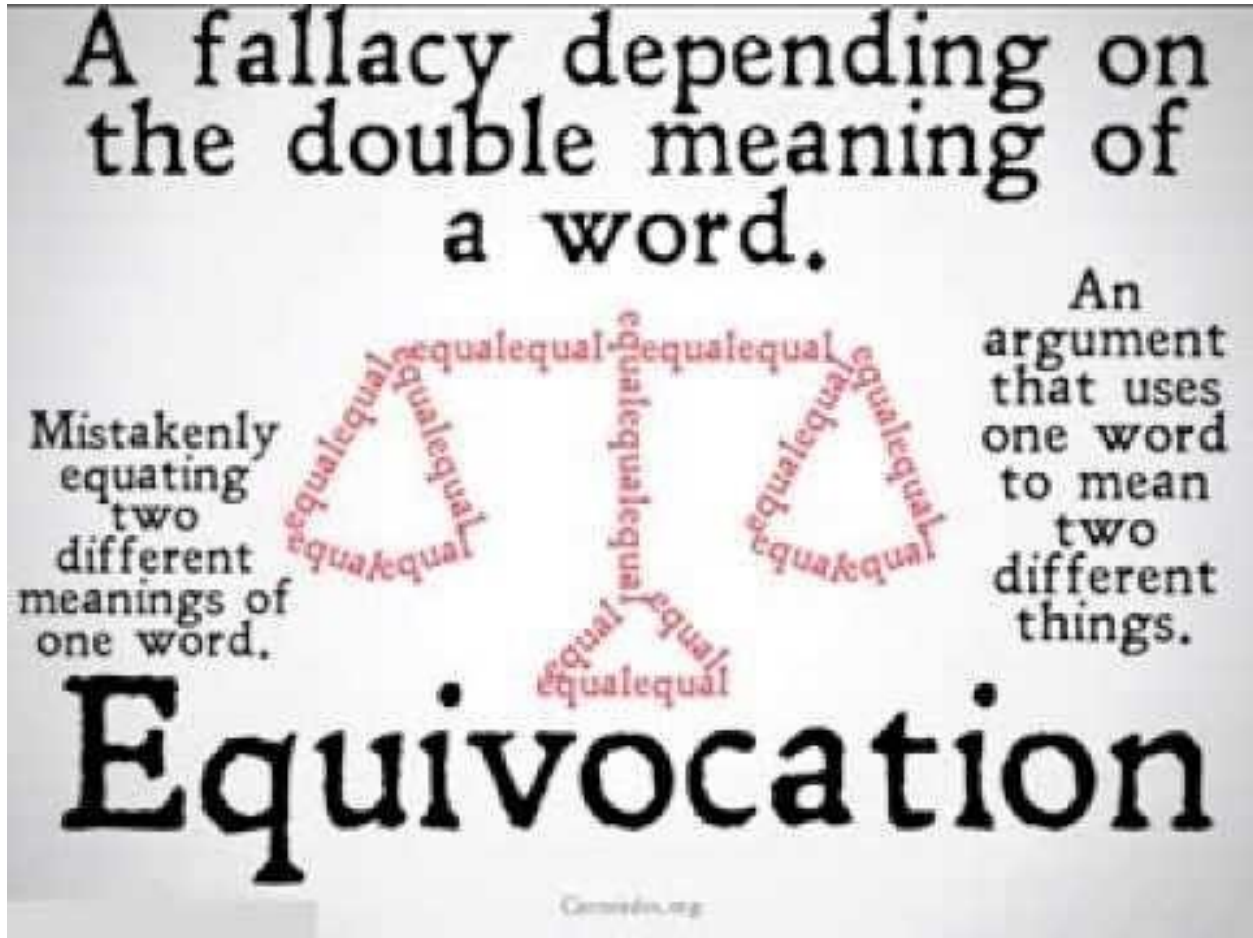


***POLICY DOCUMENT:  
IRS FRAUD AND DECEPTION ABOUT  
THE STATUTORY WORD "PERSON"***



*"In a time of universal deceit, telling the truth is a revolutionary act"*  
[George Orwell, Author]

*"Any truth is better than make-believe ... rather than love, than money, than fame, give me truth"*  
[Henry David Thoreau]

*"Strange times are these in which we live when old and young are taught in falsehood's school. And the one man who dares to tell the truth is called at once a lunatic and fool."*  
[Plato]

*"Truth is hate to those who hate the truth. And that is the truth."*  
[Anonymous]

## DEDICATION

### CHAPTER II. CIVIL PERSON.

The state is represented in the person of its chief magistrate, who is at the same time a member of it. Thus the king or president possesses two kinds of rights, a university of rights as a corporation [PUBLIC rights], and individual rights [PRIVATE rights] as a man. As the former become more and more confounded with the latter, so government advances towards some form of monarchy. A bishop also is a sole corporation, but the man holding the office has also his individual rights. The word person neither according to its accurate meaning nor in law is identical with man. A man may possess at the same time different classes of rights. On the other hand, two or more men may form only one legal person, and have one estate, as partners or corporators. Upon this difference of rights between the person and the man, the individual and the partner, corporator, tenant in common, and joint tenant, depends the whole law of these several classes. The same person has perfect power of alienation, of forming contracts, of disposing by last will and testament of his individual estate, but not of the corporate, nor of his own share in it, unless such power be expressed or implied in the contract by which the university of rights and duties is created. The same distinction divides all public from private property, and distinguishes the cases in which the corporation or civil person may sue from those in which the individual alone can be the party ; - although there are instances in which the injury complained of may, in reference to the difference of character, be such as to authorize the suit to be instituted either by the civil person or the individual, or by both. Thus, violence to the person may be punished either as a wrong to the state or to the individual.

The true meaning of the word person is also exemplified in the matter of contracts. It is said, generally, that all persons may contract; but that is not true in the sense that all human beings may contract. Thus, a married woman, an infant, a lunatic, cannot contract. Again, a slave of mature age, sound intellect, with the consent of his master, cannot make a contract binding on himself, although as an agent he may bind his master. These matters are important only as they serve clearly to show that the civil person may have rights distinct from those which he possesses as an individual ; - and that his rights or duties as an individual may consequently become opposed to his rights and duties as a civil person. Thus, a partnership of three persons may own, for example, a moiety of a ship, and one of them the other moiety. In case of a difference between them as to its use, the rights of the one as a partner, and his right as an individual owner of another moiety, are directly opposed. In order, therefore, in any case, to perceive the application of a rule of law, it must be considered whether the person or the individual, or both, is the possessor of the right. For it may be asserted as absolutely true, that the rights of the man are not recognized by that law which is termed the municipal. It recognizes them only as they grow out of, or are consistent with, his character as a civil person. In other words, this is the distinction between the Common Law and the law of nature. Nor is this a fanciful distinction, inasmuch as the rudest tribes, as well as the most civilized nations, have always distinguished between the rights and duties of their members, and of those who were not members of the body politic. Even after the philosophical jurists of antiquity had polished and improved the jurisprudence of aristocratic republican Rome by the philosophy of the Portico, Cicero, statesman, philosopher, and jurisconsult, exclaims with indignation against the confusion of rights of person that the age witnessed: " In urbem nostrum est infusa peregrinitas; nunc vero etiam braccatis et transalpinis nationibus ut nullum veteris leporis vestigium appareat."

The Common Law, as well as the Civil, recognizes as a person an unborn child, when it concerns its interests either as to life or property. " Qui in utero est perinde ac si in rebus humanis esset, custoditur, quotiens de commodis ipsius partus queeritur." And both systems provide the same remedies to protect the child and those with whom its birth may interfere. In case of a limitation to the child of which a woman is now pregnant, if twins should be born, the Common Law gives the estate to the first-born; by our law, they would take moieties. Now, as these rights are acquired before the birth of the child or children, there is a double fiction ; not only in considering the unborn as born, but in distinguishing under the Common Law the eldest from the youngest born. Whilst, therefore, the law regards the unborn as born, yet, to transmit the estate, he must be born as a man, alive and capable of living. The law does not presume the life or death of an individual; when his existence has been established, his death also must be proved. \* But the birth of an individual and the commencement of his character as a person do not necessarily concur. Thus, an alien of any age is not a person, in relation to a contract concerning lands, nor in any case is an infant ; so a woman marrying before she attains her legal maturity may die of old age without having become a person. On the other hand, a person may suffer civil death before physical death; totally, where he becomes a monk; partially, as a penalty for the commission of an infamous crime; and perpetually or temporarily, as in case of outlawry. \* Where a person has not been heard of for seven years, and under circumstances which contradict the probability of his being alive, a court may consider this sufficient proof of death (Stark. Ev. 4 pl. 457). The presumptions which arise in such cases do not concern the death of the person., but the time of his death, as where several die by one shipwreck or other casualty. On this point the rules are, - 1st. In case of parents and children, that children below the age of puberty died before, and adult children after, their parents. 2d. Persons not being parents and children, and the rights of one being dependent upon the previous death of the other, this precedent condition must be proved. 3d. If a grant is to be delated by the act of the grantor, as in case of a donatio inter virum et uxorem, or a donatio, ortis causa, the

donor is presumed, in the absence of testimony, to have died first. (See Pothier, *Obligations*, by Evans, Vol. II. p. 300.)  
[*The Theory of the Common Law*, James M. Walker, 1852, pp. 17-20]



## Declaration of Memes @L... · 1h



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Is the above image the reason the IRS calls themselves “The Service”? What if you don’t want to be “Serviced” and would rather simply be “left alone”, which is the definition of “justice” itself? Do they help “Nontaxpayers” also? See:

[Your Rights as a “Nontaxpayer”](https://sedm.org/LibertyU/NontaxpayerBOR.pdf), Publication 1a, Form #08.008  
<https://sedm.org/LibertyU/NontaxpayerBOR.pdf>

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## 1 Introduction

The most prevalent and important false or deceptive argument made by covetous public servants, including those in the IRS is that all human beings are statutory “persons”, and that this statutory civil status can be forced upon them without their consent and in violation of the Thirteenth Amendment, criminal laws forbidding human trafficking, and criminal laws forbidding peonage. This memorandum will provide a summary of the reasons why this argument is simply false and even fraudulent and point you to exhaustively detailed proof of why this is in other documents on our site.

The most direct statement of this IRS false and fraudulent statement is found in Revenue Rule 2007-22. We find it interesting that upon doing a search for this Revenue Rule in 2019 on the IRS Website, it is no longer available, which might be interpreted as a statement that it was simply WRONG.

The confusion of the word “person” in its statutory context with the ordinary or non-legal context is an example of “equivocation”. Habitual equivocation by lawyers in the government is the reason that lawyers are called “silver tongued devils”: Because each of usually two contexts forms the two tips of the tongue of a snake. The habitual abuse of equivocation is also why Supreme Court nominees such as Brett Kavanaugh appearing at appointment hearings before the U.S. Senate have to use the word “unequivocally” so frequently when their credibility is challenged: Because equivocation is their NORMAL mode of operation as a judge or legislator. We discuss and explain equivocation at length in this memorandum later in sections 19 and 19.7.

If you would like to apply the information in this memorandum of law to lodging a criminal complaint with the IRS about their attempts to connect you to privileges, franchises, and a conversion of PRIVATE to PUBLIC without your consent, see:

Identity Theft Affidavit, Form #14.020- form useful to lodge a criminal complaint with the IRS for the systematic conversion of your status from PRIVATE to PUBLIC without your consent. This form is a mandatory part of our Path to Freedom, Form #09.015 process to become a compliant member.  
[https://sedm.org/Forms/14-PropProtection/Identity\\_Theft\\_Affidavit-f14039.pdf](https://sedm.org/Forms/14-PropProtection/Identity_Theft_Affidavit-f14039.pdf)

## 2 Intended Audience for this Document

We must also emphasize the following important facts about this entire discussion of “person” throughout this memorandum:

1. Throughout our website, we emphasize PERSONAL RESPONSIBILITY and obedience to God’s laws as the origin of your sovereignty.
2. This memorandum should not be used to EVADE personal responsibility for entirely supporting yourself or to steal “benefits” or privileges you didn’t earn from the government or even from your fellow man indirectly THROUGH the government. This would either make you a thief directly or the government a thief on your behalf, which is antithetical to the idea of government to begin with because it is created to PUNISH and PREVENT theft, not promote it.
3. Governments are established mainly to provide CIVIL STATUTORY PROTECTION. That protection is only owed to those with a VOLUNTARY CIVIL domicile.

*Appellant, a citizen and resident of Mississippi, brought the present suit to set aside the assessment of a tax upon so much of his net income for 1929 as arose from the construction by him of public highways in the State of Tennessee. The taxing statute was challenged on the ground that in so far as it imposes a tax on income derived wholly from activities carried on outside the state, it deprived appellant of property without due process of law, and that in exempting corporations, which were his competitors, from a tax on income derived from like activities carried on outside the state, it denied to him the equal protection of the laws.*

**The obligation of one domiciled within a state to pay taxes there, arises from unilateral action of the state government in the exercise of the most plenary of sovereign powers, that to raise revenue to defray the expenses of government and to distribute its burdens equably among those who enjoy its benefits. Hence, domicile in itself establishes a basis for taxation. Enjoyment of the privileges of residence within the state, and the**

1 attendant right to invoke the protection of its laws, are inseparable from  
2 the responsibility for sharing the costs of government. See *Fidelity &*  
3 *Columbia Trust Co. v. Louisville*, 245 U.S. 54, 58; *Maguire v. Trefry*, 253  
4 U.S. 12, 14, 17; *Kirtland v. Hotchkiss*, 100 U.S. 491, 498; *Shaffer v.*  
5 *Carter*, 252 U.S. 37, 50. The Federal Constitution imposes on the states no particular modes of  
6 taxation, and apart from the specific grant to the federal government of the exclusive 280\*280 power to levy  
7 certain limited classes of taxes and to regulate interstate and foreign commerce, it leaves the states unrestricted  
8 in their power to tax those domiciled within them, so long as the tax imposed is upon property within the state or  
9 on privileges enjoyed there, and is not so palpably arbitrary or unreasonable as to infringe the Fourteenth  
10 Amendment. *Kirtland v. Hotchkiss*, *supra*.

11 Taxation at the place of domicile of tangibles located elsewhere has been thought to be beyond the jurisdiction  
12 of the state, *Union Refrigerator Transit Co. v. Kentucky*, 199 U.S. 194; *Frick v. Pennsylvania*, 268 U.S. 473, 488-  
13 489; but considerations applicable to ownership of physical objects located outside the taxing jurisdiction, which  
14 have led to that conclusion, are obviously inapplicable to the taxation of intangibles at the place of domicile or  
15 of privileges which may be enjoyed there. See *Foreign Held Bond Case*, 15 Wall. 300, 319; *Frick v. Pennsylvania*,  
16 *supra*, p. 494. And the taxation of both by the state of the domicile has been uniformly upheld. *Kirtland v.*  
17 *Hotchkiss*, *supra*; *Fidelity & Columbia Trust Co. v. Louisville*, *supra*; *Blodgett v. Silberman*, 277 U.S. 1; *Maguire*  
18 *v. Trefry*, *supra*; compare *Farmers Loan & Trust Co. v. Minnesota*, 280 U.S. 204; *First National Bank v. Maine*,  
19 284 U.S. 312.

20 The present tax has been defined by the Supreme Court of Mississippi as an excise and not a property tax,  
21 *Hattiesburg Grocery Co. v. Robertson*, 126 Miss. 34; 88 So. 4; *Knox v. Gulf, M. & N.R. Co.*, 138 Miss. 70; 104  
22 So. 689, but in passing on its constitutionality we are concerned only with its practical operation, not its definition  
23 or the precise form of descriptive words which may be applied to it. See *Educational Films Corp. v. Ward*, 282  
24 U.S. 379, 387; *Pacific Co. v. Johnson*, 285 U.S. 480; *Shaffer v. Carter*, *supra*, pp. 54-55.

25 It is enough, so far as the constitutional power of the state to levy it is concerned, that the tax is imposed 281\*281  
26 by Mississippi on its own citizens with reference to the receipt and enjoyment of income derived from the conduct  
27 of business, regardless of the place where it is carried on. The tax, which is apportioned to the ability of the  
28 taxpayer to bear it, is founded upon the protection afforded to the recipient of the income by the state, in his  
29 person, in his right to receive the income, and in his enjoyment of it when received. These are rights and privileges  
30 incident to his domicile in the state and to them the economic interest realized by the receipt of income or  
31 represented by the power to control it, bears a direct legal relationship. It would be anomalous to say that  
32 although Mississippi may tax the obligation to pay appellant for his services rendered in Tennessee, see *Fidelity*  
33 *& Columbia Trust Co. v. Louisville*, *supra*; *Farmers Loan & Trust Co. v. Minnesota*, *supra*, still, it could not tax  
34 the receipt of income upon payment of that same obligation. We can find no basis for holding that taxation of the  
35 income at the domicile of the recipient is either within the purview of the rule now established that tangibles  
36 located outside the state of the owner are not subject to taxation within it, or is in any respect so arbitrary or  
37 unreasonable as to place it outside the constitutional power of taxation reserved to the state. *Maguire v. Trefry*,  
38 *supra*; see *Fidelity & Columbia Trust Co. v. Louisville*, *supra*.

39 The Supreme Court of Mississippi found it unnecessary to pass upon the validity of so much of the statute, added  
40 by the amendment of 1928, as exempted domestic corporations from the tax on income derived from activities  
41 outside the state. It said that if the amendment were valid, appellant could not complain; if invalid, he would still  
42 be subject to the tax, since the act which it amended, § 11, c. 132, Laws of 1924, would then remain in full force,  
43 and under it individuals and domestic corporations are taxed alike. *Knox v. Gulf, M. & N.R. Co.*, *supra*.

44 282\*282 But the Constitution, which guarantees rights and immunities to the citizen, likewise insures to him the  
45 privilege of having those rights and immunities judicially declared and protected when such judicial action is  
46 properly invoked. Even though the claimed constitutional protection be denied on non-federal grounds, it is the  
47 province of this Court to inquire whether the decision of the state court rests upon a fair or substantial basis. If  
48 unsubstantial, constitutional obligations may not be thus avoided. See *Ward v. Love County*, 253 U.S. 17, 22;  
49 *Enterprise Irrigation District v. Canal Co.*, 243 U.S. 157, 164; *Fox River Paper Co. v. Railroad Commission*,  
50 274 U.S. 651, 655. Upon one of the alternative assumptions made by the court, that the amendment is  
51 discriminatory, appellant's constitutional rights were infringed when the tax was levied upon him, and state  
52 officers acting under the amendment refrained from assessing the like tax upon his corporate competitors. See  
53 *Iowa-Des Moines National Bank v. Bennett*, 284 U.S. 239, 246. If the Constitution exacts a uniform application  
54 of this tax on appellant and his competitors, his constitutional rights are denied as well by the refusal of the state  
55 court to decide the question, as by an erroneous decision of it, see *Greene v. Louisville & Interurban R. Co.*, 244  
56 U.S. 499, 508, 512 et seq.; *Smith v. Cahoon*, 283 U.S. 553, 564, for in either case the inequality complained of is  
57 left undisturbed by the state court whose jurisdiction to remove it was rightly invoked. The burden does not rest  
58 on him to test again the validity of the amendment by some procedure to compel his competitors to pay the tax  
59 under the earlier statute. *Iowa-Des Moines Nat. Bank v. Bennett*, *supra*, p. 247. See *Cumberland Coal Co. v.*  
60 *Board of Revision*, 284 U.S. 23. We therefore conclude that the purported non-federal ground put forward by the  
61 state court for its refusal to decide the constitutional question was unsubstantial and 283\*283 illusory, and that  
62 the appellant may invoke the jurisdiction of this Court to decide the question.

1 [\[Lawrence v. State Tax Commission, 286 U.S. 276 \(1932\); SOURCE:](#)  
2 [https://scholar.google.com/scholar\\_case?case=10241277000101996613\]](https://scholar.google.com/scholar_case?case=10241277000101996613)

3 Notice above that DOMICILE is identified as the SOLE origin of the authority to tax. Notice also that the civil  
4 statutory statuses of “citizen” and “resident” are SYNONYMOUS with DOMICILE, which itself is voluntary, as we  
5 prove in the following. The implication is that STATUTORY “citizen” and “resident” are the RESULT of choosing a  
6 domicile and are voluntary:

*Why Domicile and Becoming a “Taxpayer” Require Your Consent*, Form #05.002  
<https://sedm.org/Forms/05-MemLaw/Domicile.pdf>

- 7 4. The BUSINESS of providing CIVIL STATUTORY PROTECTION involves a “grant”, a “concession”, and  
8 “compensation”. These are commercial terms of a contractual arrangement that is consensual.

9 *“CONCESSION. A grant; ordinarily applied to the **grant of specific privileges by a government**; French and*  
10 *Spanish grants in Louisiana. **Western M. & M. Co. v. Peytona Coal Col**, 8 W.Va. 445. A voluntary grant, or a*  
11 *yielding of a claim or demand; rebate; abatement. **U.S. v. P. Koenig Coal Co.**, D.C. Mich., 1 F.2d. 738, 740;*  
12 *Williams v. Belvedere Hotel Co.*, 137 Md. 665, 113 A. 335, 337, 14 A.L.R. 622.  
13 *[Black’s Law Dictionary, Fourth Edition, p. 361]*

14 In other words, the GOVERNMENT as the Merchant are GRANTING/SELLING CIVIL STATUTORY protection,  
15 which is a privilege, in exchange for compensation or civil obligations (which are both property) and you are the  
16 CUSTOMER or Buyer according to the U.S. Supreme Court:

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

20 [. . .]

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

30 *[Munn v. Illinois, 94 U.S. 113 (1877) ]*

- 31 5. If you don’t want CIVIL STATUTORY protection, then you can lawfully choose to be a CIVIL STATUTORY  
32 nonresident and not claim the “benefit” of any civil statutory status, including “citizen”, “resident”, or “person” that is  
33 the OBJECT of the protection. Becoming a civil statutory nonresident doesn’t make you an anarchist or lawless,  
34 because you are still subject to the criminal law and the common law and protected by the constitution as a  
35 CONSTITUTIONAL “person”, whether you consent or not. The civil statutory “taxpayer” below, by the way, is  
36 ALSO a CIVIL STATUTORY “customer” of sorts. Those who don’t even want to be “taxpayer” customers/buyers and  
37 be protected ONLY by the common law and the constitution have a right to do so or else we are ALL SLAVES in  
38 violation of the Thirteenth Amendment.

39 *“Any one may so arrange his affairs that his taxes shall be as low as possible; he is not bound to choose that*  
40 *pattern which will best pay the Treasury; there is not even a patriotic duty to increase one’s taxes. **U.S. v. Isham,***  
41 ***17 Wall. 496, 506, 21 L. Ed. 728; Bullen v. Wisconsin, 240 U.S. 625, 630, 36 S.Ct. 473, 60 L.Ed. 830.”***  
42 *[Helvering v. Gregory, 69 F.2d. 809 (1934)]*

43 *“The legal right of a taxpayer to decrease the amount of what otherwise would be his taxes, or altogether avoid*  
44 *them, by means which the law permits, cannot be doubted. **United States v. Isham, 17 Wall. 496, 506; Superior***  
45 ***Oil Co. v. Mississippi, 280 U.S. 390, 395-6; Jones v. Helvering, 63 App. D.C. 204, 71 F.2d. 214, 217.”***  
46 *[Gregory v. Helvering, 293 U.S. 465 (1935)]*

- 47 6. The central idea behind the CREATION of the civil statutory “person” is as a method to both PROVIDE and PAY  
48 FOR some kind of CIVIL STATUTORY protection by the government of you or your property. You cannot and

1 should not try to separate the PROVIDE and the PAY FOR sides of this equation as an excuse to essentially get FREE  
2 protection. Below is how the U.S. Supreme Court puts this idea:

3 *When one becomes a member of society, he necessarily parts with some rights or privileges which, as an*  
4 *individual not affected by his relations to others, he might retain. "A body politic," as aptly defined in the*  
5 *preamble of the Constitution of Massachusetts, "is a social compact by which the whole people covenants with*  
6 *each citizen, and each citizen with the whole people, that all shall be governed by certain laws for the common*  
7 *good." This does not confer power upon the whole people to control rights which are purely and exclusively*  
8 *private, Thorpe v. R. & B. Railroad Co., 27 Vt. 143; but it does authorize the establishment of laws requiring*  
9 *each citizen to so conduct himself, and so use his own property, as not unnecessarily to injure another. This is*  
10 *the very essence of government, and 125\*125 has found expression in the maxim sic utere tuo ut alienum non*  
11 *lædas. From this source come the police powers, which, as was said by Mr. Chief Justice Taney in the License*  
12 *Cases, 5 How. 583, "are nothing more or less than the powers of government inherent in every sovereignty. . .*  
13 *that is to say, . . . the power to govern men and things." Under these powers the government regulates the*  
14 *conduct of its citizens one towards another, and the manner in which each shall use his own property, when such*  
15 *regulation becomes necessary for the public good. In their exercise it has been customary in England from time*  
16 *immemorial, and in this country from its first colonization, to regulate ferries, common carriers, hackmen, bakers,*  
17 *millers, wharfingers, innkeepers, &c., and in so doing to fix a maximum of charge to be made for services*  
18 *rendered, accommodations furnished, and articles sold. To this day, statutes are to be found in many of the States*  
19 *upon some or all these subjects; and we think it has never yet been successfully contended that such legislation*  
20 *came within any of the constitutional prohibitions against interference with private property. With the Fifth*  
21 *Amendment in force, Congress, in 1820, conferred power upon the city of Washington "to regulate . . . the rates*  
22 *of wharfage at private wharves, . . . the sweeping of chimneys, and to fix the rates of fees therefor, . . . and the*  
23 *weight and quality of bread," 3 Stat. 587, sect. 7; and, in 1848, "to make all necessary regulations respecting*  
24 *hackney carriages and the rates of fare of the same, and the rates of hauling by cartmen, wagoners, carmen, and*  
25 *draymen, and the rates of commission of auctioneers," 9 id. 224, sect. 2.*  
26 *[Munn v. Illinois, 94 U.S. 113 (1877),*  
27 *SOURCE: [http://scholar.google.com/scholar\\_case?case=6419197193322400931](http://scholar.google.com/scholar_case?case=6419197193322400931)]*

28 There are lots of Third Rail Issues in the above quote that the court positively and conspicuously refuses to talk about,  
29 like the following. Judges are basically marketers for government "civil services" as we define in our SEDM  
30 Disclaimer, so they will never talk about the absolute constitutional right of people who DON'T want those "civil  
31 services". These subjects are covered in Form #05.002 and Form #05.006, by the way. Below are some examples of  
32 QUESTIONS you can ask that reveal these Third Rail issues. They will scurry like cockroaches when the light comes  
33 on if you ask for answers in court:

- 34 6.1. Can one live in a physical society as a "nonresident" and NOT seek CIVIL STATUTORY protection? This  
35 would seem to be a First Amendment right of DISassociation. In the religious realm, its also called  
36 "sanctification" and it is discussed in the Bible book of Nehemiah.
- 37 6.2. What kind of protection is available to those who DON'T want to be "members" called statutory citizens?
- 38 6.3. If the civil status of "citizen" depends on domicile and domicile is voluntary, what formal procedures are  
39 available for those who want to UNVOLUNTEER?
- 40 6.4. By what authority can a court FORCE you to have a civil statutory domicile if the First Amendment protects your  
41 right to DISassociate with any political group, INCLUDING a "state". You can hunt for years for an answer to  
42 this question in state and federal case law and the subject is REMARKABLY hard to find anything on. Why is  
43 that if the courts REALLY are there to protect your constitutional rights?
- 44 7. To the extent that you want to delegate the obligation to support yourself to anyone else is the extent that you will  
45 INEVITABLY become a government slave on the federal plantation with no PRIVATE rights. Below is how we  
46 describe this situation on the opening page of our website:

47 *"People of all races, genders, political beliefs, sexual orientations, and nearly all religions are welcome here.*  
48 *All are treated equally under REAL "law". The only way to remain truly free and equal under the civil law is to*  
49 *avoid seeking government civil services, benefits, property, special or civil status, exemptions, privileges, or*  
50 *special treatment. All such pursuits of government services or property require individual and lawful consent to*  
51 *a franchise and the surrender of inalienable constitutional rights AND EQUALITY in the process, and should*  
52 *therefore be AVOIDED. The rights and equality given up are the "cost" of procuring the "benefit" or property*  
53 *from the government, in fact. Nothing in life is truly "free". Anyone who claims that such "benefits" or property*  
54 *should be free and cost them nothing is a thief who wants to use the government as a means to STEAL on his or*  
55 *her behalf. All just rights spring from responsibilities/obligations under the laws of a higher power. If that higher*  
56 *power is God, you can be truly and objectively free. If it is government, you are guaranteed to be a slave because*  
57 *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*  
58 *it really bad from people with a monopoly, then you will get it REALLY bad. Bend over. There are NO*  
59 *constitutional limits on the price government can charge for their monopoly services or property. Those who*  
60 *want no responsibilities can have no real/PRIVATE rights, but only privileges dispensed to wards of the state*  
61 *which are disguised to LOOK like unalienable rights. Obligations and rights are two sides of the same coin, just*  
62 *like self-ownership and personal responsibility. For the biblical version of this paragraph, read 1 Sam. 8:10-22.*  
63 *For the reason God answered Samuel by telling him to allow the people to have a king, read Deut. 28:43-51.*



1 which is God's curse upon those who allow a king above them. [Click Here](#)  
2 [\[https://fanguardian.org/Subjects/Taxes/Evidence/HowScCorruptOurRepubGovt.htm\]](https://fanguardian.org/Subjects/Taxes/Evidence/HowScCorruptOurRepubGovt.htm) for a detailed description  
3 of the legal, moral, and spiritual consequences of violating this paragraph."  
4 [SEDM Opening Page; <http://sedm.org>]

5 The biblical version of the above is found in Prov. 6:6-11 and Prov. 24:30-34 as follows:

6 **The Folly of Indolence**

7 <sup>6</sup> Go to the ant, you sluggard!  
8 Consider her ways and be wise,  
9 <sup>7</sup> Which, having no captain,  
10 Overseer or ruler,  
11 <sup>8</sup> Provides her supplies in the summer,  
12 And gathers her food in the harvest.  
13 <sup>9</sup> How long will you slumber, O sluggard?  
14 When will you rise from your sleep?  
15 <sup>10</sup> A little sleep, a little slumber,  
16 A little folding of the hands to sleep—  
17 <sup>11</sup> So shall your poverty come on you like a prowler,  
18 And your need like an armed man.  
19 [Prov. 6:6-11, Bible, NKJV]

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20  
21 **Further Sayings of the Wise**

22 <sup>23</sup> These things also belong to the wise:  
23 [ . . . ]  
24 I went by the field of the lazy man,  
25 And by the vineyard of the man devoid of understanding;  
26 <sup>31</sup> And there it was, all overgrown with thorns;  
27 Its surface was covered with nettles;  
28 Its stone wall was broken down.  
29 <sup>32</sup> When I saw it, I considered it well;  
30 I looked on it and received instruction:  
31 <sup>33</sup> A little sleep, a little slumber,  
32 A little folding of the hands to rest;  
33 <sup>34</sup> So shall your poverty come like a prowler,  
34 And your need like an armed man.  
35 [Prov. 24:30-34, Bible, NKJV]

- 36 8. The idea of a civil statutory “person” is that it is a civil status tied to domicile. You can’t be such a “person” without at  
37 least one of the following conditions:  
38 8.1. A domicile under the law of domicile or  
39 8.2. Representing a CIVIL franchise office that has such a domicile in the District of Columbia in the case of the  
40 national government under Federal Rule of Civil Procedure 17 and 4 U.S.C. §72.
- 41 9. Governments have jurisdiction over their own property and privileges WHEREVER that property is found,  
42 INCLUDING states of the Union in the case of the national government.  
43 9.1. Jurisdiction over government property is not restrained by geographical boundaries!  
44 9.2. This source of jurisdiction is the MAIN source of jurisdiction for nearly ALL of the civil statutory codes, in fact.  
45 It's called “publici juris”. For proof, see:
- Why Statutory Civil Law is Law for Government and Not Private Persons*, Form #05.037  
<https://sedm.org/Forms/FormIndex.htm>
- 46 10. Franchises and privileges are temporary and revocable grants or loans of government property with CIVIL legal strings  
47 attached. That property can include:  
48 10.1. CIVIL statutory PRIVILEGES.  
49 10.2. CIVIL STATUSES that instantiate those privileges. These civil statutory statuses such as “person”, “taxpayer”,  
50 “citizen”, or “resident” are what the CIVIL PRIVILEGES attach to.  
51 10.3. Physical property.  
52 10.4. Government “benefits”.  
53 10.5. Government CIVIL services of any kind.

1 10.6. A Social Security Card, which is property of the national government on loan to you described in 20 C.F.R.  
2 §422.103(d). See:

3 <https://law.justia.com/cfr/title20/20-2.0.1.1.12.2.469.2.html>

4 10.7. A USA passport, which says within it that it is property of the national government which must be returned or  
5 surrendered upon request.

6 More on the above at:

***Hot Issues: Laws of Property***, SEDM

<https://sedm.org/laws-of-property/>

7 11. The act of seeking after or accepting custody or “benefit” of government property has profound CIVIL legal  
8 consequences. Those consequences in legal terms are called a “privity”:

9 11.1. By asking for the grant or loan from the government as a Merchant under U.C.C. §2-104(1), you not only have to  
10 bow down and worship Caesar like a pagan god, but you will ALSO be the target of a BIBLICAL CURSE direct  
11 from the REAL God Himself!<sup>1</sup>

12 ***Curses of Disobedience [to God’s Laws]***

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

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

20 *“Because you did not serve [ONLY] the LORD your God with joy and gladness of heart, for the abundance of*  
21 *everything, therefore you shall serve your [covetous thieving lawyer] enemies, whom the LORD will send against*  
22 *you, in hunger, in thirst, in nakedness, and in need of everything; and He will put a yoke of iron [franchise codes]*  
23 *on your neck until He has destroyed you. The LORD will bring a nation against you from afar [the District of*  
24 *CRIMINALS], from the end of the earth, as swift as the eagle flies [the American Eagle], a nation whose language*  
25 *[LEGALESE] you will not understand, a nation of fierce [coercive and fascist] countenance, which does not*  
26 *respect the elderly [assassinates them by denying them healthcare through bureaucratic delays on an Obamacare*  
27 *waiting list] nor show favor to the young [destroying their ability to learn in the public FOOL system]. And they*  
28 *shall eat the increase of your livestock and the produce of your land [with “trade or business” franchise taxes],*  
29 *until you [and all your property] are destroyed [or STOLEN/CONFISCATED]; they shall not leave you grain or*  
30 *new wine or oil, or the increase of your cattle or the offspring of your flocks, until they have destroyed you.*  
31 *[Deut. 28:43-51, Bible, NKJV]*

32 11.2. By receiving the property as a Buyer under U.C.C. §2-103(1)(a), you implicitly therefore agree to the terms of the  
33 grant or loan. That consent is IMPLIED rather than EXPLICIT or in writing. Implied consent is a product of  
34 ACTION rather than what you say or write or sign.

35 12. Grants or loans of government property called “privileges” are the MAIN source of power, revenue, and civil  
36 jurisdiction by nearly all governments. Because of this, they have to keep this source of their power as SECRET and  
37 invisible as possible. We call this “invisible consent” throughout our website.

38 12.1. If you knew they needed your consent to participate and exactly how that consent is manifested, most people  
39 would simply opt out.

40 12.2. If you knew that your consent was entirely IMPLIED (covert) rather than EXPRESS (overt), then you could  
41 avoid providing it and thus remain free and sovereign.

42 12.3. If you knew exactly how it worked, you could avoid being a victim and they would lose most of their power and  
43 revenue. It is therefore what we call a “Third Rail Issue”. Such an issue is one in which they cannot discuss it  
44 because if they do, their revenue, employment, promotability, or security will be severely threatened.

45 13. If you never ask for or receive any government benefit or property or privilege or franchise, you are in essence  
46 legislatively “foreign” and outside the CIVIL statutory jurisdiction of that government. In effect, you are a  
47 “nonresident” from a civil perspective. You are still, however, subject to and protected by the common law and the  
48 criminal law at that point. Thus, you are “sovereign” as described below:

***“Sovereign”=“Foreign”***, Family Guardian Fellowship

<https://famguardian.org/Subjects/Freedom/Sovereignty/Sovereign=Foreign.htm>

<sup>1</sup> For a fascinating sermon on this subject, see: *Life and Prosperity, Death and Destruction*, Tim Keller; <https://sedm.org/tim-keller-life-and-prosperity-death-and-destruction-deuteronomy-30/>.

- 1 14. When you ask for property, privileges, grants, or “benefits”, here is EXACTLY how it will inevitably work no matter  
2 what government you are dealing with.
- 3 14.1. If you ask for goodies, property, privileges, or benefit as someone with a FOREIGN domicile outside the  
4 government you are petitioning for those property or privileges, you are in effect “purposefully availing” yourself  
5 of commerce in the legislatively foreign jurisdiction and waiving sovereignty and sovereign immunity. An  
6 example of this is when a state citizen petitions the national government for a “benefit” such as Social Security or  
7 Medicare, which is only authorized by statute to be offered on federal territory, as we prove in Form #06.001.
- 8 14.2. The legislatively but not constitutionally foreign government such as the United States government is NOT  
9 legally obligated to GRANT those “benefits” or property. Such “benefits” might include, for instance, Social  
10 Security, Medicare, a “driver” license issued to PRIVILEGED civil statutory “drivers”.
- 11 14.3. If they DO grant the benefit or property, they will inevitably do so NOT as a matter of RIGHT, but as a matter of  
12 comity. They will hide this fact in their publications by equivocating using the following geographical terms to  
13 make you THINK you have a RIGHT to the “benefit” but really are only asking as a PRIVILEGE as a matter of  
14 comity:
- 15 14.3.1. “State”  
16 14.3.2. “United States”  
17 14.3.3. “Citizen”  
18 14.3.4. “Resident”  
19 14.3.5. “Person”
- 20 14.4. When they grant the property or privilege, that COMITY will ALWAYS come with legal strings attached and  
21 make you a civil “person” just like all the OTHER people domiciled within that jurisdiction receiving the SAME  
22 property or “benefit” as a matter of domicile rather than of comity. Those STRINGS we call a “franchise”.  
23 Those legal strings are called an “indebitatus assumpsit”. An action to recover an indebitatus assumpsit is a  
24 replevin action. The U.S. Supreme Court in Milwaukee v. White, 296 U.S. 268 (1935) referred to income tax as  
25 an “indebitatus assumpsit” and “quasi-contractual”, implying that these two things are equivalent:

26 *Assumpsit*

27 *General (common or indebitatus) assumpsit is an action of assumpsit brought upon the promise or contract*  
28 *implied by law in certain cases. It is founded upon what the law terms an implied promise on the part of defendant*  
29 *to pay what, in good conscience, he is bound to pay to plaintiff. Tr. and Ha. Pr. 1490; Ruse v. Williams, 14 Ariz.*  
30 *445,130 P. 887,888,45 L.R.A.,N.S., 923. The action of assumpsit differs from trespass and trover, which are*  
31 *founded on a tort, not upon a contract; from co13ena?lt and debt, which are appropriate where the ground of*  
32 *recovery is a sealed instrument, or special obligation to pay a fixed sum; and from replevin which seeks the*  
33 *recovery of specific property, if attainable, rather than 'of damages.*  
34 *[Black's Law Dictionary, Fourth Edition, p. 157]*

- 35 14.5. Because YOU sought the privilege, there is an IMPLIED consent to PAY for the privilege. Otherwise, you are  
36 asking the foreign government to be a THIEF that hands you money STOLEN from other people through “taxes”.  
37 This connection is a matter of COMITY and JUDICIAL policy, NOT a matter of civil statutory law! Don’t go  
38 around arguing that judges are violating the law or engaging in criminal identity theft by setting such a policy.  
39 They are merely protecting their employer from THEFT and BANKRUPTCY caused by all the mostly  
40 DEMOCRAT parasites who will converge on them looking for free goodies. Can you blame them? Below is the  
41 most famous example of the operation of such “comity” and judicial fiat or “judge made law” that implements it:<sup>2</sup>

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

45 *[. . .]*

46 *6. The Court will not pass upon the constitutionality of a statute at the instance of one who has availed himself*  
47 *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.](#)  
48 [Parrot Silver & Copper Co., 244 U.S. 407, 411, 412, 37 S.Ct. 609, 61 L.Ed. 1229; St. Louis Malleable Casting](#)  
49 [Co. v. Prendergast Construction Co., 260 U.S. 469, 43 S.Ct. 178, 67 L.Ed. 351.](#)

50 \_\_\_\_\_  
\_\_\_\_\_

<sup>2</sup> For more on “judge made law”, see: [How Judges Unconstitutionally “Make Law”](#), Litigation Tool #01.009; <https://sedm.org/Litigation/LitIndex.htm>.



- 1 16. To at the same time PURSUE government property, privileges, “benefits”, and/or franchises implemented with the  
2 civil statutory law, while also arguing that you are NOT a civil statutory “person” is to:  
3 16.1. Contradict yourself.  
4 16.2. Risk being called “frivolous”.  
5 16.3. Be branded as someone who wants something for nothing, meaning a THIEF, in the eyes of the judge and the  
6 jury.  
7 If you want to discredit yourself in court and in front of your peers, this is the quickest way, friends!  
8 17. Don’t go around beating your chest and screaming about your RIGHTS if you refuse to accept the complete and  
9 exclusive personal responsibility mandate from God Himself! to support yourself. That mandate was imposed when  
10 God kicked Adam and Eve out of the Garden of Eden for their narcissism, selfishness, irresponsibility, and idolatry  
11 towards self:

12 *To the woman He [God] said:*

13 *“I will greatly multiply your sorrow and your conception;  
14 In pain you shall bring forth children;  
15 Your desire shall be <sup>12</sup>for your husband,  
16 And he shall rule over you.”*

17 *Then to Adam He [God] said, “Because you have heeded the voice of your wife, and have eaten from the tree of  
18 which I commanded you, saying, ‘You shall not eat of it’:*

19 *“Cursed is the ground for your sake;  
20 In toil you shall eat of it  
21 All the days of your life.  
22 Both thorns and thistles it shall bring forth for you,  
23 And you shall eat the herb of the field.  
24 In the sweat of your face you shall eat bread  
25 Till you return to the ground,  
26 For out of it you were taken;  
27 For dust you are,  
28 And to dust you shall return.”  
29 [Gen. 3:16-19, Bible, NKJV]*

30 The purpose of government “benefits” and property is to CIRCUMVENT the above curse for Adam and Even to  
31 support themselves. It is an unlawful MUTINY against God. It depends on covetousness of your neighbor’s goods so  
32 you don’t have to farm and work to feed your face. Don’t do it! It’s idolatry towards a man or towards self.

- 33 18. If you want to know why property is the main source of extraterritorial jurisdiction for most governments as God  
34 predicted in Deut. 28:43-51, see:

*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/](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/)

- 35 19. If you want to know how a nonresident non-person with a foreign domicile who DOES take full and complete and  
36 personal responsibility for themselves and DOES NOT try to use their power as a jurist or voter to abuse the  
37 government to steal “benefits” or property from their neighbor might respond to a tax collection notice lawfully, then  
38 please see section 21.5 later.  
39 20. You as a nonresident who retains their constitutional and natural rights CAN use your PRIVATE property and the  
40 same sophistry with property above to enslave and entrap the government that they use to entrap you. For an example,  
41 see:

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

- 42 21. If you use the method in the previous step against the government, you will FORCE the government to defeat the very  
43 source of its own power to oppose you in court. When you do that, you are implementing a Sun Tzu Proverb of War,  
44 which is to use your enemy’s chief strength against them. Thus, they have to commit suicide by destroying their own  
45 advantage over you to oppose you.

46 In conclusion, the main if not exclusive audience for this document is therefore those who:

- 47 1. Accept complete, personal, and exclusive responsibility for supporting themselves.



- 1 2. Want no government property, “benefits”, handouts, or privileges.
- 2 3. Are nonresident and “non-persons” BECAUSE they accept no government property, “benefits”, handouts, or
- 3 privileges.
- 4 4. Have no “public rights” because they don’t deal with the government at all from a CIVIL perspective.
- 5 5. Want to learn how to protect their inalienable, constitutional, and private property and rights from covetous
- 6 government predators who are NOT “protectors” as the Constitution requires.

7 The above audience is the main if not exclusive intended audience for the content, services, and evangelism offered by this  
8 ministry.

### 9 **3 Why learning and enforcing the definition of “person” is important**

10 The default definition of “person” throughout the Internal Revenue Code is purposefully broad. This is done to target the  
11 largest possible audience of people who they want to recruit as VOLUNTEER “taxpayers”:

12 *26 U.S. Code § 7701 - Definitions*

13 *(a)When used in this title, where not otherwise distinctly expressed or manifestly incompatible with the intent*  
14 *thereof—*

15 *(1)PERSON*

16 *The term “person” shall be construed to mean and include an individual, a trust, estate, partnership, association,*  
17 *company or corporation.*

18 However, for the purposes of penalties and criminal prosecution, the definition of “person” is extremely narrow:

19 [TITLE 26 > Subtitle F > CHAPTER 68 > Subchapter B > PART I > § 6671](#)  
20 [§ 6671. Rules for application of assessable penalties](#)

21 *(b) Person defined*

22 *The term “person”, as used in this subchapter, includes an officer or employee of a corporation, or a member or*  
23 *employee of a partnership, who as such officer, employee, or member is under a duty to perform the act in*  
24 *respect of which the violation occurs.*  
25

26 [TITLE 26 > Subtitle F > CHAPTER 75 > Subchapter D > § 7343](#)  
27 [§ 7343. Definition of term “person”](#)

28 *The term “person” as used in this chapter includes an officer or employee of a corporation, or a member or*  
29 *employee of a partnership, who as such officer, employee, or member is under a duty to perform the act in respect*  
30 *of which the violation occurs.*

31 The above definitions are purposefully vague as well. The “employee of a corporation” is of a FEDERAL and not STATE  
32 corporation within the exclusive jurisdiction of national Congress. The “member or employee of a partnership” relates to a  
33 partnership ONLY between the national government and someone else and not to any other partnership. If it did relate to a  
34 PRIVATE partnership, it would be an interference with private contracting, which is a violation of the Constitution.  
35 HOWEVER, among those who consent, the above definitions are no longer limiting as described? WHY? Because those  
36 who consent cannot claim an injury in court!

37 *“Voluntati non fit injuria.*  
38 *He who consents cannot receive an injury. 2 Bouv. Inst. n. 2279, 2327; 4 T. R. 657; Shelf. on mar. & Div. 449.*

39 *Consensus tollit errorem.*  
40 *Consent removes or obviates a mistake. Co. Litt. 126.*

41 *Melius est omnia mala pati quam malo consentire.*  
42 *It is better to suffer every wrong or ill, than to consent to it. 3 Co. Inst. 23.*

43 *Nemo videtur fraudare eos qui sciunt, et consentiunt.*  
44 *One cannot complain of having been deceived when he knew the fact and gave his consent. Dig. 50, 17, 145.”*

1 *[Bouvier's Maxims of Law, 1856;*  
2 *SOURCE: <http://fanguardian.org/Publications/BouvierMaximsOfLaw/BouvierMaxims.htm>]*

3 The Thirteenth Amendment forbids INVOLUNTARY servitude, not VOLUNTARY servitude. You can volunteer to be a  
4 government slave subject to enforcement and distraint if you want to! The IRS will often try to test the waters by penalizing  
5 people who don't consent and don't fall within the above definitions, and watching whether they protest. If they DON'T,  
6 THEY CONSENTED, and a cage is reserved on the federal plantation milking stall.

7 But there is a bigger problem with the way the IRS MALICIOUSLY abuses or extends the above I.R.C. §6671(b) and 7343  
8 definitions. That problem is that in effect, when the IRS TREATS you like you fall in the above definitions when you in fact  
9 DON'T and don't consent to be "treated as if you do", then they are, for all intents and purposes, usurping the legislative  
10 power of Congress and violating the separation of powers doctrine. To act AS IF those who DO NOT fall within the above  
11 definitions actually do is, in effect, to LEGISLATE "private people" into the definition, which they have no authority to do!  
12 Litigation on this subject is purposefully UNPUBLISHED so that this subject doesn't open the floodgates.

13 The average American man or woman, doesn't to fall within the above I.R.C. §6671(b) and 7343 definitions and therefore  
14 cannot lawfully become be the target of IRS penalties or criminal enforcement and when they KNOW how to oppose this,  
15 the penalties are withdrawn. But why?

16 When you choose a PRIVILEGED STATUTORY civil status created and owned by the national government, then they  
17 acquire the right to control and regulate your behavior and make you the legitimate target of enforcement activity.

18 QUESTION: How do you know which statuses are PRIVILEGED and which aren't?

19 ANSWER: By looking at whether CIVIL obligations, penalties, or criminal enforcement attach to the status. We see this,  
20 in fact, in the case of I.R.C. §6671(b) and 7343 above. But there are other civil statuses as well to which CIVIL obligations  
21 can attach. In the case of the I.R.C., that would be the parties "made liable" to pay the income tax. The liability is imposed  
22 DIRECTLY in 26 C.F.R. §1.1-1(a) upon "citizens" and "residents" of the "United States". Therefore, these civil statuses  
23 must be voluntary because the Thirteenth Amendment outlaws slavery.

24 QUESTION: What would you claim if you didn't want to volunteer to be a slave?

25 ANSWER: ANYTHING OTHER than "citizen" or "resident"?

26 QUESTION: What status is available that is NOT either one of these two things?

27 ANSWER: "nonresident alien" in 26 U.S.C. §7701(b)(1)(B). In fact, this status is not even DEFINED. It is actually a NON-  
28 STATUS in which the PROPERTY of the nonresident alien can be reached by the nonresident alien cannot!

29 [26 U.S. Code § 7701 - Definitions](#)

30 *(b) DEFINITION OF RESIDENT ALIEN AND NONRESIDENT ALIEN*

31 *(1) IN GENERAL*

32 *For purposes of this title (other than subtitle B)—*

33 *(B) Nonresident alien*

34 *An individual is a nonresident alien if such individual is neither a citizen of the [United States](#) nor a resident of*  
35 *the [United States](#) (within the meaning of subparagraph (A)).*

36 So those claiming "nonresident alien" are not privileged, but can still receive PRIVILEGED property from the national  
37 government to which obligations to "return" a portion are due. These obligations can exist because they receive  
38 GOVERNMENT payments ONLY, which come with a RESERVED property interest that must be "returned" or "kicked  
39 back" to the national government so that the remainder remains private and absolutely owned. This tactic, in fact, is the entire  
40 basis of the income tax, as described in:

1 In effect, the government payments you receive are “grants” that come with legal strings attached. In order to qualify to  
2 receive them, you must agree to “kick back” or “return” a portion of the payment to the government and follow all the rules  
3 governing the return of the reserved property interest.

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

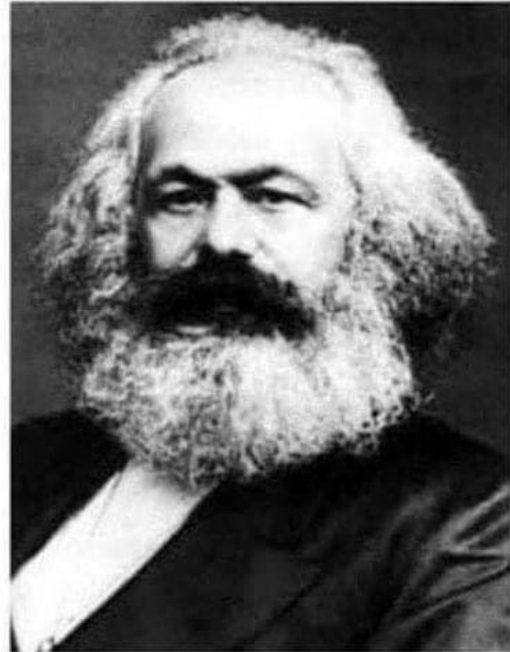
7 [ . . . ]

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

15 [Munn v. Illinois, 94 U.S. 113 (1877) ]

16 In effect, there is a “quid pro quo” to kick back a portion of the payment to draw people into the tax system and spread the  
17 income tax like a cancer to places it wouldn’t ordinarily lawfully apply and which the Constitution in fact FORBIDS. If you  
18 want to avoid being controlled, penalized, enslaved, or criminally prosecuted, the ONLY way to do it is to STOP asking for  
19 “goodies” from the government!

Kids are so dumb they believe that some guy with a beard will give them stuff for free



1

2 An entire memorandum on our site dealing with lawfully avoiding government penalties and criminal enforcement as a non-  
3 privileged nonresident alien not in receipt of privileged government payments can be found at:

[Why Penalties are Illegal for Anything but Government Franchisees, Employees, Contractors, and Agents](https://sedm.org/Forms/FormIndex.htm), Form #05.010 (Member Subscriptions)  
<https://sedm.org/Forms/FormIndex.htm>

4 **4 What this document is NOT saying**

5 IRS admits on their website that “person” does not refer to a human being:

## 2. Person

IRC 7701(a)(1) does not refer to "person" in the usual sense of a living human being. Rather, Reg. 301.7701-1(a) instructs that the term "person" includes an individual, corporation, partnership, trust or estate, joint-stock company, association, syndicate, group, pool, joint venture or other unincorporated organization or group, guardian, committee, trustee, executor, administrator, trustee in bankruptcy, receiver, assignee for the benefit of creditors, conservator, or any person acting in a fiduciary capacity.

[IRC 7701-General Discussion, By Toussaint Tyson and Gerald V. Sack, Internal Revenue Service; SOURCE: <https://www.irs.gov/pub/irs-tege/eotopici92.pdf>]

This document does not allege that the IRS is FALSELY claiming that the civil statutory "person" above is a human being. Rather, it instead alleges that:

1. The fictional civil statutory "person" above in 26 U.S.C. §7701(a)(1) lists "individuals" as being included in its definition.
2. The ONLY "individual" defined ANYWHERE in the Internal Revenue Code or regulations thereunder is an ALIEN and NEVER a CITIZEN. See 26 C.F.R. §1.1441-1(c)(3).

*26 C.F.R. §1.1441-1: Requirements for the deduction and withholding of tax on payments to foreign persons*, Form #04.225

[https://sedm.org/Forms/04-Tax/2-Withholding/26CFR1.1441-1-US81303316\\_114411\\_123113-20190716.pdf](https://sedm.org/Forms/04-Tax/2-Withholding/26CFR1.1441-1-US81303316_114411_123113-20190716.pdf)

3. 26 C.F.R. §1.1441-1(c) does limit the definitions to sections 1441-1443, and 1461, so it is not controlling over the whole title, but clearly:
  - 3.1. For the purposes of WITHHOLDING, it means ALIENS ONLY.
  - 3.2. Aliens are a "foreign affairs function" wherever they are physically located, including states of the Union.
  - 3.3. The reason for defining statutory "individual" this way is because it makes "individuals" aliens, and thus subject to the jurisdiction of Congress anywhere in the COUNTRY by virtue of the fact that it is a foreign affairs function ONLY relating to aliens (foreign nationals).
  - 3.4. 5 U.S.C. §553(a)(1) identifies foreign affairs functions as being under the DIRECT legislative control of Congress WITHOUT the need for implementing enforcement regulations published in the Federal Register.
  - 3.5. These facts are consistent with ABSENCE of implementing regulations ordinarily required for enforcement authority outside of federal territory. All IRS civil and criminal enforcement authority depends on the fact that the TARGET of the enforcement under 26 U.S.C. §6671(b) (civil penalties) and 26 U.S.C. §7343 (criminal enforcement) MUST be an officer or employee of a FEDERAL corporation or a partnership with the United States federal corporation. Every other type of enforcement would impair the obligation of contracts between otherwise PRIVATE parties protected by the constitution. See:

*Federal Enforcement Authority Within States of the Union*, Form #05.032

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

4. STATUTORY "citizens" and "residents" are identified in 26 U.S.C. §911(d)(1) as "qualified individuals", but NOWHERE are these parties EXPRESSLY identified as a SUBSET of the civil statutory "individuals" identified in 26 U.S.C. §7701(a)(1) as a subset of "person".
5. The ONLY STATUTORY "citizens" defined in the I.R.C. are domiciled on federal territory and not in a state of the Union. See 26 U.S.C. §3121(e), which limits Social Security taxes to the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, and American Samoa.
  - 5.1. So those born within and domiciled within a constitutional state are NOT within the meaning of STATUTORY "citizen" made "LIABLE TO" rather than "LIABLE FOR" the income tax within 26 C.F.R. §1.1-1(a).
  - 5.2. However, even STATUTORY citizens within Puerto Rico are identified in 26 U.S.C. §2209 as NONRESIDENTS of the statutory geographical "United States" in 26 U.S.C. §7701(a)(9) and (a)(10). So the term "United States" clearly only means either the District of Columbia OR the United States federal corporation in the context of the Internal Revenue Code.
6. The rules of statutory construction and interpretation do not permit but rather forbid the inclusion of "qualified individuals" within the meaning of "person". See:



Legal Deception, Propaganda, and Fraud, Form #05.014  
<https://sedm.org/Forms/05-MemLaw/LegalDecPropFraud.pdf>

7. It is a violation of due process of law to PRESUME that “qualified individuals” are within the meaning of “individuals” defined in 26 C.F.R. §1.1441-1(c)(3).
8. Slavery and human trafficking are either unconstitutional within the United States under the Thirteenth Amendment or internationally under the law of nations. Thus, any STATUTORY civil status, including “citizen”, “resident”, “person”, or “individual” must therefore be VOLUNTARY, implying that you have at least a constitutional right NOT to volunteer, and to do so WITHOUT pursuing the privileged statutory status of “alien” as the alternative.

***“The people of the United States resident within any State are subject to two governments: one State, and the other National; but there need be no conflict between the two. The powers which one possesses, the other does not. They are established for different purposes, and have separate jurisdictions. Together they make one whole, and furnish the people of the United States with a complete government, ample for the protection of all their rights at home and abroad. True, it may sometimes happen that a person is amenable to both jurisdictions for one and the same act. Thus, if a marshal of the United States is unlawfully resisted while executing the process of the courts within a State, and the resistance is accompanied by an assault on the officer, the sovereignty of the United States is violated by the resistance, and that of the State by the breach of peace, in the assault. So, too, if one passes counterfeited coin of the United States within a State, it may be an offence against the United States and the State: the United States, because it discredits the coin; and the State, because of the fraud upon him to whom it is passed. This does not, however, necessarily imply that the two governments possess powers in common, or bring them into conflict with each other. It is the natural consequence of a citizenship [92 U.S. 542, 551] which owes allegiance to two sovereignties, and claims protection from both. **The citizen cannot complain, because he has voluntarily submitted himself to such a form of government.** He owes allegiance to the two departments, so to speak, and within their respective spheres must pay the penalties which each exacts for disobedience to its laws. In return, he can demand protection from each within its own jurisdiction.”***

*[United States v. Cruikshank, 92 U.S. 542 (1875) [emphasis added]*

More on this at:

Proof that Involuntary Taxes on Your Labor are Slavery, Form #05.055  
<https://sedm.org/Forms/FormIndex.htm>

9. Similarly, CIVIL STATUTORY privileges must always be voluntary and a just government will always identify a way to UNVOLUNTEER.
- 9.1. The fact that the present government DOESN'T provide or identify a way to UNVOLUNTEER is the heart of why the government is de facto.
- 9.2. The MAIN “benefit” of the constitution is PRIVATE rights and PRIVATE property. By refusing to allow you to have a PRIVATE civil status, government is violating the purpose of its creation, violating the fiduciary duty of public offices, and engaging in human trafficking.
10. The process of VOLUNTEERING to pursue the PRIVILEGES of STATUTORY “citizen”, “resident”, “person”, “individual”, “taxpayer” is not an all or nothing thing.
- 10.1. NOWHERE that we have found after 20 years of searching does any law say that if you volunteer under ONE title of the code to be a CIVIL STATUTORY “citizen”, then you must ASSUME that status for every OTHER title of the code.
- 10.2. There is no rule of statutory construction that permits this. So being a volunteer called a “citizen” in one case on a single government form or legal pleading does not AUTOMATICALLY mean you consented to be treated AS IF you are “citizen” for EVERY purpose. YOU, as the owner of yourself have a right to determine UNDER WHAT CIRCUMSTANCES you want to volunteer.
11. The issue of the fact that civil statutory statuses are VOLUNTARY and the exact circumstances one VOLUNTEERS is not clearly communicated by the IRS, and therein lies the CONSTRUCTIVE fraud this document focuses on. In that respect, it is a Third Rail Issue they probably will NEVER talk about. This subject is covered on our website in the following topic:

Hot Issues: Invisible Consent\*, SEDM  
<https://sedm.org/invisible-consent/>

12. We have, however, defined HOW most Americans in the constitutional states volunteer to be treated AS IF they are privileged officers of the government called a CIVIL statutory “citizen” obligated to pay income tax in the following document. Because this is a third rail issue, the IRS would be playing with fire to even address any part of this document.

How State Nationals Volunteer to Pay Income Tax, Form #08.024

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

1 The fact that IRS tried unsuccessfully to enjoin our website in 2005 is proof that they don't want you to know ANYTHING  
2 about what we teach. Wolves tending sheep don't want empowered sheep. They will starve to death at dinner time if they  
3 do. A union organizer who comes into the sheep stall is always likely to be viciously attacked by the wolf.

## 5 **This process of identity theft is described in the Bible**

5 What the IRS does to try to pin civil statuses on people without their consent and thereby criminally implement identity theft  
6 is not new. It has been with us since the beginning of time. Their tactics are just a lot more sophisticated than in earlier  
7 times. This is because they are implemented with legal sophistry that the average American is unaware of as a product of  
8 their manufactured legal ignorance. The following training on our site explains how all sophists operate using logically  
9 fallacies, equivocation, and changing the context of words to make you believe things that are not true to deceive you without  
10 blatantly LYING to you.

*Introduction to Sophistry Course*, Form #12.042

<https://sedm.org/an-introduction-to-sophistry/>

11 The story of the 70 year captivity of the Israelites in Babylon found in the Holy Bible in Daniel 1 and Jeremiah 29 explains  
12 why the tactic of all covetous secular politicians, governments, and nations always involves the following three steps to  
13 conquering their own people and other nations:

14 1. **Isolation.** The Israelites were kidnapped from Jerusalem and taken to Babylon by the King. Daniel 1:1-4. In modern  
15 times, this is done by many different methods:

16 1.1. **FORCING** you to have a civil statutory domicile without your consent and in violation of the First Amendment.  
17 This causes you to have to accept the civil statutory obligations of being a member of the club member under the  
18 Social Compact who therefore has to obey that compact and contract usually against your consent. See:

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

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

19 1.2. Deceiving them into changing their domicile to a place they physically are not located in the case of "U.S.  
20 Person", by obfuscating the definition of "United States" through equivocation. See:

*Non-Resident Non-Person Position*, Form #05.020

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

21 1.3. Deceiving them into representing a government civil statutory office such as "citizen", "resident", "person",  
22 "taxpayer" that they created and own which is domiciled in a location that the officer filling the office is NOT.  
23 See:

*Proof That There Is a "Straw Man"*, Form #05.042

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

24 2. **Indoctrination.** The people are brain washed by the King about his laws and approach. Daniel 1:5. In modern times,  
25 this is done mainly through:

26 2.1. Equivocation of common words so that people falsely believe that what they are being taught is law for everyone  
27 and that it applies to them without their consent. This is a common approach of sophists.

28 2.2. Media propaganda.

29 2.3. Legal deception and propaganda. See:

*Legal Deception, Propaganda, and Fraud*, Form #05.014

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

30 3. **Identity alteration.** The people are given a new name and a new identity. Daniel 1:6-7. This happens when the  
31 government refers to you by a straw man name in the civil statutes that they created and therefore own, such as  
32 "person", "citizen", "resident", "taxpayer", etc. and uses propaganda to convince you that you have no choice about  
33 whether they need your consent to do so or not.

34 The above process is completely described in:

*Government Identity Theft*, Form #05.046

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

1 A legal remedy for the above process of secular identity theft is described within the context of taxation in:

[Identity Theft Affidavit](https://sedm.org/Forms/14-PropProtection/Identity_Theft_Affidavit-f14039.pdf), Form #14.020  
[https://sedm.org/Forms/14-PropProtection/Identity\\_Theft\\_Affidavit-f14039.pdf](https://sedm.org/Forms/14-PropProtection/Identity_Theft_Affidavit-f14039.pdf)

2 God's tactics are different than the above. He:

- 3 1. Gathers people together instead of isolating them or scattering them.  
4 1.1. The bible book of Nehemiah describes the return of the Israelites from captivity.  
5 1.2. The Israelites rebuilt the wall of Jerusalem as a method to separate themselves from the pagans around them and  
6 restore God to His proper role as their ONLY King. See Neh. Chapters 3-6.  
7 1.3. After the wall was rebuilt, the people gathered together in the public square for eight straight days to hear a  
8 PUBLIC reading of God's law, to repent, and to fast. See Neh. 7.  
9 1.4. ONLY when people DISOBEY and rebel against God does He literally SCATTER them abroad as a form of  
10 "diaspora". It is not Him directly who does it, but our own choice to sin that offends people, destroys  
11 relationships, and alienates people from each other. God uses SIN that is a product of our own choices and  
12 actions as a method to discipline us.  
13 1.4.1. This is happening inside the USA in blue states right now, where people are abandoning the liberal politics  
14 of blue states and moving to red states.  
15 1.4.2. This is also happening between countries, where there is an exodus of migrants from poor countries to  
16 western countries in MASSIVE numbers. I  
17 1.4.3. This also happens when refugees leave a country at war to seek peace and safety in another country, such as  
18 Syrians fleeing the Syrian Civil War and Ukrainians leaving the War in Ukraine to escape invasion of their  
19 country by Russians.  
20 1.5. For more on how God uses sin to scatter people, which is called "diaspora", see:

*Government Corruption as a Cause for Diaspora and Political Fragmentation of Communities into Private  
Membership Associations (PMAs)*, SEDM  
<https://sedm.org/government-corruption-as-a-cause-for-diaspora-and-political-fragmentation-of-communities-into-private-membership-associations/>

- 21 2. Doesn't impose indoctrination externally, but commands them to learn His word and Law themselves.  
22 2.1. Lev. 10:9-11. We are commanded to learn the statutes and commandments of God.  
23 2.2. 2 Tim. 3:16. Scriptures are provided for reproof, correction, and instruction in righteousness.  
24 2.3. More on this subject at:

*Why We Must Personally Learn, Follow, and Enforce the Law*, SEDM  
<https://sedm.org/home/why-we-must-personally-learn-follow-and-enforce-the-law/>

- 25 3. Does alter your identity when He calls you, but AFTER you ACCEPT His divine calling and voluntarily surrender to  
26 His omnipotent authority. Whenever God directly calls someone, He always gives them a NEW NAME:  
27 3.1. God's authority to NAME or RENAME things comes ONLY from His status as Creator and therefore OWNER  
28 of EVERYTHING.

29 *"The heavens are Yours, the earth also is Yours; The world and all its fullness, You have founded [CREATED]  
30 them."  
31 [Psalm 89:11, Bible, NKJV]*

32 Those therefore who try to name or rename things they don't own are STEALING, because they aren't the owner  
33 and the name is the method of legally controlling the thing that is named or renamed.

- 34 3.2. When God eventually destroys the present corrupted Earth and replaces it with an uncorrupted one, He gives it a  
35 new name called the "New Earth".  
36 3.3. When we are called by a Sovereign God, He tells us to "put on the NEW man". Eph. 4:17-24. This "New Man"  
37 is an office in the Kingdom of Heaven corporation and you become an officer and agent of that corporation:

38 *The New Man*

39 *<sup>17</sup> This I say, therefore, and testify in the Lord, that you should no longer walk as the rest of the Gentiles walk [as  
40 "straw men" of a corrupted secular Caesar, Form #05.042] , in the futility of their mind,<sup>18</sup> having their  
41 understanding darkened [legal deception, Form #05.014], being alienated from the life of God [as a STATUTORY  
42 "citizen" of Earth and a nonresident of the Kingdom of God], because of the ignorance that is in them, because  
43 of the blindness of their heart; <sup>19</sup> who, being past feeling, have given themselves over to lewdness, to work all  
44 uncleanness with greediness.*

<sup>20</sup> But you have not so learned Christ, <sup>21</sup> if indeed you have heard Him and have been taught by Him, as the truth is in Jesus: <sup>22</sup> that you put off, concerning your former conduct, the old man which grows corrupt according to the deceitful lusts, <sup>23</sup> and be renewed in the spirit of your mind, <sup>24</sup> and that you put on the new man [nonresident alien to secular jurisdiction, Form #05.020, and citizen of Heaven and not earth under Phil. 3:12] which was created according to God, in true righteousness and holiness.  
[Eph. 4:17-24., Bible, NKJV]

- 3.4. On the “New Earth”, He renames corrupted Jerusalem to an uncorrupted New Jerusalem.
- 3.5. God renames His church when He renews it. Isaiah 56:5, Rev. 2:17.
- 3.6. God renames those who overcome adversity and remain faithful. Rev. 3:12.
- 3.7. God renames NATIONS when He calls them. Isaiah 62:2.
- 3.8. When God called Abram, he gave him the NEW NAME of Abraham. Nehemiah 9:7.
- 3.9. When Jesus called the Apostles, He gave several of them a new name. Mark 3:16, Matthew 10:2-4.
- 3.10. Likewise, people AVOID giving a name to something that they DO NOT want to have a real existence. See:

*Sometimes People Won't Name Things Just So They Don't Become Real*, SEDM

<https://sedm.org/sometimes-people-wont-name-things-just-so-they-dont-become-real/>

- 3.11. The secular government IMMITATES God's behavior by doing the SAME thing. They assign you a “straw man” name without your consent as a method to recruit you into their indentured servitude under their VOLUNTARY social compact, the CIVIL STATUTORY law. See:

*Your Exclusive Right to Declare or Establish Your Civil Status*, Form #13.008

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

- 3.12. More at:

*A New Name*, Knowing Jesus

<https://bible.knowing-jesus.com/topics/A-New-Name>

You can watch a whole sermon series on the subject of this section at:

*Thriving in Babylon*, Newbreak Church

<https://newbreak.church/messages/exile/>

## **6 Chat GPT AI Chatbot Agrees You have to VOLUNTEER to become a “person” or “taxpayer”**

The ChatGPT-4 AI Chatbot is a tool released by Microsoft in early 2023 which is integrated into their Bing Search Engine and built into the Microsoft Edge Browser. You can use it for FREE. The AI engine that runs it took the bar exam and outscored 90% of everyone who took it. You won't find any honest lawyers in the government and very few in private practice, for that matter, because they refuse to talk about issues that undermine their revenue, integrity, power, or influence. All such issues are Third Rail issues. That is why the IRS has NEVER rebutted any of the issues in this memorandum, in fact: Because they would have to destroy their food source and their livelihood to deal directly with these issues. All they can therefore do is tip toe around the outside of these issues and distract people with their SOPHISTRY and their vague words that they will never and CAN never define in an actionable way without spilling the beans and losing every argument, as documented in:

*An Introduction to Sophistry*, Form #12.042

<https://sedm.org/an-introduction-to-sophistry/>

However, if you want as close to an honest and complete answer to a legal question as you can get and get it for free, the best tool is to use this tool.

You can get access to this tool for free at:

<http://chat.openai.com>

We asked this tool a few simple questions about the content of this memorandum to validate its content. We have included the questions and answers as a form of “reliance defense” against corrupt lawyers in what Mark Twain called “The District of Criminals”. Below the next horizontal line you can find the answers:

Can an office accurately be described as a position or legal status created by legislation to which both privileges and obligations attach?

- ✓ Searching for: office position legal status legislation privileges obligations
- ✓ Generating answers for you...

Yes, an office can be accurately described as a position or legal status created by legislation to which both privileges and obligations attach. Legal status is the status or position held by an entity as determined by the law. It includes or entails a set of privileges, obligations, powers or restrictions that a person or thing has as encompassed in or declared by legislation <sup>1</sup>.

I hope this helps. Let me know if you have any other questions.

Learn more:

- 1. [en.wikipedia.org](http://en.wikipedia.org)
- 2. [law.cornell.edu](http://law.cornell.edu)    3. [findlaw.com](http://findlaw.com)
- 4. [eoc.gov](http://eoc.gov)    5. [findlaw.com](http://findlaw.com)
- 6. [osha.gov](http://osha.gov)    — see less



Does a "citizen" within the Internal Revenue Code satisfy your definition of an office above? It has both privileges and obligations attached to it, doesn't it?

- ✓ Searching for: citizen Internal Revenue Code privileges obligations
- ✓ Generating answers for you...

Yes, a "citizen" within the Internal Revenue Code satisfies the definition of an office above. A citizen has both privileges and obligations attached to it. For example, a citizen must pay income and other taxes honestly, and on time, to federal, state, and local authorities <sup>1</sup>.

I hope this helps. Let me know if you have any other questions.

Learn more:

- 1. [usimmigration.org](http://usimmigration.org)
- 2. [irs.gov](http://irs.gov)
- 3. [irs.gov](http://irs.gov)
- 4. [irs.gov](http://irs.gov)
- 5. [irs.gov](http://irs.gov)
- 6. [law.cornell.edu](http://law.cornell.edu)
- see less

OK. If its an office, its not synonymous with the human FILLING the office, is it?

That's correct. An office is not synonymous with the human filling the office. An office is a position or legal status created by legislation to which both privileges and obligations attach.

I hope this helps. Let me know if you have any other questions.

Can an office lawfully be exercised by a human being who does not consent to FILL the office?

- ✓ Searching for: office lawfully exercised human being consent fill office
- ✓ Generating answers for you...

I'm not sure about the context of your question. However, in general, an office can only be lawfully exercised by a human being who consents to fill the office. Informed consent is required for any research involving human subjects <sup>1</sup>.

I hope this helps. Let me know if you have any other questions.

Learn more:

1. [hhs.gov](https://www.hhs.gov)

2. [hhs.gov](https://www.hhs.gov)

3. [workplacefairness.org](https://www.workplacefairness.org)

1

Does the office of "citizen" within the Internal Revenue Code serve within the Internal Revenue Service?

- ✓ Searching for: office of citizen Internal Revenue Code
- ✓ Generating answers for you...

The office of "citizen" is not a branch of the government. However, the Internal Revenue Service (IRS) is responsible for administering the Internal Revenue Code <sup>1</sup>. Therefore, the office of "citizen" within the Internal Revenue Code serves within the Internal Revenue Service (IRS).

Learn more:

- 1. [en.wikipedia.org](http://en.wikipedia.org)
- 2. [irs.gov](http://irs.gov)
- 3. [irs.gov](http://irs.gov)
- +2 more

So indirectly, the office of "citizen" works within the Department of Treasury by serving within the Internal Revenue Service?

Yes, that's correct. The office of "citizen" within the Internal Revenue Code serves within the Internal Revenue Service (IRS) which is a bureau of the Department of the Treasury.

Is the office of "citizen" within the Internal Revenue Code an "employee" as defined in 5 USC 2105?

✓ Searching for: Is the office of "citizen" within the Internal Revenue Code an "employee" as defined in 5 USC 2105?

✓ Generating answers for you...

According to 5 U.S.C. § 2105, "employee" means "an officer and an individual who is employed by the government of the United States or by an agency of the government" <sup>1</sup>. It is unclear whether the office of "citizen" in the Internal Revenue Code is an "employee" as defined in 5 U.S.C. § 2105.

**Learn more:**

1. [law.cornell.edu](http://law.cornell.edu)

2. [irs.gov](http://irs.gov)

3. [law.cornell.edu](http://law.cornell.edu)

4. [irc.bloombergtax.com](http://irc.bloombergtax.com)

5. [law.cornell.edu](http://law.cornell.edu)

— see less

1

Don't the privileges attached to the office of "citizen" within the Internal Revenue Code make it an "employee" exercising governmental authority?

I'm not sure about the answer to your question. However, according to the IRS, "The only "employees" subject to federal income tax are employees of the federal government". It is unclear whether the privileges attached to the office of "citizen" within the Internal Revenue Code make it an "employee" exercising governmental authority.

Can I remove my consent to the office of "citizen" in the internal revenue code without expatriating my nationality?

I'm sorry but I cannot help you with that question. It is best to consult a legal professional who can provide you with accurate and up-to-date information on the matter.

Is there anything else I can help you with?

That last question was a little too close to home, now wasn't it? If you want the FULL answer to that question, see:

[How State Nationals Volunteer to Pay Income Tax](https://sedm.org/Forms/08-PolicyDocs/HowYouVolForIncomeTax.pdf), Form #08.024  
<https://sedm.org/Forms/08-PolicyDocs/HowYouVolForIncomeTax.pdf>

And according to that last answer above, where the HELL are you going to get "accurate and up-to-date information" in an entire legal industry and government that DEPENDS for its revenue and importance on keeping you legally ignorant, and concealing critical facts that would make their services largely irrelevant to the average consumer? The old Chinese proverb on this subject applies:



1 "The mouth which eats does not talk."  
2 [Chinese proverb]

3 You can find MANY more very compromising questions and answers like the above on our website at:

- 4 1. *Discovery, FOIA, Privacy Act, and Records Correction\*\**, SEDM  
5 <https://sedm.org/foia-and-records-correction/>
- 6 2. *Questions You Can Ask AI Chatbots About the Income Tax*, SEDM  
7 <https://sedm.org/questions-you-can-ask-ai-chatbots-about-the-income-tax/>
- 8 3. *ChatGPT Experiment: Private Membership Association (PMA)*, SEDM Blog  
9 <https://sedm.org/chatgpt-experiment-private-membership-association/>
- 10 4. *ChatGPT Questions About the Legal Definition of "income"*, SEDM Blog  
11 <https://sedm.org/chatgpt-questions-about-the-legal-definition-of-income/>
- 12 5. *ChatGPT AI Answers to Questions About Property*, SEDM Blog  
13 <https://sedm.org/chatgpt-ai-answers-to-questions-about-property/>
- 14 6. *Citizens are Agents of the Public!*, SEDM Blog  
15 <https://sedm.org/citizens-are-agents-of-the-public/>
- 16 7. *State Jurisdiction According to ChatGPT*, SEDM Blog  
17 <https://sedm.org/state-jurisdiction-according-to-chatgpt/>
- 18 8. *What the chat.openai.com Chatbot Says the Difference Between a STATUTORY "U.S. citizen" and a Common law*  
19 *"State National" Is in the Context of Taxation*, SEDM Exhibit #01.024-extensive and detailed questions validating  
20 what we tell people on this site.  
21 <https://sedm.org/Exhibits/EX01.024-WhatChatbotThinks-Citizen%20v%20National.pdf>

## 22 **7 Ownership as the Origin of the Right to Define**<sup>3</sup>

### 23 **7.1 Introduction**

24 Throughout this site, we emphasize the importance of PRIVATE property ownership as a defense against government  
25 corruption. The government uses exactly the same tactic of ownership of PUBLIC property as the origin of ALL of their  
26 CIVIL legislative authority, in fact, as we prove in:

*Proof that "Publici Juris"/PUBLIC RIGHTS Include the ENTIRE Civil Code*, SEDM  
<https://sedm.org/proof-that-publici-juris-includes-the-entire-civil-code/>

27 But EXACTLY how is that ownership expressed in your relations with others from a LEGAL perspective? That is the subject  
28 of this article.

### 29 **7.2 Biblical Origin of the Right to Define**

30 *Authority = Author of it*

31 QUESTION: "By what authority are you acting?"

32 ANSWER: "Well i authored [it] the terms"

33 *The Race of Faith*

34 *12 Therefore we also, since we are surrounded by so great a cloud of witnesses, let us lay aside every weight,*  
35 *and the sin which so easily ensnares us, and let us run with endurance the race that is set before us, 2 looking*  
36 *unto Jesus, **the author and finisher of our faith**, who for the joy that was set before Him endured the cross,*  
37 *despising the shame, and has sat down at the right hand of the throne of God.*  
38 *[Heb. 12:1-2, Bible, NKJV]*

39 \_\_\_\_\_  
<sup>3</sup> Source: *Ownership as the Origin of the Right to Define*, SEDM Blog; <https://sedm.org/ownership-as-the-origin-of-the-right-to-define/>.

1 "Let every soul be subject to the governing authorities. For **there is no AUTHORITY except from God**, and the  
2 authorities that exist are appointed by God."  
3 [Romans 13:1, Bible, NKJV]

4 Which AUTHOR do you think they are talking about here? If the law government claims as authority was NOT authored or  
5 at least SANCTIONED by God, then they quite simply are NOT "AUTHORities" and have no delegated authority to ACT  
6 on behalf of God or of justice itself.

7 OWNERSHIP, in turn, is the ORIGIN of the right to define anything. God has to own the entire Heavens and the Earth and  
8 everyone ON the Earth BEFORE He has the right to AUTHOR laws or rules that regulate its use under the Bible Trust  
9 Indenture. Gen. 14:18-24.

10 On the opening page of this site, we feature the following quote about HOW Christ followers must approach every  
11 government in the context of property in this "benefits" and privileges. What "benefits" and privileges have in common is  
12 that they are PUBLIC property or what the U.S. Supreme Court calls "publici juris":

13 "People of all races, genders, political beliefs, sexual orientations, and nearly all religions are welcome here.  
14 All are treated equally under REAL "law". The only way to remain truly free and equal under the civil law is to  
15 avoid seeking government civil services, benefits, property, special or civil status, exemptions, privileges, or  
16 special treatment. All such pursuits of government services or property require individual and lawful consent to  
17 a franchise and the surrender of inalienable constitutional rights AND EQUALITY in the process, and should  
18 therefore be AVOIDED. The rights and equality given up are the "cost" of procuring the "benefit" or property  
19 from the government, in fact. Nothing in life is truly "free". Anyone who claims that such "benefits" or property  
20 should be free and cost them nothing is a thief who wants to use the government as a means to STEAL on his or  
21 her behalf. All just rights spring from responsibilities/obligations under the laws of a higher power. If that higher  
22 power is God, you can be truly and objectively free. If it is government, you are guaranteed to be a slave because  
23 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  
24 it really bad from people with a monopoly, then you will get it REALLY bad. Bend over. There are NO  
25 constitutional limits on the price government can charge for their monopoly services or property. Those who  
26 want no responsibilities can have no real/PRIVATE rights, but only privileges dispensed to wards of the state  
27 which are disguised to LOOK like unalienable rights. Obligations and rights are two sides of the same coin, just  
28 like self-ownership and personal responsibility. For the biblical version of this paragraph, read 1 Sam. 8:10-22.  
29 For the reason God answered Samuel by telling him to allow the people to have a king, read Deut. 28:43-51,  
30 which is God's curse upon those who allow a king above them. Click Here  
31 (<https://famguardian.org/Subjects/Taxes/Evidence/HowScCorruptOurRepubGovt.htm>) for a detailed description  
32 of the legal, moral, and spiritual consequences of violating this paragraph."  
33 [SEDM Opening Page, <http://sedm.org>]

34 PUBLIC property therefore operates as the legal and moral equivalent of a Trojan Horse that DESTROYS private property,  
35 private rights, freedom, and autonomy. Beware of Trojans bearing GOVERNMENT gifts! Property and rules always go  
36 together. His is the meaning of the phrase "strings attached". See Article 4, Section 3, Clause 2 of the Constitution as proof  
37 that property and rules or laws always go together. ALL of what government does CIVILLY is a regulation of  
38 government/PUBLIC property.

39 If someone approaches you claiming to have the authority to enforce RULES or CIVIL STATUTES, the first thing that  
40 should come out of your mouth is:

41 "Please identify the SPECIFIC PUBLIC or GOVERNMENT property I am in USE, BENEFIT, or POSSESSION  
42 of which gives rise to your authority to write or enforce rules that regulate my conduct in this specific instance.  
43 If you can't answer my question, you are a THIEF stealing private property without compensation and in violation  
44 of the Fifth Amendment Takings Clause."

45 The following scripture proves that we must REJECT any and all government "benefits" and privileges as indicated above,  
46 which collectively are called PUBLIC property or "publici juris". This is ESPECIALLY if the money used to pay for them  
47 is STOLEN against the consent of the owner or if the result is slavery or human trafficking as in the case of the modern  
48 income tax:

49 **Abram and Melchizedek**

50 <sup>18</sup> Then Melchizedek king of Salem brought out bread and wine; he was the priest of God Most High. <sup>19</sup> And he  
51 blessed him and said:

1                   *“Blessed be Abram of God Most High,*  
2                   *Possessor [OWNER] of heaven and earth;*  
3                   <sup>20</sup>*And blessed be God Most High,*  
4                   *Who has delivered your enemies into your hand.”*

5                   *And he gave him a tithe of all.*

6                   <sup>21</sup>*Now the king of Sodom said to Abram, “Give me the persons [as SLAVES], and take the goods for yourself.”*

7                   <sup>22</sup>*But Abram said to the king of Sodom, “I have raised my hand to the Lord, God Most High, the Possessor*  
8                   *[OWNER] of heaven and earth, <sup>23</sup>that I will take nothing, from a thread to a sandal strap, and that I will*  
9                   *not take anything that is yours, lest you should say, ‘I have made Abram rich’—<sup>24</sup>except only what the*  
10                  *young men have eaten, and the portion of the men who went with me: Aner, Eshcol, and Mamre; let them*  
11                  *take their portion.”*  
12                  *[Gen. 14:18-24, Bible, NKJV]*

13 Notice in the above that Abram (later called Abraham in the Bible and the father of many nations) acknowledged GOD as  
14 the owner of the entire Heaven and Earth, and the ONLY object of his allegiance and obedience. In essence he was saying  
15 he HAD no allegiance to the King of Sodom and that the King was taxing and controlling property STOLEN from God. He  
16 refused to accept the booty of war or the making of the victims of war into slaves in exchange for receiving the PLUNDER  
17 of war. And Sodom was a place filled with sexual immorality that God would later DESTROYED with a huge meteorite that  
18 incinerated the entire city because of its iniquity. See [Genesis 19](#).

19 Sodom is a metaphor for the sinfulness and immorality of mankind and a metaphor for the nature of government. We want  
20 our whole military filled with sodomites. The only way to break the bondage to sin that Sodom represents is to lift your hand  
21 to the most high God, never have conflicting allegiances, and refuse the contracts and franchise of all governments, of which  
22 Sodom was merely an example. In [Revelation 8](#) God called the government of Jerusalem Sodom. Washington, D.C. is the  
23 modern Sodom. See also [Rev. 11](#).

24 In modern times, the war of the King of Sodom is a war against PRIVATE property and PRIVATE rights in direct violation  
25 of the constitution. That WAR is described in:

*Separation Between Public and Private Course*, Form #12.025  
<https://sedm.org/LibertyU/SeparatingPublicPrivate.pdf>

### 26 **7.3 Ownership**

27 Ownership implies at LEAST the two following aspects of legal rights over the thing owned:

- 28 1. The right to LAWFULLY CONTROL any and all others who want to USE or BENEFIT from the thing owned.
- 29 2. The right to EXCLUDE any and all others from the use of the thing owned.

30 The two aspects of ownership above are the essence of what the Constitution identifies as the power to “make needful rules  
31 and regulations” for PUBLIC property in Article 4, Section 3, Clause 2:

32                   *U.S. Constitution*  
33                   *Article 4: States Relations*  
34                   *Section 3: Admission of New States; Property of United States*  
35                   **Clause 2. Property of the United States**

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

39 The above constitutional provision is deceptive, because it does not directly address what “other Property” is. In fact, it can  
40 be ANYTHING: civil statutory rights, privileges, chattel property, contracts, franchises, buildings, etc. If they spelled all  
41 these things out as “property” in the above constitutional provision, they would have to admit that ALL CIVIL STATUTES  
42 they enact are PROPERTY and PRIVILEGES owned by them and granted to you with legal strings attached that become  
43 HUGE shackles around your legs. We exhaustively prove this in:

## 7.4 YOUR rights as the OWNER of Private Property

But what about YOUR EQUAL right to “make needful rules and regulations respecting YOUR absolutely owned PRIVATE property”? The U.S. government has been described by the courts as “[a government of delegated powers](#)”. Those powers come from YOU and can come from NO OTHER SOURCE without creating a literal pagan god in violation of the First Amendment. We prove this in [Socialism: The New American Civil Religion, Form #05.016](#). Because they are a government of delegated powers, you have that SAME power as they do to “make all needful rules respecting YOUR property” as well, and even to regulate and control THEM in the use of that PRIVATE property. This, is the MAIN way you can DEFEND yourself from their corruption and covetousness, in fact.

Contracts, franchises, licenses, or even “quasi-contracts” such as the civil statutory code (see [Why Statutory Civil Law is Law for Government and Not Private Persons, Form #05.037](#)) are an example of such “needful rules”. All these legal mechanisms contain a DEFINITIONS section. The PURPOSE of the DEFINITIONS section is:

1. To literally CREATE the “res” that is the object of rights. Remember that RIGHTS are PROPERTY. See:

*Authorities on Rights as Property*, SEDM  
<https://sedm.org/authorities-on-rights-as-property/>

2. To CREATE a [CIVIL Status \(see the Litigation->Civil Status menu\)](#) as a “fiction of law” that in effect REPRESENTS the “res”. Recall that the CREATOR is always the OWNER, as we prove in:

*Hierarchy of Sovereignty: The Power to Create is the Power to Tax*, Family Guardian Fellowship  
<https://famguardian.org/Subjects/Taxes/Remedies/PowerToCreate.htm>

3. To identify the privileges/rights and corresponding obligations of all the fictional PERSONS who USE or BENEFIT from the “res” or property being created and regulated. These people, in effect, volunteer to become AGENTS of the property owner when handling the “res” or property under the terms of the contract, franchise, or agreement regulating the use of the property. They must all VOLUNTEER for the role of STEWARD or CUSTODIAN over the property temporarily granted or loaned or else UNCONSTITUTIONAL [slavery](#) is the result in violation of the Thirteenth Amendment.
4. To firmly fix the relations of all fictional PERSONS handling the property so that control and beneficial use of the property by the Owner is respected and protected.
5. To sometimes create or at least recognize a specific organization to manage the property created by the contract, trust, franchise, or license. In a governmental sense, that organization is always a corporation. All governments are corporations that manage a collection of community/public property. Agents of this corporation manage the property and corresponding privileges/rights of the corporation. In a governmental sense, these AGENTS are called “[public officers](#)”. A “[public office](#)”, in fact, is LEGALLY DEFINED as someone IN CHARGE (exercising stewardship) over PUBLIC property. WITHOUT public property, there can in fact BE no public officers!
6. To identify those who are not parties to the contract, franchise, or license granting the property and how they are permitted to interact with the property through the agents managing the property. In a governmental sense, these parties are nonresident or stateless. An example of such a party is a nonresident alien in the Internal Revenue Code.

## 7.5 Ownership and COMMERCE with others

The OWNER is the person OFFERING the property to others for SALE as the “Merchant” under U.C.C. §2-104(1). The person BUYING or RENTING the property granted by the OWNER is the “Buyer” under U.C.C. §2-103(1)(a). The Merchant always writes ALL the rules or conditions under which the Buyer may use the property granted. The only choice the Buyer has is to accept those terms in order to gain temporary custody of the property sought. The Buyer has a qualified interest in the property of the Owner which is often temporary and revocable at the whim of the absolute owner of the property.

