

Unalienable Rights

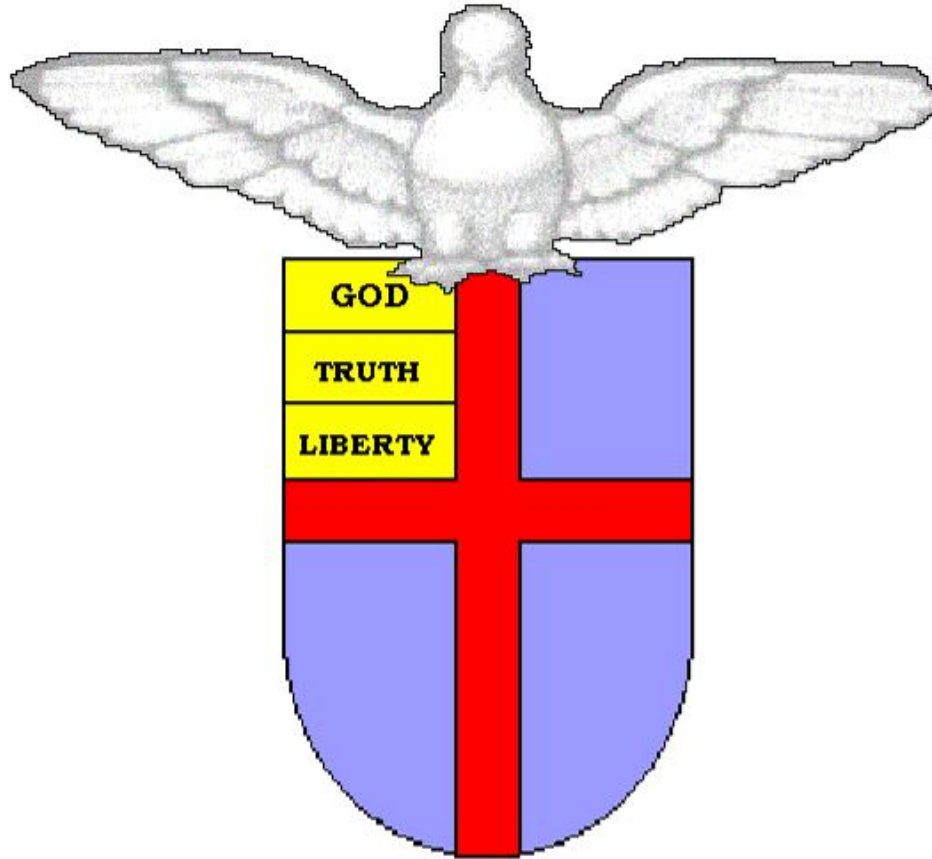
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by:
**Sovereignty Education and
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S E D M



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Dedication

“The very purpose of a Bill of Rights was to withdraw certain subjects from the vicissitudes of political controversy, to place them beyond the reach of majorities and officials and to establish them as legal principles to be applied by the courts. One’s right to life, liberty, and property, to free speech, a free press, freedom of worship and assembly, and other fundamental rights may not be submitted to vote; they depend on the outcome of no elections.”

[West Virginia State Board of Education v. Barnette, 319 U.S. 624, 63 S.Ct. 1178 (1943)]

“In this case, we hold that the "right to exclude[EVERYONE, INCLUDING THE GOVERNMENT]," so universally held to be a fundamental element of the property right,[11] falls within this category of interests that the Government cannot take without compensation.”

[Kaiser Aetna v. United States, 444 U.S. 164 (1979)]

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

COURSE OUTLINE

- 1. Dedication**
- 2. Course Outline**
- 3. Purpose**
- 4. Introduction**
- 5. Definition**
- 6. When rights become privileges**
- 7. UNALIENABLE rights are NOT “civil rights”**
- 8. Purpose of government**
- 9. Inalienability is LAW!**
- 10. You cannot lawfully consent to surrender an unalienable right to a government but surrender is still possible.**

COURSE OUTLINE

- 11. Alienation of inalienable rights is NOT a “government function” but a PRIVATE commercial activity**
- 12. Unconstitutional Conditions Doctrine: Government cannot entice you to give up rights in exchange for privileges**
- 13. Government making a business out of alienating unalienable rights:**
 - 13.1 Violates the purpose of establishing government.**
 - 13.2 Is a breach of fiduciary duty and violates public office oath.**
 - 13.3 Causes a waiver of sovereign, official, and judicial immunity.**
- 14. Most alienation done by passive/indirect means:**
 - 14.1 Omission**
 - 14.2 Presumption**
 - 14.3 “Word of art” games in the law**
 - 14.4 Equivocation**
 - 14.5 Deception on forms/publications**

COURSE OUTLINE

15. Ways to alienate rights per the U.S. Supreme Court

16. Examples of passive/indirect alienation of inalienable rights by government

16.1 Excluding PRIVATE or NONRESIDENT statuses on government forms

16.2 Excluding PRIVATE or NONRESIDENT parties from statutes

16.3 Refusing administrative remedies to PRIVATE or NONRESIDENT parties

16.4 Interfering with common law or constitutional remedies in court or making them more complex or costly than administrative remedies

