volume 36, Franchises, Section 6: As a Contract]*

- **What the government therefore does is:**

- Identify something as a “benefit” to the public, even if those who are alleged to “benefit” actually regard it as an injury.
- Write a franchise agreement to provide the “benefit”.
- Obey the franchise agreement, and call observing said agreement sufficient “consideration” so as to make the civil franchise enforceable against you.

- **This is FRAUD! Remember, however, that equal protection and equal treatment mandated by the Constitution requires that they must enforce the same method of obtaining rights against THEM under your OWN franchise agreement. Fight fire with fire. Whatever they can do, that authority was delegated from you (We the People) so YOU must have it too! See:**

***Requirement for Equal Protection and Equal Treatment*, Form #05.033**

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

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

# Legal remedies against franchises

- There is no remedy for franchises that you consent to, and therefore, you have no basis to complain for being the target of **enforcement of franchises**:

“The principle is invoked that one who accepts the benefit of a statute cannot be heard to question its constitutionality. *Great Falls Manufacturing Co. v. Attorney General*, 124 U.S. 581; *Wall v. Parrot Silver & Copper Co.*, 244 U.S. 407; *St. Louis Casting Co. v. Prendergast Construction Co.*, 260 U.S. 469.”

[*Ashwander v. Tennessee Valley Auth.*, 297 U.S. 288 (1936)]

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*“Voluntis 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>]



## How corrupt governments **ILLEGALLY** compel participation

- Federal courts and agencies willfully try to avoid and undermine the limitations imposed by law of NOT being able to offer **franchises** within states of the Union by:
  - Making false presumptions about your status that go unchallenged. See:  
*Presumption: Chief Weapon for Unlawfully Enlarging Federal Jurisdiction*, Form #05.017  
<http://sedm.org/Forms/FormIndex.htm>
  - Abusing the word “**includes**” to expand the statutory meaning of terms and thereby violate the constitution and STEAL from those they are supposed to be protecting. See:  
*Legal Deception, Propaganda, and Fraud*, Form #05.014  
<http://sedm.org/Forms/FormIndex.htm>
  - Deliberately confusing constitutional and statutory geographical terms. Use the following to avoid such abuses:  
*Rules of Presumption and Statutory Interpretation*, Litigation Tool #01.006  
<http://sedm.org/Litigation/LitIndex.htm>
  - Confusing the terms “**citizenship**” with “**domicile**” or using the term “**citizenship**” rather than “**nationality**” to describe one’s status.
  - Refusing to define which “U.S.” they mean in the term “**U.S. citizen**” as **used on government forms and in legal pleadings**.
  - Refusing to address separation of powers issues raised by litigants domiciled outside the statutory “**United States**” and within states of the Union. See:  
*Government Conspiracy to Destroy the Separation of Powers*, Form #05.023  
<http://sedm.org/Forms/FormIndex.htm>

# How corrupt governments **ILLEGALLY** compel participation

- **Government compels participation in franchises or deceives people into participation who do not qualify by:**
  - LYING to the public with impunity about what the law requires or allows. See:
    - » *Reasonable Belief About Income Tax Liability*, Form #05.007  
<http://sedm.org/Forms/FormIndex.htm>
    - » *Flawed Tax Arguments to Avoid*, Form #08.004, Section 6  
<http://sedm.org/Forms/FormIndex.htm>
    - » *Rebutted Version of the IRS “The Truth About Frivolous Tax Arguments”*, Form #08.005  
<http://sedm.org/Forms/FormIndex.htm>
  - Providing no forms to terminate participation in the franchise and/or terrorizing those who demand the right to terminate participation. See:  
*Resignation of Compelled Social Security Trustee*, Form #06.002  
<http://sedm.org/Forms/FormIndex.htm>
  - Refusing to protect or even recognize the existence of those who are NOT franchisees, such as those who are “[nontaxpayers](#)”. See:  
*Who are “Taxpayers” and Who Needs a “Taxpayer Identification Number”?*, Form #05.013  
<http://sedm.org/Forms/FormIndex.htm>
  - Not providing forms or procedures or remedies to those who are *not* franchisees. For instance, there are no IRS forms for “nontaxpayers” and the only publication dealing with rights deals with “[taxpayers](#)”. See:
    - » *Your Rights as a Taxpayer*, IRS Publication 1
    - » *Your Rights as a “Nontaxpayer”*, IRS Publication 1a  
Liberty University Section 6.8: <http://sedm.org/LibertyU/LibertyU.htm>

## ***How corrupt governments ILLEGALLY compel participation***

- Compelling unlawful and fraudulent use of government identifying numbers and providing nothing to use for those who are not “[taxpayers](#)” and no way to change the status of the number to that held by a “[nontaxpayer](#)”.

