

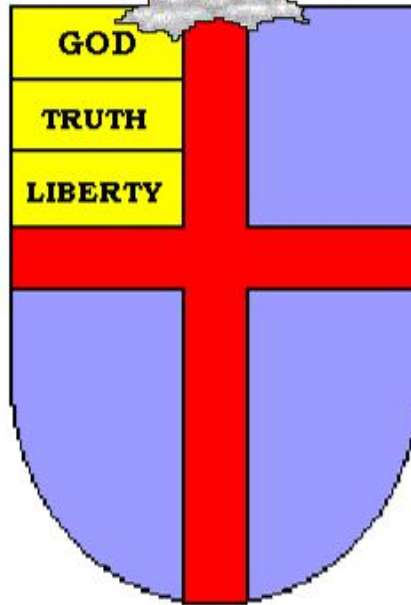
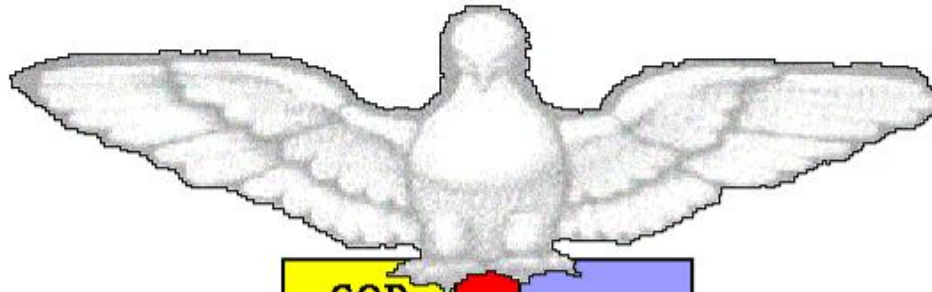
Civil Courtroom Procedure Litigation Tool #10.014

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

<http://sedm.org>

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S E D M



Course Materials

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

- Liberty University, Item #7.1
<http://sedm.org/LibertyU/LibertyU.htm>
- Litigation Tools Page, Form #10.014
<http://sedm.org/Litigation/LitIndex.htm>



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 - Review and use of the resulting research by the over 500,000 people who have visited and are currently using the [SEDM Website](http://sedm.org)
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Introduction

- This presentation will describe civil courtroom procedure for the layman.
- **Target Audience:** Those who are Members in full compliance with the [SEDM Member Agreement, Form #01.001](#).
- **The techniques described in this document will:**
 - NOT WORK for those who are not compliant with the [SEDM Member Agreement, Form #01.001](#)
 - INJURE and undermine the effectiveness of the techniques described if used by those who are NOT compliant.

Prerequisites

- We **INSIST** that you read and complete the following **PRIOR** to implementing anything suggested herein:

Path to Freedom, Form #09.015, Section 2

DIRECT LINK: <http://sedm.org/Forms/09-Procs/PathToFreedom.pdf>

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

- We also **INSIST** that you download and read the following **BEFORE** you attempt any of the techniques described herein:

– *Government Franchises Course*, Form #12.012

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

DIRECT LINK: <http://sedm.org/LibertyU/GovFranchises.pdf>

– *Government Instituted Slavery Using Franchises*, Form #05.030

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

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

Why the Prerequisites?

- The reason for these prerequisites is that those who consensually participate in government franchises **have NO BASIS OR STANDING to complain or litigate for a violation of Constitutional** rights

BECAUSE:

1. You cannot participate in government franchises without your consent manifested by completing and signing an application.
2. It is a maxim of law that what you consent to cannot form the basis for an injury:
 - » *“Voluntati non fit injuria.*
He who consents cannot receive an injury. 2 Bouv. Inst. n. 2279, 2327; 4 T. R. 657; Shelf. on mar. & Div. 449.
 - » *Consensus tollit errorem.*
Consent removes or obviates a mistake. Co. Litt. 126.
 - » *Melius est omnia mala pati quam malo consentire.*
It is better to suffer every wrong or ill, than to consent to it. 3 Co. Inst. 23.
 - » *Nemo videtur fraudare eos qui sciunt, et consentiunt.*
One cannot complain of having been deceived when he knew the fact and gave his consent. Dig. 50, 17, 145.”

[Bouvier's Maxims of Law, 1856;

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

3. The Brandeis rules of the U.S. Supreme Court forbid the courts to entertain disputes of those who avail themselves of a **government “benefit” and therefore franchise:**

“The principle is invoked that one who accepts the [franchise] benefit of a statute cannot be heard to question its constitutionality. [Great Falls Manufacturing 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, 37 S.Ct. 609, 61 L.Ed. 1229; St. Louis, etc., Co., v. George C. Prendergast Const. Co., 260 U.S. 469, 43 S.Ct. 178, 67 L.Ed. 351.”](#)

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

Why the Prerequisites?

