

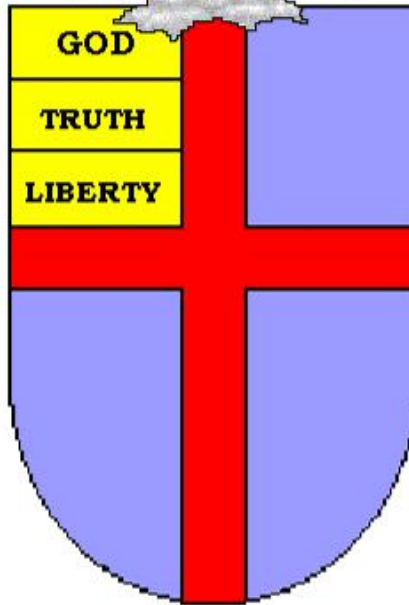
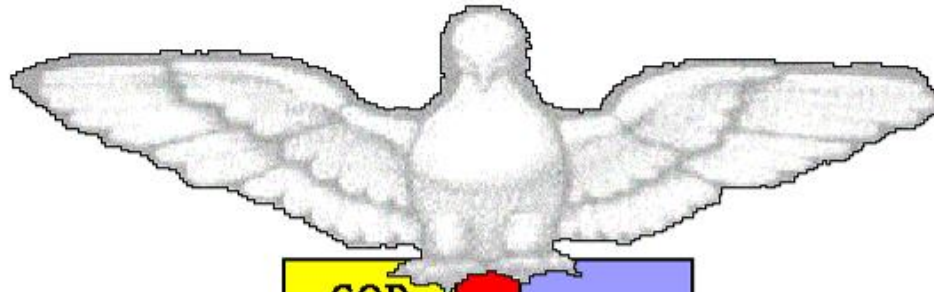
# **Private Right or Public Right? Form #12.044**

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

**<http://sedm.org>**

**Sept. 9, 2021**

**S E D M**



# Course Materials

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

- Forms Page, Form #12.044

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



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# ***Course Outline***

- 1. Introduction**
- 2. Review of Basic Principles of CIVIL Jurisdiction (over property)**
- 3. Definitions**
- 4. Rights as Property**
- 5. Government Property**
- 6. Authority of governments to civilly regulate derives from government property**
- 7. Regulation/enforcement occurs by imposing civil statutory “obligations”**
- 8. Private Rights v. Public Privileges**
- 9. What keeps PRIVATE rights separate from PUBLIC rights?**
- 10. Obligations are created by GRANTING/LOANING property with conditions/strings**
- 11. Public Rights/Property are LEGISLATIVELY CREATED in the DEFINITIONS PORTION OF STATUTES**
- 12. Types of Obligations**

# ***Course Outline***

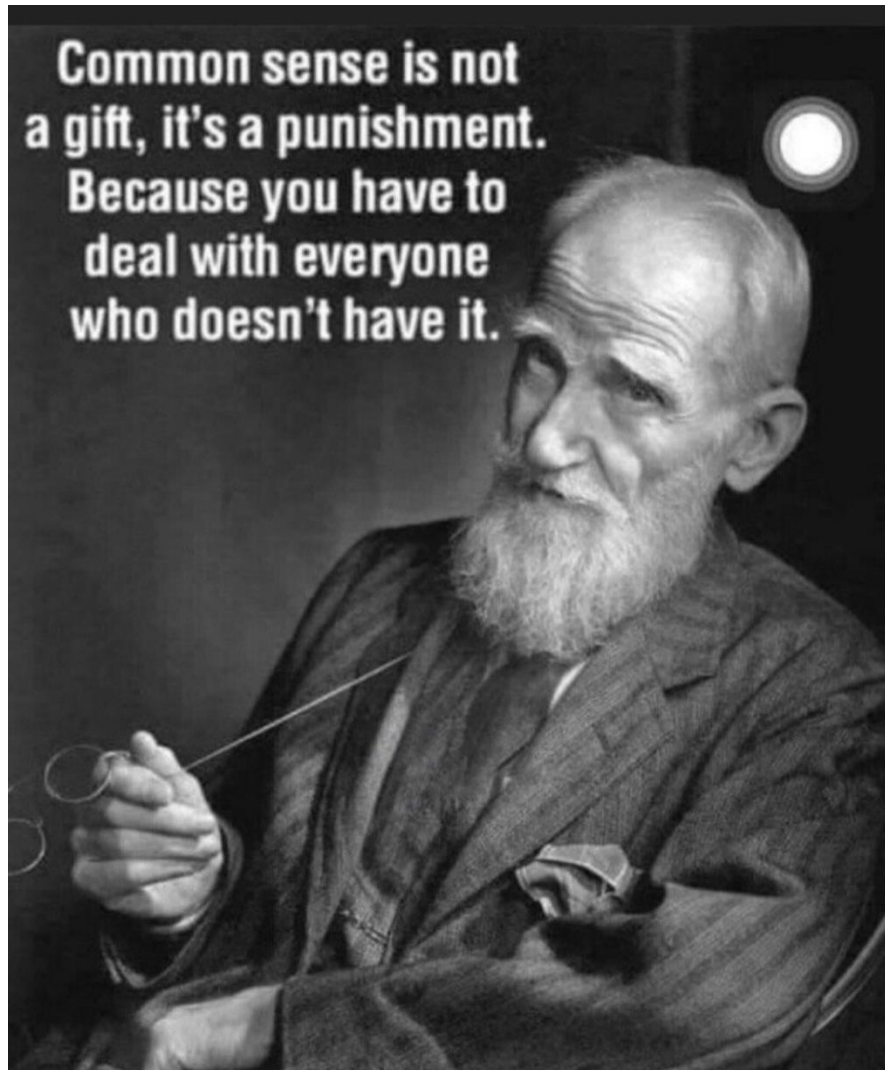
- 13. Examples of property that Uncle Grants/Loans You to make you an Obligor**
- 14. Use, not Possession, of Government Property is what makes You an Obligor**
- 15. Uncle is in the Property Rental Business**
- 16. Ability to regulate private property is unconstitutional except by consent**
- 17. Rules for Converting Private property to Public property**
- 18. How to apply these concepts to a SPECIFIC statute to discern if it's a privilege or a right**
- 19. How the government tries to confuse PUBLIC and PRIVATE: Equivocation**
- 20. Court jurisdiction over property**
- 21. Questions for the Court About Jurisdiction Over MY PRIVATE Property**



# ***Course Outline***

- 22.**What is a “slave”?
- 23.**Avoiding PUBLIC Rights and their Corresponding Obligations
- 24.**Conclusions
- 25.**FAQ: Isn't SEDM privileged by virtue of copyrighting its materials?
- 26.**Digging Deeper
- 27.**Getting Connected: Resources
- 28.**SEDM
- 29.**Question?

# ***DEDICATION***



# ***DEDICATION***



**JUST TESTED  
POSITIVE FOR  
SOVEREIGNTY**

**SYMPTOMS INCLUDE :  
CRITICAL THINKING  
BODILY AUTONOMY  
SPEAKING YOUR TRUTH  
THE GIFT OF DISCERNMENT  
STANDING UP AGAINST TYRANNY  
ADVOCATING FOR YOUR CHILDREN  
SOCIALY DISTANCING FROM THE SYSTEM**

# ***Introduction***

- **Most Americans have no legal training.**
- **As a result, they aren't aware of:**
  - What their unalienable or PRIVATE rights are.
  - When and how they are lawfully surrendered.
  - How to distinguish a PRIVATE right from a PUBLIC right.
  - How to avoid surrendering their PRIVATE/CONSTITUTIONAL rights to retain their freedom.
- **The laws of property are the starting point for answering the above questions. They are discussed in:**  
*Separation Between Public and Private Course, Form #12.025*  
<https://sedm.org/LibertyU/SeparatingPublicPrivate.pdf>
- **This course will apply concepts in the above presentation to give you tools to answer the above questions.**
- **In this course, “PUBLIC RIGHT”, “PRIVILEGE”, and “FRANCHISE” are all synonymous. For the definition of these and other terms in the context of this website, see:**  
*SEDM Disclaimer, Section 4: Meaning of Words*  
<https://sedm.org/disclaimer.htm>
- **This course limits itself to CIVIL matters. The concepts discussed are not related to CRIMINAL matters.**

## ***Review of Basic Principles of CIVIL Jurisdiction (over property)***

- **Ownership and control over property are synonymous.**
- **ABSOLUTE ownership and control over property is what the courts have interpreted “pursuit of happiness” in the constitution to mean in a political sense.**
- **By trying to take control over your property in any way or convert it from PRIVATE to PUBLIC, the government is engaging in a CRIMINAL CONSPIRACY to deprive you of “happiness”.**
- **The main and ONLY method of creating government civil statutory jurisdiction is control over GOVERNMENT property (publici juris).**
- **By “GOVERNMENT property” we mean PUBLIC property that the government is either the EXCLUSIVE (ABSOLUTE) owner or SHARED (qualified) owner of.**
- **The civil statutory code are the RULES for controlling/handling GOVERNMENT/PUBLIC property AND not private PROPERTY. See:**

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

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

## ***Review of Basic Principles of CIVIL Jurisdiction (over property)***

- If you want to receive the “benefit” of use of government property, then you must join the “collective” as a CIVIL STATUTORY “citizen”, “resident”, “person”, etc.
- Anyone who intends to use or benefit from government/public property needs LEGISLATIVE PERMISSION derived directly and ONLY from the CIVIL STATUTORY LAW (Form #05.037). We are a “society of laws and not men” as the U.S. Supreme Court said in Marbury v. Madison.
- Anything that requires “permission” is what the courts call a “privilege”
- “Republic”=“res” (a thing, meaning PROPERTY) + “Public” (shared ownership).
- The origin of the political term “Commonwealth” refers to this SHARED or COLLECTIVE (Form #12.024) ownership.
- “publici juris” means the collection of all property that the public or “state” shares COLLECTIVE and ABSOLUTE ownership or any degree of control over.

# ***Review of Basic Principles of CIVIL Jurisdiction (over property)***

- **PUBLIC** property includes physical property, chattel property, land, and legislatively created **CIVIL PRIVILEGES** (public rights).
- The Bible, **AT THE VERY BEGINNING NO LESS**, identifies it as a **SIN** to **CONTRIBUTE TO**, participate in, or receive the “benefit” of **COLLECTIVELY** owned property. See: [Exodus 32](#).

*“Where do wars and fights come from among you? Do they not come from your desires for pleasure [unearned money from the government] that war in your members [and your democratic governments]? You lust [after other people's money] and do not have. You murder [the unborn to increase your standard of living] and covet [the unearned] and cannot obtain [except by empowering your government to STEAL for you!]. You fight and war [against the rich and the nontaxpayers to subsidize your idleness]. Yet you do not have because you do not ask [the Lord, but instead ask the deceitful government]. You ask and do not receive, because you ask amiss, that you may spend it on your pleasures. **Adulterers and adulteresses! Do you not know that friendship with the world [or the governments of the world] is enmity with God?** Whoever therefore wants to be a friend [“citizen”, “resident”, “person”, “taxpayer”] of the world [or the governments of the world] makes himself an enemy of God.”*  
[\[James 4:4](#) , Bible, NKJV]

# ***Review of Basic Principles of CIVIL Jurisdiction (over property)***

- The symbolism contained in the [Exodus 32](#) metaphor reveals the following PROFOUND lessons learned or “morals”:
  - The Golden Calf was an object of idol worship in violation of the [Ten Commandments \(Exodus 20\)](#), namely the first FOUR commandments to serve ONLY God, and which Moses was receiving on the mountain (as the Ten Commandments) WHILE the people conspired to violate those very same commandments!
  - The Golden Calf is a symbol or metaphor for COMMUNITY or COLLECTIVE or SHARED or QUALIFIED ownership over property and the renunciation of ABSOLUTE PERSONAL ownership over property. Exodus 32:1.
  - In order to CREATE the Golden Calf, the people had to give up their PRIVATE wealth in the form of physical gold and donate it to be melted down into the Golden Calf, which was a symbol of QUALIFIED or SHARED ownership.
  - Before they could be convinced to donate their PRIVATELY or INDIVIDUALLY or ABSOLUTELY owned gold/money, they had to fall prey to a devious political ruler who coveted money and power and wanted to control and abuse large groups of people.
  - After the property was donated and converted from PRIVATE to PUBLIC, then through that property, the people could be controlled by OTHER than God. Thus, they were recruited to follow FALSE idols. An idol is anything that has a greater importance or value or power than an INDIVIDUAL human being, and which therefore serves as a SUBSTITUTE for God. Thus, the term “supernatural powers” is used to define “religion” in Blacks Law Dictionary, meaning ABOVE the natural, which is YOU.