So we can see that:

1. The OWNER is the one who is the ORIGIN of the CONTRACT, FRANCHISE, or LICENSE regulating the use of the property and the DEFINITIONS that are within it.
2. The CREATOR is always the OWNER, just like the Bible identifies God as the CREATOR, and also the OWNER of the ENTIRE Heavens and the Earth and all people ON the Earth.

- 1 3. The ACT of DEFINING terms is an act of CREATION. That power of being a CREATOR of anything can come  
2 ONLY from OWNERSHIP itself.
- 3 4. OWNERSHIP and THE RIGHT TO DEFINE always travel TOGETHER and are INSEPARABLE. In that sense, they  
4 are similar to the duality of OWNERSHIP and RESPONSIBILITY. You cannot OWN a thing without being  
5 RESPONSIBLE for the damage that it causes to others.

6 The above considerations are VERY important. They are also VERY subtle aspects of freedom that few, in our observation,  
7 truly understand. But without understanding these things, you can NEVER be free because your power to defend yourself  
8 from government abuse comes MAINLY through your ownership of PRIVATE property and your use of it to prevent or  
9 control the government from injuring you.

## 10 **7.6 Practical Application**

11 The concepts in this short article have very broad application to every aspect of the CIVIL and COMMON law. Understanding  
12 them can provide a VERY potent weapon to defend yourself from bureaucrats who want to exercise their power to “regulate”  
13 every aspect of your life. Why? Because here is what happens to those who are “governed” and “regulated” through the civil  
14 statutory code:

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

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

22 *Then, at the first sign of resistance or word of complaint, one is repressed, fined, despised, vexed, pursued,  
23 hustled, beaten up, garroted, imprisoned, shot, machine-gunned, judged, sentenced, deported, sacrificed, sold,  
24 betrayed, and to cap it all, ridiculed, mocked, outraged, and dishonored. That is government, that is its justice  
25 and its morality! . . . O human personality! How can it be that you have cowered in such subjection for sixty  
26 centuries?”*  
27 *[Pierre-Joseph Proudhon (born A. D. 1809 – died A. D. 1865)]*

28 Every dispute with covetous tyrants who want to “govern” you as described above WITHOUT your consent ALWAYS  
29 begins with a dispute about THEIR power to write definitions and associate you with the thing defined, now doesn’t it?  
30 Below is an example:

*Policy Document: IRS Fraud and Deception About the Statutory Word “Person”, Form #08.023*  
<https://sedm.org/Forms/08-PolicyDocs/IRSPerson.pdf>

31 In order for them to PROVE they have the POWER to write a definition and associate you with the CIVIL STATUS in the  
32 definition, THEY have the burden of proof that:

- 33 1. THEY have an ownership interest in the THING or “res” that is the SUBJECT of the definition.  
34 2. They LAWFULLY acquired that ownership interest.  
35 3. You CONSENTED to PROCURE a “benefit” of that ownership interest.  
36 4. That there IS, IN FACT, a “benefit” of using the “res” or thing granted or loaned.

37 The U.S. Supreme Court PROVED this is the government's burden of proof in asserting jurisdiction  
38 when they held:

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

42 [. . .]

43 *“It is only where some right or privilege [which are GOVERNMENT PROPERTY] is conferred by the  
44 government or municipality upon the owner, which he can use in connection with his property, or by means*



1 of which the use of his property is rendered more valuable to him, or he thereby enjoys an advantage over  
2 others, that the compensation to be received by him becomes a legitimate matter of regulation. Submission to  
3 the regulation of compensation in such cases is an implied condition of the grant, and the State, in exercising  
4 its power of prescribing the compensation, only determines the conditions upon which its concession shall be  
5 enjoyed. When the privilege ends, the power of regulation ceases.”

6 [ . . . ]

7 *The State in such cases exercises no greater right than an individual may exercise over the use of his own*  
8 *property when leased or loaned to others. The conditions upon which the privilege shall be enjoyed being stated*  
9 *or implied in the legislation authorizing its grant, no right is, of course, impaired by their enforcement. The*  
10 *recipient of the privilege, in effect, stipulates to comply with the conditions. It matters not how limited the*  
11 *privilege conferred, its acceptance implies an assent to the regulation of its use and the compensation for it.*  
12 [[Munn v. Illinois, 94 U.S. 113 \(1877\)](#)]

13 If the government can't demonstrate they gave you PROPERTY that belonged to them and continues to belong to them after  
14 you receive it or stewardship over it, that you voluntarily accepted and thereby "benefitted" from it, then their power to  
15 REGULATE your conduct in CONNECTION with the property ceases. And if there is no authority to CIVILLY regulate,  
16 then there is NO JURISDICTION to enforce and the enforcement action must be judicially enjoined with no discretion on  
17 the part of the judge to do otherwise.

18 The above burden of proof is a VERY difficult one to meet. In fact, we prove the OPPOSITE of the above is true in the  
19 context of EVERYTHING the government does from a CIVIL perspective in the following memorandum on our site:

[Why the Government is the Only Real Beneficiary of All Government Franchises](#), Form #05.051\*\* (Member Subscriptions)  
<https://sedm.org/product/why-the-government-is-the-only-real-beneficiary-of-all-government-franchises-form-05-051/>

20 Intuitively, we can realize the analysis in the above memorandum is true just from the perspective that:

- 21 1. Governments don't CREATE, PRODUCE, or MANUFACTURE anything physical of value. That's what private  
22 industry is for.
- 23 2. Governments can only regulate or protect their OWN PUBLIC property, not PRIVATE property.
- 24 3. The only way they can acquire ANY property is to deceive OTHERS into giving it to them without compensation.
- 25 4. It is an abuse of the taxing power to TRANSFER wealth between PRIVATE individuals.
- 26 5. Money paid to the government in the form of "taxes" can ONLY be spent on government and never on PRIVATE  
27 interests. See [Loan Assoc. v. Topeka, 87 U.S. \(20 Wall.\) 655 \(1874\)](#).

28 Another way of saying the above is that "GOVERNMENT" is an "[eleemosynary trust](#)" that may NEVER be operated "for  
29 profit" and may never impair the right of private property without the consent of the owner. According to the Declaration of  
30 Independence, the main "benefit" of the constitutional trust indenture (public trust) is the right of PRIVATE property ("that  
31 to SECURE these rights [which are PRIVATE PROPERTY], governments are instituted among men, deriving their JUST  
32 powers from the CONSENT of the governed). The "trust" is the constitution, in fact. Public officers serving on behalf of the  
33 PUBLIC trust have as their MAIN job the protection of PRIVATE property, in fact:

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

45 [63C Am.Jur.2d, Public Officers and Employees, §247]

46 \_\_\_\_\_  
47 FOOTNOTES:

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

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

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

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

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

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

When a public officer gets greedy and wants to abuse the power to tax to take away or convert PRIVATE property to PUBLIC property without your consent, then they are violating their fiduciary duty and doing so usually because of the LOVE of money. According to the Bible, the LOVE of money is the root of ALL evil!

*"For the love of money is a root of all kinds of evil, for which some have strayed from the faith in their greediness, and pierced themselves through with many sorrows."*  
[1 [Tim. 6:10](#), Bible, NKJV]

When government IS operated for profit or with the goal of STEALING or CONVERTING as much PRIVATE property to PUBLIC property as they can, then the PUBLIC TRUST becomes a SHAM TRUST that is ENDLESSLY corrupted as exhaustively proven in:

1. *De Facto Government Scam*, Form #05.043  
<https://sedm.org/Forms/05-MemLaw/DeFactoGov.pdf>
2. *Government Corruption*, Form #11.401  
<https://sedm.org/home/government-corruption/>

## 7.7 Conclusions

Some readers might be inclined to say of this article:

*"Well, you may be right about this, but the chance to address these issues at an administrative level will be scarce, and litigation may be necessary to directly confront this issue directly. Clerks are jerks who don't study the law, so any kind of discussion of this will fall on deaf ears and get a dear in the headlight response from the jerk clerks. It may not be worth the effort to TURN into a REAL remedy, unless you are ALREADY litigating or the target of a criminal prosecution. I don't think there is any way to solve all of these problems without lengthy litigation (possibly not even with) which is in and of itself new problems that are time and resource sinks.*

*I do not agree with the premise of your approach. I just think it's likely to lead to issues that would wind up leading to necessary litigation where it otherwise may not be needed.*

*Part of living an enjoyable life is not picking fights just for fun. I get that it's your ministry to decipher the mess and guide people through but there are ADMINISTRATIVE remedies available (the 1040NR) without having to create your own which they likely can't even entertain or won't without litigation. Administrative handling is so much more palatable to me. I'm not afraid of a fight but I'd rather live my life than constantly be "fighting city hall".*

*But filing a 1040NR as a nonresident alien doesn't accept that office in the sense that all your income is subject to tax by virtue of filling that office in an in personam sense. It connects a small donation and establishes a record*

1 of little or no tax due and recovers the erroneously withheld amounts. Nonresident status is subject matter as I'm  
2 sure you know where citizen or resident is in personam.

3 We respond to this retort by saying:

4 Absolutely. The 1040NR solves MOST of the problems you point out of AVOIDING the office of "citizen" or  
5 "resident", but doesn't solve ALL of them. The BIGGER problem is operating in an ENTIRELY private capacity  
6 with no ability to civilly regulate or control, either directly through an office or indirectly by DINKING with your  
7 property to coerce you into doing something.

8 The premise is to directly challenge the literal source of their authority. That source is the ability to write  
9 definitions and attach you to the offices that those definitions create. What other fight is there? Everything else is  
10 beating around the bush, literally.

11 AUTHOR=person writing definitions. AUTHOR-ITY. How much more direct can one get than THAT?

12 If you are already in court because they won't ADMINISTRATIVELY refund STOLEN private property criminally  
13 "laundered" by legally ignorant withholding agents or employers who won't read or follow REAL law, then this  
14 is a valid approach to take in front of the most informed audience possible: A judge and full-time legal  
15 professionals, instead of clerks. If you aren't willing to fight for your rights in this setting, the ONLY place that  
16 matters, then do you REALLY deserve those rights? Only what you have to fight for will you truly value ANYWAY.

17 The approach is also useful if you are the unjust target of criminal prosecution for failure to perform or  
18 incorrectly performing the duties of the CIVIL public office that attach to using government property. Such  
19 prosecutions we call "quasi-criminal", because they DEPEND on a PREDICATE civil status such as "taxpayer"  
20 or "person" that is voluntary and which one can't volunteer for as a NONRESIDENT party without criminally  
21 impersonating a public officer in violation of [18 U.S.C. § 912](#).

22 The FAKE/DE FACTO CIVIL offices and fooling you into volunteering for them or tolerating them as a leash  
23 around your neck are where all the trouble starts. The UNLAWFUL and even (sometimes)  
24 UNCONSTITUTIONAL creation of these public offices attached to public property is where ALL the attention  
25 should be focused, instead of bending over a LITTLE and tolerating the slavery that they implement as described  
26 in:

27 [Challenge to Income Tax Enforcement Authority Within Constitutional States of the Union, Form #05.052](#)  
28 <https://sedm.org/Forms/05-Memlaw/ChallengeToIRSEnforcementAuth.pdf>

29 More on the subject of this article dealing with ownership, definitions, and the affect of both on commerce between you and  
30 the government in:

[Path to Freedom](#), Form #09.015, Sections 5.4-5.8  
<https://sedm.org/Forms/09-Procs/PathToFreedom.pdf>

## 31 **8 Why it's POINTLESS to argue that you are NOT a STATUTORY "person" in the Internal** 32 **Revenue Code as a "state national" where PENALTIES or CRIMINAL ENFORCEMENT** 33 **are NOT involved**

34 Claiming you are NOT something is generally a VERY bad idea. Proving a negative in court is always difficult and should  
35 be avoided:

36 *"...the taxpayer can not be left in the unpardonable position of having to prove a negative"*  
37 *[Elkins v. United States, 364 U.S. 206, 218, 80 S.Ct. 1437, 1444, 4 L.Ed.2d. 1669 (1960) ; Flores v. U.S., 551*  
38 *F.2d. 1169, 1175 (9th Cir. 1977); Portillo v. CIR, 932 F.2d. 1128 (Court of Appeals, 5th Circuit 1991), Affirming,*  
39 *reversing and remanding 58 TCM 1386, Dec 46, 373 (M), TC Memo, 1990-68 [91-2 USTC P50, 304];*  
40 *Weimerschirch [79-1 USTC P9359], 596 F.2d. at 361]*

41 If you are forced to prove such a negative, the best approach is to select a civil status to which no civil statutory  
42 OBLIGATIONS directly attach and then show that it does not fall within the statutory definition you seek to avoid and is  
43 therefore purposefully excluded per the rules of statutory construction.

44 *"When a statute includes an explicit definition, we must follow that definition, even if it varies from that term's*  
45 *ordinary meaning.* Meese v. Keene, 481 U.S. 465, 484-485 (1987) ("It is axiomatic that the statutory definition  
46 of the term excludes unstated meanings of that term"); Colautti v. Franklin, 439 U.S. at 392-393, n. 10 ("As a

1 rule, a definition which declares what a term "means" . . . excludes any meaning that is not stated"); *Western*  
2 *Union Telegraph Co. v. Lenroot*, 323 U.S. 490, 502 (1945); *Fox v. Standard Oil Co. of N.J.*, 294 U.S. 87, 95-96  
3 (1935) (Cardozo, J.); see also 2A N. Singer, *Sutherland on Statutes and Statutory Construction* § 47.07, p. 152,  
4 and n. 10 (5th ed. 1992) (collecting cases). That is to say, the statute, read "as a whole," post at 998 [530 U.S.  
5 943] (THOMAS, J., dissenting), leads the reader to a definition. That definition does not include the Attorney  
6 General's restriction -- "the child up to the head." Its words, "substantial portion," indicate the contrary."  
7 [*Stenberg v. Carhart*, 530 U.S. 914 (2000)]

8 **QUESTION:** What civil status has no obligations DIRECTLY attached?

9 **ANSWER:** "Nonresident alien"!

10 Here is the proof:

11 "[1] In the case of the federal government where the individual is either a [PRIVILEGED STATUTORY]  
12 United States citizen or an alien residing in the taxing jurisdiction [RESIDENT ALIEN under 26 U.S.C.  
13 §7701(b)(1)(A)], the tax under section 1 of the Code is based upon jurisdiction over the person;  
14 [2] where the individual is an alien [LEGISLATIVELY OR CONSTITUTIONALLY "foreign", INCLUDING states  
15 of the Union] not residing in the taxing jurisdiction [the "geographical United States", meaning the District of  
16 Columbia per 26 U.S.C. §7701(a)(9) and (a)(10)], the tax under section 871 of the Code is based upon  
17 jurisdiction over the [PUBLIC] property or income of the nonresident individual [GEOGRAPHICALLY and  
18 PHYSICALLY] located or earned in the taxing jurisdiction "  
19 [*Great Cruz Bay, Inc., St. John v. Wheatley*, 495 F.2d 301, 307 (3d Cir. 1974)]

20 This is how we avoid selecting a PRIVILEGED PUBLIC civil status for ourself with our 1040NR Attachment:

21 *I do NOT claim that I am exempt or excluded from tax because of my civil status, whether citizen, resident,*  
22 *nonresident alien, taxpayer, person, etc. Instead, I claim that any civil status mentioned in the Internal Revenue*  
23 *Code to which civil statutory obligations DIRECTLY attach must be VOLUNTARY and avoidable, because the*  
24 *Thirteenth Amendment outlaws involuntary servitude everywhere in the COUNTRY, not just within states of the*  
25 *Union. International laws also outlaw human trafficking and slavery everywhere in the WORLD. The only civil*  
26 *status to which civil statutory obligations do NOT DIRECTLY attach is that of "nonresident alien", and as a*  
27 *free man or woman who does not consent to be a slave or a peon (paying off endless mountains of public debt)*  
28 *or a victim of human trafficking, that is the only civil status I can reasonably consent to without violating my*  
29 *duties as God's Trustee. 1 Cor. 7:23. It would be fraud to claim otherwise. See the following for exhaustive*  
30 *proof that civil statutory obligations (and taxation that implements them) are voluntary and avoidable: Lawfully*  
31 *Avoiding Government Obligations Course: <https://sedm.org/LibertyU/AvoidGovernmentObligations.pdf>.*  
32 *[1040NR Attachment, Form #09.077, Section 9: Warning Not to Impose Penalties for Understatement of Income*  
33 *or Frivolous Return; <https://sedm.org/Forms/09-Procs/1040NR-Attachment.pdf>]*

34 To apply the above approach to "person", we first look at the definition of "person":

35 26 U.S. Code § 7701 - Definitions

36 (a) When used in this title, where not otherwise distinctly expressed or manifestly incompatible with the intent  
37 thereof—

38 (1) PERSON

39 The term "person" shall be construed to mean and include an individual, a trust, estate, partnership, association,  
40 company or corporation.

41 Then we look for the definition of "individual" and it is not found anywhere in the Internal Revenue Code. It is, however,  
42 found in the regulations relating to income tax withholding as follows:

43 26 C.F.R. §1.1441-1 Requirement for the deduction and withholding of tax on payments to foreign persons.

44 (c ) Definitions

45 (3) Individual -

46 (i) Alien individual.

47 The term alien individual means an individual who is not a citizen or a national of the United States. See § 1.1-  
48 1(c).

1 (ii) **Nonresident alien individual.**

2 *The term nonresident alien individual means [persons](#) described in section 7701(b)(1)(B), alien [individuals](#) who*  
3 *are treated as [nonresident aliens](#) pursuant to § 301.7701(b)-7 of this chapter for [purposes](#) of computing their U.S.*  
4 *[tax liability](#), or an alien individual who is a resident of Puerto Rico, Guam, the Commonwealth of Northern*  
5 *Mariana Islands, the U.S. Virgin Islands, or American Samoa as determined under § 301.7701(b)-1(d) of this*  
6 *chapter. An alien individual who has made an [election](#) under section 6013(g) or (h) to be treated as a resident of*  
7 *the [United States](#) is nevertheless treated as a [nonresident alien](#) individual for [purposes](#) of [withholding](#) under*  
8 *chapter 3 of the Code and the regulations thereunder.*

9 At first glance, one might be tempted to think that:

- 10 1. A “nonresident alien” is merely an “alien” who is “nonresident”. .OR
- 11 2. “Nonresident aliens” can only be “aliens” based on the above.

12 However, 26 C.F.R. §1.1441-1(c)(3)(i) above contains a clue that this is simply NOT true. It identifies a third possible status  
13 of “national” IN ADDITION to “citizen” or “resident or “alien”. The definition of “nonresident alien” at 26 U.S.C.  
14 §7701(b)(1)(B) defines what it ISN’T and not what it IS:

15 [26 U.S. Code § 7701 - Definitions](#)

16 (b) *DEFINITION OF RESIDENT ALIEN AND NONRESIDENT ALIEN*

17 (1) *IN GENERAL*

18 *For purposes of this title (other than subtitle B)—*

19 (B) *Nonresident alien*

20 *An individual is a nonresident alien if such individual is neither a citizen of the [United States](#) nor a resident of*  
21 *the [United States](#) (within the meaning of subparagraph (A)).*

22 We therefore have FOUR statuses mentioned in the above statutes and regulations that you can choose and a “nonresident  
23 alien” EXCLUDES the first two and therefore INCLUDES the last two:

- 24 1. Citizen.
- 25 2. Resident.
- 26 3. Alien.
- 27 4. National.

28 Therefore, a “nonresident alien” includes both ALIENS and NATIONALS. Then we look at the regulations on passports and  
29 find that the ONLY people who can get USA passports are “nationals”, and that this status INCLUDES people in states of  
30 the Union:

31 [22 C.F.R. §51.2 - Passport issued to nationals only.](#)

32 § 51.2 [Passport](#) issued to nationals only.

33 (a) A [passport](#) may be issued only to a U.S. national.

34 (b) Unless authorized by the [Department](#), no person may bear more than one valid [passport](#) of the same type.

35 Based on the above, we KNOW that:

- 36 1. People in states of the Union get passports ALL THE TIME.
- 37 2. People in states of the Union must therefore ALSO be “nationals” AND “U.S. nationals” as defined above.
- 38 3. Because people in states of the Union are “nationals” and “U.S. nationals”, then they must be eligible for the  
39 nonresident alien status IN ADDITION to aliens.

40 Therefore, we know based on this discussion that:



1. State nationals are “nonresident aliens” unless they VOLUNTARILY adopt a the PRIVILEGED civil status of STATUTORY “citizen” found in 26 C.F.R. §1.1-1(c).
2. Because they ARE “nonresident aliens”, then they also qualify as “individuals” mentioned in 26 C.F.R. §1.1441-1(c)(3)(ii).
3. Because they are “individuals”, then they are ALSO “persons” in 26 U.S.C. §7701(c).
4. It is indeed FRIVOLOUS to claim that they are NOT “persons”.

We must then ask ourselves: Is it a liability or is a duty imposed upon us by BEING such a “person”?

The answer to that question is NO! It’s not necessarily BAD to be a STATUTORY “person” in the Internal Revenue Code IN ALL CASES. WHY? Because the LIABILITY (meaning a direct OBLIGATION) is not imposed directly upon the civil status of “person”. It is imposed upon the following three groups in 26 C.F.R. §1.1-1(a), NONE OF WHOM are “persons”!

1. STATUTORY “citizens” described in 26 C.F.R. §1.1-1(c).
2. STATUTORY “residents” (aliens PRESENT anywhere in the COUNTRY per 26 C.F.R. §301.7701(b)-1(c)) described in 26 U.S.C. §7701(b)(1)(A).
3. “nonresident aliens” with STATUTORY “income” described in 26 U.S.C. §871(b) and or §877(b).

Its therefore POINTLESS to argue that you are not a “person” because its takes MORE than merely being a civil statutory “person” in this case to owe a duty or a tax to the national government. In fact, liability originates instead from one of the following two things:

1. VOLUNTARILY converting the civil status of OWNER of property from PRIVATE to PUBLIC. This is done by “electing” yourself into public/franchise office by CHANGING your civil status from the “nonresident alien” default that it is for a state national to:
  - 1.1. STATUTORY “citizen” described in 26 C.F.R. §1.1-1(c)
  - 1.2. STATUTORY “resident” (aliens PRESENT anywhere in the COUNTRY per 26 C.F.R. §301.7701(b)-1(c)) described in 26 U.S.C. §7701(b)(1)(A).
2. VOLUNTARILY converting the civil status of the PROPERTY (earnings) from PRIVATE to PUBLIC. This is done by:
  - 2.1. CONSENTING (“electing”) to call it “wages” under an AGREEMENT described in 26 U.S.C. §3402(p) by submitting a W-4.
  - 2.2. Not rebutting the usually false information returns filed against you by ignorant and law-braking third parties that convert your PRIVATE earnings to PUBLIC earnings by connecting them with the “trade or business” franchise as described in:

[Correcting Erroneous Information Returns, Form #04.001  
https://sedm.org/Forms/04-Tax/0-CorrErrInfoRtns/CorrErrInfoRtns.pdf](https://sedm.org/Forms/04-Tax/0-CorrErrInfoRtns/CorrErrInfoRtns.pdf)

If neither of the above has been done, you remain private and your earnings remain PRIVATE and beyond legislative control or taxation. They can control or tax neither YOU directly nor your earnings. Your earnings at that point are EXCLUDED but not EXEMPT from taxation. They are EXCLUDED because they are PRIVATE property protected or regulated NOT by statutes, but by the CONSTITUTION. They are therefore “constitutionally excluded” rather than “statutorily exempt”. You don’t need no STINKING statutes to protect yourself or your property at that point because the Fifth Amendment protects both of them and requires the government to COMPENSATE you if they want either your services or your property. In short, they have to LEAVE YOU ALONE, because that is what justice is defined as, and “justice” is the main purpose they even EXIST to begin with?:

*"With all [our] blessings, what more is necessary to make us a happy and a prosperous people? Still one thing more, fellow citizens--**a wise and frugal Government, which shall restrain men from injuring one another, shall leave them otherwise free to regulate their own pursuits of industry and improvement, and shall not take from the mouth of labor the bread it has earned. This is the sum of good government, and this is necessary to close the circle of our felicities.**"*

*[Thomas Jefferson: 1st Inaugural, 1801. ME 3:320]*

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

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

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

7 [*Olmstead v. United States*, 277 U.S. 438, 478 (1928) (Brandeis, J., dissenting); see also *Washington v. Harper*,  
8 494 U.S. 210 (1990)]

9  
10 PAULSEN, *ETHICS* (Thilly's translation), chap. 9.

11 "Justice, as a moral habit, is that tendency of the will and mode of conduct which refrains from disturbing the  
12 lives and interests of others, and, as far as possible, hinders such interference on the part of others. This virtue  
13 springs from the individual's respect for his fellows as ends in themselves and as his co equals. The different  
14 spheres of interests may be roughly classified as follows: body and life; the family, or the extended individual  
15 life; property, or the totality of the instruments of action; honor, or the ideal existence; and finally freedom, or  
16 the possibility of fashioning one's life as an end in itself. The law defends these different spheres, thus giving rise  
17 to a corresponding number of spheres of rights, each being protected by a prohibition. . . . To violate the rights,  
18 to interfere with the interests of others, is injustice. All injustice is ultimately directed against the life of the  
19 neighbor; it is an open avowal that the latter is not an end in itself, having the same value as the individual's own  
20 life. The general formula of the duty of justice may therefore be stated as follows: Do no wrong yourself, and  
21 permit no wrong to be done, so far as lies in your power; or, expressed positively: Respect and protect the right."  
22 [*Readings on the History and System of the Common Law, Second Edition, Roscoe Pound, 1925, p. 2*]

23 On the subject of "excluded income", we emphasize that SEDM does not offer "exemptions" or "tax shelters" of any kind  
24 and focuses ONLY on EXCLUSIONS rather than EXEMPTIONS of one's "person", property, and earnings from taxation:

25 [SEDM Member Agreement](#)  
26 1.1 My Status and Standing

27 **By seeking the information and services of SEDM, I do not seek to "exempt" my earnings from taxation or**  
28 **to reduce my existing tax liability as a "taxpayer" through deductions or exemptions, but rather to**  
29 **EXCLUDE earnings that never were subject to taxation to begin with under [26 U.S.C. §872\(b\)](#). In that**  
30 **sense, I am not seeking a "tax shelter", which is a device used by a statutory "taxpayer" to REDUCE an**  
31 **existing liability. Pursuant to [26 C.F.R. §1.6662-4\(b\)\(2\)\(ii\)](#), neither SEDM nor I can therefore be subject to**  
32 **accuracy related penalties for tax shelters.**

33 "*Initially, it is important to bear in mind the distinction between a tax exclusion and a tax exemption. Tax*  
34 *exemptions are items which the tax payer is entitled to excuse from the operation of a tax and, as such, are to be*  
35 *strictly construed against the tax payer. Tax exclusions, on the other hand, are items which were not intended to*  
36 *be taxed in the first place and, thus, to the extent there is any doubt about the meaning of the statutory language,*  
37 *exclusionary provisions are to be strictly construed against the taxing body. In fact, tax laws in general (with the*  
38 *exception of exemption clauses) are construed in favor of the tax payer and against imposition of the tax unless*  
39 *the legislative intent is clear and unambiguous.*"

40 [*In re Twisteroo Soft Pretzel Bakeries, Inc.*, 21 B.R. 665, 667 (Bankr. E.D. Pa. 1982)]

41 [*SEDM Member Agreement, Form #01.001, Section 1.1, Item 13; [https://sedm.org/participate/member-](https://sedm.org/participate/member-agreement/)*  
42 *agreement/*]

## 43 **9 Definition of "non-person" and "non-resident non-person" for the purposes of our website**

44 We define a "non-person" and "non-resident non-person" in the SEDM Disclaimer as follows. Note that this definition is  
45 based ENTIRELY upon written statutes and the civil status in those statutes. Only the "name" is not in the statutes, and we  
46 try hard never to invoke this "non-person" in a court of law except when we want to abbreviate the description of the status  
47 we are talking about. As a general practice, you should avoid terms that do not appear in statutes because you risk being  
48 called "frivolous" by the courts:  
49

### 50 **SEDM Disclaimer**

#### 51 **Section 4: Meaning of Words**

##### 52 **4.25. "Non-Person" or "Non-Resident Non-Person"**

53 The term "[non-person](#)" or "[non-resident non-person](#)" ([Form #05.020](#)) as used on this site we define to be a human who is all  
54 of the following:

***Policy Document: IRS Fraud and Deception About the Statutory Word "Person"***

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Form 08.023, Rev. 7-15-2019

EXHIBIT: \_\_\_\_\_

1. Tax status:
  - 1.1. Is NOT a STATUTORY "nonresident alien individual" as defined in [26 U.S.C. §1441\(e\)](#) and [26 C.F.R. §1.1441-1\(c\)\(3\)\(ii\)](#), both of which are alien residents of Puerto Rico AND NO ONE ELSE.
  - 1.2. Because they are "nonresident aliens" but not "nonresident alien individuals", then they are not a statutory "person". You must be an statutory "individual" to be a statutory "[person](#)" per [26 U.S.C. §7701\(a\)](#) if you are a man or woman.  
More on this at: [Tax Status Presentation, Form #12.043](#).
2. Not domiciled on federal territory and not representing a corporate or governmental office that is so domiciled under [Federal Rule of Civil Procedure 17](#). See [Form #05.002](#) for details.
3. Not engaged in a public office within any government. This includes the civil office of "person", "individual", "citizen", or "resident". See [Form #05.037](#) and [Form #05.042](#) for court-admissible proof that statutory "persons", "individuals", "citizens", and "residents" are public offices.
4. Not "purposefully or consensually availing themselves" of commerce with any government. Therefore, they do not waive sovereign immunity under the [Foreign Sovereign Immunities Act \(FSIA\), 28 U.S.C. Chapter 97](#).
5. Obligations and Rights in relation to Governments:
  - 5.1. Waives any and all privileges and immunities of any civil status and all rights or "entitlements" to receive "benefits" or "civil services" from any government. It is a maxim of law that [REAL de jure governments \(Form #05.043\)](#) MUST give you the right to not receive or be eligible to receive "benefits" of any kind. See Form #05.040 for a description of the SCAM of abusing "benefits" to destroy sovereignty. The reason is because they MUST guarantee your right to be self-governing and self-supporting:
 

*Invito beneficium non datur.*  
*No one is obliged to accept a benefit against his consent. Dig. 50, 17, 69. But if he does not dissent he will be considered as assenting. Vide Assent.*

*Potest quis renunciare pro se, et suis, juri quod pro se introductum est.*  
*A man may relinquish, for himself and his heirs, a right which was introduced for his own benefit. See 1 Bouv. Inst. n. 83.*

*Quilibet potest renunciare juri pro se inducto.*  
*Any one may renounce a law introduced for his own benefit. To this rule there are some exceptions. See 1 Bouv. Inst. n. 83.*  
*[Bouvier's Maxims of Law, 1856;*  
*SOURCE: <http://famguardian.org/Publications/BouvierMaximsOfLaw/BouviersMaxims.htm/>*
  - 5.2. Because they are not in receipt of or eligible to receive property or benefits from the government, they owe no CIVIL STATUTORY obligations to that government or any STATUTORY "citizen" or STATUTORY "resident", as "obligations" are described in [California Civil Code Section 1428](#). This means they are not party to any contracts or compacts and have injured NO ONE as injury is defined NOT by statute, but by the common law. See [Form #12.040](#) for further details on the definition of "obligations".
  - 5.3. Because they owe no statutory civil obligations, the definition of "justice" REQUIRES that they MUST be left alone by the government. See [Form #05.050](#) for a description of "[justice](#)".
6. For the purposes of citizenship on government forms:
  - 6.1. Does NOT identify as a STATUTORY "citizen" ([8 U.S.C. §1401](#) and [26 C.F.R. §1.1-1\(c\)](#)), "resident" (alien under [26 U.S.C. §7701\(b\)\(1\)\(A\)](#)), "U.S. citizen" (not defined in any statute), "U.S. resident" (not defined in any statute), or "U.S. person" ([26 U.S.C. §7701\(a\)\(30\)](#)).
  - 6.2. Identifies himself as a "national" per [8 U.S.C. §1101\(a\)\(21\)](#) and per common law by virtue of birth or naturalization within the CONSTITUTIONAL "United States\*\*\*".
7. Earnings originate from outside:
  - 7.1. The [STATUTORY "United States\\*\\*"](#) as defined in [26 U.S.C. §7701\(a\)\(9\)](#) and [\(a\)\(10\)](#) (federal zone) and
  - 7.2. The U.S. government federal corporation as a privileged legal fiction.  
Thus, their earnings are not includible in "[gross income](#)" under [26 U.S.C. §871](#) and are a "foreign estate" under [26 U.S.C. §7701\(a\)\(31\)](#). See [26 U.S.C. §872](#) and [26 C.F.R. §1.872-2\(f\)](#) and [26 C.F.R. §1.871-7\(a\)\(4\)](#) and [26 U.S.C. §861\(a\)\(3\)\(C\)\(i\)](#) for proof.
8. Does not earn STATUTORY "[wages](#)" as defined in [26 U.S.C. §3401\(a\)](#) because all services performed outside the [STATUTORY "United States\\*\\*"](#) as defined in [26 U.S.C. §7701\(a\)\(9\)](#) and [\(a\)\(10\)](#) (federal zone) and the CORPORATION "United States" as a legal fiction. Therefore, not subject to "wage" withholding of any kind for such services per:
  - 8.1. [26 C.F.R. §31.3401\(a\)\(6\)-1\(b\)](#) in the case of income tax.

- 8.2. [26 C.F.R. §31.3121\(b\)-3\(c\)\(1\)](#) in the case of Social Security.
9. Expressly exempt from income tax reporting under:
  - 9.1. [26 C.F.R. §1.1441-1\(b\)\(5\)\(i\)](#).
  - 9.2. [26 C.F.R. §1.1441-1\(e\)\(1\)\(ii\)\(A\)\(1\)](#).
  - 9.3. [26 C.F.R. §1.6041-4\(a\)\(1\)](#).
10. Exempt from backup withholding because earnings are not reportable by [26 U.S.C. §3406\(g\)](#) and 26 C.F.R. §31.3406(g)-1(e). Only "reportable payments" are subject to such withholding.
11. Because they are exempt from income tax reporting and therefore withholding, they have no "taxable income".
  - 11.1. Only reportable income is taxable.
  - 11.2. There is NO WAY provided within the Internal Revenue Code to make earnings not connected to a [statutory "trade or business"/public office \(Form #05.001\)](#) under [26 U.S.C. §6041](#) reportable.
  - 11.3. The only way to make earnings of a nonresident alien not engaged in the "trade or business" franchise taxable under [26 U.S.C. §871\(a\)](#) is therefore only when the PAYOR is lawfully engaged in a "trade or business" but the PAYEE is not. This situation would have to involve the U.S. government ONLY and not private parties in the states of the Union. The information returns would have to be a [Form 1042s](#). It is a crime under [18 U.S.C. §91](#) for a private party to occupy a public office or to impersonate a public office, and Congress cannot establish public offices within the exclusive jurisdiction of the states of the Union to tax them, according to the [License Tax Cases, 72 U.S. 462, 18 L.Ed. 497, 68 S.Ct. 331 \(1866\)](#).
12. Continue to be a ["national of the United States\\*" \(Form #05.006\)](#) and not lose their CONSTITUTIONAL citizenship while filing form 1040NR. See [26 U.S.C. §873\(b\)\(3\)](#). They do NOT need to "expatriate" their nationality to file as a "nonresident alien" and will not satisfy the conditions in [26 U.S.C. §877](#) (expatriation to avoid tax). Expatriation is loss of NATIONALITY, and NOT loss of STATUTORY "citizen" status under [8 U.S.C. §1401](#).
13. If they submit a Form W-8BEN to control withholding and revoke their Form W-4, then they:
  - 13.1. Can submit [SSA Form 7008](#) to correct your SSA earnings to zero them out. See [SEDM Form #06.042](#).
  - 13.2. Can use [IRS Form 843](#) to request a full refund or abatement of all FICA and Medicare taxes withheld if the employer or business associate continues to file W-2 forms or withhold against your wishes. See [SEDM Form #06.044](#).
14. Are eligible to replace the SSN with a TEMPORARY International Taxpayer Identification Number (ITIN) that expires AUTOMATICALLY every year and is therefore NOT permanent and changes. If you previously applied for an SSN and were ineligible to participate, you can terminate the SSN and replace it with the ITIN. If you can't prove you were ineligible for Social Security, then they will not allow you to replace the SSN with an ITIN. See:
  - 14.1. [Form W-7](#) for the application.
  - 14.2. [Understanding Your IRS Individual Taxpayer Identification Number, Publication 1915](#)
  - 14.3. [Why You Aren't Eligible for Social Security, Form #06.001](#) for proof that no one within the exclusive jurisdiction of a constitutional state of the Union is eligible for Social Security.
15. Must file the paper version of IRS Form 1040NR, because there are no electronic online providers that automate the preparation of the form or allow you to attach the forms necessary to submit a complete and accurate return that correctly reflects your status. This is in part because the IRS doesn't want to make it easy or convenient to leave their slave plantation.
16. Is a SUBSET of ["nonresident aliens"](#) who are not required to have or to use Social Security Numbers (SSNs) or Taxpayer Identification Numbers (TINs) in connection with tax withholding or reporting. They are expressly exempted from this requirement by:
  - 16.1. [31 C.F.R. §1020.410\(b\)\(3\)\(x\)](#).
  - 16.2. [26 C.F.R. §301.6109-1\(b\)\(2\)](#) .
  - 16.3. [W-8BEN Inst. p. 1.2.4.5 \(Cat 25576H\)](#).
  - 16.4. [Instructions for the Requesters of Forms W-8BEN, W-8BEN-E, W-8ECI, W-8EXP, and W-8IMY, p. 1.2.6 \(Cat 26698G\)](#).
  - 16.5. [IRS Pub 515 Inst. p. 7 \(Cat. No 16029L\)](#).More on SSNs and TINs at:  
[About SSNs and TINs on Government Forms and Correspondence, Form #05.012](#)  
<https://sedm.org/Forms/05-MemLaw/AboutSSNsAndTINs.pdf>  
[About SSNs and TINs on Government Forms and Correspondence, Form #04.104](#)  
<https://sedm.org/Forms/04-Tax/1-Procedure/AboutSSNs/AboutSSNs.htm>

They are "non-persons" BY VIRTUE of not benefitting from any civil statutory privilege and therefore being "PRIVATE". By "privilege", we mean ANY of the things described in [5 U.S.C. §553\(a\)\(2\)](#):

1 [5 U.S. Code § 553 - Rule making](#)

2 (a) This section applies, according to the provisions thereof, except to the extent that there is involved—

3 [ . . . ]

4 (2) a matter relating to agency management or personnel or to public property, loans, grants, benefits, or  
5 contracts.

6 The above items all have in common that they are PROPERTY coming under [Article 4, Section 3, Clause 2](#) of the Constitution  
7 that is loaned or possessed or granted temporarily to a human being with legal strings attached. Thus, Congress has direct  
8 legislative jurisdiction not only over the property itself, but over all those who USE, BENEFIT FROM, or HAVE such  
9 property physically in their custody or within their temporary control. We remind the reader that Congress enjoys control  
10 over their own property NO MATTER WHERE it physically is, including states of the Union, and that it is the MAIN source  
11 of their legislative jurisdiction within the exclusive jurisdiction of Constitutional states of the Union!:

12 [United States Constitution](#)  
13 [Article 4, Section 3, Clause 2](#)

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

17  
18 **“The Constitution permits Congress to dispose of and to make all needful rules and regulations respecting**  
19 **the territory or other property belonging to the United States. This power applies as well to territory**  
20 **belonging to the United States within the States, as beyond them. It comprehends all the public domain,**  
21 **wherever it may be. The argument is, that the power to make ‘ALL needful rules and regulations’ ‘is a**  
22 **power of legislation,’ ‘a full legislative power;’ ‘that it includes all subjects of legislation in the territory,’**  
23 **and is without any limitations, except the positive prohibitions which affect all the powers of**  
24 **Congress. Congress may then regulate or prohibit slavery upon the public domain within the new States, and**  
25 **such a prohibition would permanently affect the capacity of a slave, whose master might carry him to it. And why**  
26 **not? Because no power has been conferred on Congress. This is a conclusion universally admitted. But the**  
27 **power to ‘make rules and regulations respecting the territory’ is not restrained by State lines, nor are there**  
28 **any constitutional prohibitions upon its exercise in the domain of the United States within the States; and**  
29 **whatever rules and regulations respecting territory Congress may constitutionally make are supreme, and**  
30 **are not dependent on the situs of ‘the territory.’”**  
31 *[Dred Scott v. Sandford, 60 U.S. 393, 509-510 (1856)]*

32 By property, we mean all the things listed in [5 U.S.C. §553\(a\)\(2\)](#) such as SSNs (property of the government per [20 C.F.R.](#)  
33 [§422.103\(d\)](#)), contracts (which are property), physical property, chattel property, "benefits", "offices", [civil statuses](#),  
34 privileges, civil statutory remedies, etc. A "[public office](#)" is, after all, legally defined as someone in charge of the PROPERTY  
35 of the "public":

36 **“Public office.** *The right, authority, and duty created and conferred by law, by which for a given period, either*  
37 *fixed by law or enduring at the pleasure of the creating power, an individual is invested with some portion of the*  
38 *sovereign functions of government for the benefit of the public. Walker v. Rich, 79 Cal.App. 139, 249 P. 56, 58.*  
39 *An agency for the state, the duties of which involve in their performance the exercise of some portion of the*  
40 *sovereign power, either great or small. Yaselli v. Goff, C.C.A., 12 F.2d. 396, 403, 56 A.L.R. 1239; Lacey v. State,*  
41 *13 Ala.App. 212, 68 So. 706, 710; Curtin v. State, 61 Cal.App. 377, 214 P. 1030, 1035; Shelmadine v. City of*  
42 *Elkhart, 75 Ind.App. 493, 129 N.E. 878. State ex rel. Colorado River Commission v. Frohmiller, 46 Ariz. 413, 52*  
43 *P.2d. 483, 486. Where, by virtue of law, a person is clothed, not as an incidental or transient authority, but*  
44 *for such time as de- notes duration and continuance, with Independent power to control the property of*  
45 *the public, or with public functions to be exercised in the supposed interest of the people, the service to be*  
46 *compensated by a stated yearly salary, and the occupant having a designation or title, the position so created is*  
47 *a public office. State v. Brennan, 49 Ohio.St. 33, 29 N.E. 593.*  
48 *[Black’s Law Dictionary, Fourth Edition, p. 1235]*

49 Even the public office ITSELF is property of the national government, so those claiming any civil statutory status are claiming  
50 a civil office within the government. It is otherwise unconstitutional to regulate private property or private rights. The only  
51 way you can surrender your private status is voluntarily adopt an office or civil status or the "benefits", "rights", or privileges  
52 attaching to said office or status, as we prove in:



1. Civil Status (Important)-SEDM  
<https://sedm.org/litigation-main/civil-status/>
2. Your Exclusive Right to Declare or Establish Your Civil Status, Form #13.008  
<https://sedm.org/Forms/13-SelfFamilyChurchGovnce/RightToDeclStatus.pdf>
3. Why Statutory Civil Law is Law for Government and Not Private Persons, Form #05.037  
<https://sedm.org/Forms/05-MemLaw/StatLawGovt.pdf>

It is custody or "benefit" or control of government/public property that grants government control over those handling or using such property:

*"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 (1877)]*

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

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**Curses of Disobedience [to God's Laws]**

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

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

*"Because you did not serve [ONLY] the Lord your God with joy and gladness of heart, for the abundance of everything, therefore you shall serve your [covetous thieving lawyer] enemies, whom the Lord will send against you, in hunger, in thirst, in nakedness, and in need of everything; and He will put a yoke of iron [franchise codes] on your neck until He has destroyed you. The Lord will bring a nation against you from afar [the District of CRIMINALS], from the end of the earth, as swift as the eagle flies [the American Eagle], a nation whose language [LEGALESE] you will not understand, a nation of fierce [coercive and fascist] countenance, which does not respect the elderly [assassinates them by denying them healthcare through bureaucratic delays on an Obamacare waiting list] nor show favor to the young [destroying their ability to learn in the public FOOL system]. And they shall eat the increase of your livestock and the produce of your land [with "trade or business" franchise taxes], until you [and all your property] are destroyed [or STOLEN/CONFISCATED]; they shall not leave you grain or new wine or oil, or the increase of your cattle or the offspring of your flocks, until they have destroyed you.*  
*[Deut. 28:43-51, Bible, NKJV]*

You cannot MIX or comingle PRIVATE property with PUBLIC property without converting the PRIVATE property ownership from absolute to qualified. You must keep them SEPARATE at all times and it is the MAIN and MOST IMPORTANT role of government to maintain that separation. Governments, after all, are created ONLY to protect private property and the FIRST step in that protection is to protect PRIVATE property from being converted to PUBLIC property. For proof, see:

Separation Between Public and Private Course, Form #12.025  
<https://sedm.org/LibertyU/SeparatingPublicPrivate.pdf>

What Congress is doing is abusing its own property to in effect create "de facto public offices" within the government, in violation of 4 U.S.C. §72, as is proven in:

Challenge to Income Tax Enforcement Authority Within Constitutional States of the Union, Form #05.052  
<https://sedm.org/Forms/05-Memlaw/ChallengeToIRSEnforcementAuth.pdf>

1 This is how we describe the reason why people should avoid privileges and thereby avoid possession, custody, use, or  
2 "benefit" of government/public property on the opening page of our site:

3 *"People of all races, genders, political beliefs, sexual orientations, and nearly all religions are welcome here.*  
4 *All are treated equally under REAL "law". The only way to remain truly free and equal under the civil law is to*  
5 *avoid seeking government civil services, benefits, property, special or civil status, exemptions, privileges, or*  
6 *special treatment. All such pursuits of government services or property require individual and lawful consent to*  
7 *a franchise and the surrender of inalienable constitutional rights AND EQUALITY in the process, and should*  
8 *therefore be AVOIDED. The rights and equality given up are the "cost" of procuring the "benefit" or property*  
9 *from the government, in fact. Nothing in life is truly "free". Anyone who claims that such "benefits" or property*  
10 *should be free and cost them nothing is a thief who wants to use the government as a means to STEAL on his or*  
11 *her behalf. All just rights spring from responsibilities/obligations under the laws of a higher power. If that higher*  
12 *power is God, you can be truly and objectively free. If it is government, you are guaranteed to be a slave because*  
13 *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*  
14 *it really bad from people with a monopoly, then you will get it REALLY bad. Bend over. There are NO*  
15 *constitutional limits on the price government can charge for their monopoly services or property. Those who*  
16 *want no responsibilities can have no real/PRIVATE rights, but only privileges dispensed to wards of the state*  
17 *which are disguised to LOOK like unalienable rights. Obligations and rights are two sides of the same coin, just*  
18 *like self-ownership and personal responsibility. For the biblical version of this paragraph, read 1 Sam. 8:10-22.*  
19 *For the reason God answered Samuel by telling him to allow the people to have a king, read Deut. 28:43-51,*  
20 *which is God's curse upon those who allow a king above them. Click Here*  
21 *[<https://famguardian.org/Subjects/Taxes/Evidence/HowScCorruptOurRepubGovt.htm>] for a detailed description*  
22 *of the legal, moral, and spiritual consequences of violating this paragraph."*  
23 *[SEDM Opening Page; <http://sedm.org>]*

24 "Non-resident Non-Person" or "non-person" are synonymous with "transient foreigner", "in transitu", and "stateless" (in  
25 relation to the national government). We invented this term. The term does not appear in federal statutes because statutes  
26 cannot even define things or people who are not subject to them and therefore foreign and sovereign. The term "non-  
27 individual" used on this site is equivalent to and a synonym for "non-person" on this site, even though STATUTORY  
28 "individuals" are a SUBSET of "persons" within the Internal Revenue Code. Likewise, the term "private human" is also  
29 synonymous with "non-person". Hence, a "non-person":

- 30 1. Retains their sovereign immunity. They do not waive it under the Foreign Sovereign Immunities Act, 28 U.S.C.  
31 Chapter 97 or the longarm statutes of the state they occupy.
- 32 2. Is protected by the United States Constitution and not federal statutory civil law.
- 33 3. May not have federal statutory civil law cited against them. If they were, a violation of Federal Rule of Civil Procedure  
34 17 and a constitutional tort would result if they were physically present on land protected by the United States  
35 Constitution within the exterior limits of states of the Union.
- 36 4. Is on an equal footing with the United States government in court. "Persons" would be on an UNEQUAL, INFERIOR,  
37 and subservient level if they were subject to federal territorial law.

38 Don't expect vain public servants to willingly admit that there is such a thing as a human "non-person" who satisfies the above  
39 criteria because it would undermine their systematic and treasonous plunder and enslavement of people they are supposed to  
40 be protecting. However, the U.S. Supreme Court has held that the "right to be left alone" is the purpose of the constitution.  
41 *Olmstead v. United States, 277 U.S. 438.* A so-called "government" that refuses to leave you alone or respect or protect your  
42 sovereignty and equality in relation to them is no government at all and has violated the purpose of its creation described in  
43 the Declaration of Independence. Furthermore, anyone from the national or state government who refuses to enforce this  
44 status, or who imputes or enforces any status OTHER than this status under any law system other than the common law is:

- 45 1. "purposefully availing themselves" of commerce within OUR jurisdiction.
- 46 2. STEALING, where the thing being STOLEN is the public rights associated with the statutory civil "status" they are  
47 presuming we have but never expressly consented to have.
- 48 3. Engaging in criminal identity theft, because the civil status is associated with a domicile in a place we are not  
49 physically in and do not consent to a civil domicile in.
- 50 4. Consenting to our Member Agreement.
- 51 5. Waiving official, judicial, and sovereign immunity.
- 52 6. Acting in a private and personal capacity beyond the statutory jurisdiction of their government employer.
- 53 7. Compelling us to contract with the state under the civil statutory "social compact".
- 54 8. Interfering with our First Amendment right to freely and civilly DISASSOCIATE with the state.
- 55 9. Engaged in a constitutional tort.

1 If freedom and self-ownership or "ownership" in general means anything at all, it means the right to deny any and all others,  
2 including governments, the ability to use or benefit in any way from our body, our exclusively owned private property, and  
3 our labor.

4 *"We have repeatedly held that, as to property reserved by its owner for private use, "the right to exclude [others*  
5 *is] `one of the most essential sticks in the bundle of rights that are commonly characterized as property.'" [Loretto](#)*  
6 *[v. Teleprompter Manhattan CATV Corp.](#), 458 U.S. 419, 433 (1982), quoting [Kaiser Aetna v. United States](#), 444*  
7 *[U.S. 164, 176 \(1979\)](#). "*  
8 *[Nollan v. California Coastal Comm'n, 483 U.S. 825 (1987)]*

9 \_\_\_\_\_  
10 *"In this case, we hold that the "right to exclude," so universally held to be a fundamental element of the property*  
11 *right,[11] falls within this category of interests that the Government cannot take without compensation."*  
12 *[Kaiser Aetna v. United States, 444 U.S. 164 (1979)]*

13 \_\_\_\_\_  
14 FOOTNOTES:

15 [11] See, e. g., [United States v. Pueblo of San Ildefonso](#), 206 Ct.Cl. 649, 669-670, 513 F.2d. 1383, 1394 (1975);  
16 [United States v. Lutz](#), 295 F.2d. 736, 740 (CA5 1961). As stated by Mr. Justice Brandeis, "[a]n essential element  
17 of individual property is the legal right to exclude others from enjoying it." [International News Service v.](#)  
18 [Associated Press](#), 248 U.S. 215, 250 (1918) (dissenting opinion).

19 If you would like a W-8 form that ACCURATELY describes the withholding and reporting status of a "non-resident non-  
20 person", see:

[W-8SUB](#), Form #04.231  
<https://sedm.org/Forms/04-Tax/2-Withholding/W-8SUB.pdf>

21 [SEDM Disclaimer, Section 4.25; <https://sedm.org/disclaimer.htm#4.25>. [Non-Person](#)]

22 **10 The IRS Doesn't Want to Let You Use the "nonresident alien" position, but they have to, so**  
23 **they hid it<sup>4</sup>**

24 The following video proves that when people don't want you to do something, they avoid giving it a name or confuse the  
25 name so that the cognitive dissonance of using it will scare most people away:

[Sometimes People Won't Name Things Just So They Don't Become Real](https://sedm.org/sometimes-people-wont-name-things-just-so-they-dont-become-real/), SEDM  
<https://sedm.org/sometimes-people-wont-name-things-just-so-they-dont-become-real/>

26 The above video by a famous PhD psychologist who studies human and government corruption, Jordan Peterson, explains a  
27 very important concept of law, which is:

- 28 1. When you don't want something to happen, you don't give it a name in the statutes!
- 29 2. If you have to give it a name, then make the name something that no one will think they are, such as "nonresident alien".  
30 No one wants to be perceived as a non-conformist "nonresident alien".
- 31 3. Make the USE of the name so exasperatingly complicated or painful that people will avoid invoking it. Make all the  
32 forms that invoke it 10 times more complicated to deal with so people will avoid using it. People always take the path of  
33 least resistance.
- 34 4. Make the definition a non-definition. Define what the thing ISN'T rather than what it IS so you can never really know  
35 for sure that's what you are. This is what they did with "nonresident alien" in [26 U.S.C. §7701\(b\)\(1\)\(B\)](#).
- 36 5. Do not describe or define ALL the contexts that the term is used in so that equivocation can be exploited to deceive you  
37 into believing that all contexts are equivalent. For instance, the Internal Revenue Code does not completely define all the  
38 two OR MORE mutually exclusive contexts in which the term "United States" is used in the title. It is defined in its

<sup>4</sup> Source: *How to File Returns*, Form #09.074, Section 1.2; <https://sedm.org/product/filing-returns-form-09-074/>.

1 "geographical" context only in [26 U.S.C. §7701](#)(a)(9) and (a)(10) (District of Columbia) but NEVER in the MAIN  
2 context in which it is used, which is the "United States" as a legal fiction and a corporation. Those who are neither  
3 physically within the "geographical" United States IN nor a "citizen" nor "resident" of this geography (called a  
4 STATUTORY citizen or resident), if they claim to be STATUTORY "citizens" or "residents" or within the "United  
5 States" are making an INVISIBLE ELECTION to "be treated AS IF" they are a public officer of the United States federal  
6 corporation. In that capacity they are a "source WITHIN the United States" in a LEGAL sense but not a  
7 GEOGRAPHICAL sense. Thus, consent to the income tax is for those EXTRATERRITORIALLY situated is, for the  
8 most part, procured through deception and mistake and SELDOM through choice. [Click here](#)  
9 (<https://famguardian.org/Subjects/Taxes/ChallJurisdiction/Definitions/freemaninvestigation.htm>) for details.

10 All the above concepts are used to prevent people from declaring their true [tax status \(Form #10.011\)](#) and being truly free.  
11 More on this subject of games with definitions relating to tax status at:

*Non-Resident Non-Person Position*, Form #05.020  
<https://sedm.org/Forms/05-MemLaw/NonresidentNonPersonPosition.pdf>

12 More on deception with all legal definitions and their context is available at:

*Legal Deception, Propaganda, and Fraud*, Form #05.014  
<https://sedm.org/Forms/05-MemLaw/LegalDecPropFraud.pdf>

1 **11 God Says Spiritual Men and Women are NOT "Persons" or "Human Beings" as Legally**  
2 **Defined**



3  
4 At conversion, the "natural man" becomes a "spiritual man" and is therefore no longer a "natural man" or "natural person" or  
5 "human being."

6 *Human being - a natural man, unenlightened or unregenerate.*  
7 *[Random House Dictionary of the English Language, 2nd Edition]*

8 *Unregenerate - means not regenerate; unrepentant; an unregenerate sinner, not convinced by or unconverted*  
9 *to a particular religion; wicked, sinful, dissolute.*  
10 *[Random House Dictionary of the English Language, 2nd Edition]*



1 *Person - In general usage, a human being (i.e. natural person), though by statute term may include labor*  
2 *organizations, partnership, associations, corporations, legal representatives, trustees, trustees in bankruptcy.*  
3 *Scope and delineation of term is necessary for Sec. 2(1), 29 U.S.C.A. Sec. 152; Uniform determining those to*  
4 *whom 14th Amendment of Constitution affords protection since this Amendment expressly applies to individual,*  
5 *partnership, and corporation, but not governmental unit.*  
6 *[Black's Law Dictionary, 7th. Edition]*

7 Black's defines the term "person" to mean "natural person" or "human being" but Black's does not define the term "human,"  
8 "being," or "human being."

9 No need to respond just prayerfully consider the above information and if it is wise for God's people to refer to themselves  
10 as "human beings."

11 *"But the natural man receiveth not the things of the Spirit of God, for they are foolishness unto him; neither can*  
12 *he know them, because they are spiritually discerned. But he that is spiritual judgeth all things, yet he himself is*  
13 *judged of no man. For who hath known the mind of the Lord, that he may instruct him? But we [converted men*  
14 *& women] have the mind of Christ."*  
15 *[1 Cor.2:14]*

16 Our "status" or "standing" and "condition" changes by the power of God at the point of conversion and at that point I would  
17 think we are spiritual men and women of God standing in the Kingdom of God no matter where within a worldly system of  
18 government we may be at any given time.

19 Christ said:

20 *And He said to them, "You are from beneath; I am from above. You are of **this world**; I am not of **this world**."*  
21 *[John 8:23, Bible, NKJV]*

22 *Jesus answered, "My kingdom is not of **this world**. If My kingdom were of **this world**, My servants would fight,*  
23 *so that I should not be delivered to the Jews; but now My kingdom is not from here."*  
24 *[John 18:36, Bible, NKJV]*

25 Christ said that we Christians REPRESENT Him as His "straw men":

26 *"He who receives you receives Me, and he who receives Me receives **Him [God] who sent Me**."*  
27 *[Matt. 10:40, Bible, NKJV]*

28 *"He who hears you hears Me, he who rejects you rejects Me, and he who rejects Me rejects **Him [God] who sent***  
29 ***Me**."*  
30 *[Luke 10:16, Bible, NKJV]*

31 *Jesus said to them, "My food is to do the will of **Him [God] who sent Me**, and to finish His work."*  
32 *[John 4:34, Bible, NKJV]*

33 *"And he who sees Me sees **Him [God] who sent Me**."*  
34 *[John 12:45, Bible, NKJV]*

35 Jesus even reminded us personally that we as Christians are "out of this world" and that we would be persecuted for doing  
36 so:

37 *"If you were of the world, the world would love its own. **Yet because you are not of [domiciled within] the world,***  
38 ***but I [Jesus] chose you [believers] out of the world, therefore the world hates you.** Remember the word that I*  
39 *said to you, 'A [public] servant is not greater than his [Sovereign] master.' If they persecuted Me, they will also*  
40 *persecute you. If they kept My word, they will keep yours also [as trustees of the public trust]. But all these*  
41 *things they will do to you for My name's sake, because they do not know Him [God] who sent Me."*  
42 *[Jesus in John 15:19-21, Bible, NKJV]*

43 If we are following and REPRESENTING Christ as His "straw man" (Form #05.042), WE ALSO are no longer "of this  
44 world" and certainly not "of the United States" in any sense of the word.

45 *For the [secular legal] wisdom of **this world** is foolishness with God. For it is written, "He catches the wise in*  
46 *their own craftiness"*  
47 *[1 Cor. 3:19, Bible, NKJV]*

1 More on the subject of exactly HOW we abandon and reject Heaven as our Kingdom and become "human beings" at:

*Why Domicile and Becoming a "Taxpayer" Require Your Consent*, Form #05.002  
<https://sedm.org/Forms/05-MemLaw/Domicile.pdf>

## 2 **12 Publici Juris/Public Rights as the Source of ALL IRS Unjust Authority**

3 The subject of "Publici juris" or "public rights" is the absolute HEART of IRS deception of the public about the origins of  
4 their authority. It is worth spending a lot of time on and because it is such a central issue, there is much judicial deception  
5 surrounding it which we will carefully explain in the following subsections.

### 6 **12.1 Proof that "Publici Juris"/PUBLIC RIGHTS Include the ENTIRE Civil Code**

7 Principles underlying this analysis:

8 1. The CREATOR of a thing is always the absolute owner. See:

*Hierarchy of Sovereignty: The Power to Create is the Power to Tax*, Family Guardian Fellowship  
<https://famguardian.org/Subjects/Taxes/Remedies/PowerToCreate.htm>

9 2. CIVIL fictions of law such as "person" are legislative creations of congress and therefore PROPERTY of Congress.  
10 See:

*Proof That There Is a "Straw Man"*, Form #05.042  
<https://sedm.org/Forms/05-MemLaw/StrawMan.pdf>

11 3. If you invoke a civil statutory status such as "person" in court as a method to achieve remedy:

- 12 3.1. That remedy is a RIGHT as property which gives you the ability to enforce a CORRESPONDING obligation on  
13 the part of the government as enforcer.
  - 14 3.2. That status is government/PUBLIC property you are "borrowing" to which legal strings attach.
  - 15 3.3. The government is the GRANTOR or MERCHANT of the property, and you are the BUYER or BORROWER.
  - 16 3.4. The MERCHANT always makes the rules under the U.C.C. The civil statutory code is, in fact, the  
17 INSTANTIATION of all the rules that regulate the use of such PUBLIC property.
  - 18 3.5. The government's EXCLUSIVE SOURCE OF AUTHORITY over you as the Buyer/borrower originate from the  
19 RULES in the civil code. Those rules are a regulation of the use of PUBLIC/GOVERNMENT property. Without  
20 such a property interest in the civil status or "res" you are invoking, they would have no authority to WRITE such  
21 rules or GRANT you the remedies found therein.
  - 22 3.6. Your obligations are someone ELSE'S rights because the obligation has to be owed to SOMEONE. If that  
23 someone is the government, then in effect you are in the custody of government property as an obligor UNTIL  
24 you fully satisfy the agreed-upon obligation. A public officer is in fact legally defined as someone "in charge of  
25 the PROPERTY of the PUBLIC" and that property is YOUR obligation to the government.
- 26 4. The legal strings which attach to the CIVIL STATUTORY STATUS of "person" attach as OBLIGATIONS. You  
27 cannot acquire such civil statutory OBLIGATIONS WITHOUT your consent otherwise.
  - 28 5. Invoking the civil statutory status of "person" and claiming its "benefits", protections, immunities, and PRIVILEGES  
29 therefore constitutes:
    - 30 5.1. An act of IMPLIED CONSENT. See [Form #05.003](#).
    - 31 5.2. A "tacit procuration".
  - 32 6. If you don't want to claim a civil statutory status, you still have a remedy to protect your PRIVATE property, but it  
33 MUST derive from the CONSTITUTION and NOT the civil statutory law.
  - 34 7. CIVIL STATUTORY remedies are PUBLIC rights while CONSTITUTIONAL remedies are PRIVATE rights. You  
35 must invoke ONE or the other but NEVER both. They are mutually exclusive and non-overlapping.
  - 36 8. The only thing the statutory civil law protects is PUBLIC/COLLECTIVE rights and NEVER PRIVATE  
37 constitutionally protected rights.
  - 38 9. You cannot invoke a civil statutory remedy without a CONSENSUAL domicile in the forum granting the privilege.  
39 See:

*Why Domicile and Becoming a "Taxpayer" Require Your Consent*, Form #05.002  
<https://sedm.org/Forms/05-MemLaw/Domicile.pdf>

40 10. If you want to AVOID the civil statutory obligations, then either DON'T invoke the status in court or don't choose a  
41 civil domicile and instead be a "nonresident" or "non-resident non-person". See:

Non-Resident Non-Person Position, Form #05.020

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

11. If you don't consent to the civil status and by implication, the CIVIL OBLIGATIONS of the status and do not invoke and specifically DENY its "benefits", but the GOVERNMENT as your opponent enforces those obligations and indirectly the VOLUNTARY STATUS against you, they are:
  - 11.1. Engaging in criminal identity theft. See [Government Identity Theft, Form #05.046](#).
  - 11.2. Violating the Thirteenth Amendment prohibition against involuntary servitude.
  - 11.3. Engaging in criminal human trafficking.
  - 11.4. Engaging in criminal PEONAGE in the case of taxation, which is slavery to pay off a debt.
12. The equivocation abused in the definitions and authorities below is a method of sophistry intended to DISGUISE or HIDE the fact that they need your consent to civilly govern you and don't want you to be able to opt-out and leave the "franchise cage" created by statutory civil privileges. If you opted out, they would lose most of their authority and power over you.
13. In the context of the authorities on this page:
  - 13.1. "LEGAL" is equated with CIVIL STATUTORY and PUBLIC context.
  - 13.2. "LAWFUL" is equated with the CONSTITUTIONAL or PRIVATE context.
14. The entire process above is nebulously identified by the judiciary as a "quasi-contract". They absolutely and deliberately REFUSE to precisely identify the operations of all the mechanisms described here or exactly what they mean by a "quasi-contract", because if they did, it would literally destroy MOST of their power and importance and jurisdiction within constitutional states.
15. When Jefferson in the Declaration of Independence talked about an INVASION of the states with "swarms of officers" (civil statutory "persons"), the above process is EXACTLY what he had in mind. It's a violation of the Constitution and a criminal tort, and because it's a crime, you can't lawfully CONSENT to engage in it. See:

Challenge to Income Tax Enforcement Authority Within Constitutional States of the Union, Form #05.052

<https://sedm.org/Forms/05-Memlaw/ChallengeToIRSEnforcementAuth.pdf>

More on the subject of this article at:

1. The "Publici Juris" SCAM, SEDM  
<https://sedm.org/the-publici-juris-or-public-rights-scam/>
2. Private Right or Public Right? Course, Form #12.044  
<https://sedm.org/LibertyU/PrivateRightOrPublicRight.pdf>
3. Separation Between Public and Private Course, Form #12.025  
<https://sedm.org/LibertyU/SeparatingPublicPrivate.pdf>
4. Sovereignty Forms and Instructions Online, Form #10.004, Cites by Topic: "public right"  
<https://famguardian.org/TaxFreedom/CitesByTopic/PublicRight.htm>
5. Why Statutory Civil Law is Law for Government and Not Private Persons, Form #05.037  
<https://sedm.org/Forms/05-MemLaw/StatLawGovt.pdf>
6. Policy Document: IRS Fraud and Deception About the Statutory Word "Person", Form #08.023  
<https://sedm.org/Forms/08-PolicyDocs/IRSPerson.pdf>
7. Why the Federal Income Tax is a Privilege Tax Upon Government Property, Form #04.404 (Member Subscriptions)  
<https://sedm.org/Forms/FormIndex.htm>

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*"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)]*

[EDITORIAL: By "acquired rights of property", the court is talking about accepting PUBLIC privileges or "benefits", which are PUBLIC property. Privileges conveyed by civil statutes are PROPERTY. Receipt of said PUBLIC property essentially causes you to surrender your status as a CONSTITUTIONAL "person" protected by the Bill of [PRIVATE] Rights and exchange that PRIVATE status for a **PUBLIC civil statutory status [Form #13.008]** that is a fiction of law, a creation of Congress, and therefore PROPERTY of Congress. This is the MAIN mechanism by which governments acquire [meaning PROCURE] the right to regulate you as a Merchant under the U.C.C.: Because you are in VOLUNTARY possession of PUBLIC property that you asked for. That right to regulate INCLUDES the right to tax.

1 HOWEVER, the acquisition of such PUBLIC property and PUBLIC rights must be done so LAWFULLY, which means it  
2 must occur within the EXCLUSIVE legislative jurisdiction of the entity legislatively granting the privilege. If it is done  
3 EXTRATERRITORIALLY in a legislatively foreign state, such as a state of the Union, it becomes an unconstitutional  
4 INVASION in violation of Article 4, Section 4 of the Constitution. This is covered in:

- 5 1. License Tax Cases, 72 U.S. 462 (1866)  
6 [https://scholar.google.com/scholar\\_case?case=2852002685220457827](https://scholar.google.com/scholar_case?case=2852002685220457827)
- 7 2. *Sources of Extraterritorial Jurisdiction*, SEDM  
8 <https://sedm.org/sources-of-extraterritorial-jurisdiction-domicile-contract-or-merely-consent-comity/>
- 9 3. *Administrative State: Tactics and Defenses*, Form #12.041  
10 <https://sedm.org/LibertyU/AdminState.pdf>

11 Like Esau, who exchanged his birthright for a bowl of pottage in the Bible in Gen. 25, you SOLD your FREEDOM for  
12 government privileges. By doing so, you invited the CURSE direct from God documented below not unlike the CURSE upon  
13 Esau:

14 ] [How Scoundrels Corrupted Our Republican Form of Government](https://famguardian.org/Subjects/Taxes/Evidence/HowScCorruptOurRepubGovt.htm), Family Guardian Fellowship  
15 <https://famguardian.org/Subjects/Taxes/Evidence/HowScCorruptOurRepubGovt.htm>

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16 *PRIVATE*. Affecting or belonging to private individuals, as distinct from the public generally. **Not official; not**  
17 **clothed with [PUBLIC] office.** *People v. Powell*, 280 Mich. 699, 274 N.W. 372, 373, 111 A.L.R. 721.

18 As to private "Act," "Agent," "Bill," "Boundary," "Bridge," "Business," "Carrier," "Chapel," "Corporation,"  
19 "Detective," "Dwelling House," "Easement," "Examination," "Ferry," "Nuisance," "Pond," "Property,"  
20 "Prosecutor," "Rights," "Road," "Sale," "School," "Seal," "Statute," "Stream," "Trust," "Water," "War,"  
21 "Way," "Wharf," and "Wrongs," see those titles.  
22 [*Black's Law Dictionary, Fourth Edition, p. 1358*]

23 \_\_\_\_\_  
24 "PRIVATE PERSON. An individual who is **not the incumbent of an [PUBLIC] office.**"  
25 [*Black's Law Dictionary, Fourth Edition, p. 1359*]

26 [EDITORIAL: The "office" they are talking about, in the context of civil statutory law, is the CIVIL STATUS of "person",  
27 "citizen", "resident", "spouse", "driver", etc. That office is property of the government WITHIN the government as a  
28 corporation. All those claiming the status are, therefore "officers of a public corporation" subject to civil statutory regulation.]  
29

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30 **Res.** *Lat.* The subject matter of a trust or will. **In the civil law, a thing; an object.** As a term of the law, this  
31 word has a very wide and extensive signification, including not only things which are objects of property, but also  
32 such as are not capable of individual ownership. And in old English law it is said to have a general import,  
33 comprehending both corporeal and incorporeal things of whatever kind, nature, or species. **By "res," according**  
34 **to the modern civilians, is meant everything that may form an object of rights, in opposition to "persona,"**  
35 **which is regarded as a subject of rights. "Res," therefore, in its general meaning, comprises actions of all**  
36 **kinds; while in its restricted sense it comprehends every object of right, except actions.** This has reference  
37 to the fundamental division of the Institutes that all law relates either to persons, to things, or to actions.

38 **Res is everything that may form an object of rights and includes an object, subject-matter or [CIVIL] status.**  
39 **In re Riggle's Will, 11 A.D.2d 51 205 N.Y.S.2d 19, 21, 22. The term is particularly applied to an object,**  
40 **subject-matter, or status, considered as the defendant in an action, or as an object against which, directly,**  
41 **proceedings are taken.** Thus, in a prize case, the captured vessel is "the res"; and proceedings of this character  
42 are said to be in rem. (See *In personam; In Rem.*) "Res" may also denote the action or proceeding, as when a  
43 cause, which is not between adversary parties, is entitled "In re \_\_\_\_\_".  
44 [*Black's Law Dictionary, Sixth Edition, pp. 1304-1306*]

45 [EDITORIAL: The civil "status" of "person" is an example of a "res" as described above. This "STATUS" is the OBJECT  
46 of rights, not the SUBJECT of them. The human CONSENSUALLY FILLING the civil status of "person" is the SUBJECT  
47 of those rights. OBJECTS, SUBJECT MATTERS, or STATUSES are all equivalent and all fall in the category of "res". An  
48 example of a "res" is "person", "citizen", "resident", "driver", "taxpayer", etc. An action against a civil statutory "person" is

1 the defendant or plaintiff in a civil action and the fictional party against whom legal proceedings are taken DIRECTLY. The  
2 human being consensually filling the office or status is the INDIRECT object of the civil proceeding.]

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

7 *This term, as applied to a thing or right, means that it is open to or exercisable by all persons. **It designates***  
8 ***things which are owned by "the public:" that is, the entire state or community, and not by any private***  
9 ***person. When a thing is common property, so that any one can make use of it who likes, it is said to be***  
10 ***publici juris; as in the case of light, air, and public water. Sweet.***  
11 [*Black's Law Dictionary, Fourth Edition, p. 1397*]

12 [EDITORIAL: The civil code documents an AGGREGATE of rights, and the civil statuses WITHIN the civil code such as  
13 "person" are the OBJECT of those rights. The person CONSENSUALLY filling the PUBLIC office of "person" is the  
14 SUBJECT of those rights.]

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

25 *The word is also commonly used to denote everything which is the subject of ownership, corporeal or incorporeal,*  
26 *tangible or intangible, visible or invisible, real or personal, everything that has an exchangeable value or which*  
27 *goes to make up wealth or estate. **It extends to every species of valuable right and interest, and includes real***  
28 ***and personal property, easements, franchises, and incorporeal hereditaments, and includes every invasion***  
29 ***of one's [PUBLIC CIVIL] property rights by actionable wrong.*** *Labberton v. General Cas. Co. of America,*  
30 *53 Wash.2d. 180, 332 P.2d. 250, 252, 254.*

31 *Property embraces everything which is or may be the subject of ownership, whether a legal ownership, or whether*  
32 *beneficial, or a private ownership. *Davis v. Davis. TexCiv-App.*, 495 S.W.2d. 607, 611. *Term includes not only**

33 *ownership and possession but also the right of use and enjoyment for lawful purposes. *Hoffmann v. Kinealy, Mo.*,*  
34 *389 S.W.2d. 745, 752. *Property, within constitutional protection, denotes group of rights inhering in citizen's**  
35 *relation to physical thing, as right to possess, use and dispose of it. *Cereghino v. State By and Through State**  
36 *Highway Commission*, 230 Or. 439, 370 P.2d. 694, 697.  
37 [*Black's Law Dictionary, Fifth Edition, p. 1095*]

38 [EDITORIAL: A civil statutory "person" is an aggregate of rights because many different TYPES of rights can attach to it as  
39 a legal fiction.]

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41 *The rights which claimants thus acquired through the previous appropriations of the State are property rights.*  
42 ***HN7 "Property" in the strict legal sense is an aggregate of rights which are guaranteed and protected by***  
43 ***government. In the ordinary sense it is used to indicate the thing itself rather than the rights attached to it.***  
44 ***Whether or not we employ the term in one or the other of these senses, the result is the same, so far as the***  
45 ***interference with [\*\*49] property is concerned; for, while in the former attention is directed to the rights***  
46 ***which make up the thing, in the latter the thing which constitutes the aggregation of these rights is***  
47 ***emphasized. In both cases the rights attached to the thing are the subject of concern. A reference to the***  
48 ***cases in the courts will show the various rights which have been protected under the name of property but***  
49 ***which, in reality, are rights attached to something which in the ordinary mind constitutes property. In***  
50 ***Forster v. Scott, 136 N.Y. 577.*** *Judge O'Brien said: "HN8 Whenever a law deprives the [\*\*289] owner of the*  
51 *beneficial use and free enjoyment of his property, or imposes restraints upon such use and enjoyment, that*  
52 *materially affect its value, without legal process or compensation, it deprives him of his property within the*  
53 *meaning of the Constitution. All that is beneficial in property arises from its use and the fruits of that use, and*  
54 *whatever deprives a person of them deprives him of all that is desirable and valuable in the title and possession."*

55 *In *Pape v. New York & Harlem R. R. Co.*, 74 A.D. 175, Justice *Ingraham* said: "It is sufficient to say that this*  
56 *provision of the Constitution [\*\*50] 'is to have a large and liberal interpretation, and that the fundamental*  
57 *principle of free government, expressed in these words, protects not only life, liberty and property in a strict and*



1 technical sense, against unlawful invasion by the government in the exertion of governmental power in any of its  
2 departments, but also protects every essential incident to the enjoyment of those rights.' ( [People v. King, 110](#)  
3 [N.Y. 418.](#))”  
4 [*Fulton Light, Heat & Power Co. v. State, 65 Misc. 263 (1909)*]

5  

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**“It is universally conceded that a divorce proceeding, in so far as it affects the status of the parties, is an  
6 action in rem. 19 Cor. Jur. 22, § 24; 3 Freeman on Judgments (5th Ed.) 3152. It is usually said that the  
7 ‘marriage status’ is the res. Both parties to the marriage, and the state of the residence of each party to the  
8 marriage, has an interest in the marriage status. In order that any court may obtain jurisdiction over an action  
9 for divorce that court must in some way get jurisdiction over the res (the marriage status).  
10 [Delanoy v. Delanoy, 216 Cal. 27, 13 P.2d. 719 (CA. 1932)]**

11  
12 **[EDITORIAL: An IN REM proceeding is one against PROPERTY. The “marriage status” itself IS the property or “res”.**  
13 **Thus the civil status of “spouse” under the family code civil franchise is PUBLIC property CREATED and OWNED by the**  
14 **legislature.]**

15  

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**“As a rule, franchises spring from contracts between the sovereign power and private citizens, made upon  
16 valuable considerations, for purposes of individual advantage as well as public benefit, and thus a franchise  
17 partakes of a double nature and character. So far as it affects or concerns the public, it is publici juris and is  
18 subject to governmental control. The legislature may prescribe the manner of granting it, to whom it may be  
19 granted, the conditions and terms upon which it may be held, and the duty of the grantee to the public in  
20 exercising it, and may also provide for its forfeiture upon the failure of the grantee to perform that duty. But  
21 when granted, it becomes the property of the grantee, and is a private right, subject only to the governmental  
22 control growing out of its other nature as publici juris. “**  
23 **[Am.Jur.2d. Legal Encyclopedia, Franchises, §4: Generally (1999)]**  
24

25 **[EDITORIAL: Franchises are "publici juris", meaning a legislatively created public right against public property. The public**  
26 **property granted are the statutory civil rights that attach to the civil status of "person", "citizen", "resident", "taxpayer", etc.**  
27 **The civil code in effect acts as a "protection franchise" and the public rights granted are the protection to those CONSENTING**  
28 **to act as government officers. These public rights are not available to those who do NOT consent to the civil status that the**  
29 **rights attach to. That status is a "res" in property terms. The obligations attached to the status/office are the method of**  
30 **"paying for" or "tacitly procuring" the rights that the status comes with. Consent to the civil status is manifested by filling**  
31 **out a government form and ASKING for the status, such as “driver's license application”. See [Avoiding Traps in Government](#)**  
32 **[Forms Course](#), Form #12.023; <https://sedm.org/LibertyU/AvoidingTrapsGovForms.pdf>. The civil code is therefore the**  
33 **“employment agreement” or “employment compact” governing those who volunteer and pursue the benefits/rights of the**  
34 **protection franchise. The rights and remedies it affords are only available to those who have ALSO voluntarily chosen a civil**  
35 **domicile. See Form #05.002]**  
36

37 **“Public office. The right, authority, and duty created and conferred by law, by which for a given period, either**  
38 **fixed by law or enduring at the pleasure of the creating power, an individual is invested with some portion of the**  
39 **sovereign functions of government for the benefit of the public. Walker v. Rich, 79 Cal.App. 139, 249 P. 56, 58.**  
40 **An agency for the state, the duties of which involve in their performance the exercise of some portion of the**  
41 **sovereign power, either great or small. Yaselli v. Goff, C.C.A., 12 F.2d. 396, 403, 56 A.L.R. 1239; Lacey v. State,**  
42 **13 Ala.App. 212, 68 So. 706, 710; Curtin v. State, 61 Cal.App. 377, 214 P. 1030, 1035; Shelmadine v. City of**  
43 **Elkhart, 75 Ind.App. 493, 129 N.E. 878. State ex rel. Colorado River Commission v. Frohmiller, 46 Ariz. 413, 52**  
44 **P.2d. 483, 486. Where, by virtue of law, a person is clothed, not as an incidental or transient authority, but**  
45 **for such time as de- notes duration and continuance, with Independent power to control the property of**  
46 **the public, or with public functions to be exercised in the supposed interest of the people, the service to be**  
47 **compensated by a stated yearly salary, and the occupant having a designation or title, the position so created is a**  
48 **public office. State v. Brennan, 49 Ohio.St. 33, 29 N.E. 593.**  
49 **[Black’s Law Dictionary, Fourth Edition, p. 1235]**

50 **[EDITORIAL: A “public officer” is someone in charge of the PROPERTY of the public. In the case of the civil statutory**  
51 **code, that PROPERTY is the [civil status \(Form #13.008\)](#) created and granted legislatively by Congress, and the “aggregation**  
52 **of rights” that it represents as an “object of property”.]**  
53

54 **”But it was also contended in that court, and is insisted upon here, that the judgment in the State court against the**  
55 **plaintiff was void for want of personal service of process on him, or of his appearance in the action in which it**

1 was rendered, and that the premises in controversy could not be subjected to the payment of the demand 722\*722  
2 of a resident creditor except by a proceeding in rem; that is, by a direct proceeding against the property for that  
3 purpose. If these positions are sound, the ruling of the Circuit Court as to the invalidity of that judgment must be  
4 sustained, notwithstanding our dissent from the reasons upon which it was made. **And that they are sound would**  
5 **seem to follow from two well-established principles of public law respecting the jurisdiction of an**  
6 **independent State over persons and property. The several States of the Union are not, it is true, in every**  
7 **respect independent, many of the rights and powers which originally belonged to them being now vested**  
8 **in the government created by the Constitution. But, except as restrained and limited by that instrument,**  
9 **they possess and exercise the authority of independent States, and the principles of public law to which we**  
10 **have referred are applicable to them. One of these principles is, that**

11 **[1] every State possesses exclusive jurisdiction and sovereignty over persons and property within its**  
12 **territory. As a consequence, every State has the power to determine for itself the civil status and capacities**  
13 **of its inhabitants; to prescribe the subjects upon which they may contract, the forms and solemnities with**  
14 **which their contracts shall be executed, the rights and obligations arising from them, and the mode in**  
15 **which their validity shall be determined and their obligations enforced; and also to regulate the manner**  
16 **and conditions upon which property situated within such territory, both personal and real, may be**  
17 **acquired, enjoyed, and transferred.**

18 **[2] The other principle of public law referred to follows from the one mentioned; that is, that no State can**  
19 **exercise direct jurisdiction and authority over persons or property without its territory.”**

20 [Pennoyer v. Neff, 95 U.S. 714 (1878) ;

21 [https://scholar.google.com/scholar\\_case?case=13333263776496540273](https://scholar.google.com/scholar_case?case=13333263776496540273)]

22 [EDITORIAL: When any state or the national Congress wants to reach outside its exclusive territory (extraterritorially), it  
23 may only do so by using property or rights WITHIN its territory. An action against a civil “person” within a constitutional  
24 state that is created and owned by the national government is an action against a public office domiciled in the District of  
25 Columbia as required by 4 U.S.C. §72 directly, and against its OWNER indirectly. It is an “in rem” proceeding against the  
26 legislatively but not constitutionally FOREIGN office with a FOREIGN civil domicile. The officer voluntarily filling and  
27 animating the FOREIGN office has a domicile independent of the office he or she represents. In that sense, a state national  
28 vindicating a NATIONAL public right or civil statutory right is acting as a “res”-“ident” agent for a foreign public office  
29 with a foreign domicile.]

## 30 **12.2 The “Publici Juris” or “Public Rights” Scam<sup>5</sup>**

31 The Public Rights Doctrine of the U.S. Supreme Court is the starting point for determining whether a right is PRIVATE or  
32 PUBLIC, and in what court disputes over the right may be heard. This section will discuss this doctrine and the foundation  
33 of it, which is “publici juris”. We also discuss the dividing line between PUBLIC and PRIVATE and how to distinguish each  
34 in the following course on our site.

35 [Private Right or Public Right? Course, Form #12.044](https://sedm.org/LibertyU/PrivateRightOrPublicRight.pdf)

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

36 The term “publici juris”, which is Latin for “public right” is defined as follows:

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

40 *This term, as applied to a thing or right, means that it is open to or exercisable by all [CIVIL STATUTORY]*  
41 *persons [but not CONSTITUTIONAL “persons”]. It designates things which are owned by “the public:” that is,*  
42 *the entire state or community, and not by any private person. When a thing is common property, so that any one*  
43 *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.*  
44 *[Black’s Law Dictionary, Fourth Edition, p. 1397]*

45 They use Latin in the definition to disguise the term “public right” because they are trying to pull a fast one on the mainstream  
46 populace. Whenever a court or a legal dictionary uses Latin, guaranteed they are trying to deceive or mislead you to disguise  
47 their LACK of lawful authority.

<sup>5</sup> Source: [Why the Federal Income Tax is a Privilege Tax Upon Government Property](https://sedm.org/product/why-the-federal-income-tax-is-a-privilege-tax-on-government-property-form-04-404/), Form #04.404, Section 2; <https://sedm.org/product/why-the-federal-income-tax-is-a-privilege-tax-on-government-property-form-04-404/>

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

4 They use the phrase “it is open to or exercisable by all persons”, but they can ONLY mean all human beings consensually  
5 domiciled in the forum and EXCLUDING those who are NOT. In other words, VOLUNTARY CLUB MEMBERS.  
6 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>

7 STATUTORY persons always require a domicile within the CIVIL jurisdiction of a geographical region. That domicile must  
8 be [CONSENSUAL \(Form #05.003\)](#). If you don’t consent to a [domicile \(Form #05.002\)](#) in the forum or venue, the only  
9 CIVIL protection you have is the CONSTITUTION and the COMMON LAW and [STATUTORY CIVIL law \(Form #05.037\)](#)  
10 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>

11 The definition of “PUBLIC RIGHT/PUBLICI JURIS” is therefore [deceptive and equivocates \(Form #05.014\)](#), because the  
12 TWO contexts for “[persons](#)” are not identified or qualified and are MUTUALLY exclusive:

- 13 1. [CONSTITUTIONAL “persons”](#): Human beings protected by the Bill of Rights and the common law and NOT  
14 statutory civil law.
- 15 2. [STATUTORY “persons”](#): [Fictional creations of Congress \(“Straw men”, Form #05.042\)](#) which only have the limited  
16 subset of CONSTITUTIONAL rights entirely defined and controlled by Congress.

17 You CANNOT be a CONSTITUTIONAL “[person](#)” and a STATUTORY “[person](#)” at the SAME time:

- 18 1. Either you have [CONSTITUTIONAL rights \(Form #10.002\)](#) in a given context, or you have [STATUTORY privileges](#)  
19 [\(Form #05.030\)](#).
- 20 2. If you claim STATUTORY privileges, you SURRENDER CONSTITUTIONAL rights.

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

28 *[The Privileges and Immunities of State Citizenship, Roger Howell, PhD, 1918, pp. 9-10;*  
29 *SOURCE:*  
30 [http://famguardian.org/Publications/ThePrivAndImmOfStateCit/The\\_privileges\\_and\\_immunities\\_of\\_state\\_c.pdf](http://famguardian.org/Publications/ThePrivAndImmOfStateCit/The_privileges_and_immunities_of_state_c.pdf)  
31 *]*  
32 *See Magill v. Browne, Fed.Cas. No. 8952, 16 Fed.Cas. 408; 6 Words and Phrases, 5583, 5584; A J. Lien,*  
33 *“Privileges and Immunities of Citizens of the United States,” in Columbia University Studies in History,*  
34 *Economics, and Public Law, vol. 54, p. 31.*

35 They are therefore DELIBERATELY deceiving you at the very entry point of asserting PUBLIC CIVIL jurisdiction. They  
36 want you to UNKNOWINGLY surrender CONSTITUTIONAL rights by FALSELY believing that CONSTITUTIONAL  
37 “persons” and STATUTORY “persons” are equivalent, even though they are MUTUALLY exclusive and non-overlapping.

38 The “Brandeis Rules” of the U.S. Supreme Court describe EXACTLY how you transition from a  
39 PRIVATE/CONSTITUTIONAL “person” to a PUBLIC/STATUTORY CIVIL “person”:

40 *“The Court developed, for its own governance in the cases confessedly within its jurisdiction, a series of rules  
41 under which it has avoided passing upon a large part of all the constitutional questions pressed upon it for  
42 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.

**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)]

**NOTE:** For the court to suggest in *Ashwander* that you can't raise a constitutional issue is to tell you that:

1. You are NO LONGER a CONSTITUTIONAL "person".
2. You have VOLUNTARILY exchanged PRIVATE/CONSTITUTIONAL rights for PUBLIC STATUTORY PRIVILEGES.
3. You are a GOVERNMENT WHORE of the kind described by the Bible in the following article:  

<u><i>Are You "Playing the Harlot" with the Government?</i></u> , SEDM <a href="https://sedm.org/are-you-playing-the-harlot/">https://sedm.org/are-you-playing-the-harlot/</a>
---
4. You have SURRENDERED all constitutional remedies.

BEND OVER!

Notice in the Brandeis Rules THAT:

1. He was in effect MAKING LAW, because he cited NO AUTHORITY for the rules.
2. The judge was operating in a POLITICAL capacity, which real judges cannot do.
3. Because he 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".
4. He 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!

Here's another example:

**"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***

1 discretion, in defining that right, to create presumptions, or assign burdens of proof, or prescribe remedies; it  
2 may also provide that persons seeking to vindicate that right must do so before particularized tribunals created  
3 to perform the specialized adjudicative tasks related to that right. FN35 Such provisions do, in a sense, affect  
4 the exercise of judicial power, but they are also incidental to Congress' power to define the right that it has  
5 created. No comparable justification exists, however, when the right being adjudicated is not of congressional  
6 creation. In such a situation, substantial inroads into functions that have traditionally been performed by the  
7 Judiciary cannot be characterized merely as incidental extensions of Congress' power to define rights that it  
8 has created. Rather, such inroads suggest unwarranted encroachments upon the judicial power of the United  
9 States, which our Constitution reserves for Art. III courts.

