

# ***ENUMERATION OF INALIENABLE 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)]*

## DEDICATION

*“It is the greatest absurdity to suppose it [would be] in the power of one, or any number of men, at the entering into society, to renounce their essential natural rights, or the means of preserving those rights; when the grand end of civil government, from the very nature of its institution, is for the support, protection, and defense of those very rights; the principal of which ... are life, liberty, and property. If men, through fear, fraud, or mistake, should in terms renounce or give up any essential natural right, the eternal law of reason and the grand end of society would absolutely vacate such renunciation. The right to freedom being the gift of God Almighty, it is not in the power of man to alienate this gift and voluntarily become a slave.”*

[Samuel Adams, The Rights of the Colonists, November 20, 1772; <http://www.foundingfatherquotes.com/father/quotes/2/>]

Legal implications of the above:

1. The civil status indicative of "entering into society" is that of a "citizen". See *Minor v. Happersett*, 88 U.S. (21 wall.) 164 (1874).  
[https://scholar.google.com/scholar\\_case?case=5117525999793250938](https://scholar.google.com/scholar_case?case=5117525999793250938)
2. "Civil status" is described in:  

<u>Civil Status (Important!), SEDM</u> <a href="https://sedm.org/litigation-main/civil-status/">https://sedm.org/litigation-main/civil-status/</a>
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3. The implication of the above is that NO privileges can attach to the status of "citizen". For a description of what "privilege" means, see:  

<u>Government Instituted Slavery Using Franchises, Form #05.030</u> <a href="https://sedm.org/Forms/05-MemLaw/Franchises.pdf">https://sedm.org/Forms/05-MemLaw/Franchises.pdf</a>
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4. The reason that no privileges can attach to the status of "citizen" is that privileges are the main method of surrendering natural or constitutional rights.

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

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

*“But when Congress creates a statutory right [a “privilege” or “public right” in this case, such as a “trade or business”], it clearly has the discretion, in defining that right, to create presumptions, or assign burdens of proof, or prescribe remedies; it may also provide that persons seeking to vindicate that right must do so before particularized tribunals created to perform the specialized adjudicative tasks related to that right. FN35 Such provisions do, in a sense, affect the exercise of judicial power, but they are also incidental to Congress' power to define the right that it has created. No comparable justification exists, however, when the right being adjudicated is not of congressional creation. In such a situation, substantial inroads into functions that have traditionally been performed by the Judiciary cannot be characterized merely as incidental extensions of Congress' power to define rights that it has created. Rather, such inroads suggest unwarranted encroachments upon the judicial power of the United States, which our Constitution reserves for Art. III courts.”*  
[*Northern Pipeline Const. Co. v. Marathon Pipe Line Co.*, 458 U.S. 50, 102 S.Ct. 2858 (1983)]

5. Because no privileges can attach to "citizen", the status ALSO cannot be a privilege, and therefore cannot be a STATUTORY status.
6. Since the income tax is imposed upon "citizens" and "residents" in 26 C.F.R. §1.1-1, then these parties, BY DEFINITION cannot be people with natural or constitutional rights because the status therein is treated as a taxable privilege in that context. See:

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### **Enumeration of Inalienable Rights**

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Form 10.002, Rev. 11-14-2021

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

Why You are a "national", "state national", and Constitutional but not Statutory Citizen, Form #05.006  
<https://sedm.org/Forms/05-MemLaw/WhyANational.pdf>

7. The only way you can be a "citizen" WITHOUT privileges is therefore to be so in a POLITICAL rather than CIVIL or STATUTORY context.

Political Jurisdiction, Form #05.004  
<https://sedm.org/Forms/05-MemLaw/PoliticalJurisdiction.pdf>

8. The above is why a "privilege" is defined as a private or special right imputed or assigned to those who are OTHER than "citizens":

*"Privilege. A particular benefit or advantage enjoyed by a person, company, or class **beyond the common advantages of other citizens.**"*

[Black's Law Dictionary, Sixth Edition, p. 1197; SOURCE:

<https://famguardian.org/TaxFreedom/CitesByTopic/privilege.htm>]

9. For the purposes of the above, "privileges", "civil status", and "benefits" are synonymous with a CIVIL status under any act of the government. All civil statutory law is law for government and not PRIVATE people:

Why Statutory Civil Law is Law for Government and Not Private Persons, Form #05.037  
<https://sedm.org/Forms/05-MemLaw/StatLawGovt.pdf>

10. The above concepts are ALSO why it is a maxim of the common law that you have a right to NOT receive, and by implication NOT PAY FOR, a "benefit"/privilege that you DO NOT WANT:

*"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."*

*"Quae inter alios acta sunt nemini nocere debent, sed prodesse possunt. Transactions between strangers may benefit, but cannot injure, persons who are parties to them. 6 Co. 1."*

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

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

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*"Life, faculties, production—in other words individuality, liberty, property—that is man. And in spite of the cunning of artful political leaders, these three gifts from God precede all human legislation, and are superior to it."*

[Frederic Bastiat (b. 1801 - d. 1850), *The Law*; <http://famguardian.org/Publications/TheLaw/TheLaw.htm>]

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

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

*"The erosion of a nation's concern for life and for individual rights, has always preceded the intrusion of tyranny."*

[Gerry Spence, "With Justice For None" p.95]

*"And yet the same revolutionary beliefs for which our forebears fought are still at issue around the globe--the belief that the rights of man come not from the generosity of the state, but from the hand of God."*

[John F. Kennedy]

"The sacred rights of mankind are not to be rummaged for, among old parchments, or musty records. They are written, as with a sun beam, in the whole volume of human nature, by the hand of the divinity itself; and can never be erased or obscured by mortal power."  
[Alexander Hamilton, 23 Feb. 1775]

"The rights of the individuals are restricted only to the extent that they have been voluntarily surrendered by the [\[STATUTORY, Form #05.006\] citizenship](#) to the agencies of government."  
[City of Dallas v Mitchell, 245 S.W. 944]

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

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

[William Blackstone, Commentaries on the Laws of England (1765), Book 1, Chapter 1; SOURCE: <https://lonang.com/library/reference/blackstone-commentaries-law-england/bla-101/>]

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California Code of Civil Procedure  
Section 1866.

When a statute or instrument is equally susceptible of two interpretations, one in favor of natural right, and the other against it, the former is to be adopted.

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**U.S. Code, Annotated, Fourteenth Amendment, Westlaw, 2002**

**"All privileges granted to citizen by Amnds 1 to 10 against infringement by federal government HAVE NOT been absorbed by this amendment as privileges incident to citizenship of the United States and by this clause protected against infringement by the states."** Watkins v. Oaklawn Jockey Club. D.C.Ark.1949, 86 F.Supp. 1006, affirmed 183 F.2d. 440.

"Rights claimed under Amends. 1 to 8, adopted as restrictions of the powers of the national government, ARE NOT protected by this clause." Maxwell v. Dow, Utah 1900, 20 S.Ct. 448, 176 U.S. 601, 44 L.Ed. 597."

"Although it has been vigorously asserted that the rights specified in the Amends. 1 to 8 are among the privileges and immunities protected by this clause, and although this view has been defended by many distinguished jurists, including several justices of the federal Supreme Court, that [this] court holds otherwise and asserts that it is the character of the right claimed, whether specified as above or not, that is controlling." State v. Felch, 1918, 105 A. 23, 92 Vt. 477  
[U.S. Code, Annotated, Fourteenth Amendment, Westlaw, 2002]

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# 1. Introduction

This short memorandum of law is intended to provide detailed coverage of the subject of PRIVATE, UNALIENABLE rights. It goes into greater detail on the subject introduced in the following free course:

*Unalienable Rights Course*, Form #12.038 -course which gives you the basics of unalienable rights, and when they can lawfully be given up  
<http://sedm.org/Forms/FormIndex.htm>

Understanding this subject is extremely important for the freedom-minded person, because it is foundational to protecting your rights. As we say repeatedly on our website, you must know your rights before you have any!

A sovereign who is not subject to federal civil statutes (civil protection franchises) because they are not domiciled on federal territory cannot cite that law in his defense, and can only defend himself/herself by litigating in defense of his Constitutional and natural rights. He/she must do so in equity and not statute, and proceed against the perpetrator as a private individual. His/her standing derives from the injury to his/her PRIVATE rights, and not from the authority of a federal statute that only applies to those domiciled within the federal zone. This is covered further in:

*Federal Enforcement Authority Within States of the Union*, Form #05.032  
<http://sedm.org/Forms/FormIndex.htm>

There is no single place we have found that even attempts to enumerate all of these rights or “protected liberty interests”. You won’t find them listed in any statute or legislative act or legal reference book. The only source we have found which identifies them is mainly rulings of the U.S. Supreme Court and state Supreme Courts. The following subsections constitute a summary of these rights, provided for ready reference in order to save you the MUCHO research time we had to devote to producing it.

Throughout our website, we consistently define the term “private” as follows. THIS is what we mean by “PRIVATE UNALIENABLE RIGHTS”:

## SEDM DISCLAIMER

### 4. Meaning of Words

#### 4.3. Private

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

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

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

6. *Not consenting to contract with or acquire any public status, public privilege, or public right under any state or federal franchise. For instance, the phrase "private employee" means a common law worker that is NOT the statutory "employee" defined within 26 U.S.C. §3401(c) or 26 C.F.R. §301.3401(c)-1 or any other federal or state law or statute.*
7. *Not sharing ownership or control of their body or property with anyone, and especially a government. In other words, ownership is not "qualified" but "absolute".*

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## **Enumeration of Inalienable Rights**

- 1 8. Not subject to [civil enforcement or regulation](#) of any kind, except AFTER an injury to the equal rights of  
2 others has occurred. Preventive rather than corrective regulation is an unlawful taking of property  
3 according to the Fifth Amendment Takings Clause.  
4 9. Not "privileged" or party to a franchise of any kind:

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

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

25  
26 If this is so--if in England a privilege existing in a subject, which the king alone could  
27 grant, constitutes it a franchise--in this country, under our institutions, a privilege or  
28 immunity of a public nature, which could not be exercised without a legislative grant,  
29 would also be a franchise."  
30 [People v. Ridgley, 21 Ill. 65, 1859 WL 6687, 11 Peck 65 (Ill., 1859)]

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

33 "The words "privileges" and "immunities," like the greater part of the legal phraseology  
34 of this country, have been carried over from the law of Great Britain, and recur constantly  
35 either as such or in equivalent expressions from the time of Magna Charta. For all  
36 practical purposes they are synonymous in meaning, and originally signified a peculiar  
37 right or private law conceded to particular persons or places whereby a certain  
38 individual or class of individuals was exempted from the rigor of the common law.  
39 Privilege or immunity is conferred upon any person when he is invested with a legal claim  
40 to the exercise of special or peculiar rights, authorizing him to enjoy some particular  
41 advantage or exemption. "  
42 [The Privileges and Immunities of State Citizenship, Roger Howell, PhD, 1918, pp. 9-10;

43 SOURCE:  
44 [http://famguardian.org/Publications/ThePrivAndImmOfStateCit/The\\_privileges\\_and\\_im](http://famguardian.org/Publications/ThePrivAndImmOfStateCit/The_privileges_and_immunities_of_state_c.pdf)  
45 [munities\\_of\\_state\\_c.pdf](http://famguardian.org/Publications/ThePrivAndImmOfStateCit/The_privileges_and_immunities_of_state_c.pdf)

46  
47 See Magill v. Browne, Fed.Cas. No. 8952, 16 Fed.Cas. 408; 6 Words and Phrases, 5583,  
48 5584; A J. Lien, "Privileges and Immunities of Citizens of the United States," in  
49 Columbia University Studies in History, Economics, and Public Law, vol. 54, p. 31.

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

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

59 [SEDM Disclaimer, Section 4.3: Private; SOURCE: <http://sedm.org/disclaimer.htm>]

60 We expand upon the above definition later in section 10.2.



1 Rights from the Creator are PRIVATE. The Creator and His law are the origin of ALL private property rights. They are  
2 property, but they are God's property on loan to you as a trustee. See:

*Delegation of Authority Order from God to Christians*, Form #13.007  
<https://sedm.org/Forms/13-SelfFamilyChurchGovnce/DelOfAuthority.pdf>

3 Nothing in civil statutes is unalienable and everything is a privilege, so they are out of the picture in the discussion of  
4 unalienable or inalienable rights. You have to volunteer to be subject to the civil law by choosing a civil domicile. Anything  
5 you volunteer for cannot really be "law" in a classical sense. Anything that imposes an obligation you have to volunteer for,  
6 because slavery is outlawed by the Thirteenth Amendment.

7 *Municipal law, thus understood, is properly defined to be "a rule of civil conduct prescribed by the supreme*  
8 *power in a state, commanding what is right and prohibiting what is wrong."*

9 [. . .]

10 *It is also called a rule to distinguish it from a compact or agreement; **for a compact is a promise proceeding***  
11 *from us, **law is a command directed to us.** The language of a compact is, "I will, or will not, do this"; that of a*  
12 *law is, "thou shalt, or shalt not, do it." It is true there is an obligation which a compact carries with it, equal in*  
13 *point of conscience to that of a law; but then the original of the obligation is different. **In compacts we ourselves***  
14 *determine and promise what shall be done, before we are obliged to do it; in laws. We are obliged to act without*  
15 *ourselves determining or promising anything at all. Upon these accounts law is defined to be "a rule."*  
16 [*Readings on the History and System of the Common Law, Second Edition, Roscoe Pound, 1925, p. 4*]

17 Unalienable rights in a secular context are always in the context of an entire society and its social compact. They regulate  
18 the relationship of people to their government mainly. Organic law, including the Bill of Rights, is ONLY a limitation upon  
19 government and not upon people in relation to each other. However, there IS one constitutional right, the Thirteenth  
20 Amendment, which regulates the relationship of people to the government AND people to EACH OTHER.

21 The minute you vainly claim that you own or can even control unalienable rights of others, you have assumed deity status,  
22 offended their Creator, and violated your duties as trustees over HIS property, which is the ENTIRE HEAVEN and EARTH  
23 and all the people ON earth.

24 Rights Created by Man start out as private and can then be sold or transferred. The creator is always the owner, but he or she  
25 can sell their ownership at any time without an alienation of an unalienable right.

26 Secular courts have never acknowledged any aspect of biblical law as an unalienable right. The term is only used in the  
27 context of the Bill of Rights. And the Bill of Rights is really a bill of LIMITATIONS upon government ONLY. All rights  
28 granted therein are private rights of action against government actors.

29 Likewise, the Bible never uses the term "unalienable rights" either. Yes, the BIBLE does mainly regulate your relation to  
30 others and to God, but nothing in God's law is an "unalienable right" in a secular legal sense. Those claiming that Biblical  
31 rights are inalienable rights are misrepresenting what the Bible actually says.

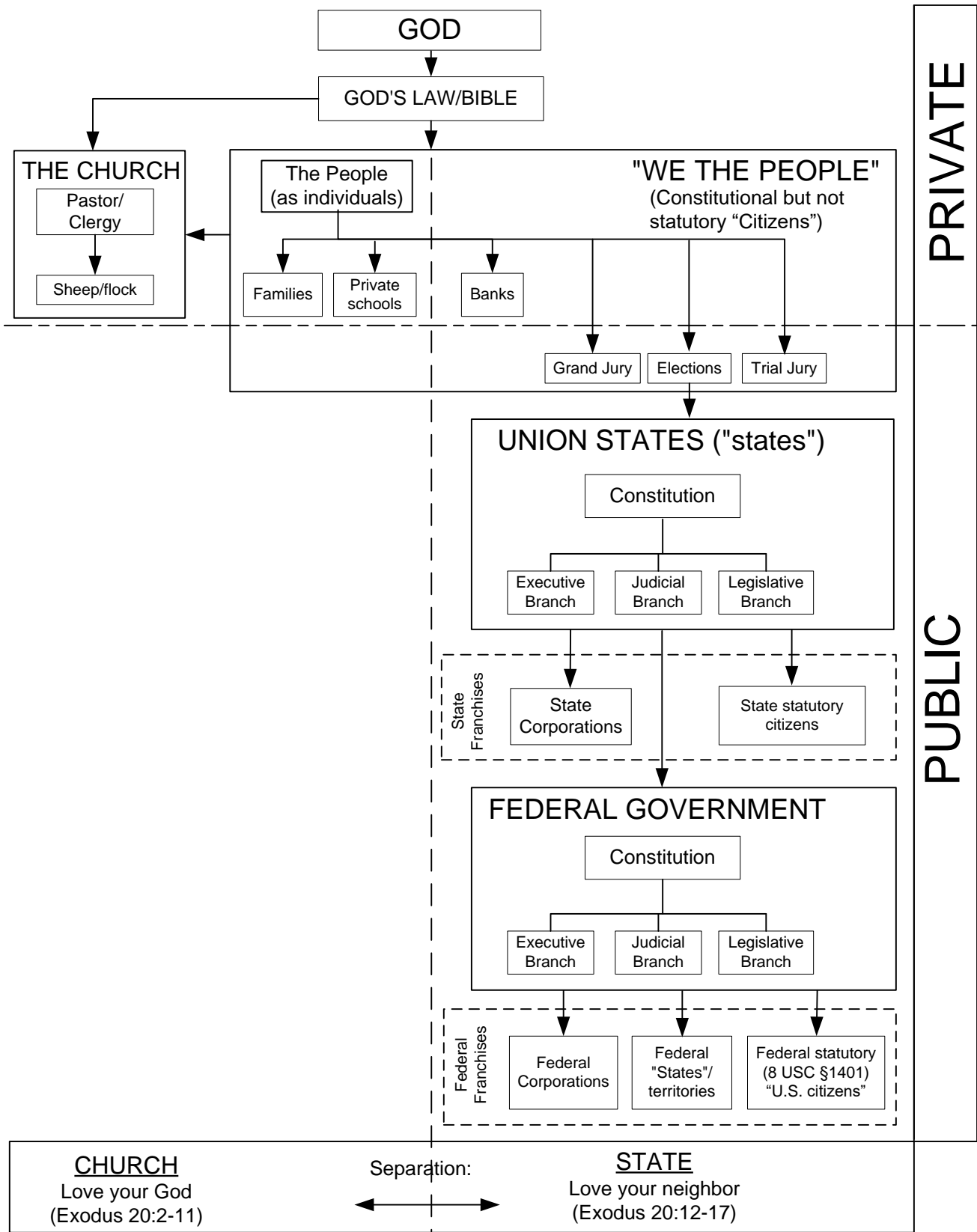
32 Finally, those wishing an authoritative, Shepardized version of this document with exhaustive authorities useful in litigation  
33 should refer to the following free book on our site:

*Sovereignty and Freedom Points and Authorities*, Litigation Tool #10.018-exhaustive points and authorities you can use  
in court pleadings to explain and prove and defend your unalienable rights  
<https://sedm.org/Litigation/LitIndex.htm>

## 34 **2. The Big Picture: Private v. Public**

35 Below is a diagram showing the division between PRIVATE and PUBLIC rights, and their relationship to the separation  
36 between Church and State. It is divided into four quadrants. Any attempt to move a box to a different quadrant requires the  
37 consent of the person or entity within that box, as documented in the memorandum of law entitled *Requirement for Consent*,  
38 Form #05.003.  
39

1 **Figure 1: The Big Picture of Private v. Public**



2  
3

1 Click on the following links for information about the above diagram:

- 2 1. Believe in God in 5 Minutes!  
3 <http://sedm.org/believe-in-god-in-5-minutes-scientific-proof/>
- 4 2. Description of the above diagram  
5 <https://famguardian.org/Subjects/Taxes/Remedies/PowerToCreate.htm>
- 6 3. Downloadable version of the above diagram  
7 <https://famguardian.org/Subjects/Taxes/Citizenship/NaturalOrder.pdf>
- 8 4. Description of techniques used by corrupted government workers to reverse or undermine the above hierarchy  
9 <https://famguardian.org/Subjects/Taxes/Evidence/HowScCorruptOurRepubGovt.htm>
- 10 5. Sermon on "The Theology of Creation" that describes the above diagram by John Macarthur  
11 <https://www.youtube.com/watch?v=qkkYQMIH3co>
- 12 6. Description of the separation between PUBLIC and PRIVATE shown above  
13 <http://sedm.org/LibertyU/SeparatingPublicPrivate.pdf>
- 14 7. Enumeration of Inalienable Rights, Form #10.002  
15 <http://sedm.org/Forms/10-Emancipation/EnumRights.pdf>
- 16 8. *Unalienable Rights Course*, Form #12.038-your PRIVATE rights  
17 <http://sedm.org/LibertyU/UnalienableRights.pdf>
- 18 9. *The End and Purpose of God's Creation*, R.C. Sproul  
19 <https://www.youtube.com/watch?v=bQFluYOg7uo>

1 **3. The MOST important job of government: Keeping PRIVATE from being converted to**  
2 **PUBLIC without the EXPRESS consent of the Owner**

3 The purpose of establishing government is to protect PRIVATE property and PRIVATE rights. The Declaration of  
4 Independence says so:

5 *"We hold these truths to be self-evident, that **all men are created equal, that they are endowed by their Creator***  
6 ***with certain unalienable Rights**, that among these are Life, Liberty and the pursuit of Happiness.--That to secure*  
7 *these rights, Governments are instituted among Men, deriving their just powers from the consent of the governed,*  
8 *--"*  
9 [Declaration of Independence]

10 *"Unalienable. Inalienable; incapable of being aliened, that is, sold and transferred."*  
11 [Black's Law Dictionary, Fourth Edition, p. 1693]

12 By PRIVATE, we mean property and rights protected by the constitution and the common law and NOT any civil statute.  
13 Only those in government can be the object of obligations within civil statutes. We therefore define PRIVATE as follows:

14 **SEDM Disclaimer**  
15 **4. Meaning of Words**  
16 **4.3. Private**

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

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

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

- 35 6. Not consenting to contract with or acquire any public status, public privilege, or public right under any  
36 state or federal franchise. For instance, the phrase "private employee" means a common law worker that is  
37 NOT the statutory "employee" defined within 26 U.S.C. §3401(c) or 26 C.F.R. §301.3401(c)-1 or any other  
38 federal or state law or statute.
- 39 7. Not sharing ownership or control of their body or property with anyone, and especially a government. In  
40 other words, ownership is not "qualified" but "absolute".
- 41 8. Not subject to civil enforcement or regulation of any kind, except AFTER an injury to the equal rights of  
42 others has occurred. Preventive rather than corrective regulation is an unlawful taking of property  
43 according to the Fifth Amendment Takings Clause.
- 44 9. Not "privileged" or party to a franchise of any kind:

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

1 "Is it a franchise? A franchise is said to be a right reserved to the people by the  
2 constitution, as the elective franchise. Again, it is said to be a privilege conferred by grant  
3 from government, and vested in one or more individuals, as a public office,  
4 Corporations, or bodies politic are the most usual franchises known to our laws. In  
5 England they are very numerous, and are defined to be royal privileges in the hands of a  
6 subject. An information will lie in many cases growing out of these grants, especially where  
7 corporations are concerned, as by the statute of 9 Anne, ch. 20, and in which the public  
8 have an interest. In 1 Strange R. ( The King v. Sir William Louthier,) it was held that an  
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12 If this is so--if in England a privilege existing in a subject, which the king alone could  
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14 **immunity of a public nature, which could not be exercised without a legislative grant,**  
15 **would also be a franchise."**  
16 [People v. Ridgley, 21 Ill. 65, 1859 WL 6687, 11 Peck 65 (Ill., 1859)]

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

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20 of this country, have been carried over from the law of Great Britain, and recur constantly  
21 either as such or in equivalent expressions from the time of Magna Charta. For all  
22 practical purposes they are synonymous in meaning, and originally signified a peculiar  
23 right or private law conceded to particular persons or places **whereby a certain**  
24 **individual or class of individuals was exempted from the rigor of the common law.**  
25 Privilege or immunity is conferred upon any person when he is invested with a legal claim  
26 to the exercise of special or peculiar rights, authorizing him to enjoy some particular  
27 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\\_im](http://famguardian.org/Publications/ThePrivAndImmOfStateCit/The_privileges_and_im)  
31 [munities\\_of\\_state\\_c.pdf](http://famguardian.org/Publications/ThePrivAndImmOfStateCit/The_privileges_and_im)

32  
33 See Magill v. Browne, Fed.Cas. No. 8952, 16 Fed.Cas. 408; 6 Words and Phrases, 5583,  
34 5584; A J. Lien, "Privileges and Immunities of Citizens of the United States," in  
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42 will hate the one and love the other, or else he will be loyal to the one and despise the  
43 other. **You cannot serve God and mammon [government]."**

44 [[Luke 16:13](#), Bible, NKJV]

45 [SEDM Disclaimer, Section 4.3: Private; SOURCE: <http://sedm.org/disclaimer.htm>]

46 The first duty of a public officer is to protect the PRIVATE, meaning property covered by the Constitution and the Common  
47 law and NOT CIVIL STATUTORY CODES:

48 "As expressed otherwise, the powers delegated to a public officer are held in trust for the people and are to be  
49 exercised in behalf of the government or of all citizens who may need the intervention of the officer. <sup>1</sup>  
50 **Furthermore, the view has been expressed that all public officers, within whatever branch and whatever level**  
51 **of government, and whatever be their private vocations, are trustees of the people, and accordingly labor under**  
52 **every disability and prohibition imposed by law upon trustees relative to the making of personal financial gain**  
53 **from a discharge of their trusts. <sup>2</sup> That is, a public officer occupies a fiduciary relationship to the political**

<sup>1</sup> 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.

<sup>2</sup> 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.

1 entity on whose behalf he or she serves.<sup>3</sup> and owes a fiduciary duty to the public.<sup>4</sup> It has been said that the  
2 fiduciary responsibilities of a public officer cannot be less than those of a private individual.<sup>5</sup> Furthermore,  
3 it has been stated that any enterprise undertaken by the public official which tends to weaken public confidence  
4 and undermine the sense of security for individual rights is against public policy.<sup>6</sup>  
5 [63C American Jurisprudence 2d, Public Officers and Employees, §247 (1999)]

6  
7 5 CFR § 2635.101 - Basic obligation of public service.  
8 [§ 2635.101 Basic obligation of public service.](#)

9 (a) **Public service is a public trust.**

10 Each employee has a responsibility to the United States Government and its citizens to place loyalty to the  
11 Constitution, laws and ethical principles above private gain. To ensure that every citizen can have complete  
12 confidence in the integrity of the Federal Government, each employee shall respect and adhere to the principles  
13 of ethical conduct set forth in this section, as well as the implementing standards contained in this part and in  
14 supplemental agency regulations.

15 (b) **General principles.**

16 The following general principles apply to every employee and may form the basis for the standards contained in  
17 this part. Where a situation is not covered by the standards set forth in this part, employees shall apply the  
18 principles set forth in this section in determining whether their conduct is proper.

19 (1) Public service is a public trust, requiring employees to place loyalty to the Constitution, the laws and ethical  
20 principles above private gain.

21 (2) Employees shall not hold financial interests that conflict with the conscientious performance of duty.

22 (3) Employees shall not engage in financial transactions using nonpublic Government information or allow the  
23 improper use of such information to further any private interest.

24 (4) An employee shall not, except as permitted by subpart B of this part, solicit or accept any gift or other item of  
25 monetary value from any person or entity seeking official action from, doing business with, or conducting  
26 activities regulated by the employee's agency, or whose interests may be substantially affected by the performance  
27 or nonperformance of the employee's duties.

28 (5) Employees shall put forth honest effort in the performance of their duties.

29 (6) Employees shall not knowingly make unauthorized commitments or promises of any kind purporting to bind  
30 the Government.

31 (7) Employees shall not use public office for private gain.

32 (8) Employees shall act impartially and not give preferential treatment to any private organization or individual.

33 (9) Employees shall protect and conserve Federal property and shall not use it for other than authorized activities.

34 (10) Employees shall not engage in outside employment or activities, including seeking or negotiating for  
35 employment, that conflict with official Government duties and responsibilities.

36 (11) Employees shall disclose waste, fraud, abuse, and corruption to appropriate authorities.

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<sup>3</sup> 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.

<sup>4</sup> 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).

<sup>5</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>6</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 (12) Employees shall satisfy in good faith their obligations as citizens, including all just financial obligations,  
2 especially those - such as Federal, State, or local taxes - that are imposed by law.

3 (13) Employees shall adhere to all laws and regulations that provide equal opportunity for all Americans  
4 regardless of race, color, religion, sex, national origin, age, or handicap.

5 (14) Employees shall endeavor to avoid any actions creating the appearance that they are violating the law or  
6 the ethical standards set forth in this part. Whether particular circumstances create an appearance that the law  
7 or these standards have been violated shall be determined from the perspective of a reasonable person with  
8 knowledge of the relevant facts.

9 (c) **Related statutes.**

10 *In addition to the standards of ethical conduct set forth in this part, there are conflict of interest statutes that*  
11 *prohibit certain conduct. Criminal conflict of interest statutes of general applicability to all employees, 18 U.S.C.*  
12 *201, 203, 205, 208, and 209, are summarized in the appropriate subparts of this part and must be taken into*  
13 *consideration in determining whether conduct is proper. Citations to other generally applicable statutes relating*  
14 *to employee conduct are set forth in subpart I and employees are further cautioned that there may be additional*  
15 *statutory and regulatory restrictions applicable to them generally or as employees of their specific agencies.*  
16 *Because an employee is considered to be on notice of the requirements of any statute, an employee should not*  
17 *rely upon any description or synopsis of a statutory restriction, but should refer to the statute itself and obtain*  
18 *the advice of an agency ethics official as needed.*

19 Every attempt to convert PRIVATE to PUBLIC without the knowledge or express WRITTEN and INFORMED consent of  
20 the original HUMAN owner therefore constitutes a THEFT at worse and a FRAUD at best. A government which violates  
21 this requirement in effect is NO GOVERNMENT AT ALL, but a de facto government mafia or criminal “protection racket”  
22 which has STOLEN the entire country and made it into PUBLIC rather than PRIVATE property. Such a government has no  
23 business forcing you to pay for protecting private property if they won’t even do the basic job of protecting that property  
24 from THEIR OWN thefts without being bribed to leave you alone! Justice itself is legally defined as the right to be left alone,  
25 and it can NEVER become a privilege. It is a RIGHT. When it becomes a privilege, you have INJUSTICE, not JUSTICE.

26 *There are two methods, or means, and only two, whereby man's needs and desires can be satisfied. One is the*  
27 *production and exchange of wealth; this is the economic means.[17] The other is the uncompensated*  
28 *appropriation of wealth produced by others; this is the political means. The primitive exercise of the political*  
29 *means was, as we have seen, by conquest, confiscation, expropriation, and the introduction of a slave-economy.*  
30 *The conqueror parceled out the conquered territory among beneficiaries, who thenceforth satisfied their needs*  
31 *and desires by exploiting the labour of the enslaved inhabitants.[18] The feudal State, and the merchant-State,*  
32 *wherever found, merely took over and developed successively the heritage of character, intention and apparatus*  
33 *of exploitation which the primitive State transmitted to them; they are in essence merely higher integrations of*  
34 *the primitive State.*

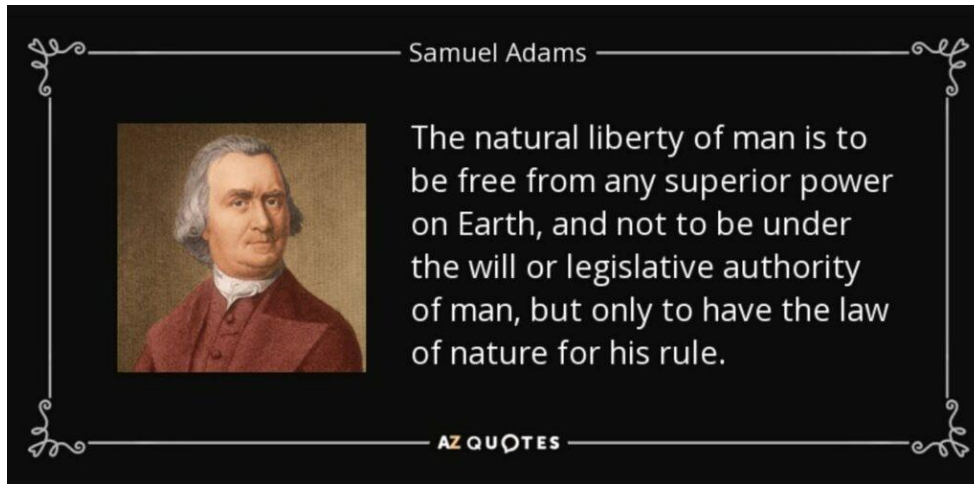
35 *The State, then, whether primitive, feudal or merchant, is the organization of the political means. Now, since*  
36 *man tends always to satisfy his needs and desires with the least possible exertion, he will employ the political*  
37 *means whenever he can - exclusively, if possible; otherwise, in association with the economic means. He will, at*  
38 *the present time, that is, have recourse to the State's modern apparatus of exploitation; the apparatus of tariffs,*  
39 *concessions, rent-monopoly, and the like. It is a matter of the commonest observation that this is his first instinct.*  
40 *So long, therefore, as the organization of the political means is available - so long as the highly-centralized*  
41 *bureaucratic State stands as primarily a distributor of economic advantage, an arbiter of exploitation, so long*  
42 *will that instinct effectively declare itself. A proletarian State would merely, like the merchant-State, shift the*  
43 *incidence of exploitation, and there is no historic ground for the presumption that a collectivist State would be in*  
44 *any essential respect unlike its predecessors; [19] as we are beginning to see, "the Russian experiment" has*  
45 *amounted to the erection of a highly-centralized bureaucratic State upon the ruins of another, leaving the entire*  
46 *apparatus of exploitation intact and ready for use. Hence, in view of the law of fundamental economics just cited,*  
47 *the expectation that collectivism will appreciably alter the essential character of the State appears illusory.*  
48 *[Our Enemy, the State, Albert J. Knock, Chapter 2, Section IV; SOURCE:*  
49 <https://famguardian.org/Publications/OurEnemyTheState/nockoets2.htm>*]*

50 In other words, the FIRST duty of government is to maintain ABSOLUTE, inviolable Constitutional separation between  
51 PRIVATE and PUBLIC and never allow the two to be comingled or confused or even exchanged. The inalienability of  
52 CONSTITUTIONAL rights ensures this separation. To ignore, destroy, or refuse to enforce the inalienability of natural rights  
53 is to DESTROY that separation. The mandatory separation between PRIVATE and PUBLIC is exhaustively described in  
54 the following presentation:

Separation Between Public and Private Course, Form #12.025  
<https://sedm.org/Forms/FormIndex.htm>



## 4. Natural law<sup>7</sup>



*"Men do not make laws. They do but discover them. Laws must be justified by something more than the will of the majority. They must rest on the eternal foundation of righteousness. That state is most fortunate in its form of government which has the aptest instruments for the discovery of law."*  
[Calvin Coolidge, to the Massachusetts State Senate, January 7, 1914]

*"The collection of any taxes which are not absolutely required, which do not beyond reasonable doubt contribute to the public welfare, is only a species of legalized larceny."*  
[President Calvin Coolidge]

For the purposes of this ministry, "natural law" and "inalienable rights" are synonymous. The following subsections will define and explain what we mean by "natural law" and what it would look like if implemented by our present government. Although the implementation of natural law described in the following subsections is not intended to be religious or favor any specific religion, but rather secular, it also happens to be completely consistent with the requirements of God's law as described in:

Laws of the Bible, Form #13.001

<https://sedm.org/Litigation/09-Reference/LawsOfTheBible.pdf>

### 4.1 Definition of "natural law"

The SEDM Disclaimer defines "natural law" as follows:

**SEDM Disclaimer**  
**Section 4: Meaning of Words**  
**4.31 Natural law**

*For the purposes of this website and ministry, the term "natural law" is synonymous with the following behavior by civil government:*

1. ALL property is absolutely owned.

2. The protection of private property is not regarded by anyone in government as "making law" (Litigation Tool #01.009), but rather a fulfillment of the main purpose of establishing government and the oath that all public officers take when accepting office. The CIVIL statutes DO NOT protect PRIVATE property, but PUBLIC property that became public by donating PRIVATE property to a public use, a public purpose, and/or a public office. In that sense, the current civil government ONLY PROTECTS ITSELF and its own PUBLIC property, and NEVER YOU or ANY HUMAN BEING at least from a CIVIL perspective! See:

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

<sup>7</sup> Source: Laws of Property, Form #14.018, Section 4; <https://sedm.org/Forms/14-PropProtection/LawsOfProperty.pdf>.



1 3. Civil statutes (Form #05.037) are not called “law”, but civil service franchise contracts.

2 4. Only voting and jury service are privileges that can be CIVILLY regulated by default. Any other thing that is a  
3 voluntary privilege must be expressly signed up for and PAID for in writing on the annual tax return filed at the  
4 beginning of each year and only lasts for one year.

5 5. Government ID’s are NOT used to change your civil status to a “resident” or “domiciliary”. You remain  
6 PRIVATE when using government ID. See:

Hot Issues: Identification\*, SEDM  
<https://sedm.org/identification/>

7 6. No other franchise or privilege (Form #05.030) is or can be bundled with voting or jury service, such as civil  
8 DOMICILE (Form #05.002).

9 7. All government “civil services” must be requested IN WRITING at the beginning of each year and you only  
10 pay for what you ask for. The purpose of filing tax returns is to CONSENT to specific civil services you want and  
11 to pay for them in advance. Those who didn’t pay for them may not receive them. See SEDM Disclaimer, Section  
12 4.6 for a definition of “civil service”.

13 8. Everyone is subject to the criminal and common law, whether they consent or not.

14 9. Civil courts may not enforce civil statutory law upon any party UNLESS they expressly consented in writing to  
15 receive its benefits as public property. If they didn’t, only the common law and criminal law applies. That consent  
16 shall appear on the tax return filed annually.

17 10. Administrative tax enforcement is NOT permitted and not necessary, since all civil services consumed are  
18 prepaid annually in advance. If you don’t prepay, you don’t get the service.

19 11. Every government agent is personally accountable for the accuracy and truthfulness of EVERYTHING he or  
20 she communicates to the public that might have an adverse affect on PRIVATE property or PRIVATE rights.  
21 Thus, they are PRESUMED to be communicating under penalty of perjury at all times. If they lie, they are civilly  
22 penalized. ANONYMOUS communication or collection letters are FORBIDDEN. All must be signed by a human  
23 being.

24 12. All government “benefits” are regarded as “civil services” that must be 100% paid annually for by those  
25 who consume them AS THEY ARE USED. Use of public funds for charity is FORBIDDEN.

26 13. The filing of information returns (Form #04.001) such as the W-2 and 1099 are forbidden and a criminal  
27 offense of impersonating a public office. They are unnecessary if civil services are consented to and paid for  
28 annually and you don’t need to BE a public officer to consume civil services. Being a sponsor is sufficient to  
29 consume said services.

30 14. Consent must always be OVERT and in writing, and NEVER COVERT or implied through actions of any kind.  
31 See:

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

32 For a system of government that implements the above and builds upon existing organic and statutory law, and  
33 which requires the least possible changes to the current system to implement, see:

Self Government Federation: Articles of Confederation, Form #13.002  
<https://sedm.org/Forms/13-SelfFamilyChurchGovnce/SGFArtOfConfed.pdf>

34 [SEDM Disclaimer, Section 4.31; <https://sedm.org/disclaimer.htm>]

## 35 **4.2 Consequences to society of implementing natural law**

36 If American society stuck to the above definition and based its entire operations on the above definition, the following  
37 inevitable and much desired consequences would ensue:

- 38 1. All economic power would return to the Sovereign People. The government would merely be a contractor having to  
39 serve their CIVIL needs. They would mostly vote with their MONEY and ultimately decide which government “civil  
40 services” are allowed to survive in the commercial marketplace.
- 41 2. The government would run like any other business: ultimately responsible to its customers, who would simply be called  
42 “citizens” and “residents”. Those citizens and residents have no special privileges OTHER than the right to serve on

1 jury duty and vote and be a “customer” of VOLUNTARY government “civil services”. Those civil services would be  
2 privileges that THEY would have to pay for if they want to receive their “benefit”, and that payment must be in advance  
3 of them being consumed. The arrogance of politicians would disappear, because most of their revenue from “civil  
4 services” would vaporize if they eliminated truly popular services or tried to impose “civil services” that no one wants.

5 3. The administrative state and all administrative enforcement would cease. This would remove most of the risk involved  
6 in owning private property because it could no longer be targeted by the corrupt government for administrative or  
7 regulatory takings.

8 4. The word games, equivocation, and chicanery would have to disappear, because consent to receive “civil services” must  
9 be EXPLICIT and never IMPLICIT.

10 4.1. That consent would have to appear on the tax return filed at the beginning of every year government “civil services”  
11 you have to ASK for and pay for in advance.

12 4.2. Government would no longer be able to engage in abuse of key “words of art” to, in effect, secure your “invisible  
13 consent”. See:

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

14 4.3. More on the MANY types of word games to make your consent “invisible” at:

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

15 5. All the legal chicanery with government franchises and “benefits” would disappear because:

16 5.1. It would no longer be up to administrative bureaucracy or “franchise judge” in the Executive Branch to conceive  
17 of or enforce any “benefit”, or to even define what a “benefit” is. People would define it for themselves by signing  
18 up for INDIVIDUAL “civil services” that they personally think “benefit” them on the annual tax return.

19 5.2. Principles of “unjust enrichment” could no longer be abused in court to force people to pay for any specific service  
20 they benefit from personally, because they would have to ASK for the service on their tax return and pay for it in  
21 advance before they receive it.

22 6. The arrogance of those in the legal and judicial profession would disappear, because:

23 6.1. The central importance of PRIVATE PROPERTY would return to the courts, which would then operate almost  
24 exclusively under the common. Since EVERYTHING would be private for the average American, there would be  
25 no governmental or central control for most property like there is now. This would take the wind out of the sails  
26 of most lawyers and judges, because most of their importance and value comes from putting PRIVATE  
27 PROPERTY at risk mostly during administrative enforcement by the administrative state.

28 6.2. People would be absolutely equal to the government in court under principles of equity. Everything in the courts  
29 would be based on principles of equity and common law for the average American.

30 6.3. Government could no longer engage in “administrative enforcement”, so all the of the legal skulduggery of the  
31 administrative state and asset forfeiture laws would have to disappear.

32 6.4. Conflicts of financial interest by judges would disappear for the most part. Most judges now operate with two hats:  
33 (1) Franchise judge hat; (2) Constitutional judge hat. Thus, judges are forced to make decisions about “choice of  
34 law” that inevitably will be biased because only one of those choices will “benefit” themselves or their employer  
35 economically. See:

*Choice of Law*, Litigation Tool #01.010  
<https://sedm.org/Litigation/01-General/ChoiceOfLaw.pdf>

36 6.5. “Weaponization of the government” and those in the courts would cease, because government couldn’t “bundle”  
37 any “civil service” with any other one. Each program would have to survive on its own merit with the public so  
38 that inefficient or undesired services would be NATURALLY and AUTHOMATICALLY eliminated by their  
39 “customers” with no legislative actions needed to eliminate them. That’s how Darwinian “survival of the fittest”  
40 inevitably works, and it would work well to automatically reform the government.

41 7. Since there are no longer any benefits, franchises, or privileges for the average American:

42 7.1. America would cease to be a “welfare magnet” for the rest of the world. People would no longer be attracted to  
43 come to America to get “free goodies” paid for by someone else.

44 7.2. Identity politics would disappear, because people could not use their authority as a jurist or voter to sanction the  
45 abuse of the government’s taxing power to steal from the rich and give to the poor.

46 8. The importance of family and the church within society would return. They would be the only source of charity and  
47 grace, since all government “benefits” would disappear.

48 9. The IRS and all of its nefarious activities would disappear, because they would no longer need any enforcement authority.

49 9.1. The complexity of the tax franchise codes would disappear. There would no longer be any need for exemptions or  
50 deductions or a network of “experts” to market them.