4. Those consensually participating in government franchises are public officers, and **the USA Constitution DOES NOT protect public officers:**

“The restrictions that the Constitution places upon the government in its capacity as lawmaker, i.e., as the regulator of private conduct, are not the same as the restrictions that it places upon the government in its capacity as employer. We have recognized this in many contexts, with respect to many different constitutional guarantees. Private citizens perhaps cannot be prevented from wearing long hair, but policemen can. Kelley v. Johnson, [425 U.S. 238, 247](#) (1976). Private citizens cannot have their property searched without probable cause, but in many circumstances government employees can. O’Connor v. Ortega, [480 U.S. 709, 723](#) (1987) (plurality opinion); *id.*, at 732 (SCALIA, J., concurring in judgment). Private citizens cannot be punished for refusing to provide the government information that may incriminate them, but government employees can be dismissed when the incriminating information that they refuse to provide relates to the performance of their job. Gardner v. Broderick, [497 U.S. 62, 95] [392 U.S. 273, 277](#) -278 (1968). With regard to freedom of speech in particular: Private citizens cannot be punished for speech of merely private concern, but government employees can be fired for that reason. Connick v. Myers, [461 U.S. 138, 147](#) (1983). Private citizens cannot be punished for partisan political activity, but federal and state employees can be dismissed and otherwise punished for that reason. Public Workers v. Mitchell, [330 U.S. 75, 101](#) (1947); Civil Service Comm’n v. Letter Carriers, [413 U.S. 548, 556](#) (1973); Broadrick v. Oklahoma, [413 U.S. 601, 616](#) -617 (1973).”

[Rutan v. Republican Party of Illinois, [497 U.S. 62](#) (1990)]

- **For further details on the above, please read:**
 - **Requirement for Consent, Form #05.003**
FORMS PAGE: <http://sedm.org/Forms/FormIndex.htm>
DIRECT LINK: <http://sedm.org/Forms/05-MemLaw/Consent.pdf>

Your “status” in the courtroom

- Your proper status:

- “In propria persona”

“IN PROPRIA PERSONA. In one’s own proper person.

It is a rule in pleading that pleas to the jurisdiction of the court must be plead in propria persona, because if pleaded by attorney they admit the jurisdiction, as an attorney is an officer of the court, and he is presumed to plead after having obtained leave, which admits the jurisdiction. Lawes, Pl. 91.

In some jurisdictions, however, this rule is no longer recognized. 1 C. J. 255.”

[Black’s Law Dictionary, Fourth Edition, p. 899]

- “Common law man with inalienable and natural rights”

- What you ARE NOT:

- 1. “Pro per”

- 2. “Representing yourself”- you ARE yourself

- Why you aren’t “pro per” or “representing yourself”:

- All attorneys are officers of the court and therefore “public officers” who cannot challenge jurisdiction.

- If you are representing anyone, including “yourself”, then you are an agent of the state and therefore public officer and “straw man”.

Watch Your Language In Court!

Common Law Term (de jure)	Statutory/Franchise Term (de facto)
De Jure Republic	De Facto Socialist Democracy
"Sovereign"	"Subject" (you CANNOT be a "Subject" and a "Sovereign" at the <u>same</u> time in relation to the <u>SAME</u> government)
"Man", "Woman", "People"	"Person" , "Individual" , "Human Being", "Natural Person", "Straw Man", "Taxpayer"
"Earnings", "Labor"	"Wages" , "Gross Income" , "Personal services"
"Occupation of Common Right"	"Profession"
"Sui Juris", "In Propria Persona"	"Pro Se" , "Pro Per"
"Nationality" , "Domicile"	"Citizenship" (merges both), "Residence" , "Permanent Residence"
Statutory "Non-citizen national" Constitutional "Citizen of the of the United States of America"	Statutory "U.S. citizen" (8 U.S.C. §1401) Statutory "U.S. person" (26 U.S.C. §7701(a)(30))
"Right"	"Public Right", "Privilege", "Franchise" , "Legislatively Created Right"
"Natural rights"	"Civil rights"
"federal Government", "state Government"	<u>Corporate</u> : "National Government", "Federal Government"
"Justice" (see constitution)	"Administrative Judge" (see Title 28), "Franchise Court Judge"
"Natural Compact"	"Statutory Law" , "Commercial Law" (UCC)
"Money" , "Gold and Silver Specie"	"Federal Reserve Note (FRN)" (debt instrument)
"Certificate of Live Birth"	"Birth Certificate"
"Elector"	"Registered Voter"

Common Law v. Statute Law

- Remember when litigating under the common law that:
 - All private/constitutional RIGHTS attach to LAND.
 - All franchise “privileges” attach to STATUSES under the statutory franchise.
 - Contracts and franchises operate INDEPENDENT of PLACE
 - “Debt and contract [franchise agreement, in this case] are of no particular place. Locus contractus regit actum.

 - “The place of the contract [franchise agreement, in this case] governs the act. [Bouvier’s Maxims of Law, 1856; SOURCE: <http://famguardian.org/Publications/BouvierMaximsOfLaw/BouviereMaxims.htm>]
 - A statutory “State” is a corporation and not a geographic place.
 - You are ON THE LAND instead of “IN THE STATE”.
 - When you say you are “in the State” you admit you are serving WITHIN the de facto government rather than in a geographic place and that you are a public officer engaging in PUBLIC RIGHTS rather than PRIVATE RIGHTS.
- For more on the above, see:
 - Government Franchises Course, Form #12.012
 - FORMS PAGE: <http://sedm.org/Forms/FormIndex.htm>
 - DIRECT LINK: <http://sedm.org/LibertyU/GovFranchises.pdf>

Common Law v. Statute Law (cont)

