

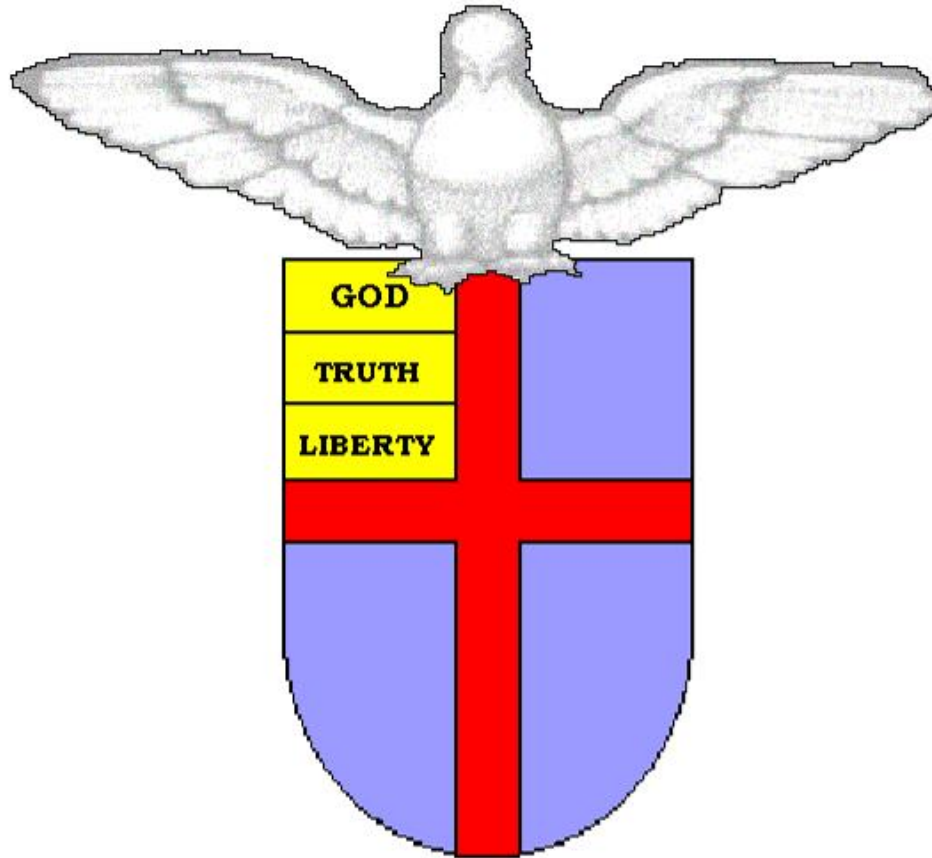
Property View Of Income Taxation Form #12.046

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

<http://sedm.org>

March 23, 2024

S E D M



Course Materials

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

- **SEDM Forms Page, Form #12.046**
<http://sedm.org/Forms/FormIndex.htm>

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- Information appearing in this presentation is educational in nature
- Everything presented is based on:
 - Thousands of hours of scriptural and legal research
 - Review and use of the resulting research by the over 1 Million people who have visited and are currently using the [SEDM Website](#) and [Family Guardian Website](#)
 - Continuous feedback from our many readers that have improved the quality of the information over time
- If you find anything inaccurate in this presentation, our [Member Agreement, Form #01.001](#) makes it a DUTY of all members to promptly bring the error to our immediate attention with supporting evidence so that we may continually improve our materials. Your evidence must be completely consistent with our presentation below:

Reasonable Belief About Income Tax Liability, Form #05.007

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

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

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COURSE OUTLINE

- 1. Introduction**
- 2. Review of Public v. Private**
- 3. Implications of separation: Foreign v. Domestic**
- 4. Where does separation come from and why do we need it?**
- 5. What happens when there is no separation?**
- 6. Rules for Lawfully Converting Private to Public**
- 7. How "Private" Gets Stolen**
- 8. The Requirement for Reasonable Notice of Obligations Associated with Receipt of PUBLIC Property**

COURSE OUTLINE

9. Taxation Property Diagrams

9.1 Symbolology

9.2 DIAGRAM Conventions

9.3 Definitions

9.4 Proof that “Return” has nothing to do with Filing a Document and is About Public Property

9.5 Two Methods of Converting from Private to Public

9.6 How Separation Between Public and Private Gets Destroyed: Accepting Government Privileges

9.7 Government’s Burden of Proof in Enforcing “Return” of Property

9.8 Diagrams

9.9 Illegal Government Actions, Their Consequences, and Responding to Them

10. How to prevent Conversion of PRIVATE to PUBLIC

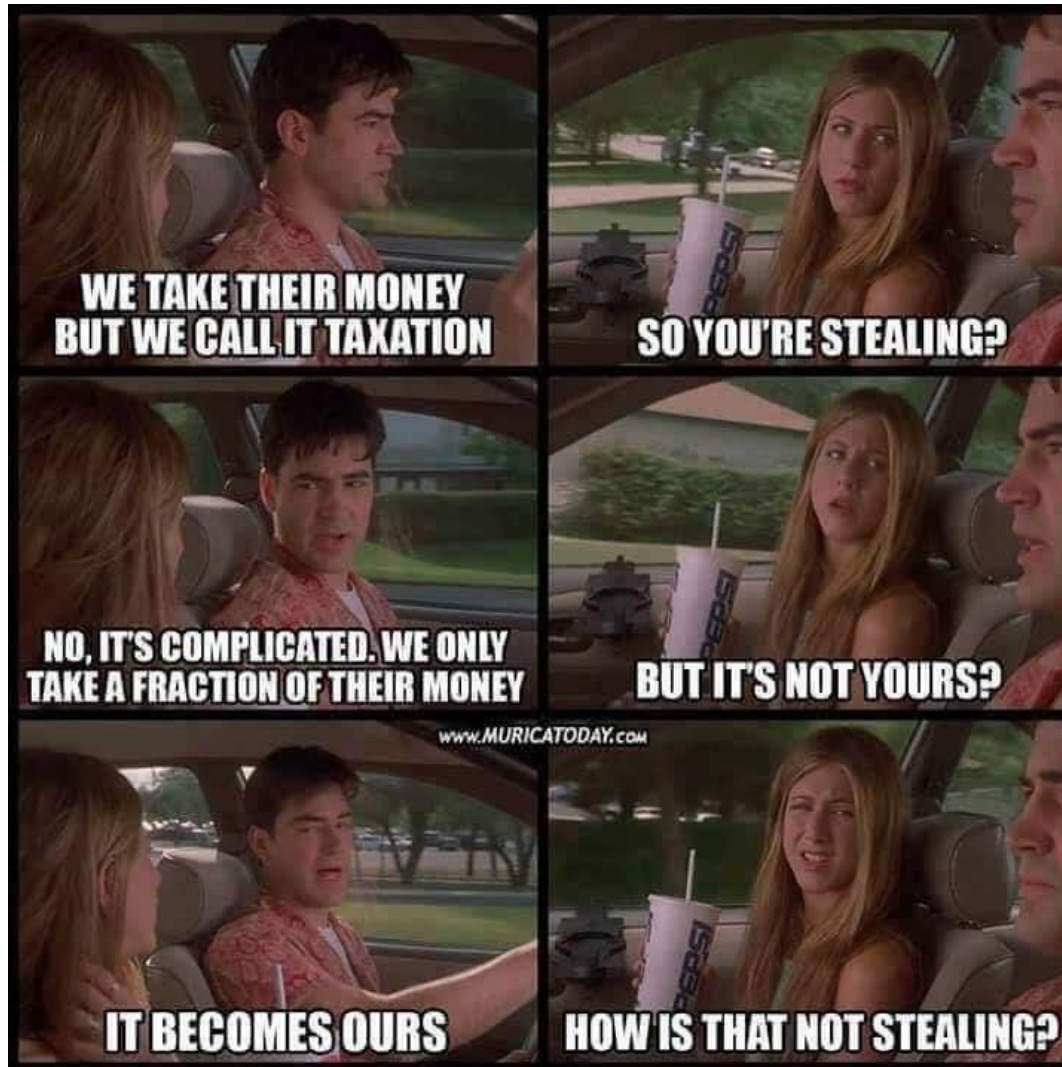
11. Constitutional limitations upon the use of government/PUBLIC property

12. What do rights attach to?

COURSE OUTLINE

- 13. How you CONSENT to convert your property from PRIVATE to PUBLIC**
- 14. How are Obligations (Rights) Created?**
- 15. Why is it important to know how obligations are created?**
- 16. Remedy for Unlawful Possession, Taking, or Control over PRIVATE property by the government**
- 17. Application of Property Law to Income Taxation**
- 18. Application of this Presentation to a Federal/State Tax Collection Notice Response**
- 19. Proof of no enforcement authority over private property**
- 20. Rebutted false arguments about government property**
- 21. Summary and conclusions**

Dedication



Dedication

“Come out from among them
And *be separate [foreign, non-resident, sanctified]*, says
the Lord.

Do not touch [or *participate in as a public officer/straw*
man, Form #05.042] what is *unclean [corrupt, Form*
#11.401],

And I will receive you.”

“I will be a Father to you,
And you shall be My sons and daughters,
Says the LORD Almighty.”

[2 Cor. 6:17-18, Bible, NKJV]

See also:

Commandments About Relationship of Believers to the
World, SEDM

<https://sedm.org/home/commandments-about-relationship-of-believers-to-the-world/>

Dedication

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

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

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

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

Dedication

“[It is an] essential, unalterable right in nature, engrafted into the British constitution as a fundamental law, and ever held sacred and irrevocable by the subjects within the realm, that what a man has honestly acquired is absolutely his own, which he may freely give, but cannot be taken from him without his consent.”

[Samuel Adams, The Massachusetts Circular Letter, February 11, 1768; SOURCE:

<https://founders.archives.gov/documents/Adams/99-02-02-7094>]

Dedication

*"I cannot subscribe to the omnipotence of a State Legislature, or that it is absolute and without control; although its authority should not be expressly restrained by the Constitution, or fundamental law, of the State. The people of the United States erected their Constitutions, or forms of government, to establish justice, to promote the general welfare, to secure the blessings of liberty; and to protect their persons and property from violence. The purposes for which men enter into society will determine the nature and terms of the [social compact \[Form #05.002\]](#); and as they are the foundation of the legislative power, they will decide what are the proper objects of it: The nature, and ends of legislative power will limit the exercise of it. This fundamental principle flows from the very nature of our free Republican governments, that no man should be compelled to do what the laws do not require; nor to refrain from acts which the laws permit. There are acts which the Federal, or State, Legislature cannot do, without exceeding their authority. There are certain vital principles in our free Republican governments, which will determine and over-rule an apparent and flagrant abuse of legislative power; as to [authorize manifest injustice](#) by positive law; or to take away that **security for personal liberty, or private property, for the protection whereof of the government was established.** An ACT of the Legislature (for I cannot call it a law) contrary to the great first principles of [the social compact \[Form #05.002\]](#), cannot be considered a rightful exercise of legislative authority. The obligation of a law in governments established on express compact, and on republican principles, must be determined by the nature of the power, on which it is founded. A few instances will suffice to explain what I mean. A law that punished a citizen for an innocent action, or, in other words, for an act, which, when done, was in violation of no existing law; a law that destroys, or impairs, the lawful private contracts of citizens [\[FORCED withholding documents do this, Form #09.001\]](#); a law that makes a man a Judge in his own cause; or a law that takes property from A. and gives it to B [tax credits or deductions, all of which are CLASS LEGISLATION THAT IS UNCONSTITUTIONAL]: It is [against all reason and justice](#), for a people to entrust a Legislature with SUCH powers; and, therefore, it cannot be presumed that they have done it. The genius, the nature, and the spirit, of our State Governments, amount to a prohibition of such acts of legislation; and the [general principles of law and reason forbid them](#). The Legislature may enjoin, permit, forbid, and punish; they may declare new crimes; and establish rules of conduct for all its citizens in future cases; they may command what is right, and prohibit what is wrong; but they cannot change innocence into guilt; or punish innocence as a crime; or violate the right of an antecedent lawful private contract; or the right of private property. To maintain that our Federal, or State, Legislature possesses such powers, if they had not been expressly restrained; would, in my opinion, be a political heresy, altogether inadmissible in our free republican governments."*

[\[Calder v. Bull, 3 U.S. 386 \(1798\)\]](#)

Dedication

What Is Law?

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

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

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

[[The Law, Frederic Bastiat, 1850](http://famguardian.org/TaxFreedom/CitesByTopic/law.htm); SOURCE:
<http://famguardian.org/TaxFreedom/CitesByTopic/law.htm>]

Dedication

"The ideal tyranny is that which is ignorantly self-administered by its victims. The most perfect slaves are, therefore, those which blissfully and unawaredly enslave themselves [because of their own legal ignorance]."

[Dresden James]

"Make it your ambition to lead a quiet life, to mind your own business and to work with your hands, just as we told you, so that your daily life may win the respect of outsiders and so that you will not be dependent on anybody."

[1 Thess. 4:9-12, Bible, NIV]

Dedication

Plunder Violates Ownership

I do not, as is often done, use the word [plunder] in any vague, uncertain, approximate, or metaphorical sense. I use it in its scientific acceptance - as expressing the idea opposite to that of property [wages, land, money, or whatever]. When a portion of wealth is transferred from the person who owns it [whether by taxation or any other means] - without his [express and uncoerced] consent [[Form #05.003](#)] and without compensation, and whether by force or by fraud - to anyone who does not own it [or share ownership, meaning a moiety], then I say that property is violated; that an act of plunder is committed.

I say that this act is exactly what the law is supposed to suppress, always and everywhere. When the law itself commits this act [a constitutional tort, [Form #15.009](#)] that it is supposed to suppress, I say that plunder is still committed, and I add that from the point of view of society and welfare, this aggression against rights [[Form #12.038](#)] is even worse. In this case of legal plunder, however, the person who receives the benefits [[Form #05.040](#)] is not responsible for the act of plundering. The responsibility for this legal plunder rests with the [[statutory civil, Form #05.037](#)] law, the legislator, and society itself. Therein lies the political danger.

It is to be regretted that the word *plunder* is offensive. I have tried in vain to find an inoffensive word, for it would not at any time - especially now - wish to add an irritating word to our dissensions. Thus, whether I am believed or not, I declare that I do not mean to attack the intentions or the morality of anyone. Rather, I am attacking an *idea* [[SOCIALISM, Form #05.016](#)] which I believe to be false; a *system* [[Form #11.401](#)] which appears to me to be unjust [[Form #05.050](#)]; an injustice so independent of personal intentions that each of us profits from it without wishing to do so, and suffers from it without knowing the cause of the suffering.

[[The Law, Frederic Bastiat, 1850](#); SOURCE:
<http://famguardian.org/TaxFreedom/CitesByTopic/law.htm>]

Why this subject is *VERY* important

- On this site, we define [Socialism](#) as state [ownership](#) or control of ALL property. We DO NOT define it as “collective control over the means of production”, because that is not how it has been HISTORICALLY defined, as we point out in:
 1. [Abuse of the word “Socialism” by Democrats to Defend Socialism](https://sedm.org/abuse-of-the-word-socialism-by-democrats-to-defend-socialism/), SEDM
 2. [Big Government IS Socialism, No Matter What the Democrats or Media Say](https://sedm.org/big-government-is-socialism-no-matter-what-the-democrats-or-media-say/), SEDM
- By “state” we mean “PUBLIC”.
- “Control” and “[ownership](#)” are synonymous under the laws of property. See:

[Sovereignty Forms and Instructions Online](http://famguardian.org/TaxFreedom/CitesByTopic/ownership.htm), Form #10.004, Cites by Topic: “Ownership”
<http://famguardian.org/TaxFreedom/CitesByTopic/ownership.htm>
- If you want to prevent and oppose [socialism](#), you MUST learn:
 - The laws of property.
 - The legal distinctions between PRIVATE and PUBLIC property.
 - The rules for lawfully converting PRIVATE property to PUBLIC property.
 - The two main mechanisms for converting PRIVATE to PUBLIC:
 1. Franchises. See [Form #05.030](#).
 2. Legal deception, propaganda, and fraud. See [Form #05.014](#).
 - How to prevent PRIVATE property from being converted to PUBLIC property both administratively and in court.

Why this subject is VERY important

- For more on socialism, see:
 1. *Socialism: The New American Civil Religion*, Form #05.016
<http://sedm.org/Forms/FormIndex.htm>
 2. *Collectivism and How to Resist It Course*, Form #12.024
<http://sedm.org/Forms/FormIndex.htm>
 3. *Communism, Socialism, Collectivism Playlist*, SEDM Youtube Channel
https://www.youtube.com/watch?v=7dAmroKyzGY&list=PLin1scINPTOvZ8rxbiOsuA0pY_79K44Mp
 4. *Communism, Socialism, and Collectivism Topic*, Family Guardian
<https://famguardian.org/Subjects/Communism/Communism.htm>
 5. *America's Socialist Origins*, Prager University
<https://youtu.be/7dAmroKyzGY>

Introduction and Purpose

- To simplify the income taxation process using the laws of property.
- To visualize the process to accelerate legal education.
- To make it easy for our members and a jury to understand the laws of property well and quickly enough to judge when the government is operating in violation of law without resorting to statutes they don't understand.
- Provide a tool to prove government illegalities to a jury in a tax crime proceeding in court.
- To more easily reach members who are busy executives and joe sixpack types with our information to enhance our effectiveness in educating the general public about how to explain and enforce the law where it counts: In the courtroom as a jurist.
- This course is a **SIMPLIFICATION** of the following three documents on our site:
 - *Separation Between Public and Private Course*, Form #12.025
<https://sedm.org/LibertyU/SeparatingPublicPrivate.pdf>
 - *Laws of Property*, Form #14.018
<https://sedm.org/Forms/14-PropProtection/LawsOfProperty.pdf>
 - *Why the Federal Income Tax is a Privilege Tax Upon Government Property*, Form #04.404** (Member Subscriptions)
<https://sedm.org/product/why-the-federal-income-tax-is-a-privilege-tax-on-government-property-form-04-404/>

Review

- This course will not discuss private and public in detail.
- You may wish to review our introductory [Foundations of Freedom, Form #12.021 video curricula](#) if you are new to the freedom subject.
- If you wish to review the meaning of private and public property and rights, then please see:
 1. *Public Right or Private Right? Course*, Form #12.044
<https://sedm.org/LibertyU/PrivateRightOrPublicRight.pdf>
 2. *Enumeration of Inalienable Rights*, Form #10.002
<http://sedm.org/Forms/10-Emancipation/EnumRights.pdf>
 3. *Foundations of Freedom, Video 3: Status, Rights and Privileges*, Form #12.021
SLIDES: <http://sedm.org/LibertyU/FoundOfFreedom-Slides.pdf>
FORMS PAGE: <http://sedm.org/Forms/FormIndex.htm>
DIRECT LINK: <https://www.youtube.com/watch?v=k6A1vIOQrsM>
 4. *Property and Privacy Protection Topic Page*, Section 8: Private Property Protection-Family Guardian Fellowship
<http://famguardian.org/Subjects/PropertyPrivacy/PropertyPrivacy.htm>

Implications of separation: Foreign v. Domestic

- For the purposes of this course:
 - PRIVATE is equivalent to [FOREIGN](#) for civil legislative purposes.
 - PUBLIC is equivalent to [DOMESTIC](#) for civil legislative purposes.
- In fact, we define [“sovereign” \(Form #08.018\)](#) as [“foreign”](#) for the purposes of all of our materials. See:
[“Sovereign” = “Foreign”, Family Guardian Fellowship](#)
<https://famguardian.org/Subjects/Freedom/Sovereignty/Sovereign=Foreign.htm>
- Our definition of “sovereign” means EQUAL to the government and everyone else in court. It does NOT mean superior in any way so we aren’t promoting “elitism” as the [Pharisees \(Form #05.047\)](#) did. See:
[SEDM Disclaimer](#), Section 4.20: Sovereign
<https://sedm.org/disclaimer.htm#4.20. Sovereign>
- The reason we define “sovereign” in this way is to avoid violating the first four commandments of the [Ten Commandments in Exodus 20](#), which forbid “serving other gods”:
 - If you aren’t equal to the government, then government IS, by definition “god” from a legal perspective.
 - As a god, whatever CIVIL laws they write to impose obligations upon you compel you to “serve” them as gods.

Implications of separation: Foreign v. Domestic

- The result of NOT being “sovereign” as defined here therefore is **RELIGIOUS IDOLATRY** and a violation of the laws of our **SOVEREIGN God (Form #17.070)** whom we work for as “trustees” under His laws, which are a trust indenture. See:
Delegation of Authority Order from God to Christians, Form #13.007
<https://sedm.org/Forms/13-SelfFamilyChurchGovnce/DelOfAuthority.pdf>
- **PERFECT separation between PUBLIC and PRIVATE is ONLY possible if you:**
 - **Consent (Form #05.003)** to NOTHING the government offers or wants.
 - Reserve all your rights under **U.C.C. §1-308** to the maximum extent possible.
 - Write all your **CIVIL** contracts affecting all your property to exclude the government using or controlling or benefitting from your property.
 - Define all terms on government forms you are forced to fill out as **EXCLUDING** the civil statutory law and including only definitions you provide.
 - Dictate the “choice of law” in all **CIVIL** contracts to exclude the government or the civil statutory law. See:
Choice of Law, Litigation Tool #01.010
<https://sedm.org/Litigation/01-General/ChoiceOfLaw.pdf>

By doing all the above, you will have the maximum sovereignty and sovereign immunity.

Implications of separation: Foreign v. Domestic

- The RESULT of PERFECT separation between PUBLIC and PRIVATE is what we define as “Natural Law” in our disclaimer:

SEDM Disclaimer, Section 4.31: Natural Law

<https://sedm.org/disclaimer.htm#4.31>. Natural law

- Perfect separation between public and private is ONLY possible if you:
 - Diligently study and learn the law over your lifetime.
 - Take complete, exclusive, and personal responsibility for all your choices and actions and blame NO ONE for any of them.
 - Believe in and obey the laws of your God. These law produce the maximum liberty and sovereignty:

²⁸ “Come to me, all you who are weary and burdened, and I will give you rest. ²⁹ Take [my yoke \[LAW, Form #13.001\]](#) upon you and learn from me, for I am gentle and [humble in heart](#), and you will find rest for your souls. ³⁰ For my yoke is easy and my burden is light.”

[Jesus in [Matt. 11:28-30](#), Bible, NKJV]

- Can easily distinguish between PUBLIC and PRIVATE:

Private Right or Public Right? Course, Form #12.044

<https://sedm.org/LibertyU/PrivateRightOrPublicRight.pdf>

Our [Member Agreement, Form #01.001](#) requires or emphasizes all the above, by the way.

Implications of separation: Foreign v. Domestic

- **A VERY important implication of PERFECT SEPARATION between PUBLIC and PRIVATE is that:**
 - **YOU will be legislatively FOREIGN in relation to the government for civil legislative purposes. Thus, you will NOT be a civil statutory “person”, “citizen”, “resident”, or “subject”.**
 - **YOUR PROPERTY will be legislatively FOREIGN in relation to the government for civil legislative purposes. Thus, it will be protected mainly by:**
 - » **Your private right to contract under Article 1, Section 10 of the Constitution.**
 - » **The Bill of Rights rather than the civil statutory law.**
 - **Government will not be able to civilly tax or regulate your property. Thus, they will a SERVANT rather than a MASTER.**
 - **A government that seeks to regulate or tax your property will have the burden of proving that you EXPRESSLY and CONSENSUALLY converted it from PRIVATE to PUBLIC BEFORE they can lawfully regulate or tax it. They will not be able to PRESUME (Form #05.017) consent in any form, and especially IMPLIED rather than EXPLICIT consent. See:**

***Hot Issues: Invisible Consent**, SEDM**

<https://sedm.org/invisible-consent/>

Implications of separation: Foreign v. Domestic

- You will not be in receipt of any civil privilege or benefit from any government that might impair any aspect of your absolute ownership or control over YOU or YOUR property.
- You will be **PERFECTLY EQUAL** to government in court.
- You will not need the government's permission to do anything.
- You will be “sovereign” for civil legislative purposes.
- Government will need your permission and consent in some form to control, use, or benefit from any of your property.
- You will be the **ONLY** one who can write civil **LEGAL DEFINITIONS** that affect or interfere with the use or enjoyment of your property. **OWNERSHIP**, after all, is the origin of the right to define **ANYTHING**.
- As the absolute owner of all your property, you become a “lawgiver” and may lawfully place **ANY CONDITION** you want on the use, control, or “benefit” of your property. **Black's Law Dictionary** hides this fact. **Caveat emptor**.
- You will **STILL** be subject to the **CRIMINAL** and the **COMMON LAW** just like everyone else. These law systems **DO NOT** require your consent to enforce.

Implications of separation: Foreign v. Domestic

- If you file a tax return, it will be as a “nonresident alien” and will owe no tax on your labor as PRIVATE property. See:
 - » *Nonresident Alien Position Course*, Form #12.045
<https://sedm.org/LibertyU/NRA.pdf>
 - » *Proof that American Nationals are Nonresident Aliens*, Form #09.081
<https://sedm.org/Forms/09-Procs/ProofAnNRA.pdf>
 - » *How to File Returns*, Form #09.074** (Member Subscriptions)
<https://sedm.org/product/filing-returns-form-09-074/>
 - » *Proof that Involuntary Income Taxes on Your Labor are Slavery*, Form #05.055
<https://sedm.org/Forms/05-MemLaw/ProofIncomeTaxLaborSlavery.pdf>
- For an example of how these concepts are applied to protecting your assets with trusts, see:
Frivolous Subject: My Lawyer Says IRS Does Not Recognize Common Law Trusts, SEDM
<https://sedm.org/frivolous-argument-my-lawyer-says-irs-does-not-recognize-common-law-trusts/>
- We describe how to IMPLEMENT “perfect separation” in:
Separation Between Public and Private Course, Form #12.025, Section 45
<https://sedm.org/LibertyU/SeparatingPublicPrivate.pdf>

Where does separation come from?

- The need for separation begins with the definition of “[justice](#)” itself:

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

[Readings on the History and System of Common Law, Second Edition, 1925, Roscoe Pound, p. 2]

- This is why judges are called “justices”.
- For details on “Justice”, see:
 - What is “Justice”?, Form #05.050
 - <http://sedm.org/Forms/FormIndex.htm>
 - Requirement for Consent, Form #05.003, Section 3: The Meaning of “Justice”
<http://sedm.org/Forms/FormIndex.htm>
 - Sovereignty Forms and Instructions Online, Form #10.004, Cites by Topic: “Justice”
<http://famguardian.org/TaxFreedom/CitesByTopic/justice.htm>
 - Sovereignty and Freedom Topic Page, Section 7.4: Justice-Family Guardian Fellowship
<http://famguardian.org/Subjects/Freedom/Freedom.htm>

Where does separation come from?

- The main purpose of establishing government itself is “justice”

"Justice is the end of government. It is the end of civil society. It ever has been, and ever will be pursued, until it be obtained, or until liberty be lost in the pursuit."

[The Federalist No. 51 (1788), James Madison]

- “Justice” therefore **BEGINS** with the government protecting your right to be left alone, and especially **BY THEM**.
- You begin as **PRIVATE**. You or your **PRIVATE** property can only become **PUBLIC** with your **EXPRESS consent**.

"Quod meum est sine me auferri non potest.

What is mine cannot be taken away without my consent. Jenk. Cent. 251. Sed vide Eminent Domain.

Id quod nostrum est, sine facto nostro ad alium transferi non potest.

What belongs to us cannot be transferred to another without our consent. Dig. 50, 17, 11. But this must be understood with this qualification, that the government may take property for public use, paying the owner its value. The title to property may also be acquired, with the consent of the owner, by a judgment of a competent tribunal."

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

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

Where does separation come from?

- Being disturbed rather than left alone means:
 - Being treated as PUBLIC or a [PUBLIC OFFICER](#) without your [consent](#). See [Form #05.037](#).
 - Duties being imposed upon “citizens” or “residents” NOT related to voting or jury service.
 - Being treated as a statutory “citizen” or “resident” even though you never expressly [consented](#) or not being allowed to surrender the “benefits” of these civil statuses and become a “non-resident non-person” WITHOUT becoming a privileged statutory “alien”.
 - Having legal obligations imposed upon you through the [PUBLIC statutory civil law](#) that you [didn't consent to or can't lawfully consent to](#). See [Form #05.003](#). For instance, duties to buy car or health insurance or pay income taxes.
 - Becoming the target of government enforcement even though you haven't demonstrably hurt anyone. Law is force, and it only acquires the “force of law” AFTER an injury is PROVEN on the record of a court. This is called “standing”. See [Form #05.032](#).
- [Freedom](#) is impossible without [PRIVATE property](#) and the [equality](#) (in relation to government), [sovereignty](#), and the autonomy that these things provide. See [Form #05.033](#).

Supreme Court ACKNOWLEDGES the Requirement for Separation

"The constitutional right [Form #10.015] against unjust taxation is given for the protection of private property [Form #12.046], but it may be waived by those affected who consent [Form #05.003] to such action to their property as would otherwise be invalid [or even ILLEGAL or CRIMINAL]."

[Wight v. Davidson, 181 U.S. 371 (1901)]

[A mistake on a tax form through legal ignorance is not CONSENT which creates an actual liability. The amounts paid are recoverable when paid under protest per 28 U.S.C. §1346 when claimed within the statute of limitations. See United States v. Williams, 514 U.S. 527 (1995)]

Private Property is How You Defend Yourself From Government Usurpation

- Control over PRIVATE property and equality in relation to the government is the only method of controlling government and keeping them as accountable servants rather than masters. That control is what ENSURES your right to be LEFT ALONE. For instance:
 - If the government can acquire rights over you or your property using franchises, then you should be able to do it to them by EXACTLY the same mechanisms.
 - Franchises are based upon a grant or loan of public property, which is called “publici juris”. If granting or loaning you public/government property is what creates their authority over you per Article 4, Section 3, Clause 2 of the national constitution, then you should be able to do it to them by exactly the same mechanisms if we are all in fact EQUAL.
- For an example of how PRIVATE property can be used to “govern” the government and protect your right to be left alone, see:

Injury Defense Franchise and Agreement, Form #06.027
<http://sedm.org/Forms/FormIndex.htm>
- For details on how franchises work and how to use them against the government, see:

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

Why do we want to separate Public and Private and avoid the Public?

- Those “benefitting” from PUBLIC property or exercising Public rights cannot claim the protections of the Constitution or the common law.

*“The words “privileges” and “immunities,” like the greater part of the legal phraseology of this country, have been carried over from the law of Great Britain, and recur constantly either as such or in equivalent expressions from the time of Magna Charta. For all practical purposes they are synonymous in meaning, and originally signified a peculiar right or private law conceded to particular persons or places whereby a certain individual or class of individuals was exempted from the rigor of the common law. Privilege or immunity is conferred upon any person when he is invested with a legal claim to the exercise of special or peculiar rights, authorizing him to enjoy some particular advantage or exemption. See *Magill v. Browne*, Fed.Cas. No. 8952, 16 Fed.Cas. 408; 6 Words and Phrases, 5583, 5584; A J. Lien, “Privileges and Immunities of Citizens of the United States,” in *Columbia University Studies in History, Economics, and Public Law*, vol. 54, p. 31.”*

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

http://famguardian.org/Publications/ThePrivAndImmOfStateCit/The_privileges_and_immunities_of_state_c.pdf

- Therefore, Public rights DESTROY Private rights.
- That is why we call “Public rights” ANTI-RIGHTS.
- For further details, see:

Government Instituted Slavery Using Franchises, Form #05.030, Sections 2.7.3 and 13.2.

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

Why do we want to separate Public and Private and avoid the Public?

- What is a “privilege and immunity”?
 - A [franchise](#).
 - A public right.
 - A congressionally created statutory civil privilege. See [Form #05.037](#).
- None of the above are available to those physically in a Constitutional state because the [Declaration of Independence](#) says your PRIVATE rights are [unalienable](#), and therefore incapable of being alienated, sold, or transferred, even WITH [your consent](#):

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

[[Declaration of Independence](#)]

“[Unalienable](#). Inalienable; incapable of being aliened, that is, sold and transferred.”

[Black's Law Dictionary, Fourth Edition, p. 1693]

- Privileges and immunities can only be offered on federal territory to those consensually [domiciled](#) on federal territory and PHYSICALLY PRESENT there.
 - This is because PRIVATE rights attach to land, PUBLIC rights attach to consenting people NOT standing on constitutionally protected land.
 - That is why the constitution describes itself as “the law of the LAND” rather than the law of the “CIVIL STATUS” of consenting parties.

What happens when there is NO SEPARATION?