16.5 Making administrative personnel unaccountable or anonymous

17. Summary and Conclusions

Purpose

- Define “unalienable rights”. Also called “inalienable”.
- Prove that you aren’t **ALLOWED** by law to give them up
- Establish unalienable rights as **LAW** rather than merely public policy
- Prove that protection of inalienable rights is the main purpose of government.
- Describe the circumstances under which unalienable rights can be **LOST** without being **CONSENSUALLY surrendered**.
- Describe what happens when government makes a **franchise/business/”trade or business”** out of alienating unalienable rights.
- Describe passive/indirect government techniques to alienate or undermine unalienable rights.
- Give examples of when you give them up.
- Give you some techniques to prevent giving up your unalienable rights.

Introduction

- If you don't know what [your rights](http://famguardian.org/Subjects/Freedom/Freedom.htm#RIGHTS) are, then you don't have any and the government will walk all over you! See:
[http://famguardian.org/Subjects/Freedom/Freedom.htm#RIGHTS:](http://famguardian.org/Subjects/Freedom/Freedom.htm#RIGHTS)
- Even if you know what [your rights](http://famguardian.org/Subjects/Freedom/Freedom.htm#RIGHTS) are, you don't have any if you don't know how to prevent giving them up!
- No one, including a lawyer, can defend your rights! YOU are the only one!
- These are things we should learn in grammar school but even college graduates no longer learn them, unless they study law.
- Pay attention, this is the most important subject on our site!

Definition

- **Declaration of Independence:**

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

[Declaration of Independence;

SOURCE: <https://www.archives.gov/founding-docs>]

- **Black’s Law Dictionary:**

“Unalienable. Inalienable; incapable of being aliened, that is, sold and transferred.”

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

- **The Declaration of Independence, like the Constitution that implements it, is addressed to the states and attaches to the LAND within the states. It is not a product of your civil status or statutory status or any other “privilege”. See the next page for proof:**

Definition

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

Definition

- By **UNALIENABLE RIGHTS**, we really mean **PRIVATE RIGHTS**. Definition:

Definition of “private”

DISCLAIMER

4. Meaning of Words

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

1. In possession of absolute, exclusive ownership and control over their own labor, body, and all their property. In Roman Law this was called "[dominium](#)".
2. On an [EQUAL rather than inferior relationship to government in court](#). This means that they have no obligations to any government OTHER than possibly the duty to serve on jury and vote upon voluntary acceptance of the obligations of the civil status of "citizen". (and the [DOMICILE](#) that creates it). Otherwise, they are entirely free and unregulated unless and until they INJURE the equal rights of another under the common law.
3. A "[nonresident](#)" in relation to the state and federal government.
4. Not a PUBLIC entity defined within any state or federal statutory law. This includes but is not limited to statutory "person", "individual", "taxpayer", "driver", "spouse" under any under any civil statute or franchise.
5. Not engaged in [a public office or "trade or business" \(per 26 U.S.C. §7701\(a\)\(26\)\)](#). Such offices include but are not limited to statutory "person", "individual", "taxpayer", "driver", "spouse" under any civil statute or franchise.
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:
 - 7.1 Ownership is not "qualified" but "absolute".
 - 7.2 There are no moieties between them and the government.
 - 7.3 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.

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

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

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Rights are ALWAYS Demanded!

"The privilege against self-incrimination [Fifth Amendment] is neither accorded to the passive resistant, nor the person who is ignorant of their rights, nor to one who is indifferent thereto. It is a fighting clause. Its benefits can be retained only by sustained combat. It cannot be claimed by an attorney or solicitor. It is only valid when insisted upon by a belligerent claimant in person."

***[U.S. v. Johnson, 76 F.Supp. 538 (1947),
Emphasis added]***

Authorities on Private Rights

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

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

"For the principal aim of society is to protect individuals in the enjoyment of those absolute rights, 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 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 or in it." - Ibid.

[William Blackstone, Commentaries (1765); SOURCE: <http://files.libertyfund.org/pll/quotes/215.html>]

"Where [PRIVATE] rights secured by the Constitution are involved, there can be no rule making or [STATUTORY] legislation which would abrogate [reduce or impair] them."

[Miranda v. Arizona, 384 U.S. 436, 491 (1966)]

Authorities on Rights

For more authorities on PRIVATE rights, see:

- ***Know Your Rights and Citizenship Status!***, Form #10.009
<http://sedm.org/Forms/FormIndex.htm>
- ***Sovereignty and Freedom Topic, Section 6: Private and Natural Rights (OFFSITE LINK)*** –Family Guardian Fellowship
<http://famguardian.org/Subjects/Freedom/Freedom.htm>
- ***Sovereignty Forms and Instructions Online***, Form #10.004,
Cites by Topic: Rights
<http://famguardian.org/TaxFreedom/CitesByTopic/rights.htm>
- ***Sovereignty Forms and Instructions Online***, Form #10.004,
Cites by Topic: Bill of Rights
<http://famguardian.org/TaxFreedom/CitesByTopic/BillOfRights.htm>
- ***Sovereignty Forms and Instructions Online***, Form #10.004,
Cites by Topic: common rights
<http://famguardian.org/TaxFreedom/CitesByTopic/CommonRights.htm>