See:

*Why it is Illegal for Me to Request or Use a “Taxpayer Identification Number”, Form #04.205*

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

- Ignoring correspondence sent by “nontaxpayers” that rebuts or challenges their [presumptions](#) that they are not franchisees.
- Forcing you to be a “resident”/ “citizen” franchisee for ALL purposes:
  - » A “resident”/”citizen” is just a “customer” for government services.
  - » Being a “customer” for ALL PURPOSES forces you into an “All or Nothing” relationship with the government. You either have EVERYTHING THEY WANT TO FORCE UPON YOU or you have NOTHING. No other business can run that way so why should the government be able to do it?

## ***How corrupt governments ILLEGALLY compel participation***

- » You ought to be able to decide to buy **ONLY** those services that you want and call yourself a **“resident”/”citizen”** **IN THE CONTEXT OF THAT SERVICE and NO OTHERS.**
- » **By forcing you into being a customer for EVERYTHING they offer:**
  - You are deprived of choice and competition.
  - They are alleviated from having to procure your express consent **IN EACH CASE.**
  - They are no longer accountable to you for being efficient in delivering the service.
  - They are not required to compete equally in the marketplace.
  - A monopoly and adhesion contract results which is a threat to your commercial existence.
  - They can charge **WHATEVER** they want collectively for all their services. No other business can do that so why should the government be able to do it?

## ***How corrupt governments ILLEGALLY compel participation***

- When you want to sue the government you must produce evidence of consent IN EACH SPECIFIC CASE. Why shouldn't they have the SAME requirement as a result of the constitutional requirement for equal protection and equal treatment? See:

*Requirement for Equal Protection and Equal Treatment*, Form #05.033

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

- In short, the government directly or indirectly:
  - Compels you to choose a civil status described within the franchise agreement
  - Illegally sanctions and penalizes you for truthfully and accurately describing yourself as OTHER than franchisee.
  - Compels you to commit fraud and perjury on government forms and describe yourself as that which you aren't in order to bribe them to simply leave you alone.
- What most people think of as “government” is really just a PRIVATE corporate monopoly and protection racket disguised to LOOK like a lawful de jure “government”.

## ***How corrupt governments ILLEGALLY compel participation***

- **The Constitution, incidentally, says the right to be LEFT ALONE by “government” is FREE and shouldn’t cost you ANYTHING, including any kind of “protection money” called taxes!**

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

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

# *How franchises effect your standing in court*

- Participation in franchises cause a surrender of sovereign immunity under [28 U.S.C. §1605\(a\)\(2\)](#).
- [Federal Rule of Civil Procedure 17\(b\)\(2\)](#) covered earlier is the authority for jurisdiction over franchise participants.

## [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 [such as a “public officer”], by the law of the individual's [domicile](#);*

***(2) for a corporation, by the law under which it was organized; and***

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

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

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

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

# How franchises effect your standing in court

- **WARNING!** Participating in franchises can cause a complete surrender of all right to litigate in a true, constitutional court and a deprivation of all remedies

**"These general rules are well settled:**

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

**(2) That where a statute creates a right and provides a special remedy, that remedy is exclusive.** *Wilder Manufacturing Co. v. Corn Products Co.*, 236 U. S. 165, 174, 175, 35 Sup. Ct. 398, 59 L. Ed. 520, Ann. Cas. 1916A, 118; *Arnson v. Murphy*, 109 U. S. 238, 3 Sup. Ct. 184, 27 L. Ed. 920; *Barnet v. National Bank*, 98 U. S. 555, 558, 25 L. Ed. 212; *Farmers' & Mechanics' National Bank v. Dearing*, 91 U. S. 29, 35, 23 L. Ed. 196. *Still the fact that the right and the remedy are thus intertwined might not, if the provision stood alone, require us to hold that the remedy expressly given excludes a right of review by the Court of Claims, where the decision of the special tribunal involved no disputed question of fact and the denial of compensation was rested wholly upon the construction of the act. See* *Medbury v. United States*, 173 U. S. 492, 198, 19 Sup. Ct. 503, 43 L. Ed. 779; *Parish v. MacVeagh*, 214 U. S. 124, 29 Sup. Ct. 556, 53 L. Ed. 936; *McLean v. United States*, 226 U. S. 374, 33 Sup. Ct. 122, 57 L. Ed. 260; *United States v. Laughlin* (No. 200), 249 U. S. 440, 39 Sup. Ct. 340, 63 L. Ed. 696, decided April 14, 1919. *But here Congress has provided:*