- **When there is no separation between PUBLIC and PRIVATE:**
 - All “citizens” and “residents” become government public officers and/or employees 24 hours a day, 7 days a week.
 - The statutory civil “code” is your employment agreement. [Form #05.037](#)
 - The “benefits” of the [civil status](#) of “citizen” and “resident” is the equivalent of your employment compensation. See Form #05.040.
 - Everything you think you own is government property GRANTED or LOANED to you with legal strings or conditions. You have QUALIFIED rather than ABSOLUTE ownership.
 - Everything is a [statutory civil “privilege”](#). You need legislatively granted civil permission from government to do ANYTHING and EVERYTHING.
 - You don’t have the ability to even quit your job as a public officer and need permission from the government to even do THAT, even though they aren’t explicitly paying you ANYTHING.
 - You will be so dumbed down in the public school (as a public FOOL) that you won’t even realize the above.

- **On this subject, we like to say the following:**

“The most pernicious form of tyranny is that which is justified with the defense that it is ‘good’ for you or ‘benefits’ you.”

[Bob Schulz, We the People Foundation for Constitutional Education; <http://givemeliberty.org>]

"The ideal tyranny is that which is ignorantly self-administered by its victims. The most perfect slaves are, therefore, those which blissfully and unawaredly enslave themselves [[because of their own legal ignorance](#)]."

[Dresden James]

Rules for Lawfully Converting PRIVATE Property into PUBLIC Property

- All property starts out as EXCLUSIVELY PRIVATE and beyond the [civil statutory control \(Form #05.037\)](#) 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 \(Form #10.002\)](#) 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 TAKE the property without compensation
 - Asserts a right to regulate or control the use of private property. This is called a “regulatory taking”.
 - Asserts a right to convert the character of property from PRIVATE to PUBLIC without the express written consent of the original owner. IMPLIED consent CANNOT be used.
 - Asserts a right to TAX said property. Taxation, after all, is the process of converting PRIVATE property to PUBLIC property. See:
[Overview of the Income Taxation Process \(as a PROPERTY exercise\), SEDM](https://sedm.org/overview-of-the-income-taxation-process-as-a-property-exercise/)
<https://sedm.org/overview-of-the-income-taxation-process-as-a-property-exercise/>

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

#	Description	Requires consent of owner to be taken from owner?
1	The owner of property justly acquired enjoys full and exclusive use and control over the property. This right includes <u>the right to exclude government uses</u> or ownership of said property.	Yes
2	He may not use the property to injure the equal rights of his neighbor. For instance, when you murder someone, the government can take your liberty and labor from you by putting you in jail or your life from you by instituting the death penalty against you. Both your life and your labor are “property”. Therefore, the basis for the “taking” was violation of the equal rights of a fellow sovereign “neighbor”.	No
3	He cannot be compelled or required to use it to “benefit” his neighbor. That means he cannot be compelled to donate the property to any franchise that would “benefit” his neighbor such as Social Security , Medicare, etc.	Yes
4	If he donates it to a public use, he gives the public the right to control that use.	Yes
5	Whenever the public needs require, the public may take it without his consent upon payment of due compensation (within the constitutional limits of their territorial exclusive jurisdiction). 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 (Form #05.033) of others in the use of it
- QUESTIONS:
 - 1. How did your PRIVATE property or 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 absolutely owned EXCLUSIVELY PRIVATE property that you have hurt NO ONE with?

Answers

1. Most people become a statutory “[Taxpayer](#)” through their own legal ignorance.
 - 1.1. The method of volunteering is to misrepresent your [civil status](#) on a government form. See:
Avoiding Traps in Government Forms, Form #12.023
<http://sedm.org/Forms/FormIndex.htm>
 - 1.2. Since everyone is [presumed](#) by the courts to know the law, there is no excuse for ignorant volunteering.
 - 1.3. No government worker can assert a right nor has a duty to know or second guess their master or correct ignorant volunteers.
 - 1.4. Therefore, you have an obligation to give them reasonable notice of the above errors.
 - 1.5. Beyond that point, they are noticed of a violation of their fiduciary duty and any further enforcement action is a tort they are personally responsible for.

"My [God's] people are destroyed [and enslaved] for lack of knowledge [and the lack of education that produces it]."
[Hosea 4:6](#), Bible, NKJV]

Answers

- 2. Only by VOLUNTEERING to assume the civil statutory status of a franchisee (e.g. “taxpayer”, “citizen”, “spouse”, “driver”), ABSENT DURESS OR COERCION of any kind, can the government regulate the use of EXCLUSIVELY PRIVATE property.**
- 2.1. This consent can only lawfully be given on land NOT protected by the constitution BECAUSE constitutionally protected rights are unalienable, according to the Declaration of Independence.**
- 2.2. In this way, you DONATE your private property to a PUBLIC use, public purpose, and public office.**
- 2.3. If there was any duress applied or tricks (equivocation or dissimulation) on government forms that would force or mislead 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 for converting PRIVATE to PUBLIC.
 - Tries to blur, confuse, or obfuscate the distinction between PRIVATE property and PUBLIC property.
 - Refuses to identify EXACTLY which of the FIVE mechanisms identified 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.

Violation of the Rules for Converting PRIVATE property to PUBLIC 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 or identity 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

How “Private” Gets Stolen

- PRIVATE gets STOLEN by:
 - Dumbing down the average American on legal subjects.
 - Manipulating your legal ignorance to institute a “privity” which causes a change to YOUR civil status.
 - The civil status change, in turn, gives rise to a “usufruct”, or “moiety”
 - Using “equivocation” (word games) to create the “privity”, “usufruct” or “moiety” that “benefits” THEM in stead of YOU, the original owner. The result is “dissimulation” on the part of the target, in which you are treated like that which you are NOT. Namely: A public officer.
 - Using silence and omission in an administrative setting towards those who are victimized by such tactics, which ensures “plausible deniability” if the wrongdoer gets caught doing any of the above. This is CONSTRUCTIVE FRAUD.
 - Slandering and maliciously prosecuting all those who figure out the above mechanisms and punish and prosecute them.
- The above tactics are called “identity theft”, and they are a SERIOUS CRIME.
- For details on how to recognize GOVERNMENT identity theft, see:
Government Identity Theft, Form #05.046
<http://sedm.org/Forms/FormIndex.htm>
- Definition of “privity” is on the next page. A “privity” is the only thing that can create a “moiety” or “usufruct” or give rise to SHARED ownership over your otherwise PRIVATE absolutely owned property.

Definition of “privity”

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

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

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

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

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

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

Privity of estate is that which exists between lessor and lessee, tenant for life and remainderman or reversioner, etc., and their respective assignees, and between joint tenants and coparceners. Privity of estate is required for a release by enlargement. Sweet.

[Black's Law Dictionary, Fourth Edition, pp. 1361-1362]

Definition of “usufruct”

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

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

Imperfect Usufruct

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

See Quasi Usufruct infra.

Legal Usufruct

See that title.

Perfect Usufruct

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

Quasi Usufruct

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

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

Moieties

- A “moiety” occurs when a portion of a right or [property](#) which is equal to or less than half is acquired by someone else.
- **Moieties are different from “usufructs” because they only convey HALF or less of a thing. Usufructs assume FULL control and ownership of THE WHOLE THING.**
- **The definition of “moiety” is as follows:**
“Moiety (moy-ə-tee). 1. A half of something (such as an estate). 2. A portion less than half; a small segment. 3. In customs law, a payment made to an informant who assists the seizure of contraband.”
[Blacks Law Dictionary, Seventh Edition, p. 1021]
- **An example of a moiety is when you get married:**
 - The two become “one flesh” from a legal perspective.
 - Each owns an equal half of the estate.
 - If the marriage dissolves, the property must be equally divided.
 - The [civil statutory status](#) of “spouse” is legal evidence of the existence of the “moiety”.
 - The marriage license is a public record of the existence of the moiety. That moiety is also called a “res”.
 - Legal actions to dissolve the moiety through divorce are called “in rem”.

“res” and “in rem” in relation to marriage

“It is universally conceded that a divorce proceeding, in so far as it affects the status of the parties, is an action in rem. 19 Cor. Jur. 22, § 24; 3 Freeman on Judgments (5th Ed.) 3152. It is usually said that the ‘marriage status’ is the res. Both parties to the marriage, and the state of the residence of each party to the marriage, has an interest in the marriage status. In order that any court may obtain jurisdiction over an action for divorce that court must in some way get jurisdiction over the res (the marriage status). The early cases assumed that such jurisdiction was obtained when the petitioning party was properly domiciled in the jurisdiction. [Ditson v. Ditson, 4 R. I. 87](#), is the leading case so holding; see, also, [Andrews v. Andrews, 188 U. S. 14, 23 S. Ct. 237, 47 L. Ed. 366](#). Until 1905 the overwhelming weight of authority was to the effect that, if the petitioning party was domiciled in good faith in any state, that state could render a divorce decree on constructive service valid not only in the state of its rendition, but which would be recognized everywhere. In [Atherton v. Atherton, 181 U. S. 155, 21 S. Ct. 544, 45 L. Ed. 794](#), the United States Supreme Court apparently recognized that doctrine. In that case the parties were living together and domiciled in Kentucky. That state was the last state where the parties lived together as husband and wife. The wife left the husband and came to and became domiciled in **721 New York. She brought an action for divorce in New York, her husband defending on the ground that he had secured a divorce in Kentucky on constructive service. New York refused to recognize the validity of the Kentucky decree, on the ground that Kentucky could not in such an action affect the status of a citizen of New York. The United States Supreme Court reversed the New York decisions ([82 Hun. 179, 31 N. Y. S. 977; Id. 155 N. Y. 129, 49 N. E. 933](#), 40 L. R. A. 291, 63 Am. St. Rep. 650) and *33 held that the Kentucky decree was entitled to full faith and credit even though the wife was not served with process and not appear in the Kentucky action, and even though at the time the decree was rendered the wife was a resident of and domiciled in New York. In so holding, however, the court pointed out that the reason the Kentucky decree was entitled to full faith and credit was because Kentucky had jurisdiction over the marriage status by virtue of the fact that that state was the matrimonial domicile, i. e., the last place the parties lived together as husband and wife. Then in 1905, the United States Supreme Court decided the Haddock Case, *supra*. Here the parties were married and domiciled in the state of New York. The husband, without cause, abandoned his wife and went to and acquired a domicile in Connecticut. Thereafter the husband secured in Connecticut a divorce on constructive service. Several years later the wife sued for divorce in New York, and secured personal service on the husband. The husband set up as a defense the Connecticut decree. New York refused to recognize it. The Supreme Court of the United States held that although the Connecticut decree was probably good in that state, it was without binding force in New York, and was not entitled to full faith and credit. The court pointed out that the matrimonial domicile of the parties was New York, and that in such a case Connecticut had no jurisdiction over the marriage status so as to affect the status of a New York resident. New York could recognize the Connecticut decree, but it could not be compelled to do so under the full faith and credit clause. The result of this decision has been to create a hopeless conflict of authority as to the status of a foreign divorce rendered against a nondomiciled defendant on constructive service. Some courts refuse to recognize foreign decrees so rendered as against their own residents. It should be noted that Pennsylvania, the state rendering the decree involved in the instant case, is a state which refuses to grant any efficacy to a foreign decree secured on constructive service against one of its own citizens, at least where Pennsylvania is the matrimonial domicile. [Colvin v. Reed, 55 Pa. 375; Duncan v. Duncan, 265 Pa. 464, 109 A. 220](#). Other states recognize such decrees to their full extent, permitting them to be attacked solely on jurisdictional*34 grounds. Among this latter group of states there is hopeless conflict of authority as to what constitutes a jurisdictional defect which can be collaterally attacked in a sister state. See [39 A. L. R. 603](#) AND [42 A. L. R. 1405](#), notes where the cases are exhaustively collected and commented upon.

[*Delanoy v. Delanoy*, 216 Cal. 27, 13 P.2d 719 (CA. 1932)]

Definition of “in rem”

in rem. A technical term used to designate proceedings or actions instituted against the thing [\[PROPERTY, Form #14.018\]](#), in contradistinction to personal actions, which are said to be in personam.

"In rem" proceedings encompass any action brought against person in which essential purpose of suit is to determine title to or to affect interests in specific property located within territory over which court has jurisdiction. *ReMine ex rel. Liley v. District Court for City and County of Denver, Colo.*, 709 P.2d 1379, 1382. It is true that, in a strict sense, a proceeding in rem is one taken directly against property, and has for its object the disposition of property, without reference to the title [\[CIVIL STATUS, Form #13.008\]](#) of individual claimants; but, in a larger and more general sense, the terms are applied to actions between parties, where the direct object is to reach and dispose of property owned by them, or of some interest therein. Such are cases commenced by attachment against the property of debtors, or instituted to partition real estate, foreclose a mortgage, or enforce a lien. *Pennoyer v. Neff*, 95 U.S. 714, 24 L.Ed. 565. In the strict sense of the term, a proceeding "in rem" is one which is taken directly against property or one which is brought to enforce a right in the thing itself.

Actions in which the court is required to have control of the thing or object **[CONTROL AND OWNERSHIP ARE SYNONYMOUS]** and in which an adjudication is made as to the object which binds the whole world and not simply the interests of the parties to the proceeding. *Flesch v. Circle City Excavating & Rental Corp.*, 137 Ind.App. 695, 210 N.E.2d 865.

See also *In personam*, *In rem jurisdiction*; *Quasi in rem jurisdiction*.

Judgment in rem. See that title.

Quasi in rem. A term applied to proceedings which are not strictly and purely in rem, but are brought against the defendant personally, though the real object is to deal with particular property or subject property to the discharge of claims asserted; for example foreign attachment, or proceedings to foreclose a mortgage, remove cloud from title, or effect a partition. *Freeman v. Alderson*, 119 U.S. 185, 7 S.Ct. 165, 30 L.Ed. 372. An action in which the basis of jurisdiction is the defendant's interest in property, real or personal, which is within the court's power, as distinguished from in rem jurisdiction in which the court exercises power over the property itself, not simply the defendant's interest therein.

[Black's Law Dictionary, Sixth Edition, p. 793]

Moieties

- **Application to Citizenship:**
 - Calling yourself a “citizen” is like “marrying” the government.
 - By calling yourself a STATUTORY “citizen”, you have unavoidably AGREED with the government to SHARE ownership of your body and your absolutely owned property.
 - The Bible, however, says it’s FORNICATION and makes you a HARLOT to call yourself a CIVIL STATUTORY ANYTHING. See:
 - » Black’s Law Dictionary definition of “commerce”, which is INTERCOURSE and therefore FORNICATION if the government is involved unless you are AT LEAST the Merchant and never the Buyer.
 - » Book of Revelation in the Bible.
 - » *Are You “Playing the Harlot” with the Government?*, SEDM
<https://sedm.org/are-you-playing-the-harlot/>
 - Separation of church and state neither permits nor requires moieties or usufructs between the church and the government. Any attempt to break this separation down constitutes:
 - » Criminal damage to religious property, [18 U.S.C. §247](#)
 - » THEFT.
 - » Serving two masters in violation of the commands of Jesus in [Matt. 6:24](#) recorded by a EX TAX COLLECTOR who repented.
 - The bible says YOU are the church. The church is NOT a physical building or a group.
 - » [1 Cor. 6:19](#) says YOUR BODY is a temple and therefore a church.
 - » What does true separate of church and state mean in THIS context?

Moieties

- What the Bible says about moieties or usufructs between YOU and the GOVERNMENT:

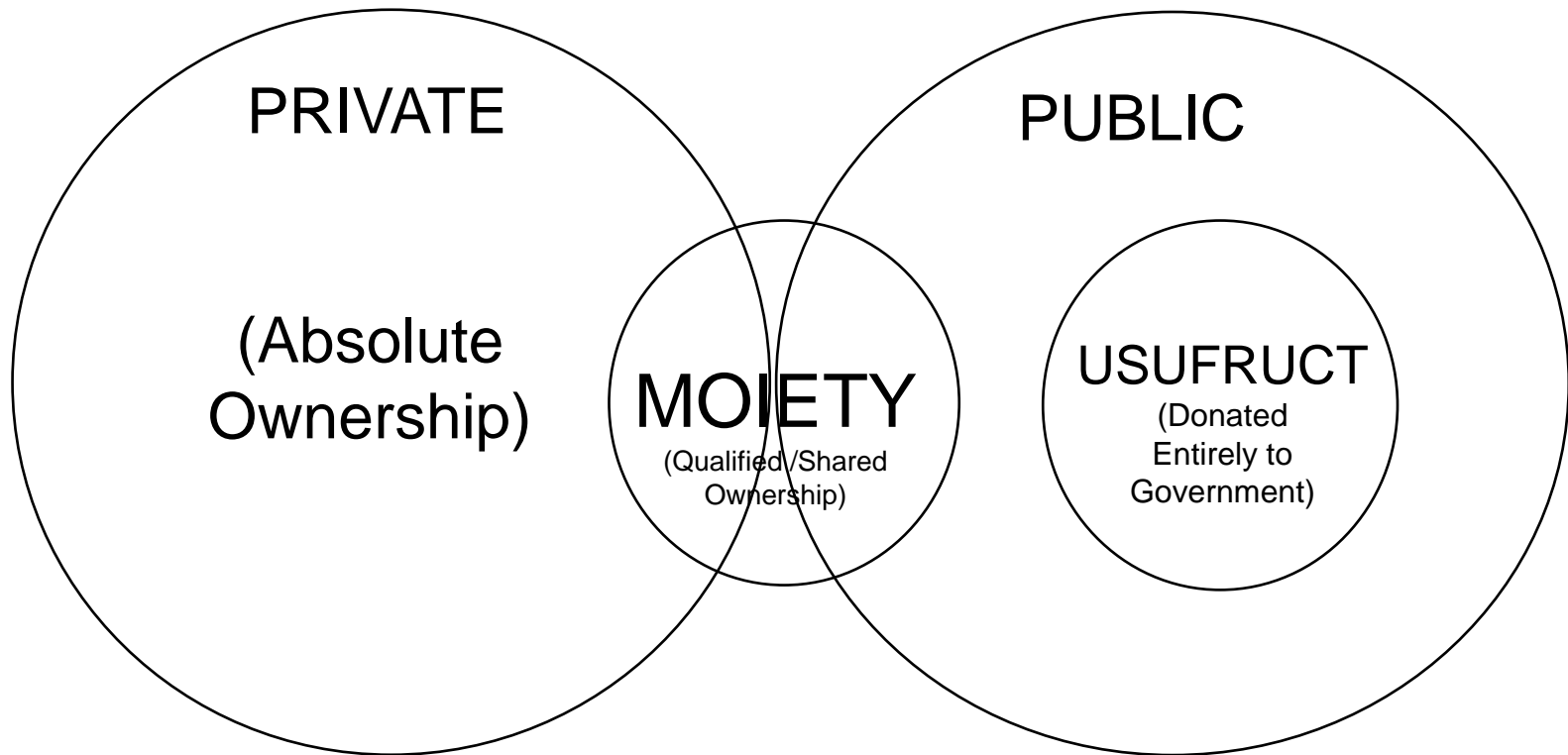
"I [God] brought you up from Egypt [slavery] and brought you to the land of which I swore to your fathers; and I said, 'I will never break My covenant with you. And you shall make no covenant [contract or [franchise or agreement](#) of ANY kind] with the inhabitants of this [corrupt pagan] land; you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

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

So it was, when the Angel of the LORD spoke these words to all the children of Israel, that the people lifted up their voices and wept.

[\[Judges 2:1-4, Bible, NKJV\]](#)

Relationship Between Public and Private Property Conversion



How “Private” Gets Stolen

- NOTICE the key use of the following phrase in the definition of “usufruct”:
“In the civil law”
- We would argue the ENTIRE civil “code” is itself a “usufruct” designed to convert ALL PRIVATE to PUBLIC:
 - It is what we call a “civil protection franchise”.
 - It implements an unconstitutional “title of nobility” to the government, because they are the only ones who:
 - » Can write the rules.
 - » Choose which rules they want to be subject to under the concept of sovereign immunity.
 - » Receive the benefit of fines or penalties without your consent. Why can’t you penalize them under your own franchise? Aren’t we all equal?
 - Anyone who consents to be subject to it is a fool. Being a “subject” under it is ALWAYS voluntary. See:
Why Domicile and Becoming a “Taxpayer” Require Your Consent, Form #05.002
<http://sedm.org/Forms/FormIndex.htm>
 - It only protects PUBLIC rights or property under the CUSTODY of PUBLIC officers. If you are not an agent or officer of the government, you cannot receive its “benefits”. See:
Why Statutory Civil Law is Law for Government and Not Private Persons, Form #05.037
<http://sedm.org/Forms/FormIndex.htm>

How “Private” Gets Stolen

- **Usufructs and moieties are implemented in the following ways:**
 1. They must be based on consent. The entire civil statutory “codes” are consensual because domicile is consensual and they don’t acquire the “force of law” WITHOUT consent. See Federal Rule of Civil Procedure 17.
 2. Using “words of art” to confuse public and private status of property ownership.
 3. Changing the domicile of the party using “words of art” to move it to what Mark Twain called “The District of Criminals”. This is done by:
 - Confusing geographical terms “United States” and “State” with corporations and legal “persons” called “United States” and “State”.
 - Confuse DOMICILE with NATIONALITY to make them appear equivalent when they are not.
 4. Connecting the civil status of the party to a PUBLIC status or government franchise using the above three mechanisms.
- **Items 2 and 3 above are done through “equivocation”.**
- **“Equivocation” is legally defined on the next page.**

Definition of “equivocation”

[equivocation](#)

EQUIVOCA'TION, n. Ambiguity of speech; the use of words or expressions that are susceptible of a double signification. Hypocrites are often guilty of equivocation, and by this means lose the confidence of their fellow men. Equivocation is incompatible with the christian character and profession.

[SOURCE: <http://1828.mshafter.com/d/search/word,equivocation>]

Equivocation ("to call by the same name") is an [informal logical fallacy](#). It is the misleading use of a term with more than one [meaning](#) or [sense](#) (by glossing over which meaning is intended at a particular time). It generally occurs with [polysemic](#) words (words with multiple meanings).

Albeit in common parlance it is used in a variety of contexts, when discussed as a fallacy, equivocation only occurs when the arguer makes a word or phrase employed in two (or more) different senses in an argument appear to have the same meaning throughout.

It is therefore distinct from (semantic) [ambiguity](#), which means that the context doesn't make the meaning of the word or phrase clear, and [amphiboly](#) (or syntactical ambiguity), which refers to ambiguous sentence structure due to [punctuation](#) or [syntax](#).

[Wikipedia topic: *Equivocation*, Downloaded 9/15/2015; SOURCE: <https://en.wikipedia.org/wiki/Equivocation>]

“unequivocal” means WITHOUT “equivocation”

- A term people often use to describe something is “unequivocal”.
- The connotation of the word means **UNAMBIGUOUS**.
- The only way a word can be unambiguous is if:
 - There is only one context the word can be used. . .OR
 - There are multiple contexts, and **ONLY ONE** context has been identified for the word. . . OR
 - You have expressly defined the word **BEFORE** you invoke it to describe something.

How “Private” Gets **STOLEN**

- The word “[equivocation](#)” is closely related to the word “[idem sonans](#)”:

“IDEM SONANS. Sounding the same or alike; having the same sound. A term applied to names which are substantially the same, though slightly varied in the spelling, as "Lawrence" and "Lawrance," and the like. 1 Cromp. & M. 806; 3 Chit. Gen. Pr. 171; Golson v. State, 15 Ala.App. 420, 73 So. 753.

Two names are said to be "idem sonantes" if the attentive ear finds difficulty in distinguishing them when pronounced, or if common and long-continued usage has by corruption or abbreviation made them identical in pronunciation. State v. Griffie, 118 Mo. 188, 23 S.W. 878. The rule of "idem sonans" is that absolute accuracy in spelling names is not required in a legal document or proceedings either civil or criminal: that if the name, as spelled in the document, though different from the correct spelling thereof, conveys to the ear, when pronounced according to the commonly accepted methods, a sound practically identical with the correct name as commonly pronounced, the name thus given is a sufficient identification of the individual referred to, and no advantage can be taken of the clerical error. State v. Hattaway, 180 La. 12, 156 So. 159. But the doctrine of "idem sonans" has been much enlarged by modern decisions, to conform to the growing rule that a variance, to be material, must be such as has misled the opposite party to his prejudice

[Blacks Law Dictionary, Fourth Edition, p. 880]

- The result of the [equivocation](#) is “[dissimulation](#)”.
- The [dissimulation](#) accomplishes treating you as PUBLIC or as a [PUBLIC OFFICER](#) when in fact:
 - You are or at least WANT TO BE PRIVATE.
 - It is unlawful for you to act in the PUBLIC because you do not lawfully occupy the [statutory franchise office of “person”, “citizen”, or “resident”](#).
- “[dissimulation](#)” is legally defined on the next page.

Definition of “dissimulation”

dissimulation

noun

Synonyms and Antonyms of DISSIMULATION

1. *the inclination or practice of misleading others through lies or trickery <got whatever she wanted through shameless dissimulation>*

Synonyms [artifice](#), [cheating](#), [cozenage](#), [craft](#), [craftiness](#), [crookedness](#), [crookery](#), [cunning](#), [cunningness](#), [deceitfulness](#), [deception](#), [deceptiveness](#), [dishonesty](#), [dissembling](#), [dissimulation](#), [double-dealing](#), [dupery](#), [duplicity](#), [fakery](#), [foxiness](#), [fraud](#), [guile](#), [guilefulness](#), [williness](#)

Related Words [equivocation](#), [lying](#), [mendacity](#), [prevarication](#); [chicane](#), [chicanery](#), [fraudulence](#), [hanky-panky](#), [jugglery](#), [legerdemain](#), [mountebankery](#), [obliquity](#), [skulduggery](#) (or [skullduggery](#)), [subterfuge](#), [swindling](#), [trickery](#), [wile](#); [falsehood](#), [falsity](#), [fib](#), [untruth](#); [hypocrisy](#), [insincerity](#), [sanctimoniousness](#), [two-facedness](#); [artfulness](#), [caginess](#) (also [cageyness](#)), [deviousness](#), [shrewdness](#); [treacherousness](#), [underhandedness](#), [unscrupulousness](#); [covertness](#), [furtiveness](#), [secrecy](#), [shadiness](#), [sneakiness](#), [stealthiness](#); [oiliness](#), [shiftiness](#), [slickness](#), [slipperiness](#), [slyness](#), [smoothness](#)

Near Antonyms [candidness](#), [candor](#), [directness](#), [frankness](#), [openness](#), [plainness](#), [plainspokenness](#); [honesty](#), [probity](#); [dependability](#), [reliability](#), [reliableness](#), [solidity](#), [trustability](#), [trustiness](#), [trustworthiness](#); [decency](#), [goodness](#), [incorruptibility](#), [integrity](#), [righteousness](#), [truthfulness](#), [uprightness](#), [virtuousness](#)

Antonyms [artlessness](#), [forthrightness](#), [good faith](#), [guilelessness](#), [ingenuousness](#), [sincerity](#)

2. *the pretending of having virtues, principles, or beliefs that one in fact does not have <teenagers indulging in dissimulation simply in order to be one of the in crowd>*

Synonyms [cant](#), [dissembling](#), [dissimulation](#), [insincerity](#), [piousness](#)

Related Words [deceit](#), [deceitfulness](#), [deception](#), [deceptiveness](#), [dishonesty](#), [double-dealing](#), [falsity](#), [perfidy](#), [two-facedness](#); [affectation](#), [affectedness](#), [pretense](#) (or [pretence](#)), [pretension](#), [pretentiousness](#), [sanctimoniousness](#), [self-righteousness](#), [self-satisfaction](#); [duplicity](#), [fakery](#), [falseness](#), [fraudulentness](#), [shamming](#); [artificiality](#), [glibness](#), [oiliness](#), [smoothness](#), [unctuousness](#)

Near Antonyms [candor](#), [directness](#), [forthrightness](#), [frankness](#), [honesty](#), [openheartedness](#), [openness](#), [probity](#), [straightforwardness](#), [truthfulness](#); [artlessness](#), [guilelessness](#), [naturalness](#), [unaffectedness](#)

Antonyms [genuineness](#), [sincereness](#), [sincerity](#)

[Merriam Webster Online Dictionary: Dissimulation, Downloaded 10/13/2015;

SOURCE: <http://www.merriam-webster.com/thesaurus/dissimulation>]

Funny Examples of “Dissimulation”

- **Don't Judge Too Quickly:**
 - **#1: Hospital**
<https://sedm.org/education//liberty-university/liberty-university-2-10-1-hospital/>
 - **#2: Airplane**
<https://sedm.org/education//liberty-university/liberty-university-2-10-2-airplane/>
 - **#3: Home**
<https://sedm.org/education//liberty-university/liberty-university-2-10-3-home/>
 - **#4: Dad in Car**
<https://sedm.org/education//liberty-university/liberty-university-2-10-4-dad-in-car/>
 - **#5: Park**
<https://sedm.org/education//liberty-university/liberty-university-2-10-5-park/>

Two Ways to Convert Private to Public

- There are TWO ways to convert PRIVATE to PUBLIC from a legal perspective:
 1. Convert the civil status of the OWNER (jurisdiction over the PERSON). This is done, for instance, by changing your DEFAULT civil status of “nonresident alien” as a state national by “electing” to be treated as a PRIVILEGED STATUTORY “citizen” or “resident”, who file a 1040 instead of a 1040NR and can then take privileged “deductions” under [26 U.S.C. §162](#). The cost of PROCURING this “benefit” or privilege is that the character of your earnings changes from being taxable only from U.S. sources in [26 U.S.C. §872](#) to being taxable on your worldwide EARNINGS UNDER [26 U.S.C. §61](#) and [§861](#). NOT a good deal.
 2. Convert the civil status of the PROPERTY. This is done, for instance, by calling the earnings “wages” when filing a W-4 as a private man or woman per [26 U.S.C. §3402\(p\)](#).
- The following court case acknowledges the above two mechanisms to convert PRIVATE property to PUBLIC property:

“In the case of the federal government where the individual is either a United States citizen or an alien residing in the taxing jurisdiction, the tax under section 1 of the Code is based upon jurisdiction over the person; where the individual is an alien [LEGISLATIVELY OR CONSTITUTIONALLY “foreign”, INCLUDING states of the Union] not residing in the taxing jurisdiction [the “geographical United States”, meaning the District of Columbia per [26 U.S.C. §7701\(a\)\(9\)](#) and (a)(10) and [4 U.S.C. §110\(d\)](#)], the tax under [section 871 of the Code](#) is based upon jurisdiction over the [PUBLIC] property or income of the nonresident individual [GEOGRAPHICALLY and PHYSICALLY] located or earned in the taxing jurisdiction”

[Great Cruz Bay, Inc., St. John v. Wheatley, 495 F.2d 301, 307 (3d Cir. 1974)]
- Both of the above techniques usually involve a USUFRUCT in combination with EQUIVOCATION. More on this subject at:

What Is an Income tax “Exclusion”?, SEDM
<https://sedm.org/what-is-an-income-tax-exclusion/>

The Requirement for Reasonable Notice of Obligations Associated with Receipt of PUBLIC Property

- By default, civil statutes only apply to the government itself. They are a direct command **ONLY** to the Executive Branch. See:

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

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

- The Constitution requires “reasonable notice” before civil obligations may lawfully be enforced against you personally as a PRIVATE human, the public generally, or to people OUTSIDE the Executive Branch acting in a private capacity. We cover this in:

Requirement for Reasonable Notice, Form #05.022

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

- Regulations published in the Federal Register are the method of noticing PRIVATE people like you personally and the public generally of such civil obligations. If you never receive said notice, you are EXCLUDED from enforcement per [5 U.S.C. §552\(a\)\(1\)](#).

The Requirement for Reasonable Notice of Obligations Associated with Receipt of PUBLIC Property

5 U.S. Code § 552 - Public information; agency rules, opinions, orders, records, and proceedings

(a) Each **agency** shall make available to the public information as follows:

(1) Each **agency** shall separately state and currently publish in the Federal Register for the guidance of the public—

[. . .]

Except to the extent that a person has actual and timely notice of the terms thereof, a person may not in any manner be required to resort to, or be adversely affected by, a matter required to be published in the Federal Register and not so published. For the purpose of this paragraph, matter reasonably available to the class of **persons** affected thereby is deemed published in the Federal Register when incorporated by reference therein with the approval of the Director of the Federal Register.