# ***Review of Basic Principles of CIVIL Jurisdiction (over property)***

- The **ONLY** thing that can be **ABOVE** you is God. If anything or anyone else is **ABOVE** you **OTHER** than God, including political rulers, then you are worshipping “false idols” **JUST LIKE** the Golden Calf. That is why God calls Himself “The Most High” throughout the Bible!
- God revealed His “wrath” towards the people for placing **ANYTHING** above themselves **OTHER** than God, which in the case of Moses were political rulers or wealth. He said they had **CORRUPTED** themselves! [Exodus 32:7](#).
- In modern terms, **SHARED** or **QUALIFIED** or **COMMUNITY** ownership of property is what “socialism” is as we define it. Thus, God is against “[socialism](#)”. See the following for our definition of “[socialism](#)”:
  - **SEDM Disclaimer, Section 4.27**  
<https://sedm.org/disclaimer.htm>
  - ***Abuse of the word “Socialism” by Democrats to Defend Socialism, SEDM***  
<https://sedm.org/abuse-of-the-word-socialism-by-democrats-to-defend-socialism/>
  - ***Socialism: The New American Civil Religion, Form #05.016***  
<https://sedm.org/Forms/05-MemLaw/SocialismCivilReligion.pdf>
- The **ONLY** law system which makes **SHARED** or **QUALIFIED** or **COMMUNITY** ownership **IMPOSSIBLE** and **IRRELEVANT** is the [common law \(Form #08.025\)](#).

# Review of Basic Principles of CIVIL Jurisdiction (over property)

- If you attach yourself to any [civil STATUTORY statuses](#) such as “[citizen](#)”, “[resident](#)”, “[person](#)”, etc., then you have:
  - Converted your own civil status from PRIVATE to PUBLIC.
  - Donated or converted ownership of your property from PRIVATE to PUBLIC as the original owner.
- The donation occurs when you:
  - Use government property, civil statutory statuses, or STATUTORY identifying numbers which are also government property in connection with formerly private property
  - Apply for or request government STATUTORY benefits, employment, or entitlements described in [5 U.S.C. §553\(a\)](#).
  - Invoke the “benefit” of the [civil statutory franchise code \(Form #05.037\)](#) in FRANCHISE court to protect your formerly private property RATHER than invoking the common law and/or the constitution. Franchise courts are Article I and Article IV courts in the Executive rather than the Judicial Branch of the government.
- Under the concept of [equal protection and equal treatment \(Form #05.033\)](#), you can use EXACTLY the same tactics to convert PUBLIC/GOVERNMENT property to PRIVATE property. This is because ALL are treated equally under REAL LAW. [Form #05.033](#).  
Fight fire with fire!

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

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

# ***Review of Basic Principles of CIVIL Jurisdiction (over property)***

- It is truly unfortunate that the Biblical message on this subject is not more direct or explicit so that Christians would be more aware of these biblical prohibitions. Let those who have an ear hear!
- Below, however, is EXACTLY what the covetous rulers are doing from the Bible:

## ***Israel's Obstinate Disobedience***

***21 The LORD is well pleased for His righteousness' sake;  
He will exalt the law [HIS law ONLY] and make it honorable.***

***22 But this is a people robbed and plundered;  
All of them are <sup>[f]</sup>snared in holes,  
And they are hidden in prison houses;  
They are for prey, and no one delivers;  
For **plunder [taxation]**, and no one says, "Restore!"***

***23 Who among you will give ear to this?  
Who will listen and hear for the time to come?***

***24 Who gave Jacob for plunder, and Israel to the robbers?***

***Was it not the LORD,  
He against whom we have sinned?  
For they would not walk in His ways,  
Nor were they obedient to His law [Form #13.001].***

***25 Therefore He has poured on him the fury of His anger  
And the strength of battle;  
It has set him on fire all around,  
Yet he did not know [LEGAL IGNORANCE];  
And it burned him,  
Yet he did not take it to heart.***

***[Isaiah 42:21-25, Bible, NKJV]***

## ***Review of Basic Principles of CIVIL Jurisdiction (over property)***

- For another biblical example of political rulers who make a literal PROFESSION out of hunting men, read the story of the first city, Babylon and its mayor, Nimrod, who the Bible describes as “a mighty hunter” in [Gen. 10-8-11](#).  
**QUESTION:** What do you suppose the MAYOR/KING of the FIRST CITY in the Bible actually “hunted”? It wasn’t animals.  
**ANSWER:** MEN! DUUH!
- **POLITICANS** are **PREDATORS**, not **PROTECTORS**, according to [God’s Law](#)! That’s why the Bible forbids having a KING above you or between you and God in [1 Sam. 8:10-22](#). That’s why the bible is so INDIRECT about this subject: So it wouldn’t be censored!
- The Trojan Horse story also symbolizes these basic concepts. Beware of enemies bearing “grants” or “gifts” or “benefits” or “entitlements”!  
  
*“Many [if not MOST people] seek the [ruler’s favor](#) [[PRIVILEGES, Form #05.030](#)], But [justice](#) [[Form #05.050](#)] for man comes from the Lord [[His Law](#)].”*  
*[[Prov. 29:26](#), Bible, NKJV]*

# ***Review of Basic Principles of CIVIL Jurisdiction (over property)***

- The secular [U.S. Supreme Court](#) has also recognized these concepts in the political realm:

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

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

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

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***"A tax, in the general understanding of the term and as used in the constitution, signifies an exaction for the support of the government. The word has never thought to connote the expropriation of money from one group [the working or the rich] for the benefit of another [the poor, the retired, or the unemployed]."***

***[U.S. Supreme Court in [United States v. William M. Butler, 297 U.S. 1 \(1936\)](#)]***

# Review of Basic Principles of CIVIL Jurisdiction (over property)

*“Here I close my opinion. I could not say less in view of questions of such gravity that they go down to the **very foundations of the government**. If the provisions of the Constitution can be set aside by an act of Congress, where is the course of usurpation to end?*

*The present **assault upon capital** [THEFT! and WEALTH TRANSFER by unconstitutional taxation] is but the beginning. **It will be but the stepping stone to others larger and more sweeping**, until our political contest will become war of the poor against the rich; a war of growing intensity and bitterness.”*

*[Supreme Court in Pollock v. Farmers’ Loan & Trust Co., [157 U.S. 429](#), 158 U.S. 601 (1895), hearing the case against the first income tax passed by Congress that included people in states of the Union. They declared that first income tax UNCONSTITUTIONAL, by the way]*

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***"In Calder v. Bull, which was here in 1798, Mr. Justice Chase said, that there were acts which the Federal and State legislatures could not do without exceeding their authority, and among them he mentioned a law which punished a citizen for an innocent act; a law that destroyed or impaired the lawful private [labor] contracts [and labor compensation, e.g. earnings from employment through compelled W-4 withholding] of citizens; a law that made a man judge in his own case; and a law that took the property from A [the worker]. and gave it to B [the government or another citizen, such as through social welfare programs]. 'It is against all reason and justice,' he added, 'for a people to intrust a legislature with such powers, and therefore it cannot be presumed that they have done it. They may command what is right and prohibit what is wrong; but they cannot change innocence into guilt, or punish innocence as a crime, or violate the right of an antecedent lawful private [employment] contract [by compelling W-4 withholding, for instance], or the right of private property. To maintain that a Federal or State legislature possesses such powers [of THEFT!] if they had not been expressly restrained, would, in my opinion, be a political heresy altogether inadmissible in all free republican governments.' 3 Dall. 388."***

*[\[Sinking Fund Cases, 99 U.S. 700 \(1878\)\]](#)*

# ***Review of Basic Principles of CIVIL Jurisdiction (over property)***

- In the movie “[The Matrix](#)”, the main reason Neo wanted to avoid [The Matrix](#) was because
  - “No. Because I don’t like the idea that I’m not in control of my own life.”
  - Listen for yourself:  
<https://famguardian.org/Media/Choices.mp3>
- A “straw man” is the legal instantiation of someone who “is NOT in control of their own life” but instead, works for THE COLLECTIVE as an agent and fiduciary. See:  
*Proof That There Is A Straw Man*, Form #05.042  
<https://sedm.org/Forms/05-MemLaw/StrawMan.pdf>
- Christians are prohibited from working for “the secular collective”. For proof, see:  
*Collectivism and How to Resist It Course*, Form #12.024  
<https://sedm.org/LibertyU/Collectivism.pdf>

# ***Review of Basic Principles of CIVIL Jurisdiction (over property)***

- **The covetous government does NOT want you to know ANY of this. That is why they:**
  - Try to confuse CONSTITUTIONAL/Private “persons” with STATUTORY/Public “[persons](#)” in a tactic called “equivocation”.
  - Refuse to entertain DIRECT disputes about these issues or allow them to be discussed in the public record so that people can discover them to protect their freedom.

ALL of these evasive tactics are designed to ensure that your [CONSENT \(Form #05.003\)](#) remains essentially “INVISIBLE” and so that you remain a SLAVE and a PEON by default.

- **We must ALWAYS remember, however, that:**
  - The origin of all JUST powers of government is “consent” according to the Declaration of Independence
  - An HONEST government would require EXPRESS and WRITTEN consent.
  - A DISHONEST government wants the CONSENT to be IMPLIED and COVERT based on behavior rather than OVERT and EXPLICIT. That way they can PRETEND like they are in charge and you have no choice. We call this “invisible consent”. TYRANNY!

- **More on this subject at:**

*Requirement for Consent*, Form #05.003, Section 9.4  
<https://sedm.org/Forms/05-MemLaw/Consent.pdf>



# ***Review of Basic Principles of CIVIL Jurisdiction (over property)***

- **More on the rules for property ownership and how property can be used to literally OWN people or to deceive them into BECOMING state property:**
  - ***Separation Between Public and Private Course***, Form #12.025  
<https://sedm.org/LibertyU/SeparatingPublicPrivate.pdf>
  - ***Government Instituted Slavery Using Franchises***, Form #05.030  
<https://sedm.org/Forms/05-MemLaw/Franchises.pdf>
  - ***Why the Federal Income Tax is a Privilege Tax Upon Government Property***, Form #04.404 (Member Subscription form)  
<https://sedm.org/Forms/FormIndex.htm>

# Definitions: “PUBLIC RIGHT”

- **PUBLIC RIGHT DEFINITION:**

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

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

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

- Notice the phrase “owned by the public”, and by that they mean PUBLIC property. The word “benefit” also betrays a privilege as well.
- “Common property” implies COLLECTIVE control and ownership, rather than PERSONAL ownership.

# Definitions: “PUBLIC RIGHT”

- They use the phrase “*it is open to or exercisable by all persons*”, but they can ONLY mean all human beings consensually domiciled in the forum and EXCLUDING those who are NOT. In other words, VOLUNTARY CLUB MEMBERS. Otherwise, involuntary servitude and a Fifth Amendment taking of property would be the result. See:  
*Why Domicile and Becoming a “Taxpayer” Require Your Consent*, Form #05.002  
PDF: <https://sedm.org/Forms/FormIndex.htm>  
HTML: <https://famguardian.org/Subjects/Taxes/Remedies/DomicileBasisForTaxation.htm>
- Civil STATUTORY persons always require a [domicile \(Form #05.002\)](#) within the CIVIL jurisdiction of a geographical region. That domicile must be [CONSENSUAL \(Form #05.003\)](#). If you don’t consent to a geographical [domicile \(Form #05.002\)](#) in the forum or venue, the only CIVIL protection you have is the CONSTITUTION and the COMMON LAW and [STATUTORY CIVIL law \(Form #05.037\)](#) DOES NOT and CANNOT APPLY. See:  
*Why Statutory Civil Law is Law for Government and Not Private Persons*, Form #05.037  
<https://sedm.org/Forms/FormIndex.htm>

# Definitions: “PUBLIC RIGHT”

- The definition of “PUBLIC RIGHT/PUBLICI JURIS” is therefore deceptive and equivocates (Form #05.014), because the TWO contexts for “persons” are not identified or qualified and are MUTUALLY exclusive:
  - CONSTITUTIONAL “persons”: Human beings protected by the Bill of Rights and the common law and NOT statutory civil law.
  - STATUTORY “persons”: Fictional creations of Congress (“Straw men”, Form #05.042) which only have the limited subset of CONSTITUTIONAL rights entirely defined and controlled by Congress.
- You CANNOT be a CONSTITUTIONAL “person” and a STATUTORY “person” at the SAME time:
  - Either you have CONSTITUTIONAL rights (Form #10.002) in a given context, or you have STATUTORY privileges (Form #05.030).
  - If you claim STATUTORY privileges, you SURRENDER CONSTITUTIONAL rights.