**[U.S. v. Babcock, 250 U.S. 328, 39 S.Ct. 464 (1919)]**



# *How franchises effect your standing in court*

- The “[United States](#)” is a federal and not state corporation pursuant to [28 U.S.C. §3002\(15\)\(A\)](#).
- All those participating in franchises are officers of that corporation and “[public officers](#)” of a federal corporation acting in a representative capacity. The [franchise agreement](#) is part of *“the law under which it [the “U.S. Inc.” federal corporation] was organized”*. See, for instance, [26 U.S.C. §6671\(b\)](#) and [26 U.S.C. §7343](#), which specifically refers to a “[person](#)” under the I.R.C. as an employee or officer of this corporation and NOWHERE defines it to include PRIVATE parties and CANNOT lawfully define it that way without violating the USA Constitution.
- The [District of Columbia](#) is not only the “seat of government” pursuant to [4 U.S.C. §71](#), but it also is the [domicile](#) of the “[U.S. Inc.](#)” federal corporation. All those representing said federal corporation as “[public officers](#)” therefore take on the character of the corporation they represent, and adopt an [effective domicile](#) of the [District of Columbia](#) while serving on official duty. For proof, see [26 U.S.C. §§7701\(a\)\(39\)](#), [7408\(d\)](#), [4 U.S.C. §110\(d\)](#), and [7701\(a\)\(9\)](#) and (a)(10).

# Legislative “franchise courts”

- The grantor of the franchise typically creates special courts to hear disputes under the franchise contract

*Although Crowell and Raddatz do not explicitly distinguish between rights created by Congress and other 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” 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. at 83-84, 102 S.Ct. 2858 (1983)]*

# Legislative “franchise courts”

- Legal definition of “franchise court”

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

**Dispensing justice was profitable.** Much revenue could come from the fees and dues, fines and amercements. This explains the growth of the second class of feudal courts, the Franchise Courts. They too were **private courts held by feudal lords.** Sometimes their claim to jurisdiction was based on old pre-Conquest grants ... But many of them were, in reality, only wrongful usurpations of private jurisdiction by powerful lords. These were put down after the famous Quo Warranto enquiry in the reign of Edward 1.” W.J.V. Windeyer, Lectures on Legal History 56-57 (2d ed. 1949).”

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

- The fact that franchise courts are PRIVATELY HELD is the reason why:

- The IRS not only isn’t part of the de jure government, but has **no legislative authority** to even exist! See: **Origins and Authority of the Internal Revenue Service**, Form #05.005 <http://sedm.org/Forms/FormIndex.htm>
- The **de facto officers running the SCAM franchise** have the authority to even contract away otherwise INALIENABLE rights to begin with. THEY ARE NOT de jure government officers, but PRIVATE usurpers operating a SHAM TRUST FOR PERSONAL PROFIT instead of to protect your PRIVATE rights. The **MONEY CHANGERS** have hijacked the public trust.

# Legislative “franchise courts”

- All so-called “franchise courts” are in the Executive or Legislative branch and NOT the Judicial branch.

## Examples of franchise courts include:

- Federal District and Circuit Courts. See:  
*What Happened to Justice?*, Form #06.012  
<http://sedm.org/Forms/FormIndex.htm>
- U.S. Tax Court. [26 U.S.C. §7441](#) identifies it as an Article I court in the Legislative Branch, not JUDICIAL branch
- Traffic Court
- Family Court

# Legislative “franchise courts”

- Franchise courts:

- Are limited to those VOLUNTARILY and LAWFULLY participating in franchises. For instance, you MUST be a statutory franchisee called a “taxpayer” as legally defined in 26 U.S.C. §7701(a)(14) in order to petition the U.S. Tax Court, pursuant to Tax Court Rule 13(a).
- Do not have juries.
- Are presided over by Constitution Article I or Article IV franchise administrators in the Legislative (Article I) or Executive Branch (Article IV) and NOT Constitutional Article III “justices”.
- Cause a waiver of the right to sue in a real Article III court. For instance, those litigating in U.S. Tax Court waive their right to appeal to a U.S. District Court or to ever hear their case in front of a jury. They can appeal ONLY to the Circuit Court.