The Requirement for Reasonable Notice of Obligations Associated with Receipt of PUBLIC Property

- Regulations published in the Federal Register are codified in the Code of Federal Regulations (C.F.R.) and organized by subject matter.
- Civil statutes and the regulations that implement them fail the constitutional “reasonable notice” requirement and are unenforceable if:
 - The statute or regulations are ambiguous. For instance, not everything or everyone included in a civil status are listed OR
 - No regulations for a specific civil statute are provided and it is enforced against PRIVATE people OUTSIDE the Executive Branch.
- In the case of the Internal Revenue Code, there are very few enforcement regulations for either the CIVIL or CRIMINAL provisions, and most PRIVATE people like you would reasonably conclude based on the definition of “person” in [26 U.S.C. §6671\(b\)](#) and [7343](#) that they are not subject to said enforcement. For proof, see:

Challenging Jurisdiction Workbook, Form #09.082

<https://sedm.org/Forms/09-Procs/ChalJurWorkbook.pdf>

The Requirement for Reasonable Notice of Obligations Associated with Receipt of PUBLIC Property

- **To apply these concepts to tax enforcement, to be a lawful target of tax enforcement, you must receive reasonable notice that:**
 - You are within the class of persons subject to the tax or enforcement.
 - Exactly HOW you joined the class. For instance, when and how you **CONSENT** to join the class of “taxpayer”, “citizen”, “resident”, etc.
 - Exactly WHO you work for as an agent or officer of the government within the class. You can’t be an agent or officer of the government subject to obligations **WITHOUT** working **SOMEWHERE** and for **SOME** specific person in the government.
 - How you can **QUIT** the class of persons who are subject.
 - When you are **ON DUTY** or **OFF DUTY**, so that you know when you are operating in a **PRIVATE** or a **PUBLIC** capacity.
 - The precise meaning of ambiguous terms such as “trade or business” which describe the excise taxable activity **SUBJECT** to tax.
 - The specific types of **PUBLIC** property which give rise to obligations of those who are part of the class.
- **The above requirement for reasonable notice would also apply to you if you are acting as a Merchant and wish to impose civil obligations against the government by contract or quasi-contract.**

The Requirement for Reasonable Notice of Obligations Associated with Receipt of PUBLIC Property

- **An example of the application of these “reasonable notice” concepts to challenging tax enforcement are the following questions:**
 1. Where is proof or notice that you are a “person” under [26 U.S.C. §6671\(b\)](#) for civil penalties and [7343](#) for criminal enforcement?
 2. Does connecting yourself to a “trade or business” create an office in the national government?
 3. Isn't it a crime to unilaterally “elect” yourself into office using a tax form? [18 U.S.C. §912](#)?
 4. Who does this office work for? The Secretary of the Treasury?
 5. Exactly HOW does one QUIT this office and tender their resignation?
 6. Does this office need a lawful appointment and oath under [Title 5 of the U.S. Code](#)?
 7. If the office doesn't HAVE a lawful oath or appointment, then is it a DE FACTO illegal office?
 8. How can anyone owe ANY civil duty to the national government WITHOUT such a PUBLIC Office or agency if they are operating in an exclusively PRIVATE capacity?
 9. How can one KNOW when they are on duty and serving within this office?
 10. How is PRIVATE property voluntarily connected with this office? A Social Security Number franchise mark?

The Requirement for Reasonable Notice of Obligations Associated with Receipt of PUBLIC Property

- 11.** When and how did the government notify you that specific types of payments connected with labor are expressly included in statutory “gross income” under [26 U.S.C. §61](#) OTHER than:
 - » Social Security payments. See [26 U.S.C. §861\(a\)\(8\)](#).
 - » The salary of the President and Judges in the 1939 I.R.C., Section 22(a).
<https://famguardian.org/PublishedAuthors/Govt/HistoricalActs/HistFedIncTaxActs.htm>
 - 12.** Is taxing human labor even possible without implementing SLAVERY in violation of the Thirteenth Amendment?
 - 13.** If the Sixteenth Amendment limits the income tax to PROFIT, how is it possible to compute profit in the case of one’s own labor? [26 U.S.C. §83](#) indicates the “income” or profit is ZERO.
 - 14.** The W-4 Form DOES NOT identify itself as an “agreement” as indicated in [26 U.S.C. §3402\(p\)](#) so how can it become a lawful method to donate the fruit of one’s labor to a public use, public purpose, and public office? There is no evidence on the form that you are actually giving consent and that you have a PROTECTED right NOT to give it.
- **All of the above questions are examples of things that tax regulations would have to address in order to legitimately enforce the income tax on people OUTSIDE the Executive Branch against PRIVATE people under PART 1 of Title 26 instead of Part 301. Part 301 is for IRS employees ONLY. There ARE no such regulations under Part 1 and therefore the income tax FAILS the constitutional requirement for “reasonable notice” and is unenforceable against PRIVATE people.**

The Requirement for Reasonable Notice of Obligations Associated with Receipt of PUBLIC Property

- **The fact that no regulation, much less any court, has ever directly addressed these issues is proof that:**
 - **They are Third Rail Issues. See:**
***Third Rail Government Issues*, Form #08.032**
<https://sedm.org/Forms/08-PolicyDocs/ThirdRailIssues.pdf>
 - **You are the target of illegal tax enforcement.**
 - **Your consent has been procured SURREPTITIOUSLY, by IMPLIED consent, and is being HIDDEN so you can't or won't UNVOLUNTEER. That makes government UNJUST, since the Declaration of Independence says all just government is based ONLY on EXPRESS consent. See:**
 - » ***Invisible Consent**, SEDM**
<https://sedm.org/invisible-consent/>
 - » ***Requirement for Consent*, Form #05.003**
<https://sedm.org/Forms/05-MemLaw/Consent.pdf>

The Requirement for Reasonable Notice of Obligations Associated with Receipt of PUBLIC Property

- We have an illegal and unconstitutional de facto government as described in:

- » ***Fake/De Facto Government***, SEDM
<https://sedm.org/fake-de-facto-government/>
- » ***De Facto Government Scam***, Form #05.043
<https://sedm.org/Forms/05-MemLaw/DeFactoGov.pdf>
- » The definition of “de facto” in Black’s Law Dictionary:

“de facto: In fact, in deed, actually. This phrase is used to characterize an officer, a government, a past action or a state of affairs which must be accepted for all practical purposes, but is illegal or illegitimate. Thus, an office, a position or status existing under a claim or color of right such as a de facto corporation. In this sense it is the contrary of de jure, which means rightful, legitimate, just, or constitutional. Thus, an officer, king, or government de facto is one who is in actual possession of the office or supreme power, but by usurpation, or without lawful title; while an officer, king, or governor de jure is one who has just claim and rightful title to the office or power, but has never had plenary possession of it, or is not in actual possession. MacLeod v. United States, 229 U.S. 416, 33 S.Ct. 955, 57 L.Ed. 1260. A wife de facto is one whose marriage is voidable by decree, as distinguished from a wife de jure, or lawful wife. But the term is also frequently used independently of any distinction from de jure; thus a blockade de facto is a blockade which is actually maintained, as distinguished from a mere paper blockade. Compare De jure.”

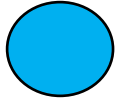
[Black's Law Dictionary, Sixth Edition, p. 416]

The Requirement for Reasonable Notice of Obligations Associated with Receipt of PUBLIC Property

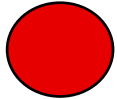
- **More on the complete lack of IRS enforcement authority within a constitutional state at:**
 - ***Challenging Jurisdiction Workbook***, Form #09.082
<https://sedm.org/Forms/09-Procs/ChalJurWorkbook.pdf>
 - ***Challenge to Income Tax Enforcement Authority Within Constitutional States of the Union***, Form #05.052
<https://sedm.org/Forms/05-MemLaw/ChallengeToIRSEnforcementAuth.pdf>
 - ***Federal Enforcement Authority Within States of the Union***, Form #05.032**
(Member Subscriptions)
<https://sedm.org/product/federal-enforcement-authority-within-states-of-the-union-form-05-032/>

TAXATION PROPERTY DIAGRAMS

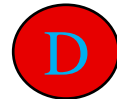
PROPERTY Symbology



ABSOLUTELY OWNED PRIVATE PROPERTY



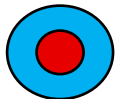
ABSOLUTELY OWNED PUBLIC PROPERTY



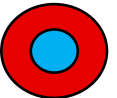
ABSOLUTELY OWNED PUBLIC PROPERTY ORIGINATING FROM
PRIVATE PROPERTY DONATED TO A PUBLIC USE



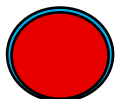
STOLEN PROPERTY UNLAWFULLY CONVERTED TO PUBLIC USE
ORIGINATING FROM PRIVATE PROPERTY



MOIETY (SHARED PUBLIC/PRIVATE OWNERSHIP) POSSESSED BY
PRIVATE MAN BUT CONTROLLED BY PUBLIC



MOIETY (SHARED PUBLIC/PRIVATE OWNERSHIP) POSSESSED BY
GOVERNMENT BUT CONTROLLED BY PRIVATE

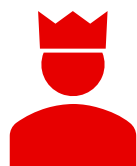


USUFRUCT (PRIVATE OWNER HAS TITLE AND OBLIGATION BUT
PUBLIC RECEIVES ALL BENEFITS AND CONTROL)

PERSON ***Symbology***



PRIVATE MAN



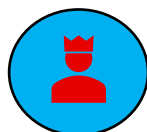
PUBLIC OFFICER



PUBLIC OFFICER ANIMATED BY VOLUNTEER
PRIVATE MAN



PRIVATE MAN KIDNAPPED BY DURESS OR MISTAKE
TO SERVE AS PUBLIC OFFICER



GOVERNMENT CONSENSUALLY WORKING
FOR PRIVATE MAN UNDER EXPRESS OR
IMPLIED AGREEMENT

DIAGRAM Conventions

- 1. Taxation is the institutionalized process of CONSENSUALLY converting PRIVATE property to PUBLIC property.**
- 2. Taxation is accomplished by one of the two mechanisms:**
 - 1. Converting the CIVIL STATUS of the OWNER of the property from PRIVATE to PUBLIC.**
 - 2. Converting the CIVIL STATUS of the PROEPRTY from PRIVATE to PUBLIC.**
- 3. An “election” is an act of donating private property to a public use, a public purpose, or a public office to procure the “benefit” of a “privilege”. There are two types of elections:**
 - 1. CIVIL STATUS elections that convert the OWNER from private to public.**
 - 2. CIVIL STATUS elections that convert a part of the PROPERTY of the owner from private to public.**
- 4. A “privilege” is defined as PUBLIC property, including services or “benefits”, conveyed to an otherwise PRIVATE person which converts their civil status in the process to make them an officer or agent of the government.**
- 5. Privileges are impossible where there is an equal exchange of one property for another and no RESERVED property interest in any of the property exchanged between two parties.**

DIAGRAM Conventions

- 6. A “reserved property interest” is one where the owner**
 - 1. Gives legal notice to the recipient of the reserved property interest prior to transfer of possession. In the case of government, this notice is given through civil statutes.**
 - 2. Transfers possession but not full ownership and reserves a property interest in the thing received.**
- 7. Possession and ownership are NOT legally synonymous.**
 - 1. Possession is when someone has limited control over property but the original owner retains the right to exclude (take away) the property from the possessor.**
 - 2. A bailment is when one has possession and limited control of the other persons property without actual ownership under the terms of a bailment agreement or through mistake.**
- 8. A person who receives someone else’s property through mistake or fraud is an involuntary trustee over the property. Cal. Civil Code Section 2224.**

DIAGRAM Conventions

9. Civil status is defined as a collection of CIVIL privileges and obligations VOLUNTARILY attaching to either a PERSON or to their PROPERTY. See:
 1. Civil status (important), SEDM
<https://sedm.org/litigation-main/civil-status/>
 2. Your Exclusive Right to Declare or Establish Your Civil Status, Form #13.008
<https://sedm.org/Forms/13-SelfFamilyChurchGovnce/RightToDeclStatus.pdf>
10. Civil status of owner can only change with consent of the owner under the First Amendment and Article 1, Section 10 of the constitution. A violation of this limitation is identity theft (Form #14.020).
11. Physical possession or limited control of other party's property creates legal control over possessor if notice is given of terms of possession.
12. The only way to eliminate legal control of yourself by others is to "return" the property to the OWNER exerting that control.
13. STATUTORY Social Security Numbers and Taxpayer Identification Numbers function as de facto licenses which:
 1. Convert the status of the OWNER of property from PRIVATE to PUBLIC.
 2. Convert the status of property they are connected with from PRIVATE to PUBLIC.See:
About SSNs and TINs on Government Forms and Correspondence, Form #05.012
<https://sedm.org/Forms/05-MemLaw/AboutSSNsAndTINs.pdf>
14. Usufructs are seldom voluntary and are produced mainly by legal ignorance of the original owner. Don't fall for it! A fool and his money are soon parted.

DIAGRAM Conventions

15. THEFT and STOLEN are defined as:

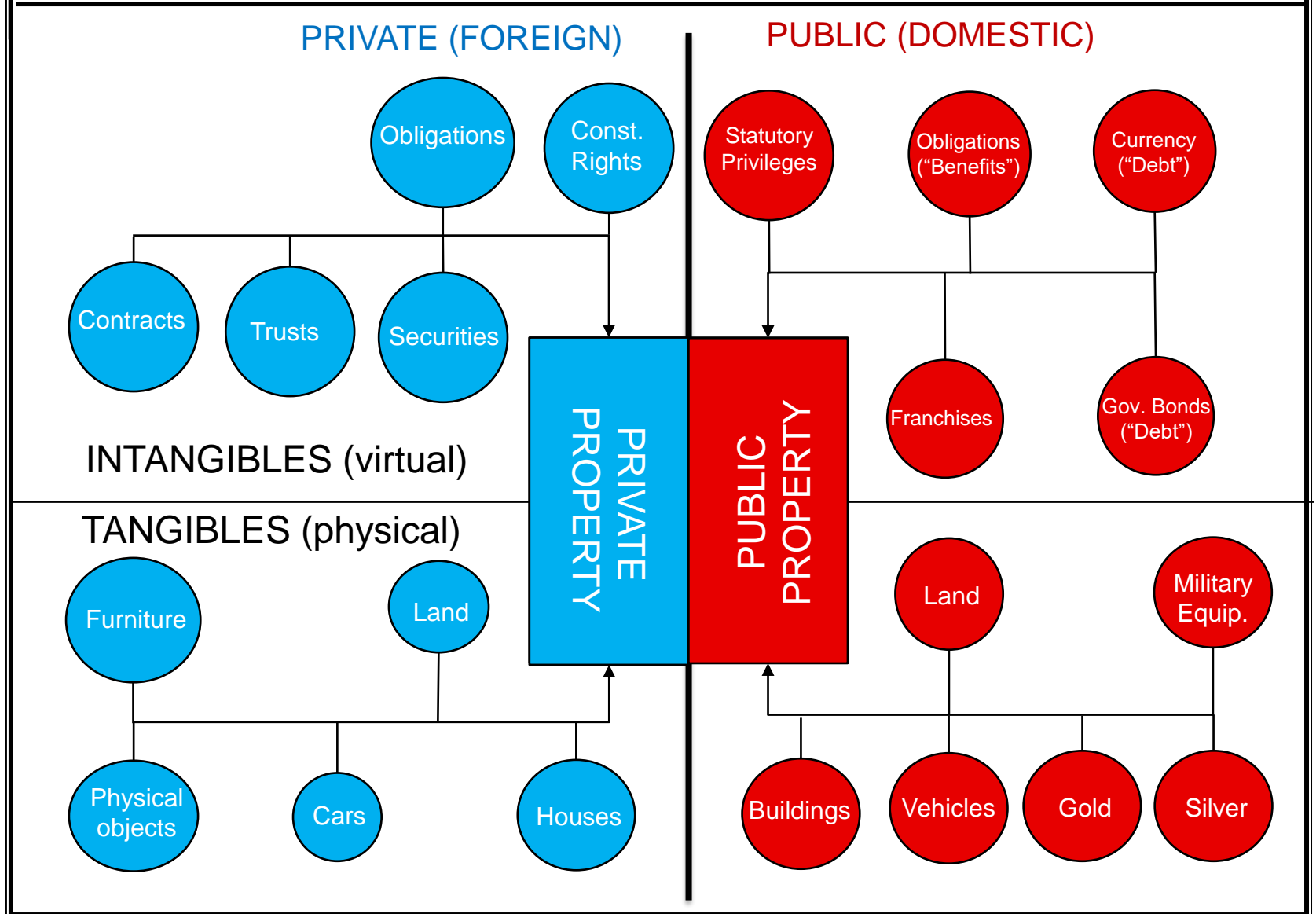
1. A change in physical possession of property without informed consent of owner.
2. Receiving custody of someone else's property without equal consideration.
3. Making or enforcing a legal claim of ownership or control over property without being able to cite a bailment provision authorizing ownership or control.

16. A “Taxpayer” as identified here is simply anyone in temporary possession, or “benefit” of government/public property some portion of which must be “RETURNed” to its owner.

1. Jurisdiction over “Taxpayer” originates from [Article 4, Section 3, Clause 2](#) of the Constitution.
2. Jurisdiction originates from the recipient of the public property having an involuntary trustee relationship over someone else's (the government's) property.
3. Jurisdiction over public property is extraterritorial and worldwide, because Congress has rightful control over its property and officers wherever they are geographically found. That control is exercised through legislation, administrative process, and civil and criminal litigation.
4. While possessing the PUBLIC property as a moiety, the “taxpayer” is a “bailee” over the government's property. The Internal Revenue Code acts in effect as the “bailment agreement”.
5. “Taxpayer” status is abandoned after the property is “RETURNed”.
6. “Distrain” in [26 U.S.C. §6331](#) is the process of administratively forcing the property bailee or trustee to perform his duty to account for the bailment and return the portion requested to its rightful owner.

17. Under the concept of [equal protection, equal treatment \(Form #05.033\)](#), and powers delegated by the people to the government, whatever Congress can do to regulate or recover or tax their PUBLIC property, you also can do to them. The sovereign people cannot delegate to a government a power that they themselves DO NOT possess.

PROPERTY DEFINED





PRIVATE DEFINED

1. In possession of absolute, exclusive ownership and control over their own labor, body, and all their property. In Roman Law this was called "dominium".
2. On an EQUAL rather than inferior relationship to government in court. This means that they have no obligations to any government OTHER than possibly the duty to serve on jury and vote upon voluntary acceptance of the obligations of the civil status of "citizen" (and the DOMICILE that creates it). Otherwise, they are entirely free and unregulated unless and until they INJURE the equal rights of another under the common law.
3. A "nonresident" in relation to the state and federal government.
4. Not a PUBLIC entity defined within any state or federal statutory law. This includes but is not limited to statutory "person", "individual", "taxpayer", "driver", "spouse" under any civil statute or franchise.
5. Not engaged in a public office or "trade or business" (per [26 U.S.C. §7701\(a\)\(26\)](#)). Such offices include but are not limited to statutory "person", "individual", "taxpayer", "driver", "spouse" under any civil statute or franchise.
*"PRIVATE PERSON. An individual who is not the incumbent of an office."
[Blacks Law Dictionary, Fourth Edition, p. 1359]*
6. Not consenting to contract with or acquire any public status, public privilege, or public right under any state or federal franchise. For instance, the phrase "private employee" means a common law worker that is NOT the statutory "employee" defined within [26 U.S.C. §3401\(c\)](#) or 26 C.F.R. §301.3401(c)-1 or any other federal or state law or statute.
7. Not sharing ownership or control of their body or property with anyone, and especially a government. In other words:
 1. Ownership is not "qualified" but "absolute".
 2. There are no moities between them and the government.
 3. The government has no usufructs over any of their property.
8. Not subject to civil enforcement or regulation of any kind, except AFTER an injury to the equal rights of others has occurred. Preventive rather than corrective regulation is an unlawful taking of property according to the Fifth Amendment takings clause.



PRIVATE DEFINED

9. Not "privileged" or party to a franchise of any kind:

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

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

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

If this is so--if in England a privilege existing in a subject, which the king alone could grant, constitutes it a franchise--in this country, under our institutions, a privilege or immunity of a public nature, which could not be exercised without a legislative grant, would also be a franchise."

[People v. Ridgley, 21 Ill. 65, 1859 WL 6687, 11 Peck 65 (Ill., 1859)]

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

"The words "privileges" and "immunities," like the greater part of the legal phraseology of this country, have been carried over from the law of Great Britain, and recur constantly either as such or in equivalent expressions from the time of Magna Charta. For all practical purposes they are synonymous in meaning, and originally signified a peculiar right or private law conceded to particular persons or places whereby a certain individual or class of individuals was exempted from the rigor of the common law. Privilege or immunity is conferred upon any person when he is invested with a legal claim to the exercise of special or peculiar rights, authorizing him to enjoy some particular advantage or exemption. "

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

SOURCE:

http://famguardian.org/Publications/ThePrivAndImmOfStateCit/The_privileges_and_immunities_of_state_c.pdf

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

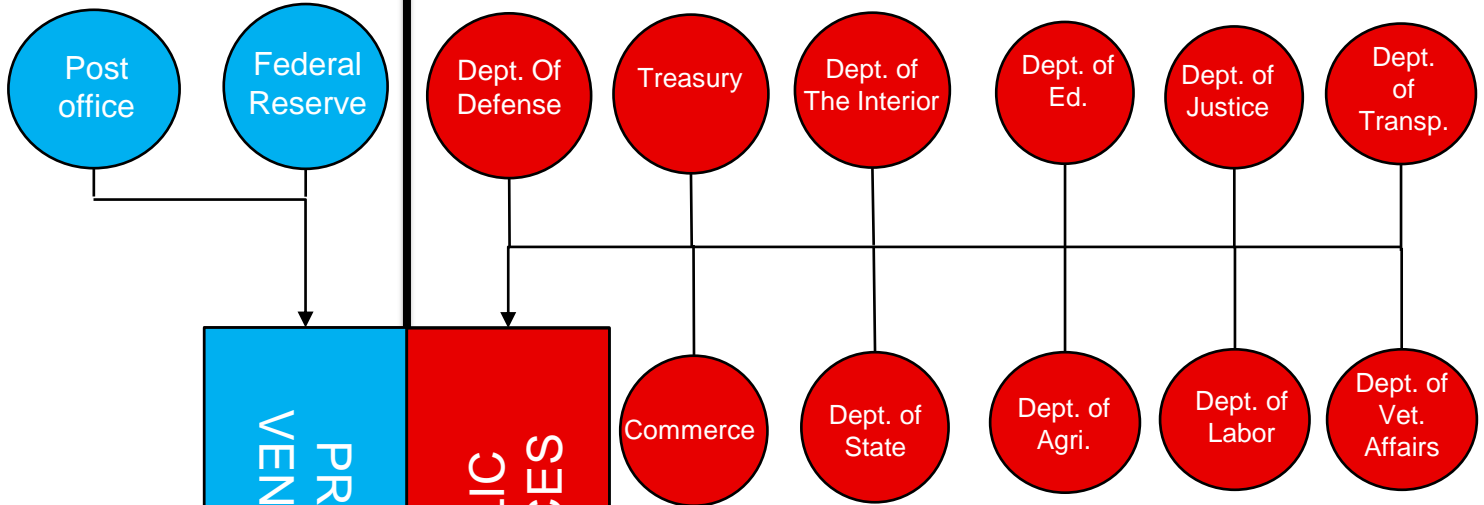


PUBLIC DEFINED

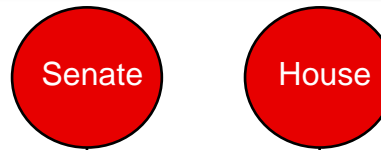
PRIVATE (FOREIGN)

PUBLIC (DOMESTIC)

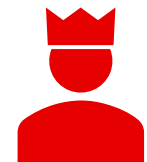
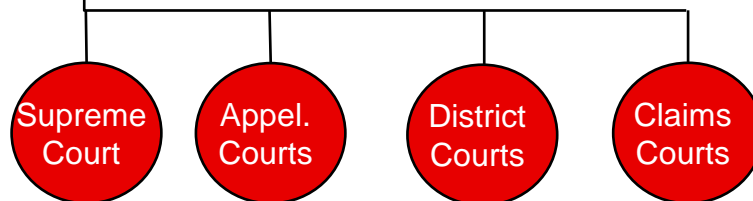
EXECUTIVE



LEGISLATURE



JUDICIARY



PROOF THAT “RETURN” HAS NOTHING TO DO WITH FILING A DOCUMENT AND IS ABOUT PUBLIC PROPERTY

- “Income” defined:

*“In order, therefore, that the [apportionment] clauses cited from article I [§2, cl. 3 and §9, cl. 4] of the Constitution may have proper force and effect ...[I]t becomes essential to distinguish between what is an what is not ‘income,’...according to truth and substance, without regard to form. **Congress cannot by any definition it may adopt conclude the matter, since it cannot by legislation alter the Constitution, from which alone, it derives its power to legislate, and within those limitations alone that power can be lawfully exercised**... [pg. 207]...After examining dictionaries in common use we find little to add to the succinct definition adopted in two cases arising under the Corporation Tax Act of 1909, **Stratton’s Independence v. Howbert**, 231 U.S. 399, 415, 34 S.Sup.Ct. 136, 140 [58 L.Ed. 285] and **Doyle v. Mitchell Bros. Co.**, 247 U.S. 179, 185, 38 S.Sup.Ct. 467, 469, 62 L.Ed. 1054...”*

[Eisner v. Macomber, [252 U.S. 189](#), 207, 40 S.Ct. 189, 9 A.L.R. 1570 (1920)]

*“...Whatever difficulty there may be about a **precise scientific definition of ‘income,’** it imports, as used here, something entirely distinct from principal or capital either as a subject of taxation or as a measure of the tax; **conveying rather the idea of gain or increase arising from corporate activities.**”*


[Doyle v. Mitchell Brothers Co. , [247 U.S. 179](#), 185, 38 S.Ct. 467 (1918)]


*“This court had decided in the Pollock Case that the income tax law of 1894 amounted in effect to a direct tax upon property, and was invalid because not apportioned according to populations, as prescribed by the Constitution. The act of 1909 avoided this difficulty by imposing not an income tax, but an **excise tax upon the conduct of business in a corporate capacity**, measuring, however, the amount of tax by the income of the corporation...**Flint v. Stone Tracy Co.**, [220 U.S. 107](#), 55 L.Ed. 389, 31 Sup.Ct.Rep. 342, Ann. Cas.”*

[Stratton’s Independence v. Howbert, 231 U.S. 399, 414, 58 L.Ed. 285, 34 Sup.Ct. 136 (1913)]

- The above are the ONLY definitions the U.S. Supreme Court has ever made of the term “income” in a Sixteenth Amendment sense. And it is PROFIT on business transactions!

PROOF THAT “RETURN” HAS NOTHING TO DO WITH FILING A DOCUMENT AND IS ABOUT PUBLIC PROPERTY

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Quick search by citation:
Title enter title Section section

26 U.S. Code § 6012 - Persons required to make returns of income

[U.S. Code](#) [Notes](#)

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(a) GENERAL RULE

Returns with respect to income taxes under subtitle A shall be made by the following:

(1)

(A) Every individual having for the taxable year gross income which equals or exceeds the [exemption amount](#), except that a return shall not be required of an individual—

(i) who is not married (determined by applying section 7703), is not a surviving spouse (as defined in section 2(a)), is not a head of a household (as defined in section 2(b)), and for the taxable year has gross income of less than the sum of the [exemption amount](#) plus the [basic standard deduction](#) applicable to such an individual,

(ii) who is a head of a household (as so defined) and for the taxable year has gross income of less than the sum of the [exemption amount](#) plus the [basic standard deduction](#) applicable to such an individual,

(iii) who is a surviving spouse (as so defined) and for the taxable year has gross income of less than the sum of the [exemption amount](#) plus the [basic standard deduction](#) applicable to such an individual, or

(iv) who is entitled to make a joint return and whose gross income, when combined with the gross income of his spouse, is, for the taxable year, less than the sum of twice the [exemption amount](#) plus the [basic standard deduction](#) applicable to a joint return, but only if such individual and his spouse, at the close of the taxable year, had the same household as their home.

Clause (iv) shall not apply if for the taxable year such spouse makes a separate return or any other taxpayer is entitled to an exemption for such spouse under section 151(c).

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26 CFR § 1.6012-1 - Individuals required to make returns of income.

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§ 1.6012-1 Individuals required to make returns of income.

(a) *Individual citizen or resident*—(1) *In general.* Except as provided in subparagraph (2) of this paragraph, an income tax return must be filed by every individual for each taxable year beginning before January 1, 1973, during which he receives \$600 or more of gross income, and for each taxable year beginning after December 31, 1972, during which he receives \$750 or more of gross income, if such individual is:

- (i) A citizen of the United States, whether residing at home or abroad,
- (ii) A resident of the United States even though not a citizen thereof, or
- (iii) An alien bona fide resident of Puerto Rico or any section 931 possession, as defined in [§ 1.931-1\(c\)\(1\)](#), during the entire taxable year

PROOF THAT “RETURN” HAS NOTHING TO DO WITH FILING A DOCUMENT AND IS ABOUT PUBLIC PROPERTY

- Where the DUTY to “return” and account for public/government property comes from:

“Public office. The right, authority, and duty created and conferred by law, by which for a given period, either fixed by law or enduring at the pleasure of the creating power, an individual is invested with some portion of the sovereign functions of government for the benefit of the public. Walker v. Rich, 79 Cal.App. 139, 249 P. 56, 58. An agency for the state, the duties of which involve in their performance the exercise of some portion of the sovereign power, either great or small. Yaselli v. Goff, C.C.A., 12 F.2d. 396, 403, 56 A.L.R. 1239; Lacey v. State, 13 Ala.App. 212, 68 So. 706, 710; Curtin v. State, 61 Cal.App. 377, 214 P. 1030, 1035; Shelmadine v. City of Elkhart, 75 Ind.App. 493, 129 N.E. 878. State ex rel. Colorado River Commission v. Frohmiller, 46 Ariz. 413, 52 P.2d. 483, 486. Where, by virtue of law, a person is clothed, not as an incidental or transient authority, but for such time as de- notes duration and continuance, with Independent power to control the property of the public, or with public functions to be exercised in the supposed interest of the people, the service to be compensated by a stated yearly salary, and the occupant having a designation or title, the position so created is a public office. State v. Brennan, 49 Ohio.St. 33, 29 N.E. 593. [Black’s Law Dictionary, Fourth Edition, p. 1235]

I: DUTY TO ACCOUNT FOR PUBLIC FUNDS

§ 909. In general.-

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

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

SOURCE: <http://books.google.com/books?id=g-l9AAAIAAJ&printsec=titlepage>]

PROOF THAT “RETURN” HAS NOTHING TO DO WITH FILING A DOCUMENT AND IS ABOUT PUBLIC PROPERTY

- **NOTES FROM THE ABOVE:**

- The duty above to manage and account for public property does NOT require a liability statute!
- There IS, in fact NO LIABILITY STATUTE. The closest thing there is says “LIABLE TO”, not “LIABLE FOR” in [26 C.F.R. §1.1-1\(a\)](#). That’s NOT a liability and it exceeds the scope of the statute it implements in [26 U.S.C. § 1](#), so it is void anyway according to the U.S. Supreme Court.
- In order to ENFORCE a duty to “MAKE A RETURN OF INCOME”, government must therefore PRESUME that you are a public officer. And in fact that is what they are doing in:
 - » [26 U.S.C. §6671\(b\)](#)-Definition of “person” for civil penalties.
 - » [26 U.S.C. §7343](#)-Definition of “person” for criminal enforcement.
 - » [26 U.S.C. §6331\(a\)](#)-Levy and distraint (enforcement)
- All you do is AGREE with them that you are a public officer by:
 - » Filing a 1040 return, all of which is subject to [26 U.S.C. §162](#) “trade or business” (public office) deductions. See:
The “Trade or Business” Scam, Form #05.001
<https://sedm.org/Forms/05-MemLaw/TradeOrBusScam.pdf>
 - » “Effectively connecting” your earnings to a “trade or business” (public office) on a 1040NR return, all of which is ALSO subject to [26 U.S.C. §162](#) “trade or business” (public office) deductions.
 - » ELECTING a “U.S. person” status, which is a public office. See:
“U.S. Person” Position, Form #05.053
<https://sedm.org/Forms/05-MemLaw/USPersonPosition.pdf>

PROOF THAT “RETURN” HAS NOTHING TO DO WITH FILING A DOCUMENT AND IS ABOUT PUBLIC PROPERTY

- **It's a CRIME to:**
 - Unilaterally “elect” yourself into public office without a lawful oath or appointment under Title 5 or to criminally impersonate a public officer called a “taxpayer”, “citizen”, “resident”, etc. [18 U.S.C. §912](#).
 - Take custody or “benefit” of public property as a PRIVATE HUMAN. That's embezzlement!
- **There is NO CONSTITUTIONAL AUTHORITY provided for the government to use loans or grants of government property to allow private people to unilaterally ELECT themselves into public office! It's UNCONSTITUTIONAL.**
- **You're a victim of identity theft!**
Identity Theft Affidavit, Form #14.018
<https://sedm.org/Forms/14-PropProtection/LawsOfProperty.pdf>

PROOF THAT “RETURN” HAS NOTHING TO DO WITH FILING A DOCUMENT AND IS ABOUT PUBLIC PROPERTY

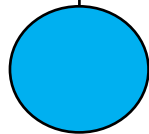
- **Governments are created to PROTECT private property, not make a profitable PRIVATE business called a “franchise” out of ALIENATING RIGHTS and property. That**
 - Makes them an ANTI-GOVERNMENT which does the OPPOSITE of what governments are created to.
 - Violates the oath of office of public offices to protect private property and rights.
 - Makes the government into a SHAM TRUST, where the Constitution is the trust.
 - Makes the government into a de facto government. See:
De Facto Government Scam, Form #05.043
<https://sedm.org/Forms/05-MemLaw/DeFactoGov.pdf>
- **More on this section at:**
 - *Why Your Government is Either a Thief or You are a “Public Officer” for Income Tax Purposes*, Form #05.008
<https://sedm.org/Forms/05-MemLaw/WhyThiefOrPubOfficer.pdf>
 - *How State Nationals Volunteer to Pay Income Tax*, Form #08.024
<https://sedm.org/Forms/08-PolicyDocs/HowYouVolForIncomeTax.pdf>

TWO METHODS OF CONVERTING FROM PRIVATE TO PUBLIC

Nonresident
Alien (NRA)
PERSON



Private
PROPERTY



1. Convert the civil status of the OWNER (jurisdiction over the PERSON).

This is done, for instance, by changing your DEFAULT civil status of “nonresident alien” as a state national by “electing” to be treated as a PRIVILEGED STATUTORY “citizen” or “resident”, who file a 1040 instead of a 1040NR and can then take privileged “deductions” under [26 U.S.C. §162](#). The cost of PROCURING this “benefit” or privilege is that the character of your earnings changes from being taxable only from U.S. sources in [26 U.S.C. §872](#) to being taxable on your worldwide EARNINGS UNDER [26 U.S.C. §61](#) and [§861](#). NOT a good deal.