#	Characteristic	Common Law (de jure)	Statutory/Franchise (de facto)
1	Nature of government	De jure	De facto if offered, enforced, or forced against those domiciled outside of federal territory.
2	Composition	Physical state (Attaches to physical territory)	Virtual state (Attaches to status of people on the land through their RIGHT TO CONTRACT)
3	Name	“Republic of _____” “The State”	“State of _____” “this State”
4	Name of this entity in federal law	Called a “state” or “foreign state”	Called a “State” as defined in 4 U.S.C. §110(d)
5	Territory over which “sovereign”	All land not under exclusive federal jurisdiction within the exterior borders of the Constitutional state.	Federal territory within the exterior limits of the state borrowed from the federal government under the Buck Act, 4 U.S.C. §110(d) .
6	Protected by the Bill of Rights, which is the first ten amendments to the United States Constitution?	Yes	No (No rights. Only statutory “privileges”)
7	Form of government	Constitutional Republic	Legislative totalitarian socialist democracy
8	A corporation?	Yes	Yes
9	A federal corporation?	No	Yes
10	Exclusive jurisdiction over its own lands?	Yes	No. Shared with federal government pursuant to Buck Act , Assimilated Crimes Act, and ACTA Agreement .
11	“Possession” of the United States?	No (sovereign and “foreign” with respect to national government)	Yes
12	Subject to exclusive federal jurisdiction?	No	Yes

Common Law v. Statute Law (cont)

#	Characteristic	Common Law (de jure)	Statutory/Franchise (de facto)
13	Subject to federal income tax ?	No	Yes
14	Subject to state income tax ?	No	Yes
15	Subject to state sales tax?	No	Yes
16	Subject to national military draft ? (See SEDM Form #05.030 http://sedm.org/Forms/FormInd ex.htm)	No	Yes
17	Citizenship of those domiciled therein	1. Constitutional but not statutory citizen. 2. "national" or "state national" pursuant to 8 U.S.C. §§1101 (a)(21) and 1452 . Not a statutory "U.S. citizen" pursuant to 8 U.S.C. §1401 .	Statutory "U.S. citizen" pursuant to 8 U.S.C. §1401
18	Licenses such as marriage license, driver's license, business license required in this jurisdiction?	No	Yes
19	Voters called	"Electors"	"Registered voters"
20	How you declare your domicile in this jurisdiction	1. Describing yourself as a " state national " but not a statutory " U.S. citizen " on all government forms. 2. Registering as an "elector" rather than a voter. 3. Terminating participation in all federal benefit programs.	1. Describing yourself as a statutory "U.S. citizen" on any state or federal form. 2. Applying for a federal benefit. 3. Applying for and receiving any kind of state license.
21	Standing in court to sue for injury to rights	Constitution and the common law.	Statutory civil law

Common Law v. Statute Law (cont)

#	Characteristic	Common Law (de jure)	Statutory/Franchise (de facto)
22	"Rights" within this jurisdiction are based upon	The Bill of Rights (PRIVATE rights)	Statutory franchises (privileges/PUBLIC rights)
23	"Citizens", "residents", and "inhabitants" of this jurisdiction are	Private human beings	Public entities such as government employees, instrumentalities, and corporations (franchisees of the government) ONLY
24	Civil jurisdiction originates from	Voluntary choice of domicile on the territory of the sovereign AND your consent . This means you must be a "citizen" or a "resident" BEFORE this type of law can be enforced against you.	Your right to contract by signing up for government franchises / "benefits". Domicile/residence is a prerequisite but is often ILLEGALLY ignored as a matter of policy and not law.

Basis of a “claim”/standing

- **At the common law, all claims filed in the action must:**
 - Satisfy all the “ELEMENTS” of a valid claim. See [Litigation Tool #10.012](#).
 - Identify a specific and quantifiable injury.
 - Establish a controversy between the parties over the facts or the law which the jury and/or court can supervise and officiate over, respectively. Absent controversy, there is no case.
 - Identify an express statutory waiver of sovereign immunity if the defendant is government and YOU are Plaintiff AND a [statutory “U.S. citizen”](#).
- **If you do not satisfy the above, then your case will be dismissed under:**
 - The appropriate STATE rule if it was filed in STATE court.
 - [Federal Rule of Civil Procedure 12\(b\)\(6\)](#) if it was filed in federal court.

Damages

- **Every claim requires damages.**
- **Damages can arise:**
 - By a specific statute, in the case of a civil franchise.
 - Under natural or EQUAL rights of the parties.
- **All damages result from:**
 - A theft of property of one kind or another.
 - Indirect economic damages caused by the deprivation of property
- **Property includes:**
 - Your time or labor.
 - Your physical property.
 - Your rights SECURED and RECOGNIZED but not CREATED by the constitution, which are the first nine amendments to the United States Constitution.
- **The ESSENCE of the ownership of property is: The right to EXCLUDE all others from using or benefitting from the use of specific property.**
- **If you can't exclude the government, then YOU AREN'T THE OWNER....THEY ARE.**

Damages

- **YOU and ONLY YOU** have a right to decide how much you want to charge others for the **USE** of your **LOANED** property.
- You should always enumerate the economic injury caused by the loss or deprivation of your property in your civil Complaint that commences the civil action.
- The following document is **VERY** useful in establishing your **NATURAL** or **COMMON LAW** rights that might have been damaged, and their economic value:

***Enumeration of Inalienable Rights*, Form #10.002**

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

DIRECT LINK: <http://sedm.org/Forms/10-Emancipation/EnumRights.pdf>

Damages

- The only way you can lose your property is **WITH** your consent in some form. Quotes on the subject from [Bouvier's Maxims of Law, 1856](#):
 - 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.
 - 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.
 - Non videtur consensum retinuisse si quis ex praescripto minantis aliquid immutavit. He does not appear to have retained his consent, if he have changed anything through the means of a party threatening. Bacon's Max. Reg. 33.
 - Omnis rati habitio retro trahitur et mandato aequiparatur. Every consent given to what has already been done, has a retrospective effect and equals a command. Co. Litt. 207.
- A deprivation **WITHOUT** your express consent is a **THEFT**.
- You should **ALWAYS** clearly state that your consent must be **EXPLICIT** and **IN WRITING** and not implied, and that you and a government officer must sign the document giving consent or it is **CONCLUSIVELY** presumed to **NOT** have been given.