When Rights Become Privileges

“The most natural privilege of man, next to the right of acting for himself, is that of combining his exertions with those of his fellow-creatures, and of acting in common with them. The right of association therefore appears to me almost as inalienable in its nature as the right of personal liberty. No legislator can attack it without impairing the foundations of society. Nevertheless, if the liberty of association is only a source of advantage and prosperity to some nations, it may be perverted or carried to excess by others, and from an element of life may be changed into a cause of destruction. A comparison of the different methods that associations pursue in those countries in which liberty is well understood and in those where liberty degenerates into license may be useful both to governments and to parties.”

[Alexis de Tocqueville, Democracy in America, Book 1, Chapter 12 [1835];

SOURCE: https://famguardian.org/PublishedAuthors/Indiv/DeTocquevilleAlex/DemocracyInAmerica/1_ch12.htm

When Rights Become Privileges

- **When you exercise your right to contract and combine forces with others to form a collective, the rights of the collective become PRIVILEGES.**
- **Groups of people must be controlled and REGULATED so as not to trample the equal rights of INDIVIDUALS. Form #05.033.**
- **A single human cannot combine forces with others to form a group or collective and empower that collective with his/her delegated authority to have any more rights than a SINGLE human.**

“Derivativa potestas non potest esse major primitive.

The power which is derived cannot be greater than that from which it is derived.”

[Bouvier’s Law Dictionary Unabridged, 8th Edition, pg. 2131]

“Quod per me non possum, nec per alium..

What I cannot do in person, I cannot do through the agency of another.”

[Bouvier’s Law Dictionary Unabridged, 8th Edition, pg. 2159]

When Rights Become Privileges

- **Examples of collectives or groups that are privileged:**
 - Corporations
 - Trusts
 - Businesses
 - Limited Liability Companies (LLC's)
- **For more on why acting as a group or collective is a PRIVILEGE and not a RIGHT, see:**
Collectivism and How to Resist It Course, Form #12.024
<https://sedm.org/Forms/FormIndex.htm>

UNALIENABLE rights are not “civil rights”

- **UNALIENABLE rights are NOT “civil rights”.**
- **Civil rights are created and granted by the government by civil statutes**

“The rights of the individual are not derived from governmental agencies, either municipal, state or federal, or even from the Constitution. They exist inherently in every man, by endowment of the Creator, and are merely reaffirmed in the Constitution, and restricted only to the extent that they have been voluntarily surrendered by the citizenship to the agencies of government. The people's rights are not derived from the government, but the government's authority comes from the people.*946 The Constitution but states again these rights already existing, and when legislative encroachment by the nation, state, or municipality invade these original and permanent rights, it is the duty of the courts to so declare, and to afford the necessary relief. The fewer restrictions that surround the individual liberties of the citizen, except those for the preservation of the public health, safety, and morals, the more contented the people and the more successful the democracy.”

[City of Dallas v. Mitchell, 245 S.W. 944 (1922)]

- **The phrase “restricted only to the extent that they have been voluntarily surrendered by the citizenship to the agencies of government” means DOMICILE, not NATIONALITY. THAT’S how you become subject to the civil statutory codes.**

UNALIENABLE rights are not “civil rights”

- Nearly all [civil statutes](#) are law ONLY for government or officers of the government and CANNOT and DO NOT regulate or protect PRIVATE UNALIENABLE RIGHTS. See: *Why Statutory Civil Law Is Law for Government and Not Private Persons, Form #05.037*
<http://sedm.org/Forms/FormIndex.htm>
- If you don't claim [STATUTORY citizenship](#) or [civil domicile](#) that makes it possible, then:
 - You retrain ALL of your PRIVATE natural rights.
 - You may not be sued under the civil statutory codes/franchises.
 - You may be sued under the common law and equity.
 - The government and everyone else HAS to leave you alone. That's the [definition of “justice” itself](#).
- [Domicile](#) and [STATUTORY citizenship](#) are therefore a LIABILITY, not a “BENEFIT”. CIVIL RIGHTS require both. For details, see:
 - *Why You are a “national”, “state national”, and Constitutional but not Statutory Citizen, Form #05.006*
<http://sedm.org/Forms/FormIndex.htm>
 - *Why Domicile and Becoming a “Taxpayer” Require Your Consent, Form #05.002*
<http://sedm.org/Forms/FormIndex.htm>

Purpose of Government

- The audience of the Declaration of Independence is human beings, not artificial entities.
- The purpose of [de jure governments](#), according to the Declaration of Independence, is to protect UNALIENABLE [PRIVATE] RIGHTS.
- All rights are PROPERTY. Therefore, the purpose of government is to protect PRIVATE PROPERTY ONLY.
- The first step in protecting PRIVATE property is to prevent it from being converted to PUBLIC property.
 - After all, a government that won't protect you from ITSELF has no business being hired to protect you from anyone else.
 - A government that won't protect you from itself or from converting your PRIVATE property into PUBLIC property is NOT a “government”, but a mafia “protection racket” and “taxes” are protection money.
- For details on the mandatory separation between PUBLIC and PRIVATE, see:
Separation Between Public and Private, Form #12.025
<http://sedm.org/Forms/FormIndex.htm>

Inalienability is LAW!