- 1 9.2. The staff of most paper pushers at most businesses in HR, Accounting, and Tax would probably reduce to less than  
2 one fourth its size, because the complexity of the tax system would be completely eliminated.
- 3 10. There would be no need to put public bonds on the ballot, because they could simply be offered on the tax return to  
4 people who want that “civil service”. Those who want it would check the box and pay for it IN ADVANCE.
- 5 11. The Federal Reserve counterfeiting franchise would have to go away and could no longer be used to print money and  
6 steal from those who have cash in hand through inflation.
- 7 11.1. Governments wanting to raise revenue for new programs would have to offer bonds on the annual tax returns that  
8 would have to directly appeal to the public or they wouldn’t be funded to begin with.
- 9 11.2. Banks could no longer be abused to recruit PUBLIC OFFICER “taxpayers” by forcing them to adopt a franchise  
10 status of “taxpayer” as a precondition of opening an account.

11 On the whole, the American People would be the winners of implementing the above. However, the disruptive changes  
12 needed to implement the above would also produce a lot of losers and cause major reorganization of the government and  
13 legal profession. Unfortunately, those same people would have to IMPLEMENT most of the changes, because they designed  
14 and implemented most of the corruption and inefficiency into the current system that pays their bills and benefits mostly  
15 them. You can therefore count on the majority of the pushback on implementing the above to come from those who benefit  
16 from the current “status quo” in the government and the legal profession. The corruption and conflict of interest that caused  
17 the defects in the current legal system are summarized in the following video dramatization:

<p><i>Devil’s Advocate: Lawyers, SEDM</i> <a href="https://sedm.org/what-we-are-up-against/">https://sedm.org/what-we-are-up-against/</a></p>
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18 It is PRECISELY the above corruption that is the inevitable source of resistance to SEDM and the concepts of personal  
19 sovereignty that underlies it.

20 If our country implemented natural law, this the only way it could rationally work. This is obviously not how it currently  
21 works.

### 22 **4.3 Empirical validation of natural law**

23 Natural law exists without the requirement of belief and can be empirically and scientifically validated. Mans law must  
24 necessarily be built atop of natural law, though mans law is merely confusion. There are seven natural law transgressions we  
25 are aware of:

- 26 1. Murder  
27 2. Assault.  
28 3. Theft.  
29 4. Rape.  
30 5. Trespassing.  
31 6. Coercion.  
32 7. Lying.

33 Each of the above one deals with **theft** in some form. Coercion and lying are big in this scam.

- 34 1. Murder defined. Taking another sentient being’s life without just cause, which doesn’t belong to you.  
35 2. Assault defined. Taking another sentient person’s physical or mental well being without just cause, that doesn’t belong  
36 to you.  
37 3. Rape defined. Taking another sentient being’s sexual consent, that doesn’t belong to you.  
38 4. Theft defined. Taking someone else’s property that doesn’t belong to you. Doesn’t necessarily have to belong to a sentient  
39 being.  
40 5. Trespassing defined. Taking of another person’s (sentient or not) security that doesn’t belong to you.  
41 6. Coercion defined. Taking another sentient being’s free will that doesn’t belong to you.  
42 7. Lying defined. Taking another person’s ability to engage in informed decision making that doesn’t belong to you.

43 Outside these seven transgressions, we haven’t been able to come up with anything else that doesn’t fit in this framework.

1 Based on the above, you know what is right (or acceptable) by defining what is wrong. Affirmation through negation. This  
2 is called apophasis.

3 *Apophasis (noun)*

4 *apoph-a-sis*

5 *1: the raising of an issue by claiming not to mention it (as in "we won't discuss his past crimes")*

6 *... he indulges himself in apophasis about his ex-wives ("No, I am most definitely not making any charges or*  
7 *accusations. It's merely that ...").*

8 *—John Brooks*

9 *2: the practice of describing something (such as God) by stating which characteristics it does not have especially*  
10 *because human thought or language is believed to be insufficient to describe it fully or accurately*

11 *... apophasis happens because, like Moses and the burning bush, persons have been drawn so close to the mystery*  
12 *that they have begun to realize how beautifully, appallingly, heart-breakingly mysterious God really is.*

13 *—Mark Allen McIntosh*

14 *[Merriam-Webster Dictionary: Apophasis; <https://www.merriam-webster.com/dictionary/apophasis>]*

15 In effect, God is defined by what Satan IS NOT from a theological vantage point. Thesis and Antithesis....however,  
16 embracing both and reconciling results in synthesis (Jesus Christ, the great mediator/redeemer). The one cannot exist without  
17 the other if we are to abide by natural law (all paradoxes may be reconciled), because hermetic principles dictate that there is  
18 the principle of polarity. Much of the Codes in mans law recognize this..."male imports the female, and female imports the  
19 male". These concepts are described in the document below. And NO, we aren't Freemasons!:

*The Kybalion: The Hermetic Philosophy of Ancient Egypt and Greece*, Three Initiates, Yogi Publication Society,  
Masonic Temple  
[https://en.wikipedia.org/wiki/The\\_Kybalion](https://en.wikipedia.org/wiki/The_Kybalion)

20 We believe based on the above that the "Three Initiates" are "Faith, Hope, Charity". This book was penned under a  
21 pseudonym, and the actual author/compiler is believed to be William Walker Atkinson, though the Hermetic philos is  
22 attributed to Hermes Trismegistus / Thoth in Antiquity. The goal = Equilibrium.

23 Late U.S. Supreme Court Justice Antonin Scalia maligned the idea of both common law and natural law as impractical. See:

*Rebutted False Arguments About the Common Law*, Form #08.025, Section 16.1  
<https://sedm.org/Forms/08-PolicyDocs/RebuttedFalseArgumentsAboutCommonLaw.pdf>

24 This document and this section in particular show that he was literally lying and that BOTH are rational and practical, if  
25 implemented as precisely and minimally described. And that implementation is entirely consistent with his own Originalist  
26 views on law and the Constitution, by the way.

#### 27 **4.4 Natural law is the foundation of justice itself**

28 Natural law is the origin of the concept and science of justice. It is the source of moral authority from which the government  
29 derives its ability to legislate. Bouvier's Law Dictionary (1856) defines Natural Law as follows:

30 *NATURAL LAW: A rule of conduct arising out of natural relations of human beings, established by the Creator,*  
31 *and existing prior to any positive precept. Webster. The foundation of this law is placed by the best writers in*  
32 *the will of God, discovered by reason, and aided by divine revelation: and its principles, when applicable, apply*  
33 *with equal obligation to individuals and to nations. 1 Kent. Comm. 2, note: Id. 4, note. See Jus Naturale.*

34 *The rule and dictate of right reason showing the moral deformity of moral necessity there is in any act, according*  
35 *to its suitability or unsuitability to a reasonable nature. Tayl. Civil Law, 99.*

1 This expression, "natural law," or *jus naturale*, was largely used in the philosophical speculations of the Roman  
2 jurists of the Attonine age, and was intended to denote a system of rules and principles for the guidance of human  
3 conduct which, independently of enacted law or of the systems peculiar to any one people, might be discovered  
4 by the rational intelligence of man, and would be found to grow out of and conform to his nature, meaning by  
5 that word his whole mental, moral, and physical constitution. The point of departure for this conception was the  
6 Stoic doctrine of a life ordered "according to nature," which in its turn rested upon the purely suppositious  
7 existence, in primitive times, of a "state of nature;" that is, a condition of society in which men universally were  
8 governed solely by a rational and consistent obedience to the needs, impulses, and promptings of their true nature,  
9 such nature being as yet undefaced by dishonesty, falsehood, or indulgence of the baser passions. See Maine,  
10 *Anc. Law*, 50 *et seq.*

11 We understand all laws to be either human or divine, according as they have man or God for their author; and  
12 divine laws are of two kinds, that is to say: (1) Natural laws; (2) positive or revealed laws. A natural law is  
13 deemed to Burlamaqui to be "a rule which so necessarily agrees with the nature and state of man that, without  
14 observing its maxims, the peace and happiness of society can never be preserved." And he says that these are  
15 called "natural laws" because a knowledge of them may be attained merely by the light of reason, from the fact  
16 of their essential agreeableness with the constitution of human nature; while, on the contrary, positive or revealed  
17 laws are not founded upon the general constitution of human nature, but only upon the will of God; though in  
18 other respects such law is established upon very good reason, and procures the advantage of those to whom it is  
19 sent. The ceremonial or political laws of the Jews are of this latter class. *Borden v. State*, 11 Ark. 527, 44 Am.  
20 Dec. 217.  
21 [*Bouvier's Law Dictionary* (1856)]

22 Natural law is necessarily immutable and unchangeable, because it is based on our nature as human beings the way God  
23 created us, which doesn't change. A legislature can no more pass a law changing natural law than man can renounce or  
24 violate the law of gravity. Here is the way Lysander Spooner very lucidly explains the concept of natural law:

25 "If there be any such principle as justice, it is, of necessity, a natural principle; and, as such, it is a matter of  
26 science, to be learned and applied like any other science. And to talk of either adding to, or taking from, it, by  
27 legislation, is just as false, absurd, and ridiculous as it would be to talk of adding to, or taking away from,  
28 mathematics, chemistry, or any other science, by legislation.

29 If there be in nature such a principle as justice, nothing can be added to, or taken from, its supreme authority by  
30 all the legislation of which the entire human race united are capable. And all the attempts of the human race, or  
31 of any portion of it, to add to, or take from, the supreme authority of justice, in any case whatever, is of no more  
32 obligation upon any single human being than is the idle wind.

33 If there be such a principle as justice, or natural law, it is the principle, or law, that tells us what rights were  
34 given to every human being at his birth; what rights are, therefore, inherent in him as a human being, necessarily  
35 remain with him during life; and, however capable of being trampled upon, are incapable of being blotted out,  
36 extinguished, annihilated, or separated or eliminated from his nature as a human being, or deprived of their  
37 inherent authority or obligation.

38 On the other hand, if there be no such principle as justice, or natural law, then every human being came into the  
39 world utterly destitute of rights; and coming into the world destitute of rights, he must necessarily forever remain  
40 so. For if no one brings any rights with him into the world, clearly no one can ever have any rights of his own,  
41 or give any to another. And the consequence would be that mankind could never have any rights; and for them  
42 to talk of any such things as their rights, would be to talk of things that never had, never will, and never can have  
43 any existence.

44 If there be such a natural principle as justice, it is necessarily the highest, and consequently the only and  
45 universal, law for all those to which it is naturally applicable. And, consequently, all human legislation is simply  
46 and always an assumption of authority and dominion, where no right of authority or dominion exists. It is,  
47 therefore, simply and always an intrusion, an absurdity, an usurpation and a crime.

48 On the other hand, if there be no such natural principle as justice, there can be no such thing as injustice. If there  
49 be no such natural principle as honesty, there can be no such thing as dishonesty; and no possible act of either  
50 force or fraud, committed by one man against the person or property of another, can be said to be unjust or  
51 dishonest; or be complained of, or prohibited, or punished as such. In short, if there be no such principle as  
52 justice, there can be no such acts as crimes; and all the professions of governments, so called, that they exist,  
53 either in whole or in part, for the punishment or prevention of crimes, are professions that they exist for the  
54 punishment or prevention of what never existed, nor ever can exist. Such professions are therefore confessions  
55 that, so far as crimes are concerned, governments have no occasion to exist; that there is nothing for them to do,  
56 and that there is nothing that they can do. They are confessions that the governments exist for the punishment  
57 and prevention of acts that are, in their nature, simple impossibilities."

58 [*The Lysander Spooner Reader*, Lysander Spooner, ISBN 0-930073-06-1, 1992, Fox & Wilkes, San Francisco,  
59 CA, pp. 16-18]

## 4.5 Three main elements of natural law

Natural law is based on three main elements, according to Spooner. Underneath these three main elements, we have assigned the Ten Commandments and other moral laws found in the Bible (in Exodus 20) to show you how they relate:

### 1. Live honestly.

- 1.1. Tell the truth and do not lie (Exodus 20:16; Exodus 34:6-7; Prov. 19:9).
- 1.2. Make your actions consistent with your words. Make no promises you can't keep. (integrity, Prov. 28:6).
- 1.3. Be a good example to others (Matt. 5:16).

### 2. Hurt no one.

- 2.1. Do not violate the equal rights of others to life, liberty, and the pursuit of happiness (love your neighbor as yourself, Matt. 22:39; don't plot evil Zech. 8:17).
- 2.2. Don't kill (Exodus 20:13).
- 2.3. Don't steal (Exodus 20:15).
- 2.4. Take full and complete responsibility for yourself at all times. Don't expect or require your neighbor to take care of yourself, because this will lead you to steal from your neighbor (1 Tim. 5:8).
- 2.5. Don't commit adultery (Exodus 20:17).
- 2.6. Don't lust after property or sex or money (Exodus 20:17; Prov. 15:27).

### 3. Give everyone his due.

- 3.1. Put God FIRST on your priority list (Exodus 20:3-11)
- 3.2. Respect authority when it agrees with natural law (1 Peter 2:13-17).
- 3.3. Honor all your agreements (Num. 30:2).
- 3.4. Promote justice by rebuking/punishing people who hurt others (Prov. 24:25; Romans 13:4; Psalm 5:5-6).
- 3.5. Show mercy and help the less-fortunate when they are down (Psalm 89:14-15).

Natural law derives from our conscience, which Christians call the "Holy Spirit". The author who most eloquently described and explained natural law was Lysander Spooner. A favorite book which contains most of his better writings is *The Lysander Spooner Reader*, ISBN 0-930073-06-1, Fox & Wilkes, 938 Howard Street, Ste. 202; San Francisco, CA 94103. The section in that book entitled "Natural Law" beginning on page 11 is most enlightening on the subject of natural law.

## 4.6 Man-made laws that conform with natural law

Man-made laws which conform to Natural Law are called "malum in se" laws:

*"Malum in se. A wrong in itself; an act or case involving illegality from the very nature of the transaction, upon principles of natural moral, and public law. Grindstaff v. State, 214 Tenn. 58, 377 S.W.2d. 921, 926; State v. Shedoudy, 45 N.M. 516, 118 P.2d. 280, 287. An act is said to be malum in se when it is inherently and essentially evil, that is, immoral in its nature and injurious in its consequences, without any regard to the fact of its being noticed or punished by the law of the state. Such are most or all of the offenses cognizable at common law (without the denouncement of a statute); as murder, larceny, etc. Compare Malum prohibitum"*  
[Black's Law Dictionary, Sixth Edition, p. 959]

In any legal proceeding, judges take the Chaos (adversarial proceedings) and turn it into Orders (well they are supposed to anyway). Equity. Make balance between the parties. Find equilibrium. They use the Gavel to finish their Order/Ruling. The gavel represents purification. It is used to chip away the rough edges of the "ruffians" who break the law.

Ultimately, HOWEVER, all CIVIL statutory legal proceedings against the government ultimately boil down to equitable principles that the government would always lose on if they had to defend whether they really are delivering a "benefit" and whether you are COMPENSATING or worst yet OVERCOMPENSATING the government for the delivery of that "benefit". If government had to satisfy that burden of proof, they would ALWAYS lose, for the reasons explained in:

1. *The Best Way to LAWFULLY Reject ANY and ALL Benefits in Court that is Unassailable*, SEDM <https://sedm.org/the-best-way-to-lawfully-reject-any-and-all-benefits-in-court-that-is-unassailable/>
2. *Injury Defense Franchise and Agreement*, Form #06.027, Section 11 <https://sedm.org/Forms/06-AvoidingFranch/InjuryDefenseFranchise.pdf>

In most cases, the government is the recipient of UNJUST enrichment, because they bundle TONS of things you DON'T want with only a few things you DO want. We call this "weaponization of government".



1 The corollary to approaching ALL proceedings against the government in equity is that if judges won't allow equity to be  
2 invoked against the government, they have in effect made themselves and their employer SUPERIOR and SUPERNATURAL  
3 beings, the source of law that replaces God's law, established an unconstitutional CIVIL religion in violation of the First  
4 Amendment, and made the court building into a church for all practical purposes. This is explained in:

[Choice of Law, Litigation Tool #01.010  
https://sedm.org/Litigation/01-General/ChoiceOfLaw.pdf](https://sedm.org/Litigation/01-General/ChoiceOfLaw.pdf)

## 5. The Glucksberg Test: Unenumerated Constitutional Rights

6 A constitutional right may exist without expressly being identified in the Constitution. Such a right is called a "liberty  
7 interest". The test of whether such a right can exist is found in the Glucksberg Test, which originated in the case of  
8 Washington v. Glucksberg, 521 U.S. 702, 719-22, 117 S.Ct. 2258, 117 S. Ct. 2302, 138 L.Ed.2d. 772 (1997). That case  
9 identified a two-prong test to determine whether a right is protected by the Due Process Clause of the Fourteenth Amendment  
10 to the Constitution. Below is what that case says on the subject:

11 [4] The Due Process Clause guarantees more than fair process, and the "liberty" it protects includes more than  
12 the absence of physical restraint. *Collins v. Harker Heights*, 503 U.S. 115, 125 (1992) (Due Process Clause  
13 "protects individual liberty against 'certain government actions regardless of the fairness of the procedures used  
14 to implement them'" (quoting [\*720] *Daniels v. Williams*, 474 U.S. 327, 331 (1986)). The Clause also provides  
15 heightened protection against government interference with certain fundamental rights and liberty interests. *Reno*  
16 *v. Flores*, 507 U.S. 292, 301-302 (1993); *Casey*, 505 U.S. at 851. In a long line of cases, we have held that, in  
17 addition to the specific freedoms protected by the *Bill of Rights*, the "liberty" specially protected by the Due  
18 Process Clause includes the rights to marry, *Loving v. Virginia*, 388 U.S. 1 (1967); to have children, *Skinner v.*  
19 *Oklahoma ex rel. Williamson*, 316 U.S. 535 (1942); to direct the education [30] and upbringing of one's children,  
20 *Meyer v. Nebraska*, 262 U.S. 390 (1923); *Pierce v. Society of Sisters*, 268 U.S. 510 (1925); to marital privacy,  
21 *Griswold v. Connecticut*, 381 U.S. 479 (1965); to use contraception, *ibid*; *Eisenstadt v. Baird*, 405 U.S. 438  
22 (1972); to bodily integrity, *Rochin v. California*, 342 U.S. 165 (1952), and to abortion, *Casey, supra*. We have  
23 also assumed, and strongly suggested, that the Due Process Clause protects the traditional right to refuse  
24 unwanted lifesaving medical treatment. *Cruzan*, 497 U.S. at 278-279. [5] But we "have always been reluctant to  
25 expand the concept of substantive due process because guideposts for responsible decisionmaking in this  
26 unchartered area are scarce and open-ended." *Collins*, 503 U.S. at 125. By extending constitutional protection to  
27 an asserted right [\*2268] [\*\*\*2268] or liberty interest, we, to a great extent, place the matter outside the  
28 arena of public debate and legislative action. We must therefore "exercise the utmost care whenever we are asked  
29 to break new ground in this field," *ibid*, lest the liberty protected by the Due Process Clause be subtly transformed  
30 into the policy [31] preferences of the members of this Court, *Moore*, 431 U.S. at 502 (plurality opinion).

31 [6] Our established method of substantive-due-process analysis has two primary features: First, we have  
32 regularly observed that the Due Process Clause specially protects those fundamental rights and liberties which  
33 are, objectively, [\*721] "deeply rooted in this Nation's history and tradition," *id.*, at 503 [\*\*\*788] (plurality  
34 opinion); *Snyder v. Massachusetts*, 291 U.S. 97, 105 (1934) ("so rooted in the traditions and conscience of our  
35 people as to be ranked as fundamental"), and "implicit in the concept of ordered liberty," such that "neither  
36 liberty nor justice would exist if they were sacrificed," *Palko v. Connecticut*, 302 U.S. 319, 325, 326 (1937).  
37 Second, we have required in substantive-due-process cases a "careful description" of the asserted fundamental  
38 liberty interest. *Flores, supra*, at 302; *Collins, supra*, at 125; *Cruzan, supra*, at 277-278. Our Nation's history,  
39 legal traditions, and practices thus provide the crucial "guideposts for responsible decisionmaking," *Collins,*  
40 *supra*, at 125, that direct and restrain our exposition of the Due Process Clause. [32] As we stated recently in  
41 *Flores*, *HN9* the *Fourteenth Amendment* "forbids the government to infringe . . . 'fundamental' liberty interests at  
42 all, no matter what process is provided, unless the infringement is narrowly tailored to serve a compelling state  
43 interest." 507 U.S. at 302.

44 JUSTICE SOUTER, relying on Justice *Harlan's* dissenting opinion in *Poe v. Ullman*, would largely abandon this  
45 restrained methodology, and instead ask "whether [Washington's] statute sets up one of those 'arbitrary  
46 impositions' or 'purposeless restraints' at odds with the *Due Process Clause of the Fourteenth Amendment*," post,  
47 at 1 (quoting *Poe*, 367 U.S. 497, 543 (1961) (*Harlan, J.*, dissenting)). 17 [722] In our view, however, the  
48 development of this Court's substantive-due-process jurisprudence, described briefly above, *supra*, at 15, has  
49 been a process whereby the outlines of the "liberty" specially protected by the *Fourteenth Amendment*--never  
50 fully clarified, to be sure, and perhaps not capable of being fully clarified--have at least been carefully refined by  
51 concrete examples involving fundamental rights found to be deeply rooted in our legal tradition. This approach  
52 tends to rein [33] in the subjective elements that are necessarily present in due-process judicial review. In  
53 addition, by establishing a threshold requirement--that a challenged state action implicate a fundamental right--  
54 before requiring more than a reasonable relation to a legitimate state interest [\*\*\*789] to justify the action, it  
55 avoids the need for complex balancing of competing interests in every case.  
56 [*Washington v. Glucksberg*, 521 U.S. 702, 719-22, 117 S.Ct. 2258, 117 S. Ct. 2302, 138 L.Ed.2d. 772 (1997)]

1 FOOTNOTES:

2 [4] John Doe, Jane Roe, and James Poe, plaintiffs in the District Court, were then in the terminal phases of  
3 serious and painful illnesses. They declared that they were mentally competent and desired assistance in  
4 ending their lives. Declaration of Jane Roe, *id.*, at 23-25; Declaration of John Doe, *id.*, at 27-28; Declaration of  
5 James Poe, *id.*, at 30-31; [Compassion in Dying](#), 850 F.Supp., at 1456-1457.

6 [5] The District Court determined that Casey's "undue burden" standard, [505 U.S. at 874](#) (joint opinion), not the  
7 standard from [United States v. Salerno](#), 481 U.S. 739, 745 (1987) (requiring a showing that "no set of  
8 circumstances exists under which the [law] would be valid"), governed the plaintiffs' facial challenge to the  
9 assisted-suicide ban. [850 F. Supp., at 1462-1464](#).

10 [6] Although, as JUSTICE STEVENS observes, *post*, at 2-3 (opinion concurring in judgment), "[the court's]  
11 analysis and eventual holding that the statute was unconstitutional was not limited to a particular set of plaintiffs  
12 before it," the court did note that "declaring a statute unconstitutional as applied to members of a group is atypical  
13 but not uncommon." [79 F.3d, at 798, n.9](#), and emphasized that it was "not deciding the facial validity of [the  
14 Washington statute]," *id.*, at 797-798, and *nn.* 8-9. It is therefore the court's holding that Washington's physician-  
15 assisted suicide statute is unconstitutional as applied to the "class of terminally ill, mentally competent patients,"  
16 *post*, at 14 ([STEVENS, J., concurring in judgment](#)), that is before us today.

17 So, the Glucksberg test has two elements:

- 18 1. First, we have regularly observed that the Due Process Clause specially protects those fundamental rights and liberties  
19 which are, objectively, [\[\\*721\]](#) "deeply rooted in this Nation's history and tradition," [id., at 503 \[\\*\\*\\*\\*788\]](#) (plurality  
20 opinion); [Snyder v. Massachusetts](#), 291 U.S. 97, 105 (1934) ("so rooted in the traditions and conscience of our people  
21 as to be ranked as fundamental"), and "implicit in the concept of ordered liberty," such that "neither liberty nor justice  
22 would exist if they were sacrificed," [Palko v. Connecticut](#), 302 U.S. 319, 325, 326 (1937).
- 23 2. Second, we have required in substantive-due-process cases a "careful description" of the asserted fundamental liberty  
24 interest. [Flores, supra, at 302](#); [Collins, supra, at 125](#); [Cruzan, supra, at 277-278](#). Our Nation's history, legal traditions,  
25 and practices thus provide the crucial "guideposts for responsible decision making," [Collins, supra, at 125](#), that direct  
26 and restrain our exposition of the Due Process Clause. [\[32\]](#) As we stated recently in [Flores](#), [HN9](#) the [Fourteenth](#)  
27 [Amendment](#) "forbids the government to infringe . . . 'fundamental' liberty interests *at all*, no matter what process is  
28 provided, unless the infringement is narrowly tailored to serve a compelling state interest." [507 U.S. at 302](#).

29 The reason we need the Glucksberg Test is to ensure that Courts do not "make law", which is a right reserved exclusively to  
30 the Legislative Branch. The purpose of "making law" is to create PUBLIC RIGHTS or PUBLIC PRIVILEGES. Statutory  
31 civil law enacted by the Legislative Branch is the customary method of creating such PUBLIC rights and PUBLIC privileges.  
32 Rights in the Constitution, however, are NOT PUBLIC, but rather PRIVATE. PRIVATE rights are fixed and unchanging  
33 because the Constitution is fixed and unchanging, while PUBLIC rights change constantly because new statutes are enacted  
34 all the time.

35 A PRIVATE right CREATED by the U.S. Supreme Court under the authority of the Glucksberg Test should be well-defined  
36 and not arbitrary in any way, because if the test is too broad, then the Supreme Court could conceivably become in effect a  
37 Legislative Body dedicated exclusively to literally creating and granting any kind of PRIVATE right that it wants, and doing  
38 so in a way that hamstring the lawmaking power of the REAL Legislative Branch.

39 A challenge to Roe v. Wade precedent permitting abortion ruled on in 2022 resulted in the following arguments AGAINST  
40 invoking the Glucksberg Test in that case:

41 *The leaked draft Supreme Court decision overruling Roe v. Wade has a fatal flaw, according to the off-air legal*  
42 *analyst for MSNBC's "The Rachel Maddow Show."*

43 *"Beyond the practical consequences of overturning Roe, however, then there are the legal analyses of Justice*  
44 *Samuel Alito's draft. Before detailing why that draft is so flawed legally, a brief outline of Justice Alito's approach*  
45 *is in order. In concluding that Roe and Casey 'must be overruled,' Alito reasons that because 'the Constitution*  
46 *makes no reference to abortion,' the right to abortion, like any right purportedly implicit in the Constitution, can*  
47 *be recognized only if it is 'deeply rooted in this Nation's history and tradition' and 'implicit in the concept of*  
48 *ordered liberty.'"*

49 *"That standard, known as the Glucksberg test, is lifted from the 1997 case upholding Washington's ban on*  
50 *assisted suicide," Lisa Rubin wrote. She then explained why Washington v. Glucksberg is key."*



1 *"But what makes Justice Alito's analysis truly disingenuous is its distortion of the one case on which it depends:*  
2 *Glucksberg. In that case, the Court found a person's liberty interest, as recognized by Casey, was not limitless*  
3 *and did not guarantee terminally-ill adults the right to end their own lives. Yet in distinguishing physician-assisted*  
4 *suicide from 'those personal activities and decisions that this Court has identified as so deeply rooted in our*  
5 *history and traditions, or so fundamental to our concept of constitutionally ordered liberty, that they are protected*  
6 *by the Fourteenth Amendment,' the Court left no doubt which decisions and history it meant," she explained. "In*  
7 *fact, it expressly lists them in a footnote, as the clinic's lawyer reminded Justice Alito at oral argument, that*  
8 *includes Griswold v. Connecticut, which established a right to contraception; Loving v. Virginia, which*  
9 *guaranteed the freedom to marry a person of another race; and Roe itself, noting that that opinion 'stat[ed] that*  
10 *at the Founding and throughout the 19th century, 'a woman enjoyed a substantially broader right to terminate a*  
11 *pregnancy.'"*

12 *Rubin then explained that Alito's legal reasoning did not add up.*

13 *"In other words, Obergefell treats Glucksberg as wholly inappropriate for any analysis of marriage and intimacy*  
14 *rights. In fact, in dissenting from Obergefell, Justice Roberts — who, as of this week, had not joined Justice Alito's*  
15 *opinion in Dobbs — went even further, complaining that Obergefell 'effectively overrule[d] Glucksberg.' So if*  
16 *Glucksberg itself held that decisions like Loving v. Virginia, Griswold v. Connecticut, Roe, and Casey, which*  
17 *established our rights to interracial marriage, contraception, and abortion, fulfilled its standard and Obergefell*  
18 *distinguished Glucksberg as irrelevant to marriage and intimacy, how can Justice Alito justify overruling Roe*  
19 *with a case that, by its own terms, recognizes its vitality?" she wondered.*

20 *[Legal Expert Identifies a 'fatal flaw' in Alito's Leaked Draft, Bob Brigham, Raw Story; 5/11/22; SOURCE:*  
21 <https://www.msn.com/en-us/sports/nba/legal-expert-identifies-a-fatal-flaw-in-alito-s-leaked-draft/ar-AAxWYs?ocid=msedgntp&cvid=661bf6a4e446754840214c8cd5efdaf>  
22 *]*

23 Recall that a "grant" of a right is an act of CREATION, and that the government owns what it creates.<sup>8</sup> Here is how we put  
24 it in our Disclaimer:

25 *SEDM Disclaimer*

26 *4.28. "Grant" or "loan"*

27 *The term "grant" or "loan", in the context of this website and especially in relation to any type of property or*  
28 *right or to "franchises" generally, means a temporary conveyance or transfer of physical custody or possession*  
29 *of absolutely owned property with legal strings or conditions attached by the grantor in which there are no moities*  
30 *or usufructs over the property held or reserved by the party to whom the property is loaned or temporarily*  
31 *conveyed.*

32 *1. The grantor or lender is the "Merchant" under U.C.C. §2-104(1).*

33 *2. The recipient or borrower of the property conveyed is the "Buyer" under U.C.C. §2-103(1)(a).*

34 *3. The property loaned can include land, physical/chattel property, rights, or privileges.*

35 *4. The legal relation or "privity" created between the grantor and the borrower or recipient is referred to as a*  
36 *"franchise". All franchises are contracts or agreements of one kind or another. Franchises are defined as "a*  
37 *privilege [meaning "property"] in the HANDS of a subject". Receipt of the property by the Buyer, in fact is what*  
38 *MAKES them the "subject".*

39 *In the context of GOVERNMENT grants of property:*

40 *1. This conveyance of property is the foundation of ALL governmental civil statutory privileges and most civil*  
41 *statutory law, as explained in Why Civil Statutory Law is Law for Government and Not Private Persons, Form*  
42 *#05.037.*

43 *2. The constitutional authority for such grants is Article 4, Section 3, Clause 2 of the U.S. Constitution, which*  
44 *allows Congress to "dispose of and make all needful rules and Regulations respecting the Territory or other*  
45 *property belonging to the United States".*

46 *3. Those receiving the granted property and the associated privileges essentially waive their constitutional rights*  
47 *under the Constitutional Avoidance Doctrine of the U.S. Supreme Court, Ashwander v. Tennessee Valley*  
48 *Authority, 297 U.S. 288, 56 S.Ct. 466 (1936).*

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<sup>8</sup> See: [Hierarchy of Sovereignty: The Power to Create is the Power to Tax](https://famguardian.org/Subjects/Taxes/Remedies/PowerToCreate.htm), Family Guardian Fellowship;  
<https://famguardian.org/Subjects/Taxes/Remedies/PowerToCreate.htm>.

1 4. Individual agencies of the government are created to manage the SPECIFIC property and franchises and  
2 privileges loaned or granted, and such agencies DO NOT have jurisdiction over PRIVATE parties NOT in receipt  
3 or eligible to receive said property. These agencies are referred to as "the administrative state". Click here for  
4 details on the "Administrative State".

5 5. Types of property that may be loaned must fit within 5 U.S.C. §553(a)(2).

6 6. In the context of GOVERNMENT property so granted or loaned to the public, the party in temporary custody  
7 of the property is legally defined as a "public officer" subject to DIRECT legislative control of Congress  
8 WITHOUT the need for implementing regulations pursuant to 5 U.S.C. §553(a), and 44 U.S.C. §1505(a)(1).

9 "Public office. The right, authority, and duty created and conferred by law, by which for a  
10 given period, either fixed by law or enduring at the pleasure of the creating power, an  
11 individual is invested with some portion of the sovereign functions of government for the  
12 benefit of the public. Walker v. Rich, 79 Cal.App. 139, 249 P. 56, 58. An agency for the  
13 state, the duties of which involve in their performance the exercise of some portion of the  
14 sovereign power, either great or small. Yaselli v. Goff, C.C.A., 12 F.2d. 396, 403, 56 A.L.R.  
15 1239; Lacey v. State, 13 Ala.App. 212, 68 So. 706, 710; Curtin v. State, 61 Cal.App. 377,  
16 214 P. 1030, 1035; Shelmadine v. City of Elkhart, 75 Ind.App. 493, 129 N.E. 878. State ex  
17 rel. Colorado River Commission v. Frohmiller, 46 Ariz. 413, 52 P.2d. 483, 486. Where, by  
18 virtue of law, a person is clothed, not as an incidental or transient authority, but for such  
19 time as de- notes duration and continuance, with Independent power to control the  
20 property of the public, or with public functions to be exercised in the supposed interest of  
21 the people, the service to be compensated by a stated yearly salary, and the occupant  
22 having a designation or title, the position so created is a public office. State v. Brennan,  
23 49 Ohio.St. 33, 29 N.E. 593."

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

25 7. Jurisdiction over government property extends EXTRATERRITORIALLY and INTERNATIONALLY, and thus  
26 grants can occur anywhere in the world and may cross state borders and reach into a Constitutional state of the  
27 Union.

28 8. There is NO CONSTITUTIONAL AUTHORITY EXPRESSLY GRANTED that allows government to abuse  
29 government property to CREATE new public offices. This is a usurpation and an invasion of the states in violation  
30 of Article 4, Section 4 of the Constitution.

31 9. This source of jurisdiction is the MAIN source of jurisdiction in the case of the income tax, which is an excise  
32 tax and a franchise tax upon federal offices legislatively created by Congress but usually implemented  
33 ILLEGALLY and UNCONSTITUTIONALLY within states of the Union, as described in Challenge to Income Tax  
34 Enforcement Authority within Constitutional States of the Union, Form #05.052.

35 "Thus, Congress having power to regulate commerce with foreign nations, and among the  
36 several States, and with the Indian tribes, may, without doubt, provide for granting  
37 coasting licenses, licenses to pilots, licenses to trade with the Indians, and any other  
38 licenses necessary or proper for the exercise of that great and extensive power; and the  
39 same observation is applicable to every other power of Congress, to the exercise of which  
40 the granting of licenses may be incident. All such licenses confer authority, and give rights  
41 to the licensee.

42 But very different considerations apply to the internal commerce or domestic trade of the  
43 States. Over this commerce and trade Congress has no power of regulation nor any direct  
44 control. This power belongs exclusively to the States. No interference by Congress with the  
45 business of citizens transacted within a State is warranted by the Constitution, except such  
46 as is strictly incidental to the exercise of powers clearly granted to the legislature. The  
47 power to authorize a business within a State is plainly repugnant to the exclusive power of  
48 the State over the same subject. It is true that the power of Congress to tax is a very  
49 extensive power. It is given in the Constitution, with only one exception and only two  
50 qualifications. Congress cannot tax exports, and it must impose direct taxes by the rule of  
51 apportionment, and indirect taxes by the rule of uniformity. Thus limited, and thus only, it  
52 reaches every subject, and may be exercised at discretion. But, it reaches only existing  
53 subjects. Congress cannot authorize [e.g. LICENSE using a Social Security Number] a  
54 trade or business within a State in order to tax it."

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

56 [SEDM Disclaimer, Section 4.28: "Grant" or "loan"; SOURCE:  
57 [https://sedm.org/disclaimer.htm#4.28\\_Grant](https://sedm.org/disclaimer.htm#4.28_Grant)]

1 To suggest that the U.S. Supreme Court has the authority to GRANT or CREATE entirely new rights or to place conditions  
2 on their exercise or to take them away is to make them PUBLIC rights rather than PRIVATE rights that the government then  
3 literally owns. Thus, even the Constitution, at that point, would become essentially a franchise abused to regulate anyone  
4 and everyone, rather than a restraint upon government power that it was intended primarily to be.

## 6. Tabular Enumeration of Rights

Table 1: Enumeration of Inalienable Rights

#	Description	Law(s)	Case or other authorities
<b>1</b>	<b>ASSOCIATION AND RELIGION</b>		
1.1	Right to associate	First Amendment	
1.2	Right to be left alone		Olmstead v. United States, 277 U.S. 438, 478 (1928) (Brandeis, J., dissenting) Washington v. Harper, 494 U.S. 210 (1990) Hill v. Colorado, 530 U.S. 703, 751, 120 S.Ct. 2480, 2508 (2000)
1.3	Freedom from compelled association	First Amendment	American Jurisprudence 2d, Constitutional law, §546: Forced and Prohibited Associations (1999) Rutan v. Republican Party of Illinois, 497 U.S. 62, 110 S.Ct. 2729, 111 L.Ed.2d. 52, 5 I.E.R. Cas. (BNA) 673 (1990)
1.4	Right to practice religion	First Amendment	O'Lone v. Estate of Shabazz, 482 U.S. 342 (1987) (for prisoners)
1.5	Collective activity to obtain meaningful access to the courts is a fundamental right within the protections of the First Amendment	First Amendment	Roberts v. United States Jaycees, 468 U.S. 609 (1984) In re Primus, 436 U.S. 412, 426 (1978) NAACP v. Button, 371 U.S. 415, at 429-430 (1963)
1.6	Right to be free from compulsion by state to join a labor union involved in ideological activities		Abood v. Detroit Board of Education, 431 U.S. 209, 236 (1977) Roberts v. United States Jaycees, 468 U.S. 609 (1984)
<b>2</b>	<b>SPEECH</b>		
2.1	Right to speak	First Amendment	Thornburgh v. Abbott, 490 U.S. 401, 407 (1989) (for prisoners)
2.2	Right to not speak or remain silent	First Amendment	Wooley v. Maynard, 430 U.S. 705, 97 S.Ct. 1428, 51 L.Ed.2d. 752 (1977) Miranda v. Arizona, 384 U.S. 436 (1966) Abood v. Detroit Bd. of Ed., 431 U.S. 209, 97 S.Ct. 1782, 52 L.Ed.2d. 261 (1977) Malloy v. Hogan, 378 U.S. 1 (1964) (direct compulsion to testify) Griffin v. California, 380 U.S. 609, 613-614 (1965) (indirect compulsion to testify prohibited) McCune v. Lile, 536 U.S. 24 (2002) ("we have construed the text to prohibit not only direct orders to testify, but also indirect compulsion effected by comments on a defendant's refusal to take the stand")
2.3	Right of freedom from prior restraints on speech		Southeastern Promotions, Ltd. V. Conrad, 420 U.S. 546, 558-559 (1975)
2.4	Right to remain anonymous when speaking		Macintyre v. Ohio Elections Commission, 514 U.S. 334 (1995) Talley v. California, 362 U.S. 60 (1960)
2.5	Right to not be penalized based on failure to testify		Uniformed Sanitation Men Assn., Inc. v. Commissioner of Sanitation of City of New York, 392 U.S. 280, 284-285 (1968) Lefkowitz v. Turley, 414 U.S. 70, 77-79 (1973) Lefkowitz v. Cunningham, 431 U.S. 801, 804-806 (1977) McKune v. Lile, 536 U.S. 24, 35 (2002)
2.6	Right to not be compelled to give testimony in a civil proceeding		McCarthy v. Arndstein, 266 U.S. 34, 40 (1924)
2.7	Right to demand grant of witness immunity prior to any testimony		Kastigar v. United States, 406 U.S. 441, 446-447 (1972)
<b>3</b>	<b>DEFENSE AND SELF-DEFENSE</b>		
3.1	Right to bear arms	Second Amendment	See also: <a href="http://famguardian.org/Subjects/GunControl/Research/CourtDecisions/court.htm">http://famguardian.org/Subjects/GunControl/Research/CourtDecisions/court.htm</a>
3.2	Right to not quarter soldiers in your house	Third Amendment	
3.3	Right to self-defense (when life threatened)		Beard v. U.S., 158 U.S. 550 (1895)
<b>4</b>	<b>FAMILY, SELF, AND HOME</b>		
4.1	Right to marry and divorce		Loving v. Virginia, 388 U.S. 1 (1967) (for everyone) Turner v. Safley, 482 U.S. 78 (1987) (for prisoners)

### Enumeration of Inalienable Rights

#	Description	Law(s)	Case or other authorities
4.2	Right to procreate		Skinner v. Oklahoma ex rel. Williamson, 316 U.S. 535 (1942)
4.3	Right to establish a home and bring up children		Troxel v. Granville, 530 U.S. 57 (2000) ("we held that the "liberty" protected by the Due Process Clause includes the right of parents to "establish a home and bring up children" and "to control the education of their own.") Meyer v. Nebraska, 262 U.S. 390, 399, 401 (1923) (establish a home and bring up children) Pierce v. Society of Sisters, 268 U.S. 510, 534-535 (1925) (held that the "liberty of parents and guardians" includes the right "to direct the upbringing and education of children under their control.")
4.4	Right to make decisions about the care, custody, and upbringing of one's children		Stanley v. Illinois, 405 U.S. 645, 651 (1972) ("It is plain that the interest of a parent in the companionship, care, custody, and management of his or her children `come[s] to this Court with a momentum for respect lacking when appeal is made to liberties which derive merely from shifting economic arrangements'" (citation omitted)); Wisconsin v. Yoder, 406 U.S. 205, 232 (1972) ("The history and culture of Western civilization reflect a strong tradition of parental concern for the nurture and upbringing of their children. This primary role of the parents in the upbringing of their children is now established beyond debate as an enduring American tradition"); Quilloin v. Walcott, 434 U.S. 246, 255 (1978) ("We have recognized on numerous occasions that the relationship between parent and child is constitutionally protected"); Parham v. J. R., 442 U.S. 584, 602 (1979) ("Our jurisprudence historically has reflected Western civilization concepts of the family as a unit with broad parental authority over minor children. Our cases have consistently followed that course"); Santosky v. Kramer, 455 U.S. 745, 753 (1982) (discussing "[t]he fundamental liberty interest of natural parents in the care, custody, and management of their child"); Washington v. Glucksberg, 521 U.S. 702, at 720 (1997) ("In a long line of cases, we have held that, in addition to the specific freedoms protected by the Bill of Rights, the `liberty' specially protected by the Due Process Clause includes the righ[t] . . . to direct the education and upbringing of one's children" (citing Meyer and Pierce)) Troxel v. Granville, 530 U.S. 57 (2000)
4.5	Right to use contraceptives		Griswold v. Connecticut, 381 U.S. 479 (1965) Eisenstadt v. Baird, 405 U.S. 438 (1972)
4.6	Right to contract	Constitution, Art. 1, Section 10 (in relation to states) 42 U.S.C. §1981(b)	Sinking Fund Cases, 99 U.S. 700 (1878) (in relation to federal government) Standard Oil v. U.S., 221 U.S. 1 (1910). (noting "the freedom of the individual right to contract when not unduly or improperly exercised [is] the most efficient means for the prevention of monopoly")
4.7	Right to send children to private school		Pierce v. Society of Sisters, 268 U.S. 510 (1925)
4.8	Right to privacy	Fourth Amendment	
4.9	Freedom from unreasonable searches and seizures	Fourth Amendment	
4.10	Spousal privilege against incrimination of spouse		What to Do When the IRS Comes Knocking, Section 5; <a href="http://famguardian.org/TaxFreedom/Forms/Discovery/WhatToDoWhenTheIRSComesKnocking.pdf">http://famguardian.org/TaxFreedom/Forms/Discovery/WhatToDoWhenTheIRSComesKnocking.pdf</a> Trammel v. United States, 445 U.S. 40 at 51, 100 S.Ct. at 913 (1980)
4.11	Right to enjoy property		Lynch v. Household Finance Corp., 405 U.S. 538 (1972)
4.12	Right of equal protection	42 U.S.C. §1981(a) Fourteenth Amendment U.S. Constitution, Article IV, Section 2	Gulf, C. & S.F.R. Co. v. Ellis, 165 U.S. 150 (1897)
4.13	Right to not be subjected to involuntary servitude or slavery	Thirteenth Amendment 42 U.S.C. §1994 18 U.S.C. §1589 (abuse of legal process)	Plessy v. Ferguson, 163 U.S. 537 (1896) Clyatt v. United States, 197 U.S. 207; 25 S.Ct. 429; 49 L.Ed. 726 (1905)