# Avoiding government franchises and licenses

- Government is created to protect your right to contract **or NOT contract** with the government
- Resources for lawfully avoiding participation in franchises:
  - Resignation of Compelled Social Security Trustee, Form #06.002-quit Social Security.  
<http://sedm.org/Forms/FormIndex.htm>
  - Liberty University, Section 4: Avoiding Government Franchises and Licenses  
<http://sedm.org/LibertyU/LibertyU.htm>
  - Government Instituted Slavery Using Franchises, Form #05.030, Section 18: Avoiding Government Franchises and Licenses  
<http://sedm.org/Forms/FormIndex.htm>
  - Change of Address and Power of Attorney, Form #07.110  
<http://sedm.org/Forms/FormIndex.htm>
  - SEDM Forums: Forum 02: Restoring and Defending Your Sovereignty (Members Only)  
<http://sedm.org/forums/forum/2-restoring-and-defending-sovereignty-and-autonomy-members-only/>

# Attacking Franchises

- **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, 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*. “*

*[Am.Jur.2d, Franchises, §4: Generally]*

- They must meet all the same requirements as contracts.  
Namely:
  - An offer
  - A voluntary acceptance. **Duress** may not be present and there may be no penalty for failure to participate by the party offering
  - Mutual consideration and mutual obligation
  - Parties must be of legal age and thereby have the capacity to contract

# Attacking Franchises (cont.)

- All contracts require MUTUAL CONSIDERATION and MUTUAL OBLIGATION.
- The U.S. Supreme Court has held that the [Social Security franchise](#) does not obligate the government to provide ANY financial consideration, and hence THERE IS NO CONSIDERATION and therefore no RECIPROCAL DUTY on your part to pay THEM ANYTHING:

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

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

- **QUESTION**: So WHY, pray tell, do U.S. Attorneys criminally prosecuting tax offenses ALWAYS tell the jury that the defendant received the “benefits” of living here and refused to pay for them?
- **ANSWER**: Because they are HYPOCRITES. They NEVER allow people who OVERPAID for the benefits they received to use the SAME argument against the government.
- This is a violation of [equal protection and equal treatment that is the foundation of the U.S. Constitution](#).



# Attacking Franchises (cont.)

- All tax payments TO the government are legally classified as “gifts”. Hence, by [principles of equity](#), all payments FROM the government must ALSO be classified as GIFTS that can and do create NO OBLIGATION on YOUR part!:

[31 U.S.C. §321: General authority of the Secretary](#)

(d)

*(1) The Secretary of the Treasury may accept, hold, administer, and use gifts and bequests of property, both real and personal, for the purpose of aiding or facilitating the work of the Department of the Treasury. Gifts and bequests of money and the proceeds from sales of other property received as gifts or bequests shall be deposited in the Treasury in a separate fund and shall be disbursed on order of the Secretary of the Treasury. Property accepted under this paragraph, and the proceeds thereof, shall be used as nearly as possible in accordance with the terms of the gift or bequest.*

*(2): “For the purposes of the Federal income, estate, and gift taxes, property accepted under paragraph (1) shall be considered as a gift or bequest to or for the use of the United States.”*

# Attacking Franchises (cont.)

- **EXAMPLE** of taxes as “gifts”:
  - Tax withholdings are classified by the IRS as “Tax Class 5”.
  - “Tax Class 5” is legally classified as “Estate and Gift taxes”.
  - Since you aren’t dead, then the withholdings are GIFTS.
  - **QUESTION:** How do Tax Class 5 “GIFTS” turn into a “Tax Class 2 Individual Income Tax” LIABILITY?
  - **ANSWER:** By attaching them to an [IRS Form 1040 SELF-ASSESSMENT](#) and VOLUNTARILY connecting them with a SPECIFIC liability that YOU and ONLY YOU can create by signing the tax form. That tax form, in turn, is usually FRAUDULENT because the submitter must be a public officer and if he isn’t, he is criminally impersonating a public officer in violation of [18 U.S.C. §912](#). The withholdings, in turn, are a [criminal bribe \(18 U.S.C. §210\)](#) to get uncle to treat you ILLEGALLY AS IF you are [public officer](#) entitled to “benefits”.
  - Don’t believe us? Read:  
*[Why the Government Can’t Lawfully Assess Human Beings with an Income Tax Liability Without Their Consent](#)*, Form #05.011  
<http://sedm.org/Forms/FormIndex.htm>