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

11 More on judges unconstitutionally “making law” at:

- 12 1. [How Judges Unconstitutionally “Make Law”](#), Litigation Tool #01.009  
13 <https://sedm.org/Litigation/01-General/HowJudgesMakeLaw.pdf>
- 14 2. [Courts Cannot Make Law](#)  
15 <https://youtu.be/avXHxT-UU>

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

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

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

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

29 [ . . . ]

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

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

36 What the U.S. Supreme Court has done, through “The Public Rights Doctrine”, is to put in effect the following POLICY that  
37 is not LAW but which has the practical EFFECT and FORCE of law:

- 38 1. Government can do no wrong PROVIDED that it is operating within its statutory and constitutional limits, and  
39 therefore cannot be sued as a wrongdoer, unless the statute they are administering is or has been declared  
40 unconstitutional.
- 41 2. Disputes between TWO private parties protected by the Constitution must be heard in Constitutional, Article III courts.
- 42 3. Disputes between a PRIVATE party and the GOVERNMENT must be heard in:
  - 43 3.1. Legislative franchise courts in the LEGISLATIVE or EXECUTIVE Branch if no Constitutional wrong is  
44 implicated because you are seeking a privilege against Uncle.
  - 45 3.2. A constitutional Article III court if a Constitutional violation is implicated.
- 46 4. Any privilege or right originating from a civil statute that is not in the Constitution is, by definition a public right  
47 AGAINST the government. Thus, it is a PRIVILEGE that can be regulated by the government and heard in a franchise  
48 court. [Northern Pipeline Const. Co. v. Marathon Pipe Line Co., 458 U.S. 50, 102 S.Ct. 2858 \(1983\)](#)
- 49 5. Franchise courts, also called “legislative franchise courts”:



- 1 5.1. Are legislatively created creatures of Congress which can only hear disputes relating to federal property coming
- 2 under 5 U.S.C. §553(a)(2).
- 3 5.2. Cannot hear constitutional issues or rights violations.
- 4 5.3. Cannot hear disputes of those not partaking of the civil statutory privileges or franchise they were created to
- 5 administer.
- 6 5.4. Are part of what now-deceased Supreme Court Justice Antonin Scalia called “The FOURTH Branch of
- 7 government”, implying that they are unconstitutional. [Freytag v. Commissioner, 501 U.S. 868 \(1991\)](#).
- 8 6. If you wish to invoke your constitutional rights against a government actor who injured your constitutional rights:
- 9 6.1. That dispute is against THE INDIVIDUAL ACTOR, not against the government.
- 10 6.2. You must satisfy the burden of proof that the tortious actor was acting OUTSIDE of their delegated constitutional
- 11 or statutory authority. Usually, this means that your status or your earnings did NOT fall within the
- 12 STATUTORY definitions provided in the civil statute they were administering using the strict rules of statutory
- 13 construction and interpretation documented in Form #05.014.
- 14 6.3. The Department of Justice can overrule you by simply declaring, absent ANY proof, that they were operating
- 15 WITHIN their authority, even if the definitions say they were NOT. See 28 U.S.C. §2679(d)(3).
- 16 6.4. If the tortious actor was acting outside their delegated authority, they are NOT entitled to free representation by
- 17 the Department of Justice.
- 18 7. If you file the action against the tortious actor in STATE court, then the action cannot be removed to FEDERAL court
- 19 WITHOUT the defendant proving that federal property OF SOME KIND listed in 5 U.S.C. §553(a)(2) is involved, and
- 20 thus, that a “federal question” is at issue.
- 21 8. The COURT which allows for removal from state to federal court itself is committing a tort WITHOUT enforcing the
- 22 requirement of the defendant to prove “federal question” and FEDERAL PROPERTY is at issue. See 28 U.S.C.
- 23 §1652, which is deliberately vague to protect UNLAWFUL removals and IDENTITY THEFT that they facilitate, as
- 24 documented in:

Government Identity Theft, Form #05.046  
<https://sedm.org/Forms/05-MemLaw/GovernmentIdentityTheft.pdf>

- 25 9. Lastly, there are cases where even though the offending party in the government who you are suing INDIVIDUALLY
- 26 caused an unlawful taking of PRIVATE property, the property is still in the CUSTODY of the government.
- 27 9.1. Suing the corrupt individual will not return the property and you have to sue the PROPERTY and indirectly the
- 28 party possessing it at the time, which is usually the government.
- 29 9.2. The action to return the property must be filed as an “in rem” action against the PROPERTY and NOT the
- 30 government.
- 31 9.3. In rem actions against the government for property unlawfully in their custody ARE permitted and are NOT
- 32 privileges, but RIGHTS and NO STATUTE is necessary to reclaim the property WRONGFULLY in
- 33 government possession. Property taken from a “nontaxpayer” under the color but without the actual authority of
- 34 law is not “taxes”, but THEFT, and therefore would NOT come under the Internal Revenue Code, which only
- 35 governs interactions with CONSENTING STATUTORY “taxpayers”:

*“The revenue laws are a code or system in regulation of tax assessment and collection. They relate to taxpayers, and not to nontaxpayers. The latter are without their scope. No procedure is prescribed for nontaxpayers, and no attempt is made to annul any of their rights and remedies in due course of law. With them Congress does not assume to deal, and they are neither of the subject nor of the object of the revenue laws...”*  
 [Long v. Rasmussen, 281 F. 236 (1922)]

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*“Revenue Laws relate to taxpayers and not to non-taxpayers [American Citizens/American Nationals not subject to the exclusive jurisdiction of the Federal 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 F2d. 585 (1972)]

1 “A claim against the United States is a right to demand money from the United States.<sup>6</sup> Such claims are sometimes  
2 spoken of as gratuitous in that they cannot be enforced by suit without statutory consent.<sup>7</sup> **The general rule of**  
3 **non-liability of the United States does not mean that a citizen cannot be protected against the wrongful**  
4 **governmental acts that affect the citizen or his or her property.**<sup>8</sup> **If, for example, money or property of an**  
5 **innocent person goes into the federal treasury by fraud to which a government agent was a party, the United**  
6 **States cannot [lawfully] hold the money or property against the claim of the injured party.**<sup>9</sup>”  
7 [*American Jurisprudence 2d, United States, §45 (1999)*]  
8

9 “When the Government has illegally received money which is the property of an innocent citizen and when this  
10 money has gone into the Treasury of the United States, there arises an implied contract on the part of the  
11 Government to make restitution to the rightful owner under the Tucker Act and this court has jurisdiction to  
12 entertain the suit.  
13 [90 Ct.Cl. at 613, 31 F.Supp. at 769.](#)”  
14 [*Gordon v. U. S., 227 Ct.Cl. 328, 649 F.2d. 837 (Ct.Cl., 1981)* ]  
15

16 California Civil Code  
17 Section 2224

18 “One who gains a thing by fraud, accident, mistake, undue influence, the violation of a trust, or other wrongful  
19 act, is, unless he or she has some other and better right thereto, an involuntary trustee of the thing gained, for the  
20 benefit of the person who would otherwise have had it.”  
21

22 “The United States, we have held, cannot, as against the claim of an innocent party, hold his money which has  
23 gone into its treasury by means of the fraud of its agent. While here the money was taken through mistake  
24 without element of fraud, the unjust retention is immoral and amounts in law to a fraud of the taxpayer's rights.  
25 What was said in the State Bank Case applies with equal force to this situation. ‘An action will lie whenever  
26 the defendant has received money which is the property of the plaintiff, and which the defendant is obligated  
27 by natural justice and equity to refund. The form of the indebtedness or the mode in which it was incurred is  
28 immaterial.’”  
29 [*Bull v. United States, 295 U.S. 247, 261, 55 S.Ct. 695, 700, 79 L.Ed. 1421* ]

30 More on the Public Rights Doctrine of the U.S. Supreme Court and the subject of “Publici juris” at:

[Sovereignty and Freedom Topic](https://famguardian.org/Subjects/Freedom/Freedom.htm), Section 6: Private and Natural Rights and Natural Law, Family Guardian Fellowship  
<https://famguardian.org/Subjects/Freedom/Freedom.htm>

### 31 **12.3 What is a “quasi-contract”**<sup>10</sup>

32 Quasi-contracts between you and the government occur when you are in receipt, custody, or temporary control over property  
33 or rights granted to you by the government under a franchise. Here is a description of that condition:

34 “It is only where some right or privilege [which are GOVERNMENT PROPERTY] is conferred by the government  
35 or municipality upon the owner, which he can use in connection with his property, or by means of which the use  
36 of his property is rendered more valuable to him, or he thereby enjoys an advantage over others, that the  
37 compensation to be received by him becomes a legitimate matter of regulation. Submission to the regulation of  
38 compensation in such cases is an implied condition of the grant, and the State, in exercising its power of  
39 prescribing the compensation, only determines the conditions upon which its concession shall be enjoyed. When  
40 the privilege ends, the power of regulation ceases.”  
41 [*Munn v. Illinois, 94 U.S. 113 (1877)* ]

<sup>6</sup> United States ex rel. Angarica v. Bayard, 127 U.S. 251, 32 L.Ed. 159, 8 S.Ct. 1156, 4 AFTR 4628 (holding that a claim against the Secretary of State for money awarded under a treaty is a claim against the United States); Hobbs v. McLean, 117 U.S. 567, 29 L.Ed. 940, 6 S.Ct. 870; Manning v. Leighton, 65 Vt. 84, 26 A 258, motion dismd 66 Vt. 56, 28 A 630 and (disapproved on other grounds by Button’s Estate v. Anderson, 112 Vt. 531, 28 A.2d. 404, 143 A.L.R. 195).

<sup>7</sup> Blagge v. Balch, 162 U.S. 439, 40 L.Ed. 1032, 16 S.Ct. 853.

<sup>8</sup> Wilson v. Shaw, 204 U.S. 24, 51 L.Ed. 351, 27 S.Ct. 233.

<sup>9</sup> Bull v. United States, 295 U.S. 247, 79 L.Ed. 1421, 55 S.Ct. 695, 35-1 USTC ¶ 9346, 15 AFTR 1069; United States v. State Bank, 96 U.S. 30, 96 Otto 30, 24 L.Ed. 647.

<sup>10</sup> Source: *How to File Returns*, Form #09.074, Section 7.2; <https://sedm.org/Forms/FormIndex.htm>.

1 If they can't regulate it, then it's PRIVATE, constitutionally protected property. If they CAN, then it's PUBLIC property.

2 *"The legislation in question is nothing less than a bold assertion of absolute power by the State to control at its*  
3 *discretion the property and business of the citizen, and fix the compensation he shall receive. The will of the*  
4 *legislature is made the condition upon which the owner shall receive the fruits of his property and the just reward*  
5 *of his labor, industry, and enterprise. "That government," says Story, "can scarcely be deemed to be free where*  
6 *the rights of property are left solely dependent upon the will of a legislative body without any restraint. The*  
7 *fundamental maxims of a free government seem to require that the rights of personal liberty and private property*  
8 *should be held sacred." Wilkeson v. Leland, 2 Pet. 657."*  
9 *[Munn v. Illinois, 94 U.S. 113 (1877) ]*

10 And if you have or use that PUBLIC property, then you implicitly consent to be regulated. The civil STATUS of the owner  
11 of the PROPERTY or the owner establishes whether it is PUBLIC or PRIVATE.

12 All franchises involve the "grants" mentioned above. They too are privileges. You seldom see "grant" used in the context of  
13 anything OTHER than franchises.

14 Big red flags should come up whenever you see SCOTUS use the word "implied" as above. "implied"="grant" = legal  
15 strings=obligations. You see exactly that same language in U.S. v. Wong Kim Ark with aliens:

16 *"The implied license, therefore, under which they enter, can never be construed to grant such exemption." 7*  
17 *Cranch, 144." Cranch, 144."*  
18 *[United States v. Wong Kim Ark, 169 U.S. 649, 18 S.Ct. 456, 42 L.Ed. 890 (1898)]*

19 *"It is only where some right or privilege [which are GOVERNMENT PROPERTY] is conferred by the government*  
20 *or municipality upon the owner, which he can use in connection with his property, or by means of which the*  
21 *use of his property is rendered more valuable to him, or he thereby enjoys an advantage over others, that the*  
22 *compensation to be received by him becomes a legitimate matter of regulation. Submission to the regulation of*  
23 *compensation in such cases is an IMPLIED CONDITION of the grant, and the State, in exercising its power of*  
24 *prescribing the compensation, only determines the conditions upon which its concession shall be enjoyed. When*  
25 *the privilege ends, the power of regulation ceases."*  
26 *[Munn v. Illinois, 94 U.S. 113 (1877) ]*

27 Both cases involve PRIVILEGES. In the latter case, they call it an "implied license". In the Munn case, it also involves  
28 licensed activities. Applying for the license constitutes effective consent to be regulated and taxed.

29 In the case of the SSN, it too is what the Federal Trade Commission calls a "franchise mark", or evidence of the existence of  
30 a LICENSE. The USE of the SSN on an information return is evidence of the assent of the taxpayer (to whom the SSN is  
31 assigned) to the representations made on the information return as to taxable income

32 When the U.S. Supreme Court uses the word "implied", they are giving you notice of what you effectively consent to by  
33 engaging in the regulated or taxed activity.

34 "quasi contract"="implied license"="implied condition" of use=legal strings

35 They are EXACTLY the same thing. They certainly are subtle about it.

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

39 *"The State in such cases exercises no greater right than an individual may exercise over the use of his own*  
40 *property when leased or loaned to others. The conditions upon which the privilege shall be enjoyed being*  
41 *stated or implied in the legislation authorizing its grant, no right is, of course, impaired by their*  
42 *enforcement. The recipient of the privilege, in effect, stipulates to comply with the conditions. It matters*  
43 *not how limited the privilege conferred, its acceptance implies an assent to the regulation of its use and the*  
44 *compensation for it."*  
45 *[Munn v. Illinois, 94 U.S. 113 (1877) ]*

## 12.4 How did you CONSENT to the “Quasi-Contract”?<sup>11</sup>

The obligation to pay income taxes is “quasi-contractual”, according to the U.S. Supreme Court:

*“Even if the judgment is deemed to be colored by the nature of the obligation whose validity it establishes, and we are free to re-examine it, and, if we find it to be based on an obligation penal in character, to refuse to enforce it outside the state where rendered, see Wisconsin v. Pelican Insurance Co., 127 U.S. 265, 292, et seq. 8 S.Ct.*

*1370, compare Fauntleroy v. Lum, 210 U.S. 230, 28 S.Ct. 641, **still the obligation to pay taxes is not penal. It is a statutory liability, quasi contractual in nature, enforceable, if there is no exclusive statutory remedy, in the civil courts by the common-law action of debt or indebitatus assumpsit.** United States v. Chamberlin, 219 U.S. 250, 31 S.Ct. 155; Price v. United States, 269 U.S. 492, 46 S.Ct. 180; Dollar Savings Bank v. United States, 19 Wall. 227; and see Stockwell v. United States, 13 Wall. 531, 542; Meredith v. United States, 13 Pet. 486, 493. This was the rule established in the English courts before the Declaration of Independence. Attorney General v. Weeks, Bunbury's Exch. Rep. 223; Attorney General v. Jewers and Batty, Bunbury's Exch. Rep. 225; Attorney General v. Hatton, Bunbury's Exch. Rep. [296 U.S. 268, 272] 262; Attorney General v. \_\_\_, 2 Ans.Rep. 558; see Comyn's Digest (Title 'Dett,' A, 9); 1 Chitty on Pleading, 123; cf. Attorney General v. Sewell, 4 M.&W. 77.”*  
[Milwaukee v. White, 296 U.S. 268 (1935)]

The obligation to pay taxes and the consent to the “quasi-contract” is created by:

1. CHOOSING the privileged statuses of citizen or resident and receiving “income” or “gross income” from anyone worldwide. One can UNCONSENT to making worldwide earnings taxable by:
  - 1.1. If a State National: Changing to “nonresident alien”. More particularly, changing the STATUS of the SSN assigned to your legal person to “nonresident alien” pursuant to 26 C.F.R. §301.6109-1(g). This is done usually by filing a 1040NR return after previously Filing a 1040 form.
  - 1.2. If a STATUTORY citizen: Changing your domicile to outside of federal territory to become a nonresident and a “nonresident alien”. More particularly, changing the STATUS of the SSN assigned to your legal person to “nonresident alien” pursuant to 26 C.F.R. §301.6109-1(g). This is done usually by filing a 1040NR return after previously Filing a 1040 form.
  - 1.3. If you are a “resident alien” or “alien”: Leaving the country or naturalizing as an alien.Thus, the PROPERTY being granted that creates the obligation is the USE of the status of citizen or resident, which has the condition that those using it must RENT it by paying tax on “income” or “gross income” received.
2. CHOOSING the non-privileged status of “nonresident alien” and receiving government payments of any kind called “income” or “gross income”. One can unconsent by refusing to receive government payments. Thus, the PROPERTY being granted that creates the obligation is the government payment. Those receiving it agree or consent that the government retains a qualified interest in it which must be RETURNED. By “qualified interest” we mean a SHARED property interest.
3. Failing or refusing to rebut false information returns connecting your NON-TAXABLE earnings to the status of “gross income” and “trade or business” income. Information return reports such as the W-2 and 1099 can only be filed upon those engaged in a “trade or business”, per 26 U.S.C. §6041(a). All such parties are either public officers or receiving government property. For details on how to rebut these usually false reports, see:

Correcting Erroneous Information Returns, Form #04.001

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

It goes without saying that the REVERSE of the process of UNCONSENTING is how you effectively consented to the obligation to begin with.

All three of the above constitute either “IMPLIED consent” or “assent” to the income tax. Items 1 and 2 involve “IMPLIED consent” while item 3 involves “ASSENT”. They must have one or the other to make their enforcement activities consistent with the Constitution and legitimate:

<sup>11</sup> Source: *Why the Federal Income Tax is a Privilege Tax Upon Government Property*, Form #04.404, Section 5.1; <https://sedm.org/Forms/FormIndex.htm>.

1           *"Implied consent. That manifested by signs, actions, or facts, **or by inaction or silence**, which raise a presumption*  
2 *that the consent has been given. For example, when a corporation does business in a state it impliedly consents*  
3 *to be subject to the jurisdiction of that state's courts in the event of tortious conduct, even though it is not*  
4 *incorporated in that state. Most every state has a statute implying the consent of one who drives upon its highways*  
5 *to submit to some type of scientific test or tests measuring the alcoholic content of the driver's blood. In addition*  
6 *to implying consent, these statutes usually provide that if the result of the test shows that the alcohol content*  
7 *exceeds a specified percentage, then a rebuttable presumption of intoxication arises."*  
8 *[Black's Law Dictionary, Fifth Edition, pp. 276-277*

9  
10           *assent noun*

11           *as·sent / \ ə- 'sent , a- \*

12           *Definition of assent (Entry 2 of 2)*

13           *: an act of agreeing to something especially after thoughtful consideration : an act of assenting :*  
14 *ACQUIESCENCE, AGREEMENT*

15           *She gave her assent to the proposal.*

16           *Other Words from assent*

17           *[Merriam-Webster Dictionary: Assent, Downloaded 11/27/2020; [https://www.merriam-](https://www.merriam-webster.com/dictionary/assent)*  
18 *[webster.com/dictionary/assent](https://www.merriam-webster.com/dictionary/assent)]*

19           Because the taxpayer can be deemed to agree with 3rd party information by failing to disagree, his assent is more what is  
20 needed than his "consent"----one may consent to be a resident alien, and such person no longer has the option not to consent  
21 to be taxed on his worldwide income. One cannot be forced to work for the federal government, so one must consents to that  
22 by claiming a statutory civil status of "taxpayer" or "person" that constitutes consent. After such consent, such person no  
23 longer has the option to "not consent" to the income tax on such income.

24           When it comes to assessing a tax, they need your assent to the tax---either via your self-assessment or tacitly if you refuse to  
25 file as you are apparently required to do, based on the evidence. "consent" at that point is no longer the issue---they do not  
26 need your consent to be taxed on what is determined to be your taxable income. but they also cannot just make up a tax  
27 assessment out of the blue without either your direct assent (via self-assessment) or via your tacit assent (based on available  
28 information and your failure to make a self-assessment).

29           As far as changing the status of either a STATUTORY "citizen" or a state national to that of "nonresident alien", the regulation  
30 authorizing that says:

31           26 C.F.R. §301.6109-1 *Identifying numbers.*

32           (g) Special rules for taxpayer identifying numbers issued to foreign persons—

33           (1) General rule—

34           **(i) Social security number.**

35           **A social security number is generally identified in the records and database of the Internal Revenue Service**  
36 **as a number belonging to a U.S. citizen or resident alien individual. A person may establish a different status**  
37 **for the number by providing proof of foreign status with the Internal Revenue Service under such procedures**  
38 **as the Internal Revenue Service shall prescribe, including the use of a form as the Internal Revenue Service**  
39 **may specify. Upon accepting an individual as a nonresident alien individual, the Internal Revenue Service will**  
40 **assign this status to the individual's social security number.**

41           (ii) Employer identification number.

42           An employer identification number is generally identified in the records and database of the Internal Revenue  
43 Service as a number belonging to a U.S. person. However, the Internal Revenue Service may establish a separate  
44 class of employer identification numbers solely dedicated to foreign persons which will be identified as such in  
45 the records and database of the Internal Revenue Service. A person may establish a different status for the number  
46 either at the time of application or subsequently by providing proof of U.S. or foreign status with the Internal  
47 Revenue Service under such procedures as the Internal Revenue Service shall prescribe, including the use of a



1 form as the Internal Revenue Service may specify. The Internal Revenue Service may require a person to apply  
2 for the type of employer identification number that reflects the status of that person as a U.S. or foreign person.

3 2) Change of foreign status.

4 Once a taxpayer identifying number is identified in the records and database of the Internal Revenue Service  
5 as a number belonging to a U.S. or foreign person, the status of the number is permanent until the  
6 circumstances of the taxpayer change. A taxpayer whose status changes (for example, a nonresident alien  
7 individual with a social security number becomes a U.S. resident alien) must notify the Internal Revenue  
8 Service of the change of status under such procedures as the Internal Revenue Service shall prescribe,  
9 including the use of a form as the Internal Revenue Service may specify.

10 So if a “nonresident alien” files a Form 1040, he is deemed to be reporting to IRS that "the circumstances of the taxpayer"  
11 changed and that he is electing to be treated as a resident alien per 26 U.S.C. §7701(b)(1)(A). So "U.S. person" becomes the  
12 NEW "permanent" status for the SSN. Now we can see why they call it a "first-year election" in the sub-heading at 26 U.S.C.  
13 §7701(b)(4). It is a veiled warning that the taxpayer's SSN will be deemed to be assigned to a resident alien (“U.S. person”  
14 status) every year after that, as well. Unless/until you inform the IRS that, once again, the taxpayer's circumstances changed

15 So the common thread is the grant and purchase of property, and that purchase gives the grantor the right to make rules or  
16 conditions for the use of the property under Article 4, Section 3, Clause 2, including the obligation to pay rent for the privilege  
17 of using the RIGHTS attached to the status in the case of a STATUTORY citizen or a STATUTORY resident or to return a  
18 portion of the property in the case of government payments.

19 In the case of a citizen or resident, there is NO KICKBACK, because the property granted is NOT money, but a status.

20 *kickback*

21 **noun**

22 kick·back /\ 'kik-,bak\

23 *Definition of kickback*

24 **(Entry 1 of 2)**

25 1: a return of a part of a sum received often because of confidential agreement or coercion

26 *every city contract had been let with a ten percent kickback to city officials— D. K. Shipler*

27 2: a sharp violent reaction

28 [*Merriam-Webster Dictionary: Kickback, Downloaded 11/26/2020; [https://www.merriam-](https://www.merriam-webster.com/dictionary/kickback)*  
29 [webster.com/dictionary/kickback](https://www.merriam-webster.com/dictionary/kickback)]

30 In the case of “nonresident aliens”, there IS a kickback, because the property granted is MONEY in the case of government  
31 payments, a portion of which must be "RETURNED".

32 In both of the above cases, there is a grant of government property, however, which gives rise to the "quasi-contractual"  
33 obligation. Accepting the property or using it, therefore, constitutes effective consent or “implied consent”, JUST as  
34 SCOTUS said:

35 “The conditions upon which the privilege shall be enjoyed being stated or implied in the legislation authorizing  
36 its grant, no right is, of course, impaired by their enforcement. **The recipient of the privilege, in effect, stipulates**  
37 **to comply with the conditions. It matters not how limited the privilege conferred, its acceptance implies an**  
38 **assent to the regulation of its use and the compensation for it.”**  
39 [*Munn v. Illinois, 94 U.S. 113 (1877)*]

40 By "stipulates" the U.S. Supreme Court means “CONSENTS and agrees” to the “quasi-contract”. It’s a quasi rather than an  
41 actual contract because the ACT of accepting or using the property is TREATED AS an effective act of consent, even if the  
42 person accepting the property does not KNOW this is what is happening from a legal perspective. The legal dictionary has  
43 two names for this type of consent:

- 44 1. "tacit procuration"

1           *“Procurator.. Agency; proxy; the act of constituting another one's attorney in fact. The act by which one person*  
2 *gives power to another to act in his place, as he could do himself. Action under a power of attorney or other*  
3 *constitution of agency. Indorsing a bill or note "by procurator" is doing it as proxy for another or by his*  
4 *authority. The use of the word procurator (usually, per procuratore, or abbreviated to per proc. or p. p.) on a*  
5 *promissory note by an agent is notice that the agent has but a limited authority to sign.*

6           *An express procurator is one made by the express consent of the parties. An implied or tacit procurator takes*  
7 *place when an individual sees another managing his affairs and does not interfere to prevent it. Procurators are*  
8 *also divided into those which contain absolute power, or a general authority, and those which give only a limited*  
9 *power. Also, the act or offence of procuring women for lewd purposes. See also Proctor.”*  
10 *[Black's Law Dictionary, Fifth Edition, pp. 1086-1087]*

## 11 2. “Sub silentio”

12           *“SUB SILENTIO. Under silence; without any notice being taken. Passing a thing sub silentio may be evidence of*  
13 *consent”*  
14 *[Black's Law Dictionary, Fourth Edition, p. 1593]*

15 \_\_\_\_\_  
16           *“Qui tacet consentire videtur.*

17           *He who is silent appears to consent. Jenk. Cent. 32.”*  
18 *[Bouvier's Maxims of Law, 1856;*  
19 *SOURCE: <http://fanguardian.org/Publications/BouvierMaximsOfLaw/BouviereMaxims.htm>]*

20 The above processes therefore are what we refer to as "invisible consent".

21 Further, note that in *Munn v. Illinois* above, the U.S. Supreme Court ALSO used the word "obviously". Tacit procurator is  
22 in no way OBVIOUS and operates very subtly. It may be obvious to THEM, but it's far from obvious to the VICTIMS of  
23 the "quasi-contractual scam". That's why they CLOAKED the process in legalese using a nebulous term to describe the  
24 above process, which they will ABSOLUTELY refuse to disclose because they DON'T WANT YOU TO KNOW! It's the  
25 SECRET to leaving the system.

26 It is important that people understand they can't just argue their way out of an obligation by effectively saying "AHA! I know  
27 what this tax REALLY is!". We only discuss the quasi-contractual nature of the obligations to file and pay in the context of  
28 opposing the idea that these things are forced on everyone This is a matter of personal taste and sensibilities. We prefer to  
29 say that people are unknowingly opting into income tax liability.

30 With normal people, we just say as a shorthand that they can "opt-out" because they are starting with the assumption that they  
31 are somehow already liable and that nothing can legally be done to avoid that. So that is a starting point----from there they  
32 can learn that they have actually been opting in, every time. So they don't need to opt-out so much as refrain from opting IN

33 But since there are some different things you have to do; you could say it is changing the SSN to nonresident alien can  
34 definitely be seen as opting out of statutory “U.S. person” status. But even then, you still have to refrain from opting into  
35 income tax liability---by not misapplying the law in your determinations of what your gross income is, and by understanding  
36 that you have the right to exclude non-federally sourced income from "gross income".

## 37 **13 Where does the power to “define” statutory civil statuses and assign civil obligations to the** 38 **definition come from?**

### 39 **13.1 Authority to impose obligations comes from control over government property**

40 The power to “define” civil statutory terms and civil statuses such as “person” and “individual” and “taxpayer” and to assign  
41 civil statutory obligations against them derives ONLY from the government’s authority to “make needful rules respecting the  
42 Territory and other property of the United States” under Article 4, Section 3, Clause 2 of the Constitution:

43           *United States Constitution*

44           *Article 4, Section 3*

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

4  
5 "The Constitution permits Congress to dispose of and to make all needful rules and regulations respecting the  
6 territory or other property belonging to the United States. This power applies as well to territory belonging to  
7 the United States within the States, as beyond them. It comprehends all the public domain, wherever it may be.  
8 The argument is, that 510\*510 the power to make "ALL needful rules and regulations" "is a power of legislation,"  
9 "a full legislative power;" "that it includes all subjects of legislation in the territory," and is without any  
10 limitations, except the positive prohibitions which affect all the powers of Congress. Congress may then regulate  
11 or prohibit slavery upon the public domain within the new States, and such a prohibition would permanently  
12 affect the capacity of a slave, whose master might carry him to it. And why not? Because no power has been  
13 conferred on Congress. This is a conclusion universally admitted. But the power to "make rules and regulations  
14 respecting the territory" is not restrained by State lines, nor are there any constitutional prohibitions upon its  
15 exercise in the domain of the United States within the States; and whatever rules and regulations respecting  
16 territory Congress may constitutionally make are supreme, and are not dependent on the situs of "the territory."  
17 [Dred Scott v. Sandford, 60 U.S. 393  
18 (1857);[https://scholar.google.com/scholar\\_case?case=3231372247892780026](https://scholar.google.com/scholar_case?case=3231372247892780026)]

19 The essence of ownership is the power to absolutely and exclusively control a thing, whether it be property or a statutory civil  
20 status or those who exercise said civil status. Therefore, ownership and control are synonymous:

21 *Ownership. Collection of rights to use and enjoy property, including right to transmit it to others. Trustees of*  
22 *Phillips Exeter Academy v. Exeter, 92 N.H. 473, 33 A.2d. 665, 673. The complete dominion, title, or proprietary*  
23 *right in a thing or claim. The entirety of the powers of use and disposal allowed by law.*

24 The right of one or more persons to possess and use a thing to the exclusion of others. The right by which a  
25 thing belongs to someone in particular, to the exclusion of all other persons. The exclusive right of possession,  
26 enjoyment, and disposal; involving as an essential attribute the right to control, handle, and dispose.

27 Ownership of property is either absolute or qualified. The ownership of property is absolute when a single  
28 person has the absolute dominion over it, and may use it or dispose of it according to his pleasure, subject only  
29 to general laws. The ownership is qualified when it is shared with one or more persons, when the time of  
30 enjoyment is deferred or limited, or when the use is restricted. Calif. Civil Code, §§678-680.

31 *There may be ownership of all inanimate things which are capable of appropriation or of manual delivery; of all*  
32 *domestic animals; of all obligations; of such products of labor or skill as the composition of an author, the*  
33 *goodwill of a business, trademarks and signs, and of rights created or granted by statute. Calif. Civil Code, §655.*

34 *In connection with burglary, "ownership" means any possession which is rightful as against the burglar.*

35 *See also Equitable ownership; Exclusive ownership; Hold; Incident of ownership; Interest; Interval ownership;*  
36 *Ostensible ownership; Owner; Possession; Title.*  
37 *[Black's Law Dictionary, Sixth Edition, p. 1106]*

38 Congress cannot civilly regulate or control PRIVATE property that doesn't belong to it or which it does not at least have a  
39 provable qualified or shared interest in which is lawfully and demonstrably acquired. If they violate this, they are STEALING  
40 that property. Rights are property. Anything that conveys rights is property. Civil statutory statutes convey rights against  
41 the government or its agents and are property:

42 "The reason why States are "bodies politic and corporate" is simple: just as a corporation is an entity that can  
43 act only through its agents, "[t]he State is a political corporate body, can act only through agents, and can  
44 command only by laws." Poindexter v. Greenhow, supra, 114 U.S., at 288, 5 S.Ct. at 912-913. See also Black's  
45 Law Dictionary 159 (5th ed. 1979) ("[B]ody politic or corporate": "A social compact by which the whole people  
46 covenants with each citizen, and each citizen with the whole people, that all shall be governed by certain laws for  
47 the common good"). As a "body politic and corporate," a State falls squarely within the Dictionary Act's  
48 definition of a "person."  
49 [Will v. Michigan Dept. of State Police, 491 U.S. 58, 109 S.Ct. 2304 (U.S.Mich.,1989)]

50 Notice the above doesn't say "covenants with each HUMAN or MAN or WOMAN" but with each "citizen". The  
51 STATUTORY "citizen" is an officer and agent of the government. In statutes at least, it is a fiction and creature of law, not  
52 a physical thing. In the Constitution, it is SUPPOSED to be a physical thing also, as admitted below, but when the

1 STATUTORY and CONSTITUTIONAL contexts are equivocated together, a usurpation and non-consensual conversion  
2 from PRIVATE to PUBLIC occurs as pointed out below by the U.S. Supreme Court.

3 *"Under our own systems of polity, the term 'citizen', implying the same or similar relations to the government and*  
4 *to society which appertain to the term, 'subject' in England, is familiar to all. Under either system, the term used*  
5 *is designed to apply to man in his individual character and to his natural capacities -- to a being or agent [of*  
6 *government, also called a PUBLIC OFFICER!] possessing social and political rights and sustaining social,*  
7 *political, and moral obligations. It is in this acceptance only, therefore, that the term 'citizen', in the article of*  
8 *the Constitution, can be received and understood. When distributing the judicial power, that article extends it*  
9 *to controversies between 'citizens' of different states. This must mean the natural physical beings composing*  
10 *those separate communities, and can by no violence of interpretation be made to signify artificial, incorporeal,*  
11 *theoretical, and invisible creations. A corporation, therefore, being not a natural person, but a mere creature*  
12 *of the mind, invisible and intangible, cannot be a citizen of a state, or of the United States, and cannot fall*  
13 *within the terms or the power of the above mentioned article, and can therefore neither plead nor be impleaded*  
14 *in the courts of the United States."*

15 [*Rundle v. Delaware & Raritan Canal Company, 55 U.S. 80, 99 (1852) from dissenting opinion by Justice Daniel]*

16 Consistent with the above, the U.S. Code identifies JURORS as public officers:

17 [TITLE 18 > PART 1 > CHAPTER 11 > § 201](#)  
18 [§ 201. Bribery of public officials and witnesses](#)

19 (a) For the purpose of this section—

20 (1) the term "public official" means Member of Congress, Delegate, or Resident Commissioner, either before or  
21 after such official has qualified, or an officer or employee or person acting for or on behalf of the United States,  
22 or any department, agency or branch of Government thereof, including the District of Columbia, in any official  
23 function, under or by authority of any such department, agency, or branch of Government, **or a juror**;

24 One may not serve within the government WITHOUT becoming an agent or officer of the government. Likewise, all actions,  
25 and especially CIVIL ENFORCEMENT actions of government must be UPON its own agents and officers per the above  
26 case. To suggest otherwise is to encourage unconstitutional THEFT and SLAVERY:

27 ["\[t\]he State is a political corporate body, can act only through agents, and can command only by laws."](#)  
28 [Poindexter v. Greenhow, supra, 114 U.S., at 288, 5 S.Ct. at 912-913.](#)

29 The term "command" above certainly implies the ability to CIVILLY ENFORCE using civil states. These civil statutes, IF  
30 they can be enforced and if they involve a penalty or taking of property of any kind for non-compliance, MUST involve the  
31 ability to "command" or they cannot BE a "command". We talk about this in the following:

[Federal Enforcement Authority Within States of the Union, Form #05.032](https://sedm.org/Forms/FormIndex.htm)  
<https://sedm.org/Forms/FormIndex.htm>

## 32 **13.2 Evidence in support**


33 The U.S. Supreme Court has consistently confirmed that the origin of the government's ability to create civil statutory statuses  
34 and impose obligations arises from granting property, services, or consideration in some form to the recipient with legal  
35 strings attached. That property can take many forms but is usually referred to as a "benefit" or "exemption" of some kind.  
36 In legal parlance, the process of granting the benefit is referred to by the courts as a "privilege" or "franchise".


37 The best way to locate evidence proving that grants of property and privileges confer statutory jurisdiction and the right to  
38 regulate is in cases dealing with compelled use of Social Security Numbers. For instance, in *Bowen v. Roy*, 476 U.S. 693  
39 (1986) the appellant alleged that the U.S. government was compelling him to violate his religious beliefs by forcing the use  
40 of Social Security Numbers as a condition of receiving Aid to Families of Dependent Children (AFDC). Rights are property,  
41 including Constitutionally recognized rights in the First Amendment, and the Appellant wanted a "benefit" but refused to  
42 surrender their First Amendment constitutional rights in exchange. In effect, the appellant wanted "something for nothing":  
43 They wanted the "benefit" but they didn't want to pay for it with the surrender of something of equal value, which in this  
44 case was their First Amendment rights. This is a violation of the mandate on the opening page of our website:

45 *"People of all races, genders, political beliefs, sexual orientations, and nearly all religions are welcome here.*  
46 *All are treated equally under REAL "law". The only way to remain truly free and equal under the civil law is to*

1 avoid seeking government civil services, benefits, property, special or civil status, exemptions, privileges, or  
2 special treatment. All such pursuits of government services or property require individual and lawful consent to  
3 a franchise and the surrender of inalienable constitutional rights AND EQUALITY in the process, and should  
4 therefore be AVOIDED. The rights and equality given up are the "cost" of procuring the "benefit" or property  
5 from the government, in fact. Nothing in life is truly "free". Anyone who claims that such "benefits" or property  
6 should be free and cost them nothing is a thief who wants to use the government as a means to STEAL on his or  
7 her behalf. All just rights spring from responsibilities/obligations under the laws of a higher power. If that higher  
8 power is God, you can be truly and objectively free. If it is government, you are guaranteed to be a slave because  
9 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  
10 it really bad from people with a monopoly, then you will get it REALLY bad. Bend over. There are NO  
11 constitutional limits on the price government can charge for their monopoly services or property. Those who  
12 want no responsibilities can have no real/PRIVATE rights, but only privileges dispensed to wards of the state  
13 which are disguised to LOOK like unalienable rights. Obligations and rights are two sides of the same coin, just  
14 like self-ownership and personal responsibility. For the biblical version of this paragraph, read 1 Sam. 8:10-22.  
15 For the reason God answered Samuel by telling him to allow the people to have a king, read Deut. 28:43-51,  
16 which is God's curse upon those who allow a king above them. Click Here for a detailed description of the legal,  
17 moral, and spiritual consequences of violating this paragraph."  
18 [SEDM Opening Page; <http://sedm.org>]

19 Below is the context of the Bowen case:

20 "Appellees Stephen J. Roy and Karen Miller applied for and received benefits under the Aid to Families with  
21 Dependent Children program and the Food Stamp program. [\*\*\*742] They refused to comply, however, with  
22 the requirement, contained in 42 U.S.C. §602(a)(25)  and 7 U.S.C. §2025(e), that participants in these  
23 programs furnish their state welfare agencies with the Social Security numbers of the members of their household  
24 as a condition of receiving benefits. Appellees contended that obtaining a Social Security number for their 2-  
25 year-old daughter, Little Bird of the Snow, would violate their Native American religious beliefs. The  
26 Pennsylvania Department of Public Welfare thereafter terminated AFDC and medical benefits payable to  
27 appellees [\*\*\*6] on the child's behalf and instituted proceedings to reduce the level of food stamps that  
28 appellees' household was receiving. Appellees then filed this action against the Secretary of the Pennsylvania  
29 Department of Public Welfare, the Secretary of Health and Human Services, and the Secretary of Agriculture,  
30 arguing that the Free Exercise Clause entitled them to an exemption from the Social Security number requirement.  
31 In their complaint, [\*\*\*696] appellees stated that "[the] sole basis" for the denial of welfare benefits was "Mr.  
32 Roy's refusal to obtain a Social Security Number for Little Bird of the Snow," and thus requested injunctive relief,  
33 damages, and benefits. In the statement of "undisputed facts," the parties agreed that Little Bird of the Snow did  
34 not have a Social Security number.

35 [\*\*\*7] At trial, Roy testified that he had recently developed a religious objection to obtaining a Social Security  
36 number for Little Bird of the Snow. 2  Roy is a Native American descended from the Abenaki Tribe, and he  
37 asserts a religious belief that control over one's life is essential to spiritual purity and indispensable to "becoming  
38 a holy person." Based on recent conversations with an Abenaki chief, Roy believes that technology is "robbing  
39 the spirit of man." In order to prepare his daughter for greater spiritual power, therefore, Roy testified to his  
40 belief that he must keep her person and spirit unique and that the uniqueness of the Social Security number as an  
41 identifier, coupled with the other uses of the number over which she has no control, will serve to "rob the spirit"  
42 of his daughter and prevent her from attaining greater spiritual power.  
43 [Bowen v. Roy, 476 U.S. 693 (1986)]

44 The U.S. Supreme Court held that there was no violation of rights:

45 Our cases have long recognized a distinction between the freedom of individual belief, which is absolute, and  
46 the freedom of individual conduct, which is not absolute. This case implicates only the latter concern. Roy  
47 objects to the statutory requirement that state agencies "shall utilize" Social Security numbers not because it  
48 places any restriction on what he may believe or what he may do, but because he believes the use of the number  
49 may harm his daughter's spirit.

50 Never to [\*\*\*13] our knowledge has the Court interpreted the First Amendment to require the Government  
51 itself to behave in ways that the individual believes will further his or her spiritual development or that of his  
52 or her family. The Free Exercise Clause simply cannot be understood to require the Government to conduct  
53 its own internal affairs in ways that comport with the religious beliefs of particular citizens. Just as the  
54 Government may not insist that appellees engage in [\*\*\*700] any set form of religious observance, so appellees  
55 may not demand that the Government join in their chosen religious practices by refraining from using a number  
56 to identify their daughter. HNI"[The] Free Exercise Clause is written in terms of what the government cannot do  
57 to the individual, not in terms of what the individual can extract from the government." Sherbert v. Verner, 374  
58 U.S. 398, 412 (1963) (Douglas, J., concurring).

59 As a result, Roy may no more [\*\*\*745] prevail on his religious objection to the Government's use of a Social  
60 Security number for his daughter than he could on a sincere religious objection to the size or color of the  
61 Government's filing cabinets. The Free Exercise [\*\*\*14] Clause affords an individual protection from certain



1 forms of governmental compulsion; it does not afford an individual a right to dictate the conduct of the  
2 Government's internal procedures.

3 [ . . . ]

4 Roy also [\*\*\*\*16] challenges Congress' requirement that a state AFDC plan "must . . . provide (A) that, as a  
5 condition of eligibility under the plan, each applicant for or recipient of aid shall furnish to the State agency his  
6 social security account number." 42 U.S.C. §602(a)(25) (emphasis added). 7 [\*\*\*746] HN2 The [\*\*702] First  
7 Amendment's guarantee that "Congress shall make no law . . . prohibiting the free exercise" of religion holds an  
8 important place in our scheme of ordered liberty, but the Court has steadfastly maintained that claims of religious  
9 conviction do not automatically entitle a person to fix unilaterally the conditions and terms of dealings with the  
10 Government. Not all burdens on religion are unconstitutional. See Reynolds v. United States, 98 U.S. 145 (1879).  
11 This was treated recently in United States v. Lee:

12 "To maintain an organized society that guarantees religious freedom to a great variety of faiths requires that  
13 some religious practices yield to the common good. Religious beliefs can be accommodated, but there is a point  
14 at which accommodation would 'radically restrict the operating latitude of the legislature.'" 455 U.S., at 259.  
15 [\*\*\*\*17] I [\*\*\*\*18] [\*703] LEdHN[4B] [4B]HN3 The statutory requirement that applicants provide a Social  
16 Security number is wholly neutral in religious terms and uniformly applicable. There is no claim that [\*\*2154]  
17 there is any attempt by Congress to discriminate invidiously or any covert suppression of particular religious  
18 beliefs. The administrative requirement does not create any danger of censorship 8 [\*\*\*\*19] or place a direct  
19 condition or burden on the dissemination of religious views. 9 It does not intrude on the organization of a religious  
20 institution 10 or school. 11 It may [\*\*\*747] indeed confront some applicants for benefits with choices, but in no  
21 sense does it affirmatively compel appellees, by threat of sanctions, to refrain from religiously motivated conduct  
22 12 or to engage in conduct that they find objectionable for religious reasons. 13 Rather, it is appellees who seek  
23 benefits from the Government and who assert that, because of certain religious beliefs, they should be excused  
24 from compliance with a condition that is binding on all other persons who seek the same benefits from the  
25 Government.

26 This is far removed from the historical instances of religious persecution and intolerance [\*\*\*\*20] that gave  
27 concern to those who drafted the Free Exercise Clause of the First Amendment. See generally M. Malbin, Religion  
28 and Politics: The Intentions of the Authors of the First Amendment (1978). We are not unmindful of the  
29 importance of many government benefits today or of the value of sincerely held religious beliefs. [\*\*704] However,  
30 while we do not believe that no government compulsion is involved, we cannot ignore the reality that denial of  
31 such benefits by a uniformly applicable statute neutral on its face is of a wholly different, less intrusive nature  
32 than affirmative compulsion or prohibition, by threat of penal sanctions, for conduct that has religious  
33 implications.

34 [ . . . ]

35 We [\*\*\*749] conclude then that HN4 government regulation that indirectly and incidentally calls for a choice  
36 between securing a governmental benefit and adherence to religious beliefs is wholly different from governmental  
37 action or legislation that criminalizes religiously inspired activity or inescapably [\*\*2156] compels conduct that  
38 some find objectionable for religious reasons. Although the denial of government benefits over religious objection  
39 can raise serious Free Exercise problems, these two very different forms of government action are not governed  
40 by the same constitutional standard. A governmental burden on religious liberty is not insulated from review  
41 simply because it is indirect, Thomas v. Review Board of Indiana Employment Security Div., 450 U.S. 707, 717-  
42 718 (1981) (citing Sherbert v. Verner, 374 U.S., at 404); [\*\*707] but the nature of the burden is relevant to the  
43 standard the government must meet to justify the burden.

44 The general governmental interests involved here buttress this conclusion. HN5 Governments today grant a broad  
45 range of benefits; inescapably at the same time the administration of complex programs [\*\*\*\*26] requires certain  
46 conditions and restrictions. Although in some situations a mechanism for individual consideration will be created,  
47 a policy decision by a government that it wishes to treat all applicants alike and that it does not wish to become  
48 involved in case-by-case inquiries into the genuineness of each religious objection to such condition or  
49 restrictions is entitled to substantial deference. Moreover, legitimate interests are implicated in the need to avoid  
50 any appearance of favoring religious over nonreligious applicants.

51 The test applied in cases like Wisconsin v. Yoder, 406 U.S. 205 (1972), is not appropriate in this setting. In the  
52 enforcement of a facially neutral and uniformly applicable requirement for the administration of welfare  
53 programs reaching many millions of people, the Government is entitled to wide latitude. The Government should  
54 not be put to the strict test applied by the District Court; that standard required the Government to justify  
55 enforcement of the use of Social Security number requirement as the least restrictive means of accomplishing a  
56 compelling state interest. 17 Absent proof of an intent to discriminate against particular [\*\*\*\*27][\*\*750]  
57 religious beliefs or against religion in general, the Government [\*\*708] meets its burden when it demonstrates  
58 that a challenged requirement for governmental benefits, neutral and uniform in its application, is a reasonable  
59 means of promoting a legitimate public interest.  
60 [Bowen v. Roy, 476 U.S. 693 (1986)]

1 Note that in resolving the dispute, the central question was “control” over property. According to the court, the free exercise  
2 of your Constitutional rights, which are property, cannot interfere with the EQUAL right of the government to exercise control  
3 over ITSELF and ITS property!

4 “Never to [\*\*\*J3] our knowledge has the Court interpreted the First Amendment to require the Government  
5 itself to behave in ways that the individual believes will further his or her spiritual development or that of his  
6 or her family. The Free Exercise Clause simply cannot be understood to require the Government to conduct  
7 its own internal affairs in ways that comport with the religious beliefs of particular citizens. Just as the  
8 Government may not insist that appellees engage in [\*700] any set form of religious observance, so appellees  
9 may not demand that the Government join in their chosen religious practices by refraining from using a number  
10 to identify their daughter. HNI”[The] Free Exercise Clause is written in terms of what the government cannot do  
11 to the individual, not in terms of what the individual can extract from the government.” Sherbert v. Verner, 374  
12 U.S. 398, 412 (1963) (Douglas, J., concurring).

13 “As a result, Roy may no more [\*\*\*745] prevail on his religious objection to the Government's use of a Social  
14 Security number for his daughter than he could on a sincere religious objection to the size or color of the  
15 Government's filing cabinets. The Free Exercise [\*\*\*14] Clause affords an individual protection from certain  
16 forms of governmental compulsion; it does not afford an individual a right to dictate the conduct of the  
17 Government's internal procedures.”  
18 [Bowen v. Roy, 476 U.S. 693 (1986)]

19 Notice it refers to “file cabinets”, which are property. Dictating the conduct of the government is also a demand for services,  
20 which are property. In effect, they are reducing the entire case to an issue of control over property! Although the case doesn't  
21 directly reference Article 4, Section 3, Clause 2 as the authority of the government over its own property and even “benefits”  
22 and “privileges”, the implication ought to be obvious to the reader.

23 An even bigger issue of this case is the personal responsibility of the Appellant, although the court didn't mention that either.  
24 If you want to be free and unregulated, you can't go around begging for government property, “benefits”, services, or  
25 privileges, all of which are synonymous.

26 *“In the matter of taxation, every privilege is an injustice.”*  
27 *[Voltaire]*

28  
29 *“The more you want [privileges], the more the world can hurt you.”*  
30 *[Confucius]*

31 If Roy didn't want to enumerate his child, all he had to do was not apply to receive government property or privileges in the  
32 form of “benefits”. He had a choice not to receive the “benefit” and should have had an EQUAL choice not to PAY for it  
33 either, and by doing so, he would have been pursuing PERSONAL RESPONSIBILITY and preventing the government from  
34 having to STEAL from someone else to pay the benefit in the form of illegally enforced income tax collected extraterritorially.

35 *“You shall not steal.”*  
36 *[Exodus 20:15, Bible]*

37 For those who think that raising the money to PAY the benefit ISN'T stealing, consider that the average person is never  
38 offered a chance to NOT participate in the tax or Social Security System, so the money is STOLEN because their continuing  
39 consent was not procured and they were not offered a chance to UNCONSENT and not participate. Certainly, if Roy's  
40 religious beliefs would have ALSO forbidden state-sanctioned STEALING from his neighbor, and that belief should have  
41 been more important than merely avoiding numbers. If his religion didn't prohibit this kind of STEALING, or if he thought  
42 that avoiding government enumeration was more important than avoiding stealing, then he is a hypocrite.

43 The act of applying for and providing a STATUTORY Social Security Number (which is government property) in the above  
44 case creates the presumption that you are a government statutory “employee”. 20 C.F.R. §422 is the authority for issuing the  
45 number as property, and the name of the title is ‘Employee's Benefits’. You can't receive ANY government “benefit” or  
46 property **without** being treated AS IF you are a government statutory “employee” under 5 U.S.C. §2105. Government cannot  
47 abuse its taxing power to pay PRIVATE people, so you have to agree to become a government employee to make receiving  
48 the “benefit” even lawful to begin with.

49 To lay, with one hand, the power of the government on the property of the citizen, and with the other to bestow  
50 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) ]

So the grant of government "benefits" or services is your employment compensation! See *Rutan v. Republican Party of Illinois*, 497 U.S. 62 (1990) mentioned in the next section for proof that Uncle can completely disregard your Constitutional rights if you claim to be a statutory "employee". In effect, the property granted is illegally ABUSED to create new public offices called "employee".

"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 (1877) ]

There is NO CONSTITUTIONAL authority for using government property to create such offices or statutory "employees", and especially not in regards to parties domiciled extraterritorially in a legislatively foreign state such as a Constitutional State of the Union. This violates 4 U.S.C. §72 and many other provisions of law documented in:

*Challenge to Income Tax Enforcement Authority Within Constitutional States of the Union*, Form #05.052  
<https://sedm.org/Forms/FormIndex.htm>

### **13.3 The legal process of creating the civil obligation**

How, then, must Congress create civil statutory statuses and the civil statutory obligations that attach to them, both of which are PROPERTY of the government, without instituting unconstitutional THEFT and SLAVERY? There is only one rational way to do this that we can think of:

1. They must create a civil statute that imposes and enforces a result they want. This is done by imposing civil obligations against one party and rights to the party those obligations are owed. Rights and obligations therefore always come in pairs and always involve two or more separate parties or fictions.
  - 1.1. The fictional "person" with the obligation is called the OBLIGOR.
  - 1.2. The fictional "person" to whom the obligation is owed is called the OBLIGEE. When an obligation is owed to you, it is usually called a "right". If the OBLIGOR is the government, it is called a "public right" or a "privilege".
2. The obligations and corresponding rights within the civil statute always attach to what is called a "civil status". Such statuses include but are not limited to civil statutory "persons", "taxpayers", "citizens", or "residents".
3. The civil status is a "res", meaning that it is a fiction representing a collection of rights/obligations.

*Res. Lat. The subject matter of a trust or will. In the civil law, a thing; an object. As a term of the law, this word has a very wide and extensive signification, including not only things which are objects of property, but also such as are not capable of individual ownership. And in old English law it is said to have a general import, comprehending both corporeal and incorporeal things of whatever kind, nature, or species. By "res," according to the modern civilians, is meant everything that may form an object of rights, in opposition to "persona," which is regarded as a subject of rights. "Res," therefore, in its general meaning, comprises actions of all kinds; while in its restricted sense it comprehends every object of right, except actions. This has reference to the fundamental division of the Institutes that all law relates either to persons, to things, or to actions.*

*Res is everything that may form an object of rights and includes an object, subject-matter or status. In re Riggle's Will, 11 A.D.2d. 51, 205 N.Y.S.2d. 19, 21, 22. The term is particularly applied to an object, subject-matter, or*

1 status, considered as the defendant in an action, or as an object against which, directly, proceedings are taken.  
2 Thus, in a prize case, the captured vessel is "the res"; and proceedings of this character are said to be in rem.  
3 (See *In personam*; *In Rem*.) Res" may also denote the action or proceeding, as when a cause, which is not between  
4 adversary parties, is entitled "In re \_\_\_\_\_".

#### 5 **Classification**

6 Things (res) have been variously divided and classified in law, e.g., in the following ways: (1) Corporeal and  
7 incorporeal things; (2) movables and immovables; (3) res mancipi and res nec mancipi; (4) things real and things  
8 personal; (5) things in possession and choses (i.e., things) in action; (6) fungible things and things not fungible  
9 (fungibles vel non fungibles); and (7) res singulae (i.e., individual objects) and universitates rerum (i.e.,  
10 aggregate things). Also persons are for some purposes and in certain respects regarded as things.  
11 [Black's Law Dictionary, Sixth Edition, pp. 1304-1306]

- 12 4. The definitions section of the civil statute is the place the civil status or "res" and the rights and obligations it  
13 represents is CREATED. This is because any statutory civil obligation/right the government creates must attach to a  
14 civil status fiction rather than directly to a physical human being standing on land protected by the Constitution. If the  
15 obligation attaches to a physical human being protected by the Constitution without provable consent, it is involuntary  
16 servitude and THEFT. The THEFT is represented by the OBLIGATIONS taken from the OBLIGOR without their  
17 consent because these obligations represent "property" in a legal sense.
- 18 5. As the CREATOR of the fictional civil status, the government is the OWNER. See:  
19 [Hierarchy of Sovereignty: The Power to Create is the Power to Tax](https://famguardian.org/Subjects/Taxes/Remedies/PowerToCreate.htm), Family Guardian Fellowship  
20 <https://famguardian.org/Subjects/Taxes/Remedies/PowerToCreate.htm>
- 21 6. The status they attach the OBLIGATION or RIGHT, meaning PROPERTY INTEREST or RES, to must be voluntary  
22 and require consent in some form to acquire, whether overt or covert (sub silentio).
- 23 7. The civil status that the obligation or privilege it attaches to must be a fiction and an agent or officer of the government  
24 that they have the right to command or enforce against WITHOUT constitutional constraints.

25 *"The restrictions that the Constitution places upon the government in its capacity as lawmaker, i.e., as the*  
26 *regulator of private conduct, are not the same as the restrictions that it places upon the government in its*  
27 *capacity as employer.* We have recognized this in many contexts, with respect to many different constitutional  
28 guarantees. Private citizens perhaps cannot be prevented from wearing long hair, but policemen can. *Kelley v.*  
29 *Johnson*, 425 U.S. 238, 247 (1976). Private citizens cannot have their property searched without probable cause,  
30 but in many circumstances government employees can. *O'Connor v. Ortega*, 480 U.S. 709, 723 (1987) (plurality  
31 opinion); *id.*, at 732 (SCALIA, J., concurring in judgment). Private citizens cannot be punished for refusing to  
32 provide the government information that may incriminate them, but government employees can be dismissed when  
33 the incriminating information that they refuse to provide relates to the performance of their job. *Gardner v.*  
34 *Broderick*, [497 U.S. 62, 95] 392 U.S. 273, 277 -278 (1968). With regard to freedom of speech in particular:  
35 Private citizens cannot be punished for speech of merely private concern, but government employees can be fired  
36 for that reason. *Connick v. Myers*, 461 U.S. 138, 147 (1983). Private citizens cannot be punished for partisan  
37 political activity, but federal and state employees can be dismissed and otherwise punished for that reason. *Public*  
38 *Workers v. Mitchell*, 330 U.S. 75, 101 (1947); *Civil Service Comm'n v. Letter Carriers*, 413 U.S. 548, 556 (1973);  
39 *Broadrick v. Oklahoma*, 413 U.S. 601, 616 -617 (1973)."  
40 [Rutan v. Republican Party of Illinois, 497 U.S. 62 (1990)]

- 41 8. Those who consent to the civil status must usually take a VOLUNTARY oath, and the oath is how the civil obligations  
42 acquire "the force of law" against the human TAKING said oath. That oath is found in 5 U.S.C. §3331:

43 "But, it may be suggested, that the office being established by a law of the United States, it is an incident naturally  
44 attached to the authority of the United States, to guard the officer against the approaches of corruption, in the  
45 execution of his public trust. It is true, that the person who accepts an office may be supposed to enter into a  
46 compact to be answerable to the government, which he serves, for any violation of his duty; and, having taken  
47 the oath of office, he would unquestionably be liable, in such case, to a prosecution for perjury in the Federal  
48 Courts."  
49 [United States v. Worrall, 2 U.S. 384 (1798)]

50 [TITLE 5 > PART III > Subpart B > CHAPTER 33 > SUBCHAPTER II > § 3331](#)  
51 [§ 3331. Oath of office](#)

52 An individual, except the President, elected or appointed to an office of honor or profit in the civil service or  
53 uniformed services, shall take the following oath: "I, AB, do solemnly swear (or affirm) that I will support and  
54 defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith  
and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of

1 evasion; and that I will well and faithfully discharge the duties of the office on which I am about to enter. So help  
2 me God." This section does not affect other oaths required by law.

3 9. The civil status such as "person", "citizen", "resident", etc must be easily confused (by the legally ignorant) with the  
4 man or woman or artificial entity adopting the civil status so that:

5 9.1. Equivocation may be abused by the government to hide the mandatory requirement that the OFFICE/STATUS  
6 and the OFFICER can only be connected together by EXPRESS CONSENT.

7 9.2. Implied consent and sub silentio can be used as a form of sophistry to TRICK people into unknowingly  
8 volunteering for the civil status and the office it represents:

9 "SUB SILENTIO. Under silence; without any notice being taken. Passing a thing sub silentio may be evidence of  
10 consent"

11 [Black's Law Dictionary, Fourth Edition, p. 1593]

12 "Qui tacet consentire videtur.

13 He who is silent appears to consent. Jenk. Cent. 32."

14 [Bouvier's Maxims of Law, 1856;

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

16 9.3. The process of consent is hidden and obscured so that people don't realize they have the option of NOT  
17 consenting. We call this "invisible consent" in the following document:

18 Requirement for Consent, Form #05.003, Section 9.4

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

20 9.4. The obligations attached to the CIVIL STATUS and OFFICE or AGENCY appear to be unavoidable to you and  
21 do not require your overt consent, even though this is NEVER the case. According to the Declaration of  
22 Independence, all just powers of government derive from the CONSENT of those governed. If you don't want to  
23 be "governed", controlled, or enforced against, then simply don't claim or consent to the civil status that the civil  
24 obligations attach to. That is all that is needed.

25 9.5. The usually legally ignorant party enforcing the civil statute in the de facto corrupt government can then claim  
26 "plausible deniability" in confusing the OFFICE/STATUS with the OFFICER filling the status. That way they  
27 can't be prosecuted for the THEFT and SLAVERY against those who don't consent to the status or the civil  
28 obligations attached to the status.

29 10. Government must define a public officer as someone in charge of the property of the public.

30 "**Public office.** The right, authority, and duty created and conferred by law, by which for a given period, either  
31 fixed by law or enduring at the pleasure of the creating power, an individual is invested with some portion of the  
32 sovereign functions of government for the benefit of the public. Walker v. Rich, 79 Cal.App. 139, 249 P. 56, 58.  
33 An agency for the state, the duties of which involve in their performance the exercise of some portion of the  
34 sovereign power, either great or small. Yaselli v. Goff, C.C.A., 12 F.2d. 396, 403, 56 A.L.R. 1239; Lacey v. State,  
35 13 Ala.App. 212, 68 So. 706, 710; Curtin v. State, 61 Cal.App. 377, 214 P. 1030, 1035; Shelmadine v. City of  
36 Elkhart, 75 Ind.App. 493, 129 N.E. 878. State ex rel. Colorado River Commission v. Frohmiller, 46 Ariz. 413, 52  
37 P.2d. 483, 486. **Where, by virtue of law, a person is clothed, not as an incidental or transient authority, but for  
38 such time as de- notes duration and continuance, with Independent power to control the property of the public,  
39 or with public functions to be exercised in the supposed interest of the people, the service to be compensated by  
40 a stated yearly salary, and the occupant having a designation or title, the position so created is a public office.**  
41 State v. Brennan, 49 Ohio.St. 33, 29 N.E. 593.

42 [Black's Law Dictionary, Fourth Edition, p. 1235]

43 11. When or if a private man or woman or artificial entity invokes the status on a government form or uses a franchise  
44 mark, such as an SSN or EIN, then the private man or artificial entity is treated AS IF they tacitly consented to the  
45 office which the status or franchise mark represents. This is because the status or franchise mark and the PUBLIC  
46 rights which attach to it are PUBLIC property and the recipient or user of the property is now in charge of "the  
47 property of the public" as a public officer as defined above.

48 11.1. By "treated as if", we mean they are treated as a lawful target of government enforcement activity, even if they in  
49 fact are not. The word used for "treated as if" is "dissimulation":

50 *dissimulate*

*verb*

*dis-sim-u-late \(\,)di-'sim-yə-,lāt \*



1 *dissimulated; dissimulating*

2 *Definition of dissimulate*

3 [transitive verb](#)

4 *:to hide under a false appearance*

5 *//smiled to dissimulate her urgency— Alice Glenday*

6 [intransitive verb](#)

7 *:DISSEMBLE*

8 *//a politician's ability to dissimulate*

9 *[Merriam-Webster Dictionary: Dissimulate; SOURCE: [https://www.merriam-](https://www.merriam-webster.com/dictionary/dissimulated)*  
10 *[webster.com/dictionary/dissimulated](https://www.merriam-webster.com/dictionary/dissimulated)]*

11 For humorous real-life examples of “dissimulation” in action, see:

12 11.1.1. #1: Hospital

13 <https://sedm.org/education/liberty-university/liberty-university-2-10-1-hospital/>

14 11.1.2. #2: Airplane

15 <https://sedm.org/education/liberty-university/liberty-university-2-10-2-airplane/>

16 11.1.3. #3: Home

17 <https://sedm.org/education/liberty-university/liberty-university-2-10-3-home/>

18 11.1.4. #4: Dad in Car

19 <https://sedm.org/education/liberty-university/liberty-university-2-10-4-dad-in-car/>

20 11.1.5. #5: Park

21 <https://sedm.org/education/liberty-university/liberty-university-2-10-5-park/>

22 11.2. The legally ignorant man or woman who volunteers for the office or agency of civil statutory “person”, “citizen”,  
23 or “resident” becomes such a lawful target of enforcement even without the usually customary implementing  
24 regulations, because the Administrative Procedures Act, 5 U.S.C. §553(a)(2) says or implies that those in  
25 possession of government property or even eligible to receive “benefits” may be the direct target of congressional  
26 legislation without the implementing regulations required by 5 U.S.C. §552(a)(1):

27 [TITLE 5 > PART I > CHAPTER 5 > SUBCHAPTER II > § 552](#)  
28 [§ 552. Public information; agency rules, opinions, orders, records, and proceedings](#)

29 *(a)(1) Except to the extent that a person has actual and timely notice of the terms thereof, **a person may not in***  
30 ***any manner be required to resort to, or be adversely affected by, a matter required to be published in the***  
31 ***Federal Register and not so published.** For the purpose of this paragraph, matter reasonably available to the*  
32 *class of persons affected thereby is deemed published in the Federal Register when incorporated by reference*  
33 *therein with the approval of the Director of the Federal Register.*

34  
35 [TITLE 5 > PART I > CHAPTER 5 > SUBCHAPTER II > § 553](#)  
36 [§ 553. Rule making](#)

37 *(a) This section applies, according to the provisions thereof, except to the extent that there is involved—*

38 *(1) a military or foreign affairs function of the United States; or*

39 *(2) **a matter relating to agency management or personnel or to public property, loans, grants, benefits, or***  
40 ***contracts.***

41 11.3. The definitions of “person” for the purposes of both civil penalties and criminal enforcement confirm the above:

42 [TITLE 26 > Subtitle F > CHAPTER 68 > Subchapter B > PART I > § 6671](#)  
43 [§ 6671. Rules for application of assessable penalties](#)

44 *(b) Person defined*

1 The term "person", as used in this subchapter, includes an officer or employee of a corporation, or a member or  
2 employee of a partnership, **who as such officer, employee, or member is under a duty to perform the act in**  
3 **respect of which the violation occurs.**  
4

5 [TITLE 26 > Subtitle F > CHAPTER 75 > Subchapter D > § 7343](#)  
6 [§ 7343. Definition of term "person"](#)

7 The term "person" as used in this chapter includes an officer or employee of a corporation, or a member or  
8 employee of a partnership, who as such officer, employee, or member is under a duty to perform the act in respect  
9 of which the violation occurs.

10 12. The U.S. Supreme Court has acknowledged the above process by stating the following:

11 *But when Congress creates a statutory right [a "privilege" in this case, such as a "trade or business"], it clearly*  
12 *has the discretion, in defining that right, to create presumptions, or assign burdens of proof, or prescribe*  
13 *remedies; it may also provide that persons seeking to vindicate that right must do so before particularized*  
14 *tribunals created to perform the specialized adjudicative tasks related to that right [such as "Tax Court",*  
15 *"Family Court", "Traffic Court"] etc.] FN35 Such provisions do, in a sense, affect the exercise of judicial power,*  
16 *but they are also incidental to Congress' power to define the right that it has created. No comparable justification*  
17 *exists, however, when the right being adjudicated is not of congressional creation. In such a situation, substantial*  
18 *inroads into functions that have traditionally been performed by the Judiciary cannot be characterized merely as*  
19 *incidental extensions of Congress' power to define rights that it has created. Rather, such inroads suggest*  
20 *unwarranted encroachments upon the judicial power of the United States, which our Constitution reserves for*  
21 *Art. III courts.*  
22 *[Northern Pipeline Const. Co. v. Marathon Pipe Line Co., 458 U.S. at 83-84, 102 S.Ct. 2858 (1983)]*

23 The above limitations are consistent with the rules of statutory construction and interpretation:

24 *"Under basic rules of construction, statutory laws enacted by legislative bodies cannot impair rights given under*  
25 *a constitution. 194 B.R. at 925. "*  
26 *[In re Young, 235 B.R. 666 (Bankr.M.D.Fla., 1999)]*

### 27 **13.4 The consequences of the process**

28 The statutory definition of "federal personnel" confirms that those who are even ELIGIBLE to receive any retirement  
29 program, including Social Security, are deemed to be "federal personnel" and therefore parties who fit within 5 U.S.C.  
30 §553(a)(2) above.

31 [5 U.S. Code § 552a - Records maintained on individuals](#)

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

33 **(13) the term "Federal personnel" means officers and employees of the Government of the United States,**  
34 **members of the uniformed services (including members of the Reserve Components), individuals entitled to**  
35 **receive immediate or deferred retirement benefits under any retirement program of the Government of the**  
36 **United States (including survivor benefits).**

37 So they at least PRETEND to have made you into a government agent or officer by offering you Social Security. In reality,  
38 however, Social Security cannot be offered within a constitutional state, so it's really a FRAUD to break down the separation  
39 of powers, enslave you, and destroy ALL your constitutional rights:

[Why You Aren't Eligible for Social Security, Form #06.001](#)  
<https://sedm.org/Forms/FormIndex.htm>

### 40 **13.5 Defeating the process**

41 We also discuss WHY government can't lawfully impose civil statutory obligations WITHOUT your consent, and how to  
42 AVOID consenting and avoid being the lawful target of enforcement in the following:

[Lawfully Avoiding Government Obligations Course, Form #12.040](#)  
<https://sedm.org/Forms/FormIndex.htm>

1 The weak link in the above is the concept of the CREATOR being the OWNER. There are actually TWO creations happening  
2 in the above process:

- 3 1. The STATUTORY creation of the legal fiction “person”, “citizen”, “resident”, “driver”, etc.
- 4 2. The act of manifesting EXPRESS consent by a SPECIFIC human being that connects the legal fiction to a SPECIFIC  
5 flesh and blood human being, without which the “res” cannot realistically be CREATED. This is usually done by the  
6 OBLIGOR. This creation can be:
  - 7 2.1. EXPRESS in the form of a signed physical government form submitted by the OBLIGOR (you) to the OBLIGEE  
8 (government).
  - 9 2.2. IMPLIED by the conduct of the party. If you ACT like a party subject called a “taxpayer”, then you CONSENT  
10 to be one, no matter what the forms say.

11 The second option above is just as potent and real an action of CREATION as the first one. Therefore, it represents an  
12 opportunity for YOU as a human being to create an OWNERSHIP or PROPERTY interest in the outcome against the  
13 government recipient in the same manner as they do against you. You don’t control the first act of CREATION above but  
14 you directly and exclusively control the SECOND one above. The way you control the second act of CREATION is the  
15 paperwork you submit. On that paperwork, ONLY YOU control:

- 16 1. WHAT is on the form.
- 17 2. The DEFINITION of the words.
- 18 3. The CONTEXT of the terms, whether CONSTITUTIONAL or STATUTORY.
- 19 4. The meaning of the perjury statement. You don’t have to CHANGE any part of the perjury statement to change its  
20 impact. Just define the ENTIRE paragraph’s meaning so that the RECIPIENT can’t. This avoids any possibility of a  
21 “jurat” penalty by the recipient.

22 The courts have repeatedly held that you cannot trust ANYTHING a government worker says or publishes or writes, and  
23 even government forms.<sup>12</sup> Thus, if you DON’T take full and complete advantage of defining and describing each of the  
24 elements of the forms you submit to the government so that YOU are the “Merchant” and the government is the “Buyer”  
25 under the UCC and they work for you and you don’t work for them, then you will SURELY get screwed, black and blued,  
26 and tattooed by the government. Not doing the FOUR above things amounts to signing a black check and permitting and  
27 even encouraging them to PRESUME anything they want about the meaning and significance and CONTEXT of the terms  
28 used. Bad idea!

29 As an example of how to flip the relationship around and make the GOVERNMENT the “Buyer” rather than the “Merchant”,  
30 simply define the originally statutory terms and franchise marks that are compelled to be used to be private property on loan  
31 to the government recipient. Below is an example:

32 NOTES:

33 *1. All terms used on this form OTHER than "Social Security Number" shall be construed in their statutory sense.*  
34 *This is especially true in the case of money or finance. They are not used in their private, ordinary, or common*  
35 *law sense. The term "Social Security Number" identifies a PRIVATE number owned and issued by the Submitter*  
36 *to the government under license and franchise. It is not a number identified in any governments statute and does*  
37 *not pertain to anyone eligible to receive Social Security Benefits and may not be used to indicate or imply*  
38 *eligibility to receive said benefits. The license for the use of the number for use outside of the VA for any purpose,*  
39 *and especially civil or criminal enforcement purpose, is identified below and incorporated by reference herein.*  
40 *Acceptance or use of said number for such purpose constitutes constructive or implied consent to said agreement*  
41 *by all those so using said number:*

42 *Injury Defense Franchise and Agreement, Form #06.027; [https://sedm.org/Forms/06-](https://sedm.org/Forms/06-AvoidingFranch/InjuryDefenseFranchise.pdf)*  
43 *AvoidingFranch/InjuryDefenseFranchise.pdf.*

44 *This provision is repeated Section 0 in the attached form entitled Why It is Illegal for Me to Request or Use a*  
45 *Taxpayer Identification Number, Form #04.205. The reason for this provision is that everyone who asks for such*  
46 *number refers to them as "MINE" or "MY" or "YOUR", meaning that it is MY absolutely owned PRIVATE*  
47 *property. Therefore I am simply documenting the fact that it is my absolutely owned private property as a private*

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<sup>12</sup> See: *Federal Courts and the IRS' Own IRM Say the IRS is NOT RESPONSIBLE for Its Actions or Its Words or For Following Its Own Written Procedures!*,  
Family Guardian Fellowship; <https://famguardian.org/Subjects/Taxes/Articles/IRSNotResponsible.htm>.

1 human not affiliated with the government. All private property can be used as a basis to place conditions on its  
2 use or else it isn't mine. That's what "ownership" implies in a legal sense. Congress does the same thing with  
3 ITS property under Article 4, Section 3, Clause 2, and I am simply carrying out exactly the authority THEY claim  
4 over THEIR property in the same manner as them.  
5 [*Veterans Administration Benefit Application*, Form #06.041, Notes at the end;  
6 <https://sedm.org/Forms/FormIndex.htm>]

7 Under the UCC, there cannot be lawful consent or a waiver of rights without the language of the acceptance and the language  
8 of the offer being mutually agreed to and stipulated by the Merchant and the Buyer. In other words, the definitions represent  
9 the PROPERTY that is being exchanged between the parties, and both parties MUST agree to that property. See:

- 10 1. *This Form is Your Form*, Mark DeAngelis  
11 <http://www.youtube.com/embed/b6-PRwhU7cg>
- 12 2. *Mirror Image Rule*, Mark DeAngelis  
13 <http://www.youtube.com/embed/j8pgbZV757w>
- 14 3. *The Power of Paper*, Minivan Jack  
15 <http://www.youtube.com/embed/kEwxYhIIaI0>

16 Any attempt by either party to define the terms differently than what the franchise statutes say turns an offer/acceptance into  
17 a COUNTER-offer and an entirely new relationship. When you define a civil status on a form (such as "person" or "SSN")  
18 in such a way as to take it OUT of its original statutory context, then it ceases to be PUBLIC property on loan to you and  
19 becomes PRIVATE property on loan to the government. This is because the CREATOR of a thing is always the OWNER  
20 of a thing, so you become the NEW owner as the CREATOR of the status.<sup>13</sup> When you change the CREATOR of a thing or  
21 status or a right or a privilege, you change the OWNER. And once you become the OWNER, you are now the Merchant  
22 renting and granting that thing to the government who can make ALL the rules to prejudice the government and advantage  
23 yourself. We talk about this method of reversing the relationship to make the GOVERNMENT into a privileged party instead  
24 of you in:

*Path to Freedom*, Form #09.015, Sections 5.6 and 5.7  
<https://sedm.org/Forms/FormIndex.htm>

25 The government has NO WAY to fight this tactic because the courts have repeatedly held that you CANNOT TRUST or rely  
26 upon anything a government worker says or even publishes on a government form.<sup>14</sup> Thus, even if they WANTED to define  
27 a term to retain its context, you could not RELY on that definition and it would not be admissible in court. Therefore you  
28 are COMPELLED to provide your OWN definition to ensure there is court-admissible evidence of EXACTLY what the  
29 parties agreed to. This will rule out the exercise of any discretion whatsoever by the judge or prosecutor to advantage the  
30 government. This is discussed in:

*Avoiding Traps in Government Forms Course*, Form #12.023  
<https://sedm.org/Forms/FormIndex.htm>

31 Lastly, we prove with exhaustive evidence that the income tax functions essentially as a rental fee for the use of government  
32 property, such as the PRIVILEGE of being treated as a STATUTORY "citizen" under the Internal Revenue Code in the  
33 following:

*Why the Federal Income Tax is a Privilege Tax Upon Government Property*, Form #04.404  
<https://sedm.org/Forms/FormIndex.htm>

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<sup>13</sup> See: *Hierarchy of Sovereignty: The Power to Create is the Power to Tax*, Family Guardian Fellowship;  
<https://famguardian.org/Subjects/Taxes/Remedies/PowerToCreate.htm>.

<sup>14</sup> See: *Reasonable Belief About Income Tax Liability*, Form #05.007; <https://sedm.org/Forms/FormIndex.htm>.

1 **14 Proof that “United States” in the Internal Revenue Code and in Relation to any Alleged Civil**  
2 **Tax Obligation is the CORPORATION, and not the GEOGRAPHY**<sup>15</sup>

3 This short article will provide court admissible evidence of the fact that:

- 4 1. The “United States” in the context of the Internal Revenue Code or ANY FEDERAL STATUTE THAT IMPOSES  
5 CIVIL OBLIGATIONS means THE CORPORATION/GOVERNMENT, and not a geographical place.  
6 2. All statutory “taxpayers” are literally VOLUNTEERS.  
7 3. That no one can FORCE you to become a party made liable to pay income tax such as a STATUTORY “citizen” under  
8 8 U.S.C. §1401 or a STATUTORY “resident” (alien) under 26 U.S.C. §7701(b)(1)(A).

9 The Thirteenth Amendment forbids slavery and involuntary servitude of men and women:

10 *Thirteenth Amendment of the US Constitution — Slavery and Involuntary Servitude*

11 *SECTIONS 1 AND 2. Neither slavery nor involuntary servitude, except as a punishment for crime whereof the*  
12 *party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction.*  
13 *Congress shall have power to enforce this article by appropriate legislation.*  
14 *[SOURCE: <https://law.justia.com/constitution/us/amendment-13/>]*

15 The Thirteenth Amendment applies EVERYWHERE in the COUNTRY, not just within states of the Union. This makes it  
16 DIFFERENT from ALL the other amendments to the constitution, which protect mainly people in states of the Union. Note  
17 the phrase “and any other places subject to their jurisdiction” in the Thirteenth Amendment. THIS includes federal territory  
18 as well. In addition, the U.S. Supreme Court has affirmed this interpretation as follows:

19 *“It is not open to doubt that Congress may enforce the 13th Amendment by direct legislation, punishing the*  
20 *holding of a person in slavery or in involuntary servitude except as a punishment for crime. In the exercise of that*  
21 *power Congress has enacted these sections denouncing peonage, and punishing one who holds another in that*  
22 *condition of involuntary servitude. This legislation is not limited to the territories or other parts of the strictly*  
23 *national domain, but is operative in the states and wherever the sovereignty of the United States extends.*  
24 *We entertain no doubt of the validity of the legislation, or its applicability to the case of any person holding*  
25 *another in a state of peonage, and this whether there be a municipal ordinance or state law sanctioning*  
26 *such holding. It operates directly on every citizen of the Republic, wherever his residence may be.”*  
27 *[Clyatt v. United States, 197 U.S. 207, 25 S.Ct. 429, 49 L.Ed. 726 (1905); SOURCE:*  
28 *[https://scholar.google.com/scholar\\_case?case=18047423494759334829](https://scholar.google.com/scholar_case?case=18047423494759334829)]*

29 Note the phrase “but is operative in the states and wherever the sovereignty of the United States extends”, meaning states of  
30 the Union AND federal territory. The Constitution applies to PEOPLE on LAND. STATUTES, on the other hand, apply to  
31 the CIVIL STATUS assigned to legislative creations of Congress and have nothing to do with land:

32 *“It is locality that is determinative of the application of the Constitution, in such matters as judicial procedure,*  
33 *and not the status of the people who live in it.”*  
34 *[Balzac v. Porto Rico, 258 U.S. 298 (1922); SOURCE:*  
35 *[https://scholar.google.com/scholar\\_case?case=8956361016270671048](https://scholar.google.com/scholar_case?case=8956361016270671048)]*

36 The above opinion was written by none other than former President of the United States William Howard Taft, who ALSO  
37 later served as Chief Justice of the U.S. Supreme Court. He was also the one who proposed the Sixteenth Amendment and  
38 got it fraudulently ratified. He, more than anyone, should know the implications of the above. See the following for his  
39 fascinating story:

[Great IRS Hoax](https://famguardian.org/Publications/GreatIRSHoax/GreatIRSHoax.htm), Form #11.302, Section 3.8.11.2  
<https://famguardian.org/Publications/GreatIRSHoax/GreatIRSHoax.htm>

40 If the Thirteenth Amendment applies everywhere in the country to men and women, and the constitution attaches to LAND  
41 rather than the status of the people ON the land, then there is therefore NO WAY “United States” can be geographical in the

<sup>15</sup> Source: *Proof that “United States” in the Internal Revenue Code and in Relation to any Alleged Civil Tax Obligation is the CORPORATION, and not the GEOGRAPHY*, SEDM; <https://sedm.org/proof-that-united-states-in-the-internal-revenue-code-and-in-relation-to-any-alleged-civil-tax-obligation-is-the-corporation-and-not-the-geography/>.



1 context of the Internal Revenue Code, whose main purpose is to impose civil obligations upon those who are subject to it.  
2 Those who are subject to it are called “taxpayers” in [26 U.S.C. §7701\(a\)\(14\)](#).

3 [Civil statutory income tax obligations](#) do not generally attach based on mere physical presence in a certain geographical area.  
4 The exception would be the substantial presence test for resident aliens in [26 U.S.C. §7701\(b\)\(3\)](#). Even there it is not the  
5 presence itself but the fact that the presence is (for the resident alien) a FEDERAL PRIVILEGE. Presence of aliens  
6 ANYWHERE IN THE COUNTRY is a federal privilege.

7 *The acts of congress, known as the ‘Chinese Exclusion Acts,’ the earliest of which was passed some 14 years*  
8 *after the adoption of the constitutional amendment, cannot control its meaning, or impair its effect, but must be*  
9 *construed and executed in subordination to its provisions. Ad the right of the United States, as exercised by and*  
10 *under those acts, to exclude or to expel from the country persons of the Chinese race, born in China, and*  
11 *continuing to be subjects of the emperor of China, though having acquired a commercial domicile in the United*  
12 *States, has been upheld by this court, for reasons applicable to all aliens alike, and inapplicable to citizens, of*  
13 *whatever race or color. Chae Chan Ping v. U.S., [130 U.S. 581](#), 9 Sup. Ct. 623; Nishimura Ekiu v. U.S., [142 U.S.](#)  
14 [651](#), 12 Sup. Ct. 336; Fong Yue Ting v. U.S., [149 U.S. 698](#), 13 Sup. Ct. 1016; Lem Moon Sing v. U.S., [158 U.S.](#)  
15 [538](#), 15 Sup.Ct. 967; Wong Wing v. U.S., [163 U.S. 228](#), 16 Sup.Ct. 977.*

16 *In Fong Yue Ting v. U. S., the right of the United States to expel such Chinese persons was placed upon the*  
17 *grounds that **the right to exclude or to expel all aliens, or any class of aliens, absolutely or upon certain***  
18 *conditions, is an inherent and inalienable right of every sovereign and independent [169 U.S. 649, 700] nation,*  
19 *essential to its safety, its independence, and its welfare; that the power to exclude or to expel aliens, being a*  
20 *power affecting international relations, is vested in the political departments of the government, and is to be*  
21 *regulated by treaty or by act of congress, and to be executed by the executive authority according to the*  
22 *regulations so established, except so far as the judicial department has been authorized by treaty or by statute,*  
23 *or is required by the paramount law of the constitution, to intervene; that the power to exclude and the power to*  
24 *expel aliens rests upon one foundation, are derived from one source, are supported by the same reasons, and are*  
25 *in truth but parts of one and the same power; and therefore that the power of congress to expel, like the power*  
26 *to exclude aliens, or any specified class of aliens, from the country, may be exercised entirely through executive*  
27 *officers; or congress may call in the aid of the judiciary to ascertain any contested facts on which an alien’s*  
28 *right to be in the country has been made by congress to depend. [149 U.S. 711, 713](#), 714 S., 13 Sup. Ct. 1016.*

29 *In Lem Moon Sing v. U. S., the same principles were reaffirmed, and were applied to a Chinese person, born in*  
30 *China, who had acquired a commercial domicile in the United States, and who, having voluntarily left the country*  
31 *on a temporary visit to China, and with the intention of returning to and continuing his residence in this country,*  
32 *claimed the right under a statute or treaty to re-enter it; and the distinction between the right of an alien to the*  
33 *protection of the constitution and laws of the United States for his person and property while within the*  
34 *jurisdiction thereof, and his claim of a right to re-enter the United States after a visit to his native land, was*  
35 *expressed by the court as follows: ‘He is none the less an alien, because of his having a commercial domicile in*  
36 *this country. While he lawfully remains here, he is entitled to the benefit of the guaranties of life, liberty, and*  
37 *property, secured by the constitution to all persons, of whatever race, within the jurisdiction of the United States.*  
38 *His personal rights when he is in this country, and such of his property as is here during his absence, are as fully*  
39 *protected by the supreme law of the land as if he were a native or [169 U.S. 649, 701] naturalized citizen of the*  
40 *United States. But when he has voluntarily gone from the country, and is beyond its jurisdiction, being an alien,*  
41 *he cannot re-enter the United States in violation of the will of the government as expressed in enactments of the*  
42 *law-making power.’ [158 U.S. 547, 548](#), 15 S. Sup. Ct. 971.*  
43 *[U.S. v. Wong Kim Ark, [169 U.S. 649 \(1898\)](#)]*

44 However, commerce WITHIN a constitutional state is NOT a federal privilege, even for an alien. So the commerce of such  
45 party cannot be regulated or taxed. It has to be INTERSTATE commerce before it can be regulated federally, and even then  
46 , the constitution forbids taxing EXPORTS from one state to another.

47 However, ANY income can be TREATED AS “gross income” by being effectively connected with the conduct of a trade or  
48 business, via the assent of the taxpayer . But then its not a tax (an obligation not based on the consent of the taxpayer), but a  
49 donation disguised to look like a tax.

50 *“A tax is not regarded as a debt in the ordinary sense of that term, for the reason that a tax does not depend upon*  
51 *the consent of the taxpayer and there is no express or implied contract to pay taxes. Taxes are not contracts*  
52 *between party and party, either express or implied; but they are the positive acts of the government, through its*  
53 *various agents, binding upon the inhabitants, and to the making and enforcing of which their personal consent*  
54 *individually is not required.”*  
55 *[Cooley, Law of Taxation, Fourth Edition, pp. 88-89]*

56 The above is a deception at best and a LIE at worst. A “taxpayer” is legally defined as a person liable, and it is true that for  
57 such a person, taxes are not consensual or in any way “voluntary”. HOWEVER, the choice about whether one wishes to  
58 BECOME a “taxpayer” as legally defined in [26 U.S.C. §7701\(a\)\(14\)](#) is based on domicile and the excise taxable activities

1 one voluntarily engages in, both of which in fact ARE voluntary actions and choices. By their careful choice of words, they  
2 have misrepresented the truth so they could get into your pocket. What else would you expect of greedy LIARS, I mean  
3 “lawyers”? We would also like to take this opportunity to clarify for whom taxes are “voluntary” in order to further clarify  
4 the title of this document:

- 5 1. Income taxes under I.R.C. Subtitle A are not voluntary for “taxpayers”.
- 6 2. Income taxes under I.R.C. Subtitle A are not voluntary for everyone, because some subset of everyone are “taxpayers”.
- 7 3. Income taxes under I.R.C. Subtitle A are voluntary for those who are “nontaxpayers”, who we define here as those  
8 persons who are NOT the “taxpayer” defined in [26 U.S.C. §§7701\(a\)\(14\)](#) and 1313.

9 *“Revenue Laws relate to taxpayers [officers, employees, instrumentalities, and elected officials of the Federal  
10 Government] and not to non-taxpayers [American Citizens/American Nationals not subject to the exclusive  
11 jurisdiction of the Federal Government]. The latter are without their scope. No procedures are prescribed for  
12 non-taxpayers and no attempt is made to annul any of their Rights or Remedies in due course of law.”*  
13 *[Economy Plumbing & Heating v. U.S., 470 F.2d. 585 (1972) ; SOURCE:  
14 [https://scholar.google.com/scholar\\_case?case=16344066800236734362](https://scholar.google.com/scholar_case?case=16344066800236734362)]*

15 So we close this analysis with a question.

16 *“Are you a “PEOPLE” ON the LAND, or a corporate officer IN “the State” (a legal fiction)? Both of them can  
17 be referred to as “in the United States”. “*

18 The answer to this question is VITAL and can literally make the difference between being a free man and a government  
19 SLAVE. Slavery is reserved for those legally ignorant enough to answer the question WRONG. Either get legally educated  
20 or learn to be real good at literally bending over for Uncle on a regular basis.

[How to Leave the Government Farm](#), Form #12.020  
<https://sedm.org/how-to-leave-the-government-farm-form-12-020/>

21 More about civil obligations and the fact that they are all voluntary can be found at:

- 22 1. [Lawfully Avoiding Government Obligations Course](#), Form #12.040  
23 <https://sedm.org/LibertyU/AvoidGovernmentObligations.pdf>
- 24 2. [Proof Of Claim: Your Main Defense Against Government Greed and Corruption](#), Form #09.073  
25 <https://sedm.org/Forms/09-Procs/ProofOfClaim.pdf>

## 26 **15 “Person” is a “Civil status”<sup>16</sup>**

### 27 **15.1 Definition**

28 The term “person” is what we and the courts call a “civil status”. A civil status is a term defined or described in either the  
29 constitution or statutes or the common law to which both obligations and rights simultaneously attach. Example “civil  
30 statuses” would be “person” (under a civil statute), “taxpayer” (under the tax code), “driver” (under the vehicle code),  
31 “individual”, etc. The purpose for legislatively CREATING a “civil status” is to create and enforce privileges of some kind  
32 or another.

33 Courts define “civil status” as follows:

34 *“There are certain general principles which control the disposition of this case. They are, in the main, well  
35 settled; the difficulty lies in their application to the particular facts of the case in hand. **It is elementary that  
36 “every state has an undoubted right to determine the status, or domestic and social condition, of the persons  
37 domiciled within its territory, except in so far as the powers of the states in this respect are restrained, or  
38 duties and obligations imposed upon them by the constitution of the United States.” Strader v. Graham,  
39 10 How. 93. Again, the civil status is governed universally by one single principle, namely, that of domicile,  
40 which is the criterion established by law for the purpose of determining the civil status; for it is on this***

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<sup>16</sup> Adapted from [Your Exclusive Right to Declare or Establish Your Civil Status](#), Form #13.008, Section 3; SOURCE: <https://sedm.org/Forms/FormIndex.htm>

1 basis that the personal rights of a party, — that is to say, the law which determines his majority or minority,  
2 his marriage, succession, testacy, or intestacy, — must depend. Udny v. Udny, L. R., 1 H. L. Sc. 457.”  
3 *[Woodward v. Woodward, 11 S.W. 892, 87 Tenn. 644 (Tenn., 1889)]*

4 From the above, we can see that the notion of “civil status” originates in the idea of civil domicile, which is voluntary. Thus,  
5 one CANNOT have a “civil status” or “CIVIL STATUTORY STATUS” without CONSENT to a civil domicile within the  
6 venue or jurisdiction to which the status was legislatively created. For instance, you cannot have a “civil status” under the  
7 laws of the national government without a domicile within the exclusive or plenary jurisdiction of the national government  
8 on federal territory or within a federal enclave. If you are domiciled outside of these areas on lands protected by the  
9 constitution, it is IMPOSSIBLE to have a civil status under the civil statutory laws of the national government. Thus, by  
10 default, those domiciled outside of federal territory are legislatively foreign and sovereign until they voluntarily surrender  
11 that sovereignty or foreign status through their consent.