**Enumeration of Inalienable Rights**

#	Description	Law(s)	Case or other authorities
4.14	Right to not take anti-psychotic drugs except in presence of compelling state interest		Washington v. Harper, 494 U.S. 210 (1990) Riggins v. Nevada, 504 U.S. 127 (1992) Sell v. United States, 539 U.S. 166 (2003)
4.15	Right to refusal of artificial provision of life-sustaining food and water to hastening one's own death.		Cruzan v. Director, MDH, 497 U.S. 261 (1990)
4.16	Right to make decisions that will affect one's own or one's family's destiny		Fitzgerald v. Porter Memorial Hospital, 523 F.2d. 716, 719-720 (CA7 1975) (footnotes omitted), cert. denied, 425 U.S. 916 (1976)
4.17	Right to not be sterilized as a felon		Skinner v. Oklahoma ex rel. Williamson, 316 U.S. 535, 541 (1942) (invalidating a statute authorizing sterilization of certain felons).
4.18	Right of inviolability of the person		Union Pacific R. Co. v. Botsford, 141 U.S. 250, 251-252 (1891) ("The inviolability of the person" has been held as "sacred" and "carefully guarded" as any common law right.) Downer v. Veilleux, 322 A.2d. 82, 91 (Me.1974) ("The rationale of this rule lies in the fact that every competent adult has the right to forego treatment, or even cure, if it entails what for him are intolerable consequences or risks, however unwise his sense of values may be to others") Cruzan v. Director, MDH, 497 U.S. 261 (1990)
<b>5</b>	<b>TRAVEL</b>		
5.1	Right to travel		Saenz v. Roe, 526 U.S. 489 (1999) (thoroughly explains the right) United States v. Guest, 383 U.S. 745, 757 (1966) Shapiro v. Thompson, 394 U.S. 618 (1969)
5.2	Right of freedom from physical restraint		Kansas v. Hendricks, 521 U.S. 346 (1997) Foucha v. Louisiana, 504 U.S. 71, 80 (1992) Ingraham v. Wright, 430 U.S. 651, 673-674 (1977) Board of Regents v. Roth, 408 U.S. 564, 572 (1972) Jacobson v. Massachusetts, 197 U.S. 11, 26 (1905) ("[T]he liberty secured by the Constitution of the United States to every person within its jurisdiction does not [521 U.S. 357] import an absolute right in each person to be at all times and in all circumstances, wholly free from restraint. There are manifold restraints to which every person is necessarily subject for the common good. On any other basis, organized society could not exist with safety to its members.")
5.3	Right to travel to another state to get an abortion		Doe v. Bolton, 410 U.S. 179, 200 (1973)
5.4	Right of nonresidents to enter or leave a state		Shapiro v. Thompson, 394 U.S. 618, 631 (1969)
5.5	There is <i>no fundamental right</i> to have or to register a car		Williams v. Vermont, 472 U.S. 14 (1985)
<b>6</b>	<b>DUE PROCESS</b>		
6.1	Right to indictment by Grand Jury, not government	Fifth Amendment	
6.2	Right of freedom from double-jeopardy	Fifth Amendment	
6.3	Right to no incriminate self	Fifth Amendment	
6.4	Right to life, liberty, and property. Cannot be deprived of without due process of law	Fifth Amendment	
6.5	Property may not be taken by state without just compensation	Fifth Amendment	
6.6	Right to not be victimized by warrantless seizures	Fourth Amendment	
6.7	Right to speedy trial in criminal case	Sixth Amendment	
6.8	Right to impartial jury in the district where crime committed	Sixth Amendment	
6.9	Right to be informed of the nature and cause of accusations	Sixth Amendment	
6.10	Right to confront witnesses	Sixth Amendment	

**Enumeration of Inalienable Rights**

#	Description	Law(s)	Case or other authorities
6.11	Right to compel witnesses to testify in your defense	Sixth Amendment	Washington v. Texas, 388 U.S. 14 (1967)
6.12	Right to assistance of Counsel in Criminal prosecutions	Sixth Amendment	Grosjean v. American Press Co., 297 U.S. 233, 243-244 (1936) ("the fundamental right of the accused to the aid of counsel in a criminal prosecution" is "safeguarded against state action by the due process of law clause of the Fourteenth Amendment"). United States v. Cronin, 466 U.S. 648, 653 (1984) ("Without counsel, the right to a trial itself would be of little avail") McMann v. Richardson, 397 U.S. 759, 771, n. 14 (1970) ("the right to counsel is the right to the effective assistance of counsel.")
6.13	Right of trial by jury	Sixth Amendment	
6.14	Right to be free of cruel or unusual punishment	Eighth Amendment	
6.15	Rights not enumerated in the Constitution are retained by the people	Ninth Amendment	
6.16	Rights not enumerated in the Constitution are retained by the States or the People	Tenth Amendment	
6.17	Right of prisoners of access to court		Lassiter v. Department of Social Servs. Of Durham City, 452 U.S. 18 (1981) (parental rights) Boddie v. Connecticut, 401 U.S. 371 (1971) (divorce) Wong Yang Sung v. McGrath, 339 U.S. 33, 49-50 (1950) (deportation)
6.18	Right to "reasonable notice" or "due notice" of the laws which one is bound to obey	26 C.F.R. §601.702(a)(2)(ii) (publication in federal register before enforceable) 5 U.S.C. §553(b) 44 U.S.C. §1505(a), (c)(2)	Holden v. Hardy, 169 U.S. 366 (1898) ("It is sufficient to say that there are certain immutable principles of justice which inhere in the very idea of free government which no member of the Union may disregard, as that no man shall be condemned in his person or property without due notice and an opportunity of being heard in his own defense.") Powell v. Alabama, 287 U.S. 45 (1932) ("It never has been doubted by this court, or any other, so far as we know, that notice and hearing are preliminary steps essential to the passing of an enforceable judgment, and that they, together with a legally competent tribunal having jurisdiction of the case, constitute basic elements of the constitutional requirement of due process of law.")
6.19	Right of an indigent defendant to a free transcript in aid of appealing his conviction for violating city ordinances		Griffin v. Illinois, 351 U.S. 12 (1956)
6.20	Right of freedom from institutional confinement		Schall v. Martin, 467 U.S. 253 (1984) (children have a protected liberty interest in "freedom from institutional restraints") Reno v. Flores, 507 U.S. 292 (1993)
6.21	Right to meaningful opportunity to present a defense		Crane v. Kentucky, 476 U.S. 683, 690 (1986) (quoting California v. Trombetta, 467 U.S. 479, 485 (1984)) ("the Constitution guarantees criminal defendants 'a meaningful opportunity to present a complete defense.'")
6.22	Right to a fair trial of impartial jurors		Sheppard v. Maxwell, 384 U.S. 333 at 350-351 (1966) Gentile v. State Bar of Nevada, 501 U.S. 1030 (1991) Turner v. Louisiana, 379 U.S. 466, 473 (1965) (evidence in criminal trial must come solely from witness stand in public courtroom with full evidentiary protections).
6.23	Lawyers enjoy a "broad monopoly" or right to do things that other citizens may not lawfully do		Supreme Court of NH v. Piper, 470 U.S. 274 (1985) ( Lawyers do enjoy a "broad monopoly . . . to do things other citizens may not lawfully do." In re Griffiths, 413 U.S. 717, GO>731 (1973))
<b>7</b>	<b>POLITICAL RIGHTS</b>		
7.1	Right to vote, regardless of gender	Nineteenth Amendment	
7.2	Right to vote without paying a poll tax	24 <sup>th</sup> Amendment	
7.3	Right to vote if 18 or older	26 <sup>th</sup> Amendment	
<b>8</b>	<b>EDUCATION</b>		
8.1	Right to teach foreign language in a parochial school		Meyer v. Nebraska, 262 U.S. 390 (1923)

## Enumeration of Inalienable Rights

#	Description	Law(s)	Case or other authorities
8.2	Right of free speech in educational settings		Board of education of Westside Community Schools v. Mergens by and Through Mergens, 496 U.S. 226 (1990) Shelton v. Tucker, 364 U.S. 479 (1960)
<b>9</b>	<b>STATES RIGHTS</b>		
9.1	Right to NOT spend money on “nontherapeutic abortions for minor adults”		Maier v. Roe, 432 U.S. 464 (1977) Webster v. Reproductive Health Services, 492 U.S. 490, 508-511 (1989)
9.2	Right to <i>not</i> be civilly sued in a federal court by a resident of the state		Alden v. Maine, 527 U.S. 706 (1999)
9.3	Right of sovereignty in courts of a foreign sovereign when not conducting “commerce” within the legislative jurisdiction of a foreign sovereign	Foreign Sovereign Immunities Act, 28 U.S.C. §§1602-1611	World-Wide Volkswagen v. Woodson, 444 U.S. 286 (1980)
9.4	Governments or states may violate the Constitutional rights of persons in the context of their employment role as “public officers” (Patronage exception)		Rutan v. Republican Party of Illinois, 497 U.S. 62 (1990)
9.5	Right to not subsidize the exercise of a fundamental right		Regan v. Taxation with Representation of Wash, 461 U.S. 540, at 549 (1983) (“[A] legislature’s decision not to subsidize the exercise of a fundamental right does not infringe the right.”) Buckley v. Valeo, 424 U.S. 1 (1976) Cammarano v. United States, 358 U.S. 498 (1959) Harris v. McRae, 448 U.S. 297 at 317 (1980), n.19. (“A refusal to fund protected activity, without more, cannot be equated with the imposition of a ‘penalty’ on that activity.”)
9.6	Right to search an automobile without a search warrant		California v. Carney, 471 U.S. 386 (1985) Carroll v. United States, 267 U.S. 132 (1925)

1

**Enumeration of Inalienable Rights**



## 7. The Bill of Rights is “Self-Executing”: No Statutes Needed to Enforce in Court

Other important factors in enforcing constitutional rights in courts of justice are that:

1. The Bill of Rights, which are the first 8 Amendments to the United States Constitution, are “self-executing”, meaning that no statute implementing the right need be cited to establish standing to sue in court over violation of the right.

*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-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)]*

2. Statutes create and enforce PUBLIC RIGHTS, not PRIVATE RIGHTS. Nearly all civil law we are aware of is law for GOVERNMENT and not private persons. 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>

## 8. Legal Justice: The Right to Be LEFT ALONE

A very important subject that comes up all the time in the freedom community and especially in the context of litigation is the subject of “justice”. This term is widely misunderstood and quite subjective for most people.

Almost universally, everyone says they want “justice” but even among those who want it, there is no agreement on what it means.

Among the left, they want “social justice” and equate it with redistribution of wealth and villainizing the producers. Among the right and conservatives, they want legal justice and/or biblical justice. These two approaches are completely incompatible. If we can’t agree on a common definition, then we predict that revolution and anarchy will eventually result sooner rather than later. Therefore, this subject is of EXTREME importance, and EVERYONE should study it. It ought to be taught in grammar school.

Without a convergence and common agreement throughout society on precisely what it means, true “justice” can NEVER realistically be achieved. We must agree upon a definition in order to know EXACTLY what we are fighting for in the context of this ministry. That is the purpose of this memorandum of law.

The following subsections introduce the subject of legal “justice”. If you want a more in-depth treatment of the subject of “justice” that also relates it to the term “social justice”, then please see the following memorandum on our site:

[What is “Justice”?](https://sedm.org/Forms/FormIndex.htm), Form #05.050  
<https://sedm.org/Forms/FormIndex.htm>

### 8.1 Legal definition of “justice”

The essence of the meaning of “justice” in fact, is the right to be “left alone”:

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

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

13 The U.S. Supreme Court stated the above slightly differently:

14 **"The makers of our Constitution undertook to secure conditions favorable to the pursuit of happiness. They**  
15 **recognized the significance of man's spiritual nature, of his feelings and of his intellect. They knew that only a**  
16 **part of the pain, pleasure and satisfactions of life are to be found in material things. They sought to protect**  
17 **Americans in their beliefs, their thoughts, their emotions and their sensations. **They conferred, as against the****  
18 **Government, the right to be let alone - the most comprehensive of rights and the right most valued by civilized**  
19 **men."**  
20 [Olmstead v. United States, 277 U.S. 438, 478 (1928) (Brandeis, J., dissenting); see also Washington v. Harper,  
21 494 U.S. 210 (1990)]

22 So in the context of "government" as legally defined, the FIRST duty of government is to LEAVE YOU ALONE, and to  
23 ONLY enforce that which you have specifically asked for and consented to in a civil context. If they won't do that, then you  
24 shouldn't be hiring them to protect your right to be left alone by anyone ELSE through paying them "taxes".

25 **"Justice is the end of government. It is the end of civil society. It ever has been, and ever will be pursued, until**  
26 **it be obtained, or until liberty be lost in the pursuit."**  
27 [James Madison, The Federalist No. 51 (1788)]

28 The Bible also states the foundation of justice by saying:

29 **"Do not strive with [or try to regulate or control or enslave] a man without cause, **if he has done you no harm.**"**  
30 [Prov. 3:30, Bible, NKJV]

31 And finally, Thomas Jefferson agreed with the above by defining "justice" as follows in his First Inaugural Address:

32 **"With all [our] blessings, what more is necessary to make us a happy and a prosperous people? Still one thing**  
33 **more, fellow citizens--**a wise and frugal Government, which shall restrain men from injuring one another, shall****  
34 **leave them otherwise free to regulate their own pursuits of industry and improvement, and shall not take from**  
35 **the mouth of labor the bread it has earned. This is the sum of good government, and this is necessary to close**  
36 **the circle of our felicities."**  
37 [Thomas Jefferson: 1st Inaugural, 1801. ME 3:320]

38 Therefore, the word "injustice" means interference with the equal rights of others absent their consent, and which constitutes  
39 an injury NOT as any law defines it, but as the PERSON who is injured defines it. Under this conception of "justice",  
40 anything done with your consent cannot be classified as "injustice" or an injury.

41 The most obvious form of injustice is a criminal mafia that will continue to disturb and threaten you until you pay them  
42 "protection money" in order to essentially procure the PRIVILEGE to be left alone. This is the model upon which the IRS  
43 operates: They continue to harass, lien, and levy you administratively, even if you are NOT a statutory "taxpayer" and instead  
44 are a non-resident non-person, unless and until you essentially pay them "protection money". Materials on our site prove  
45 extensively that a criminal mafia is EXACTLY what the IRS is, including the following memorandum of law:

**Origins and Authority of the Internal Revenue Service, Form #05.005**  
<http://sedm.org/Forms/FormIndex.htm>

46 The concept of justice explains why a policeman must have "probable cause" in order to detain, arrest, or interrogate you.  
47 The presumption is that you have a right to be left alone and the policemen must not disturb your peace unless they have a  
48 reasonable cause to do so that is or can be demonstrated with court admissible evidence.

1 The concept of justice originates from the legal definition of property. The essence and foundation of the “property right”,  
2 as held by the U.S. Supreme Court, is the right to EXCLUDE ANYONE AND EVERYONE else, from using, controlling, or  
3 benefitting from the use of YOUR property:

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.’ ”*  
6 *Loretto v. Teleprompter Manhattan CATV Corp., 458 U.S. 419, 433 (1982), quoting Kaiser Aetna v. United*  
7 *States, 444 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*  
11 *property right,<sup>[11]</sup> falls within this category of interests that the Government cannot take without*  
12 *compensation.”*  
13 *[Kaiser Aetna v. United States, 444 U.S. 164 (1979)]*

14 *[11] See, e. g., United States v. Pueblo of San Ildefonso, 206 Ct.Cl. 649, 669-670, 513 F.2d. 1383, 1394 (1975);*  
15 *United States v. Lutz, 295 F.2d. 736, 740 (CA5 1961). As stated by Mr. Justice Brandeis, “[a]n essential element*  
16 *of individual property is the legal right to exclude others from enjoying it.” International News Service v.*  
17 *Associated Press, 248 U.S. 215, 250 (1918) (dissenting opinion).*

18 The right to exclude that is the essence of the right to PRIVATE property extends not only to other people or businesses, but  
19 to ANY and EVERY government, because under the concept of equal protection and equal treatment, all “persons”, including  
20 artificial “persons” such as government corporations, are EQUAL. The result of exercising your right to exclude the  
21 government is that they HAVE to LEAVE THE PROPERTY ALONE, and NOT try to steal it or deceive you into donating  
22 it to them. The only lawful basis for interfering with the use or ownership of any kind of property is when the property is  
23 abused to INJURE the equal rights of your sovereign neighbor, and that interference can come only AFTER the injury is  
24 inflicted, and not before.

25 *“The sole end, for which mankind are warranted, individually or collectively... in interfering with the liberty of*  
26 *action of any of their number, is self-protection.”*  
27 *[John Stewart Mill, On Liberty, p. 223]*

28 *“Do not strive with [or try to regulate or control or enslave] a man without cause, if he has done you no harm.”*  
29 *[Prov. 3:30, Bible, NKJV]*

30 Every remedy provided by a lawful de jure government for the protection of private rights therefore BEGINS with  
31 demonstrating a quantifiable PAST and not FUTURE injury to a specific, enumerated natural or constitutional right. That  
32 remedy can only be imposed absent our consent when the following two conditions are met:

- 33 1. Someone else’s equal rights have been injured. AND
- 34 2. A specific injury has resulted from that violation under the common law.
  - 35 2.1. If the remedy is a civil statutory remedy, we must have a domicile within the jurisdiction of the court administering  
36 the remedy before it can be invoked.
  - 37 2.2. If the remedy is a civil common law remedy, no domicile is necessary to invoke it in court.
  - 38 2.3. If the remedy is a criminal remedy, the violation occurred on territory protected by the sovereign. Otherwise the  
39 act of criminal enforcement against nonresident parties amounts essentially to international terrorism.

40 Fulfillment of the above requirements in a court of law is why those serving as “judges” are referred to as “justices”.

41 “Leaving people alone” and “not injuring them” are therefore equivalent. The biblical definition of “love” also fills this  
42 requirement not to harm others and thereby to ensure that you “leave them alone”.

43 *For the commandments, “You shall not commit adultery,” “You shall not murder,” “You shall not steal,” “You*  
44 *shall not bear false witness,” “You shall not covet,” and if there is any other commandment, are all summed up*  
45 *in this saying, namely, “You shall love your neighbor as yourself.”*

46 *Love does no harm to a neighbor; therefore love is the fulfillment of the law.*  
47 *[Romans 13:9-10, Bible, NKJV]*

1 In order to sue someone in court for an injury to your private rights under the common law, you must be able to demonstrate  
2 an injury. This is called “standing”. You don’t have the right or the jurisdiction to interfere with others and drag them into  
3 court until THEY have injured you and thereby disturbed your right to be left alone. That’s what the Readings on the History  
4 and System of Common Law book above implies.

## 5 **8.2 Legal justice can easily be perverted when it is defined as “give every man his due”**

6 This section is prompted by the following question appearing in our Member Forums:

### 7 **Ministry Introduction: Your Definition of “Justice”**

8 *After advising a friend to review materials regarding the Introduction to your Ministry, she raises a valid point*  
9 *on the “Legal definition of Justice”. According to your Form #12.014, It is stated that the legal definition of*  
10 *justice is the right to simply be left alone.*

11 *Her concerns as well as mine are these:*

12 *1. After clicking the link and reading the entire page including Black’s Law Dictionary, we didn’t find anywhere*  
13 *where the “legal definition” of Justice is the right to be left alone.*

14 *2. After researching the bible, hoping to discover even biblical law that implies justice as simply the right to be*  
15 *left alone, I came up empty handed there as well.*

16 *3. No legal dictionary has this meaning, and it appears on the surface that this statement is purely driven by your*  
17 *contempt of the government. Not that that’s a bad thing, however, it doesn’t reflect “truth” and truth is justice.*

18 *I address these issues because that statement seems a bit misleading to the average person whose reading your*  
19 *material for the first time, and might be deterred from moving forward on the Path to Freedom if in fact there is*  
20 *no way to prove the author’s perspective of it.*

21 *As a member subscriber, I understand the mission at hand, and probably share the same sentiment as the author,*  
22 *however, I feel it my duty to at least address it, as it might be a hindrance to those who are willing to learn from*  
23 *and be a part of this ministry.*

24 *[SEDM Member Forum 9.4, SOURCE: [http://sedm.org/forums/topic/ministry-introduction-your-definition-of-](http://sedm.org/forums/topic/ministry-introduction-your-definition-of-justice/#post-122811)*  
25 *justice/#post-122811]*

26 First of all, the author of the above appears to have missed the definition of “justice” in the context of the common law that  
27 we provided in section 8.1 earlier:

28 *PAULSEN, ETHICS (Thilly’s translation), chap. 9.*

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

41 The author also overlooked most of the other treatment in section 8.1, which also defined “justice” using the Bible and the  
42 U.S. Supreme Court. The fact that the word “justice” does not appear in the authorities cited isn’t terribly relevant, because  
43 the concept is sound from the authorities provided. The reader too should reread section 8.1 if they are at all uncertain about  
44 the meaning of justice.

45 Second of all, the main source of confusion comes from those who define justice as “giving every man his due”. It is quite  
46 common, for instance, to see legal definitions of “justice” include the phrase “give every man his due” rather than simply  
47 “the right to be left alone”. Below are a few notable examples we dug up from various authoritative sources:

1 Justice, n. Title given to judges, particularly judges of U.S. and state supreme courts, and as well to judges of  
2 appellate courts. The U.S. Supreme Court, and most state supreme courts are composed of a chief justice and  
3 several associate justices.

4 Proper administration of laws. In jurisprudence, the constant and perpetual disposition of legal matters or  
5 disputes **to render every man his due.**

6 Commutative justice concerns obligations as between persons (e.g., in exchange of goods) and requires  
7 proportionate equality in dealings of person to person; Distributive justice concerns obligations of the community  
8 to the individual, and requires fair disbursement of common advantages and sharing of common burdens; Social  
9 justice concerns obligations of individual to community and its end is the common good.

10 In Feudal law, jurisdiction; judicial cognizance of causes or offenses. High justice was the jurisdiction or right  
11 of trying crimes of every kind, even the highest. **This was a privilege claimed and exercised by the great lords**  
12 **or barons of the middle ages.** Law justice was jurisdiction of petty offenses.

13 See also Miscarriage of justice; Obstructing justice.

14 [Black's Law Dictionary, Sixth Edition, p. 864]

15  
16 The object of Law is the administration of justice. Law is a body of rule for the systematic and regular public  
17 administration of justice. Hence we may ask, at the outset, what is justice?

18 INSTITUTES OF JUSTINIAN, I, I, sees. 1, 3.

19 Justice is the set and constant purpose which **gives to every man his due.** The precepts of law are these: to live  
20 honorably, to injure no one, and **to "give every man his due".**  
21 [[Readings on the History and System of the Common Law, Second Edition, Roscoe Pound, 1925, p. 1](#)]

22  
23 JUSTICE - The constant and perpetual disposition to **render every man his due.** Justinian, Inst. b. 1, tit. 1; Co.  
24 2d Inst. 56.  
25 [[Bouvier's Law Dictionary, 1856](#)]

26  
27 Justice — is **rendering to every one [equally, whether citizen or alien] that which is his due.** It has been  
28 distinguished from equity in this respect, that while justice means merely the doing [of] what positive law  
29 demands, equity means the doing of what is fair and right in every separate case.  
30 [[Easton's Bible Dictionary, 1996](#)]

31 The above definitions invite a PERVERSION of justice, and especially by judges. This is because:

32 1. He who writes the rules or definitions always wins. In other words, the CREATOR or GRANTOR of a PUBLIC right  
33 (franchise) literally OWNS everyone who exercises that right. See:

34 1.1. The U.S. Supreme Court:

35 "These general rules are well settled:

36 (1) **That the United States, when it creates rights in individuals against itself [a "public right", which is a**  
37 **euphemism for a "franchise" to help the court disguise the nature of the transaction], is under no obligation**  
38 **to provide a remedy through the courts.** *United States ex rel. Dunlap v. Black*, 128 U.S. 40, 9 Sup.Ct. 12, 32  
39 L.Ed. 354; *Ex parte Atocha*, 17 Wall. 439, 21 L.Ed. 696; *Gordon v. United States*, 7 Wall. 188, 195, 19 L.Ed. 35;  
40 *De Groot v. United States*, 5 Wall. 419, 431, 433, 18 L.Ed. 700; *Comegys v. Vasse*, 1 Pet. 193, 212, 7 L.Ed. 108.

41 (2) **That where a statute creates a right and provides a special remedy, that remedy is exclusive.** *Wilder*  
42 *Manufacturing Co. v. Corn Products Co.*, 236 U.S. 165, 174, 175, 35 Sup.Ct. 398, 59 L.Ed. 520, Ann. Cas. 1916A,  
43 118; *Arnson v. Murphy*, 109 U.S. 238, 3 Sup.Ct. 184, 27 L.Ed. 920; *Barnet v. National Bank*, 98 U.S. 555, 558,  
44 25 L.Ed. 212; *Farmers' & Mechanics' National Bank v. Dearing*, 91 U.S. 29, 35, 23 L.Ed. 196. Still the fact that  
45 the right and the remedy are thus intertwined might not, if the provision stood alone, require us to hold that the  
46 remedy expressly given excludes a right of review by the Court of Claims, where the decision of the special  
47 tribunal involved no disputed question of fact and the denial of compensation was rested wholly upon the



1 construction of the act. See *Medbury v. United States*, 173 U.S. 492, 198, 19 Sup.Ct. 503, 43 L.Ed. 779; *Parish v.*  
2 *MacVeagh*, 214 U.S. 124, 29 Sup.Ct. 556, 53 L.Ed. 936; *McLean v. United States*, 226 U.S. 374, 33 Sup.Ct. 122,  
3 57 L.Ed. 260; *United States v. Laughlin* (No. 200), 249 U.S. 440, 39 Sup.Ct. 340, 63 L.Ed. 696, decided April 14,  
4 1919."  
5 [*U.S. v. Babcock*, 250 U.S. 328, 39 S.Ct. 464 (1919)]

6 1.2. *O'Reilly Factor, April 8, 2015*, John Piper of the Oklahoma Wesleyan University  
7 [http://famguardian1.org/Mirror/Famguardian/20150408\\_1958-The\\_O'Reilly\\_Factor-](http://famguardian1.org/Mirror/Famguardian/20150408_1958-The_O'Reilly_Factor-Dealing%20with%20slanderous%20liberals%20biblically-Everett%20Piper.mp4)  
8 [Dealing%20with%20slanderous%20liberals%20biblically-Everett%20Piper.mp4](http://famguardian1.org/Mirror/Famguardian/20150408_1958-The_O'Reilly_Factor-Dealing%20with%20slanderous%20liberals%20biblically-Everett%20Piper.mp4)

- 9 2. Congress WRITES the rules in their statutory civil franchises and civil laws. This includes the entire civil code. These  
10 "rules" protect ONLY "public rights", not PRIVATE rights. In fact, you have to give up ALL of your natural and  
11 constitutional and common law rights to pursue a civil statutory remedy OF ANY KIND. In other words, you have to  
12 VOLUNTARILY SURRENDER your SOVEREIGN IMMUNITY to invoke a statutory remedy. This waiver of  
13 sovereignty and sovereign immunity under the common law and the Constitution is, in fact, how one becomes a  
14 "subject" under any "act of Congress":

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

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

23 SOURCE:

24 [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)  
25 f]

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

29  
30 Municipal law, thus understood, is properly defined to be "a rule of civil conduct prescribed by the supreme  
31 power in a state, commanding what is right and prohibiting what is wrong."

32 [ . . . ]

33 *It is also called a rule to distinguish it from a compact or agreement; **for a compact is a promise proceeding***  
34 ***from us, law is a command directed to us.** The language of a compact is, "I will, or will not, do this"; that of a*  
35 *law is, "thou shalt, or shalt not, do it." It is true there is an obligation which a compact carries with it, equal in*  
36 *point of conscience to that of a law; but then the original of the obligation is different. **In compacts we ourselves***  
37 ***determine and promise what shall be done, before we are obliged to do it; in laws, we are obliged to act***  
38 ***without ourselves determining or promising anything at all.** Upon these accounts law is defined to be "a rule."*  
39 [*Readings on the History and System of the Common Law, Second Edition, Roscoe Pound, 1925, p. 4]*

- 40 3. The civil franchise code, in turn, only regulates public officers on official business and cannot impair PRIVATE or  
41 CONSTITUTIONAL rights. That is why 4 U.S.C. §72 requires public officers to serve in places NOT protected by the  
42 Constitution on federal territory within the exclusive jurisdiction of Congress. See:

43 3.1. *Proof That There Is a "Straw Man"*, Form #05.042

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

45 3.2. *Why Statutory Civil Law is Law for Government and Not Private Persons*, Form #05.037

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

- 47 4. Judges essentially by fiat write the "definitions" by adding to statutes and case law through presumption and violation  
48 of the Rules of Statutory Construction and Interpretation. On the other hand, judges CANNOT violate these rules if  
49 statutes are not invoked to determine "what is due". See:

[Legal Deception, Propaganda, and Fraud](http://sedm.org/Forms/FormIndex.htm), Form #05.014

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

1 5. Judges are financially “incentivized” to use the statutory PUBLIC definitions and thereby ENFRANCHISE you and  
2 the administration of justice in order to increase their importance, pay, and government revenues.<sup>9</sup> It makes them into  
3 lords over their own franchise “fiefdom”:

4 *“franchise court. Hist. A privately held court that (usu.) exists by virtue of a royal grant [privilege], with*  
5 *jurisdiction over a variety of matters, depending on the grant and whatever powers the court acquires over time.*  
6 *In 1274, Edward I abolished many of these feudal courts by forcing the nobility to demonstrate by what authority*  
7 *(quo warranto) they held court. If a lord could not produce a charter reflecting the franchise, the court was*  
8 *abolished. - Also termed courts of the franchise.*

9 *Dispensing justice was profitable. Much revenue could come from the fees and dues, fines and amercements. This*  
10 *explains the growth of the second class of feudal courts, the Franchise Courts. They too were private courts held*  
11 *by feudal lords. Sometimes their claim to jurisdiction was based on old pre-Conquest grants ... But many of them*  
12 *were, in reality, only wrongful usurpations of private jurisdiction by powerful lords. These were put down after*  
13 *the famous Quo Warranto enquiry in the reign of Edward I.” W.J.V. Windeyer, Lectures on Legal History 56-57*  
14 *(2d ed. 1949).”*  
15 *[Black’s Law Dictionary, Seventh Edition, p. 668]*

16 6. The definition judges INVENT by illegal means and fiat invites you to use the civil STATUTORY definitions of what  
17 is “due” if you or they don’t like the common law definitions. This then invites you to become a public officer and  
18 therefore “subject” of the government who is INFERIOR. That public officer is called a civil statutory “citizen”,  
19 “resident”, “person”, or “taxpayer”, etc.

20 The reason that so many legal reference sources try to confuse the definition of “justice” and replace “the right to be left  
21 alone” with the phrase “give every man his due” is to try to turn justice into a franchise and “benefit” that they can charge for  
22 and which you then have an obligation to PAY directly and personally for. That payment usually is demanded through  
23 income (franchise) taxes:

24 *“Hominum caus jus constitutum est. Law is established for the benefit of man.”*  
25 *[Bouvier’s Law Dictionary, 1856; SOURCE:*  
26 <http://famguardian.org/Publications/BouvierMaximsOfLaw/BouviereMaxims.htm>*]*

27 Franchises are covered in:

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

28 This type of abuse by judges in collusion with legislators is a perversion of the original meaning of the word so that “justice”  
29 can be turned into a profitable franchise and the courts can be turned into a place of business, like the money changers who  
30 Jesus got angry at.

31 *“To no one will we sell, to no one will we refuse or delay right or justice.”*  
32 *[Magna Carta, ch. 40 (1215)]*

33 *“Woe to you, scribes [religious leaders] and Pharisees [lawyers], hypocrites! For you pay tithes of mint and anise*  
34 *and cummin [to the false god of government with your attorney licenses and your 501(c)3] and “privileged” tax*  
35 *exemptions, neither of which any positive law requires], and have neglected the weightier [most important]*  
36 *matters of the law [God’s Law]: justice and mercy and faith [in God, and Truth]. These you ought to have done,*  
37 *without leaving the others undone.”*  
38 *[Jesus (God) in Matt. 23:23, Bible, NKJV]*

39 Government is a ministry OF GOD that can never be done for profit. The minute it adopts a profit motive or tries to recruit  
40 you as a public officer in order to pay you “benefits” is the minute it becomes INJUSTICE. That injustice turns an ELITE  
41 class of BENEFACTORS of the franchise loot into plunderers of the oppressed or enfranchised class. It also turns the ballot  
42 box and the jury box into a BATTLEGROUND for loot.

43 *“The income tax law under consideration is marked by discriminating features which affect the whole law. It*  
44 *discriminates between those who receive an income of four thousand dollars and those who do not. It thus*  
45 *vitiates, in my judgment, by this arbitrary discrimination, the whole legislation.* Hamilton says in one of his

<sup>9</sup> Watch the following video for proof, right from Supreme Court justice Antonin Scalia: SEDM Exhibit 11.006;  
<http://sedm.org/Exhibits/ExhibitIndex.htm>.

1 papers, (the Continentalist,) "the genius of liberty reprobates everything arbitrary or discretionary in taxation. It  
2 exacts that every man, by a definite and general rule, should know what proportion of his property the State  
3 demands; whatever liberty we may boast of in theory, it cannot exist in fact while [arbitrary] assessments  
4 continue." 1 Hamilton's Works, ed. 1885, 270. The legislation, in the discrimination it makes, is class legislation.  
5 **Whenever a distinction is made in the burdens a law imposes or in the benefits it confers on any citizens by**  
6 **reason of their birth, or wealth, or religion, it is class legislation, and leads inevitably to oppression and abuses,**  
7 **and to general unrest and disturbance in society [e.g. wars, political conflict, violence, anarchy].** It was hoped  
8 and believed that the great amendments to the Constitution which followed the late civil war had rendered such  
9 legislation impossible for all future time. But the objectionable legislation reappears in the act under  
10 consideration. It is the same in essential character as that of the English income statute of 1691, which taxed  
11 Protestants at a certain rate, Catholics, as a class, at double the rate of Protestants, and Jews at another and  
12 separate rate. Under wise and constitutional legislation every citizen should contribute his proportion, however  
13 small the sum, to the support of the government, and it is no kindness to urge any of our citizens to escape from  
14 that obligation. If he contributes the smallest mite of his earnings to that purpose he will have a greater regard  
15 for the government and more self-respect 597\*597 for himself feeling that though he is poor in fact, he is not a  
16 pauper of his government. And it is to be hoped that, whatever woes and embarrassments may betide our people,  
17 they may never lose their manliness and self-respect. Those qualities preserved, they will ultimately triumph over  
18 all reverses of fortune."

19 [. . .]

20 "Here I close my opinion. I could not say less in view of questions of such gravity that go down to the very  
21 foundation of the government. If the provisions of the Constitution can be set aside by an act of Congress, where  
22 is the course of usurpation to end? **The present assault upon capital is but the beginning. It will be but the**  
23 **stepping-stone to others, larger and more sweeping, till our political contests will become a war of the poor**  
24 **against the rich; a war constantly growing in intensity and bitterness.**"

25 "**If the court sanctions the power of discriminating taxation, and nullifies the uniformity mandate of the**  
26 **Constitution," as said by one who has been all his life a student of our institutions, "it will mark the hour when**  
27 **the sure decadence of our present government will commence.**" If the purely arbitrary limitation of \$4000 in  
28 the present law can be sustained, none having less than that amount of income being assessed or taxed for the  
29 support of the government, the limitation of future Congresses may be fixed at a much larger sum, at five or ten  
30 or twenty thousand dollars, parties possessing an income of that amount alone being bound to bear the burdens  
31 of government; or the limitation may be designated at such an amount as a board of "walking delegates" may  
32 deem necessary. There is no safety in allowing the limitation to be adjusted except in strict compliance with the  
33 mandates of the Constitution which require its taxation, if imposed by direct taxes, to be apportioned among the  
34 States according to their representation, and if imposed by indirect taxes, to be uniform in operation and, so far  
35 as practicable, in proportion to their property, equal upon all citizens. **Unless the rule of the Constitution**  
36 **governs, a majority may fix the limitation at such rate as will not include any of their own number.**"  
37 [Pollock v. Farmers' Loan & Trust Co., 157 U.S. 429 (Supreme Court 1895)]

38  
39 "**And you shall take no bribe, for a bribe blinds the discerning and perverts the words of the righteous.**"  
40 [[Exodus 23:8](#), Bible, NKJV]

41 "He who is greedy for gain troubles his own house,  
42 **But he who hates bribes will live.**"  
43 [Prov. 15:27, Bible, NKJV]

44 "Surely oppression destroys a wise man's reason.  
45 **And a bribe debases the heart.**"  
46 [Ecclesiastes 7:7, Bible, NKJV]

47 Justice implies equity between you and the government, and franchises destroy that equity. If you and the government are  
48 truly equal to each other and THEY claim to be "sovereign" then you are too, because all their authority was delegated by  
49 WE THE PEOPLE individually. You can't delegate what you don't have. Usury and injustice always happens when private  
50 financial interest is allowed to trump justice, equality, and equity between you and the government. By "usury", we mean  
51 the abuse of money and franchises to create inequality between people under the law. Justice and "leaving you alone" on the  
52 one hand, and franchises and "giving men their due" on the other hand are entirely incompatible with each other. They  
53 should NEVER be allowed to be confused, because EVIL and criminal conflict of interest will always result. That evil will  
54 happen because of the inequality and subjection that is created through franchises and commerce.

55 "Protectio trahit subjectionem, subjectio projectionem.  
56 Protection draws to it subjection, subjection, protection. Co. Litt. 65."  
57 [Bouvier's Maxims of Law, 1856;  
58 SOURCE: <http://famguardian.org/Publications/BouvierMaximsOfLaw/BouviersMaxims.htm>



1 To choose a domicile within the jurisdiction of a secular and therefore pagan government under civil statutes that impute  
2 superior or supernatural powers to the government is to nominate a secular king to be ABOVE you and to FIRE God as your  
3 protector:

4 *Then all the elders of Israel gathered together and came to Samuel at Ramah, and said to him, "Look, you are  
5 old, and your sons do not walk in your ways. Now make us a king to judge us like all the nations [and be OVER  
6 them]"*.

7 *But the thing displeased Samuel when they said, "Give us a king to judge us." So Samuel prayed to the Lord.  
8 And the Lord said to Samuel, "Heed the voice of the people in all that they say to you; for they have rejected  
9 Me [God], that I should not reign over them. According to all the works which they have done since the day that  
10 I brought them up out of Egypt, even to this day—with which they have forsaken Me and served other gods  
11 [Kings, in this case]—so they are doing to you also [government becoming idolatry]. Now therefore, heed their  
12 voice. However, you shall solemnly forewarn them, and show them the behavior of the king who will reign  
13 over them."*

14 *So Samuel told all the words of the LORD to the people who asked him for a king. And he said, "This will be the  
15 behavior of the king who will reign over you: He will take [STEAL] your sons and appoint them for his own  
16 chariots and to be his horsemen, and some will run before his chariots. He will appoint captains over his  
17 thousands and captains over his fifties, will set some to plow his ground and reap his harvest, and some to  
18 make his weapons of war and equipment for his chariots. He will take [STEAL] your daughters to be  
19 perfumers, cooks, and bakers. And he will take [STEAL] the best of your fields, your vineyards, and your olive  
20 groves, and give them to his servants. He will take [STEAL] a tenth of your grain and your vintage, and give  
21 it to his officers and servants. And he will take [STEAL] your male servants, your female servants, your finest  
22 young men, and your donkeys, and put them to his work [as SLAVES]. He will take [STEAL] a tenth of your  
23 sheep. And you will be his servants. And you will cry out in that day because of your king whom you have  
24 chosen for yourselves, and the LORD will not hear you in that day."*

25 *Nevertheless the people refused to obey the voice of Samuel; and they said, "No, but we will have a king over us,  
26 that we also may be like all the nations, and that our king may judge us and go out before us and fight our battles."  
27 [1 Sam. 8:4-20, Bible, NKJV]*

28 Judges in civil franchise court try to make justice profitable by saying that the civil STATUTES are what is "due" rather than  
29 the Bill of Rights. If you gave a judge a choice of WHICH law he would enforce:

- 30 1. Common law or the Constitution that netted him NO money, NO power, and creates extra work executing because it  
31 relies on case law instead of statutes.  
32 2. Civil franchise "codes", which are profitable and literally make him the head of his own little fiefdom or "franchise".

33 ...then which one do you think he will ALWAYS choose? This subject is called "choice of law" in the legal field<sup>10</sup>. It's  
34 inevitable that the judge will ALWAYS choose civil franchises so he can STEAL the most money and grab the most power.  
35 Why even OFFER a judge this option by choosing a domicile, becoming a statutory "citizen" or "resident"? Its insanity and  
36 commercial suicide.

37 *"It has long been my opinion, and I have never shrunk from its expression,... that the germ of dissolution of our  
38 Federal Government is in the constitution of the Federal Judiciary--an irresponsible body (for impeachment is  
39 scarcely a scare-crow), working like gravity by night and by day, gaining a little today and a little tomorrow,  
40 and advancing its noiseless step like a thief over the field of jurisdiction until all shall be usurped from the  
41 States and the government be consolidated into one. To this I am opposed."  
42 [Thomas Jefferson to Charles Hammond, 1821. ME 15:331]*

43 *"Contrary to all correct example, [the Federal judiciary] are in the habit of going out of the question before them,  
44 to throw an anchor ahead and grapple further hold for future advances of power. They are then in fact the corps  
45 of sappers and miners, steadily working to undermine the independent rights of the States and to consolidate  
46 all power in the hands of that government in which they have so important a freehold estate."  
47 [Thomas Jefferson: Autobiography, 1821. ME 1:121]*

48 *"The judiciary of the United States is the subtle corps of sappers and miners constantly working under ground to  
49 undermine the foundations of our confederated fabric. They are construing our Constitution from a co-ordination  
50 of a general and special government to a general and supreme one alone. This will lay all things at their feet,  
51 and they are too well versed in English law to forget the maxim, 'boni iudicis est ampliari jurisdictionem.'"  
52 [Thomas Jefferson to Thomas Ritchie, 1820. ME 15:297]*

<sup>10</sup> For a discussion of Choice of Law rules, see: *Federal Jurisdiction*, Form #05.018, Section 3; <http://sedm.org/Forms/FormIndex.htm>.