What ISN'T “Damage”?

- A REFUSAL on your part to participate in a government “benefit” or **FRANCHISE** CANNOT form the basis by the government for an injury:

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

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

Creating Damages

- Tactics for ensuring there are DAMAGES for illegal enforcement activity by government of [civil franchises](#) against NONCONSENTING parties:
 - You should notify government far in advance of any injury the COST of the specific property that their illegal enforcement activity will deprive you of.
 - You should also notify and warn them at the COMMENCEMENT of any and every enforcement activity. Example: Traffic stop, IRS collection action, etc.
 - Everyone who demands your time or services or physical or real property in the government should be told that you [don't consent](#) AND should be provided with a Fee Schedule or Price List IN ADVANCE of any further enforcement.
 - Everything you give the government should be identified as a LOAN and not a GIFT, and CONTRACTUAL/[FRANCHISE](#) strings should ALWAYS be attached.
 - All [consent](#) by government or actors in government to YOUR offers and [franchises](#) should be IMPLIED rather than EXPLICIT, and invoke the Uniform Commercial Code (UCC), just like they do.
 - If they are treating you as a “[public officer](#)”, ensure that your first official act is to consent to your [franchise](#) on behalf of the government, to FORCE them to waive sovereign and official immunity.

Creating Damages

- For an example of how to do the above, see:

Injury Defense Franchise and Agreement, Form #06.027

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

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

Damages and Equal Protection

- **VERY IMPORTANT**: What can't be an injury or a damage for YOU ALSO cannot be an injury for ANYONE else under the concept of **EQUAL PROTECTION or EQUAL TREATMENT**
- **APPLICATION**:
 - If you claim to be injured by a government taking of property and they refuse to recognize it as an injury, then you have a RIGHT:
 - » To do EXACTLY to them what they did to YOU and they ALSO cannot complain of an injury or enforce it as a crime or punish you for it!
 - » To exercise the behavior against the judge or anyone in the government WITHOUT being prosecuted or punished.
 - Something has to be INJURIOUS before it can be a CRIME!
 - If it is a CRIME, then it is a CRIME for EVERYONE, not just YOU.
- **More details:**

Requirement for Equal Protection and Equal Treatment, Form #05.033
FORMS PAGE: <http://sedm.org/Forms/FormIndex.htm>
DIRECT LINK: <http://sedm.org/Forms/05-MemLaw/EqualProtection.pdf>

Franchises: Where's the Inured Party?

- **Nearly all franchise enforcement proceedings in federal court:**
 - Have no specific human being who is injured.
 - Are filed by the DE FACTO CORPORATION (“THIS State”) as an EMPLOYER, rather than as a CO-EQUAL “person”.
 - Proceed essentially as a CONTRACT violation, rather than common law proceeding. All [franchises](#) are contracts or agreements.
- **Because franchise proceedings have no specific, flesh and blood injured party, then:**
 - They have to be dismissed under the common law if you are a NON-franchisee.
 - Can only be sustained if they can demonstrate that you were [CONSENSUALLY](#) acting as a [franchisee](#) AT THE TIME OF THE ALLEGED VIOLATION. NEVER, EVER consent to do this.
- **Examples of such proceedings:**
 - Traffic “infractions” and traffic court.
 - Tax enforcement.
 - Family court enforcement.

Franchises: Where's the Inured Party?

- **ALWAYS** insist that:
 - You government opponent either produces an injured party as proof of jurisdiction or dismisses the action because you are not consensually involved in a [franchise](#).
 - You were not consensually acting as a [franchisee](#).
 - **PRESUMING** you are a statutory [franchisee](#) is a violation of due process, Fifth Amendment taking without your [consent](#), and unconstitutional eminent domain without compensation.
 - The [franchise](#) can only be enforced **LAWFULLY** on federal territory not protected by the Constitution where rights can be alienated with your [consent](#). [Unalienable rights](#) **CANNOT** lawfully be otherwise alienated.
 - The government pay your bill for **STEALING** your time, which is property, by wrongfully enforcing the [franchise](#) against a non-franchisee.
 - You don't [consent](#) to a trial without a jury. Most [franchise](#) courts **DO NOT** have or are not allowed by the judge to have a trial with a jury.

Challenging Jurisdiction

- All statutory civil law is law for GOVERNMENT and does not relate to PRIVATE parties. See:
Why Statutory Civil Law is Law for Government and not Private Persons,
Form #05.037
FORMS PAGE: <http://sedm.org/Forms/FormIndex.htm>
DIRECT LINK: <http://sedm.org/Forms/05-MemLaw/StatLawGovt.pdf>
- In a statutory enforcement proceeding that you are defending against or seeking to stop, you therefore MUST:
 - Establish yourself as a PRIVATE human being.
 - Establish that you do not have any “status” under any government civil law, such as “person”, “individual”, “taxpayer”, “spouse”, “driver”
 - Establish that you are NOT exercising agency on behalf of the state as a “[public officer](#)” and therefore are NOT subject to the statute in question.
 - Demand proof to the contrary.
- If there is a failure to produce VERIFIED EVIDENCE by your government opponent in response to the above approach, then:
 - You must put the government in default with a notice of default
 - Submit a criminal complaint into the public record against your government opponent for compelling you to CRIMINALLY impersonate a public officer in violation of [18 U.S.C. §912](#) or its state equivalent.