- **Those in government try to dismiss the unalienability of private rights by saying no law requires it. This is a LIE.**
- **The very first act of Congress, on page 1 of the Statutes at Large enacts the Declaration of Independence into LAW!**
- **The Declaration of Independence is also called:**
 - Organic law.
 - Fundamental law.**Therefore it is LAW!**
- **That first act of Congress has never been repealed!**
- **Congress CANNOT “repeal” the Declaration of Independence.**
- **Judge Andrew Napolitano agrees that the Declaration of Independence is the most frequently violated law by Congress:**

Video

- [[Judge Andrew Napolitano, SEDM Exhibit 03.006](http://sedm.org/Exhibits/ExhibitIndex.htm);
SOURCE: <http://sedm.org/Exhibits/ExhibitIndex.htm>]

You cannot consent to alienate but surrender is still possible

- So PRIVATE rights are UNALIENABLE, which means you AREN'T ALLOWED BY LAW to [CONSENT \(Form #05.003\)](#) to give them up to a REAL, DE JURE government.
- There are STILL things you can do, however, to surrender them.
- Recall that both the [U.S. Constitution](#) and the [Bill of Rights](#) that is part of it attaches to LAND within states of the Union.
- If you move your place of work or your [place of domicile](#) to be outside of states of the Union, then you LOSE the protection of the Constitution and the [Bill of Rights](#).
Examples of circumstances where you LOSE unalienable rights [WITHOUT consenting](#) include:
 - Working on federal territory even though LIVING in a state of the Union.
 - Domiciled in or living on federal territory such as Puerto Rico or Guam.
 - Domiciled in or living in a foreign country.
- Therefore, changing your geography is the ONLY method to LAWFULLY lose UNALIENABLE rights [WITHOUT consenting](#).

Alienation is not a government activity but a private commercial activity

- Since you can't lawfully **CONSENT** to alienate an **UNALIENABLE** right in relation to a **REAL government** per the Declaration of Independence, then any “government” that tries to do it is:
 - NOT a “government” as the Declaration of Independence defines it.
 - A DE FACTO government. See:
 - De Facto Government Scam*, Form #05.043
<http://sedm.org/Forms/FormIndex.htm>
 - Attempting to obtain property. All rights, including PRIVATE rights, are property.
 - Engaging in “commerce”, which is merely an exchange or trade or property.
 - Acting in a PRIVATE capacity like any other business, much like it does as an “employer” of its own workers or in its interactions with government contractors.
 - Engaging in PRIVATE commercial activity.
 - Implicitly waives official, judicial, and sovereignty immunity under:
 - » The **Foreign Sovereign Immunities Act, 28 U.S.C. Chapter 97**
 - » The **Law of Nations, Vattel**
 - » **International Shoe Co. v. Washington, 326 U.S. 310 (1945)**
- ... BECAUSE they are “purposefully availing” themselves of what MUST be “consensual commerce” in an otherwise legislatively FOREIGN jurisdiction.

Alienation is not a government activity but a private commercial activity

- Cannot be protected by official, judicial, or sovereign immunity BECAUSE it is not acting as a “government” in relation to states of the Union. They can assert sovereign immunity in relation to domiciliaries and legal fictions on federal territory but not the states of the Union.
- This is called the “Clearfield Doctrine”:

Alienation is not a government activity but a private commercial activity

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

See Jones, 1 Cl.Ct. at 85 ("Wherever the public and private acts of the government seem to commingle, a citizen or corporate body must by supposition be substituted in its place, and then the question be determined whether the action will lie against the supposed defendant"; O'Neill v. United States, 231 Ct.Cl. 823, 826 (1982) (sovereign acts doctrine applies where, "[w]ere [the] contracts exclusively between private parties, the party hurt by such governing action could not claim compensation from the other party for the governing action"). The dissent ignores these statements (including the statement from Jones, from which case Horowitz drew its reasoning literally verbatim), when it says, post at 931, that the sovereign acts cases do not emphasize the need to treat the government-as-contractor the same as a private party.

[\[United States v. Winstar Corp., 518 U.S. 839 \(1996\)\]](#)

MOST OF WHAT THE GOVERNMENT DOES IS PRIVATE COMMERCIAL ACTIVITY

- **The vast majority of what the present de facto government does:**
 - Is NOT “government” as defined by the Declaration of Independence
 - Involves PRIVATE commercial business activity
 - Is NOT protected by sovereign immunity
 - Is expanded and enforced ILLEGALLY by people who are unknowingly acting as public officers and who would not do so if they were offered an informed choice to quit.
 - Is implemented and enforced through PRIVATE LAW commercial excise taxable franchises.
- **Examples of PRIVATE commercial excise taxable franchises that implement the above:**
 - Income taxation (“trade or business”/public office franchise). See:
The “Trade or Business” Scam, Form #05.001
<http://sedm.org/Forms/FormIndex.htm>
 - Marriage licensing. See:
Sovereign Christian Marriage, Form #06.009
<http://sedm.org/Forms/FormIndex.htm>
 - Driver licensing. See:
Defending Your Right to Travel, Form #06.010
<http://sedm.org/Forms/FormIndex.htm>
 - Professional licensing.