1 "When all government, domestic and foreign, in little as in great things, shall be drawn to Washington as the  
2 center of all power, it will render powerless the checks provided of one government on another and will become  
3 as venal and oppressive as the government from which we separated."  
4 [Thomas Jefferson to Charles Hammond, 1821. ME 15:332]

5 "What an augmentation of the field for jobbing, speculating, plundering, office-building ["trade or business"  
6 scam] and office-hunting would be produced by an assumption [PRESUMPTION] of all the State powers into the  
7 hands of the General Government!"  
8 [Thomas Jefferson to Gideon Granger, 1800. ME 10:168]

9 However, you can't cite the statutes if you are private, because they don't and can't regulate PRIVATE people. The only  
10 people this ministry helps are PRIVATE people who don't participate in government franchises.

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

14 Civil statutes are privileges and franchises that only public officers can invoke. Accepting the "benefit" and "protection" of  
15 the civil statutes, which create PUBLIC rights (privileges) available only to PUBLIC OFFICERS called STATUTORY (civil)  
16 "citizens", is how they recruit you into volunteering to make Pyramids for Pharaoh without straw for free and make you  
17 fornicate with the Beast. In effect, they try to bribe you with "benefits" to put PERSONAL interest above the requirements  
18 of God's law and even above the requirements of the Constitution.

19 "Where do wars and fights come from among you? Do they not come from your desires for pleasure [unearned  
20 money or "benefits", privileges, or franchises, from the government] that war in your members [and your  
21 democratic governments]? You lust [after other people's money] and do not have. You murder [the unborn to  
22 increase your standard of living] and covet [the unearned] and cannot obtain [except by empowering your  
23 government to STEAL for you!]. You fight and war [against the rich and the nontaxpayers to subsidize your  
24 idleness]. Yet you do not have because you do not ask [the Lord, but instead ask the deceitful government]. You  
25 ask and do not receive, because you ask amiss, that you may spend it on your pleasures. Adulterers and  
26 adulteresses! Do you not know that friendship [statutory "citizenship"] with the world [or the governments of  
27 the world] is enmity with God? Whoever therefore wants to be a friend [STATUTORY "citizen", "resident",  
28 "inhabitant", "person" franchisee] of the world [or the governments of the world] makes himself an enemy of  
29 God."  
30 [James 4:4, Bible, NKJV]

31  
32 "I [God] brought you up from Egypt [government slavery using franchises] and brought you to the land of which  
33 I swore to your fathers; and I said, 'I will never break My covenant with you. And you shall make no covenant  
34 [contract or franchise or agreement of ANY kind] with the inhabitants of this [corrupt pagan] land; you shall  
35 tear down their [man/government worshipping socialist] altars.' But you have not obeyed Me. Why have you  
36 done this?

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

39 So it was, when the Angel of the LORD spoke these words to all the children of Israel, that the people lifted up  
40 their voices and wept.  
41 [Judges 2:1-4, Bible, NKJV]

42 We demonstrate in the following document how using "giving every man his due" as the definition of justice inevitably  
43 perverts and corrupts the finest of people in government because it turns the civil statutory code into a "protection franchise"  
44 that makes you into an indentured servant, slave, and whore of the government, often without even your knowledge:

[Why Domicile and Becoming a "Taxpayer" Require Your Consent](http://sedm.org/Forms/FormIndex.htm), Form #05.002  
<http://sedm.org/Forms/FormIndex.htm>

45 The only way that the equity and equality that justice demands can be maintained between EVERYONE is to ensure that the  
46 ONLY measure for whether an injury has occurred is the criminal law and the constitution and the common law but NOT the  
47 civil statutes or franchise codes. Equality between the governed and the governors as the basis for ALL your freedom is  
48 covered in the following. You should NEVER surrender that equality, even for a bribe or "benefit":

- 1 1. Requirement for Equal Protection and Equal Treatment, Form #05.033  
2 <http://sedm.org/Forms/FormIndex.htm>
- 3 2. Foundations of Freedom, Form #12.021, Video 1: Introduction  
4 <http://sedm.org/Forms/FormIndex.htm>

5 The Bible already defines “what is due to others”, which is NOTHING. Why, then, would you want to define “justice” as  
6 giving people “what is their due”? If you owe others NOTHING, they have NO CHOICE but to “leave you alone”, and  
7 especially in court:

8 *“Owe no one anything except to love one another, for he who loves another has fulfilled the law.”*  
9 *[Romans 13:8, Bible, NKJV]*

10 Adding ANYTHING to the above definition of “what is due” merely invites what Jesus called “the evil one” (Matt. 5:37)  
11 into your life. That method of invitation is dramatized in the following video:

12 *Devil’s Advocate: Lawyers*, SEDM  
13 <http://famguardian1.org/Media/DevilsAdvocate-Part13.mp4>

14 For those die-hard socialists who think the world owes them something for nothing, or that they have the right to abuse their  
15 authority as a jurist or a voter to sanction the government to STEAL your money and redistribute it to others, consider the  
16 following holding of the U.S. Supreme Court.

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

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

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

31 *“A tax, in the general understanding of the term and as used in the constitution, signifies an exaction for the*  
32 *support of the government. The word has never thought to connote the expropriation of money from one group*  
33 *for the benefit of another.”*  
34 *[\[U.S. v. Butler, 297 U.S. 1 \(1936\)\]](#)*

35 Consider also what Mark Twain said on the same subject:

36 *“Don’t go around saying the world owes you a living. The world owes you nothing. It was here first.”*  
37 *[Mark Twain]*

38 It’s a crime and sin to bribe a jurist or a voter, including with “benefits”. Any politician who offers more STOLEN loot,  
39 meaning an increase in “benefits” to government dependents, indirectly is guilty of that crime. No one receiving such a  
40 benefit can vote for any politician offering such “bribes” without becoming a CRIMINAL under both secular law and God’s  
41 law. That crime is IMPLEMENTED by using franchises to create inequality and impute superior powers to the government.  
42 It makes the government into the owner of EVERYTHING and EVERYONE, because ultimately EVERYONE becomes a  
43 public officer called a “taxpayer”. Property held in the name of the office and associated with the franchise license number,  
44 meaning the SSN or Slave Surveillance Number, becomes PUBLIC property you no longer own. That’s the ONLY way they  
45 can lawfully redistribute wealth: by moving money around that continues to be THEIRS and not YOURS, no matter WHOSE  
hands it ends up in.

1 Most of what happens in modern political campaigns would be irrelevant to the average American if the government had no  
2 “goodies” or “benefits” to ILLEGALLY bribe voters and jurists with. The bribes are STOLEN money to those who do not  
3 wish to participate or who are not allowed to quit. This makes those who receive the bribes into criminals and money  
4 launderers. God says it’s outside your “delegation order” found in the bible to be able to consent to do this. When you do it,  
5 you are a sinner and surrender the protections of His holy law:

6 *“My son, if sinners [socialists, in this case] entice you,  
7 **Do not consent [do not abuse your power of choice]**  
8 If they say, “Come with us,  
9 Let us lie in wait to shed blood [of innocent “nontaxpayers”];  
10 Let us lurk secretly for the innocent without cause;  
11 Let us swallow them alive like Sheol,  
12 And whole, like those who go down to the Pit:  
13 We shall fill our houses with spoil [plunder];  
14 Cast in your lot [AND YOUR VOTE] among us,  
15 Let us all have one purse [share the STOLEN LOOT]”--*

16 *My son, do not walk in the way with them [do not ASSOCIATE with them and don't let the government*  
17 *FORCE you to associate with them either by forcing you to become a “taxpayer”/government whore or a*  
18 *“U.S. citizen”].*  
19 *Keep your foot from their path;  
20 For their feet run to evil,  
21 And they make haste to shed blood.  
22 Surely, in vain the net is spread  
23 In the sight of any bird;  
24 But they lie in wait for their own blood.  
25 They lurk secretly for their own lives.  
26 So are the ways of everyone who is greedy for gain [or unearned government benefits];  
27 It takes away the life of its owners.”*  
28 [[Proverbs 1:10-19](#), Bible, NKJV]

### 29 **8.3 “Justice” in your interactions with government**

30 Let’s apply these concepts of justice to the way the government interacts with you personally. The minute that anyone does  
31 any of the following without your consent:

- 32 1. Interferes with or penalizes the exercise of any constitutional right.
- 33 2. Treats you unequally.
- 34 3. Forces any status upon you such as “taxpayer”, “citizen”, “resident”, “spouse”, “driver”, etc.
- 35 4. Procures your consent to anything by any method you did not authorize. For instance, they PRESUME you consented  
36 rather than procure your consent in writing, even though you told them that the ONLY method by which you can or  
37 will consent is IN WRITING.
- 38 5. Compels you to contract with them or makes you a party to a contract or government franchise that you do not  
39 expressly consent to.
- 40 6. Calls anything voluntary while REFUSING to defend your ABSOLUTE RIGHT NOT to volunteer. This is FRAUD  
41 and it’s a crime.
- 42 7. Imputes or assumes any kind of fiduciary duty on your part towards anyone else absent express written consent.
- 43 8. Enforces civil statutory laws of any jurisdiction that you are not domiciled within and therefore protected by.
- 44 9. Demands any kind of property without rendering its equivalent in value. This is theft in violation of the Fifth  
45 Amendment Takings Clause.
- 46 10. Enforces any obligation associated with any status upon you, such as franchisee, public officer, etc.
- 47 11. As a government:
  - 48 11.1. Refuses to recognize or protect private rights.
  - 49 11.2. Insists that ALL your property is public property that the government has title to and you are a transferee or  
50 trustee over.
  - 51 11.3. Refuses to offer a status on government forms of “not subject but not exempt” or “other”, and thus compels you  
52 to choose a status that is within their jurisdiction as a public officer.
- 53 12. Converts private property or RIGHTS to property to a public use, public office, or public purpose without your  
54 EXPRESS consent, INCLUDING through the process of taxation. Yes, “taxes” are involuntary for “taxpayers”, but  
55 only AFTER you VOLUNTEER to become a statutory “taxpayer” by signing up for a government franchise, and

1 AFTER they protect your right to NOT participate or volunteer. Otherwise, we are really dealing with what the U.S.  
2 Supreme Court calls “robbery in the name of taxation”.

3 13. Abuses its taxation power to redistribute wealth between private individuals:

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

8 *“Nor is it taxation. ‘A tax,’ says Webster’s Dictionary, ‘is a rate or sum of money assessed on the person or*  
9 *property of a citizen by government for the use of the nation or State.’ ‘Taxes are burdens or charges imposed*  
10 *by the Legislature upon persons or property to raise money for public purposes.’ Cooley, Const. Lim., 479.”*  
11 [[Loan Association v. Topeka, 20 Wall. 655 \(1874\)](#)]

12 . .then an act of terrorism, theft, and possibly even slavery or involuntary servitude has occurred, all of which are torts  
13 cognizable under the state or federal constitutions and the common law.

14 The way that governments ensure that they are not the object of civil injustice and are “let alone” is by enforcing the  
15 requirement that whenever anyone wants to sue them, they must produce consent to be sued published as a positive law  
16 statute. This is called “sovereign immunity”:

17 *A state’s freedom from litigation was established as a constitutional right through the Eleventh Amendment.*  
18 *The inherent nature of sovereignty prevents actions against a state by its own citizens without its consent.* [491  
19 U.S. 39] In *Atascadero*, 473 U.S. at 242, we identified this principle as an essential element of the constitutional  
20 checks and balances:

21 *The “constitutionally mandated balance of power” between the States and the Federal Government was adopted*  
22 *by the Framers to ensure the protection of “our fundamental liberties.” [Garcia v. San Antonio Metropolitan*  
23 *Transit Authority, 469 U.S. 528, 572 (Powell, J., dissenting)]. By guaranteeing the sovereign immunity of the*  
24 *States against suit in federal court, the Eleventh Amendment serves to maintain this balance.*  
25 [[Great Northern Ins. Co. v. Read, 322 U.S. 47, 51 \(1944\)](#)]

26 Likewise, all the authority possessed by both the state and federal governments is delegated by We The People to them. The  
27 people cannot delegate an authority collectively that they individually do not ALSO possess.

28 *“The question is not what power the federal government ought to have, but what powers, in fact, have been given*  
29 *by the people... The federal union is a government of delegated powers. It has only such as are expressly*  
30 *conferred upon it, and such as are reasonably to be implied from those granted. In this respect, we differ*  
31 *radically from nations where all legislative power, without restriction or limitation, is vested in a parliament or*  
32 *other legislative body subject to no restriction except the discretion of its members.” (Congress)*  
33 [[U.S. v. William M. Butler, 297 U.S. 1 \(1936\)](#)]

34 Both the Constitution and the Declaration of Independence require that “all men are created equal” and that all “persons”,  
35 including governments, are treated equally IN EVERY RESPECT. That means that no creation of men, including a  
36 government, can have any more authority than a single man. All “persons”, whether human or artificial are, in fact EQUAL  
37 in every respect, with the possible exception that artificial entities are not protected by the Bill of Rights. This is covered  
38 further in:

Requirement for Equal Protection and Equal Treatment, Form #05.033  
<http://sedm.org/Forms/FormIndex.htm>

39 No government can or should therefore have or be able to enforce any more authority than a single human being. This means  
40 that if the government claims “sovereign immunity” and insists that it cannot be sued without its express written consent,  
41 then the government, in turn, when it is enforcing any civil liability against ANY American, has the EQUAL burden to  
42 produce evidence of THEIR consent IN WRITING to be sued. That consent must, in turn, be given by a person domiciled  
43 in a place OTHER than that protected by the U.S.A. Constitution, because the Declaration of Independence says the rights of  
44 people in states of the Union are “unalienable”, which means they CANNOT be sold, bargained away, or transferred by ANY  
45 process, including a franchise or contract, even WITH consent.

46 *“We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator*  
47 *with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness.--That to secure*



1           these rights, Governments are instituted among Men, deriving their just powers from the consent of the governed,  
2           - "  
3           [Declaration of Independence]

4           "Unalienable. Inalienable; incapable of being aliened, that is, sold and transferred."  
5           [Black's Law Dictionary, Fourth Edition, p. 1693]

6           Therefore, the only people who can lawfully "alienate" any Constitutional right in relation to a real, de jure government by  
7           exercising their right to contract, are those **NOT** protected by the Constitution and who therefore are either domiciled on  
8           federal territory or situated abroad, which also is not protected by the Constitution.

9           Any attempt to treat any government as having more power, authority, or rights than a single human, in fact, constitutes  
10          idolatry. The source of all government power in America is The Sovereign People as individuals, who are human beings and  
11          no civil statutory "persons". Any power that did not come from this "natural" source is, therefore "supernatural", and all  
12          religions are based on the worship of such "supernatural beings" or "superior beings".

13           "**Religion.** Man's relation to Divinity, to reverence, **worship**, obedience, and **submission to**  
14           **mandates and precepts of supernatural or superior beings.** In its broadest sense  
15           includes all forms of **belief in the existence of superior beings exercising power**  
16           **over human beings by volition, imposing rules of conduct, with future**  
17           **rewards and punishments. Bond uniting man to God, and a virtue whose**  
18           **purpose is to render God worship due him as source of all being and**  
19           **principle of all government of things.** *Nikulnikoff v. Archbishop, etc., of Russian Orthodox*  
20           *Greek Catholic Church, 142 Misc. 894, 255 N.Y.S. 653, 663.*"  
21           [Black's Law Dictionary, Sixth Edition, p. 1292]

22          By "worship", we really mean "obedience" to the dictates of the supernatural or superior being.

23           "**worship** **1.** chiefly Brit: a person of importance—used as a title for various officials (as magistrates and some  
24           mayors) **2:** **reverence [obedience] offered a divine being or supernatural power;** also: an act of expressing  
25           such reverence **3:** a form of religious practice with its creed and ritual **4:** extravagant respect or admiration for  
26           or devotion to an object of esteem <~ the dollar>."  
27           [Webster's Ninth New Collegiate Dictionary, 1983, ISBN 0-87779-510-X, p. 1361]

28          In these respects, both law and religion are twin sisters, because the object of BOTH is "obedience" and "submission" to a  
29          "sovereign" of one kind or another. Those in such "submission" are called "subjects" in the legal field. The only difference  
30          between REAL religion and state worship is WHICH sovereign: God or man:

31           "*Obedientia est legis essentia.*  
32           **Obedience is the essence of the law.** *11 Co. 100.*"  
33           [Bouvier's Maxims of Law, 1856;  
34           SOURCE: <http://fanguardian.org/Publications/BouvierMaximsOfLaw/BouviersMaxims.htm>]

35          A quick way to determine whether you are engaging in idolatry is to look at whether the authority being exercised by a so-  
36          called "government" has a "natural" source, meaning whether any human being who is not IN the government can lawfully  
37          exercise such authority. If they cannot, you are dealing with a state-sponsored religion and a de facto government rather than  
38          a REAL, de jure government. The nature of that de facto government is described in:

[Socialism: The New American Civil Religion](http://sedm.org/Forms/FormIndex.htm), Form #05.016  
<http://sedm.org/Forms/FormIndex.htm>

39          Lastly, we discuss the concept of "justice" in the context of franchises and your right to contract later in:

[Requirement for Consent](http://sedm.org/Forms/FormIndex.htm), Form #05.003, Section 9.10.4: Justice in the context of franchises and your right to contract  
<http://sedm.org/Forms/FormIndex.htm>

## 40          **8.4      PREVENTIVE justice requires consent and voluntary membership, while** 41          **CORRECTIVE justice does not**

1 There are two main conditions that courts and government can intervene:

- 2 1. PREVENTIVE JUSTICE: BEFORE an injury or likely injury occurs to prevent the injury. This is done usually under  
3 the auspices of a franchise contract of some kind, such as the vehicle code, tax code, etc.
- 4 2. CORRECTIVE JUSTICE: AFTER a proven injury occurs, to provide financial compensation to undo the damage.  
5 This is done using the common law.

6 It is very important to recognize that when government acts in a PREVENTIVE mode before an injury occurs against a non-  
7 consenting party, they cannot do so without violating the Thirteenth Amendment prohibition on involuntary servitude and  
8 the Fifth Amendment prohibition on the taking of property, meaning labor or services. Hence, whenever governments seek  
9 to institute PREVENTIVE justice, they must procure your consent in advance of the enforcement action in order to lawfully  
10 do so to avoid violating the Fifth or Thirteenth Amendments. It is a maxim law that anything you consent to cannot form the  
11 basis for an injury, remedy, or standing in any court of law:

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

14 *Consensus tollit errorem.*  
15 *Consent removes or obviates a mistake. Co. Litt. 126.*

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

18 *Nemo videtur fraudare eos qui sciunt, et consentiunt.*  
19 *One cannot complain of having been deceived when he knew the fact and gave his consent. Dig. 50, 17, 145.”*  
20 *[Bouvier’s Maxims of Law, 1856;*  
21 *SOURCE: <http://fanguardian.org/Publications/BouvierMaximsOfLaw/BouviereMaxims.htm>]*

22 The civil statutory code is an example of law that implements PREVENTIVE justice. Statutes which implement  
23 PREVENTIVE justice are defined as “malum prohibitum”:

24 *“Malum prohibitum. A wrong prohibited; a thing which is wrong because prohibited; an act which is not*  
25 *inherently immoral, but becomes so because its commission is expressly forbidden by positive law; an act*  
26 *involving an illegality resulting from positive law. Compare Malum in se. “*  
27 *[Black’s Law Dictionary, Sixth Edition, p. 960]*

28 CORRECTIVE justice is different. When an injury can be proven in court with evidence, the party instituting the injury has  
29 an implied duty and obligation to provide remedy to his or her victim and the court may compel the perpetrator to supply the  
30 remedy, regardless of whether they consent or not. For instance, if another driver damages your vehicle, then he has to  
31 reimburse you to fix the damage, whether he wants to or consents to. If he refuses to do so, the court can lien or even order  
32 the confiscation of his property. The criminal law is an example of CORRECTIVE justice. Law which implements  
33 CORRECTIVE justice is called “malum in se”.

34 *MALUM IN SE. A wrong in itself; an act or case involving illegality from the very nature of the transaction, upon*  
35 *principles of natural, moral, and public law. Story, Ag. B 346. State v. Shedoudy, 45 N.M. 516, 118 P.2d. 280,*  
36 *287.*

37 *An act is said to be malum in se when it is inherently and essentially evil, that is, immoral in its nature and*  
38 *injurious in its consequences, without any regard to the fact of its being noticed or punished by the law of the*  
39 *state. Such are most or all of the offenses cognizable at common law, (without the denouncement of a statute;)*  
40 *as murder, larceny, etc.*  
41 *[Black’s Law Dictionary, Fourth Edition, p. 1112]*

42 Next, we must consider HOW consent is obtained in the case of PREVENTIVE justice. In practical terms that consent is  
43 procured by filling out an application to procure a the “benefits” of a civil status under a government franchise. For example,  
44 the penalty or civil provisions of the vehicle code only becomes enforceable against statutory “drivers”, who are those that  
45 INDIVIDUALLY consented to participate in the vehicle code licensing franchise. For instance, police cannot tow an  
46 unregistered vehicle operated by an unlicensed driver. The vehicle has to be registered before it can be towed or else towing  
47 it would be THEFT. The act of “registering” it transmutes ownership of the property from ABSOLUTE to QUALIFIED, in  
48 which ownership and/or control is shared with the government.

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

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

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

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

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

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

18 The act of consenting to share the ownership of otherwise absolutely owned property with the government is called "moiety":

19 "Moiety (moy-ə-tee). 1. A half of something (such as an estate). 2. A portion less than half; a small segment. 3.  
20 In customs law, a payment made to an informant who assists the seizure of contraband."  
21 [Black's Law Dictionary, Seventh Edition, p. 1021]

22 You can NEVER be free as long as you share either ownership or control of ANY of your property with any government.  
23 Everything you have should be "absolutely owned". The Declaration of Independence describes the right to ABSOLUTELY  
24 own property as "the pursuit of happiness", and it is the most important right you have. Any attempt to dilute or alienate that  
25 right is a recipe for UNHAPPINESS:

26 "The provision [[Fourteenth Amendment, Section 1](#)], it is to be observed, places property under the same  
27 protection as life and liberty. Except by due process of law, no State can deprive any person of either. The  
28 provision has been supposed to secure to every individual the essential conditions for the pursuit of happiness;  
29 and for that reason has not been heretofore, and should never be, construed in any narrow or restricted sense."  
30 [[Munn v. Illinois, 94 U.S. 113 \(1876\)](#)]

31 Property that is absolutely owned is PRIVATE property. Property whose ownership or control is shared with any government  
32 is PUBLIC property. Property in your custody that is absolutely owned in its entirety by the government is called a "usufruct":

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

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

39 Imperfect Usufruct

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

42 See Quasi Usufruct infra.

43 Legal Usufruct

44 See that title.

45 Perfect Usufruct



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

4 Quasi Usufruct

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

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

11 If there is anything that you absolutely must have to survive that is absolutely owned by the government or whose ownership  
12 is shared with the government, then the government has you by the balls and you become a slave, whether you want to or  
13 not:

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

17 Every type of government franchise at its core is nothing more than a loan of government property. This includes marriage  
18 license, driver license, professional license, the income tax, etc. The abuse of loans of property to create slavery is called  
19 usury. Below is the biblical prohibition against usury:

20 **'If one of your brethren becomes poor [desperate], and falls into poverty among you, then you shall help**  
21 **him, like a stranger or a sojourner, that he may live with you.**

22 **Take no usury or interest from him;** but fear your God, that your brother may live with you.  
23 **You shall not lend him your money for usury, nor lend him your food at a profit.**

24 I am the Lord your God, who brought you out of the land of Egypt, to give you the land of Canaan and to be  
25 your God.

26 **'And if one of your brethren who dwells by you becomes poor, and sells himself to you, you shall not compel**  
27 **him to serve as a slave.**

28 As a hired servant and a sojourner he shall be with you, and shall serve you until the Year of Jubilee.  
29 And then he shall depart from you—he and his children with him—and shall return to his own family. He shall  
30 return to the possession of his fathers.

31 **For they are My servants, whom I brought out of the land of Egypt; they shall not be sold as slaves.**  
32 **You shall not rule over him with rigor, but you shall fear your God.**  
33 **[Lev. 25:35-43, Bible, NKJV]**

34 Any attempt to COMPEL you to consent to PREVENTIVE justice or to any civil or franchise status that implies consent is  
35 ALSO a form of usury and illegal duress Furthermore, if your rights are "inalienable" as the Declaration of Independence  
36 says, then you aren't even ALLOWED legally to consent. Any attempt by a REAL de jure government to alienate rights that  
37 are supposed to be unalienable is itself DURESS:

38 "An agreement [consensual contract] obtained by duress, coercion, or intimidation is invalid, since the party  
39 coerced is not exercising his free will, and the test is not so much the means by which the party is compelled to  
40 execute the agreement as the state of mind induced.<sup>11</sup> Duress, like fraud, rarely becomes material, except where  
41 a contract or conveyance has been made which the maker wishes to avoid. As a general rule, duress renders the  
42 contract or conveyance voidable, not void, at the option of the person coerced,<sup>12</sup> and it is susceptible of

<sup>11</sup> Brown v. Pierce, 74 U.S. 205, 7 Wall 205, 19 L.Ed. 134

<sup>12</sup> Barnette v. Wells Fargo Nevada Nat'l Bank, 270 U.S. 438, 70 L.Ed. 669, 46 S.Ct. 326 (holding that acts induced by duress which operate solely on the mind, and fall short of actual physical compulsion, are not void at law, but are voidable only, at the election of him whose acts were induced by it); Fiske v. Gershman, 30 Misc.2d. 442, 215 N.Y.S.2d. 144; Glenney v. Crane (Tex Civ App Houston (1st Dist)), 352 S.W.2d. 773, writ ref n r e (May 16, 1962); Carroll v. Fetty, 121 W.Va. 215, 2 S.E.2d. 521, cert den 308 U.S. 571, 84 L.Ed. 479, 60 S.Ct. 85.

1                   ratification. Like other voidable contracts, it is valid until it is avoided by the person entitled to avoid it.<sup>13</sup>  
2                   However, duress in the form of physical compulsion, in which a party is caused to appear to assent when he has  
3                   no intention of doing so, is generally deemed to render the resulting purported contract void.<sup>14</sup>  
4                   [American Jurisprudence 2d, Duress, §21 (1999)]

5                   The essence of ownership is the right to exclude ANYONE and EVERYONE from using or benefitting from the property. If  
6                   you can't exclude the government from owning or controlling specific property, then THEY and not YOU are the REAL  
7                   absolute owner. If the so-called "government" will not provide a way for you to absolutely own ANYTHING, then there is  
8                   no de jure government. Instead, you live on a FARM and you are government cattle:

How to Leave the Government Farm, Form #12.020

<http://youtu.be/Mp1gJ3iF2Ik>

9                   Everything you own should be PRIVATE and you should NEVER allow any portion of your property to become PUBLIC.  
10                  That is the ONLY way you can ever be truly happy or truly free. "Pursuit of happiness" mentioned in the Declaration of  
11                  Independence has been equated by the courts as the right to absolutely and privately own private property. *Munn v. Illinois*,  
12                  94 U.S. 113 (1876). The main purpose of establishing government is, in fact, to PREVENT such a conversion. For more  
13                  information on the mandatory legal separation between PUBLIC and PRIVATE, see:

Separation Between Public and Private Course, Form #12.025

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

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

## 14                  8.5                  The Right to Ignore the State (Civilly)

15                  Private property is the origin of your right to be left alone by the state. Absolute ownership of land is the origin of your right  
16                  to post "No Trespassing" signs around the property and to control anyone and everyone who sets foot on the property.  
17                  Without private property, legal "justice" is IMPOSSIBLE. We define "private property" as follows:

### 18                                  SEDM Disclaimer

#### 19                                  4. Meaning of Words

##### 20                                  4.3. Private

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

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

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

- 39                                  6.    *Not consenting to contract with or acquire any public status, public privilege, or public right under any*  
40                                  *state or federal franchise. For instance, the phrase "private employee" means a common law worker that is*

<sup>13</sup> *Faske v. Gershman*, 30 Misc.2d. 442, 215 N.Y.S.2d. 144; *Heider v. Unicume*, 142 Or. 416, 20 P.2d. 384; *Glenney v. Crane* (Tex Civ App Houston (1st Dist)), 352 S.W.2d. 773, writ ref n re (May 16, 1962)

<sup>14</sup> Restatement 2d, Contracts §174, stating that if conduct that appears to be a manifestation of assent by a party who does not intend to engage in that conduct is physically compelled by duress, the conduct is not effective as a manifestation of assent.

1 NOT the statutory "employee" defined within 26 U.S.C. §3401(c) or 26 C.F.R. §301.3401(c)-1 or any other  
2 federal or state law or statute.

- 3 7. Not sharing ownership or control of their body or property with anyone, and especially a government. In  
4 other words, ownership is not "qualified" but "absolute".  
5 8. Not subject to [civil enforcement or regulation](#) of any kind, except AFTER an injury to the equal rights of  
6 others has occurred. Preventive rather than corrective regulation is an unlawful taking of property  
7 according to the Fifth Amendment Takings Clause.  
8 9. Not "privileged" or party to a franchise of any kind:

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

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 Louth.* ) 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.

30 If this is so--if in England a privilege existing in a subject, which the king alone could  
31 grant, constitutes it a franchise--in this country, under our institutions, a privilege or  
32 immunity of a public nature, which could not be exercised without a legislative grant,  
33 would also be a franchise."  
34 [People v. Ridgley, 21 Ill. 65, 1859 WL 6687, 11 Peck 65 (Ill., 1859)]

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

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

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

48 [http://famguardian.org/Publications/ThePrivAndImmOfStateCit/The\\_privileges\\_and\\_im](http://famguardian.org/Publications/ThePrivAndImmOfStateCit/The_privileges_and_im)  
49 [munities\\_of\\_state\\_c.pdf](http://famguardian.org/Publications/ThePrivAndImmOfStateCit/The_privileges_and_im)]

50 See *Magill v. Browne*, Fed.Cas. No. 8952, 16 Fed.Cas. 408; 6 Words and Phrases, 5583,  
51 5584; A J. Lien, "Privileges and Immunities of Citizens of the United States," in  
52 *Columbia University Studies in History, Economics, and Public Law*, vol. 54, p. 31.

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

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

63 [SEDM Disclaimer, Section 4.3: Private; SOURCE: <http://sedm.org/disclaimer.htm>]

1 The best description we have seen of your absolute right to be left alone by the government comes from an author named  
2 Herbert Spencer, whose works you can read below:

*Selected Works of Herbert Spencer*, Constitution Society  
<http://constitution.famguardian.org/hs/spencer.htm>

3 A fascinating essay on “The Right to Ignore the State” is found in the list below. Indirectly, this essay is a description of  
4 “justice” as legally defined, because justice itself is the right to be left alone by EVERYONE:

*The Right to Ignore the State*, Herbert Spencer  
[http://constitution.famguardian.org/hs/ignore\\_state.htm](http://constitution.famguardian.org/hs/ignore_state.htm)

5 Herbert Spencer was an incredible prophet and a magnificent defender of laissez-faire. Among his numerous works is *The*  
6 *Man Versus The State*, first published in 1884. That book launched one of the most spirited attacks on statism ever written.  
7 He ridiculed the idea that government intervention of any kind "will work as it is intended to work, which it never does." He  
8 drew on his tremendous knowledge of history, citing one dramatic case after another of price controls, usury laws, slum  
9 clearance laws, and myriad other laws which, touted as compassionate policies, intensified human misery. Below is one of  
10 his essays that explores the principles of self-government, which Henry David Thoreau defended in his seminal essay, *Civil*  
11 *Disobedience*.

12 Not being a lawyer, Spencer did not distinguish WHAT aspect of your connection with the state you may voluntarily abandon,  
13 but the implication is quite clear: It is the protection of the civil statutes of the state. Those civil statutes only acquire the  
14 “force of law” among those who have voluntarily and consensually chosen a civil domicile within the state, and thereby  
15 acquired the statutory civil status of “citizen” or “resident”. We cover this subject at length in the following exhaustive free  
16 memorandum of law:

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

17 A human being who must be CIVILLY left alone and who is therefore protected ONLY by God’s law, the constitution, the  
18 criminal law, and the common law is referred to by any one or more of the following names:

- 19 1. “nonresident”.
- 20 2. “transient foreigner”.
- 21 3. "stateless person".
- 22 4. “in transitu”.
- 23 5. “transient”.
- 24 6. “sojourner”.
- 25 7. “civilly dead”.

26 You have an absolute, constitutional right to acquire and retain ANY civil status you want from the above list, and violating  
27 that right constitutes criminal identity theft. This is covered in:

*Your Exclusive Right to Declare or Establish Your Civil Status*, Form #13.008  
<https://sedm.org/Forms/FormIndex.htm>

28 Indirectly, what Herbert’s essay does is define and identify the legal existence of all the above civil statuses. Judges and  
29 government prosecutors intent on STEALING your money or your PRIVATE property sometimes try to mock those who  
30 claim to be any of the above civil statuses by falsely calling them “frivolous”, even though these are perfectly acceptable civil  
31 statuses expressly identified by the courts themselves. They do this as a mind game and guilt trip to prevent you from escaping  
32 their usury and the CRIMINAL IDENTITY THEFT that implements it as described below:

*Government Identity Theft*, Form #05.046  
<https://sedm.org/Forms/FormIndex.htm>

1 An entire memorandum of law has been written about those who have the absolute, constitutional right to be left alone as  
2 follows:

Non-Resident Non-Person Position, Form #05.020  
<https://sedm.org/Forms/FormIndex.htm>

3 Unfortunately, Spencer writes more as a philosopher than a lawyer, and because of this, falls prey to the plight of all  
4 philosophers who are legally ignorant. One member in our forums who apologized for being a philosopher who is legally  
5 ignorant got the following response in the member forums:

6 **Family Guardian is confused about the definition of socialism**

7 *The bible says that people who focus on philosophy rather than REAL LAW from the Bible are an abomination.*  
8 *You should study law BEFORE you study philosophy:*

9 *One who turns away his ear from hearing the law,*  
10 *Even his prayer is an abomination.*  
11 *[Prov. 28:9, Bible, NKJV]*

12 *“Beware lest anyone cheat you through philosophy and empty deceit, according to the*  
13 *tradition of men, according to the basic principles of the world, and not according to*  
14 *Christ.”*  
15 *[Col. 2:8, Bible, NKJV]*

16 *[SOURCE: [https://famguardian.org/forums/forums/topic/family-guardian-is-confused-about-the-definition-of-](https://famguardian.org/forums/forums/topic/family-guardian-is-confused-about-the-definition-of-socialism/#post-21640)*  
17 *[socialism/#post-21640](https://famguardian.org/forums/forums/topic/family-guardian-is-confused-about-the-definition-of-socialism/#post-21640)]*

18 The MAJOR mistake of Spencer, like so many other philosophers before him, is in thinking that ANY MAN can be a  
19 legitimate source of law for any civilized society. The Bible identifies God as THE ONLY “lawgiver” and therefore source  
20 of law. Isaiah 33:22. Any attempt to make any man the source of law results in religious idolatry, as described in the  
21 following:

Why All Man-Made Law is Religious in Nature, Family Guardian Fellowship  
<https://famguardian.org/Subjects/LawAndGovt/ChurchVState/WhyAllManmadeLawRelig.htm>

22 Everything not found in God’s law is, in turn, merely a temporary civil man-made rather than God-made franchise that  
23 Christians are FORBIDDEN from consenting to or participating in. They are “non-resident non-persons” to all such law as  
24 described in:

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

25 The remainder of this section after the horizontal line below reprints Spencer’s fascinating essay for the edification of the  
26 reader on the subject of what “justice” means. What he calls “the law of equal freedom” is documented in Requirement for  
27 Equal Protection and Equal Treatment, Form #05.033. If you like his genre of writing, Lysander Spooner<sup>15</sup> also lived the  
28 same time as him and wrote about many of the same subjects.

29 \_\_\_\_\_

30 **The Right to Ignore the State**  
31 by Herbert Spencer (1820-1903)

32 **1. The Right to Voluntary Outlawry**

33 As a corollary to the proposition that all institutions must be subordinated to the law of equal freedom, we cannot choose but  
34 admit the right of the citizen to adopt a condition of voluntary outlawry. If every man has freedom to do all that he wills,

<sup>15</sup> See: Published Authors: Lysander Spooner, Family Guardian Fellowship;  
<https://famguardian.org/PublishedAuthors/Indiv/SpoonerLysander/LysanderSpooner.htm>.

1 provided he infringes not the equal freedom of any other man, then he is free to drop connection with the state — to relinquish  
2 its protection, and to refuse paying toward its support. It is self-evident that in so behaving he in no way trenches upon the  
3 liberty of others; for his position is a passive one; and whilst passive he cannot become an aggressor. It is equally self-evident  
4 that he cannot be compelled to continue one of a political corporation, without a breach of the moral law, seeing that  
5 citizenship involves payment of taxes; and the taking away of a man's property against his will, is an infringement of his  
6 rights. Government being simply an agent employed in common by a number of individuals to secure to them certain  
7 advantages, the very nature of the connection implies that it is for each to say whether he will employ such an agent or not.  
8 If any one of them determines to ignore this mutual-safety confederation, nothing can be said except that he loses all claim  
9 to its good offices, and exposes himself to the danger of maltreatment — a thing he is quite at liberty to do if he likes. He  
10 cannot be coerced into political combination without a breach of the law of equal freedom; he *can* withdraw from it without  
11 committing any such breach; and he has therefore a right so to withdraw.

## 12 **2. The Immorality of the State**

13 "No human laws are of any validity if contrary to the law of nature; and such of them as are valid derive all their force and  
14 all their authority mediately or immediately from this original." Thus writes Blackstone<sup>[1]</sup>, to whom let all honour be given  
15 for having so far outseen the ideas of his time; and, indeed, we may say of our time. A good antidote, this, for those political  
16 superstitions which so widely prevail. A good check upon that sentiment of power-worship which still misleads us by  
17 magnifying the prerogatives of constitutional governments as it once did those of monarchs. Let men learn that a legislature  
18 is *not* "our God upon earth," though, by the authority they ascribe to it, and the things they expect from it, they would seem  
19 to think it is. Let them learn rather that it is an institution serving a purely temporary purpose, whose power, when not stolen,  
20 is at best borrowed.

21 Nay, indeed, have we not seen that government is essentially immoral? Is it not the offspring of evil, bearing about it all the  
22 marks of its parentage? Does it not exist because crime exists? Is it not strong, or as we say, despotic, when crime is great?  
23 Is there not more liberty, that is, less government, as crime diminishes? And must not government cease when crime ceases,  
24 for very lack of objects on which to perform its function? Not only does magisterial power exist *because* of evil; but it exists  
25 *by* evil. Violence is employed to maintain it; and all violence involves criminality. Soldiers, policemen, and gaolers; swords,  
26 batons, and fetters, are instruments for inflicting pain; and all infliction of pain is in the abstract wrong. The state employs  
27 evil weapons to subjugate evil, and is alike contaminated by the objects with which it deals, and the means by which it works.  
28 Morality cannot recognize it; for morality, being simply a statement of the perfect law can give no countenance to anything  
29 growing out of, and living by, breaches of that law. Wherefore, legislative authority can never be ethical must always be  
30 conventional merely.

31 Hence, there is a certain inconsistency in the attempt to determine the right position, structure, and conduct of a government  
32 by appeal to the first principles of rectitude. For, as just pointed out, the acts of an institution which is in both nature and  
33 origin imperfect, cannot be made to square with the perfect law. All that we can do is to ascertain, firstly, in what attitude a  
34 legislature must stand to the community to avoid being by its mere existence an embodied wrong; — secondly, in what  
35 manner it must be constituted so as to exhibit the least incongruity with the moral law; — and thirdly, to what sphere its  
36 actions must be limited to prevent it from multiplying those breaches of equity it is set up to prevent.

37 The first condition to be conformed to before a legislature can be established without violating the law of equal freedom, is  
38 the acknowledgment of the right now under discussion — the right to ignore the state.<sup>[2]</sup>

## 39 **3. The People as the Source of Power**

40 Upholders of pure despotism may fitly believe state-control to be unlimited and unconditional. They who assert that men are  
41 made for governments and not governments for men, may consistently hold that no one can remove himself beyond the pale  
42 of political organization. But they who maintain that the people are the only legitimate source of power — that legislative  
43 authority is not original, but deputed — cannot deny the right to ignore the state without entangling themselves in an absurdity.

44 For, if legislative authority is deputed, it follows that those from whom it proceeds are the masters of those on whom it  
45 is conferred: it follows further, that as masters they confer the said authority voluntarily: and this implies that they may give or  
46 withhold it as they please. To call that deputed which is wrenched from men whether they will or not, is nonsense. But what  
47 is here true of all collectively is equally true of each separately. As a government can rightly act for the people, only when  
48 empowered by them, so also can it rightly act for the individual, only when empowered by him. If A, B, and C, debate whether  
49 they shall employ an agent to perform for them a certain service, and if whilst A and B agree to do so, C dissents, C cannot



1 equitably be made a party to the agreement in spite of himself. And this must be equally true of thirty as of three: and if of  
2 thirty, why not of three hundred, or three thousand, or three millions?

#### 3 **4. Subordination of Government Authority**

4 Of the political superstitions lately alluded to, none is so universally diffused as the notion that majorities are omnipotent.  
5 Under the impression that the preservation of order will ever require power to be wielded by some party, the moral sense of  
6 our time feels that such power cannot rightly be conferred on any but the largest moiety of society. It interprets literally the  
7 saying that "the voice of the people is the voice of God," and transferring to the one the sacredness attached to the other, it  
8 concludes that from the will of the people, that is of the majority, there can be no appeal. Yet is this belief entirely erroneous.

9 Suppose, for the sake of argument, that, struck by some Malthusian panic, a legislature duly representing public opinion were  
10 to enact that all children born during the next ten years should be drowned. Does any one think such an enactment would be  
11 warrantable? If not, there is evidently a limit to the power of a majority. Suppose, again, that of two races living together —  
12 Celts and Saxons, for example — the most numerous determined to make the others their slaves. Would the authority of the  
13 greatest number be in such case valid? If not, there is something to which its authority must be subordinate. Suppose, once  
14 more, that all men having incomes under 50 pounds a year were to resolve upon reducing every income above that amount  
15 to their own standard, and appropriating the excess for public purposes. Could their resolution be justified? If not, it must be  
16 a third time confessed that there is a law to which the popular voice must defer. What, then, is that law, if not the law of pure  
17 equity — the law of equal freedom? These restraints, which all would put to the will of the majority, are exactly the restraints  
18 set up by that law. We deny the right of a majority to murder, to enslave, or to rob, simply because murder, enslaving, and  
19 robbery are violations of that law — violations too gross to be overlooked. But if great violations of it are wrong, so also are  
20 smaller ones. If the will of the many cannot supersede the first principle of morality in these cases, neither can it in any. So  
21 that, however insignificant the minority, and however trifling the proposed trespass against their rights, no such trespass is  
22 permissible.

23 When we have made our constitution purely democratic, thinks to himself the earnest reformer, we shall have brought  
24 government into harmony with absolute justice. Such a faith, though perhaps needful for this age, is a very erroneous one.  
25 By no process can coercion be made equitable. The freest form of government is only the least objectional form. The rule of  
26 the many by the few we call tyranny: the rule of the few by the many is tyranny also; only of a less intense kind. "You shall  
27 do as we will, and not as you will," is in either case the declaration: and if the hundred make it to the ninety-nine, instead of  
28 the ninety-nine to the hundred, it is only a fraction less immoral. Of two such parties, whichever fulfils this declaration  
29 necessarily breaks the law of equal freedom: the only difference being that by the one it is broken in the persons of ninety-  
30 nine, whilst by the other it is broken in the persons of a hundred. And the merit of the democratic form of government consists  
31 solely in this, that it trespasses against the smallest number.