*“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\\_p\\_dj](http://famguardian.org/Publications/ThePrivAndImmOfStateCit/The_privileges_and_immunities_of_state_c_p_dj)*

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

# Definitions: “PUBLIC RIGHT”

- They are therefore DELIBERATELY deceiving you at the very entry point of asserting PUBLIC CIVIL jurisdiction. They want you to UNKNOWINGLY surrender CONSTITUTIONAL rights by FALSELY believing that CONSTITUTIONAL “[persons](#)” and STATUTORY “[persons](#)” are equivalent, even though they are MUTUALLY exclusive and non-overlapping.
- The [Constitutional Avoidance Doctrine of the U.S. Supreme Court \(Litigation Tool #10.020\)](#) describe EXACTLY how you transition from a PRIVATE/CONSTITUTIONAL “[person](#)” to a PUBLIC/STATUTORY CIVIL “[person](#)”:

*“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.](#)

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#### FOOTNOTES:

[FN7 Compare \*Electric Co. v. Dow\*, 166 U.S. 489, 17 S.Ct. 645, 41 L.Ed. 1088; \*Pierce v. Somerset Ry.\*, 171 U.S. 641, 648, 19 S.Ct. 64, 43 L.Ed. 316; \*Leonard v. Vicksburg, etc., R. Co.\*, 198 U.S. 416, 422, 25 S.Ct. 750, 49 L.Ed. 1108.](#)  
[\[\*Ashwander v. Tennessee Valley Authority\*, 297 U.S. 288, 56 S.Ct. 466 \(1936\)\]](#)

# Definitions: “PUBLIC RIGHT”

- **NOTE:** For the court to suggest in Ashwander on the previous page that you **can't raise a constitutional issue** is to tell you that:
  - You are NO LONGER a CONSTITUTIONAL “person”.
  - You have VOLUNTARILY exchanged PRIVATE/CONSTITUTIONAL rights for PUBLIC STATUTORY PRIVILEGES.
  - You are a GOVERNMENT WHORE of the kind described by the Bible in the following article:  
*Are You “Playing the Harlot” with the Government?*, SEDM  
<https://sedm.org/are-you-playing-the-harlot/>
  - You have SURRENDERED all constitutional remedies in the way described on the next page.
- **BEND OVER!**
- Notice in the [Constitutional Avoidance Doctrine \(Litigation Tool #10.020\)](#) and the next page THAT:
  - The judge was in effect MAKING LAW, because he cited NO AUTHORITY for the rules.
  - The judge was operating in a POLITICAL capacity, which real judges cannot do.
  - Because the judge was operating in a political capacity and “making law” that directly SURRENDERS all of your constitutional rights, then he was in effect REPEALING the entire Bill of Rights and thus violating his oath to “support and defend the constitution”.
  - The judge admitted that the court has DELIBERATELY OBFUSCATED the [Separation Between Public and Private \(Form #12.025\)](#). Confusing these two is the MAIN method of tyranny, in fact, and they can't hand the prisoners the key to their prison cell!
- More on judges unconstitutionally “making law” at:
  - *How Judges Unconstitutionally “Make Law”*, Litigation Tool #01.009  
<https://sedm.org/Litigation/01-General/HowJudgesMakeLaw.pdf>
  - *Courts Cannot Make Law*  
<https://youtu.be/avXHXxeT-UU>

# Definitions: “PUBLIC RIGHT”

“The distinction between public rights and private rights has not been definitively explained in our precedents. Nor is it necessary to do so in the present cases, for it suffices to observe that a matter of public rights must at a minimum arise “between the government and others.” Ex parte Bakelite Corp., supra, at 451, 49 S.Ct., at 413. In contrast, “the liability of one individual to another under the law as defined,” Crowell v. Benson, supra, at 51, 52 S.Ct., at 292, is a matter of private rights. Our precedents clearly establish that only controversies in the former category may be removed from Art. III courts and delegated to legislative courts or administrative agencies for their determination. See Atlas Roofing Co. v. Occupational Safety and Health Review Comm’n, 430 U.S. 442, 450, n. 7, 97 S.Ct. 1261, 1266, n. 7, 51 L.Ed.2d. 464 (1977); Crowell v. Benson, supra, 285 U.S., at 50-51, 52 S.Ct., at 292. See also Katz, Federal Legislative Courts, 43 Harv.L.Rev. 894, 917-918 (1930).FN24 Private-rights disputes, on the other hand, lie at the core of the historically recognized judicial power.”

[. . .]

Although Crowell and Raddatz do not explicitly distinguish between rights created by Congress [PUBLIC RIGHTS] and other [PRIVATE] rights, such a distinction underlies in part Crowell's and Raddatz' recognition of a critical difference between rights created by federal statute and rights recognized by the Constitution. Moreover, such a distinction seems to us to be necessary in light of the delicate accommodations required by the principle of separation of powers reflected in Art. III. The constitutional system of checks and balances is designed to guard against “encroachment or aggrandizement” by Congress at the expense of the other branches of government. Buckley v. Valeo, 424 U.S., at 122, 96 S.Ct., at 683. But when Congress creates a statutory right [a “privilege” or “public right” in this case, such as a “trade or business”], it clearly has the discretion, in defining that right, to create presumptions, or assign burdens of proof, or prescribe remedies; it may also provide that persons seeking to vindicate that right must do so before particularized tribunals created to perform the specialized adjudicative tasks related to that right. FN35 Such provisions do, in a sense, affect the exercise of judicial power, but they are also incidental to Congress' power to define the right that it has created. No comparable justification exists, however, when the right being adjudicated is not of congressional creation. In such a situation, substantial inroads into functions that have traditionally been performed by the Judiciary cannot be characterized merely as incidental extensions of Congress' power to define rights that it has created. Rather, such inroads suggest unwarranted encroachments upon the judicial power of the United States, which our Constitution reserves for Art. III courts.

[Northern Pipeline Const. Co. v. Marathon Pipe Line Co., 458 U.S. 50, 102 S.Ct. 2858 (1983)]

# Definitions: “PUBLIC RIGHT”

- On this subject, Montesquieu who designed our three branch system of government with [separation of powers \(Form #05.023\)](#) in his famous book “The Spirit of Laws” STERNLY WARNED BEFORE the Constitution was even written(!) the following:

“When the legislative and executive powers are united in the same person, or in the same body of magistrates, there can be no liberty; because apprehensions may arise, lest the same monarch or senate should enact tyrannical laws, to execute them in a tyrannical manner.”

Again, there is no liberty, if the judiciary power be not separated from the legislative and executive. Were it joined with the legislative, the life and liberty of the subject would be exposed to arbitrary control; for the judge would be then the legislator. Were it joined to the executive power, the judge might behave with violence and oppression [sound familiar?].

There would be an end of everything, were the same man or the same body, whether of the nobles or of the people, to exercise those three powers, that of enacting laws, that of executing the public resolutions, and of trying the causes of individuals.”

[. . .]

In what a situation must the poor subject be in those republics! The same body of magistrates are possessed, as executors of the laws, of the whole power they have given themselves in quality of legislators. They may plunder the state by their general determinations; and as they have likewise the judiciary power in their hands, every private citizen may be ruined by their particular decisions.”

[The Spirit of Laws, Charles de Montesquieu, 1758, Book XI, Section 6;  
SOURCE: [http://famguardian.org/Publications/SpiritOfLaws/sol\\_11.htm](http://famguardian.org/Publications/SpiritOfLaws/sol_11.htm)]



# Definitions: “PRIVATE PERSON”

- PRIVATE PERSON DEFINITION:

*"PRIVATE PERSON. An individual who is not the incumbent of an office."  
[Blacks Law Dictionary, Fourth Edition, p. 1359]*

- Notice that:

- The converse is also true: if you are a PUBLIC STATUTORY CIVIL “[person](#)”, then you ARE, by definition, WITHIN an “office” and a “public office”
- That office includes all civil statutory statuses, such as “[person](#)”, “[citizen](#)”, “[resident](#)”, “taxpayer”, “spouse”, “driver”, etc.
- And because the office is a PUBLIC office WITHIN the government, then it is ALSO a [franchise](#), because all franchises recognize or produce public offices within the grantor of the [franchise](#). See People v. Ridgley, 21 Ill. 65, 1859 WL 6687, 11 Peck 65 (Ill., 1859) on the next page.
- Note that “[privilege](#)” and “[franchise](#)” are used INTERCHANGEABLY in the definition of “franchise” on the next page.

- Don’t believe us? See:

- President Obama Admits in his Farewell Speech that “citizen” is a “public office”, SEDM Exhibit #01.008  
<https://sedm.org/Exhibits/ExhibitIndex.htm>
- Proof That There Is a “Straw Man”, Form #05.042  
<https://sedm.org/Forms/FormIndex.htm>

# Definitions: “PRIVILEGE”

- **PRIVILEGE:**

*“PRIVILEGE. “A right, power, franchise, or immunity held by a person or class, against or beyond the course of the law. [. . .] That which releases one from the performance of a duty or obligation, or exempts one from a liability **which he would otherwise be required to perform, or sustain in common [common law] with all other persons.** State v. Grosnickle, 189 Wis. 17, 206 N.W. 895, 896. A peculiar advantage, exemption, or immunity. Sacramento Orphanage & Children's Home v. Chambers, 25 Cal.App. 536, 144 P. 317, 319. [Black’s Law Dictionary, Fourth Edition, pp. 1359-1360]*

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

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

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

# Definitions: “PRIVILEGE”

- So in order to be a GOVERNMENT franchise:
  - GOVERNMENT property must be GRANTED (loaned) to a civil status (Form #13.008) that is a creation of the legislature, such as “person”, “citizen”, “taxpayer”, etc.
  - You have to VOLUNTEER for the civil status (Form #13.008) on a government form, and thus become SURETY for the PUBLIC OFFICE that the civil status represents. See: *Avoiding Traps on Government Forms Course*, Form #12.023 <https://sedm.org/Forms/FormIndex.htm>
  - You must be DOMICILED in the physical place where the government that legislatively granted the privilege is physically located, because all civil statutory law acquires the FORCE of law from the domicile of the parties. See Federal Rule of Civil Procedure 17(b).

*Federal Rule of Civil Procedure 17(b)*  
(b) Capacity to Sue or Be Sued. Capacity to sue or be sued is determined as follows:

    - (1) for an individual who is not acting in a representative capacity, by the law of the individual's domicile;
    - (2) for a corporation, by the law under which it was organized; and
    - (3) for all other parties, by the law of the state where the court is located,
  - Item 2 above includes those claiming the civil statutory status of “person” under the laws of the government that legislatively created it. They are CORPORATE OFFICERS.

# Rights as Property

- **Definition of “property”**

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

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

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

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

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

- **The ability to “make rules” or set conditions for the use of property is an essential element of ownership or control over the property. Ownership and control are synonymous.**

# ***Rights as Property***

- **Remember:**
  - Rights are property.
  - Anything that **CONVEYS** rights is property.
  - Contracts convey rights and therefore are property.
  - All franchises are contracts or agreements that convey property.
  - Legislatively created civil statuses under **STATUTORY** franchises are **PROPERTY** granted to those who invoke the status.
  - The Constitution conveys mainly **PRIVATE** rights, which are **PRIVATE** property in the case of the Bill of Rights
  - Those who **OFFER** property to you are a Merchant (Seller) under UCC. §2-104(1)
  - The person **RECEIVING** the property is the Buyer under U.C.C. §2-103(1)(a)
  - The **MERCHANT** always prescribes **ALL** the terms of the offer and can withhold the property if those terms are not met. The withholding of the property is an exercise of the “right to exclude” aspect of ownership

# ***Rights as Property***

- **Remember (cont.)**
  - You should always strive to be the Merchant in every business transaction to give yourself the upper hand
  - You should NEVER allow the GOVERNMENT to act as a Merchant in relation to you
  - The CREATOR of a civil statutory privilege/right/franchise is ALWAYS the owner and the Merchant granting or selling PUBLIC property
  - A statutory civil right (which is PUBLIC PROPERTY) exercised against a fiction of law (straw man, Form #05.042) such as a “person” is a right exercised against the GRANTOR/CREATOR of the OFFICE, and not the human(s) FILLING the office
  - If you use a civil statutory fictional office for private gain, the creator of the office is the owner of all income and property attached to the office through the use of the franchise mark, the Social Security Number or Taxpayer Identification Number
- **More on the above at:**
  - *Authorities on Rights as Property (Important!)*, SEDM  
<https://sedm.org/authorities-on-rights-as-property/>
  - *Laws of Property*, Form #14.018, Section 13  
<https://sedm.org/Forms/14-PropProtection/LawsOfProperty.pdf>

# Government Property

- **Government property**
  - The government's ability to control its property is found in [Article 4, Section 3, Clause 2](#) of the Constitution and [5 U.S.C. §553\(a\)](#).
  - The origin of MOST civil statutory authority of government to legislate is control over its own PUBLIC property.
- **When government asserts a right to control the use of property by you, they have the burden of proving that:**
  - You have their property in your use or possession.
  - The property falls into one of the categories specified in [5 U.S.C. §553\(a\)](#).
  - If the property **BEGAN** as your property or was earned from private, constitutionally protected property, then it was lawfully and **CONSENSUALLY** converted to PUBLIC property by one of the means specified in [Budd v. People of State of New York, 143 U.S. 517 \(1892\)](#) discussed later.

# Government Property

- If the government CANNOT satisfy the burden of proving that you are using their property and the property they assert control over was never lawfully converted from PRIVATE to PUBLIC, then YOU have the EQUAL authority to regulate THEIR use.

*“The State in such cases exercises no greater right than an individual may exercise over the use of his own property when leased or loaned to others. The conditions upon which the privilege shall be enjoyed being stated or implied in the legislation authorizing its grant, no right is, of course, impaired by their enforcement. The recipient of the privilege, in effect, stipulates [CONSENTS!, Form #05.002] to comply with the conditions. It matters not how limited the privilege conferred, its acceptance implies an assent to the regulation of its use and the compensation for it.”*

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



# ***Classes of Government Property***

- **Government property mentioned in [5 U.S.C. §553](#)(a) falls in the following categories:**
  - A military or foreign affairs function
  - Agency management or personnel
  - Public property
  - Public loans
  - Public grants
  - Public benefits
  - Public contracts
- **The right to “CIVILLY or LEGISLATIVELY regulate” extends to all those in possession, use, custody, “[benefit](#)”, or partial control of any of the above.**
- **The only way to ESCAPE the regulation is to:**
  - Return the property
  - Remove your eligibility to receive it by withdrawing the application that created the eligibility.