MOST OF WHAT THE GOVERNMENT DOES IS PRIVATE COMMERCIAL ACTIVITY

- Taxable franchises cannot lawfully be offered within constitutional states according to the U.S. Supreme Court. See [License Tax Cases, 72 U.S. 462, 18 L.Ed. 497, 5 Wall. 462, 2 A.F.T.R. 2224 \(1866\).](#)
- They are ILLEGALLY offered and enforced by DECEIVINIG you into declaring a domicile or physical presence on federal territory. This is CRIMINAL IDENTITY THEFT. See:
Government Identity Theft, Form #05.046
<http://sedm.org/Forms/FormIndex.htm>
- More details on the inner workings of franchises:
Government Instituted Slavery Using Franchises, Form #05.030
<http://sedm.org/Forms/FormIndex.htm>

Unconstitutional Conditions Doctrine

- **The Unconstitutional Conditions Doctrine states that the government cannot use its ability to contract to make you give up an UNALIENABLE RIGHT.**
- **The first mention of the phrase “unconstitutional conditions” by the U.S. Supreme Court occurred in *Doyle v. Continental Ins. Co*, 94 U.S. 543 (1876) (Bradley, J., dissenting)**

“Though a State may not have the power, if it sees fit to subject its citizens to inconvenience, of prohibiting all foreign corporations from transacting business within its jurisdiction, it has no power to impose unconstitutional conditions upon their doing so.”.
- **Other cases that address the doctrine:**
 1. **Frost v. Railroad Commission, 271 U.S. 583 (1925)**
 2. **Speiser v. Randall, 357 U.S. 513 (1958)**
 3. **Sherbert. v. Verner, 374 U.S. 398 (1963)**
 4. **Shapiro v. Thompson, 394 U.S. 618 (1969)**
 5. **Perry v. Sindermann, 408 U.S. 593 (1972)**
 6. **Elrod v. Burns, 427 U.S. 347 (1976)**
 7. **Abood v. Detroit Board of Education, 431 U.S. 209 (1974)**
 8. **Leftkowitz v. Cunningham, 431 U.S. 801 (1977)**
 9. **Branti v. Finkel, 445 U.S. 507 (1980)**

Unconstitutional Conditions Doctrine

- For further details on the Unconstitutional Conditions Doctrine, see:
 - ***Unconstitutional Conditions Doctrine Articles*** (OFFSITE LINK) – SEDM Member Subscriptions Tax DVD
<https://sedm.org/reference/dvds/tax-dvd/>
Look in the /Franchises/UnconstCondit/ folder
 - ***Unconstitutional Conditions: The Irrelevance of Consent, Philip Hamburger*** - The article by a law professor concludes that private or state consent cannot justify the federal government in going beyond its legal limits. The Constitution's limits on the government are legal limits imposed with the consent of the people. Therefore, neither private nor state consent can alter these limits or otherwise enlarge the federal government's constitutional power.
 - » ***PDF Local backup copy*** (OFFSITE LINK)
<http://sedm.org/LibertyU/UnconstitutionalConditions-Hamburger,Philip-SSRN-id2021682.pdf>
 - » ***SSRN*** (OFFSITE LINK)
http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2021682
 - ***Government Instituted Slavery Using Franchises***, Form #05.030, Section 27.2
<http://sedm.org/Forms/FormIndex.htm>

Government making a business out of alienating rights

- Every attempt to do commercial business involves contracting in some form.
- The [Unconstitutional Conditions Doctrine](#) prevents the government from making the surrender of Constitutional rights a condition of doing business or contracting with it.
- Hence, the business must be conducted ONLY on [federal territory](#) or abroad, where such PRIVATE UNALIENABLE RIGHTS DO NOT exist.
- When such business is conducted on land protected by the Constitution within a state of the Union, then it:
 - Violates the purpose of establishing government.
 - Constitutes an “invasion” within the meaning of Article 4, Section 4.
 - Is a breach of fiduciary duty and violates public office oath.
 - Causes a waiver of sovereign, official, and judicial immunity under the Minimum Contracts Doctrine, the [Foreign Sovereign Immunities Act \(F.S.I.A.\)](#), and the [Longarm Statutes of the State](#).
 - Establishes an unconstitutional Title of Nobility (U.S. Inc, [Article 1, Section 9, Clause 8](#)) if [sovereign immunity](#) or the [requirement for consent](#) to sue is asserted within the state or in state court.