32 The very existence of majorities and minorities is indicative of an immoral state. The man whose character harmonizes with  
33 the moral law, we found to be one who can obtain complete happiness without diminishing the happiness of his fellows. But  
34 the enactment of public arrangements by vote implies a society consisting of men otherwise constituted — implies that the  
35 desires of some cannot be satisfied without sacrificing the desires of others — implies that in the pursuit of their happiness  
36 the majority inflict a certain amount of *unhappiness* on the minority — implies, therefore, organic immorality. Thus, from  
37 another point of view, we again perceive that even in its most equitable form it is impossible for government to dissociate  
38 itself from evil; and further, that unless the right to ignore the state is recognized, its acts must be essentially criminal.

#### 39 **5. The Limits of Taxation**

40 That a man is free to abandon the benefits and throw off the burdens of citizenship, may indeed be inferred from the  
41 admissions of existing authorities and of current opinion. Unprepared as they probably are for so extreme a doctrine as the  
42 one here maintained, the radicals of our day yet unwittingly profess their belief in a maxim which obviously embodies this  
43 doctrine. Do we not continually hear them quote Blackstone's assertion that "no subject of England can be constrained to pay  
44 any aids or taxes even for the defence of the realm or the support of government, but such as are imposed by his own consent,  
45 or that of his representative in parliament?" And what does this mean? It means, say they, that every man should have a vote.  
46 True: but it means much more. If there is any sense in words it is a distinct enunciation of the very right now contended for.  
47 In affirming that a man may not be taxed unless he has directly or indirectly given his consent, it affirms that he may refuse  
48 to be so taxed; and to refuse to be taxed, is to cut all connection with the state. Perhaps it will be said that this consent is not  
49 a specific, but a general one, and that the citizen is understood to have assented to every thing his representative may do,  
50 when he voted for him. But suppose he did not vote for him; and on the contrary did all in his power to get elected some one

1 holding opposite views — what them? The reply will probably be that, by taking part in such an election, he tacitly agreed to  
2 abide by the decision of the majority. And how if he did not vote at all? Why then he cannot justly complain of any tax, seeing  
3 that he made no protest against its imposition. So, curiously enough, it seems that he gave his consent in whatever way he  
4 acted — whether he said yes, whether he said no, or whether he remained neuter! A rather awkward doctrine this. Here stands  
5 an unfortunate citizen who is asked if he will pay money for a certain proffered advantage; and whether he employs the only  
6 means of expressing his refusal or does not employ it, we are told that he practically agrees; if only the number of others who  
7 agree is greater than the number of those who dissent. And thus we are introduced to the novel principle that A's consent to  
8 a thing is not determined by what A says, but by what B may happen to say!

9 It is for those who quote Blackstone to choose between this absurdity and the doctrine above set forth. Either his maxim  
10 implies the right to ignore the state, or it is sheer nonsense.

## 11 **6. On Civil and Religious Liberty**

12 There is a strange heterogeneity in our political faiths. Systems that have had their day, and are beginning here and there to  
13 let the daylight through, are patched with modern notions utterly unlike in quality and colour; and men gravely display these  
14 systems, wear them, and walk about in them, quite unconscious of their grotesqueness. This transition state of ours, partaking  
15 as it does equally of the past and the future, breeds hybrid theories exhibiting the oddest union of bygone despotism and  
16 coming freedom. Here are types of the old organization curiously disguised by germs of the new — peculiarities showing  
17 adaptation to a preceding state modified by rudiments that prophesy of something to come — making altogether so chaotic a  
18 mixture of relationships that there is no saying to what class these births of the age should be referred.

19 As ideas must of necessity bear the stamp of the time, it is useless to lament the contentment with which these incongruous  
20 beliefs are held. Otherwise it would seem unfortunate that men do not pursue to the end the trains of reasoning which have  
21 led to these partial modifications. In the present case, for example, consistency would force them to admit that, on other points  
22 besides the one just noticed, they hold opinions and use arguments in which the right to ignore the state is involved.

23 For what is the meaning of Dissent? The time was when a man's faith and his mode of worship were as much determinable  
24 by law as his secular acts; and, according to provisions extant in our statute-book, are so still. Thanks to the growth of a  
25 Protestant spirit, however, we have ignored the state in this matter — wholly in theory, and partly in practice. But how have  
26 we done so? By assuming an attitude which, if consistently maintained, implies a right to ignore the state entirely. Observe  
27 the positions of the two parties. "This is your creed," says the legislator; "you must believe and openly profess what is here  
28 set down for you." "I shall not do any thing of the kind," answers the non-conformist, "I will go to prison rather." "Your  
29 religious ordinances," pursues the legislator, "shall be such as we have prescribed. You shall attend the churches we have  
30 endowed, and adopt the ceremonies used in them." "Nothing shall induce me to do so," is the reply; "I altogether deny your  
31 power to dictate to me in such matters, and mean to resist to the uttermost." "Lastly," adds the legislator, "we shall require  
32 you to pay such sums of money toward the support of these religious institutions, as we may see fit to ask." "Not a farthing  
33 will you have from me," exclaims our sturdy Independent: "even did I believe in the doctrines of your church (which I do  
34 not), I should still rebel against your interference; and if you take my property, it shall be by force and under protest."

35 What now does this proceeding amount to when regarded in the abstract? It amounts to an assertion by the individual of the  
36 right to exercise one of his faculties — the religious sentiment — without let or hindrance, and with no limit save that set up  
37 by the equal claims of others. And what is meant by ignoring the state? Simply an assertion of the right similarly to exercise  
38 *all* the faculties. The one is just an expansion of the other — rests on the same footing with the other — must stand or fall  
39 with the other. Men do indeed speak of civil and religious liberty as different things; but the distinction is quite arbitrary.  
40 They are parts of the same whole and cannot philosophically be separated.

41 "Yes they can," interposes an objector; "assertion of the one is imperative as being a religious duty. The liberty to worship  
42 God in the way that seems to him right, is a liberty without which a man cannot fulfil what he believes to be Divine commands,  
43 and therefore conscience requires him to maintain it." True enough; but how if the same can be asserted of all other liberty?  
44 How if maintenance of this also turns out to be a matter of conscience? Have we not seen that human happiness is the Divine  
45 will — that only by exercising our faculties is this happiness obtainable — and that it is impossible to exercise them without  
46 freedom? And if this freedom for the exercise of faculties is a condition without which the Divine will cannot be fulfilled,  
47 the preservation of it is, by our objector's own showing, a duty. Or, in other words, it appears not only that the maintenance  
48 of liberty of action *may* be a point of conscience, but that it *ought* to be one. And thus we are clearly shown that the claims  
49 to ignore the state in religious and in secular matters are in essence identical.



1 The other reason commonly assigned for nonconformity, admits of similar treatment. Besides resisting state dictation in the  
2 abstract, the dissenter resists it from disapprobation of the doctrines taught. No legislative injunction will make him adopt  
3 what he considers an erroneous belief; and, bearing in mind his duty toward his fellow-men, he refuses to help through the  
4 medium of his purse in disseminating this erroneous belief. The position is perfectly intelligible. But it is one which either  
5 commits its adherents to civil nonconformity also, or leaves them in a dilemma. For why do they refuse to be instrumental in  
6 spreading error? Because error is averse to human happiness. And on what ground is any piece of secular legislation  
7 disapproved? For the same reason — because thought adverse to human happiness. How then can it be shown that the state  
8 ought to be resisted in the one case and not in the other? Will any one deliberately assert that if a government demands money  
9 from us to aid in *teaching* what we think will produce evil, we ought to refuse it; but that if the money is for the purpose of  
10 *doing* what we think will produce evil, we ought not to refuse it? Yet such is the hopeful proposition which those have to  
11 maintain who recognize the right to ignore the state in religious matters, but deny it in civil matters.

## 12 **7. Progress Hindered by Lack of Social Morality**

13 The substance of the essay once more reminds us of the incongruity between a perfect law and an imperfect state. The  
14 practicability of the principle here laid down varies directly as social morality. In a thoroughly vicious community its  
15 admission would be productive of anarchy. In a completely virtuous one its admission will be both innocuous and inevitable.  
16 Progress toward a condition of social health — a condition, that is, in which the remedial measures of legislation will no  
17 longer be needed, is progress toward a condition in which those remedial measures will be cast aside, and the authority  
18 prescribing them disregarded. The two changes are of necessity coordinate. That moral sense whose supremacy will make  
19 society harmonious and government unnecessary, is the same moral sense which will then make each man assert his freedom  
20 even to the extent of ignoring the state — is the same moral sense which, by deterring the majority from coercing the minority,  
21 will eventually render government impossible. And as what are merely different manifestations of the same sentiment must  
22 bear a constant ratio to each other, the tendency to repudiate governments will increase only at the same rate that governments  
23 become needless.

24 Let not any be alarmed, therefore, at the promulgation of the foregoing doctrine. There are many changes yet to be passed  
25 through before it can begin to exercise much influence. Probably a long time will elapse before the right to ignore the State  
26 will be generally admitted, even in theory. It will be still longer before it receives legislative recognition. And even then there  
27 will be plenty of checks upon the premature exercise of it. A sharp experience will sufficiently instruct those who may too  
28 soon abandon legal protection. Whilst, in the majority of men, there is such a love of tried arrangements, and so great a dread  
29 of experiments, that they will probably not act upon this right until long after it is safe to do so.

## 30 **8. The Coming Decay of the State**

31 It is a mistake to assume that government must necessarily last forever. The institution marks a certain stage of civilization  
32 — is natural to a particular phase of human development. It is not essential, but incidental. As amongst the Bushmen we find  
33 a state antecedent to government, so may there be one in which it shall have become extinct. Already has it lost something of  
34 its importance. The time was when the history of a people was but the history of its government. It is otherwise now. The  
35 once universal despotism was but a manifestation of the extreme necessity of restraint. Feudalism, serfdom, slavery, all  
36 tyrannical institutions, are merely the most vigorous kinds of rule, springing out of, and necessary to, a bad state of man. The  
37 progress from these is in all cases the same — less government. Constitutional forms mean this. Political freedom means this.  
38 Democracy means this. In societies, associations, joint-stock companies, we have new agencies occupying big fields filled in  
39 less advanced times and countries by the State. With us the legislature is dwarfed by newer and greater powers — is no longer  
40 master, but slave. "Pressure from without" has come to be acknowledged as ultimate ruler. The triumph of the Anti-Corn Law  
41 League is simply the most marked instance yet of the new style of government, that of opinion, overcoming the old style, that  
42 of force. It bids fair to become a trite remark that the law-maker is but the servant of the thinker. Daily is Statecraft held in  
43 less repute. Even the "Times" can see that "the social changes thickening around us establish a truth sufficiently humiliating  
44 to legislative bodies," and that "the great stages of our progress are determined rather by the spontaneous workings of society,  
45 connected as they are with the progress of art and science, the operation of nature, and other such unpolitical causes, than by  
46 the proposition of a bill, the passing of an act, or any other event of politics or of State." Thus, as civilization advances, does  
47 government decay. To the bad it is essential; to the good, not. It is the check which national wickedness makes to itself, and  
48 exists only to the same degree. Its continuance is proof of still-existing barbarism. What a cage is to the wild beast, law is to  
49 the selfish man. Restraint is for the savage, the rapacious, the violent; not for the just, the gentle, the benevolent. All necessity  
50 for external force implies a morbid state. Dungeons for the felon; a strait jacket for the maniac; crutches for the lame; stays  
51 for the weak-backed; for the infirm of purpose a master; for the foolish a guide; but for the sound mind in a sound body none  
52 of these. Were there no thieves and murderers, prisons would be unnecessary. It is only because tyranny is yet rife in the

1 world that we have armies. Barristers, judges, juries, all the instruments of law, exist simply because knavery exists.  
2 Magisterial force is the sequence of social vice, and the policeman is but the complement of the criminal. Therefore it is that  
3 we call government "a necessary evil."

4 What then must be thought of a morality which chooses this probationary institution for its basis, builds a vast fabric of  
5 conclusions upon its assumed permanence, selects acts of parliament for its materials, and employs the statesman for its  
6 architect? The expediency-philosopher does this. It takes government into partnership, assigns to it entire control of its affairs,  
7 enjoins all to defer to its judgment, makes it, in short, the vital principle, the very soul, of its system. When Paley teaches that  
8 "the interest of the whole society is binding upon every part of it," he implies the existence of some supreme power by which  
9 "that interest of the whole society" is to be determined. And elsewhere he more explicitly tells us that for the attainment of a  
10 national advantage the private will of the subject is to give way, and that "the proof of this advantage lies with the legislature."  
11 Still more decisive is Bentham when he says that "the happiness of the individuals of whom a community is composed —  
12 that is, their pleasures and their security — is the sole end which the legislator ought to have in view, the sole standard in  
13 conformity with which each individual ought, as far as depends upon the legislature, to be made to fashion his behavior."  
14 These positions, be it remembered, are not voluntarily assumed; they are necessitated by the premises. If, as its propounder  
15 tells us, "expediency" means the benefit of the mass, not of the individual, — of the future as much as of the present, — it  
16 presupposes some one to judge of what will most conduce to that benefit. Upon the "utility" of this or that measure the views  
17 are so various as to render an umpire essential. Whether protective duties, or established religions, or capital punishments, or  
18 poor-laws, do or do not minister to the "general good" are questions concerning which there is such difference of opinion  
19 that, were nothing to be done till all agreed upon them, we might stand still to the end of time. If each man carried out,  
20 independently of a State power, his own notions of what would best secure "the greatest happiness of the greatest number,"  
21 society would quickly lapse into confusion. Clearly, therefore, a morality established upon a maxim of which the practical  
22 interpretation is questionable involves the existence of some authority whose decisions respecting it shall be final, — that is,  
23 a legislature. And without that authority such a morality must ever remain inoperative.

24 See here, then, the predicament, a system of moral philosophy professes to be a code of correct rules for the control of human  
25 beings — fitted for the regulation of the best as well as the worst members of the race — applicable, if true, to the guidance  
26 of humanity in its highest conceivable perfection. Government, however, is an institution originating in man's imperfection;  
27 an institution confessedly begotten by necessity out of evil; one which might be dispensed with were the world peopled with  
28 the unselfish, the conscientious, the philanthropic; one, in short, inconsistent with this same "highest conceivable perfection."  
29 How, then, can that be a true system of morality which adopts government as one of its premises?

#### 30 Author's Endnotes

31 <sup>1</sup> Sir William Blackstone (1723-1780) was the most renowned of English jurists.

32 <sup>2</sup> Hence may be drawn an argument for direct taxation; seeing that only when taxation is direct does repudiation of state  
33 burdens become possible.

### 34 **9. PUBLIC Property v. PRIVATE Property**<sup>16</sup>

35 A very important subject is the division of legal authority between PUBLIC and PRIVATE property. On this subject the  
36 U.S. Supreme Court held:

37 *"A private person cannot make constitutions or laws, nor can he with authority construe them, nor can he*  
38 *administer or execute them."*  
39 *[United States v. Harris, 106 U.S. 629, 1 S.Ct. 601, 27 L.Ed. 290 (1883)]*

40 If you can't "execute" them, then you ALSO can't enforce them against ANYONE else. Some people might be tempted to  
41 say that we all construe them against the private person daily, but in fact we can't do that WITHOUT being a public officer  
42 WITHIN the government.

43 *"The reason why States are "bodies politic and corporate" is simple: just as a corporation is an entity that can*  
44 *act only through its agents, "[t]he State is a political corporate body, can act only through agents, and can*  
45 *command only by laws."* *Poindexter v. Greenhow, supra, 114 U.S., at 288, 5 S.Ct. at 912-913. See also Black's*  
46 *Law Dictionary 159 (5th ed. 1979) ("[B]ody politic or corporate": "A social compact by which the whole people*

<sup>16</sup> Source: *Government Instituted Slavery Using Franchises*, Form #05.030, Section 3; <http://sedm.org/Forms/FormIndex.htm>.

1 covenants with each citizen, and each citizen with the whole people, that all shall be governed by certain laws for  
2 the common good"). As a "**body politic and corporate**," a State falls squarely within the Dictionary Act's  
3 definition of a "person."  
4 [Will v. Michigan Dept. of State Police, 491 U.S. 58, 109 S.Ct. 2304 (U.S.Mich.,1989)]

5 If we do enforce the law as a private person, we are criminally impersonating a public officer in violation of 18 U.S.C. §912.  
6 Another U.S. Supreme Court cite also confirms why this must be:

7 "All the powers of the government [including ALL of its civil enforcement powers against the public] must be  
8 carried into operation by individual agency, either through the medium of public officers, or contracts made  
9 with [private] individuals."  
10 [Osborn v. Bank of U.S., 22 U.S. 738 (1824)]

11 \_\_\_\_\_  
12 "...we are of the opinion that there is a clear distinction in this particular between an [PRIVATE] individual  
13 and a [PUBLIC] corporation, and that the latter has no right to refuse to submit its books and papers for an  
14 examination at the suit of the state. The individual may stand upon his constitutional rights as a citizen. He is  
15 entitled to carry on his private business in his own way. His power to contract is unlimited. He owes no duty to  
16 the state or to his neighbors to divulge his business, or to open his doors to an investigation, so far as it may  
17 tend to criminate him. He owes no such duty to the state, since he receives nothing therefrom, beyond the  
18 protection of his life and property. His rights are such as existed by the law of the land long antecedent to the  
19 organization of the state, and can only be taken from him by due process of law, and in accordance with the  
20 Constitution. Among his rights are a refusal to incriminate himself, and the immunity of himself and his  
21 property from arrest or seizure except under a warrant of the law. He owes nothing to the public so long as he  
22 does not trespass upon their rights.

23 "Upon the other hand, the [PUBLIC] corporation is a creature of the state. It is presumed to be incorporated  
24 for the benefit of the public. It receives certain special privileges and franchises, and holds them subject to the  
25 laws of the state and the limitations of its charter. Its powers are limited by law. It can make no contract not  
26 authorized by its charter. Its rights to [201 U.S. 43, 75] act as a corporation are only preserved to it so long  
27 as it obeys the laws of its creation. There is a reserved right in the legislature to investigate its contracts and  
28 find out whether it has exceeded its powers. It would be a strange anomaly to hold that a state, having chartered  
29 a corporation to make use of certain franchises, could not, in the exercise of its sovereignty, inquire how these  
30 franchises had been employed, and whether they had been abused, and demand the production of the corporate  
31 books and papers for that purpose. The defense amounts to this: That an officer of a corporation which is charged  
32 with a criminal violation of the statute, may plead the criminality of such corporation as a refusal to produce its  
33 books. To state this proposition is to answer it. While an individual may lawfully refuse to answer incriminating  
34 questions unless protected by an immunity statute, it does not follow that a corporation, vested with special  
35 privileges and franchises, may refuse to show its hand when charged with an abuse of such privileges. "  
36 [Hale v. Henkel, 201 U.S. 43 (1906)]

37 You MUST therefore be an agent of the government and therefore a PUBLIC officer in order to "make constitutions or laws  
38 or administer, execute, or ENFORCE EITHER". Here is more proof:

39 "A defendant sued as a wrong-doer, who seeks to substitute the state in his place, or to justify by the authority of the  
40 state, or to defend on the ground that the state has adopted his act and exonerated him, cannot rest on the  
41 bare assertion of his defense. He is bound to establish it. **The state is a political corporate body, can act only**  
42 **through agents, and can command only by laws.** It is necessary, therefore, for such a defendant, in order to  
43 complete his defense, to produce a law of the state which constitutes his commission as its agent, and a warrant  
44 for his act."  
45 [Poindexter v. Greenhow, 114 U.S. 270 (1885)]

46 By "act" above, they implicitly also include "enforce". If you aren't an agent of the state, they can't enforce against you.  
47 Examples of "agents" or "public officers" of the government include all the following:

- 48 1. "person" (26 U.S.C. §7701(a)(1)).
- 49 2. "individual" (26 C.F.R. §1441-1(c)(3)).
- 50 3. "taxpayer" (26 U.S.C. §7701(a)(14)).
- 51 4. "withholding agent" (26 U.S.C. §7701(a)(16)).

52 "The government thus lays a tax, through the [GOVERNMENT] instrumentality [PUBLIC OFFICE] of the  
53 company [a FEDERAL and not STATE corporation], upon the income of a non-resident alien over whom it  
54 cannot justly exercise any control, nor upon whom it can justly lay any burden."  
55 [United States v. Erie R. Co., 106 U.S. 327 (1882)]

1 So how do you “OBEY” a law without “EXECUTING” it? We’ll give you a hint: It CAN’T BE DONE!

2 Likewise, if ONLY public officers can “administer, execute, or enforce” the law, then the following additional requirements  
3 of the law are unavoidable and also implied:

- 4 1. Congress cannot impose DUTIES against private persons through the civil law. Otherwise the Thirteenth Amendment  
5 would be violated and the party executing said duties would be criminally impersonating an agent or officer of the  
6 government in violation of 18 U.S.C. §912.
- 7 2. Congress can only impose DUTIES upon public officers through the civil statutory law.
- 8 3. The civil statutory law is law for GOVERNMENT, and not PRIVATE persons. See:  

<p><i>Why Statutory Civil Law is Law for Government and Not Private Persons</i>, Form #05.037 <a href="http://sedm.org/Forms/FormIndex.htm">http://sedm.org/Forms/FormIndex.htm</a></p>
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- 9 4. Those who enforce any civil statutory duties against you are PRESUMING that you occupy a public office.
- 10 5. You cannot unilaterally “elect” yourself into a public office in the government by filling out a government form, even  
11 if you consent to volunteer.
- 12 6. Even if you ARE a public officer, you can only execute the office in a place EXPRESSLY authorized by Congress per  
13 4 U.S.C. §72, which means ONLY the District of Columbia and “not elsewhere”.

14 [TITLE 4 > CHAPTER 3 > § 72](#)  
15 [§ 72. Public offices; at seat of Government](#)

16 *All offices attached to the seat of government shall be exercised in the District of Columbia, and not elsewhere,*  
17 *except as otherwise expressly provided by law.*

- 18 7. If you are “construing, administering, or executing” the laws, then you are doing so as a public officer and:
  - 19 7.1. You are bound and constrained in all your actions by the constitution like every OTHER public officer while on  
20 official business interacting with PRIVATE humans.
  - 21 7.2. The Public Records exception to the Federal Rule of Evidence 803(8), Hearsay Exceptions Rule applies.  
22 EVERYTHING you produce in the process of “construing, administering, or executing” the laws is instantly  
23 admissible and cannot be excluded from the record by any judge. If a judge interferes with the admission of such  
24 evidence, he is:
    - 25 7.2.1. Interfering with the duties of a coordinate branch of the government in violation of the Separation of  
26 Powers.
    - 27 7.2.2. Criminally obstructing justice.

28 If you would like to study the subject of private property and its protection further after reading the following subsections,  
29 please refer to the following vast resources on the subject:

- 30 1. *Unalienable Rights Course*, Form #12.038 -course which gives you the basics of unalienable rights, and when they can  
31 lawfully be given up  
32 <http://sedm.org/Forms/FormIndex.htm>
- 33 2. *Separation Between Public and Private Course*, Form #12.025  
34 <http://sedm.org/Forms/FormIndex.htm>
- 35 3. *Private Right or Public Right? Course*, Form #12.044  
36 <http://sedm.org/Forms/FormIndex.htm>
- 37 4. *Private v. Public Property/Rights and Protection Playlist*, SEDM Youtube Channel  
38 <https://www.youtube.com/playlist?list=PLin1scINPTotxYewMRT66TXyn6AUF0KTu>
- 39 5. *Sovereignty and Freedom Points and Authorities*, Litigation Tool #10.018  
40 <https://sedm.org/Litigation/LitIndex.htm>
- 41 6. *Legal Remedies That Protect Private Rights Course*, Form #12.019  
42 <http://sedm.org/Forms/FormIndex.htm>
- 43 7. *Property and Privacy Protection Topic*, Family Guardian Fellowship  
44 <http://famguardian.org/Subjects/PropertyPrivacy/PropertyPrivacy.htm>
- 45 8. *Sovereignty and Freedom Topic, Section 6: Private and Natural Rights and Natural Law*, Family Guardian Fellowship  
46 <http://famguardian.org/Subjects/Freedom/Freedom.htm#RIGHTS:>

## 47 **9.1 Property in the context of franchises**

1 In order to fully understand and comprehend the nature of franchises, it is essential to thoroughly understand the distinctions  
2 between PUBLIC and PRIVATE property. The following subsections will deal with this important subject extensively. In  
3 the following subsections, we will establish the following facts:

- 4 1. There are TWO types of property:
  - 5 1.1. Public property. This type of property is protected by the CIVIL law.
  - 6 1.2. Private property. This type of property is protected by the COMMON law.
- 7 2. Specific legal rights attach to EACH of the two types of property. These “rights” in turn, are ALSO property as legally  
8 defined.

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

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

24 [ . . . ]

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

- 26 3. Human beings can simultaneously be in possession of BOTH PUBLIC and PRIVATE rights. This gives rise to TWO  
27 legal “persons”: PUBLIC and PRIVATE.
  - 28 3.1. The CIVIL law attaches to the PUBLIC person.
  - 29 3.2. The COMMON law and the Constitution attach to and protect the PRIVATE person.  
30 This is consistent with the following maxim of law.

31 *Quando duo juro concurrunt in und personâ, aequum est ac si essent in diversis.*  
32 *When two rights [public right v. private right] concur in one person, it is the same as if they were **two separate***  
33 ***persons.** 4 Co. 118.*  
34 *[Bouvier's Maxims of Law, 1856;*  
35 *SOURCE: <http://famguardian.org/Publications/BouvierMaximsOfLaw/BouviereMaxims.htm>]*

- 36 4. That the purpose of the Constitution and the establishment of government itself is to protect EXCLUSIVELY  
37 PRIVATE rights.

38 *“We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator*  
39 *with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness.--**That to secure***  
40 ***these [EXCLUSIVELY PRIVATE, God-given] rights, Governments are instituted among Men, deriving their***  
41 ***just powers from the consent of the governed.** -”*  
42 *[Declaration of Independence, 1776]*

43 The VERY FIRST step in protecting PRIVATE rights and PRIVATE property is to prevent such property from being  
44 converted to PUBLIC property or PUBLIC rights without the consent of the owner. In other words, the VERY FIRST  
45 step in protecting PRIVATE rights is to protect you from the GOVERNMENT’S OWN theft. Obviously, if a  
46 government becomes corrupted and refuses to protect PRIVATE rights or recognize them, there is absolutely no reason  
47 you can or should want to hire them to protect you from ANYONE ELSE.

- 48 5. The main method for protecting PRIVATE rights is to impose the following burden of proof and presumption upon  
49 any entity or person claiming to be “government”:

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



- 1 1. A SPECIFIC formerly PRIVATE owner consented IN WRITING to convert said property to PUBLIC property.
- 2 2. The owner was domiciled on federal territory NOT protected by the Constitution and therefore had the legal
- 3 capacity to ALIENATE a Constitutional right or relieve a public servant of the fiduciary obligation to respect
- 4 and protect the right. Those domiciled in a constitutional but not statutory state and who are "citizens" or
- 5 "residents" protected by the constitution cannot alienate rights to a real, de jure government.
- 6 3. If the government refuses to meet the above burden of proof, it shall be CONCLUSIVELY PRESUMED to be
- 7 operating in a PRIVATE, corporate capacity on an EQUAL footing with every other private corporation and
- 8 which is therefore NOT protected by official, judicial, or sovereign immunity.

9 6. That the ability to regulate EXCLUSIVELY PRIVATE conduct is repugnant to the constitution and therefore such  
10 conduct cannot lawfully become the subject of any civil statutory law.

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

- 14 7. That the terms "person", "persons", "individual", "individuals" as used within the civil statutory law by default imply  
15 PUBLIC "persons" and therefore public offices within the government and not PRIVATE human beings. All such  
16 offices are creations and franchises of the government and therefore property of the government subject to its exclusive  
17 control.
- 18 8. That if the government wants to call you a statutory "person" or "individual" under the civil law, then:
  - 19 8.1. You must volunteer or consent at some point to occupy a public office in the government while situated  
20 physically in a place not protected by the USA Constitution and the Bill of Rights...namely, federal territory. In  
21 some cases, that public office is also called a "citizen" or "resident".
  - 22 8.2. If you don't volunteer, they are essentially exercising unconstitutional "eminent domain" over your PRIVATE  
23 property. Keep in mind that rights protected by the Constitution are PRIVATE PROPERTY.
- 24 9. That there are VERY SPECIFIC and well-defined rules for converting PRIVATE property into PUBLIC PROPERTY  
25 and OFFICES, and that all such rules require your express consent except when a crime is involved.
- 26 10. That if a corrupted judge or public servant imposes upon you any civil statutory status, including that of "person" or  
27 "individual" without PROVING with evidence that you consented to the status AND had the CAPACITY to lawfully  
28 consent at the time you consented, they are:
  - 29 10.1. Violating due process of law.
  - 30 10.2. Imposing involuntary servitude.
  - 31 10.3. STEALING property from you. We call this "theft by presumption".
  - 32 10.4. Kidnapping your identity and moving it to federal territory.
  - 33 10.5. Instituting eminent domain over EXCLUSIVELY PRIVATE property.
- 34 11. That within the common law, the main mechanism for PREVENTING the conversion of PRIVATE property to  
35 PUBLIC property through government franchises are the following maxims of law. These maxims of law MANDATE  
36 that all governments must protect your right NOT to participate in franchises or be held accountable for the  
37 consequences of receiving a "benefit" you did not consent to receive and/or regarded as an INJURY rather than a  
38 "benefit":

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

42 *Quilibet potest renunciare juri pro se inducto.*  
43 *Any one may renounce a law introduced for his own benefit. To this rule there are some exceptions. See 1 Bouv.*  
44 *Inst. n. 83.*

45 *[Bouvier's Maxims of Law, 1856,*  
46 *SOURCE: <http://famguardian.org/Publications/BouvierMaximsOfLaw/BouviersMaxims.htm>]*

47 For an example of how this phenomenon works in the case of the Internal Revenue Code, Subtitles A and C "trade or business"  
48 franchise, see:

<p>Why Your Government is Either a Thief or You are a "Public Officer" for Income Tax Purposes, Form #05.008 <a href="http://sedm.org/Forms/FormIndex.htm">http://sedm.org/Forms/FormIndex.htm</a></p>
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49 As an example of why an understanding of this subject is EXTREMELY important, consider the following dialog at an IRS  
50 audit in which the FIRST question out of the mouth of the agent is ALWAYS "What is YOUR Social Security Number?":

1  
2

**IRS AGENT QUESTION:**

What is YOUR Social Security Number?

**YOUR ANSWER:**

20 C.F.R. §422.103(d) says the “Social Security Number Card” but NOT the STATUTORY SSN belongs to the government. Since you didn’t ask me for the card but the number, then you aren’t asking me for government property you can place conditions on the use of. The only way the SSN could therefore be MY number as you call it is if I am the ABSOLUTE and PRIVATE owner of the number and the associated franchise it connects to and am appearing here today as a Merchant offering billable services to you under MY franchise contract. Thank you for inviting me here today to do business with you as a Merchant who makes all the rules and conditions under which I render services to you as the absolute owner and seller of myself and all of my property.

On the other hand, if you are going to use the SSN to connect me to YOUR Social Security franchise contract in Title 42 that only you own and control, then I don’t HAVE THAT account number and there is no such thing, because:

My participation is clearly illegal, and an illegal act is not an official act you or I can lawfully participate in or use for profit.

My God forbids me to act as a Buyer of anything you own or control, to surrender constitutional or natural rights to you, or to allow you to make rules or laws that circumvent His holy laws. He is my ONLY CIVIL lawgiver according to the Bible.

Which of the two types of Social Security Numbers are you therefore asking me for today: PUBLIC STATUTORY number under your franchise contract or PRIVATE number under MY franchise contract? This will determine who is in charge of making the rules for use of the Number under these circumstances.

**IRS AGENT QUESTION:**

The only thing we can talk about here today are STATUTORY Social Security Numbers. The civil statutes enacted by Congress including the Social Security franchise in Title 42 are the source of our authority.

**YOUR ANSWER:**

Well then you are asking me to consent to participate in something that is clearly illegal and which I also have no delegated authority to do from My God as His full-time trustee. In which case, I don’t HAVE a STATUTORY Social Security Number since participation is clearly ILLEGAL. Please destroy any records that I am eligible and stop using it for PUBLIC purposes or civil enforcement purposes outside the government. This is clearly criminal identity theft, which I have already notified you of on IRS Form 14039. [See our Form #14.020]. Further, I as a “nonresident alien” not engaged in a “trade or business” who consents to NOTHING you offer me and elects NOTHING am excluded by law from the requirement to furnish a Social Security Number per 26 C.F.R. §301.6109-1(b). So why do you even need such a number under the circumstances?

**IRS AGENT QUESTION:**

That’s ridiculous. Everyone HAS a STATUTORY SSN. How else are we going to manage our relationship with you without one?

**YOUR ANSWER:**

When are you going to get it through your thick skull that I don’t WANT ANY COMMERCIAL RELATIONSHIP with you and simply want to be CIVILLY LEFT ALONE as justice itself requires? The fact that no one else realizes that or takes that approach and blindly uses SSNs to become government cattle on the government plantation doesn’t mean I have to. Unlike the rest of the stupid cattle you “service” who volunteer to be cattle, I’m not your stupid whore who volunteers to work for

1 free or donates my entire body to a public use without compensation. I as the exclusive and absolute owner of myself under  
2 the Thirteenth Amendment decide what my services to you or the use of my property are worth, not you, and they aren't free.  
3 The charge for my services to act as a federal "employee" or officer or trustee in possession of public property such as a  
4 STATUTORY SSN is documented in the following agreement:

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

5 Will you agree in writing to the above agreement to act essentially as your federal coworker, because if you don't, then it's  
6 not MY number?

7 **IRS AGENT QUESTION:**

8 Don't play word games with me. It's YOUR number and we have a RIGHT to use it.

9 **YOUR ANSWER:**

10 Well good. Then if it's MY number and MY property, then I have EXCLUSIVE control and use over it and may LICENSE  
11 its use to you. That is what the word "property" implies. That means I, and not you, am the only one who may control or  
12 regulate its use under the following franchise:

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

13 If it's MY property as you indicate, then your job as an alleged "government" is to protect me from abuses of MY property.  
14 If you don't want to do that job, you're not really a government, but a de facto government. If you can control and penalize  
15 me for misusing YOUR procedures and forms, which are YOUR property, then I am EQUALLY entitled to penalize you for  
16 misusing MY property. I can't be free unless I'm at least equal to you, according to Supreme Court:

17 *No duty rests more imperatively upon the courts than the enforcement of those constitutional provisions intended*  
18 *to secure that equality of rights which is the foundation of free government."*  
19 [*Gulf, C. & S. F. R. Co. v. Ellis*, [165 U.S. 150](#) (1897)]

20 Are you willing to sign an agreement in writing to pay for the beneficial use of what you call MY property such as the NON-  
21 STATUTORY SSN, because if you aren't, you are depriving me of exclusive use and control over MY property and depriving  
22 me of the equal right to prevent abuses of my property, my identity, and my life??

23 **IRS AGENT QUESTION:**

24 OK, well it's OUR number. Sorry for deceiving you. Can you give us OUR number that WE assigned to you?

25 **YOUR ANSWER:**

26 I can find no statutory proof that the STATUTORY SSN ALONE absent the "Social Security Number CARD" is your  
27 property. Please provide evidence of same. And if it IS in fact YOUR property or PUBLIC property, why do you LIE to me  
28 by calling it MY property and MY number?

29 If the STATUTORY SSN is PUBLIC or GOVERNMENT property, then you can't allow me to use it as a private person,  
30 which is what I am appearing here today as. You can't lawfully issue public property such as an SSN to a private person or  
31 allow them to use it for a private purpose. That's criminal embezzlement. Therefore, the only way that PUBLIC property  
32 such as what you allege is a STATUTORY SSN could have been assigned to me is if I'm acting as a "public officer" or  
33 federal employee at this moment, and I am NOT. I am here as a private person and not a public employee who retains ONLY  
34 constitutional and not STATUTORY protections. Therefore, it couldn't have been lawfully issued to me.

35 Keep this up, and I'm going to file a criminal complaint with the U.S. Attorney for embezzlement in violation of [18 U.S.C.](#)  
36 [§641](#) and impersonating a public officer in violation of [18 U.S.C. §912](#). I'm not here as a public officer and you are asking



me to act like one without compensation that only I can determine and without demonstrated legal authority. Where is the compensation that I demand to act as a fiduciary and trustee over your STINKING number, which you claim is public property without proof? I remind you that the very purpose why governments are created is to PROTECT and maintain the separation between "public property" and "private property" in order to preserve my inalienable constitutional rights that you took an oath to support and defend. Why do you continue to insist on co-mingling and confusing them in order to STEAL my labor, property, and money without compensation in violation of the Fifth Amendment takings clause?

### **IRS AGENT QUESTION:**

We have received third party reports relating to tax withholding or reporting that connect you to a STATUTORY SSN and indirectly, to a "trade or business" per 26 U.S.C. §6041(a). We therefore have reasonable cause to inquire of you about these reports and any possible income tax liability attached to the transactions they document.

### **YOUR ANSWER:**

Third party information returns are classified by the courts as "lay legal opinions". That means none of the LABELS on the form can have any actionable effect and are therefore not necessarily statutory terms. 26 U.S.C. §6041(a) connects the FILER of the information return to a "trade or business" and a public office under 26 U.S.C. §7701(a)(26), and NOT the TARGET of the report. These reports also do NOT authorize the FILER to convert PRIVATE property to PUBLIC property and a PUBLIC office without the consent of the ABSOLUTE owner, which is me. Further, even the FILER is not lawfully engaged in a "trade or business" and public office as someone who was never lawfully appointed or elected to a public office and is not serving in the District of Columbia as required by 4 U.S.C. §72. So these reports are hereby declared to be false and also possibly FRAUDULENT under penalty of perjury. See:

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

The 1040NR return acknowledges that these information return reports do NOT necessarily connect me to such a public office by calling the earnings on the return "EFFECTIVELY connected" rather than merely "ACTUALLY connected". If I enter the amounts reported on these false information returns onto the 1040NR return, I am "in effect" and "effectively" donating the PRIVATE property they describe to a PUBLIC use, a PUBLIC purpose, and a PUBLIC office and thus subjecting them to income taxation and governmental control. I DO NOT consent to do that because all my earnings are EXCLUDED rather than EXEMPT from taxation as a nonresident alien not engaged in a "trade or business"/public office and whose earnings do not originate from the statutory geographical "United States" under 26 U.S.C. §871. See:

*Excluded Earnings and People*, Form #14.019  
<https://sedm.org/Forms/14-PropProtection/ExcludedEarningsAndPeople.pdf>

I don't need your stinking exemptions or deductions on the 1040NR form if all my earnings are lawfully excluded under:

1. Earnings originate from outside:
  - 1.1. The STATUTORY "United States\*\*" as defined in 26 U.S.C. §7701(a)(9) and (a)(10) (federal zone) and
  - 1.2. The U.S. government federal corporation as a privileged legal fiction.  
Thus, their earnings are expressly EXCLUDED rather than EXEMPTED from "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.
2. Earnings are expressly EXCLUDED rather than EXEMPTED from 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:
  - 2.1. 26 C.F.R. §31.3401(a)(6)-1(b) in the case of income tax.
  - 2.2. 26 C.F.R. §31.3121(b)-3(c)(1) in the case of Social Security.
3. Expressly EXCLUDED rather than EXEMPTED from income tax reporting under:
  - 3.1. 26 C.F.R. §1.1441-1(b)(5)(i).
  - 3.2. 26 C.F.R. §1.1441-1(e)(1)(ii)(A)(1).
  - 3.3. 26 C.F.R. §1.6041-4(a)(1).

4. Expressly EXCLUDED rather than EXEMPTED from backup withholding because earnings are not reportable by [26 U.S.C. §3406](#) and [26 C.F.R. §31.3406\(g\)-1\(e\)](#). Only "reportable payments" are subject to such withholding.

My earnings are excluded, by the way, because they are PRIVATE and the owner who is me never consented to convert them to PUBLIC. Stop engaging in sophistry to rope me into your servitude and pay money I don't owe. This is despicable!

### **IRS AGENT QUESTION:**

Even if your participation in Social Security is illegal, everyone still uses Social Security Numbers at least for financial, banking, or lending purposes. If your participation is illegal, then how can you bank or get a loan?

### **YOUR ANSWER:**

Your question presupposes that my activities in getting a loan or opening a financial account are PUBLIC activities using PUBLIC property and that I am therefore subject to taxation and regulation in doing so. I and not you get to decide when I am acting in a PRIVATE or PUBLIC capacity and to define the meaning of all terms that affect the enjoyment of my ABSOLUTELY OWNED PRIVATE PROPERTY and LABOR. YOU have NO AUTHORITY to write definitions affecting property that you have no ownership interest in, because doing so would be an interference with the absolute control over said property and therefore for a THEFT of property. I use ownership and control synonymously here. You even admit in IRM 4.10.7.2.8 that no one should trust any of your forms, which means no one should trust the WORDS or LABELS on the forms either, including but not limited to "Social Security Number", "Taxpayer", etc. If the forms and the labels on the forms are not ACTIONABLE or even factual, then my writing on the form even under penalty of perjury doesn't make them actionable either or connect them to a civil statutory context unless I expressly do so myself, which I DO NOT.

We have already established that the NUMBER is NOT public property under 20 C.F.R. §422.103(d), and that only the CARD is PUBLIC property. You have also essentially admitted that the NUMBER is MY absolutely owned property and therefore not YOURS or the GOVERNMENT'S or PUBLIC property by calling it "YOUR Social Security Number". And if it is "MY ABSOLUTELY OWNED PROPERTY" as you call it, then I have the right as the only lawful owner to control ANY and ALL commercial uses of it by ANYONE and EVERYONE, including banks or lenders and even YOU and every government. I exercise that control by specifying all the definitions affecting its use and the CONTEXT of those definitions: PUBLIC or PRIVATE. If I don't have a right to control my identity, my reputation, and the commercial use of information about me that might damage me through no act of my own, then you can turn the SSN into a vehicle for criminal identity theft. That appears to be what you are doing here and now. I remind you that you appear to be using this proceeding to IN FACT engage in criminal identity theft, and that you are trying to get my permission to allow you to abuse aspects of my identity and reputation for an unauthorized commercial use and for ILLEGAL tax enforcement purposes. By "illegal" I mean NON-CONSENSUAL purposes.

Calling myself a CIVIL STATUTORY "taxpayer", "person", "citizen", or "resident" are methods of manifesting consent to privileges and taxation, but I don't claim the "benefit" of ANY connection to ANY CIVIL statutory status within any government law or franchise, or a connection to any aspect of my identity to the CIVIL statutory protection of any government. The authority to do this is my First Amendment right to NOT civilly or legally associate and my right to NOT contract with you. Thus, I am exclusively PRIVATE in the context of this interaction, and you must leave me alone in the interests of JUSTICE, which is legally defined as "the right to be left alone". Since it costs you NOTHING to simply LEAVE ME ALONE, then you can't claim I owe you anything for it or that it is a privilege that I have to pay for in the form of "taxes". YES, a "taxpayer" is someone subject to a tax, but the decision to BECOME a "taxpayer" is voluntary. This is proven by:

1. *Why Domicile and Becoming a "Taxpayer" Require Your Consent*, Form #05.002; <https://sedm.org/Forms/05-MemLaw/Domicile.pdf>.
2. *How State Nationals Volunteer to Pay Income Tax*, Form #08.024 <https://sedm.org/Forms/08-PolicyDocs/HowYouVolForIncomeTax.pdf>

Either I own my life and am in charge of it and everything that affects it through my own actions, or I'm a slave and a peon and you are a tyrant. It can't be both. Welcome to The Matrix, Neo.