Challenging Jurisdiction (cont)

- Example research on how to challenge jurisdiction:
 1. Challenging Federal Jurisdiction Course, Form #12.010
<http://sedm.org/Forms/FormIndex.htm>
 2. Challenge to Income Tax Enforcement Authority Within Constitutional States of the Union, Form #05.052
<http://sedm.org/Forms/FormIndex.htm>
 3. Challenging Jurisdiction Workbook, Form #09.082
<http://sedm.org/Forms/FormIndex.htm>
 4. Federal Jurisdiction, Form #05.018
<http://sedm.org/Forms/FormIndex.htm>
 5. Federal Enforcement Authority Within States of the Union, Form #05.032
<http://sedm.org/Forms/FormIndex.htm>
 6. Why Your Government is a Thief or You are a Public Officer for Income Tax Purposes, Form #05.008
<http://sedm.org/Forms/FormIndex.htm>
 7. The “Trade or Business” Scam, Form #05.001
<http://sedm.org/Forms/FormIndex.htm>

Service of Process/Summons

- **The defendant in every action must be physically and personally served with the Complaint and Summons within the district the court services.**
 - The action does NOT commence until personal service.
 - The action should be commenced:
 - » In the place of domicile of the Defendant, not the Plaintiff if no crime is involved.
 - » At the place of the crime if crime is involved.
 - If the place of domicile is in a different STATE, then the civil action must be commenced in a federal court and CONSTITUTIONAL (not STATUTORY) diversity of citizenship must be invoked.
- **All pleadings filed in the case AFTER the service of summons are served with a Certificate/Proof/Affidavit of Service by Mail, Form #01.001. This Proof of Service must be signed by OTHER than you, if you are not an attorney.**

The initial Complaint/Response

- **The initial Complaint should:**
 - Be filed in the place of domicile of the defendant or respondent. See: *Why Domicile and Becoming a “Taxpayer” Require Your Consent*, Form #05.003
<http://sedm.org/Forms/FormIndex.htm>
 - Completely and unambiguously establish all the required elements of a valid claim for relief. For a list of the necessary elements, see: *Civil Causes of Action*, Litigation Tool #10.012
<http://sedm.org/Litigation/LitIndex.htm>
 - Contain an Affidavit of Material Facts describing all material facts, signed under penalty of perjury.
 - State that each fact not specifically rebutted shall conclusively be established as admitted under [Federal Rule of Civil Procedure 8\(b\)\(6\)](#), or under the equivalent state rule.
 - Contain the following as an attachment if filed in federal court: *Federal Pleading/Motion/Petition Attachment*, Litigation Tool #01.002
<http://sedm.org/Litigation/LitIndex.htm>
 - Include a fee [schedule/franchise](#) if your opponent does not satisfy the burden of proof to prove their defense or claim.

Motions after commencement

- The local rules of court usually specify the **MINIMUM NUMBER OF DAYS** before the scheduled hearing in which to file a pleading for the hearing.
- If the pleading was **NOT MAILED** within the time limit specified, the court cannot address anything covered in the pleading at the hearing **BECAUSE** it deprives the respondent of **reasonable notice** and sufficient time to prepare and respond. This is called “blind siding” by attorneys.
- If you are litigating in federal court, you can file your motions **ELECTRONICALLY** through the **PACER system**, if you get an account and apply for the **PRIVILEGE** through the court clerk. See:
 - <http://pacer.psc.uscourts.gov/>

Special appearances to challenge jurisdiction

- In cases where jurisdiction is challenged by a party, the challenging party:
 - Cannot make a “general appearance”. A general appearance constitutes CONSENT to the jurisdiction of court and essentially a “waiver of sovereign immunity”.
 - Birth Certificate is the defendant, not the human being.
 - Must make a “special appearance” to challenge jurisdiction.
 - Must appear as “in propria persona” ONLY. This must be clearly stated on the record.
 - May not enter the well or cross the bar UNTIL EVIDENCE of jurisdiction is entered into the record of the proceeding.
- Definitions
 - “special appearance”

“An appearance may be either general or special; the former is a simple and unqualified or unrestricted submission to the jurisdiction of the court, the latter a submission to the jurisdiction for some specific purpose only, not for all the purposes of the suit. Louisville & N. R. Co. v. Industrial Board of Illinois, 282 Ill. 136, 118 N.E. 483, 485. A special appearance is for the purpose of testing the sufficiency of service or the jurisdiction of the court; a general appearance is made where the defendant waives defects of service and submits to the jurisdiction. State v. Huller, 23 N.M. 306, 168 P. 528, 534, 1 A.L.R. 170.”