It is against the duties of a public officer to jeopardize or undermine PRIVATE rights and property

“As expressed otherwise, the powers delegated to a public officer are held in trust for the people and are to be exercised in behalf of the government or of all citizens who may need the intervention of the officer.[1] Furthermore, the view has been expressed that all public officers, within whatever branch and whatever level of government, and whatever be their private vocations, are trustees of the people, and accordingly labor under every disability and prohibition imposed by law upon trustees relative to the making of personal financial gain from a discharge of their trusts. [2] That is, a public officer occupies a fiduciary relationship to the political entity on whose behalf he or she serves. [3] and owes a fiduciary duty to the public. [4] It has been said that the fiduciary responsibilities of a public officer cannot be less than those of a private individual. [5] Furthermore, it has been stated that any enterprise undertaken by the public official which tends to weaken public confidence and undermine the sense of security for individual [PRIVATE] rights is against public policy[6].”

[63C American Jurisprudence 2d, Public Officers and Employees, §247 (1999)]

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

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

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

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

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

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

Passive/Indirect means of alienation

- Because you cannot lawfully consent to give away UNALIENABLE rights, then corrupt covetous governments must resort to passive/indirect, DISHONEST and/or deceptive means.
- We already established that UNALIENABLE rights attach to land, so they have to kidnap your legal identity (a CRIME) and transport it to federal territory in order to ALIENATE property from you.
- Most alienation therefore occurs by trickery using the following passive/indirect means to accomplish the kidnapping:
 - “Word of art” games in the law with geographical terms.
 - Equivocation with geographical terms.
 - Presumption about geographical terms fostered by legal ignorance.
 - Deception on forms/publications
 - Omission in recognizing or protecting PRIVATE rights and PRIVATE people.

Passive/Indirect means of alienation

- We won't cover the SPECIFIC passive indirect means, because this is covered in:
 - *Foundations of Freedom, Video 4: Willful Government Deception and Propaganda*, Form #12.021
<http://sedm.org/Forms/FormIndex.htm>
 - *Avoiding Traps in Government Forms*, Form #12.023
<http://sedm.org/Forms/FormIndex.htm>
 - *Legal Deception, Propaganda, and Fraud*, Form #05.014
<http://sedm.org/Forms/FormIndex.htm>
- The purpose of the above passive/indirect means is **CRIMINAL IDENTITY THEFT**: Transporting your identity legally to federal territory not protected by the Constitution:
Government Identity Theft, Form #05.047
<http://sedm.org/Forms/FormIndex.htm>
- Why do they have to kidnap your identity? Because they can't lawfully offer taxable government franchises within Constitutional states of the Union per the License Tax Cases. See:
Government Instituted Slavery Using Franchises, Form #05.030
<http://sedm.org/Forms/FormIndex.htm>

Ways to alienate rights per the U.S. Supreme Court

1. Seeking the “benefits” or protections of any CIVIL statute waives constitutional protections:

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

[. . .]

6. The Court will not pass upon the constitutionality of a statute at the instance of one who has availed himself of its benefits. FN7 Great Falls Mfg. Co. v. Attorney General, 124 U.S. 581, 8 S.Ct. 631, 31 L.Ed. 527; Wall v. Parrot Silver & Copper Co., 244 U.S. 407, 411, 412, 37 S.Ct. 609, 61 L.Ed. 1229; St. Louis Malleable Casting Co. v. Prendergast Construction Co., 260 U.S. 469, 43 S.Ct. 178, 67 L.Ed. 351. FN7 Compare Electric Co. v. Dow, 166 U.S. 489, 17 S.Ct. 645, 41 L.Ed. 1088; Pierce v. Somerset Ry., 171 U.S. 641, 648, 19 S.Ct. 64, 43 L.Ed. 316; Leonard v. Vicksburg, etc., R. Co., 198 U.S. 416, 422, 25 S.Ct. 750, 49 L.Ed. 1108.

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

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

2. Seeking or pursuing government franchises waives common law protections:

"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

Ways to alienate rights per the U.S. Supreme Court

3. Allowing government to kidnap your legal identity by deception, “words of art”, and “equivocation can accomplish EITHER of the above two situations and remove your UNALIENABLE rights completely from the protections of BOTH the CONSTITUTION and the COMMON LAW. Watch out! See:

- *Foundations of Freedom, Video 4: Willful Government Deception and Propaganda*, Form #12.021
<http://sedm.org/Forms/FormIndex.htm>
- *Avoiding Traps in Government Forms*, Form #12.023
<http://sedm.org/Forms/FormIndex.htm>
- *Legal Deception, Propaganda, and Fraud*, Form #05.014
<http://sedm.org/Forms/FormIndex.htm>
- If you, through ignorance, allow ANY of the above three things to happen, you have in effect
 - Promoted, protected, and even implemented COMMUNISM by completely removing all Constitutional and Common Law limitations from the government!
 - Transformed a government of LIMITED powers into a government UNLIMITED powers.
- Don't believe us? Look at what the Beast says about this:

Ways to alienate rights per the U.S. Supreme Court

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

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

Examples of passive/indirect alienation

- 1. Excluding PRIVATE or NONRESIDENT statuses on government forms:**
 - There is no “nontaxpayer” status on any tax form and not NONRESIDENT NON-PERSON tax form
 - There is not form to report identity theft for those who are the victim of false information returns or withholding documents.
 - IRS won’t help you if you have no “TAXPAYER identification Number” and therefore are a NONTAXPAYER.
 - IRS won’t change the STATUTS of the number to make it a “Nontaxpayer Identification Number” or “Nonresident Nontaxpayer Identification Number”.
- 2. Excluding PRIVATE or NONRESIDENT parties from statutes. No STATUTORY remedies are provided for “nontaxpayers” other than 26 U.S.C. §7426, and even that statute requires no challenges to the lawfulness of the alleged “tax” or assessment, even if it was a product of CRIME and IDENTITY THEFT.**

Examples of passive/indirect alienation

3. Refusing administrative remedies to PRIVATE or NONRESIDENT parties.

- IRS has a “Taxpayer Advocate”, but not “Nontaxpayer advocate”.
- There is no one you can talk to at the IRS if you are a “nontaxpayer” or a victim of identity theft that made you look ILLEGALLY like a “taxpayer”. This could happen if you were FORCED to fill out knowingly false withholding paperwork by a PRIVATE financial institution or PRIVATE employer or are a victim of [FALSE information returns](#) that can’t be filed upon PRIVATE parties. See:

Correcting Erroneous Information Returns, Form #04.001

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

4. Interfering with [common law](#) or constitutional remedies in court or making them more complex or costly than administrative remedies. This DISCRIMINATES against [nonresidents](#) or [nontaxpayers](#) and destroys EQUAL PROTECTION.

- Judges sometimes interfere with invoking the constitution or the common law.
- IRS UNCONSTITUTIONALLY and criminally calls these victims of government identity theft “frivolous”.

Examples of passive/indirect alienation

5. Making administrative personnel unaccountable or anonymous. This encourages them to do anything they want and disregard the constraints of the law.

- IRS agents don't use their real names.
- IRS agents doing collection are always outside the state they are collecting in so that you can't sue them in state court and are forced into federal court.
- See:
 - » [Lucifer Effect](#) (OFFSITE LINK) – how good people are transformed to do and think and believe evil
<https://www.youtube.com/watch?v=OsFEV35tWsg>
 - » [Stanford Prison Experiment](#) (OFFSITE LINK) – why power corrupts and motivates government corruption
<http://prisonexp.org/>
 - » [Milgram Experiment](#) (OFFSITE LINK) – study that analyzes environmental factors that cause people to become evil. This study is important for those who want to direct their reforms of government to PREVENT evil.
http://en.wikipedia.org/wiki/Milgram_experiment

Bill of NO Rights

- "We, the sensible people of the United States, in an attempt to help everyone get along, restore some semblance of Justice, avoid any more riots, keep our nation safe, promote positive behavior, and secure the blessings of debt-free liberty to ourselves and our great-great-great-grandchildren, hereby try one more time to ordain and establish some common sense guidelines for the terminally whiny, guilt-ridden, deluded, and other liberal Bed-wetters.
 - We hold these truths to be self-evident: that a whole lot of people are confused by the Bill of Rights and are so dim that they require a Bill of No Rights."
 - ARTICLE I: You do not have the right to a new car, big screen TV or any other form of wealth. More power to you if you can legally acquire them, but no one is guaranteeing anything.
 - ARTICLE II: You do not have the right to never be offended. This country is based on freedom, and that means freedom for everyone - not just you! You may leave the room, change the channel, express a different opinion, etc., but the world is full of idiots, and probably always will be.
 - ARTICLE III: You do not have the right to be free from harm. If you stick a screwdriver in your eye, learn to be more careful. Do not expect the tool manufacturer to make you and all your relatives independently wealthy.
 - ARTICLE IV: You do not have the right to free food and housing. Americans are the most charitable people to be found, and will gladly help anyone in need, but we are quickly growing weary of subsidizing generation after generation of professional couch potatoes who achieve nothing more than the creation of another generation of professional couch potatoes.
 - ARTICLE V: You do not have the right to free health care. That would be nice, but from the looks of public housing, we're just not interested in public health care.
 - ARTICLE VI: You do not have the right to physically harm other people. If you kidnap, rape, intentionally maim, or kill someone, don't be surprised if the rest of us want to see you fry in the electric chair.
 - ARTICLE VII: You do not have the right to the possessions of others. If you rob, cheat or coerce away the goods or services of other citizens, don't be surprised if the rest of us get together and lock you away in a place where you still won't have the right to a big screen color TV or a life of leisure.
 - ARTICLE VIII: You don't have the right to demand that our children risk their lives in foreign wars to soothe your aching conscience. We hate oppressive governments and won't lift a finger to stop you from going to fight if you'd like. However, we do not enjoy parenting the entire world and do not want to spend so much of our time battling each and every little tyrant with a military uniform and a funny hat.
- ARTICLE IX: You don't have the right to a job. All of us sure want all of you to have one, and will gladly help you along in hard times, but we expect you to take advantage of the opportunities of education and vocational training laid before you to make yourself useful.
- ARTICLE X: You do not have the right to happiness. Being an American means that you have the right to *pursue* happiness -- which, by the way, is a lot easier if you are unencumbered by an overabundance of idiotic laws created by those of you who were confused by the Bill of Rights.
- [The Bill of No Rights, SOURCE: <http://famguardian.org/Subjects/Politics/Articles/BillOfNoRights.htm>]