### **IRS AGENT QUESTION:**

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#### ***Enumeration of Inalienable Rights***

Copyright Sovereignty Education and Defense Ministry, <http://sedm.org>  
Form 10.002, Rev. 11-14-2021

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

1 Do we have permission to use YOUR number as private property for a commercial use to tax you with your permission?

2 **YOUR ANSWER:**

3 Absolutely not! My God forbids me to act as a Buyer or user of government property or services of any king. Violating that  
4 edict constitutes treason and comes the most heinous curse in the Holy Bible in Deuteronomy 28:43-51. If you really are a  
5 legitimate government, you will do your ONLY real job of protecting private property, leaving it and me alone. The  
6 government's only job according to the Declaration of Independence is to protect PRIVATE property. The first step in  
7 delivering that PRIVATE property protection is to keep the property from being converted from PRIVATE to PUBLIC  
8 property or governmental control without the consent of the owner. It is your MAIN JOB to keep PUBLIC and PRIVATE  
9 separate at all times. See: *Separation Between Public and Private Course*, Form #12.025;  
10 <https://sedm.org/LibertyU/SeparatingPublicPrivate.pdf> . If you won't do YOUR ONLY job of maintaining that separation,  
11 then why the HELL would I want to hire you as a security guard to protect my PRIVATE property from anyone ELSE's  
12 theft? I remind you that income taxation is the institutionalized process of converting PRIVATE to PUBLIC in order to fund  
13 the government. That conversion MUST be consensual or we are all SLAVES and PEONS in violation of the Thirteenth  
14 Amendment. It is an oxymoron to implement tax SLAVERY to pay for FREEDOM from slavery. Are you crazy? What  
15 have you been smoking?

16 I don't want your CIVIL statutory protection and I have the right to reject its benefits in favor of the common law or private  
17 contracts. At the same time, I'm NOT saying you don't deserve to be paid for the protection you provide in the form of the  
18 criminal law, the common law, or the military. It would be irresponsible of me to object to NOT paying for that. A workman  
19 is always worthy of his hire, according to the Bible. HOWEVER, I must have the discretion to decide WHAT I want to hire  
20 you to protect at least in a CIVIL statutory context. If I don't have that degree of discretion and autonomy, then I'm a slave  
21 and government chattel. The scenario where I do have that protection I identify as "natural law". For a definition of "natural  
22 law", see:

<p><i>Disclaimer</i>, Section 4.31: Natural law <a href="https://sedm.org/disclaimer.htm#4.31. Natural law">https://sedm.org/disclaimer.htm#4.31. Natural law</a></p>
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23

24 Usually, after the above interchange, the IRS agent will realize he is digging a DEEP hole for himself and will abruptly end  
25 that sort of inquiry, and many times will also end his collection efforts. When you get him to admit on the record that he is  
26 committing crimes, he no longer has a plausible deniability defense if he ends up in front of a jury.

27 **9.2 What is "Property"?**

28 Property is legally defined as follows:

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

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

44 *Property embraces everything which is or may be the subject of ownership, whether a legal ownership, or whether  
45 beneficial, or a private ownership. *Davis v. Davis. TexCiv-App.*, 495 S.W.2d. 607. 611. Term includes not only  
46 ownership and possession but also the right of use and enjoyment for lawful purposes. *Hoffmann v. Kinealy, Mo.*,  
47 389 S.W.2d. 745, 752.*

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

4 Goodwill is property, *Howell v. Bowden*, *TexCiv. App.*, 368 S.W.2d. 842, &18; as is an insurance policy and  
5 rights incident thereto, including a right to the proceeds, *Harris v. Harris*, 83 N.M. 441,493 P.2d. 407, 408.

6 Criminal code. "Property" means anything of value. including real estate, tangible and intangible personal  
7 property, contract rights, choses-in-action and other interests in or claims to wealth, admission or transportation  
8 tickets, captured or domestic animals, food and drink, electric or other power. Model Penal Code. Q 223.0. See  
9 also Property of another, *infra*. *Dusts*. Under definition in Restatement, Second, Trusts, Q 2(c), it denotes interest  
10 in things and not the things themselves.  
11 [*Black's Law Dictionary*, Fifth Edition, p. 1095]

12 Keep in mind the following critical facts about "property" as legally defined:

- 13 1. The essence of the "property" right, also called "ownership", is the RIGHT TO EXCLUDE others from using or  
14 benefitting from the use of the property.

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

20  
21 "In this case, we hold that the "right to exclude," so universally held to be a fundamental element of the  
22 property right,<sup>[11]</sup> falls within this category of interests that the Government cannot take without  
23 compensation."  
24 [*Kaiser Aetna v. United States*, 444 U.S. 164 (1979)]

25 [11] See, e. g., *United States v. Pueblo of San Ildefonso*, 206 Ct.Cl. 649, 669-670, 513 F.2d. 1383, 1394 (1975);  
26 *United States v. Lutz*, 295 F.2d. 736, 740 (CA5 1961). As stated by Mr. Justice Brandeis, "[a]n essential element  
27 of individual property is the legal right to exclude others from enjoying it." *International News Service v.*  
28 *Associated Press*, 248 U.S. 215, 250 (1918) (dissenting opinion).

- 29 2. It's NOT your property if you can't exclude EVERYONE, including the GOVERNMENT from using, benefitting from  
30 the use, or taxing the specific property.  
31 3. All constitutional rights and statutory privileges are property.  
32 4. Anything that conveys a right or privilege is property.  
33 5. Contracts convey rights or privileges and are therefore property.  
34 6. All franchises are contracts between the grantor and the grantee and therefore property.

### 35 9.3 "Public" v. "Private" property ownership

36 Next, we would like to compare the two types of property: Public v. Private. There are two types of ownership of "property":  
37 Absolute and Qualified. The following definition describes and compares these two types of ownership:

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

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

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

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

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

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

8 Participation in franchises causes PRIVATE property to transmute into PUBLIC property. Below is a table comparing these  
 9 two great classes of property and the legal aspects of their status.

10 **Table 2: Public v. Private Property**

#	Characteristic	Public	Private
1	Authority for ownership comes from	Grantor/ creator of franchise	God/natural law
2	Type of ownership	Qualified	Absolute
3	Law protecting ownership	Statutory franchises	Bill of Rights (First Ten Amendments to the U.S. Constitution)
4	Owner is	The public as LEGAL owner and the human being as EQUITABLE owner	A single person as LEGAL owner
5	Ownership is a	Privilege/franchise	Right
6	Courts protecting ownership	Franchise court (Article 4 of the USA Constitution)	Constitutional court
7	Subject to taxation?	Yes	No (you have the right EXCLUDE government from using or benefitting from it)
8	Title held by	Statutory citizen (Statutory citizens are public officers)	Constitutional citizen (Constitutional citizens are human beings and may NOT be public officers)
9	Character of YOUR/HUMAN title	Equitable	Legal
10	Conversion to opposite type of property by	1. Removing government identifying number. 2. Donation.	1. Associating with government identifying number. <sup>17</sup> 2. Donation. 3. Eminent domain (with compensation). 4. THEFT (Internal Revenue Service).

11 Private and Public property MUST, at all times, remain completely separate from each other. If in fact rights are  
 12 UNALIENABLE as declared in the Declaration of Independence, then you aren't allowed legally to consent to donate them  
 13 to any government. Hence, they must remain private. You can't delegate that authority to anyone else either, because you  
 14 can't delegate what you don't have:

15 *"Derativa potestas non potest esse major primitiva.*  
 16 *The power which is derived cannot be greater than that from which it is derived."*

17 *"Nemo plus juris ad alienum transfere potest, quam ispe habent.*  
 18 *One cannot transfer to another a right which he has not. Dig. 50, 17, 54; 10 Pet. 161, 175."*  
 19 *[Bouvier's Maxims of Law, 1856;*  
 20 *SOURCE: <http://famguardian.org/Publications/BouvierMaximsOfLaw/BouviersMaxims.htm>]*

<sup>17</sup> See: *About SSNs and TINs on Government Forms and Correspondence, Form #05.012.*



1 For a fascinating and powerful presentation showing why private and public are separate, how to keep them that way, and  
2 how governments illegally try to convert PRIVATE to PUBLIC in order to STEAL from you, see:

[Separation Between Public and Private Course, Form #12.025](http://sedm.org/Forms/FormIndex.htm)  
<http://sedm.org/Forms/FormIndex.htm>

### 3 **9.4 The purpose and foundation of de jure government: Protection of EXCLUSIVELY** 4 **PRIVATE rights**

5 The main purpose for which all governments are established is the protection of EXCLUSIVELY PRIVATE rights and  
6 property. This purpose is the foundation of all the just authority of any government as held by the Declaration of  
7 Independence:

8 *"We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator*  
9 *with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness.--**That to secure***  
10 ***these rights, Governments are instituted among Men, deriving their just powers from the consent of the***  
11 ***governed, -"***  
12 *[Declaration of Independence, 1776]*

13 The fiduciary duty that a public officer who works for the government has is founded upon the requirement to protect  
14 PRIVATE property.

15 *"As expressed otherwise, the powers delegated to a public officer are held in trust for the people and are to be*  
16 *exercised in behalf of the government or of all citizens who may need the intervention of the officer. <sup>18</sup>*  
17 ***Furthermore, the view has been expressed that all public officers, within whatever branch and whatever level***  
18 ***of government, and whatever be their private vocations, are trustees of the people, and accordingly labor under***  
19 ***every disability and prohibition imposed by law upon trustees relative to the making of personal financial gain***  
20 ***from a discharge of their trusts. <sup>19</sup> That is, a public officer occupies a fiduciary relationship to the political***  
21 ***entity on whose behalf he or she serves. <sup>20</sup> and owes a fiduciary duty to the public. <sup>21</sup> It has been said that the***  
22 ***fiduciary responsibilities of a public officer cannot be less than those of a private individual. <sup>22</sup> Furthermore,***  
23 ***it has been stated that any enterprise undertaken by the public official which tends to weaken public confidence***  
24 ***and undermine the sense of security for individual rights is against public policy. <sup>23</sup>"***  
25 *[63C American Jurisprudence 2d, Public Officers and Employees, §247 (1999)]*

26 The VERY FIRST step that any lawful de jure government must take in protecting PRIVATE property and PRIVATE rights  
27 is to protect it from being converted to PUBLIC/GOVERNMENT property. After all: If the people you hire to protect you  
28 won't even do the job of protecting you from THEM, why should you hire them to protect you from ANYONE ELSE?

29 The U.S. Supreme Court has also affirmed that the protection of PRIVATE rights and PRIVATE property is "the foundation  
30 of the government" when it held the following. The case below was a challenge to the constitutionality of the first national  
31 income tax, and the U.S. government rightfully lost that challenge:

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

<sup>18</sup> 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.

<sup>19</sup> 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.

<sup>20</sup> 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.

<sup>21</sup> 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).

<sup>22</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>23</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           The present **assault upon capital** [THEFT! and WEALTH TRANSFER by unconstitutional CONVERSION of  
2 PRIVATE property to PUBLIC property] is but the beginning. **It will be but the stepping stone to others larger**  
3 **and more sweeping**, until our political contest will become war of the poor against the rich; a war of growing  
4 intensity and bitterness.”  
5 [Pollock v. Farmers’ Loan & Trust Co., 157 U.S. 429, 158 U.S. 601 (1895), hearing the case against the first  
6 income tax passed by Congress that included people in states of the Union. They declared that first income tax  
7 UNCONSTITUTIONAL, by the way]

8 In the above landmark case, the lawyer for the petitioner, Mr. Choate, even referred to the income tax as COMMUNISM,  
9 and he was obviously right! Why? Because communism like socialism operates upon the following political premises:

- 10 1. All property is PUBLIC property and there IS no PRIVATE property.
- 11 2. The government owns and/or controls all property and said property is LOANED to the people.
- 12 3. The government and/or the collective has rights superior to those of the individual. There is and can be NO equality or  
13 equal protection under the law without the right of PRIVATE property. In that sense, the government or the “state” is  
14 a pagan idol with “supernatural powers” because human beings are “natural”, and they are inferior to the collective.
- 15 4. Control is synonymous with ownership. If the government CONTROLS the property but the citizen “owns” it, then:  
16 4.1. The REAL owner is the government.  
17 4.2. The ownership of the property is QUALIFIED rather than ABSOLUTE.  
18 4.3. The person holding the property is a mere CUSTODIAN over GOVERNMENT property and has EQUITABLE  
19 rather than LEGAL ownership. Hence, their name in combination with the Social Security Number constitutes a  
20 PUBLIC office synonymous with the government itself.
- 21 5. Everyone in temporary use of said property is an officer and agent of the state. A “public officer”, after all, is someone  
22 who is in charge of the PROPERTY of the public. It is otherwise a crime to use public property for a PRIVATE use or  
23 benefit. That crime is called theft or conversion:

24           “**Public office.** The right, authority, and duty created and conferred by law, by which for a given period, either  
25 fixed by law or enduring at the pleasure of the creating power, an individual is invested with some portion of the  
26 sovereign functions of government for the benefit of the public. Walker v. Rich, 79 Cal.App. 139, 249 P. 56, 58.  
27 An agency for the state, the duties of which involve in their performance the exercise of some portion of the  
28 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,  
29 13 Ala.App. 212, 68 So. 706, 710; Curtin v. State, 61 Cal.App. 377, 214 P. 1030, 1035; Shelmadine v. City of  
30 Elkhart, 75 Ind.App. 493, 129 N.E. 878. State ex rel. Colorado River Commission v. Frohmiller, 46 Ariz. 413, 52  
31 P.2d. 483, 486. **Where, by virtue of law, a person is clothed, not as an incidental or transient authority, but for**  
32 **such time as de- notes duration and continuance, with Independent power to control the property of the public,**  
33 **or with public functions to be exercised in the supposed interest of the people, the service to be compensated by**  
34 **a stated yearly salary, and the occupant having a designation or title, the position so created is a public office.**  
35 State v. Brennan, 49 Ohio.St. 33, 29 N.E. 593.  
36 [Black’s Law Dictionary, Fourth Edition, p. 1235]

37 Look at some of the planks of the Communist Manifesto, Karl Marx and confirm the above for yourself:

- 38 1. Abolition of property in land and application of all rents of land to public purposes.
- 39 2. A heavy progressive or graduated income tax.
- 40 [ . . . ]
- 41 [Wikipedia on “The Communist Manifesto”, 12-27-2011; SOURCE:  
42 [http://en.wikipedia.org/wiki/The\\_Communist\\_Manifesto](http://en.wikipedia.org/wiki/The_Communist_Manifesto)]

43 The legal definition of “property” confirms that one who OWNS a thing has the EXCLUSIVE right to use and dispose of and  
44 CONTROL the use of his or her or its property and ALL the fruits and “benefits” associated with the use of such property .  
45 The implication is that you as the PRIVATE owner have a right to EXCLUDE ALL OTHERS including all governments  
46 from using, benefitting from, or controlling your property. Governments, after all, are simply legal “persons” and the  
47 constitution guarantees that ALL “persons” are equal. If your neighbor can’t benefit from your property without your consent,  
48 then neither can any so-called “government”.

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**  
54 **it. That dominion or indefinite right of use or disposition which one may lawfully exercise over particular**  
55 **things or subjects. The exclusive right of possessing, enjoying, and disposing of a thing. The highest right a**  
56 **man can have to anything; being used to refer to that right which one has to lands or tenements, goods or**  
57 **chattels, which no way depends on another man's courtesy.**

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

7           Property embraces everything which is or may be the subject of ownership, whether a legal ownership, or whether  
8           beneficial, or a private ownership. *Davis v. Davis*. TexCiv-App., 495 S.W.2d. 607. 611. Term includes not only  
9           ownership and possession but also the right of use and enjoyment for lawful purposes. *Hoffmann v. Kinealy, Mo.*,  
10          389 S.W.2d. 745, 752.

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

14          [. . .]

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

16          In a lawful de jure government under our constitution:

- 17          1. All "persons" are absolutely equal under the law. No government can have any more rights than a single human being,  
18          no matter how many people make up that government. If your neighbor can't take your property without your consent,  
19          then neither can the government. The only exception to this requirement of equality is that artificial persons do not  
20          have constitutional rights, but only such "privileges" as statutory law grants them. See:

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

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

- 23          2. All property is CONCLUSIVELY presumed to be EXCLUSIVELY PRIVATE until the GOVERNMENT meets the  
24          burden of proof on the record of the legal proceeding that you EXPRESSLY consented IN WRITING to donate the  
25          property or use of the property to the PUBLIC:

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

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

- 35          3. You have to knowingly and intentionally DONATE your PRIVATE property to a public use and a PUBLIC purpose  
36          before the government can lawfully REGULATE its use. In other words, you have to at least SHARE your ownership  
37          of otherwise private property with the government and become an EQUITABLE rather than ABSOLUTE owner of the  
38          property before they can acquire the right to regulate its use or impose obligations or duties upon its original owner.
- 39          4. That donation ordinarily occurs by applying for and/or using a license in connection with the use of SPECIFIC  
40          otherwise PRIVATE property.
- 41          5. The process of applying for or using a license and thereby converting PRIVATE into PUBLIC cannot be compelled. If  
42          it is, the constitutional violation is called "eminent domain" without compensation or STEALING, in violation of the  
43          Fifth Amendment Takings Clause.
- 44          6. You have a PUBLIC persona (office) and a PRIVATE persona (human) at all times.
- 45          6.1. That which you VOLUNTARILY attach a government license number to, such as a Social Security Number or  
46          Taxpayer Identification Number, becomes PRIVATE property donated to a public use to procure the benefits of a  
47          PUBLIC franchise. That property, in turn, is effectively OWNED by the government grantor of your public  
48          persona and the public office it represents.
- 49          6.2. If you were compelled to use a government license number, such as an SSN or TIN, then a theft and taking  
50          without compensation has occurred, because all property associated with such numbers was unlawfully converted  
51          and STOLEN.
- 52          7. If the right to contract of the parties conducting any business transaction has any meaning at all, it implies the right to  
53          EXCLUDE the government from participation in their relationship.



- 7.1. You can write the contract such that neither party may use or invoke a license number, or complain to a licensing board, about the transaction, and thus the government is CONTRACTED OUT of the otherwise PRIVATE relationship. Consequently, the transaction becomes EXCLUSIVELY PRIVATE and government may not tax or regulate or arbitrate the relationship in any way under the terms of the license franchise.
- 7.2. Every consumer of your services has a right to do business with those who are unlicensed. This right is a natural consequence of the right to CONTRACT and NOT CONTRACT. The thing they are NOT contracting with is the GOVERNMENT, and the thing they are not contracting FOR is STATUTORY/FRANCHISE “protection”. Therefore, even those who have applied for government license numbers are NOT obligated to use them in connection with any specific transaction and may not have their licenses suspended or revoked for failure or refusal to use them for a specific transaction.
8. If the government invades the commercial relationship between you and those you do business with by forcing either party to use or invoke the license number or pursue remedies or “benefits” under the license, they are:
  - 8.1. Interfering with your UNALIENABLE right to contract.
  - 8.2. Compelling you to donate EXCLUSIVELY PRIVATE property to a PUBLIC use.
  - 8.3. Exercising unconstitutional eminent domain over your otherwise PRIVATE property.
  - 8.4. Compelling you to accept a public “benefit”, where the “protection” afforded by the license is the “benefit”.

The above requirements of the USA Constitution are circumvented with nothing more than the simple PRESUMPTION, usually on the part of the IRS and corrupted judges who want to STEAL from you, that the GOVERNMENT owns it and that you have to prove that they CONSENTED to let you keep the fruits of it. They can’t and never have proven that they have such a right, and all such presumptions are a violation of due process of law.

(1) [8:4993] *Conclusive presumptions affecting protected interests:*

*A conclusive presumption may be defeated where its application would impair a party's constitutionally-protected liberty or property interests. In such cases, conclusive **presumptions have been held to violate a party's due process and equal protection rights.** [Vlandis v. Kline (1973) 412 U.S. 441, 449, 93 S.Ct. 2230, 2235; Cleveland Bd. of Ed. v. LaFleur (1974) 414 U.S. 632, 639-640, 94 S.Ct. 1208, 1215-presumption under Illinois law that unmarried fathers are unfit violates process] [*Federal Civil Trials and Evidence, Rutter Group (2006), paragraph 8:4993, p. 8K-34*]*

In order to unconstitutionally and TREASONOUSLY circumvent the above limitation on their right to presume, corrupt governments and government actors will play “word games” with citizenship and key definitions in the ENCRYPTED “code” in order to KIDNAP your legal identity and place it OUTSIDE the above protections of the constitution by:

1. PRESUMING that you are a public officer and therefore, that everything held in your name is PUBLIC property of the GOVERNMENT and not YOUR PRIVATE PROPERTY. See:
 

<p><i>Why Your Government is Either a Thief or You are a “Public Officer” for Income Tax Purposes</i>, Form #05.008          DIRECT LINK: <a href="http://sedm.org/Forms/05-MemLaw/WhyThiefOrPubOfficer.pdf">http://sedm.org/Forms/05-MemLaw/WhyThiefOrPubOfficer.pdf</a>          FORMS PAGE: <a href="http://sedm.org/Forms/FormIndex.htm">http://sedm.org/Forms/FormIndex.htm</a></p>
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2. Abusing fraudulent information returns to criminally and unlawfully “elect” you into public offices in the government:
 

<p><i>Correcting Erroneous Information Returns</i>, Form #04.001          DIRECT LINK: <a href="http://sedm.org/Forms/04-Tax/CorrErrInfoRtns/CorrErrInfoRtns.pdf">http://sedm.org/Forms/04-Tax/CorrErrInfoRtns/CorrErrInfoRtns.pdf</a>          FORMS PAGE: <a href="http://sedm.org/Forms/FormIndex.htm">http://sedm.org/Forms/FormIndex.htm</a></p>
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3. PRESUMING that because you did not rebut evidence connecting you to a public office, then you CONSENT to occupy the office.
4. PRESUMING that ALL of the four contexts for "United States" are equivalent.
5. PRESUME that CONSTITUTIONAL citizens and STATUTORY citizens are EQUIVALENT under federal law. They are NOT. A CONSTITUTIONAL citizen is a "non-resident " under federal civil law and NOT a STATUTORY "national and citizen of the United States\*\* at birth" per 8 U.S.C. §1401. See the document below:
 

<p><i>Why You are a “national”, “state national”, and Constitutional but not Statutory Citizen</i>, Form #05.006          DIRECT LINK: <a href="http://sedm.org/Forms/05-MemLaw/WhyANational.pdf">http://sedm.org/Forms/05-MemLaw/WhyANational.pdf</a>          FORMS PAGE: <a href="http://sedm.org/Forms/FormIndex.htm">http://sedm.org/Forms/FormIndex.htm</a></p>
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6. PRESUMING that "nationality" and "domicile" are equivalent. They are NOT. See:
 

<p><i>Why Domicile and Becoming a “Taxpayer” Require Your Consent</i>, Form #05.002          DIRECT LINK: <a href="http://sedm.org/Forms/05-MemLaw/Domicile.pdf">http://sedm.org/Forms/05-MemLaw/Domicile.pdf</a>          FORMS PAGE: <a href="http://sedm.org/Forms/FormIndex.htm">http://sedm.org/Forms/FormIndex.htm</a></p>
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- 1 7. Using the word "citizenship" in place of "nationality" OR "domicile", and refusing to disclose WHICH of the two they  
2 mean in EVERY context.
- 3 8. Confusing the POLITICAL/CONSTITUTIONAL meaning of words with the civil STATUTORY context. For  
4 instance, asking on government forms whether you are a POLITICAL/CONSTITUTIONAL citizen and then  
5 FALSELY PRESUMING that you are a STATUTORY citizen under 8 U.S.C. §1401.
- 6 9. Confusing the words "domicile" and "residence" or impute either to you without satisfying the burden of proving that  
7 you EXPRESSLY CONSENTED to it and thereby illegally kidnap your civil legal identity against your will. One can  
8 have only one "domicile" but many "residences" and BOTH require your consent. See:

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

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

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

- 9 10. Adding things or classes of things to the meaning of statutory terms that do not EXPRESSLY appear in their  
10 definitions, in violation of the rules of statutory construction. See:

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

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

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

- 11 11. Refusing to allow the jury to read the definitions in the law and then give them a definition that is in conflict with the  
12 statutory definition. This substitutes the JUDGES will for what the law expressly says and thereby substitutes PUBLIC  
13 POLICY for the written law.
- 14 12. Publishing deceptive government publications that are in deliberate conflict with what the statutes define "United  
15 States" as and then tell the public that they CANNOT rely on the publication. The IRS does this with ALL of their  
16 publications and it is FRAUD. See:

*Reasonable Belief About Income Tax Liability*, Form #05.007

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

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

17 This kind of arbitrary discretion is PROHIBITED by the Constitution, as held by the U.S. Supreme Court:

18 *"When we consider the nature and the theory of our institutions of government, the principles upon which they*  
19 *are supposed to rest, and review the history of their development, **we are constrained to conclude that they do***  
20 ***not mean to leave room for the play and action of purely personal and arbitrary power."***  
21 *[Yick Wo v. Hopkins, 118 U.S. 356, 369, 6 S.Sup.Ct. 1064, 1071]*

22 Thomas Jefferson, our most revered founding father, precisely predicted the above abuses when he astutely said:

23 *"It has long been my opinion, and I have never shrunk from its expression,... that the germ of dissolution of our*  
24 *Federal Government is in the constitution of the Federal Judiciary--an irresponsible body (for impeachment is*  
25 *scarcely a scare-crow), **working like gravity by night and by day, gaining a little today and a little tomorrow,***  
26 ***and advancing its noiseless step like a thief over the field of jurisdiction until all shall be usurped from the***  
27 ***States and the government be consolidated into one. To this I am opposed."***  
28 *[Thomas Jefferson to Charles Hammond, 1821. ME 15:331]*

29 *"Contrary to all correct example, [the Federal judiciary] are in the habit of going out of the question before them,*  
30 *to throw an anchor ahead and grapple further hold for future advances of power. **They are then in fact the corps***  
31 ***of sappers and miners, steadily working to undermine the independent rights of the States and to consolidate***  
32 ***all power in the hands of that government in which they have so important a freehold estate."***  
33 *[Thomas Jefferson: Autobiography, 1821. ME 1:121]*

34 *"The judiciary of the United States is the subtle corps of sappers and miners constantly working under ground to*  
35 *undermine the foundations of our confederated fabric. They are construing our Constitution from a co-ordination*  
36 *of a general and special government to a general and supreme one alone. **This will lay all things at their feet,***  
37 ***and they are too well versed in English law to forget the maxim, "boni judicis est ampliari jurisdictionem."***  
38 *[Thomas Jefferson to Thomas Ritchie, 1820. ME 15:297]*

39 *"When all government, domestic and foreign, in little as in great things, shall be drawn to Washington as the*  
40 *center of all power, it will render powerless the checks provided of one government on another and will become*  
41 ***as venal and oppressive as the government from which we separated."***  
42 *[Thomas Jefferson to Charles Hammond, 1821. ME 15:332]*

43 *"What an augmentation of the field for jobbing, speculating, plundering, office-building ["trade or business"*  
44 *scam] and office-hunting would be produced by an assumption [PRESUMPTION] of all the State powers into the*  
45 *hands of the General Government!"*

The key to preventing the unconstitutional abuse of presumption by the corrupted judiciary and IRS to STEAL from people is to completely understand the content of the following memorandum of law and consistently apply it in every interaction with the government:

Presumption: Chief Weapon for Unlawfully Enlarging Federal Jurisdiction, Form #05.017  
<http://sedm.org/Forms/FormIndex.htm>

It ought to be very obvious to the reader that:

1. The rules for converting PRIVATE property to PUBLIC property ought to be consistently, completely, clearly, and unambiguously defined by every government officer you come in contact with, and ESPECIALLY in court. These rules ought to be DEMANDED to be declared EVEN BEFORE you enter a plea in a criminal case.
2. If the government asserts any right over your PRIVATE property, they are PRESUMING they are the LEGAL owner and relegating you to EQUITABLE ownership. This presumption should be forcefully challenged.
3. If they won't expressly define the rules, or try to cloud the rules for converting PRIVATE property to PUBLIC property, then they are:
  - 3.1. Defeating the very purpose for which they were established as a "government". Hence, they are not a true "government" but a de facto private corporation PRETENDING to be a "government", which is a CRIME under 18 U.S.C. §912.
  - 3.2. Exercising unconstitutional eminent domain over private property without the consent of the owner and without compensation.
  - 3.3. Trying to STEAL from you.
  - 3.4. Violating their fiduciary duty to the public.

## **9.5 The Ability to Regulate Private Rights and Private Conduct is Repugnant to the Constitution**

The following cite establishes that private rights and private property are entirely beyond the control of the government:

*When one becomes a member of society, he necessarily parts with some rights or privileges which, as an individual not affected by his relations to others, he might retain. "A body politic," as aptly defined in the preamble of the Constitution of Massachusetts, "is a social compact by which the whole people covenants with each citizen, and each citizen with the whole people, that all shall be governed by certain laws for the common good." This does not confer power upon the whole people to control rights which are purely and exclusively private, Thorpe v. R. & B. Railroad Co., 27 Vt. 143; but it does authorize the establishment of laws requiring each citizen to so conduct himself, and so use his own property, as not unnecessarily to injure another. This is the very essence of government, and 125\*125 has found expression in the maxim sic utere tuo ut alienum non laedas. From this source come the police powers, which, as was said by Mr. Chief Justice Taney in the License Cases, 5 How. 583, "are nothing more or less than the powers of government inherent in every sovereignty, . . . that is to say, . . . the power to govern men and things." Under these powers the government regulates the conduct of its citizens one towards another, and the manner in which each shall use his own property, when such regulation becomes necessary for the public good. In their exercise it has been customary in England from time immemorial, and in this country from its first colonization, to regulate ferries, common carriers, hackmen, bakers, millers, wharfingers, innkeepers, &c., and in so doing to fix a maximum of charge to be made for services rendered, accommodations furnished, and articles sold. To this day, statutes are to be found in many of the States upon some or all these subjects; and we think it has never yet been successfully contended that such legislation came within any of the constitutional prohibitions against interference with private property. With the Fifth Amendment in force, Congress, in 1820, conferred power upon the city of Washington "to regulate . . . the rates of wharfage at private wharves, . . . the sweeping of chimneys, and to fix the rates of fees therefor, . . . and the weight and quality of bread," 3 Stat. 587, sect. 7; and, in 1848, "to make all necessary regulations respecting hackney carriages and the rates of fare of the same, and the rates of hauling by cartmen, wagoners, carmen, and draymen, and the rates of commission of auctioneers," 9 id. 224, sect. 2.  
[Munn v. Illinois, 94 U.S. 113 (1876),  
SOURCE: [http://scholar.google.com/scholar\\_case?case=6419197193322400931](http://scholar.google.com/scholar_case?case=6419197193322400931)]*

Notice that they say that the ONLY basis to regulate private rights is to prevent injury of one man to another by the use of said property. They say that this authority is the origin of the "police powers" of the state. What they hide, however, is that these same POLICE POWERS involve the CRIMINAL laws and EXCLUDE the CIVIL laws or even franchises. You can TELL they are trying to hide something because around this subject they invoke the Latin language that is unknown to most

1 Americans to conceal the nature of what they are doing. Whenever anyone invokes Latin in a legal setting, a red flag ought  
2 to go up because you KNOW they are trying to hide a KEY fact. Here is the Latin they invoked:

3 *“sic utere tuo ut alienum non laedas”*

4 The other phrase to notice in the Munn case above is the use of the word "social compact". A compact is legally defined as  
5 a contract.

6 *“Compact, n. An agreement or contract between persons, nations, or states. Commonly applied to working*  
7 *agreements between and among states concerning matters of mutual concern. A contract between parties, which*  
8 *creates obligations and rights capable of being enforced and contemplated as such between the parties, in their*  
9 *distinct and independent characters. A mutual consent of parties concerned respecting some property or right*  
10 *that is the object of the stipulation, or something that is to be done or forbore. See also Compact clause;*  
11 *Confederacy; Interstate compact; Treaty.”*  
12 *[Black’s Law Dictionary, Sixth Edition, p. 281]*

13 Therefore, one cannot exercise their First Amendment right to legally associate with or contract with a SOCIETY and thereby  
14 become a party to the "social compact/contract" without ALSO becoming a STATUTORY "citizen". By statutory citizen,  
15 we really mean a domiciliary of a SPECIFIC municipal jurisdiction, and not someone who was born or naturalized in that  
16 place. Hence, by STATUTORY citizen we mean a person who:

- 17 1. Has voluntarily chosen a civil domicile within a specific municipal jurisdiction and thereby become a “citizen” or  
18 “resident” of said jurisdiction. “citizens” or “residents” collectively are called “inhabitants”.
- 19 2. Has indicated their choice of domicile on government forms in the block called “residence” or “permanent address”.
- 20 3. CONSENTS to be protected by the regional civil laws of a SPECIFIC municipal government.

21 A CONSTITUTIONAL citizen, on the other hand, is someone who cannot consent to choose the place of their birth. These  
22 people in federal statutes are called “non-residents”. Neither BEING BORN nor being PHYSICALLY PRESENT in a place  
23 is an express exercise of one’s discretion or an act of CONSENT, and therefore cannot make one a government contractor  
24 called a statutory “U.S. citizen”. That is why birth or naturalization determines nationality but not their status under the  
25 CIVIL laws. All civil jurisdiction is based on “consent of the governed”, as the Declaration of Independence indicates. Those  
26 who do NOT consent to the civil laws that implement the social compact of the municipal government they are  
27 PHYSICALLY situated within are called “free inhabitants”, “nonresidents”, “transient foreigners”, or “foreign sovereigns”.  
28 These “free inhabitants” are mentioned in the Articles of Confederation, which continue to this day and they are NOT the  
29 same and mutually exclusive to a statutory “U.S. citizen”. These “free inhabitants” instead are CIVILLY governed by the  
30 common law RATHER than the civil law.

31 Policemen are NOT allowed to involve themselves in CIVIL disputes and may ONLY intervene or arrest anyone when a  
32 CRIME has been committed. They CANNOT arrest for an "infraction", which is a word designed to hide the fact that the  
33 statute being enforced is a CIVIL or FRANCHISE statute not involving the CRIMINAL "police powers". Hence, civil  
34 jurisdiction over PRIVATE rights is NOT authorized among those who HAVE such rights. Only those who know those  
35 rights and claim and enforce them, not through attorneys but in their proper person, have such rights. Nor can those PRIVATE  
36 rights lawfully be surrendered to a REAL, de jure government, even WITH consent, if they are, in fact UNALIENABLE as  
37 the Declaration of Independence indicates.

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

40 The only people who can consent to give away a right are those who HAVE no rights because they are domiciled on federal  
41 territory not protected by the Constitution or the Bill of Rights:

42 *“Indeed, the practical interpretation put by Congress upon the Constitution has been long continued and uniform*  
43 *to the effect [182 U.S. 244, 279] that the Constitution is applicable to territories acquired by purchase or*  
44 *conquest, only when and so far as Congress shall so direct. Notwithstanding its duty to 'guarantee to every*  
45 *state in this Union a republican form of government' (art. 4, 4), by which we understand, according to the*  
46 *definition of Webster, 'a government in which the supreme power resides in the whole body of the people, and*  
47 *is exercised by representatives elected by them,' Congress did not hesitate, in the original organization of the*  
48 *territories of Louisiana, Florida, the Northwest Territory, and its subdivisions of Ohio, Indiana, Michigan,*  
49 *Illinois, and Wisconsin and still more recently in the case of Alaska, to establish a form of government bearing*  
50 *a much greater analogy to a British Crown colony than a republican state of America, and to vest the legislative*  
51 *power either in a governor and council, or a governor and judges, to be appointed by the President. It was not*

1                   until they had attained a certain population that power was given them to organize a legislature by vote of the  
2                   people. In all these cases, as well as in territories subsequently organized west of the Mississippi, Congress  
3                   thought it necessary either to extend to Constitution and laws of the United States over them, or to declare that  
4                   the inhabitants should be entitled to enjoy the right of trial by jury, of bail, and of the privilege of the writ of  
5                   habeas corpus, as well as other privileges of the bill of rights."  
6                   [Downes v. Bidwell, [182 U.S. 244](#) (1901)]

7                   To apply these concepts, the police enforce the "vehicle code", but most of the vehicle code is a civil franchise that they may  
8                   NOT enforce without ABUSING the police powers of the state. In recognition of these concepts, the civil provisions of the  
9                   vehicle code are called "infractions" rather than "crimes". AND, before the civil provisions of the vehicle code may lawfully  
10                  be enforced against those using the public roadways, one must be a "resident" with a domicile not within the state, but on  
11                  federal territory where rights don't exist. All civil law attaches to SPECIFIC territory. That is why by applying for a driver's  
12                  license, most state vehicle codes require that the person must be a "resident" of the state, meaning a person with a domicile  
13                  within the statutory but not Constitutional "United States", meaning federal territory.

14                 So what the vehicle codes in most states do is mix CRIMINAL and CIVIL and even PRIVATE franchise law all into one  
15                 title of code, call it the "Vehicle code", and make it extremely difficult for even the most law abiding "citizen" to distinguish  
16                 which provisions are CIVIL/FRANCHISES and which are CRIMINAL, because they want to put the police force to an  
17                 UNLAWFUL use enforcing CIVIL rather than CRIMINAL law. This has the practical effect of making the "CODE" not  
18                 only a deception, but void for vagueness on its face, because it fails to give reasonable notice to the public at large, WHICH  
19                 specific provisions pertain to EACH subset of the population. That, in fact, is why they have to call it "the code", rather than  
20                 simply "law": Because the truth is encrypted and hidden in order to unlawfully expand their otherwise extremely limited  
21                 civil jurisdiction. The two subsets of the population who they want to confuse and mix together in order to undermine your  
22                 sovereignty are:

- 23                 1. Those who consent to the "social compact" by choosing a domicile or residence within a specific municipal  
24                 jurisdiction. These people are identified by the following statutory terms:
  - 25                         1.1. Individuals.
  - 26                         1.2. Residents.
  - 27                         1.3. Citizens.
  - 28                         1.4. Inhabitants.
  - 29                         1.5. PUBLIC officers serving as an instrumentality of the government.
- 30                 2. Those who do NOT consent to the "social compact" and who therefore are called:
  - 31                         2.1. Free inhabitants.
  - 32                         2.2. Nonresidents.
  - 33                         2.3. Transient foreigners.
  - 34                         2.4. Sojourners.
  - 35                         2.5. EXCLUSIVELY PRIVATE human beings beyond the reach of the civil statutes implementing the social  
36                         compact.

37                 So how can they reach those in constitutional states with the vehicle code who are neither domiciled on federal territory nor  
38                 representing a public office that is domiciled there? The way they get around the problem of only being able to enforce the  
39                 CIVIL provisions of the vehicle code against domiciliaries of the federal zone is to:

- 40                 1. Force those who apply for driver licenses to misrepresent their status so they appear as either statutory citizens or  
41                 public officers on official business. This is done using the "permanent address" block and requiring a Social Security  
42                 Number to get a license.
- 43                 2. Confuse CONSTITUTIONAL "citizens" with STATUTORY "citizens", to make them appear the same even though  
44                 they are NOT.
- 45                 3. Arrest people domiciled in constitutional states for driving WITHOUT a license, even though technically these  
46                 provisions can only be enforceable against those who are acting as a public officer WHILE driving AND who are  
47                 STATUTORY but not CONSTITUTIONAL "citizens". This creates the false appearance that EVERYONE must have  
48                 a license, rather than only those domiciled on federal territory or representing an office domiciled there.

49                 The act of "governing" WITHOUT consent therefore implies CRIMINAL governing, not CIVIL governing. To procure  
50                 CIVIL jurisdiction over a private right requires the CONSENT of the owner of the right. That is why the U.S. Supreme Court  
51                 states in Munn the following:



1 "When one becomes a member of society, he necessarily parts with some rights or privileges which, as an  
2 individual not affected by his relations to others, he might retain."  
3 [Munn v. Illinois, 94 U.S. 113 (1876),  
4 SOURCE: [http://scholar.google.com/scholar\\_case?case=6419197193322400931](http://scholar.google.com/scholar_case?case=6419197193322400931)]

5 Therefore, if one DOES NOT consent to join a "society" as a statutory citizen, he RETAINS those SOVEREIGN rights that  
6 would otherwise be lost through the enforcement of the civil law. Here is how the U.S. Supreme Court describes this  
7 requirement of law:

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

11 **[1] First, that he shall not use it to his neighbor's injury, and that does not mean that he must**  
12 **use it for his neighbor's benefit [e.g. SOCIAL SECURITY, Medicare, and**  
13 **every other public "benefit"];**

14 **[2] second, that if he devotes it to a public use, he gives to the public a right to control that use; and**

15 **[3] third, that whenever the public needs require, the public may take it upon payment of due compensation."**  
16 [Budd v. People of State of New York, [143 U.S. 517](http://scholar.google.com/scholar_case?case=6419197193322400931) (1892)]

17 A PRIVATE right that is unalienable cannot be given away by a citizen, even WITH consent, to a de jure government. Hence,  
18 the only people that any government may CIVILLY govern are those without unalienable rights, all of whom MUST therefore  
19 be domiciled on federal territory where CONSTITUTIONAL rights do not exist.

20 Notice that when they are talking about "regulating" conduct using CIVIL law, all of a sudden they mention "citizens" instead  
21 of ALL PEOPLE. These "citizens" are those with a DOMICILE within federal territory not protected by the Constitution:

22 "Under these powers the government regulates the **conduct of its citizens** one towards another, and the manner  
23 in which each shall use his own property, when such regulation becomes necessary for the public good."  
24 [Munn v. Illinois, 94 U.S. 113 (1876),  
25 SOURCE: [http://scholar.google.com/scholar\\_case?case=6419197193322400931](http://scholar.google.com/scholar_case?case=6419197193322400931)]

26 All "citizens" that they can regulate therefore must be WITHIN the government and be acting as public officers. Otherwise,  
27 they would continue to be PRIVATE parties beyond the CIVIL control of any government. Hence, in a Republican Form of  
28 Government where the People are sovereign:

- 29 1. The only "subjects" under the civil law are public officers in the government.  
30 2. The government is counted as a STATUTORY "citizen" but not a CONSTITUTIONAL "citizen". All  
31 CONSTITUTIONAL citizens are human beings and CANNOT be artificial entities. All STATUTORY citizens, on the  
32 other hand, are artificial entities and franchises and NOT CONSTITUTIONAL citizens.

33 "A corporation [the U.S. government, and all those who represent it as public officers, is a federal corporation  
34 per 28 U.S.C. §3002(15)(A) ] is a citizen, resident, or inhabitant of the state or country by or under the laws of  
35 which it was created, and of that state or country only."  
36 [19 Corpus Juris Secundum (C.J.S.), Corporations, §886 (2003)]

37  
38 **Citizens of the United States within the meaning of this Amendment must be natural and not artificial**  
39 **persons; a corporate body is not a citizen of the United States.**[14]

40  
41 FOOTNOTES:

42  
43 [14] Insurance Co. v. New Orleans, 13 Fed.Cas. 67 (C.C.D.La. 1870). Not being citizens of the United States,  
44 corporations accordingly have been declared unable "to claim the protection of that clause of the Fourteenth  
45 Amendment which secures the privileges and immunities of citizens of the United States against abridgment or  
46 impairment by the law of a State." Orient Ins. Co. v. Dagg, 172 U.S. 557, 561 (1869) . This conclusion was in  
47 harmony with the earlier holding in Paul v. Virginia, 75 U.S. (8 Wall.) 168 (1869), to the effect that corporations  
48 were not within the scope of the privileges and immunities clause of state citizenship set out in Article IV, Sec. 2.

1 See also *Selover, Bates & Co. v. Walsh*, 226 U.S. 112, 126 (1912); *Berea College v. Kentucky*, 211 U.S. 45 (1908)  
2 ; *Liberty Warehouse Co. v. Tobacco Growers*, 276 U.S. 71, 89 (1928); *Grosjean v. American Press Co.*, 297 U.S.  
3 233, 244 (1936).  
4 [SOURCE: Annotated Fourteenth Amendment, Congressional Research Service:  
5 [http://www.law.cornell.edu/amdi14a\\_hd1](http://www.law.cornell.edu/amdi14a_hd1)]

- 6 3. The only statutory "citizens" are public offices in the government.  
7 4. By serving in a public office, one becomes the same type of "citizen" as the GOVERNMENT is.