## ***Authority to Regulate the USE of government property***

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

***[. . .]***

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

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

## ***Burden of Proof Upon Government Needed to Demonstrate Civil Statutory Regulation Authority***

- There must be MEASURABLE and QUANTIFIABLE **CONSIDERATION**. This consideration ALWAYS takes the form of PROPERTY of some kind.
- The **CONSIDERATION** given must be absolutely owned by the government grantor/MERCHANT.
- The government is the MERCHANT selling the **CONSIDERATION** to you under [U.C.C. §2-104\(1\)](#).
- You must CONSENSUALLY be the BUYER procuring the **CONSIDERATION** under [U.C.C. §2-103\(1\)\(a\)](#).
- The MERCHANT is the one defining the terms of the offer.
- The consideration must be EXPRESSLY SOUGHT and EXPRESSLY ACCEPTED by you. In other words, there must be an EXPRESS and LAWFUL “ACCEPTANCE” per [U.C.C. §2-206](#).
- The terms and words and language agreed upon by both parties must be the SAME, or there is no “meeting of the minds”. See:  
***Mirror Image Rule***, Mark De Angeles (law professor)  
<http://www.youtube.com/embed/j8pqbZV757w>

## ***Burden of Proof Upon Government Needed to Demonstrate Civil Statutory Regulation Authority (cont)***

- There must be **MUTUAL CONSIDERATION** and **MUTUAL CIVIL OBLIGATION** on BOTH sides of the transaction. Otherwise, no valid court-enforceable contract can be formed.
  - An adhesion contract only benefits the MERCHANT. It is usually a product of an ILLEGAL MONOPOLY prohibiting competition.
  - A mere “probability” but not CERTAINTY of receipt of consideration is NOT consideration. Government has NO OBLIGATION to deliver “benefits”, so they aren’t real **CONSIDERATION**.

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

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

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

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

- We prove in the following document that **NOTHING** the government offers constitutes valid **CONSIDERATION**, so that there can never be a real enforceable contract or quasi-contract:

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

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

# Why the Government Can NEVER Satisfy Their Burden of Proof

SEDM Disclaimer

Section 4: meaning of Words

Section 4.10. Franchise

[. . .]

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

1. Governments don't produce anything, but merely transfer wealth between otherwise private people (see [Separation Between Public and Private, Form #12.025](#)).
2. The money they are paying you can never be more than what you paid them, and if it is, then they are abusing their taxing powers!

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

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

*Coulter, J., in Northern Liberties v. St. John's Church, 13 Pa.St. 104 says, very forcibly, 'I think the common mind has everywhere taken in the understanding that **taxes are a public imposition, levied by authority of the government for the purposes of carrying on the government in all its machinery and operations—that they are imposed for a public purpose.**' See, also Pray v. Northern Liberties, 31 Pa.St. 69; Matter of Mayor of N.Y., 11 Johns., 77; Camden v. Allen, 2 Dutch., 398; Sharpless v. Mayor, supra; Hanson v. Vernon, 27 Ia., 47; Whiting v. Fond du Lac, supra."  
[Loan Association v. Topeka, 20 Wall. 655 (1874)]*

3. If they try to pay you more than you paid them, they must make you into a public officer to do so to avoid the prohibition of the case above. In doing so, they in most cases must illegally establish a public office and in effect use "benefits" to criminally bribe you to illegally impersonate such an office. See [The "Trade or Business" Scam, Form #05.001](#) for details.
4. Paying you back what was originally your own money and NOTHING more is not a "benefit" or even a loan by them to you. If anything, it is a temporary loan by you to them! And its an unjust loan because they don't have to pay interest!
5. Since you are the real lender, then you are the only real party who can make rules against them and not vice versa. See [Article 4, Section 3, Clause 2 of the Constitution](#) for where the ability to make those rules comes from.
6. All franchises are contracts that require mutual consideration and mutual obligation to be enforceable. Since government isn't contractually obligated to provide the main consideration, which is "benefits" and isn't obligated to provide ANYTHING that is truly economically valuable beyond that, then the "contract" or "compact" is unenforceable against you and can impose no obligations on you based on mere equitable principals of contract law.

*"We must conclude that **a person covered by the Act has not such a right in benefit payments**... This is not to say, however, that Congress may exercise its power to modify the statutory scheme free of all constitutional restraint."  
[Flemming v. Nestor, [363 U.S. 603](#) (1960) ]*

*"... railroad benefits, like social security benefits, are not contractual and may be altered or even eliminated at any time."  
[United States Railroad Retirement Board v. Fritz, [449 U.S. 166](#) (1980)]*

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

## ***More on the Ability of the Government to Regulate Use of Its Property***

- ***Why the Federal Income Tax is a Privilege Tax Upon Government Property, Form #04.404***  
<https://sedm.org/Forms/FormIndex.htm>
- ***Challenge to Income Tax Enforcement Authority Within Constitutional States of the Union, Form #05.053***  
<https://sedm.org/Forms/FormIndex.htm>
- ***Federal Enforcement Authority Within States of the Union, Form #05.032 (Member Subscriptions)***  
<https://sedm.org/Forms/FormIndex.htm>
- ***Ability of the Government to Regulate or Enforce and the Need for Implementing Regulations, SEDM***  
<https://sedm.org/ability-to-regulate-or-enforce-and-the-need-for-implementing-regulations/>
- ***How You Voluntarily Surrender Your Constitutional/Private Rights to Become a Privileged Government “Straw Man”/Public Officer, SEDM***  
<https://sedm.org/how-you-voluntarily-surrender-your-constitutional-private-rights-to-become-a-privileged-government-straw-man-public-officer/>

## EXAMPLES OF GOVERNMENT PROPERTY: *Income Tax*

- Property subject to income taxation **MUST** either be **ABSOLUTELY** owned by the government or ownership must be at **LEAST SHARED** (“Qualified”).
- Things government **OWNS** in the context of income taxation:
  - The Social Security Number. See [20 C.F.R. §422.103\(d\)](#).
  - The [CIVIL STATUS \(Form #13.008\)](#) of “taxpayer”, “person”, “citizen”, “resident”, “employee”, “wages”. They **LEGISLATIVELY** created all such statuses and literally **OWN** them, and all who even **INVOKE** them on a government form. These statuses are what the courts call a “[res](#)” and court actions to vindicate them are “[in rem](#)”. See: *Hierarchy of Sovereignty: The Power to Create is the Power to Tax*, Family Guardian Fellowship  
<https://famguardian.org/Subjects/Taxes/Remedies/PowerToCreate.htm>
  - Any **PRIVATE** property you voluntarily **DONATE** to them. [31 U.S.C. §321\(d\)](#).
  - “Voluntarily paid” income tax. You cannot retain an ownership interest unless the alleged “tax” was paid “**UNDER PROTEST**”. See: *Civil Court Remedies for Sovereigns: Taxation*, Litigation Tool #10.002, Section 11.8  
<https://sedm.org/Litigation/LitIndex.htm>
  - “[Effectively connected income](#)”. All such earnings are **DONATED** to a public use, a public purpose, and a public office. See: *How to File Returns*, Form #09.074, Section 9.11 (Member Subscriptions)  
<https://sedm.org/Forms/FormIndex.htm>

## EXAMPLES OF GOVERNMENT PROPERTY: *Income Tax*

- The income tax behaves as “rent” to use or benefit from government property. The property granted is a public office.
- The Income tax is an EXCISE tax, which means engaging in the taxed activity constitutes constructive consent to be taxed. The word “excise” means “to cut”. PUBLIC property is “cut out” of your PRIVATE property when you engage in the activity. That’s the origin of the term “effectively connected” in the Internal Revenue Code, in fact.
- The activity subject to tax is “the functions of a public office” in [26 U.S.C. §7701\(a\)\(26\)](#).
- **REMEMBER:**
  - The tax is usually on “[benefits](#)” of some kind.
  - Under the common law, government MUST recognize and enforce your right to NOT receive a “[benefit](#)”
  - If they WON’T allow you to refuse the benefit or the [civil obligations \(Form #12.040\)](#) it comes attached to, then the income tax BEHAVES as an unconstitutional DIRECT TAX.
  - You can’t ENGAGE in “the functions of a public office” as defined in [26 U.S.C. §7701\(a\)\(26\)](#) without actually BEING a public officer!
- More on “income taxation” of government property at:
  - *Why the Federal Income Tax is a Privilege Tax Upon Government Property*, Form #04.404 ([Member Subscriptions](#))  
<https://sedm.org/Forms/FormIndex.htm>



## Regulation/Enforcement Occurs by Imposing Civil Statutory “Obligations”

- **Definition of “Obligation”:**

*OBLIGATIO. Lat. In Roman law, a legal bond which obliges the performance of something in accordance with the law of the land. Ortolan, Inst. 2, P 1179. It corresponded nearly to our word contract. The legal relation existing between two certain persons whereby one (the creditor) is authorized to demand of the other (the debtor) a certain performance which has a money value. In this sense obligatio signifies not only the duty of the debtor, but also the right of the creditor. The fact establishing such claim and debt, as also the instrument evidencing it, is termed "obligation." Mackeld. Rom. Law, O 360.*

*That legal relation subsisting between two persons by which one is bound to the other for a certain performance. The passive relation sustained by the debtor to the creditor is likewise called an "obligation. Sometimes, also, the term "obligatio" is used for the causa obligationis, and the contract itself is designated an "obligation." There are passages in which even the document which affords the proof of a contract is called an "obligation." Such applications, however, are but a loose extension of the term, which, according to its true idea, is only properly employed when it is used to denote the debt relationship, in its totality, active and passive, subsisting between the creditor and the debtor. Tomk. & J.Mod.Rom.Law, 301.*

*[Black's Law Dictionary, Fourth Edition, p. 1223]*

- **If you owe a civil statutory obligation to any government, then you are, by definition, a public officer subject to governmental regulation! Proof is on the next page:**

## Regulation/Enforcement Occurs by Imposing Civil Statutory "Obligations"

*"The term office' has no legal or technical meaning attached to it, distinct from its ordinary acceptations. An office is a public charge or employment; but, as every employment is not an office, it is sometimes difficult to distinguish between employments which are and those which are not offices.... **A public officer is one who has some duty to perform concerning the public; and he is not the less a public officer when his duty is confined to narrow limits, because it is the duty, and the nature of that duty, which makes him a public officer, and not the extent of his authority.'** 7 Bac. Abr. 280; Carth. 479.... **Where an employment or duty is a continuing [\*\*\*65] one, which is defined by rules prescribed by law and not by contract, such a charge or employment is an office, and the person who performs it is an officer....** The powers vested in the government of the state of Mississippi are either legislative, judicial, or executive; and these respective branches of power have been committed to separate bodies of magistracy.... Whether an office has been created by the constitution itself, or by statute,... the incumbent, as a component member of one of the bodies of the magistracy, is vested with a portion of the power of the government.... The words civil office under the state'... import an office in which is reposed some portion of the sovereign power of the state, and of necessity having some connection with the legislative, judicial, or executive departments of the government.... The local and limited power and duties of the levee commissioner can have no effect in determining the question whether his office is not an office under the state. A member of the board of county police, or a justice of the peace, is as much an officer under the state as the executive, the heads of department, or a member of the judiciary. The powers attached [\*\*\*66] to the office of levee commissioner evidently pertain to the executive branch of the government. Clothed with a portion of the power vested in that department, the commissioner, in the discharge of his proper functions, exercises as clearly sovereign power as the governor or a sheriff." Shelby v. Alcorn, 36 Miss. 273, 288-290, 292. The constitution provided that "no senator [\*233] or representative" should, during his term, "be appointed to any civil office of profit under this state," which had been created during his legislative term. The object of the clause was manifest, and the office of levee commissioner was held to be within the mischief which the prohibition was intended to prevent.*

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

## **Regulation/Enforcement Occurs by Imposing Civil Statutory “Obligations”**

- Here’s the sneaky part about civil obligations owed to governments:
  - Civil statutory “persons” are legislatively created fictions that are property owned by its government creator. See:  
*Hierarchy of Sovereignty: The Power to Create is the Power to Tax*, Family Guardian Fellowship  
<https://famguardian.org/Subjects/Taxes/Remedies/PowerToCreate.htm>
  - If you invoke the “public rights” of a civil statutory status (Form #13.008) such as “person” against another human being in court, then you are receiving a public “benefit” and waiving your constitutional rights in exchange for civil statutory privileges. This is called the Constitutional Avoidance Doctrine of the U.S. Supreme Court.
  - Even if you THINK the other party you are enforcing the right against is PRIVATE, if it is a civil statutory obligation, then its an obligation owed to the government OFFICE, and not the human being FILLING said office as an OFFICER.
  - That office is within the government granting it, so its an obligation owed by the government and not those CONSENSUALLY (Form #05.003) FILLING it.
- These are VERY important points!