[Black’s Law Dictionary, Fourth Edition, p. 125]

Recording proceedings

- **Most courts have rules prohibiting audio or video recording in the courtroom.**
- **Court rules can only restrain the rights of OFFICERS OF THE COURT, not PRIVATE PARTIES.**
- **Under the common law, you have a right to record court proceedings.**
- **Before the start of a COMMON LAW proceeding, you should bring an audio/video recorder or smart phone and begin the proceeding by stating:**
 - “I have a common law right to record this proceeding, and the recorder will be placed on the table in front of me.”
- **The judge cannot object because he is usually forbidden by either statute or the constitution from practicing law as a judge and can't enforce rules of court against OTHER than a licensed attorney.**
- **The only person who CAN object is the opposing party, and if they object, they must satisfy the burden of proof that you DON'T have that NATURAL right.**

Dealing with the judge

- **The judge is a REFEREE, not a PROSECUTOR:**
 - He can't ask questions or conduct discovery.
 - He is prohibited from “practicing law” while on the bench.
 - He cannot therefore “represent” the defendant or the plaintiff.
 - He cannot enter a plea for you in a criminal case that you refuse to enter, because then he is representing you and practicing law illegally.
- **If the judge asks you a question:**
 - Pretend he/she isn't there.
 - Insist that all questions:
 - » Must be entered into the record and **IN WRITING** in the record.
 - » Will be responded to **ONLY IN WRITING** in the record.

There should be no oral communication that depends on the clerk of court, because judges routinely try to tamper with court transcripts to protect their own criminal tampering of the proceedings.
- **Introduce evidence to the CLERK, not the JUDGE. When doing so, say:**

“ _____ submits Exhibit ____ to the Clerk of Court for the record establishing _____ ”

Dealing with the judge (cont.)

- **If you have to ask the Court for something, identify that thing as something for the JURY and not the judge to award it.**
- **Keep the judge in HONOR, meaning don't give him ANY opportunity to "practice law" or become a prosecutor.**
- **Do not:**
 - **Motion the court or the judge for ANYTHING. ONLY talk to the prosecutor.**
 - **Attack or piss off the judge.**

Using silence to create agreement and remove controversy

- Unrebutted facts constitute an admission.
- A rebuttal is not necessary unless the fact is stated under penalty of perjury as an affidavit.
- Federal Rule of Civil Procedure 8(b)(6):

Federal Rules of Civil Procedure

Rule 8. General Rules of Pleading

(b) Defenses; Admissions and Denials.

(6) Effect of Failing to Deny.

An allegation—other than one relating to the amount of damages—is admitted if a responsive pleading is required and the allegation is not denied. If a responsive pleading is not required, an allegation is considered denied or avoided.

[SOURCE: http://www.law.cornell.edu/rules/frcp/rule_8]

- Every state of the Union has a rule equivalent to the above.

See:

SEDM Jurisdictions Database Online, Litigation Tool #09.004

<http://sedm.org/sedm-jurisdiction-online/>

- **All men and “persons” are equal**, and therefore if the above rule applies to the Plaintiff and/or the Respondent, then it **MUST** also apply to the **GOVERNMENT**.

Certificates of Default and Criminal Complaints

- **When your opponent fails to deny material facts stated under penalty of perjury in your Affidavit of Material Facts, then you should:**
 - Enter a Certificate of Default in the record.
 - Enter a Criminal Complaint in the record if there is a criminal consequence to the facts that then have become true.
- **The reason you need a Criminal Complaint is to establish a DUTY to deny. If they don't deny, then they are criminally complicit and become a PARTY to the crime. See 18 U.S.C. § 3 and 4.**

Keeping the burden of proof on your opponent

- In all civil actions, the burden of proof rests on the PLAINTIFF in:
 - Establishing a valid claim.
 - Establishing jurisdiction of the court.
 - Responding to challenges to the jurisdiction of the court by the Defendant or Respondent.
- Do NOT put the burden of proof on the judge, or you will:
 - Dishonor him by forcing him to “practice law”.
 - Piss him off.
- Burden of proof can ONLY be satisfied with LEGAL evidence submitted under penalty of perjury.
- Neither government prosecutors nor judges are FACT witnesses. They:
 - Therefore are INCAPABLE of satisfying the burden of producing evidence to support ANY position.
 - Must involve a neutral third party under oath or perjury in order to produce ANY evidence.

Pleading Organization

- **Suggested COMPLAINT pleading sections**

- 1. INTRODUCTION**
- 2. JURISDICTION**
- 3. ELEMENTS OF CLAIM**
- 4. DAMAGES**
- 5. REMEDY SOUGHT**
- 6. CONCLUSIONS**

- **Suggested RESPONSE pleading sections**

- 1. INTRODUCTION**
- 2. JURISDICTION**
- 3. AFFIRMATIVE DEFENSES**
- 4. REMEDY SOUGHT**
- 5. CONCLUSIONS**

Writing Pleadings

- **Video tutorials on how to write pleadings:**
 - Support Page, Section 9.1: Video Tutorial, Using Microsoft Word Pleading Templates, MS Word 2003
<http://sedm.org/Support/Support.htm>
 - Support Page, Section 9.2: Video Tutorial, using Microsoft Word Pleading Templates, MS Word 2007
<http://sedm.org/Support/Support.htm>
- **Things NOT to do in your pleadings:**
 - Cite civil statutes, which only pertain to government officers. See:
Why Statutory Civil Law is Law for Government and not Private Persons, Form #05.037
<http://sedm.org/Forms/FormIndex.htm>
 - Allege any status under a civil statute, such as “taxpayer”, “person”, “individual”, “spouse”, “driver”, “voter”, etc.
- **For further information, see:**
Legal Research and Writing Techniques, Litigation Tool #10.005
<http://sedm.org/Litigation/LitIndex.htm>