# Attacking Franchises (cont.)

- Federal courts and federal judges are FORBIDDEN by the [Declaratory Judgments Act, 28 U.S.C. §2201\(a\)](#), from declaring you to be a franchisee “taxpayer”. YOU are the only one who can become or consent to become a franchisee:

*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. \(N.D.Cal. 11/02/2005\)\]](#)**

- Courts and judges CANNOT lawfully do INDIRECTLY what they cannot do DIRECTLY. Hence, they also cannot **PREJUDICIALLY PRESUME** that you are a “taxpayer” without violating due process of law.
- **WHY?** Because YOU are the “patron” for government protection and the patron is always right!

# ***Attacking Franchises (cont.)***

- All franchisees are **public officers** BUT:
  - No tax form or government form CAN or DOES create ANY new public offices in the government. Nowhere do franchise statutes expressly identify new offices being created or expressly authorize their exercise ANYWHERE as mandated by **4 U.S.C. §72.**
  - You must lawfully occupy a constitutionally created elected or appointed office in the government before you can ELECT to participate in any franchise.
  - It is a CRIME to unilaterally ELECT yourself into a public office using a tax form:
    - » **18 U.S.C. §912**
    - » **18 U.S.C. §210**
    - » **18 U.S.C. §211**
  - The I.R.C. attempts to create the illusion of an opportunity to circumvent the above by calling any opportunity for a choice on your part as “an election”.

For further information on the above, see:

***Flawed Tax Arguments to Avoid***, Form #08.004, Section 4

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

DIRECT LINK: <http://sedm.org/Forms/08-PolicyDocs/FlawedArgsToAvoid.pdf>

# ***Attacking Franchises (cont.)***

- All franchise statutes are NOT “positive law”, and therefore are not “admissible legal evidence” of a liability on your SPECIFIC part. They ONLY acquire the “force of law” by the CONSENT of those ALREADY lawfully occupying a public office. See 1 U.S.C. §204 for a list of titles that are NOT “positive law”, which include:
  - The entire I.R.C., Title 26.
  - The Social Security Act, Title 42.
  - The Military Draft, Title 50.

# Attacking Franchises (cont.)

- Here is the relevant content of [1 U.S.C. §204](#):

[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.***

# Attacking Franchises (cont.)

- “Prima facie” means **PRESUMED**. All **presumption** which prejudices constitutional rights is a **violation of due process** of law among those protected by the constitution:

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

*[Black’s Law Dictionary, Sixth Edition, p. 1189]*

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

*[Black’s Law Dictionary, Sixth Edition, p. 500 under “due process”]*

***“A presumption is neither evidence nor a substitute for evidence.** Properly used, the term “presumption” is a rule of law directing that if a party proves certain facts (the “basic facts”) at a trial or hearing, the factfinder must also accept an additional fact (the “presumed fact”) as proven unless sufficient evidence is introduced tending to rebut the presumed fact. In a sense, therefore, a presumption is an inference which is mandatory unless rebutted. “*

*[American Jurisprudence 2d , Evidence, §181]*

# Legal Remedies

- The following resources are available as legal remedies to protect you from unlawful franchise implementation and enforcement:
  - Litigation Tools Page  
<http://sedm.org/Litigation/LitIndex.htm>
  - Legal Remedies that Protect Private Rights Course, Form #12.019  
<http://sedm.org/Forms/FormIndex.htm>
  - Civil Court Remedies for Sovereigns: Taxation, Litigation Tool #10.002  
<http://sedm.org/Litigation/LitIndex.htm>
  - Federal Jurisdiction, Form #05.018-use to challenge illegal enforcement  
<http://sedm.org/Forms/FormIndex.htm>
  - Federal Enforcement Authority Within States of the Union, Form #05.032-use to challenge illegal enforcement  
<http://sedm.org/Forms/FormIndex.htm>
  - Challenging Jurisdiction Workbook, Form #09.082  
<https://sedm.org/Forms/09-Procs/ChalJurWorkbook.pdf>
  - Tax Fraud Prevention Manual, Form #06.008  
<http://sedm.org/Forms/FormIndex.htm>