## **Regulation/Enforcement Occurs by Imposing Civil Statutory “Obligations”**

- Therefore: If you pursue any **PRIVILEGE** under **civil statutory law (Form #05.037)**, you have volunteered for a **public office** in the government and are begging to be regulated and taxed and enforced against and “governed”.
- If there ever was a “**Matrix**” within government, then this would HAVE to be it, folks! See the following for how that matrix works:  
*Devil’s Advocate*  
<https://sedm.org/what-we-are-up-against/>
- If you want your constitutional rights back, YOU have to surrender all government **PRIVILEGES**, and by implication **FRANCHISES**.
- The next page describes what will happen to you if you DON’T give up all government PRIVILEGES: You will be PUNISHED by being “governed”:

## **Regulation/Enforcement Occurs by Imposing Civil Statutory “Obligations”**

***“To be governed is to be watched over, inspected, spied on, directed, legislated, regimented, closed in, indoctrinated, preached at, controlled, assessed, evaluated, censored, commanded; all by creatures that have neither the right, nor wisdom, nor virtue . . .***

***To be governed means that at every move, operation, or transaction one is noted, registered, entered in a census, taxed, stamped, priced, assessed, patented, licensed, authorized, recommended, admonished, prevented, reformed, set right, corrected. Government means to be subjected to tribute, trained, ransomed, exploited, monopolized, extorted, pressured, mystified, robbed; all in the name of public utility and the general good.***

***Then, at the first sign of resistance or word of complaint, one is repressed, fined, despised, vexed, pursued, hustled, beaten up, garroted, imprisoned, shot, machine-gunned, judged, sentenced, deported, sacrificed, sold, betrayed, and to cap it all, ridiculed, mocked, outraged, and dishonored. That is government, that is its justice and its morality! . . . O human personality! How can it be that you have cowered in such subjection for sixty centuries?”***

***[Pierre-Joseph Proudhon (born A. D. 1809 – died A. D. 1865)]***

# Private Rights v. Public Privileges

- Private Rights:

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

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

- Are “unalienable”:

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

*[Declaration of Independence]*

- Cannot be involuntarily (Form #05.003) taken away by government unless their exercise has injured or taken away the equal rights of a fellow sovereign. An eye for an eye, and a tooth for a tooth. Matt. 5:38.
- Are vindicated/protected ONLY in Article III constitutional courts in the JUDICIAL and not franchise courts in the EXECUTIVE branch.
- Are described in:
  - » Unalienable Rights Course, Form #12.038  
<https://sedm.org/Forms/FormIndex.htm>
  - » Enumeration of Inalienable Rights, Form #10.002  
<https://sedm.org/Forms/FormIndex.htm>

# *Private Rights v. Public Privileges*

- Public Privileges

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

# ***Private Rights v. Public Privileges***

- Are vindicated/protected ONLY in [Article I or Article IV FRANCHISE courts](#) in the EXECUTIVE rather than JUDICIAL branch.
- Create an UNEQUAL relationship between the franchisor/government and the franchisee/human being. Hence, they DESTROY [equal protection](#) and result in [paganism/religion towards government](#) or civil rulers.
- Are commonly called “[benefits](#)” in modern parlance.
- Are legislatively granted through [franchises \(Form #05.030\)](#).
- Can be taken away at any time, subject to the terms of the [franchise contract or agreement](#).
- Are paid for through [excise taxes](#) upon “activities”. See, for instance, [26 U.S.C. §7701\(a\)\(26\)](#).



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

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

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

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

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

- **Article IV FRANCHISE courts in the Executive Branch:**
  - Must **DISMISS** all cases against **OTHER** than public officers because they **lack jurisdiction**. This includes U.S. Tax Court.
  - Are criminally conspiring to impersonate a public officer if they agree to hear a case involving a **NON-Franchisee**. Example: Tax Court cannot hear a case against a **NON-taxpayer**. See: **The Tax Court SCAM, Form #05.039**.
- You must take a **VOLUNTARY** oath and be lawfully elected or appointed **INTO public office** in order to change from a **PRIVATE** human being to a **PUBLIC officer**.
- You cannot lawfully or unilaterally “elect” yourself as a **PRIVATE** human being **INTO** a **PUBLIC office** by simply filling out a **franchise form, such as a tax form, license application,** etc. **18 U.S.C. §210-211**.
- It is a criminal conflict of interest for a public officer or **benefit recipient (Form #05.040)** to serve as a jurist or voter in which the subject at issue is the subsidizing or paying for their “benefits” by either tax breaks or **payment of taxes**. That would be criminal bribery and jury or voter tampering.

# What Keeps PRIVATE rights SEPARATE from PUBLIC rights?

- It is a CRIME to “bribe” PRIVATE human beings with PUBLIC “benefits” in order to [entice them to ELECT themselves INTO public offices using tax forms, license application forms, etc.](#)
- You cannot lawfully exercise “the FUNCTIONS of a PUBLIC office” ([26 U.S.C. §7701\(a\)\(26\)](#)) in a place not EXPRESSLY authorized to exercise it. [4 U.S.C. §72](#). Hence, you cannot exercise FEDERAL offices outside the DISTRICT OF COLUMBIA unless expressly geographically authorized and IF YOU DO, you are criminally impersonating a public officer in violation of [18 U.S.C. §912](#). See:
  - [Secretary’s Authority in the Several States Pursuant to 4 U.S.C. §72](#)  
<http://famguardian.org/Subjects/Taxes/ChallJurisdiction/BriefRegardingSecretary-4usc72.pdf>
  - [Challenge to Income Tax Enforcement Authority within Constitutional States of the Union, Form #05.052](#)  
<https://sedm.org/Forms/05-Memlaw/ChallengeToIRSEnforcementAuth.pdf>
  - [Government identity Theft, Form #05.046](#)  
<https://sedm.org/Forms/05-MemLaw/GovernmentIdentityTheft.pdf>
- The ONLY place where you CAN [lawfully consent \(Form #05.003\)](#) to give away a constitutional right is where such rights DO NOT exist, which is ONLY on [federal territory](#) not protected by the Constitution or abroad. The constitution attaches to LAND within constitutional states, not the [CIVIL STATUS \(Form #13.008\)](#) of physical human beings ON the land. That is why it calls itself “the law of the LAND”. One can be “in the State” (a fictional, non-physical corporation, as an officer of said corporation) without being ON ANY land, in fact.

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

- All the powers of the government, including their **CIVIL ENFORCEMENT powers (Form #05.037)**, are implemented **ONLY** through either public offices or contracts with PRIVATE human beings:

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

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

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

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

- Governments are instituted **EXCLUSIVELY** to protect **PRIVATE** rights and **PRIVATE** property. [Declaration of Independence](#).
- Any attempt to alienate **PRIVATE** rights:
  - Works **AGAINST** the purpose of government.
  - Is not only **NOT** a government function, but an **ANTI-GOVERNMENT** or [DE FACTO GOVERNMENT \(Form #05.043\)](#) function.
- Any attempt to [PRESUME consent \(Form #05.003\)](#) to give up a constitutional right, or to infer [IMPLIED consent](#) is a constitutional tort:

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

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

[De Facto Government Scam](#), Form #05.043  
<https://sedm.org/Forms/FormIndex.htm>

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

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

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

**[63C Am.Jur.2d., Public Officers and Employees §247 (2003)]**

**OBLIGATIONS ARE  
CREATED BY  
GRANTING/  
LOANING PROPERTY  
WITH  
CONDITIONS/STRINGS**

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

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



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

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

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

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

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

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

**[EDITORIAL NOTE: Whenever the court talks in Latin as the did above, they are trying to HIDE something REALLY IMPORTANT. Your ears ought to pop up every time you see this. This is standard procedure to protect the government PLUNDER program.]**

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

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

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

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

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

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

***[Bouvier’s Maxims of Law, 1856;***

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

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

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

## **Public Rights/Property are LEGISLATIVELY CREATED in the DEFINITIONS PORTION OF CIVIL STATUTES**

- The DEFINITIONS section of civil statutes is where public rights are LEGISLATIVELY CREATED.
- All PUBLIC rights that are legislatively created attach to a **CIVIL STATUS (Form #13.008)** such as “person”, “citizen”, “resident”, “taxpayer”, etc.
- The CREATOR of a thing is always the OWNER. See:  
Hierarchy of Sovereignty: The Power to Create is the Power to Tax, Family Guardian Fellowship  
<https://famguardian.org/Subjects/Taxes/Remedies/PowerToCreate.htm>
- The **civil status** is the OBJECT of public rights and is called “publici juris”:

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

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

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

## ***Public Rights/Property are LEGISLATIVELY CREATED in the DEFINITIONS PORTION OF CIVIL STATUTES***

- **Because the PUBLIC are the owner of the civil status as its creator:**
  - The civil statutory status is **PUBLIC PROPERTY**.
  - The **OBLIGATIONS** and corresponding **RIGHTS** which attach to the civil status are **ALSO PUBLIC PROPERTY**.
  - The **PUBLIC**, meaning **GOVERNMENT**, have a right to regulate and control all those invoking the **PRIVILEGES** of the civil statutory status in court as a remedy for the protection of themselves or their property. That right is found in [Article 4, Section 3, Clause 2](#) of the constitution and is recognized in [5 U.S.C. §553\(a\)](#).
  - There are **NO** limits on the obligations they can impose upon those invoking the civil status. You are literally a **SLAVE** by invoking the “benefits” of a civil statutory status.
  - The right over public property extends extraterritorially and internationally in **EVERY PLACE IN THE WORLD!**

# Public Rights/Property are **LEGISLATIVELY CREATED** in the **DEFINITIONS PORTION OF CIVIL STATUTES**

- **WATCH OUT!** Once you invoke a civil statutory status:
  - You surrender ALL the protections of the common law and all your constitutional rights
  - The [Constitutional Avoidance Doctrine \(Litigation Tool #10.020\)](#), Rule 6 allow the courts to **IGNORE ALL** and **REFUSE TO ENFORCE** your constitutional rights. See the following:

*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.](#)

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

- The Constitutional Avoidance Doctrine is also repeated in the following case:

*“It is not open to question that one who has acquired rights of property necessarily based upon a [CIVIL] statute [\[Form #05.037\]](#) may not attack that statute as unconstitutional, for he cannot both assail it and rely upon it in the same proceeding. \*528 [Hurley v. Commission of Fisheries, 257 U.S. 223, 225, 42 S.Ct. 83, 66 L.Ed. 206.](#)”*

[\[Frost v. Corporation Commission, 278 U.S. 515, 49 S.Ct. 235 \(U.S., 1929\)\]](#)
- Note that the phrase “rights of property” implies PUBLIC property! That property INCLUDES rights granted by civil statute, including through franchises and the civil statutory statuses (e.g. “person”) that CONVEY those rights!

# **Public Rights/Property are LEGISLATIVELY CREATED in the DEFINITIONS PORTION OF CIVIL STATUTES**

- The **ONLY** way to avoid the **CIVIL OBLIGATIONS** attached to a statutory civil status and preserve your constitutional and natural rights is therefore to:
  - NEVER invoke a civil statutory status **THE DEFINED** and therefore Own or its “benefits”.
  - Invoke only the **CONSTITUTION** and the **COMMON LAW** as protection.
  - Define **ALL** terms on every government form to **EXCLUDE** any connection with a **CIVIL STATUTORY STATUS**. For an example of this, see:
    - Tax Form Attachment*, Form #04.201  
<https://sedm.org/Forms/04-Tax/2-Withholding/TaxFormAtt.pdf>
  - Writing definitions on any forms you submit to them in order to make the form into an offer **RATHER** than an **ACCEPTANCE** under the U.C.C. of their **CIVIL STATUTORY OFFER** of “protection”. See:
    - » *This Form is Your Form*, Mark Desantis  
<http://www.youtube.com/embed/b6-PRwhU7cg>
    - » *Mirror Image Rule*, Mark Desantis  
<http://www.youtube.com/embed/j8pgbZV757w>
  - Defining their acceptance of the form as an acceptance of the terms of **YOUR** offer, rather than **YOUR** acceptance of **THEIR** offer.
  - Define the terms of **YOUR** offer as follows:
    - Injury Defense Franchise and Agreement*, Form #06.027  
<https://sedm.org/Forms/06-AvoidingFranch/InjuryDefenseFranchise.pdf>



# **Public Rights/Property are LEGISLATIVELY CREATED in the DEFINITIONS PORTION OF CIVIL STATUTES**

- **REMEMBER:**

- He who writes the rules or the definitions ALWAYS WINS. See:  
*Oreilly Factor, April 8, 2015*-John Piper of the Oklahoma Wesleyan University  
[https://sedm.org/Media/20150408\\_1958-The\\_O'Reilly\\_Factor-Dealing%20with%20slanderous%20liberals%20biblically-Everett%20Piper.mp4](https://sedm.org/Media/20150408_1958-The_O'Reilly_Factor-Dealing%20with%20slanderous%20liberals%20biblically-Everett%20Piper.mp4)
- The government writes the rules and the definitions associated with those rules in the [civil statutes \(Form #05.037\)](#). In that capacity they act as the Merchant under [U.C.C. §2-104\(1\)](#).
- Government forms are the method of becoming a “Buyer” of government property under [U.C.C. §2-103\(1\)\(a\)](#).
- The CREATOR of government property and civil statutory rights is always the OWNER. See:  
*Hierarchy of Sovereignty: The Power to Create is the Power to Tax*, Family Guardian Fellowship  
<https://famguardian.org/Subjects/Taxes/Remedies/PowerToCreate.htm>
- The ability to WRITE or CREATE definitions the regulate the use of YOUR property is the MOST IMPORTANT aspect of exercising OWNERSHIP of yourself, in fact. See:  
*Policy Document: IRS Fraud and Deception with the Statutory Word “Person”*, Form #08.023, Section 4  
<https://sedm.org/Forms/08-PolicyDocs/IRSPerson.pdf>