8 These observations are consistent with the very word roots that form the word "republic". The following video says the word  
9 origin comes from "res publica", which means a collection of PUBLIC rights shared by the public. You must therefore JOIN  
10 "the public" and become a public officer before you can partake of said PUBLIC right.

11 [Overview of America](http://sedm.org/LibertyU/LibertyU.htm), SEDM Liberty University, Section 2.3  
<http://sedm.org/LibertyU/LibertyU.htm>

12 This gives a WHOLE NEW MEANING to Abraham Lincoln's Gettysburg Address, in which he refers to American  
13 government as:

14 *"A government of the people, by the people, and for the people."*

15 You gotta volunteer as an uncompensated public officer for the government to CIVILLY govern you. Hence, the only thing  
16 they can CIVILLY GOVERN, is the GOVERNMENT! Pretty sneaky, huh? Here is a whole memorandum of law on this  
subject proving such a conclusion:

17 *Why Statutory Civil Law is Law for Government and Not Private Persons*, Form #05.037  
18 FORMS PAGE: <http://sedm.org/Forms/FormIndex.htm>  
19 DIRECT LINK: <http://sedm.org/Form...StatLawGovt.pdf>

20 The other important point we wish to emphasize is that those who are EXCLUSIVELY private and therefore beyond the  
21 reach of the civil law are:

- 22 1. Free inhabitants.  
23 2. Not a statutory "person" under the civil law or franchise statute in question.  
24 3. Not "individuals" under the CIVIL law if they are human beings. All statutory "individuals", in fact, are identified as  
25 "employees" under 5 U.S.C. §2105(a). This is the ONLY statute that describes HOW one becomes a statutory  
"individual" that we have been able to find.  
26 4. "foreign", a "transient foreigner", and sovereign in respect to government CIVIL but not CRIMINAL jurisdiction.  
27 5. NOT "subject to" but also not necessarily statutorily "exempt" under the civil or franchise statute in question.

28 For a VERY interesting background on the subject of this section, we recommend reading the following case:

29 *Mugler v. Kansas*, 123 U.S. 623 (1887)  
30 SOURCE: [http://scholar.google.com/scholar\\_case?case=12658364258779560123](http://scholar.google.com/scholar_case?case=12658364258779560123)

## 31 **9.6 The Right to be left alone**

32 The purpose of the Constitution of the United States of America is to confer the "right to be left alone", which is the essence  
33 of being sovereign:

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

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



1 The legal definition of “justice” confirms that its purpose is to protect your right to be “left alone”:

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

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

15 The Bible also states the foundation of justice by saying:

16 **“Do not strive with [or try to regulate or control or enslave] a man without cause, if he has done you no harm.”**  
17 [Prov. 3:30, Bible, NKJV]

18 And finally, Thomas Jefferson agreed with the above by defining “justice” as follows in his First Inaugural Address:

19 **“With all [our] blessings, what more is necessary to make us a happy and a prosperous people? Still one thing**  
20 **more, fellow citizens—a wise and frugal Government, which shall restrain men from injuring one another, shall**  
21 **leave them otherwise free to regulate their own pursuits of industry and improvement, and shall not take from**  
22 **the mouth of labor the bread it has earned. This is the sum of good government, and this is necessary to close**  
23 **the circle of our felicities.”**  
24 [Thomas Jefferson: 1st Inaugural, 1801. ME 3:320]

25 Therefore, the word “injustice” means interference with the equal rights of others absent their consent and which constitutes  
26 an injury NOT as any law defines it, but as the PERSON who is injured defines it. Under this conception of “justice”,  
27 anything done with your consent cannot be classified as “injustice” or an injury.

28 Those who are “private persons” fit in the category of people who must be left alone as a matter of law:

29 **“There is a clear distinction in this particular case between an individual and a corporation, and that the latter**  
30 **has no right to refuse to submit its books and papers for an examination at the suit of the State. The individual**  
31 **may stand upon his constitutional rights as a citizen. He is entitled to carry on his private business in his own**  
32 **way. His power to contract is unlimited. He owes no such duty to the State, since he receives nothing therefrom,**  
33 **beyond the protection of his life and property. His rights are such as existed by the law of the land long**  
34 **antecedent to the organization of the State, and can only be taken from him by due process of law, and in**  
35 **accordance with the constitution.** Among his rights are a refusal to incriminate himself, and the immunity of  
36 himself and his property from arrest or seizure except under a warrant of the law. He owes nothing to the public  
37 so long as he does not trespass upon their rights.”  
38 [Hale v. Henkel, 201 U.S. 43, 74 (1906)]

39  
40 [Internal Revenue Manual \(I.R.M.\), Section 5.14.10.2 \(09-30-2004\)](#)  
41 [Payroll Deduction Agreements](#)

42 **2. Private employers, states, and political subdivisions are not required to enter into payroll deduction**  
43 **agreements. Taxpayers should determine whether their employers will accept and process executed agreements**  
44 **before agreements are submitted for approval or finalized.**  
45 [SOURCE: <http://sedm.org/Exhibits/EX05.043.pdf>]

46 The U.S. Supreme Court has also held that the ability to regulate what it calls “private conduct” is repugnant to the  
47 constitution. It is the differentiation between PRIVATE rights and PUBLIC rights, in fact, that forms the basis for enforcing  
48 your right to be left alone:

49 **“The power to “legislate generally upon” life, liberty, and property, as opposed to the “power to provide modes**  
50 **of redress” against offensive state action, was “repugnant” to the Constitution. Id., at 15. See also United States**  
51 **v. Reese, 92 U.S. 214, 218 (1876); United States v. Harris, 106 U.S. 629, 639 (1883); James v. Bowman, 190 U.S.**

1 [127, 139 \(1903\)](#). Although the specific holdings of these early cases might have been superseded or modified, see,  
2 e.g., *Heart of Atlanta Motel, Inc. v. United States*, [379 U.S. 241 \(1964\)](#); *United States v. Guest*, [383 U.S. 745](#)  
3 (1966), their treatment of Congress' §5 power as corrective or preventive, not definitional, has not been  
4 questioned.”  
5 [*City of Boerne v. Flores, Archbishop of San Antonio, 521 U.S. 507 (1997)*]

6 Only by taking on a “public character” or engaging in “public conduct” rather than a “private” character may our actions  
7 become the proper or lawful subject of federal or state legislation or regulation.

8 “One great object of the Constitution is to permit citizens to structure their private relations as they choose  
9 subject only to the constraints of statutory or decisional law. [500 U.S. 614, 620]

10 To implement these principles, courts must consider from time to time where the governmental sphere [e.g.  
11 “public purpose” and “public office”] ends and the private sphere begins. Although the conduct of private  
12 parties lies beyond the Constitution's scope in most instances, governmental authority may dominate an activity  
13 to such an extent that its participants must be deemed to act with the authority of the government and, as a  
14 result, be subject to constitutional constraints. This is the jurisprudence of state action, which explores the  
15 “essential dichotomy” between the private sphere and the public sphere, with all its attendant constitutional  
16 obligations. *Moose Lodge, supra*, at 172. “

17 [ . . . ]

18 Given that the statutory authorization for the challenges exercised in this case is clear, the remainder of our state  
19 action analysis centers around the second part of the *Lugar* test, whether a private litigant, in all fairness, must  
20 be deemed a government actor in the use of peremptory challenges. Although we have recognized that this aspect  
21 of the analysis is often a fact-bound inquiry, see *Lugar, supra*, 457 U.S. at 939, our cases disclose certain  
22 principles of general application. Our precedents establish that, in determining whether a particular action or  
23 course of conduct is governmental in character, it is relevant to examine the following: the extent to which the  
24 actor relies on governmental assistance and benefits, see *Tulsa Professional Collection Services, Inc. v. Pope,*  
25 [485 U.S. 478 \(1988\)](#); *Burton v. Wilmington Parking Authority*, [365 U.S. 715 \(1961\)](#); whether the actor is  
26 performing a traditional governmental function, see *Terry v. Adams*, [345 U.S. 461 \(1953\)](#); *Marsh v. Alabama,*  
27 [326 U.S. 501 \(1946\)](#); cf. *San Francisco Arts & Athletics, Inc. v. United States Olympic [500 U.S. 614, 622]*  
28 *Committee*, [483 U.S. 522, 544 -545 \(1987\)](#); and whether the injury caused is aggravated in a unique way by the  
29 incidents of governmental authority, see *Shelley v. Kraemer*, [334 U.S. 1 \(1948\)](#). Based on our application of these  
30 three principles to the circumstances here, we hold that the exercise of peremptory challenges by the defendant  
31 in the District Court was pursuant to a course of state action.  
32 [*Edmonson v. Leesville Concrete Company*, 500 U.S. 614 (1991)]

33 The phrase “subject only to the constraints of statutory or decisional law” refers ONLY to statutes or court decisions that  
34 pertain to licensed or privileged activities or franchises, all of which:

- 35 1. Cause the licensee or franchisee to represent a “public office” and work for the government.
- 36 2. Cause the licensee or franchisee to act in a representative capacity as an officer of the government, which is a federal  
37 corporation and therefore he or she becomes an “officer or employee of a corporation” acting in a representative capacity.  
38 See 26 U.S.C. §6671(b) and 26 U.S.C. §7434, which both define a “person” within the I.R.C. criminal and penalty  
39 provisions as an officer or employee of a corporation.
- 40 3. Change the effective domicile of the “office” or “public office” of the licensee or franchisee to federal territory pursuant  
41 to Federal Rule of Civil Procedure 17(b), 26 U.S.C. §7701(a)(39), and 26 U.S.C. §7408(d).

42 IV. PARTIES > Rule 17.  
43 (b) Capacity to Sue or be Sued.

44 Capacity to sue or be sued is determined as follows:

- 45 (1) for an individual who is not acting in a representative capacity, by the law of the individual's domicile;
- 46 (2) for a corporation [or the officers or “public officers” of the corporation], by the law under which it was  
47 organized; and
- 48 (3) for all other parties, by the law of the state where the court is located, except that:  
49 (A) a partnership or other unincorporated association with no such capacity under that state's law may sue or  
50 be sued in its common name to enforce a substantive right existing under the United States Constitution or  
51 laws; and  
52 (B) [28 U.S.C. §§754 and 959\(a\)](#) govern the capacity of a receiver appointed by a United States court to sue or  
53 be sued in a United States court.

4. Create a “res” or “office” which is the subject of federal legislation and a “person” or “individual” within federal statutes. For instance, the definition of “individual” within 5 U.S.C. §552a(a)(2) reveals that it is a government employee with a domicile in the statutory “United States”, which is federal territory. Notice that the statute below is in Title 5, which is “Government Organization and Employees”, and that “citizens and residents of the United States” share in common a legal domicile on federal territory. An “individual” is an officer of the government, and not a natural man or woman. The office is the “individual”, and not the man or woman who fills it:

[TITLE 5 > PART 1 > CHAPTER 5 > SUBCHAPTER II > § 552a](#)  
[§ 552a. Records maintained on individuals](#)

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

(2) the term “individual” means a citizen of the United States or an alien lawfully admitted for permanent residence;

If you don’t maintain a domicile on federal territory, which is called the “United States” in the U.S. Code, or you don’t work for the government by participating in its franchises, then the government has NO AUTHORITY to even keep records on you under the authority of the Privacy Act and you would be committing perjury under penalty of perjury to call yourself an “individual” on a government form. Why? Because you are the sovereign and the sovereign is not the subject of the law, but the author of the law!

*“Since in common usage, the term person does not include the sovereign, statutes not employing the phrase are ordinarily construed to exclude it.”*  
[United States v. Cooper Corporation, 312 U.S. 600 (1941)]

*“There is no such thing as a power of inherent Sovereignty in the government of the United States. In this country **sovereignty resides in the People**, and Congress can exercise no power which they have not, by their Constitution entrusted to it: All else is withheld.”*  
[Juilliard v. Greenman, 110 U.S. 421 (1884)]

*“Sovereignty itself is, of course, not subject to law for it is the author and source of law;”*  
[Yick Wo v. Hopkins, 118 U.S. 356 (1886)]

*“Under our form of government, the legislature is NOT supreme. It is only one of the organs of that ABSOLUTE SOVEREIGNTY which resides in the whole body of the PEOPLE; like other bodies of the government, it can only exercise such powers as have been delegated to it, and **when it steps beyond that boundary, its acts are utterly VOID.**”*  
[Billings v. Hall, 7 CA. 1]

*“In Europe, the executive is synonymous with the sovereign power of a state...where it is too commonly acquired by force or fraud, or both...In America, however the case is widely different. Our government is founded upon compact. **Sovereignty was, and is, in the people.**”*  
[The Betsy, 3 Dall 6]

In summary, the only way the government can control you through civil law is to connect you to public conduct or a “public office” within the government executed on federal territory. If they are asserting jurisdiction that you believe they don’t have, it is probably because:

1. You misrepresented your domicile as being on federal territory within the “United States” or the “State of \_\_\_” by declaring yourself to be either a statutory “U.S. citizen” pursuant to 8 U.S.C. §1401 or a statutory “resident” (alien) pursuant to 26 U.S.C. §7701(b)(1)(A). This made you subject to their laws and put you into a privileged state.
2. You filled out a government application for a franchise, which includes government benefits, professional licenses, driver’s licenses, marriage licenses, etc.
3. Someone else filed a document with the government which connected you to a franchise, even though you never consented to participate in the franchise. For instance, IRS information returns such as W-2, 1042S, 1098, and 1099 presumptively connect you to a “trade or business” in the U.S. government pursuant to 26 U.S.C. §6041. A “trade or business” is then defined in 26 U.S.C. §7701(a)(26) as “the functions of a public office”. The only way to prevent this evidence from creating a liability under the franchise agreement provisions is to rebut it promptly. See:

[Correcting Erroneous Information Returns](#), Form #04.001  
<http://sedm.org/Forms/FormIndex.htm>

## 9.7 The PUBLIC You (straw man) vs. the PRIVATE You (human)

It is extremely important to know the difference between PRIVATE and PUBLIC “persons”, because we all have private and public identities. This division of our identities is recognized in the following maxim of law:

*Quando duo juro concurrunt in und personâ, aequum est ac si essent in diversis.*  
When two rights [public right v. private right] concur in one person, it is the same as if they were **two separate persons**. 4 Co. 118.  
[Bouvier’s Maxims of Law, 1856;  
SOURCE: <http://famguardian.org/Publications/BouvierMaximsOfLaw/BouviersMaxims.htm>]

The U.S. Supreme Court also recognizes the division of PUBLIC v. PRIVATE:

*“A private person cannot make constitutions or laws, nor can he with authority construe them, nor can he administer or execute them.”*  
[United States v. Harris, 106 U.S. 629, 1 S.Ct. 601, 27 L.Ed. 290 (1883)]

*“All the powers of the government [including ALL of its civil enforcement powers against the public] must be carried into operation by individual agency, either through the medium of public officers, or contracts made with [private] individuals.”*  
[Osborn v. Bank of U.S., 22 U.S. 738 (1824)]

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***“...we are of the opinion that there is a clear distinction in this particular between an [PRIVATE] individual and a [PUBLIC] corporation, and that the latter has no right to refuse to submit its books and papers for an examination at the suit of the state. The individual may stand upon his constitutional rights as a citizen. He is entitled to carry on his private business in his own way. His power to contract is unlimited. He owes no duty to the state or to his neighbors to divulge his business, or to open his doors to an investigation, so far as it may tend to criminate him. He owes no such duty to the state, since he receives nothing therefrom, beyond the protection of his life and property. His rights are such as existed by the law of the land long antecedent to the organization of the state, and can only be taken from him by due process of law, and in accordance with the Constitution. Among his rights are a refusal to incriminate himself, and the immunity of himself and his property from arrest or seizure except under a warrant of the law. He owes nothing to the public so long as he does not trespass upon their rights.***

***“Upon the other hand, the [PUBLIC] corporation is a creature of the state. It is presumed to be incorporated for the benefit of the public. It receives certain special privileges and franchises, and holds them subject to the laws of the state and the limitations of its charter. Its powers are limited by law. It can make no contract not authorized by its charter. Its rights to [201 U.S. 43, 75] act as a corporation are only preserved to it so long as it obeys the laws of its creation. There is a reserved right in the legislature to investigate its contracts and find out whether it has exceeded its powers. It would be a strange anomaly to hold that a state, having chartered a corporation to make use of certain franchises, could not, in the exercise of its sovereignty, inquire how these franchises had been employed, and whether they had been abused, and demand the production of the corporate books and papers for that purpose. The defense amounts to this: That an officer of a corporation which is charged with a criminal violation of the statute, may plead the criminality of such corporation as a refusal to produce its books. To state this proposition is to answer it. While an individual may lawfully refuse to answer incriminating questions unless protected by an immunity statute, it does not follow that a corporation, vested with special privileges and franchises, may refuse to show its hand when charged with an abuse of such privileges.”***  
[Hale v. Henkel, 201 U.S. 43 (1906)]

The next time you are in court as a PRIVATE person, here are some questions for the next jury, judge, or government prosecutor trying to enforce a civil obligation upon you as a PRESUMED public officer called a “citizen”, “resident”, “person”, or “taxpayer”:

1. How do you, a PRIVATE human, “OBEY” a law without “EXECUTING” it? We’ll give you a hint: It CAN’T BE DONE!
2. What “public office” or franchise does the government claim to have “created” and therefore have the right to control in the context of my otherwise exclusively PRIVATE property and PRIVATE rights under the Constitution?
3. Who is the “customer” in the context of the IRS: The STATUTORY “taxpayer” public office or the PRIVATE human filling the office?
4. Who gets to define what a “benefit” is in the context of “customers”? Isn’t it the human volunteering to be surety for the “taxpayer” office and not the government grantor of the public office franchise?

- 1 5. What if I as the human compelled to become surety for the office define that compulsion as an INJURY rather than a  
2 BENEFIT? Does that “end the privilege” and the jurisdiction to tax and regulate?  
3 6. Does the national government claim the right to create franchises within a constitutional state in order to tax them?  
4 The Constitution says they CANNOT and that this is an “invasion” within the meaning of Article 4, Section 4 of the  
5 Constitution:

6 *“Thus, Congress having power to regulate commerce with foreign nations, and among the several States, and  
7 with the Indian tribes, may, without doubt, provide for granting coasting licenses, licenses to pilots, licenses to  
8 trade with the Indians, and any other licenses necessary or proper for the exercise of that great and extensive  
9 power; and the same observation is applicable to every other power of Congress, to the exercise of which the  
10 granting of licenses may be incident. All such licenses confer authority, and give rights to the licensee.*

11 *But very different considerations apply to the internal commerce or domestic trade of the States. Over this  
12 commerce and trade Congress has no power of regulation nor any direct control. This power belongs  
13 exclusively to the States. No interference by Congress with the business of citizens transacted within a State  
14 is warranted by the Constitution, except such as is strictly incidental to the exercise of powers clearly  
15 granted to the legislature. The power to authorize a business within a State is plainly repugnant to the exclusive  
16 power of the State over the same subject. It is true that the power of Congress to tax is a very extensive power. It  
17 is given in the Constitution, with only one exception and only two qualifications. Congress cannot tax exports,  
18 and it must impose direct taxes by the rule of apportionment, and indirect taxes by the rule of uniformity. Thus  
19 limited, and thus only, it reaches every subject, and may be exercised at discretion. But, it reaches only existing  
20 subjects. **Congress cannot authorize a trade or business 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. Isn't a judge compelling you to violate your religious beliefs by compelling you to serve in a public office or accept the  
23 DUTIES of the office? Isn't this a violation of the First Commandment NOT to serve “other gods”, which can and  
24 does mean civil rulers or governments?

25 *But the thing displeased Samuel when they said, “Give us a king to judge us.” So Samuel prayed to the Lord.  
26 And the Lord said to Samuel, “Heed the voice of the people in all that they say to you; for they have rejected  
27 Me [God], that I should not reign over them. According to all the works which they have done since the day that  
28 I brought them up out of Egypt, even to this day—with which they have forsaken Me and served other gods  
29 [Kings, in this case]—so they are doing to you also [government becoming idolatry]. Now therefore, heed their  
30 voice. However, you shall solemnly forewarn them, and show them the behavior of the king who will reign  
31 over them.”*  
32 [*1 Sam. 8:6-9, Bible, NKJV*]

- 33 8. How can one UNILATERALLY ELECT themselves into public office by filling out a government form? The form  
34 isn't even signed by anyone in the government, such as a tax form or social security application, and therefore couldn't  
35 POSSIBLY be a valid contract anyway? Isn't this a FRAUD upon the United States and criminal bribery, using illegal  
36 “withholdings” to bribe someone to TREAT you as a public officer? See 18 U.S.C. §211.  
37 9. How can a judge enforce civil statutory law that only applies to public officers without requiring proof on the record  
38 that you are CONSENSUALLY and LAWFULLY engaged in a public office? In other words, that you waived  
39 sovereign immunity by entering into a contract with the government.

40 *“It is true, that the person who accepts an office may be supposed to enter into a compact to be answerable to  
41 the government, which he serves, for any violation of his duty; and, having taken the oath of office, he would  
42 unquestionably be liable, in such case, to a prosecution for perjury in the Federal Courts. But because one  
43 man, by his own act [CONSENT], renders himself amenable to a particular jurisdiction, shall another man,  
44 who has not incurred a similar obligation, be implicated? If, in other words, it is sufficient to vest a jurisdiction  
45 in this court, that a Federal Officer is concerned; if it is a sufficient proof of a case arising under a law of the  
46 United States to affect other persons, that such officer is bound, by law, to discharge his duty with fidelity; a  
47 source of jurisdiction is opened, which must inevitably overflow and destroy all the barriers between the judicial  
48 authorities of the State and the general government. Anything which can prevent a Federal Officer from the  
49 punctual, as well as from an impartial, performance of his duty; an assault and battery; or the recovery of a debt,  
50 as well as the offer of a bribe, may be made a foundation of the jurisdiction of this court; and, considering the  
51 constant disposition of power to extend the sphere of its influence, fictions will be resorted to, when real cases  
52 cease to occur. A mere fiction, that the defendant is in the custody of the marshal, has rendered the jurisdiction  
53 of the King's Bench universal in all personal actions.”*  
54 [*United States v. Worrall, 2 U.S. 384 (1798)*]  
55 SOURCE: [http://scholar.google.com/scholar\\_case?case=3339893669697439168/](http://scholar.google.com/scholar_case?case=3339893669697439168/)

- 56 10. Isn't this involuntary servitude in violation of the Thirteenth Amendment to serve in a public office if you DON'T  
57 consent and they won't let you TALK about the ABSENCE of your consent?



1 11. Isn't it a violation of due process of law to PRESUME that you are a public officer WITHOUT EVIDENCE on the  
2 record from an unbiased witness who has no financial interest in the outcome?

3 *"A presumption is an assumption of fact that the law requires to be made from another fact or group of facts*  
4 *found or otherwise established in the action. A presumption is not evidence."*  
5 *[Black's Law Dictionary, Sixth Edition, p. 1185]*

6  
7 *"If any question of fact or liability be conclusively be presumed [rather than proven] against him, this is not*  
8 *due process of law. [...] the presumption of innocence under which guilt must be proven by legally obtained*  
9 *evidence and the verdict must be supported by the evidence presented; rights at the earliest stage of the criminal*  
10 *process; and the guarantee that an individual will not be tried more than once for the same offence (double*  
11 *jeopardy).*  
12 *[Black's Law Dictionary, Sixth Edition, p. 500]*

13  
14 *"A presumption is neither evidence nor a substitute for evidence."<sup>24</sup>*  
15 *[American Jurisprudence 2d, Evidence, §181 (1999)]*

- 16 12. If the judge won't enforce the requirement that the government as moving party has the burden of proving WITH  
17 EVIDENCE that you were LAWFULLY "appointed or elected" to a public office, aren't you therefore PRESUMED to  
18 be EXCLUSIVELY PRIVATE and therefore beyond the reach of the civil statutory law?
- 19 13. Isn't the judge criminally obstructing justice to interfere with requiring evidence on the record that you lawfully  
20 occupy a public office? See 18 U.S.C. §1503, whereby the judge is criminally "influencing" the PUBLIC you.
- 21 14. Isn't an unsupported presumption that prejudices a PRIVATE right a violation of the Constitution and doesn't the  
22 rights that UNCONSTITUTIONAL presumption prejudicially conveys to the government constitute a taking of rights  
23 without just compensation in violation of the Fifth Amendment Takings Clause?
- 24 15. Don't the rights that UNCONSTITUTIONAL presumptions prejudicially convey to the government constitute a taking  
25 of rights without just compensation in violation of the Fifth Amendment Takings Clause?
- 26 16. By what authority does the judge impose federal civil law within a constitutional state of the Union because:  
27 16.1. Constitutional states are legislatively but not constitutionally foreign jurisdiction.  
28 16.2. Federal Rule of Civil Procedure 17(b) requires that those with a domicile outside of federal territory cannot be  
29 sued under federal law.  
30 16.3. The Rules of Decision Act, 28 U.S.C. §1652 dictates that state rather than federal law applies.  
31 16.4. National franchises and the PRIVATE law that implements them cannot be offered or enforced within  
32 constitutional states per License Tax Cases, 72 U.S. 462, 18 L.Ed. 497, 5 Wall. 462, 2 A.F.T.R. 2224 (1866).
- 33 17. Even if we ARE lawfully serving in a public office, don't we have the right to:  
34 17.1. Be off duty?  
35 17.2. Choose WHEN we want to be off duty?  
36 17.3. Choose WHAT financial transactions we want to connect to the office?  
37 17.4. Be protected in NOT volunteering to connect a specific activity to the public office? Governments LIE by calling  
38 something "voluntary" and yet refusing to protect those who do NOT consent to "volunteer", don't they?  
39 17.5. Not be coerced to sign up for OTHER, unrelated public offices when we sign up for a single office? For instance,  
40 do we have a right not become a FEDERAL officer when we sign up for a STATE "driver license" and "public  
41 office" that ALSO requires us to have a Social Security Number to get the license, and therefore to ALSO  
42 become a FEDERAL officer at the same time.
- 43 If the answer to all the above is NO, then there ARE no PRIVATE rights or PRIVATE property and there IS no  
44 "government" because governments only protect PRIVATE rights and private property!

45 We'd love to hear a jury, judge, or prosecutor address this subject before they hall him away in a straight jacket to the nuthouse  
46 because of a completely irrational and maybe even criminal answer.

47 The next time you end up in front of a judge or government attorney enforcing a civil statute against you, you might want to  
48 insist on proof in the record during the process of challenging jurisdiction as a defendant or respondent:

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<sup>24</sup> Levasseur v. Field (Me), 332 A.2d. 765; Hinds v. John Hancock Mut. Life Ins. Co., 155 Me 349, 155 A.2d. 721, 85 A.L.R.2d. 703 (superseded by statute on other grounds as stated in Poitras v. R. E. Glidden Body Shop, Inc. (Me) 430 A.2d. 1113); Connizzo v. General American Life Ins. Co. (Mo App), 520 S.W.2d. 661.

- 1 1. WHICH of the two “persons” they are addressing or enforcing against.
- 2 2. How the two statuses, PUBLIC v. PRIVATE, became connected.
- 3 3. What specific act of EXPRESS consent connected the two. PRESUMPTION alone on the part of government can't. A
- 4 presumption that the two became connected WITHOUT consent is an unconstitutional eminent domain in violation of
- 5 the Fifth Amendment Takings Clause.

6 In a criminal trial, such a question would be called a “bill of particulars”.

7 We can handle private and public affairs from the private, but we cannot handle private affairs from the public. The latter is

8 one of the biggest mistakes many people make when trying to handle their commercial and lawful (private) or legal (public)

9 affairs. Those who use PUBLIC property for PRIVATE gain in fact are STEALING and such stealing has always been a

10 crime.

11 In law, all rights attach to LAND, and all privileges attach to one’s STATUS under voluntary civil franchises. An example

12 of privileged statuses include “taxpayer” (under the tax code), “person”, “individual”, “driver” (under the vehicle code),

13 “spouse” (under the family code). Rights are PRIVATE, PRIVILEGES are PUBLIC.

14 In our society, the PRIVATE “straw man” was created by the application for the birth certificate. It is a legal person under

15 contract law and under the Uniform Commercial Code (U.C.C.), with capacity to sue or be sued under the common law. It

16 is PRIVATE PROPERTY of the human being described in the birth certificate.

17 The PUBLIC officer “straw man” (e.g. statutory "taxpayer") was created by the SSA Form SS-5, Application for a Social

18 Security Card. It is a privileged STATUS under an [unconstitutional national franchise](#) of the [de facto government](#). It is

19 PROPERTY of the national government. The PUBLIC “straw man” is thoroughly described in:

*Proof that There Is a “Straw Man”, Form #05.042*  
<http://sedm.org/Forms/FormIndex.htm>

20 The PRIVATE "John Doe" is a statutory "non-resident alien non-individual" not engaged in the “trade or business”/PUBLIC

21 OFFICER franchise in relation to the PUBLIC. He exists in the republic and is a free inhabitant under the Articles of

22 Confederation. He has inalienable rights and unlimited liabilities. Those unlimited liabilities are described in:

*The Unlimited Liability Universe*  
<http://famguardian.org/Subjects/Spirituality/Articles/UnlimitedLiabilityUniverse.htm>

23 The PUBLIC "JOHN DOE" is a public office in the government corporation and statutory "U.S. citizen" per 8 U.S.C. §1401,

24 26 U.S.C. §3121(e), and 26 C.F.R. §1.1-1(c). He exists in the privileged [socialist democracy](#). He has “benefits”, franchises,

25 obligations, immunities, and limited liability.

26 In the PRIVATE, money is an ASSET and always in the form of something that has intrinsic value, i.e. gold or silver. Payment

27 for anything is in the form of commercial set-off.

28 In the PUBLIC, money is a LIABILITY or debt and normally takes the form of a promissory note, i.e. a Federal Reserve

29 Note (FRN), a check, bond, or note. Payment is in the form of discharge in the future.

30 The PRIVATE realm is the basis for all contract and commerce under the Uniform Commercial Code (U.C.C.). The PUBLIC

31 realm was created by the bankruptcy of the PRIVATE entity. Generally, creditors can operate from the PRIVATE. PUBLIC

32 entities are all debtors (or slaves). The exercise of the right to contract by the PRIVATE straw man makes human beings into

33 SURETY for the PUBLIC straw man.

34 Your judicious exercise of your right to contract and the requirement for consent that protects it is the main thing that keeps

35 the PUBLIC separate from the PRIVATE. See:

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



1 **Be careful how you use your right to contract!** It is the most DANGEROUS right you have because it can destroy ALL  
2 of your PRIVATE rights by converting them to PUBLIC rights and offices.

3 **"These general rules are well settled:**

4 **(1) That the United States, when it creates rights in individuals against itself [a "public right", which is a**  
5 **euphemism for a "franchise" to help the court disguise the nature of the transaction], is under no obligation**  
6 **to provide a remedy through the courts.** *United States ex rel. Dunlap v. Black*, 128 U.S. 40, 9 Sup.Ct. 12, 32  
7 L.Ed. 354; *Ex parte Atocha*, 17 Wall. 439, 21 L.Ed. 696; *Gordon v. United States*, 7 Wall. 188, 195, 19 L.Ed. 35;  
8 *De Groot v. United States*, 5 Wall. 419, 431, 433, 18 L.Ed. 700; *Comegys v. Vasse*, 1 Pet. 193, 212, 7 L.Ed. 108.

9 **(2) That where a statute creates a right and provides a special remedy, that remedy is exclusive.** *Wilder*  
10 **Manufacturing Co. v. Corn Products Co.**, 236 U.S. 165, 174, 175, 35 Sup.Ct. 398, 59 L.Ed. 520, Ann. Cas. 1916A,  
11 118; *Arnson v. Murphy*, 109 U.S. 238, 3 Sup.Ct. 184, 27 L.Ed. 920; *Barnet v. National Bank*, 98 U.S. 555, 558,  
12 25 L.Ed. 212; *Farmers' & Mechanics' National Bank v. Dearing*, 91 U.S. 29, 35, 23 L.Ed. 196. Still the fact that  
13 the right and the remedy are thus intertwined might not, if the provision stood alone, require us to hold that the  
14 remedy expressly given excludes a right of review by the Court of Claims, where the decision of the special  
15 tribunal involved no disputed question of fact and the denial of compensation was rested wholly upon the  
16 construction of the act. See *Medbury v. United States*, 173 U.S. 492, 198, 19 Sup.Ct. 503, 43 L.Ed. 779; *Parish v.*  
17 *MacVeagh*, 214 U.S. 124, 29 Sup.Ct. 556, 53 L.Ed. 936; *McLean v. United States*, 226 U.S. 374, 33 Sup.Ct. 122,  
18 57 L.Ed. 260; *United States v. Laughlin* (No. 200), 249 U.S. 440, 39 Sup.Ct. 340, 63 L.Ed. 696, decided April 14,  
19 1919."  
20 [*U.S. v. Babcock*, 250 U.S. 328, 39 S.Ct. 464 (1919)]

21 All PUBLIC franchises are contracts or agreements and therefore participating in them is an act of contracting.

22 "It is generally conceded that a franchise is the subject of a contract between the grantor and the grantee, and  
23 that it does in fact constitute a contract when the requisite element of a consideration is present.<sup>25</sup> Conversely, a  
24 franchise granted without consideration is not a contract binding upon the state, franchisee, or pseudo-  
25 franchisee.<sup>26</sup> "  
26 [*36 American Jurisprudence 2d, Franchises, §6: As a Contract (1999)*]

27 Franchises include Social Security, income taxation ("trade or business"/public office franchise), unemployment insurance,  
28 driver licensing ("driver" franchise), and marriage licensing ("spouse" franchise).

29 **"You shall make no covenant [contract or franchise] with them [foreigners, pagans], nor with their [pagan**  
30 **government] gods [laws or judges]. They shall not dwell in your land [and you shall not dwell in theirs by**  
31 **becoming a "resident" or domiciliary in the process of contracting with them], lest they make you sin against Me**  
32 **[God]. For if you serve their [government] gods [under contract or agreement or franchise], it will surely be a**  
33 **snare to you."**  
34 [*Exodus 23:32-33, Bible, NKJV*]

35 Governments become corrupt by:

- 36 1. Refusing to recognize the PRIVATE.
- 37 2. Undermining or interfering with the invocation of the common law in courts of justice.
- 38 3. Allowing false information returns to be abused to convert the PRIVATE into the PUBLIC without the consent of the  
39 owner.
- 40 4. Destroying or undermining remedies for the protection of PRIVATE rights.
- 41 5. Replacing CONSTITUTIONAL courts with LEGISLATIVE FRANCHISE courts.
- 42 6. Making judges into statutory franchisees such as "taxpayers", through which they are compelled to have a conflict of  
43 interest that ultimately destroys or undermines all private rights. This is a crime and a civil offense in violation of 18  
44 U.S.C. §208, 28 U.S.C. §144, and 28 U.S.C. §455.

<sup>25</sup> *Larson v. South Dakota*, 278 U.S. 429, 73 L.Ed. 441, 49 S.Ct. 196; *Grand Trunk Western R. Co. v. South Bend*, 227 U.S. 544, 57 L.Ed. 633, 33 S.Ct. 303; *Blair v. Chicago*, 201 U.S. 400, 50 L.Ed. 801, 26 S.Ct. 427; *Arkansas-Missouri Power Co. v. Brown*, 176 Ark. 774, 4 S.W.2d. 15, 58 A.L.R. 534; *Chicago General R. Co. v. Chicago*, 176 Ill. 253, 52 N.E. 880; *Louisville v. Louisville Home Tel. Co.*, 149 Ky. 234, 148 S.W. 13; *State ex rel. Kansas City v. East Fifth Street R. Co.*, 140 Mo. 539, 41 S.W. 955; *Baker v. Montana Petroleum Co.*, 99 Mont. 465, 44 P.2d. 735; *Re Board of Fire Comrs.* 27 N.J. 192, 142 A.2d. 85; *Chrysler Light & P. Co. v. Belfield*, 58 N.D. 33, 224 N.W. 871, 63 A.L.R. 1337; *Franklin County v. Public Utilities Com.*, 107 Ohio.St. 442, 140 N.E. 87, 30 A.L.R. 429; *State ex rel. Daniel v. Broad River Power Co.*, 157 S.C. 1, 153 S.E. 537; *Rutland Electric Light Co. v. Marble City Electric Light Co.*, 65 Vt. 377, 26 A. 635; *Virginia-Western Power Co. v. Commonwealth*, 125 Va. 469, 99 S.E. 723, 9 A.L.R. 1148, cert den 251 U.S. 557, 64 L.Ed. 413, 40 S.Ct. 179, disapproved on other grounds *Victoria v. Victoria Ice, Light & Power Co.* 134 Va. 134, 114 S.E. 92, 28 A.L.R. 562, and disapproved on other grounds *Richmond v. Virginia Ry. & Power Co.*, 141 Va. 69, 126 S.E. 353.

<sup>26</sup> *Pennsylvania R. Co. v. Bowers*, 124 Pa. 183, 16 A. 836.

- 1 7. Offering or enforcing government franchises to people not domiciled on federal territory. This breaks down the
- 2 separation of powers and enforces franchise law extraterritorially.
- 3 8. Abusing “words of art” to blur or confuse the separation between the PUBLIC and the PRIVATE. (deception)
- 4 9. Removing the domicile prerequisite for participation in government franchises through policy and not law, thus
- 5 converting them into essentially PRIVATE business ventures that operate entirely through the right to contract.
- 6 10. Abusing sovereign immunity to protect PRIVATE government business ventures, thus destroying competition and
- 7 implementing a state-sponsored monopoly.
- 8 11. Refusing to criminally prosecute those who compel participation in government franchises.
- 9 12. Turning citizenship into a statutory franchise, and thus causing people who claim citizen status to unwittingly become
- 10 PUBLIC officers.
- 11 13. Allowing presumption to be used as a substitute for evidence in any proceeding to enforce government franchises
- 12 against an otherwise PRIVATE party. This violates due process of law, unfairly advantages the government, and
- 13 imputes to the government supernatural powers as an object of religious worship.

14 Therefore, it is important to learn how to be EXCLUSIVELY PRIVATE and a CREDITOR in all of our affairs. Freedom is  
 15 possible in the PRIVATE; it is not even a valid fantasy in the realm of the PUBLIC.

16 Below is a summary:

17 **Table 3: Public v. Private**

#	Characteristic	Private	Public
1	Name	“John Doe”	“JOHN DOE” (idemsonans)
2	Created by	Birth certificate	Application for SS Card, Form SS-5
3	Property of	Human being	Government
4	Protected by	Common law	Statutory franchises
5	Type of rights exercised	Private rights Constitutional rights	Public rights Statutory privileges
6	Rights/privileges attach to	LAND you stand on	Statutory STATUS under a voluntary civil franchise
7	Courts which protect or vindicate rights/privileges	Constitutional courts under Article III in the true Judicial Branch	Legislative administrative franchise courts under Articles 1 and IV in the Executive Branch.
8	Domiciled on	Private property	Public property/federal territory
9	Commercial standing	Creditor	Debtor
10	Money	Gold and silver	Promissory note (debt instrument)
11	Sovereign being worshipped/obeyed	God	Governments and political rulers (The Beast, Rev. 19:19). Paganism
12	Purpose of government	Protect PRIVATE rights	Expand revenues and control over the populace and consolidate all rights and sovereignty to itself
13	Government consists of	Body POLITIC (PRIVATE) <b>and</b> body CORPORATE (PUBLIC)	Body CORPORATE (PUBLIC) <b>only</b> . All those in the body POLITIC are converted into officers of the corporation by abusing franchises.

18 **9.8 All PUBLIC/GOVERNMENT law attaches to government territory, all PRIVATE law**  
 19 **attaches to your right to contract**

20 A very important consideration to understand is that:

- 21 1. All EXCLUSIVELY PUBLIC LAW attaches to the government’s own territory. By “PUBLIC”, we mean law that
- 22 runs the government and ONLY the government.
- 23 2. All EXCLUSIVELY PRIVATE law attaches to one of the following:
- 24 2.1. The exercise of your right to contract with others.
- 25 2.2. The property you own and lend to others based on specific conditions.

1 Item 2.2 needs further attention. Here is how that mechanism works:

2 *“How, then, are purely equitable obligations created? For the most part, either by the acts of third persons or by*  
3 *equity alone. **But how can one person impose an obligation upon another? By giving property to the latter on***  
4 ***the terms of his assuming an obligation in respect to it. At law there are only two means by which the object of***  
5 ***the donor could be at all accomplished, consistently with the entire ownership of the property passing to the***  
6 ***donee, namely: first, by imposing a real obligation upon the property; secondly, by subjecting the title of the***  
7 ***donee to a condition subsequent.** The first of these the law does not permit; the second is entirely inadequate.*  
8 *Equity, however, can secure most of the objects of the doner, and yet avoid the mischiefs of real obligations by*  
9 *imposing upon the donee (and upon all persons to whom the property shall afterwards come without value or*  
10 *with notice) **a personal obligation with respect to the property; and accordingly this is what equity does.** It is in*  
11 *this way that all trusts are created, and all equitable charges made (i.e., equitable hypothecations or liens created)*  
12 *by testators in their wills. In this way, also, most trusts are created by acts inter vivos, except in those cases in*  
13 *which the trustee incurs a legal as well as an equitable obligation. **In short, as property is the subject of every***  
14 ***equitable obligation, so the owner of property is the only person whose act or acts can be the means of creating***  
15 ***an obligation in respect to that property. Moreover, the owner of property can create an obligation in respect***  
16 ***to it in only two ways: first, by incurring the obligation himself, in which case he commonly also incurs a legal***  
17 ***obligation; secondly, by imposing the obligation upon some third person; and this he does in the way just***  
18 ***explained.**”*  
19 *[Readings on the History and System of the Common Law, Second Edition, Roscoe Pound, 1925, p. 543]*

20 Next, we must describe exactly what we mean by “territory”, and the three types of “territory” identified by the U.S. Supreme  
21 Court in relation to the term “United States”. Below is how the united States Supreme Court addressed the question of the  
22 meaning of the term “United States” (see Black’s Law Dictionary) in the famous case of *Hooven & Allison Co. v. Evatt*, 324  
23 U.S. 652 (1945). The Court ruled that the term United States has three uses:

24 *“The term ‘United States’ may be used in any one of several senses. It may be merely the name of a sovereign*  
25 *occupying the position analogous to that of other sovereigns in the family of nations. It may designate the territory*  
26 *over which the sovereignty of the United States extends, or it may be the collective name of the states which are*  
27 *united by and under the Constitution.”*  
28 *[Hooven & Allison Co. v. Evatt, 324 U.S. 652 (1945)]*

29 We will now break the above definition into its three contexts and show what each means.  
30

**Table 4: Meanings assigned to "United States" by the U.S. Supreme Court in *Hooven & Allison v. Evatt***

#	U.S. Supreme Court Definition of "United States" in <i>Hooven</i>	Context in which usually used	Referred to in this article as	Interpretation
1	"It may be merely the name of a sovereign occupying the position analogous to that of other sovereigns in the family of nations."	International law	"United States**"	"These <u>united States</u> ," when traveling abroad, you come under the jurisdiction of the President through his agents in the U.S. State Department, where "U.S." refers to the sovereign society. You are a "Citizen of the United States" like someone is a Citizen of France, or England. We identify this version of "United States" with a single asterisk after its name: "United States*" throughout this article.
2	"It may designate the territory over which the sovereignty of the United States extends, or"	Federal law Federal forms	"United States**"	"The United States (the District of Columbia, possessions and territories)". Here Congress has exclusive legislative jurisdiction. In this sense, the term "United States" is a singular noun. You are a person residing in the District of Columbia, one of its Territories or Federal areas (enclaves). Hence, even a person living in the one of the sovereign States could still be a member of the Federal area and therefore a "citizen of the United States." This is the definition used in most "Acts of Congress" and federal statutes. We identify this version of "United States" with two asterisks after its name: "United States**" throughout this article. This definition is also synonymous with the "United States" corporation found in 28 U.S.C. §3002(15)(A).
3	"...as the collective name for the states which are united by and under the Constitution."	Constitution of the United States	"United States***"	"The <u>several States</u> which is the <u>united States of America</u> ." Referring to the <u>50 sovereign States</u> , which are united under the <u>Constitution of the United States of America</u> . The federal areas within these states are not included in this definition because the <u>Congress does not</u> have exclusive legislative authority over any of the <u>50 sovereign States within the Union of States</u> . Rights are retained by the <u>States</u> in the 9th and 10th Amendments, and you are a "Citizen of these <u>united States</u> ." This is the definition used in the Constitution for the United States of America. We identify this version of "United States" with a three asterisks after its name: "United States***" throughout this article.