Discovery

- **Three types of discovery:**
 - **Interrogatories**: Open ended questions send in writing to the other party. Number usually limited by state statute or court rule.
 - **Request for Admissions**: Yes or no questions to other party. Number usually limited by state statute or court rule.
 - **Request for Production of Documents**: Requests for documents in the possession of the other party. Often if other party says they don't have it, they cannot LATER introduce it into evidence unless it becomes available AFTER the RFPD.
 - **Depositions**: Oral interrogation of the other party with court reporter present. Usually requires evidence to talk about gathered using one of the three above methods. No limit on amount of time.
- **Rules of discovery:**
 - Conduct discovery as early in the proceeding as possible.
 - You cannot ask for answers or evidence ALREADY in your possession.
 - Rules of evidence govern what is and is not admissible.
- **It is always best to ask the judge as part of the first motion to list the rules he will require you to follow in order to get your evidence admitted for the jury trial. That way he can't make up the rules or change the rules as he goes on, if the evidence injures the government and he doesn't want to admit it.**

Useful Reference

Federal Civil Trials and Evidence, Rutter Group

<http://legalsolutions.thomsonreuters.com/law-products/Practice-Materials/Federal-Civil-Trials-and-Evidence-The-Rutter-Group-Practice-Guide/p/100029673>

Federal Litigation Quick Reference, Litigation Tool #10.001

<http://sedm.org/Litigation/LitIndex.htm>

Finding and learning court rules

Sources for court rules:

- **Legal Research Sources** (OFFSITE LINK)
<http://famguardian.org/TaxFreedom/LegalRef/LegalResrchSrc.htm>
- **State Legal Research Sources** (OFFSITE LINK)
<http://famguardian.org/TaxFreedom/LegalRef/StateLegalResources.htm>
- **SEDM Jurisdictions Database**, Litigation Tool #09.003
<http://sedm.org/Litigation/09-Reference/SEDMJurisdictionsDatabase.pdf>
- **SEDM Jurisdictions Database Online**, Litigation Tool #09.004
<http://sedm.org/sedm-jurisdiction-online/>

Litigation Support Forums

- Those litigating in court may want to consult with other members in forming their strategy.
- The SEDM Member Forums offer the following litigation support categories:
 - [General law \(ALL Members\), Forum 3.1](#)
 - [Litigation \(ALL Members\), Forum 3.3](#)
 - [Legal Research \(ALL Members\)](#)
 - [Litigation Support \(Member Subscriptions only\), Forum 6](#)
- The Family Guardian Sister website also offers the following free litigation related forums:
 - [Legislative Alerts and Updates, Forum 2.2](#)
 - [Court Litigation and Prosecutions, Forum 2.3](#)
 - [Court and Legal Profession Corruption, Forum 3.2](#)
 - [Defending Your Rights, Forum 5.4](#)
 - [Legal Activism, Forum 5.6](#)

Conclusions

- **Litigation in general can be complex. We cannot over-emphasize the need for:**
 - Establishing a complete administrative record that demonstrates criminal activity of the government AND immunizes you from prosecution. This is the best way to PREVENT litigation. See:
Techniques for Building a Good Administrative Record, Form #09.008
FORMS PAGE: <http://sedm.org/Forms/FormIndex.htm>
DIRECT LINK: <http://sedm.org/Forms/ResponseLetters/Guidance/AdminRecord/AdminRecord.htm>
 - Thorough preparation and legal study on your part.
 - Creating or joining a law study group either locally or online.
- **Framing your case properly will immunize you against all the under-handed tactics of a corrupted de facto government.**
- **If you need further assistance on the subject of this pamphlet, see:**
 - *SEDM Litigation Tools Page*
<http://sedm.org/Litigation/LitIndex.htm>
 - *Sovereignty and Freedom Page, Section 7.3: Practice Guides*
<http://famguardian.org/Subjects/Freedom/Freedom.htm>
 - *Responding to a Criminal Tax Indictment*, Litigation Tool #10.004
<http://sedm.org/Litigation/LitIndex.htm>
 - *Civil Court Remedies for Sovereigns: Taxation*, Litigation Tool #10.002
<http://sedm.org/Litigation/LitIndex.htm>

SEDM Resources: Digging Deeper

- ***Challenging Federal Jurisdiction Course***, Form #12.010
<http://sedm.org/Forms/FormIndex.htm>
- ***Maxims of Law***, Family Guardian Fellowship-legal maxims you can use in your pleadings
<https://famguardian.org/Publications/BouvierMaximsOfLaw/BouviersMaxims.htm>
- ***Hot Issues: Laws of Property***, SEDM-laws of property are the basis of the common law
<https://sedm.org/laws-of-property/>
- ***Hot Issues: Common Law Litigation***, SEDM
<https://sedm.org/common-law-litigation/>
- ***Hot Issues: Dealing with Corrupt Judges** (Member Subscriptions)***
<https://sedm.org/dealing-with-corrupt-judges/>
- ***Rebutted False Arguments About the Common Law***, Form #08.025
<http://sedm.org/Forms/FormIndex.htm>
- ***Federal Jurisdiction***, Form #05.018
<http://sedm.org/Forms/FormIndex.htm>
- ***Resignation of Compelled Social Security Trustee***, Form #06.002-how to lawfully quit the socialism franchise
<http://sedm.org/Forms/FormIndex.htm>