# ***Public Rights/Property are LEGISLATIVELY CREATED in the DEFINITIONS PORTION OF CIVIL STATUTES***

- **Remember (continued)**

- Government **NEVER** provides and **CANNOT** provide **ACTIONABLE** definitions for the terms on **ANY** of their forms.
  - » The courts have repeatedly held that you **CANNOT** trust **ANYTHING** they say or publish, including the **ENTIRE CONTENT** of government forms you submit! See [Form #05.007](#) for proof.
  - » The definitions of the terms on the forms on their part is **ENTIRELY SUBJECTIVE** and **DISCRETIONARY**. It's a **BLANK CHECK!** Would you sign a blank check? **NEVER!**
  - » So you **HAVE** to define all terms.
- **YOU** as the **CREATOR** and **ONLY WITNESS** filling out government forms and signing them under penalty of perjury are therefore **THE ONLY ONE** who can provide **ACTIONABLE** definitions for the terms on government forms. Those definitions ordinarily **DICTATE** the “terms of your acceptance” under the U.C.C. as a “Buyer” in relation to the **PUBLIC** property that is the subject of the transaction.
- If the government threatens you to define the terms a certain way on a government form, they are criminally tampered with a protected witness! The government's definitions on the forms are **UNTRUSTWORTHY** according to the courts. See [Form #05.007](#) for proof.
- You as the **CREATOR** of the form can write the definitions on the form in order to:
  - » Change your **ACCEPTANCE** into a **COUNTEROFFER**.
  - » Make you the Merchant and the government the **BUYER** of your absolutely owned **PRIVATE** property. That allows **YOU** to write the rules instead of them!

## **Public Rights/Property are LEGISLATIVELY CREATED in the DEFINITIONS PORTION OF CIVIL STATUTES**

- **More on this subject at:**
  - ***Avoiding Traps In Government Forms Course, Form #12.023***  
**<https://sedm.org/LibertyU/AvoidingTrapsGovForms.pdf>**
  - ***Why Statutory Civil Law is Law for Government and Not Private Persons, Form #05.047***  
**<https://sedm.org/Forms/05-MemLaw/StatLawGovt.pdf>**
  - ***Proof that “Publici Juris”/PUBLIC RIGHTS Include the Entire Civil Code, SEDM Blog***  
**<https://sedm.org/proof-that-publici-juris-includes-the-entire-civil-code/>**
  - ***Your Exclusive Right to Declare or Establish Your Civil Status, Form #13.008***  
**<https://sedm.org/Forms/13-SelfFamilyChurchGovnce/RightToDeclStatus.pdf>**
  - ***Why the Federal Income Tax is a Privilege Tax Upon Government Property, Form #09.074***  
**<https://sedm.org/product/why-the-federal-income-tax-is-a-privilege-tax-on-government-property-form-04-404/>**
  - ***Laws of Property, Form #14.018***  
**<https://sedm.org/Forms/14-PropProtection/LawsOfProperty.pdf>**

# Types of Obligations

- **Obligations** are always owed to someone else.
- For the person the obligation is owed TO, it is called a “right” on their part.
- All obligations consist of property. Both **obligations** and the corresponding right they create to the person they are owed are property.
- An **obligation** owed to a GOVERNMENT creates or at least recognizes a “public office” CREATED and OWNED by the government grantor:

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

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

- **Obligations** owed to the government create RIGHTS on the part of the government.
- When such **obligations** are owed to a government, the OFFICE is the liable party and not the human FILLING said office.
- In order for you as a human to owe a civil **obligation** to a government, you must VOLUNTEER to become surety for the actions of such an office through a formal CONSENSUAL oath or appointment. Without volunteering, unconstitutional slavery, human trafficking, and identity theft would result.

# Types of Obligations

- **Obligations owed to a government can take many forms:**
  1. A duty to perform or refrain from performing some specific service or act, such as filing a tax return or paying some specific amount.
  2. A transfer or conversion of specific property to the custody or control of a government. E.g. a “return” of “income” that is property of the government.
  3. A LOSS of specific CONSTITUTIONAL remedies otherwise available to the human who is NOT consensually filling an office. For instance, those filling the office of “taxpayer”:
    1. Must pay the full amount alleged to be due before they can litigate to recover it in court. This is called the “Full Payment Rule”.
    2. May not invoke the [Declaratory Judgments Act, 28 U.S.C. §2201](#) relating to STATUTORY “taxes”.
    3. May not enjoin the assessment or collection of taxes judicially. [26 U.S.C. §7421](#).

Those who are NOT consensually filling a civil statutory “taxpayer”, “person”, “citizen”, or “resident” office do not have any of the above obligations or loss of rights as a human being:

*“Revenue Laws relate to taxpayers [instrumentalities, officers, employees, and elected officials of the [national Government](#)] and not to non-taxpayers [[non-resident non-persons domiciled in states of the Union](#) without the exclusive jurisdiction of the national Government]. The latter are without their scope. No procedures are prescribed for non-taxpayers and no attempt is made to annul any of their Rights or Remedies in due course of law. With them [non-taxpayers] Congress does not assume to deal and they are neither of the subject nor of the object of federal revenue laws.”*  
*[[Economy Plumbing & Heating v. U.S. , 470 F.2d, 585 \(1972\)](#)]*

# Types of Obligations

- **Bottom line:**
  - If you are the lawful target of civil administrative ENFORCEMENT activity or penalties of any kind, then you are being treated AS IF you owe a civil obligation. See [Form #05.032](#) for details.
  - If you lawfully have such a civil obligation, then they are treating you AS IF you occupy a public office within the government instituting the enforcement.
  - The government’s burden of proof to defend the legality of their enforcement activity is to prove that:
    - » You were lawfully elected or appointed to public office. This requires a lawful oath and appointment.
    - » That you are physically serving in the ONLY geographical place “expressly authorized”, which is the District of Columbia per [4 U.S.C. §72](#).
    - » That the office is NOT exercised within a Constitutional state, because “taxes” upon such offices would be a violation of the License Tax Cases, [72 U.S. 462](#), 18 L.Ed. 497, 5 Wall. 462, 2 A.F.T.R. 2224 (1866).
    - » That you did not UNILATERALLY elect or appoint yourself. This would be illegal. An “election” in the Internal Revenue Code does NOT and CANNOT mean you are LITERALLY “electing” yourself into a new public office.
    - » That the government is not accepting criminal BRIBES disguised to LOOK like “taxes” in order to treat you AS IF you are a [DE FACTO public officer \(Form #05.024\)](#), even though you don’t qualify. See 18 U.S.C. [§210](#), [211](#).
    - » That THEIR franchise trumps YOUR Anti-FRANCHISE Franchise, which you should invoke in all interactions with them. See: [Injury Defense Franchise and Agreement](#), Form #06.027 <https://sedm.org/Forms/06-AvoidingFranch/InjuryDefenseFranchise.pdf>

# Types of Obligations

- Remember: A LOSS of rights on your part is equivalent to an OBLIGATION on your part!
- **WARNING:** If you INVOKE the STATUTORY “taxpayer” or “person” or “citizen” or “resident” status or the civil statutory privileges of said status on government forms or in legal pleadings, the you mandatorily CONSENT to the obligations ALSO attached to said status. OBLIGATIONS and RIGHTS are TWO sides of the SAME coin and always go together.
- To avoid the above trap:
  - Always define terms on every government form you are compelled to submit as EXCLUDING the civil statutory context. See:  
*Avoiding Traps in Government Forms*, Form #12.023  
<https://sedm.org/Forms/FormIndex.htm>
  - Do NOT file a claim in federal court based on a statute. The Constitution is all that is needed to protect PRIVATE rights and PRIVATE property. Civil statutes only protect PUBLIC rights and the government, not you. See:  
*Why Statutory Civil Law is Law for Government and Not Private Persons*, Form #05.037  
<https://sedm.org/Forms/FormIndex.htm>
- The First Amendment and your right to CONTRACT or NOT CONTRACT give you an EXCLUSIVE right to choose your civil status. No one can force the status or the obligations of the status upon you without your consent. See:  
*Your Exclusive Right to Declare or Establish Your Civil Status*, Form #13.008  
<https://sedm.org/Forms/FormIndex.htm>

# ***Examples of Property that UNCLE GRANTS/LOANS you to make you into a Obligor***

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



## ***Examples of Property that UNCLE GRANTS/LOANS you to make you into a Obligor***

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

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

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

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

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

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

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

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

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

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

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

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

**D94868217**

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

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

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

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

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

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

# *Uncle is in the Property Rental Business!*

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

# *Uncle is in the Property Rental Business!*

- What we call this Property Rental SCAM to STEAL Your Private Rights and procure INVISIBLE consent:

## ***Weaponization of the Government!***

- Definition:

SEDM Disclaimer, Section 4.30: Weaponization of the Government

<https://sedm.org/disclaimer.htm#4.30>. [Weaponization of government](https://sedm.org/disclaimer.htm#4.30)

### 4.30. Weaponization of government

The process by which a classically governmental function is abused as a method to destroy or war against private rights, private property, common law remedies, constitutional remedies, or even personal choice and autonomy. The PERPETRATOR we call the RECRUITER and the VICTIM we call the PEON, VASSAL, and SLAVE. We describe the HAZARDS of participating in, NOT opposing, or benefiting from the "weaponization of government" on the opening page of our site as follows [. . .]

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

**"A body politic," as aptly defined in the preamble of the Constitution of Massachusetts, "is a social compact by which the whole people covenants with each citizen, and each citizen with the whole people, that all shall be governed by certain laws for the common good." This does not confer power upon the whole people to control rights which are purely and exclusively private, Thorpe v. R. & B. Railroad Co., 27 Vt. 143; but it does authorize the establishment of laws requiring each citizen [not EVERYONE, but only those who CONSENT to call themselves STATUTORY "citizens"] to so conduct himself, and so use his own property, as not unnecessarily to injure another. This is the very essence of government, and has found expression in the maxim sic utere tuo ut alienum non lædas. From this source come the police powers, which, as was said by Mr. Chief Justice Taney in the License Cases, 5 How. 583, "are nothing more or less than the powers of government inherent in every sovereignty, . . . that is to say, . . . the power to govern men and things."**

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

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

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

- All property starts out as **EXCLUSIVELY PRIVATE** and beyond the civil control of government.
- It is **VERY** important to understand the simple rules the government must abide by in converting **YOUR PRIVATE** property to **PUBLIC** property.
- Any attempt by government to do any of the following in respect to one's **PRIVATE** rights and/or **PRIVATE** property is **THEFT** and a taking of property in violation of the **[Fifth Amendment](#)** if the rules we will show you have been violated:
  - Asserts a right to regulate the use of private property.
  - Asserts a right to convert the character of property from **PRIVATE** to **PUBLIC**.
  - Asserts a right to **TAX** said property.
  - Steals or demands your time or services without compensation.



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

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

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

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

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

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

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

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

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

# Questions

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

# Answers

- **ANSWERS:**

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

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

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

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

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

- **A THEFT of property has occurred on behalf of the government if it attempts to do any of the following:**
  - Circumvents any of the above rules.
  - Tries to blur, confuse, or obfuscate the distinction between PRIVATE property and PUBLIC property, and especially by using “equivocation”. See, for instance:
    - The “Publici Juris” or “Public Rights” SCAM*, SEDM  
<https://sedm.org/the-publici-juris-or-public-rights-scam/>
  - Refuses to identify EXACTLY which of the FIVE mechanisms listed in the preceding table was employed in EACH specific case where it:
    - » Asserts a right to regulate the use of PRIVATE property.
    - » Asserts a right to CONVERT the character of property from PRIVATE to PUBLIC.
    - » Asserts a right to TAX what you THOUGHT was PRIVATE property.
- **Is your ignorance of law and the rules for converting property causing you to:**
  - Unknowingly donate PRIVATE property to the government?
  - Condone and further government theft or [identity theft \(Form #05.046\)](#)? The only difference between THEFT and a DONATION is [CONSENT](#).
  - Aid and abet conspiracies by public servants to:
    - » Deceive you about what the law permits and requires?
    - » Deprive you of Constitutional rights?
    - » Exceed their delegated authority and thereby invade the constitutional states?