2. Convert the civil status of the PROPERTY.

This is done, for instance, by calling the earnings “wages” when filing a W-4 as a private man or woman per [26 U.S.C. §3402\(p\)](#), connecting to a “trade or business”.

More on the above at:

1. *PERSONAL jurisdiction v. PROPERTY jurisdiction*, SEDM
<https://sedm.org/personal-jurisdiction-v-property-jurisdiction/>
2. *Laws of Property*, Form #14.018, Section 21
<https://sedm.org/Forms/14-PropProtection/LawsOfProperty.pdf>

HOW SEPARATION BETWEEN PUBLIC AND PRIVATE GETS DESTROYED: ACCEPTING GOVERNMENT PRIVILEGES

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

[. . .]

“It is only where some right or privilege [which are GOVERNMENT/PUBLIC PROPERTY] is conferred by the government or municipality upon the owner, which he can use in connection with his property, or by means of which the use of his property is rendered more valuable to him, or he thereby enjoys an advantage over others, that the compensation to be received by him becomes a legitimate matter of regulation. Submission to the regulation of compensation in such cases is an implied condition of the grant, and the State, in exercising its power of prescribing the compensation, only determines the conditions upon which its concession shall be enjoyed. When the privilege ends, the power of regulation [and taxation] ceases.”

[. . .]

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

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

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

HOW SEPARATION BETWEEN PUBLIC AND PRIVATE GETS DESTROYED: ACCEPTING GOVERNMENT PRIVILEGES

IMPORTANT NOTES ON THE MUNN CASE ABOVE:

1. The use of the word “**CONCESSION**” above implies that they are SELLING you something as a MERCHANT under [U.C.C. § 2-104](#)(1). That makes you a BUYER under [U.C.C. § 2-103](#)(1)(a). What they are SELLING is CIVIL STATUTORY “protection”, which is in effect a Private Member Association (PMA). You have to JOIN the government to receive this protection. See [Form #05.037](#).
2. What they are selling are PUBLIC PROPERTY consisting of services, benefits, and payments. If you accept these things, they come bundled with the power to regulate and tax. That regulation is an implementation of [Article 4, Section 3, Clause 2](#) power to make rules over government property. WATCH OUT!
3. Note the phrase “*It matters not how limited the privilege conferred, its acceptance implies an assent to the regulation of its use and the compensation for it.*”
3.1. This is an admission they can charge or tax ANY AMOUNT or impose ANY obligation upon you that they want in connection with the privilege. Thus, it becomes a “WEAPON OF MASS DESTRUCTION” for ALL of your private rights and complete anarchy in the process.
3.2 NO OTHER business has the ability to do this: WRITE their own check and charge whatever they want for their services. This is CLEARLY an ADHESION contract.
4. Notice also the use of the word “assent”. In this case, they are describing an act of IMPLIED consent, which is CONSENT through ACTION rather than in WRITING. If you and only you don’t have the ability to define exactly when and how you consent, then YOU ARE LITERALLY A SLAVE beyond that point. They can claim ANY arbitrary act constitutes consent to ANYTHING they want, even without your knowledge!
5. This adhesion contract works BOTH ways. If you pay them more than you owe or they receive your property by mistake, YOU can regulate or tax or control THEM so long as they have the [constitutionally required “reasonable notice” \(Form #05.022\)](#) of the connected obligation! See the following for how to do this:
[Injury Defense Franchise and Agreement](#), Form #06.027
<https://sedm.org/Forms/06-AvoidingFranch/InjuryDefenseFranchise.pdf>
6. More on the above at:
[Government Instituted Slavery Using Franchises](#), Form #05.030
<https://sedm.org/Forms/05-MemLaw/Franchises.pdf>

HOW SEPARATION BETWEEN PUBLIC AND PRIVATE GETS DESTROYED: ACCEPTING GOVERNMENT PRIVILEGES

- Therefore, requesting and receiving government property, such as benefits or services gives rise to:
 - A “privilege”. Privileges are just requesting or receiving government/public property that ordinary Americans are ineligible for.
 - An IMPLIED “quid pro quo” CIVIL obligation to **“RETURN”** the entire property or some subset of its economic value to the PAYER. This obligation is, in fact, how the privilege is PAID FOR:

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

[*Massachusetts v. United States*, 435 U.S. 444 (1978); SOURCE:
https://scholar.google.com/scholar_case?case=16842193024599209893

HOW SEPARATION BETWEEN PUBLIC AND PRIVATE GETS DESTROYED: ACCEPTING GOVERNMENT PRIVILEGES

- Recognition by the government of an office or agency on behalf of the government while handling the property. Only PUBLIC officers can lawfully hold or use public property and never for PERSONAL benefit. Black's Law Dictionary confirms this.

"A public officer is one who has some duty to perform concerning the public; and he is not the less a public officer when his duty is confined to narrow limits, because it is the duty, and the nature of that duty, which makes him a public officer, and not the extent of his authority." 7 Bac. Abr. 280; Carth. 479.... Where an employment or duty is a continuing [***65] one, which is defined by rules prescribed by law and not by contract, such a charge or employment is an office, and the person who performs it is an officer....

[Ricker's Petition, 66 N.H. 207 (1890)]

- The creation of a [DE FACTO OFFICE \(Form #05.043\)](#) if the office or agency was not lawfully created in compliance with Title 5 procedures through a lawful oath or appointment.

de facto: In fact, in deed, actually. This phrase is used to characterize an officer, a government, a past action or a state of affairs which must be accepted for all practical purposes, but is illegal or illegitimate. Thus, [an office, a position or status](#) existing under a claim or color of right [such as a de facto corporation](#). In this sense it is the contrary of de jure, which means rightful, legitimate, just, or constitutional. Thus, an officer, king, or government de facto is one who is in actual possession of the office or supreme power, but by usurpation, or without lawful title; while an officer, king, or governor de jure is one who has just claim and rightful title to the office or power, but has never had plenary possession of it, or is not in actual possession. MacLeod v. United States, 229 U.S. 416, 33 S.Ct. 955, 57 L.Ed. 1260. A wife de facto is one whose marriage is voidable by decree, as distinguished from a wife de jure, or lawful wife. But the term is also frequently used independently of any distinction from de jure; thus a blockade de facto is a blockade which is actually maintained, as distinguished from a mere paper blockade. Compare [De jure](#).

[Black's Law Dictionary, Sixth Edition, p. 416]

HOW SEPARATION BETWEEN PUBLIC AND PRIVATE GETS DESTROYED: ACCEPTING GOVERNMENT PRIVILEGES

- A “quasi-contract” applicable to your custody of the property. That “quasi-contract” is the Internal Revenue Code.

"Quasi contract. An obligation which law creates in absence of agreement; it is invoked by courts where there is unjust enrichment. Andrews v. O'Grady, 44 Misc.2d. 28, 252 N.Y.S.2d. 814, 817. Sometimes referred to as implied-in-law contracts (as a legal fiction) to distinguish them from implied-in-fact contracts (voluntary agreements inferred from the parties' conduct). Function of "quasi-contract" is to raise obligation in law where in fact the parties made no promise, and it is not based on apparent intention of the parties. Fink v. Goodson-Todman Enterprises, Limited, 9 C.A.3d. 996, 88 Cal.Rptr. 679, 690. See also Contract."
[Black's Law Dictionary, Sixth Edition, p. 1245]

"Even if the judgment is deemed to be colored by the nature of the obligation whose validity it establishes, and we are free to re-examine it, and, if we find it to be based on an obligation penal in character, to refuse to enforce it outside the state where rendered, see Wisconsin v. Pelican Insurance Co., [127 U.S. 265](#), 292, et seq. 8 S.Ct. 1370, compare Fauntleroy v. Lum, [210 U.S. 230](#), 28 S.Ct. 641, still the obligation to pay taxes is not penal. It is a statutory liability, quasi contractual in nature, enforceable, if there is no exclusive statutory remedy, in the civil courts by the common-law action of debt or indebitatus assumpsit.
[Milwaukee v. White, [296 U.S. 268](#) (1935)]

- Extraterritorial jurisdiction of the government owning the property in your possession.

"The Constitution permits Congress to dispose of and to make all needful rules and regulations respecting the territory or other property belonging to the United States. This power applies as well to territory belonging to the United States within the States, as beyond them. It comprehends all the public domain, wherever it may be. The argument is, that the power to make 'ALL needful rules and regulations' 'is a power of legislation,' 'a full legislative power,' 'that it includes all subjects of legislation in the territory,' and is without any limitations, except the positive prohibitions which affect all the powers of Congress."

[Dred Scott v. Sandford, 60 U.S. 393, 509-510 (1856); SOURCE:
https://scholar.google.com/scholar_case?case=3231372247892780026]

HOW SEPARATION BETWEEN PUBLIC AND PRIVATE GETS DESTROYED: ACCEPTING GOVERNMENT PRIVILEGES

- **The following book describes how jurisdiction is established over the MERCHANT offering the privilege or benefit, also called the CREDITOR, and the BUYER accepting the privilege or benefit, called the DEBTOR:**

“There is one principle which permeates the law of "NonResidents and Foreign Corporations," so far as it treats of the relation of debtor [BUYER OF PRIVILEGE] and creditor [MERCHANT/SELLER OF PRIVILEGE]. That principle is that, when debtor and creditor are residents of different states, the situs of the debt [CIVIL OBLIGATION] is the creditor's [MERCHANT'S] residence and not the debtor's [BUYER'S] residence ; the creditor's state has jurisdiction over the debt and the debtor's state has not. The result is that the creditor's state has the power to tax the debt or to discharge it by operation of law; but the debtor's state has not this power, because it has not jurisdiction of the debt. Among discharges by operation of law may be mentioned discharges under state limitation laws, and discharges under state garnishee laws. In these cases, when the debtor and creditor are citizens of different states, the better view is that the creditor's state has the power and the debtor's state has not the power to discharge the debt. So, in the case of discharges under state insolvent laws, it is ,well settled that the debtor's state has no jurisdiction over a debt due to a non-resident creditor, and that therefore a discharge is void as against a non-resident and nonconsenting creditor.”

[A Treatise on the Law of Non-Residents and Foreign Corporations as Administered in The State and Federal Courts of the United States, Conrad Reno, 1892, p. vi]

HOW SEPARATION BETWEEN PUBLIC AND PRIVATE GETS DESTROYED: SPECIFIC EXAMPLE TECHNIQUES

#	Type	Technique	Result of technique	Conversion direction	Authority	Notes
1	PERSON	Elect "U.S. Person" or "U.S. citizen" civil status	Connected to "trade or business"	Private to Public	26 U.S.C. §911 26 U.S.C. §162	See "U.S. Person" Position, Form #05.053
2	PERSON	Convert from U.S. Person" or "U.S. citizen" civil status to "nonresident alien"	Connected to "trade or business"	Public to Private	26 U.S.C. §162	See Proof that American Nationals are Nonresident Aliens, Form #09.081
3	PERSON	Use SSN on application	Connected to "trade or business"	None	26 C.F.R. §301.6109-1(b)	Regulation says SSN only required by NRA when connected to "trade or business". Creates rebuttable PRESUMPTION but not FACT of consensual conversion.
4	PROPERTY	Use SSN with bank account	Connected to "trade or business"	None	26 C.F.R. §301.6109-1(b)	Regulation says SSN only required by NRA when connected to "trade or business". Creates rebuttable PRESUMPTION but not FACT of consensual conversion.
5	PROPERTY	Third party files information return against payment	PAYER connected to "trade or business"	None	26 U.S.C. §6041(a)	No conversion because 26 U.S.C. §6041(a) documents PAYER's trade or business, not PAYEE. Third parties have no authority to convert your property (stealing). See Form #04.001 , Form #05.001 .
6	PROPERTY	Take deductions against property on tax return	Convert to public	Private to Public (If originally listed on Sched. NEC)	26 U.S.C. §162	Reductions in tax obligation are a privilege, UNLESS your earnings were EXCLUDED and you are an NRA but didn't know either. See Excluded Earnings and People, Form #14.019 .
7	PROPERTY	File a W-4	Convert to public	Private to Public	26 U.S.C. §3402(p)	See Federal and State Withholding Options for Private Employers, Form #09.001

GOVERNMENT'S BURDEN OF PROOF IN ENFORCING "RETURN" OF PROPERTY

- **In order to enforce the equitable obligation against you to reimburse them for the property or service you received, the government must prove:**
 - **That you ASKED for the property in each specific case. FORCING something on you that you don't want as an excuse to STEAL from you is unacceptable.**
 - **That YOU regard it as a "benefit" or consideration that you want. YOU are the "customer", not them. The customer is always right.**
 - **That they actually provided REAL, measurable and quantified "consideration".**
 - **That the consideration they are owed is equal to or less than what you actually received. Otherwise, they would be asking for "unjust enrichment" under principles of equity.**

GOVERNMENT'S BURDEN OF PROOF IN ENFORCING "RETURN" OF PROPERTY

- **Most of the time, there is NO REAL OR LAWFUL CONSIDERATION or PROPERTY because:**
 - They in essence are giving you back YOUR OWN money in all “benefit” programs MINUS interest it earned while in their custody, so you actually LOST money.
 - They don’t offer you an opportunity to NOT participate or even recognize and defend your right to do so.
 - Only YOU, as the owner of yourself, have a right to define “benefit”. YOU are the owner of yourself and the sovereign and they are the servant. ONLY YOU can write definitions that take or affect your property, such as “benefit” because this is an extension of the “right to exclude” aspect of ownership.
 - There is NO CONSTITUTIONAL AUTHORITY to offer privileges or franchises within the exclusive jurisdiction of a constitutional state:

“Congress cannot authorize a trade or business within a State in order to tax it.”
[License Tax Cases, 72 U.S. 462, 18 L.Ed. 497, 5 Wall. 462, 2 A.F.T.R. 2224 (1866);
https://scholar.google.com/scholar_case?case=2852002685220457827]

GOVERNMENT'S BURDEN OF PROOF IN ENFORCING "RETURN" OF PROPERTY

- Government can't lawfully pay you MORE than you gave them, because that would be an abuse of the government's taxing power.

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

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

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

[\[Loan Association v. Topeka, 87 U.S. 655, 20 Wall. 655 \(1874\)\]](#)

GOVERNMENT'S BURDEN OF PROOF IN ENFORCING "RETURN" OF PROPERTY

- For an EXCELLENT way to approach the equitable obligation to pay them back the consideration they gave you, see:

How to: The BEST Way to LAWFULLY Reject ANY and ALL Benefits in Court that is Unassailable, SEDM

<https://sedm.org/the-best-way-to-lawfully-reject-any-and-all-benefits-in-court-that-is-unassailable/>

- More on the above at:

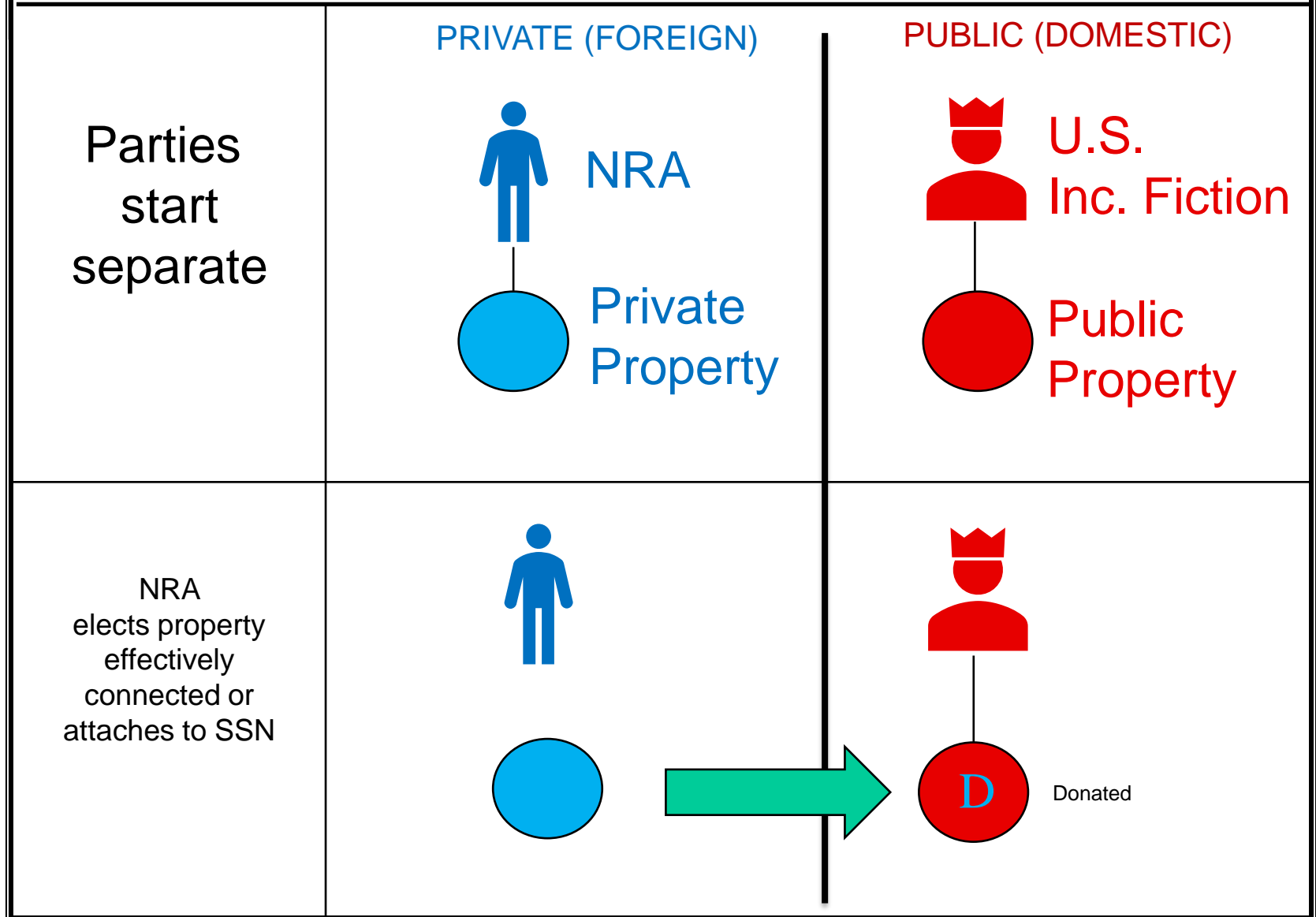
- *Why the Government is the Only Real Beneficiary of All Government Franchises*, Form #05.051** (Member Subscriptions)

<https://sedm.org/product/why-the-government-is-the-only-real-beneficiary-of-all-government-franchises-form-05-051/>

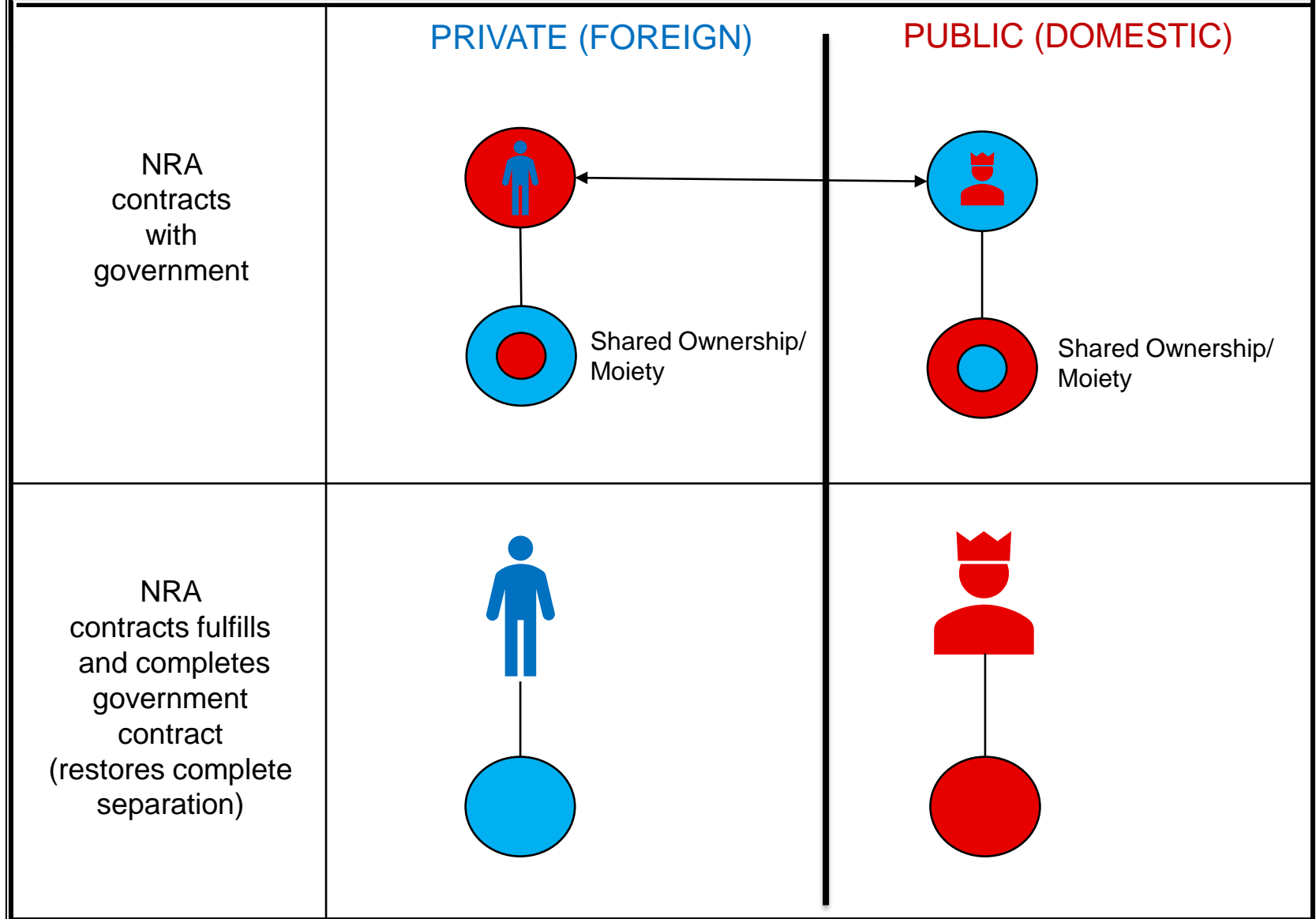
- *The Government "Benefits" SCAM*, Form #05.040** (Member Subscriptions)