Why the “Bill of NO Rights” is necessary

- The Bill of NO Rights is necessary because of the way that the courts have REDEFINED “Justice”.
- Originally, “justice” was legally defined as “the right to be LEFT ALONE”.
- In order to promote the evils of [government franchises \(Form #05.030\)](#) and “benefits” and unconstitutionally expand the power of government:
 - “Justice” has been RE-DEFINED by fiat to mean “give every man his due”
 - Government has become a Robinhood that abuses its taxing power to redistribute wealth ILLEGALLY. Since the taxing power is unlimited, then the ability of the government to redistribute any and all property is unlimited.
 - Political elections have essentially become “auctions” of OTHER people’s property.
 - People have been invited through the polls and the jury box to add ANYTHING they want to the phrase “what is due” in order to abuse the legal system to STEAL property from others and “benefit” themselves with it.
 - Due process is violated because everyone who votes or serves on jury duty who rules on a matter that affects their “benefits” has a criminal conflict of interest and must be recused from serving or convicted of a crime. See 18 U.S.C. §208, 28 U.S.C. §144 and 455.
- For an explanation of this [corruption](#) of the meaning of “[justice](#)”, see:
 - *Requirement for Consent*, Form #05.003, Section 3
<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>
 - *The Government “Benefits” Scam*, Form #05.040
<http://sedm.org/Forms/FormIndex.htm>
 - *The Simple Cure for Socialism*
http://famguardian.org/Subjects/Communism/Humor/bird_feeder.mp4
 - *The Law*, Frederic Bastiat
<http://famguardian.org/Publications/TheLaw/TheLaw.htm>

Summary and Conclusions

- An Unalienable right is one you can't lawfully [consent \(form #05.003\)](#) to give away.
- Unalienable rights, like the Constitution, attach to land, not your [civil status \(Form #13.008\)](#) or even your [domicile \(Form #05.002\)](#).
- Unalienable rights are lost when you:
 - Change your [CIVIL domicile](#) to federal territory or abroad.
 - Work on federal territory or abroad.
- It is a breach of fiduciary duty for a government actor to alienate, buy, or sell UNALIENABLE PRIVATE OR CONSTITUTIONAL rights.
- Governments that make a business out of alienating PRIVATE rights that are supposed to be UNALIENABLE are:
 - Not a government as the Declaration of Independence defines.
 - A de facto government. See [De Facto Government Scam, Form #05.043](#).
 - Operating in a private capacity.
 - Waiving the protections of the Foreign Sovereign Immunities Act in a state of the Union and the Minimum Contacts Doctrine by “purposeful availment”. Government is subject to that act like any other foreign government. If they aren't, then they have granted themselves an unconstitutional “title of nobility”

Further references

- **PRIVATE Unalienable Rights and Their Protection**
 - **Report of the Commission on Unalienable Rights, Form #11.119-U.S. Department of State**
<https://sedm.org/Forms/FormIndex.htm>
 - **Enumeration of Inalienable Rights, Form #10.002**
<http://sedm.org/Forms/FormIndex.htm>
 - **Famous Quotes About Rights and Liberty, Form #08.001**
<http://sedm.org/Forms/FormIndex.htm>
 - **Unconstitutional Conditions Doctrine Law Review Articles**
SEDM Member Subscriptions Tax DVD
<https://sedm.org/reference/dvds/tax-dvd/>
Look in the /Franchises/UnconstCondit/ folder

Further references

- **Property and Separation of Private and Public**
 - **Separation Between Public and Private**, Form #12.025
<http://sedm.org/Forms/FormIndex.htm>
 - **Foundations of Freedom, Video 3: Status, Rights, and Privileges**, Form #12.021
SLIDES: <http://sedm.org/LibertyU/FoundOfFreedom-Slides.pdf>
VIDEO: <http://www.youtube.com/watch?v=ymC1GPE0gss>

Further references

- **Corruption**

- **Government Corruption**, Form #11.401
<http://sedm.org/home/government-corruption/>
- **De Facto Government Scam**, Form #05.043
<http://sedm.org/Forms/FormIndex.htm>
- **The Bill of No Rights**
<http://famguardian.org/Subjects/Politics/Articles/BillOfNoRights.htm>

- **Franchises**

- **Government Franchises Course**, Form #12.012
<http://sedm.org/Forms/FormIndex.htm>
- **Government “Benefits” Scam**, Form #05.040
<http://sedm.org/Forms/FormIndex.htm>
- **Government Instituted Slavery Using Franchises**,
Form #05.030
<http://sedm.org/Forms/FormIndex.htm>