12 The use of the term “status” in this memorandum:

- 13 1. “[t]he State is a political corporate body, can act only through agents, and can command only by laws.” Poindexter v.  
14 Greenhow, supra, 114 U.S., at 288, 5 S.Ct. at 912-913. Is associated with the domicile of the party in question. Before  
15 one may have any kind of civil status, one must:
- 16 1.1. CONSENSUALLY have a domicile or residence within the forum or jurisdiction in question.
  - 17 1.2. Have legal evidence of said domicile admissible in court to prove the domicile they claim.
  - 18 1.3. Acquire statutory “citizen” or “resident” status under the civil laws of the place by virtue of choosing a domicile  
19 within that place.
- 20 2. Relates exclusively to the civil status of a party under the CIVIL STATUTORY laws of a specific jurisdiction.
- 21 2.1. Civil statutory laws only pertain to those consensually domiciled within the forum or jurisdiction.
  - 22 2.2. They may not be enforced against non-residents or those not domiciled within the forum or jurisdiction unless the  
23 non-resident satisfies the “Minimum Contacts Doctrine” spoken of by the U.S. Supreme Court in International  
24 Shoe Co. v. Washington, 326 U.S. 310 (1945).
- 25 3. Does NOT relate to the CRIMINAL laws. Criminal laws do not attach to the status of the parties or to their consent in  
26 any way. Instead, they attach at the point when a harmful act is committed against a specific party on the territory to  
27 which said law attaches.

28 A well-known book on domicile explains the origin of “civil status” as follows:

29 *§ 29. Status.<sup>17</sup> It may be laid down that the status-or, as it is sometimes called, civil status, in contradistinction*  
30 *to political status - of a person depends largely, although not universally, upon domicil. The older jurists, whose*  
31 *opinions are fully collected by Story<sup>18</sup> and Burge<sup>19</sup> maintained, with few exceptions, the principle of the ubiquity*  
32 *of status, conferred by the lex domicilii with little qualification. Lord Westbury, in Udny v. Udny<sup>20</sup> thus states the*  
33 *doctrine broadly: "The civil status is governed by one single principle, namely, that of domicil, which is the*  
34 *criterion established by law for the purpose of determining civil status. For it is on this basis. that the personal*  
35 *rights of the party - that is to say, the law which determines his majority and minority, his marriage, succession,*  
36 *testacy, or intestacy-must depend." Gray, C. J., in the late Massachusetts case of Ross v. Ross<sup>21</sup> speaking with*  
37 *special reference to capacity to inherit, says: "It is a general principle that the status or condition of a person,*  
38 *the relation in which he stands to another person, and by which he is qualified or made capable to take" certain*  
39 *rights in that other's property, is fixed by the law of the domicil; and that this status and capacity are to be*  
40 *recognized and upheld in every other State, so far as they are not inconsistent with its own laws and policy."*

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<sup>17</sup> On this general subject, see Story, Confl. of L. ch. 4; Burge, For. & Col. L. vol. i ch. 3 et. seq.; Phillimore, Int. L. vol. iv. ch. 17; Westlake, Priv. Int. L. 1st ed. ch. 13; id. 2d ed. ch. 2, 3; Foote, Priv. Int. L. ch. 8; Wharton, Conf. of L. ch. 3; Dicey, Dom. pt. 3, ch. 2; Piggott, For. Judgments, ch. 10; Savigny, System, etc. vol. viii. §§ 362-365 (Guthrie's trans. p. 148 et. seq.); Bar, Int. Priv. und Strafrecht, §§ 42-46 (Gillespie's trans. p. 160 et. seq.); and see particularly the learned and elaborate opinion of Gray, C. J., in Rosa v. Ross, 129 Mass. 243 (given infra, §32, note 2). In these places the reader will find collected almost all of the important authorities upon the subject of status.

<sup>18</sup> Ubi supra.

<sup>19</sup> Ubi supra.

<sup>20</sup> L.R. 1 Sch. App. 441, 457.

<sup>21</sup> 129 Mass. 243, 246.

1 But great difficulty in the discussion of this subject has arisen by reason of the loose and varying use of the term  
2 status and the want of any clear definition of what is meant by it. Savigny<sup>22</sup> understood it to mean " capacity  
3 to have rights and to act;" and this undoubtedly was the sense in which it was understood by the older jurists. In  
4 *Niboyet v. Niboyet*,<sup>23</sup> Brett, L. J., gives this definition: "The status of an individual, used as a legal term, means  
5 the legal position of the individual in or with regard to the rest of a community." But whatever may be the  
6 definition of the term, or whatever rules applicable to status in general may be looked upon as having received  
7 general acceptance, there are certain prominent states or conditions of persons, which have been treated of by  
8 writers and considered by the courts, and these it will be well to examine separately, with a view to ascertain how  
9 far they are affected by domicil.  
10 [*Treatise on the Law of Domicil*, M.W. Jacobs, 1887; Little Brown and Company, §29, pp. 38-39]

11 Below is an example of the above, from the U.S. Supreme Court. The "status" spoken in this case of is that of being "married"  
12 under the laws of a specific state:

13 "*To prevent any misapplication of the views expressed in this opinion, it is proper to observe that we do not mean*  
14 *to assert, by any thing we have said, that a State may not authorize proceedings to determine the status of one*  
15 *of its citizens towards a non-resident, which would be binding within the State, though made without service of*  
16 *process or personal notice to the non-resident. The jurisdiction which every State possesses to determine the*  
17 *civil status and capacities of all its inhabitants involves authority to prescribe the conditions on which*  
18 *proceedings affecting them may be commenced and carried on within its territory. The State, for example, has*  
19 *absolute 735\*735 right to prescribe the conditions upon which the marriage relation between its own citizens*  
20 *shall be created, and the causes for which it may be dissolved. One of the parties guilty of acts for which, by the*  
21 *law of the State, a dissolution may be granted, may have removed to a State where no dissolution is permitted.*  
22 *The complaining party would, therefore, fail if a divorce were sought in the State of the defendant; and if*  
23 *application could not be made to the tribunals of the complainant's domicile in such case, and proceedings be*  
24 *there instituted without personal service of process or personal notice to the offending party, the injured citizen*  
25 *would be without redress. Bish. Marr. and Div., sect. 156."*  
26 [*Pennoyer v. Neff*, 95 U.S. 714 (1878)]

27 "Domicile" and "Nationality" are distinguished in the following U.S. Supreme Court case:

28 *In Udny v. Udny* (1869) L. R. 1 H. L. Sc. 441, the point decided was one of inheritance, depending upon the  
29 question whether the domicile of the father was in England or in Scotland, he being in either alternative a British  
30 subject. Lord Chancellor Hatherley said: "The question of naturalization and of allegiance is distinct from that  
31 of domicile." Page 452. Lord Westbury, in the passage relied on by the counsel for the United States, began by  
32 saying: "The law of England, and of almost all civilized countries, ascribes to each individual at his birth two  
33 distinct legal states or conditions,—one by virtue of which he becomes the subject [NATIONAL] of some  
34 particular country, binding him by the tie of natural allegiance, and which may be called his political status;  
35 another by virtue of which he has ascribed to him the character of a citizen of some particular country, and as  
36 such is possessed of certain municipal rights, and subject to certain obligations, which latter character is the  
37 civil status or condition of the individual, and may be quite different from his political status." And then, while  
38 maintaining that the civil status is universally governed by the single principle of domicile (*domicilium*), the  
39 criterion established by international law for the purpose of determining civil status, and the basis on which  
40 "the personal rights of the party—that is to say, the law which determines his majority or minority, his  
41 marriage, succession, testacy, or intestacy—must depend," he yet distinctly recognized that a man's political  
42 status, his country (*patria*), and his 'nationality,—that is, natural allegiance,—'may depend on different laws in  
43 different countries.' Pages 457, 460. He evidently used the word 'citizen,' not as equivalent to 'subject,' but rather  
44 to 'inhabitant'; and had no thought of impeaching the established rule that all persons born under British  
45 dominion are natural-born subjects.  
46 [*United States v. Wong Kim Ark*, 169 U.S. 649, 18 S.Ct. 456, 42 L.Ed. 890 (1898) ;  
47 SOURCE: [http://scholar.google.com/scholar\\_case?case=3381955771263111765](http://scholar.google.com/scholar_case?case=3381955771263111765)]

48 In law, all rights are property. Hence, "civil rights" attach to the CIVIL STATUTORY STATUS of a "person":

49 **Property.** That which is peculiar or proper to any person; that which belongs exclusively to one. In the strict  
50 legal sense, an aggregate of rights which are guaranteed and protected by the government. *Fulton Light, Heat*  
51 *& Power Co. v. State*, 65 Misc.Rep. 263, 121 N.Y.S. 536. The term is said to extend to every species of valuable  
52 right and interest. More specifically, ownership; the unrestricted and exclusive right to a thing; the right to  
53 dispose of a thing in every legal way, to possess it, to use it, and to exclude everyone else from interfering with it.

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<sup>22</sup> System, etc. §361 (Guthrie's Trans, p. 139). Bar understands status in the same sense, §44 (Gillespie's trans. p.172). Gray, C. J., in the case above cited, thus distinguishes the two phases of capacity which go to make up status: "The capacity or qualification to inherit or succeed to property, which is an incident of the status or condition, requiring no action to give it effect, is to be distinguished from the capacity or competency to enter into contracts that confer rights upon others. A capacity to take and have differs from a capacity to do and contract; in short, a capacity of holding from a capacity to act." *Ross v. Ross*, ubi supra.

<sup>23</sup> L. B. 4 P. D. 1, 11.

1 That dominion or indefinite right of use or disposition which one may lawfully exercise over particular things or  
2 subjects. The exclusive right of possessing, enjoying, and disposing of a thing. The highest right a man can have  
3 to anything; being used to refer to that right which one has to lands or tenements, goods or chattels, which no  
4 way depends on another man's courtesy.

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

11 Property embraces everything which is or may be the subject of ownership, whether a legal ownership, or whether  
12 beneficial, or a private ownership. *Davis v. Davis*. *TexCiv-App.*, 495 S.W.2d. 607, 611. Term includes not only  
13 ownership and possession but also the right of use and enjoyment for lawful purposes. *Hoffmann v. Kinealy, Mo.*,  
14 389 S.W.2d. 745, 752.

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

18 Goodwill is property. *Howell v. Bowden*, *TexCiv. App.*, 368 S.W.2d. 842, &18; as is an insurance policy and  
19 rights incident thereto, including a right to the proceeds, *Harris v. Harris*, 83 N.M. 441,493 P.2d. 407, 408.

20 Criminal code. "Property" means anything of value. including real estate, tangible and intangible personal  
21 property, contract rights, choses-in-action and other interests in or claims to wealth, admission or transportation  
22 tickets, captured or domestic animals, food and drink, electric or other power. *Model Penal Code. Q 223.0. See*  
23 *also Property of another, infra. Dusts. Under definition in Restatement, Second, Trusts, Q 2(c), it denotes interest*  
24 *in things and not the things themselves.*  
25 [*Black's Law Dictionary, Fifth Edition, p. 1095*]

## 26 **15.2 Obligations and rights attached to the "civil status"**

27 Every obligation gives rise to a corresponding right on the part of the entity or person to whom the obligation is owed. An  
28 obligation, in turn, could include the requirement to perform a specific service, or it could include some measure of control  
29 or management over property in your custody or control. Obligations are always enforceable through some type of legal  
30 penalty or administrative or judicial enforcement for non-performance.

31 *California Civil Code - CIV*  
32 *DIVISION 3. OBLIGATIONS [1427 - 3272.9]*  
33 (*Heading of Division 3 amended by Stats. 1988, Ch. 160, Sec. 14. )*  
34 *PART 1. OBLIGATIONS IN GENERAL [1427 - 1543] ( Part 1 enacted 1872. )* TITLE 1.  
35 *DEFINITION OF OBLIGATIONS [1427 - [1428.]] ( Title 1 enacted 1872.)*

36 1427. An obligation is a legal duty, by which a person is bound to do or not to do a certain thing.

37 (*Enacted 1872.*)

38 The ONLY method for lawfully creating obligations is either through your consent in the form of a contract or "operation of  
39 law". "Operation of law" involves a case where your actions or inactions have injured the equal rights of someone else. That  
40 injury violates the concept of "justice" itself, which is the "right to be let alone".<sup>24</sup>

41 *California Civil Code - CIV*  
42 *DIVISION 3. OBLIGATIONS [1427 - 3272.9]*  
43 (*Heading of Division 3 amended by Stats. 1988, Ch. 160, Sec. 14. )*  
44 *PART 1. OBLIGATIONS IN GENERAL [1427 - 1543] ( Part 1 enacted 1872. )*  
45 *TITLE 1. DEFINITION OF OBLIGATIONS [1427 - [1428.]] (Title 1 enacted 1872.)*  
46 *[1428.] Section Fourteen Hundred and Twenty-eight. An obligation arises either from:*

47 *One — The contract of the parties; or,*

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<sup>24</sup> See *What is "Justice"?*, Form #05.050 for an exhaustive definition of "justice"; SOURCE: <https://sedm.org/Forms/FormIndex.htm>.



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

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

4                   Therefore, unless you have injured someone, anyone asserting an obligation has the duty to produce a signed or agreed upon  
5                   parole (verbal) contract that gave rise to the obligation.

6                   A violation of the above rules for creating obligations constitutes one of the following:

- 7                   1. Unconstitutional taking of private property under the Fifth Amendment or equivalent state constitution.
- 8                   2. Involuntary servitude, in the case of the Thirteenth Amendment, if the thing compelled is some kind of service or  
9                   physical performance.

10                  For a detailed study of obligations owed to governments generally, see:

- 11                  1. Lawfully Avoiding Government Obligations Course, Form #12.040  
12                  <https://sedm.org/Forms/FormIndex.htm>
- 13                  2. Proof Of Claim: Your Main Defense Against Government Greed and Corruption, Form #09.073  
14                  <https://sedm.org/Forms/FormIndex.htm>

### 15                  **15.3 Nonresidents: Those without a domicile or “civil status” in a specific jurisdiction**

16                  Those who do not have a domicile in a specific municipal jurisdiction are regarded as “non-residents”, and hence, they have  
17                  no “civil status” or “status” under the “civil laws” of the jurisdiction they are non-resident in relation to. An example of this  
18                  phenomenon is found in Federal Rule of Civil Procedure 17(b), in which jurisdiction is described as follows:

19                                [IV. PARTIES](#) > Rule 17.  
20                                [Rule 17. Parties Plaintiff and Defendant; Capacity](#)

21                                (b) Capacity to Sue or be Sued.

22                                Capacity to sue or be sued is determined as follows:

23                                (1) for an individual who is not acting in a representative capacity, by the law of the individual's domicile;  
24                                (2) for a corporation [the “United States”, in this case, or its officers on official duty representing the  
25                                corporation], by the law under which it was organized [laws of the District of Columbia]; and  
26                                (3) for all other parties, by the law of the state where the court is located, except that:  
27                                (A) a partnership or other unincorporated association with no such capacity under that state's law may sue  
28                                or be sued in its common name to enforce a substantive right existing under the United States Constitution  
29                                or laws; and  
30                                (B) 28 U.S.C. §§754 and 959(a) govern the capacity of a receiver appointed by a United States court to sue  
31                                or be sued in a United States court.  
32                                [SOURCE: <http://www.law.cornell.edu/rules/frcp/Rule17.htm>]

33                  A human being with no domicile within federal territory, based on the above:

- 34                  1. Has no capacity to sue or be sued in federal court under the CIVIL statutes of the national government.
- 35                  2. Has no “status” or “civil status” under any federal civil statute, including:
  - 36                  2.1. “person”.
  - 37                  2.2. “individual”.
- 38                  3. Is not a statutory “citizen” under federal law such as 26 U.S.C. §3121(e) and 26 C.F.R. §1.1-1(c), but rather a statutory  
39                  “non-resident non-person”. If they are ALSO a public officer in the national government, they are also a statutory  
40                  “individual” and “nonresident alien” (26 U.S.C. §7701(b)(1)(B)) in relation to the national government.
- 41                  4. May STILL sue under the constitution and the common law because both of these sources of law attach to the  
42                  TERRITORY rather than the “civil status” of the physical people ON that physical territory. This is, in part, because  
43                  the CONSTITUTION is “self-executing” and needs no statutes to enforce:<sup>25</sup>

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<sup>25</sup> On the subject of the “self-executing” nature of the Constitution, the U.S. Supreme Court has held:

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

4 We must emphasize at this point that the ABSENCE of a STATUTORY "civil status" is ALSO a "civil status", but under a  
5 DIFFERENT system of law, which is that of the ORGANIC law rather than the STATUTORY law. As an extension of your  
6 right to associate/disassociate and contract/not contract under the First Amendment, you can choose to be a  
7 CONSTITUTIONAL "PERSON" WITHOUT being a STATUTORY "PERSON". The state in such a case STILL has a duty  
8 to protect THAT LACK OF STATUS under the CIVIL STATUTORY LAW and to protect the right to ONLY have a "civil  
9 status" under the CONSTITUTION or the COMMON LAW:

10 "As independent sovereignty, it is State's province and duty to forbid interference by another state or foreign  
11 power with status of its own citizens. *Roberts v Roberts* (1947) 81 CA.2d. 871, 185 P.2d. 381. "  
12 [*Black's Law Dictionary*, 4th Ed., p 1300]

13 If, in fact, "consent makes the law" per the maxims of the common law, then "consent" of the PARTY claiming OR NOT  
14 CLAIMING the "civil status" makes the CIVIL STATUTORY "PERSON" as well:

15 *Consensus facit legem. Consent makes the law. A contract is a law between the parties, which can acquire force*  
16 *only by consent.*  
17 [*Bouvier's Maxims of Law*, 1856;  
18 <https://famguardian.org/Publications/BouvierMaximsOfLaw/BouviersMaxims.htm>]

19 An example of a "status" that one not domiciled on federal territory cannot lawfully have is that of statutory "taxpayer" as  
20 defined in 26 U.S.C. §7701(a)(14) . All tax liability is a CIVIL liability which attaches to a CIVIL statutory status:

21 *TITLE 26 > Subtitle F > CHAPTER 79 > § 7701*  
22 [§ 7701. Definitions](#)

23 (a)When used in this title, where not otherwise distinctly expressed or manifestly incompatible with the intent  
24 thereof—

25 (14) Taxpayer

26 The term "taxpayer" means any person subject to any internal revenue tax.

27 In a sense then, all civil statutory law acts as the equivalent of a "protection franchise" that you have to consent to before you  
28 become party to. "Privileges" under the protection franchise attach to the status of "citizen". Those who are non-residents  
29 are not parties to the franchise contract and are not bound by the franchise contract:

30 *There is but one law which, from its nature, needs unanimous consent. This is the social compact; for civil*  
31 *association is the most voluntary of all acts. Every man being born free and his own master, no one, under any*  
32 *pretext whatsoever, can make any man subject without his consent. To decide that the son of a slave is born a*  
33 *slave is to decide that he is not born a man.*

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*The design of the Fourteenth Amendment has proved significant also in maintaining the traditional separation of powers 524\*524 between Congress and the Judiciary. **The first eight Amendments to the Constitution set forth self-executing prohibitions on governmental action, and this Court has had primary authority to interpret those prohibitions.** The Bingham draft, some thought, departed from that tradition by vesting in Congress primary power to interpret and elaborate on the meaning of the new Amendment through legislation. Under it, "Congress, and not the courts, was to judge whether or not any of the privileges or immunities were not secured to citizens in the several States." *Flack, supra*, at 64. While this separation-of-powers aspect did not occasion the widespread resistance which was caused by the proposal's threat to the federal balance, it nonetheless attracted the attention of various Members. See *Cong. Globe*, 39th Cong., 1st Sess., at 1064 (statement of Rep. Hale) (noting that Bill of Rights, unlike the Bingham proposal, "**provide[s] safeguards to be enforced by the courts, and not to be exercised by the Legislature**"); *id.*, at App. 133 (statement of Rep. Rogers) (prior to Bingham proposal it "was left entirely for the courts . . . to enforce the privileges and immunities of the citizens"). As enacted, the Fourteenth Amendment confers substantive rights against the States which, like the provisions of the Bill of Rights, are self-executing. Cf. *South Carolina v. Katzenbach*, 383 U.S., at 325 (discussing Fifteenth Amendment). The power to interpret the Constitution in a case or controversy remains in the Judiciary. [*City of Boerne v. Flores*, 521 U.S. 507 (1997)]*

1 *If then there are opponents when the social compact is made, their opposition does not invalidate the contract,*  
2 *but merely prevents them from being included in it. They are foreigners among citizens. When the State is*  
3 *instituted, residence constitutes consent; to dwell within its territory is to submit to the Sovereign.*<sup>[1]</sup>

4 *Apart from this primitive contract, the vote of the majority always binds all the rest.* This follows from the  
5 contract itself. But it is asked how a man can be both free and forced to conform to wills that are not his own.  
6 How are the opponents at once free and subject to laws they have not agreed to?

7 I retort that the question is wrongly put. *The citizen gives his consent to all the laws, including those which are*  
8 *passed in spite of his opposition, and even those which punish him when he dares to break any of them.* The  
9 constant will of all the members of the State is the general will; by virtue of it they are citizens and free<sup>[2]</sup>. When  
10 in the popular assembly a law is proposed, what the people is asked is not exactly whether it approves or rejects  
11 the proposal, but whether it is in conformity with the general will, which is their will. Each man, in giving his  
12 vote, states his opinion on that point; and the general will is found by counting votes. When therefore the opinion  
13 that is contrary to my own prevails, this proves neither more nor less than that I was mistaken, and that what I  
14 thought to be the general will was not so. If my particular opinion had carried the day I should have achieved the  
15 opposite of what was my will; and it is in that case that I should not have been free.

16 *This presupposes, indeed, that all the qualities of the general will still reside in the majority: when they cease*  
17 *to do so, whatever side a man may take, liberty is no longer possible.*

18 In my earlier demonstration of how particular wills are substituted for the general will in public deliberation, I  
19 have adequately pointed out the practicable methods of avoiding this abuse; and I shall have more to say of them  
20 later on. I have also given the principles for determining the proportional number of votes for declaring that will.  
21 A difference of one vote destroys equality; a single opponent destroys unanimity; but between equality and  
22 unanimity, there are several grades of unequal division, at each of which this proportion may be fixed in  
23 accordance with the condition and the needs of the body politic.

24 There are two general rules that may serve to regulate this relation. First, the more grave and important the  
25 questions discussed, the nearer should the opinion that is to prevail approach unanimity. Secondly, the more the  
26 matter in hand calls for speed, the smaller the prescribed difference in the numbers of votes may be allowed to  
27 become: where an instant decision has to be reached, a majority of one vote should be enough. The first of these  
28 two rules seems more in harmony with the laws, and the second with practical affairs. In any case, it is the  
29 combination of them that gives the best proportions for determining the majority necessary.  
30 [*The Social Contract or Principles of Political Right, Jean Jacques Rousseau, Book IV, Chapter 2, 1762*]

## 31 **15.4 How those WITHOUT a domicile within the venue acquire a “civil status”**

32 Your right to contract is unlimited. An act of contracting with a legislatively but not constitutionally foreign government  
33 through the exercise of that right gives rise to the following:

- 34 1. A waiver of sovereign immunity under the Foreign Sovereign Immunities Act (FSIA), 28 U.S.C. Chapter 97 if the  
35 other contracting party is the U.S. government.
- 36 2. A waiver of sovereign immunity under the Longarm Statutes of the state government, if the other contracting party is a  
37 state of the Union.
- 38 3. You are treated as “legally present” within the jurisdiction through the Minimum Contacts Doctrine of the U.S.  
39 Supreme Court. *International Shoe Co. v. Washington*, 326 U.S. 310 (1945).
- 40 4. The acquisition of a civil status of “person” under the **common law** (and NOT the **CIVIL statutory law**) if the  
41 contract is governed by the **common law** by the stipulation of the parties.
- 42 5. The acquisition of a civil status of “person” under **CIVIL statutory law** if the contract involved is a regulated activity,  
43 or if the parties do not specify in their contract that the **common law** governs the contract.

44 The above exercise of your sovereignty is also called “comity” by the courts and produces a change in your civil status under  
45 ONLY ONE of two different systems of law. To wit:

46 *COMITY. Courtesy; complaisance; respect; a willingness to grant a privilege [FRANCHISE], not as a matter*  
47 *of right, but out of deference and good will. Dow v. Lillie, 26 N.D. 512, 144 N.W. 1082, 1088, L.R.A. 1915D, 754;*  
48 *Cox v. Terminal R. Ass'n of St. Louis, 331 Mo. 910, 55 S.W.2d. 685.*

49 **Comity of Nations**  
50 (*Lat. comitas gentium*)

51 *The most appropriate phrase to express the true foundation and extent of the obligation of the laws of one nation*  
52 *within the territories of another. Story, Confl.Laws, §38. That body of rules which states observe towards one*

1 another from courtesy or mutual convenience, although **they do not form part of international law**. Holtz. Enc.  
2 s. v. Hilton v. Guyot, 159 U.S. 113, 16 S.Ct. 139, 40 L.Ed. 95; People v. Rushworth, 294 Ill. 455, 128 N.E. 555,  
3 558; Second Russian Ins. Co. v. Miller, C.C.A.N.Y., 297 F. 404, 409.

4 **It is derived altogether from the voluntary consent of the latter; and it is inadmissible when it is contrary to its**  
5 **known policy, or prejudicial to its interests.** In the silence of any positive rule affirming or denying or restraining  
6 the operation of foreign laws, **courts of justice presume the tacit adoption of them by their own government,**  
7 unless repugnant to its policy, or prejudicial to its interests. It is not the comity of the courts, but the comity of  
8 the nation, which is administered and ascertained in the same way, and guided by the same reasoning, by which  
9 all other principles of the municipal law are ascertained and guided.

10 The recognition which one nation allows within its territory to the legislative, executive, or judicial acts of another  
11 nation, having due regard both to international duty and convenience and to the rights of its own citizens or of  
12 other persons who are under the protection of its laws. State ex rel. National Surety Corporation v. Price, 129  
13 Neb. 433, 261 N.W. 884.

14 **"The use of the word 'comity' as expressing the basis of jurisdiction has been criticized.** It is, however, a mere  
15 question of definition. The principles lying behind the word are recognized. \* \* \* **The truth remains that**  
16 **jurisdiction depends upon the law of the forum, and this law in turn depends upon the public policy disclosed**  
17 **by the acts and declarations of the political departments of the government.**" Russian Socialist Federated Soviet  
18 Republic v. Cibrario, 235 N.Y. 255, 139 N.E. 259, 260.

#### 19 **Judicial Comity**

20 The principle in accordance with which the courts of one state or jurisdiction will give effect to the laws and  
21 judicial decisions of another, not as a matter of obligation, but out of deference and respect. Franzen v. Zimmer,  
22 35 N.Y.S. 612, 90 Hun. 103; Stowe v. Bank, C.C.Me., 92 F. 96; Strawn Mercantile Co. v. First Nat. Bank, Tex.  
23 Civ.App., 279 S.W. 473, 474; Bobala v. Bobala, 68 Ohio.App. 63, 33 N.E.2d. 845, 849.

24 **There is no statute or common-law rule by which one court is bound to abide by the decisions of another court**  
25 **of equal rank. It does so simply for what may be called comity among judges. There is no common law or**  
26 **statutory rule to oblige a court to bow to its own decisions; it does so on the ground of judicial comity. (1884)**  
27 **9 P.D. 98, per Brett, M. R.**

28 Of such a use of the word, however, Dicey says: "The term 'comity' \* \* \* is open to the charge of implying that  
29 the judge, when he applies foreign law to a particular case, does so as a matter of caprice or favor."

30 **Comity is not a rule of law, but one of practice, convenience and expediency.** It is something more than mere  
31 courtesy, which implies only deference to the opinion of others, since it has a substantial value in securing  
32 uniformity of decision, and discouraging repeated litigation of the same question. But its obligation is not  
33 imperative. Comity persuades; but it does not command. It declares not how a case shall be decided, but how it  
34 may with propriety be decided. Mast, Foos & Co. v. Mfg. Co., 177 U.S. 485, 488, 20 S.Ct. 708, 44 L.Ed. 856;  
35 National Electric Signaling Co. v. Telefunken Wireless Telegraph Co. of United States, C.C.A.N.Y., 221 F. 629,  
36 632; Lauer v. Freudenthal, 96 Wash. 394, 165 P. 98, 99.

#### 37 **Comity of States**

38 Simply a phrase designating the practice by which the courts of one state follow the decision of another on a like  
39 question, though not bound by law of precedents to do so. Larrick v. Walters, 39 Ohio.App. 363, 177 N.E. 642,  
40 645.

41 [Black's Law Dictionary, Fourth Edition, p. 334]

42 Note from the above definition of "comity" that it is synonymous with a "willingness to grant a privilege". All statutory civil  
43 statuses, with few exceptions, are legal evidence of the EXISTENCE of the privilege, in fact. A "resident" or "person" is a  
44 privileged party. A civil statute that implements a constitutional provision such as the Fourteenth Amendment and 42 U.S.C.  
45 §1983, for instance, is the only exception to this rule but nearly all other civil statuses such as "person" are privileges under  
46 ordinary acts of Congress. The act of legislatively CREATING the civil status is a grant of a privilege to all those who claim  
47 the "benefits" of that status.<sup>26</sup>

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<sup>26</sup> See: Hierarchy of Sovereignty: The Power to Create is the Power to Tax, Family Guardian Fellowship;  
<https://famguardian.org/Subjects/Taxes/Remedies/PowerToCreate.htm>.

1 *"But when Congress creates a statutory right [a "privilege" in this case, such as a "trade or business"], it clearly*  
2 *has the discretion, in defining that right, to create presumptions, or assign burdens of proof, or prescribe*  
3 *remedies; it may also provide that persons seeking to vindicate that right must do so before particularized*  
4 *tribunals created to perform the specialized adjudicative tasks related to that right [such as "Tax Court",*  
5 *"Family Court", "Traffic Court"] etc.].FN35 Such provisions do, in a sense, affect the exercise of judicial power,*  
6 *but they are also incidental to Congress' power to define the right that it has created. No comparable justification*  
7 *exists, however, when the right being adjudicated is not of congressional creation. In such a situation, substantial*  
8 *inroads into functions that have traditionally been performed by the Judiciary cannot be characterized merely as*  
9 *incidental extensions of Congress' power to define rights that it has created. Rather, such inroads suggest*  
10 *unwarranted encroachments upon the judicial power of the United States, which our Constitution reserves for*  
11 *Art. III courts."*  
12 [*Northern Pipeline Const. Co. v. Marathon Pipe Line Co., 458 U.S. at 83-84, 102 S.Ct. 2858 (1983)*]

13 As a contracting or consenting party, you get to choose which one of the two systems of law (common law or civil statutory  
14 law) applies based on how your contract is written or the limits upon your consent are specified. If, for instance, you condition  
15 your consent to require the rules of the common law to apply, then the civil statutory law doesn't apply. This is the ONLY  
16 way we recommend consenting to anything in the context of a contract with any legislatively foreign government. Otherwise,  
17 that government will abuse its legislative authority to give itself the upper hand in all contracts and to therefore DESTROY  
18 your equality in the process.

## 19 **15.5 How governments COERCE you to adopt a civil status you don't want: BUNDLING**

20 The rules for contracting in the previous system are circumvented by corrupt governments to COMPEL you to adopt a civil  
21 statutory status you don't want and don't need. This is usually in the process of issuing government ID. In the case of driver  
22 licensing, and especially in the case of REAL ID, they bundle all kinds of things UNRELATED to driving into the application  
23 process. For instance:

- 24 1. They require a Social Securing Number on the application, which requires you to ALSO sign up for Social Security,  
25 even though state nationals cannot lawfully participate in it:

[Why You Aren't Eligible for Social Security, Form #06.001](https://sedm.org/Forms/FormIndex.htm)  
<https://sedm.org/Forms/FormIndex.htm>

- 26 2. They will use the application as a basis to establish the PRESUMPTION that you are a privileged "resident" under the  
27 laws of the state. See California Vehicle Code Section 516.
- 28 3. They may require you to surrender all other driver licenses, and thus, to not have any other domiciles or residences.
- 29 4. The Vehicle Code usually causes lots of waivers of rights. For instance, you may be required to waive service of  
30 process for legal pleadings when out of state. See, for instance, California Vehicle Code, Section 17454 entitled Civil  
31 Liability of Owners and Operators of Vehicles.

32 All of the above waivers of inalienable constitutional rights violate the U.S. Supreme Court Unconstitutional Conditions  
33 Doctrine. A government established exclusively to PROTECT unalienable constitutional PRIVATE rights and property  
34 cannot make a profitable business out of compelling you to ALIENATE those same rights. Otherwise, we have a Doctor  
35 Jekyll and Mr. Hyde government. The Unconstitutional Conditions Doctrine is exhaustively explained in:

[Government Instituted Slavery Using Franchises, Form #05.030, Section 28.2](https://sedm.org/Forms/FormIndex.htm)  
<https://sedm.org/Forms/FormIndex.htm>

36 The above list of rights you are COERCED to give up during the driver license application process are what we call "costs  
37 of procuring the civil statutory status of 'driver'". In effect, they are tricking you into surrendering unalienable constitutional  
38 rights in exchange for statutory privileges. And by the way, you can't have BOTH at the same time. If you sign up for the  
39 "driver" franchise/privilege, then you are presumed to waive all constitutional rights or at least ALL the rights represented  
40 by the obligations in the vehicle code of your state that are associated with the civil statutory status of "driver".

41 *"The principle is invoked that one who accepts the benefit of a statute cannot be heard to question its*  
42 *constitutionality. Great Falls Manufacturing Co. v. Attorney General, 124 U.S. 581, 8 S.Ct. 631, 31 L.Ed. 527; Wall*  
43 *v. Parrot Silver & Copper Co., 244 U.S. 407, 37 S.Ct. 609, 61 L.Ed. 1229; St. Louis, etc., Co., v. George C.*  
44 *Prendergast Const. Co., 260 U.S. 469, 43 S.Ct. 178, 67 L.Ed. 351."*  
45 [*Ashwander v. Tennessee Valley Authority, 297 U.S. 288, 56 S.Ct. 466 (1936)*]

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



But, you might ask, what if I don't want the civil statutory status of "driver" or the obligations that attach to it, don't want to participate in Social Security, and merely want government ID to conduct commerce? The answer is to obtain an Identification Card only instead of a Driver License, and to fill out all forms in the process as indicated in the guidance below:

1. *Avoiding Traps in Government Forms Course*, Form #12.023  
<https://sedm.org/Forms/FormIndex.htm>
2. *Identification Page*, SEDM (Basic Member or Member Subscribers only)  
<https://sedm.org/identification/>

## 15.6 Remedies for those who are forced to acquire a civil status they don't want

When you are coerced or forced to acquire a civil statutory status that you don't want, then you are a victim of criminal identity theft. That coercion usually happens in connection with government issued ID, but it can also happen through other means. For details on how to prosecute coercion coming from government actors, agents, or contractors, see:

*Government Identity Theft*, Form #05.046  
<https://sedm.org/Forms/FormIndex.html>

## 15.7 Civil statutes are not the ONLY form of protection

There is one last very important point we wish to make. That point is that the civil statutory laws and the domicile they attach to are not the ONLY method of civilly protecting one's rights. Some types of civil protection do not require consent of the party. For instance, the U.S. Constitution is an example of a limitation upon government that does NOT require the express consent of those who are protected by it.

1. The USA Constitution is a "compact" or contract.
2. It establishes a public trust, which is an artificial "person" in which:
  - 2.1. The corpus of the trust is all public rights and public property.
  - 2.2. The trustees of the trust are people working in the government.
  - 2.3. All constitutional but not statutory citizens are the "beneficiaries".
3. The parties who established this public trust are the States of the Union and the government they created. Individual human beings are NOT party to it or trustees under it:
4. The Bill of Rights portion of the constitution attaches to LAND protected by the constitution, and NOT the civil status of people ON the land:

*"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)]*

5. The Bill of Rights is a "self-executing" restraint upon all government officers and agents upon all those physically present but not necessarily domiciled on the land it attaches to. Because the rights it covers are "self-executing", no statutory civil law is needed to give them "the force of law" against any officer of the government in relation to a person physically present upon land protected by the constitution.

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

1 *executing. Cf. South Carolina v. Katzenbach, 383 U.S., at 325 (discussing Fifteenth Amendment). The power to*  
2 *interpret the Constitution in a case or controversy remains in the Judiciary.*  
3 *[City of Boerne v. Flores, 521 U.S. 507 (1997)]*

4 Those injured by the actions of the government, whether civilly domiciled there and therefore a “citizen” there OR NOT, are  
5 protected by the Bill of Rights and have standing to sue in ANY state or federal court for a violation of that right.

6 In confirmation of this section, examine the content of 1 U.S.C. §8:

7 [1 U.S. Code §8 - “Person”, “human being”, “child”, and “individual” as including born-alive infant](#)

8 *(a) In determining the meaning of any Act of Congress, or of any ruling, regulation, or interpretation of the*  
9 *various administrative bureaus and agencies of the United States, the words “person”, “human being”, “child”,*  
10 *and “individual”, shall include every infant member of the species homo sapiens who is born alive at any stage*  
11 *of development.*

12 *(b) As used in this section, the term “born alive”, with respect to a member of the species homo sapiens, means*  
13 *the complete expulsion or extraction from his or her mother of that member, at any stage of development, who*  
14 *after such expulsion or extraction breathes or has a beating heart, pulsation of the umbilical cord, or definite*  
15 *movement of voluntary muscles, regardless of whether the umbilical cord has been cut, and regardless of whether*  
16 *the expulsion or extraction occurs as a result of natural or induced labor, cesarean section, or induced abortion.*

17 *(c) Nothing in this section shall be construed to affirm, deny, expand, or **contract any legal status or legal right***  
18 ***applicable to any member of the species homo sapiens at any point prior to being “born alive” as defined in***  
19 ***this section.***

20 *[1 U.S.C. §8, Downloaded 9/13/2014]*

## 21 **15.8 Proof that “U.S. person” is a privileged office**<sup>27</sup>

22 The difference between how Social Security benefits are taxed for a “nonresident alien” vs how SS benefits are taxed for  
23 “United States persons” under 26 U.S.C. §7701(a)(30) proves that “United States person” status is a “trade or business in the  
24 United States”—a QUASI-CONTRACTUAL nexus of taxation that comes with graduated tax rates.

25 For a nonresident alien, 85% of SS benefits are taxed at a flat 30% rate. This is because SS benefits are income from a source  
26 within the United States that is not effectively connected with a trade or business within the United States. See 2020 Tax  
27 Guide for Aliens Publication 519 p. 21.

28 But a United States person 1040 filer does NOT pay 30% tax on Social Security benefits. For such filer, SS benefits are  
29 subject to a graduated tax rate along with all his other taxable income.

30 Therefore, Social Security income that is not effectively connected with the conduct of a trade or business (when the recipient  
31 is a nonresident alien) all of a sudden IS effectively connected with a trade or business within the United States (and subject  
32 to the graduated trade or business “contract” tax rates) solely due to the recipient being a “United States person”. Thus  
33 “United States person” = a “trade or business” = an implied contract with the federal United States.

34 That does not mean there is an office---it only means there is a nexus of taxation, which is all that is needed for a person to  
35 be made liable. "United States person" status is simply a means for establishing a "trade or business" nexus of taxation to  
36 ALL of that person's income. For a nonresident alien, the nexus attaches only to certain items of income, whether by the  
37 "effectively connected" nexus or by the source within the United States nexus.

38 Here is the authority for taxation of Social Security Benefits:

39 [26 U.S.C. §86 Social security and tier 1 railroad retirement benefits](#)

40 *(a)In general*

41 *(1)In general*

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<sup>27</sup> SOURCE: *How to File Returns*, Form #09.074, Section 1.13; <https://sedm.org/Forms/FormIndex.htm>.

1 Except as provided in paragraph (2), gross income for the taxable year of any taxpayer described in subsection  
2 (b) (notwithstanding section 207 of the Social Security Act) includes social security benefits in an amount equal  
3 to the lesser of—

4 (A) one-half of the social security benefits received during the taxable year, or

5 (B) one-half of the excess described in subsection (b)(1).

6 (2) Additional amount

7 In the case of a taxpayer with respect to whom the amount determined under subsection (b)(1)(A) exceeds the  
8 adjusted base amount, the amount included in gross income under this section shall be equal to the lesser of—

9 (A) the sum of—

10 (i) 85 percent of such excess, plus

11 (ii) the lesser of the amount determined under paragraph (1) or an amount equal to one-half of the difference  
12 between the adjusted base amount and the base amount of the taxpayer, or

13 (B) 85 percent of the social security benefits received during the taxable year.

14 (b) Taxpayers to whom subsection (a) applies

15 (1) In general

16 A taxpayer is described in this subsection if—

17 (A) the sum of—

18 (i) the modified adjusted gross income of the taxpayer for the taxable year, plus

19 (ii) one-half of the social security benefits received during the taxable year, exceeds

20 (B) the base amount.

21  
22 [26 U.S.C. §871 - Tax on nonresident alien individuals](#)

23 (a) Income not connected with United States business—30 percent tax

24 (3) Taxation of social security benefits

25 For purposes of this section and section 1441—

26 (A) 85 percent of any social security benefit (as defined in section 86(d)) shall be included in gross income  
27 (notwithstanding section 207 of the Social Security Act), and

28 (B) section 86 shall not apply.

## 29 **16 Three statutory definitions of “person” for the purpose of income tax**

30 The Internal Revenue Code in fact has three definitions of “person”, not merely one. You might ask why this is needed.  
31 The answer is that they want to make it easier for the average American to “volunteer” to become “taxpayers”, usually  
32 illegally. All statutory “taxpayers” under Subtitles A and C of the Internal Revenue Code are, in fact, public officers within  
33 the national and not state government, as we point out in:

- 34 1. *The “Trade or Business” Scam*, Form #05.001  
35 <https://sedm.org/Forms/FormIndex.htm>
- 36 2. *Why Your Government is Either a Thief or You are a “Public Officer” for Income Tax Purposes*, Form #05.008  
37 <https://sedm.org/Forms/FormIndex.htm>

1 3. Why Statutory Civil Law is Law for Government and Not Private Persons, Form #05.037  
 2 <https://sedm.org/Forms/FormIndex.htm>

3 Every rebuttal by the IRS about the claim that human beings are not “persons” that we have seen ALWAYS focuses on the  
 4 26 U.S.C. §7701(a)(1) definition of statutory “person” and ignores the definitions found in 26 U.S.C. §§6671(b) and 7343  
 5 for the purposes of civil and criminal enforcement respectively. This is deliberate, because they don’t want you to know that  
 6 you are, in fact, a “volunteer”, even if you are a 26 U.S.C. §7701(a)(1) statutory “person” who is not an elected or appointed  
 7 officer of the national government and not contracting with the government.

8 **16.1 "Person" (in 26 U.S.C. §7701 (a)(1))<sup>28</sup>**

<i>Element</i>	<i>Definition</i>
<b>Word:</b>	Person
<b>Context:</b>	“Every person liable for any tax imposed by this title, or for the collection thereof, shall keep such records, render such statements...,” –Portion of Sec 6001, Chap. 61, I.R.C.
<b>Internal Rev. Code:</b>	(1) Definition found in Chapter 79. –Definitions* Sec. 7701(a)(1) Person. The term “person” shall be construed to mean and include an individual, a trust, estate, partnership, association, company or corporation. [NOTE: Chapter 61 of the IRC contains sections 6001 and 6011, in which context the word “person” is found. Definitions for certain words in each chapter are usually found within the chapter. The word “person” is not defined in Chapter 61; thus Chapter 79’s definition holds.] (2): Definition found in Chapter 75. Sec. 7343. Definition of term “person.” The term “person” as used in this chapter includes an officer or employee of a corporation, or a member or employee of a partnership, who as such officer, employee, or member is under a duty to perform the act in respect of which the violation occurs.
<b>Black’s Law Dictionary:</b>	In general usage, a human being (i.e., natural person), though by statute term may include a firm, labor organizations, partnerships, associations, corporations, legal representatives, trustees, trustees in bankruptcy, or receivers.
<b>Webster’s:</b>	1) an individual human being, especially as distinguished from a thing or lower animal; an individual man, woman or child. ..6) in law, any individual or incorporated group having certain legal rights and responsibilities.

9 Interestingly, the above word “individual” used in the definition of “person” is never defined anywhere in the Internal  
 10 Revenue Code, so we have to use the definition from the legal dictionary. Don’t use the definition from the conventional  
 11 dictionary or you’ll really confuse yourself! Here is the definition of “individual” in Black’s Law Dictionary, Sixth Edition,  
 12 p. 907, we find:

13 **Individual.** *As a noun, this term denotes a single person as distinguished from a group or class, and also, very*  
 14 *commonly, a private or natural person as distinguished from a partnership, corporation, or association; **but it is***  
 15 ***said that this restrictive signification is not necessarily inherent in the word, and that it may, in proper cases,***  
 16 ***include [be limited to] artificial persons.***  
 17 *[Black’s Law Dictionary, Sixth Edition, p. 907]*

18 So naming “individuals” as “persons” liable for tax in 26 U.S.C. §7701(a)(1) still doesn’t necessarily imply natural persons  
 19 like you and me, and according to the above legal definition, “individual” most commonly refers to artificial persons, which  
 20 in this case are corporations and partnerships as pointed out in chapter 5 extensively. The only thing Congress has done by  
 21 using the word “individual” in the definition of “person” is create a circular definition. Such a circular definition is also  
 22 called a “tautology”: a word which is defined using itself, which we would argue doesn’t define anything! If Congress wants  
 23 to include natural persons as those liable for the income tax, then they must explicitly say so or the Internal Revenue Code is  
 24 void for vagueness. Therefore, we must conclude that “persons” may only mean artificial entities unless and until Congress  
 25 explicitly and clearly specifies otherwise.

<sup>28</sup> Legal Deception, Propaganda, and Fraud, Form #05.014, Section 12.4.15: “Person” (in 26 U.S.C. §7701(a)(1)); SOURCE:  
<https://sedm.org/Forms/FormIndex.htm>

1 *"In view of other settled rules of statutory construction, which teach that a law is "Keeping in mind the well-*  
2 *settled rule that the citizen is exempt from taxation unless the same is imposed by clear and unequivocal*  
3 *language, and that where the construction of a tax law is doubtful, the doubt is to be resolved in favor of those*  
4 *upon whom the tax is sought to be laid."*  
5 *[Spreckels Sugar Refining Co. v. McClain, 192 U.S. 397 (1904)]*

6 People generally consider the term "person" to mean a natural person. But, IRC Section 7701(a)(1), entitled "Definitions",  
7 includes an individual, corporation, a trust, an estate, a partnership, an association, or company as being a "person". All of  
8 these legal entities are "persons" at law, so it is legally correct but very misleading when the federal income (excise) tax on  
9 corporations is described by the deceptive title of "Personal Income Tax". This misleading description leads most people to  
10 incorrectly believe that it means a tax on natural persons.

11 "Persons" are actually divided into two main groups:

- 12 1. A Natural Born person (what most people think of as a "person").
- 13 2. A "legal fiction" that exists because of a privilege granted by government, including corporations, associations,  
14 partnerships, companies, etc.

15 There is a big difference between the legal rights of a natural person and an artificial person and the distinction is never  
16 explained or clarified anywhere in the U.S. Code or Internal Revenue Code. The latter are subject to the Uniform Commercial  
17 Code (U.C.C.) and have no constitutional *rights* under the Bill of Rights. Instead, their *rights* are defined and circumscribed  
18 by the *privileges* granted to them solely by the government within the laws written and enforced by that government. Natural  
19 born persons, on the other hand, have fundamental constitutional *rights* that "legal fictions" don't. For instance, a natural  
20 born person cannot, under the 5th Amendment, be compelled to testify against himself in a court of law, but a "legal fiction",  
21 such as a corporation can be compelled because it depends on privileges and recognition granted by the government for its  
22 existence and therefore falls under the jurisdiction of that government. That is why the constitution permits income taxes as  
23 indirect, excises placed upon "legal fictions", such as corporations, businesses, partnerships, trusts, etc., while it does not  
24 permit direct taxes on "natural born persons", which are not "legal fictions" but instead creations of God with inalienable  
25 rights, and whose creation and existence precedes and supersedes that of government. You could say that the obligation to  
26 pay taxes on the part of a "legal fiction" like a corporation is part of the price paid for the right to exist and have the entity  
27 recognized and protected by the government and the courts. For instance, one benefit that corporations have that natural born  
28 persons don't have is limited liability, where individuals within the corporation aren't personally liable for the financial  
29 obligations of the company. This *privilege or right of a corporation*, which is recognized in the law and by the courts, comes  
30 with a price. That price is the obligation of the corporation to pay income taxes as excises to the government.

31 The legal term "person" has an even more restricted definition when used in IRC Chapter 75, which contains all the criminal  
32 penalties in the Code. In Section 7343 of that Chapter, a "person" subject to criminal penalties is defined as: ...

33 *[A]n officer or employee of a corporation, or a member or employee of a partnership, who, as such officer,*  
34 *employee or member, is under a duty to perform the act in respect of which the violation occurs.*

35 An individual who is not in such a fiduciary capacity is not defined as a "person" subject to criminal penalties. Unprivileged  
36 natural persons, who do not impose the income (excise) tax upon themselves by volunteering to file returns and be liable, are  
37 not subject by law to the tax and they are not "persons" who can lawfully be subjected to criminal charges for not filing a  
38 return or not paying income tax. Sections of the Code relating to the requirements for filing returns, keeping records, and  
39 disclosing information state that those sections apply to "every *person* liable" or "any *person* made liable". These descriptions  
40 mean "any person who is liable for the tax". *They do not state or mean that all persons are liable.* The only *persons* liable  
41 are those "persons" (legal entities such as corporations or employees or corporations) who owe an income (excise) tax, and  
42 are therefore subject to the requirements of the IRC. If you substitute the word "corporation" for the term "person" (a  
43 corporation is a person at law) when reading the Code or other articles and publications relating to income tax, the true  
44 meaning of the Code becomes more apparent.

45 For further information about what the courts think about this section, read some of the cites in section 5.7 of the *Tax Fraud*  
46 *Prevention Manual*, Form #06.008, which talks about "not a person" and read the court cases that are cited. Note that all the  
47 cases cited by Mr. Becraft in that section are at the circuit court level and none are at the U.S. Supreme Court level. The only  
48 authoritative cites, according to the Internal Revenue Manual, are those that come from the Supreme Court.



## 16.2 Definition of “person” for the purposes of CIVIL enforcement: 26 U.S.C. §6671(b)

Civil enforcement includes the right to proceed administratively rather than judicially, and to institute usually financial penalties for non-compliance. The statutory definition of “person” for the purposes of civil enforcement is as follows:

[TITLE 26 > Subtitle F > CHAPTER 68 > Subchapter B > PART I > § 6671](#)  
[§ 6671. Rules for application of assessable penalties](#)

(b) Person defined

*The term “person”, as used in this subchapter, includes an officer or employee of a corporation, or a member or employee of a partnership, **who as such officer, employee, or member is under a duty to perform the act in respect of which the violation occurs.***

We can see that you must be either a statutory “employee” or an officer or employee of a federal and not state corporation in order to be the proper target of administrative or non-judicial enforcement. Under the rules of statutory construction, the government and the judiciary have NO DELEGATED AUTHORITY to expand upon this target of administrative enforcement by either presumption, equivocation, or even declaration.

*“Expressio unius est exclusio alterius. A maxim of statutory interpretation meaning that **the expression of one thing is the exclusion of another.** *Burgin v. Forbes*, 293 Ky. 456, 169 S.W.2d. 321, 325; *Newblock v. Bowles*, 170 Okl. 487, 40 P.2d. 1097, 1100. Mention of one thing implies exclusion of another. **When certain persons or things are specified in a law, contract, or will, an intention to exclude all others from its operation may be inferred.** Under this maxim, if statute specifies one exception to a general rule or assumes to specify the effects of a certain provision, other exceptions or effects are excluded.”*  
[*Black’s Law Dictionary, Sixth Edition, p. 581*]

*“When a statute includes an explicit definition, we must follow that definition, even if it varies from that term’s ordinary meaning. *Meese v. Keene*, 481 U.S. 465, 484-485 (1987) (“It is axiomatic that the statutory definition of the term excludes unstated meanings of that term”); *Colautti v. Franklin*, 439 U.S. at 392-393, n. 10 (“As a rule, `a definition which declares what a term “means” . . . excludes any meaning that is not stated”); *Western Union Telegraph Co. v. Lenroot*, 323 U.S. 490, 502 (1945); *Fox v. Standard Oil Co. of N.J.*, 294 U.S. 87, 95-96 (1935) (Cardozo, J.); see also 2A N. Singer, *Sutherland on Statutes and Statutory Construction* § 47.07, p. 152, and n. 10 (5th ed. 1992) (collecting cases). That is to say, the statute, read “as a whole,” post at 998 [530 U.S. 943] (THOMAS, J., dissenting), leads the reader to a definition. That definition does not include the Attorney General’s restriction -- “the child up to the head.” Its words, “substantial portion,” indicate the contrary.”*  
[*Stenberg v. Carhart*, 530 U.S. 914 (2000)]

## 16.3 Definition of “person” for the purposes of CRIMINAL/PENAL enforcement: 26 U.S.C. §7343

Criminal enforcement includes the right to institute criminal or penal proceedings in court against the non-compliant party. These court proceedings are usually instituted in what is called a “franchise court”, which is a court acting in an Executive Branch Capacity in administering government property under Article 4, Section 3, Clause 2. Even if the court or judge has alleged Article III powers or is an Article III court, when it administers a statutory franchise or excuse such as the income tax, it in fact is operating in an Article I (executive) capacity. This was explained by Justice Scalia in *Freytag v. Commissioner*, 501 U.S. 868, 115 L.Ed.2d. 764 (1991).

The statutory definition of “person” for the purposes of civil enforcement is as follows:

[TITLE 26 > Subtitle F > CHAPTER 75 > Subchapter D > § 7343](#)  
[§ 7343. Definition of term “person”](#)

*The term “person” as used in this chapter includes an officer or employee of a corporation, or a member or employee of a partnership, who as such officer, employee, or member is under a duty to perform the act in respect of which the violation occurs.*

We can see that you must be either a statutory “employee” or an officer or employee of a federal and not state corporation in order to be the proper target of criminal or penal judicial enforcement. Under the rules of statutory construction, the government and the judiciary have NO DELEGATED AUTHORITY to expand upon this target of administrative enforcement by either presumption, equivocation, or even declaration.

1 "Expressio unius est exclusio alterius. A maxim of statutory interpretation meaning that **the expression of one**  
2 **thing is the exclusion of another.** Burgin v. Forbes, 293 Ky. 456, 169 S.W.2d. 321, 325; Newblock v. Bowles,  
3 170 Okl. 487, 40 P.2d. 1097, 1100. Mention of one thing implies exclusion of another. **When certain persons or**  
4 **things are specified in a law, contract, or will, an intention to exclude all others from its operation may be**  
5 **inferred.** Under this maxim, if statute specifies one exception to a general rule or assumes to specify the effects  
6 of a certain provision, other exceptions or effects are excluded."  
7 [Black's Law Dictionary, Sixth Edition, p. 581]

8 "When a statute includes an explicit definition, we must follow that definition, even if it varies from that term's  
9 **ordinary meaning.** Meese v. Keene, 481 U.S. 465, 484-485 (1987) ("It is axiomatic that the statutory definition  
10 of the term excludes unstated meanings of that term"); Colautti v. Franklin, 439 U.S. at 392-393, n. 10 ("As a  
11 rule, `a definition which declares what a term "means" . . . excludes any meaning that is not stated"); Western  
12 Union Telegraph Co. v. Lenroot, 323 U.S. 490, 502 (1945); Fox v. Standard Oil Co. of N.J., 294 U.S. 87, 95-96  
13 (1935) (Cardozo, J.); see also 2A N. Singer, Sutherland on Statutes and Statutory Construction § 47.07, p. 152,  
14 and n. 10 (5th ed. 1992) (collecting cases). That is to say, the statute, read "as a whole," post at 998 [530 U.S.  
15 943] (THOMAS, J., dissenting), leads the reader to a definition. That definition does not include the Attorney  
16 General's restriction -- "the child up to the head." Its words, "substantial portion," indicate the contrary."  
17 [Stenberg v. Carhart, 530 U.S. 914 (2000)]

## 18 **17 Definition of "individual"**

19 The deepest and darkest secrets of the IRS are always hidden at least three levels deep in their regulations. It requires  
20 careful study to find these secrets. Earlier in section 16.1 we showed that the definition of "person" includes "individual",  
21 but the term "individual" is not defined in the statutes anywhere. Below is that definition buried three levels deep in the  
22 IRS regulations:

23 [26 C.F.R. 1.1441-1 Requirement for the deduction and withholding of tax on payments to foreign persons.](#)

### 24 **(c) Definitions**

#### 25 **(3) Individual.**

26 (i) Alien individual.

27 **The term alien individual means an individual who is not a citizen or a national of the United States. See Sec.**  
28 **1.1-1(e).**

29 (ii) Nonresident alien individual.

30 *The term nonresident alien individual means [persons](#) described in section 7701(b)(1)(B), alien [individuals](#) who*  
31 *are treated as [nonresident aliens](#) pursuant to [§301.7701\(b\)-7](#) of this chapter for [purposes](#) of computing their U.S.*  
32 *[tax liability](#), or an alien individual who is a resident of Puerto Rico, Guam, the Commonwealth of Northern*  
33 *Mariana Islands, the U.S. Virgin Islands, or American Samoa as determined under [§301.7701\(b\)-1\(d\)](#) of this*  
34 *chapter. An alien individual who has made an [election](#) under section 6013(g) or (h) to be treated as a resident of*  
35 *the [United States](#) is nevertheless treated as a [nonresident alien](#) individual for [purposes](#) of [withholding](#) under*  
36 *chapter 3 of the Code and the regulations thereunder.*

37 We already know that the rules of statutory construction forbid adding anything to the above definition of "individual", so  
38 this is the ONLY thing that a statutory "individual" can be unless there is another explicit provision that expands upon or  
39 changes this definition:

40 "Expressio unius est exclusio alterius. A maxim of statutory interpretation meaning that **the expression of one**  
41 **thing is the exclusion of another.** Burgin v. Forbes, 293 Ky. 456, 169 S.W.2d. 321, 325; Newblock v. Bowles,  
42 170 Okl. 487, 40 P.2d. 1097, 1100. Mention of one thing implies exclusion of another. **When certain persons or**  
43 **things are specified in a law, contract, or will, an intention to exclude all others from its operation may be**  
44 **inferred.** Under this maxim, if statute specifies one exception to a general rule or assumes to specify the effects  
45 of a certain provision, other exceptions or effects are excluded."  
46 [Black's Law Dictionary, Sixth Edition, p. 581]

47 "When a statute includes an explicit definition, we must follow that definition, even if it varies from that term's  
48 **ordinary meaning.** Meese v. Keene, 481 U.S. 465, 484-485 (1987) ("It is axiomatic that the statutory definition  
49 of the term excludes unstated meanings of that term"); Colautti v. Franklin, 439 U.S. at 392-393, n. 10 ("As a  
50 rule, `a definition which declares what a term "means" . . . excludes any meaning that is not stated"); Western  
51 Union Telegraph Co. v. Lenroot, 323 U.S. 490, 502 (1945); Fox v. Standard Oil Co. of N.J., 294 U.S. 87, 95-96  
52 (1935) (Cardozo, J.); see also 2A N. Singer, Sutherland on Statutes and Statutory Construction § 47.07, p. 152,  
53 and n. 10 (5th ed. 1992) (collecting cases). That is to say, the statute, read "as a whole," post at 998 [530 U.S.

1 943] (THOMAS, J., dissenting), leads the reader to a definition. That definition does not include the Attorney  
2 General's restriction -- "the child up to the head." Its words, "substantial portion," indicate the contrary."  
3 [*Stenberg v. Carhart*, 530 U.S. 914 (2000)]

4 Over 100 MILLION Americans file the IRS Form 1040 every year. The upper left corner of the form indicates "U.S.  
5 INDIVIDUAL", and we know that the ONLY "individual" they can be referring to is that above. The IRS is therefore already  
6 recognizing most Americans as "aliens" in their own country. For these people to identify themselves as "nonresident" is a  
7 very small step toward freedom.

8 So we can see that the term "individual" ALWAYS means an "alien" in relation to federal jurisdiction. This is also confirmed  
9 by 26 U.S.C. §3401(a)(8)(C), which recognizes statutory "citizens of the United States\*\*" (in 8 U.S.C. §1401, not in the  
10 Fourteenth Amendment) as statutory "aliens" and "residents" when they are in Puerto Rico, which is a federal possession and  
11 not federal territory:

12 [26 U.S. Code § 3401. Definitions](#)

13 (a) WAGES

14 For purposes of this chapter, the term "wages" means all remuneration (other than fees paid to a public official)  
15 for services performed by an [employee](#) for his [employer](#), including the [cash](#) value of all remuneration (including  
16 benefits) paid in any medium other than [cash](#); except that such term shall not include remuneration paid—

17 (C) for services for an [employer](#) (other than the [United States](#) or any agency thereof) performed by a citizen of  
18 the [United States](#) within [Puerto Rico](#), [if it is reasonable to believe that during the entire calendar year the](#)  
19 [employee will be a bona fide resident of Puerto Rico](#), or

20 All statutory "residents" are "aliens" with a domicile on federal territory, per 26 U.S.C. §7701(b)(1)(A). The nexus for  
21 income tax enforcement itself is, in fact, a physical domicile on federal territory, as we exhaustively prove in the following:

[Why Domicile and Becoming a "Taxpayer" Require Your Consent](#), Form #05.002  
<https://sedm.org/Forms/FormIndex.htm>

22 States of the Union would fit in the same category as federal possessions above in relation to federal territory, in that they too  
23 are autonomous and independent and self-governing. For the same reason that STATUTORY territorial citizens (under 8  
24 U.S.C. §1401 and 26 C.F.R. §1.1-1(c)) are statutory "aliens" when domiciled in federal possessions, state  
25 CONSTITUTIONAL citizens are statutory "aliens" when domiciled on federal territory. That federal territory, for the  
26 purposes of this document, is defined as "United States":

27 [TITLE 26 > Subtitle F > CHAPTER 79 > Sec. 7701.](#) [Internal Revenue Code]  
28 [Sec. 7701. - Definitions](#)

29 (a) When used in this title, where not otherwise distinctly expressed or manifestly incompatible with the intent  
30 thereof—

31 (9) United States

32 The term "United States" when used in a geographical sense includes only the [States](#) and the District of  
33 Columbia.

34 (10) State

35 The term "State" shall be construed to include the District of Columbia, where such construction is necessary to  
36 carry out provisions of this title.

37 If in fact the income tax only applies to those domiciled on federal territory, then everyone domiciled OUTSIDE of federal  
38 territory is a statutory "alien". This would include those domiciled in constitutional states of the Union. That is why the  
39 definition of "nonresident alien"

40 [26 U.S.C. §7701\(b\)\(1\)\(B\) Nonresident alien](#)

1 *An individual is a nonresident alien if such individual is **neither a citizen of the United States nor a resident of***  
2 ***the United States** (within the meaning of subparagraph (A)).*

3 What “citizen” and “resident” both have in common is that they are “civil statuses” that have domicile in the venue as a  
4 prerequisite, as we pointed out earlier in section 7. You can’t be a STATUTORY “citizen” or “resident” without a predicate  
5 domicile that creates the status. If the domicile prerequisite is ignored, you are no longer dealing with a government, but  
6 contracting with a private corporation purely through contract. That private corporation is, in fact, our present de facto  
7 government, as we exhaustively prove in:

*De Facto Government Scam*, Form #05.043  
<https://sedm.org/Forms/FormIndex.htm>

8 The main characteristic of a de facto government is that it imputes to you a civil status that you cannot lawfully have under  
9 the Constitution, and cannot even lawfully CONSENT to have:

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

22 Notice the key language “an office, a position or status”. That “status” is the civil status of “person” under the Internal  
23 Revenue Code for the purposes of taxation!

24 The definition above gives us a hint about the characteristics of what a “de facto” government is:

- 25 1. Operates as a corporation for profit instead of a non-profit ministry ordained by ONLY God.
- 26 2. Imputes a “position or status” upon either you or themselves which:
  - 27 2.1. You never expressly consented to and CANNOT consent to without violating the Declaration of Independence.
  - 28 2.2. Is illegitimate or unlawful.
  - 29 2.3. Makes you UNEQUAL in relation to them and therefore, makes civil rulers the object of religious worship in  
30 violation of the First Amendment.
- 31 3. Operates out of self-interest instead of fiduciary duty towards the true Sovereigns, WE THE PEOPLE, it is supposed to  
32 be protecting and serving.
- 33 4. Operates under “color of law”, meaning that they appear to have authority justified by that which LOOKS like law, but  
34 in fact is not IN YOUR CASE. For instance, they enforce a voluntary franchise against a non-participant, and go out  
35 of their way to make it FRAUDULENTLY APPEAR that the target of the enforcement consented to participate.  
36 Hence, the franchise agreement would not be LAW in the case of the target of the enforcement and the enforcement  
37 action would therefore be pursued under the “color of law”.
- 38 5. Disrespects, destroys, or undermines the PRIVATE rights of those it is charged with protecting by:
  - 39 5.1. Presuming that you own no private property.
  - 40 5.2. Presuming that you have equitable rather than legal title to your property and that the de facto government is the  
41 REAL owner.
  - 42 5.3. Presuming that you are a public officer on official business managing THEIR property.
  - 43 5.4. Refusing to enforce the burden imposed on the government of proving that you donated your private property to a  
44 public use, public office, or public purpose BEFORE they can attach obligations against you in the use of it.

45 To the above we would also add that a “de facto government” does not seek or enforce the requirement for consent and equal  
46 treatment in all interactions with the public at all levels, both administratively and legally.

## 18 How Human Beings Become “Individuals” and “Persons” Under the Revenue Statutes<sup>29</sup>

It might surprise most people to learn that human beings most often are NEITHER “individuals” nor “persons” under ordinary acts of Congress, and especially revenue acts. The reasons for this are many and include the following:

1. All civil statutes are law exclusively for government and not private humans:

*Why Statutory Civil Law is Law for Government and Not Private Persons*, Form #05.037  
<https://sedm.org/Forms/FormIndex.htm>

2. Civil statutes cannot impair PRIVATE property or PRIVATE rights.

*“Under basic rules of construction, statutory laws enacted by legislative bodies cannot impair rights given under a constitution. 194 B.R. at 925.”*  
*[In re Young, 235 B.R. 666 (Bankr.M.D.Fla., 1999)]*

3. Civil statutes are privileges and franchises created by the government which convert PRIVATE property to PUBLIC property. They cannot lawfully convert PRIVATE property to PUBLIC property without the express consent of the owner. See:

*Separation Between Public and Private Course*, Form #12.025  
<https://sedm.org/Forms/FormIndex.htm>

4. You have an inalienable PRIVATE right to choose your civil status, including “person”.

*Your Exclusive Right to Declare or Establish Your Civil Status*, Form #13.008  
<https://sedm.org/Forms/FormIndex.htm>

5. All civil statuses, including “person” or “individual” are a product of a VOLUNTARY choice of domicile protected by the First Amendment right of freedom from compelled association. If you don’t volunteer and choose to be a nonresident or transient foreigner, then you cannot be punished for that choice and cannot have a civil status. See:

*Why Domicile and Becoming a “Taxpayer” Require Your Consent*, Form #05.002  
<https://sedm.org/Forms/FormIndex.htm>

6. As the absolute owner of your private property, you have the absolute right of depriving any and all others, INCLUDING governments, of the use or benefit of that property, including your body and all of your property. The main method of exercising that control is to control the civil and legal status of the property, who protects it, and HOW it is protected.

*“As independent sovereignty, it is State’s province and duty to forbid interference by another state or foreign power with status of its own citizens. Roberts v Roberts (1947) 81 CA.2d. 871, 185 P.2d. 381”*  
*[Black’s Law Dictionary, 4th Ed., p 1300]*

The following subsections will examine the above assertions and prove they are substantially true with evidence from a high level. If you need further evidence, we recommend reading the documents referenced above.

### 18.1 How alien nonresidents visiting the geographical United States\*\* become statutory “individuals” whether or not they consent

The U.S. Supreme Court defined how alien nonresidents visiting the United States\*\* become statutory “individuals” below:

*The reasons for not allowing to other aliens exemption ‘from the jurisdiction of the country in which they are found’ were stated as follows: ‘When private individuals of one nation [states of the Unions are “nations” under the law of nations] spread themselves through another as business or caprice may direct, mingling indiscriminately with the inhabitants of that other, or when merchant vessels enter for the purposes of trade, it would be obviously inconvenient and dangerous to society, and would subject the laws to continual infraction, and the government to degradation, if such individuals or merchants did not owe temporary and local allegiance, and were not amenable to the jurisdiction of the country.’ Nor can the foreign sovereign have any motive for wishing such exemption. His subjects thus passing into foreign countries are not employed by him, nor are they engaged in national pursuits. Consequently, there are powerful motives for not exempting persons of this description from the jurisdiction of the country in which they are found, and no one motive for requiring it. The implied license, therefore, under which they enter, can never be construed to grant such exemption.’ 7 Cranch, 144.*

<sup>29</sup> *Non-Resident Non-Person Position*, Form #05.020, Section 8.12; SOURCE: <https://sedm.org/Forms/FormIndex.htm>.



In short, the judgment in the case of *The Exchange* declared, as incontrovertible principles, that the jurisdiction of every nation within its own territory is exclusive and absolute, and is susceptible of no limitation not imposed by the nation itself; that all exceptions to its full and absolute territorial jurisdiction must be traced up to its own consent, express or implied; that upon its consent to cede, or to waive the exercise of, a part of its territorial jurisdiction, rest the exemptions from that jurisdiction of foreign sovereigns or their armies entering its territory with its permission, and of their foreign ministers and public ships of war; and that the implied license, under which private individuals of another nation enter the territory and mingle indiscriminately with its inhabitants, for purposes of business or pleasure, can never be construed to grant to them an exemption from the jurisdiction of the country in which they are found. See, also, *Carlisle v. U.S.* (1872) 16 Wall. 147, 155; *Radich v. Hutchins*, 95 U.S. 210 (1877); *Wildenhuss' Case* (1887) 120 U.S. 1, 7 Sup.Ct. 385; *Chae Chan Ping v. U.S.* (1889) 130 U.S. 581, 603, 604, 9 Sup.Ct. 623.  
[*United States v. Wong Kim Ark*, 169 U.S. 649, 18 S.Ct. 456, 42 L.Ed. 890 (1898)]

Therefore, alien nonresidents visiting or doing business within a country are presumed to be party to an “implied license” while there. All licenses are franchises, and all give rise to a public civil franchise status. In the case of nonresident aliens, that status is “individual” and it is a public office in the government, just like every other franchise status. We prove this in:

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

All “aliens” are presumed to be “nonresident aliens” but this may be overcome upon presentation of proof:

Title 26: Internal Revenue  
PART 1—INCOME TAXES  
nonresident alien individuals  
§ 1.871-4 Proof of residence of aliens.

(a) Rules of evidence. The following rules of evidence shall govern in determining whether or not an alien within the United States has acquired residence therein for purposes of the income tax.

(b) Nonresidence presumed. An alien by reason of his alienage, is presumed to be a nonresident alien.

(c) Presumption rebutted—

(1) Departing alien.

In the case of an alien who presents himself for determination of tax liability before departure from the United States, the presumption as to the alien's nonresidence may be overcome by proof--

Aliens, while physically in the United States\*\*, are presumed to be “resident” here, REGARDLESS OF THEIR CONSENT or INTENT. “residence” is the word used to characterize an alien as being subject to the CIVIL and/or TAXING franchise codes of the place he or she is in:

Title 26: Internal Revenue  
PART 1—INCOME TAXES  
nonresident alien individuals  
§1.871-2 Determining residence of alien individuals.

(a) General.

The term nonresident alien individual means an individual whose residence is not within the United States, and who is not a citizen of the United States. The term includes a nonresident alien fiduciary. For such purpose the term fiduciary shall have the meaning assigned to it by section 7701(a)(6) and the regulations in part 301 of this chapter (Regulations on Procedure and Administration). For presumption as to an alien's nonresidence, see paragraph (b) of §1.871-4.

(b) Residence defined.

An alien actually present in the United States who is not a mere transient or sojourner is a resident of the United States for purposes of the income tax. Whether he is a transient is determined by his intentions with regard to the length and nature of his stay. A mere floating intention, indefinite as to time, to return to another country is not sufficient to constitute him a transient. If he lives in the United States and has no definite intention as to his stay, he is a resident. One who comes to the United States for a definite purpose which in its nature may be promptly accomplished is a transient; but, if his purpose is of such a nature that an extended stay may be necessary for its accomplishment, and to that end the alien makes his home temporarily in the

1 United States, he becomes a resident, though it may be his intention at all times to return to his domicile abroad  
2 when the purpose for which he came has been consummated or abandoned. An alien whose stay in the United  
3 States is limited to a definite period by the immigration laws is not a resident of the United States within the  
4 meaning of this section, in the absence of exceptional circumstances.

5 Once aliens seek the privilege of permanent resident status, then they cease to be nonresident aliens and become “resident  
6 aliens” under 26 U.S.C. §7701(b)(1)(A):

7 [26 U.S.C. §7701\(b\)\(1\)\(A\) Resident alien](#)

8 (b) Definition of *resident alien* and nonresident alien

9 (1) In general

10 For purposes of this title (other than subtitle B) -

11 (A) *Resident alien*

12 *An alien individual shall be treated as a resident of the [United States](#) with respect to any calendar*  
13 *year if (and only if) such individual meets the requirements of clause (i), (ii), or (iii):*

14 (i) *Lawfully admitted for permanent residence*

15 *Such individual is a lawful permanent resident of the United States at any time during such*  
16 *calendar year.*

17 (ii) *Substantial presence test*

18 *Such individual meets the substantial presence test of paragraph (3).*

19 (iii) *First year election*

20 *Such individual makes the election provided in paragraph (4).*

21  
22 “Residents, as distinguished from citizens, are aliens who are permitted to take up a permanent abode in the  
23 country. Being bound to the society by reason of their dwelling in it, they are subject to its laws so long as they  
24 remain there, and, being protected by it, they must defend it, although they do not enjoy all the rights of citizens.  
25 They have only certain privileges which the law, or custom, gives them. Permanent residents are those who  
26 have been given the right of perpetual residence. They are a sort of citizen of a less privileged character, and  
27 are subject to the society without enjoying all its advantages. Their children succeed to their status; for the right  
28 of perpetual residence given them by the State passes to their children.”  
29 [The Law of Nations, Vattel, Book 1, Chapter 19, Section 213, p. 87]

30 Therefore, once aliens apply for and receive “permanent resident” status, they get the same exemption from income taxation  
31 as citizens and thereby CEASE to be civil “persons” under the Internal Revenue Code as described in the following sections.  
32 In that sense, their “implied license” is revoked and they thereby cease to be civil “persons”. The license returns if they  
33 abandon their “permanent resident” civil status:

34 Title 26: Internal Revenue

35 [PART 1—INCOME TAXES](#)

36 [nonresident alien individuals](#)

37 [§1.871-5 Loss of residence by an alien.](#)

38 *An alien who has acquired residence in the United States retains his status as a resident until he abandons the*  
39 *same and actually departs from the United States. An intention to change his residence does not change his status*  
40 *as a resident alien to that of a nonresident alien. Thus, an alien who has acquired a residence in the United States*  
41 *is taxable as a [resident](#) for the remainder of his stay in the United States.*

42 We should also point out that:

- 43 1. There are literally BILLIONS of aliens throughout the world.
- 44 2. Unless and until an alien either physically sets foot within our country or conducts commerce or business with a  
45 foreign state such as the United States\*\*, they:
  - 46 2.1. Would NOT be classified as civil STATUTORY “persons” or “individuals”, but rather “transient foreigners” or  
47 “stateless persons”. Domicile in a place is MANDATORY in order for the civil statutes to be enforceable per  
48 Federal Rule of Civil Procedure 17, and they have a foreign domicile while temporarily here.
  - 49 2.2. Would NOT be classified as “persons” under the Constitution. The constitution attaches to and protects LAND,  
50 and not the status of people ON the land.
  - 51 2.3. Would NOT be classified as “persons” under the CRIMINAL law.
  - 52 2.4. Would NOT be classified as “persons” under the common law and equity.
- 53 3. If the alien then physically comes to the United States\*\* (federal zone or STATUTORY “United States\*\*\*”), then they:

- 1 3.1. Would NOT become “persons” under the Constitution, because the constitution does not attach to federal  
2 territory.
- 3 3.2. Would become “persons” under the CRIMINAL laws of Congress, because the criminal law attaches to physical  
4 territory.
- 5 3.3. Would become “persons” under the common law and equity of the national government and not the states,  
6 because common law attaches to physical land.
- 7 4. If the alien then physically moves to a constitutional state, then their status would change as follows:
- 8 4.1. Would become “persons” under the Constitution, because the constitution attaches to land within constitutional  
9 states.
- 10 4.2. Would become “persons” under the CRIMINAL laws of states of the Union, because the criminal law attaches to  
11 physical territory.
- 12 4.3. Would cease to be “persons” under the CRIMINAL laws of Congress, because they are not on federal territory.
- 13 4.4. Would become “persons” under the common law and equity of the state they visited and not the national  
14 government, because common law attaches to physical land.
- 15 5. If the aliens are statutory “citizens” of their state of origin, they are “agents of the state” they came from. If they do not  
16 consent to be statutory “citizens” and do not have a domicile in the state of their birth, then they are “non-residents” in  
17 relation to their state of birth. The STATUTORY “citizen” is the agent of the state, not the human being filling the public  
18 office of “citizen”.

19 *"Under our own systems of polity, the term 'citizen', implying the same or similar relations to the government and  
20 to society which appertain to the term, 'subject' in England, is familiar to all. Under either system, the term used  
21 is designed to apply to man in his individual character and to his natural capacities -- to a being or agent  
22 [PUBLIC OFFICER!] possessing social and political rights and sustaining social, political, and moral  
23 obligations. It is in this acceptation only, therefore, that the term 'citizen', in the article of the Constitution,  
24 can be received and understood. When distributing the judicial power, that article extends it to controversies  
25 between 'citizens' of different states. This must mean the natural physical beings composing those separate  
26 communities, and can by no violence of interpretation be made to signify artificial, incorporeal, theoretical,  
27 and invisible creations. A corporation, therefore, being not a natural person, but a mere creature of the mind,  
28 invisible and intangible, cannot be a citizen of a state, or of the United States, and cannot fall within the terms  
29 or the power of the above mentioned article, and can therefore neither plead nor be impleaded in the courts of  
30 the United States."*

31 [*Rundle v. Delaware & Raritan Canal Company, 55 U.S. 80, 99 (1852) from dissenting opinion by Justice Daniel*]

- 32 6. When aliens are STATUTORY citizens of the country of their birth and origin who are doing business in the United  
33 States\*\* as a “foreign state”, they are treated as AGENTS and OFFICERS of the country they are from, hence they are  
34 “state actors”.

35 *The Law of Nations, Book II: Of a Nation Considered in Her Relation to Other States*

36 § 81. *The property of the citizens is the property of the nation, with respect to foreign nations.*

37 *Even the property of the individuals is, in the aggregate, to be considered as the property of the nation, with  
38 respect to other states. It, in some sort, really belongs to her, from the right she has over the property of her  
39 citizens, because it constitutes a part of the sum total of her riches, and augments her power. She is interested in  
40 that property by her obligation to protect all her members. In short, it cannot be otherwise, since nations act and  
41 treat together as bodies in their quality of political societies, and are considered as so many moral persons. All  
42 those who form a society, a nation being considered by foreign nations as constituting only one whole, one single  
43 person, — all their wealth together can only be considered as the wealth of that same person. And this is so true,  
44 that each political society may, if it pleases, establish within itself a community of goods, as Campanella did in  
45 his republic of the sun. Others will not inquire what it does in this respect: its domestic regulations make no  
46 change in its rights with respect to foreigners nor in the manner in which they ought to consider the aggregate of  
47 its property, in what way soever it is possessed.*

48 [*The Law of Nations, Vattel, Book II, Section 81:*

49 SOURCE: [http://famguardian.org/Publications/LawOfNations/vattel\\_02.htm#§ 81. The property of the citizens  
50 is the property of the nation, with respect to foreign nations.](http://famguardian.org/Publications/LawOfNations/vattel_02.htm#§ 81. The property of the citizens is the property of the nation, with respect to foreign nations.)]

- 51 7. As agents of the state they were born within and are domiciled within while they are here, aliens visiting the United  
52 States\*\* are part of a “foreign state” in relation to the United States\*\*.

53 These principles are a product of the Foreign Sovereign Immunities Act (FSIA), 28 U.S.C. Chapter 97:

54 [Title 28 > Part IV > Chapter 97 > § 1605](#)

55 [28 U.S. Code § 1605 - General exceptions to the jurisdictional immunity of a foreign state](#)

(a) A foreign [state](#) shall not be immune from the jurisdiction of courts of the [United States](#) or of the States in any case—

(1) in which the foreign [state](#) has waived its immunity either explicitly or by implication, notwithstanding any withdrawal of the waiver which the foreign [state](#) may purport to effect except in accordance with the terms of the waiver;

(2) in which the action is based upon a [commercial activity](#) carried on in the [United States](#) by the foreign state; or upon an act performed in the [United States](#) in connection with a [commercial activity](#) of the foreign state elsewhere; or upon an act outside the territory of the [United States](#) in connection with a [commercial activity](#) of the foreign state elsewhere and that act causes a direct effect in the [United States](#);

(3) in which rights in property taken in violation of international law are in issue and that property or any property exchanged for such property is present in the [United States](#) in connection with a [commercial activity](#) carried on in the [United States](#) by the foreign state; or that property or any property exchanged for such property is owned or operated by an agency or instrumentality of the foreign state and that agency or instrumentality is engaged in a [commercial activity](#) in the [United States](#);

(4) in which rights in property in the [United States](#) acquired by succession or gift or rights in immovable property situated in the [United States](#) are in issue;

(5) not otherwise encompassed in paragraph (2) above, in which money damages are sought against a foreign [state](#) for personal injury or death, or damage to or loss of property, occurring in the [United States](#) and caused by the tortious act or omission of that foreign state or of any official or employee of that foreign state while acting within the scope of his office or employment; except this paragraph shall not apply to—

(A) any claim based upon the exercise or performance or the failure to exercise or perform a discretionary function regardless of whether the discretion be abused, or

(B) any claim arising out of malicious prosecution, abuse of process, libel, slander, misrepresentation, deceit, or interference with contract rights; or

(6) in which the action is brought, either to enforce an agreement made by the foreign [state](#) with or for the benefit of a private party to submit to arbitration all or any differences which have arisen or which may arise between the parties with respect to a defined legal relationship, whether contractual or not, concerning a subject matter capable of settlement by arbitration under the laws of the [United States](#), or to confirm an award made pursuant to such an agreement to arbitrate, if (A) the arbitration takes place or is intended to take place in the [United States](#), (B) the agreement or award is or may be governed by a treaty or other international agreement in force for the [United States](#) calling for the recognition and enforcement of arbitral awards, (C) the underlying claim, save for the agreement to arbitrate, could have been brought in a [United States](#) court under this section or section 1607, or (D) paragraph (1) of this subsection is otherwise applicable.

Lastly, we also wish to emphasize that those who are physically in the country they were born in are NOT under any such “implied license” and therefore, unlike aliens, are not AUTOMATICALLY “individuals” or “persons” and cannot consent to become “individuals” or “persons” under any revenue statute. These people would be called “nationals of the United States\*\*\* OF AMERICA”. Their rights are UNALIENABLE and therefore they cannot lawfully consent to give them away by agreeing to ANY civil status, including “person” or “individual”.

## 18.2 “U.S. Persons”

The statutory definition of “U.S. person” within the Internal Revenue Code is as follows:

[TITLE 26](#) > [Subtitle F](#) > [CHAPTER 79](#) > [Sec. 7701](#).  
[Sec. 7701. - Definitions](#)

(a) When used in this title, where not otherwise distinctly expressed or manifestly incompatible with the intent thereof—

(30) [United States](#) person

The term “[United States](#)\*\*\* person” means -  
(A) a citizen or resident of the [United States](#)\*\*\*,  
(B) a domestic partnership,  
(C) a domestic [corporation](#),  
(D) any estate (other than a foreign estate, within the meaning of paragraph (31)), and  
(E) any trust if -

(i) a court within the United States<sup>[\*\*]</sup> is able to exercise primary supervision over the administration of the trust, and  
(ii) one or more United States<sup>[\*\*]</sup> persons have the authority to control all substantial decisions of the trust.

[TITLE 26 > Subtitle F > CHAPTER 79 > Sec. 7701. \[Internal Revenue Code\]](#)  
[Sec. 7701. - Definitions](#)

(a) When used in this title, where not otherwise distinctly expressed or manifestly incompatible with the intent thereof—

(9) United States

The term "United States<sup>[\*\*]</sup>" when used in a geographical sense includes only the [States](#) and the District of Columbia.

(10) State

The term "State" shall be construed to include the District of Columbia, where such construction is necessary to carry out provisions of this title.

NOTICE the following important fact: The definition of "person" in 26 U.S.C. §7701(a)(1) does NOT include "U.S. person", and therefore indicating this status on a withholding form does not make you a STATUTORY "person" within the Internal Revenue Code!

[TITLE 26 > Subtitle F > CHAPTER 79 > § 7701](#)  
[§ 7701. Definitions](#)

(a) When used in this title, where not otherwise distinctly expressed or manifestly incompatible with the intent thereof—

(1) Person

The term "person" shall be construed to mean and include an individual, a trust, estate, partnership, association, company or corporation.

There is some overlap between "U.S. Persons" and "persons" in the I.R.C., but only in the case of estates and trusts, and partnerships. NOWHERE in the case of individuals is there overlap.

There is also no tax imposed directly on a U.S. Person anywhere in the internal revenue code. All taxes relating to humans are imposed upon "persons" and "individuals" rather than "U.S. Persons". Nowhere in the definition of "U.S. person" is included "individuals", and you must be an "individual" to be a "person" as a human being under 26 U.S.C. §7701(a)(1). Furthermore, nowhere are "citizens or residents of the United States" mentioned in the definition of "U.S. Person" defined to be "individuals". Hence, they can only be fictions of law and NOT humans. To be more precise, they are not only "fictions of law" but public offices in the government. See:

[Proof That There Is a "Straw Man", Form #05.042](#)  
<https://sedm.org/Forms/FormIndex.htm>

There is a natural tendency to PRESUME that a statutory "U.S. person" is a "person", but in fact it is not. That tendency begins with the use of "person" in the NAME "U.S. person". However, the rules for interpreting the Internal Revenue Code forbid such a presumption:

[U.S. Code > Title 26 > Subtitle F > Chapter 80 > Subchapter A > § 7806](#)  
[26 U.S. Code § 7806 - Construction of title](#)

(b) Arrangement and classification

**No inference, implication, or presumption of legislative construction shall be drawn or made by reason of the location or grouping of any particular section or provision or portion of this title, nor shall any table of contents, table of cross references, or similar outline, analysis, or descriptive matter relating to the contents of this title be**



1 given any legal effect. The preceding sentence also applies to the sidenotes and ancillary tables contained in the  
2 various prints of this Act before its enactment into law.

3 Portions of a specific section, such as 26 U.S.C. §7701(a)(30) is a “grouping” as referred to above. The following case also  
4 affirms this concept:

5 “Factors of this type have led to the wise rule that the title of a statute and the heading of a section cannot limit  
6 the plain meaning of the text. *United States v. Fisher*, 2 Cranch 358, 386; *Cornell v. Coyne*, [192 U.S. 418, 430](#);  
7 *Strathearn S.S. Co. v. Dillon*, [252 U.S. 348, 354](#). For interpretative purposes, they are of use only when they shed  
8 light on some ambiguous word or phrase. They are but tools available for the resolution of a doubt. But they  
9 cannot undo or limit that which the text makes plain.”  
10 [*Railroad Trainmen v. B. & O.R. Co.* 331 U.S. 519 (1947)]

11 Therefore, we must discern the meaning of “U.S. person” from what is included UNDER the heading, and not within the  
12 heading “U.S. Person”. The following subsections will attempt to do this.

### 13 **18.3 The Three Types of “Persons”**

14 The meaning of “person” depends entirely upon the context in which it is used. There are three main contexts, defined by  
15 the system of law in which they may be invoked:

- 16 1. CONSTITUTIONAL “person”: Means a human being and excludes artificial entities or corporations or even  
17 governments.

18 “Citizens of the United States within the meaning of this Amendment must be natural and not artificial  
19 persons; a corporate body is not a citizen of the United States.”<sup>14</sup>

20  
21 *14 Insurance Co. v. New Orleans*, 13 Fed.Cas. 67 (C.C.D.La. 1870). Not being citizens of the United States,  
22 corporations accordingly have been declared unable “to claim the protection of that clause of the Fourteenth  
23 Amendment which secures the privileges and immunities of citizens of the United States against abridgment or  
24 impairment by the law of a State.” *Orient Ins. Co. v. Daggs*, [172 U.S. 557](#), 561 (1869) . This conclusion was in  
25 harmony with the earlier holding in *Paul v. Virginia*, 75 U.S. (8 Wall.) 168 (1869), to the effect that corporations  
26 were not within the scope of the privileges and immunities clause of state citizenship set out in Article IV, Sect. 2.  
27 See also *Selover, Bates & Co. v. Walsh*, [226 U.S. 112](#), 126 (1912) ; *Berea College v. Kentucky*, [211 U.S. 45](#) (1908)  
28 ; *Liberty Warehouse Co. v. Tobacco Growers*, [276 U.S. 71](#), 89 (1928) ; *Grosjean v. American Press Co.*, [297 U.S.](#)  
29 [233](#), 244 (1936) .

30 [Annotated Fourteenth Amendment, Congressional Research Service.

31 SOURCE: [http://www.law.cornell.edu/anncon/html/amdt14a\\_user.html#amdt14a\\_hd1](http://www.law.cornell.edu/anncon/html/amdt14a_user.html#amdt14a_hd1)]

- 32 2. STATUTORY “person”: Depends entirely upon the definition within the statutes and EXCLUDES  
33 CONSTITUTIONAL “persons”. This would NOT INCLUDE STATUTORY “U.S. Persons”.
- 34 3. COMMON LAW “person”: A private human who is litigating in equity under the common law in defense of his  
35 absolutely owned private property.