<https://sedm.org/product/the-government-benefits-scam-form-05-040/>

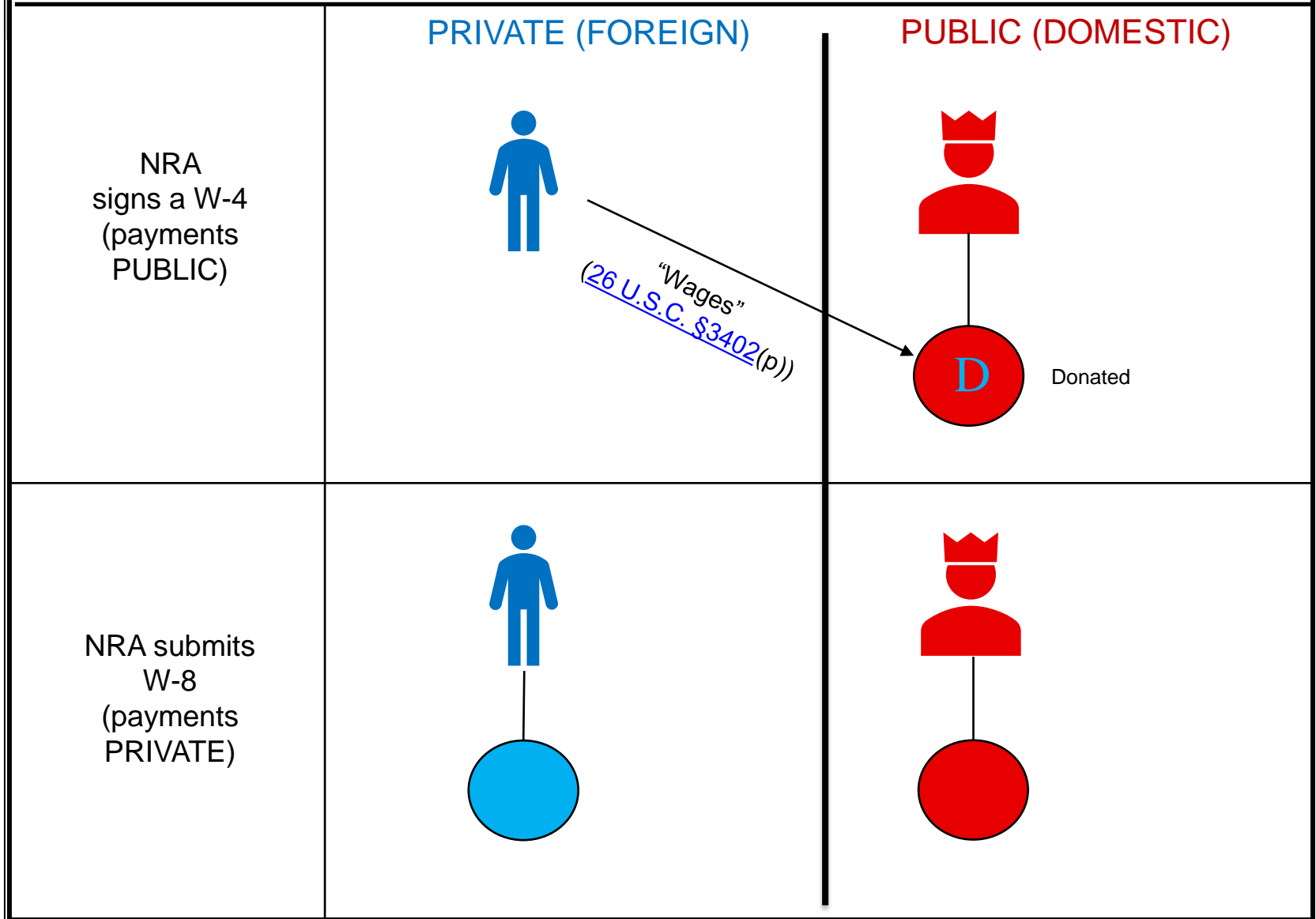
TAXATION PROPERTY DIAGRAMS



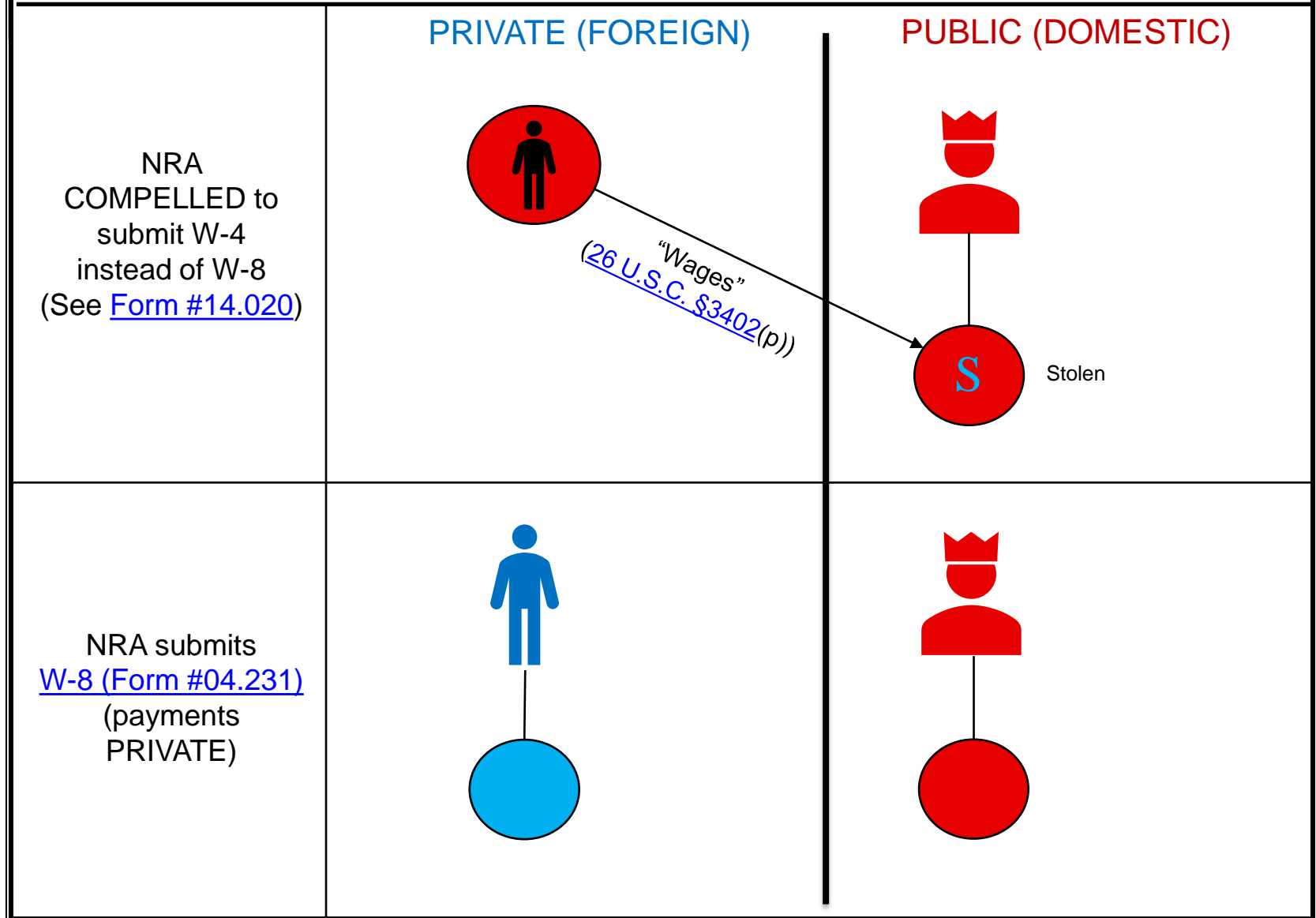
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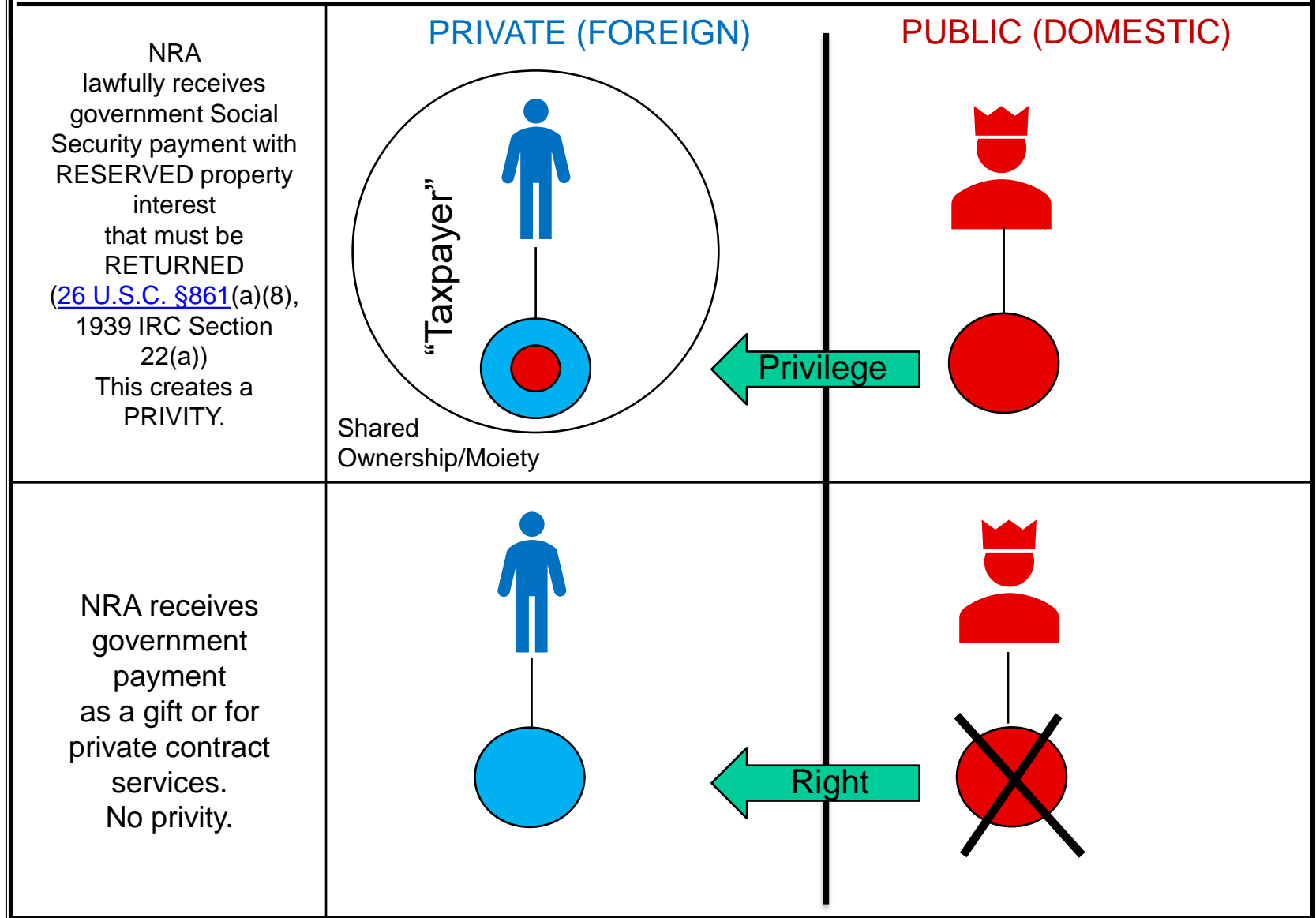
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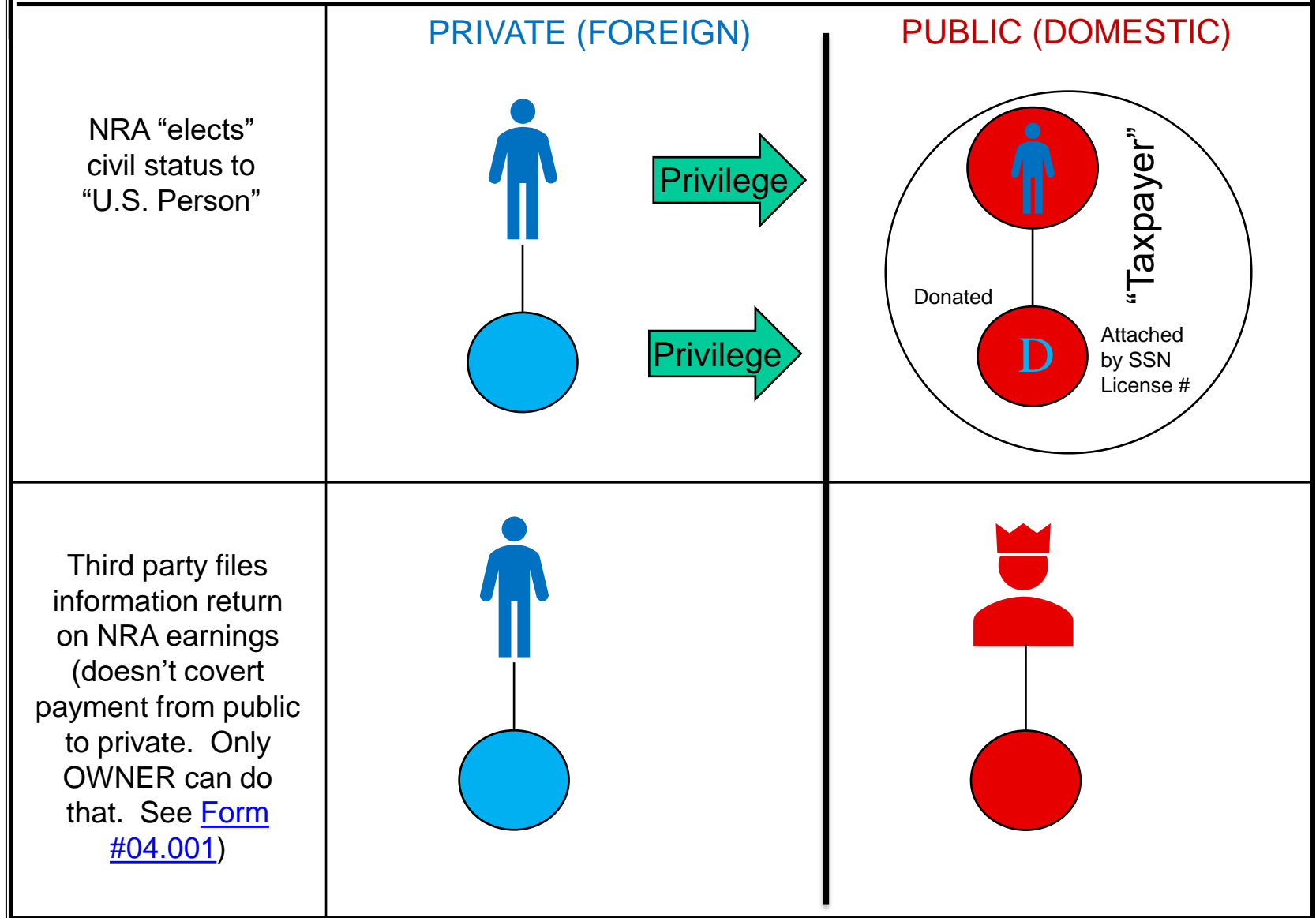
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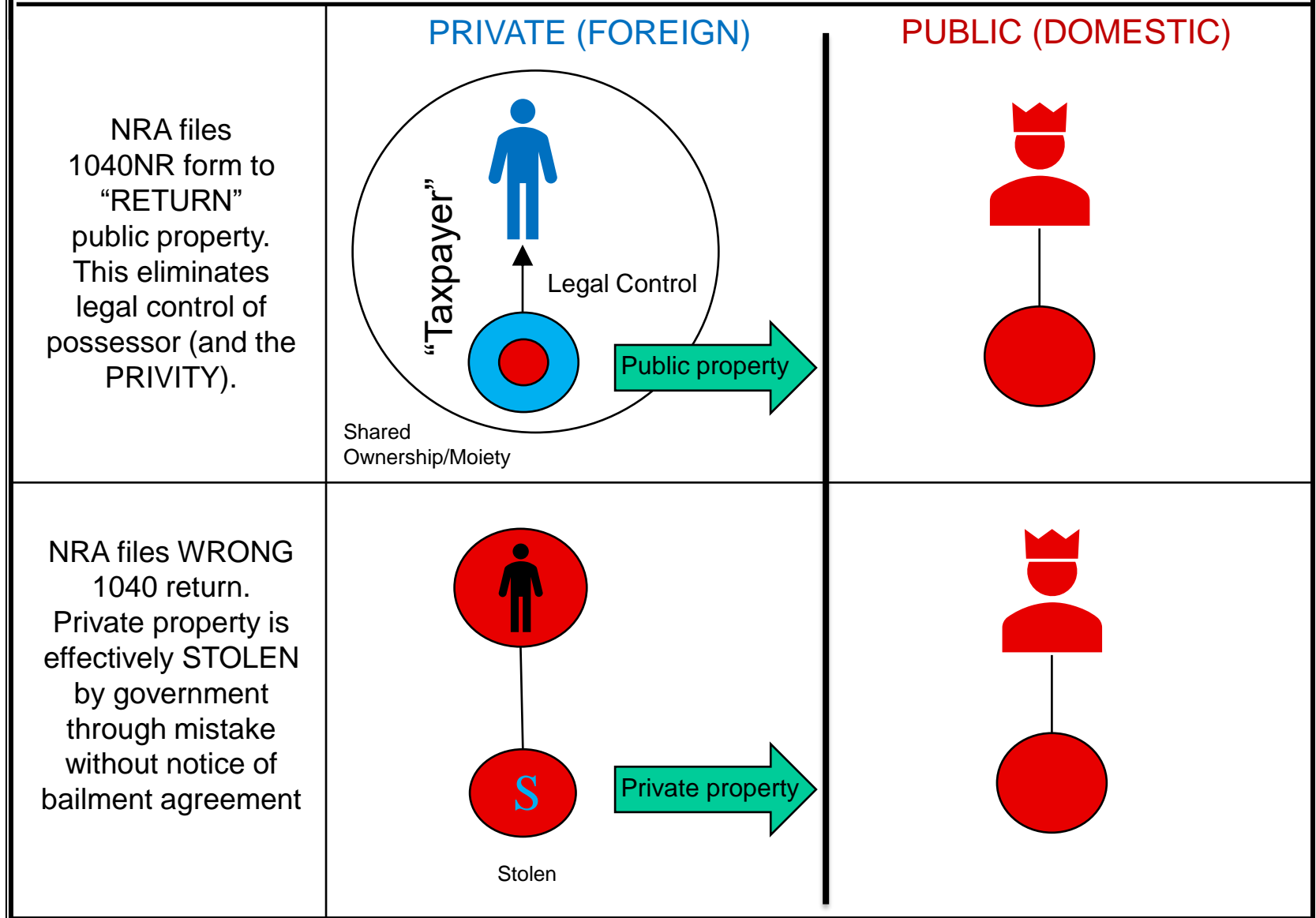
TAXATION PROPERTY DIAGRAMS



TAXATION PROPERTY DIAGRAMS



TAXATION PROPERTY DIAGRAMS



TAXATION PROPERTY DIAGRAMS

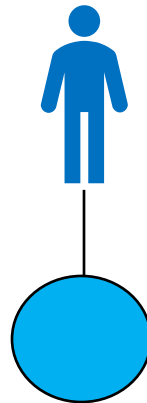
ILLEGAL GOVERNMENT ACTIONS, THEIR CONSEQUENCES, and RESPONDING TO THEM

1. Duress against private owner in procuring consent. Threatening to not hire, fire, not promote, or punish those who don't submit required withholding documents or SSNs/TINs.
2. Identity theft: See [Form #14.020](#) for criminal complaint.
 1. Treating [PRIVATE party \(nonresident alien not engaged in "trade or business", Form #09.082\)](#) as [PUBLIC party \(U.S. person, Form #05.053\)](#) even though no voluntary election.
 2. Change in civil status of private owner without express written informed consent.
3. False reporting about consent (information returns or withholding documents). See:
 1. [Correcting Erroneous Information Returns](#), Form #04.001.
<https://sedm.org/Forms/04-Tax/0-CorrErrInfoRtns/CorrErrInfoRtns.pdf>
 2. [Federal and State Withholding Options for Private Employers](#), Form #09.001
<https://sedm.org/Forms/09-Procs/FedStateWHOptions.pdf>
4. Illegal administrative enforcement by third parties in temporary possession of PRIVATE property (violations of [26 U.S.C. §6331](#)).
5. Transfer of possession but not ownership without express written informed consent or knowledge of the private owner.

TAXATION PROPERTY DIAGRAMS

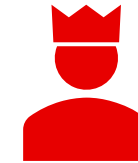
Third party sends illegally withheld or NRA sends LOANED earnings/overpayments to U.S. Inc. and notices them of [bailment agreement \(Form #06.027\)](#). This CREATES legal control of possessor and a privy.

PRIVATE (FOREIGN)



Private property

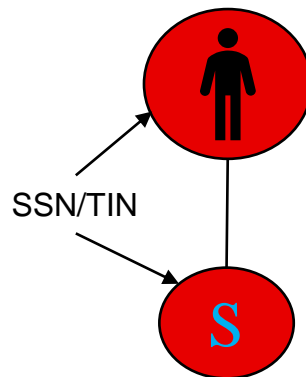
PUBLIC (DOMESTIC)



Legal Control

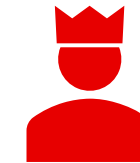
Shared Ownership/
Moiety

Bank illegally compels NRA to provide SSN/TIN to open an account and NRA notices government of duress and a [bailment agreement \(Form #06.027\)](#), which is a privy. (See [Form #05.012](#))



Stolen

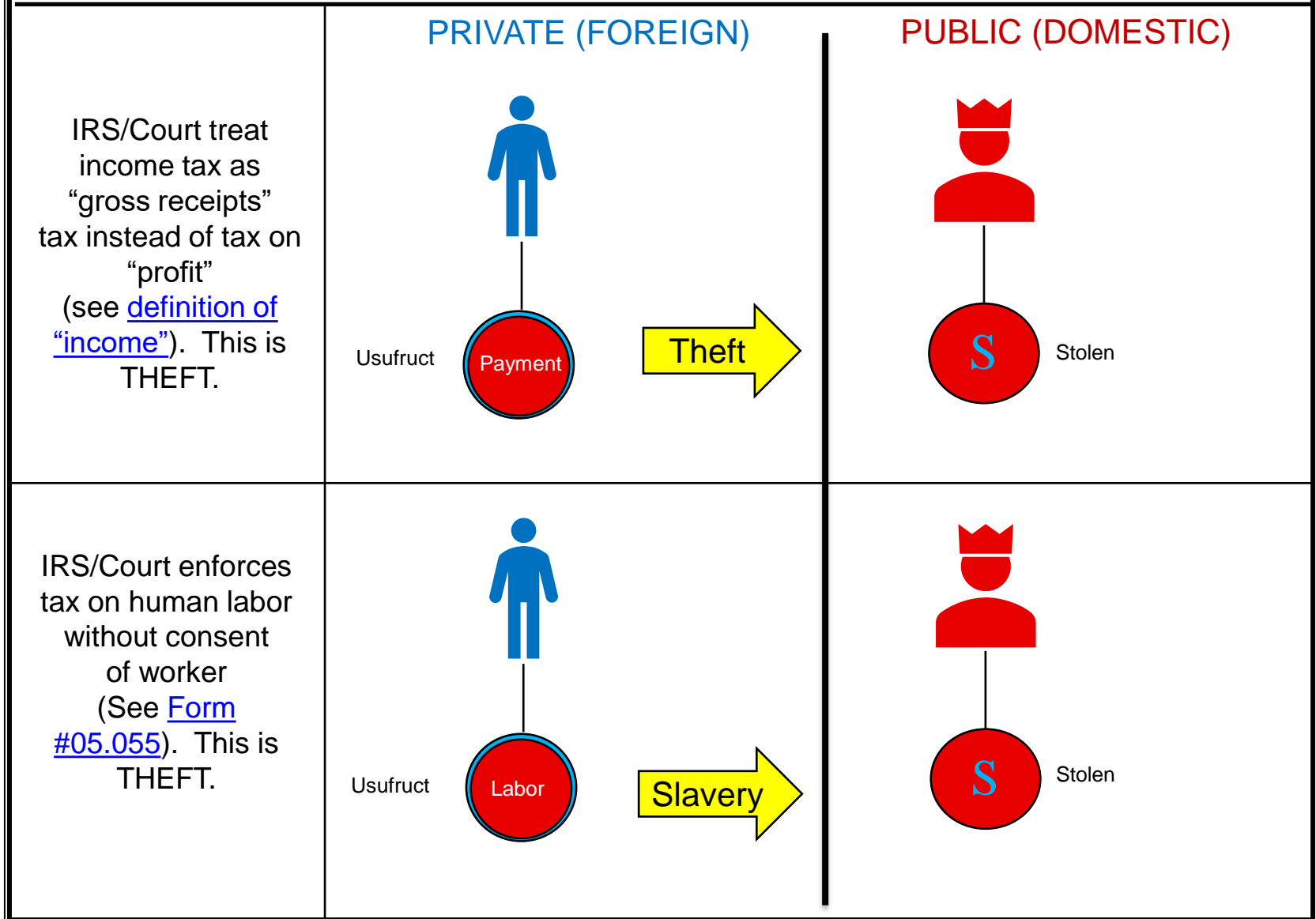
Private property



Legal Control
through bailment
agreement

Shared Ownership/
Moiety

TAXATION PROPERTY DIAGRAMS



How to PREVENT conversion of PRIVATE to PUBLIC

SEDM Disclaimer, Section 4.8: Law

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

- 1. ALWAYS keeping PRIVATE and PUBLIC rights separated and never mixing them together.**
- 2. Using unambiguous language about the TYPE of "right" that is being protected: PUBLIC or PRIVATE in every use of the word "right". The way to avoid confusing PUBLIC and PRIVATE RIGHTS is to simply refer to PUBLIC rights as "privileges" and NEVER refer to them as "rights".**
- 3. Only converting PRIVATE rights to PUBLIC rights with the express written consent of the HUMAN owner.**
- 4. Keeping the rules for converting PRIVATE to PUBLIC so simple, unambiguous, and clear that a child could understanding them and always referring to these rules in every interaction between the government and those they are charged with protecting.**

How to PREVENT conversion of PRIVATE to PUBLIC

- 5. Ensuring that in every interaction (and ESPECIALLY ENFORCEMENT ACTION, [Form #05.032](#)) between you and the government both administratively and in court, that any right the government claims to civilly enforce against, regulate, tax, or burden otherwise PRIVATE property is proven ON THE RECORD IN WRITING to originate from the rules documented in the previous step. This BURDEN OF PROOF must be met both ADMINISTRATIVELY and IN COURT BEFORE any enforcement action may be lawfully attempted by any government. It must be met by an IMPARTIAL decision maker with NO FINANCIAL interest in the outcome and not employed by the government or else a criminal financial conflict of interest will result. In other words, the government has to prove that it is NOT stealing before it can take property, that it is the lawful owner, and expressly HOW it became the lawful owner.**
- 6. Enforcing the following [CONCLUSIVE PRESUMPTION](#) against [government jurisdiction](#) to enforce unless and until the above requirements are met:**

How to PREVENT conversion of PRIVATE to PUBLIC

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

- 1. A **SPECIFIC** formerly **PRIVATE** owner consented IN WRITING to convert said property to **PUBLIC** property.*
- 2. The evidence proving the conversion is not generated indirectly by a third party, but **DIRECTLY** by the original owner. Thus, false information returns such as W-2, 1099, etc. are inadmissible evidence of conversion. See Form #04.001.*
- 3. The owner was either abroad, domiciled on, or at least **PRESENT** on federal territory **NOT** protected by the Constitution and therefore had the legal capacity to **ALIENATE** a Constitutional right or relieve a public servant of the fiduciary obligation to respect and protect the right. Those physically present but not necessarily domiciled in a constitutional but not statutory state protected by the constitution cannot lawfully alienate rights to a real, de jure government, even **WITH** their consent.*
- 4. If the government refuses to meet the above burden of proof, it shall be CONCLUSIVELY PRESUMED to be operating in a PRIVATE, corporate capacity on an **EQUAL** footing with every other private corporation and which is therefore **NOT** protected by official, judicial, or sovereign immunity.”*

Constitutional limitations upon the use of government/PUBLIC property

- 1. The authority to control the use of government property originates from Article 4, Section 3, Clause 2 of the United States Constitution.**

United States Constitution

[Article 4, Section 3, Clause 2](#)

The Congress shall have Power to dispose of and make all needful Rules and Regulations respecting the Territory or other Property belonging to the United States; and nothing in this Constitution shall be so construed as to Prejudice any Claims of the United States, or of any particular State.

- 2. Congress may reach or control its property ANYWHERE, including outside of federal territory, in a constitutional state, or abroad.**

“The Constitution permits Congress to dispose of and to make all needful rules and regulations respecting the territory or other property belonging to the United States. This power applies as well to territory belonging to the United States within the States, as beyond them. It comprehends all the public domain, wherever it may be. The argument is, that the power to make ‘ALL needful rules and regulations’ ‘is a power of legislation,’ ‘a full legislative power;’ ‘that it includes all subjects of legislation in the territory,’ and is without any limitations, except the positive prohibitions which affect all the powers of Congress. Congress may then regulate or prohibit slavery upon the public domain within the new States, and such a prohibition would permanently affect the capacity of a slave, whose master might carry him to it. And why not? Because no power has been conferred on Congress. This is a conclusion universally admitted. But the power to ‘make rules and regulations respecting the territory’ is not restrained by State lines, nor are there any constitutional prohibitions upon its exercise in the domain of the United States within the States; and whatever rules and regulations respecting territory Congress may constitutionally make are supreme, and are not dependent on the situs of ‘the territory.’”

[\[Dred Scott v. Sandford, 60 U.S. 393, 509-510 \(1856\)\]](#)

Constitutional limitations upon the use of government/PUBLIC property

3. Courts are acting in an [Article 4, Section 3, Clause 2](#) capacity when officiating over control of their property. They are NOT acting in an Article III capacity over PRIVATE property.
4. Governments don't produce ANYTHING, but merely STEAL what YOU produce. Consequently, they aren't paying you anything they EARNED and therefore can realistically OWN. You can't GRANT or LEND something until you actually "OWN" it as "ownership" is legally defined. The following funny video drives home this point:

Night of the Living Government, Andrew Klavan

<https://youtube.com/embed/aUwTyycRoCQ>

5. The receipt of monies from the government that always were yours cannot truthfully be called a "benefit" or a "privilege". The ONLY party in receipt of a "benefit" under such circumstances is, in fact, the GOVERNMENT! See:

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

<https://sedm.org/product/why-the-government-is-the-only-real-beneficiary-of-all-government-franchises-form-05-051/>

6. Government is NOT [GRANTING](#) or [LENDING](#) ITS property if it is paying back money that you LOANED to it that they were charged by you with temporary custody over. An example is a "tax refund" they are paying you BACK.

Constitutional limitations upon the use of government/PUBLIC property

- They can't place conditions the receipt of monies that ALWAYS WERE YOURS.
- YOU are the only one who can place conditions or attach strings by virtue of WHOSE property it always was. Ownership and control are synonymous.
- Government tries through SOPHISTRY to circumvent this limitation by paying the OFFICE as a public officer rather than the PRIVATE human filling said office.

7. The conditions of the [GRANT or LOAN](#) of government property CANNOT be used to create new public offices that would unconstitutionally extend federal jurisdiction extraterritorially (meaning OUTSIDE the District of Criminals) . The offices MUST be lawfully created through an official appointment or election and by no other method. Otherwise, the national government could abuse franchises to “invade the states” commercially and break down the [separation of powers \(Form #05.023\)](#). The Declaration of Independence talks about this mechanism of “invasion” by referring to the “invaders” as “swarms of officers”:

“He [the tyrant King] has erected a multitude of New Offices, and sent hither swarms of Officers [public officer “taxpayers”, Form #05.008] to harrass our people, and eat out their substance.”

[Declaration of Independence, 1776; SOURCE: <https://www.archives.gov/founding-docs/declaration-transcript>]

More about this SCAM of unlawfully creating public offices is described below:

- » [Challenge of Income Tax Enforcement Authority Within Constitutional States of the Union](#), Form #05.052
<https://sedm.org/Forms/05-Memlaw/ChallengeToIRSEnforcementAuth.pdf>
- » [The “Trade or Business” SCAM](#), Form #05.001
<https://sedm.org/Forms/05-MemLaw/TradeOrBusScam.pdf>

Constitutional limitations upon the use of government/PUBLIC property

- 8. If everything you pay the government is a GRANT OR LOAN from you to them and not a reimbursement or a gift, then:**
- YOU are the “Merchant”/Creditor under U.C.C. §2-104(1).
 - They are the “Buyer”/Debtor under U.C.C. §2-103(1)(a).
 - The ONLY party who normally makes all the rules relating to their relationship is the Merchant. They must obey you and not the other way around.
 - You will ALWAYS win if there is a dispute between you and the government, because he who either makes the rules or writes the definitions always wins!
 - HOWEVER, if you DON'T have quantifiable property to grant or loan, there is not real CONSIDERATION and no ability to contract or as a legitimate Merchant.

More on the above can be found in:

- Path to Freedom, Form #09.015, Sections 5.6 and 5.7
<https://sedm.org/Forms/FormIndex.htm>
- Injury Defense Franchise and Agreement, Form #06.027-use this to turn the tables on them and fight franchises with anti-franchises as a Merchant.
<https://sedm.org/Forms/06-AvoidingFranch/InjuryDefenseFranchise.pdf>

Constitutional limitations upon the use of government/PUBLIC property

- 9. Congress cannot define “general welfare” in the constitution as a franchise benefit or grant/loan of government property and thereby abuse franchises to completely circumvent all of the limitations of the constitution. Here’s what the ORIGINAL AUTHOR of the Constitution whose notes were used to compile the constitution said on this subject, only three years after the constitution was ratified, no less:**

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

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

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

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

[SEDM Disclaimer, Section 4.8 SOURCE: <http://sedm.org/disclaimer.htm>]

What Do “Rights” ATTACH To?

- **PUBLIC rights**

- Attach to civil statuses, regardless of where the party holding the status is physically located.
- Attach ONLY to domicile on federal territory as a prerequisite in the case of national franchises (Form #05.030).
- Attach to the PUBLIC OFFICE domiciled on federal territory, and not the PRIVATE human FILLING said office.

- **PRIVATE rights**

- Attach to HUMANS standing on LAND protected by the Constitution
- Inherent in every human as natural rights and recognized as such in common law and the Constitution
- Include the rights protected by the constitution via the Bill of Rights and the Fourteenth Amendment (equal protection)
- Are “unalienable” according to the Declaration of Independence, which means that you aren’t ALLOWED by law to surrender them even WITH your consent. See:

Unalienable Rights, Form #12.038

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

What Do “Rights” ATTACH To?

- **PROOF:**

- “It is locality that is determinative of the application of the Constitution, in such matters as judicial procedure, and not the [\[civil\] status of the people](#) who live in it.”

[\[Balzac v. Porto Rico, 258 U.S. 298 \(1922\)\]](#)

- “Debitum et contractus non sunt nullius loci.
Debt and contract are of no particular place.”

[\[Bouvier's Maxims of Law, 1856\]](#)

- **For further details:**

[Your Exclusive Right to Declare or Establish Your Civil Status, Form #13.008](#)

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

Definition of “privilege” (PUBLIC right)

privilege \ 'priv-lij, 'pri-və-\ noun

[Middle English, from Anglo-French, from Latin *privilegium* law for or against a private person, from *privus* private + *leg-*, *lex* law] 12th century: a right or immunity granted as a peculiar benefit, advantage, or favor: prerogative especially: such a right or immunity attached specifically to a position or an office

[Mish, F. C. (2003). Preface. Merriam-Websters collegiate dictionary. (Eleventh ed.). Springfield, MA: Merriam-Webster, Inc.]

privilege verb transitive

-leged; -leging 14th century

1: to grant a privilege to

2: to accord a higher value or superior position to 〈*privilege one mode of discourse over another*〉

[Mish, F. C. (2003). Preface. Merriam-Websters collegiate dictionary. (Eleventh ed.). Springfield, MA: Merriam-Webster, Inc.]

Notes on “privileges”/“Public rights”

- Based on the definition of “privilege” earlier:
 - They attach to OFFICES in the government if the privilege is GRANTED by government. An OFFICE in the government is called a “PUBLIC OFFICE”.
 - They create a SUPERIOR position in relation to others. In religious terminology, this is called a “supernatural power”, where HUMANS (YOU) are the “natural”.
 - They constitute what the U.S. Supreme Court calls “class legislation” that is not “law” in a classical sense, but rather private law or a franchise. All private law and franchises create strife in communities where it is implemented. See:
What is “law”?, Form #05.048
<http://sedm.org/Forms/FormIndex.htm>
- The PLACE that “privileges” or “public rights” are CREATED legislatively is in the definitions section of statutes.
 - If the right attaches to a CIVIL STATUTORY STATUS (Form #13.008), it is a PRIVILEGE or PUBLIC RIGHT.
 - If the right attaches to LAND or to a CONSTITUTIONAL rather than STATUTORY “person”, it is a PRIVATE RIGHT. CONSTITUTIONAL rights attach to land and not the CIVIL STUTORY STATUS of humans standing ON that land.
- Example from Foreign Intelligence Surveillance Act (FISA):

Notes on “privileges”/”Public rights”

- **EXAMPLE:** [Foreign Intelligence Surveillance Act \(FISA\), 50 U.S.C. §1801: Definitions:](#)
 - » (i) “United States person” means a citizen of the United States, an alien lawfully admitted for permanent residence (as defined in [section 1101\(a\)\(20\) of title 8](#)), an unincorporated association a substantial number of members of which are citizens of the United States or aliens lawfully admitted for permanent residence, or a corporation which is incorporated in the United States, but does not include a corporation or an association which is a foreign power, as defined in subsection (a)(1), (2), or (3).
 - » (j) “United States”, when used in a geographic sense, means all areas under the territorial sovereignty of the United States and the Trust Territory of the Pacific Islands.
 - » (m) “Person” means any individual, including any officer or employee of the Federal Government, or any group, entity, association, corporation, or foreign power.
 - » (o) “State” means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Trust Territory of the Pacific Islands, and any territory or possession of the United States.
- **Clearly, this is a privilege rather than a private right, because “United States person” includes [STATUTORY \(territorial\) “citizens and residents” \(Form #05.006\)](#) rather than CONSTITUTIONAL PRIVATE humans or “persons”. The right attaches to a STATUS and therefore is a PRIVILEGE and a PUBLIC right.**
- **If you want to stay PRIVATE, you cannot invoke the “benefits” (Form #05.040), “[privileges](#)”, or “protection” of the status of [STATUTORY “U.S. person”](#) and if you do, you create the presumption that you ARE NOT protected by the Constitution and therefore have surrendered all your private rights.**

Notes on “privileges”/”Public rights”

- **Important point:** You don't need no STINKING CIVIL statutes (Form #05.037) to protect PRIVATE constitutional rights. The constitution is SELF-EXECUTING and needs no statutes.

See:

- Enumeration of Inalienable Rights, Form #10.002, Section 4: The Bill of Rights is self-executing: No Statutes Needed to Enforce in Court
<http://sedm.org/Forms/FormIndex.htm>
- Why You Shouldn't Cite Federal Statutes as Authority for Protecting Rights, Family Guardian Fellowship
<http://famguardian.org/Subjects/Discrimination/CivilRights/DontCiteFederalLaw.htm>
- Why Statutory Civil Law is Law for Government and Not Private Persons, Form #05.037
<http://sedm.org/Forms/FormIndex.htm>

- Most civil statutes only apply where the Constitution DOES NOT apply! Here is proof relating to Social Security, and, by implication, EVERY OTHER FEDERAL FRANCHISE!:

“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)]

Notes on “privileges”/”Public rights”

- More on STATUTORY “U.S. Person”
 - Sovereignty Forms and Instructions Online, Form #10.004, Cites by Topic: “U.S. Person”
<http://famguardian.org/TaxFreedom/CitesByTopic/USPerson.htm>
 - U.S. Person Position, Form #05.53
<https://sedm.org/Forms/05-MemLaw/USPersonPosition.pdf>
 - Flawed Tax Arguments To Avoid, Form #08.004, Section 8.24: A Statutory “U.S. Person” includes state citizens or residents and is not limited to territorial citizens or residents
<https://sedm.org/Forms/08-PolicyDocs/FlawedArgsToAvoid.pdf>
- By using “privileges”/public rights/civil statutes to elevate those who receive them above others, the result is:
 - Substituting PRIVATE rights in exchange for PUBLIC rights.
 - The complete destruction of EQUALITY of all under the law. See: Requirement for Equal Protection and Equal Treatment, Form #05.033
<http://sedm.org/Forms/FormIndex.htm>
 - The violation of the constitutional prohibition against “Titles of Nobility”, where the name of the PUBLIC OFFICE (such as STATUTORY “citizen”, Exhibit #01.018) is the “Title of Nobility”
 - The establishment of an UNCONSTITUTIONAL state sponsored religion, where YOU as the “natural” have to “worship” (meaning “obey”) and serve those with the state-granted “SUPERIOR” or “SUPER-NATURAL” powers.