SEDM Resources: Digging Deeper

- **Government Instituted Slavery Using Franchises**, Form #05.030-how the government abuses franchises to enslave and oppress those they are supposed to be protecting
<http://sedm.org/Forms/FormIndex.htm>
- **Corporatization and Privatization of the Government**, Form #05.024-proof that what used to be “government” has become a private corporation and not a government
<http://sedm.org/Forms/FormIndex.htm>
- **De Facto Government Scam**, Form #05.043
<http://sedm.org/Forms/FormIndex.htm>
- **Why Your Government is Either a Thief or You are a “Public officer” for Income Tax Purposes**, Form #05.008
<http://sedm.org/Forms/FormIndex.htm>
- **Proof That There Is a “Straw Man”**, Form #05.042-proves that franchises are the main vehicle by which the “straw man” is created. Provides court admissible evidence of the existence of the straw man.
<http://sedm.org/Forms/FormIndex.htm>

Free Legal Treatises

- We have compiled an exhaustive list of FREE Legal Treatises.
- This list of treatises contains many free only law books, including student materials, which you can use in your own study of the law.

- The link:

Free Legal Treatises

<https://sedm.org/litigation-main/free-legal-treatises/>

- The above link also appears at the top of the following under “Onsite Legal Research Links):

Litigation Tools Page

<http://sedm.org/Litigation/LitIndex.htm>

Related Free Legal Treatises

- ***The Law of Private Right***, George Smith, 1890
<http://books.google.com/books?id=tjZDAAAIAAJ>
- ***Common Law Practice Guide, Litigation Tool #10.013***
<https://sedm.org/Litigation/10-PracticeGuides/CourtSurvivalGuide.pdf>
- ***Private Law Remedies for Extraterritorial Human Rights Violations***, Eric Engle
<http://books.google.com/books?id=a9Q2xSYYIMwC>
- ***Remedies and Remedial Rights by The Civil Action***, John Pomeroy, 1876
<http://books.google.com/books?id=vho-AAAIAAJ>
- ***An Examination of the Law of Personal Rights***, Ammiel Willard, 1882
<http://books.google.com/books?id=plCtAAAAMAAJ&printsec=frontcover>
- ***Principles of the Law of Personal Property***, Joshua Williams
<http://books.google.com/books?id=ePFBAAYAAJ>
- ***A Concise Treatise on Private International Jurisprudence***, John Foote
<http://books.google.com/books?id=BakNAAAAYAAJ>

Getting Connected: Resources

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

Sovereignty Education and Defense Ministry (SEDM)

- **Founded in 2003**
- **A non-profit Christian/religious ministry**
- **Mission statement found at:**
<http://sedm.org/Ministry/AboutUs.htm>
- **Articles of Mission, Form #01.004 available at:**
<http://sedm.org/Ministry/SEDMArticlesPublic.pdf>
- **Managed by a board of ordained ministers**
- **Ministry offerings are completely consistent with materials found on the [Family Guardian Website](#)**
- **Educational course materials available only to “members”, who must be “nonresident aliens” and “nontaxpayers” not engaged in the “[trade or business](#)” excise taxable [franchise](#) and who believe in God**
- **All educational materials obtained online *only***
- **Signed [Member Agreement, Form #01.001](#) required to join or obtain any ministry offerings**
- **Based out of (but NOT [domiciled](#) or [resident](#) in) Canada and outside of jurisdiction of United States government**
- **Focus exclusively on *human beings* and not *businesses***
- **See the “[About Us](#)” page for further details on the ministry**
- **See our Frequently Asked Questions page, which answers most questions to or about us:**
<http://sedm.org/FAQs/FAQs.htm>

Sovereignty Education and Defense Ministry (SEDM)

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

Sovereignty Education and Defense Ministry (SEDM)

- **WE DO NOT:**

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

Flawed Tax Arguments to Avoid, Form #08.004

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

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

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

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

SEDM Educational Curricula

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

SEDM Educational Curricula (cont.)

- **Member Subscriptions**

- Subscription service with premium content and services for those who are Members. Annual subscription required
- See: <https://sedm.org/participate/member-subscriptions/>

- **CD-ROMS**

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

- **DVD-ROMS**

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

SEDM Educational Curricula (cont.)

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

The SEDM Approach

- There is much to know in order to effectively combat illegal activity of all kinds by the government, including illegal enforcement of the tax laws by the IRS
- SEDM exists to provide educational materials that will help you get educated
- We won't fight the battle for you, but we provide tools to help you in your own fight to defend your rights as a "[nontaxpayer](#)" and a sovereign American National
- We can only educate and equip people who:
 - Consent to our [Member Agreement, Form #01.001](#)
 - Are "[nontaxpayers](#)"
 - Are not "[U.S. citizens](#)", "[U.S. persons](#)", or "U.S. residents"
 - Have no income connected with a "[trade or business](#)" in the District of Columbia
 - Are [domiciled](#) outside of the federal "[United States](#)"/[federal zone](#)
 - Have committed themselves to getting educated so the IRS can't exploit their ignorance to victimize them
 - Do not have any contracts or employment with the federal government
- Getting educated and being vigilant in defending your legal rights is the key to staying sovereign
- We want to help you get educated, be self governing, and separate yourself from [the government "matrix"](#). We as believers are the "church" and everyone else is the "state" and we seek separation of church and state.

Questions?