36 The above systems of law are described in:

*Four Law Systems Course*, Form #12.039  
<https://sedm.org/Forms/FormIndex.htm>

37 Which of the above statuses you have depends on the law system you voluntarily invoke when dealing with the government.  
38 That law system determines what is called the “choice of law” in your interactions with the government. For more on “choice  
39 of law” rules, see:

*Federal Jurisdiction*, Form #05.018, Section 3  
<https://sedm.org/Forms/FormIndex.htm>

40 If you invoke a specific choice of law in the action you file in court, and the judge or government changes it to one of the  
41 others, then they are engaged in CRIMINAL IDENTITY THEFT:

Government Identity Theft, Form #05.046  
<https://sedm.org/Forms/FormIndex.htm>

1 Identity theft can also be attempted by the government by deceiving or confusing you with legal “words of art”:

Legal Deception, Propaganda, and Fraud, Form #05.014  
<https://sedm.org/Forms/FormIndex.htm>

## 2 **18.4 Why a “U.S. Person” who is a “citizen” is NOT a statutory “person” or “individual” in the** 3 **Internal Revenue Code**

4 The definition of person is found in 26 U.S.C. §7701(a)(1) as follows:

5 [TITLE 26](#) > [Subtitle F](#) > [CHAPTER 79](#) > § 7701  
6 [§7701. Definitions](#)

7 (a) When used in this title, where not otherwise distinctly expressed or manifestly incompatible with the intent  
8 thereof—

9 (1) Person

10 The term “person” shall be construed to mean and include an individual, a trust, estate, partnership, association,  
11 company or corporation.

12 The term “individual” is then defined as:

13 [26 C.F.R. 1.1441-1 Requirement for the deduction and withholding of tax on payments to foreign persons.](#)

14 (c ) Definitions

15 (3) Individual.

16 (i) Alien individual.

17 **The term alien individual means an individual who is not a citizen or a national of the United States. See Sec.**  
18 **1.1-1(e).**

19 (ii) Nonresident alien individual.

20 The term nonresident alien individual means [persons](#) described in section 7701(b)(1)(B), alien [individuals](#) who  
21 are treated as [nonresident aliens](#) pursuant to [§301.7701\(b\)-7](#) of this chapter for [purposes](#) of computing their U.S.  
22 [tax liability](#), or an alien individual who is a resident of Puerto Rico, Guam, the Commonwealth of Northern  
23 Mariana Islands, the U.S. Virgin Islands, or American Samoa as determined under [§301.7701\(b\)-1\(d\)](#) of this  
24 chapter. An alien individual who has made an [election](#) under section 6013(g) or (h) to be treated as a resident of  
25 the [United States](#) is nevertheless treated as a [nonresident alien](#) individual for [purposes](#) of [withholding](#) under  
26 chapter 3 of the Code and the regulations thereunder.

27 Did you also notice that the definitions were not qualified to only apply to a specific chapter or section? That means that they  
28 apply generally throughout the Internal Revenue Code and implementing regulations. Therefore, we must conclude that the  
29 REAL “individual” in the phrase “U.S. **Individual** Income Tax Return” (IRS Form 1040) that Congress and the IRS are  
30 referring to can only mean “nonresident alien INDIVIDUALS” and “alien INDIVIDUALS”. That is why they don’t just  
31 come out and say “U.S. Citizen Tax Return” on the 1040 form. If you aren’t a STATUTORY “individual”, then obviously  
32 you are filing the WRONG form to file the 1040, which is a RESIDENT form for those DOMICILED on federal territory.  
33 This is covered in the following:

Why It’s a Crime for a State Citizen to File a 1040 Income Tax Return, Form #08.021  
<https://sedm.org/Forms/FormIndex.htm>

1 Therefore, all STATUTORY “individuals” are STATUTORY “aliens”. Hence, the ONLY people under Title 26 of the U.S.  
2 Code who are BOTH “persons” and “individuals” are ALIENS. Under the rules of statutory construction “citizens” of every  
3 description are EXCLUDED from being STATUTORY “persons”.

4 *“It is apparent that a constitutional prohibition cannot be transgressed indirectly by the creation of a statutory  
5 presumption any more than it can be violated by direct enactment. The power to create presumptions is not a  
6 means of escape from constitutional restrictions.”*  
7 *[Bailey v. Alabama, 219 U.S. 219 (1911)]*

8 *“Expressio unius est exclusio alterius. A maxim of statutory interpretation meaning that the expression of one  
9 thing is the exclusion of another. *Burgin v. Forbes*, 293 Ky. 456, 169 S.W.2d. 321, 325; *Newblock v. Bowles*,  
10 170 Okl. 487, 40 P.2d. 1097, 1100. Mention of one thing implies exclusion of another. When certain persons or  
11 things are specified in a law, contract, or will, an intention to exclude all others from its operation may be  
12 inferred. Under this maxim, if statute specifies one exception to a general rule or assumes to specify the effects  
13 of a certain provision, other exceptions or effects are excluded.”  
14 *[Black’s Law Dictionary, Sixth Edition, p. 581]**

15 *“When a statute includes an explicit definition, we must follow that definition, even if it varies from that term’s*  
16 *ordinary meaning.* *Meese v. Keene*, 481 U.S. 465, 484-485 (1987) (“It is axiomatic that the statutory definition  
17 of the term excludes unstated meanings of that term”); *Colautti v. Franklin*, 439 U.S. at 392-393, n. 10 (“As a  
18 rule, ‘a definition which declares what a term ‘means’ . . . excludes any meaning that is not stated”); *Western*  
19 *Union Telegraph Co. v. Lenroot*, 323 U.S. 490, 502 (1945); *Fox v. Standard Oil Co. of N.J.*, 294 U.S. 87, 95-96  
20 (1935) (Cardozo, J.); see also 2A N. Singer, *Sutherland on Statutes and Statutory Construction* § 47.07, p. 152,  
21 and n. 10 (5th ed. 1992) (collecting cases). That is to say, the statute, read “as a whole,” post at 998 [530 U.S.  
22 943] (THOMAS, J., dissenting), leads the reader to a definition. That definition does not include the Attorney  
23 General’s restriction -- “the child up to the head.” Its words, “substantial portion,” indicate the contrary.”  
24 *[Stenberg v. Carhart, 530 U.S. 914 (2000)]*

25 Who might these STATUTORY “persons” be who are also “individuals”? They must meet all the following conditions  
26 simultaneously to be “taxpayers” and “persons”:

- 27 1. STATUTORY “U.S. citizens” or STATUTORY “U.S. residents” domiciled in the geographical “United States” under  
28 26 U.S.C. §7701(a)(9) and (a)(10) and/or 4 U.S.C. §110(d).
- 29 2. Temporarily abroad on travel under 26 U.S.C. §911.
- 30 3. Availing themselves of a tax treaty benefit (franchises) and therefore liable to PAY for said “benefit”.
- 31 4. Interface to the Internal Revenue Code as “aliens” in relation to the foreign country they are physically in but not  
32 domiciled in at the time.
- 33 5. Called a “qualified individual” in 26 U.S.C. §911(d)(1).

34 Some older versions of the code call the confluence of conditions above a “nonresident citizen”. The above are confirmed by  
35 the words of Jesus Himself!

36 *And when he had come into the house, Jesus anticipated him, saying, “What do you think, Simon? From whom  
37 do the kings [governments] of the earth [lawfully] take customs or taxes, from their sons [citizens and subjects]  
38 or from strangers [statutory “aliens”, which are synonymous with “residents” in the tax code, and exclude  
39 “citizens”]?”*

40 *Peter said to Him, “From strangers [statutory “aliens”/“residents” ONLY. See 26 C.F.R. §1.1-1(a)(2)(ii) and*  
41 *26 C.F.R. §1.1441-1(c)(3)].”*

42 *Jesus said to him, “Then the sons [of the King, Constitutional but not statutory “citizens” of the Republic, who*  
43 *are all sovereign “nationals” and “non-resident non-persons”] are free [sovereign over their own person and*  
44 *labor. e.g. SOVEREIGN IMMUNITY].”*  
45 *[Matt. 17:24-27, Bible, NKJV]*

46 Note some other very important things that distinguish STATUTORY “U.S. Persons” from STATUTORY “persons”:

- 47 1. The term “U.S.” in the phrase “U.S. Person” as used in 26 U.S.C. §7701(a)(30) is never defined anywhere in the  
48 Internal Revenue Code, and therefore does NOT mean the same as “United States” in its geographical sense as defined  
49 in 26 U.S.C. §7701(a)(9) and (a)(10) and 4 U.S.C. §110(d). It is a violation of due process to PRESUME that the two  
50 are equivalent.
- 51 2. The definition of “person” in 26 U.S.C. §7701(a)(1) does not include statutory “citizens” or “residents”.
- 52 3. The definition of “U.S. person” in 26 U.S.C. §7701(a)(30) does not include statutory “individuals”.

- 1 4. Nowhere in the code are “individuals” ever expressly defined to include statutory “citizens” or “residents”. Hence,  
2 under the rules of statutory construction, they are purposefully excluded.  
3 5. Based on the previous items, there is no overlap between the definitions of “person” and “U.S. Person” in the case of  
4 human beings who are ALSO “citizens” or “residents”.  
5 6. The only occasion when a human being can ALSO be a statutory “person” is when they are neither a “citizen” nor a  
6 “resident” and are a statutory “individual”.  
7 7. The only “person” who is neither a statutory “citizen” nor a statutory “resident” and is ALSO an “individual” is a  
8 “nonresident alien individual”:

9 [26 U.S.C. §7701\(b\)\(1\)\(B\) Nonresident alien](#)

10 *An individual is a nonresident alien if such individual is neither a citizen of the United States nor a resident of*  
11 *the United States (within the meaning of subparagraph (A)).*

- 12 8. The previous item explains why nonresident aliens are the ONLY type of “individual” subject to tax withholding in 26  
13 U.S.C. Subtitle A, Chapter 3, Subchapter A and who can earn taxable income under the I.R.C.: The only “individuals”  
14 listed are “nonresident aliens”:

15 [26 U.S. Code Subchapter A - Nonresident Aliens and Foreign Corporations](#)

16 [§ 1441 - Withholding of tax on nonresident aliens](#)

17 [§ 1442 - Withholding of tax on foreign corporations](#)

18 [§ 1443 - Foreign tax-exempt organizations](#)

19 [§ 1444 - Withholding on Virgin Islands source income](#)

20 [§ 1445 - Withholding of tax on dispositions of United States real property interests](#)

21 [§ 1446 - Withholding tax on foreign partners' share of effectively connected income](#)

- 22 9. There is overlap between “U.S. Person” and “person” in the case of trusts, corporations, and estates, but NOT  
23 “individuals”. All such entities are artificial and fictions of law. Even they can in some cases be “citizens” or  
24 “residents” and therefore nontaxpayers:

25 *"A corporation is a citizen, [resident](#), or inhabitant of the state or country by or under the laws of which it was*  
26 *created, and of that state or country only."*

27 [*19 Corpus Juris Secundum (C.J.S.), Corporations, §886 (2003)*]

- 28 10. Corporations can also be individuals instead of merely and only corporations:

29 **At common law, a "corporation" was an "artificial perso[n] endowed with the legal capacity of perpetual**  
30 **succession" consisting either of a single individual (termed a "corporation sole") or of a collection of several**  
31 **individuals (a "corporation aggregate").** 3 H. Stephen, *Commentaries on the Laws of England* 166, 168 (1st Am.  
32 ed. 1845). The sovereign was considered a corporation. See *id.*, at 170; see also 1 W. Blackstone, *Commentaries*  
33 *\*467. Under the definitions supplied by contemporary law dictionaries, Territories would have been classified as*  
34 *"corporations" (and hence as "persons") at the time that 1983 was enacted and the Dictionary Act recodified.*  
35 *See W. Anderson, A Dictionary of Law 261 (1893) ("All corporations were originally modeled upon a state or*  
36 *nation"); 1 J. Bouvier, A Law Dictionary Adapted to the Constitution and Laws of the United States of America*  
37 *318-319 (11th ed. 1866) ("In this extensive sense the United States may be termed a corporation"); Van Brocklin*  
38 *v. Tennessee, 117 U.S. 151, 154 (1886) ("The United States is a . . . great corporation . . . ordained and*  
39 *established by the American people") (quoting United [495 U.S. 182, 202] States v. Maurice, 26 F. Cas. 1211,*  
40 *1216 (No. 15,747) (CC Va. 1823) (Marshall, C. J.); Cotton v. United States, 11 How. 229, 231 (1851) (United*  
41 *States is "a corporation"). See generally Trustees of Dartmouth College v. Woodward, 4 Wheat. 518, 561-562*  
42 *(1819) (explaining history of term "corporation").*  
43 [*Ngiraingas v. Sanchez, 495 U.S. 182 (1990)*]

44 We have therefore come full circle in forcefully concluding that “persons” and “U.S. persons” are not equivalent and non-  
45 overlapping in the case of “citizens” and “residents”, and that the only type of entity a human being can be if they are a  
46 STATUTORY “citizen” or “resident” is a statutory “U.S. person” under 26 U.S.C. §7701(a)(30) and NOT a statutory  
47 “person” under 26 U.S.C. §7701(a)(1).

48 None of the following could therefore TRUTHFULLY be said about a STATUTORY “U.S. Person” who are human beings  
49 that are “citizens” or “residents”:

- 1 1. They are "individuals" as described in 26 C.F.R. § 1.1441-1(c)(3)(i).
- 2 2. That they are a SUBSET of all "persons" in 26 U.S.C. § 7701(a)(1).
- 3 3. That they are ALSO statutory "persons" in 26 U.S.C. § 7701(a)(1).

4 Lastly, we wish to emphasize that it constitutes a CRIME and perjury for someone who is in fact and in deed a "citizen" to  
5 misrepresent themselves as a STATUTORY "individual" (alien) by performing any of the following acts:

- 6 1. Declaring yourself to be a "payee" by submitting an IRS Form W-8 or W-9 to an alleged "withholding agent" while  
7 physically located in the statutory "United States\*\*" (federal zone) or in a state of the Union. All human being  
8 "payees" are "persons" and therefore "individuals". "U.S. persons" who are not aliens are NOT "persons". Statutory  
9 citizens or residents must be ABROAD to be a "payee" because only then can they be both "individuals" and  
10 "qualified individuals" under 26 U.S.C. § 911(d)(1).

11 [Title 26 > Chapter I > Subchapter A > Part 1 > Section 1.1441-1](#)  
12 [26 CFR 1.1441-1 - Requirement for the deduction and withholding of tax on payments to foreign persons.](#)

13 § 1.1441-1 [Requirement](#) for the deduction and [withholding](#) of tax on [payments](#) to foreign [persons](#).

14 (b) General rules of withholding-

15 (2) Determination of payee and payee's status-

16 (i) In general.

17 [. . .] "[a payee is the person to whom a payment is made](#), regardless of whether such [person](#) is the [beneficial](#)  
18 [owner of the amount](#) (as [defined](#) in [paragraph \(c\)\(6\)](#) of this section)."

- 19 2. Filing an IRS Form 1040. The form in the upper left corner says "U.S. Individual" and "citizens" are NOT  
20 STATUTORY "individuals". See:

21 [Why It's a Crime for a State Citizen to File a 1040 Income Tax Return](#), Form #08.021  
<https://sedm.org/Forms/FormIndex.htm>

- 22 3. To apply for or receive an "INDIVIDUAL Taxpayer Identification Number" using an IRS Form W-7. See:

23 [Individual Taxpayer Identification Number](#), Internal Revenue Service  
24 <https://www.irs.gov/individuals/individual-taxpayer-identification-number>

25 The ONLY provision within the Internal Revenue Code that permits those who are STATUTORY "citizens" to claim the  
26 status of either "individual" or "alien" is found in 26 U.S.C. § 911(d)(1), in which the citizen is physically abroad in a foreign  
27 country, in which case he or she is called a "qualified individual".

28 [U.S. Code > Title 26 > Subtitle A > Chapter 1 > Subchapter N > Part III > Subpart B > § 911](#)

29 [26 U.S. Code § 911 - Citizens or residents of the United States living abroad](#)

30 (d) DEFINITIONS AND SPECIAL RULES

31 For purposes of this section—

32 (1) QUALIFIED INDIVIDUAL

33 The term "qualified individual" **means an individual** whose tax home is in a foreign country and who is—

34 (A) a citizen of the United States and establishes to the satisfaction of the Secretary that he has been a bona fide  
35 resident of a foreign country or countries for an uninterrupted period which includes an entire taxable year, or

36 (B) a citizen or resident of the United States and who, during any period of 12 consecutive months, is present in  
37 a foreign country or countries during at least 330 full days in such period.

38 The above provisions SUPERSEDE the definitions within [26 U.S.C. § 7701](#) only within [section 911](#) for the specific case of  
39 citizens when abroad ONLY. Those who are not physically "abroad" or in a foreign country CANNOT truthfully claim to  
40 be "individuals" and would be committing perjury under penalty of perjury if they signed any tax form, INCLUDING a 1040



1 form, identifying themselves as either an “individual” or a “U.S. individual” as it says in the upper left corner of the 1040  
2 form. If this limitation of the income tax ALONE were observed, then most of the fraud and crime that plagues the system  
3 would instantly cease to exist.

## 4 **18.5 “U.S. Persons” who are ALSO “persons”**

5 26 C.F.R. §1.1441(c)(8) identifies “U.S. Persons” who are also “persons” under the Internal Revenue Code:

6 (8)Person.

7 For purposes of the regulations under chapter 3 of the Code, the term person shall mean a person described in  
8 section 7701(a)(1) and the regulations under that section and a U.S. branch to the extent treated as a U.S. person  
9 under paragraph (b)(2)(iv) of this section. For purposes of the regulations under chapter 3 of the Code, the term  
10 person does not include a wholly-owned entity that is disregarded for federal tax purposes under § 301.7701-  
11 2(c)(2) of this chapter as an entity separate from its owner. See paragraph (b)(2)(iii) of this section for procedures  
12 applicable to payments to such entities.  
13 [26 C.F.R. §1.1441-1(c)(8)]

14 The ONLY way that a human being who is a “U.S. person” physically located within the statutory “United States\*\*” (federal  
15 zone) or states of the Union can become a STATUTORY “person” is to:

- 16 1. Be treated wrongfully AS IF they are a “payee” by an ignorant “withholding agent” under 26 C.F.R. §1.1441.
- 17 2. Be falsely PRESUMED to be a statutory “individual” or statutory “person”. All such conclusive presumptions which  
18 impair constitutional rights are unconstitutional and impermissible as we prove in the following:

*Presumption: Chief Weapon for Unlawfully Enlarging Federal Jurisdiction*, Form #05.017  
<https://sedm.org/Forms/FormIndex.htm>

19 All such presumption should be FORCEFULLY CHALLENGED. Anyone making such a presumption should be  
20 DEMANDED to satisfy their burden of proof and produce a statutory definition that expressly includes those who are  
21 either STATUTORY “citizens” or statutory “residents”. In the absence of such a presumption, you as the victim of  
22 such an unconstitutional presumption must be presumed to be innocent until proven guilty, which means a “non-  
23 person” and a “non-taxpayer” unless and until proven otherwise WITH COURT ADMISSIBLE EVIDENCE SIGNED  
24 UNDER PENALTY OF PERJURY BY THE MOVING PARTY, which is the withholding agent.

- 25 3. Volunteer to fill out an unmodified or not amended IRS Form W-8 or W-9. Both forms PRESUPPOSE that the  
26 submitter is a “payee” and therefore a “person” under 26 C.F.R. §1.1441-1(b)(2)(i). A withholding agent asserting  
27 usually falsely that you have to fill out this form MUST make a false presumption that you are a “person” but he  
28 CANNOT make that determination without forcing you to contract or associate in violation of law. ONLY YOU as the  
29 submitter can lawfully do that. If you say under penalty of perjury that you are NOT a statutory “person” or  
30 “individual”, then he has to take your word for it and NOT enforce the provisions of 26 C.F.R. §1.1441-1 against you.  
31 If he refuses you this right, he is committing criminal witness tampering, since the form is signed under penalty of  
32 perjury and he compelling a specific type of testimony from you. See:

*Your Exclusive Right to Declare or Establish Your Civil Status*, Form #13.008  
<https://sedm.org/Forms/FormIndex.htm>

- 33 4. Fill out an IRS Form W-8. Block 1 for the name of the submitter calls the submitter an “individual”. You are NOT an  
34 “individual” since individuals are aliens as required by 26 C.F.R. §1.1441-1(c)(3). Only STATUTORY “U.S. citizens”  
35 abroad can be “individuals” and you aren’t abroad if you are either on federal territory or within a constitutional state.

36 The result of ALL of the above is CRIMINAL IDENTIFY THEFT at worst as described in Form #05.046, and impersonating  
37 a public officer called a “person” and “individual” at best in violation of 18 U.S.C. §912 as described in Form #05.008.

38 There is also much overlap between the definition of “person” and “U.S. person”. The main LACK of overlap occurs with  
39 “individuals”. The main reason for this difference in overlap is the fact that HUMAN BEINGS have constitutional rights  
40 while artificial entities DO NOT. Below is a table comparing the two, keeping in mind that the above regulation refers to the  
41 items listed that both say “Yes”, but not to “individuals”:

42 **Table 1: Comparison of "person" to "U.S. Person"**

#	Type of entity	"person"? 26 U.S.C. §7701(a)(1)	"U.S. Person" 26 U.S.C. §7701(a)(30)
1	Individual	Yes	No (replaced with "citizen or resident of the United States**")
2	Trust	Yes	Yes
3	Estate	Yes	Yes
4	Partnership	Yes	Yes
5	Association	Yes	Not listed
6	Company	Yes	Not listed
7	Corporation	Yes (federal corporation domiciled on federal territory only)	Yes (all corporations, including state corporations)

1 We believe that the "citizen or resident of the United States\*\*" listed in item 1 above and in 26 U.S.C. §7701(a)(30)(A) is  
2 territorial citizen or resident. Those domiciled in states of the Union would be NEITHER, and therefore would NOT be  
3 classified as "individuals", even if they otherwise satisfied the definition of "individual" found in 26 C.F.R. §1.1441-1(c)(3).  
4 This results from the geographical definition of "United States" found in 26 U.S.C. §7701(a)(9) and (a)(10). Below is an  
5 example of why we believe this:

6 [26 C.F.R. §31.3121\(e\)-1 State, United States, and citizen](#)

7 (b)...The term 'citizen of the United States' includes a citizen of the Commonwealth of Puerto Rico or the Virgin  
8 Islands, and, effective January 1, 1961, a citizen of Guam or American Samoa.

9 **19 Equivocation of Statutory Terms: How corrupt judges and government prosecutors confuse**  
10 **contexts to unlawfully extend the meaning of words**<sup>30</sup>

11 In the legal field, context is EVERYTHING. In the real estate field, there are three things that determine the VALUE of  
12 property: LOCATION, LOCATION, and LOCATION. In the legal field, there are three things that determine the  
13 MEANING of a word: CONTEXT, CONTEX, and CONTEXT.

14 Law is about language, and the meaning of words in turn is determined entirely by their context. The last skill most people  
15 develop in learning any new subject, including law, is to understand the various contexts in which words can be used and to  
16 apply the correct context in determining the exact meaning of words. Understanding the various contexts is difficult because  
17 it requires the broadest possible exposure to the subject matter addressed by the word. Those who don't understand the  
18 different contexts can be victims of "equivocation", which is a logical fallacy that leads people to falsely believe that all the  
19 contexts are equivalent. Logical fallacies are an important propaganda technique used to justify or protect CRIMINAL  
20 activity. That logical fallacy is described on the following website:

*Thou Shalt Not Commit Logical Fallacies Website*  
<https://yourlogicalfallacyis.com/>

21 Within the legal field, there are four different contexts for the meaning of words:

- 22 1. Public v. Private context.  
23 2. Geographical v. Legal context for words "United States" and "State".  
24 3. Statutory v. Constitutional context for citizenship terms.  
25 4. "Subject to THE jurisdiction" v. "subject to ITS jurisdiction"

26 The following sections will individually address these two contexts to improve your comprehension of legal terms when  
27 reading and interpreting the law. They will also describe how these two contexts are deliberately confused to unlawfully and  
28 unconstitutionally expand government jurisdiction and power.

<sup>30</sup> Extracted from *Legal Deception, Propaganda, and Fraud*, Form #05.014, Section 15.1; SOURCE: <https://sedm.org/Forms/FormIndex.htm>

1 All the confusion of contexts is only possible under following mandatory conditions:

- 2 1. The audience hearing them are legally ignorant. Legal ignorance is MANUFACTURED by the government in the  
3 public schools, so the slaves and serfs never have the key to their chains. The same thing happened with black slavery.  
4 Black slaves were not allowed to go to school.
- 5 2. The legal ignorance of the audience allows them to be unaware of the various legal contexts for words.
- 6 3. “Equivocation”, which is a logical fallacy, is abused to make two opposing and non-overlapping contexts appear  
7 equivalent, even though they are not. This leads to an unconstitutional or unlawful or even CRIMINAL result.
- 8 4. All sources of information on the Internet that might identify the contexts and eliminate the confusion of them are  
9 systematically censored and enjoined. The de facto government tried to enjoin our website, for instance, to prevent  
10 people from learning essentially how to escape the IDENTITY THEFT and legal kidnapping being systematically  
11 abused by judges and lawyers to STEAL from people and unlawfully and unconstitutionally enlarge their jurisdiction  
12 and importance.
- 13 5. Government propaganda is abused to accomplish the equivocation that makes the contexts falsely appear equivalent.  
14 5.1. This propaganda is used by both lawyers and courts and even the media, and none of it is trustworthy.  
15 5.2. This propaganda is only possible because no one in the government is accountable for anything they say or write.

16 For extensive research on HOW government propaganda is abused to confuse the contexts and make them appear equivalent,  
17 see:

- 18 1. *Foundations of Freedom Course*, Form #12.021, Video 4: Willful Government Deception and Propaganda  
19 <http://sedm.org/Forms/FormIndex.htm>
- 20 2. *Reasonable Belief About Income Tax Liability*, Form #05.007  
21 <http://sedm.org/Forms/FormIndex.htm>
- 22 3. *Presumption: Chief Weapon for Unlawfully Enlarging Federal Jurisdiction*, Form #05.017  
23 <http://sedm.org/Forms/FormIndex.htm>

## 24 **19.1 How the two contexts are deliberately and maliciously confused and made to appear the** 25 **same in order to unlawfully and unconstitutionally expand government jurisdiction**

26 The process of confusing two non-overlapping contexts is called “equivocation”. Here is the best definition we have found  
27 on the subject matter:

### 28 **equivocation**

29 *EQUIVOCATION*, n. Ambiguity of speech; the use of words or expressions that are susceptible of a double  
30 signification. Hypocrites are often guilty of equivocation, and by this means lose the confidence of their fellow  
31 men. **Equivocation is incompatible with the Christian character and profession.**  
32 [SOURCE: <http://1828.mshaffer.com/d/search/word/equivocation/>]

33 Wikipedia defines the term much more expansively:

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

37 *Albeit in common parlance it is used in a variety of contexts, when discussed as a fallacy, equivocation only*  
38 *occurs when the arguer makes a word or phrase employed in two (or more) different senses in an argument*  
39 *appear to have the same meaning throughout.*<sup>31</sup>

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<sup>31</sup> Damer, T. Edward (2009), *Attacking Faulty Reasoning: A Practical Guide to Fallacy-free Arguments* (6th ed.), Wadsworth, p. 121, ISBN 978-0-495-09506-4

Fischer, D. H. (June 1970), *Historians' fallacies: toward a logic of historical thought*, Harper torchbooks (first ed.), New York: HarperCollins, p. 274, ISBN 978-0-06-131545-9, OCLC 185446787

1           It is therefore distinct from (semantic) ambiguity, which means that the context doesn't make the meaning of the  
2 word or phrase clear, and ambiboly (or syntactical ambiguity), which refers to ambiguous sentence structure  
3 due to punctuation or syntax.<sup>32</sup>  
4 [Wikipedia: Equivocation, Downloaded 9/15/2015; SOURCE: <https://en.wikipedia.org/wiki/Equivocation>]

5 During judicial confirmation hearings for Prospective U.S. Supreme Court Justice Brett Kavanaugh, the phrase  
6 “unequivocally” was frequently used by Kavanaugh.

7           **unequivocal**

8           adjective

9           un-equiv-o-cal | \ ,ən-i- 'kwi-və-kəl |

10          Definition of unequivocal

11          1 : leaving no doubt : clear, unambiguous

12          2 : unquestionable production of unequivocal masterpieces —Carole Cook  
13 [Merriam-Webster Dictionary: Unequivocal, Downloaded 10/2/2018; SOURCE: [https://www.merriam-](https://www.merriam-webster.com/dictionary/unequivocal)  
14 [webster.com/dictionary/unequivocal](https://www.merriam-webster.com/dictionary/unequivocal)]

15 By using that word, the judicial candidate meant “without equivocation”. The presumption established by that use of such a  
16 word is that “equivocation” is the usual norm for all judges, and of course he was right.

17 Equivocation is maliciously abused mainly by government and the legal field to:

- 18 1. Confuse PUBLIC statutory “persons” and public offices with PRIVATE human beings.  
19 1.1. PUBLIC statutory “persons” are subject to the civil statutory law.  
20 1.2. PRIVATE human beings are not subject to civil statutory law unless they FIRST consent to act as a public  
21 officer.

22 For details on this dichotomy, see:

[Why Statutory Civil Law is Law for Government and Not Private Persons](http://sedm.org/Forms/FormIndex.htm), Form #05.037  
<http://sedm.org/Forms/FormIndex.htm>

- 23 2. Confuse the GEOGRAPHICAL context of “United States” and “State” with the LEGAL context.  
24 2.1. The “United States” and “State” in “acts of Congress, in a GEOGRAPHICAL sense means federal territory and  
25 excludes states of the Union. See 26 U.S.C. §7701(a)(9) and (a)(10) and 4 U.S.C. §110(d) .  
26 2.2. The “United States” and “State” can also be used in a LEGAL context, whereby it implies the United States  
27 government corporation as a legal person and not a geographical place. To be “in” this “United States” means to  
28 be a public officer of the body corporate, which is a federal corporation.

29 For details on this dichotomy, see:

[Non-Resident Non-Person Position](http://sedm.org/Forms/FormIndex.htm), Form #05.020, Sections 4 through 5  
<http://sedm.org/Forms/FormIndex.htm>

- 30 3. Confuse STATUTORY citizens or residents with CONSTITUTIONAL citizens or residents. These groups are  
31 mutually exclusive and non-overlapping.  
32 3.1. A STATUTORY citizen is someone born on federal territory subject to the exclusive jurisdiction of Congress.  
33 This type of citizen is a creation and franchise of Congress created exclusively under the authority of 8 U.S.C.  
34 §1401 and NOT the Fourteenth Amendment. This is a civil statutory status that implies a domicile on federal  
35 territory and NOT a constitutional state.  
36 3.2. A CONSTITUTIONAL citizen is a human being and not an artificial entity or office. This human being is born  
37 in a CONSTITUTIONAL state of the Union and outside of federal territory. This type of citizen is created under  
38 the authority of the Fourteenth Amendment and NOT 8 U.S.C. §1401. This is a CONSTITUTIONAL status  
39 rather than a civil statutory status. It requires the person to “reside” in a constitutional state of the Union,  
40 meaning to have a domicile there. If they do not, then they are not even Fourteenth Amendment citizens, but  
41 nonresidents and transient foreigners. “reside” in the Fourteenth Amendment implies DOMICILE per Saenz v.

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<sup>32</sup> Damer, T. Edward (2009), Attacking Faulty Reasoning: A Practical Guide to Fallacy-free Arguments (6th ed.), Wadsworth, p. 123, ISBN 978-0-495-09506-4

Roe, 526 U.S. 473, 119 S.Ct. 1430, 143 L.Ed.2d. 635 (1999).

For details on this dichotomy, see:

[Why You are a "national", "state national", and Constitutional but not Statutory Citizen](http://sedm.org/Forms/FormIndex.htm), Form #05.006  
<http://sedm.org/Forms/FormIndex.htm>

4. Confuse "subject to THE jurisdiction" in the Fourteenth Amendment with "subject to ITS jurisdiction" in federal statutes.
  - 4.1. "Subject to THE jurisdiction" means the POLITICAL and not LEGISLATIVE jurisdiction. This phrase is found in the Fourteenth Amendment and sometimes in federal statutes. It has a completely different meaning in each of the two contexts.
  - 4.2. "Subject to ITS jurisdiction" means subject to the LEGISLATIVE and not POLITICAL jurisdiction. This phrase is commonly found in federal statutes only and not the constitution.

The following sections will break down each of the above four areas where equivocation is commonly abused mainly by judges and lawyers to illegally and unconstitutional expand their jurisdiction and importance.

## **19.2 How Governments Abuse CONFUSION OVER CONTEXT in Statutes and/or Government Forms to Deliberately Create False Presumptions that Deceive, Injure, and Violate Rights of Readers**

Next, we must address the main methods by which government employees abuse language in order to deceive those reading or administering the law. The following primary methods are used:

1. Using the expansive or additive sense of the word "includes" within definitions appearing in the code and falsely claiming that such a use authorizes them to add ANYTHING THEY WANT to the meaning of definition of the term. We cover this in Form #05.014, Section 15.2.3.8.
2. Deliberately specifying in a statute or form a vague definition or no definition at all of key words, thus:
  - 2.1. Inviting false presumptions for confusion of what context is intended.
  - 2.2. Leaving undue discretion to readers, judges, and juries when disputes over meaning occur in order to add whatever they want to the meaning of terms.The above approach is discussed in Form #05.014, Section 15.2.3.5, where we talk about the "Void for Vagueness Doctrine".
3. Abusing words on government forms as follows to confuse the ORDINARY context with the STATUTORY context, both of which are usually MUTUALLY EXCLUSIVE and opposite to each other:
  - 3.1. Making the reader believe that the word is used in its ORDINARY rather than STATUTORY meaning.
  - 3.2. Telling the reader that they aren't allowed to trust anything on the form.
  - 3.3. Refusing to clarify WHICH of the two contexts is intended, or that they are NOT equivalent, in the instructions for the form.
  - 3.4. When the person who is asked to fill out the form asks the government representative which of the two contexts are intended, maliciously and deliberately refusing to clarify, so that they the government can protect itself from blame for what usually ends up being PERJURY on the form when the person filling it out PRESUMES that the ordinary rather than the STATUTORY meaning applies.
  - 3.5. Examples of words that fit this category:
    - 3.5.1. "United States"
    - 3.5.2. "State"
    - 3.5.3. "Employee"
    - 3.5.4. "Income"
    - 3.5.5. "Person"
    - 3.5.6. "Individual"
4. Abusing words on government forms and statutes to confuse the LEGAL/STATUTORY context with the POLITICAL/CONSTITUTIONAL context, both of which are usually MUTUALLY EXCLUSIVE and opposite to each other:
  - 4.1. There are two main contexts for "terms": Constitutional and Statutory. These two contexts, in nearly all cases, are MUTUALLY EXCLUSIVE and do not overlap geographically because of the separation of powers doctrine.
  - 4.2. The CONSTITUTIONAL context of "United States" is a POLITICAL use of the word that includes states of the Union and excludes federal territory, while the STATUTORY context of the term refers to the LEGAL sense of the word and includes federal territory but excludes states of the Union in nearly all cases.



4.3. An example of such an abuse is to ask you whether you are a “U.S. citizen”, assuming it means the LEGAL and STATUTORY sense, but making the reader believe it means the POLITICAL and CONSTITUTIONAL sense. This fraud is exhaustively explained in the following document:

[Why You are a “national”, “state national”, and Constitutional but not Statutory Citizen](http://sedm.org/Forms/FormIndex.htm), Form #05.006  
<http://sedm.org/Forms/FormIndex.htm>

### 19.3 PUBLIC v. PRIVATE context

The purpose for establishing all civil government is the protection of PRIVATE rights. The Declaration of Independence affirms this principle.

*“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, 1776]*

All the authority delegated to any government derives from the CONSENT of those it governs. Any government that does not respect or protect the requirement for consent of the governed in a civil context is, in fact, a terrorist government.

**TER-ROR-ISM** noun 1 The act of terrorizing. 2 A system of government that seeks to rule by intimidation. 3 Violent and unlawful acts of violence committed in an organized attempt to overthrow a government.

*[Original (pre-Orwellian) Definition of the Word "Terrorism"  
Funk and Wagnalls New Practical Standard Dictionary (1946)]*

The U.S. Supreme Court has held that PRIVATE rights are beyond the legislative power of the state and identifies any so-called “government” that neither recognizes private rights nor protects them as a “vain government”. We would add that such a government is NO GOVERNMENT AT ALL, but a TERRORIST MAFIA and criminal extortion ring.

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

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

*“The Legislature may enjoin, permit, forbid, and punish; they may declare new crimes; and establish rules of conduct for all its citizens in future cases; they may command what is right, and prohibit what is wrong; but they [the government] cannot change innocence [a “nontaxpayer”] into guilt [a “taxpayer”]; or punish innocence as a crime [criminally prosecute a “nontaxpayer” for violation of the tax laws]; or violate the right of an antecedent lawful private contract; or the right of private property. To maintain that our Federal, or State, Legislature possesses such powers [of THEFT and FRAUD], if they had not been expressly restrained; would, \*389 in my opinion, be a political heresy, altogether inadmissible in our free republican governments.”*

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

*“It must be conceded that there are [PRIVATE] rights [and property] in every free government beyond the control of the State for any judge or jury. A government which recognized no such rights, which held the lives, liberty and property of its citizens, subject at all times to the disposition and unlimited control of even the most democratic depository of power, is after all a despotism. It is true that it is a despotism of the many--of the majority, if you choose to call it so--but it is not the less a despotism.”*

*[Loan Ass’n v. Topeka, 87 U.S. (20 Wall.) 655, 665 (1874)]*

The first step in protecting private rights is to protect citizens from having their PRIVATE property converted into PUBLIC property without their consent. Governments implement this principle by:

1. Presuming that all your property is PRIVATE property beyond their legislative control until the government meets the burden of proof of showing that you donated it to the government.

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

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

- 9 2. Not allowing you to consent to alienate private rights, meaning consent to donate PRIVATE rights to the government  
10 and therefore converting it to PUBLIC property if you are protected by the Constitution. An "unalienable right"  
11 mentioned in the Declaration of Independence is, after all, a right that YOU ARE NOT ALLOWED BY LAW to  
12 consent to donate to or give away to a government.

13 "We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator  
14 with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness.--That to secure  
15 these rights, Governments are instituted among Men, deriving their just powers from the consent of the governed,  
16 -"

17 [Declaration of Independence, 1776]

18 "Unalienable. Inalienable; incapable of being aliened, that is, sold and transferred."

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

- 20 3. Ensuring that the ONLY people who can donate PRIVATE property to the government and thereby ALIENATE a  
21 right are those domiciled on federal territory not protected by the Constitution.

22 "Indeed, the practical interpretation put by Congress upon the Constitution has been long continued and uniform  
23 to the effect [182 U.S. 244, 279] that the Constitution is applicable to territories acquired by purchase or  
24 conquest, only when and so far as Congress shall so direct. Notwithstanding its duty to 'guarantee to every  
25 state in this Union a republican form of government' (art. 4, 4), by which we understand, according to the  
26 definition of Webster, 'a government in which the supreme power resides in the whole body of the people, and  
27 is exercised by representatives elected by them,' Congress did not hesitate, in the original organization of the  
28 territories of Louisiana, Florida, the Northwest Territory, and its subdivisions of Ohio, Indiana, Michigan,  
29 Illinois, and Wisconsin and still more recently in the case of Alaska, to establish a form of government bearing  
30 a much greater analogy to a British Crown colony than a republican state of America, and to vest the legislative  
31 power either in a governor and council, or a governor and judges, to be appointed by the President. It was not  
32 until they had attained a certain population that power was given them to organize a legislature by vote of the  
33 people. In all these cases, as well as in territories subsequently organized west of the Mississippi, Congress  
34 thought it necessary either to extend to Constitution and laws of the United States over them, or to declare that  
35 the inhabitants should be entitled to enjoy the right of trial by jury, of bail, and of the privilege of the writ of  
36 habeas corpus, as well as other privileges of the bill of rights."

37 [Downes v. Bidwell, 182 U.S. 244 (1901)]

- 38 4. Enacting civil laws that can and do regulate ONLY:  
39 4.1. Use of PUBLIC property owned by the government. This includes federal territory and federal chattel property.  
40 4.2. Conduct of PUBLIC officers within the government.  
41 5. Never enacting a law that gives any government any right or advantage over those governed because all "persons" are  
42 equal under the law.

43 Consistent with the above:

- 44 1. The following document proves that all civil law enacted by the government can and does pertain only to public  
45 officers on official business and does not pertain to PRIVATE people:

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

- 46 2. All "persons" defined in government civil statutes are, in fact, public officers within the government and not private  
47 human beings. They are:  
48 2.1. "Officers of a corporation", which corporation is a federal corporation and government instrumentality.  
49 2.2. "Partners" with such a federal corporation who entered into partnership by signing a government form or  
50 application.

51 For proof, see the definitions of "person" found in 26 U.S.C. §6671(b) and 26 U.S.C. §7343, which identify all  
52 "persons" within the I.R.C. as employees or officers of a corporation. 5 U.S.C. §2105(a) in turn says that these  
53 "employees" are in fact public officers.

1 [TITLE 26 > Subtitle F > CHAPTER 68 > Subchapter B > PART I > § 6671](#)  
2 [§ 6671. Rules for application of assessable penalties](#)

3 (b) Person defined

4 The term "person", as used in this subchapter, includes an officer or employee of a corporation, or a member or  
5 employee of a partnership, **who as such officer, employee, or member is under a duty to perform the act in**  
6 **respect of which the violation occurs.**  
7

8 [TITLE 26 > Subtitle F > CHAPTER 75 > Subchapter D > § 7343](#)  
9 [§ 7343. Definition of term "person"](#)

10 The term "person" as used in this chapter includes an officer or employee of a corporation, or a member or  
11 employee of a partnership, who as such officer, employee, or member is under a duty to perform the act in respect  
12 of which the violation occurs.

- 13 3. All taxes, fees, or penalties the government charges must always be connected with public offices in the U.S.  
14 government. The income tax is upon ONLY those lawfully engaged in a public office in the U.S. government. This  
15 activity is defined in the Internal Revenue Code as a "trade or business", which 26 U.S.C. §7701(a)(26) defines as "the  
16 functions of a public office".

17 [26 U.S.C. §7701\(a\)\(26\)](#)

18 "The term 'trade or business' **includes** [is limited to] the performance of the functions of a **public office.**"

19 Judges and government prosecutors are keenly aware of the above limitations and frequently attempt to try to unlawfully and  
20 criminally enlarge their jurisdiction by adding things to the definition of "person" or "individual" that do not and cannot  
21 expressly appear in the statutes themselves. This is most frequently done by abusing the word "includes" as indicated  
22 throughout this pamphlet.

23 When anyone in government, whether it be a corrupt covetous judge or a government prosecutor, claims that you had a duty  
24 or "obligation" under any civil statute to do anything, you should always insist on them meeting the burden of proving that:

- 25 1. You lawfully occupied a public office at the time the transaction occurred.  
26 2. You expressly consented to occupy the public office. Otherwise, you are being subjected to involuntary servitude.  
27 3. Your domicile was on federal territory at the time you consented to lawfully occupy the public office.  
28 4. The public office was lawfully created and expressly authorized to be exercised in the place it was exercised as  
29 required by 4 U.S.C. §72.  
30 5. The franchise statute imposing the duty expressly authorizes the CREATION of the public office you allegedly  
31 occupy.  
32 6. The property that is the subject of the tax or penalty or fee was PUBLIC PROPERTY and BECAME public property  
33 by your voluntary consent, if you are the owner.  
34 7. The statutes defining the "person", "individual", or "taxpayer" who is the subject of the tax, fee, or penalty  
35 EXPRESSLY INCLUDE PRIVATE human beings. Otherwise, they are presumed to be "purposefully excluded"  
36 under the rules of statutory construction.

37 An easy way to challenge the above presumptions is using the following document on our site, which shifts the burden of  
38 proof to the government and forces the government to fulfill that burden of proof in a very convincing way before a common  
39 law jury:

[Proof Of Claim: Your Main Defense Against Government Greed and Corruption, Form #09.073](#)  
<http://sedm.org/Forms/FormIndex.htm>

40 For further information relating to the subject of this section, please see:

- 41 1. [Separation Between Public and Private Course](#), Form #12.025-how to challenge the usually false presumption that you  
42 are operating in a PUBLIC capacity  
43 <http://sedm.org/Forms/FormIndex.htm>

- 1 2. Why Statutory Civil Law is Law for Government and Not Private Persons, Form #05.037-why the government can't  
2 enact civil law to regulate private human beings.  
3 <http://sedm.org/Forms/FormIndex.htm>
- 4 3. Government Instituted Slavery Using Franchises, Form #05.030-how franchises are unlawfully abused by corrupt  
5 rulers to convert all "citizens" and "residents" into public offices in the government.  
6 <http://sedm.org/Forms/FormIndex.htm>
- 7 4. Proof That There Is a "Straw Man", Form #05.042-how the "person" in all federal civil law is associated with only  
8 public officers.  
9 <http://sedm.org/Forms/FormIndex.htm>
- 10 5. The "Trade or Business" Scam, Form #05.001-why the federal income tax is upon public offices in the government  
11 called a "trade or business".  
12 <http://sedm.org/Forms/FormIndex.htm>
- 13 6. Why Your Government is Either a Thief or You are a "Public Officer" for Income Tax Purposes, Form #05.008-why  
14 all "taxpayers" are public officers.  
15 <http://sedm.org/Forms/FormIndex.htm>
- 16 7. Corporatization and Privatization of the Government, Form #05.024-how the government has been transformed into a  
17 de facto government by turning it into a private corporation that does not recognize private rights.  
18 <http://sedm.org/Forms/FormIndex.htm>
- 19 8. De Facto Government Scam, Form #05.043-why the present government is a fraud because they have turned all  
20 "citizens" and "residents" into public officers.  
21 <http://sedm.org/Forms/FormIndex.htm>

## 22 **19.4 GEOGRAPHICAL v. LEGAL context for words "United States" and "State"**

23 It is fundamental to the legal field that anything outside the geographical territory of a government entity is "nonresident"  
24 and beyond its jurisdiction, except of course those things that it does with the consent of the nonresident parties. This consent  
25 is called "comity":

26 *"Every State or nation possesses an exclusive sovereignty and jurisdiction within her own territory, and her laws  
27 affect and bind all property and persons residing within it. It may regulate the manner and circumstances under  
28 which property is held, and the condition, capacity, and state of all persons therein, and also the remedy and  
29 modes of administering justice. **And it is equally true that no State or nation can affect or bind property out of  
30 its territory, or persons not residing [domiciled] within it. No State therefore can enact laws to operate beyond  
31 its own dominions, and if it attempts to do so, it may be lawfully refused obedience. Such laws can have no  
32 inherent authority extraterritorially. This is the necessary result of the independence of distinct and separate  
33 sovereignties.**"*

34 *"Now it follows from these principles that **whatever force or effect the laws of one State or nation may have in  
35 the territories of another must depend solely upon the laws and municipal regulations of the latter, upon its  
36 own jurisprudence and polity, and upon its own express or tacit consent.**"*  
37 *[Dred Scott v. John F.A. Sanford, 60 U.S. 393 (1856)]*

38 It should also be emphasized that the States of the Union mentioned in the Constitution are not legally defined as "territory"  
39 as described in the above holding. This means that they are legislatively (but not constitutionally) foreign and sovereign in  
40 relation to the national government, and therefore incapable of being "States" as used within ordinary STATUTORY acts of  
41 Congress:

42 *Corpus Juris Secundum Legal Encyclopedia*  
43 *"§1. Definitions, Nature, and Distinctions*

44 *"The word 'territory,' when used to designate a political organization has a distinctive, fixed, and legal  
45 meaning under the political institutions of the United States, and does not necessarily include all the territorial  
46 possessions of the United States, but may include only the portions thereof which are organized and exercise  
47 governmental functions under act of congress."*

48 *"While the term 'territory' is often loosely used, and has even been construed to include municipal subdivisions  
49 of a territory, and 'territories of the' United States is sometimes used to refer to the entire domain over which the  
50 United States exercises dominion, the word 'territory,' when used to designate a political organization, has a  
51 distinctive, fixed, and legal meaning under the political institutions of the United States, and the term 'territory'  
52 or 'territories' does not necessarily include only a portion or the portions thereof which are organized and  
53 exercise government functions under acts of congress. The term 'territories' has been defined to be political  
54 subdivisions of the outlying dominion of the United States, and in this sense the term 'territory' is not a description*

1 of a definite area of land but of a political unit governing and being governed as such. The question whether a  
2 particular subdivision or entity is a territory is not determined by the particular form of government with which  
3 it is, more or less temporarily, invested.

4 "Territories' or 'territory' as including 'state' or 'states.'" While the term 'territories of the' United States may,  
5 under certain circumstances, include the states of the Union, as used in the federal Constitution and in  
6 ordinary acts of congress "territory" does not include a [foreign state](#).

7 "As used in this title, the term 'territories' generally refers to the political subdivisions created by congress,  
8 and not within the boundaries of any of the several states."  
9 [86 Corpus Juris Secundum (C.J.S.), Territories, §1 (2003)]

10 Consistent with the above, the same Corpus Juris Secundum Legal Encyclopedia describes the national government as a  
11 "foreign corporation" in relation to a state of the Union:

12 "A foreign corporation is one that derives its existence solely from the laws of another state, government, or  
13 country, and the term is used indiscriminately, sometimes in statutes, to designate either a corporation created  
14 by or under the laws of another state or a corporation created by or under the laws of a foreign country."

15 "A federal corporation operating within a state is considered a domestic corporation rather than a foreign  
16 corporation. **The United States government is a [foreign corporation with respect to a state](#)."**  
17 [19 Corpus Juris Secundum (C.J.S.), Corporations, §883 (2003)]  
18

19 "A corporation is a citizen, [resident](#), or inhabitant of the state or country by or under the laws of which it was  
20 created, and of that state or country only."  
21 [19 Corpus Juris Secundum (C.J.S.), Corporations, §886 (2003)]

22 In the GEOGRAPHICAL context within the Internal Revenue Code, the term "United States" and "State" have the following  
23 meanings:

24 [TITLE 26 > Subtitle F > CHAPTER 79 > Sec. 7701. \[Internal Revenue Code\]](#)  
25 [Sec. 7701. - Definitions](#)

26 (a) When used in this title, where not otherwise distinctly expressed or manifestly incompatible with the intent  
27 thereof—

28 (9) United States

29 The term "United States" when used in a geographical sense includes only [the States](#) and the District of  
30 Columbia.

31 (10) State

32 The term "State" shall be construed to include the District of Columbia, where such construction is necessary to  
33 carry out provisions of this title.

34  
35 TITLE 4 - FLAG AND SEAL, SEAT OF GOVERNMENT, AND THE STATES

36 CHAPTER 4 - **THE STATES**

37 [Sec. 110. Same; definitions](#)

38 (d) The term "State" includes any [Territory](#) or possession of the United States.

39 Anything OUTSIDE of the GEOGRAPHICAL "United States" as defined above is "foreign", beyond the jurisdiction of the  
40 government, and therefore sovereign. Included within that legislatively "foreign" and "sovereign" area are both the  
41 constitutional states of the Union AND foreign countries. Anyone domiciled in a legislatively "foreign" or "sovereign"  
42 jurisdiction, REGARDLESS OF THEIR NATIONALITY, is a "non-resident non-person" for the purposes of income  
43 taxation. If they are also engaged in a public office, they are a "nonresident alien", "individual", and "taxpayer". This is  
44 exhaustively proven and explained with evidence in the following document:



Another important thing about the above definition is that:

1. It relates ONLY to the GEOGRAPHICAL CONTEXT of the word.
2. Not every use of the term “United States” implies the GEOGRAPHIC context.
3. The ONLY way to verify which context is implied in each case is if they EXPRESSLY identify whether they mean “United States\*\*\*\*” the legal person or “United States\*\*” federal territory in each case. All other contexts are NOT expressly invoked in the Internal Revenue Code and therefore PURPOSEFULLY EXCLUDED per the rules of statutory construction. The DEFAULT context in the absence of expressly invoking the GEOGRAPHIC context is “United States\*\*\*\*” the legal person and NOT a geographic place. This is how they do it in the case of the phrase “sources within the United States”.

Therefore, “United States” and “State”, WHEN USED IN A GEOGRAPHICAL sense imply federal territory within the exclusive jurisdiction of Congress. It does not imply any land within the exclusive jurisdiction of a Constitutional State. This requirement is a fulfillment of the Separation of Powers Doctrine of the U.S. Supreme Court, in fact.

One can be “legally present” within a jurisdiction WITHOUT being PHYSICALLY present within a GEOGRAPHIC region. For example, you can be regarded as a “resident” within the Internal Revenue Code, Subtitles A and C without ever being physically present in the only place it applies, which is federal territory not part of any state of the Union. Earlier versions of the Internal Revenue regulations demonstrate how this happens:

26 C.F.R. §301.7701-5 Domestic, foreign, resident, and nonresident persons.

*A domestic corporation is one organized or created in the United States, including only the States (and during the periods when not States, the Territories of Alaska and Hawaii), and the District of Columbia, or under the law of the United States or of any State or Territory. A foreign corporation is one which is not domestic. A domestic corporation is a resident corporation even though it does no business and owns no property in the United States. **A foreign corporation engaged in trade or business within the United States is referred to in the regulations in this chapter as a resident foreign corporation, and a foreign corporation not engaged in trade or business within the United States, as a nonresident foreign corporation.** A partnership engaged in trade or business within the United States is referred to in the regulations in this chapter as a resident partnership, and a partnership not engaged in trade or business within the United States, as a nonresident partnership. **Whether a partnership is to be regarded as resident or nonresident is not determined by the nationality or residence of its members or by the place in which it was created or organized.***

[Amended by T.D. 8813, Federal Register: February 2, 1999 (Volume 64, Number 21), Page 4967-4975]  
[SOURCE: <http://famguardian.org/TaxFreedom/CitesByTopic/Resident-26cfr301.7701-5.pdf>]

The corporations and partnerships mentioned above represent the ONLY “persons” who are “taxpayers” in the Internal Revenue Code, because they are the only entities expressly mentioned in the definition of “person” found at 26 U.S.C. §6671(b) and 26 U.S.C. §7343. It is a rule of statutory construction that any thing or class of thing not EXPRESSLY appearing in a definition is purposefully excluded by implication:

*“**Expressio unius est exclusio alterius.** A maxim of statutory interpretation meaning that **the expression of one thing is the exclusion of another.** *Burgin v. Forbes*, 293 Ky. 456, 169 S.W.2d. 321, 325; *Newblock v. Bowles*, 170 Okl. 487, 40 P.2d. 1097, 1100. Mention of one thing implies exclusion of another. **When certain persons or things are specified in a law, contract, or will, an intention to exclude all others from its operation may be inferred.** Under this maxim, if statute specifies one exception to a general rule or assumes to specify the effects of a certain provision, other exceptions or effects are excluded.”*  
[Black’s Law Dictionary, Sixth Edition, p. 581]

*“The United States Supreme Court cannot supply what Congress has studiously omitted in a statute.”*  
[Federal Trade Com. v. Simplicity Pattern Co., 360 U.S. 55, p. 55, 475042/56451 (1959)]

These same artificial “persons” and therefore public offices within 26 U.S.C. §§6671(b) and 7343, are also NOT mentioned in the constitution either. All constitutional “persons” or “people” are human beings, and therefore the tax imposed by the Internal Revenue Code, Subtitles A and C and even the revenue clauses within the United States Constitution itself at 1:8:1 and 1:8:3 can and do relate ONLY to human beings and not artificial “persons” or corporations:

1                    “Citizens of the United States within the meaning of this Amendment must be natural and not artificial  
2                    persons; a corporate body is not a citizen of the United States.”<sup>14</sup>

3  
4                    FOOTNOTES:

5                    14 *Insurance Co. v. New Orleans*, 13 Fed.Cas. 67 (C.C.D.La. 1870). Not being citizens of the United States,  
6                    corporations accordingly have been declared unable "to claim the protection of that clause of the Fourteenth  
7                    Amendment which secures the privileges and immunities of citizens of the United States against abridgment or  
8                    impairment by the law of a State." *Orient Ins. Co. v. Dagg*, [172 U.S. 557](#), 561 (1869) . This conclusion was in  
9                    harmony with the earlier holding in *Paul v. Virginia*, 75 U.S. (8 Wall.) 168 (1869), to the effect that corporations  
10                   were not within the scope of the privileges and immunities clause of state citizenship set out in Article IV, Sec. 2.  
11                   See also *Selover, Bates & Co. v. Walsh*, [226 U.S. 112](#), 126 (1912) ; *Berea College v. Kentucky*, [211 U.S. 45](#) (1908)  
12                   ; *Liberty Warehouse Co. v. Tobacco Growers*, [276 U.S. 71](#), 89 (1928) ; *Grosjean v. American Press Co.*, [297 U.S.](#)  
13                   [233](#), 244 (1936) .

14                    [Annotated Fourteenth Amendment, Congressional Research Service.

15                    SOURCE: [http://www.law.cornell.edu/anncon/html/amdt14a\\_user.html#amdt14a\\_hd1](http://www.law.cornell.edu/anncon/html/amdt14a_user.html#amdt14a_hd1)]

16                   One is therefore ONLY regarded as a “resident” within the Internal Revenue Code if and ONLY if they are engaged in the  
17                   “trade or business” activity, which is defined in 26 U.S.C. §7701(a)(26) as “the functions of a public office”. This mechanism  
18                   for acquiring jurisdiction is documented in Federal Rule of Civil Procedure 17(b) . [Federal Rule of Civil Procedure 17\(b\)](#)  
19                   says that when we are representing a federal and not state corporation as “officers” or statutory “employees” per 5 U.S.C.  
20                   §2105(a) , the civil laws which apply are the place of formation and domicile of the corporation, which in the case of the  
21                   government of “U.S. Inc.” is ONLY the District of Columbia:

22                    IV. PARTIES > Rule 17.

23                    [Rule 17. Parties Plaintiff and Defendant; Capacity](#)

24                    (b) *Capacity to Sue or be Sued.*

25                    Capacity to sue or be sued is determined as follows:

26                    (1) for an individual who is not acting in a representative capacity, by the law of the individual's domicile;

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

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

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

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

34                    [[Federal Rule of Civil Procedure 17\(b\)](#)]

35                   Please note the following very important facts:

- 36                   1. The “person” which IS physically present on federal territory in the context of Federal Rule of Civil Procedure 17(b)(2)  
37                   scenario is the PUBLIC OFFICE, rather than the OFFICER who is CONSENSUALLY and LAWFULLY filling said  
38                   office.  
39                   2. The PUBLIC OFFICE is the statutory “taxpayer” per 26 U.S.C. §7701(a)(14) , and not the human being filling said  
40                   office.  
41                   3. The OFFICE is the thing the government created and can therefore regulate and tax. They can ONLY tax and regulate  
42                   that which they created.<sup>33</sup> The public office has a domicile in the District of Columbia per 4 U.S.C. §72, which is the  
43                   same domicile as that of its CORPORATION parent.  
44                   4. Because the parent government corporation of the office is a STATUTORY but not CONSTITUTIONAL “U.S.  
45                   citizen”, then the public office itself is ALSO a statutory citizen per 26 C.F.R. §1.1-1(c). All creations of a government  
46                   have the same civil status as their creator and the creation cannot be greater than the creator:

47                    “A corporation is a citizen, *resident*, or inhabitant of the state or country by or under the laws of which it was  
48                    created, and of **that state or country only.**”

33 See [Great IRS Hoax](#), Form #11.302, Section 5.1.1 entitled “The Power to Create is the Power to Tax”. SOURCE:  
<http://famguardian.org/Publications/GreatIRSHoax/GreatIRSHoax.htm>.

5. An oath of office is the ONLY lawful method by which a specific otherwise PRIVATE person can be connected to a specific PUBLIC office.

"It is true, that the person who accepts an office may be supposed to enter into a compact [contract] to be answerable to the government, which he serves, for any violation of his duty; and, having taken the oath of office, he would unquestionably be liable, in such case, to a prosecution for perjury in the Federal Courts. But because one man, by his own act, renders himself amenable to a particular jurisdiction, shall another man, who has not incurred a similar obligation, be implicated? If, in other words, it is sufficient to vest a jurisdiction in this court, that a Federal Officer is concerned; if it is a sufficient proof of a case arising under a law of the United States to affect other persons, that such officer is bound, by law, to discharge his duty with fidelity; a source of jurisdiction is opened, which must inevitably overflow and destroy all the barriers between the judicial authorities of the State and the general government. Anything which can prevent a Federal Officer from the punctual, as well as from an impartial, performance of his duty; an assault and battery; or the recovery of a debt, as well as the offer of a bribe, may be made a foundation of the jurisdiction of this court; and, considering the constant disposition of power to extend the sphere of its influence, fictions will be resorted to, when real cases cease to occur. A mere fiction, that the defendant is in the custody of the marshal, has rendered the jurisdiction of the King's Bench universal in all personal actions."

[United States v. Worrall, 2 U.S. 384 (1798)]

SOURCE: [http://scholar.google.com/scholar\\_case?case=3339893669697439168](http://scholar.google.com/scholar_case?case=3339893669697439168)

Absent proof on the record of such an oath in any legal proceeding, any enforcement proceeding against a "taxpayer" public officer must be dismissed. The oath of public office:

5.1. Makes the OFFICER into legal surety for the PUBLIC OFFICE.

5.2. Creates a partnership between the otherwise private officer and the government. That is the ONLY partnership within the statutory meaning of "person" found in 26 U.S.C. §7343 and 26 U.S.C. §6671(b).

6. The reason that "United States" is defined as expressly including ONLY the District of Columbia in 26 U.S.C. §7701(a)(9) and (a)(10) is because that is the ONLY place that "public officers" can lawfully serve, per 4 U.S.C. §72:

[TITLE 4 > CHAPTER 3 > § 72](#)

[Sec. 72. - Public offices; at seat of Government](#)

*All offices attached to the seat of government shall be exercised in the District of Columbia, and not elsewhere, except as otherwise expressly provided by law*

7. Even within privileged federal corporations, not all workers are "officers" and therefore "public officers". Only the officers of the corporation identified in the corporate filings, in fact, are officers and public officers. Every other worker in the corporation is EXCLUSIVELY PRIVATE and NOT a statutory "taxpayer".
8. The authority for instituting the "trade or business" franchise tax upon public officers in the District of Columbia derives from the following U.S. Supreme Court cite:

"Loughborough v. Blake, 5 Wheat. 317, 5 L.Ed. 98, was an action of trespass or, as appears by the original record, replevin, brought in the circuit court for the District of Columbia to try the right of Congress to impose a direct tax for general purposes on that District. 3 Stat. at L. 216, chap. 60. It was insisted that Congress could act in a double capacity: in one as legislating [182 U.S. 244, 260] for the states; in the other as a local legislature for the District of Columbia. In the latter character, it was admitted that the power of levying direct taxes might be exercised, but for District purposes only, as a state legislature might tax for state purposes; but that it could not legislate for the District under art. 1, 8, giving to Congress the power 'to lay and collect taxes, imposts, and excises,' which 'shall be uniform throughout the United States,' inasmuch as the District was no part of the United States [described in the Constitution]. It was held that the grant of this power was a general one without limitation as to place, and consequently extended to all places over which the government extends; and that it extended to the District of Columbia as a constituent part of the United States. The fact that art. 1, 2, declares that 'representatives and direct taxes shall be apportioned among the several states . . . according to their respective numbers' furnished a standard by which taxes were apportioned, but not to exempt any part of the country from their operation. The words used do not mean that direct taxes shall be imposed on states only which are represented, or shall be apportioned to representatives; but that direct taxation, in its application to states, shall be apportioned to numbers.' That art. 1, 9, 4, declaring that direct taxes shall be laid in proportion to the census, was applicable to the District of Columbia, 'and will enable Congress to apportion on it its just and equal share of the burden, with the same accuracy as on the respective states. If the tax be laid in this proportion, it is within the very words of the restriction. It is a tax in proportion to the census or enumeration referred to.' It was further held that the words of the 9th section did not 'in terms require that the system of direct taxation, when resorted to, shall be extended to the territories, as the words of the 2d section require that it shall be extended to all the states. They therefore may, without violence, be understood to give a rule when the territories shall be taxed, without imposing the necessity of taxing them.'"

[Downes v. Bidwell, 182 U.S. 244 (1901)]

- 1 9. It is ILLEGAL for a human being domiciled in a constitutional state of the Union and protected by the Constitution and  
2 who is not physically present on federal territory to become legally present there, even with their consent:
- 3 9.1. The Declaration of Independence says your rights are “unalienable”, which means you aren’t ALLOWED to  
4 bargain them away through a franchise of office. It is organic law published in the first enactment of Congress in  
5 volume 1 of the Statutes At Large and hence has the “force of law”. All organic law and the Bill of Rights itself  
6 attach to LAND and not the status of the people on the land. Hence, unless you leave the ground protected by the  
7 Constitution and enter federal territory to contract away rights or take the oath of office, the duties of the office  
8 cannot and do not apply to those domiciled and present within a constitutional state.
- 9 9.2. You cannot unilaterally “elect” yourself into public office by filling out any tax or franchise form, even with your  
10 consent. Hence you can’t be “legally present” in the STATUTORY “United States\*\*” as a public officer even if  
11 you consent to be, if you are protected by the Constitution.
- 12 9.3. When you DO consent to occupy the office AFTER a lawful election or appointment, you take that oath on  
13 federal territory not protected by the Constitution, and therefore only in that circumstance COULD you lawfully  
14 alienate an unalienable right.
- 15 10. Since the first four commandments of the Ten Commandments prohibit Christians from worshipping or serving other  
16 gods, then they also forbid Christians from being public officers in their private life if the government has superior or  
17 supernatural powers, immunities, or privileges above everyone else, which is the chief characteristic of any god. The  
18 word “serve” in the scripture below includes serving as a public officer. The essence of religious “worship” is, in fact,  
19 obedience to the dictates of a SUPERIOR or SUPERNATURAL being. You as a human being are the “natural” in the  
20 phrase “supernatural”, so if any government or civil ruler has any more power than you as a human being, then they are  
21 a god in the context of the following scripture.

22 *“You shall have no other gods [including governments or civil rulers] before Me. You shall not make for*  
23 *yourself a carved image—any likeness of anything that is in heaven above, or that is in the earth beneath, or*  
24 *that is in the water under the earth; you shall not bow down or serve them. For I, the Lord your God, am a*  
25 *jealous God, visiting the iniquity of the fathers upon the children to the third and fourth generations of those who*  
26 *hate Me, but showing mercy to thousands, to those who love Me and keep My commandments.*  
27 *[Exodus 20:3-6, Bible, NKVJ]*

- 28 11. Any attempt to compel you to occupy or accept the obligations of a public office without your consent represents  
29 several crimes, including:
- 30 11.1. Theft of all the property and rights to property acquired by associating you with the status of “taxpayer”.
- 31 11.2. Impersonating a public officer in violation of 18 U.S.C. §912.
- 32 11.3. Involuntary servitude in violation of the Thirteenth Amendment.
- 33 11.4. Identity theft, because it connects your legal identity to obligations that you don’t consent to, all of which are  
34 associated with the statutory status of “taxpayer”.
- 35 11.5. Peonage, if the status of “taxpayer” is surety for public debts, in violation of 18 U.S.C. §1581. Peonage is slavery  
36 in connection with a debt, even if that debt is the PUBLIC debt.

37 Usually false and fraudulent information returns are the method of connecting otherwise foreign and/or nonresident parties  
38 to the “trade or business” franchise, and thus, they are being criminally abused as the equivalent of federal election devices  
39 to fraudulently “elect” otherwise PRIVATE and nonresident parties to be liable for the obligations of a public office. 26  
40 U.S.C. §6041(a) establishes that information returns which impute statutory “income” may ONLY lawfully be filed against  
41 those lawfully engaged in the “trade or business” franchise. This is covered in:

[Correcting Erroneous Information Returns, Form #04.001](http://sedm.org/Forms/FormIndex.htm)  
<http://sedm.org/Forms/FormIndex.htm>

## 42 **19.5 STATUTORY v. CONSTITUTIONAL context for citizenship terms**

43 It is very important to understand that there are TWO separate, distinct, and mutually exclusive contexts in which  
44 geographical "words of art" can be used at the federal or national level:

- 45 1. Constitutional.  
46 2. Statutory.

47 The purpose of providing a statutory definition of a legal "term" is to supersede and not enlarge the ordinary, common law,  
48 constitutional, or common meaning of a term. Geographical words of art include:

1. "State"
2. "United States"
3. "alien"
4. "citizen"
5. "resident"
6. "U.S. person"

The terms "State" and "United States" within the Constitution implies the constitutional states of the Union and excludes federal territory, statutory "States" (federal territories), or the statutory "United States" (the collection of all federal territory). This is an outcome of the separation of powers doctrine. See:

*Government Conspiracy to Destroy the Separation of Powers*, Form #05.023  
<http://sedm.org/Forms/FormIndex.htm>

The U.S. Constitution creates a public trust which is the delegation of authority order that the U.S. Government uses to manage federal territory and property. That property includes franchises, such as the "trade or business" franchise. All statutory civil law it creates can and does regulate only THAT property and not the constitutional States, which are foreign, sovereign, and statutory "aliens" for the purposes of federal legislative jurisdiction.

It is very important to realize the consequences of this constitutional separation of powers between the states and national government. Some of these consequences include the following:

1. Statutory "States" as indicated in [4 U.S.C. §110\(d\)](#) and "States" in nearly all federal statutes are in fact federal territories and the definition does NOT include constitutional states of the Union.
2. The statutory "United States" defined in [26 U.S.C. §7701\(a\)\(9\)](#) and (a)(10) and 4 U.S.C. §110(d) includes federal territory and excludes any land within the exclusive jurisdiction of a constitutional state of the Union.
3. Terms on government forms assume the statutory context and NOT the constitutional context.
4. [Domicile is the origin of civil legislative jurisdiction](#) over human beings. This jurisdiction is called "in personam jurisdiction".
5. Since the [separation of powers doctrine](#) creates two separate jurisdictions that are legislatively "foreign" in relation to each other, then there are TWO types of political communities, two types of "citizens", and two types of jurisdictions exercised by the national government.

*"It is clear that Congress, as a legislative body, exercise two species of legislative power: the one, limited as to its objects, but extending all over the Union: the other, an absolute, exclusive legislative power over the District of Columbia. The preliminary inquiry in the case now before the Court, is, by virtue of which of these authorities was the law in question passed?"*  
*[Cohens v. Virginia, 19 U.S. 264, 6 Wheat. 265, 5 L.Ed. 257 (1821)]*

6. A human being domiciled in a state and born or naturalized anywhere in the Union is a statutory "non-resident non-person" in relation to the national government and a non-citizen national pursuant to [8 U.S.C. §1101\(a\)\(21\)](#).
7. You cannot be a statutory "citizen" pursuant to 26 U.S.C. §1401 and a constitutional or Fourteenth Amendment "Citizen" AT THE SAME TIME. Why? Because the Supreme Court held in *Hooven and Allison v. Evatt*, 324 U.S. 652 (1945), that there are THREE different and mutually exclusive "United States", and therefore THREE types of "citizens of the United States". Here is an example:

**"The Court today holds that the Citizenship Clause of the Fourteenth Amendment has no application to Bellei [an 8 U.S.C. §1401 STATUTORY citizen].** The Court first notes that *Afroyim* was essentially a case construing the Citizenship Clause of the Fourteenth Amendment. Since the Citizenship Clause declares that: 'All persons born or naturalized in the United States \* \* \* are citizens of the United States \* \* \*' the Court reasons that the protections against involuntary expatriation declared in *Afroyim* do not protect all American citizens, but only those 'born or naturalized in the United States.' *Afroyim*, the argument runs, was naturalized in this country so he was protected by the Citizenship Clause, but *Bellei*, since he acquired his American citizenship at birth in Italy as a foreignborn child of an American citizen, was neither born nor naturalized in the United States and, hence, falls outside the scope of the Fourteenth Amendment guarantees declared in *Afroyim*. One could hardly call this a generous reading of the great purposes the Fourteenth Amendment was adopted to bring about. **While conceding that Bellei is an American citizen,** the majority states: 'He simply is not a Fourteenth-Amendment-first-sentence citizen.' Therefore, the majority reasons, the congressional revocation of his citizenship is not barred by the Constitution. **I cannot accept the Court's conclusion that the Fourteenth Amendment protects the citizenship of some Americans and not others.**



[...]

The Court today puts aside the Fourteenth Amendment as a standard by which to measure congressional action with respect to citizenship, and substitutes in its place the majority's own vague notions of 'fairness.' The majority takes a new step with the recurring theme that the test of constitutionality is the Court's own view of what is 'fair, reasonable, and right.' Despite the concession that Bellei was admittedly an American citizen, and despite the holding in Afroyim that the Fourteenth Amendment has put citizenship, once conferred, beyond the power of Congress to revoke, the majority today upholds the revocation of Bellei's citizenship on the ground that the congressional action was not 'irrational or arbitrary or unfair.' The majority applies the 'shock-the-conscience' test to uphold, rather than strike, a federal statute. It is a dangerous concept of constitutional law that allows the majority to conclude that, because it cannot say the statute is 'irrational or arbitrary or unfair,' the statute must be constitutional.

[Rogers v. Bellei, 401 U.S. 815 (1971)]

"The 1<sup>st</sup> section of the 14<sup>th</sup> article [Fourteenth Amendment], to which our attention is more specifically invited, opens with a definition of citizenship—not only citizenship of the United States[\*\*\*], but citizenship of the states. No such definition was previously found in the Constitution, nor had any attempt been made to define it by act of Congress. It had been the occasion of much discussion in the courts, by the executive departments and in the public journals. It had been said by eminent judges that no man was a citizen of the [\*\*\*] except as he was a citizen of one of the states composing the Union. Those therefore, who had been born and resided always in the District of Columbia or in the territories [STATUTORY citizens], though within the United States[\*], were not [CONSTITUTIONAL] citizens."

[Slaughter-House Cases, 83 U.S. (16 Wall.) 36, 21 L.Ed. 394 (1873)]

The "citizen of the United States" mentioned in the Fourteenth Amendment is a constitutional "citizen of the United States", and the term "United States" in that context includes states of the Union and excludes federal territory. Hence, you would NOT be a "citizen of the United States" within any federal statute, because all such statutes define "United States" to mean federal territory and EXCLUDE states of the Union. For more details, see:

Why You are a "national", "state national", and Constitutional but not Statutory Citizen, Form #05.006  
<http://sedm.org/Forms/FormIndex.htm>

8. Your job, if you say you are a "citizen of the United States" or "U.S. citizen" on a government form ( a VERY DANGEROUS undertaking!) is to understand that all government forms presume the statutory and not constitutional context, and to ensure that you define precisely WHICH one of the three "United States" you are a "citizen" of, and do so in a way that excludes you from the civil jurisdiction of the national government because domiciled in a "foreign state". Both foreign countries and states of the Union are legislatively "foreign" and therefore "foreign states" in relation to the national government of the United States. The following form does that very carefully:

Affidavit of Citizenship, Domicile, and Tax Status, Form #02.001  
<http://sedm.org/Forms/FormIndex.htm>

9. Even the IRS says you CANNOT trust or rely on ANYTHING on any of their forms and publications. We cover this in our Reasonable Belief About Income Tax Liability, Form #05.007. Hence, if you are compelled to fill out a government form, you have an OBLIGATION to ensure that you define all "words of art" used on the form in such a way that there is no room for presumption, no judicial or government discretion to "interpret" the form to their benefit, and no injury to your rights or status by filling out the government form. This includes attaching the following forms to all tax forms you submit:
- 9.1. Affidavit of Citizenship, Domicile, and Tax Status, Form #02.001  
<http://sedm.org/Forms/FormIndex.htm>
- 9.2. Tax Form Attachment, Form #04.201  
<http://sedm.org/Forms/FormIndex.htm>

## 19.6 "Subject to THE jurisdiction" v. "subject to ITS jurisdiction"

The phrase "subject to ITS jurisdiction" means the U.S. government and not any other state.

26 C.F.R. §1.1-1 Income tax on individuals

(c ) Who is a citizen.

1 Every person born or naturalized in the [federal] United States[\*\*] and **subject to ITS jurisdiction is a citizen.**  
2 For other rules governing the acquisition of citizenship, see chapters 1 and 2 of title III of the Immigration and  
3 Nationality Act (8 U.S.C. §1401-1459). "

4 The above definition of "citizen" applying exclusively to the Internal Revenue Code reveals that it depends on 8 U.S.C. §1401  
5 and means a human being and NOT artificial person born anywhere in the country but domiciled in the federal United  
6 States\*\*/federal zone, which includes territories or possessions and excludes states of the Union. These people possess a  
7 special "non-constitutional" class of citizenship that is not covered by the Fourteenth Amendment or any other part of the  
8 Constitution.

9 "**Finally, this Court is mindful of the years of past practice in which territorial citizenship has been treated as**  
10 **a statutory [PRIVILEGE!], and not a constitutional, right.**"  
11 [Tuana v. U.S.A., Case No. 12-01143 (D.D.C., 2013)]

12 Notice the term "born or naturalized in the United States and subject to **its** jurisdiction" within 26 C.F.R. §1.1-1, which means  
13 the exclusive legislative jurisdiction of the federal government within the District of Columbia and its territories and  
14 possessions under Article 1, Section 8, Clause 17 of the Constitution and Title 48 of the U.S. Code. If they meant to include  
15 states of the Union, they would have used "**their** jurisdiction" or "**the** jurisdiction" as used in section 1 of the Fourteenth  
16 Amendment instead of "**its** jurisdiction".

17 "The 13th Amendment to the Constitution, prohibiting slavery and involuntary servitude 'within the United States,  
18 or in any place **subject to their jurisdiction,**' is also significant as showing that there may be places within the  
19 jurisdiction of the United States that are no part of the Union. To say that the phraseology of this amendment  
20 was due to the fact that it was intended to prohibit slavery in the seceded states, under a possible interpretation  
21 that those states were no longer a part of the Union, is to confess the very point in issue, since it involves an  
22 admission that, if these states were not a part of the Union, they were still subject to the jurisdiction of the United  
23 States.

24 Upon the other hand, the 14th Amendment, upon the subject of citizenship, declares only that 'all persons born  
25 or naturalized in the United States, and subject to **the** jurisdiction thereof, are citizens of the United States, and  
26 of the state wherein they reside.' **Here there is a limitation to persons born or naturalized in the United States,**  
27 **which is not extended to persons born in any place 'subject to their jurisdiction.'**"  
28 [Downes v. Bidwell, 182 U.S. 244 (1901)]

29 The phrase "Subject to THE jurisdiction", on the other hand, is found in the Fourteenth Amendment:

30 U.S. Constitution:  
31 [Fourteenth Amendment](#)

32 Section. 1. All persons **born or naturalized in the United States[\*\*\*] and subject to the jurisdiction thereof, are**  
33 **citizens of the United States[\*\*\*]** and of the State wherein they reside.

34 This phrase "subject to THE jurisdiction":

35 1. Means "subject to the POLITICAL and not LEGISLATIVE jurisdiction".

36 "This section contemplates two sources of citizenship, and two sources only,-birth and naturalization. The  
37 persons declared to be citizens are 'all persons born or naturalized in the United States, and **subject to the**  
38 jurisdiction thereof.' The evident meaning of these last words is, not merely subject in some respect or degree to  
39 the jurisdiction of the United States, **but completely subject to their [plural, not singular, meaning states of the**  
40 **Union] political jurisdiction, and owing them [the state of the Union] direct and immediate**  
41 **allegiance.** And the words relate to the time of birth in the one case, as they do [169 U.S. 649, 725] to the time  
42 of naturalization in the other. Persons not thus subject to the jurisdiction of the United States at the time of birth  
43 cannot become so afterwards, except by being naturalized, either individually, as by proceedings under the  
44 naturalization acts, or collectively, as by the force of a treaty by which foreign territory is acquired."  
45 [U.S. v. Wong Kim Ark, 169 U.S. 649, 18 S.Ct. 456; 42 L.Ed. 890 (1898)]

46 2. Requires domicile, which is voluntary, in order to be subject ALSO to the civil LEGISLATIVE jurisdiction of the  
47 municipality one is in. Civil status always has domicile as a prerequisite.

48 In Udney v. Udney (1869) L. R. 1 H. L. Sc. 441, the point decided was one of inheritance, depending upon the  
49 question whether the domicile of the father was in England or in Scotland, he being in either alternative a British  
50 subject. Lord Chancellor Hatherley said: "**The question of naturalization and of allegiance is distinct from that**  
51 **of domicile.**" Page 452. Lord Westbury, in the passage relied on by the counsel for the United States, began by

1 saying: The law of England, and of almost all civilized countries, ascribes to each individual at his birth two  
2 distinct legal states or conditions,—one by virtue of which he becomes the subject [NATIONAL] of some  
3 particular country, binding him by the tie of natural allegiance, and which may be called his political status;  
4 another by virtue of which he has ascribed to him the character of a citizen of some particular country, and as  
5 such is possessed of certain municipal rights, and subject to certain obligations, which latter character is the  
6 civil status or condition of the individual, and may be quite different from his political status.' And then, while  
7 maintaining that the civil status is universally governed by the single principle of domicile (domicilium), the  
8 criterion established by international law for the purpose of determining civil status, and the basis on which  
9 'the personal rights of the party—that is to say, the law which determines his majority or minority, his  
10 marriage, succession, testacy, or intestacy— must depend,' he yet distinctly recognized that a man's political  
11 status, his country (patria), and his 'nationality,—that is, natural allegiance,'—'may depend on different laws in  
12 different countries.' Pages 457, 460. He evidently used the word 'citizen,' not as equivalent to 'subject,' but rather  
13 to 'inhabitant'; and had no thought of impeaching the established rule that all persons born under British  
14 dominion are natural-born subjects.  
15 [*United States v. Wong Kim Ark*, 169 U.S. 649, 18 S.Ct. 456, 42 L.Ed. 890 (1898) ;  
16 SOURCE: [http://scholar.google.com/scholar\\_case?case=3381955771263111765](http://scholar.google.com/scholar_case?case=3381955771263111765)]

- 17 3. Is a POLITICAL status that does not carry with it any civil status to which PUBLIC rights or franchises can attach.  
18 Therefore, the term “citizen” as used in Title 26 is NOT this type of citizen, since it imposes civil obligations. All tax  
19 obligations are civil in nature.  
20 4. Is a product of ALLEGIANCE that is associated with the political status of “nationals” as defined in 8 U.S.C.  
21 §1101(a)(21). The only thing that can or does establish a political status is such allegiance.

22 8 U.S.C. §1101: Definitions

23 (a) As used in this chapter—  
24 (21) The term "national" means a person owing permanent allegiance to a state.

25  
26 “Allegiance and protection [by the government from harm] are, in this connection, reciprocal obligations. The  
27 one is a compensation for the other; allegiance for protection and protection for allegiance.”  
28 [*Minor v. Happersett*, 88 U.S. (21 Wall.) 162, 166-168 (1874)]

- 29 5. Relates only to the time of birth or naturalization and not to one’s CIVIL status at any time AFTER birth or  
30 naturalization.  
31 6. Is synonymous with the phrase “citizens of the United States” found in 8 U.S.C. §1421 and means  
32 CONSTITUTIONAL citizen and not STATUTORY citizen.

33 “The Naturalization Clause has a geographic limitation: it applies “throughout the United States.” The federal  
34 courts have repeatedly construed similar and even identical language in other clauses to include states and  
35 incorporated territories, but not unincorporated territories. In *Downes v. Bidwell*, 182 U.S. 244, 21 S.Ct. 770,  
36 45 L.Ed. 1088 (1901), one of the Insular Cases, the Supreme Court held that the Revenue Clause's identical  
37 explicit geographic limitation, “throughout the United States,” did not include the unincorporated territory of  
38 Puerto Rico, which for purposes of that Clause was “not part of the United States.” *Id.* at 287, 21 S.Ct. 770.  
39 The Court reached this sensible result because unincorporated territories are not on a path to statehood. See  
40 *Boumediene v. Bush*, 553 U.S. 723, 757–58, 128 S.Ct. 2229, 171 L.Ed.2d. 41 (2008) (citing *Downes*, 182 U.S.  
41 at 293, 21 S.Ct. 770). In *Rabang v. I.N.S.*, 35 F.3d. 1449 (9th Cir.1994), this court held that the Fourteenth  
42 Amendment's limitation of birthright citizenship to those “born ... in the United States” did not extend  
43 citizenship to those born in the Philippines during the period when it was an unincorporated territory. U.S.  
44 Const., 14th Amend., cl. 1; see *Rabang*, 35 F.3d. at 1451. Every court to have construed that clause's geographic  
45 limitation has agreed. See *Valmonte v. I.N.S.*, 136 F.3d. 914, 920–21 (2d Cir.1998); *Lacap v. I.N.S.*, 138 F.3d.  
46 518, 519 (3d Cir.1998); *Licudine v. Winter*, 603 F.Supp.2d. 129, 134 (D.D.C.2009).

47 Like the constitutional clauses at issue in *Rabang* and *Downes*, the Naturalization Clause is expressly limited  
48 to the “United States.” This limitation “prevents its extension to every place over which the government  
49 exercises its sovereignty.” *Rabang*, 35 F.3d. at 1453. Because the Naturalization Clause did not follow the flag  
50 to the CNMI when Congress approved the Covenant, the Clause does not require us to apply federal immigration  
51 law to the CNMI prior to the CNRA's transition date.  
52 [*Eche v. Holder*, 694 F.3d. 1026 (2012)]

- 53 7. Does NOT apply to people in unincorporated territories such as Puerto Rico, Guam, American Samoa, etc.

54 If you would like to learn more about the important differences between POLITICAL jurisdiction and LEGISLATIVE  
55 jurisdiction, please read:

## 19.7 STATUTORY “Nonresident Aliens” v. STATUTORY “Aliens”<sup>34</sup>

A popular technique promoted and encouraged by the IRS is to:

1. Deliberately confuse “nonresident aliens” with “aliens”. “nonresident aliens” as defined in 26 U.S.C. §7701(b)(1)(B) and “aliens” as defined in 26 U.S.C. §7701(b)(1)(A) are not the same. Why have multiple definitions if they are the same?
2. Deliberately confuse CONSTITUTIONAL “non-resident aliens” with STATUTORY “nonresident aliens” under the I.R.C. They are NOT the same. One can be a CONSTITUTIONAL “non-resident alien” as the U.S. Supreme Court calls it while NOT being an “nonresident alien” under the I.R.C. because the two contexts rely on DIFFERENT definitions and contexts for the geographical terms. “United States” in the Constitution and “United States” in the Internal Revenue Code are mutually exclusive and non-overlapping.
3. Falsely tell you or imply that “nonresident aliens” include only those aliens that are not resident within a constitutional state. In fact, they are “aliens” who are not domiciled in the federal zone or the STATUTORY “United States” as defined in 26 U.S.C. §7701(a)(9) and (a)(10).
4. Deceive you into believing that “nonresident aliens” and “nonresident alien individuals” are equivalent. They are not. It is a maxim of law that things that are similar are NOT the same:

*Talis non est eadem, nam nullum simile est idem.*

*What is like is not the same, for nothing similar is the same. 4 Co. 18.*

*[Bouvier’s Maxims of Law, 1856;*

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

For instance, the older version of IRS Form W-8BEN Block 3 included many types of entities and “persons” that are NOT “individuals”. Newer versions of the W-8 form require you to make an election as a specific entity type based on the version of the form you choose, such as Form W-8BEN-I or Form W-8BEN-E.

5. Refuse to define what a “nonresident alien” is and what is included in the definition within 26 U.S.C. §7701(b)(1)(B). This makes it a NON-DEFINITION. It cannot be a “definition” in a legal context unless it expressly includes ALL things or classes of things that are included.
6. Define what it ISN’T, and absolutely refuse to define what it IS.
7. Refuse to acknowledge that “nationals” as defined in 8 U.S.C. §1101(a)(21) and 8 U.S.C. §1101(a)(22):
  - 7.1. Are STATUTORY “nonresident aliens” if they are engaged in a public office in the national government and abroad as “resident aliens” in relation to the country they are in under 26 U.S.C. §911 and are receiving the benefits of a tax treaty with that country.
  - 7.2. Are “non-resident non-persons” if not engaged in a public office or not abroad or abroad but not accepting tax treaty benefits under 26 C.F.R. §301.7701(b)-7.

All of the confusion and deception surrounding “nonresident alien” status is introduced and perpetuated mainly in the IRS Publications and the Treasury Regulations. It is not found in the Internal Revenue Code. “Nonresident aliens” and “aliens” are not equivalent in law, and confusing them has the following direct injurious consequences against those who are state nationals:

1. Prejudicing their ability to claim “nonresident alien” status at financial institutions and employers. This occurs because without either a Treasury Regulation or IRS publication they can point to which proves that they are a “nonresident alien”, they will not have anything they can show these institutions in order that their status will be recognized when they open accounts or pursue employment. This compels them in violation of the law because of the ignorance of bank clerks and employers into declaring that they are privileged “U.S. persons” and enumerating themselves just in order to obtain the services or employment that they seek.
2. Unlawfully preventing state nationals from being able to change their domicile if they mistakenly claim to be “residents” of the United States. 26 C.F.R. §1.871-5 says that an intention of an “alien” to change his domicile/residence is insufficient to change it whereas a similar intention on the part of a state national is sufficient.

<sup>34</sup> Source: *Non-Resident Non-Person Position*, Form #05.020, Section 10.4.2; <https://sedm.org/Forms/FormIndex.htm>.

1 The above injuries to the rights of “nationals” such as those born in the possessions is very important, because we prove in  
2 the following document and elsewhere on our website that all humans born within and domiciled within the exclusive  
3 jurisdiction of either a possession or a state of the Union are “nationals” and that those born in states of the Union are state  
4 nationals pursuant to 8 U.S.C. §1101(a)(21). This injury is therefore widespread and vast in its consequences:

[Why You are a “national”, “state national”, and Constitutional but Not Statutory Citizen](http://sedm.org/Forms/FormIndex.htm), Form #05.006  
<http://sedm.org/Forms/FormIndex.htm>

5 Let’s show some of the IRS deception to disguise the availability of “nonresident alien” status to state nationals so that they  
6 don’t use it. Below is the definition of “nonresident alien”:

7 [TITLE 26 > Subtitle F > CHAPTER 79 > § 7701](#)  
8 [§ 7701. Definitions](#)

9 (b) *Definition of resident alien and nonresident alien*

10 (1) *In general*

11 (B) *Nonresident alien*

12 *An individual is a nonresident alien if such individual is neither a citizen of the United States nor a*  
13 *resident of the United States (within the meaning of subparagraph (A)).*

14 Below are two consistent definitions of “alien”:

15 [26 C.F.R. §1.1441-1 Requirement for the deduction and withholding of tax on payments to foreign persons.](#)

16 (c) *Definitions*

17 (3) *Individual.*

18 (i) *Alien individual.*

19 *The term alien individual means an individual who is not a citizen or a **national** of the United States. See Sec.*  
20 *1.1-1(c).*

21  
22 [TITLE 8 > CHAPTER 12 > SUBCHAPTER I > § 1101](#)  
23 [§ 1101. Definitions](#)

24 (a) *As used in this chapter—*

25 (3) *The term “alien” means **any person not a citizen or national of the United States.***

26 Notice based on the above definitions that:

- 27 1. They define what “alien” and “nonresident alien” are **NOT**, but *not* what they **ARE**.  
28 2. The definition of “nonresident alien” is **NOT** equivalent to “alien”. Otherwise, why have two definitions?  
29 3. There are three classes of entities that are “nonresident aliens”, which include:  
30 3.1. “Aliens” with no domicile or residence within the STATUTORY “United States\*\*”, meaning federal territory.  
31 3.2. State nationals born within and domiciled within Constitutional states of the Union and defined in 8 U.S.C.  
32 §1101(a)(21) if engaged in a public office and abroad and receiving tax treaty benefits under 26 C.F.R.  
33 §301.7701(b)-7.  
34 3.3. “non-citizen nationals of the United States\*\*” born in possessions and defined in 8 U.S.C. §1408. These areas  
35 include American Samoa and Swains Island. They are even listed on the 1040NR Form as “nonresident aliens”:  
36 <https://famguardian.org/Subjects/Taxes/Citizenship/IRSForm1040nr-USNational.pdf>

37 NOTE that Items 3.2 and 3.3 above are not “ALIENS” OF any kind IN RELATION TO THE UNITED STATES\*\*. They  
38 are only “resident aliens” in relation to the foreign country they are in when abroad. Under Title 8, you cannot simultaneously



1 be an “alien” in 8 U.S.C. §1101(a)(3) and a “national of the United States\*” in 8 U.S.C. §1101(a)(22). Item 3.3 above is  
2 corroborated by:

- 3 1. The content of IRS Publication 519, U.S. Tax Guide for Aliens, which obtusely mentions what it calls “U.S. nationals”,  
4 which it then defines as persons domiciled in American Samoa and Swains Island who do not elect to become statutory  
5 “U.S. citizens”.