# Conclusions

- Franchises destroy and undermine the two main foundations of the Constitution. They:
  - Destroy equal protection and make the government a *parens patriae*. They replace rights that are EQUAL with privileges that are UNEQUAL
  - Destroy the separation of powers by making state officers into federal officers in violation of most state constitutions. See *Government Conspiracy to Destroy the Separation of Powers*, Form #05.023  
<http://sedm.org/Forms/FormIndex.htm>
- Franchises are the main method used by government to UNLAWFULLY destroy and undermine PRIVATE rights that they were created instead to PROTECT.
- A government CREATED to protect PRIVATE RIGHTS that also makes a very profitable PRIVATE de facto business/corporation out of destroying, taxing, and regulating their exercise and converting them to PUBLIC RIGHTS and PRIVILEGES in the SAME geographic place:
  - Has a criminal conflict of interest in violation of 18 U.S.C. §208, 28 U.S.C. §144, and 28 U.S.C. §455.
  - Is violating the legislative intent of the Constitution.
  - Is engaged in a conspiracy against your rights in criminal violation of 18 U.S.C. §241.
  - Is violating the separation of powers doctrine.

# Conclusions

- Most of what is wrong with America today can be traced to the illegal implementation of franchises within states of the Union by the federal government.
- Government issued ID such as [driver's licenses](#) is the main method for illegally removing you from the protections of the Constitution and placing your [legal domicile](#) on [federal territory](#).
  - It recruits you as a public officer of the government. The legal “status” required to procure it imposes duties upon the OFFICE you occupy and makes you surety for said office. Otherwise, the [Thirteenth Amendment](#) made involuntary servitude PROHIBITED everywhere, including federal territory.
  - It kidnaps your legal identity and places it on [federal territory](#) instead of within the de jure Constitutional but not statutory state.
  - It makes you a [statutory but not Constitutional “U.S. citizen”](#) devoid of rights.
  - It compels the use of government identification numbers by those not legally eligible in order to procure

For details, see:

*Why Domicile and Becoming a “Taxpayer” Require Your Consent*, Form #05.002, Section 13

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

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

# Digging Deeper

- **Forms and Publications Page, Section 6: Avoiding Government Franchises**  
<http://sedm.org/Forms/FormIndex.htm>
- **Government Instituted Slavery Using Franchises, Form #05.030-how the government abuses franchises to enslave and oppress those they are supposed to be protecting**  
<http://sedm.org/Forms/FormIndex.htm>
- **A Treatise on Franchises, Form #06.033 –Exhaustive legal analysis of franchises. 1,200 pages. Bookmarks added and text OCR'd to make it useful in your own litigation.**  
<http://sedm.org/Forms/FormIndex.htm>
- **Corporatization and Privatization of the Government, Form #05.024-proof that what used to be “government” has become a private corporation and not a government**  
<http://sedm.org/Forms/FormIndex.htm>
- **De Facto Government Scam, Form #05.043**  
<http://sedm.org/Forms/FormIndex.htm>
- **Resignation of Compelled Social Security Trustee, Form #06.002-how to lawfully quit the socialism franchise**  
<http://sedm.org/Forms/FormIndex.htm>

# Digging Deeper

- **Separation Between Public and Private Course**, Form #12.025  
<http://sedm.org/Forms/FormIndex.htm>
- **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>
- **Proof That There Is a “Straw Man”**, Form #05.042-proves that franchises are the main vehicle by which the “straw man” is created. Provides court admissible evidence of the existence of the straw man.  
<http://sedm.org/Forms/FormIndex.htm>
- **Sovereignty and Freedom Points and Authorities**, Litigation Tool #10.018  
<https://sedm.org/Litigation/LitIndex.htm>
- **Sovereignty and Freedom Topic**, Family Guardian Fellowship  
<https://famguardian.org/Subjects/Freedom/Freedom.htm>