Definition of Religion

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

[Black's Law Dictionary, Sixth Edition, p. 1292]

Why Franchises Establish Religion

- “**SUPERNATURAL OR SUPERIOR BEINGS**” are those granted “privileges” of a franchise. See:
Government Instituted Slavery Using Franchises, Form #05.030
<http://sedm.org/Forms/FormIndex.htm>
- “WORSHIP” = Obedience to the dictates of the franchise “codes”
- Those DOING the worship are called PUBLIC OFFICERS, meaning AGENTS of the “SUPERIOR BEING”.
- The “**SUPERIOR BEING**” being rendered “WORSHIP” is the “United States” government as a legal person AND a corporation.
- That “**SUPERIOR BEING**” has an unconstitutional “Title of Nobility” because it has “**SUPERNATURAL OR SUPERIOR**” powers above YOU as the “natural”.
- The RESULT is what they call “all government of things”.
- The purpose of all franchises and privileges they create is to CREATE inequality (and thereby DESTROY THE SOURCE OF ALL YOUR FREEDOM, which is EQUALITY), use that inequality to impose SERVITUDE, and establish a state sponsored religion that worships government or civil rulers instead of God.

Why Franchises Establish Religion

- Don't believe us that **franchises** establish a state-sponsored religion? Look at legally admissible evidence proving our assertion:
 - **Government Has Become Idolatry and a False Religion-** also included in our **Path to Freedom, Form #09.015:**
<http://famguardian.org/Subjects/Taxes/Articles/Christian/GovReligion.htm>
 - **Socialism: The New American Civil Religion,** Form #05.016
<http://sedm.org/Forms/FormIndex.htm>
 - **Government Establishment of Religion,** Form #05.038
<http://sedm.org/Forms/FormIndex.htm>
 - **Communism, Socialism, Collectivism Topic Page,** Sections 4 and 5
<http://famguardian.org/Subjects/Communism/Communism.htm>

How you **CONSENT** to convert your property from **PRIVATE** to **PUBLIC**

- **Consent (Form #05.003)** to convert your property from **PRIVATE** to **PUBLIC** can be manifested:
 - **EXPRESS CONSENT**
 - » **DIRECTLY** through written agreement, government application, or oral (parole) agreement.. OR
 - » By “registering” the property such as when a vehicle is registered with the DMV.. . . OR
 - » By the **PRIVATE OWNER** consenting to a **CIVIL STATUS (Form #13.008)** as the absolute property owner and which adversely affects how **TITLE** to the property is held. For instance, consenting to hold title to the property as a **public officer (Form #05.008)** called a civil STATUTORY “taxpayer”, “citizen”, “resident”, or “person”. . . OR
 - » By **VOLUNTARILY** associating otherwise private property with an **SSN or TIN (Form #05.012)**, which is a “franchise mark”. This transmutes the property from **ABSOLUTE** ownership to **QUALIFIED** ownership in which the government shares ownership with the party consenting to the status.
 - **IMPLIED CONSENT**
 - » By using government/**PUBLIC** property in connection with otherwise **PRIVATE** property. It is a crime to use **PUBLIC** property for a **PRIVATE** purpose or benefit so when you mix **PUBLIC** with **PRIVATE**, one of them has to change character or a crime is being committed. For instance, by connecting **PUBLIC SSNs and TINs (Form #05.012)** to otherwise private property or **PRIVATE** transactions. This changes how the title is held and implicitly converts the **PRIVATE** property to **PUBLIC** property. . .OR
 - » By engaging in a privileged activity, such as being an alien in a foreign country. Aliens are always privileged when visiting foreign countries. Congress has direct legislative control over them under its power over “foreign affairs”. See **5 U.S.C. §553(a)(1)**.

How to PREVENT manifesting consent to convert your property from PRIVATE to PUBLIC

- It is important NEVER to manifest EXPRESS or IMPLIED consent to convert your property from PRIVATE to PUBLIC by the previously disclosed methods.
- The most frequent opportunity you have to manifest such consent is when filling out government forms, usually in connection with a [government franchise \(Form #05.030\)](#).
- You should avoid filling out any kind of government form. All such forms should be regarded as an effort by you to donate property of some kind to the government. That's why zoos have the following sign:
 - DON'T FEED THE ANIMALS

Rest assured, the government ARE literally animals. The Bible calls this animal "The Beast".

How to PREVENT manifesting consent to convert your property from PRIVATE to PUBLIC

- If you are FORCED to fill out a government form, then we suggest the following language on the form:
 - All words on this form are defined to EXCLUDE any and all civil statutory terms or statutory statuses.
 - Applicant retains and reserves all rights and remains EXCLUSIVELY private per [U.C.C. §1-308](#).
 - This form does NOT constitute an ACCEPTANCE of anything under the U.C.C., but rather a COUNTEROFFER.
 - Applicant retains his/her/its status as ONLY a Merchant under [U.C.C. §2-104\(1\)](#) of absolutely owned PRIVATE property, including his/her labor.
 - Government agent accepting this form is the Buyer of absolutely owned private property pursuant to [U.C.C. §2-103\(1\)\(a\)](#).
 - This form, regardless of what it says, constitutes a request to remain a [“non-resident non-person” \(Form #05.020\)](#) not subject to civil statutes and protected only by the common law and the constitution.
 - Any attempt to enforce any [civil obligation \(Form #12.040\)](#) under any statute or to acquire or control ANY PRIVATE property held by the applicant constitutes [constructive consent \(Form #05.003\)](#) to the following franchise agreement.
[Injury Defense Franchise](#), Form #06.027
<https://sedm.org/Forms/FormIndex.htm>
 - These provisions are necessary because the government refuses to be accountable for ANYTHING, including the definitions of terms on the form. See [Form #05.007](#).

How to PREVENT manifesting consent to convert your property from PRIVATE to PUBLIC

- In addition, we recommend attaching one of the forms in section 6 of our Forms/Pubs page to the application or form you are submitting:

Forms/Pubs Page, Section 1.6: Avoiding Government Franchises and Licenses

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

- For more background on the above tactics, see:
 - Avoiding Traps on Government Forms Course, Form #12.023
<https://sedm.org/Forms/FormIndex.htm>
 - Lawfully Avoiding Government Obligations Course, Form #12.040
<https://sedm.org/Forms/FormIndex.htm>
 - Proof of Claim: Your Main Defense Against Government Greed and Corruption, Form #09.073
<https://sedm.org/Forms/FormIndex.htm>

How Are Obligations (Rights) Created?

- What is an “obligation”?

<https://famguardian.org/TaxFreedom/CitesByTopic/obligation.htm>

- Rights are property
- Those who rights are owed TO are the OWNER of the right. They are called the “object” of rights.
- Every right gives rise to a corresponding OBLIGATION against the party who owes it to you

California Civil Code - CIV

DIVISION 3. OBLIGATIONS [1427 - 3272.9]

(Heading of Division 3 amended by Stats. 1988, Ch. 160, Sec. 14.)

PART 1. OBLIGATIONS IN GENERAL [1427 - 1543] (Part 1 enacted 1872.)

TITLE 1. DEFINITION OF OBLIGATIONS [1427 - [1428.]] (Title 1 enacted 1872.)

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

(Enacted 1872.)

- Constitutional rights, for instance, are rights owed BY the government TO every human being standing on land protected by the constitution.
- There are only TWO ways that obligations/rights can be created:
 - A contract ([consent or agreement, Form #05.003](#))
 - Operation of law

How Are Obligations (Rights) Created?

- **Proof:**

California Civil Code – CIV

DIVISION 3. OBLIGATIONS [1427 - 3272.9]

(Heading of Division 3 amended by Stats. 1988, Ch. 160, Sec. 14.)

PART 1. OBLIGATIONS IN GENERAL [1427 - 1543] (Part 1 enacted 1872.)

TITLE 1. DEFINITION OF OBLIGATIONS [1427 - [1428.]] (Title 1 enacted 1872.)

[1428.] Section Fourteen Hundred and Twenty-eight. An obligation arises either from:

One — The contract of the parties; or,

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

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

- **Contracts should be obvious. They include:**

- Written agreements
- Franchises ([Form #05.030](#))
- Trusts. The constitution is a “trust indenture”, for instance.

For details on consent, see:

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

- **Operation of law describes what happens in the ABSENCE of agreement or contract.**

How Are Obligations (Rights) Created?

- **Definition of “operation of law”:**

California Civil Code – CIV

DIVISION 3. OBLIGATIONS [1427 - 3272.9]

(Heading of Division 3 amended by Stats. 1988, Ch. 160, Sec. 14.)

PART 3. OBLIGATIONS IMPOSED BY LAW [1708 - 1725]

(Part 3 enacted 1872.)

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

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

- **Operation of law therefore applies where:**

- The parties affected did not [consent or agree \(Form #05.003\)](#) to anything.
- An injury has been inflicted by one party against the other that gives rise to both damages and standing to sue the other party in court either under the [common law](#) or [statute law \(Form #05.037\)](#).

How Are Obligations (Rights) Created?

- The elements of standing are:
 1. The plaintiff must have suffered an "injury in fact"—an invasion of a legally protected interest which is (a) concrete and particularized, see *id.*, at 756; [Warth v. Seldin, 422 U.S. 490, 508 \(1975\)](#); [Sierra Club v. Morton, 405 U.S. 727, 740-741, n. 16 \(1972\)](#); ^[1] and (b) "actual or imminent, not 'conjectural' or 'hypothetical,'" [Whitmore, supra, at 155](#) (quoting [Los Angeles v. Lyons, 461 U. S. 95, 102 \(1983\)](#)).
 2. There must be a causal connection between the injury and the conduct complained of—the injury has to be "fairly. . . trace[able] to the challenged action of the defendant, and not . . . th[e] result [of] the independent action of some third party not before the court." [Simon v. Eastern Ky. Welfare 561*561 Rights Organization, 426 U.S. 26, 41-42 \(1976\)](#).
 3. It must be "likely," as opposed to merely "speculative," that the injury will be "redressed by a favorable decision." *Id.*, at 38, 43.

The party invoking the court's jurisdiction bears the burden of establishing the above three elements. See [FW/PBS, Inc. v. Dallas, 493 U.S. 215, 231 \(1990\)](#); [Warth, supra, at 508](#).

Why is it Important to Know How Obligations are Created?

- It is important to know how [obligations](#) are created because governments enforcing an [obligation](#) administratively often mail you notices telling you that they believe you have a duty to do something.
- Your response to these administrative notices should always be to demand that they produce one of TWO things:
 - Proof that you [expressly consented \(Form #05.003\)](#) in writing to a contract with them.
 - Proof that they have been injured.
- If they can't meet the above [burden of proof \(Form #05.025\)](#) then:
 - You have established that you cannot have a “mens rea” or evil intent if you don't comply with their request. Therefore, you cannot be prosecuted criminally for failure to comply.
 - They MUST dismiss the [enforcement action](#) and all future enforcement.
 - A failure to satisfy the [burden of proof](#) places them in agreement that they have no authority to enforce.
 - You are exonerated from any and all [obligations](#) relating to the administrative enforcement.
 - All future [enforcement actions \(Form #05.032\)](#) are ILLEGAL and a tort.
 - You have no “civil status” under the [franchise \(Form #05.030\)](#) they are trying to enforce, meaning you are not a [“person” \(Form #08.023\)](#), [“taxpayer” \(Form #05.013\)](#), [“individual”](#), under their franchise agreement.

Remedy for Unlawful Possession, Taking, or Control over PRIVATE property by the government

- **When the government:**
 - Exercises ANY kind of control over private property absent demonstrated injury. .OR
 - Takes unlawful possession of property NOT THEIRS or that they cannot prove they lawfully acquired title to. .OR
 - Has stolen PRIVATE property.

...Then there is an IMPLIED waiver of sovereign immunity permitting you to sue the to either give it back or pay you for its equivalent value.
- **The remedy is provided under Fifth Amendment**
- **This remedy was acknowledged in [Armstrong v. United States, 364 U.S. 40 \(1960\)](#)**
 - In the above case, the U.S. Supreme Court ruled that there was an implied waiver of sovereign immunity for property taken by the government. [Click here](#) to read the excerpt from the case to that effect.
 - This implied waiver applies to ALL violations or takings of constitutional or natural rights, which are ALSO property.
 - The waiver is not a STATUTORY waiver, but a CONSTITUTIONAL waiver. You don't need no [stinking statute \(see Form #05.037\)](#) to enforce it.
- **The Constitution is self-executing and no statutes are needed to enforce it.**
- **It is the DUTY of the judge to both recognize and enforce this remedy or he is committing TREASON.**
- **The next page proves that the Bill of Rights is self-executing and can be enforced in court WITHOUT a [stinking statute \(see Form #05.037\)](#).**

Remedy for Unlawful Possession, Taking, or Control over PRIVATE property by the government

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

[\[City of Boerne v. Flores, 521 U.S. 507 \(1997\)\]](#)

Remedy for Unlawful Possession, Taking, or Control over PRIVATE property by the government

- When a legal action is undertaken to [return](#) the PRIVATE property or its unjust “benefits” to others, there is also an IMPLIED CONTRACT to return it that the government MUST honor, even WITHOUT a [stinking statute \(see Form #05.037\)](#):

“When the Government has illegally received money which is the property of an innocent citizen and when this money has gone into the Treasury of the United States, there arises an implied contract on the part of the Government to make restitution to the rightful owner under the Tucker Act and this court has jurisdiction to entertain the suit.

[90 Ct.Cl. at 613, 31 F.Supp. at 769.”](#)

[\[Gordon v. U. S., 227 Ct.Cl. 328, 649 F.2d. 837 \(Ct.Cl., 1981\)\]](#)

California Civil Code
Section 2224

“One who gains a thing by fraud, accident, mistake, undue influence, the violation of a trust, or other wrongful act, is, unless he or she has some other and better right thereto, an involuntary trustee of the thing gained, for the benefit of the person who would otherwise have had it.”

“The United States, we have held, cannot, as against the claim of an innocent party, hold his money which has gone into its treasury by means of the fraud of its agent. While here the money was taken through mistake without element of fraud, the unjust retention is immoral and amounts in law to a fraud of the taxpayer's rights. What was said in the State Bank Case applies with equal force to this situation. ‘An action will lie whenever the defendant has received money which is the property of the plaintiff, and which the defendant is obligated by natural justice and equity to refund. The form of the indebtedness or the mode in which it was incurred is immaterial.”

[\[Bull v. United States, 295 U.S. 247, 261, 55 S.Ct. 695, 700, 79 L.Ed. 1421\]](#)

Remedy for Unlawful Possession, Taking, or Control over PRIVATE property by the government

- These remedies are useful against illegal tax enforcement for those who:
 - Are private, nonresident, and “foreign” in relation to federal territory and the exclusive jurisdiction of Congress. . .and
 - Are protected by the Constitution because on land in a state of the Union. . .and
 - Are private BECAUSE they do not occupy a public office, which is the ONLY proper subject of I.R.C. Subtitle A public officer franchise taxes. See [Form #05.001](#).
 - Because they fit the above conditions, are a victim of criminal identity theft as described below because they are not the proper target for enforcement.
 - » *Identity Theft Affidavit*, Form #14.020
https://sedm.org/Forms/14-PropProtection/Identity_Theft_Affidavit-f14039.pdf
 - » *Government Identity Theft*, Form #05.046
<https://sedm.org/Forms/05-MemLaw/GovernmentIdentityTheft.pdf>
 - » *How Scoundrels Corrupted Our Republican Government*, Family Guardian Fellowship, Section 5: A Biblical Example of Someone who Fought the Corruption
https://famguardian.org/Subjects/Taxes/Evidence/HowScCorruptOurRepubGovt.htm#BIBLICAL_EXAMPLE_FIGHT

Remedy for Unlawful Possession, Taking, or Control over PRIVATE property by the government

- More information about remedies for unlawful possession, taking, or control over private property by a corrupted and covetous government
 - *Laws of Property*, Form #14.018
<https://sedm.org/Forms/14-PropProtection/LawsOfProperty.pdf>
 - *Proof of Facts: The Constitution Does NOT Confer Sovereign Immunity Upon Any Government and Therefore there is NO SUCH THING***-SEDM Proof of Facts. Member subscriptions
<https://sedm.org/proof-of-facts-the-constitution-does-not-confer-sovereign-immunity-upon-any-government-and-therefore-there-is-no-such-thing/>
 - *Forms/Pubs Page, Section 1.15: Remedies and Non-Statutory Claims for Government Violations of Rights*
<https://sedm.org/Forms/FormIndex.htm>
 - *Legal Remedies for the Protection of Private Rights Course*, Form #12.019 (Member Subscriptions)
<https://sedm.org/Forms/FormIndex.htm>
Sovereignty Forms and Instructions Online, Form #10.004, Cites by Topic: Property
<https://famguardian.org/TaxFreedom/CitesByTopic/property.htm>
 - *Property and Privacy Protection Topic*, Family Guardian Fellowship
<https://famguardian.org/Subjects/PropertyPrivacy/PropertyPrivacy.htm>
 - *Sovereignty and Freedom Points and Authorities*, Litigation Tool #10.018, sections 4.2-4.6
<https://sedm.org/Litigation/10-PracticeGuides/PointsAuth.pdf>

Application of Property Law to Income Taxation

- Taxation is the process of **VOLUNTARILY** converting **ABSOLUTELY OWNED PRIVATE** property to a **PUBLIC** use, public purpose, and/or public office. See:
Overview of the Income Taxation Process (as a PROPERTY exercise), SEDM
<https://sedm.org/overview-of-the-income-taxation-process-as-a-property-exercise/>
- The income tax under Internal Revenue Code, Subtitles A and C is an **excise tax** upon federal property and rights.
- The word “**excise**” means “to cut”.
 - The process of “cutting” means allocating revenue exchanged in a **privileged** commercial activity and diverting a portion of it to the support of the government
 - If the activity is NOT **privileged**, then it cannot be subject to an excise tax.
 - If the two parties to the commercial transaction are both private, and the excise reduces the compensation between them, then an excise tax in THAT scenario ONLY would represent an unconstitutional interference with the right to contract of the two parties. It would defeat the very purpose of establishing government to begin with..
 - In the context of the national government, privileges are created by only FOUR methods. The word “privileges” and “extraterritorial jurisdiction” are used interchangeably on this site. See the next page. These privileges derive from **Form #10.011, Section 15.2**

PRIVILEGES/EXTRATERRITORIAL JURISDICTION

SOURCES OF EXTRATERRITORIAL JURISDICTION

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

1. Making or executing war. This is the [Department of Defense \(DOD\)](#), [Title 50 of the U.S. Code](#), and the [Uniform Code of Military Justice \(U.C.M.J.\)](#), [10 U.S.C. Chapter 47](#).
2. Regulating aliens within the country. The presence test at [26 U.S.C. §7701\(b\)](#) implements the tax aspect of this.
3. Protecting VOLUNTARY STATUTORY citizens (not constitutional citizens) abroad. This is done through passports, [26 U.S.C. §911](#) which pays for the protection, the [Department of State \(DOS\)](#), and the military.
4. International commerce with foreign nations. This is done through the [Foreign Sovereign Immunities Act \(FSIA\)](#), [28 U.S.C. Chapter 97](#), [U.S.C.I.S.](#), [Department of Homeland Security \(DHS\)](#), and the foreign affairs supervision of the federal courts.
5. Economic sanctions on foreign countries and political rulers imposed by the [Department of the Treasury](#).

2. A matter relating to agency management or personnel or to public property, loans, grants, benefits, or contracts. [5 U.S.C. §553](#)(a)(2). Note that:

1. "Taxes" do NOT fall in the category of "public property, loans, grants, or benefits", but the U.S. supreme court identified them as a "quasi-contract" in [Milwaukee v. White, 296 U.S. 268 \(1935\)](#).
2. In the case of "agency management or personnel", they are talking about public officers serving within the national government as EXPRESSLY GEOGRAPHICALLY authorized by [4 U.S.C. §72](#) and NOT elsewhere. We'll give you a HINT, there IS not "express legislative authorization" for "taxpayer" offices to be exercised outside the District of Columbia as required, so all those serving in such an office extraterritorially are [DE FACTO officers \(Form #05.043\)](#). The income tax is an excise tax upon the "trade or business" franchise, which is defined in [26 U.S.C. §7701\(a\)\(26\)](#) as "the functions of a public office", but those offices may not lawfully be exercised outside the District of Columbia. That is why the statutory geographical "United States" defined in [26 U.S.C. §7701\(a\)\(9\)](#) and (a)(10) is defined as the District of Columbia and NOWHERE expressly extended outside the District of Columbia or the Federal statutory "State" defined in [4 U.S.C. §110\(d\)](#).
3. Civil statutory statuses such as "taxpayer", "citizen", "resident", and "person" AND the PUBLIC RIGHTS and privileges that attach to them are PROPERTY legislatively created and therefore owned by the national government. Those claiming these statuses are in receipt, custody, or "benefit" of federal privileges no matter where they physically are, and thus are subject to Congress power to "make all needful rules respecting the Territory and other property" granted by [Article 4, Section 3, Clause 2](#) of the Constitution.

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

PRIVILEGES/EXTRATERRITORIAL JURISDICTION

4. **EXPRESS and INFORMED consent or comity in some form. Note that NO ONE can consent FOR YOU. YOU have to consent YOURSELF. Presently, "comity" is legally defined as "willingness to grant a privilege". It USED to be defined as MUTUAL consent or agreement of both parties. This has the INSIDIOUS effect that it is OK for a judge to consent FOR YOU, or you to consent sub silentio or by acquiescence. The RESULT is that you are treated AS IF you are a privileged agent or officer of the state, which we call a "straw man", often without compensation. This is CRIMINAL HUMAN TRAFFICKING and CRIMINAL IDENTITY THEFT (Form #05.046) if you didn't KNOWINGLY consent. The purpose of this SOPHISTRY is to procure your consent INVISIBLY, so they don't have to recognize or respect your sovereignty or autonomy. After all, they think they know better than you about what is good for you. See:**
 1. Hot Issues: Invisible Consent
<https://sedm.org/invisible-consent/>
 2. How State Nationals Volunteer to Pay Income Tax, Form #08.024
<https://sedm.org/Forms/08-PolicyDocs/HowYouVolForIncomeTax.pdf>

Application of Property Law to Income Taxation

- Therefore, to be lawful, at least **ONE** of the two parties to the **PRIVILEGED** commercial transaction must either:
 - Be **THE** specific government instituting the excise tax or else there is an unconstitutional interference with contracting and commerce to impose the tax.
 - Be **VOLUNTARILY REPRESENTING THE** specific government instituting the excise tax in some capacity, usually as a public office or officer.
- The above explains why:
 - The income tax is measured by earnings in connection with a **STATUTORY/PRIVILEGED “trade or business” (Form #05.001)**, which is defined in **26 U.S.C. §7701(a)(26)** as “the functions of a public office”
 - At least one of the parties engaging in the transaction are privileged fictional statutory creations of Congress rather than merely human beings or private businesses. **STATUTORY “citizens” (Form #10.011)**, “residents” (privileged aliens under **26 U.S.C. §7701(b)(1)(A)**), and “**nonresident aliens (Form #05.020)** engaged in a **trade or business**” are **ALL** privileged agents and/or officers of the national government and fictional creations of Congress, not flesh and blood humans who have constitutional protections.
- The **ONLY** type of **non-privileged** entity mentioned in the I.R.C. is a “nonresident alien **NOT** engaged in a trade or business” and this party is referred to as a “foreign estate” in **26 U.S.C. §7701(a)(31)**.

Application of Property Law to Income Taxation

- **What is a “privilege”?**: It’s a loan or temporary grant of government property or rights for which in essence a RENTAL or USE fee is charged. That fee is called a “tax” or an “excise tax”.
- For the purposes of this document, we treat “privilege tax” and “excise tax” as being equivalent.
- This website also uses “[franchises](#)” and “[privileges](#)” synonymously.
- Below is how the U.S. Supreme Court describes government property rental fee called an “excise tax”:

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

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

- All people who are “liable” for excise taxes therefore are in essence paying RENT to Uncle Sam to temporarily “use” or “benefit” from government property or rights. Uncle is in the “property rental business”, just like any “landlord”, Enterprise Rental Car, Avis, etc.!
- More on this subject at:

[Why the Federal Income Tax is a Privilege Tax Upon Government Property](#), Form #04.404

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

Application of Property Law to Income Taxation

- Income taxation is always upon PROFIT or GAIN, and never the underlying PRIVATE property. For instance, taxes on LABOR are upon PROFIT from labor, not the underlying labor itself, which is property. That means NEVER can the ENTIRE amount earned from selling one's labor for compensation of EQUAL value be classified as "income" from a constitutional perspective. See:
 - Proof that Involuntary Income Taxes on Your Labor are Slavery, Form #05.055**
<https://sedm.org/product/proof-that-involuntary-income-taxes-on-your-labor-are-slavery-form-05-055/>
 - Proof that earnings from labor are not "gross income" under 26 U.S.C. §61**, SEDM
<https://sedm.org/proof-that-earnings-from-labor-are-not-gross-income-under-26-u-s-c-61/>
 - Sovereignty Forms and Instructions Online, Form #10.004, Cites By Topic: "income"
<https://famguardian.org/TaxFreedom/CitesByTopic/income.htm>
- A tax upon labor as PRIVATE property is a direct tax, which is prohibited by the constitution.

"Before the Sixteenth Amendment Congress could not levy a direct tax without apportionment among the states. Pollock v. Farmers' Loan Trust Co., 157 U.S. 429, 15 S.Ct. 673, 39 L.Ed. 759, Id., 158 U.S. 601, 15 S.Ct. 912, 39 L.Ed. 1108. The Amendment allows a tax on "income" without apportionment, but an unapportioned direct tax on anything that is not income would still, under the rule of the Pollock case, be unconstitutional."

[. . .]

The first question is: which definition of income is controlling, that of Congress or that of the Supreme Court? Since the judiciary is traditionally charged with the responsibility of interpreting the Constitution, we shall assume, for the purposes of this decision only, that, because the Sixteenth Amendment is limited to income, Congress may not tax directly without apportionment that which the Supreme Court does not so define."

[Commissioner of Int. Rev. v. Obear-Nester Glass, 217 F.2d. 56 (7th Cir. 1954)]

Application of Property Law to Income Taxation

- Employers typically include ALL EARNINGS from labor on a [Form W-2 \(Form #04.006\)](#), but not all of these earnings or even MOST of such earnings would be “[gross income](#)” under [26 U.S.C. §61](#). Only though the following do “[wages](#)” always count as “income” income in a constitutional sense:
 - Legal ignorance of Americans and PRIVATE employers.
 - EXPRESSLY Consenting to CALL All your earnings CIVIL STATUTORY “[wages](#)” under [26 U.S.C. §3402](#)(p) by signing a W-4 withholding form.
- The taxability of human labor as PRIVATE property is therefore a THIRD RAIL issue that the courts are LOATHE to talk about, because it amounts to involuntary servitude if not consensual. See [Form #08.032](#) for a list of third rail government issues.
- More on why taxes on your labor are UNCONSTITUTIONAL SLAVERY if you don’t consent:
 - *How the Government Defrauds You Out of Legitimate Exclusions for the Market Value of Your Labor*, Form #05.026
<https://sedm.org/Forms/05-MemLaw/DefraudLabor.pdf>
 - *Proof that Involuntary Income Taxes on Your Labor are Slavery*, Form #05.055** (Member Subscriptions)
<https://sedm.org/product/proof-that-involuntary-income-taxes-on-your-labor-are-slavery-form-05-055/>

Authorities on Why You Should NEVER Borrow or Rent Government Property

- **The Bible:**

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

Curses of Disobedience [to God's Laws]

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

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

"Because you did not serve [ONLY] the Lord your God with joy and gladness of heart, for the abundance of everything, therefore you shall serve your [covetous thieving lawyer] enemies, whom the Lord will send against you, in hunger, in thirst, in nakedness, and in need of everything; and He will put a yoke of iron [franchise codes] on your neck until He has destroyed you. The Lord will bring a nation against you from afar [the District of CRIMINALS], from the end of the earth, as swift as the eagle flies [the American Eagle], a nation whose language [LEGALESE] you will not understand, a nation of fierce [coercive and fascist] countenance, which does not respect the elderly [assassinates them by denying them healthcare through bureaucratic delays on an Obamacare waiting list] nor show favor to the young [destroying their ability to learn in the public FOOL system]. And they shall eat the increase of your livestock and the produce of your land [with "trade or business" franchise taxes], until you [and all your property] are destroyed [or STOLEN/CONFISCATED]; they shall not leave you grain or new wine or oil, or the increase of your cattle or the offspring of your flocks, until they have destroyed you.

[Deut. 28:43-51, Bible, NKJV]

- **How Scoundrels Corrupted Our Republican Form of Government, Family Guardian Fellowship**

<https://famguardian.org/Subjects/Taxes/Evidence/HowScCorruptOurRepubGovt.htm>

Authorities on Why You Should NEVER Borrow or Rent Government Property

- **SEDM Opening Page:**

People of all races, genders, political beliefs, sexual orientations, and nearly all religions are welcome here. All are treated equally under REAL "law". The only way to remain truly free and equal under the civil law is to avoid seeking government civil services, benefits, property, special or civil status, exemptions, privileges, or special treatment. All such pursuits of government services or property require individual and lawful consent to a franchise and the surrender of inalienable constitutional rights AND EQUALITY in the process, and should therefore be AVOIDED. The rights and equality given up are the "cost" of procuring the "benefit" or property from the government, in fact. Nothing in life is truly "free". Anyone who claims that such "benefits" or property should be free and cost them nothing is a thief who wants to use the government as a means to STEAL on his or her behalf. All just rights spring from responsibilities/obligations under the laws of a higher power. If that higher power is God, you can be truly and objectively free. If it is government, you are guaranteed to be a slave because they can lawfully set the cost of their property as high as they want as a Merchant under the U.C.C. If you want it really bad from people with a monopoly, then you will get it REALLY bad. Bend over. There are NO constitutional limits on the price government can charge for their monopoly services or property. Those who want no responsibilities can have no real/PRIVATE rights, but only privileges dispensed to wards of the state which are disguised to LOOK like unalienable rights. Obligations and rights are two sides of the same coin, just like self-ownership and personal responsibility. For the biblical version of this paragraph, read 1 Sam. 8:10-22. For the reason God answered Samuel by telling him to allow the people to have a king, read Deut. 28:43-51, which is God's curse upon those who allow a king above them. Click Here (<https://famguardian.org/Subjects/Taxes/Evidence/HowScCorruptOurRepubGovt.htm>) for a detailed description of the legal, moral, and spiritual consequences of violating this paragraph.

[SEDM Opening Page; , <http://sedm.org>]

Application of Property Law to Income Taxation

- These considerations are why the current definition of a “public office” in Black’s Law Dictionary defines a public officer as someone **“in charge of the PROPERTY of the public”**.

*“Public office. The right, authority, and duty created and conferred by law, by which for a given period, either fixed by law or enduring at the pleasure of the creating power, an individual is invested with some portion of the sovereign functions of government for the benefit of the public. Walker v. Rich, 79 Cal.App. 139, 249 P. 56, 58. An agency for the state, the duties of which involve in their performance the exercise of some portion of the sovereign power, either great or small. Yaselli v. Goff, C.C.A., 12 F.2d. 396, 403, 56 A.L.R. 1239; Lacey v. State, 13 Ala.App. 212, 68 So. 706, 710; Curtin v. State, 61 Cal.App. 377, 214 P. 1030, 1035; Shelmadine v. City of Elkhart, 75 1nd.App. 493, 129 N.E. 878. State ex rel. Colorado River Commission v. Frohmiller, 46 Ariz. 413, 52 P.2d. 483, 486. Where, by virtue of law, a person is clothed, not as an incidental or transient authority, but for such time as de- notes duration and continuance, with Independent power to control the property of the public, or with public functions to be exercised in the supposed interest of the people, the service to be compensated by a stated yearly salary, and the occupant having a designation or title, the position so created is a public office. State v. Brennan, 49 Ohio.St. 33. 29 N.E. 593.
[Black’s Law Dictionary, Fourth Edition, p. 1235]*

- Everyone who has custody of government property is therefore:
 - Deemed to be a public officer whether they want to be or not. The only way to abandon the office or PUBLIC office is to “return” the property. That’s why they call it a “tax RETURN”.
 - Deemed to be subject to the direct legislative control of Congress per [Article 4, Section 3, Clause 2](#) of the Constitution and [5 U.S.C. §553\(a\)\(2\)](#).

Application of Property Law to Income Taxation

- The authority of Congress to regulate and control uses of ITS property is found in the following:
 - [Article 4, Section 3, Clause 2](#) of the United States Constitution
 - Article 4: States Relations
 - Section III: Admission of New States; Property of the United States
 - Clause 2: Property of the United States
 - The Congress shall have Power to dispose of and make all needful Rules and Regulations respecting the Territory or other Property belonging to the United States; and nothing in this Constitution shall be so construed as to Prejudice any Claims of the United States, or of any particular State.
 - The [Administrative Procedures Act, 5 U.S.C. §553](#)(a)(2) authorizes Congress to enact legislation that directly controls all uses of its property regardless of:
 - » Whether there are implementing regulations or not.
 - » Whether the party is a private American or a public servant.
 - [26 U.S.C. §7805](#)(a) authorizes the Secretary of the Treasury to “make all needful rules and regulations for the enforcement of the title”. The “all needful rules” language comes directly out of [Article 4, Section 3, Clause 2](#) of the United States Constitution.