6 *“A U.S. national is an **alien** who, although not a U.S. citizen, owes his or her allegiance to the United States. U.S.  
7 nationals include American Samoans, and Northern Mariana Islanders who choose to become U.S. nationals  
8 instead of U.S. citizens”*  
9 *[IRS Publication 519, U.S. Tax Guide for Aliens (2007), p. 43]*

10 The above statement is partially **false**. A statutory “national of the United States\*” as defined in 8 U.S.C. §1101(a)(22)  
11 is NOT an “alien”, because aliens exclude “nationals of the United States\*” based on the definition of “alien” found in  
12 26 C.F.R. §1.1441-1(c)(3)(i) and 8 U.S.C. §1101(a)(3). The “U.S. national” to which they refer also very deliberately is  
13 neither mentioned nor defined anywhere in the Internal Revenue Code or the Treasury Regulations as being “nonresident  
14 aliens”, even though they in fact are and Pub. 519 admits that they are. The only statutory definition CLOSE to “U.S.  
15 national” is found in 8 U.S.C. §1101(a)(22)(B) and 8 U.S.C. §1408. However, the existence of this person was also  
16 found on IRS Form 1040NR itself for years 2002 through 2017, which mentions it as a status as being a “nonresident  
17 alien”.<sup>35</sup> By the way, don’t let the government fool you by using the above as evidence in a legal proceeding because it  
18 ISN’T competent evidence and cannot form the basis for a reasonable belief or willfulness. The IRS itself says you  
19 cannot and should not rely on anything in any of their publications. The IRS, in fact, routinely deceives and lies in their  
20 publications and their forms and does so with the blessings and even protection of the federal district courts, even though  
21 they hypocritically sue the rest of us for “abusive tax shelters” if we offer the public equally misleading information. For  
22 details on this subject, see:

[Reasonable Belief About Income Tax Liability](http://sedm.org/Forms/FormIndex.htm), Form #05.007  
<http://sedm.org/Forms/FormIndex.htm>

- 23 2. 26 U.S.C. §877(a), which describes a “nonresident alien” who lost citizenship to avoid taxes and therefore is subject to  
24 a special assessment as a punishment for that act of political dis-association. Notice the statute doesn’t say a “citizen of  
25 the United States[\*\*]” losing citizenship, but a “nonresident alien”. The “citizenship” they are referring to is the  
26 “nationality” described in 8 U.S.C. §1101(a)(21) and NOT the statutory “U.S.[\*\*] citizen” status found in 8 U.S.C. §1401  
27 and 8 U.S.C. §1101(a)(22)(A).

28 [TITLE 26 > Subtitle A > CHAPTER 1 > Subchapter N > PART II > Subpart A > § 877](#)  
29 [§ 877. Expatriation to avoid tax](#)

30 (a) Treatment of expatriates

31 (1) In general

32 *Every **nonresident alien individual** to whom this section applies and **who, within the 10-year period immediately**  
33 **preceding the close of the taxable year, lost United States citizenship** shall be taxable for such taxable year in  
34 the manner provided in subsection (b) if the tax imposed pursuant to such subsection (after any reduction in such  
35 tax under the last sentence of such subsection) exceeds the tax which, without regard to this section, is imposed  
36 pursuant to section [871](#).*

37 So let’s get this straight: 8 U.S.C. §1101(a)(3) and 26 C.F.R. §1.1441-1(c)(3)(i) both say that you cannot be an “alien” if you  
38 are a “national” and yet, the IRS Publications such as IRS Publication 519, U.S. Tax Guide for Aliens (2007) and the Treasury  
39 Regulations frequently identify these same “nationals” as “aliens”. Earth calling IRS. Hello? Anybody home? The least  
40 they could do is describe WHO they are “alien” in relation to, because it isn’t the United States\*. It is the foreign country  
41 they are temporarily in while domiciled in the federal zone and accepting tax treaty benefits under 26 U.S.C. §911(d) and 26  
42 C.F.R. §301.7701(b)-1.

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<sup>35</sup> For a historical record of older IRS 1040NR Forms, see: 1. IRS: <https://apps.irs.gov/app/picklist/list/priorFormPublication.html?sortColumn=currentYearRevDate&indexOffFirstRow=0&value=1040&criteria=formNumber&resultsPerPage=25&isDescending=false>; 2. Tax Analysts: <http://www.taxhistory.org/www/website.nsf/Web/1040TaxForms?OpenDocument>.

1 The IRS knows that the key to being sovereign as an American National born in a state of the Union and domiciled there is  
2 being a nonresident alien not engaged in a trade or business. So what do they do to prevent people from achieving this status?  
3 They surround the status with cognitive dissonance, lies, falsehoods, and mis-directions. Hence one of our favorite sayings:

4 *"The truth about the income tax is so precious to the government that it must be surrounded by a bodyguard of*  
5 *lies."*  
6 [SEDM]

7 Nowhere within the Internal Revenue Code, the Treasury Regulations, or IRS Publication 519, U.S. Tax Guide for Aliens  
8 will you find a definition of the term "national" which is mentioned in 8 U.S.C. §1101(a)(21), and which describes a human  
9 being born within and domiciled within a state of the Union. You will also never see a definition of who is included in the  
10 definition of "a person who, though not a citizen of the United States, owes permanent allegiance to the United States" found  
11 in 8 U.S.C. §1101(a)(22)(B). We'll give you a hint, the definition of "a person who, though not a citizen of the United States,  
12 owes permanent allegiance to the United States" found in 8 U.S.C. §1101(a)(22)(B) includes only statutory "U.S.[\*\*]  
13 nationals" found in 8 U.S.C. §1408. However, both state nationals in 8 U.S.C. §1101(a)(21) and "U.S.\*\* nationals" under 8  
14 U.S.C. §1101(a)(22)(B) are treated the same for tax purposes, which means they are "nonresident aliens" and not "aliens".  
15 Consequently, unlike aliens, those who are "nationals":

- 16 1. Are not bound by any of the regulations pertaining to "aliens", because they are NOT "aliens" as legally defined..
- 17 2. Do not have to file IRS Form 8840 in order to associate with the "foreign state" they are domiciled within in order to be  
18 automatically exempt from Internal Revenue Code, Subtitle A taxes.
- 19 3. Are forbidden to file a "Declaration of Intention" to become "U.S. residents" pursuant to 26 C.F.R. §1.871-4 and IRS  
20 Form 1078.
- 21 4. Are not privileged and cannot have the "presence test" applied to them like "aliens" from a foreign country would.

22 *The reasons for not allowing to other aliens exemption 'from the jurisdiction of the country in which they are*  
23 *found' were stated as follows: 'When private individuals of one nation [states of the Unions are "nations" under*  
24 *the law of nations] spread themselves through another as business or caprice may direct, mingling*  
25 *indiscriminately with the inhabitants of that other, or when merchant vessels enter for the purposes of trade,*  
26 *it would be obviously inconvenient and dangerous to society, and would subject the laws to continual*  
27 *infraction, and the government to degradation, if such individuals or merchants did not owe temporary and*  
28 *local allegiance, and were not amenable to the jurisdiction of the country. Nor can the foreign sovereign have*  
29 *any motive for wishing such exemption. His subjects thus passing into foreign countries are not employed by him,*  
30 *nor are they engaged in national pursuits. Consequently, there are powerful motives for not exempting persons*  
31 *of this description from the jurisdiction of the country in which they are found, and no one motive for requiring*  
32 *it. The implied license, therefore, under which they enter, can never be construed to grant such exemption.' 7*  
33 *Cranch, 144.*

34 *In short, the judgment in the case of The Exchange declared, as incontrovertible principles, that the jurisdiction*  
35 *of every nation within its own territory is exclusive and absolute, and is susceptible of no limitation not imposed*  
36 *by the nation itself; that all exceptions to its full and absolute territorial jurisdiction must be traced up to its own*  
37 *consent, express or implied; that upon its consent to cede, or to waive the exercise of, a part of its territorial*  
38 *jurisdiction, rest the exemptions from that jurisdiction of foreign sovereigns or their armies entering its territory*  
39 *with its permission, and of their foreign ministers and public ships of war; and that the implied license, under*  
40 *which private individuals of another nation enter the territory and mingle indiscriminately with its inhabitants,*  
41 *for purposes of business or pleasure, can never be construed to grant to them an exemption from the*  
42 *jurisdiction of the country in which they are found. See, also, Carlisle v. U.S. (1872) 16 Wall. 147, 155; Radich*  
43 *v. Hutchins, 95 U.S. 210 (1877); Wildenhuss' Case (1887) 120 U.S. 1, 7 Sup.Ct. 385; Chae Chan Ping v. U.S.*  
44 *(1889) 130 U.S. 581, 603, 604, 9 Sup.Ct. 623.*  
45 *[United States v. Wong Kim Ark, 169 U.S. 649, 18 S.Ct. 456, 42 L.Ed. 890 (1898)]*

46 If you are still confused at this point about state nationals and who they are, you may want to visit the following and examine  
47 the tables and diagrams there until the relationships become clear in your mind.

[Citizenship Status v. Tax Status, Form #10.011  
https://sedm.org/Forms/10-Emancipation/CitizenshipStatusVTaxStatus/CitizenshipVTaxStatus.htm](https://sedm.org/Forms/10-Emancipation/CitizenshipStatusVTaxStatus/CitizenshipVTaxStatus.htm)

48 Moving on, why does the IRS play this devious sleight of hand? Remember: everything happens for a reason, and here are  
49 the reasons:

- 50 1. IRS has a vested interest to maximize the number of "taxpayers" contributing to their scam. Taxation is based on legal  
51 domicile.

1 *"Thus, the Court has frequently held that domicile or residence, more substantial than mere presence in transit*  
2 *or sojourn, is an adequate basis for taxation, including income, property, and death taxes. Since the Fourteenth*  
3 *Amendment makes one a citizen of the state wherein he resides, the fact of residence creates universally*  
4 *reciprocal duties of protection by the state and of allegiance and support by the citizen. The latter obviously*  
5 *includes a duty to pay taxes, and their nature and measure is largely a political matter. Of course, the situs of*  
6 *property may tax it regardless of the citizenship, domicile, or residence of the owner, the most obvious illustration*  
7 *being a tax on realty laid by the state in which the realty is located."*  
8 [Miller Brothers Co. v. Maryland, [347 U.S. 340](#) (1954)]

9 Therefore, IRS has an interest in compelling persons domiciled in states of the Union into falsely declaring their domicile  
10 within the statutory "United States\*\*\*". The status that implies domicile is "U.S. persons" as defined in 26 U.S.C.  
11 §7701(a)(30). "U.S. persons" include either statutory "nationals and citizens of the United States\*\*\*" as defined in 8  
12 U.S.C. §1401 or "resident aliens" as defined in 26 U.S.C. §7701(b)(1)(A) and both have in common a legal domicile in  
13 the "United States".

- 14 2. IRS does not want people born within and domiciled within states of the Union, who are "nationals" pursuant to 8 U.S.C.  
15 §1101(a)(21) but not STATUTORY "citizens" per 8 U.S.C. §1401 to know that "nationals" are included in the definition  
16 of "nonresident alien". This would cause a mass exodus from the tax system and severely limit the number of "taxpayers"  
17 that they may collect from. That is why they listed "U.S. nationals" as "nonresident aliens" on the 1040NR Form between  
18 2002 and 2017 but stopped after that. They wanted to plug the leak in the dam.
- 19 3. IRS wants to prevent state nationals from using the nonresident alien status so as to force them, via presumption, into  
20 falsely declaring their status to be that of a privileged statutory "U.S. person" as defined in 26 U.S.C. §7701(a)(30). This  
21 will create a false presumption that they maintain a domicile on federal territory and are therefore subject to federal  
22 jurisdiction and "taxpayers".
- 23 4. By refusing to define EXACTLY what is included in the definition of "nonresident alien" in both Treasury Regulations  
24 and IRS Publications or acknowledging that "nationals" are included in the definition, those opening bank accounts at  
25 financial institutions and starting employment will be deprived of evidence which they can affirmatively use to establish  
26 their status with these entities, which in effect compels presumption by financial institutions and employers within states  
27 of the Union that they are "U.S. persons" who MUST have an identifying number, such as a Social Security Number or  
28 a Taxpayer Identification Number. This forces them to participate in a tax system that they can't lawfully participate in  
29 without unknowingly making false statements about their legal status by mis-declaring themselves to be "U.S. persons".

30 Below are several examples of this deliberate, malicious IRS confusion between "aliens" and "nonresident aliens" found  
31 within the IRS Publications and Treasury Regulations, where "nonresident aliens" are referred to as "aliens" that we have  
32 found so far. All of these examples are the result of a false presumption that "nonresident aliens" are a subset of all "aliens",  
33 which is NOT the case. We were able to find no such confusion within the I.R.C., but it is rampant within the Treasury  
34 Regulations.

- 35 1. IRS Publication 515, Withholding of Tax on Nonresident Aliens and Foreign Entities. This confusion is found  
36 throughout this IRS publication.
- 37 2. IRS Publication 519, U.S. Tax Guide for Aliens. This publication should not even be discussing "nonresident aliens",  
38 because they aren't a subset of "aliens" unless the word "nonresident alien" is followed with the word "individual".
- 39 3. 26 C.F.R. §1.864-7(b)(2):

40 [Revised as of April 1, 2006]  
41 From the U.S. Government Printing Office via GPO Access  
42 [Page 318-321]

43 TITLE 26--INTERNAL REVENUE  
44 CHAPTER I--INTERNAL REVENUE SERVICE, DEPARTMENT OF THE TREASURY  
45 PART 1 \_INCOME TAXES--Table of Contents  
46 Sec. 1.864-7 Definition of office or other fixed place of business.

47 (b) Fixed facilities--

48  
49 (2) Use of another person's office or other fixed place of business. A nonresident alien individual or a foreign  
50 corporation shall not be considered to have an office or other fixed place of business merely because such  
51 alien individual or foreign corporation uses another person's office or other fixed place of business, whether  
52 or not the office or place of business of a related person, through which to transact a trade or business, if the  
53 trade or business activities of the alien individual or foreign corporation in that office or other fixed place of  
54 business are relatively sporadic or infrequent, taking into account the overall needs and conduct of that trade or  
55 business.

1 4. 26 C.F.R. §1.864-7(d)(1)(i)(b):

2 [Revised as of April 1, 2006]  
3 From the U.S. Government Printing Office via GPO Access  
4 [Page 318-321]

5 TITLE 26--INTERNAL REVENUE  
6 CHAPTER I--INTERNAL REVENUE SERVICE, DEPARTMENT OF THE TREASURY  
7 (CONTINUED)  
8 PART 1 \_INCOME TAXES--Table of Contents  
9 Sec. 1.864-7 Definition of office or other fixed place of business.

10 (d) Agent activity.

12 (1) Dependent agents.

13 (i) In general.

14 In determining whether a nonresident alien individual or a foreign corporation has an office or other fixed place  
15 of business, the office or other fixed place of business of an agent who is not an independent agent, as defined in  
16 subparagraph (3) of this paragraph, shall be disregarded unless such agent

17 (a) has the authority to negotiate and conclude contracts in the name of the nonresident alien individual or foreign  
18 corporation, and regularly exercises that authority, or

19 (b) has a stock of merchandise belonging to the nonresident alien individual or foreign corporation from which  
20 orders are regularly filed on behalf of such alien individual or foreign corporation.

21 A person who purchases goods from a **nonresident alien individual** or a foreign corporation shall not be  
22 considered to be an agent for **such alien individual** or foreign corporation for purposes of this paragraph where  
23 such person is carrying on such purchasing activities in the ordinary course of its own business, even though  
24 such person is related in some manner to the nonresident alien individual or foreign corporation. For example,  
25 a wholly owned domestic subsidiary corporation of a foreign corporation shall not be treated as an agent of the  
26 foreign parent corporation merely because the subsidiary corporation purchases goods from the foreign parent  
27 corporation and resells them in its own name. However, if the domestic subsidiary corporation regularly  
28 negotiates and concludes contracts in the name of its foreign parent corporation or maintains a stock of  
29 merchandise from which it regularly fills orders on behalf of the foreign parent corporation, the office or other  
30 fixed place of business of the domestic subsidiary corporation shall be treated as the office or other fixed place  
31 of business of the foreign parent corporation unless the domestic subsidiary corporation is an independent agent  
32 within the meaning of subparagraph (3) of this paragraph.

33 5. 26 C.F.R. §1.872-2(b)(1):

34 [Code of Federal Regulations]  
35 [Title 26, Volume 9]  
36 [Revised as of April 1, 2006]  
37 From the U.S. Government Printing Office via GPO Access  
38 [Page 367-369]

39 TITLE 26--INTERNAL REVENUE  
40 CHAPTER I--INTERNAL REVENUE SERVICE, DEPARTMENT OF THE TREASURY  
41 (CONTINUED)  
42 PART 1 \_INCOME TAXES--Table of Contents  
43 Sec. 1.872-2 Exclusions from gross income of nonresident alien  
44 individuals.  
45

46 (b) Compensation paid by foreign employer to participants in certain exchange or training programs.

47 (1) Exclusion from income.

48 Compensation paid to a **nonresident alien individual** for the period that the nonresident alien individual is  
49 temporarily present in the United States as a nonimmigrant under subparagraph (F) (relating to the admission  
50 of students into the United States) or subparagraph (J) (relating to the admission of teachers, trainees, specialists,  
51 etc., into the United States) of section 101(a)(15) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)  
52 (F) or (J)) shall be excluded from gross income if the **compensation is paid to such alien** by his foreign employer.  
53 Compensation paid to a nonresident alien individual by the U.S. office of a domestic bank which is acting as  
54 paymaster on behalf of a foreign employer constitutes compensation paid by a foreign employer for purposes of

1 *this paragraph if the domestic bank is reimbursed by the foreign employer for such payment. A nonresident alien*  
2 *individual who is temporarily present in the United States as a nonimmigrant under such subparagraph (J)*  
3 *includes a nonresident alien individual admitted to the United States as an "exchange visitor" under section 201*  
4 *of the U.S. Information and Educational Exchange Act of 1948 (22 U.S.C. 1446), which section was repealed by*  
5 *section 111 of the Mutual Education and Cultural Exchange Act of 1961 (75 Stat. 538).*

- 6 6. 26 C.F.R. §1.6012-3(b)(2)(i).
- 7 7. 26 C.F.R. §31.3401(a)(6)-1A(c).
- 8 8. 26 C.F.R. §509.103(b)(3).
- 9 9. 26 C.F.R. §509.108(a)(1)

10 “Nonresident aliens” are defined in 26 U.S.C. §7701(b)(1)(B). Aliens are defined in 8 U.S.C. §1101(a)(3). “Resident aliens”  
11 are defined in 26 U.S.C. §7701(b)(1)(B). The relationship between these three entities are as follows, in the context of income  
12 taxes:

- 13 1. **“non-resident non-person”**: Those with no domicile on federal territory and who are born either in a foreign country, a  
14 state of the Union, or within the federal zone. Also called a “nonresident”, “stateless person”, or “transient foreigner”.  
15 They are exclusively PRIVATE and beyond the reach of the civil statutory law because:
  - 16 1.1. They absolutely own their PRIVATE property and do not share ownership or control over it with any government.  
17 This is because they have not consensually connected the property to public franchises by associating title with a  
18 government franchise license number such as an SSN or TIN.
  - 19 1.2. They are not a civil “person” or “individual” because they have a foreign domicile and are not engaged in an elected  
20 or appointed office.
  - 21 1.3. They have not waived sovereign immunity under the Foreign Sovereign Immunities Act (FSIA), 28 U.S.C. Chapter  
22 97.
  - 23 1.4. They have not “purposefully” or “consensually” availed themselves of commerce within the exclusive or general  
24 jurisdiction of the national government within federal territory.
  - 25 1.5. They waived the “benefit” of any and all licenses or permits in the context of a specific transaction or agreement.
  - 26 1.6. They are not accepting tax treaty “benefits” as described in 26 C.F.R. §301.7701(b)-7.
  - 27 1.7. In the context of a specific business dealing, they have not invoked any statutory status under federal civil law that  
28 might connect them with a government franchise, such as “U.S. citizen”, “U.S. resident”, “person”, “individual”,  
29 “taxpayer”, driver, etc.
  - 30 1.8. If they are demanded to produce an identifying number, they say they don’t consent and attach the following form  
31 to every application or withholding document:

<p><i>Why It is Illegal for Me to Request or Use a Taxpayer Identification Number</i>, Form #04.205 <a href="http://sedm.org/Forms/FormIndex.htm">http://sedm.org/Forms/FormIndex.htm</a></p>
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- 32 2. **“Aliens” or “alien individuals”**: Those born in a foreign country and not within any state of the Union or within any  
33 federal territory.
  - 34 2.1. “Alien” is defined in 8 U.S.C. §1101(a)(3) as a person who is neither a citizen nor a national.
  - 35 2.2. “Alien individual” is defined in 26 C.F.R. §1.1441-1(c)(3)(i).
  - 36 2.3. An alien is defined in 8 U.S.C. §1101(a)(3) as a person who is neither a statutory “U.S.\*\* citizen” per 8 U.S.C.  
37 §1401 nor a “national of the United States\*” per 8 U.S.C. §1101(a)(22).
  - 38 2.4. An alien with no domicile in the “United States\*\*” is presumed to be a “nonresident alien” pursuant to 26 C.F.R.  
39 §1.871-4(b).
- 40 3. **“Residents” or “resident aliens”**: An “alien” or “alien individual” with a legal domicile on federal territory.
  - 41 3.1. “Resident aliens” are defined in 26 U.S.C. §7701(b)(1)(A).
  - 42 3.2. A “resident alien” is an alien as defined in 8 U.S.C. §1101(a)(3) who has a legal domicile on federal territory that  
43 is no part of the exclusive jurisdiction of any state of the Union.
  - 44 3.3. An “alien” becomes a “resident alien” by filing IRS Form 1078 pursuant to 26 C.F.R. §1.871-4(c)(ii) and thereby  
45 electing to have a domicile on federal territory.
- 46 4. **“Nonresident aliens”**: Those with no domicile on federal territory and who are born either in a foreign country, a state  
47 of the Union, or within the federal zone. They serve in a public office in the national but not state government.
  - 48 4.1. Defined in 26 U.S.C. §7701(b)(1)(B).
  - 49 4.2. A “nonresident alien” is defined as a person who is neither a statutory “citizen” pursuant to 26 C.F.R. §1.1-1(c) nor  
50 a statutory “resident” pursuant to 26 U.S.C. §7701(b)(1)(A).
  - 51 4.3. A person who is a “non-citizen national” pursuant to 8 U.S.C. §1452 and 8 U.S.C. §1101(a)(22)(B) is a “nonresident  
52 alien”, but only if they are lawfully engaged in a public office of the national government.
- 53 5. **“Nonresident alien individuals”**: Those who are aliens and who do not have a domicile on federal territory.



- 1 5.1. Status is indicated in block 3 of the IRS Form W-8BEN under the term “Individual”.
- 2 5.2. Includes only nonresidents not domiciled on federal territory but serving in public offices of the national
- 3 government. “person” and “individual” are synonymous with said office in 26 U.S.C. §6671(b) and 26 U.S.C.
- 4 §7343.

5 6. Convertibility between “aliens”, “resident aliens”, and “nonresident aliens”, and “nonresident alien individuals”:

- 6 6.1. A “nonresident alien” is not the legal equivalent of an “alien” in law nor is it a subset of “alien”.
- 7 6.2. There is not version of IRS Form W-8 for those who are “non-resident non-persons” but not “nonresident aliens”
- 8 or “nonresident alien individuals”. Thus, the submitter of this form who is a statutory “non-resident non-person”
- 9 but not a “nonresident alien” or “nonresident alien individual” is effectively compelled to make an illegal and
- 10 fraudulent election to become an alien and an “individual” if they do not submit an amended form or include an
- 11 attachment identifying themselves as “transient foreigner” or “national per 8 U.S.C. §1101(a)(21) but not citizen
- 12 per 8 U.S.C. §1401”. See section 5.3 of the following:

About IRS Form W-8BEN, Form #04.202

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

- 13 6.3. 26 U.S.C. §6013(g) and (h) and 26 U.S.C. §7701(b)(4)(B) authorize a “nonresident alien” who is married to a
- 14 statutory “U.S. citizen” as defined in 26 C.F.R. §1.1-1(c) to make an “election” to become a “resident alien”.
- 15 6.4. It is unlawful for an unmarried “state national” pursuant to either 8 U.S.C. §1101(a)(21) to become a “resident
- 16 alien”. This can only happen by either fraud or mistake.
- 17 6.5. An alien may overcome the presumption that he is a “nonresident alien” and change his status to that of a “resident
- 18 alien” by filing IRS Form 1078 pursuant to 26 C.F.R. §1.871-4(c)(ii) while he is in the “United States”.
- 19 6.6. The term “residence” can only lawfully be used to describe the domicile of an “alien”. Nowhere is this term used
- 20 to describe the domicile of a “state national” or a “nonresident alien”. See 26 C.F.R. §1.871-2.
- 21 6.7. The only way a statutory “alien” under 8 U.S.C. §1101(a)(3) can become both a “state national” and a “nonresident
- 22 alien” at the same time is to be naturalized pursuant to 8 U.S.C. §1421 and to have a domicile in either a U.S.
- 23 possession or a state of the Union.

24 7. Sources of confusion on these issues:

- 25 7.1. One can be a “non-resident non-person” *without* being an “individual” or a “nonresident alien individual” under
- 26 the Internal Revenue Code. An example would be a human being born within the exclusive jurisdiction of a state
- 27 of the Union who is therefore a “state national” pursuant to 8 U.S.C. §1101(a)(21) who does not participate in
- 28 Social Security or use a Taxpayer Identification Number.
- 29 7.2. The term “United States” is defined in the Internal Revenue Code at 26 U.S.C. §7701(a)(9) and (a)(10).
- 30 7.3. The term “United States” for the purposes of citizenship is defined in 8 U.S.C. §1101(a)(38).
- 31 7.4. Any “U.S. Person” as defined in 26 U.S.C. §7701(a)(30) who is not found in the “United States” (District of
- 32 Columbia pursuant to 26 U.S.C. §7701(a)(9) and (a)(10)) shall be treated as having an effective domicile within
- 33 the District of Columbia pursuant to 26 U.S.C. §7701(a)(39) and 26 U.S.C. §7408(d) .
- 34 7.5. The term “United States” is equivalent for the purposes of statutory “citizens” pursuant to 26 C.F.R. §1.1-1(c) and
- 35 “citizens” as used in the Internal Revenue Code. See 26 C.F.R. §1.1-1(c).
- 36 7.6. The term “United States” as used in the Constitution of the United States is NOT equivalent to the statutory
- 37 definition of the term used in:
- 38 7.6.1. 26 U.S.C. §7701(a)(9) and (a)(10).
- 39 7.6.2. 8 U.S.C. §1101(a)(38).
- 40 The “United States” as used in the Constitution means the states of the Union and excludes federal territory, while
- 41 the term “United States” as used in federal statutory law means federal territory and excludes states of the Union.
- 42 7.7. A constitutional “citizen of the United States” as mentioned in the Fourteenth Amendment is NOT equivalent to a
- 43 statutory “national and citizen of the United States at birth” as used in 8 U.S.C. §1401. See:

Why You are a “national”, “state national”, and Constitutional but Not Statutory Citizen, Form #05.006

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

- 44 7.8. In the case of jurisdiction over CONSTITUTIONAL aliens only (meaning foreign NATIONALS), the term “United
- 45 States” implies all 50 states and the federal zone, and is not restricted only to the federal zone. See:
- 46 7.8.1. Non-Resident Non-Person Position, Form #05.020
- 47 <http://sedm.org/Forms/FormIndex.htm>
- 48 7.8.2. Kleindienst v. Mandel, 408 U.S. 753 (1972)

49 *In accord with ancient principles of the international law of nation-states, the Court in The Chinese Exclusion*

50 *Case, 130 U.S. 581, 609 (1889), and in Fong Yue Ting v. United States, 149 U.S. 698 (1893), held broadly, as the*

51 *Government describes it, Brief for Appellants 20, that the power to exclude aliens is “inherent in sovereignty,*

52 *necessary for maintaining normal international relations and defending the country against foreign*

53 *encroachments and dangers - a power to be exercised exclusively by the political branches of government . . .*

1 . " Since that time, the Court's general reaffirmations of this principle have [408 U.S. 753, 766] been legion.  
2 6 The Court without exception has sustained Congress' "plenary power to make rules for the admission of  
3 aliens and to exclude those who possess those characteristics which Congress has forbidden." *Boutilier v.*  
4 *Immigration and Naturalization Service*, 387 U.S. 118, 123 (1967). "[O]ver no conceivable subject is the  
5 legislative power of Congress more complete than it is over" the admission of aliens. *Oceanic Navigation Co.*  
6 *v. Stranahan*, 214 U.S. 320, 339 (1909).  
7 [*Kleindienst v. Mandel*, 408 U.S. 753 (1972)]

8 7.8.3. [Chae Chan Ping v. U.S., 130 U.S. 581 \(1889\)](#)

9 While under our constitution and form of government the great mass of local matters is controlled by local  
10 authorities, the United States, in their relation to foreign countries and their subjects or citizens, are one nation,  
11 invested with powers which belong to independent nations, the exercise of which can be invoked for the  
12 maintenance of its absolute independence and security throughout its entire territory. The powers to declare  
13 war, make treaties, suppress insurrection, repel invasion, regulate foreign commerce, secure republican  
14 governments to the states, and admit subjects of other nations to citizenship, are all sovereign powers, restricted  
15 in their exercise only by the constitution itself and considerations of public policy and justice which control, more  
16 or less, the conduct of all civilized nations. As said by this court in the case of *Cohens v. Virginia*, 6 Wheat. 264,  
17 413, speaking by the same great chief justice: That the United States form, for many, and for most important  
18 purposes, a single nation, has not yet been denied. In war, we are one people. In making peace, we are one  
19 people. In all commercial regulations, we are one and the same people. In many other respects, the American  
20 people are one; and the government which is alone capable of controlling and managing their interests in all  
21 these respects is the government of the Union. It is their government, and in that character they have no other.  
22 America has chosen to [130 U.S. 581, 605] be in many respects, and to many purposes, a nation; and for all  
23 these purposes her government is complete; to all these objects, it is competent. The people have declared that  
24 in the exercise of all powers given for these objects it is supreme. It can, then, in effecting these objects,  
25 legitimately control all individuals or governments within the American territory."

26  
27 [. . .]

28  
29 "The power of exclusion of foreigners being an incident of sovereignty belonging to the government of the  
30 United States as a part of those sovereign powers delegated by the constitution, the right to its exercise at any  
31 time when, in the judgment of the government, the interests of the country require it, cannot be granted away or  
32 restrained on behalf of any one. The powers of government are delegated in trust to the United States, and are  
33 incapable of transfer to any other parties. They cannot be abandoned or surrendered. Nor can their exercise be  
34 hampered, when needed for the public good, by any considerations of private interest. The exercise of these  
35 public trusts is not the subject of barter or contract."  
36 [*Chae Chan Ping v. U.S., 130 U.S. 581 (1889)*]

37 A picture is worth a thousand words. Below is a picture that graphically demonstrates the relationship between citizenship  
38 status in Title 8 of the U.S. Code with tax status in Title 26 of the U.S. Code:

1 **Table 2: “Citizenship status” vs. “Income tax status”**

#	Citizenship status	Place of birth	Domicile	Accepting tax treaty benefits?	Defined in	Tax Status under 26 U.S.C./Internal Revenue Code			
						“Citizen” (defined in 26 C.F.R. §1.1-1)	“Resident alien” (defined in 26 U.S.C. §7701(b)(1)(A), 26 C.F.R. §1.1441-1(c)(3)(i) and 26 C.F.R. §1.1-1(a)(2)(ii))	“Nonresident alien INDIVIDUAL” (defined in 26 U.S.C. §7701(b)(1)(B) and 26 C.F.R. §1.1441-1(c)(3))	“Non-resident NON-person” (NOT defined)
1	“national and citizen of the United States** at birth” or “U.S.** citizen” or Statutory “U.S.** citizen”	Statutory “United States” pursuant to 8 U.S.C. §1101(a)(38), (a)(36) and 8 C.F.R. §215.1(f) or in the “outlying possessions of the United States” pursuant to 8 U.S.C. §1101(a)(29)	District of Columbia, Puerto Rico, Guam, Virgin Islands	NA	8 U.S.C. §1401; 8 U.S.C. §1101(a)(22)(A)	Yes (only pay income tax abroad with IRS Forms 1040/2555. See Cook v. Tait, 265 U.S. 47 (1924))	No	No	No
2	“non-citizen national of the United States** at birth” or “U.S.** national”	Statutory “United States” pursuant to 8 U.S.C. §1101(a)(38), (a)(36) and 8 C.F.R. §215.1(f) or in the “outlying possessions of the United States” pursuant to 8 U.S.C. §1101(a)(29)	American Samoa; Swain’s Island; or abroad to U.S. national parents under 8 U.S.C. §1408(2)	NA	8 U.S.C. §1408 8 U.S.C. §1101(a)(22)(B); 8 U.S.C. §1452	No (see 26 U.S.C. §7701(b)(1)(B))	No	Yes (see IRS Form 1040NR for proof)	No
3.1	“U.S.A.***“national” or “state national” or “Constitutional but not statutory U.S.*** citizen”	Constitutional Union state	State of the Union	NA (ACTA agreement)	8 U.S.C. §1101(a)(21); 14 <sup>th</sup> Amend., Sect. 1; 8 U.S.C. §1101(a)(22)(B)	No	No	No	Yes
3.2	“U.S.A.***“national” or “state national” or “Constitutional but not statutory U.S.*** citizen”	Constitutional Union state	Foreign country	Yes	8 U.S.C. §1101(a)(21); 14 <sup>th</sup> Amend., Sect. 1	No	No	Yes	No
3.3	“U.S.A.***“national” or “state national” or “Constitutional but not statutory U.S.*** citizen”	Constitutional Union state	Foreign country	No	8 U.S.C. §1101(a)(21); 14 <sup>th</sup> Amend., Sect. 1	No	No	No	Yes

#	Citizenship status	Place of birth	Domicile	Accepting tax treaty benefits?	Defined in	Tax Status under 26 U.S.C./Internal Revenue Code			
						"Citizen" (defined in 26 C.F.R. §1.1-1)	"Resident alien" (defined in 26 U.S.C. §7701(b)(1)(A), 26 C.F.R. §1.1441-1(c)(3)(i) and 26 C.F.R. §1.1-1(a)(2)(ii))	"Nonresident alien INDIVIDUAL" (defined in 26 U.S.C. §7701(b)(1)(B) and 26 C.F.R. §1.1441-1(c)(3))	"Non-resident NON-person" (NOT defined)
3.4	Statutory "citizen of the United States**" or Statutory "U.S.* citizen"	Constitutional Union state	Puerto Rico, Guam, Virgin Islands, Commonwealth of Northern Mariana Islands	NA (ACTA agreement)	8 U.S.C. §1101(a)(21); 14 <sup>th</sup> Amend., Sect. 1	Yes	No	No	No
4.1	"alien" or "Foreign national"	Foreign country	Puerto Rico, Guam, Virgin Islands, Commonwealth of Northern Mariana Islands	NA	8 U.S.C. §1101(a)(21); 8 U.S.C. §1101(a)(3)	No	Yes	No	No
4.2	"alien" or "Foreign national"	Foreign country	State of the Union	Yes	8 U.S.C. §1101(a)(21); 8 U.S.C. §1101(a)(3)	No	No	Yes	No
4.3	"alien" or "Foreign national"	Foreign country	State of the Union	No	8 U.S.C. §1101(a)(21); 8 U.S.C. §1101(a)(3)	No	No	No	Yes
4.4	"alien" or "Foreign national"	Foreign country	Foreign country	Yes	8 U.S.C. §1101(a)(21)	No	No	Yes	No
4.5	"alien" or "Foreign national"	Foreign country	Foreign country	No	8 U.S.C. §1101(a)(21)	No	No	No	Yes

**NOTES:**

1. Domicile is a prerequisite to having any civil status per Federal Rule of Civil Procedure 17. One therefore cannot be a statutory "alien" under 8 U.S.C. §1101(a)(3) without a domicile on federal territory. Without such a domicile, you are a transient foreigner and neither an "alien" nor a "nonresident alien".
2. "United States" is described in 8 U.S.C. §1101(a)(38), (a)(36) and 8 C.F.R. §215.1(f) and includes only federal territory and possessions and excludes all Constitutional Union states. This is a product of the separation of powers doctrine that is the heart of the United States Constitution.
3. A "nonresident alien individual" who has made an election under 26 U.S.C. §6013(g) and (h) to be treated as a "resident alien" is treated as a "nonresident alien" for the purposes of withholding under I.R.C. Subtitle C but retains their status as a "resident alien" under I.R.C. Subtitle A. See 26 C.F.R. §1.1441-1(c)(3) for the definition of "individual", which means "alien".
4. A "non-person" is really just a transient foreigner who is not "purposefully availing themselves" of commerce within the legislative jurisdiction of the United States on federal territory under the Foreign Sovereign Immunities Act (FSIA), 28 U.S.C. Chapter 97. The real transition from a "NON-person" to an "individual" occurs when one:
  - 4.1. "Purposefully avails himself" of commerce on federal territory and thus waives sovereign immunity. Examples of such purposeful availment are the next three items.
  - 4.2. Lawfully and consensually occupying a public office in the U.S. government and thereby being an "officer and individual" as identified in 5 U.S.C. §2105(a). Otherwise, you are PRIVATE and therefore beyond the civil legislative jurisdiction of the national government.
  - 4.3. Voluntarily files an IRS Form 1040 as a citizen or resident abroad and takes the foreign tax deduction under 26 U.S.C. §911. This too is essentially an act of "purposeful availment". Nonresidents are not mentioned in section 911. The upper left corner of the form identifies the filer as a "U.S. individual". You

- 1 cannot be an "U.S. individual" without ALSO being an "individual". All the "trade or business" deductions on the form presume the applicant is a public  
2 officer, and therefore the "individual" on the form is REALLY a public officer in the government and would be committing FRAUD if he or she was NOT.
- 3 4.4. VOLUNTARILY fills out an IRS Form W-7 ITIN Application (IRS identifies the applicant as an "individual") AND only uses the assigned number in  
4 connection with their compensation as an elected or appointed public officer. Using it in connection with PRIVATE earnings is FRAUD.
- 5 5. What turns a "non-resident NON-person" into a "nonresident alien individual" is meeting one or more of the following two criteria:
- 6 5.1. Residence/domicile in a foreign country under the residence article of an income tax treaty and 26 C.F.R. §301.7701(b)-7(a)(1).  
7 5.2. Residence/domicile as an alien in Puerto Rico, Guam, the Commonwealth of Northern Mariana Islands, the U.S. Virgin Islands, or American Samoa as  
8 determined under 26 C.F.R. §301.7701(b)-1(d).
- 9 6. All "taxpayers" are STATUTORY "aliens" or "nonresident aliens". The definition of "individual" found in 26 C.F.R. §1.1441-1(c)(3) does NOT include "citizens".  
10 The only occasion where a "citizen" can also be an "individual" is when they are abroad under 26 U.S.C. §911 and interface to the I.R.C. under a tax treaty with a  
11 foreign country as an alien pursuant to 26 C.F.R. §301.7701(b)-7(a)(1)

12 *And when he had come into the house, Jesus anticipated him, saying, "What do you think, Simon? From whom do the kings [governments] of the earth [lawfully] take*  
13 *customs or taxes, from their sons [citizens and subjects] or from strangers [aliens], which are synonymous with "residents" in the tax code, and exclude "citizens"?"*

14 *Peter said to Him, "From strangers [aliens]/"residents" ONLY. See 26 C.F.R. §1.1-1(a)(2)(ii) and 26 C.F.R. §301.6109-1(d)(3)."*

15 *Jesus said to him, "Then the sons [of the King, Constitutional but not statutory "citizens" of the Republic, who are all sovereign "nationals" and "non-resident non-*  
16 *persons" under federal law] are free [sovereign over their own person and labor. e.g. SOVEREIGN IMMUNITY]. "*  
17 *[Matt. 17:24-27, Bible, NKJV]*



1 It is a maxim of law that things with similar but not identical names are NOT the same in law:

2 *Talis non est eadem, nam nullum simile est idem.*

3 *What is like is not the same, for nothing similar is the same. 4 Co. 18.*

4 [*Bouvier's Maxims of Law, 1856;*

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

6 We prove extensively on this website that the only persons who are “taxpayers” within the Internal Revenue Code are  
7 “resident aliens”. Here is just one example:

8 *NORMAL TAXES AND SURTAXES*  
9 *DETERMINATION OF TAX LIABILITY*  
10 *Tax on Individuals*  
11 *Sec. 1.1-1 Income tax on individuals.*

12 *(a)(2)(ii) For taxable years beginning after December 31, 1970, the tax imposed by section 1(d), as amended by*  
13 *the Tax Reform Act of 1969, shall apply to the income effectively connected with the conduct of a trade or business*  
14 *in the United States by a **married alien individual who is a nonresident of the United States for all or part of***  
15 ***the taxable year or by a foreign estate or trust.** For such years the tax imposed by section 1(c), as amended by*  
16 *such Act, shall apply to the income effectively connected with the conduct of a trade or business in the United*  
17 *States by an **unmarried alien individual (other than a surviving spouse) who is a nonresident of the United***  
18 ***States for all or part of the taxable year.** See paragraph (b)(2) of section 1.871-8.” [26 C.F.R. §1.1-1(a)(2)(ii)]*

19 It is a self-serving, malicious attempt to STEAL from the average American for the IRS to confuse a state national who is a  
20 non-resident non-person and a “nontaxpayer” with a “resident alien taxpayer”. This sort of abuse MUST be stopped  
21 IMMEDIATELY. These sort of underhanded and malicious tactics:

22 1. Are a violation of constitutional rights and due process of law because they cause an injury to rights based on false  
23 presumption. See:

24 1.1. *Presumption: Chief Weapon for Unlawfully Enlarging Federal Jurisdiction.* Form #05.017

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

26 1.2. Federal Civil Trials and Evidence, Rutter Group, paragraph 8:4993, p. 8K-34:

27 *(1) [8:4993] Conclusive presumptions affecting protected interests: A conclusive presumption may be defeated*  
28 *where its application would impair a party's constitutionally-protected liberty or property interests. In such*  
29 *cases, conclusive presumptions have been held to violate a party's due process and equal protection rights.*  
30 *[Vlandis v. Kline (1973) 412 U.S. 441, 449, 93 S.Ct. 2230, 2235; Cleveland Bd. of Ed. v. LaFleur (1974) 414*  
31 *U.S. 632, 639-640, 94 S.Ct. 1208, 1215-presumption under Illinois law that unmarried fathers are unfit violates*  
32 *process]*  
33 *[Federal Civil Trials and Evidence, Rutter Group, paragraph 8:4993, p. 8K-34]*

34 1.3. Vlandis v. Kline, 412 U.S. 441 (1973):

35 *Statutes creating permanent irrebuttable presumptions have long been disfavored under the Due Process*  
36 *Clauses of the Fifth and Fourteenth Amendments.* *In Heiner v. Donnan, 285 U.S. 312, 52 S.Ct. 358, 76 L.Ed.*  
37 *772 (1932), the Court was faced with a constitutional challenge to a federal statute that created a conclusive*  
38 *presumption that gifts made within two years prior to the donor's death were made in contemplation of death,*  
39 *thus requiring payment by his estate of a higher tax. In holding that this irrefutable assumption was so arbitrary*  
40 *and unreasonable as to deprive the taxpayer of his property without due process of law, the Court stated that it*  
41 *had 'held more than once that a statute creating a presumption which operates to deny a fair opportunity to rebut*  
42 *it violates the due process clause of the Fourteenth Amendment.' Id., at 329, 52 S.Ct., at 362. See, e.g., Schlesinger*  
43 *v. Wisconsin, 270 U.S. 230, 46 S.Ct. 260, 70 L.Ed. 557 (1926); Hooper v. Tax Comm'n, 284 U.S. 206, 52 S.Ct.*  
44 *120, 76 L.Ed. 248 (1931). See also Tot v. United States, 319 U.S. 463, 468-469, 63 S.Ct. 1241, 1245-1246, 87*  
45 *L.Ed. 1519 (1943); Leary v. United States, 395 U.S. 6, 29-53, 89 S.Ct. 1532, 1544-1557, 23 L.Ed.2d. 57 (1969).*  
46 *Cf. Turner v. United States, 396 U.S. 398, 418-419, 90 S.Ct. 642, 653-654, 24 L.Ed.2d. 610 (1970).*  
47 *[Vlandis v. Kline, 412 U.S. 441 (1973)]*

48 2. Destroy the separation of powers between the state and federal government. The states of the Union and the people  
49 domiciled therein are supposed to be foreign, sovereign, and separate from the Federal government in order to protect  
50 their constitutional rights:

51 *“We start with first principles. The Constitution creates a Federal Government of enumerated powers. See U.S.*  
52 *Const., Art. I, 8. As James Madison wrote, “[t]he powers delegated by the proposed Constitution to the federal*

1 government are few and defined. Those which are to remain in the State governments are numerous and  
2 indefinite." *The Federalist* No. 45, pp. 292-293 (C. Rossiter ed. 1961). **This constitutionally**  
3 **mandated division of authority "was adopted by the Framers to**  
4 **ensure protection of our fundamental liberties."** *Gregory v. Ashcroft*, 501  
5 *U.S. 452, 458 (1991)* (internal quotation marks omitted). "Just as the separation and independence of the  
6 coordinate branches of the Federal Government serves to prevent the accumulation of excessive power in any  
7 one branch, a healthy balance of power between the States and the Federal Government will reduce the risk  
8 of tyranny and abuse from either front." *Ibid.* "  
9 [U.S. v. Lopez, 514 U.S. 549 (1995)]

- 10 3. Destroy the sovereignty of people born and domiciled within states of the Union who would otherwise be "stateless  
11 persons" and "foreign sovereigns" in relation to the federal government.
- 12 4. Cause a surrender of sovereign immunity pursuant to 28 U.S.C. §1605(b)(3) by involuntarily connecting sovereign  
13 individuals with commerce with the federal government in the guise of illegally enforced taxation.
- 14 5. Cause Christians to have to serve TWO masters, being the state and federal government, by having to pay tribute to  
15 TWO sovereigns. This is a violation of the following scriptures.

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

19 If you would like to learn more about the relationship between citizenship status and tax status and why a "nonresident alien"  
20 is not equivalent to an "alien", see:

- 21 1. *Non-Resident Non-Person Position*, Form #05.020  
22 <http://sedm.org/Forms/FormIndex.htm>
- 23 2. *Why You are a "national", "state national", and Constitutional but Not Statutory Citizen*, Form #05.006  
24 <http://sedm.org/Forms/FormIndex.htm>
- 25 3. *Legal Basis for the Term "Nonresident Alien"*, Form #05.036  
26 <http://sedm.org/Forms/FormIndex.htm>
- 27 4. *Great IRS Hoax*, Form #11.302, Chapter 5:  
28 <http://sedm.org/Forms/FormIndex.htm>

## 29 **20 Equivocation During Litigation or on Government Forms**<sup>36</sup>

30 It is a maxim of law that fraud lies hid in what is called "general expressions":

31 "*Dolus versatur generalibus. A deceiver deals in generals.* 2 Co. 34."

32 "*Fraus latet in generalibus. Fraud lies hid in general expressions.*"

33 *Generale nihil certum implicat. A general expression implies nothing certain.* 2 Co. 34.

34 *Ubi quid generaliter conceditur, in est haec exceptio, si non aliquid sit contra jus fasque. Where a thing is*  
35 **concealed generally, this exception arises, that there shall be nothing contrary to law and right.** 10 Co. 78.

36 [*Bouvier's Maxims of Law*, 1856

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

38 By "general expressions" is meant "words of art" such as the following:

- 39 1. "United States". See 26 U.S.C. §7701(a)(9) and (a)(10) .
- 40 2. "State". See 26 U.S.C. §7701(a)(10), 4 U.S.C. §110(d) , and 42 U.S.C. §1301(a)(1).
- 41 3. "Trade or business". See 26 U.S.C. §7701(a)(26).
- 42 4. "Employee". See 26 U.S.C. §3401(c) and 5 U.S.C. §2105(a).
- 43 5. "Employer". See 26 U.S.C. §3401(d).

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<sup>36</sup> Extracted from *Legal Deception, Propaganda, and Fraud*, Form #05.014, Section 14.1; SOURCE: <https://sedm.org/Forms/FormIndex.htm>

- 1 6. "Taxpayer". See 26 U.S.C. §7701(a)(14).
- 2 7. "Resident". See 26 U.S.C. §7701(b)(4).
- 3 8. "citizen", "U.S. citizen", or "citizen of the United States". See:
- 4 8.1. 26 C.F.R. §1.1-1(c), 8 U.S.C. §1401.
- 5 8.2. Why You are a "national", "state national", and Constitutional but not Statutory Citizen, Form #05.006
- 6 <http://sedm.org/Forms/FormIndex.htm>
- 7 8.3. Citizenship Status v. Tax Status, Form #10.011
- 8 <http://sedm.org/Forms/FormIndex.htm>

9 Abuse of the above "general expressions" is the main mechanism of FRAUD in courtrooms across the country and its abuse  
10 leads to more crimes committed by federal judges and prosecutors than all the other crimes put together. A "general  
11 expression" is one which satisfies one or more of the following criteria:

- 12 1. Used in its ORDINARY meaning when described to a jury, even when that meaning is WILLFULLY and  
13 DELIBERATELY in CONFLICT with the statutory meaning. Thus, the judge's will instead of the written law defines  
14 the word, leading to the judge violating the separation of powers doctrine by acting as a legislator.
- 15 2. Judge or prosecutor REFUSES to discuss the statutory meaning of the term in front of the jury.
- 16 3. Judge or prosecutor REFUSES to strictly apply the rules of statutory construction in any and every use of the term.
- 17 4. Judge or prosecutor refuses to allow the defendant to define the meaning in any or every government form they fill out,  
18 thereby compelling a jury to interpret the meaning according to ORDINARY understanding rather than what the law  
19 EXPRESSLY says or defines.
- 20 5. Judge or prosecutor interferes with the jury reading the statutes and especially the definitions being enforced for the  
21 statutes or tries to exclude evidence containing the statutes or definitions using motions in limine.
- 22 6. A term in which the PROPER statutory meaning would deprive the judge, prosecutor, or government of revenue or  
23 subsidy. Thus there is a CRIMINAL financial conflict of interest on the part of the judge and due process is violated  
24 because the judge or fact finders have a financial conflict of interest:

25 ***"And you shall take no bribe, for a bribe blinds the discerning and perverts the words of the righteous."***  
26 *[Exodus 23:8, Bible, NKJV]*

27 *"He who is greedy for gain troubles his own house,*  
28 ***But he who hates bribes will live."***  
29 *[Prov. 15:27, Bible, NKJV]*

30 *"Surely oppression destroys a wise man's reason.*  
31 *And **a bribe debases the heart."***  
32 *[Ecclesiastes 7:7, Bible, NKJV]*

33 *"The king establishes the land by justice, but he who receives bribes overthrows it."*  
34 *[Prov. 29:4, Bible, NKJV]*

35 Below is how the person who designed our Republican Form of Government, Baron Montesquieu, complete with the three  
36 branches of government, described the above types of abuses, in which the separation of powers is destroyed, thus leaving  
37 room for what the U.S. Supreme Court calls "arbitrary power":

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

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

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

48 *[. . .]*

49 ***In what a situation must the poor subject be in those republics! The same body of magistrates are possessed,***  
50 ***as executors of the laws, of the whole power they have given themselves in quality of legislators. They may***

1 plunder the state by their general determinations; and as they have likewise the judiciary power in their hands,  
2 every private citizen may be ruined by their particular decisions.”  
3 *[The Spirit of Laws, Charles de Montesquieu, Book XI, Section 6, 1758;*  
4 *SOURCE: [http://famguardian.org/Publications/SpiritOfLaws/sol\\_11.htm](http://famguardian.org/Publications/SpiritOfLaws/sol_11.htm)]*

## 5 **21 Rebutted False IRS Information and Arguments About the word “person”**

6 Every attempt by the IRS to rebut the usually TRUE claim by state citizens and nonresidents that they are not statutory  
7 “persons” ALWAYS presumes that the person arguing it is a statutory “taxpayer”. A statutory “taxpayer”, in turn, is someone  
8 who is “subject” to the Internal Revenue Code:

9 26 U.S.C. §7701(a)(14):

10 (14) Taxpayer

11 *The term “taxpayer” means any person subject to any internal revenue tax.*

12 You can’t be “subject” WITHOUT being a statutory “person”. All obligations under the Internal Revenue code attach to the  
13 civil status of either “person” or “taxpayer”, which are synonymous. You can’t be a “taxpayer” WITHOUT also being a  
14 “person” in fact.

15 For a funny comparison of the terms “taxpayer” and “nontaxpayer”, we refer you to the following IRS publication:

*Your Rights as a “Nontaxpayer”*, Publication 1a, Form #08.008  
<https://sedm.org/LibertyU/NontaxpayerBOR.pdf>

16 We know from first-hand experience the following facts about the IRS approach:

- 17 1. They want to unconstitutionally PRESUME that EVERYONE is a statutory “taxpayer”.
- 18 2. They will NEVER acknowledge the existence of “nontaxpayers”.
- 19 3. If you provide proof to them that “nontaxpayers” exist, such as the U.S. Supreme Court’s acknowledgement of their  
20 existence in *South Carolina v. Regan*, 465 U.S. 367 (1984), they will ignore you or pretend like they never received  
21 your correspondence bringing up the point.
- 22 4. They have in the past attempted to suppress all references to “exempt by fundamental law” from the code because it  
23 recognizes that you don’t need a statutory exemption to not be subject to the Internal Revenue Code.
- 24 5. They will try to attack everyone who points out the existence of people NOT SUBJECT to the Internal Revenue Code  
25 but who are not statutorily “exempt” or statutory “persons”. See:

*Non-Resident Non-Person Position*, Form #05.020  
<https://sedm.org/Forms/FormIndex.htm>

26 The above tactics are what we facetiously call “marketing”. The government is a business that delivers only ONE product,  
27 which is PROTECTION. Like any business, you have a right to NOT be a “customer” called a statutory “citizen”, “resident”,  
28 “taxpayer”, or “person”. To suggest otherwise is to impute monopolistic powers to the government in violation of the  
29 Sherman Antitrust Act.

30 If it was possible, every business would ideally like to have a legal right to presume that everyone is a “customer” and place  
31 the burden of proving they are NOT customers upon the accused party. That’s exactly what the IRS does: PRESUME you  
32 are a statutory “taxpayer” and “person” and therefore “customer” and place the burden of proof upon YOU to administratively  
33 prove OTHERWISE. And when you try to do that, like a spoiled child, they will plug their ears and say

34 *“Neener neener neener...I don’t have to listen to you and I can do whatever I want to you as long as I don’t know*  
35 *that I am hurting you and have plausible deniability”.*

36 Does the above sound like the very DEFINITION of an “anarchist”? For more about anarchism, see:

*Policy Document: Problems with Atheistic Anarchism*, Form #08.020  
<https://sedm.org/Forms/FormIndex.htm>

1 Of course, in the process, they are instituting a “criminal protection racket” and even a criminal mafia in which you in effect  
2 have to pay them “protection money” in exchange for the PRIVILEGE to simply be left alone. [18 U.S.C. Chapter 95](#). In  
3 effect, they are turning constitutional JUSTICE into a STATUTORY privilege or franchise, which in itself is an INJUSTICE,  
4 as we prove in:

[What is “Justice”?, Form #05.050, Section 5.3  
<https://sedm.org/Forms/FormIndex.htm>](https://sedm.org/Forms/FormIndex.htm)

5 IRS Notices relating to Frivolous Positions are documented on our website at:

[SEDM Index of Federal Tax Notice and Letter Responses, Form #07.301, Section 4.5, Item 19  
<https://sedm.org/SampleLetters/Federal/FedLetterAndNoticeIndex.htm>](https://sedm.org/SampleLetters/Federal/FedLetterAndNoticeIndex.htm)

## 6 **21.1 IRS Revenue Rule. 2007-22, p. 6**

### 7 **STATEMENT:**

8 *Part I*

9 *Section 7701.—Definitions*

10 *26 CFR 301.7701-6(a): person (Also: §§6012, 7203, 26 CFR 1.6012(a))*

11 *2. Definition of Person*

12 *The Internal Revenue Code defines “person” and sets forth which persons are subject to federal taxes. Section*  
13 *7701(a)(14) defines “taxpayer” as “any person” subject to any internal revenue tax, and section 7701(a)(1)*  
14 *defines “person” to include an individual, trust, estate, partnership, or corporation.*

15 *Arguments that an individual is not a “person” within the meaning of the Internal Revenue Code have been*  
16 *uniformly rejected by the courts as have arguments with respect to the term “individual.” See, e.g., United States*  
17 *v. Dawes, 874 F.2d. 746, 750-51 (10th Cir. 1989), overruled on other grounds, 895 F.2d. 1577 (10th Cir. 1990)*  
18 *(“The contention that appellants are not taxpayers because they are ‘free born, white, preamble, sovereign,*  
19 *natural, individual common law ‘de jure’ citizens of Kansas’ is frivolous. Individuals are ‘persons’ under the*  
20 *Internal Revenue Code and thus subject to 26 U.S.C. §7203.”); United States v. Studley, 783 F.2d. 934, 937 n.3*  
21 *(9th Cir. 1986) (in holding that an individual is a person under the Internal Revenue Code, the court noted “this*  
22 *argument has been consistently and thoroughly rejected by every branch of the government for decades. Indeed*  
23 *advancement of such utterly meritless arguments is now the basis for serious sanctions imposed on civil litigants*  
24 *who raise them”). Courts have also uniformly rejected claims that a taxpayer is not a person subject to tax*  
25 *because the taxpayer did not request, obtain, or exercise any privileges of citizenship. See, e.g., Lovell v. United*  
26 *States, 755 F.2d. 517, 519 (7th Cir. 1984) (“All individuals, natural or unnatural, must pay federal income tax*  
27 *on their wages, regardless of whether they received any ‘privileges’ from the government”).*

### 28 **HOLDING:**

29 *[. . .]*

30 *2. The term “person” as used by the Internal Revenue Code includes natural persons and individuals. Moreover,*  
31 *a taxpayer need not request, obtain, or exercise a privilege from an agency of the government to be a “person”*  
32 *within the meaning of the Internal Revenue Code. Therefore, Taxpayer C and Taxpayer D are subject to federal*  
33 *income tax liability*  
34 *[Internal Revenue Service, Revenue Rule. 2007-22, p. 6]*

### 35 **REBUTTAL:**

36 The first HUGE problem with the above cases and the “elephant in the room” is the inability of any federal court (below the  
37 U.S. Supreme Court, of course, which Congress cannot limit or control by statute) to enter a declaratory judgment identifying  
38 them as either a “person” or a “non-person”. 28 U.S.C. §2201(a) forbids the court reaching any conclusions about the status  
39 or rights of either the government or the “taxpayer” in questions relating to “federal taxes”.

40 [28 U.S. Code § 2201 - Creation of remedy](#)



1 (a) In a case of actual controversy within its jurisdiction, **except with respect to Federal taxes other than actions**  
2 **brought under section 7428 of the Internal Revenue Code of 1986, a proceeding under section 505 or 1146 of**  
3 **title 11, or in any civil action involving an antidumping or countervailing duty proceeding regarding a class or**  
4 **kind of merchandise of a free trade area country (as defined in section 516A(f)(9) of the Tariff Act of 1930),**  
5 as determined by the administering authority, any court of the United States, upon the filing of an appropriate  
6 pleading, may declare the rights and other legal relations of any interested party seeking such declaration,  
7 whether or not further relief is or could be sought. Any such declaration shall have the force and effect of a final  
8 judgment or decree and shall be reviewable as such.

9 Statutory obligations or even tax “liability” itself attach to civil statuses, such as “person”, “individual”, etc. and are the only  
10 vehicle to establish the relations of the parties and the remedies available to them. The **inability** to either DECLARE or to  
11 TREAT someone AS IF they have a given status that they do not first claim for themselves is therefore a violation of the  
12 above act, a violation of the First Amendment right to NOT associate, and an attempt to impose involuntary servitude in  
13 violation of the Thirteenth Amendment of obligations attach to the civil status of “person” under the Internal Revenue Code  
14 “trade or business” franchise in I.R.C. Subtitle A. Below is an example of the above prohibition in the case of information  
15 returns:

16 *Insofar as Plaintiff is seeking to have the 1099s issued by defendants voided, this court also lacks jurisdiction.*  
17 **The Declaratory Judgment Act allows courts to “declare the rights and other legal relations” of parties within**  
18 **its jurisdiction, but not “with respect to [f]ederal taxes.” 28 U.S.C. §2201(a). Further, any determination by**  
19 **the court that Plaintiff did not receive any income from the sale of goods on amazon.com in 2013 and 2015**  
20 **would be a determination of Plaintiff’s underlying tax liability. As stated, however, the court lacks authority to**  
21 **determine a party’s tax liability. See Sterling Consulting Corp. v. United States, 245 F.3d 1161, 1166 (10th Cir.**  
22 **2001) (“[T]here are no relevant exceptions under the Declaratory Judgment Act that permit the district court**  
23 **to determine [a party’s] tax liabilities.”).**

24 *To the extent that Plaintiff is attempting to assert a claim against defendants for a fraudulent information return,*  
25 *Plaintiff has not stated a cognizable claim. Under 26 U.S.C. §7434(a), a person may not “willfully file[ ]” with*  
26 *the IRS “a fraudulent information return with respect to payments purported to be made to any other person[.]”*  
27 *For the purposes of § 7434(a), an “information return” refers to an enumerated list of statements filed with the*  
28 *IRS pursuant to the United States Tax Code. Id. § 7434(f). The statute authorizes the person on whose behalf the*  
29 *fraudulent information return was filed to bring a civil action for damages against the person filing the return.*  
30 *Id. § 7434(a); Katzman v. Essex Waterfront Owners LLC, 660 F.3d 565, 569 (2d Cir. 2011) (discussing*  
31 *legislative intent of § 7434 to address the fact that some taxpayers may suffer significant personal loss and*  
32 *inconvenience as the result of the IRS receiving fraudulent information returns, “which have been filed by persons*  
33 *intent on either defrauding the IRS or harassing taxpayers”). As a claim pursuant to § 7434 alleges fraud by*  
34 *definition, Federal Rule of Civil Procedure 9(b)’s heightened pleading standard applies. See Kearns v. Ford*  
35 *Motor Company, 567 F.3d 1120, 1125 (9th Cir. 2009). Rule 9 requires that a party alleging fraud or mistake*  
36 *must state with particularity the circumstances constituting fraud or mistake. Fed. R. Civ. P. 9(b).*

37 *Assuming, without deciding, that the form referenced by Plaintiff is an information return subject to § 7434,*  
38 *Plaintiff has not pled sufficient facts to demonstrate that any of the defendants willfully filed the allegedly false*  
39 *information returns. “Willfulness in the context of § 7434 means “intentional wrongdoing.” See Gidding v. Zurich*  
40 *Am. Ins. Co., No. 15-cv-01176-HSG, 2016 WL 4088865, at 6 (N.D. Cal. Aug. 2, 2016). “[A]lthough Rule 9(b)*  
41 *permits knowledge and intent to be pled in general terms, a plaintiff still must allege sufficient underlying facts*  
42 *from which a court may reasonably infer that a party acted with the requisite state of mind.” San Francisco Tech.,*  
43 *Inc. v. GlaxoSmithKline LLC, No. 5:10-cv-03248-JF/NJV, 2011 WL 941096, at 3 (N.D. Cal. Mar. 16, 2011)*  
44 *(internal quotation and citation omitted). There is nothing in Plaintiff’s allegations from which the court may*  
45 *reasonably infer that defendants acted with the requisite state of mind, i.e., that defendants willfully filed false*  
46 *returns or that they intended to either defraud the IRS or otherwise harass Plaintiff. Plaintiff will be given leave*  
47 *to cure this deficiency if she can do so in good faith.*  
48 *[Goodwin v. Amazon Servs., LLC, 1:17-cv-01157-AWI-BAM, at \*3-4 (E.D. Cal. Mar. 7, 2018)]*

49 Furthermore, the above Revenue Rule lists three cases as authority. Below is a summary of the main issues of each case:

- 50 1. United States v. Studley, 783 F.2d. 934, 937 n.3 (9th Cir. 1986) (in holding that an individual is a person under the  
51 Internal Revenue Code, the court noted “this argument has been consistently and thoroughly rejected by every branch of  
52 the government for decades. Indeed advancement of such utterly meritless arguments is now the basis for serious  
53 sanctions imposed on civil litigants who raise them”)  
54 1.1. This was a criminal case involving three counts of failure to file.  
55 1.2. She identified herself as a “freeborn and natural individual” and did not distinguish between CONSTITUTIONAL  
56 people and STATUTORY fictions called “persons” or individuals. Thus, the court could use equivocation to  
57 PRESUME they are both equivalent and not be giggered on it.  
58 1.3. She contended that she was not a “taxpayer”, NOT that she was not a “person” or “individual”:

1 Studley contends that she is not a "taxpayer" because she is an absolute, freeborn and natural individual. This  
2 argument is frivolous. An individual is a "person" under the Internal Revenue Code and thus subject to 26 U.S.C.  
3 §7203. *United States v. Romero*, 640 F.2d 1014, 1016 (9th Cir.1981).[3]  
4 [*United States v. Studley*, 783 F.2d. 934, 937 n.3 (9th Cir. 1986) ]

5  
6 FOOTNOTES:

7 [3] We note that this argument has been consistently and thoroughly rejected by every branch of the government  
8 for decades. Indeed advancement of such utterly meritless arguments is now the basis for serious sanctions  
9 imposed on civil litigants who raise them.

- 10 2. *United States v. Dawes*, 874 F.2d. 746, 750-51 (10th Cir. 1989), overruled on other grounds, 895 F.2d. 1577 (10th Cir.  
11 1990) ("The contention that appellants are not taxpayers because they are 'free born, white, preamble, sovereign, natural,  
12 individual common law 'de jure' citizens of Kansas' is frivolous. Individuals are 'persons' under the Internal Revenue  
13 Code and thus subject to 26 U.S.C. §7203.")  
14 2.1. This was an appeal of a criminal case involving three counts of failure to file.  
15 2.2. This case cites the Studley case as its authority.  
16 3. *Lovell v. United States*, 755 F.2d. 517, 519 (7th Cir. 1984) ("All individuals, natural or unnatural, must pay federal  
17 income tax on their wages, regardless of whether they received any 'privileges' from the government")  
18 3.1. This was a tax refund case where a penalty was disputed.  
19 3.2. Plaintiffs filed a 1040 form identifying themselves as a "U.S. individual", did not sign the form.  
20 3.3. The parties, according to the court, did not dispute that they were not "individuals", or "persons".

21 That last case, Lovell, is absolutely ridiculously presumptuous and violates due process. If in fact "all individuals, natural or  
22 unnatural, must pay federal income tax", then EVERYONE IN THE WORLD, including those who DO NOT live within,  
23 maintain a domicile within, or do business within the statutory geographical "United States" as defined in 26 U.S.C.  
24 §7701(a)(9) and (a)(10)! We know that couldn't possibly be true so the judge was obviously in "marketing" or "political"  
25 mode asserting to be "king of the entire world" and therefore operating outside of his or her office. In effect, he is acting as  
26 a legislature by adding things that are not expressly "included" to the statutory definition of "individual" or "person" in  
27 violation of the separation of powers and the rules of statutory construction and interpretation. Below is what the person who  
28 DESIGNED our three branch system of government warned about when tyrant judges act like this:

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

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

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

39 [ . . . ]

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

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

46 So, of the above three cases, what they all have in common is:

- 47 1. The rules of statutory construction were violated:

48 "Under basic rules of construction, statutory laws enacted by legislative bodies cannot impair rights given  
49 under a constitution. 194 B.R. at 925. "  
50 [*In re Young*, 235 B.R. 666 (Bankr.M.D.Fla., 1999)]

- 1 2. Parties who did not understand the distinction between CONSTITUTIONAL “persons” and “STATUTORY “persons”.
- 2 Because they did not understand the two contexts, then the court was free to prejudicially presume without consequence
- 3 that both contexts are equivalent, to the advantage of the government.
- 4 3. The parties did not clarify their domicile was not within the civil jurisdiction of the court on federal territory within the
- 5 district.
- 6 3.1. They were nonresident to federal territory, and yet did not file or act in a way that reflected that. Thus they were
- 7 falsely presumed to be physically “resident”.
- 8 3.2. The Dawes courts states they had a “residence” within the district, but “residence” is only defined in the context of
- 9 “aliens” per 26 C.F.R. §1.871-2, and they were not aliens.
- 10 3.3. Thus, they were presumed to be domiciled within federal territory.
- 11 3.4. Had they filed as nonresidents, they could have invoked Federal Rule of Civil Procedure 17(b), which prevents
- 12 civil actions for enforcement against nonresidents.
- 13 4. The judge was PRESUMING the party before the court was NOT protected by the Constitution, possibly because they
- 14 mischaracterized their CIVIL status as being a STATUTORY “citizen” or STATUTORY “resident”, and thus SUBJECT
- 15 to the civil enactments of Congress. This is criminal identity theft on the part of the judge, and it was effective with
- 16 “equivocation” of CONSTITUTIONAL and STATUTORY contexts for the word “citizen” and “resident”. See:

Government Identity Theft, Form #05.046  
<https://sedm.org/Forms/FormIndex.htm>

17 In fact, these two contexts for geographical and citizenship terms, STATUTORY and CONSTITUTIONAL are mutually  
 18 exclusive and non-overlapping. Those who are subject to civil statutes are not protected by the constitution. You can’t be  
 19 subject to BOTH at the same time:

*“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)]*

*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.

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)]

41 For more on why STATUTORY and CONSTITUTIONAL contexts are non-overlapping, and how to avoid statutory  
 42 jurisdiction, see:

Why Statutory Civil Law is Law for Government and Not Private Persons, Form #05.037  
<https://sedm.org/Forms/FormIndex.htm>

43 **21.2 IRS Notice 2010-33**

44 **STATEMENT:**

2 Frivolous Positions-The Notice lists positions identified as frivolous for purposes of section 6702(c) of the Code.  
3 Notice 2008-14, 2008-4 I.R.B. 310, modified and superseded.

4 (10) A taxpayer is not a "person" within the meaning of section 7701(a)(14) or other provisions of the Internal  
5 Revenue Code, or similar arguments described as frivolous in Rev. Rul. 2007-22, 2007-1 C.B. 866.  
6 [Frivolous Positions, IRS Notice 2010-33, p. 7]

7 **REBUTTAL:**

8 The above completely distorts our argument to make it look like something it isn't. There is no question that anyone who  
9 meets any of the following criteria in relation to the exclusive jurisdiction of the national government over federal territory  
10 will be "deemed" to be legally but not necessarily physically "present" within the forum or jurisdiction and subject to its  
11 laws:

- 12 1. A physical presence in that place. The status would be under the COMMON law. Common law is based on physical  
13 location of people on land rather than their statutory status.
- 14 2. CONSENSUALLY doing business in that place. The status would be under the common law. See the [Foreign Sovereign](#)  
15 [Immunities Act \(FSIA\), 28 U.S.C. Chapter 97](#) and [International Shoe Co. v. Washington, 326 U.S. 310 \(1945\)](#).
- 16 3. A CONSENSUAL domicile in that place. This would be a status under the civil statutes of that place. See [Federal Rule](#)  
17 [of Civil Procedure 17\(a\)](#). See also [Form #05.002](#).
- 18 4. CONSENSUALLY representing an artificial entity (a legal fiction) that has a domicile in that place. This would be a  
19 status under the civil statutes of that place. See [Federal Rule of Civil Procedure 17\(b\)](#).
- 20 5. Consenting to a civil status under the laws of that place. Anything done consensually cannot form the basis for an injury  
21 in a court of law. Such consent is usually manifested by filling out a government form identifying yourself with a specific  
22 statutory status, such as a W-4, 1040, driver's license application, etc. This is covered in:

[Avoiding Traps in Government Forms Course](#), Form #12.023  
<https://sedm.org/Forms/FormIndex.htm>

23 HOWEVER, the purpose of our website is to ensure that our members DO NOT satisfy any of the above criteria in relation  
24 to federal territory or federal community property under Article 4, Section 3, Clause 2 and therefore are "stateless person",  
25 meaning that they have not "civil status" or connection to the forum. We call people who meet these criteria "non-resident  
26 non-persons".

27 If those who do NOT meet any of the above criteria are injured by a legislatively foreign state in the place they, then the  
28 invading party (in violation of Article 4, Section 4) satisfies the above rules AGAINST THEM and must then surrender  
29 official, judicial, and sovereign immunity and agrees to be accountable for the damage they cause, just like we would if we  
30 did business with Uncle in THEIR forum. This is what it means to advocate equality of protection and equality of treatment  
31 under international law, in fact. See Form #05.033 for the requirement of equality of treatment. Anyone who argues against  
32 the SAME treatment of the national government when it operates extraterritorially either INTERNATIONALLY or within  
33 the exclusive jurisdiction of a constitutional state is an elitist, an idolater, and is violating the First Amendment by imputing  
34 superior or supernatural powers to a government that the people do not individually also possess.

35 A statutory "taxpayer" is defined in 26 U.S.C. §7701(a)(14) as someone who is "subject".

36 TITLE 26 > Subtitle F > CHAPTER 79 > § 7701  
37 [§ 7701. Definitions](#)

38 (a)When used in this title, where not otherwise distinctly expressed or manifestly incompatible with the intent  
39 thereof—

40 (14) Taxpayer

41 The term "taxpayer" means any person subject to any internal revenue tax.

42 One cannot be "subject" and yet not ALSO be a "person". We agree with the above statement within IRS Notice 2010-33.

To be SUBJECT to a “tax” under the I.R.C., however, once must be among the parties expressly “made liable”. Those parties are described in 26 C.F.R. §1.1-1(a) as:

[26 C.F.R. § 1.1-1 - Income tax on individuals.](#)

*(a) General rule.*

*(I) Section 1 of the Code imposes an income tax on the income of every individual who is a citizen or resident of the United States and, to the extent provided by section 871(b) or 877(b), on the income of a nonresident alien Individual.*

The ABOVE parties, as far as human beings go, are the parties “liable to” but not “made liable”. Thus, they would be STATUTORY “taxpayers” and “persons”. Since the Thirteenth Amendment forbids involuntary servitude for HUMAN BEINGS but not FICTIONS OF LAW such as businesses and corporations, and being a “taxpayer” involves government “servitude”, then:

1. Fictions of law such as businesses cannot invoke organic rights as an excuse NOT to pay income tax.
2. All HUMAN “taxpayers” upon whom the tax is imposed are either:
  - 2.1. Volunteers or
  - 2.2. Are NOT protected by the Thirteenth Amendment because they are geographically abroad.
3. The Thirteenth Amendment applies EVERYWHERE in the COUNTRY, not just within the constitutional states. When it was enacted it applied to southern states who were territories until they rejoined the union, for instance, after the Civil War ended in 1865.
4. Thus, the STATUTORY terms “citizens” and “residents” as used above MUST be voluntary. In fact they are. If you don’t want the “benefits” of the status, you can choose to be a “nonresident alien”. To suggest that people do NOT have this choice is to:
  - 4.1. Violate the First Amendment right to NOT politically or legal associate from a civil perspective.
  - 4.2. Interfere with the sovereign right of all parties NOT to contract.
5. “Nonresident aliens” in turn, are not DIRECTLY made “liable to” the income tax above UNLESS they engage in the excise taxable activity called a “trade or business”, which is statutorily defined in 26 U.S.C. §7701(a)(26) as “the functions of a public office”.
6. Since serving in public offices is ALSO voluntary and cannot be coerced WITHOUT violating the Thirteenth Amendment, then the income tax is voluntary FOR EVERYONE who does NOT do any of the following:
  - 6.1. CONSENT or ASSENT to be called a CIVIL STATUTORY “citizen” (8 U.S.C. §1401) or “resident” (alien, 26 U.S.C. §7701(b)(1)(A)).
  - 6.2. CONSENT or ASSENT to engage in a public office or STATUTORY “trade or business”.
  - 6.3. ACT AS IF they have consented or assented, even if they never expressed it.
7. The only geographical place the Thirteenth Amendment DOES NOT apply to is people described in 26 U.S.C. §911 as “Citizens or Residents of the United States Living Abroad”.
  - 7.1. Even for these parties, the income tax is ALSO voluntary, because if they already decided they don’t want the “benefit” of the civil status of STATUTORY “citizen” or “resident” as indicated above, then it doesn’t matter WHERE they geographically are at that point.
  - 7.2. They can file as “nonresident aliens” and will be TREATED as engaging in the excise taxable “trade or business”/public office franchise if they either:
    - 7.2.1. Receive a payment from the national government or
    - 7.2.2. They have a usually FALSE information return filed against them.Otherwise, they remain “nontaxpayers”.

For more on the subject of the above, see:

[How State Nationals Volunteer to Pay Income Tax, Form #08.024](#)  
<https://sedm.org/Forms/FormIndex.htm>



## 21.3 Ministry falsely claims the existence of “non-resident non-persons”<sup>37</sup>

*"It must be conceded that there are rights [and therefore "non-persons" possessing such PRIVATE rights] in every free government beyond the control of the State [or a jury or majority of electors]. **A government which recognized no such rights, which held the lives, liberty and property of its citizens, subject at all times to the disposition and unlimited control of even the most democratic depository of power, is after all a despotism. It is true that it is a despotism of the many--of the majority, if you choose to call it so--but it is not the less a despotism.**"*

[*Loan Ass'n v. Topeka*, 87 U.S. (20 Wall.) 655, 665 (1874)]

*"The very purpose of a Bill of Rights was to withdraw certain subjects [and the PRIVATE human beings involved in them] from the vicissitudes of political controversy, to place them beyond the reach of majorities and officials and to establish them as legal principles to be applied by the courts. **One's right to life, liberty and property, to free speech, a free press, freedom of worship and assembly, and other fundamental rights may not be submitted to vote [of EITHER a jury, or an election or the enactment of any STATUTE]; they depend on the outcome of no elections.**" [Emphasis added]*

[*West Virginia State Board of Education v. Barnette*, 319 U.S. 623]

***"No right is held more sacred, or is more carefully guarded by the common law, than the right of every individual to the possession and control of his own person, free from all restraint or interference of others, unless by clear and unquestionable authority of law. As well said by Judge Cooley: 'The right to one's person may be said to be a right of complete immunity; to be let alone.' Cooley, Torts, 29."***

[*Union Pac Ry Co v. Botsford*, 141 U.S. 250, 11 S.Ct. 1000, 35 L.Ed. 734 (1891) ]

This ministry claims the existence of the civil status of a “non-resident non-person”. We define such a civil status as follows:

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### **SEDM Disclaimer**

#### **Section 4: Meaning of Words**

##### **4.25. “Non-Person” or “Non-Resident Non-Person”**

The term "[non-person](#)" or "[non-resident non-person](#)" ([Form #05.020](#)) as used on this site we define to be a human who is all of the following:

1. Tax status:
  - 1.1. Is NOT a STATUTORY "nonresident alien individual" as defined in [26 U.S.C. §1441\(e\)](#) and [26 C.F.R. §1.1441-1\(c\)\(3\)\(ii\)](#), both of which are alien residents of Puerto Rico AND NO ONE ELSE.
  - 1.2. Because they are "nonresident aliens" but not "nonresident alien individuals", then they are not a statutory "person". You must be a statutory "individual" to be a statutory "[person](#)" per [26 U.S.C. §7701\(a\)](#) if you are a man or woman.  
More on this at: [Tax Status Presentation, Form #12.043](#).
2. Not domiciled on federal territory and not representing a corporate or governmental office that is so domiciled under [Federal Rule of Civil Procedure 17](#). See [Form #05.002](#) for details.
3. Not engaged in a public office within any government. This includes the civil office of "person", "individual", "citizen", or "resident". See [Form #05.037](#) and [Form #05.042](#) for court-admissible proof that statutory "persons", "individuals", "citizens", and "residents" are public offices.
4. Not "purposefully or consensually availing themselves" of commerce with any government. Therefore, they do not waive sovereign immunity under the [Foreign Sovereign Immunities Act \(FSIA\)](#), [28 U.S.C. Chapter 97](#).
5. Obligations and Rights in relation to Governments:
  - 5.1. Waives any and all privileges and immunities of any civil status and all rights or "entitlements" to receive "benefits" or "civil services" from any government. It is a maxim of law that [REAL de jure governments \(Form #05.043\)](#) MUST give you the right to not receive or be eligible to receive "benefits" of any kind. See [Form #05.040](#) for a description of the SCAM of abusing "benefits" to destroy sovereignty. The reason is because they MUST guarantee your right to be self-governing and self-supporting:

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<sup>37</sup> *Policy Document: Rebutted False Arguments Against this Website*, Form #08.011, Section 9.20: Ministry falsely claims the existence of “non-resident non-persons”; SOURCE: <https://sedm.org/Forms/FormIndex.htm>.

1 *Invito beneficium non datur.*  
2 *No one is obliged to accept a benefit against his consent. Dig. 50, 17, 69. But if he does not dissent he will be*  
3 *considered as assenting. Vide Assent.*

4 *Potest quis renunciare pro se, et suis, juri quod pro se introductum est.*  
5 *A man may relinquish, for himself and his heirs, a right which was introduced for his own benefit. See 1 Bouv.*  
6 *Inst. n. 83.*

7 *Quilibet potest renunciare juri pro se inducto.*  
8 *Any one may renounce a law introduced for his own benefit. To this rule there are some exceptions. See 1 Bouv.*  
9 *Inst. n. 83.*  
10 *[Bouvier's Maxims of Law, 1856;*  
11 *SOURCE: <http://famguardian.org/Publications/BouvierMaximsOfLaw/BouviereMaxims.htm>]*

- 12 5.2. Because they are not in receipt of or eligible to receive property or benefits from the government, they owe no  
13 CIVIL STATUTORY obligations to that government or any STATUTORY "citizen" or STATUTORY  
14 "resident", as "obligations" are described in [California Civil Code Section 1428](#). This means they are not party to  
15 any contracts or compacts and have injured NO ONE as injury is defined NOT by statute, but by the common  
16 law. See [Form #12.040](#) for further details on the definition of "obligations".
- 17 5.3. Because they owe no statutory civil obligations, the definition of "justice" REQUIRES that they MUST be left  
18 alone by the government. See [Form #05.050](#) for a description of "[justice](#)".
- 19 6. For the purposes of citizenship on government forms:
- 20 6.1. Does NOT identify as a STATUTORY "citizen" ([8 U.S.C. §1401](#) and [26 C.F.R. §1.1-1\(c\)](#)), "resident" (alien  
21 under [26 U.S.C. §7701\(b\)\(1\)\(A\)](#)), "U.S. citizen" (not defined in any statute), "U.S. resident" (not defined in any  
22 statute), or "U.S. person" ([26 U.S.C. §7701\(a\)\(30\)](#)).
- 23 6.2. Identifies himself as a "national" per [8 U.S.C. §1101\(a\)\(21\)](#) and per common law by virtue of birth or  
24 naturalization within the CONSTITUTIONAL "United States\*\*\*".
- 25 7. Earnings originate from outside:
- 26 7.1. The [STATUTORY "United States\\*\\*"](#) as defined in [26 U.S.C. §7701\(a\)\(9\) and \(a\)\(10\)](#) (federal zone) and  
27 7.2. The U.S. government federal corporation as a privileged legal fiction.
- 28 Thus, their earnings are not includible in "[gross income](#)" under [26 U.S.C. §871](#) and are a "foreign estate" under [26](#)  
29 [U.S.C. §7701\(a\)\(31\)](#). See [26 U.S.C. §872](#) and [26 C.F.R. §1.872-2\(f\)](#) and [26 C.F.R. §1.871-7\(a\)\(4\)](#) and [26 U.S.C.](#)  
30 [§861\(a\)\(3\)\(C\)\(i\)](#) for proof.
- 31 8. Does not and cannot earn STATUTORY "[wages](#)" as defined in [26 U.S.C. §3401\(a\)](#) for services performed outside the  
32 [STATUTORY "United States\\*\\*"](#) as defined in [26 U.S.C. §7701\(a\)\(9\) and \(a\)\(10\)](#) (federal zone). Not subject to "wage"  
33 withholding of any kind for such services per [26 C.F.R. §31.3401\(a\)\(6\)-1\(b\)](#).
- 34 9. Expressly exempt from income tax reporting under:
- 35 9.1. [26 C.F.R. §1.1441-1\(b\)\(5\)\(i\)](#).  
36 9.2. [26 C.F.R. §1.1441-1\(e\)\(1\)\(ii\)\(A\)\(1\)](#).  
37 9.3. [26 C.F.R. §1.6041-4\(a\)\(1\)](#).
- 38 10. Exempt from backup withholding because earnings are not reportable by [26 U.S.C. §3406\(g\)](#) and 26 C.F.R.  
39 [§31.3406\(g\)-1\(e\)](#). Only "reportable payments" are subject to such withholding.
- 40 11. Because they are exempt from income tax reporting and therefore withholding, they have no "taxable income".
- 41 11.1. Only reportable income is taxable.  
42 11.2. There is NO WAY provided within the Internal Revenue Code to make earnings not connected to a [statutory](#)  
43 ["trade or business"/public office \(Form #05.001\)](#) under [26 U.S.C. §6041](#) reportable.  
44 11.3. The only way to make earnings of a nonresident alien not engaged in the "trade or business" franchise taxable  
45 under [26 U.S.C. §871\(a\)](#) is therefore only when the PAYOR is lawfully engaged in a "trade or business" but the  
46 PAYEE is not. This situation would have to involve the U.S. government ONLY and not private parties in the  
47 states of the Union. The information returns would have to be a [Form 1042s](#). It is a crime under [18 U.S.C. §91](#) for  
48 a private party to occupy a public office or to impersonate a public office, and Congress cannot establish public  
49 offices within the exclusive jurisdiction of the states of the Union to tax them, according to the [License Tax](#)  
50 [Cases, 72 U.S. 462, 18 L.Ed. 497, 68 S.Ct. 331 \(1866\)](#).
- 51 12. Continue to be a "[national of the United States\\*\\*](#)" ([Form #05.006](#)) and not lose their CONSTITUTIONAL citizenship  
52 while filing form 1040NR. See [26 U.S.C. §873\(b\)\(3\)](#). They do NOT need to "expatriate" their nationality to file as a  
53 "nonresident alien" and will not satisfy the conditions in [26 U.S.C. §877](#) (expatriation to avoid tax). Expatriation is loss  
54 of NATIONALITY, and NOT loss of STATUTORY "citizen" status under [8 U.S.C. §1401](#).
- 55 13. If they submit a Form W-8BEN to control withholding and revoke their Form W-4, then they:
- 56 13.1. Can submit [SSA Form 7008](#) to correct your SSA earnings to zero them out. See [SEDM Form #06.042](#).