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

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

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

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

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

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

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

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

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

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

## ***How to apply these concepts to a SPECIFIC statute or law to discern if it's a PUBLIC RIGHT or a PRIVATE RIGHT***

- **IT'S A PUBLIC RIGHT IF (ANY ONE OR MORE CRITERIA):**
  1. It defines a **civil status (Form #13.008)** to which BOTH RIGHTS and OBLIGATIONS attach. Examples: “**person**”, “taxpayer”, “driver”, “spouse”. OBLIGATIONS are liabilities of some kind:  
<https://famguardian.org/TaxFreedom/CitesByTopic/obligation.htm>
  2. An application must be submitted to ACQUIRE eligibility for the CIVIL STATUTORY STATUS to which the right attaches
  3. The application process results in the issuance of government property of some kind that is recognized as such in the statutes or regulations. E.g. Social Security Card, Driver License Card, Etc.
  4. If you don't pay a periodic fee or tax, then the status to which the right attaches is extinguished. E.G. Driver license expires if annual fees not paid.
  5. The right conveyed is not mentioned in the Constitution.
  6. The right conveyed is not available to ALL WITHOUT adopting a **civil status (Form #13.008)**, regardless of circumstance. **Equality OF TREATMENT (Form #05.033)** is the foundation of freedom.
  7. It does not INVOKE the constitution as authority in protecting or defining the right, and no court recognizes a constitutional origin of the right either.
  8. Statutory provisions recognize the right of the government to UNILATERALLY take away the right without your consent. Government can only do that with property it ABSOLUTELY owns, which means property that it has title to or which it legislatively created.

## ***How to apply these concepts to a SPECIFIC statute or law to discern if it's a PUBLIC RIGHT or a PRIVATE RIGHT***

- **IT'S A PUBLIC RIGHT/PRIVILEGE IF (ANY ONE OR MORE CRITERIA):**
  9. The geographical definitions don't apply to the place you are domiciled.
  10. Cases disputing the right must be litigated in a franchise court under Article I or Article IV, such as U.S. District Court. This must be mandated by statute. Example: Tax Court, Traffic Court, Family Court.
  11. The right has a statute of limitations that takes it away. Government can only take property it owns without permission.
  12. The U.S. Supreme Court can deny appeals to vindicate the right using a Writ of Certiorari. Only rights that government creates and grants legislatively can be denied without permission of their owner.
  13. Is often called a "benefit" or "entitlement" or simply a "right". By "right" they can only mean "PUBLIC RIGHT".
  14. Right falls into one of the categories found in [5 U.S.C. §553\(a\)\(2\)](#).
  15. It must be a crime to invoke the status the right attaches to unlawfully. Remember: A license is permission from the state to do that which is ILLEGAL, meaning PROHIBITED by law without express permission.
  16. Status subject to obligations is characterized as a public office. All franchises are implemented as public offices.
  17. Any obligations WHATSOEVER attach to the exercise of the right. This makes its exercise, in effect, a "tacit procuration".
  18. The right is identified as "publici juris" meaning a right OWNED by the PUBLIC.



## ***How to apply these concepts to a SPECIFIC statute or law to discern if it's a PUBLIC RIGHT or a PRIVATE RIGHT***

- **IT'S A PRIVATE RIGHT IF (ANY ONE OR MORE CRITERIA):**
  1. The right is listed in the Bill of Rights, which is the First 8 Amendments to the U.S. Constitution. All such rights are “self-executing” and require **NO STATUTES** to enforce.
  2. Legislation implementing the right assigns no obligations or surrenders of rights or property to those invoking the right.
  3. There are no statutory provisions which recognize the government’s authority to unilaterally **TAKE AWAY** the right without your consent. Government cannot take away or even limit or control the use of property that it does not own.
  4. Geography where the right applies is within the exclusive jurisdiction of a Constitutional state.
  5. Cases disputing the right must be litigated in state court or Article III federal court and **NOT** an Article IV franchise court because there is no statute mandating otherwise.
  6. There is no statute of limitations for exercising the right. Government can only take property it owns without permission.
  7. When applying to vindicate the right to the government that offended it, there are no situations recognized on the form in which you can surrender the right through any act of your own.
  8. The right is called “*juris privati*”, meaning a right absolutely owned by a human being.

# ***Litmus test for Type of right***

- **Answer each question on the following page as “YES” or “NO” about the right in question. If you check “YES” to any of the following questions, then it’s a PUBLIC RIGHT or PRIVILEGE and not PRIVATE or CONSTITUTIONAL RIGHT**

# Litmus Test: PRIVATE or PUBLIC RIGHT?

#	Condition	Yes	No
1	Rights and obligations attach to a civil statutory status?		
2	Not mentioned in the Bill of Rights or the Constitution?		
3	Requires an application to get the right?		
4	Application approval results in issuance of government property?		
5	Requires a fee to obtain or maintain eligibility?		
6	Right can be unilaterally taken away?		
7	Does not invoke the constitution as authority?		
8	Right is NOT available to ANYONE?		
9	Geographical definitions do not include land within the exclusive jurisdiction of a Constitutional State		
10	Must be litigated in an Article I or IV franchise court?		
11	Has a statute of limitations?		
12	Require a Writ of Certiorari to vindicate in Supreme Court?		
13	Is called a "benefit" or "entitlement" or "public right"?		

# *Litmus Test: PRIVATE or PUBLIC RIGHT?*

#	Condition	Yes	No
14	Falls into one of the categories found in <a href="#">5 U.S.C. §553</a> (a)(2).		
15	Is it a crime to invoke the status for those who are not eligible for the right?		
16	Status subject to obligations is characterized as a public office?		

# ***Example: Income Tax***

- **Income tax is a PUBLIC right/PRIVILEGE because:**
  - 1: You must identify yourself as a person “subject” to the franchise called a “taxpayer” per [26 U.S.C. §7701\(a\)\(14\)](#) before the IRS can help you. They don’t help nontaxpayers and their mission statement says so.
  - 3: You cannot communicate with the IRS WITHOUT a government issued identifying number constituting consent to the franchise.
  - 9: The tax applies OUTSIDE the exclusive jurisdiction of the Constitutional states of the Union per [26 U.S.C. §7701\(a\)\(9\)](#) and (a)(10).
  - 6: IRS can STEAL the property that is the subject of the tax without your consent, and do so administratively without a court trial. Thus, you must not be the absolute owner.
  - 10: The Tax is litigated in an Article I franchise court. [26 U.S.C. §7441](#).
  - 14: The item SUBJECT to tax is government property that falls within [5 U.S.C. §553\(a\)\(2\)](#) because.
    - » Taxes are not “benefits”
    - » The only property it can be is the STATUS of “citizen”, or “resident”, since that is what the liability is imposed upon.
  - 16: The tax is an excise upon an activity that has a status called “trade or business”, which is a public office.

## ***How Government Tries to Confuse PRIVATE with PUBLIC: Equivocation***

- **Calling BOTH PRIVATE and PUBLIC rights “RIGHTS” and not clarifying which one they are talking about. This is equivocation.**
- **PRESUMING** falsely that the statutory geographical definitions within the franchise include Constitutional states of the Union.
- **Refusing to enforce the requirement for consent to convert property ownership from PRIVATE to PUBLIC property against the government.**
- **Using ZIP codes (5 digits) instead of SERVICE codes (2 digits)**

# Court Jurisdiction Over Property

*“The Code of Oregon provides for such service when an action is brought against a non-resident and absent defendant, who has property within the State. It also provides, where the action is for the recovery of money or damages, for the attachment of the property of the non-resident. And it also declares that no natural person is subject to the jurisdiction of a court of the State, “unless he appear in the court, or be found within the State, or be a resident thereof, or have property therein; and, in the last case, only to the extent of such property at the time the jurisdiction attached.” Construing this latter provision to mean, that, **in an action for money or damages where a defendant does not appear in the court, and is not found within the State, and is not a resident thereof, but has property therein, the jurisdiction of the court extends only over such property, the declaration expresses a principle of general, if not universal, law. The authority of every tribunal is necessarily restricted by the territorial limits of the State in which it is established. Any attempt to exercise authority beyond those limits would be deemed in every other forum, as has been said by this court, an illegitimate assumption of power, and be resisted as mere abuse. [D’Arcy v. Ketchum et al., 11 How. 165.](#)** In the case against the plaintiff, the property here in controversy sold under the judgment rendered was not attached, nor in any way brought under the jurisdiction of the court. Its first connection with the case was caused by a levy of the execution. It was not, therefore, disposed of pursuant to any adjudication, but only in enforcement of a personal judgment, having no relation to the property, rendered against a non-resident without service of process upon him in the action, or his appearance therein. The court below did not consider that an attachment of the property was essential to its jurisdiction or to the validity of the sale, but held that the judgment was invalid from defects in the affidavit upon which the order of publication was obtained, and in the affidavit by which the publication was proved.”*

**[\[Pennoyer v. Neff, 95 U.S. 714 - Supreme Court 1878\]](#)**

# Court Jurisdiction Over Property

- Principles of jurisdiction over property from the previous case:
  - To reach the OWNER of the property, the owner must be either PHYSICALLY present in the forum or venue or have the civil status of “resident”.
  - By “resident” we mean a “res” that is “identified” under the civil statutes of the forum. That “res” represents a civil statutory PUBLIC office of “person” domiciled within the forum. This is because all civil statuses depend on a predicate domicile in the forum. See: *Why Domicile and Becoming a “Taxpayer” Require Your Consent*, Form #05.002  
<https://sedm.org/Forms/FormIndex.htm>
  - Since domicile is voluntary and optional, then mere physical without the “resident” civil statutory status implies ONLY common law and constitutional jurisdiction, and not STATUTORY jurisdiction.
  - A proceeding against property rather than its owner is a proceeding “in rem” over a “res”. A “res”, in turn is merely a collection of property or rights to property.
  - For details on “in rem” court proceedings, see: *Sovereignty and Freedom Page*, Section 6.4: Legal Actions Against Property, Family Guardian Fellowship  
[https://famguardian.org/Subjects/Freedom/Freedom.htm#Legal\\_Actions\\_Against\\_Property](https://famguardian.org/Subjects/Freedom/Freedom.htm#Legal_Actions_Against_Property)



# Court Jurisdiction Over Property

- More about the implications of the Pennoyer case:

*Proof that When a Government Wants to Reach a Nonresident Extraterritorially, the ONLY way They Have to Do It is Through Property, SEDM*

<https://sedm.org/proof-that-when-a-government-wants-to-reach-a-nonresident-extraterritorially-the-only-way-they-have-to-do-it-is-through-the-property-they-own/>

- Questions for open court for those who are NOT physically present on federal territory and not “resident”, meaning representing a civil statutory office or status that is domiciled there:

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*For the court record I was neither present within the STATUTORY “United States”, nor “resident” there, meaning voluntarily having a civil status that is domiciled there such as “person”, “citizen”, “resident”, “taxpayer”, etc. Questions for the court:”*

# Questions for the Court About Jurisdiction Over MY PRIVATE Property

1. Does the court allege that I have any government property in my care, custody, or control, and if so EXACTLY WHAT at this time?
2. Does the court allege that any of my previously PRIVATE property was lawfully converted to PUBLIC property at any time, and thus subject to taxation or regulation?
3. If so, please identify exactly HOW it was lawfully converted by choosing ONE or more of the rules for conversion from PRIVATE to PUBLIC of the Supreme Court on this subject in [Budd v. People of State of New York, 143 U.S. 517 \(1892\)](#) :

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

# Questions for the Court About Jurisdiction Over MY PRIVATE Property

4. **By what express authority does this court exercise extraterritorial jurisdiction over a non-resident party who was not physically present in the forum at the time of the alleged offense or violation? [Pennoyer v. Neff, 95 US 714 - Supreme Court 1878](#) says there IS no extraterritorial jurisdiction over non-residents not present on LAND in the forum and that PROPERTY is the ONLY way to reach them.**
5. **Does the court allege that I occupied an office in the national government (which is government property) at the time of the alleged offense or violation and therefore BENEFITTED from government property?**
  1. **If so, please produce evidence that I lawfully served in said office.**
  2. **If not, then what is the source of extraterritorial jurisdiction since I was exclusively private at the time?**
6. **Does the government allege authority to CREATE new public offices by loaning or granting its property with conditions in my case? A public officer is, after all, “someone in charge of the PROPERTY of the public for a fixed definite duration” according to the legal dictionary.**
7. **If so, then what constitutional provision does it rely upon to effect this authority, if any?**
8. **Does this court admit to a conspiracy to deprive me of “the pursuit of happiness”, because the U.S. Supreme Court has defined “pursuit of happiness” as equivalent to the right to ABSOLUTELY own PRIVATE property?**

# Questions for the Court About Jurisdiction Over MY PRIVATE Property

**9. Is the following statement by the U.S. Supreme Court a **POLITICAL** question rather than a **LEGAL** question that the court cannot entertain in order to justify **EXTRATERITORIAL** commercial incursions into states of the Union and an “invasion” within the meaning of Article 4, Section 4 of the United States Constitution?:**

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

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

**NOTE:** For the record, the above can only mean the NATIONAL government in relation to federal territory and not the FEDERAL government in its relation to the States of the Union. Congress has NO Constitutional authority to establish taxable franchises (Form #05.030) within the territorial borders of a Constitutional State per the License Tax Cases. If it is APPLIED within the exterior limits of a Constitutional state in OTHER than a federal enclave, it would be an “invasion” within the meaning of Article 4, Section 4 of the Constitution.