Application of Property Law to Income Taxation

- [5 U.S.C. §301](#) specifically authorizes the head of an Executive Department to make all rules for **PROPERTY** under its control:

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

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

In the case of the IRS, the “head of the Executive Department” is the Secretary of the Treasury.

- The U.S. Supreme Court acknowledged the authority of Congress to control its property ANYWHERE in the country, and even where it has no [territorial](#) jurisdiction. Control exercised outside the territory of the national government is called “[extraterritorial jurisdiction](#)”:

“The Constitution permits Congress to dispose of and to make all needful rules and regulations respecting the territory or other property belonging to the United States. This power applies as well to territory belonging to the United States within the States, as beyond them. It comprehends all the public domain, wherever it may be. The argument is, that the power to make ‘ALL needful rules and regulations’ ‘is a power of legislation,’ ‘a full legislative power,’ ‘that it includes all subjects of legislation in the territory,’ and is without any limitations, except the positive prohibitions which affect all the powers of Congress. Congress may then regulate or prohibit slavery upon the public domain within the new States, and such a prohibition would permanently affect the capacity of a slave, whose master might carry him to it. And why not? Because no power has been conferred on Congress. This is a conclusion universally admitted. But the power to ‘make rules and regulations respecting the territory’ is not restrained by State lines, nor are there any constitutional prohibitions upon its exercise in the domain of the United States within the States; and whatever rules and regulations respecting territory Congress may constitutionally make are supreme, and are not dependent on the situs of ‘the territory.’”
[\[Dred Scott v. Sandford, 60 U.S. 393, 509-510 \(1856\)\]](#)

Application of Property Law to Income Taxation

- What do we mean by “property”?
 - PUBLIC RIGHTS conveyed by any civil statute. The ENTIRE civil statutory code is a “civil protection franchise”. For proof, see:
 - » Why Domicile and Becoming a “Taxpayer” Require Your Consent, Form #05.002
<https://sedm.org/Forms/05-MemLaw/Domicile.pdf>
 - » Why Statutory Civil Law is Law for Government and not Private Humans, Form #05.037
<https://sedm.org/Forms/05-MemLaw/StatLawGovt.pdf>
 - The PRIVILEGE of voting. It’s not a right because they can take it away if you commit a felony. The courts call it “the elective franchise”.
 - Physical property.
 - Entitlements and “benefits” such as Social Security, Medicare, Obamacare, etc.
 - Government payments or grants.
 - Income tax refunds in the temporary custody of the national government and LOANED to them.
- **IMPORTANT NOTE**: RIGHTS are things they can’t take away, give away, regulate, or tax, and which cost you NOTHING.
- If ANY civil statutory obligation (Form #12.040) attaches to a specific civil status (Form #13.008), then it can’t possibly be a RIGHT of any kind, but rather is a PRIVILEGE. Watch out! See:
Lawfully Avoiding Government Obligations, Form #12.040
<https://sedm.org/LibertyU/AvoidGovernmentObligations.pdf>

Application of Property Law to Income Taxation

- **Facts about Social Security Numbers and Taxpayer Identification Numbers:**
 - Social Security Numbers and Taxpayer Identification Numbers are what the Federal Trade Commission calls a “franchise mark”.
 - Social Security Numbers and Taxpayer Identification Numbers are legal evidence that the property they are connected to are donated to a public use, public purpose, and public office.
 - The only people who are required to provide such numbers are those in receipt of government privileges, benefits, property, or [franchises \(Form #05.030\)](#).
 - The Bible calls them the “Mark of the Beast”. They are legal evidence that you are serving mammon/the beast/Caesar rather than God and Caesar’s public officer. No man can serve two masters: God and mammon.
- **For proof of the above see:**
 - *About SSNs and TINs on Government Forms and Correspondence*, Form #05.012
<https://sedm.org/Forms/05-MemLaw/AboutSSNsAndTINs.pdf>
 - *Social Security: Mark of the Beast*, Form #11.407
<http://famguardian.org/Publications/SocialSecurity/TOC.htm>

Application of Property Law to Income Taxation

- **Application of absolutely owned, constitutionally protected PRIVATE property to income tax reporting and withholding**
 - The “right to exclude” and the ability to dictate the terms and conditions of the USE of private property are reserved EXCLUSIVELY to the ABSOLUTE OWNER.
 - Third parties MAY NOT determine the civil status of the ABSOLUTE OWNER of a payment or the PAYMENT itself.
 - **IMPLICATION upon YOUR civil status:** Banks, employers, and financial institutions may NOT UNILATERALLY impute a civil status to YOU as the absolute owner of yourself using a government form. They NEED your consent! For instance, they:
 - » Cannot FORCE you to fill out an [IRS Form W-9](#) imputing “U.S. Person” status to you. This is a PRIVILEGED status.
 - » Cannot FORCE you to submit an IRS Form W-4 “Employee Withholding Allowance Certificate” for the PRIVILEGE of merely earning a living. Who is doing the “allowing”? YOU and not THEM!. This forces you to acquire the civil status of “employee” of the national government under [26 U.S.C. §3401\(c\)](#).
 - » The only choice they have is to ACCEPT WHATEVER withholding form you give them and to act as if it is correct and report and withhold according.
- ANY OTHER approach results in: slavery in violation of the Thirteenth Amendment, criminal peonage (slavery to pay off public debt), and/or human trafficking (an international crime), and interference by the national government with your PRIVATE right to contract or NOT contract. More on this at:
[Your Exclusive Right to Declare or Establish Your Civil Status](https://sedm.org/Forms/13-SelfFamilyChurchGovnce/RightToDeclStatus.pdf), Form #13.008
<https://sedm.org/Forms/13-SelfFamilyChurchGovnce/RightToDeclStatus.pdf>

Application of Property Law to Income Taxation

- **IMPLICATION upon the civil status of your property:** Banks, employers, and financial institutions may NOT UNILATERALLY impute a civil status to any of the money they pay you or have in their custody that belongs to you. They need your CONSENT. For instance, they can't call it"
 - » Statutory "wages" under [26 U.S.C. §3401](#) such as with a [Form W-2](#).
 - » Statutory "gross income" under [26 U.S.C. §61](#), such as with a [Form 1042s](#).
 - » Originating from "United States" federal territory under [26 U.S.C. §7701\(a\)\(9\)](#) and (a)(10) or the "United States" federal corporation.

ONLY YOU, as the absolute owner have the absolute right to declare the civil status of your absolutely owned property and by doing so, to impute a civil statutory obligation to it. If they do, they are STEALING.
- **IMPLICATION upon your [CONSENT \(Form #05.003\)](#) in filling out withholding forms:** Banks, employers, and financial institutions may NOT FORCE you to in effect CONSENT to convert your PRIVATE earnings into PUBLIC earnings by submitting an IRS Form W-4, which inevitably be TREATED AS IF you consented to call it PUBLIC, excise taxable "wages" under [26 U.S.C. §3402\(p\)](#).
 - » ONLY YOU, as the absolute owner, can convert your PRIVATE property to PUBLIC property. This is an outgrowth of the "right to exclude" that is the essence of ownership itself.
 - » If you are either threatened to be FIRED or NOT HIRED for either INSISTING on submitting our [Amended IRS Form W-8, Form #04.202](#) or refusing to submit IRS Form W-4 that you KNOW is false, then you are under duress and whatever form you do submit will be FALSE and FRAUDULENT.
 - » You have a DUTY to report false and fraudulent withholding forms or those submitted under [DURESS](#). It's PERJURY and a crime to submit them.

Application of Property Law to Income Taxation

- **More on income tax withholding and reporting at:**
 - ***SEDM Forms/Pubs Page***, Section 1.4.2: Withholding Forms
<https://sedm.org/Forms/FormIndex-SinglePg.htm#1.4.2> **WITHHOLDING FORMS**
 - ***Citizenship Status v. Tax Status***, Form #10.011, Sections 11 and 12
<https://sedm.org/Forms/10-Emancipation/CitizenshipStatusVTaxStatus/CitizenshipVTaxStatus.htm>
 - ***Federal and State Withholding Options for Private Employers***, Form #09.001
<https://sedm.org/Forms/FormIndex.htm>

Application of this Presentation to a Federal/State Tax Collection Notice Response

Dear sir,

This letter is a response to your tax collection notice in which you allege, without evidence or even a valid signature of a real, accountable, living person who has a personal knowledge, that I have a liability under the Internal Revenue Code Subtitle A income tax franchise as a public officer engaged in a statutory “trade or business” as defined in [26 U.S.C. §7701\(a\)\(26\)](#) while doing business on federal territory in the statutory “[United States](#)” defined geographically in [26 U.S.C. §7701\(a\)\(9\)](#) and (a)(10) as the District of Columbia and excluding the constitutional states of the Union which I presently inhabit, excepting possibly where consent and comity are involved, which are NOT involved in this case.

This letter represents an honest attempt under the Beard Test to comply with the requirements of civil law applicable only to domiciliaries of the statutory geographical “United States” per [Federal Rule of Civil Procedure 17\(b\)](#), which I am not:

1. It must purport to be a return.
2. It must contain enough information to calculate a tax liability (even \$0 is a tax liability for these purposes, just as 0 counts as a number) and
3. It must contain some affirmation of the correctness of the return (we seem to recall SCOTUS saying something like “magic words are not necessary” but we think the Beard Test says the return must be signed “under penalty of perjury”) and
4. Finally it must be an honest and reasonable attempt to comply with the REQUIREMENTS of the APPLICABLE law.

I therefore hereby certify under penalty of perjury in response that this is a NON-STATUTORY return submitted by a non-resident party with the following civil status to both the PAYMENTS involved and the ABSOLUTE OWNER of the payment, which is me:

Application of this Presentation to a Federal/State Tax Collection Notice Response-Continued

1. I am a “nonresident alien” not engaged in “the functions of a public office” or “trade or business” excise taxable franchise described in [26 U.S.C. §7701\(a\)\(26\)](#). I do not consent to “[effectively connect](#)” any of my earnings to a “[trade or business](#)”.
2. My earnings are excluded but rather NOT “[exempt](#)” from “[gross income](#)” by [26 U.S.C. §872](#), [26 C.F.R. §1.872-2\(f\)](#), [26 C.F.R. §1.871-7\(a\)\(4\)](#), and [26 U.S.C. §861\(a\)\(3\)\(C\)\(i\)](#) because they do not originate from either the District of Columbia (statutory geographical “[United States](#)”) or from the U.S. government (“[United States](#)”) federal corporation as a legal fiction.
3. I don’t need to file an income tax return or claim exemptions to reduce taxable earnings because I don’t have STATUTORY “taxable income” or “[gross income](#)” under the “[trade or business](#)” excise taxable franchise documented in: *The “Trade or Business” SCAM*, Form #05.001; <https://sedm.org/Forms/05-MemLaw/TradeOrBusScam.pdf>.
4. There are no VOLUNTARY agreements in place between myself and any third party to convert my PRIVATE earnings into excise taxable PUBLIC “[wages](#)” as described in [26 U.S.C. §3402\(p\)](#). Any evidence you have in your possession from third parties to the contrary is FALSE and a product of ILLEGAL duress by my business associates and are hereby declared VOID and a product of criminal extortion. Being threatened by a business associate to either be FIRED or not hired for not signing and submitting a W-4 certainly counts as criminal extortion in violation of [18 U.S.C. Chapter 41](#), recruitment into peonage to pay off public debt, and involuntary servitude to a third party in violation of the Thirteenth Amendment and [18 U.S.C. §1589](#). The product of such a CRIME cannot serve as useful evidence of any [lawful form of “consent”](#). Further, unalienable rights cannot be surrendered, even WITH consent, in a geographical place protected by the constitution, so any such agreements are void except where the constitution does not apply, such as on federal territory or abroad, which I do not work in. Further, it is a violation of my [delegation of authority order direct from God \(the Bible\)](#) to consent to such agreements as His full time agent, representative, and His property. Therefore such agreements can be of no binding force and effect and therefore would constitute theft of religious property and a violation of the First Amendment. I can’t logically consent to give away property that doesn’t belong to me but belongs to my Principal as His agent.

Application of this Presentation to a Federal/State Tax Collection Notice Response-Continued

"You were bought [as property by God] at a price [by the blood of Jesus Christ]; do not become slaves of men [and by implication a GOVERNMENT of men]."

[1 Cor. 7:22, Bible, NKJV]

WHERE is separation of church and state when you need it, keeping in mind that my delegation of authority order says my BODY is God's Temple and property? [1 Cor. 6:19](#). Separation of church and state, according to the Bible, means separation of PRIVATE, which is God's, from PUBLIC, which is Caesar's. See:

Separation Between Private and Public Course, Form #12.025;

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

5. Any payments documented on information returns in your custody for the applicable reporting period are not reportable "wages" under [26 U.S.C. §3406](#) because:
 - 5.1 All services were performed outside the "United States" and therefore expressly excluded from statutory "wages" per:
 - 5.1.1 [26 C.F.R. §31.3121](#)(b)-3(c)(1) in the case of Social Security.
 - 5.1.1. [26 C.F.R. §31.3401](#)(a)(6)-1(b). In the case of income tax.
 - 5.2. The payer cannot make legal determinations or conclusions about the status of the payment. Only the OWNER, which is me, can. Christiansen v. National Savings and Trust Co., 683 F.2d. 520, 529 (D.C. Cir. 1982), Langbord v. U.S. Department of Treasury, CIVIL ACTION No. 06-5315, at *22 (E.D. Pa. July 5, 2011), and also [Form #04.001](#) referenced later.
6. All payments during the reporting period, including those documented on information returns in your custody, are expressly excluded from income tax reporting under:
 - 6.1. [26 C.F.R. §1.1441-1](#)(b)(5)(i).
 - 6.2. [26 C.F.R. §1.1441-1](#)(e)(1)(ii)(A)(1).
 - 6.3. [26 C.F.R. §1.6041-4\(a\)\(1\)](#).

Application of this Presentation to a Federal/State Tax Collection Notice Response-Continued

7. My earnings are thus not subject to either W-2 "wage" withholding per 26 C.F.R. §31.3121(b)-3(c)(1) and 26 C.F.R. §3.3401(a)(6)-1(b) or "backup withholding" per 26 U.S.C. §3406. My earnings are not subject to backup withholding because they are not "reportable". They can only be reportable if:
 - 7.1. They are connected with the "trade or business"/public office excise taxable franchise per 26 U.S.C. §6041(a).
 - 7.2. They are from "sources within the United States" in the case of IRS Form 1042s (Form #04.003) as ALLEGED "gross income", but even THAT is "trade or business" income per 26 U.S.C. §864(c)(3). The implications of this provision are that everything from "sources in the United States" is government payments and you IMPLICITLY agree as the recipient of the payment to in effect CONSENT to "effectively connect" the earning to the "trade or business"/public office excise taxable franchise, even though it TECHNICALLY is NOT. Otherwise, they are NOT reportable, per 26 U.S.C. §3406 and 26 C.F.R. §31.3406(g)-1(e).
8. If you are in receipt of information returns such as the W-4, 1042, 1098, 1099, etc., then these reports are FALSE and constitute FRAUDULENT RETURNS as described by reference in:
W-2CC: <https://sedm.org/Forms/04-Tax/3-Reporting/FormW-2CC-Cust/FormW-2CC.pdf>
1099-CC: <https://sedm.org/Forms/04-Tax/3-Reporting/Form1099-CC-Cust/Form1099-CC.pdf>

Application of this Presentation to a Federal/State Tax Collection Notice Response-Continued

9. Because the earnings documented on the FALSE information returns are not "gross income" or "[wages](#)", they are therefore PRIVATE property protected by the Constitution and earned by a constitutionally protected PRIVATE party, not a PUBLIC officer.
10. The submitter of these false information returns has NO STATUTORY AUTHORITY over me as a NONRESIDENT party and NO DIRECT PERMISSION from me to convert these PRIVATE earnings to PUBLIC earnings by connecting them to a civil status such as "[gross income](#)" or "[taxable income](#)" or "reportable income", because the earnings are NOT THEIR property but MY absolutely owned exclusively private, constitutionally protected property. Such an offense is criminal conversion under [18 U.S.C. §654](#) (conversion from PRIVATE to PUBLIC) for which I demand that they be criminally prosecuted and civilly penalized.
11. Any false information returns in your possession relating to the reporting period DO NOT document the CIVIL STATUS of the payment absent my consent, because the submitter is NOT AUTHORIZED to make legal determinations about:
 - 11.1 My STATUTORY civil status as a "[person](#)", "[taxpayer](#)", "[citizen](#)", "resident", etc or
 - 11.2 The STATUTORY civil status of my earnings as "[income](#)", "[gross income](#)", etc.
 - 11.3 Whether the earnings were paid from the STATUTORY geographical "[United States](#)" per [26 U.S.C. §7701](#)(a)(9) and (a)(10) or the "[United States](#)" federal corporation as a legal person and fiction of law.
12. Since the human parties made directly liable on their worldwide income are "citizens and residents" in [26 C.F.R. §1.1-1](#)(a), then those civil statuses must be privileges and voluntary or else slavery in violation of the Thirteenth Amendment, peonage, and even international human trafficking will be the result. I choose not to volunteer, so the only status left that does not have direct liability attached is "nonresident alien". If those parties are actually physical and geographical parties, they would be tied to the "United States" in [26 U.S.C. §7701](#)(a)(9) and (a)(10) as far as I can tell, and I'm not domiciled or present there or doing business there, so they can't be me.

Application of this Presentation to a Federal/State Tax Collection Notice Response-Continued

- 13.** Insofar as “sources in the United States” is concerned, it appears to me that the United States in the I.R.C. is mostly referring to the FICTIONAL corporation as a public officer and not the geography, because slavery, peonage, and human trafficking are unconstitutional and possibly even criminal everywhere in the Union and even the world, not just within a physical state protected by the Constitution. Any other interpretation would lead to an interference with the private right to contract and associate. The U.S. Supreme Court held in [Downes v. Bidwell, 182 U.S. 244 \(1901\)](#) and [Loughborough v. Blake, 18 U.S. 146, 5 Wheat. 317, 5 L.Ed. 98 \(1820\)](#) that an income tax on the District of Columbia, which is what "United States" is defined as in [26 U.S.C. 7701\(a\)\(9\) and \(a\)\(10\)](#), is a tax upon THE GOVERNMENT and not upon the GEOGRAPHY, and extends wherever and ONLY where that GOVERNMENT extends. To claim that I am IN THIS "United States" or worst yet that I am rendering “services in THIS United States” is to falsely claim that I am a public officer participating in an excise taxable franchise, which I am not in this case and which the national government cannot even lawfully do within the borders of a constitutional state per the [License Tax Cases, 72 U.S. 462 \(1866\)](#) without unconstitutionally INVADING them in violation of Article 4, Section 4 of the Constitution.
- 14.** Under common law rules, I have a right to refuse ANY and ALL “benefits”, and by implication privileges. You are a business that only delivers ONE product: Protection. I am the customer and I get to decide if what you offer is a “benefit”, and it isn’t so I resign as the “customer” of your “protection racket”. A refusal to recognize that right is a trespass upon private, constitutionally protected property. The basis of all just powers of government is CONSENT according to the Declaration of Independence, and I DO NOT consent to receive or to PAY FOR any "benefit":
- Invito beneficium non datur. No one is obliged to accept a benefit against his consent. Dig. 50, 17, 69. But if he does not dissent he will be considered as assenting. Vide Assent.
- Potest quis renunciare pro se, et suis, juri quod pro se introductum est. A man may relinquish, for himself and his heirs, a right which was introduced for his own benefit. See 1 Bouv. Inst. n. 83.
- [Bouvier's Maxims of Law, 1856; <https://famguardian.org/Publications/BouvierMaximsOfLaw/BouviersMaxims.htm>]
- 15.** According to the U.S. Supreme Court, when I am incapable of receiving “benefits”, then anything you collect outside my FOREIGN domicile in a constitutional state is “EXTORTION” as legally defined. The states and not the national government protect private property where I have my domicile. I don’t need you to protect me from THEM. I want THEM to protect me from YOU and the constitution says in [Article 4, Section 4](#), that you are INVADING the states by trying to setup a “benefit” or “social insurance” business there not expressly authorized in the constitution. [Union Refrigerator Transit Company v. Kentucky, 199 U.S. 194 \(1905\)](#). See also James Madison, House Congressional Record, February 7, 1792, On the Cod Fishery Bill, granting Bounties.

Application of this Presentation to a Federal/State Tax Collection Notice Response-Continued

"The power of taxation, indispensable to the existence of every civilized government, is exercised upon the assumption of an equivalent rendered to the taxpayer in the protection of his person and property, in adding to the value of such property, or in the creation and maintenance of public conveniences in which he shares -- such, for instance, as roads, bridges, sidewalks, pavements, and schools for the education of his children. If the taxing power be in no position to render these services, or otherwise to benefit the person or property taxed, and such property be wholly within the taxing power of another state, to which it may be said to owe an allegiance, and to which it looks for protection, the taxation of such property within the domicil of the owner partakes rather of the nature of an extortion than a tax, and has been repeatedly held by this Court to be beyond the power of the legislature, and a taking of property without due process of law. Railroad Company v. Jackson, 7 Wall. 262 ; State Tax on Foreign-Held Bonds, 15 Wall. 300; Tappan v. Merchants' National Bank, 19 Wall. 490, 499 ; Delaware &c. R. Co. v. Pennsylvania, 198 U.S. 341, 358 . In Chicago &c. R. Co. v. Chicago, 166 U.S. 226, it was held, after full consideration, that the taking of private property [199 U.S. 203] without compensation was a denial of due process within the Fourteenth Amendment. See also Davidson v. New Orleans, 96 U.S. 97, 102; Missouri Pacific Railway v. Nebraska, 164 U.S. 403, 417; Mt. Hope Cemetery v. Boston, 158 Mass. 509, 519."
[Union Refrigerator Transit Company v. Kentucky, 199 U.S. 194 (1905); SOURCE: https://scholar.google.com/scholar_case?case=14163786757633929654]

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

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

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

16. The amount of tax owing for the affected tax year is therefore ZERO.

Application of this Presentation to a Federal/State Tax Collection Notice Response-Continued

Only I under the First Amendment and as the ORIGINAL and EXCLUSIVE owner of the remuneration I earned and accrued in exchange for my private labor, and as a result of a private agreement between myself and the payor may lawfully create admissible legal evidence of the civil status of any affected property. This right is an outgrowth of my right to “make all needful rules” respecting my absolutely owned, constitutionally protected, PRIVATE property. Any attempt to interfere with or supersede that right is a violation of my right to privately contract, a constitutional tort, and a common law trespass. See:

Correcting Erroneous Information Returns, Form #04.001;
<https://sedm.org/Forms/04-Tax/0-CorrErrInfoRtns/CorrErrInfoRtns.pdf>.

I readily acknowledge that if my PRIVATE earnings had been CONSENSUALLY and VOLUNTARILY connected to a taxable civil status by ONLY ME, then I would have a legal duty to “return” the government/public funds in my possession and could be penalized for refusing to do so by virtue of YOUR authority to “make rules” for government property under [Article 4, Section 3, Clause 2](#). See, for instance, [Calif. Civil Code Sections 2223 and 2224](#):

2223 One who wrongfully detains a thing [PROPERTY] is an involuntary trustee thereof, for the benefit of the owner.
(Repealed and added by Stats. 1986, Ch. 820, Sec. 8. Operative July 1, 1987, by Sec. 43 of Ch. 820.)

2224 One who gains a thing [PROPERTY] by fraud, accident, mistake, undue influence, the violation of a trust, or other wrongful act, is, unless he or she has some other and better right thereto, an involuntary trustee of the thing gained, for the benefit of the person who would otherwise have had it.”

HOWEVER, there are no such PUBLIC funds in my possession or anyone ELSE’S possession and any withholdings you (the IRS OR the SSA) are in receipt of from third parties are UNLAWFUL and continue to be MY absolutely owned constitutionally protected private property. None of the parties to the transaction involve the government, in fact, and no government payments or officers are directly involved. As such, I have a right to make “all needful rules” respecting such property while in your TEMPORARY possession, control, or “benefit” just like you do under [Article 4, Section 3, Clause 2](#). For your information, those rules are documented in:

Injury Defense Franchise and Agreement, Form #06.027;
<https://sedm.org/Forms/06-AvoidingFranch/InjuryDefenseFranchise.pdf>

Application of this Presentation to a Federal/State Tax Collection Notice Response-Continued

Civil penalties and PROPERTY rental fees apply to your continued custody and “benefit” of all UNLAWFULLY withheld PRIVATE property in your possession per the above agreement. Similarly, my labor and services in educating you about what the law requires and forcing you to obey the laws stated herein also have fees and obligations attached in the above agreement, because negligence in dealing with the issues raised herein constitutes common law fraud that you cannot be allowed to benefit from or be rewarded for or punish me for directly or indirectly. You don’t have to expressly consent to the agreement because your acceptance and continued “benefit” of the use of my private property, labor, or services in ANY form including in responding to your collection notice is sufficient to make the agreement enforceable per the U.S. Supreme Court and in conformance with the Uniform Commercial Code, where I am the “Merchant” offering you my services and property FOR SALE at a price. The above agreement, like the Internal Revenue Code itself, therefore behaves as what the U.S. Supreme Court a “quasi contract” in [Milwaukee v. White, 296 U.S. 268 \(1935\).](#)

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

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

A denial of the SAME EQUAL right you exercise over government property to me over my property is a violation of the constitutional requirement for equal protection and equal treatment.

WHAT I REQUEST FROM YOU:

I request that ALL withholdings of every kind deducted from my pay and documented on any kind of information return be immediately refunded, including Social Security, Medicare, income tax, etc. because they are my absolutely owned private property and are not STATUTORY “wages” or public property of any kind. I do not consent to donate them to a public use or a public purpose of any kind and thus to convert them from PRIVATE to PUBLIC. I also request that any amounts withheld by the payer be returned to them as well. I do not wish retain eligibility for any government benefit or pay for any government “benefit” or privilege. I have/will submit SSA Form 7008 corrected reported earnings and IRS Form 843: Abatement to get the SSA/Medicare portion of the withholdings back. This correspondence shall also serve as formal notice to request the same thing as these two forms. I am NOT eligible for Social Security or any other federal benefit per the following proof:

Why You Aren’t Eligible for Social Security, Form #06.001;
<https://sedm.org/Forms/06-AvoidingFranch/SSNotEligible.pdf>

Application of this Presentation to a Federal/State Tax Collection Notice Response-Continued

If you believe that I HAVE indeed expressly consented to convert my absolutely owned, constitutionally protected, PRIVATE property earnings to TAXABLE PUBLIC “gross income” or “wages” or STATUTORY FRANCHISE “income”, please present legal evidence of same signed by me under penalty of perjury and executed on federal territory where constitutional rights or unalienable rights don’t exist. If you do not present such evidence in your immediate response, then you forfeit your right to do so in the future. Third party reports or even your own determination that my earnings are derived from “sources within the United States” and PRESUMING or acting AS IF “United States” means THE GOVERNMENT does not constitute my consent in any form to occupy an office within said government as a franchisee because that would be impersonating a public officer in violation of [18 U.S.C. §912](#).

Your obligation and burden of proof at this point is then:

1. To identify exactly HOW my earnings were made to fall in the list of things that the government can tax and regulate directly through legislation as listed in [5 U.S.C. §553\(a\)\(2\)](#).
2. Identify exactly WHICH of the five U.S. Supreme Court rules for converting property from PRIVATE to PUBLIC were exercised in determining that I have your property in my possession, as listed in: *Property View of Income Taxation*, Form #12.046, Section 6
<https://sedm.org/LibertyU/PropertyViewOfIncomeTax.pdf>

Until such time as you prove the above, my property and earnings are presumed to be absolutely owned, private, constitutionally protected and therefore BEYOND taxation and CIVIL regulation:

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

[...]

Application of this Presentation to a Federal/State Tax Collection Notice Response-Continued

"It is only where some right or privilege [which are GOVERNMENT PROPERTY] is conferred by the government or municipality upon the owner, which he can use in connection with his property, or by means of which the use of his property is rendered more valuable to him, or he thereby enjoys an advantage over others, that the compensation to be received by him becomes a legitimate matter of regulation. Submission to the regulation of compensation in such cases is an implied condition of the grant, and the State, in exercising its power of prescribing the compensation, only determines the conditions upon which its concession shall be enjoyed. When the privilege ends, the power of regulation ceases."
[Munn v. Illinois, 94 U.S. 113 (1876)]

The Internal Revenue Service is acting in a private capacity as debt collector for the Federal Reserve and are doing so by consent and contract. As such, you are on an equal footing to me as a PRIVATE party and may not assert official, judicial, or sovereign immunity in response. There is NO CONSTITUTIONAL AUTHORITY whatsoever to even assert sovereign immunity. For proof, see:

Origin and Authority of the Internal Revenue Service, Form #05.005;
<https://sedm.org/Forms/05-MemLaw/OrigAuthIRS.pdf>.

Anything in response NOT signed under penalty of perjury by a living human being whose FULL printed legal birthname and detailed contact information is provided for service of legal process shall constitute: 1. A non-response; 2. Legal evidence of a default and agreement to the facts asserted herein per [Federal Rule of Civil Procedure 8\(b\)\(6\)](#); 3. A nihil dicit judgment against you. This is our method of ensuring "justice", which is the right to be left alone, and it also serves to prevent what the IRS calls "paper terrorism".

The following form is incorporated into this form by reference as an attachment in order to save space:

Tax Form Attachment, Form #04.201;
<https://sedm.org/Forms/04-Tax/2-Withholding/TaxFormAtt.pdf>

Application of this Presentation to a Federal/State Tax Collection Notice Response-Continued

I declare under penalty of perjury under the COMMON LAW and EQUITY alone of my constitutional state and NOT under federal or state statutory law from WITHOUT the geographical “United States” documented in [26 U.S.C. §7701\(a\)\(9\)](#) and (a)(10) and from WITHOUT the “United States” federal corporation per [28 U.S.C. §1746\(1\)](#) that the foregoing facts are true, correct, and complete. Any commercial use of this information to benefit YOU constitutes implied consent by the Recipient to the [Injury Defense Franchise, and Agreement, Form #06.027](#), previously mentioned.

Signed,
John Doe

[Using the Laws of Property to Respond to a Federal or State Tax Collection Notice, Form #14.015; SOURCE: <https://sedm.org/using-the-laws-of-property-to-respond-to-a-federal-or-state-tax-collection-notice/>]

Proof of no enforcement authority over private property

The following summary of how to challenge income tax enforcement authority comes from our [1040-NR Attachment, Form #09.077, Section 1.](#)

1. Income taxation is the institutionalized process of lawfully and consensually converting PRIVATE, constitutionally protected property to PUBLIC property. That consent must be expressed in a form that only the absolute owner of the property can prescribe, which in this case is WRITING signed by both parties and not just by me.
2. Per the Declaration of Independence, governments are established to PROTECT mainly PRIVATE property. The first step in that protection is to LEAVE IT ALONE and not tax or regulate it unless it is used to INJURE someone. Legal “justice” itself is defined as the right to be left alone, in fact. See:

What is “Justice”?, Form #05.050

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

Proof of no enforcement authority over private property

- 3. Absolute ownership of property is the origin of the right to create or enforce civil legal definitions that affect the use, control, benefit, or enjoyment of property.**
 - 3.1. That authority can come from NO OTHER SOURCE.**
 - 3.2. To say that there is no such authority is to say that there is no legitimate government, because this authority is the foundation of civil government itself: Protection of private property.**
 - 3.3. An important extension of that right is the absolute control of the owner over the choice of law and the choice of forum in which to PROTECT his or her or its ownership interest.**
 - 3.4. Courts are just “weapons” used by the owner to defend his natural right of ownership and the owner is the only one who can choose those weapons. To deprive the owner of property of any of the above weapons or to constrain how he or she defends it or uses it is to literally TAKE the property.**

Proof of no enforcement authority over private property

4. Congress has never expressly:

- 4.1. Defined statutory “gross income” in [26 U.S.C. §61](#) as expressly including my personal labor. I don’t consent to labor for you for free and forcing me to do so or to pay income tax on my labor is slavery in violation of the Thirteenth Amendment.
- 4.2. Defined “trade or business” in [26 U.S.C. §7701\(a\)\(26\)](#) to expressly include PRIVATE activities within the states mentioned in the Constitution. The Supreme Court held that Congress cannot authorize such activities within constitutional states.

“Congress cannot authorize a trade or business within a State in order to tax it.”

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

It would be treason and a violation of [Article 4, Section 4](#) to help you CIRCUMVENT such restrictions by my own consent or actions to help you commercially INVADE the states under the color of law but without the actual authority of law.