# Getting Connected: Resources

- **Ministries:**
  - Family Guardian Website: <http://famguardian.org>
  - Sovereignty Education and Defense Ministry (SEDM): <http://sedm.org>
  - Nike Insights: <http://nikeinsights.famguardian.org/>
  - Sheldon Emry Memorial Library: <http://sheldonemrylibrary.famguardian.org/>
  - Constitution Research: <http://constitution.famguardian.org>
  - Ben Williams Library: <http://www.benwilliamslibrary.com/>
  - John Weaver Library, Pastor John Weaver: <http://johnweaverlibrary.famguardian.org/>
  - Foreign Tax Status Information Group (FTSIG): <https://ftsig.org>
- **Organizations:**
  - We the People Foundation for Constitutional Education:  
<http://givemeliberty.org>
- **Legal Research Sources:**
  - Legal Research Sources:  
<http://famguardian.org/TaxFreedom/LegalRef/LegalResrchSrc.htm>
  - Legal Research DVD-very complete legal reference library on one DVD. Includes all titles of U.S.C, regulations, organic documents, etc.  
<http://sedm.org/ItemInfo/Disks/LegalResearchDVD.htm>
  - Cornell University Legal Information Institute (LII): <http://www.law.cornell.edu/>
  - Code of Federal Regulations (CFR): <http://law.justia.com/us/cfr/>
  - FindLaw: <http://www.findlaw.com/>

## ***Sovereignty Education and Defense Ministry (SEDM)***

- **Founded in 2003**
- **A non-profit Christian/religious ministry**
- **Mission statement found at:**  
<http://sedm.org/Ministry/AboutUs.htm>
- **Articles of Mission, Form #01.004 available at:**  
<http://sedm.org/Ministry/SEDMArticlesPublic.pdf>
- **Managed by a board of ordained ministers**
- **Ministry offerings are completely consistent with materials found on the [Family Guardian Website](#)**
- **Educational course materials available only to “members”, who must be “nonresident aliens” and “nontaxpayers” not engaged in the “[trade or business](#)” excise taxable franchise and who believe in God**
- **All educational materials obtained online *only***
- **Signed [Membership Agreement](#) required to join or obtain any ministry offerings**
- **Based out of (but NOT [domiciled](#) or RESIDENT in) Canada and outside of jurisdiction of United States government**
- **Focus exclusively on *human beings* and not *businesses***
- **See the “[About Us](#)” page for further details on the ministry**
- **See our Frequently Asked Questions page, which answers most questions to or about us:**  
<http://sedm.org/FAQs/FAQs.htm>

## ***Sovereignty Education and Defense Ministry (SEDM)***

- **We are NOT:**
  - Anti-government, but pro SELF-government
  - “Tax protesters”, “tax deniers”, or “tax defiers”, but rather a legal education and law enforcement ministry
- **WE DO NOT:**
  - Offer any kind of investment or “[tax shelter](#)” or engage in any kind of commerce within the jurisdiction of the “United States”
  - Provide “legal advice” or representation (but do provide “assistance of counsel”).
  - Allow our materials or services to be used for any unlawful purpose
  - Make legal determinations about your status
  - Market, advertise, or “promote” anything or pursue any commercial purpose. Our goals are exclusively moral and spiritual and not financial. We do not advertise.
  - Interact directly with the IRS on your behalf
  - Offer asset protection, trusts, or corporation soles
  - Make promises or assurances about the effectiveness of our materials or information
  - “Represent” anyone using [IRS 2848 Power of Attorney forms](#)
  - Prepare or advise in the preparation of tax returns for others

# ***Sovereignty Education and Defense Ministry (SEDM)***

- **WE DO NOT:**

- Allow our materials or services to be used to interact with the government or legal profession on behalf of “[taxpayers](#)”, “[U.S. citizens](#)”, “[U.S. persons](#)”, “[U.S. residents](#)”, or any instrumentality of the federal government, including especially “[public officers](#)”
- Connect ourselves with a “[trade or business in the United States](#)” or any government franchise
- Engage in factual or actionable speech. All of our offerings constitute religious beliefs and opinions that are not admissible as evidence pursuant to [Fed.Rul.Ev. 610](#). Only you can make them admissible as evidence by signing them under penalty of perjury as part of an affidavit
- Advocate or endorse any of the flawed tax arguments identified by the courts in the following document:

*Flawed Tax Arguments to Avoid*, Form #08.004

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

- **For rebutted false arguments against this ministry, see:**

*Policy Document: Rebutted False Arguments Against This Website*, Form #08.011

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



# ***SEDM Educational Curricula***

- **Response Letters:** Automated responses to common state and IRS tax collection notices. Require Microsoft Word to edit and assemble
  - [Federal Response Letters, Form #07.301](#)
  - [State Tax Response Letters, Form #07.201](#)
- **Electronic books**
  - [Tax Fraud Prevention Manual, Form #06.008](#)-describes how to protect your status as a “[nontaxpayer](#)”
  - [Nontaxpayer’s Audit Defense Manual, Form #06.011](#)-how to deal with a tax audit
  - [Sovereign Christian Marriage, Form #06.009](#)-how to get married without a state marriage license
  - [Secrets of the Legal Industry](#)-critical details on how to litigate in court for neophytes. By Richard Cornforth
  - [IRS Document 6209](#)-how to decode your IRS tax records
  - [SSN Policy Manual, Form #06.013](#)-how to live without an SSN
  - [Defending Your Right to Travel, Form #06.010](#)-how to drive without state-issued license and without becoming a “resident” of the corporate state
  - [What Happened to Justice?, Form #06.012](#)-shows the corruption of our federal court system and how to destroy any civil or criminal prosecution by the government

# ***SEDM Educational Curricula (cont.)***

- **Member Subscriptions**

- Subscription service with premium content and services for those who are Members. Annual subscription required
- See: <http://sedm.org/Membership/Subscriptions.htm>

- **CD-ROMS**

- [\*Liberty Library CD, Form #11.102\*](#)-collection of free materials off the Family Guardian Website for those who have slow dial-up internet connections
- [\*Tax Deposition CD, Form #11.301\*](#)-questions to ask the IRS at a deposition. Includes extensive evidence
- [\*Highlights of American Legal and Political History CD, Form #11.202\*](#)-exhaustive history of the systematic corruption of our government and legal systems from the founding of this country
- [\*What Happened to Justice?, Form #06.012\*](#)-shows the corruption of our federal court system and how to destroy any civil or criminal prosecution by the government

- **DVD-ROMS**

- [\*Legal Research DVD, Form #11.201\*](#)-very complete legal reference library on one DVD. Includes all titles of U.S.C, regulations, organic documents, etc.
- [\*Family Guardian Website DVD, Form #11.103\*](#)-entire Family Guardian Website on DVD-R media
- [\*Sovereignty Research DVD, Form #11.101\*](#)-entire SEDM website contents excluding items available through SEDM Ministry Bookstore, plus IRS DVD from Family Guardian Website.

# ***SEDM Educational Curricula (cont.)***

- **DVD movies:**
  - [\*How to Keep 100% of Your Earnings\*](#)-Marc Lucas
  - [\*Breaking the Invisible Shackles\*](#)-Sherry Peel Jackson
- [\*\*Legal Pleadings\*\*](#)
- **Individual Master File (IMF) Decoding and Rebuttal:**
  - [\*\*Master File Decoder Standard\*\*](#): Software that decodes your IRS electronic records and finds illegal manipulations by the IRS
  - [\*\*Master File Decoder Professional\*\*](#): Software that decodes your IRS electronic records and includes complete electronic reference library of decoding publications
  - [\*\*Full Service IMF Decoding for Single Individual\*\*](#)
  - [\*\*Full Service IMF Decoding for Married Couple\*\*](#)
- [\*\*Liberty University\*\*](#)-free curriculum to teach you about law and freedom
  - Several Movies
  - [\*\*Federal and State Tax Withholding Options for Private Employers, Form #09.001\*\*](#)-shows how to stop withholding legally
  - [\*\*What to Do When the IRS Comes Knocking, Form #09.002\*\*](#)-how to handle a government tax investigation, audit, or raid...and MUCH, MUCH more

# *The SEDM Approach*

- There is much to know in order to effectively combat illegal activity of all kinds by the government, including illegal enforcement of the tax laws by the IRS
- SEDM exists to provide educational materials that will help you get educated
- We won't fight the battle for you, but we provide tools to help you in your own fight to defend your rights as a "[nontaxpayer](#)" and a sovereign American National
- We can only educate and equip people who:
  - Consent to our [Member Agreement](#)
  - Are "[nontaxpayers](#)"
  - Are not "[U.S. citizens](#)", "[U.S. persons](#)", or "U.S. residents"
  - Have no income connected with a "[trade or business](#)" in the District of Columbia
  - Are [domiciled](#) outside of the federal "[United States](#)"/[federal zone](#)
  - Have committed themselves to getting educated so the IRS can't exploit their ignorance to victimize them
  - Do not have any contracts or employment with the federal government
- Getting educated and being vigilant in defending your legal rights is the key to staying sovereign
- We want to help you get educated, be self governing, and separate yourself from [the government "matrix"](#). We as believers are the "church" and everyone else is the "state" and we seek separation of church and state.

# *Questions?*