# What is a “Slave”?

- **What is a slave? A SLAVE IS A HUMAN BEING:**
  - Who can be connected with any statutory status in civil franchises or civil law to which public rights attach without their EXPRESS consent. This is a Fifth Amendment taking without compensation, a violation of the right to contract and associate, and a conversion of PRIVATE property to PUBLIC property.
  - Who can't ABSOLUTELY own PRIVATE PROPERTY. Instead, ownership is either exclusively with the government or is QUALIFIED ownership in which the REAL owner is the government and the party holding title has merely equitable interest or “qualified ownership” in the fruits.
  - Who is SOMEONE ELSE'S PROPERTY. That property is called a STATUTORY “person”, “taxpayer” (under the tax code), “driver”, “spouse” (under the family code) and you volunteered to become someone else's property by invoking these statuses, which are government property. All such “persons” are public officers in the government. [Form #05.042.](#)
  - Who is compelled to economic or contractual servitude to anyone else, including a government. All franchises are contracts. [Form #05.030.](#)
  - Who is compelled to share any aspect of ownership or control of any property with the government. In other words, is compelled to engage in a “moiety” and surrender PRIVATE rights illegally and unconstitutionally.
  - Whose ownership of property was converted from ABSOLUTE to QUALIFIED without their EXPRESS written and informed consent.
  - Who is not allowed to EXCLUDE government from benefitting from or taxing property held as ABSOLUTE title.

# What is a “Slave”?

- What is a slave? **A SLAVE IS A HUMAN BEING:**
  - Who is EXCLUDED from holding Title to property as ABSOLUTE or outside the “State”, where “State” means the GOVERNMENT (meaning a CORPORATION FRANCHISE, Form #05.024) and not a geographic place.
  - Who the government REFUSES its constitutional duty to protect the PRIVATE rights or property of (Form #12.038) or undermines or interferes with REMEDIES that protect them from involuntary conversion of ownership from ABSOLUTE to QUALIFIED.
  - Who is compelled to associate PUBLIC property with PRIVATE property, namely Social Security Numbers or Taxpayer Identification Numbers and thereby accomplish a conversion of ownership. SSNs and TINs are what the FTC calls a “franchise mark” (Form #05.012).
  - Whose reservation of rights under U.C.C. 1-308 is interfered with or ignored and thereby is compelled to contract with and become an agent or officer of a government (Form #05.042) using a government application form (Form #12.023).
  - Who isn’t absolutely equal (Form #05.033) to any and every government or who is compelled to become unequal or a franchisee (Form #05.030). The basis of ALL your freedom is EQUALITY of rights, as held by the U.S. Supreme Court. See [Form #12.021, Video 1.](#)
- More on what it means to be a SLAVE under the Thirteenth Amendment can be found in Bailey v. Poindexter’s Ex’r, 55 Va. 132 (1858):
  - [https://famguardian.org/TaxFreedom/CitesByTopic/CivilStatus-Bailey%20v.%20Poindexter\\_s%20Ex\\_r\\_%2055%20Va.%20132-Slave%20civil%20status.pdf](https://famguardian.org/TaxFreedom/CitesByTopic/CivilStatus-Bailey%20v.%20Poindexter_s%20Ex_r_%2055%20Va.%20132-Slave%20civil%20status.pdf)

## ***Avoiding PUBLIC Rights and their Corresponding Obligations***

- ***Path to Freedom***, Form #09.015  
<https://sedm.org/Forms/FormIndex.htm>
- ***Hot Issues: Laws of Property***, Form #14.016  
<https://sedm.org/laws-of-property/>
- ***Laws of Property***, Form #14.018  
<https://sedm.org/Forms/FormIndex.htm>
- ***Authorities on Rights as Property***, Form #14.017  
<https://sedm.org/authorities-on-rights-as-property/>
- ***Separation Between Public and Private Course***, Form #12.025  
<https://sedm.org/Forms/FormIndex.htm>
- ***Avoiding Traps in Government Forms***, Form #12.023  
<https://sedm.org/Forms/FormIndex.htm>
- ***Forms/Pubs Page, Section 6: Avoiding Government Franchises***  
<https://sedm.org/Forms/FormIndex.htm>
- ***Liberty University, Section 4: Avoiding Government Franchises, Licenses, and Identity Theft***  
<https://sedm.org/LibertyU/LibertyU.htm>

## ***Avoiding PUBLIC Rights and their Corresponding Obligations***

- ***Lawfully Avoiding Government Obligations***, Form #12.040  
<https://sedm.org/Forms/FormIndex.htm>
- ***Enumeration of Inalienable Rights***, Form #10.002, Section 10:  
How You Lose Your Constitutional or Natural Rights  
<https://sedm.org/Forms/FormIndex.htm>
- ***How You Lose Your Constitutional or Natural Rights***, Form  
#10.015  
<https://sedm.org/Forms/FormIndex.htm>
- ***Proof of Claim: Your Main Defense Against Government  
Greed and Corruption***, Form #09.073  
<https://sedm.org/Forms/FormIndex.htm>
- ***Why Statutory Civil Law is Law for Government and Not  
Private Persons***, Form #05.037  
<https://sedm.org/Forms/FormIndex.htm>
- ***Proof That There is a “Straw Man”***, Form #05.042  
<https://sedm.org/Forms/FormIndex.htm>
- ***Forms and Publications Page, Section 6: Avoiding  
Government Franchises***  
<http://sedm.org/Forms/FormIndex.htm>



# Conclusions

- All PUBLIC rights are an outgrowth of Congress' ability to "make all needful rules" respecting its territory and property in Article 4, Section 3, Clause 2 of the Constitution.
- Franchises are the "legal strings" that regulate property granted/loaned by the government to people like you.
- The ability to distinguish a PRIVATE right from a PUBLIC right is CRUCIAL to protecting your freedom. You cannot be free and exercise a PUBLIC right.
- If the only kinds of rights you have are PUBLIC, then:
  - You are a SLAVE and LITERALLY government property for all intents and purposes.
  - You have volunteered to become SURETY for public property and privileges, in violation of the Holy Bible as a trust indenture. You will be CURSED! See [Prov. 6:1-5](#), [Prov. 11:15](#), [Prov. 17:18](#), [Prov. 22:26](#).
- Most of what people currently think of as "law" ([Form #05.048](#)) is really just a regulation of government property that people are STUPID enough to consent to and beg and ask for. REAL LAW doesn't acquire the "force of law" from any such form of "[consent](#)" ([Form #05.002](#)) or "acceptance" under the U.C.C.
- This presentation has provided a comprehensive checklist you can use to decide if the right is a PUBLIC or PRIVATE

# Conclusions

- If you discover that you are participating in any PUBLIC rights (meaning PRIVILEGES), you must do the following to restore your freedom:
  - AVOID claiming the right.
  - Surrender the status which makes you eligible.
  - Return to your status as a “non-resident non-person” as defined in our Disclaimer so that you HAVE no PUBLIC rights. See:  
*Non-Resident Non-Person Position*, Form #05.020  
<https://sedm.org/Forms/FormIndex.htm>
  - Correct all government records reflecting eligibility for the privilege/public right.
  - Invoke your own anti-franchise to defend yourself from THEIR franchise. See [Form #06.027](#).
  - Restore your equality in relation to the government in court. Freedom DEMANDS equality between you and the government.

# Conclusions

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

# Conclusions

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

For details, see:

[Why Domicile and Becoming a “Taxpayer” Require Your Consent](#), Form #05.002, Section 13

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

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

# Conclusions

- **NOW do you know why we put the following warning on the opening page of our website?:**

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

***Click Here**  
**(<https://famguardian.org/Subjects/Taxes/Evidence/HowScCorruptOurRepubGovt.htm>)** for a detailed description of the legal, moral, and spiritual consequences of violating this paragraph.”*

*[SEDM Website Opening Page; **<https://sedm.org>**]*

## ***FAQ: Isn't SEDM privileged by virtue of copyrighting its materials?***

- **QUESTION:** I understand SEDM OWNS the copyright and that copyright is a power granted under the Constitution to encourage economic development and protect private property. But when SEDM cites [17 U.S.C.](#), is it not availing itself of a federal benefit? If this is so, how does this reconcile with other teachings? These are rhetorical questions.
- **ANSWER:**
  1. The CREATOR of a right is always the OWNER. See: <https://famguardian.org/Subjects/Taxes/Remedies/PowerToCreate.htm>
  2. The rights mentioned in the Constitution are PRIVATE.
    1. They are CREATED by “We the People” directly, and by God indirectly.
    2. The Constitution was not created by or property of THE LEGISLATURE or the government corporation that it creates, and thus, what it protects is not mainly PUBLIC property, but PRIVATE property.
  3. The Constitution CREATES and [DELEGATES authority](#), not IMPLEMENTS authority from any man or ruler who is greater.
  4. The CREATION cannot be greater than its CREATOR. See:
    1. [Isaiah 29:16](#)
    2. [John 13:16 \(Jesus\)](#)
    3. [John 15:20 \(Jesus\)](#)

# FAQ: Isn't SEDM privileged by virtue of copyrighting its materials?

## 4. Federalist Paper #78

*"There is no position which depends on clearer principles, than that every act of a delegated authority, contrary to the tenor of the commission under which it is exercised, is void. No legislative act, therefore, contrary to the Constitution, can be valid. To deny this, would be to affirm, that the deputy is greater than his principal; that the servant is above his master; that the representatives of the people are superior to the people themselves; that men acting by virtue of powers, may do not only what their powers do not authorize, but what they forbid."*

[Federalist Paper #78, Alexander Hamilton;

SOURCE: <https://guides.loc.gov/federalist-papers/text-71-80#s-lg-box-wrapper-25493470>]

5. **17 U.S.C. entitled "Copyrights" EFFECTUATES and IMPLEMENTS the copyright clauses of the Constitution protecting PRIVATE property. BUT the right is of CONSTITUTIONAL and not STATUTORY origin as far as its CREATION.**
6. The key in deciding whether a right is PRIVATE or PUBLIC is to identify WHERE and BY WHOM it was created.
7. Any PUBLIC right that is LEGISLATIVELY created but NOT in the Constitution is a privilege to be avoided.
8. Those who are CREATED are always AGENTS OF and FIDUCIARIES FOR the thing that created them. This is a biblical concept. See:  
*Delegation of Authority Order from God to Christians*, Form #13.007  
<https://sedm.org/Forms/13-SelfFamilyChurchGovnce/DelOfAuthority.pdf>

# Digging Deeper

- **Separation Between Public and Private Course**, Form #12.025  
<http://sedm.org/Forms/FormIndex.htm>
- **Enumeration of Inalienable Rights**, Form #10.002  
<http://sedm.org/Forms/FormIndex.htm>
- **Unalienable Rights Course**, Form #12.038 -course which gives you the basics of unalienable rights, and when they can lawfully be given up  
<http://sedm.org/Forms/FormIndex.htm>
- **Boundaries of Order**, Form #11.120  
<https://sedm.org/Forms/FormIndex.htm>  
[https://cdn.mises.org/Boundaries%20of%20Order%20Private%20Property%20as%20a%20Social%20System\\_0.pdf](https://cdn.mises.org/Boundaries%20of%20Order%20Private%20Property%20as%20a%20Social%20System_0.pdf)  
<https://mises.org/library/boundaries-order-private-property-social-system>  
<https://www.amazon.com/Boundaries-Order-Private-Property-Social/dp/1933550163/>
- **The Absolute Nature of Property**, Butler Shaffer. Video describing the above book  
<https://sedm.org/the-absolute-nature-of-property-butler-shaffer/>
- **Private v. Public Property/Rights and Protection Playlist**, SEDM Youtube Channel  
<https://www.youtube.com/playlist?list=PLin1scINPTOtxYewMRT66TX Yn6AUF0KTu>



# 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>
- **Sovereignty and Freedom Points and Authorities**, Litigation Tool #10.018  
<https://sedm.org/Litigation/LitIndex.htm>
- **Property and Privacy Protection Topic**, Family Guardian Fellowship  
<http://famguardian.org/Subjects/PropertyPrivacy/PropertyPrivacy.htm>
- **Sovereignty and Freedom Topic**, Section 6: Private and Natural Rights, Family Guardian Fellowship  
<http://famguardian.org/Subjects/Freedom/Freedom.htm#RIGHTS:>

# 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, Pastor John Weaver: <http://johnweaverlibrary.famguardian.org/>
- **Organizations:**
  - We the People Foundation for Constitutional Education:  
<http://givemeliberty.org>
- **Freedom websites:**
  - USA the Republic: <http://www.usa-the-republic.com/>
- **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/>
  - Versus Law (case research, fee-based): <http://www.versuslaw.com/>
  - FindLaw: <http://www.findlaw.com/>

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

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

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

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

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

- **WE DO NOT:**

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

*Flawed Tax Arguments to Avoid*, Form #08.004

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

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

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

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

# ***SEDM Educational Curricula***

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

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

- **Member Subscriptions**

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

- **CD-ROMS**

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

- **DVD-ROMS**

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

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

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



# The SEDM Approach

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

# *Questions?*