Proof of no enforcement authority over private property

- 4.3. Defined the geographical “United States” in [26 U.S.C. §7701\(a\)\(9\)](#) and (a)(10) to include the exclusive jurisdiction of states of the mentioned in the Constitution.
- 4.4. Defined the geographical “States” or “the States” in [26 U.S.C. §7701\(a\)\(10\)](#) or [4 U.S.C. §110\(d\)](#) to include the exclusive jurisdiction of the states mentioned in the Constitution.
- 4.5. Defined the civil statutory “person” against whom civil or criminal enforcement may be made under [26 U.S.C. §6671\(b\)](#) and [26 U.S.C. §7343](#) respectively to expressly include a mere private human being who is not a public federal instrumentality by consent and I don’t consent.
- 4.6. Authorized enforcement (distrain) under [26 U.S.C. §6331\(a\)](#) against anything other than government instrumentalities, which I am NOT.
- 4.7. Imposed a statutory liability to pay income tax under 26 U.S.C. Subtitle A or C against anything other than withholding agents paying “nonresident aliens” in [26 U.S.C. §1461](#) which I am not. [26 C.F.R. §1.1-1\(a\)](#) uses “liable to” but not “liable for” in order to impose a valid statutory liability. The Secretary of the Treasury in writing this regulation to include “liable to” also exceeded the scope of the statute in doing so and thus even this is not a valid liability.

Proof of no enforcement authority over private property

- 5. Under the Rules of Statutory Construction and interpretation, everything not expressly defined or legislatively created is purposefully excluded. My domicile and location during this taxing period clearly place me and my property OUTSIDE of ALL of the above and therefore EXCLUDED but not statutorily "EXEMPT" (privileged).**

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

[[Stenberg v. Carhart, 530 U.S. 914 \(2000\)](#)]

Proof of no enforcement authority over private property

6. The constitutional requirement for “reasonable notice” mandates that I must have clear and unambiguous NOTICE that I am “expressly included” in any of the groups targeted for tax or that my PRIVATE property is included. I have received NO SUCH NOTICE. See:

6.1. Requirement for Reasonable Notice, Form #05.022

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

6.2. Challenging Jurisdiction Workbook, Form #09.082

<https://sedm.org/Forms/09-Procs/ChalJurWorkbook.pdf>

7. Under the separation of powers, judges are not legislators and thus are not constitutionally authorized to add things to statutory definitions that do not expressly appear to solve any of the above constitutionally fatal infirmities within the Internal Revenue Code. No court case cite you might try to provide can therefore solve ANY of the above problems, so don't even bother.

Proof of no enforcement authority over private property

8. It is a direct interference by Congress with my constitutional right to not contract and not associate to make itself a party to any commercial transaction between two otherwise PRIVATE parties absent their express consent which I do not give. Thus, the only thing Congress can tax under I.R.C. Subtitles A and C are either two expressly consenting private parties or transactions in which it is the PAYOR and has a reserved property interest in the transaction that continues AFTER the property is received, such as [26 U.S.C. §861\(a\)\(8\)](#) in the case of Social Security.
9. No one but me as the human absolute owner of my constitutionally protected PRIVATE property and of MYSELF can lawfully consent to convert that property from PRIVATE to PUBLIC. No third party, withholding agent, or party filing information returns has the legal authority to do it on my behalf and if they do, they are STEALING. Information returns are “lay legal opinions” that cannot and do not document a CONSENSUAL conversion from PRIVATE to PUBLIC, especially when they are contested as in this case. The property subject to tax must be lawfully and consensually and expressly and knowingly converted BY ME from PRIVATE to PUBLIC IN WRITING before an income tax can even lawfully be assessed as far as I can tell. See:

Correcting Erroneous Information Returns, Form #04.001

<https://sedm.org/Forms/04-Tax/0-CorrErrInfoRtns/CorrErrInfoRtns.pdf>

Proof of no enforcement authority over private property

10. The consensual conversion of my absolutely owned, constitutionally protected property from PRIVATE to PUBLIC requires a lawful “election” to convert either:

10.1. MY civil status from PRIVATE to PUBLIC (“U.S. person”, [26 U.S.C. §7701\(a\)\(30\)](#)) or

10.2. The status of my property from PRIVATE to PUBLIC by connecting it to a “trade or business” (public office) under [26 U.S.C. §7701\(a\)\(26\)](#).

I emphatically consent to NEITHER of the above in this case.

11. Congress has no constitutionally delegated authority to “make needful rules”, meaning CIVIL STATUTES that regulate, tax, or control OTHER people’s absolutely owned PRIVATE property, but only their own PUBLIC property under [Article 4, Section 3, Clause 2](#) of the constitution. Before they can regulate or tax it, I as the PRIVATE owner have to convert it to PUBLIC property through a lawful election or appointment by knowingly requesting and actually accepting a privilege as PUBLIC property, which I DO NOT consent to do.

Proof of no enforcement authority over private property

12. I am also not in possession or custody of any PUBLIC property which might give right to an equitable obligation to “return” it or some portion of its value to its rightful owner, with or without a liability statute. Congress has never provided constitutionally required “reasonable notice” to me that any of the monies it might have paid me have a RESERVED PUBLIC property interest in it that might give rise to a power to regulate or tax ONLY the property they paid me, such as [26 U.S.C. §861\(a\)\(8\)](#) or the [1939 Internal Revenue Code Section 22\(a\)](#). Absent such constitutionally required “reasonable notice”, it’s perfectly reasonable for me to conclude that everything in my possession or control is my absolutely owned private property not subject to regulation or taxation. It must therefore be LEFT ALONE as a matter of justice itself, which is legally defined as the right to be LEFT ALONE.
13. In the absence of my express consent to convert anything I own from PRIVATE to PUBLIC manifested in a form that only I can define:
- 13.1. I just like Congress in [Article 4, Section 3, Clause 2](#) have the EQUAL right to “make all needful rules” for those in possession, use, or benefit of my absolutely owned, CONSTITUTIONALLY protected PRIVATE property, which I do in the case of all withholdings or payments sent to you, since I never consented to convert them.
- 13.2. The same thing applies to any and all demands you place upon my time, services, or other property in ILLEGALLY enforcing against me or refusing to “RETURN” property in your WRONGFUL custody that arrived there by mistake or duress as in the case of this filing. The terms of the grant of such STOLEN property is found in:

Injury Defense Franchise and Agreement, Form #06.027

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

Proof of no enforcement authority over private property

14. All of my PRIVATE property in your temporary possession that arrived in your hands by mistake or duress or deception on your part, including that described in this filing, makes you a “bailee”, a “transferee”, a “trustee” who has an equitable and implied duty to “return” all such property or its economic value to me, even WITHOUT a statute mandating doing so. See [California Civil Code, Section 2224](#) (involuntary trusts), [Gordon v. U.S., 227 Ct.Cl. 328, 649 F.2d. 867 \(1981\)](#), and [Bull v. United States, 295 U.S. 247, 261, 55 S.Ct. 695, 700, 79 L.Ed. 1421 \(1935\)](#).

14.1. The bailment agreement in this case mandated by me as the absolute owner of the PRIVATE property in question is [Form #06.027](#) indicated in the previous step.

14.2. I don’t even need to be a statutory “taxpayer” for this to happen, and I don’t accept or consent to the Internal Revenue Code as a SUBSTITUTE bailment agreement that might change the choice of law. I make all the “rules” and “laws” when it comes to my absolutely owned PRIVATE property, JUST like you make all the laws dealing with PUBLIC property. See:

[Choice of Law](#), Litigation Tool #01.010

<https://sedm.org/Litigation/01-General/ChoiceOfLaw.pdf>

14.3. Give me back my DAMN STOLEN money or be subject to enforcement under the above bailment agreement! The only way to avoid enforcement is to “RETURN” my absolutely owned PRIVATE property under my terms, just like you do with your property under YOUR civil statutory terms. NONE of YOUR PUBLIC property is involved so you have no authority to control, tax, or regulate the property that is the subject of this submission, since it has not been used to injure anyone.

Proof of no enforcement authority over private property

15. If any of the above laws or facts are unclear to you or the jury you shall inevitably have to explain your behavior to if you don't do what I'm asking, the following presentations summarizes them and will serve as my "jury entertainment package". I shall relish presenting this information to the jury:

15.1. Property View of Income Taxation Course, Form #12.046

<https://sedm.org/LibertyU/PropertyViewOfIncomeTax.pdf>

15.2. Separation Between Public and Private Course, Form #12.025

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

15.3. Why the Federal Income Tax is a Privilege Tax Upon Government Property, Form #04.404 (Member Subscriptions)**

<https://sedm.org/product/why-the-federal-income-tax-is-a-privilege-tax-on-government-property-form-04-404/>

Rebutted false arguments about government property

- **The most common false arguments about property are:**
 1. **OWNERSHIP and RESPONSIBILITY can be lawfully and legally separated.**
 2. **You can have ANY PRIVATE property interest in any government privilege, “benefit”, or “franchise”.**
 3. **“Benefits”, privileges, and franchises are UNALIENABLE CONSTITUTIONAL RIGHTS.**
 4. **You have a “RIGHT” to receive “benefits” from the government. This includes the medical “RIGHT” to healthcare.**
 5. **“Benefits” or privileges that are unequal can be or are a government function.**
- **The above are the core of the Democrat platform: Illegally bribe voters with goodies into becoming government employees so they can be used as political PAWNS, “useful idiots”, SLAVES, and weapons of mass destruction against PRIVATE PROPERTY.**
- **Here is what ALL the above have in common:**

Rebutted false arguments about government property



Rebutted false arguments about government property: False Claim 1

- **FALSE CLAIM 1: OWNERSHIP and RESPONSIBILITY can be lawfully and legally separated.**
- **REBUTTAL 1:**
 - Ownership and responsibility **ALWAYS** go together, just like **LOVE** and **MARRIAGE**.
 - You cannot own **YOURSELF** without taking **COMPLETE** and **ABSOLUTE RESPONSIBILITY** for yourself.
 - Here is what happens when you try to separate them: You become a **GOVERNMENT SLAVE!**

Rebutted false arguments about government property: False Claim 1

People of all races, genders, political beliefs, sexual orientations, and nearly all religions are welcome here. All are treated equally under REAL “law”. The only way to remain truly free and equal under the civil law is to avoid seeking government civil services, benefits, property, special or civil status, exemptions, privileges, or special treatment. All such pursuits of government services or property require individual and lawful consent to a franchise and the surrender of inalienable constitutional rights AND EQUALITY in the process, and should therefore be AVOIDED. The rights and equality given up are the “cost” of procuring the “benefit” or property from the government, in fact. Nothing in life is truly “free”. Anyone who claims that such “benefits” or property should be free and cost them nothing is a thief who wants to use the government as a means to STEAL on his or her behalf. All just rights spring from responsibilities/obligations under the laws of a higher power. If that higher power is God, you can be truly and objectively free. If it is government, you are guaranteed to be a slave because they can lawfully set the cost of their property as high as they want as a Merchant under the U.C.C. If you want it really bad from people with a monopoly, then you will get it REALLY bad. Bend over. There are NO constitutional limits on the price government can charge for their monopoly services or property. Those who want no responsibilities can have no real/PRIVATE rights, but only privileges dispensed to wards of the state which are disguised to LOOK like unalienable rights. Obligations and rights are two sides of the same coin, just like self-ownership and personal responsibility. For the biblical version of this paragraph, read 1 Sam. 8:10-22. For the reason God answered Samuel by telling him to allow the people to have a king, read Deut. 28:43-51, which is God’s curse upon those who allow a king above them. Click Here for a detailed description of the legal, moral, and spiritual consequences of violating this paragraph.

[SEDM Opening Page; <http://sedm.org>]

Rebutted false arguments about government property: False Claim 2

- **FALSE CLAIM 2:** You can have ANY PRIVATE property interest in any government privilege, “benefit”, or “franchise”.
- **REBUTTAL 2:**
 - All “benefits” are implemented with public offices. See:
Government Instituted Slavery Using Franchises, Form #05.030
<https://sedm.org/Forms/05-MemLaw/Franchises.pdf>
 - Public offices are CREATED by civil legislation.
 - The CREATOR of a thing is always the ABSOLUTE OWNER. See:
Hierarchy of Sovereignty: The Power to Create is the Power to Tax, Family Guardian
<https://famguardian.org/Subjects/Taxes/Remedies/PowerToCreate.htm>

Rebutted false arguments about government property: False Claim 2

- **There is NOT SUCH THING as a PRIVATE PROPERTY interest in a “public office”:**

"Indeed, there can be no such thing in this country as [PRIVATE] property in office, although the common law sustained a different view sometimes reflected in early cases. 1974 "

FOOTNOTES:

1974 *Butler v. Pennsylvania*, 51 U.S. (10 How.) 402 (1850). Cf. *Marbury v. Madison*, 5 U.S. (1 Cr.) 137 (1803); *Hoke v. Henderson*, 154 N.C. (4 Dev.) 1 (1833). See also *United States v. Fisher*, 109 U.S. 143 (1883); *United States v. Mitchell*, 109 U.S. 146 (1883); *Crenshaw v. United States*, 134 U.S. 99 (1890)

[*United States Constitution: Analysis and Interpretation*, U.S. Government Printing Office, 2004, p. 392; <https://famguardian.org/PublishedAuthors/Govt/CRS/USConstAnnotated.pdf>]

Rebutted false arguments about government property: False Claim 3

- **FALSE CLAIM 3: “Benefits”, privileges, and franchises are UNALIENABLE CONSTITUTIONAL RIGHTS.**
- **REBUTTAL 3:**
 - Constitutional rights are PRIVATE.
 - Government “Benefits”, privileges, and franchises are PUBLIC.
 - PUBLIC and PRIVATE are NOT equivalent and MUST, as a matter of ORGANIC law, always remain separate.
 - Every attempt to make PUBLIC and PRIVATE equivalent or equivocate to make them APPEAR equivalent inevitably leads to making ALL PROPERTY PUBLIC! There is NO other rational way to accomplish this!
 - Private property cannot have two owners. It can only have ONE, or else it is QUALIFIED ownership shared with the government, and thus GOVERNMENT is the real absolute owner and you are the equitable and INFERIOR owner.

Rebutted false arguments about government property: False Claim 4

- **FALSE CLAIM 4:** You have a “RIGHT” to receive “benefits” from the government. This includes the medical “RIGHT” to FREE healthcare.
- **REBUTTAL 4:**
 - To have a PRIVATE “RIGHT” implies you are the ABSOLUTE OWNER.
 - You cannot have ABSOLUTE ownership over yourself (self-ownership) without COMPLETE RESPONSIBILITY for yourself and all your needs and depending on NO ONE to satisfy those needs.
 - Eligibility for government “benefits” represent an alleged but not ACTUAL PRIVATE property claim upon government property.
 - In fact:
 - » All “benefits” are implemented with offices.
 - » The U.S. Supreme Court has held that there is NO private property interest in any government office.

"Indeed, there can be no such thing in this country as [PRIVATE] property in office, although the common law sustained a different view sometimes reflected in early cases. 1974 "

FOOTNOTES:

1974 Butler v. Pennsylvania, 51 U.S. (10 How.) 402 (1850). Cf. Marbury v. Madison, 5 U.S. (1 Cr.) 137 (1803); Hoke v. Henderson, 154 N.C. (4 Dev.) 1 (1833). See also United States v. Fisher, 109 U.S. 143 (1883); United States v. Mitchell, 109 U.S. 146 (1883); Crenshaw v. United States, 134 U.S. 99 (1890)

[United States Constitution: Analysis and Interpretation, U.S. Government Printing Office, 2004, p. 392; <https://famguardian.org/PublishedAuthors/Govt/CRS/USConstAnnotated.pdf>]

Rebutted false arguments about government property:

False Claim 5

- **FALSE CLAIM 5: “Benefits” or privileges that are unequal can be or are a government function.**
- **REBUTTAL 5:**
 - The purpose of government is “justice” as **LEGALLY** defined, not “Justice” as **POLITICALLY** defined.
 - “Justice” is founded upon **EQUALITY OF TREATMENT**, not **EQUALITY OF OUTCOME**.

What is “Justice”?, Form #05.050

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

- Under all “benefit” programs, there is **ALWAYS** inequality of treatment:
 - » Just like any [private business \(Form #05.024\)](#), those who are not paying customers of a government “benefit” or at least **CONSENTING MEMBERS** cannot receive the service or product offered.
 - » Membership in any government program **ALWAYS** comes with costs and civil obligations:

*“When one becomes a member of society, he necessarily parts with some rights or privileges which, as an individual not affected by his relations to others, he might retain. “A body politic,” as aptly defined in the preamble of the Constitution of Massachusetts, “is a social compact by which the whole people covenants with each citizen, and each citizen with the whole people, that all shall be governed by certain laws for the common good.” This does not confer power upon the whole people to control rights which are purely and exclusively private, [Thorpe v. R. & B. Railroad Co., 27 Vt. 143](#); but it does authorize the establishment of laws requiring each citizen to so conduct himself, and so use his own property, as not unnecessarily to injure another. This is the very essence of government, and [125*125](#) has found expression in the maxim sic utere tuo ut alienum non 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 (1877);

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

Rebutted false arguments about government property: False Claim 5

- Those who don't sign up for the program or “benefit”, even while they are **ORDINARY CONSTITUTIONAL** “citizens” and “residents”, cannot receive a “benefit” or “privilege”. A “**privilege**”, after all, is legally defined as something offered to **OTHER** than “citizens” and “residents”.

Privilege. *A particular benefit or advantage enjoyed by a person, company, or class **beyond the common advantages of other citizens**. An exceptional or extraordinary power or exemption. A peculiar right, advantage, exemption, power, franchise, or immunity held by a person or class, not generally possessed by others.*

[Black's Law Dictionary, Sixth Edition, p. 1197]

- Governments that treat people **UNEQUALLY** are not operating in a **GOVERNMENTAL** capacity, but in a **PRIVATE** corporate, **DE FACTO** capacity as a matter of consent and contract, rather than as a **REAL** or **DE JURE** government.
- Governments **SKIRT** these limits by:
 - » Creating a **NEW** and **SUBSTITUTE** definition for “citizen” or “resident” that means a franchisee.
 - » Making the definition local to a specific franchise.
 - » Treating **THAT** “citizen” or “resident” as a public officer in a specific branch of government.
 - » This, in fact, is **EXACTLY** how the income tax works. “Taxpayers” are volunteers:

How State Nationals VOLUNTEER to Pay Income Tax, form #08.024

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

Rebutted false arguments about government property: False Claim 5

- **More on FALSE CLAIM 5 at:**
 - ***The Government “Benefits” Scam***, Form #05.040 (Member Subscriptions)
<https://sedm.org/product/the-government-benefits-scam-form-05-040/>
 - ***Why the Government is the Only Real Beneficiary of All Government Franchises***, Form #05.051 (Member Subscriptions)
<https://sedm.org/product/why-the-government-is-the-only-real-beneficiary-of-all-government-franchises-form-05-051/>
 - ***Requirement for Equal Protection and Equal Treatment***, Form #05.033
<https://sedm.org/Forms/05-MemLaw/EqualProtection.pdf>
 - ***Corporatization and Privatization of the Government***, Form #05.024
<https://sedm.org/Forms/05-MemLaw/CorpGovt.pdf>
 - ***De Facto Government Scam***, Form #05.043
<https://sedm.org/Forms/05-MemLaw/DeFactoGov.pdf>

Rebutted false arguments about government property: Conclusion

- All of these false arguments are about “**SOCIALISM**”.
- The essence of “**SOCIALISM**” is a system of government in which there is NO PRIVATE property.
- When there is no PRIVATE property, then EVERYTHING inevitably must BECOME PUBLIC property.
- Modern definitions of “**socialism**” try to obscure this definition by associating it with Marx’s idea of “state control over the means of production”. That is just a red herring.
- For further details on what socialism is and why you have been deceived about what it is, see:
 - *Communism, Socialism, and Collectivism Topic*, Family Guardian Fellowship
<https://famguardian.org/Subjects/Communism/Communism.htm>
 - *Socialism: The New American Civil Religion*, Form #05.016
<https://sedm.org/Forms/05-MemLaw/SocialismCivilReligion.pdf>

Rebutted false arguments about government property: Conclusion

- In truth the **ONLY** real “beneficiary” of all government franchises is the government! For proof, see:
 - *Why the Government is the ONLY Real Beneficiary of All Government Franchises*, Form #05.051** (Member Subscriptions)
<https://sedm.org/product/why-the-government-is-the-only-real-beneficiary-of-all-government-franchises-form-05-051/>
 - *The Government “Benefits” Scam*, Form #05.040** (Member Subscriptions)
<https://sedm.org/product/the-government-benefits-scam-form-05-040/>
- Below is what we say about this in our Disclaimer:

Rebutted false arguments about government property: Conclusion

SEDM Disclaimer

4.10 Franchises

[. . .]

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

1. Governments don't produce anything, but merely transfer wealth between otherwise private people (see [Separation Between Public and Private, Form #12.025](#)).

2. The money they are paying you can never be more than what you paid them, and if it is, then they are abusing their taxing powers!

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

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

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

[Loan Association v. Topeka, 20 Wall. 655 (1874)]

Rebutted false arguments about government property: Conclusion

3. If they try to pay you more than you paid them, they must make you into a public officer to do so to avoid the prohibition of the case above. In doing so, they in most cases must illegally establish a public office and in effect use "benefits" to criminally bribe you to illegally impersonate such an office. See [The "Trade or Business" Scam, Form #05.001](#) for details.

4. Paying you back what was originally your own money and NOTHING more is not a "benefit" or even a loan by them to you. If anything, it is a temporary loan by you to them! And its an unjust loan because they don't have to pay interest!

5. Since you are the real lender, then you are the only real party who can make rules against them and not vice versa. See [Article 4, Section 3, Clause 2 of the Constitution](#) for where the ability to make those rules comes from.

6. All franchises are contracts that require mutual consideration and mutual obligation to be enforceable. Since government isn't contractually obligated to provide the main consideration, which is "benefits" and isn't obligated to provide ANYTHING that is truly economically valuable beyond that, then the "contract" or "compact" is unenforceable against you and can impose no obligations on you based on mere equitable principals of contract law.

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

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

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

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

[SEDM Disclaimer, Section 4.10: Franchise; <https://sedm.org/disclaimer.htm>]

The Biblical Remedy

- Here is what GOD says about this welfare state franchise SCAM and sophistry:

For thus says the LORD: “ You have sold yourselves for nothing, And you shall be redeemed without money.”

[\[Isaiah 52:3, Bible, NKJV\]](#)

- And here is how you are commanded by God to react/respond to it:

Rebutted false arguments about government property: Conclusion

— Weep and repent:

“So it was, when I heard these words, that I sat down and wept, and mourned for many days; I was fasting and praying before the God of heaven.”

⁵ And I said: “I pray, LORD God of heaven, O great and awesome God, You who keep Your covenant [trust indenture, Form #13.007] and mercy with those who love You and observe [KEEP] Your commandments [laws], ⁶ please let Your ear be attentive and Your eyes open, that You may hear the prayer of Your servant [trustee and officer] which I pray before You now, day and night, for the children of Israel Your servants, and confess the sins of the children of Israel which we have sinned against You. Both my father’s house and I have sinned. ⁷ We have acted very corruptly against You, and have not kept the commandments, the statutes, nor the ordinances which You commanded Your servant Moses. ⁸ Remember, I pray, the word that You commanded Your servant [trustee and officer] Moses, saying, ‘If you are unfaithful, I will scatter you among the nations; ⁹ but if you return to Me, and keep My commandments and do them, though some of you were cast out to the farthest part of the heavens, yet I will gather them from there, and bring them to the place which I have chosen as a dwelling for My name.’ ¹⁰ Now these are Your servants [trustees and officers] and Your people, whom You have redeemed by Your great power, and by Your strong hand. ¹¹ O Lord, I pray, please let Your ear be attentive to the prayer of Your servant, and to the prayer of Your servants who desire to fear Your name; and let Your servant prosper this day, I pray, and grant him mercy in the sight of this man.”

[[Nehemiah 1:4](#), Bible, NKJV]

NOTICE: The above refers to the obedient as God’s “SERVANTS”. God is saying we are HIS public officers (and NEVER Caesar’s ONLY), and that we must be good stewards under the [Bible Trust Indenture](#) over HIS property, which consists of the ENTIRE Heaven and Earth. See:

[Delegation of Authority Order from God to Christians](#), Form #13.007

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

Rebutted false arguments about government property: Conclusion

- Take RESPONSIBILITY by rebuilding the wall of separation between PUBLIC and PRIVATE: Nehemiah 3.

“Let us rise up and build [the WALL of separation between PUBLIC (Government/man) and PRIVATE (God)].” Then they set their hands to this good work.

¹⁹ But when Sanballat the Horonite, Tobiah the Ammonite official, and Geshem the Arab heard of it, they laughed at us and despised us, and said, “What is this thing that you are doing? Will you rebel against the king?”

²⁰ So I answered them, and said to them, “The God of heaven Himself will prosper us; therefore we His servants will arise and build, but you have no heritage or right or memorial in Jerusalem.”

[Nehemiah 3: 18-20, Bible, NKJV]

- Study the law DAY AND NIGHT! (which is the PURPOSE of this website)

“Now all the people gathered together as one man in the open square that was in front of the Water Gate; and they told Ezra the scribe to bring the Book of the Law of Moses, which the LORD had commanded Israel. ² So Ezra the priest brought the Law before the assembly of men and women and all who could hear with understanding on the first day of the seventh month. ³ Then he read from it in the open square that was in front of the Water Gate from morning until midday, before the men and women and those who could understand; and the ears of all the people were attentive to the Book of the Law.”

[Nehemiah 8:1-3, Bible, NKJV]

Summary and Conclusions

- If you want to be free and protect your sovereignty then you:
 1. Must understand the laws of property.
 2. Must fight attempts by government to convert PRIVATE to PUBLIC. This is done by challenging jurisdiction.
Form #12.010
 3. Must retain a PRIVATE status and PRIVATE property.
 4. Must keep the burden of proof upon the government (Form #05.025) that they have followed the rules for lawfully converting PRIVATE to PUBLIC.
 5. Cannot pursue any privilege, public status, public benefit, or public right in the context of your interactions with any government.
 6. Cannot associate public property such as government identifying numbers with PRIVATE property without converting private property to public property and committing a FRAUD.

Summary and Conclusions

- Private property and private rights are, in respect to the PUBLIC rights and civil statutory law:
 - Foreign. See:
“Sovereign”=“Foreign”, Family Guardian Fellowship
<http://famguardian.org/Subjects/Freedom/Sovereignty/Sovereign=Foreign.htm>
 - Nonresident. See:
Non-Resident Non-Person Position, Form #05.020
<http://sedm.org/Forms/FormIndex.htm>
 - Defensible with ONLY the Constitution, common law, and equity and not the statutory civil law. See:
Common Law Practice Guide, Litigation Tool #10.013
<http://sedm.org/Litigation/LitIndex.htm>

Summary in a Nutshell

“People of all races, genders, political beliefs, sexual orientations, and nearly all religions are welcome here. All are treated equally under REAL “law”. The only way to remain truly free and equal under the civil law is to avoid seeking government civil services, benefits, property, special or civil status, exemptions, privileges, or special treatment. All such pursuits of government services or property require individual and lawful consent to a franchise and the surrender of inalienable constitutional rights AND EQUALITY in the process, and should therefore be AVOIDED. The rights and equality given up are the “cost” of procuring the “benefit” or property from the government, in fact. Nothing in life is truly “free”. Anyone who claims that such “benefits” or property should be free and cost them nothing is a thief who wants to use the government as a means to STEAL on his or her behalf. All just rights spring from responsibilities/obligations under the laws of a higher power. If that higher power is God, you can be truly and objectively free. If it is government, you are guaranteed to be a slave because they can lawfully set the cost of their property as high as they want as a Merchant under the U.C.C. If you want it really bad from people with a monopoly, then you will get it REALLY bad. Bend over. There are NO constitutional limits on the price government can charge for their monopoly services or property. Those who want no responsibilities can have no real/PRIVATE rights, but only privileges dispensed to wards of the state which are disguised to LOOK like unalienable rights. Obligations and rights are two sides of the same coin, just like self-ownership and personal responsibility.”

[SEDM Opening Page (bottom); <http://sedm.org>]

*“We have repeatedly held that the Federal Government may impose appropriate conditions on the use of federal property or privileges [franchises, Form #05.030] and may require that state instrumentalities comply with conditions [obligations, Form #12.040] that are reasonably related to the federal interest in particular national projects or programs. See, e. g., *Ivanhoe Irrigation Dist. v. McCracken*, 357 U.S. 275, 294 -296 (1958); *Oklahoma v. Civil Service Comm'n*, 330 U.S. 127, 142 -144 (1947); *United States v. San Francisco*, 310 U.S. 16 (1940); cf. *National League of Cities v. Usery*, 426 U.S. 833, 853 (1976); *Fry v. United States*, 421 U.S. 542 (1975). A requirement that States, like all other users, pay a portion of the costs of the benefits [Form #05.040] they enjoy from federal programs is surely permissible [meaning CONSTITUTIONAL] since it is closely related to the [435 U.S. 444, 462] federal interest in recovering costs from those who benefit and since it effects no greater interference with state sovereignty than do the restrictions which this Court has approved.”*

*[[Massachusetts v. United States, 435 U.S. 444 \(1978\)](#);
https://scholar.google.com/scholar_case?case=16842193024599209893]*

Further references

- **Hot Issues: Laws of Property**-SEDM
<https://sedm.org/laws-of-property/>
- **Laws of Property**, Form #14.018
<https://sedm.org/Forms/14-PropProtection/LawsOfProperty.pdf>
- **Authorities on Rights as Property**, SEDM
<https://sedm.org/authorities-on-rights-as-property/>
- **Understanding American Property Rights** (OFFSITE LINK) – Family Guardian Fellowship
<http://famguardian.org/Publications/PropertyRights/tableoc.html>
- **Unalienable Rights Course**, Form #12.038-introduction to the subject of unalienable rights
<http://sedm.org/Forms/FormIndex.htm>
- **Enumeration of Inalienable Rights**, Form #10.002-detailed treatment of all types of rights
<http://sedm.org/Forms/FormIndex.htm>
- **Property and Privacy Protection Topic** (OFFSITE LINK) - Family Guardian Fellowship
<http://famguardian.org/Subjects/PropertyPrivacy/PropertyPrivacy.htm>

Further references

- **Private v. Public Property/Rights and Protection Playlist (OFFSITE LINK)-SEDM Youtube channel**
<https://www.youtube.com/playlist?list=PLin1scINPTOtYewMRT66TXn6AUF0KTu>
- **PRIVATE Right or Public Right? Course, Form #12.044**
<https://sedm.org/Forms/FormIndex.htm>
- **Boundaries of Order: Private Property as a Social System, Form #11.120, Butler Shaffer (deceased)**
 - FORMS PAGE: <https://sedm.org/Forms/FormIndex.htm>
 - https://cdn.mises.org/Boundaries%20of%20Order%20Private%20Property%20as%20a%20Social%20System_0.pdf
 - <https://mises.org/library/boundaries-order-private-property-social-system>
 - <https://www.amazon.com/Boundaries-Order-Private-Property-Social/dp/1933550163/>
- **The Absolute Nature of Property, Butler Shaffer. Video describing the above book**
<https://sedm.org/the-absolute-nature-of-property-butler-shaffer/>
- **Legal Remedies that Protect Private Rights Course, Form #12.019 (Member Subscription form)**
<http://sedm.org/Forms/FormIndex.htm>
- **Know Your Rights and Citizenship Status, Form #10.009 (Member Subscription form)- Forms page.**
<http://sedm.org/Forms/FormIndex.htm>

Further references

- **Sovereignty and Freedom Topic, Section 6: Private and Natural Rights (OFFSITE LINK)-Family Guardian Fellowship**
<http://famguardian.org/Subjects/Freedom/Freedom.htm#RIGHTS:>
- **Government Franchises Course, Form #12.012**
<http://sedm.org/Forms/FormIndex.htm>
- **Government “Benefits” Scam, Form #05.040 ([Member Subscription](#) form)**
<http://sedm.org/Forms/FormIndex.htm>
- **Government Instituted Slavery Using Franchises, Form #05.030**
<http://sedm.org/Forms/FormIndex.htm>
- **Why the Government is the Only Real Beneficiary of All Government Franchises, Form #05.051**
<https://sedm.org/product/why-the-government-is-the-only-real-beneficiary-of-all-government-franchises-form-05-051/>

Further references

- *Life, Liberty, and Levin-Property*, SEDM
<https://sedm.org/lifelibertyand-levin-property/>
- *They Own It All (Including You)!: By Means of Toxic Currency*, Ronald Macdonald, Robert Rowen
 - BOOK: <https://www.amazon.com/They-Own-All-Including-You/dp/1439233616/>
 - REBUTTAL: <https://sedm.org/critique-of-the-book-they-own-it-all-including-you-by-ronald-macdonald/>