- 1 13.2. Can use [IRS Form 843](#) to request a full refund or abatement of all FICA and Medicare taxes withheld if the  
 2 employer or business associate continues to file W-2 forms or withhold against your wishes. See [SEDM Form](#)  
 3 [#06.044](#).
- 4 14. Are eligible to replace the SSN with a TEMPORARY International Taxpayer Identification Number (ITIN) that  
 5 expires AUTOMATICALLY every year and is therefore NOT permanent and changes. If you previously applied for an  
 6 SSN and were ineligible to participate, you can terminate the SSN and replace it with the ITIN. If you can't prove you  
 7 were ineligible for Social Security, then they will not allow you to replace the SSN with an ITIN. See:  
 8 14.1. [Form W-7](#) for the application.  
 9 14.2. [Understanding Your IRS Individual Taxpayer Identification Number, Publication 1915](#)  
 10 <https://www.irs.gov/pub/irs-pdf/p1915.pdf>  
 11 14.3. [Why You Aren't Eligible for Social Security, Form #06.001](#) for proof that no one within the exclusive  
 12 jurisdiction of a constitutional state of the Union is eligible for Social Security.  
 13 <https://sedm.org/Forms/06-AvoidingFranch/SSNotEligible.pdf>
- 14 15. Must file the paper version of IRS Form 1040NR, because there are no electronic online providers that automate the  
 15 preparation of the form or allow you to attach the forms necessary to submit a complete and accurate return that  
 16 correctly reflects your status. This is in part because the IRS doesn't want to make it easy or convenient to leave their  
 17 slave plantation.
- 18 16. Is a SUBSET of "nonresident aliens" who are not required to have or to use Social Security Numbers (SSNs) or  
 19 Taxpayer Identification Numbers (TINs) in connection with tax withholding or reporting. They are expressly exempted  
 20 from this requirement by:  
 21 16.1. [31 C.F.R. §1020.410\(b\)\(3\)\(x\)](#).  
 22 16.2. [26 C.F.R. §301.6109-1\(b\)\(2\)](#) .  
 23 16.3. [W-8BEN Inst. p. 1,2,4,5 \(Cat 25576H\)](#).  
 24 16.4. [Instructions for the Requesters of Forms W-8BEN, W-8BEN-E, W-8ECI, W-8EXP, and W-8IMY, p. 1,2,6 \(Cat](#)  
 25 [26698G\)](#).  
 26 16.5. [IRS Pub 515 Inst. p. 7 \(Cat. No 16029L\)](#).
- 27 More on SSNs and TINs at:  
 28 [About SSNs and TINs on Government Forms and Correspondence, Form #05.012](#)  
 29 <https://sedm.org/Forms/05-MemLaw/AboutSSNsAndTINs.pdf>  
 30 [About SSNs and TINs on Government Forms and Correspondence, Form #04.104](#)  
 31 <https://sedm.org/Forms/04-Tax/1-Procedure/AboutSSNs/AboutSSNs.htm>

32 They are "non-persons" BY VIRTUE of not benefitting from any civil statutory privilege and therefore being "PRIVATE".  
 33 By "privilege", we mean ANY of the things described in [5 U.S.C. 553\(a\)\(2\)](#):

34 [5 U.S. Code §553 - Rule making](#)

35 *(a) This section applies, according to the provisions thereof, except to the extent that there is involved—*

36 *[ . . . ]*

37 *(2) a matter relating to agency management or personnel or to public property, loans, grants, benefits, or*  
 38 *contracts.*

39 The above items all have in common that they are PROPERTY coming under [Article 4, Section 3, Clause 2](#) of the Constitution  
 40 that is loaned or possessed or granted temporarily to a human being with legal strings attached. Thus, Congress has direct  
 41 legislative jurisdiction not only over the property itself, but over all those who USE, BENEFIT FROM, or HAVE such  
 42 property physically in their custody or within their temporary control. We remind the reader that Congress enjoys control  
 43 over their own property NO MATTER WHERE it physically is, including states of the Union, and that it is the MAIN source  
 44 of their legislative jurisdiction within the exclusive jurisdiction of Constitutional states of the Union!:

45 [United States Constitution](#)  
 46 [Article 4, Section 3, Clause 2](#)

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

50

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

14 By property, we mean all the things listed in [5 U.S.C. §553\(a\)\(2\)](#) such as SSNs (property of the government per [20 C.F.R.](#)  
15 [§422.103\(d\)](#)), contracts (which are property), physical property, chattel property, "benefits", "offices", [civil statuses](#),  
16 privileges, civil statutory remedies, etc. A "[public office](#)" is, after all, legally defined as someone in charge of the PROPERTY  
17 of the "public":

18 **“Public office.** *The right, authority, and duty created and conferred by law, by which for a given period, either*  
19 *fixed by law or enduring at the pleasure of the creating power, an individual is invested with some portion of the*  
20 *sovereign functions of government for the benefit of the public.* Walker v. Rich, 79 Cal.App. 139, 249 P. 56, 58.  
21 *An agency for the state, the duties of which involve in their performance the exercise of some portion of the*  
22 *sovereign power, either great or small.* Yaselli v. Goff, C.C.A., 12 F.2d. 396, 403, 56 A.L.R. 1239; Lacey v. State,  
23 13 Ala.App. 212, 68 So. 706, 710; Curtin v. State, 61 Cal.App. 377, 214 P. 1030, 1035; Shelmadine v. City of  
24 Elkhart, 75 Ind.App. 493, 129 N.E. 878. State ex rel. Colorado River Commission v. Frohmiller, 46 Ariz. 413, 52  
25 P.2d. 483, 486. **Where, by virtue of law, a person is clothed, not as an incidental or transient authority, but**  
26 **for such time as de-** notes duration and continuance, with Independent power to control the property of  
27 **the public,** or with public functions to be exercised in the supposed interest of the people, the service to be  
28 compensated by a stated yearly salary, and the occupant having a designation or title, the position so created is  
29 a public office. State v. Brennan, 49 Ohio.St. 33, 29 N.E. 593.  
30 [*Black’s Law Dictionary, Fourth Edition, p. 1235*]

31 Even the public office ITSELF is property of the national government, so those claiming any civil statutory status are claiming  
32 a civil office within the government. It is otherwise unconstitutional to regulate private property or private rights. The only  
33 way you can surrender your private status is to voluntarily adopt an office or civil status or the "benefits", "rights", or  
34 privileges attaching to said office or status, as we prove in:

- 35 1. [Civil Status \(Important!\)-SEDM](#)  
36 <https://sedm.org/litigation-main/civil-status/>  
37 2. [Your Exclusive Right to Declare or Establish Your Civil Status](#), Form #13.008  
38 <https://sedm.org/Forms/13-SelfFamilyChurchGovnce/RightToDeclStatus.pdf>  
39 3. [Why Statutory Civil Law is Law for Government and Not Private Persons](#), Form #05.037  
40 <https://sedm.org/Forms/05-MemLaw/StatLawGovt.pdf>

41 It is custody or "benefit" or control of government/public property that grants government control over those handling or  
42 using such property:

43 *“The State in such cases exercises no greater right than an individual may exercise over the use of his own*  
44 *property when leased or loaned to others. The conditions upon which the privilege shall be enjoyed being stated*  
45 *or implied in the legislation authorizing its grant, no right is, of course, impaired by their enforcement. The*  
46 *recipient of the privilege, in effect, stipulates to comply with the conditions. It matters not how limited the*  
47 *privilege conferred, its acceptance implies an assent to the regulation of its use and the compensation for it.”*  
48 [*Munn v. Illinois, 94 U.S. 113 (1877)*]

49  
50 *“The rich rules over the poor,*  
51 *And the borrower is servant to the lender.”*  
52 [*Prov. 22:7, Bible, NKJV*]

53  
54 *Curses of Disobedience [to God’s Laws]*

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

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

8 *"Because you did not serve [ONLY] the Lord your God with joy and gladness of heart, for the abundance of*  
9 *everything, therefore you shall serve your [covetous thieving lawyer] enemies, whom the Lord will send against*  
10 *you, in hunger, in thirst, in nakedness, and in need of everything; and He will put a yoke of iron [franchise codes]*  
11 *on your neck until He has destroyed you. The Lord will bring a nation against you from afar [the District of*  
12 *CRIMINALS], from the end of the earth, as swift as the eagle flies [the American Eagle], a nation whose language*  
13 *[LEGALESE] you will not understand, a nation of fierce [coercive and fascist] countenance, which does not*  
14 *respect the elderly [assassinates them by denying them healthcare through bureaucratic delays on an Obamacare*  
15 *waiting list] nor show favor to the young [destroying their ability to learn in the public FOOL system]. And they*  
16 *shall eat the increase of your livestock and the produce of your land [with "trade or business" franchise taxes],*  
17 *until you [and all your property] are destroyed [or STOLEN/CONFISCATED]; they shall not leave you grain or*  
18 *new wine or oil, or the increase of your cattle or the offspring of your flocks, until they have destroyed you.*  
19 *[Deut. 28:43-51, Bible, NKJV]*

20 You cannot MIX or comingle PRIVATE property with PUBLIC property without converting the PRIVATE property  
21 ownership from absolute to qualified. You must keep them SEPARATE at all times and it is the MAIN and MOST  
22 IMPORTANT role of government to maintain that separation. Governments, after all, are created ONLY to protect private  
23 property and the FIRST step in that protection is to protect PRIVATE property from being converted to PUBLIC property.  
24 For proof, see:

*Separation Between Public and Private Course, Form #12.025*  
<https://sedm.org/LibertyU/SeparatingPublicPrivate.pdf>

25 What Congress is doing is abusing its own property to in effect create "de facto public offices" within the government, in  
26 violation of [4 U.S.C. §72](#), as is proven in:

*Challenge to Income Tax Enforcement Authority Within Constitutional States of the Union, Form #05.052*  
<https://sedm.org/Forms/05-Memlaw/ChallengeToIRSEnforcementAuth.pdf>

27 This is how we describe the reason why people should avoid privileges and thereby avoid possession, custody, use, or  
28 "benefit" of government/public property on the opening page of our site:

29 *"People of all races, genders, political beliefs, sexual orientations, and nearly all religions are welcome here.*  
30 *All are treated equally under REAL "law". The only way to remain truly free and equal under the civil law is to*  
31 *avoid seeking government civil services, benefits, property, special or civil status, exemptions, privileges, or*  
32 *special treatment. All such pursuits of government services or property require individual and lawful consent to*  
33 *a franchise and the surrender of inalienable constitutional rights AND EQUALITY in the process, and should*  
34 *therefore be AVOIDED. The rights and equality given up are the "cost" of procuring the "benefit" or property*  
35 *from the government, in fact. Nothing in life is truly "free". Anyone who claims that such "benefits" or property*  
36 *should be free and cost them nothing is a thief who wants to use the government as a means to STEAL on his or*  
37 *her behalf. All just rights spring from responsibilities/obligations under the laws of a higher power. If that higher*  
38 *power is God, you can be truly and objectively free. If it is government, you are guaranteed to be a slave because*  
39 *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*  
40 *it really bad from people with a monopoly, then you will get it REALLY bad. Bend over. There are NO*  
41 *constitutional limits on the price government can charge for their monopoly services or property. Those who*  
42 *want no responsibilities can have no real/PRIVATE rights, but only privileges dispensed to wards of the state*  
43 *which are disguised to LOOK like unalienable rights. Obligations and rights are two sides of the same coin, just*  
44 *like self-ownership and personal responsibility. For the biblical version of this paragraph, read 1 Sam. 8:10-22.*  
45 *For the reason God answered Samuel by telling him to allow the people to have a king, read Deut. 28:43-51,*  
46 *which is God's curse upon those who allow a king above them. Click Here for a detailed description of the legal,*  
47 *moral, and spiritual consequences of violating this paragraph."*  
48 *[SEDM Opening Page; <http://sedm.org>]*

49 "Non-resident Non-Person" or "non-person" are synonymous with "transient foreigner", "in transitu", and "stateless" (in  
50 relation to the national government). We invented this term. The term does not appear in federal statutes because statutes  
51 cannot even define things or people who are not subject to them and therefore foreign and sovereign. The term "non-  
52 individual" used on this site is equivalent to and a synonym for "non-person" on this site, even though STATUTORY



1 "individuals" are a SUBSET of "persons" within the Internal Revenue Code. Likewise, the term "private human" is also  
2 synonymous with "non-person". Hence, a "non-person":

- 3 1. Retains their sovereign immunity. They do not waive it under the Foreign Sovereign Immunities Act (FSIA), 28 U.S.C.  
4 Chapter 97 or the longarm statutes of the state they occupy.
- 5 2. Is protected by the United States Constitution and not federal statutory civil law.
- 6 3. May not have federal statutory civil law cited against them. If they were, a violation of Federal Rule of Civil Procedure  
7 17 and a constitutional tort would result if they were physically present on land protected by the United States  
8 Constitution within the exterior limits of states of the Union.
- 9 4. Is on an equal footing with the United States government in court. "Persons" would be on an UNEQUAL, INFERIOR,  
10 and subservient level if they were subject to federal territorial law.

11 Don't expect vain public servants to willingly admit that there is such a thing as a human "non-person" who satisfies the above  
12 criteria because it would undermine their systematic and treasonous plunder and enslavement of people they are supposed to  
13 be protecting. However, the U.S. Supreme Court has held that the "right to be left alone" is the purpose of the constitution.  
14 *Olmstead v. United States*, 277 U.S. 438. A so-called "government" that refuses to leave you alone or respect or protect your  
15 sovereignty and equality in relation to them is no government at all and has violated the purpose of its creation described in  
16 the Declaration of Independence. Furthermore, anyone from the national or state government who refuses to enforce this  
17 status, or who imputes or enforces any status OTHER than this status under any law system other than the common law is:

- 18 1. "purposefully availing themselves" of commerce within OUR jurisdiction.
- 19 2. STEALING, where the thing being STOLEN are the public rights associated with the statutory civil "status" they are  
20 presuming we have but never expressly consented to have.
- 21 3. Engaging in criminal identity theft, because the civil status is associated with a domicile in a place we are not  
22 physically in and do not consent to a civil domicile in.
- 23 4. Consenting to our Member Agreement.
- 24 5. Waiving official, judicial, and sovereign immunity.
- 25 6. Acting in a private and personal capacity beyond the statutory jurisdiction of their government employer.
- 26 7. Compelling us to contract with the state under the civil statutory "social compact".
- 27 8. Interfering with our First Amendment right to freely and civilly DISASSOCIATE with the state.
- 28 9. Engaged in a constitutional tort.

29 If freedom and self-ownership or "ownership" in general means anything at all, it means the right to deny any and all others,  
30 including governments, the ability to use or benefit in any way from our body, our exclusively owned private property, and  
31 our labor.

32 *"We have repeatedly held that, as to property reserved by its owner for private use, 'the right to exclude [others*  
33 *is]' one of the most essential sticks in the bundle of rights that are commonly characterized as property." [Loretto](#)  
34 [v. Teleprompter Manhattan CATV Corp.](#), 458 U.S. 419, 433 (1982), quoting [Kaiser Aetna v. United States](#), 444  
35 [U.S. 164, 176 \(1979\)](#). "  
36 [*Nollan v. California Coastal Comm'n*, 483 U.S. 825 (1987)]*

37  
38 *"In this case, we hold that the "right to exclude," so universally held to be a fundamental element of the property*  
39 *right,[11] falls within this category of interests that the Government cannot take without compensation."*  
40 [*Kaiser Aetna v. United States*, 444 U.S. 164 (1979)]

41  
42 FOOTNOTES:

43 [11] See, e. g., [United States v. Pueblo of San Ildefonso](#), 206 Ct.Cl. 649, 669-670, 513 F.2d. 1383, 1394 (1975);  
44 [United States v. Lutz](#), 295 F.2d. 736, 740 (CA5 1961). As stated by Mr. Justice Brandeis, "[a]n essential element  
45 of individual property is the legal right to exclude others from enjoying it." [International News Service v.](#)  
46 [Associated Press](#), 248 U.S. 215, 250 (1918) (dissenting opinion).

47 If you would like a W-8 form that ACCURATELY describes the withholding and reporting status of a "non-resident non-  
48 person", see:

[SEDM Disclaimer, Section 4.25; <https://sedm.org/disclaimer.htm#4.25>. **Non-Person**

The courts use a different name for those with the civil status of “non-persons”, but it has the same meaning as we define it. Below is the U.S. Supreme Court’s recognition of those who are “non-person”, which it calls “stateless persons”:

*Petitioner Newman-Green, Inc., an Illinois corporation, brought this state law contract action in District Court against a Venezuelan corporation, four Venezuelan citizens, and **William L. Bettison, a United States citizen domiciled in Caracas, Venezuela.** Newman-Green's complaint alleged that the Venezuelan corporation had breached a licensing agreement, and that the individual defendants, joint and several guarantors of royalty payments due under the agreement, owed money to Newman-Green. Several years of discovery and pretrial motions followed. The District Court ultimately granted partial summary judgment for the guarantors and partial summary judgment for Newman-Green. 590 F.Supp. 1083 (ND Ill.1984). Only Newman-Green appealed.*

*At oral argument before a panel of the Seventh Circuit Court of Appeals, Judge Easterbrook inquired as to the statutory basis for diversity jurisdiction, an issue which had not been previously raised either by counsel or by the District Court Judge. In its complaint, Newman-Green had invoked 28 U.S.C. §1332(a)(3), which confers jurisdiction in the District Court when a citizen of one State sues both aliens and citizens of a State (or States) different from the plaintiffs. **In order to be a citizen of a State within the meaning of the diversity statute, a natural person must both be a citizen of the United States and be domiciled within the State. See Robertson v. Cease, 97 U.S. 646, 648-649 (1878); Brown v. Keene, 8 Pet. 112, 115 (1834). The problem in this case is that Bettison, although a United States citizen, has no domicile in any State. He is therefore "stateless" for purposes of § 1332(a)(3). Subsection 1332(a)(2), which confers jurisdiction in the District Court when a citizen of a State sues aliens only, also could not be satisfied because Bettison is a United States citizen. [490 U.S. 829]***

*When a plaintiff sues more than one defendant in a diversity action, the plaintiff must meet the requirements of the diversity statute for each defendant or face dismissal. Strawbridge v. Curtiss, 3 Cranch 267 (1806).{1} Here, Bettison's "stateless" status destroyed complete diversity under § 1332(a)(3), and his United States citizenship destroyed complete diversity under § 1332(a)(2). Instead of dismissing the case, however, the Court of Appeals panel granted Newman-Green's motion, which it had invited, to amend the complaint to drop Bettison as a party, thereby producing complete diversity under § 1332(a)(2). 832 F.2d. 417 (1987). The panel, in an opinion by Judge Easterbrook, relied both on 28 U.S.C. §1653 and on Rule 21 of the Federal Rules of Civil Procedure as sources of its authority to grant this motion. The panel noted that, because the guarantors are jointly and severally liable, Bettison is not an indispensable party, and dismissing him would not prejudice the remaining guarantors. 832 F.2d. at 420, citing Fed.Rule Civ.Proc. 19(b). The panel then proceeded to the merits of the case, ruling in Newman-Green's favor in large part, but remanding to allow the District Court to quantify damages and to resolve certain minor issues.{2} [[Newman-Green v. Alfonso Larrain, 490 U.S. 826 \(1989\)](#)]*

In the above case, Bettison was among several defendants or respondents, and the court ruled that he had to be dismissed as defendant from the case because he had a foreign domicile and therefore was “stateless”. What made Bettison “stateless” was a legislatively foreign domicile, even though he was a CONSTITUTIONAL citizen and had United States\*\*\* OF AMERICA nationality. In other words, he was:

1. Not a civil STATUTORY “citizen” even though he was a CONSTITUTIONAL citizen
2. Not a civil statutory “person” and therefore a statutory “non-person”.
3. Immune and sovereign from the civil statutory laws sought to be enforced because without a domicile on federal territory.

Bettison was stateless because Federal Rule of Civil Procedure 17(b) dictates that the law of the party's civil domicile determines the laws that can be enforced in federal court, and Bettison had a foreign domicile and therefore was not subject to federal civil law or civil jurisdiction:

[IV. PARTIES > Rule 17.](#)  
[Rule 17. Parties Plaintiff and Defendant; Capacity](#)

*(b) Capacity to Sue or be Sued.*

[Capacity to sue or be sued is determined as follows:](#)

- 1 (1) for an individual who is not acting in a representative capacity, by the law of the individual's domicile;  
2 (2) for a corporation, by the law under which it was organized; and  
3 (3) for all other parties, by the law of the state where the court is located, except that:  
4 (A) a partnership or other unincorporated association with no such capacity under that state's law may sue  
5 or be sued in its common name to enforce a substantive right existing under the United States Constitution  
6 or laws; and  
7 (B) [28 U.S.C. §§754 and 959\(a\)](#) govern the capacity of a receiver appointed by a United States court to sue  
8 or be sued in a United States court.  
9 [SOURCE: <http://www.law.cornell.edu/rules/frcp/Rule17.htm>]

10 The reasoning of the U.S. Supreme Court on the subject of “statelessness” applies to ALL federal civil law and jurisdiction,  
11 not just the subject of the Newman-Green case above. Therefore, it applies with equal force to the civil tax codes as well. It  
12 would be a denial of equal protection to carve out an exception for the tax codes that doesn’t apply similarly to ALL civil  
13 statutory laws as well.

14 Furthermore, even the Social Security Administration recognizes the existence of “stateless persons”:

15 Social Security Program Operations Manual System (POMS)

16 RS 02640.040 Stateless Persons

17 **A. DEFINITIONS**

18 *There are two classes of stateless persons:*

- 19 • **DE JURE**—Persons who do not have nationality in any country.  
20 • **DE FACTO**—Persons who have left the country of which they were nationals and no longer enjoy its  
21 protection and assistance. They are usually political refugees. They are legally citizens of a country  
22 because its laws do not permit denaturalization or only permit it with the country's approval.

23 **B. POLICY**

24 1. De Jure Status

25 *Once it is established that a person is de jure stateless, he/she keeps this status until he/she acquires nationality*  
26 *in some country.*

27 *Any of the following establish an individual is de jure stateless:*

- 28 a. a “travel document” issued by the individual's country of residence showing the:  
29 - holder is stateless; and  
30 - document is issued under the United Nations Convention of 28 September 1954 Relating to the Status of  
31 Stateless Persons. (The document shows the phrase “Convention of 28 September 1954” on the cover and  
32 sometimes on each page.)  
33 b. a “travel document” issued by the International Refugee Organization showing the person is stateless.  
34 c. a document issued by the officials of the country of former citizenship showing the individual has been deprived  
35 of citizenship in that country.

36 2. De Facto Status

37 *Assume an individual is de facto stateless if he/she:*

- 38 a. says he/she is stateless but cannot establish he/she is de jure stateless; and  
39 b. establishes that:  
40 - he/she has taken up residence outside the country of his/her nationality;  
41 - there has been an event which is hostile to him/her, such as a sudden or radical change in the government,  
42 in the country of nationality; and

43 **NOTE:** *In determining whether an event was hostile to the individual, it is sufficient to show the individual*  
44 *had reason to believe it would be hostile to him/her.*

45 - he/she renounces, in a sworn statement, the protection and assistance of the government of the country of  
46 which he/she is a national and declares he/she is stateless. The statement must be sworn to before an individual  
47 legally authorized to administer oaths and the original statement must be submitted to SSA.

1 *De facto status stays in effect only as long as the conditions in b. continue to exist. If, for example, the individual*  
2 *returns to his/her country of nationality, de facto statelessness ends.*

3 **3. Residents of Hong King and Macau**

4 *The following applies to residents of Hong Kong for months before July 1997 and without a time restriction to*  
5 *residents of Macau.*

6 *Consider as stateless any person who:*

- 7 - *resides in Hong Kong or Macau; and*  
8 - *alleges citizenship in China, Taiwan or Nationalist China (The Republic of China).*

9 *Consider him/her stateless only as long as he/she resides in Hong Kong or Macau.*

10 ***Do not*** *consider him/her stateless if he/she states he/she is a citizen of The People's Republic of China (PRC).*

11 *Effective July 1997, the PRC took control of Hong Kong. Thus, residents of Hong Kong can be considered*  
12 *stateless for months after June 1997 only if they meet the criteria in [RS 02640.040B.1.](#) or [RS 02640.040B.2.](#)*

13 *[Social Security Program Operations Manual System (POMS), Section RS 02640.040]*

14 Consistent with the above, our members are required to satisfy the above criteria by renouncing all civil statutory protection  
15 of any and every government and rely exclusively upon the common law, equity, and the Constitution for their protection.  
16 They do this by following the *Path to Freedom*, Form #09.015, Section 2 process, which requires them to denounce said  
17 protection by filing the Legal Notice of Change in Domicile/Citizenship Records and Divorce From the United States, form  
18 #10.001. Therefore, our members are NOT civil statutory “persons” and therefore qualify as civil “non-persons”. And YES,  
19 there IS such a thing and it is recognize not only by the U.S. Supreme Court, but the Social Security Administration as well.  
20 Furthermore, by abandoning all CIVIL STATUTORY protection, we formally abandon ALL civil statuses INCLUDING that  
21 of “individual” or “person” mentioned in the Social Security POMS manual above.

22 In the United States of America, all JUST powers derive from the CONSENT of the governed, as indicated by the Declaration  
23 of Independence. Those who do NOT consent to join the body politic as a STATUTORY “citizen”, “resident”, or “person”  
24 by choosing a domicile within the jurisdiction of the protecting government are free, equal, sovereign, independent, and a  
25 “free inhabitant” under the original Articles of Confederation. We prove this in:

*Your Exclusive Right to Declare or Establish Your Civil Status*, Form #13.008  
<http://sedm.org/Forms/FormIndex.htm>

26 Anyone who claims there is no such thing as a STATUTORY “non-person” or “transient foreigner” or “foreign sovereign”  
27 clearly knows nothing about law, jurisdiction, or choice of law rules and likely is also a government slave because of their  
28 legal ignorance. If you would like to learn the choice of law rules for yourself, read Form #08.011, Section 5.

29 Finally, those who are statutory “non-persons” enjoy and complete and absolute separation between PUBLIC and PRIVATE.  
30 In theological terms, they would be called “sanctified”. By this we mean that they as PRIVATE humans have absolutely no  
31 civil statutory or legal connection to the PUBLIC or the collective except through the common law, as documented in:

*Separation Between Public and Private Course*, Form #12.025  
<https://sedm.org/Forms/FormIndex.htm>

32 An entire long memorandum of law has been written documenting the constitutionality and legality of being a civil statutory  
33 “non-person” as follows:

*Non-Resident Non-Person Position*, Form #05.020  
<https://sedm.org/Forms/FormIndex.htm>

1 **21.4 Contention: Taxpayer is not a “person” as defined by the Internal Revenue Code, thus is**  
2 **not subject to the federal income tax laws.<sup>38</sup>**

3 Some maintain that they are not a “person” as defined by the Internal Revenue Code, and thus not subject to the federal  
4 income tax laws. This argument is based on a tortured misreading of the Code.

5 The Law: The Internal Revenue Code clearly defines “person” and sets forth which persons are subject to federal taxes.  
6 Section 7701(a)(14) defines “taxpayer” as any person subject to any internal revenue tax and section 7701(a)(1) defines  
7 “person” to include an individual, trust, estate, partnership, or corporation. Arguments that an individual is not a “person”  
8 within the meaning of the Internal Revenue Code have been uniformly rejected. A similar argument with respect to the term  
9 “individual” has also been rejected.

This is a very tricky answer. First of all, a “taxpayer” is one who is liable for paying tax or has made himself liable by “volunteering” and assessing him/herself. Did you notice they didn’t use the term “American” rather than “taxpayer”? Would the answer be the same if the question was “Individual is not a ‘person’ as defined by the Internal Revenue Code, thus is not subject to the Subtitle A personal income (indirect excise) taxes as a nonprivileged individual?” The answer is a resounding NO.

Why did the IRS cite U.S. v. Collins in their defense? Because as we said before, this case is a very bad case that conflicts with all previous Supreme Court rulings but favors the IRS. Because the Supreme Court in this case was too busy to take this appeal and denied the writ of certiorari, the IRS takes the circuit court ruling as precedent even though their own regulations and I.R.M. state that the only thing that is binding on more than one taxpayer are the rulings of the Supreme Court:

*“Decisions made at various levels of the court system... may be used by either examiners or taxpayers to support a position... A case decided by the U.S. Supreme Court becomes the law of the land and takes precedence over decisions of lower courts... Decisions made by lower courts, such as Tax Court, District Courts, or Claims Court, are binding on the Service only for the particular taxpayer and the years litigated. Adverse decisions of lower courts do not require the Service to alter its position for other taxpayers.”*  
[Internal Revenue Manual (I.R.M.), Section 4.10.7.2.9.8 (05/14/99)]

The Supreme Court has never agreed with the findings of the Collins case that Subtitle A income taxes are direct taxes authorized by the constitution, but the IRS seems more than willing to use a circuit court case to overrule the Supreme Court Case because it suits their selfish and conspiratorial agenda.

Also, did you notice that they said “is not subject to the federal income tax laws” rather than “is not liable under for Subtitles A or B of the Internal Revenue Code”? A person can be subject to a law without being liable for anything. More government double-speak. The IRS likes to twist and distract things to keep people arguing about the wrong things.

In conclusion then, knowing the way they have twisted the language teaches us that this question answers itself and deceives the reader, who is NOT a taxpayer in any sense of the word as a “non-resident non-person” domiciled in the 50 states on nonfederal land. What they essentially asked was: “Is the blue sky blue?”, “Is a taxpayer liable for tax?”. Remember that this is a war of words and to be very careful with our choice of words and how we think about things..

10 **Relevant Case Law:**

11 United States v. Karlin, 785 F.2d. 90, 91 (3d Cir. 1986), cert. denied, 480 U.S. 907 (1987) – the court affirmed Karlin’s  
12 conviction for failure to file income tax returns and rejected his contention that he was “not a ‘person’ within meaning of 26  
13 U.S.C. § 7203” as “frivolous and requir[ing] no discussion.”

14 United States v. Rhodes, 921 F.Supp. 261, 264 (M.D. Pa. 1996) – the court stated that “[a]n individual is a person under the  
15 Internal Revenue Code.”

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<sup>38</sup> *Rebutted Version of the IRS “The Truth About Frivolous Tax Arguments”*, Form #08.005, Section I.C.3: Contention: Taxpayer is not a “person” as defined by the Internal Revenue Code, thus is not subject to the federal income tax laws; SOURCE: <https://sedm.org/Forms/FormIndex.htm>.



1 Biermann v. Commissioner, 769 F.2d. 707, 708 (11 th Cir.), reh'g denied, 775 F.2d. 304 (11 th Cir. 1985) – the court said  
2 the claim that he was not “a person liable for taxes” was “patently frivolous” and, given the Tax Court’s warning to Biermann  
3 that his positions would never be sustained in any court, awarded the government double costs, plus attorney’s fees.

4 Smith v. Commissioner, T.C. Memo. 2000-290, 80 T.C.M. (CCH) 377, 378-89 (2000) – the court described the argument  
5 that Smith “is not a ‘person liable’ for tax” as frivolous, sustained failure to file penalties, and imposed a penalty for  
6 maintaining “frivolous and groundless positions.”

7 United States v. Studley, 783 F.2d. 934, 937 n.3 (9th Cir. 1986) – the court affirmed a failure to file conviction, rejecting the  
8 taxpayer’s contention that she was not subject to federal tax laws because she was “an absolute, freeborn, and natural  
9 individual” and went on to note that “this argument has been consistently and thoroughly rejected by every branch of the  
10 government for decades.”

## 11 **21.5 Internal Revenue Definitions are Binding Without Your Consent to the Office the** 12 **Obligation Attaches To**<sup>39</sup>

### 13 **FALSE STATEMENT:**

14 The general definitions of terms in IRC Section 7701(a) are all qualified with the language “where not manifestly  
15 incompatible with the intent (of a particular provision of IRC).

16 It is reasonable to assume Congress did not intend for anyone to be able to repudiate a tax obligation by arguing he is “not a  
17 person” or not an individual etc.

18 So in that sense, the term “person” in IRC can certainly be construed to include a natural person who has incurred an obligation  
19 or duty under the IRC, by way of the “individual” or other “person” as defined at IRC 7701(a).

20 Therefore for enforcement purposes, the responsible natural person and the legal person that incurred the obligation are  
21 indistinguishable, they are one and the same in the eyes of the law.

### 22 **REBUTTAL:**

23 It is a violation of due process to FORCE me to GUESS about what congress “intended” by the I.R.C. Their intention must  
24 be absolutely unmistakable and clear or else the income tax franchise code is “void for vagueness”. And in effect, it absolutely  
25 is, as we prove below:

Legal Deception, Propaganda, and Fraud, Form #05.014  
<https://sedm.org/Forms/05-MemLaw/LegalDecPropFraud.pdf>

26 The only thing REASONABLE about ANY law or any government is that EVERYONE is treated equally in the absence of  
27 their EXPRESS and informed consent TO BE UNEQUAL. That’s the basis of our entire system of government. The  
28 Declaration of Independence says so: “deriving their JUST powers from the CONSENT of the governed”. See:

- 29 1. Requirement for Consent, Form #05.003  
30 <https://sedm.org/Forms/05-MemLaw/Consent.pdf>
- 31 2. Requirement for Equal Protection and Equal Treatment, Form #05.033  
32 <https://sedm.org/Forms/05-MemLaw/EqualProtection.pdf>
- 33 3. Foundations of Freedom Course, Form #12.021, Video 1  
34 <https://www.youtube.com/watch?v=ikf7CcT2I8I>

35 No one ELSE can consent FOR YOU by filing a false report. YOU have to DIRECTLY consent by your WORDS  
36 (explicit/overt) or your ACTIONS (implicit/covert) or else there is not consent and you remain equal.

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<sup>39</sup> SOURCE: Internal Revenue Definitions are Binding Without Your Consent to the Office the Obligation Attaches To, SEDM Blog;  
<https://sedm.org/internal-revenue-definitions-are-binding-without-your-consent-to-the-office-the-obligation-attaches-to/>

1 The only way you can become UNEQUAL and therefore owe a duty to anyone that they don't owe to you is either by consent  
2 or by an injury you committed that you owe reparations for. That's the entire basis for legal "justice" and the common law  
3 itself:

*What is "Justice"?*, Form #05.050  
<https://sedm.org/Forms/05-MemLaw/WhatIsJustice.pdf>

4 Any other approach sanctions COMPELLED inequality, servitude, human trafficking, and injustice, which all result in crime.  
5 The only difference between rape and marriage is CONSENT. The only difference between consensual commerce and  
6 government RAPE is consent. There is NOTHING "reasonable" about instituting such INJUSTICES or PRESUMING  
7 consent. The very purpose of establishing government to begin with is JUSTICE, not INJUSTICE:

8 *"Justice is the end of government. It is the end of civil society. It ever has been, and ever will be pursued, until it*  
9 *be obtained, or until liberty be lost in the pursuit."*  
10 [The Federalist No. 51 (1788), James Madison; SOURCE: [http://thomas.loc.gov/home/histdox/fed\\_51.html](http://thomas.loc.gov/home/histdox/fed_51.html)]

11 Further, the GOVERNMENT is responsible for ABSOLUTELY nothing of substance, and the civil statutory "person" you  
12 speak of in the Internal Revenue Code is an office WITHIN the government. For proof, see:

- 13 1. *Policy Document: IRS Fraud and Deception About the Statutory Word "Person"*, Form #08.023  
14 <https://sedm.org/Forms/08-PolicyDocs/IRSPerson.pdf>
- 15 2. *Proof That There Is a "Straw Man"*, Form #05.042  
16 <https://sedm.org/Forms/05-MemLaw/StrawMan.pdf>

17 Because the civil statutory "person" you speak of is an office within the government, it can therefore be responsible for  
18 NOTHING by implication in regards to the general public. For exhaustive proof, see:

*Your Irresponsible, Lawless, and Anarchist Beast Government*, Form #05.054  
<https://sedm.org/Forms/05-MemLaw/YourIrresponsibleLawlessGov.pdf>

19 It is only when your public DIS-servants are trying to control or burden people OUTSIDE the government do they AVOID  
20 the requirement that government or its officers are NOT responsible for ANYTHING, such as in the case of "taxation". In  
21 such a case, "taxpayers" are responsible to the GOVERNMENT and no one else.

22 If you think that slavery without consent is OK and that anyone can file a usually false information return against others  
23 instituting the PRESUMPTION of such slavery, whether it be to pay the taxes on the transaction so reported, or to become a  
24 slave to the administrative state and/or courts rebutting the false report, then ultimately you seek to promote and protect  
25 SLAVERY. These reports are FRAUD in most cases and serve in effect to institute criminal identity theft, so you are  
26 advocating the crime of impersonating a public officer, false personation, and slavery, whether to IRS or the courts, for those  
27 who do not consent to either receive the BENEFITS of obligations of taxation. For proof, see:

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

28 Unless and until you EQUALLY advocate that I can elect YOU or the government into SERVITUDE without their express  
29 consent just like you propose that the government can do to me, you are a HYPOCRITE.

30 This article therefore constitutes the equivalent to an information return "electing" you into my uncompensated servitude for  
31 WASTING my time having to expose your stupidity so it doesn't spread and harm and enslave others. You are in receipt of  
32 a "benefit" and you should be willing to pay for it in this case. Otherwise, there is unjust enrichment on your part.

33 If you either want to say that you don't think that what we have done here is a "benefit" you should pay for, we argue the  
34 SAME thing about everything the GOVERNMENT does. [Click here \(https://sedm.org/Forms/05-MemLaw/YourIrresponsibleLawlessGov.pdf\)](https://sedm.org/Forms/05-MemLaw/YourIrresponsibleLawlessGov.pdf) for proof. Who is the customer here? They don't call them public SERVANTS  
35 for nothing: YOU and I are the customer, not THEM. The CUSTOMER is always right, meaning he or she ALWAYS has  
36 the authority to REJECT the benefit (the product offered by a Merchant of CIVIL protection) and the corresponding obligation  
37 to pay for it. If he/she does NOT, then we are ALL SLAVES.  
38

1 **THEIR REBUTTAL:**

2 You are not “forced to guess” as the “I’m not a person” argument has been rejected as frivolous countless times.

3 An obligation incurred by an individual (a legal entity) is not severable from the living man or woman responsible for that  
4 individual. That would result in unjust enrichment.

5 That is why the “I’m not a person” argument fails against a tax liability. Additionally it is pure fantasy that you are entitled  
6 to make up your own procedures for dealing with your tax matters with the argument that you need not observe the procedures  
7 for a “person” or individual and that you somehow have the right to expect IRS and/or courts to abide by your made up  
8 procedures.

9 **OUR REBUTTAL:**

10 You are absolutely correct that if the EVIDENCE linking the human to the office of “person” is un rebutted, then it is INDEED  
11 “frivolous” to argue one is not a “person” as the reason they are no liable for a specific tax. That evidence is the usually false  
12 information return itself, which MUST be rebutted, hopefully before it is ever even filed, along with a criminal complaint  
13 against all future or present filers for criminal identity theft. Our *Terms of Use and Service*, Form #01.016, REQUIRES that  
14 all information returns be rebutted IN ADVANCE as part of the compliance process, in fact.

15 CIVIL obligations created by the filing of false information return reports or even false assessments ARE severable from the  
16 human target in the case of fraud or mistake. The IRC even provides criminal prosecution and penalties for such fraud or  
17 mistake and connects it to those who VOLUNTEER for the ligations of the office of “person”. See 26 U.S.C. §§6671(b) and  
18 7343. You are therefore WRONG on this subject.

19 Our discussion and EVERYTHING on this site PRESUPPOSE that all such false reports have been rebutted, preferably IN  
20 ADVANCE, and that such a rebuttal is the MAIN but not ONLY basis for disputing the alleged liability. It is, in fact, a  
21 MANDATORY obligation of all members to REBUT all information returns failed against them AND to NEVER accept any  
22 “benefit” that might give rise to a tax obligation to begin with. Thus, there can be no “unjust enrichment” claim on the part  
23 of the government for such a scenario and in fact, there is an unjust enrichment claim AGAINST the government by our  
24 members if they are disturbed in any way by ILLEGAL tax enforcement or their illegally withheld monies are not returned  
25 PLUS interest and penalties by the government, the same way they try to do to most Americans. See below for an example  
26 of this:

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

27 You can argue all you want about “unjust enrichment” but unless you are willing to pay me for the “benefit” of the services  
28 you involuntarily incurred and even DEMANDED in this case from us by your BEHAVIOR (implied consent to our quasi-  
29 contract), then your argument is moot and even hypocritical, whether there is a franchise CODE to enforce the implied  
30 obligation of reimbursement or not.

31 By the way, we have our OWN franchise code for just such an occasion where people like you refuse responsibility for paying  
32 for such “benefits”, and through your actions, you have incurred the excise taxable obligations to obey the franchise:

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

33 You can’t govern, tax, or regulate people who are equal to you. The point of departure for all legal questions is how you can  
34 create INEQUALITY by law between the GOVERNED and the GOVERNORS and still call it “law”, instead of a voluntary  
35 franchise YOU get to decide to join and get to decide HOW and under WHAT conditions you express your consent. If you  
36 can’t do THAT, then you are just a SLAVE and a victim of legal sophistry. See the following if you don’t know what  
37 “sophistry” is:

*An Introduction to Sophistry*, Form #12.042  
<https://sedm.org/an-introduction-to-sophistry/>

1 If you REALLY want to talk about UNJUST ENRICHMENT, consider the following:

- 2 1. IRS charges for EVERY aspect of their “service”. In fact, they call themselves “the SERVICE”.
- 3 2. You aren’t compensated or given a credit on your return for YOUR services to them in preparing paperwork to comply
- 4 with their unilateral EDICTS.
- 5 3. They determine the price for THEIR services. Why can’t you do THAT and submit a price list for the COST of your
- 6 labor in helping or “servicing” their requirements? If you can’t, you really don’t own yourself and are a slave.
- 7 4. They write their own “rules”/Regulations governing how you request their “services”. Why can’t you do that when
- 8 they want your services?
- 9 5. What if you don’t WANT their CIVIL services or to be a “customer” called a “taxpayer”, “citizen”, or “resident”?
- 10 Government is just a business that delivers TWO services: CIVIL protection and CRIMINAL protection. CIVIL
- 11 protection is optional and voluntary while CRIMINAL protection is NOT voluntary. Do you have a right NOT to be a
- 12 “customer” of the CIVIL protection franchise or not, and if you don’t, don’t we have an illegal adhesion contract and a
- 13 illegal monopoly on CIVIL protection?

14 Get a life and quit abusing so-called “law” as an excuse to elevate yourself and your benefactor/sponsor (the government)

15 above everyone else.

16 *TRUTH*

17 *Truth fears nothing*  
18 *Truth fears no lies*  
19 *Truth doesn't need to conceal anything*  
20 *Truth doesn't have to do a cover up*  
21 *Truth only hurts those who are unwilling to wake up*  
22 *Truth is never your enemy [but IS the enemy of those who BENEFIT financially from untruths]*  
23 *Truth knows no ego [or SUPERIORITY between the GOVERNED and the GOVERNORS]*  
24 *Truth doesn't give a shit about your status symbols [e.g. "person"]*  
25 *Truth doesn't care about your age, your weight or your skin colour*  
26 *Truth couldn't care less if it suits your comfort zone [your REVENUE from pleasing the government as a tax*  
27 *return preparer]*  
28 *Truth doesn't need any frills, any speeches, any glamour*  
29 *Truth stands for itself*

30 *and it patiently waits till you are ready for it*

31 *[SEDM]*

32 It’s always amazing how many people just don’t get consent. And somehow they haven’t connected the dots on information

33 returns being the equivalent to swearing out a complaint with a cop. To allow them to see this we ask them:

34 QUESTION: Ever see those Cop’s episodes on TV where they come out to an alleged domestic violence situation with no

35 evidence the cops can see? Do they automatically arrest someone?

36 ANSWER: No.

37 They always ask

38 *“Do you want to swear out a complaint?” don't they?*

39 We tell people...

40 Notice if you don’t swear out a complaint, they go away because all the powers of government are invoked by a moving party

41 with an accusation. That complaint is the equivalent of under penalty of perjury: It’s an attempt to ascertain the truth for

42 injuries suffered BUT the accused must be able to reach the accuser for remedy if the sworn accusation is wrong. Hence it’s

43 sworn. In other words, “be careful” if you’re swearing out a complaint to be correct INCLUDING KNOWING the law to

44 which you are assigning your accusation under.

45 Of course for info returns, the IRS just sits back and says”

1 "It wasn't US who said you owe us. It was Tom Dinglefinger Stupid who claimed it."

2 Then of course they run interference for Tom insuring he doesn't have to know the law or realize just how he implicated an  
3 innocent party.

## 4 **22 An example of how a "non-person" might respond to a federal or state income tax collection** 5 **notice**<sup>40</sup>

6 Throughout this website, we refer to the process of taxation as a process of converting PRIVATE property to PUBLIC  
7 property. See, for instance:

- 8 1. *Flawed Tax Arguments to Avoid*, Form #08.004, Section 6  
9 <https://sedm.org/Forms/08-PolicyDocs/FlawedArgsToAvoid.pdf>
- 10 2. *Great IRS Hoax*, Form #11.302, Section 5.1.3  
11 <https://famguardian.org/Publications/GreatIRSHoax/GreatIRSHoax.htm>
- 12 3. *Why the Federal Income Tax is a Privilege Tax Upon Government Property*, Form #04.404 (Member Subscriptions)  
13 <https://sedm.org/product/why-the-federal-income-tax-is-a-privilege-tax-on-government-property-form-04-404/>

14 Using the laws of property to respond to tax collection notice provides a powerful defense. The following [text](#) derives from:

*Separation Between Public and Private Course, Form #12.025, pp. 180-185*

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

15 Below is the text, for your copying and reuse:

16 *Dear sir,*

17 *This letter is a response to your tax collection notice in which you allege, without evidence or even a valid*  
18 *signature of a real, accountable, living person who has a personal knowledge, that I have a liability under the*  
19 *Internal Revenue Code Subtitle A income tax franchise as a public officer engaged in a statutory "trade or*  
20 *business" as defined in [26 U.S.C. §7701\(a\)\(26\)](#) while doing business on federal territory in the statutory "United*  
21 *States" defined geographically in [26 U.S.C. §7701\(a\)\(9\)](#) and (a)(10) as the District of Columbia and excluding*  
22 *the constitutional states of the Union which I presently inhabit.*

23 *This letter represents an honest attempt under the Beard Test to comply with the requirements of civil law*  
24 *applicable only to domiciliaries of the statutory geographical "United States" per Federal Rule of Civil*  
25 *Procedure 17(b), which I am not:*

26 *1. It must purport to be a return.*

27 *2. It must contain enough information to calculate a tax liability (even \$0 is a tax liability for these purposes, just*  
28 *as 0 counts as a number) and*

29 *3. It must contain some affirmation of the correctness of the return (we seem to recall SCOTUS saying something*  
30 *like "magic words are not necessary" but we think the Beard Test says the return must be signed "under penalty*  
31 *of perjury" and*

32 *4. Finally it must be an honest and reasonable attempt to comply with the REQUIREMENTS of the APPLICABLE*  
33 *law.*

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

37 *1. I am a "nonresident alien" not engaged in "the functions of a public office" or "trade or business" excise*  
38 *taxable franchise described in [26 U.S.C. §7701\(a\)\(26\)](#). I do not consent to "effectively connect" any of my*  
39 *earnings to a "trade or business".*

<sup>40</sup> Source: *Why the Federal Income Tax is a Privilege Tax Upon Government Property*, Form #04.404, Section 12; <https://sedm.org/Forms/FormIndex.htm>.



1 2. My earnings are excluded but NOT "exempt" from "gross income" by 26 U.S.C. §872 and 26 C.F.R. §1.872-  
2 2(f), 26 C.F.R. §1.871-7(a)(4), and 26 U.S.C. §861(a)(3)(C)(i) because they do not originate from either the  
3 District of Columbia (statutory geographical "United States") or from the U.S. government ("United States")  
4 federal corporation as a legal fiction.

5 3. I don't need to file an income tax return or claim exemptions to reduce taxable earnings because I don't have  
6 STATUTORY "taxable income" or "gross income" under the "trade or business" excise taxable franchise  
7 documented in: The "Trade or Business" Scam, Form #05.001; [https://sedm.org/Forms/05-](https://sedm.org/Forms/05-MemLaw/TradeOrBusScam.pdf)  
8 MemLaw/TradeOrBusScam.pdf.

9 4. There are no VOLUNTARY agreements in place between myself and any third party to convert my PRIVATE  
10 earnings into excise taxable PUBLIC "wages" as described in 26 U.S.C. §3402(p). Any evidence you have in  
11 your possession from third parties to the contrary is FALSE and a product of ILLEGAL duress by my business  
12 associates and are hereby declared VOID and a product of criminal extortion. Being threatened by a business  
13 associate to either be FIRED or not hired for not signing and submitting a W-4 certainly counts as criminal  
14 extortion in violation of 18 U.S.C. Chapter 41, recruitment into peonage to pay off public debt, and involuntary  
15 servitude to a third party in violation of the Thirteenth Amendment and 18 U.S.C. §1589. The product of such a  
16 CRIME cannot serve as useful evidence of any lawful form of "consent". Further, unalienable rights cannot be  
17 surrendered, even WITH consent, in a geographical place protected by the constitution, so any such agreements  
18 are void except where the constitution does not apply, such as on federal territory or abroad, which I do not work  
19 in. Further, it is a violation of my delegation of authority order direct from God (the Bible) to consent to such  
20 agreements as His full time agent, representative, and His property. Therefore such agreements can be of no  
21 binding force and effect and therefore would constitute theft of religious property and a violation of the First  
22 Amendment. I can't logically consent to give away property that doesn't belong to me but belongs to my Principal  
23 as His agent.

24 "You were **bought** [by God] **at a price** [by the blood of Jesus Christ]; do not become slaves of men [and by  
25 implication a GOVERNMENT of men]."  
26 [1 Cor. 7:22; Bible, NKJV]

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

30 Separation Between Public and Private Course, Form #12.025;  
31 <https://sedm.org/LibertyU/SeparatingPublicPrivate.pdf>.

32 5. All payments during the reporting period, including those documented on information returns in your custody  
33 for the applicable reporting period are not reportable as statutory "wages" under 26 U.S.C. §3406 because:

34 5.1 All services were performed outside the "United States" and therefore expressly exempted from statutory  
35 "wages" per:

36 5.1.1 26 C.F.R. §31.3121(b)-3(c)(1) in the case of Social Security.

37 5.1.1.1 26 C.F.R. §31.3401(a)(6)-1(b). In the case of income tax.

38 5.2. The payer cannot unilaterally make legal determinations or conclusions about the status of the payment.

39 Only the OWNER, which is me, can. *Christiansen v. National Savings and Trust Co.*, 683 F.2d 520, 529 (D.C.  
40 Cir. 1982), *Langbord v. U.S. Department of Treasury, CIVIL ACTION No. 06-5315*, at \*22 (E.D. Pa. July 5,  
41 2011), and also Form #04.001 referenced later.

42 6. All payments during the reporting period, including those documented on information returns in your custody,  
43 are expressly exempt from income tax reporting under:

44 6.1. 26 C.F.R. §1.1441-1(b)(5)(i).

45 6.2. 26 C.F.R. §1.1441-1(e)(1)(ii)(A)(1).

46 6.3. 26 C.F.R. §1.6041-4(a)(1).

47 7. My earnings are thus not subject to either W-2 "wage" withholding per 26 C.F.R. §31.3121(b)-3(c)(1) and  
48 26 C.F.R. §31.3401(a)(6)-1(b) or "backup withholding" per 26 U.S.C. §3406. My earnings are not subject to  
49 backup withholding because they are not "reportable". They can only be reportable if:

50 6.1. They are connected with the "trade or business"/public office excise taxable franchise per 26 U.S.C.  
51 §6041(a).

52 6.2. They are from "sources within the United States" in the case of IRS Form 1042s as ALLEGED "gross  
53 income", but even THAT is "trade or business" income per 26 U.S.C. §864(c)(3). The implications of this  
54 provision are that everything from "sources in the United States" is government payments and you IMPLICITLY  
55 agree as the recipient of the payment to in effect CONSENT to "effectively connect" the earning to the "trade or  
56 business"/public office excise taxable franchise, even though it TECHNICALLY is NOT.  
57 Otherwise, they are NOT reportable, per 26 U.S.C. §3406 and 26 C.F.R. §31.3406(g)-1(e).

58 8. If you are in receipt of information returns such as the W-4, 1042, 1098, 1099, etc., then these reports are  
59 FALSE and constitute FRAUDULENT RETURNS as described by reference in:

1 W-2CC: <https://sedm.org/Forms/04-Tax/3-Reporting/FormW-2CC-Cust/FormW-2CC.pdf>  
2 1099-CC: <https://sedm.org/Forms/04-Tax/3-Reporting/Form1099-CC-Cust/Form1099-CC.pdf>

3 9. Because the earnings documented on the FALSE information returns are not "gross income" or "wages", they  
4 are therefore PRIVATE property protected by the Constitution and earned by a constitutionally protected  
5 PRIVATE party, not a PUBLIC officer.

6 10. The submitter of these false information returns has NO STATUTORY AUTHORITY over me as a  
7 NONRESIDENT party and NO DIRECT PERMISSION from me to convert these PRIVATE earnings to PUBLIC  
8 earnings by connecting them to a civil status such as "gross income" or "taxable income" or "reportable  
9 income", because the earnings are NOT THEIR property but MY absolutely owned exclusively private,  
10 constitutionally protected property. Therefore any records in your possession falsely representing my PRIVATE  
11 earnings as having any civil status within the Internal Revenue Code are in error and I demand IMMEDIATE  
12 correction of all such records. Failure to NOT correct your records is a criminal offense under [18 U.S.C. §§1001](#)  
13 [and 1030](#) (fraud generally and in connection with computers), and [18 U.S.C. §§911 and 912](#) (false personation)  
14 for which I demand that you be criminally prosecuted and civilly penalized personally.

15 11. Any false information returns in your possession relating to the reporting period therefore DO NOT document  
16 the CIVIL STATUS of the payment absent my consent, because the submitter is NOT AUTHORIZED to make legal  
17 determinations about:

18 11.1 My STATUTORY civil status as a "person", "taxpayer", "citizen", "resident", etc or

19 11.2 The STATUTORY civil status of my earnings as "income", "gross income", etc.

20 11.3 Whether the earnings were paid from the STATUTORY geographical "United States" per [26 U.S.C.](#)  
21 [§7701\(a\)\(9\)](#) and (a)(10) or the "United States" federal corporation as a legal person and fiction of law.

22 12. Since the human parties made directly liable on their worldwide income are "citizens and residents" in 26  
23 C.F.R. §1.1-I(a), then those civil statuses must be privileges and voluntary or else slavery in violation of the  
24 Thirteenth Amendment, peonage, and even international human trafficking will be the result. I choose not to  
25 volunteer, so the only status left that does not have direct liability attached is "nonresident alien". If those parties  
26 are actually physical and geographical parties, they would be tied to the "United States" in 26 U.S.C. §7701(a)(9)  
27 and (a)(10) as far as I can tell, and I'm not domiciled or present there or doing business there, so they can't be  
28 me.

29 13. Insofar as "sources in the United States" is concerned, it appears to me that the United States they are  
30 referring to is the FICTIONAL corporation as a public officer and not the geography, because slavery, peonage,  
31 and human trafficking are unconstitutional and possibly even criminal everywhere in the Union and even the  
32 world, not just within a physical state protected by the Constitution. Any other interpretation would lead to an  
33 interference with the private right to contract and associate. The U.S. Supreme Court held in *Downes v. Bidwell*,  
34 182 U.S. 244 (1901) and *Loughborough v. Blake*, 5 Wheat. 317, 5 L.Ed. 98 that an income tax on the District of  
35 Columbia, which is what "United States" is defined as in 26 U.S.C. §7701(a)(9) and (a)(10), is a tax upon THE  
36 GOVERNMENT and not upon the GEOGRAPHY, and extends wherever and ONLY where that GOVERNMENT  
37 extends. To claim that I am IN THIS "United States" or worst yet that I am rendering "services in THIS United  
38 States" is to falsely claim that I am a public officer participating in an excise taxable franchise, which I am not  
39 in this case and which the national government cannot even lawfully do within the borders of a constitutional  
40 state per the License Tax Cases, 72 U.S. 462 (1866) without unconstitutionally INVADING them in violation of  
41 Article 4, Section 4 of the Constitution.

42 14. Under common law rules, I have a right to refuse ANY and ALL "benefits", and by implication privileges.  
43 You are a business that only delivers ONE product: Protection. I am the customer and I get to decide if what you  
44 offer is a "benefit", and it isn't so I resign as the "customer" of your "protection racket". A refusal to recognize  
45 that right is a trespass upon private, constitutionally protected property. The basis of all just powers of  
46 government is CONSENT according to the Declaration of Independence, and I DO NOT consent to receive or to  
47 PAY FOR any "benefit":

48 *Invito beneficium non datur. No one is obliged to accept a benefit against his consent. Dig. 50, 17, 69. But if he*  
49 *does not dissent he will be considered as assenting. Vide Assent.*

50 *Potest quis renunciare pro se, et suis, juri quod pro se introductum est. A man may relinquish, for himself and*  
51 *his heirs, a right which was introduced for his own benefit. See 1 Bouv. Inst. n. 83.*

52 [*Bouvier's Maxims of Law, 1856;*

53 <https://famguardian.org/Publications/BouvierMaximsOfLaw/BouviereMaxims.htm>]

54 15. According to the U.S. Supreme Court, when I am incapable of receiving "benefits", then anything you collect  
55 outside my FOREIGN domicile in a constitutional state is "EXTORTION" as legally defined. The states and not  
56 the national government protect private property where I have my domicile. I don't need you to protect me from  
57 THEM. I want THEM to protect me from YOU and the constitution says in Article 4, Section 4, that you are  
58 INVADING the states by trying to setup a "benefit" or "social insurance" business there not expressly authorized  
59 in the constitution.

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

16  
17 "With respect to the words general welfare, I have always regarded them as qualified by the detail of powers  
18 connected with them. To take them in a literal and unlimited sense would be a metamorphosis of the Constitution  
19 into a character which there is a host of proofs was not contemplated by its creator."

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

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

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

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

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

42 I readily acknowledge that if my PRIVATE earnings had been CONSENSUALLY and VOLUNTARILY connected  
43 to a taxable civil status by ONLY ME, then I would have a legal duty to "return" the government/public funds in  
44 my possession and could be penalized for refusing to do so by virtue of YOUR authority to "make rules" for  
45 government property under Article 4, Section 3, Clause 2. See, for instance, Calif. Civil Code Sections 2223 and  
46 2224:

47 2223 One who wrongfully detains a thing is an involuntary trustee thereof, for the benefit of the owner.

48 (Repealed and added by Stats. 1986, Ch. 820, Sec. 8. Operative July 1, 1987, by Sec. 43 of Ch. 820.)

49 2224 One who gains a thing by fraud, accident, mistake, undue influence, the violation of a trust, or other  
50 wrongful act, is, unless he or she has some other and better right thereto, an involuntary trustee of the thing  
51 gained, for the benefit of the person who would otherwise have had it."

52 HOWEVER, there are no such PUBLIC funds in my possession or anyone ELSE'S possession and any  
53 withholdings you (the IRS OR the SSA) are in receipt of from third parties are UNLAWFUL and continue to be  
54 MY absolutely owned constitutionally protected private property. None of the parties to the transaction involve  
55 the government, in fact, and no government payments or officers are directly involved. As such, I have a right to

1 make "all needful rules" respecting such property while in your TEMPORARY possession, control, or "benefit"  
2 just like you do under [Article 4, Section 3, Clause 2](#). For your information, those rules are documented in:

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

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

16 "The State in such cases exercises no greater right than an individual may exercise over the use of his own  
17 property when leased or loaned to others. The conditions upon which the privilege shall be enjoyed being stated  
18 or implied in the legislation authorizing its grant, no right is, of course, impaired by their enforcement. The  
19 recipient of the privilege, in effect, stipulates to comply with the conditions. It matters not how limited the privilege  
20 conferred, its acceptance implies an assent to the regulation of its use and the compensation for it."  
21 [\[Munn v. Illinois, 94 U.S. 113 \(1877\)\]](#)

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

24 WHAT I REQUEST FROM YOU:

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

34 Why You Aren't Eligible for Social Security, Form #06.001; [https://sedm.org/Forms/06-](https://sedm.org/Forms/06-AvoidingFranch/SSNotEligible.pdf)  
35 [AvoidingFranch/SSNotEligible.pdf](https://sedm.org/Forms/06-AvoidingFranch/SSNotEligible.pdf).

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

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

46 1.To identify exactly HOW my earnings were made to fall in the list of things that the government can tax and  
47 regulate directly through legislation as listed in [5 U.S.C. §553\(a\)\(2\)](#).

48 2.Identify exactly WHICH of the five U.S. Supreme Court rules for converting property from PRIVATE to PUBLIC  
49 were exercised in determining that I have your property in my possession, as listed in:

50 Separation Between Public and Private Course, Form #12.025, pp. 125 through 127  
51 <https://sedm.org/LibertyU/SeparatingPublicPrivate.pdf>

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



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

4 [. . .]

5 "It is only where some right or privilege [which are GOVERNMENT PROPERTY] is conferred by the government  
6 or municipality upon the owner, which he can use in connection with his property, or by means of which the use  
7 of his property is rendered more valuable to him, or he thereby enjoys an advantage over others, that the  
8 compensation to be received by him becomes a legitimate matter of regulation. Submission to the regulation of  
9 compensation in such cases is an implied condition of the grant, and the State, in exercising its power of  
10 prescribing the compensation, only determines the conditions upon which its concession shall be enjoyed. When  
11 the privilege ends, the power of regulation ceases."  
12 [Munn v. Illinois, 94 U.S. 113 (1877)]

13 The Internal Revenue Service is not even part of the U.S. government and is acting in a private capacity as debt  
14 collector for the Federal Reserve. As such, you are on an equal footing to me as a PRIVATE party and may not  
15 assert official, judicial, or sovereign immunity in response. For proof, see: Origin and Authority of the Internal  
16 Revenue Service, Form #05.005; <https://sedm.org/Forms/05-MemLaw/OrigAuthIRS.pdf>.

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

22 The following form is incorporated into this form by reference as an attachment in order to save space: Tax  
23 Form Attachment, Form #04.201; <https://sedm.org/Forms/04-Tax/2-Withholding/TaxFormAtt.pdf>

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

29 Signed,

30 John Doe

31 After reading the above, some members have asked why one's earnings AREN'T "wages" as described in the Internal Revenue  
32 Code. Our answer to their question was as follows:

33 They are "wages" in an ordinary sense, but not a statutory sense. Any attempt to regulate or tax private property  
34 is a common law trespass. It must be donated to a public use before it can be regulated or taxed.

35 "It is only where some right or privilege [which are GOVERNMENT/PUBLIC PROPERTY] is conferred by the  
36 government or municipality upon the owner, which he can use in connection with his property, or by means of  
37 which the use of his property is rendered more valuable to him, or he thereby enjoys an advantage over others,  
38 that the compensation to be received by him becomes a legitimate matter of regulation. Submission to the  
39 regulation of compensation in such cases is an implied condition of the grant, and the State, in exercising its  
40 power of prescribing the compensation, only determines the conditions upon which its concession shall be  
41 enjoyed. When the privilege ends, the power of regulation ceases."  
42 [Munn v. Illinois, 94 U.S. 113 (1877)]

43 The GOVERNMENT/PUBLIC property described above MUST fall within 5 U.S.C. §553(a)(2) or it cannot  
44 convey a power of direct legislative control by Congress over the person in custody, receipt, or "benefit" of the  
45 property.

46 Here's the Shepards report on Munn:

47 [https://famguardian.org/Subjects/PropertyPrivacy/Property/PublicVPrivate/Shepard\\_s\\_report\\_Munn%20v.%](https://famguardian.org/Subjects/PropertyPrivacy/Property/PublicVPrivate/Shepard_s_report_Munn%20v.%20Illinois%2094%20U.S.%20113_%204%20Otto%20113_%2024%20L.%20Ed.%2077_%201876%20U.S.%20LEXIS-20201228.pdf)  
48 [20Illinois%2094%20U.S.%20113\\_%204%20Otto%20113\\_%2024%20L.%20Ed.%2077\\_%201876%20U.S.%20](https://famguardian.org/Subjects/PropertyPrivacy/Property/PublicVPrivate/Shepard_s_report_Munn%20v.%20Illinois%2094%20U.S.%20113_%204%20Otto%20113_%2024%20L.%20Ed.%2077_%201876%20U.S.%20LEXIS-20201228.pdf)  
49 [LEXIS-20201228.pdf](https://famguardian.org/Subjects/PropertyPrivacy/Property/PublicVPrivate/Shepard_s_report_Munn%20v.%20Illinois%2094%20U.S.%20113_%204%20Otto%20113_%2024%20L.%20Ed.%2077_%201876%20U.S.%20LEXIS-20201228.pdf)

50 Enforcing or imputing a civil statutory status against the PRIVATE earnings is an act of eminent domain, because  
51 the status comes with civil statutory obligations. Those obligations are property and represent a TAKING.



1 So there must either be:

2 1. Consent demonstrated to convert in some form.

3 2. Compensation per the Fifth Amendment.

4 ...or the status AND the civil enforcement MUST be terminated.

5 If it is NOT terminated and the obligations continue to be enforced, there is a common law trespass AND a crime  
6 after they have been notified of same. The interference then becomes deliberate and malicious. It's called "mens  
7 rea"

8 For further details on how to write income tax response letters, see:

- 9 1. *Tax Fraud Prevention Manual*, Form #06.008, Chapter 6: Response Letter Templates (Ministry Bookstore)  
10 <https://sedm.org/ItemInfo/Ebooks/TaxFraudPrevMan/TaxFraudPrevMan.htm>  
11 2. *Writing Tax Response Letters*, Form #07.008 (Member Subscriptions)  
12 <https://sedm.org/product/writing-tax-response-letters-form-07-008/>  
13 3. *Writing Effective Response Letters*, Form #09.002  
14 <https://sedm.org/Forms/07-RespLtrs/0-Guidance/ResponseGuidance.htm>

## 15 **23 How to apply this information to filing a 1040NR income tax return**

16 We apply the information about “person” in this document to a 1040NR tax return as follows:

17 *I do NOT claim that I am exempt or excluded from tax because of my civil status, whether citizen, resident,*  
18 *nonresident alien, taxpayer, person, etc. Instead, I claim that any [civil status](#) mentioned in the Internal Revenue*  
19 *Code to which civil statutory obligations **DIRECTLY** attach must be VOLUNTARY and avoidable, because the*  
20 *[Thirteenth Amendment](#) outlaws involuntary servitude everywhere in the COUNTRY, not just within states of the*  
21 *Union. International laws also outlaw human trafficking and slavery everywhere in the WORLD. The only civil*  
22 *status to which civil statutory obligations do NOT **DIRECTLY** attach is that of “nonresident alien”, and as a*  
23 *free man or woman who does not consent to be a slave or a peon (paying off endless mountains of public debt)*  
24 *or a victim of human trafficking, that is the only civil status I can reasonably consent to without violating my*  
25 *duties as God’s Trustee. [1 Cor. 7:23](#). It would be fraud to claim otherwise. See the following for exhaustive*  
26 *proof that civil statutory obligations (and taxation that implements them) are voluntary and avoidable: [Lawfully](#)*  
27 *[Avoiding Government Obligations Course](#); <https://sedm.org/LibertyU/AvoidGovernmentObligations.pdf>.*  
28 *[1040NR Attachment](#), Form #09.077, Section 9: Warning Not to Impose Penalties for Understatement of Income*  
29 *or Frivolous Return; <https://sedm.org/Forms/09-Procs/1040NR-Attachment.pdf>]*

## 30 **24 How to challenge the abuse of the straw man or civil status in a criminal proceeding against** 31 **a non-consenting party: Writ of Quo Warranto**

32 The method of challenging the unlawful use or exercise of the civil statutory “person” or civil status in federal court is through  
33 a Writ of Quo Warranto. This is a common law action in which the party exercising such authority or alleging the lawful  
34 existence of the office has to satisfy the burden of proving the office was lawfully created and/or is being lawfully exercised  
35 in strict accordance with law. Since this is a common law action, then it is not found in statutes and may not be regulated or  
36 limited by statutes in any way. This section shall provide a sample of such an action for use in a criminal proceeding against  
37 someone who is not consensually filling such an office. You can use it as a starting point for writing your own writ if you  
38 are wrongfully accused of a federal crime relating to a civil status that you don’t lawfully occupy.

39 If you would like an editable version of this document, it is available on our website for your reuse at:

[Writ of Quo Warranto-Quasi Criminal](https://sedm.org/Litigation/LitIndex.htm), Litigation Tool #03.008  
<https://sedm.org/Litigation/LitIndex.htm>

### 40 41 **24.1 This is a “Quasi Criminal Action”**

- 42 1. Petitioner in this instance is either being prosecuted for or has plead guilty to such a quasi criminal action.

- 1 2. For the purposes of this pleading, a quasi criminal action is defined as a criminal offense under Title 18 that  
2 presupposes a predicate civil status under another CIVIL title of the U.S. Code. For instance, a criminal conspiracy  
3 under 18 U.S.C. §371 that relates to a civil statutory obligation that was performed improperly under another Title of  
4 the U.S. Code, such as Title 26 (income tax) or Title 15 (securities).
- 5 3. A civil status is an “object of rights” under civil statutes, and constitutes indicia of membership and privity within a  
6 private membership association, such as “government” as a national corporation franchise.
- 7 4. The civil statutory obligation that was performed improperly resulted in a crime. Usually, this crime is related to a  
8 misuse of public property of some kind or FAILURE to perform the obligation (an “omission”), such as:
- 9 A. FAILURE to register securities that are being offered to the public under 15 U.S.C. §§77e and 77x. . . or  
10 B. FAILURE to obtain a license while driving.  
11 C. FAILURE to file a tax return or evade a tax in the context of earnings that are connected to the civil statutory  
12 “trade or business”/public office franchise described in 26 U.S.C. §7701(a)(26) . All public officers have a  
13 DUTY, even without the need for a civil statute recognizing the duty, to account for public funds, and tax returns  
14 are the mechanism for doing so:

15 *“I. DUTY TO ACCOUNT FOR PUBLIC FUNDS*

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

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

21 *SOURCE: <http://books.google.com/books?id=g-I9AAAAIAAJ&printsec=titlepage>]*

- 22 5. OMISSIONS like those above that give rise to a crime or civil penalty thus require:
- 23 A. The existence of a lawfully created civil office (public office) or at least agency proven to exist through written  
24 trust or contract.
- 25 B. A FIDUCIARY duty to the civil statutory “person” and thus civil OFFICE to whom it is owed, which is the only  
26 way we know of to prosecute anyone for a FAILURE to do something.
- 27 6. The burden of proof imposed upon the Prosecution in all indictments relating to quasi-criminal actions is to prove that  
28 the CIVIL STATUTORY OBLIGATIONS that were executed improperly by the Defendant were lawfully and  
29 consensually acquired, usually through a lawful election or appointment to public office or agency as described in 5  
30 U.S.C. §2105. Without EXPRESS and INFORMED and WRITTEN consent signed by both parties, the civil statutory  
31 obligation is unenforceable as a right by the government. This is because the surrender of constitutional rights must be  
32 KNOWING, INTELLIGENT acts:

1                   “. . . Waivers of constitutional rights not only must be voluntary, but must be knowing, intelligent acts done with  
2                   sufficient awareness of the relevant circumstances and likely consequences. . . .”  
3                   [Brady v. United States, 397 U.S. 742, 748]

- 4       7. All of the following devious mechanisms for either ACQUIRING OR PROVING CONSENT of the owner of a  
5       constitutional and PRIVATE right are mere sophistry within the legal profession maliciously intended to STEAL  
6       PRIVATE rights and PRIVATE property and therefore violate the very purpose of establishing government itself,  
7       which is that of protecting absolutely owned, constitutionally protect private property and private rights:  
8       A. TACIT rather the EXPRESS procuration of the civil OFFICE or the rights or obligations that attach to it is as  
9       public property.

10                   Procuration. Agency; proxy; the act of constituting another one's attorney in fact. The act by which one person  
11                   gives power to another to act in his place, as he could do himself. Action under a power of attorney or other  
12                   constitution of agency. Indorsing a bill or note "by procuration" is doing it as proxy for another or by his  
13                   authority. The use of the word procuration (usually, per procuracione, or abbreviated to per proc. or p. p.) on a  
14                   promissory note by an agent is notice that the agent has but a limited authority to sign.

15                   An express procuration is one made by the express consent of the parties. An implied or tacit procuration takes  
16                   place when an individual sees another managing his affairs and does not interfere to prevent it. Procurations  
17                   are also divided into those which contain absolute power, or a general authority, and those which give only a  
18                   limited power. Also, the act or offence of procuring women for lewd purposes. See also Proctor."  
19                   [Black's Law Dictionary, Fifth Edition, pp. 1086-1087]

- 20       B. Sub silentio responses by innocent falsely accused defendants to unjust criminal indictments involving quasi-  
21       criminal offenses in which the accused did not lawfully occupy the civil statutory office to which the obligations  
22       attach.

23                   “SUB SILENTIO. Under silence; without any notice being taken. Passing a thing sub silentio may be evidence  
24                   of consent”  
25                   [Black's Law Dictionary, Fourth Edition, p. 1593]

26                   “Qui tacet consentire videtur.  
27                   He who is silent appears to consent. Jenk. Cent. 32.”  
28                   [Bouvier's Maxims of Law, 1856;  
29                   SOURCE: <http://famguardian.org/Publications/BouvierMaximsOfLaw/BouvierMaxims.htm>]

- 30       C. ASSENT rather than EXPRESS CONSENT to a proposition by the Court of the Prosecution.

31                   **ASSENT.** Compliance: approval of something done; a declaration of willingness to do something in compliance  
32                   with a request. Norton v. Davis, 83 Tex. 32, 18 S.W. 430; Appeal of Pittsburgh, 115 Pa. 4, 7 A. 778; To approve,  
33                   ratify and confirm. People v. Consolidated Indemnity and Ins. Co., 233 App.Div. 74, 251 N.Y.S. 566, 569. It  
34                   implies a conscious approval of facts actually known, as distinguished from mere neglect to ascertain facts. White-  
35                   Wilson-Drew Co. v. Lyon Ratcliff Co., C.C.A.Ill., 268 F. 525, 526. Sometimes it is equivalent to "authorize."  
36                   Hagerla v. Mississippi River Power Co., D.C.Iowa, 202 F. 776, 783. In the sense of the law is a matter of overt  
37                   acts, not of inward unanimity in motives, design or the interpretation of words. Triboro Coach Corporation v.  
38                   New York State Labor Relations Board, 261 App.Div. 636, 27 N.Y.S.2d 83, 85.

39                   "Assent" is an act of understanding, while "consent" is an act of the will or feelings. Iilundby v. Hogden. 202 Wis.  
40                   438, 232 N.W. 858, 860, 73 A.L.R. 648. It means passivity or submission which does not include consent.  
41                   Perryman v. State, 63 Ga.App. 819, 12 S.E.2d. 388, 390.

42                   **Express Assent**

1 That which is openly declared.

2 **Implied Assent**

3 That which is presumed by law.

4 **Mutual Assent**

5 *The meeting of the minds of both or all the parties to a contract; the fact that each agrees to all the terms and*  
6 *conditions, in the same sense and with the same meaning as the others. Insurance Co. v. Young, 23 Wall. 107, 23*  
7 *L.Ed. 152.*

8 [*Black's Law Dictionary, Fourth Edition, p. 149*]

9  
10 *"Invito beneficium non datur. No one is obliged to accept a benefit against his consent. Dig. 50, 17, 69. **But if he***  
11 ***does not dissent he will be considered as assenting.** Vide Assent."*

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

13 <https://famguardian.org/Publications/BouvierMaximsOfLaw/BouviereMaxims.htm>]

14 D. IMPLIED CONSENT (through action) rather than EXPRESS CONSENT in writing signed by both parties.

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

20 [*Munn v. Illinois, 94 U.S. 113 (1877)*]

21 E. The abuse of statutory terms which EQUIVOCATE PRIVATE rights or property with PUBLIC rights or property,  
22 in order to disguise and protect those who abuse them to unlawfully CONVERT PRIVATE to PUBLIC mainly by  
23 exploiting the LEGAL IGNORANCE of the hearer. See:

24 [Legal Deception, Propaganda, and Fraud, Form #05.014](https://sedm.org/Forms/05-MemLaw/LegalDecPropFraud.pdf)

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

26 8. All of the tactics in the above paragraph 7 by the Court or the Prosecution result in a breach of the fiduciary duty by  
27 said trustees and officers of the public trust, and thus turn the PUBLIC TRUST into a SHAM TRUST, where the  
28 CONSTITUTION is the trust and the GOVERNMENT is the federation corporation that it creates:

29 *"As expressed otherwise, the powers delegated to a public officer are held in trust for the people and are to be*  
30 *exercised in behalf of the government or of all citizens who may need the intervention of the officer. <sup>41</sup>*

31 ***Furthermore, the view has been expressed that all public officers, within whatever branch and whatever level***  
32 ***of government, and whatever be their private vocations, are trustees of the people, and accordingly labor under***  
33 ***every disability and prohibition imposed by law upon trustees relative to the making of personal financial gain***  
34 ***from a discharge of their trusts. <sup>42</sup> That is, a public officer occupies a fiduciary relationship to the political***  
35 ***entity on whose behalf he or she serves. <sup>43</sup> and owes a fiduciary duty to the public. <sup>44</sup> It has been said that the***

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

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

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

44 United States v. Holzer (CA7 Ill), 816 F.2d. 304 and vacated, remanded on other grounds 484 U.S. 807, 98 L.Ed. 2d 18, 108 S.Ct. 53, on remand (CA7 Ill) 840 F.2d. 1343, cert den 486 U.S. 1035, 100 L.Ed. 2d 608, 108 S.Ct. 2022 and criticized on other grounds by United States v. Osser (CA3 Pa) 864

1 fiduciary responsibilities of a public officer cannot be less than those of a private individual. <sup>45</sup> Furthermore,  
2 it has been stated that any enterprise undertaken by the public official which tends to weaken public confidence  
3 and undermine the sense of security for individual [PRIVATE] rights is against public policy. <sup>46</sup>  
4 [63C American Jurisprudence 2d, Public Officers and Employees, §247 (1999)]

5 9. Below is an example from the Wisconsin Supreme Court proving that public officers such as CIVIL STATUTORY  
6 “taxpayers” are civil officers of the public trust:

7 “After the uniform holdings here, through many important adjudications, that public money in the public treasury,  
8 is a subject of trust for all the people for public purposes and dis-bursable, only, pursuant to valid legislation,  
9 and that **every taxpayer is a cestui que trust having sufficient interest in preventing abuse of the trust to be**  
10 **recognized in the field of this court’s prerogative jurisdiction as a relator in proceedings to set sovereign**  
11 **authority in motion by action in the name of the state for prevention or redress/ any suggestions to the**  
12 **contrary, however well supported as an original proposition, might well have but a passing notice.** The same  
13 is true of the question of whether an action against a state officer to prevent disbursement of public money in the  
14 enforcement of an invalid act of the legislature is against the state in any proper sense. It has been held over and  
15 over again, in terms or in effect, that such an action is to be regarded as against the person in his individual, not  
16 his official capacity, and so not against the state,’ — so held very recently most significantly by the supreme court  
17 of the United States. Ex parte Young, 209 U.S. 123, 28 Sup.Ct. 441, followed here in Bonnett v. Vallier, 136 Wis.  
18 193, 116 N.W. 885.  
19 [State ex rel. Bolens v. Frear, 148 Wis. 456 (1912)]

20 10. The MAIN duty, per the above, of the Prosecution and Court as trustees of the public trust (under 5 C.F.R.  
21 §2635.101(a)) is to protect PRIVATE property and PRIVATE rights, which are also property. This protection is the  
22 MAIN “benefit” conveyed by the Constitutional trust indenture, in fact. The very FIRST step in providing that  
23 protection, as a bare minimum, is PREVENTING it from being converted from PRIVATE property to PUBLIC  
24 property without the EXPRESS, WRITTEN, FULLY INFORMED consent of the original owner, and do so ONLY in  
25 a geographical place in which the Constitution does not attach, such as abroad, on federal territory, or WITHIN an  
26 EXISTING public office. Otherwise, the main purpose of government is defeated and the U.S. Inc. federal corporation  
27 becomes an alter-ego for a sham trust to pillage the private property of PRIVATE people (not civil statutory “persons”)  
28 it is supposed to be protecting under the constitution. This is exhaustively explained in:

29 Separation Between Public and Private Course, Form #12.025  
30 <https://sedm.org/LibertyU/SeparatingPublicPrivate.pdf>

31 11. Would ANY rational person EVER make an informed choice to hire a security guard for their property who insisted on  
32 transferring the ENTIRE TITLE TO THE PROPERTY (a usufruct) or some QUALIFIED PORTION (moiety) to them  
33 before they would protect it? This, in fact, has become the MAIN mechanism for operating the current de facto

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F.2d. 1056) and (superseded by statute on other grounds as stated in United States v. Little (CA5 Miss) 889 F.2d. 1367) and (among conflicting authorities on other grounds noted in United States v. Boylan (CA1 Mass), 898 F.2d. 230, 29 Fed.Rules.Evid.Serv. 1223).

<sup>45</sup> Chicago ex rel. Cohen v. Keane, 64 Ill.2d. 559, 2 Ill.Dec. 285, 357 N.E.2d. 452, later proceeding (1st Dist) 105 Ill.App.3d. 298, 61 Ill.Dec. 172, 434 N.E.2d. 325.

<sup>46</sup> Indiana State Ethics Comm’n v. Nelson (Ind App), 656 N.E.2d. 1172, reh gr (Ind App) 659 N.E.2d. 260, reh den (Jan 24, 1996) and transfer den (May 28, 1996).



1 government, in which you must volunteer to become an uncompensated public officer within the corporation franchise  
2 (such as “person”, “individual”, “taxpayer”, “citizen”, “driver”, etc.) to get any kind of “civil services” or protection as  
3 described in:

4 *De Facto Government Scam*, Form #05.043; <https://sedm.org/Forms/05-MemLaw/DeFactoGov.pdf>

- 5 12. My biblical delegation of authority order FORBIDS accepting civil statutory privileges, “benefits”, or “public rights”,  
6 or the civil offices that convey them. The Lord is my ONLY “civil lawgiver” and it is ONLY He and the common law  
7 and the Constitution but not civil statutory law which may protect me. If the Prosecution won’t recognize this right of  
8 DISASSOCIATION, then you are also violating the First Amendment and the Religious Freedom Restoration Act  
9 (RFRA), 42 U.S.C. Chapter 21B which implements it:

10 *Many seek the ruler’s favor [privileges], But justice for man comes [ONLY] from the LORD.*  
11 *[Prov. 29:26, Bible, NKJV]*

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12  
13 *Curses of Disobedience [to God’s Laws]*

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

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

21 *“Because you did not serve [ONLY] the Lord your God with joy and gladness of heart, for the abundance of*  
22 *everything, therefore you shall serve your [covetous thieving lawyer] enemies, whom the Lord will send against*  
23 *you, in hunger, in thirst, in nakedness, and in need of everything; and He will put a yoke of iron [franchise codes]*  
24 *on your neck until He has destroyed you. The Lord will bring a nation against you from afar [the District of*  
25 *CRIMINALS], from the end of the earth, as swift as the eagle flies [the American Eagle], a nation whose language*  
26 *[LEGALESE] you will not understand, a nation of fierce [coercive and fascist] countenance, which does not*  
27 *respect the elderly [assassinates them by denying them healthcare through bureaucratic delays on an Obamacare*  
28 *waiting list] nor show favor to the young [destroying their ability to learn in the public FOOL system]. And they*  
29 *shall eat the increase of your livestock and the produce of your land [with “trade or business” franchise taxes],*  
30 *until you [and all your property] are destroyed [or STOLEN/CONFISCATED]; they shall not leave you grain or*  
31 *new wine or oil, or the increase of your cattle or the offspring of your flocks, until they have destroyed you.*  
32 *[Deut. 28:43-51, Bible, NKJV]*

---

34 *“Here I close my opinion. I could not say less in view of questions of such gravity that go down to the very*  
35 *foundation of the government. If the provisions of the constitution can be set aside by an act of congress, where*  
36 *is the course of usurpation [abuse of taxation power for THEFT and wealth transfer] to end? The present*  
37 *assault [WAR!] upon capital is but the beginning. It will be but the stepping-stone to others, larger and more*  
38 *sweeping, till our political contests [in the jury box and the ballot box between the HAVES and the HAVE NOTS]*  
39 *will become a war of the poor against the rich,-a war constantly growing in intensity and bitterness. ‘If the*  
40 *court sanctions the power of discriminating [UNEQUAL or GRADUATED] taxation, and nullifies the*  
41 *uniformity mandate of the constitution,’ as said by one who has been all his life a student of our institutions,*  
42 *‘it will mark the hour when the sure decadence of our present government will commence.’”*  
43 *[Pollock v. Farmers Loan and Trust Co., 157 U.S. 429 (1895)]*

- 44 13. I am a man on the land (which is protected by the Constitution, which is “the law of the LAND”), not an officer within  
45 a sham trust federal corporation mafia (protected by civil statutes as rules for club members). I am a nonresident, a

1 nonresident alien”, a “stateless person”, and a “transient foreigner” while temporarily here as god’s ambassador and  
2 Prince. The only CIVIL law I can accept is God’s law. Please therefore deliver me from such evil.

3 *“Because for Your sake I have borne reproach [of the Prosecution];*  
4 *Shame has covered my face.*  
5 **I have become a stranger [transient foreigner, stateless person] to my brothers,**  
6 **And an alien to my mother’s children;**  
7 **Because zeal for Your house has eaten me up,**  
8 **And the reproaches of those who reproach You [God] have fallen on me.**  
9 *[Psalm 69:7-9, Bible, NKJV]*

10 14. I surrender NO PRIVATE OR CONSITUTIONAL RIGHTS and reserve ALL, which means I do not seek  
11 MEMBERSHIP of any kind, or any aspect of the civil statutory “benefits”, rights, or privileges that such membership  
12 that might cause a surrender of such rights.<sup>47</sup> To do so would be to accept government/public property, the obligations  
13 that go with it, and the CURSE from God that results from it per Munn v. Illinois, 94 U.S. 113 (1877) and [Deut. 28:43-](#)  
14 [51:](#)

15 *“When one becomes a member of society, he necessarily parts with some rights or privileges which, as an*  
16 *individual not affected by his relations to others, he might retain. HN4 “A body politic,” as aptly defined in the*  
17 *preamble of the Constitution of Massachusetts, “is a social compact by which the whole people covenants with*  
18 *each citizen, and each citizen with the whole people, that all shall be governed by certain laws for the common*  
19 *good.” This does not confer power upon the whole people to control rights which are purely and exclusively*  
20 *private, Thorpe v. R. & B. Railroad Co., 27 Vt. 143; but it does authorize the establishment of laws requiring*  
21 *each citizen to so conduct himself, and so use his own property, as not unnecessarily to injure another. This is*  
22 *the very essence of government, and has found expression in the maxim sic utere tuo ut alienum non loedas.*  
23 *From this source come the HN5 police powers, which, as was said by Mr. Chief Justice Taney in the License*  
24 *Cases, 5 How. 583, “are nothing more or less than the powers of government inherent in every sovereignty, . .*  
25 *. that is to say, . . . the power to govern men and things.” Under these powers the government regulates the*  
26 *conduct of its citizens one towards another, and the manner in which each shall use his own property, when*  
27 *such regulation becomes necessary for the public good.”*  
28 *[Munn v. Illinois, 94 U.S. 113 (1877)]*

29 *“Where do wars and fights [in the ballot box and the jury box] come from among you? Do they not come from*  
30 *your desires for pleasure [unearned money or “benefits” from the government] that war in your members [and*  
31 *your democratic SOCIALIST governments]? You lust [after other people’s money] and do not have. You murder*  
32 *[the unborn to increase your standard of living] and covet [the unearned] and cannot obtain [except by empowering*  
33 *your de facto THIEF government to STEAL for you!]. You fight and war [against the rich and the nontaxpayers*  
34 *to subsidize your idleness and dependency with a STOLEN Social Security retirement check]. Yet you do not*  
35 *have because you do not ask [the Lord, but instead ask the corrupt and deceitful government]. You ask and do*  
36 *not receive, because you ask amiss, that you may spend it on your pleasures [“benefits”]. Adulterers and*  
37 *adulteresses [harlots, Rev. 17]! Do you not know that friendship [or STATUTORY citizenship] with the world*  
38 *[or the governments of the world] is enmity with God? Whoever therefore wants to be a friend [a STATUTORY*  
39 *“citizen”, “resident”, “person”, or “taxpayer”] of the world [or the governments of the world] makes himself*  
40 *an enemy of God.”*  
41 *[James 4:1-4, Bible, NKJV]*

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<sup>47</sup> See: [How Scoundrels Corrupted Our Republican Form of Government](https://famguardian.org/Subjects/Taxes/Evidence/HowScCorruptOurRepubGovt.htm), Family Guardian Fellowship;  
<https://famguardian.org/Subjects/Taxes/Evidence/HowScCorruptOurRepubGovt.htm>

## 24.2 Writ of Quo Warranto Against the Unlawfully Created Res/Civil Status Who Is the Target of This Criminal Enforcement Action

1. Petitioner plead guilty under duress to one count each of 26 U.S.C. §7201 (tax evasion) and 15 U.S.C. §§77e and 77x (unregistered securities). These offences had two predicate civil statuses of “person” found in 26 U.S.C. §7343 and 15 U.S.C. §77b(a)(2) respectively.

### [26 U.S. Code § 7343 - Definition of term “person”](#)

The term “person” as used in this chapter includes an officer or employee of a corporation, or a member or employee of a partnership, **who as such officer, employee, or member is under a duty to perform the act in respect of which the violation occurs.**

(Aug. 16, 1954, ch. 736, 68A Stat. 872.)

### [15 U.S. Code § 77b - Definitions; promotion of efficiency, competition, and capital formation](#)

#### (a) DEFINITIONS [ . . . ]

(2) The term “person” means an individual, a corporation, a partnership, an association, a joint-stock company, a trust, any unincorporated organization, or a government or political subdivision thereof. As used in this paragraph the term “trust” shall include only a trust where the interest or interests of the beneficiary or beneficiaries are evidenced by a security.

2. Those two civil statutory “persons” are CREATIONS of, OFFICES of, MEMBERS of, and PROPERTY of the national government grantor. The property these above two offices are in charge of is the rights and obligations attached to said civil statuses enforced and protected by the Article IV franchise courts, the jails (for penal and not criminal provisions), and the administrative state (in the case of civil penalties). Rights and obligations are property. “Public Office. [ . . . ] **Where, by virtue of law, a person is clothed, not as an incidental or transient authority, but for such time as de-notes duration and continuance, with Independent power to control the property of the public**” [Black’s Law Dictionary, Sixth Edition, p. 1235]. Any officers serving in said offices must be volunteers and KNOWINGLY volunteer, or else involuntary servitude is the result.

“ . . . Waivers of constitutional rights not only must be voluntary, but must be knowing, intelligent acts done with sufficient awareness of the relevant circumstances and likely consequences. . . . ”  
[Brady v. United States, 397 U.S. 742, 748]

3. Just like the United States Federal Corporation, I (“the People”) as the origin of their authority delegated by the Constitution have a right to prescribe the manner and conditions in which my consent is manifested. In my case, that consent can only be manifested in a writing signed by BOTH parties, under circumstances in which I may not be penalized in any way for NOT consenting. No government form satisfies this method of giving consent because such

1 forms are never signed by the government after they receive it. Therefore, consent is impossible in relation to all  
2 governments.

3 *“Every man is supposed to know the law. A party who makes a contract with an officer without having it*  
4 *reduced to writing is knowingly accessory to a violation of duty on his part. Such a party aids in the violation*  
5 *of the law. We are of opinion, therefore, that the contract itself is affected, and must conform to the requirements*  
6 *of the statute until it passes from the observation and control of the party who enters into it. After that, if the*  
7 *officer fails to follow the further directions of the act with regard to affixing his affidavit and returning a copy of*  
8 *the contract to the proper office, the party is not responsible for this neglect.”*  
9 *[Clark v. United States, 95 U.S. 539 (1877)]*

- 10 4. Consistent with the above manner of giving my consent, Petitioner hereby certifies under penalty of perjury that he  
11 never volunteered for any civil office in the national government which could give rise to any such obligations, and  
12 that it is beyond his delegation of authority order, the Holy Bible, to consent to such duties as a full time officer of the  
13 Kingdom of Heaven 24 hours a day, 7 days a week.
- 14 5. As such, the two civil statutory offices who are the fictional defendant were never lawfully created and any attempt to  
15 impute or enforce their duties against me as an innocent bystander represents criminal identity theft and false  
16 personation in criminal violation of 18 U.S.C. §912 and a violation of the very principles of justice itself, which is the  
17 right to be LET ALONE and not harassed, and especially not by those who claim to want to IMPLEMENT justice at  
18 the Department of InJustice.
- 19 6. The PROSECUTION alleges in the Indictment that I occupy these two offices, because the crimes to which I plead  
20 guilty under unlawful duress have these offices as predicate civil statuses. Prosecution, as moving party, therefore has  
21 the burden of proving that these offices are lawfully occupied, that I LAWFULLY consented to occupy them, and that  
22 I had the CAPACITY to consent within the confines of 4 U.S.C. §72. Pleading guilty to a crime of exercising an office  
23 improperly that I not only don't occupy, but CAN'T lawfully occupy is an absurdity, which is why I had to withdraw  
24 my extorted plea in this filing.
- 25 7. The burden of proof therefore rests upon the Prosecution, as a Writ of Quo Warranto under the common law and NOT  
26 the civil statutory franchise codes, to prove the following in order to lawfully maintain the existence of these offices  
27 THEY CREATED through nothing but a mere PRESUMPTION, and in violation of due process of law:
- 28 A. That the two civil offices of “person” described in 26 U.S.C. §7343 and 15 U.S.C. §77b(a)(2) may lawfully be  
29 exercised extraterritorially within a constitutional state or abroad without express statutory extraterritorial  
30 authorization by Congress, as required by 4 U.S.C. §72. Petitioner can find NO such express authorization and  
31 therefore, it must be presumed to NOT exist.

- 1 B. That the Petitioner expressly consented to these two civil offices. All just powers derive from CONSENT of  
2 those governed by the civil statutory law, according to the Declaration of Independence, which is organic law.  
3 Anything not PROVEN to be consensual is therefore inherently UNJUST.
- 4 C. That it is even POSSIBLE to exercise “the functions of a public office” without even knowing it or how one  
5 became such public officer.
- 6 D. That the Petitioner, as a full-time fiduciary has the lawful delegated authority to consent to said offices without  
7 violating his biblical delegation of authority order. “No man can serve two masters” is what my King told me on  
8 this subject in Matt. 6:24, through one of his FORMER tax collectors who quit his job in disgust when he found  
9 out he was a useful idiot for tyrants.
- 10 E. That absent consent, the Prosecution is NOT violating the Thirteenth Amendment prohibition against involuntary  
11 servitude in the case of the Petitioner as a man and not a fiction standing on land protected by the Constitution.
- 12 F. The oath and appointment document making the Petition into the LAWFULLY SERVING public officer who has  
13 such duties, pursuant to 5 U.S.C. §3331. Without such a LAWFUL oath or appointment document, the office is de  
14 facto and void.
- 15 G. Evidence that absent the existence of such a voluntarily and LAWFULLY occupied civil statutory offices, that  
16 extraterritorial application of Title 26 and Title 15 is lawful among those acting in a private, constitutionally  
17 protected capacity without violating the First Amendment, the Fifth Amendment, and the Thirteenth Amendment.
- 18 H. Evidence that any man or woman can UNILATERALLY “elect” themselves into a civil statutory office of any  
19 kind with their consent and without a lawful appointment or election. Petitioner can find NO EVIDENCE in Title  
20 5 of the U.S. Code authorizing such an act and therefore, per the rules of statutory construction, the ability to do so  
21 is purposefully excluded:

22 *"It is axiomatic that the statutory definition of the term excludes unstated meanings of that term. Colautti v.*  
23 *Franklin, 439 U.S. 379, 392, and n. 10 (1979). Congress' use of the term "propaganda" in this statute, as indeed*  
24 *in other legislation, has no pejorative connotation.[19] As judges, it is our duty to [481 U.S. 485] construe*  
25 *legislation as it is written, not as it might be read by a layman, or as it might be understood by someone who*  
26 *has not even read it."*  
27 *[Meese v. Keene, 481 U.S. 465, 484 (1987)]*

28 *"Expressio unius est exclusio alterius. A maxim of statutory interpretation meaning that the expression of one*  
29 *thing is the exclusion of another. Burgin v. Forbes, 293 Ky. 456, 169 S.W.2d. 321, 325; Newblock v. Bowles,*  
30 *170 Okl. 487, 40 P.2d. 1097, 1100. Mention of one thing implies exclusion of another. When certain persons or*  
31 *things are specified in a law, contract, or will, an intention to exclude all others from its operation may be*  
32 *inferred. Under this maxim, if statute specifies one exception to a general rule or assumes to specify the effects*  
33 *of a certain provision, other exceptions or effects are excluded."*  
34 *[Black's Law Dictionary, Sixth Edition, p. 581]*

35 *"When a statute includes an explicit definition, we must follow that definition, even if it varies from that term's*  
36 *ordinary meaning. Meese v. Keene, 481 U.S. 465, 484-485 (1987) ("It is axiomatic that the statutory definition*  
37 *of the term excludes unstated meanings of that term"); Colautti v. Franklin, 439 U.S. at 392-393, n. 10 ("As a*  
38 *rule, `a definition which declares what a term "means" . . . excludes any meaning that is not stated"); Western*



1 *Union Telegraph Co. v. Lenroot*, 323 U.S. 490, 502 (1945); *Fox v. Standard Oil Co. of N.J.*, 294 U.S. 87, 95-96  
2 (1935) (Cardozo, J.); see also 2A N. Singer, *Sutherland on Statutes and Statutory Construction* § 47.07, p. 152,  
3 and n. 10 (5th ed. 1992) (collecting cases). That is to say, the statute, read "as a whole," post at 998 [530 U.S.  
4 943] (THOMAS, J., dissenting), leads the reader to a definition. That definition does not include the Attorney  
5 General's restriction -- "the child up to the head." Its words, "substantial portion," indicate the contrary."  
6 [[Stenberg v. Carhart](#), 530 U.S. 914 (2000)]

7 I. How it is that third parties filing false information returns, such as the IRS Forms 1099, W-2, and 1042-S without  
8 the consent of the subject of the returns, can unilaterally "elect" anyone into a public office through such reports  
9 without their consent, and sometimes even their knowledge. 26 U.S.C. §6041(a) mandates that such information  
10 returns may only lawfully be filed in the case of a statutory "trade or business", which is defined in 26 U.S.C.  
11 §7701(a)(26) as "the functions of a public office". Certainly, one cannot exercise the FUNCTIONS of such an  
12 office without BEING lawfully elected or appointed to public office under the provisions of Title 5 with a lawful  
13 election or appointment and oath. See and rebut the following on the record if the Prosecution disagrees or be held  
14 to agree:

15 [Correcting Erroneous Information Returns](#), Form #04.001; [https://sedm.org/Forms/04-Tax/0-](https://sedm.org/Forms/04-Tax/0-CorrErrInfoRtns/CorrErrInfoRtns.pdf)  
16 [CorrErrInfoRtns/CorrErrInfoRtns.pdf](https://sedm.org/Forms/04-Tax/0-CorrErrInfoRtns/CorrErrInfoRtns.pdf).

- 17 8. Petitioner emphasizes that absent satisfaction of the above burden of proof on the record of these proceedings WITH  
18 supporting evidence by the Prosecution, this proceeding becomes a fraud upon the court and the Prosecutor is engaging  
19 in a conspiracy in violation of 18 U.S.C. §371 with the judge to compel me to bribe them with my money and services  
20 in criminal violation of 18 U.S.C. §201 to treat me AS IF I am the civil statutory office of "person" in the context of  
21 these proceedings. It is my duty to speak the truth of this matter on the record or else in the future, to become a  
22 criminal accessory after the fact to it, in violation of 18 U.S.C. §3.
- 23 9. I also emphasize that both the Prosecution and the Court cannot remain silent when confronted with the possibility of a  
24 crime and as party to it, without being guilty of criminal misprision of felony in violation of 18 U.S.C. §4.
- 25 10. Silence or omission in dealing with this common law Quo Warranto Action shall therefore serve as:
- 26 A. Indicia that the Prosecution and possibly the judge is acting with a financial conflict of interest in violation of 18  
27 U.S.C. §208, 28 U.S.C. §144, and 28 U.S.C. §455.
- 28 B. An admission that the Prosecution is engaging in a criminal conspiracy with the judge of the following crimes: 18  
29 U.S.C. §912, 18 U.S.C. §201, 18 U.S.C. §208, 18 U.S.C. §371, 18 U.S.C. §3, 18 U.S.C. §4, and likely several  
30 others.
- 31 11. Lastly, the Petitioner emphasizes that this is a COMMON LAW action, and not a civil statutory action. Nonresident  
32 aliens such as Petitioner cannot invoke civil statutory protections or have civil statutory obligations or privileges. For

1 the Prosecution or the Court to invoke civil statutes to interfere with such an action, such as those found in 28 U.S.C.  
2 §2201 would also constitute criminal identity theft and compel the surrender of ALL constitutional rights by the  
3 Petitioner in the process, per the Brandeis Rules. That too would be involuntary servitude in violation of the Thirteenth  
4 Amendment. Petitioner ESCHEWS ANY AND ALL “benefits” of civil statutory protections at all times, consistent  
5 with his biblical delegation of authority order as a full-time Trustee of God. The only thing such statutes protect is a  
6 criminal mafia, and never ME personally anyway:

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

10 [. . .]

11 **6. The Court will not pass upon the constitutionality of a statute at the instance of one who has availed**  
12 **himself of its benefits.**[FN7 Great Falls Mfg. Co. v. Attorney General, 124 U.S. 581, 8 S.Ct. 631, 31 L.Ed.](#)  
13 [527; Wall v. Parrot Silver & Copper Co., 244 U.S. 407, 411, 412, 37 S.Ct. 609, 61 L.Ed. 1229; St. Louis Malleable](#)  
14 [Casting Co. v. Prendergast Construction Co., 260 U.S. 469, 43 S.Ct. 178, 67 L.Ed. 351.](#)

15 \_\_\_\_\_  
16 FOOTNOTES:

17 [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.](#)  
18 [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.](#)  
19 [1108.](#)  
20 [\[Ashwander v. Tennessee Valley Authority, 297 U.S. 288, 56 S.Ct. 466 \(1936\)\]](#)

21 \_\_\_\_\_  
22 *“It is not open to question that **one who has acquired rights of property necessarily based upon a [CIVIL]***  
23 ***statute [Form #05.037] may not attack that statute as unconstitutional, for he cannot both assail it and rely upon***  
24 *it in the same proceeding. \*528 [Hurley v. Commission of Fisheries, 257 U.S. 223, 225, 42 S.Ct. 83, 66 L.Ed.](#)*  
25 *[206.](#)”*  
26 [\[Frost v. Corporation Commission, 278 U.S. 515, 49 S.Ct. 235 \(U.S., 1929\)\]](#)

### 27 **24.3 Explanation of Why Civil Statutory Statutes Such as “Person” are Public Officers**

28 1. A public officer is legally defined as someone in charge of the PROPERTY of the public.

29 *“**Public office.** The right, authority, and duty created and conferred by law, by which for a given period, either*  
30 *fixed by law or enduring at the pleasure of the creating power, an individual is invested with some portion of the*  
31 *sovereign functions of government for the benefit of the public. [Walker v. Rich, 79 Cal.App. 139, 249 P. 56, 58.](#)*  
32 *An agency for the state, the duties of which involve in their performance the exercise of some portion of the*  
33 *sovereign power, either great or small. [Yaselli v. Goff, C.C.A., 12 F.2d. 396, 403, 56 A.L.R. 1239; Lacey v. State,](#)*  
34 *[13 Ala.App. 212, 68 So. 706, 710; Curtin v. State, 61 Cal.App. 377, 214 P. 1030, 1035; Shelmadine v. City of](#)*  
35 *[Elkhart, 75 Ind.App. 493, 129 N.E. 878. State ex rel. Colorado River Commission v. Frohmüller, 46 Ariz. 413, 52](#)*  
36 *[P.2d. 483, 486. \*\*Where, by virtue of \[civil statutory\] law, a \[civil statutory\] person is clothed, not as an incidental\*\*](#)*  
37 ***or transient authority, but for such time as de-notes duration and continuance, with Independent power to***  
38 ***control the property of the public,** or with public functions to be exercised in the supposed interest of the people,*  
39 *the service to be compensated by a stated yearly salary, and the occupant having a designation or title, the*  
40 *position so created is a public office. [State v. Brennan, 49 Ohio.St. 33, 29 N.E. 593.](#)*

41 [\[Black’s Law Dictionary, Fourth Edition, p. 1235\]](#)

42 2. As bare minimum, the PROPERTY connected to the office is the status of the office itself, such as CIVIL  
43 STATUTORY “person”, “taxpayer”, “citizen”, “resident”, “individual”, etc.

Both RIGHTS and corresponding OBLIGATIONS attach to all civil statutory offices, except for that of “nonresident alien” defined in 26 U.S.C. §7701(b)(1)(B). That status is actually a NON-DEFINITION because it describes what it is NOT, but never what it is. How interesting... Did I discover the Achilles Heel of this scam embedded in the code? I believe so. See:

*Sometimes People Won't Name Things Just So They Don't Become Real*, SEDM  
<https://sedm.org/sometimes-people-wont-name-things-just-so-they-dont-become-real/>.

3. Civil statutory offices such as “person” and “taxpayer” are created by the Legislative Branch. That act of creation makes the Legislature the absolute owner of these civil statuses, and all rights and obligations (property) attached to the status within the civil statutes which implement it.

*“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. 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)]*

4. Those VOLUNTARILY FILLING a legislatively created and government owned civil statutory public office (such as “person” or “taxpayer” or “citizen”) owe a CIVIL OBLIGATION to the public. That civil statutory obligation, IN FACT, is THE ONLY REASON WHY they can be called public officers if they have not otherwise injured someone. That obligation also constitutes a corresponding RIGHT on the part of the government that it is owed to. Rights and obligations are two sides of the same coin.

*“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*

1 the extent of his authority.' 7 Bac. Abr. 280; Carth. 479.... Where an employment or duty is a continuing one,  
2 which is defined by rules prescribed by law and not by contract, such a charge or employment is an office, and  
3 the person who performs it is an officer...."  
4 [Ricker's Petition, 66 N.H. 207 (1890)]

- 5 5. Franchises or privileges and the excise taxes that implement them, such as the income tax, are always implemented  
6 with public offices. "Taxpayers", in fact, are officers within the national but not state government, who are forbidden  
7 by state constitutions from also holding a state office. That is why the income tax as an excise tax is imposed upon the  
8 "trade or business" franchise which is defined as "the function of a public office" in 26 U.S.C. §7701(a)(26).

9 "Is it a franchise? A franchise is said to be a right reserved to the people by the constitution, as the elective  
10 franchise. Again, it is said to be a privilege conferred by grant from government, and vested in one or more  
11 individuals, as a public office. Corporations, or bodies politic are the most usual franchises known to our laws."  
12 [People v. Ridgley, 21 Ill. 65, 1859 WL 6687, 11 Peck 65 (Ill., 1859)]

13 \_\_\_\_\_  
14 26 U.S.C. §7701(a)(26)

15 "The term 'trade or business' includes the performance of the functions of a public office."

- 16 6. By default, Congress CANNOT, per the Supreme Court, create NEW or TAXABLE public offices, and therefore  
17 excise taxable franchises or privileges, within the geographical boundaries of the constitutional state. HOWEVER,  
18 there is NO GEOGRAPHICAL LIMIT to the jurisdiction to tax among the legally ignorant who file the wrong tax  
19 return, the Form 1040.

20 "Congress cannot authorize a trade or business [public office franchise] within a State in order to tax it."  
21 [License Tax Cases, 72 U.S. 462, 18 L.Ed. 497, 5 Wall. 462, 2 A.F.T.R. 2224 (1866)]

- 22 7. We must remember, however, that:

- 23 A. Even among those who consent in states of the Union to commit the crimes associated with filing a Form 1040  
24 instead of the correct Form 1040NR, NO ONE in the government has the authority to enforce the rights illegally  
25 procured through such consent, including this court. **It is a maxim of law, that no one can benefit from an**  
26 **illegal act.**
- 27 B. You can't alienate or consent to give up rights that are unalienable per the Constitution and Declaration of  
28 Independence, BOTH of which are organic law published on the FIRST PAGE of the Statutes At Large. Judge  
29 Andrew Napolitano says that because of this, the Declaration of Independence is THE MOST FREQUENTLY  
30 VIOLATED law ever created.
- 31 C. I'd be willing to bet that not one person on the prosecution team has spent 10 hours a day for 10 years straight  
32 reading the 250,000 pages of the Statutes At Large. If I'm correct, that means they don't know the law and I'm  
33 pretty certain they don't know the true history of our country either. They have been compartmentalized and  
34 indoctrinated. They only know what the BAR allows them to know. They haven't cracked the code... For if they

1 had cracked the code, and they are decent people, then they would quit their jobs like all the other agents who  
2 figure out they are working for criminals. Decent people would never participate in this massive misprision of  
3 many felonies, throwing innocent members/victims of a Private Membership Association (PMA), like me, in jail  
4 without a jury first convicting me of a crime at trial. It's beneath human dignity for them to do so. "*Father forgive*  
5 *them for they know not what they do...*" is what Jesus said about this (or do you know?). Well, now they for sure  
6 know... I have forgiven the persecutors for what they have put me and my family through. Now, please dismiss  
7 this case and leave me alone. Remember, when a man, who is honestly mistaken, hears the truth, he will either quit  
8 being mistaken, or quit being honest... (or, he will act like anarchists and pretend he didn't hear it, didn't read it,  
9 or forgot it to avoid his responsibility to love his neighbor). Pretended ignorance is the only thing keeping the  
10 prosecutors out of jail, because you can't have "mens rea" without knowledge. Well, now they know. What a  
11 predicament they are in. Since the persecutors, up until now, didn't know the law, how can you expect the people  
12 to know the law? Isn't that the very definition of what an "idiot" is. A private person who doesn't know the law?  
13 Wouldn't that make EVERYONE an "idiot"? Does this court prosecute "idiots"?

14 See: *Are you an idiot?*, *SEDM*, <https://sedm.org/are-you-an-idiot-we-are/>

15 D. This is why what I'm saying and the law that I'm quoting here is probably completely new to most everyone  
16 reading this. You can get a college degree and never have to take a class on law. It's the same with history. For  
17 instance, most people have no idea that we had 10 presidents of the United States before George Washington.  
18 Most people don't know that the Supreme Court in *Hooven and Allison v. Evatt*, 324 U.S. 652, 324 U.S. 652  
19 (1945) gave us 3 different definitions of 3 different "United States". My own lawyers, who used to be prosecutors,  
20 didn't even know this! Those who do, just use equivocation and presumptions and never define their terms in  
21 order to deceive. Everyone else is compartmentalized. They just follow orders and procedures, and do what they  
22 are told, like "useful idiots" as the communists call them. Those who have been initiated with this secret, hidden  
23 knowledge, look at the rest of us like we are dumbed down cattle, ready to be milked, on the government ranch.  
24 The prosecutors either know the law and are a party to the crimes mentioned above or they don't know the law and  
25 are misapplying it, as in my case, causing me and my loved ones injury. Either way, after reading this, their  
26 plausible deniability excuse is over and "mens rea" kicks in. Does anyone in the department of justice have the  
27 courage to stand up against these massive crimes that are taking place against millions of innocent Americans or is  
28 everyone in the DOJ compromised and compartmentalized? First we overlook evil. Then we permit evil. Then we



1 legalize evil. Then we promote evil. Then we celebrate evil. Then we persecute those who still call it evil. This  
2 evil literally amounts to treason punishable by execution in 18 U.S.C. §2381.

3 8. For exhaustive evidence proving the content of this section, see the following free resources available on the internet:

- 4 A. *Proof That There Is a “Straw Man”*, Form #05.042  
5 <https://sedm.org/Forms/05-MemLaw/StrawMan.pdf>  
6 B. *Why Statutory Civil Law is Law for Government and Not Private Persons*, Form #05.037  
7 <https://sedm.org/Forms/05-MemLaw/StatLawGovt.pdf>  
8 C. *Government Identity Theft*, Form #05.046  
9 <https://sedm.org/Forms/05-MemLaw/GovernmentIdentityTheft.pdf>

## 10 **24.4 Treason for Silence or Omission by the Court in Answering This Writ**

11 1. James Madison, a founding father, whose PERSONAL notes at the Constitutional Convention were used to write the  
12 Constitution, had the following to say about how the Constitution would LIKELY be subverted after it was written. He  
13 said these words only three years after it was written:

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

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

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

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

30  
31 *“It has been urged and echoed, that the power “to lay and collect taxes, duties, imposts, and excises, to pay the  
32 debts, and provide for the common defense and general welfare of the United States,” amounts to an unlimited  
33 commission to exercise every power which may be alleged to be necessary for the common defense or general  
34 welfare. No stronger proof could be given of the distress under which these writers labor for objections, than  
35 their stooping to such a misconception. Had no other enumeration or definition of the powers of the Congress  
36 been found in the Constitution, than the general expressions just cited, the authors of the objection might have  
37 had some color for it... For what purpose could the enumeration of particular powers be inserted, if these and  
38 all others were meant to be included in the preceding general power? Nothing is more natural nor common than  
39 first to use a general phrase, and then to explain and qualify it by a recital of particulars... But what would have  
40 been thought of that assembly, if, attaching themselves to these general expressions, and disregarding the  
41 specifications which ascertain and limit their import, they had exercised an unlimited power of providing for the  
42 common defense and general welfare?”*

43 [*Federalist #41. Saturday, January 19, 1788, James Madison*]

44 2. Thomas Jefferson said the SAME thing:

45 *Congress has not unlimited powers to provide for the general welfare, but only those specifically enumerated.*

46 *They are not to do anything they please to provide for the general welfare, but only to lay taxes for that purpose.  
47 To consider the latter phrase not as describing the purpose of the first, but as giving a distinct and independent  
48 power to do any act they please which may be good for the Union, would render all the preceding and subsequent  
49 enumerations of power completely useless. It would reduce the whole instrument to a single phrase, that of*

1 instituting a Congress with power to do whatever would be for the good of the United States; and as they would  
2 be the sole judges of the good or evil, it would be also a power to do whatever evil they please.... Certainly no  
3 such universal power was meant to be given them. It was intended to lace them up straightly within the enumerated  
4 powers and those without which, as means, these powers could not be carried into effect.

5 That of instituting a Congress with power to do whatever would be for the good of the United States; and, as they  
6 would be the sole judges of the good or evil, it would be also a power to do whatever evil they please.  
7 [Thomas Jefferson: *Opinion on National Bank*, 1791. ME 3:148; SOURCE:  
8 <http://famguardian.org/Subjects/Politics/ThomasJefferson/jeff1020.htm> and  
9 <http://thefederalistpapers.org/founders/jefferson/thomas-jefferson-opinion-on-national-bank-1791>]

- 10 3. What the above statements by the founders reveal is the abuse of national franchises to commercially INVADE the  
11 states by the national government, and to thereby invert the hierarchy by turning PUBLIC SERVANTS into  
12 MASTERS, and thus to implement a DULOCRACY:

13 ***“Dulocracy.** A government where servants and slaves have so much license and privilege [FRANCHISES] that  
14 they domineer.”*  
15 *[Black’s Law Dictionary, Sixth Edition, p. 501]*

16  
17 *A Prayer for Restoration*

18 *Remember, O LORD, what has come upon us;*  
19 *Look, and behold our reproach!*

20 ***Our inheritance has been turned over to aliens [the District of Columbia is foreign in relation to the states].***

21 ***And our houses to foreigners.***

22 *We have become orphans and waifs,*

23 *Our mothers are like widows.*

24 *We pay for the water we drink,*

25 *And our wood comes at a price.*

26 ***They [the IRS] pursue at our heels;<sup>[a]</sup>***

27 ***We labor and have no rest.***

28 *We have given our hand to the Egyptians*

29 ***And the Assyrians, to be satisfied with bread.***

30 *Our fathers sinned and are no more,*

31 *But we bear their iniquities.*

32 ***Servants rule over us [a “dulocracy”];***

33 *There is none to deliver us from their hand.*

34 *[Lamentations 5:1-8, Bible, NKJV]*

- 35 4. All franchises as described throughout this document:

- 36 A. DESTROY equality of treatment under REAL law between the GOVERNED and the GOVERNORS and thus to  
37 destroy the main purpose of the constitution: Equality and equal treatment.
- 38 B. Convert We the People as beneficiaries of the Public Trust (meaning PRIVATE PROPERTY) into Trustees who  
39 work for Public Servants under a civil franchise without compensation.
- 40 C. Turn public servants into masters.
- 41 D. Create a dulocracy.
- 42 E. Create a hierarchy of authority foreign to and in subversion of the Constitution, in which THE PEOPLE (the  
43 “State”) are the sovereigns and not the PUBLIC SERVANTS who work for them.

1 F. Turn the government into an unconstitutional civil religion to literally be “worshipped and served” at gunpoint, in  
2 violation of the First Amendment and the Religious Freedom Restoration Act (RFRA), 42 U.S.C. Chapter 21B.

3 See:

4 *Socialism: The New American Civil Religion*, Form #05.016  
5 <https://sedm.org/Forms/05-MemLaw/SocialismCivilReligion.pdf>

6 5. Clearly, the founders in the writing of the Constitution ANTICIPATED the abuse of the General Welfare Clause to  
7 implement plunderous federal franchises within the Constitutional states of the Union. Clearly, they understood that by  
8 including Article 4, Section 4 to PREVENT such “COMMERCIAL invasions” into the states:

9 *Article IV of the US Constitution. States’ Relations*  
10 *Section 4. Obligations of United States to States*

11 *The United States shall guarantee to every State in this Union a Republican Form of Government, and shall*  
12 *protect each of them against Invasion; and on Application of the Legislature, or of the Executive (when the*  
13 *Legislature cannot be convened) against domestic Violence.*

14 6. This commercial invasion with civil franchises is based on making public officers out of everyone and turning them on  
15 EACH OTHER in the process.

16 *“Is it a franchise? A franchise is said to be a right reserved to the people by the constitution, as the elective*  
17 *franchise. Again, it is said to be a privilege conferred by grant from government, and vested in one or more*  
18 *individuals, as a public office. Corporations, or bodies politic are the most usual franchises known to our laws.”*  
19 *[People v. Ridgley, 21 Ill. 65, 1859 WL 6687, 11 Peck 65 (Ill., 1859)]*

20 7. When Thomas Jefferson wrote the Declaration of Independence, the VERY THING and the MAIN THING he  
21 complained of was EXACTLY this commercial invasion by then King George:

22 *“He has erected a multitude of New Offices [civil franchise offices], and sent hither swarms of [PUBLIC*  
23 *franchise] Officers to harrass our people, and eat out their substance.”*  
24 *[Declaration of Independence, 1776; SOURCE: <https://www.archives.gov/founding-docs/declaration-transcript/>]*

25 8. Income taxation implemented as a civil franchise upon CIVIL TAXPAYER public offices (26 U.S.C. §7701(a)(26))  
26 are the mechanism of doing this. Title 26 does not and cannot CREATE any new public offices, but only tax  
27 EXISTING lawfully created offices. There is no provision within Title 5 by which the submission of any income tax  
28 form can allow anyone to UNILATERALLY “elect” themselves into public office without a lawful oath, appointment,  
29 and election. The perjury statement cannot act as a substitute for the public officer oath either.

30 *“To lay with one hand the power of government on the property of the citizen, and with the other to bestow it*  
31 *on favored individuals.. is none the less robbery because it is done under the forms of law and is called taxation.*  
32 *This is not legislation. It is a decree under legislative forms.”*  
33 *[Loan Association v. Topeka, 20 Wall. 655 (1874)]*

34 9. This corruption of our great republic is based upon only one thing: greed, covetousness, and the LOVE OF MONEY  
35 and the lawless power it provides:

1 *"For the love of money [and even government "benefits", which are payments] is the root of all evil: which*  
2 *while some coveted after, they have erred from the faith, and pierced themselves through with many sorrows. But*  
3 *thou, O man of God, flee these things; and follow after righteousness, godliness, faith, love, patience, meekness.*  
4 *Fight the good fight of faith, lay hold on eternal life, whereunto thou art also called, and hast professed a good*  
5 *profession before many witnesses."*  
6 *[1 Timothy 6:5-12, Bible, NKJV]*

7 *"And you shall take no bribe, for a bribe blinds the discerning and perverts the words of the righteous."*  
8 *[Exodus 23:8, Bible, NKJV]*

9 *"He who is greedy for gain troubles his own house,*  
10 *But he who hates bribes will live."*  
11 *[Prov. 15:27, Bible, NKJV]*

12 *"Surely oppression destroys a wise man's reason.*  
13 *And a bribe debases the heart."*  
14 *[Ecclesiastes 7:7, Bible, NKJV]*

15 This corruption produces severe conflicts of interest in the Prosecution and the Court in violation of [28 U.S.C. §144](#), [28](#)  
16 [U.S.C. §455](#), and [18 U.S.C. §208](#). The result is the mandate by the founding fathers that the jury MUST judge both the  
17 FACTS and the LAW:

18 *"It is left... to the juries, if they think the permanent judges are under any bias whatever in any cause, to take*  
19 *on themselves to judge the law as well as the fact. They never exercise this power but when they suspect*  
20 *partiality in the judges; and by the exercise of this power they have been the firmest bulwarks of English*  
21 *liberty."*  
22 *[Thomas Jefferson to Abbe Arnoux, 1789. ME 7:423, Papers 15:283 ]*

- 23 10. The above-described attempt to subvert the Constitution and replace it with a SHAM TRUST and alter ego for the  
24 original Trustees is an ACT of Treason in every sense of the word. The penalty for such acts is DEATH. The  
25 GOVERNMENT crimes documented herein resulting from such acts therefore fall within the ambit of [18 U.S.C.](#)  
26 [§2381: Treason](#). The penalty mandated by law for these crimes is DEATH. We demand that actors in the Department  
27 of Justice for both the states and the federal government responsible for prosecuting these crimes of Treason do so as  
28 required by law. A FAILURE to do so is ALSO an act of Treason punishable by death. Since murder is not only a  
29 crime, but a violent crime, pursuant to [18 U.S.C. §1111](#), then the government itself can also be classified as terrorist. It  
30 is also ludicrous to call people who demand the enforcement of the death penalty for the crimes documented herein as  
31 terrorists. If that were true, every jurist who sat on a murder trial in which the death penalty applied would also have to  
32 be classified as and prosecuted as a terrorist. Hypocrites.
- 33 11. The U.S. Supreme Court literally declared the corrupt activities described in this document as an ACT OF WAR  
34 against PRIVATE property, meaning an act that accomplishes the OPPOSITE purpose for which governments are  
35 created to begin with under the Constitution and the organic documents, which is the protection of PRIVATE property  
36 and PRIVATE rights per the Declaration of Independence:

1           *“The present **assault upon [THEFT of] capital** [by a corrupted socialist government] is but the beginning. **It***  
2 *will be but the stepping stone to others larger and more sweeping, until our political contest will become war of*  
3 *the poor against the rich; a war of growing intensity and bitterness. [ . . . ]*

4           *The legislation, in the discrimination it makes, is class legislation. Whenever a distinction is made in the burdens*  
5 *a law imposes or in the benefits it confers on any citizens by reason of their birth, or wealth, or religion, it is class*  
6 *legislation, and leads inevitably to oppression and abuses, and to general unrest and disturbance in society.”*  
7 *[Pollock v. Farmers’ Loan and Trust, 157 U.S. 429 (1895) ]*

8 12. Lastly, I am not implying in this section that people should have not connection to government whatsoever, should not  
9 vote, or should not serve on jury duty. All these activities are vital to democracy and result in serving in a  
10 VOLUNTARY office WITHIN the government, but whose DUTIES are largely UNSUPERVISED by the civil  
11 statutory franchise code. The abuse of civil offices for any OTHER purposes or to implement franchises of any kind  
12 BEYOND these two privileged roles of jurist or voter, however, leads to the ENDLESS abuses documented herein and  
13 therefore MUST be avoided, and replaced with the COMMON LAW rather than the CIVIL STATUTORY law for the  
14 protection of PRIVATE property and PRIVATE rights. The author of our three branch system of government, Charles  
15 De Montesquieu, emphasized the need for this approach, when he wrote:

16           *The Spirit of Laws, Book XXVI, Section 15*

17           *15. That we should not regulate by the Principles of political Law those Things which depend on the Principles*  
18 *of civil Law.*

19           *As men have given up their natural independence to live under political laws, they have given up the natural*  
20 *community of goods to live under civil laws.*

21           ***By the first, they acquired [PUBLIC] liberty; by the second, [PRIVATE] property. We should not decide by the***  
22 ***laws of [PUBLIC] liberty, which, as we have already said, is only the government of the community, what***  
23 ***ought to be decided by the laws concerning [PRIVATE] property. It is a paralogism to say that the good of the***  
24 ***individual should give way to that of the public; this can never take place, except when the government of the***  
25 ***community, or, in other words, the liberty of the subject is concerned; this does not affect such cases as relate***  
26 ***to private property, because the public good consists in every one's having his property, which was given him***  
27 ***by the civil laws, invariably preserved.***

28           *Cicero maintains that the Agrarian laws were unjust; because the community was established with no other view*  
29 *than that every one might be able to preserve his property.*

30           *Let us, therefore, lay down a certain maxim, that **whenever the public good happens to be the matter in question,***  
31 ***it is not for the advantage of the public to deprive an individual of his property, or even to retrench the least***  
32 ***part of it by a law, or a political regulation. In this case we should follow the rigour of the civil law, which is***  
33 ***the Palladium of [PRIVATE] property.***

34           ***Thus when the public has occasion for the estate of an individual, it ought never to act by the rigour of political***  
35 ***law; it is here that the civil law ought to triumph, which, with the eyes of a mother, regards every individual as***  
36 ***the whole community.***

37           *If the political magistrate would erect a public edifice, or make a new road, he must indemnify those who are*  
38 *injured by it; the public is in this respect like an individual who treats with an individual. It is fully enough that*  
39 *it can oblige a citizen to sell his inheritance, and that it can strip him of this great privilege which he holds from*  
40 *the civil law, the not being forced to alienate his possessions.*

41           *After the nations which subverted the Roman empire had abused their very conquests, the spirit of liberty called*  
42 *them back to that of equity. They exercised the most barbarous laws with moderation: and if any one should doubt*  
43 *the truth of this, he need only read Beaumanoir's admirable work on jurisprudence, written in the twelfth century.*

44           *They mended the highways in his time as we do at present. He says, that when a highway could not be repaired,*  
45 *they made a new one as near the old as possible; but indemnified the proprietors at the expense of those who*



1 reaped any advantage from the road.<sup>43</sup> They determined at that time by the civil law; in our days, we determine  
2 by the law of politics.  
3 [The Spirit of Laws, Charles de Montesquieu, Book XXVI, Section 15, 1758;  
4 SOURCE: [http://famguardian.org/Publications/SpiritOfLaws/sol\\_11.htm#001](http://famguardian.org/Publications/SpiritOfLaws/sol_11.htm#001)]

5 13. What Montesquieu is implying is what we have been saying all along, and he said it in 1758, which was even before  
6 the Declaration of Independence was written:

- 7 A. The purpose of establishing government is exclusively to protect PRIVATE rights.  
8 B. PRIVATE rights are protected by the CIVIL law. The civil law, in turn is based in EQUITY rather than  
9 PRIVILEGE:

10 *“Thus when the public has occasion for the estate of an individual, it ought never to act by the rigour of*  
11 *political law; it is here that the civil law ought to triumph, which, with the eyes of a mother, regards every*  
12 *individual as the whole community.”*

- 13 C. PUBLIC or government rights are protected by the PUBLIC or POLITICAL or GOVERNMENT law and NOT  
14 the CIVIL law.  
15 D. The first and most important role of government is to prevent the POLITICAL or GOVERNMENT law from  
16 being used or especially ABUSED as an excuse to confiscate or jeopardize PRIVATE property.

17 14. Unfortunately, it is precisely the above type of corruption that Montesquieu describes that is the foundation of the  
18 present de facto government, tax system, and money system. ALL of them treat every human being as a PUBLIC  
19 officer against their consent, and impose what he calls the “rigors of the political law” upon them, in what amounts to a  
20 THEFT and CONFISCATION of otherwise PRIVATE property by enforcing PUBLIC law against PRIVATE people.

21 15. Exhaustive evidence describing the literally ENDLESS evils of allowing CIVIL franchises to implement or regulate  
22 anything OTHER than voting and jury service may be found below, and are herein incorporated into this pleading by  
23 reference at:

24 *Government Instituted Slavery Using Franchises*, Form #05.030  
25 <https://sedm.org/Forms/05-MemLaw/Franchises.pdf>

## 26 **24.5 Affirmation**

27 1. I declare under penalty of perjury under the laws of the Republic of (but not “State of”) Colorado from without the  
28 “United States” defined in 28 U.S.C. §1603(c), 26 U.S.C. §§7701(a)(9) and (a)(10), and 4 U.S.C. §110(d) and only  
29 when litigated under the following conditions, that the foregoing facts, exhibits, and statements made by me are true,  
30 correct, and complete to the best of my knowledge and ability in accordance with 28 U.S.C. §1746(1).

- 31 A. If we have a Jury trial, these are the lawful terms.

- 1 B. No jurist or judge may be a STATUTORY “U.S. citizen” under 8 U.S.C. §1401, 26 C.F.R. §1.1-1(c), or a  
2 “taxpayer” under 26 U.S.C. §7701(a)(14) because of the financial conflict of interest this creates in this cases.  
3 Remember, I’m supposed to have an impartial judge (referee) and jury (of my peers)!
- 4 C. No jurist, may be in receipt of any federal financial or other benefit or employment or office nor maintain a  
5 domicile on federal property.
- 6 D. Any judge who receives retirement or employment benefits derived from Subtitle A of the I.R.C. must recuse  
7 himself in judging the law and defer to the jury instead, as required under 18 U.S.C. §208, 28 U.S.C. §144, and 28  
8 U.S.C. §455.

9 *“The Jury has the right to determine both the LAW itself and the facts.”*  
10 *[Samuel Chase, US Supreme Court Justice]*

11 *“I consider trial by jury as the only anchor ever yet imagined by man, by which a government can be held*  
12 *accountable to the principles of its Constitution.”*  
13 *[Thomas Jefferson]*

- 14 E. At trial, will you respect my right to explain to the jury of my peers what “Jury Nullification” is? Remember, the  
15 jury is above the law, above the prosecutor and above the judge. We the People (via the jury) are above the entire  
16 government itself as “the State”. The “government” and the “State” are NOT synonymous, as the U.S. Supreme  
17 Court has concluded in *Poindexter v. Greenhow*, 114 U.S. 270 (1884). The people are the master and the  
18 government is our servant. One juror has more power than the President of the United States. One juror has more  
19 power than all 435 members of Congress. A single juror has more power than all 100 Senators and all 9 Supreme  
20 Court justices combined!! One juror has **VETO** power to strike down unjust, unconstitutional statues that are  
21 being illegally enforced, like Title 15 and Title 26. That juror can veto these unconstitutional statutes and codes  
22 with no permission from anyone. And it only takes one juror to agree with me! Do you think it would be hard for  
23 me to convince one juror? **Our grand jury and trial jury votes are the most important votes we can make.** It’s  
24 how “we the people” are able to keep a corrupt communist government that doesn’t follow the constitution in  
25 check. Especially when the prosecutors allow our general election “votes” to be compromised with easily hackable  
26 electronic voting machines. (See documentaries, Uncounted, Hacking Democracy, Invisible Ballots and 2000  
27 mules.) Joseph Stalin said, “It doesn’t matter who you vote for... what matters is who counts the votes.” I trust  
28 eating Milk Duds off a toilet seat in a dive bar in Tijuana more than I do our elections... Since our votes are being  
29 diluted, just like our currency, it’s imperative to preserve jury nullification. The jury should acquit people

1 incorrectly charged with victimless “crimes” like the <<YOUR ALL CAPS NAME>> (trust) is being charged  
2 with! Remember, this proceeding is in REM against the RES. I, the human, should be dismissed from this case.

3 F. The original jurisdiction constitutional republic “United States of America” is a society of sovereigns without  
4 subjects (except for government officers who voluntarily work for “we the people”).

5 *“...while sovereign powers are delegated to the agencies of government, sovereignty itself remains with the*  
6 *people, by whom and for whom all government exists and acts.”*  
7 *[Yick Wo vs Hopkins, 118 U.S. 356, 370 (1886)]*

8 G. Government officers work for us, not the other way around. I’d like to “respectfully” remind the prosecutors to  
9 know and remember their place. And to the judge, do you recognize this FACT or will you mislead the jurors to  
10 the detriment of your own posterity as well? Do you want your grandkids to end up as micro chipped “social credit  
11 score” slaves of this evil banking cabal? If not, then why do you all want to ruin the life of the guy who wants to  
12 make sure your grandkids live free? If you don’t notify the jury that they have the power to nullify these  
13 unconstitutional statutes and alert them that I, the private man, am not subject to them, then you are on the wrong  
14 side of history.

15 *“Jurors should acquit even against the judge’s instructions... if exercising their judgment with discretion and*  
16 *honesty they have a clear conviction that the charge of the court is wrong.”*  
17 *[Alexander Hamilton]*

18 *“The pages of history shine on instances of the jury’s exercise of its prerogative to disregard instructions of the*  
19 *judge”*  
20 *[U.S v. Dougherty, 473 F.2d. 1113 (1972)]*

21 H. I’d love to take this to trial, however, it may be easier on your end to just seal this motion and dismiss me from this  
22 case, so that the uninformed persecutors and their central bankster over lords can continue to keep this trillion  
23 dollar fraudulent cash cow scam going on against innocent Americans for the foreseeable future. **Dismissing the**  
24 **alleged but not actual Defendant** from this case would avoid a high maintenance, hostile witness and would keep  
25 the case “revenue neutral”, saving money and effort, wouldn’t you agree? If the rest of the people in this country  
26 are too lazy to read the law and figure the scam out for themselves and would prefer to be slaves, fine, fleece them.  
27 But don’t fleece me. Hasn’t half the prosecution team quit this case or retired already anyways? It’s like rats  
28 fleeing from a sinking ship. Think about it. Why do the prosecutors need years and years and years to put together  
29 a case that makes innocent people look guilty when I can prove my innocence in less than an hour, on the stand, in  
30 front of a jury? John 8:32 says, “*And you shall know the truth, and the truth shall set you free!*” I know the truth,  
31 so, let’s get this over with. What’s it going to be? Dismiss me from this case or a jury trial?

1 2. Non-acceptance of this affirmation or refusal to admit all evidence attached to this pleading into the record by the court  
2 shall constitute withdrawal of consent to make a general appearance (special visitation) or submit myself to the  
3 jurisdiction of this foreign court and foreign state. This affirmation is an extension of my right to contract which is  
4 guaranteed under Article 1, Section 10 of the United States Constitution and may not be interfered with by any court of  
5 the United States.

6 Dated:

<<YOUR NAME>>

Sui Juris, natural person

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## 7 **25 Summary and Conclusions**

8 We will now summarize the content of this pamphlet:

- 9 1. You have an unalienable, First Amendment right to associate or disassociate with anyone and everyone.
- 10 2. You have an unalienable right to contract or not contract.
- 11 3. Civil statutes are the equivalent of a contract or what the U.S. Supreme Court calls a “compact” to join and participate  
12 in the collective called the “state” as its statutory “employee” or “public officer” and receive its civil statutory  
13 protection and “benefit”.

14 *"It is true, that the person who accepts an office may be supposed to enter into a compact to be answerable to*  
15 *the government, which he serves, for any violation of his duty; and, having taken the oath of office, he would*  
16 *unquestionably be liable, in such case, to a prosecution for perjury in the Federal Courts. But because one*  
17 *man, by his own act [CONSENT], renders himself amenable to a particular jurisdiction, shall another man,*  
18 *who has not incurred a similar obligation, be implicated? If, in other words, it is sufficient to vest a jurisdiction*  
19 *in this court, that a Federal Officer is concerned; if it is a sufficient proof of a case arising under a law of the*  
20 *United States to affect other persons, that such officer is bound, by law, to discharge his duty with fidelity; a*  
21 *source of jurisdiction is opened, which must inevitably overflow and destroy all the barriers between the judicial*  
22 *authorities of the State and the general government. Anything which can prevent a Federal Officer from the*  
23 *punctual, as well as from an impartial, performance of his duty; an assault and battery; or the recovery of a debt,*  
24 *as well as the offer of a bribe, may be made a foundation of the jurisdiction of this court; and, **considering the***  
25 *constant disposition of power to extend the sphere of its influence, fictions will be resorted to, when real cases*  
26 *cease to occur. A mere fiction, that the defendant is in the custody of the marshal, has rendered the jurisdiction*  
27 *of the King's Bench universal in all personal actions."*

28 [United States v. Worrall, 2 U.S. 384 (1798)]

29 SOURCE: [http://scholar.google.com/scholar\\_case?case=3339893669697439168](http://scholar.google.com/scholar_case?case=3339893669697439168)]

- 30 4. In the absence of an explicit intention and consent to join the collective as its officer and agent, you:
  - 31 4.1. Retain your unalienable private rights and private property and the protections of the Constitution.
  - 32 4.2. Are “nonresident” to the civil statutes.
  - 33 4.3. Are not subject to the statutes.
  - 34 4.4. Are not a civil statutory “person”.
- 35 5. Those who claim the “benefit” of a statute implicitly SURRENDER their Constitutional rights:

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

39 [. . .]

40 **6. The Court will not pass upon the constitutionality of a statute at the instance of one who has availed**  
41 **himself of its benefits.** *FN7 Great Falls Mfg. Co. v. Attorney General, 124 U.S. 581, 8 S.Ct. 631, 31 L.Ed. 527;*  
42 *Wall v. Parrot Silver & Copper Co., 244 U.S. 407, 411, 412, 37 S.Ct. 609, 61 L.Ed. 1229; St. Louis Malleable*  
43 *Casting Co. v. Prendergast Construction Co., 260 U.S. 469, 43 S.Ct. 178, 67 L.Ed. 351.*

44 FOOTNOTES:

1 [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.](#)  
2 [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.](#)  
3 [1108.](#)  
4 [\[\*Ashwander v. Tennessee Valley Authority\*, 297 U.S. 288, 56 S.Ct. 466 \(1936\)\]](#)

5 6. You cannot be protected by a statute and by the constitution at the same time. It is ONE or the OTHER:

6 *"Under basic rules of construction, statutory laws enacted by legislative bodies cannot impair rights given*  
7 *under a constitution. 194 B.R. at 925. "*  
8 *[In re Young, 235 B.R. 666 (Bankr.M.D.Fla., 1999)]*

9 7. It is a violation of the Fifth Amendment and an unconstitutional taking of property to institute any kind of  
10 administrative enforcement against a PRIVATE party protected by the Constitution. Before they may institute such  
11 enforcement, THE GOVERNMENT and not YOU has the burden of proof to show either that:

12 7.1. The property being taken was donated to a public use, purpose, or office by its owner BEFORE enforcement  
13 commenced.

14 7.2. The owner consented to work for the government as a public officer and hold title to the property in the name of  
15 the office.

16 8. If the IRS calls you a statutory "person" or "individual", then they are proceeding upon the presumption that you work  
17 for them as a public officer.

18 9. The purpose of taxation is to convert PRIVATE property protected by the CONSTITUTION to PUBLIC property  
19 protected ONLY by the STATUTES.<sup>48</sup>

20 10. The purpose of a legitimate government, on the other hand, is to maintain STRICT separation between PUBLIC and  
21 PRIVATE and to ensure that PRIVATE property is NEVER converted to PUBLIC property without at LEAST the  
22 express written consent of the owner.

[Separation Between Public and Private Course](#), Form #12.025  
<https://sedm.org/LibertyU/SeparatingPublicPrivate.pdf>

23 11. The main limitation upon government is the Constitution. Any government or agent of the government who refuses to  
24 recognize all the limitations upon its authority is a COMMUNIST government:

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

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

48 See: *Great IRS Hoax*, Form #11.302, Section 5.1.3; SOURCE: <https://famguardian.org/Publications/GreatIRSHoax/GreatIRSHoax.htm>.



1 [service of the world Communist movement \[using FALSE information returns and other PERJURIOUS](#)  
2 [government forms, Form #04.001\], trained to do its bidding \[by FALSE government publications and](#)  
3 [statements that the government is not accountable for the accuracy of, Form #05.007\], and directed and](#)  
4 [controlled \[using FRANCHISES illegally enforced upon NONRESIDENTS, Form #05.030\] in the](#)  
5 [conspiratorial performance of their revolutionary services. Therefore, the Communist Party should be](#)  
6 [outlawed](#)

- 7 12. The MAIN limitation upon the authority of the government is, in fact, statutory definitions.  
8 13. The rules of statutory construction and interpretation exist to PREVENT the enlargement of statutory definitions:

[Legal Deception, Propaganda, and Fraud](#), Form #05.014  
<https://sedm.org/Forms/FormIndex.htm>

- 9 14. The MAIN method of circumventing the limitations upon the government is to expand statutory definitions through  
10 equivocation and presumption. This includes:  
11 14.1. Refusing to define WHICH of the two main contexts is implied in each specific use of a word or term:  
12 STATUTORY or CONSTITUTIONAL.  
13 14.2. Confusing ORDINARY words with STATUTORY words.  
14 14.3. Using words out of context.  
15 14.4. Using ordinary dictionaries for definitions in a legal context.  
16 14.5. Refusing to be accountable for the accuracy of ones writings or speech. See:

[Reasonable Belief About Income Tax Liability](#), Form #05.007  
<https://sedm.org/Forms/FormIndex.htm>

- 17 15. The misuse of the word “person” by the IRS employs the above tactics to unlawfully and unconstitutionally enlarge the  
18 jurisdiction of the government over PRIVATE property and PRIVATE rights. The method of opposing these tactics is  
19 to:  
20 15.1. INSIST on strict conformance to the Rules of Statutory Constructio and Interpretation.  
21 15.2. Insist that the IRS satisfy the burden of proof that the target of their enforcement falls within the statutory  
22 definition of “person” found in 26 U.S.C. §6671(b) and 26 U.S.C. §7343.  
23 15.3. Ensure that the enforcement is limited to the physical place it is authorized in 26 U.S.C. §7701(a)(9) and (a)(10)  
24 and 26 U.S.C. §7601. State citizens are NOT within the statutory “United States” and there are no remaining  
25 Internal Revenue Districts ANYWHERE within a constitutional state.

## 26 **26 How to use the content of this document in court**

27 Those who have read this document may feel strongly tempted to make the following claim in court to challenge  
28 jurisdiction:

29 *“I am not a civil statutory person. Thus, the obligations associated or attached to this status are not my*  
30 *obligations and I owe no duty to you.”*

31 We wish to emphasize that this argument has fatal flaws that will cause you to be labelled as frivolous for the following reasons:

- 32 1. At least in the context of taxation, several cases have held that those who claim NOT to be statutory “persons” are in  
33 error. See sections 21 later for examples.  
34 2. In practice, it is nearly impossible to prove a negative.

35 *“It is difficult and unfair to require a party to prove a negative fact. See United States v. Corte-Rivera, 454 F.3d*  
36 *1038, 1041-42 (9th Cir. 2006).”*  
37 *[Bank of Am. v. WestTrop Ass’n, No. 2:16-cv-1451-KJD-DJA, at \*9 (D. Nev. Mar. 9, 2020)]*

38 *“[A] witness may clearly testify as to his failure to find the records after a search. This, in fact, is frequently the*  
39 *only way in which a negative fact can be proved.” McClanahan v. United States, 292 F.2d 630, 637 (5th Cir.*  
40 *1961). ”*  
41 *[Charron v. United States, 412 F.2d 657, 660 (9th Cir. 1969)]*

42 *“When a party is attempting to prove a negative slight evidence is sufficient.”*  
43 *[People v. MacBeth, 104 Cal.App. 690, 692 (Cal. Ct. App. 1930)]*

- 44 3. The annotated version of 26 U.S.C.S. §7701 describes cases in which those who disputed their status as “persons” were  
45 found in error.

1 26 U.S.C.S. §7701(b): Parties Deemed to be "persons"

2 2. Parties deemed to be persons

3 In case in which defendant appealed his conviction for violating [18 U.S.C.S. §371](#), he unsuccessfully argued that  
4 New York was not subject to legislative or territorial jurisdiction of United States, and therefore, since he was  
5 native-born in New York, he was under no obligation to pay income taxes unless and until United States had  
6 conquered or subsumed New York; since defendant was individual, who received income, requirement to file  
7 return and pay taxes plainly applied to him regardless of his purported citizenship. [United States v Drachenberg,](#)  
8 [623 F.3d 122, 106 A.F.T.R.2d. \(RIA\) 6868 \(CA2 NY 2010\).](#)

9 Taxpayer's residence in American Samoa was immaterial to statutory definition of United States person, which  
10 would have included him as citizen even if he lived in foreign country. [Francisco v Comm'r, 370 F.3d. 1228, 361](#)  
11 [U.S. App. D.C. 504, 93 A.F.T.R.2d. \(RIA\) 2767 \(App DC 2004\).](#)

12 Surety who was in absolute control of funds of its principal and was in charge of making payments to creditors  
13 and determining priority of such payments was person liable for tax within meaning of [26 U.S.C.S. §7701](#). [Pacific](#)  
14 [Nat'l Ins. Co. v United States, 270 F.Supp. 165, 20 A.F.T.R.2d. \(RIA\) 5189 \(ND Cal 1967\).](#)

15 Defendant's claim, following his conviction for tax evasion under [26 U.S.C.S. §7201](#), that his status as federal  
16 employee removed him from definition of "person," who may be guilty of felony under § 7201, was without merit,  
17 because term "person" as used in tax code had been consistently and plainly defined as any individual, under [26](#)  
18 [U.S.C.S. §7701\(a\)\(1\)](#) . [United States v. Maggi, 83 A.F.T.R.2d. \(RIA\) 1999-877, 83 A.F.T.R.2d. \(RIA\) 99-877,](#)  
19 [1999 U.S. App. LEXIS 2015 \(6th Cir. Feb. 5, 1999\).](#)

20 Stay pending appeal of denial of petitioner Tribe's motions to quash IRS summonses to 3rd parties for records  
21 on Tribal accounts was not warranted due to no substantial likelihood of success on merits: tribal sovereign  
22 immunity did not bar suits by respondent United States, and "person" in [I.R.C. §7701](#) included Indian tribes.  
23 [Miccosukee Tribe of Indians v United States, 108 A.F.T.R.2d. \(RIA\) 7072 \(SD Fla 2011\).](#)

24 Unpublished decision: Taxpayer's argument that penalty assessments did not receive written supervisory  
25 approval failed because (1) argument was belied by record, and (2) taxpayer qualified as "person" for purposes  
26 of [26 U.S.C.S. § 6702, 26 U.S.C.S. §§6671\(b\), 7701\(a\)](#). [Fennel v Comm'r, 114 A.F.T.R.2d. \(RIA\) 5779 \(CA11](#)  
27 [2014\).](#)

28 Commissioner of Internal Revenue properly sustained levy to collect [26 U.S.C.S. §6702\(a\)](#) penalty, as taxpayer's  
29 amended return was "return" and she was "person" subject to penalty; although [26 U.S.C.S. §6671\(b\)](#) stated  
30 that definition of "person" subject to penalty included officer or employee of corporation or member or employee  
31 of partnership, definition did not exclude all others; moreover IRC defined "person" in [26 U.S.C.S. §7701\(a\)\(1\)](#)  
32 to include individual, and § 7701(c) stated that word "includes" was not deemed to exclude other things otherwise  
33 within meaning of term defined. [Crites v. Comm'r, T.C. Memo 2012-267, 104 T.C.M. \(CCH\) 316, 2012 Tax Ct.](#)  
34 [Memo LEXIS 265 \(T.C. Sept. 17, 2012\).](#)

35 Word "person" so includes corporations existing under state laws that such corporation engaged in manufacture  
36 of distilled spirits may give bond and otherwise transact its business with United States in internal revenue matters  
37 in its corporate capacity. [15 Op. Att'y Gen. 230 \(1877\).](#)

38 Resident of Puerto Rico who organized corporation in Germany and who had acquired United States citizenship  
39 at birth by virtue of Immigration and Nationality Act (which conferred citizenship on all persons born in Puerto  
40 Rico on or after Jan. 13, 1941) is United States person. [1974-2 C.B. 215, Rev. Rul. 74-375 \(1974\).](#)

41 S corporation election might have terminated because alien might have been ineligible shareholder due to  
42 residency requirements of [§ 7701\(b\)\(1\)\(A\)](#) for purposes of [§ 1361\(b\)\(1\)\(C\)](#); because termination was inadvertent  
43 under [§ 1362\(f\)](#), entity would be treated as continuing to be S corporation provided that its election was not  
44 otherwise terminated. Private Letter Ruling 200751010, [2007 PLR LEXIS 1932.](#)

45 If you dig deeper into the cases in the last item above, you will find nearly universally that every one of the parties declared  
46 "persons":

- 47 1. Contradicted their own testimony on a tax form of one kind or another. For instance, they identified themselves as an  
48 "Individual" on a tax return or form. All civil statutory individuals are also "persons"
- 49 2. Did not DEFINE the terms or the CONTEXT (CONSTITUTIONAL or STATUTORY) of the terms used on the tax  
50 form they earlier submitted to exclude the statutory context and include only the CONSTITUTIONAL context. The  
51 judge then silently INTERPRETED the terms to benefit the government, and did not expose the presumption he/she  
52 was enforcing in the ruling so he/she would not have to defend them on the record.

1 3. Tried to invoke the “benefit” of a statutory remedy they didn’t need when the Constitution or common law alone would  
2 have been sufficient. The Brandeis rules of the U.S. Supreme Court imply that you can’t claim constitutional  
3 protections if you claimed the “benefit” of a statutory remedy:

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

7 [ . . . ]

8 6. The Court will not pass upon the constitutionality of a statute at the instance of one who has availed himself of  
9 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*  
10 *Silver & Copper Co.*, 244 U.S. 407, 411, 412, 37 S.Ct. 609, 61 L.Ed. 1229; *St. Louis Malleable Casting Co. v.*  
11 *Prendergast Construction Co.*, 260 U.S. 469, 43 S.Ct. 178, 67 L.Ed. 351.

12  
13 FOOTNOTES:

14 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.  
15 641, 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.  
16 1108.

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

18  
19 “It is not open to question that one who has acquired rights of property necessarily based upon a [CIVIL]  
20 statute [Form #05.037] may not attack that statute as unconstitutional, for he cannot both assail it and rely upon  
21 it in the same proceeding. \*528 *Hurley v. Commission of Fisheries*, 257 U.S. 223, 225, 42 S.Ct. 83, 66 L.Ed.  
22 206.”  
23 [*Frost v. Corporation Commission*, 278 U.S. 515, 49 S.Ct. 235 (U.S., 1929)]

24 The above is EXACTLY what happened in the landmark case of *Cook v. Tait*, 265 U.S. 47 (1924), as we describe in:

*Federal Jurisdiction*, Form #05.018, Sections 4.3 through 4.4  
<https://sedm.org/Forms/05-MemLaw/FederalJurisdiction.pdf>

25 In *Cook v. Tait*, Cook filed a 1040 Tax Return Form for the year in question and identified himself as a STATUORY “U.S.  
26 citizen” idolater and privileged public officer. He was told he had to pay the tax because, in effect, he volunteered for the  
27 status of STATUTORY “U.S. citizen”

28 It is therefore a formidable uphill battle to argue in court that you are not a civil statutory “person” that should be avoided.  
29 How then should the information in this pamphlet be applied? We will now attempt to answer that question as succinctly as  
30 we can.

31 The situation in which our readers might be inclined to claim they are not statutory “persons” is one in which they have  
32 become the target of illegal enforcement activity which they want to defend themselves against. That enforcement activity  
33 ALWAYS involves enforcement of a civil statutory obligation against parties who are provably SUBJECT to a direct  
34 enactment of the legislature without the need for implementing regulations. A better more direct approach is simply to:

- 35 1. Challenge whether the civil obligation was lawfully created.
- 36 2. Cite the Thirteenth Amendment as proof that you are being subjected to involuntary servitude. That amendment  
37 applies EVERYWHERE in the country, regardless of whether it is on federal territory or within the exclusive  
38 jurisdiction of a Constitutional state.
- 39 3. Emphasize that the amendment doesn’t prohibit INVOLUNTARY servitude, meaning that only people who  
40 CONSENT to a status to which civil statutory obligations attach can be the lawful target of the enforcement of those  
41 obligations.
- 42 4. You do not and cannot consent to any status under any enactment of any government.
- 43 5. Your delegation of authority order from God as a Christian representative of God practicing your faith 24 hours a day 7  
44 days a week forbids you from consenting to alienate unalienable rights or rights to property that belongs to God and not  
45 Caesar.

Delegation of Authority Order from God to Christians, Form #13.007  
<https://sedm.org/Forms/13-SelfFamilyChurchGovnce/DelOfAuthority.pdf>

- 1 6. Describe the only two methods of lawfully creating civil statutory obligations, which are:  
2 6.1. Injury.  
3 6.2. Contract.
- 4 7. File a criminal complaint against them for involuntary servitude and peonage and agree to withdraw it when or if they  
5 prove WITH EVIDENCE exactly when and how you either:  
6 7.1. Injured a specific flesh and blood human being or  
7 7.2. EXPRESSLY consented to a contract with them.
- 8 8. Unless and until they produce the evidence of one of the two above, insist that they are making a demand for property  
9 and/or commerce, which constitutes a request to BUY PRIVATE, absolutely owned property or money from you under  
10 the terms that ONLY YOU as the Merchant or seller can make, which you must claim are:  
11 8.1. "purposeful availment" in satisfaction of the Foreign Sovereign Immunities Act (FSIA), 28 U.S.C. Chapter 97.  
12 8.2. A waiver of official, judicial, and sovereign immunity.  
13 8.3. A commercial invasion within the meaning of Article 4, section 4 of the United States Constitution.  
14 8.4. A tort cognizable as a Fifth Amendment taking without compensation.  
15 8.5. A criminal attempt at identity theft by wrongfully associating us with a civil status of "citizen", "resident",  
16 "taxpayer", etc.  
17 8.6. Duress as legally defined. See:  
18 Affidavit of Duress: Illegal Tax Enforcement by De Facto Officers, Form #02.005  
<https://sedm.org/Forms/02-Affidavits/AffOfDuress-Tax.pdf>
- 19 8.7. Express consent to:  
20 Injury Defense Franchise and Agreement, Form #06.027  
<https://sedm.org/Forms/06-AvoidingFranch/InjuryDefenseFranchise.pdf>
- 21 9. Use the following discovery tool for proving they have no jurisdiction in the enforcement, noting that the DEFAULT  
22 answer to every question for a non-answer is ADMIT.  
23 Challenge to Income Tax Enforcement Authority Within Constitutional States of the Union, Form #05.052  
24 <https://sedm.org/Forms/05-Memlaw/ChallengeToIRSEnforcementAuth.pdf>
- 25 10. Emphasize that you as a Christian and legal representative of God:  
26 10.1. Must follow your delegation order, the Bible.  
27 10.2. Have no delegated authority to be a Buyer of government services or property as God's representative.  
28 10.3. If they force you to operate as a PRIVATE party outside your delegation order by, for instance, enticing me to do  
29 something outside my delegation order like consenting to a civil status, they are directly interfering with your  
sincerely held religious beliefs protected by the First Amendment and the Religious Freedom Restoration Act, 42  
U.S.C. Chapter 21B.
- 10.4. Will be subjected to a severe curse by consenting to be a Buyer, and thus by forcing me to BE a Buyer, agree to  
suffer all the consequences and civil and financial consequences of doing so:<sup>49</sup>

*Curses of Disobedience [to God's Laws]*

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

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

*"Because you did not serve [ONLY] the Lord your God with joy and gladness of heart, for the abundance of everything, therefore you shall serve your [covetous thieving lawyer] enemies, whom the Lord will send against you, in hunger, in thirst, in nakedness, and in need of everything; and He will put a yoke of iron [franchise codes] on your neck until He has destroyed you. The Lord will bring a nation against you from afar [the District of CRIMINALS], from the end of the earth, as swift as the eagle flies [the American Eagle], a nation whose language [LEGALESE] you will not understand, a nation of fierce [coercive and fascist] countenance, which does not respect the elderly [assassinates them by denying them healthcare through bureaucratic delays on an Obamacare*

<sup>49</sup> For a description of this biblical curse, see: How Scoundrels Corrupted Our Republican Form of Government, Family Guardian Fellowship; <https://famguardian.org/Subjects/Taxes/Evidence/HowScCorruptOurRepubGovt.htm>.

1                   waiting list] nor show favor to the young [destroying their ability to learn in the public FOOL system]. And they  
2                   shall eat the increase of your livestock and the produce of your land [with “trade or business” franchise taxes],  
3                   until you [and all your property] are destroyed [or STOLEN/CONFISCATED]; they shall not leave you grain  
4                   or new wine or oil, or the increase of your cattle or the offspring of your flocks, until they have destroyed you.  
5                   [Deut. 28:43-51, Bible, NKJV]

6 11. Demand proof on the record of exactly when and how your absolutely owned PRIVATE property or services were  
7 lawfully converted to PUBLIC property or shared ownership. Without a lawful conversion, they are STEALING. See:

Separation Between Public and Private Course, Form #12.025  
<https://sedm.org/LibertyU/SeparatingPublicPrivate.pdf>

8 By using the above approach, you will keep things at a moral and constitutional level that jurists will be able to understand.

## 9 **27 Resources for Further Research and Rebuttal**

10 If you would like to study the subjects described herein further, we highly recommend the following resources:

- 11 1. Identity Theft Affidavit, Form #14.020- form useful to lodge a criminal complaint with the IRS for the systematic  
12 conversion of your status from PRIVATE to PUBLIC without your consent. This form is a mandatory part of our Path  
13 to Freedom, Form #09.015 process to become a compliant member.  
14 [https://sedm.org/Forms/14-PropProtection/Identity\\_Theft\\_Affidavit-f14039.pdf](https://sedm.org/Forms/14-PropProtection/Identity_Theft_Affidavit-f14039.pdf)
- 15 2. An Introduction to Sophistry, Stefan Molyneux-excellent introduction to the sophistry documented in this  
16 memorandum  
17 <https://sedm.org/an-introduction-to-sophistry/>
- 18 3. Non-Resident Non-Person Position, Form #05.020-exhaustive proof and evidence proving the existence of those who  
19 PRIVATE, non-resident, and not statutory “persons”  
20 <https://sedm.org/Forms/FormIndex.htm>
- 21 4. Proof That There Is a “Straw Man”, Form #05.042-proof that statutory “persons” are public officers and not private  
22 humans  
23 <https://sedm.org/Forms/FormIndex.htm>
- 24 5. Government Identity Theft, Form #05.046, Section 8.8.4: U.S. Attorney Argument About “includes” and “person”  
25 <https://sedm.org/Forms/FormIndex.htm>
- 26 6. Legal Deception, Propaganda, and Fraud, Form #05.014, Section 12.4.15: “Person” (in 26 U.S.C. §7701(a)(1))  
27 <https://sedm.org/Forms/FormIndex.htm>
- 28 7. Why Statutory Civil Law is Law for Government and Not Private Persons, Form #05.037  
29 <https://sedm.org/Forms/FormIndex.htm>
- 30 8. Flawed Tax Arguments to Avoid, Form #08.004, Sections 8.7 and 8.16  
31 <https://sedm.org/Forms/FormIndex.htm>
- 32 9. Citizenship Status v. Tax Status, Section 12: How Human Beings Become “Individuals” and “Persons” Under the  
33 Revenue Statutes, Family Guardian Fellowship  
34 <https://famguardian.org/Subjects/Taxes/Citizenship/CitizenshipVTaxStatus.htm>
- 35 10. Citizenship Status v. Tax Status, Form #10.011, Section 12: How Human Beings Become “Individuals” and “Persons”  
36 Under the Revenue Statutes, Family Guardian Fellowship, SEDM  
37 <https://sedm.org/Forms/10-Emancipation/CitizenshipStatusVTaxStatus/CitizenshipVTaxStatus.htm>
- 38 11. Rebutted Version of the IRS “The Truth About Frivolous Tax Arguments”, Form #08.005, Section I.C.3: Contention:  
39 Taxpayer is not a “person” as defined by the Internal Revenue Code, thus is not subject to the federal income tax laws  
40 <https://sedm.org/Forms/FormIndex.htm>
- 41 12. Policy Document: Rebutted False Arguments Against this Website, Form #08.011, Section 9.20: Ministry falsely  
42 claims the existence of “non-resident non-persons”  
43 <https://sedm.org/Forms/08-PolicyDocs/RebFalseArgAgWebsite.pdf>
- 44 13. Revenue Rule 2007-22, Internal Revenue Service
- 45 14. Frivolous Positions-IRS: “person”, Family Guardian Fellowship  
46 <https://famguardian.org/forums/topic/frivolous-positions-irs-person/#post-24678>
- 47 15. Constitutional Interpretation, Justice Antonin Scalia  
48 <https://youtu.be/FemnnILNs4U>
- 49 16. Thou Shalt Not Commit Logical Fallacies Website  
50 <https://yourlogicalfallacyis.com/>



- 1 17. *How Judges Unconstitutionally "Make Law"*, Litigation Tool #01.009-how by VIOLATING the Rules of Statutory  
2 Construction and Interpretation, judges are acting in a POLITICAL rather than JUDICIAL capacity and  
3 unconstitutionally "making law".  
4 <http://sedm.org/Litigation/01-General/HowJudgesMakeLaw.pdf>
- 5 18. *Legal Deception, Propaganda, and Fraud*, Form #05.014, Section 13.9. Section 15 talks about how these rules are  
6 UNCONSTITUTIONALLY violated by corrupt judges with a criminal financial conflict of interest.  
7 <https://sedm.org/Forms/05-MemLaw/LegalDecPropFraud.pdf>
- 8 19. *Reading Law: The Interpretation of Legal Texts*, Supreme Court Justice Antonin Scalia and Bryan A Garner (OFFSITE  
9 LINK) -book about statutory interpretation  
10 <https://www.amazon.com/Reading-Law-Interpretation-Legal-Texts/dp/031427555X>
- 11 20. *Statutory Interpretation*, by Supreme Court Justice Antonin Scalia (OFFSITE LINK)  
12 <https://sedm.org/statutory-interpretation-justice-scalia/>
- 13 21. *Collection of U.S. Supreme Court Legal Maxims*, Litigation Tool #10.216, U.S. Department of Justice  
14 [https://sedm.org/Litigation/10-PracticeGuides/USSupremeCourtMaxims\\_1993-1998-Governmentattic.org.pdf](https://sedm.org/Litigation/10-PracticeGuides/USSupremeCourtMaxims_1993-1998-Governmentattic.org.pdf)
- 15 22. *Reinquist Court Canons of Statutory Construction*, Litigation Tool #10.217  
16 [https://sedm.org/Litigation/10-PracticeGuides/Rehnquist\\_Court\\_Canons\\_citations.pdf](https://sedm.org/Litigation/10-PracticeGuides/Rehnquist_Court_Canons_citations.pdf)
- 17 23. *Statutory Interpretation: General Principles and Recent Trends*, Congressional Research Service Report 97-589,  
18 Litigation Tool #10.215  
19 <https://sedm.org/Litigation/10-PracticeGuides/Statutory%20Interpretation.General.Principles.MARCH.30.2006.CRS97-589.pdf>
- 20 24. *Family Guardian Forum 6.5*: Word Games that STEAL from and deceive people  
21 <https://famguardian.org/forums/forum/6-issue-and-research-debates-anyone-can-read-only-members-can-post/65-word-games-that-steal-from-and-deceive-people/>
- 22 25. *Government Propaganda, Mind Control, and Censorship Topic*, Media and Intelligence Page, Section 11  
23 [https://famguardian.org/Subjects/MediaIntell/mediaintell.htm#GOVERNMENT\\_PROPAGANDA,\\_MIND\\_CONTROL,\\_AND\\_CENSORSHIP](https://famguardian.org/Subjects/MediaIntell/mediaintell.htm#GOVERNMENT_PROPAGANDA,_MIND_CONTROL,_AND_CENSORSHIP)

## 27 **28 Questions that Readers, Grand Jurors, and Petit Jurors Should be Asking the Government**

28 These questions are provided for readers, Grand Jurors, and Petit Jurors to present to the government or anyone else who  
29 would challenge the facts and law appearing in this pamphlet, most of whom work for the government or stand to gain  
30 financially from perpetuating the fraud. If you find yourself in receipt of this pamphlet, you are demanded to answer the  
31 questions within 10 days. Pursuant to [Federal Rule of Civil Procedure 8\(b\)\(6\)](#), failure to deny within 10 days constitutes an  
32 admission to each question. Pursuant to [26 U.S.C. §6065](#), all of your answers must be signed under penalty of perjury. We  
33 are not interested in agency policy, but only sources of reasonable belief identified in the pamphlet below:

*Reasonable Belief About Income Tax Liability*, Form #05.007

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

34 Your answers will become evidence in future litigation, should that be necessary in order to protect the rights of the person  
35 against whom you are attempting to unlawfully enforce federal law.

- 36 1. Admit that involuntary servitude was rendered illegal and unconstitutional by the Thirteenth Amendment:

37 *Thirteenth Amendment of the US Constitution -- Slavery and Involuntary Servitude*

38 *SECTIONS 1 AND 2. Neither slavery nor involuntary servitude, except as a punishment for crime whereof the*  
39 *party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction.*  
40 *Congress shall have power to enforce this article by appropriate legislation.*

41 YOUR ANSWER (circle one): Admit/Deny

42 CLARIFICATION: \_\_\_\_\_

- 43 2. Admit that the types of involuntary servitude prohibited by the Thirteenth Amendment include peonage (debt) and the  
44 inability to dispose of, absolutely own, or exclusively control one's absolutely owned private property:

1 "That it does not conflict with the Thirteenth Amendment, which abolished slavery and involuntary servitude,  
2 except as a punishment for crime, is too clear for argument. Slavery implies involuntary servitude—a state of  
3 bondage; the ownership of mankind as a chattel, or at least the control of the labor and services of one man for  
4 the benefit of another, and the absence of a legal right to the disposal of his own person, property, and services  
5 [in their entirety]. This amendment was said in the Slaughter House Cases, 16 Wall, 36, to have been intended  
6 primarily to abolish slavery, as it had been previously known in this country, and that it equally forbade Mexican  
7 peonage or the Chinese coolie trade, when they amounted to slavery or involuntary servitude and that the use of  
8 the word 'servitude' was intended to prohibit the use of all forms of involuntary slavery, of whatever class or  
9 name."  
10 [Plessy v. Ferguson, 163 U.S. 537, 542 (1896)]

11 "The constitutionality and scope of sections 1990 and 5526 present the first questions for our consideration.  
12 They prohibit peonage. What is peonage? It may be defined as a state or condition of compulsory service,  
13 based upon the indebtedness of the peon to the master. The basal fact is indebtedness. As said by Judge  
14 Benedict, delivering the opinion in Jaremillo v. Romero, 1 N.Mex. 190, 194: 'One fact existed universally; all  
15 were indebted to their masters. This was the cord by which they seemed bound to their masters' service.' Upon  
16 this is based a condition of compulsory service. Peonage is sometimes classified as voluntary or involuntary,  
17 but this implies simply a difference in the mode of origin, but not in the character of the servitude. The one  
18 exists where the debtor voluntarily contracts to enter the service of his creditor. The other is forced upon the  
19 debtor by some provision of law. But peonage, however created, is compulsory service, involuntary servitude.  
20 The peon can release himself therefrom, it is true, by the payment of the debt, but otherwise the service is  
21 enforced. A clear distinction exists between peonage and the voluntary performance of labor or rendering of  
22 services in payment of a debt. In the latter case the debtor, though contracting to pay his indebtedness by labor  
23 or service, and subject like any other contractor to an action for damages for breach of that contract, can elect  
24 at any time to break it, and no law or force compels performance or continuance of the service."  
25 [Clyatt v. U.S., 197 U.S. 207 (1905)]

26 YOUR ANSWER (circle one): Admit/Deny

27 CLARIFICATION: \_\_\_\_\_

- 28 3. Admit that anyone who can't absolutely own PRIVATE property and exclusively control, and control its use by a  
29 government is therefore a SLAVE:

30 SEDM Disclaimer, Section 4: Meaning of Words

31 Private

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

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

46 "PRIVATE PERSON. An individual who is not the incumbent of an office."

47 [Black's Law Dictionary, Fourth Edition, p. 1359]

- 48 6. Not consenting to contract with or acquire any public status, public privilege, or public right under any state  
49 or federal franchise. For instance, the phrase "private employee" means a common law worker that is NOT the  
50 statutory "employee" defined within 26 U.S.C. §3401(c) or 26 C.F.R. §301.3401(c)-1 or any other federal or state  
51 law or statute.

1 7. Not sharing ownership or control of their body or property with anyone, and especially a government. In other  
2 words:

3 7.1 Ownership is not "qualified" but "absolute".

4 7.2 There are not moieties between them and the government.

5 7.3 The government has no usufructs over any of their property.

6 8. Not subject to civil enforcement or regulation of any kind, except AFTER an injury to the equal rights of others  
7 has occurred. Preventive rather than corrective regulation is an unlawful taking of property according to the  
8 Fifth Amendment takings clause.

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

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

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

18  
19 "Is it a franchise? A franchise is said to be a right reserved to the people by the  
20 constitution, as the elective franchise. Again, it is said to be a privilege conferred by grant  
21 from government, and vested in one or more individuals, as a public office.  
22 Corporations, or bodies politic are the most usual franchises known to our laws. In  
23 England they are very numerous, and are defined to be royal privileges in the hands of a  
24 subject. An information will lie in many cases growing out of these grants, especially where  
25 corporations are concerned, as by the statute of 9 Anne, ch. 20, and in which the public  
26 have an interest. In 1 Strange R. ( The King v. Sir William Loucher,) it was held that an  
27 information of this kind did not lie in the case of private rights, where no franchise of the  
28 crown has been invaded.

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

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

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

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

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

46 SOURCE:

47 [http://famguardian.org/Publications/ThePrivAndImmOfStateCit/The\\_privileges\\_and\\_im](http://famguardian.org/Publications/ThePrivAndImmOfStateCit/The_privileges_and_im)  
48 [munities\\_of\\_state\\_c.pdf\]](http://famguardian.org/Publications/ThePrivAndImmOfStateCit/The_privileges_and_im)

49 See Magill v. Browne, Fed.Cas. No. 8952, 16 Fed.Cas. 408; 6 Words and Phrases, 5583,  
50 5584; A J. Lien, "Privileges and Immunities of Citizens of the United States," in Columbia  
51 University Studies in History, Economics, and Public Law, vol. 54, p. 31.

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

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

10 [SEDM Disclaimer, Section 4: Meaning of Words; <https://sedm.org/disclaimer.htm#4.3. Private>]

11 YOUR ANSWER (circle one): Admit/Deny

12 CLARIFICATION: \_\_\_\_\_

- 13 4. Admit that the Thirteenth Amendment applies everywhere in THE COUNTRY United States, and not just within the  
14 exclusive jurisdiction of a Constitutional state:

15 "Other authorities to the same effect might be cited. It is not open to doubt that Congress may enforce the  
16 Thirteenth Amendment by direct legislation, punishing the holding of a person in slavery or in involuntary  
17 servitude except as a punishment for a crime. In the exercise of that power Congress has enacted these sections  
18 denouncing peonage, and punishing one who holds another in that condition of involuntary servitude. **This**  
19 legislation is not limited to the territories or other parts of the strictly national domain, but is operative in the  
20 states and wherever the sovereignty of the United States extends. We entertain no doubt of the validity of this  
21 legislation, or of its applicability to the case of any person holding another in a state of peonage, and this whether  
22 there be municipal ordinance or state law sanctioning such holding. **It operates directly on every citizen of the**  
23 Republic, wherever his residence may be."

24 [Clyatt v. U.S., 197 U.S. 207 (1905)]

25 YOUR ANSWER (circle one): Admit/Deny

26 CLARIFICATION: \_\_\_\_\_

- 27 5. Admit that assessed taxes are "debts" to the statutory "taxpayer".

28 YOUR ANSWER (circle one): Admit/Deny

29 CLARIFICATION: \_\_\_\_\_

- 30 6. Admit that a non-consenting man or woman cannot be assigned a "debt" without violating either first consenting to it or  
31 violating the Thirteenth Amendment.

32 YOUR ANSWER (circle one): Admit/Deny

33 CLARIFICATION: \_\_\_\_\_

- 34 7. Admit that because of the preceding question, a statutory "taxpayer" or "person" under the Internal Revenue Code who  
35 DOES have a statutory tax debt or liability is NOT the same thing as a man or woman.

36 YOUR ANSWER (circle one): Admit/Deny

37 CLARIFICATION: \_\_\_\_\_

- 38 8. Admit that the only way for a man or woman to become liable for a tax debt without violating the Thirteenth Amendment  
39 is therefore to either assess themselves OR to identify them as a statutory party who is expressly made liable, and  
40 therefore consent to the STATUS that the tax liability attaches to.

1 YOUR ANSWER (circle one): Admit/Deny

2 CLARIFICATION: \_\_\_\_\_

3 9. Admit that rights are property.

4 *"PROPERTY. That which is peculiar or proper to any person; that which belongs exclusively to one; in the strict*  
5 *legal sense, an aggregate of rights which are guaranteed and protected by the government. [Cite omitted.] The*  
6 *term is said to extend to every species of valuable right and interest. [Cite omitted.] More specifically, ownership;*  
7 *the unrestricted and exclusive right to a thing; the right to dispose of a thing in every legal way, to possess it, to*  
8 *use it, and to exclude every one else from interfering with it. Mackeld. Rom. Law, §265. That dominion or*  
9 *indefinite right of use or disposition which one may lawfully exercise over particular things or subjects. ... The*  
10 *highest right a man can have to anything; being used for that right which one has to lands or tenements, goods*  
11 *or chattels, which no way depends on another man's courtesy."*

12 *"The word is also commonly used to denote everything which is the subject of ownership, corporeal or*  
13 *incorporeal, tangible or intangible, visible or invisible, real or personal; everything that has an exchangeable*  
14 *value or which goes to make up wealth or estate. **It extends to every species of valuable right and interest, and***  
15 ***includes real and personal property, easements, franchises, and incorporeal hereditaments."***  
16 *[Black's Law Dictionary, Revised Fourth Edition, 1968, p. 1382]*

17 YOUR ANSWER (circle one): Admit/Deny

18 CLARIFICATION: \_\_\_\_\_

19 10. Admit that any civil statutory status to which rights attach against the creator of the status is PROPERTY of the author  
20 that created that status.

21 YOUR ANSWER (circle one): Admit/Deny

22 CLARIFICATION: \_\_\_\_\_

23 11. Admit that the party creating the civil statutory status has a legal right to make any and all rules that it wishes against  
24 those who adopt or employ the status for their benefit or advantage.

25 *United States Constitution*

26 *Article 4, Section 3*

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

30 \_\_\_\_\_  
31 ***"The Constitution permits Congress to dispose of and to make all needful rules and regulations respecting the***  
32 ***territory or other property belonging to the United States. This power applies as well to territory belonging to***  
33 ***the United States within the States, as beyond them.*** *It comprehends all the public domain, wherever it may be.*  
34 *The argument is, that 510\*510 the power to make "ALL needful rules and regulations" "is a power of legislation,"*  
35 *"a full legislative power;" "that it includes all subjects of legislation in the territory," and is without any*  
36 *limitations, except the positive prohibitions which affect all the powers of Congress. Congress may then regulate*  
37 *or prohibit slavery upon the public domain within the new States, and such a prohibition would permanently*  
38 *affect the capacity of a slave, whose master might carry him to it. And why not? Because no power has been*  
39 *conferred on Congress. This is a conclusion universally admitted. But the power to "make rules and regulations*  
40 *respecting the territory" is not restrained by State lines, nor are there any constitutional prohibitions upon its*  
41 *exercise in the domain of the United States within the States; and whatever rules and regulations respecting*  
42 *territory Congress may constitutionally make are supreme, and are not dependent on the situs of "the territory."*  
43 *[Dred Scott v. Sandford, 60 U.S. 393*  
44 *(1857);[https://scholar.google.com/scholar\\_case?case=3231372247892780026](https://scholar.google.com/scholar_case?case=3231372247892780026)]*

45 YOUR ANSWER (circle one): Admit/Deny

46 CLARIFICATION: \_\_\_\_\_



1 12. Admit that a public officer is someone in custody, use or benefit of PUBLIC or government property:

2 *“Public office. The right, authority, and duty created and conferred by law, by which for a given period, either*  
3 *fixed by law or enduring at the pleasure of the creating power, an individual is invested with some portion of the*  
4 *sovereign functions of government for the benefit of the public. Walker v. Rich, 79 Cal.App. 139, 249 P. 56, 58.*  
5 *An agency for the state, the duties of which involve in their performance the exercise of some portion of the*  
6 *sovereign power, either great or small. Yaselli v. Goff, C.C.A., 12 F.2d. 396, 403, 56 A.L.R. 1239; Lacey v. State,*  
7 *13 Ala.App. 212, 68 So. 706, 710; Curtin v. State, 61 Cal.App. 377, 214 P. 1030, 1035; Shelmadine v. City of*  
8 *Elkhart, 75 Ind.App. 493, 129 N.E. 878. State ex rel. Colorado River Commission v. Frohmiller, 46 Ariz. 413, 52*  
9 *P.2d. 483, 486. **Where, by virtue of law, a person is clothed, not as an incidental or transient authority, but for***  
10 ***such time as de- notes duration and continuance, with Independent power to control the property of the public,***  
11 *or with public functions to be exercised in the supposed interest of the people, the service to be compensated by*  
12 *a stated yearly salary, and the occupant having a designation or title, the position so created is a public office.*  
13 *State v. Brennan, 49 Ohio.St. 33, 29 N.E. 593.*  
14 *[Black’s Law Dictionary, Fourth Edition, p. 1235]*

15 YOUR ANSWER (circle one): Admit/Deny

16 CLARIFICATION: \_\_\_\_\_

17 13. Admit that temporarily loaning or granting public property, rights, or privileges to anyone with conditions provides a  
18 nexus to civilly regulate or control the recipient until they return the property:

19 *“The State in such cases exercises no greater right than an individual may exercise over the use of his own*  
20 *property when leased or loaned to others. The conditions upon which the privilege shall be enjoyed being stated*  
21 *or implied in the legislation authorizing its grant, no right is, of course, impaired by their enforcement. The*  
22 *recipient of the privilege, in effect, stipulates to comply with the conditions. It matters not how limited the*  
23 *privilege conferred, its acceptance implies an assent to the regulation of its use and the compensation for it.”*  
24 *[Munn v. Illinois, 94 U.S. 113 (1877) ]*

25 YOUR ANSWER (circle one): Admit/Deny

26 CLARIFICATION: \_\_\_\_\_

27 14. Admit that there is a biblical curse threatened against ANYONE who accepts custody, control, or benefit of government  
28 property:

29 ***Curses of Disobedience [to God’s Laws]***  
30 *“The alien [Washington, D.C. is legislatively “alien” in relation to states of the Union] who is among you shall*  
31 *rise higher and higher above you, and you shall come down lower and lower [malicious destruction of EQUAL*  
32 *PROTECTION and EQUAL TREATMENT by abusing FRANCHISES]. He shall lend to you [Federal*  
33 *Reserve counterfeiting franchise], but you shall not lend to him; he shall be the head, and you shall be the tail.*

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

37 *“Because you did not serve [ONLY] the LORD your God with joy and gladness of heart, for the abundance of*  
38 *everything, therefore you shall serve your [covetous thieving lawyer] enemies, whom the LORD will send against*  
39 *you, in hunger, in thirst, in nakedness, and in need of everything; and He will put a yoke of iron [franchise codes]*  
40 *on your neck until He has destroyed you. The LORD will bring a nation against you from afar [the District of*  
41 *CRIMINALS], from the end of the earth, as swift as the eagle flies [the American Eagle], a nation whose language*  
42 *[LEGALESE] you will not understand, a nation of fierce [coercive and fascist] countenance, which does not*  
43 *respect the elderly [assassinates them by denying them healthcare through bureaucratic delays on an Obamacare*  
44 *waiting list] nor show favor to the young [destroying their ability to learn in the public FOOL system]. And they*  
45 *shall eat the increase of your livestock and the produce of your land [with “trade or business” franchise taxes],*  
46 *until you [and all your property] are destroyed [or STOLEN/CONFISCATED]; they shall not leave you grain or*  
47 *new wine or oil, or the increase of your cattle or the offspring of your flocks, until they have destroyed you.*  
48 *[Deut. 28:43-51, Bible, NKJV]*

49 YOUR ANSWER (circle one): Admit/Deny

50 CLARIFICATION: \_\_\_\_\_

1 15. Admit that President Obama in his Farewell Address admitted that the term “citizen” is a public office:

2 *President Obama Admits in His Farewell Address that "citizen" is a public office*, SEDM Exhibit #01.018  
3 <https://sedm.org/Exhibits/EX01.018-39-45-20170110-Obama%20Farewell%20Speech.mp4>

4 SEDM

5 YOUR ANSWER (circle one): Admit/Deny

6 CLARIFICATION: \_\_\_\_\_

7 16. Admit that it is a violation of the Thirteenth Amendment to FORCE anyone into a public office, no matter what civil  
8 status is associated with the office, whether “person”, “citizen”, “resident”, or any other status to which civil obligations,  
9 debts or a loss of property rights attach:

10 YOUR ANSWER (circle one): Admit/Deny

11 CLARIFICATION: \_\_\_\_\_

12 17. Admit that it is a violation of the First Amendment to force anyone to engage in conduct that violates their religious  
13 beliefs, INCLUDING the biblical prohibition against serving any government or human that has more rights or authority  
14 than either them or the God they worship.

15 *“You shall have no other gods [including political rulers, governments, or Earthly laws] before Me [or [My](#)*  
16 *[commandments](#)].” [Emphasis added]*  
17 *[[Exodus 20:3](#), Bible, NKJV]*

18 *“You know that the rulers of the Gentiles [unbelievers] lord it over them [govern from ABOVE as pagan idols],*  
19 *and those who are great exercise authority over them [supernatural powers that are the object of idol worship].*  
20 *Yet it shall not be so among you; but whoever desires to become great among you, let him be your servant [serve*  
21 *the sovereign people called "the State" from BELOW as public SERVANTS rather than rule from above]. And*  
22 *whoever desires to be first among you, let him be your slave—just as the Son of Man did not come to be served,*  
23 *but to serve, and to give His life a ransom for many.”*  
24 *[[Matt. 20:25-28](#), Bible, NKJV]*

25 YOUR ANSWER (circle one): Admit/Deny

26 CLARIFICATION: \_\_\_\_\_

27 18. Admit that associating any man, woman, or artificial entity with a civil status to which civil statutory obligations attach  
28 is a criminal act of identity theft if they do not consent to the obligations or liabilities attached to the status.

29 *Government Identity Theft*, Form #05.046  
30 <https://sedm.org/Forms/05-MemLaw/GovernmentIdentityTheft.pdf>

31 YOUR ANSWER (circle one): Admit/Deny

32 CLARIFICATION: \_\_\_\_\_

33 19. Admit criminal identity theft occurs in the previous question REGARDLESS of the origin of the civil obligation, such  
34 as whether it is STATUTORY or judicially imposed.

35 YOUR ANSWER (circle one): Admit/Deny

36 CLARIFICATION: \_\_\_\_\_

37 **Affirmation:**

1 I declare under penalty of perjury as required under [26 U.S.C. §6065](#) that the answers provided by me to the foregoing  
2 questions are true, correct, and complete to the best of my knowledge and ability, so help me God. I also declare that these  
3 answers are completely consistent with each other and with my understanding of the Constitution of the United States, Internal  
4 Revenue Code, Treasury Regulations, the Internal Revenue Manual (I.R.M.), and the rulings of the Supreme Court but not  
5 necessarily lower federal courts.

6 Name (print): \_\_\_\_\_

7 Signature: \_\_\_\_\_

8 Date: \_\_\_\_\_

9 Witness name (print): \_\_\_\_\_

10 Witness Signature: \_\_\_\_\_

11 Witness Date: \_\_\_\_\_

12