The way our present system functions, all PUBLIC rights are attached to federal territory. They cannot lawfully attach to EXCLUSIVELY PRIVATE property because the right to regulate EXCLUSIVELY PRIVATE rights is repugnant to the constitution, as held by the U.S. Supreme Court.

Lastly, when the government enters the realm of commerce and private business activity, it operates in equity and is treated as EQUAL in every respect to everyone else. ONLY in this capacity can it enact law that does NOT attach to its own territory and to those DOMICILED on its territory:

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

*See Jones, 1 Cl.Ct. at 85 ("Wherever the public and private acts of the government seem to commingle, a citizen or corporate body must by supposition be substituted in its place, and then the question be determined whether the action will lie against the supposed defendant"); O'Neill v. United States, 231 Ct.Cl. 823, 826 (1982) (sovereign acts doctrine applies where, "[w]here [the] contracts exclusively between private parties, the party hurt by such governing action could not claim compensation from the other party for the governing action"). The dissent ignores these statements (including the statement from Jones, from which case Horowitz drew its reasoning literally verbatim), when it says, post at 931, that the sovereign acts cases do not emphasize the need to treat the government-as-contractor the same as a private party. [United States v. Winstar Corp., 518 U.S. 839 (1996)]*

If a government wants to reach outside its territory and create PRIVATE law for those who have not consented to its jurisdiction by choosing a domicile on its territory, the ONLY method it has for doing this is to exercise its right to contract.

*Debt and contract [franchise agreement, in this case] are of no particular place.*

1 *Locus contractus regit actum.*  
2 *The place of the contract [franchise agreement, in this case] governs the act.*  
3 *[Bouvier's Maxims of Law, 1856;*  
4 *SOURCE: <http://famguardian.org/Publications/BouvierMaximsOfLaw/BouviereMaxims.htm>]*

5 The most important method by which governments exercise their PRIVATE right to contract and disassociate with the  
6 territorial limitation upon their lawmaking powers is through the use or abuse of franchises, which are contracts.

7 *As a rule, **franchises spring from contracts between the sovereign power and private citizens**, made upon*  
8 *valuable considerations, for purposes of individual advantage as well as public benefit,<sup>27</sup> and thus a franchise*  
9 *partakes of a double nature and character. **So far as it affects or concerns the public, it is publici juris and is***  
10 ***subject to governmental control. The legislature may prescribe the manner of granting it, to whom it may be***  
11 ***granted, the conditions and terms upon which it may be held, and the duty of the grantee to the public in***  
12 ***exercising it, and may also provide for its forfeiture upon the failure of the grantee to perform that duty. But***  
13 ***when granted, it becomes the property of the grantee, and is a private right, subject only to the governmental***  
14 ***control growing out of its other nature as publici juris.**<sup>28</sup>*  
15 *[American Jurisprudence 2d, Franchises, §4: Generally (1999)]*

## 16 **9.9 “Political (PUBLIC) law” v. “civil (PRIVATE/COMMON) law”**

17 Within our republican government, the founding fathers recognized three classes of law:

- 18 1. Criminal law. Protects both PUBLIC and PRIVATE rights.
- 19 2. Civil law. Protects exclusively PRIVATE rights. In effect, it implements ONLY the common law and does not  
20 regulate the government at all.
- 21 3. Political law. Protects exclusively PUBLIC rights of public officers and offices within the government.

22 The above three types of law were identified in the following document upon which the founding fathers wrote the  
23 constitution and based the design of our republican form of government:

*The Spirit of Laws*, Charles de Montesquieu, 1758  
SOURCE: <http://famguardian.org/Publications/SpiritOfLaws/sol.htm>

24 *The Spirit of Laws* book is where the founding fathers got the idea of separation of powers and three branches of government:  
25 Executive, Legislative, and Judicial. Montesquieu defines “political law” and “political liberty” as follows:

26 *1. A general Idea.*

27 ***I make a distinction between the laws that establish political liberty, as it relates to the constitution, and those***  
28 ***by which it is established, as it relates to the citizen. The former shall be the subject of this book; the latter I shall***  
29 ***examine in the next.***

30 *[The Spirit of Laws, Charles de Montesquieu, 1758, Book XI, Section 1;*  
31 *SOURCE: [http://famguardian.org/Publications/SpiritOfLaws/sol\\_11.htm#001](http://famguardian.org/Publications/SpiritOfLaws/sol_11.htm#001)]*

32 The Constitution in turn is a POLITICAL document which represents law EXCLUSIVELY for public officers within the  
33 government. It does not obligate or abrogate any PRIVATE right. It defines what the courts call “public rights”, meaning  
34 rights possessed and owned exclusively by the government ONLY.

35 ***“And the Constitution itself is in every real sense a law-the lawmakers being the people themselves, in whom***  
36 ***under our system all political power and sovereignty primarily resides, and through whom such power and***  
37 ***sovereignty primarily speaks. It is by that law, and not otherwise, that the legislative, executive, and judicial***  
38 ***agencies which it created exercise such political authority as they have been permitted to possess. The***  
39 ***Constitution speaks for itself in terms so plain that to misunderstand their import is not rationally possible.***  
40 ***‘We the People of the United States,’ it says, ‘do ordain and establish this Constitution.’ Ordain and establish!***  
41 ***These are definite words of enactment, and without more would stamp what follows with the dignity and character***  
42 ***of law. The framers of the Constitution, however, were not content to let the matter rest here, but provided***  
43 ***explicitly-‘This Constitution, and the Laws of the United States which shall be made in Pursuance thereof; ...***

<sup>27</sup> Georgia R. & Power Co. v. Atlanta, 154 Ga. 731, 115 S.E. 263; Lippencott v. Allander, 27 Iowa 460; State ex rel. Hutton v. Baton Rouge, 217 La. 857, 47 So.2d. 665; Tower v. Tower & S. Street R. Co., 68 Minn. 500, 71 N.W. 691.

<sup>28</sup> Georgia R. & Power Co. v. Atlanta, 154 Ga. 731, 115 S.E. 263; Lippencott v. Allander, 27 Iowa 460; State ex rel. Hutton v. Baton Rouge, 217 La. 857, 47 So.2d. 665; Tower v. Tower & S. Street R. Co., 68 Minn. 500, 71 N.W. 691.

1 *shall be the supreme Law of the Land.' (Const. art. 6, cl. 2.) **The supremacy of the Constitution as law is thus***  
2 ***declared without qualification. That supremacy is absolute; the supremacy of a statute enacted by Congress is***  
3 ***not absolute but conditioned upon its being made in pursuance of the Constitution.** And a judicial tribunal,*  
4 *clothed by that instrument with complete judicial power, and, therefore, by the very nature of the power, required*  
5 *to ascertain and apply the law to the facts in every case or proceeding properly brought for adjudication, must*  
6 *apply the supreme law and reject the inferior stat- [298 U.S. 238, 297] ute whenever the two conflict. In the*  
7 *discharge of that duty, the opinion of the lawmakers that a statute passed by them is valid must be given great*  
8 *weight, Adkins v. Children's Hospital, [261 U.S. 525, 544](#), 43 S.Ct. 394, 24 A.L.R. 1238; but their opinion, or the*  
9 *court's opinion, that the statute will prove greatly or generally beneficial is wholly irrelevant to the inquiry.*  
10 *Schechter Poultry Corp. v. United States, [295 U.S. 495, 549](#), 550 S., 55 S.Ct. 837, 97 A.L.R. 947. "*  
11 *[Carter v. Carter Coal Co., [298 U.S. 238](#) (1936)]*

12 The vast majority of laws passed by Congress are what Montesquieu calls "political law" that is intended exclusively for the  
13 government and not the private citizen. The authority for implementing such political law is Article 4, Section 3, Clause 2  
14 of the United States Constitution. To wit:

15 *United States Constitution*  
16 *Article 4, Section 3, Clause 2*

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

20 Tax franchise codes such as the Internal Revenue Code, for instance, are what Montesquieu calls "political law" exclusively  
21 for the government or public officer and not the private (CONSTITUTIONAL) citizen. Why? Because:

- 22 1. The U.S. Supreme Court identified taxes as a "political matter". "Political law", "political questions", and "political  
23 matters" cannot be heard by true constitutional courts and may ONLY be heard in legislative franchise courts officiated  
24 by the Executive and not Judicial branch:

25 *"Thus, the Court has frequently held that domicile or residence, more substantial than mere presence in transit*  
26 *or sojourn, is an adequate basis for taxation, including income, property, and death taxes. Since the Fourteenth*  
27 *Amendment makes one a citizen of the state wherein he resides, **the fact of residence creates universally***  
28 ***reciprocal duties of protection by the state and of allegiance and support by the citizen. The latter obviously***  
29 ***includes a duty to pay taxes, and their nature and measure is largely a political matter.** Of course, the situs of*  
30 *property may tax it regardless of the citizenship, domicile, or residence of the owner, the most obvious illustration*  
31 *being a tax on realty laid by the state in which the realty is located."*

32 *[Miller Brothers Co. v. Maryland, [347 U.S. 340](#) (1954)]*

- 33 2. The U.S. Tax Court:

- 34 2.1. Is an Article I Court in the LEGISLATIVE and not JUDICIAL branch, and hence, can only officiate over matters  
35 INTERNAL to the government. See 26 U.S.C. §7441.  
36 2.2. Is a POLITICAL court in the POLITICAL branch of the government. Namely, the Executive branch.  
37 2.3. Is limited to the District of Columbia because all public offices are limited to serve there per 4 U.S.C. §72. It travels  
38 all over the country, but this is done ILLEGALLY and in violation of the separation of powers.  
39 3. The activity subject to excise taxation is limited exclusively to "public offices" in the government, which is what a "trade  
40 or business" is statutorily defined as in 26 U.S.C. §7701(a)(26).

41 [26 U.S.C. Sec. 7701\(a\)\(26\)](#)

42 *"The term 'trade or business' **includes** the performance of the functions of a **public office.**"*

43 In Book XXVI, Section 15 of the Spirit of Laws, Montesquieu says that POLITICAL laws should not be allowed to regulate  
44 CIVIL conduct, meaning that POLITICAL laws limited exclusively to the government should not be enforced upon the  
45 PRIVATE citizen or made to "appear" as though they are "civil law" that applies to everyone:

46 *The Spirit of Laws, Book XXVI, Section 15*

47 *15. That we should not regulate by the Principles of political Law those Things which depend on the Principles*  
48 *of civil Law.*



1 As men have given up their natural independence to live under political laws, they have given up the natural  
2 community of goods to live under civil laws.

3 **By the first, they acquired [PUBLIC] liberty; by the second, [PRIVATE] property. We should not decide by the**  
4 **laws of [PUBLIC] liberty, which, as we have already said, is only the government of the community, what**  
5 **ought to be decided by the laws concerning [PRIVATE] property. It is a paralogism to say that the good of the**  
6 **individual should give way to that of the public; this can never take place, except when the government of the**  
7 **community, or, in other words, the liberty of the subject is concerned; this does not affect such cases as relate**  
8 **to private property, because the public good consists in every one's having his property, which was given him**  
9 **by the civil laws, invariably preserved.**

10 Cicero maintains that the Agrarian laws were unjust; because the community was established with no other view  
11 than that every one might be able to preserve his property.

12 **Let us, therefore, lay down a certain maxim, that whenever the public good happens to be the matter in question,**  
13 **it is not for the advantage of the public to deprive an individual of his property, or even to retrench the least**  
14 **part of it by a law, or a political regulation. In this case we should follow the rigour of the civil law, which is**  
15 **the Palladium of [PRIVATE] property.**

16 **Thus when the public has occasion for the estate of an individual, it ought never to act by the rigour of political**  
17 **law; it is here that the civil law ought to triumph, which, with the eyes of a mother, regards every individual as**  
18 **the whole community.**

19 If the political magistrate would erect a public edifice, or make a new road, he must indemnify those who are  
20 injured by it; the public is in this respect like an individual who treats with an individual. It is fully enough that  
21 it can oblige a citizen to sell his inheritance, and that it can strip him of this great privilege which he holds from  
22 the civil law, the not being forced to alienate his possessions.

23 After the nations which subverted the Roman empire had abused their very conquests, the spirit of liberty called  
24 them back to that of equity. They exercised the most barbarous laws with moderation: and if any one should doubt  
25 the truth of this, he need only read Beaumanoir's admirable work on jurisprudence, written in the twelfth century.

26 They mended the highways in his time as we do at present. He says, that when a highway could not be repaired,  
27 they made a new one as near the old as possible; but indemnified the proprietors at the expense of those who  
28 reaped any advantage from the road.<sup>43</sup> They determined at that time by the civil law; in our days, we determine  
29 by the law of politics.

30 [The Spirit of Laws, Charles de Montesquieu, 1758, Book XXVI, Section 15;  
31 SOURCE: [http://famguardian.org/Publications/SpiritOfLaws/sol\\_11.htm#001](http://famguardian.org/Publications/SpiritOfLaws/sol_11.htm#001)]

32 What Montesquieu is implying is what we have been saying all along, and he said it in 1758, which was even before the  
33 Declaration of Independence was written:

- 34 1. The purpose of establishing government is exclusively to protect PRIVATE rights.  
35 2. PRIVATE rights are protected by the CIVIL law. The civil law, in turn is based in EQUITY rather than PRIVILEGE:

36 **“Thus when the public has occasion for the estate of an individual, it ought never to act by the rigour of**  
37 **political law; it is here that the civil law ought to triumph, which, with the eyes of a mother, regards every**  
38 **individual as the whole community.”**

- 39 3. PUBLIC or government rights are protected by the PUBLIC or POLITICAL or GOVERNMENT law and NOT the  
40 CIVIL law.  
41 4. The first and most important role of government is to prevent the POLITICAL or GOVERNMENT law from being  
42 used or especially ABUSED as an excuse to confiscate or jeopardize PRIVATE property.

43 Unfortunately, it is precisely the above type of corruption that Montesquieu describes that is the foundation of the present de  
44 facto government, tax system, and money system. ALL of them treat every human being as a PUBLIC officer against their  
45 consent, and impose what he calls the “rigors of the political law” upon them, in what amounts to a THEFT and  
46 CONFISCATION of otherwise PRIVATE property by enforcing PUBLIC law against PRIVATE people.

47 The implications of Montesquieu’s position are that the only areas where POLITICAL law and CIVIL law should therefore  
48 overlap is in the exercise of the political rights to vote and serve on jury duty. Why? Because jurists are regarded as public  
49 officers in 18 U.S.C. §201(a)(1):



(a) For the purpose of this section—

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

However, it has also repeatedly been held by the courts that poll taxes are unconstitutional. Hence, voters technically are NOT to be regarded as public officers or franchisees for any purpose OTHER than their role as a voter. Recall that all statutory “Taxpayers” are public officers in the government.

In the days since Montesquieu, the purpose and definition of what he has called the CIVIL law has since been purposefully and maliciously corrupted so that it no longer protects exclusively PRIVATE rights or implements the COMMON law, but rather protects mainly PUBLIC rights and POLITICAL officers in the government. In other words, society has become corrupted by the following means that he warned would happen:

1. What Montesquieu calls CIVIL law has become the POLITICAL law.
2. There is not CIVIL (common) law anymore as he defines it, because the courts interfere with the enforcement of the common law and the protection of PRIVATE rights.
3. The purpose of government has transformed from protecting mainly PRIVATE rights using the common law to that of protecting PUBLIC rights using the STATUTE law, which in turn has become exclusively POLITICAL law.
4. All those who insist on remaining exclusively private cannot utilize any government service, because the present government forms refuse to recognize such a status or provide services to those with such status.
5. Everyone who wants to call themselves a “citizen” is no longer PRIVATE, but PUBLIC. “citizen” has become a public officer in the government rather than a private human being.
6. All “citizens” are STATUTORY rather than CONSTITUTIONAL in nature.
  - 6.1. There are no longer any CONSTITUTIONAL citizens because the courts refuse to recognize or protect them.
  - 6.2. People are forced to accept the duties of a statutory “citizen” and public officer to get any remedy at all in court or in any government agency.

The above transformations are documented in the following memorandum of law on our site:

*De Facto Government Scam*, Form #05.043

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

## **9.10 Lawful methods for converting PRIVATE property into PUBLIC property**

Next, we must carefully consider all the rules by which EXCLUSIVELY PRIVATE property is lawfully converted into PUBLIC property subject to government control or civil regulation. These rules are important, because the status of a particular type of property as either PRIVATE or PUBLIC determines whether either COMMON LAW or STATUTORY LAW apply respectively.

In general, only by either accepting physical property from the government or voluntarily applying for and claiming a status or right under a government franchise can one procure a PUBLIC status and be subject to STATUTORY civil law. If one wishes to be governed ONLY by the common law, then they must make their status very clear in every interaction with the government and on EVERY government form they fill out so as to avoid connecting them to any statutory franchise. Below is an example from a U.S. Department of Justice guide for prosecuting “sovereign citizens” that proves WHY this is the case:

*“What evidence refutes a good faith defense will depend on the facts and circumstances of each case. It is often helpful to focus on evidence that shows the defendant knew the law but disregarded it or was simply defying it. For instance, evidence that the defendant received proper advice from a CPA or tax preparer, or that the defendant failed to consult legitimate sources about his or her understanding of the tax laws can be helpful. **To refute claims that wages are not income, that the defendant did not understand the meaning of “wages,” or that the defendant is a state citizen but not a citizen of the United States, look for loan applications during the prosecution period. Tax defiers and sovereign citizens never seem to have a problem understanding the definition of income on a loan application. They also do not hesitate to check the “yes” box to the question**”*

1 “are you a U.S. citizen.” Any evidence that the defendant accepted Government benefits, such as  
2 unemployment, Medicare, social security, or the Alaska Permanent Fund Dividend will also be helpful to  
3 refute the defendant’s claims that he or she is not a citizen subject to federal laws.”  
4 [Prosecuting Tax Defier and Sovereign Citizen Cases—Frequently Asked Questions, U.S. Attorneys Bulletin,  
5 Volume 61, No. 2, March 2013, p. 48;  
6 SOURCE: <http://famguardian.org/Publications/USAttyBulletins/usab6102.pdf>]

7 The bottom line is that if you accept a government benefit, they PRESUME the right to rape and pillage absolutely  
8 ANYTHING you own. Our Path to Freedom, Form #09.015 process, by the way, makes the use of the above OFFENSE by  
9 the government in prosecuting you IMPOSSIBLE. The exhaustive list of attachment forms we provide which define the  
10 terms on all government forms they could use as evidence to prove the above also defeat the above tactic by U.S. Attorneys.  
11 Also keep in mind that the above tactic is useful against the GOVERNMENT as an offensive weapon. If your property is  
12 private, you can loan it to THEM with FRANCHISE conditions found in Form #06.027. If they argue that you can’t do it to  
13 them, indirectly they are destroying the main source of THEIR jurisdiction as well. Let them shoot themselves in the foot in  
14 front of the jury!

15 Below is a detailed list of the rules for converting PRIVATE property to PUBLIC property:

- 16 1. The purpose for establishing governments is mainly to protect private property. The Declaration of Independence affirms  
17 this:

18 *“We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator*  
19 *with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness.--That to secure*  
20 *these rights, Governments are instituted among Men, deriving their just powers from the consent of the governed,*  
21 *–”*  
22 [Declaration of Independence, 1776]

- 23 2. Government protects private rights by keeping “public [government] property” and “private property” separate and never  
24 allowing them to be joined together. This is the heart of the separation of powers doctrine: separation of what is private  
25 from what is public with the goal of protecting mainly what is private. See:

[Government Conspiracy to Destroy the Separation of Powers, Form #05.023](http://sedm.org/Forms/FormIndex.htm)  
<http://sedm.org/Forms/FormIndex.htm>

- 26 3. All property BEGINS as private property. The only way to lawfully change it to public property is through the exercise  
27 of your unalienable constitutional right to contract. All franchises qualify as a type of contract, and therefore, franchises  
28 are one of many methods to lawfully convert PRIVATE property to PUBLIC property. The exercise of the right to  
29 contract, in turn, is an act of consent that eliminates any possibility of a legal remedy of the donor against the donee:

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

32 *Consensus tollit errorem.*  
33 *Consent removes or obviates a mistake. Co. Litt. 126.*

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

36 *Nemo videtur fraudare eos qui sciunt, et consentiunt.*  
37 *One cannot complain of having been deceived when he knew the fact and gave his consent. Dig. 50, 17, 145.”*  
38 [Bouvier’s Maxims of Law, 1856;  
39 SOURCE: <http://famguardian.org/Publications/BouvierMaximsOfLaw/BouviereMaxims.htm>]

- 40 4. In law, all rights are “property”.

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

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

7 Property embraces everything which is or may be the subject of ownership, whether a legal ownership, or whether  
8 beneficial, or a private ownership. *Davis v. Davis*. TexCiv-App., 495 S.W.2d. 607. 611. Term includes not only  
9 ownership and possession but also the right of use and enjoyment for lawful purposes. *Hoffmann v. Kinealy, Mo.*,  
10 389 S.W.2d. 745, 752.

11 **Property, within constitutional protection, denotes group of rights inhering in citizen's relation to physical  
12 thing, as right to possess, use and dispose of it.** *Cereghino v. State By and Through State Highway Commission*,  
13 230 Or. 439, 370 P.2d. 694, 697.  
14 [Black's Law Dictionary, Fifth Edition, p. 1095]

15 By protecting your constitutional rights, the government is protecting your PRIVATE property. Your rights are private  
16 property because they came from God, not from the government. Only what the government creates can become public  
17 property. An example is corporations, which are a public franchise that makes officers of the corporation into public  
18 officers.

- 19 5. The process of taxation is the process of converting "private property" into a "public use" and a "public purpose". Below  
20 are definitions of these terms for your enlightenment.

21 **Public use.** *Eminent domain. The constitutional and statutory basis for taking property by eminent domain. For*  
22 *condemnation purposes, "public use" is one which confers some benefit or advantage to the public; it is not*  
23 *confined to actual use by public. It is measured in terms of right of public to use proposed facilities for which*  
24 *condemnation is sought and, as long as public has right of use, whether exercised by one or many members of*  
25 *public, a "public advantage" or "public benefit" accrues sufficient to constitute a public use.* *Montana Power*  
26 *Co. v. Bokma, Mont.*, 457 P.2d. 769, 772, 773.

27 *Public use, in constitutional provisions restricting the exercise of the right to take property in virtue of eminent*  
28 *domain, means a use concerning the whole community distinguished from particular individuals. But each and*  
29 *every member of society need not be equally interested in such use, or be personally and directly affected by it;*  
30 *if the object is to satisfy a great public want or exigency, that is sufficient.* *Ringe Co. v. Los Angeles County*, 262  
31 U.S. 700, 43 S.Ct. 689, 692, 67 L.Ed. 1186. *The term may be said to mean public usefulness, utility, or advantage,*  
32 *or what is productive of general benefit. It may be limited to the inhabitants of a small or restricted locality, but*  
33 *must be in common, and not for a particular individual. The use must be a needful one for the public, which*  
34 *cannot be surrendered without obvious general loss and inconvenience. A "public use" for which land may be*  
35 *taken defies absolute definition for it changes with varying conditions of society, new appliances in the sciences,*  
36 *changing conceptions of scope and functions of government, and other differing circumstances brought about by*  
37 *an increase in population and new modes of communication and transportation.* *Katz v. Brandon*, 156 Conn.  
38 521, 245 A.2d. 579, 586.

39 See also *Condemnation; Eminent domain.*  
40 [Black's Law Dictionary, Sixth Edition, p. 1232]

41  
42 **"Public purpose.** *In the law of taxation, eminent domain, etc., this is a term of classification to distinguish the*  
43 *objects for which, according to settled usage, the government is to provide, from those which, by the like usage,*  
44 *are left to private interest, inclination, or liberality. The constitutional requirement that the purpose of any tax,*  
45 *police regulation, or particular exertion of the power of eminent domain shall be the convenience, safety, or*  
46 *welfare of the entire community and not the welfare of a specific individual or class of persons [such as, for*  
47 *instance, federal benefit recipients as individuals]. "Public purpose" that will justify expenditure of public*  
48 *money generally means such an activity as will serve as benefit to community as a body and which at same time*  
49 *is directly related function of government.* *Pack v. Southwestern Bell Tel. & Tel. Co.*, 215 Tenn. 503, 387 S.W.2d.  
50 789, 794 .

51 *The term is synonymous with governmental purpose. As employed to denote the objects for which taxes may be*  
52 *levied, it has no relation to the urgency of the public need or to the extent of the public benefit which is to follow;*  
53 *the essential requisite being that a public service or use shall affect the inhabitants as a community, and not*  
54 *merely as individuals. A public purpose or public business has for its objective the promotion of the public*  
55 *health, safety, morals, general welfare, security, prosperity, and contentment of all the inhabitants or residents*  
56 *within a given political division, as, for example, a state, the sovereign powers of which are exercised to promote*  
57 *such public purpose or public business."*  
58 [Black's Law Dictionary, Sixth Edition, p. 1231, Emphasis added]

1 6. The federal government has no power of eminent domain within states of the Union. This means that they cannot  
2 lawfully convert private property to a public use or a public purpose within the exclusive jurisdiction of states of the  
3 Union:

4 *“The United States have no constitutional capacity to exercise municipal jurisdiction, sovereignty, or eminent*  
5 *domain, within the limits of a State or elsewhere, except in cases where it is delegated, and the court*  
6 *denies the faculty of the Federal Government to add to its powers by treaty*  
7 *or compact.”*  
8

*[Dred Scott v. Sandford, 60 U.S. 393, 508-509 (1856)]*

9 7. The Fifth Amendment prohibits converting private property to a public use or a public purpose without just compensation  
10 if the owner does not consent, and this prohibition applies to the Federal government as well as states of the Union. It  
11 was made applicable to states of the Union by the Fourteenth Amendment in 1868.

12 *Fifth Amendment - Rights of Persons*

13 *No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or*  
14 *indictment of a Grand Jury, except in cases arising in the land or naval forces, or in the Militia, when in actual*  
15 *service in time of War or public danger; nor shall any person be subject for the same offence to be twice put in*  
16 *jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be*  
17 *deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public*  
18 *use, without just compensation.*  
19

*[United States Constitution, Fifth Amendment]*

20 If the conversion of private property to public property is done without the express consent of the party affected by the  
21 conversion and without compensation, then the following violations have occurred:

22 7.1. Violation of the Fifth Amendment “takings clause” above.

23 7.2. “Conversion” in violation of 18 U.S.C. §654.

24 7.3. Theft.

25 8. Because taxation involves converting private property to a public use, public purpose, and public office, then it involves  
26 eminent domain if the owner of the property did not expressly consent to the taking:

27 *Eminent domain. The power to take private property for public use by the state, municipalities, and private*  
28 *persons or corporations authorized to exercise functions of public character. Housing Authority of Cherokee*  
29 *National of Oklahoma v. Langley, Okl., 555 P.2d. 1025, 1028. Fifth Amendment, U.S. Constitution.*

30 *In the United States, the power of eminent domain is founded in both the federal (Fifth Amend.) and state*  
31 *constitutions. However, the Constitution limits the power to taking for a public purpose and prohibits the*  
32 *exercise of the power of eminent domain without just compensation to the owners of the property which is*  
33 *taken. The process of exercising the power of eminent domain is commonly referred to as “condemnation”,*  
34 *or, “expropriation”.*

35 *The right of eminent domain is the right of the state, through its regular organization, to reassert, either*  
36 *temporarily or permanently, its dominion over any portion of the soil of the state on account of public exigency*  
37 *and for the public good. Thus, in time of war or insurrection, the proper authorities may possess and hold any*  
38 *part of the territory of the state for the common safety; and in time of peace the legislature may authorize the*  
39 *appropriation of the same to public purposes, such as the opening of roads, construction of defenses, or providing*  
40 *channels for trade or travel. Eminent domain is the highest and most exact idea of property remaining in the*  
41 *government, or in the aggregate body of the people in their sovereign capacity. It gives a right to resume the*  
42 *possession of the property in the manner directed by the constitution and the laws of the state, whenever the public*  
43 *interest requires it.*

44 *See also Adequate compensation; Condemnation; Constructive taking; Damages; Expropriation; Fair market*  
45 *value; Just compensation; Larger parcel; Public use; Take.*

46 *[Black’s Law Dictionary, Fifth Edition, p. 470]*

47 9. The Fifth Amendment requires that any taking of private property without the consent of the owner must involve  
48 compensation. The Constitution must be consistent with itself. The taxation clauses found in Article 1, Section 8,  
49 Clauses 1 and 3 cannot conflict with the Fifth Amendment. The Fifth Amendment contains no exception to the  
50 requirement for just compensation upon conversion of private property to a public use, even in the case of taxation. This  
51 is why all taxes must be indirect excise taxes against people who provide their consent by applying for a license to engage

1 in the taxed activity: The application for the license constitutes constructive consent to donate the fruits of the activity  
2 to a public use, public purpose, and public office.  
3 10. There is only ONE condition in which the conversion of private property to public property does NOT require  
4 compensation, which is when the owner donates the private property to a public use, public purpose, or public office.  
5 To wit:

6 *“Men are endowed by their Creator with certain unalienable rights, -life, liberty, and the pursuit of happiness;’*  
7 *and to ‘secure,’ not grant or create, these rights, governments are instituted. **That property [or income] which a***  
8 ***man has honestly acquired he retains full control of, subject to these limitations: First, that he shall not use it***  
9 ***to his neighbor's injury, and that does not mean that he must use it for his neighbor's benefit [e.g. SOCIAL***  
10 ***SECURITY, Medicare, and every other public “benefit”]; second, that if he devotes it to a public use, he gives***  
11 ***to the public a right to control that use; and third, that whenever the public needs require, the public may take***  
12 ***it upon payment of due compensation.”***  
13 *[Budd v. People of State of New York, 143 U.S. 517 (1892) ]*

14 The above rules are summarized below:  
15

**Table 5: Rules for converting private property to a public use or a public office**

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

11. The following two methods are the ONLY methods involving consent of the owner that may be LAWFULLY employed to convert PRIVATE property into PUBLIC property. Anything else is unlawful and THEFT:

11.1. **DIRECT CONVERSION:** Owner donates the property by conveying title or possession to the government.<sup>29</sup>

11.2. **INDIRECT CONVERSION:** Owner assumes a PUBLIC status as a PUBLIC officer in the HOLDING of title to the property.<sup>30</sup> All such statuses and the rights that attach to it are creations and property of the government, the use of which is a privilege. The status and all PUBLIC RIGHTS that attach to it conveys a “benefit” for which the status user must pay an excise tax. The tax acts as a rental or use fee for the status, which is government property.

12. You and ONLY you can authorize your private property to be donated to a public use, public purpose, and public office. No third party can lawfully convert or donate your private property to a public use, public purpose, or public office without your knowledge and express consent. If they do, they are guilty of theft and conversion, and especially if they are acting in a quasi-governmental capacity as a “withholding agent” as defined in 26 U.S.C. §7701(a)(16).

12.1. A withholding agent cannot file an information return connecting your earnings to a “trade or business” without you actually occupying a “public office” in the government BEFORE you filled out any tax form.

12.2. A withholding agent cannot file IRS Form W-2 against your earnings if you didn’t sign an IRS Form W-4 contract and thereby consent to donate your private property to a public office in the U.S. government and therefore a “public use”.

12.3. That donation process is accomplished by your own voluntary self-assessment and ONLY by that method. Before such a self-assessment, you are a “nontaxpayer” and a private person. After the assessment, you become a “taxpayer” and a public officer in the government engaged in the “trade or business” franchise.

12.4. In order to have an income tax liability, you must complete, sign, and “file” an income tax return and thereby assess yourself:

*“Our system of taxation is based upon voluntary assessment and payment, not distraint.”  
[Flora v. U.S., 362 U.S. 145 (1960)]*

By assessing yourself, you implicitly give your consent to allow the public the right to control that use of the formerly PRIVATE property donated to a public use.

<sup>29</sup> An example of direct conversion would be the process of “registering” a vehicle with the Department of Motor Vehicles in your state. The act of registration constitutes consent by original ABSOLUTE owner to change the ownership of the property from ABSOLUTE to QUALIFIED and to convey legal title to the state and qualified title to himself.

<sup>30</sup> An example of a PUBLIC status is statutory “taxpayer” (public office called “trade or business”), statutory “citizen”, statutory “driver” (vehicle), statutory voter (registered voters are public officers).

1 A THEFT of property has occurred on behalf of the government if it attempts to do any of the following:

- 2 1. Circumvents any of the above rules.
- 3 2. Blurs, confuses, or obfuscates the distinction between PRIVATE property and PUBLIC property.
- 4 3. Refuses to identify EXACTLY which of the mechanisms identified in item 10 above was employed in EACH specific
- 5 case where it:
- 6 3.1. Asserts a right to regulate the use of private property.
- 7 3.2. Asserts a right to convert the character of property from PRIVATE to PUBLIC.
- 8 3.3. Asserts a right to TAX what you THOUGHT was PRIVATE property.

9 The next time someone from the government asserts a tax obligation, you might want to ask them the following very insightful  
10 questions based on the content of this section:

- 11 1. Please describe at EXACTLY what point in the taxation process my earnings were LAWFULLY converted from  
12 EXCLUSIVELY PRIVATE to PUBLIC and thereby became SUBJECT to civil statutory law and government  
13 jurisdiction. Check one or more. If none are checked, it shall CONCLUSIVELY be PRESUMED that no tax is owed:
  - 14 1.1. \_\_\_\_ When I was born?
  - 15 1.2. \_\_\_\_ When I became a CONSTITUTIONAL citizen?
  - 16 1.3. \_\_\_\_ When I changed my domicile to a CONSTITUTIONAL and not STATUTORY “State”?
  - 17 1.4. \_\_\_\_ When I indicated “U.S. citizen” or “U.S. resident” on a government form, and the agent accepting it  
18 FALSELY PRESUMED that meant I was a STATUTORY “national and citizen of the United States” per 8  
19 U.S.C. §1401 rather than a CONSTITUTIONAL “citizen of the United States”?
  - 20 1.5. \_\_\_\_ When I disclosed and used a Social Security Number or Taxpayer Identification Number to my otherwise  
21 PRIVATE employer?
  - 22 1.6. \_\_\_\_ When I submitted my withholding documents, such as IRS Forms W-4 or W-8?
  - 23 1.7. \_\_\_\_ When the information return was filed against my otherwise PRIVATE earnings that connected my  
24 otherwise PRIVATE earnings to a PUBLIC office in the national government?
  - 25 1.8. \_\_\_\_ When I FAILED to rebut the false information return connecting my otherwise PRIVATE earnings to a  
26 PUBLIC office in the national government?
  - 27 1.9. \_\_\_\_ When I filed a “taxpayer” form, such as IRS Forms 1040 or 1040NR?
  - 28 1.10. \_\_\_\_ When the IRS or state did an assessment under the authority of 26 U.S.C. §6020(b)?
  - 29 1.11. \_\_\_\_ When I failed to rebut a collection notice from the IRS?
  - 30 1.12. \_\_\_\_ When the IRS levied monies from my EXCLUSIVELY private account, which must be held by a PUBLIC  
31 OFFICER per 26 U.S.C. §6331(a) before it can lawfully be levied?
  - 32 1.13. \_\_\_\_ When the government decided they wanted to STEAL my money and simply TOOK it, and were protected  
33 from the THEFT by a complicit Department of Justice, who split the proceeds with them?
  - 34 1.14. \_\_\_\_ When I demonstrated legal ignorance of the law to the government sufficient to overlook or not recognize  
35 that it is impossible to convert PRIVATE to PUBLIC without my consent, as the Declaration of Independence  
36 requires?
- 37 2. How can the conversion from PRIVATE to PUBLIC occur without my consent and without violating the Fifth  
38 Amendment Takings Clause?
- 39 3. If you won’t answer the previous questions, how the HELL am I supposed to receive constitutionally mandated  
40 “reasonable notice” of the following:
  - 41 3.1. EXACTLY what property I exclusively own and therefore what property is NOT subject to government taxation  
42 or regulation?
  - 43 3.2. EXACTLY what conduct is expected of me by the law?
- 44 4. EXACTLY where in your publications is the first question answered and why should I believe it if even you refuse to  
45 take responsibility for the accuracy of said publications?
- 46 5. EXACTLY where in the statutes and regulations is the first question answered?
- 47 6. How can you refuse to answer the above questions if your own mission statement says you are required to help people  
48 obey the law and comply with the law?

## 49 **9.11 Unlawful methods abused by government to convert PRIVATE property to PUBLIC** 50 **property**

51 There are a LOT more ways to UNLAWFULLY convert PRIVATE property to PUBLIC property than there are ways to do  
52 it lawfully. This section will address the most prevalent methods abused by state actors so that you will immediately recognize



1 them when you are victimized by them. For the purposes of this section CONTROL and OWNERSHIP are synonymous.  
2 Hence, if the TITLE of the property remains in your name but there is any aspect of control over the USE of said property  
3 that does not demonstrably injure others, then the property ceases to be absolutely owned and therefore is owned by the  
4 government.

5 Based on the previous section, there is ONLY one condition in which PRIVATE property can be converted to PUBLIC  
6 property without the consent of the owner, which is when it is used to INJURE the rights of others. Any other type of  
7 conversion is THEFT. The U.S. Supreme Court describes that process of illegally CONVERTING property from PRIVATE  
8 to PUBLIC as follows. Notice that they only reference the “citizen” as being the object of regulation, which implies that  
9 those who are “nonresidents” and “transient foreigners” are beyond the control of those governments in whose territory they  
10 have not chosen a civil domicile:

11 *“The doctrine that each one must so use his own as not to injure his neighbor — sic utere tuo ut alienum non*  
12 *laedas — is the rule by which every member of society must possess and enjoy his property; and all legislation*  
13 *essential to secure this common and equal enjoyment is a legitimate exercise of State authority. Except in cases*  
14 *where property may be destroyed to arrest a conflagration or the ravages of pestilence, or be taken under the*  
15 *pressure of an immediate and overwhelming necessity to prevent a public calamity, the power of the State over*  
16 *the property of the citizen [NOT EVERYONE, but only those consent to become citizens by choosing a*  
17 *domicile] does not extend beyond such limits.”*  
18 *[Munn v. Illinois, 94 U.S. 113 (1876)]*

19 Below is a list of the more prevalent means abused by corrupt and covetous governments to illegally convert PRIVATE  
20 property to PUBLIC PROPERTY without the express consent of the owner. Many of these techniques are unrecognizable  
21 to the average American and therefore surreptitious, which is why they continue to be abused so regularly and chronically by  
22 public dis-servants:

- 23 1. Deceptively label statutory PRIVILEGES as RIGHTS.
- 24 2. Confuse STATUTORY citizenship with CONSTITUTIONAL citizenship.
- 25 3. Refuse to admit that the court you are litigating in is a FRANCHISE court that has no jurisdiction over non-franchisees  
26 or people who do not consent to the franchise.
- 27 4. Abuse the words “includes” and “including” to add anything they want to the definition of “person” or “individual”  
28 within the franchise. All such “persons” are public officers and not private human beings. See:  

<u><i>Legal Deception, Propaganda, and Fraud</i>, Form #05.014 <a href="http://sedm.org/Forms/FormIndex.htm">http://sedm.org/Forms/FormIndex.htm</a></u>
--
- 29 5. Refuse to impose the burden of proof upon the government to show that you EXPRESSLY CONSENTED to convert  
30 PRIVATE property into PUBLIC property BEFORE they can claim jurisdiction over it.
- 31 6. Silently PRESUME that the property in question is PUBLIC property connected with the “trade or business” (public  
32 office per 26 U.S.C. §7701(a)(26)) franchise and force you to prove that it ISN’T by CHALLENGING false  
33 information returns filed against it, such as IRS Forms W-2, 1098, 1099, and K-1. See:  

<u><i>Correcting Erroneous Information Returns</i>, Form #04.001 <a href="http://sedm.org/Forms/FormIndex.htm">http://sedm.org/Forms/FormIndex.htm</a></u>
--
- 34 7. Presume that the STATUTORY and CONSTITUTIONAL contexts for geographical words are the same. They are  
35 NOT, and in fact are mutually exclusive.
- 36 8. Presume that because you submitted an application for a franchise, that you:  
37 8.1. CONSENTED to the franchise and were not under duress.  
38 8.2. Were requesting a “benefit” and therefore agreed to the obligations associated with the “benefit”.

39 CALIFORNIA CIVIL CODE  
40 DIVISION 3. OBLIGATIONS  
41 PART 2. CONTRACTS  
42 CHAPTER 3. CONSENT  
43 [Section 1589](#)  
44

45 *1589. A voluntary acceptance of the benefit of a transaction is equivalent to a consent to all the obligations*  
46 *arising from it, so far as the facts are known, or ought to be known, to the person accepting.*

- 47 8.3. Agree to accept the obligations associated with the status described on the application, such as “taxpayer”,  
48 “driver”, “spouse”.
- 49 If you want to prevent the above, reserve all your rights on the application, indicate duress, and define all terms on the  
50 form as NOT connected with any government or statutory law.

- 1 9. PRESUME that the OWNER has a civil statutory status that he or she did not consent to, such as:
  - 2 9.1. "spouse" under the family code of your state, which is a franchise.
  - 3 9.2. "driver" under the vehicle code of your state, which is a franchise.
  - 4 9.3. "taxpayer" under the tax code of your state, which is a franchise.
- 5 10. PRESUME in the case of physical PROPERTY that it was situated on federal territory to which the general and
   
6 exclusive jurisdiction of the national government applies, even though it is not. This is primarily done by playing word
   
7 games with geographical "words of art" such as "State" and "United States".
- 8 11. Refuse to satisfy the burden of proving that the owner of the property expressly consented in a manner that he/she
   
9 prescribed to change the status of either himself or the property over which they claim a public interest.
- 10 12. Judges will interfere with attempts to introduce evidence in the proceeding that challenges any of the above
   
11 presumptions.
- 12 13. Unlawfully compel the use of Social Security Numbers or Taxpayer Identification Numbers in violation of 42 U.S.C.
   
13 §408(a)(8) in connection with specific property as a precondition of rendering a usually essential service. It will be
   
14 illegally compelled because:
  - 15 13.1. The party against whom it was compelled was not a statutory "Taxpayer" or "person" or "individual" or to whom
   
16 a duty to furnish said number lawfully applies.
  - 17 13.2. The property was not located on territory subject to the territorial jurisdiction of that national government.
- 18 14. Use one franchise as a way to recruit franchisees under OTHER franchises that are completely unrelated. For instance,
   
19 they will enact a vehicle code statute that allows for confiscation of REGISTERED vehicles only that are being
   
20 operated by UNLICENSED drivers. That way, everyone who wants to protect their vehicle also indirectly has to
   
21 ALSO become a statutory "driver" using the public roadways for commercial activity and thus subject to regulation by
   
22 the state, even though they in fact ARE NOT intending to do so.
- 23 15. Issue a license and then refuse to recognize the authority and ability in court of those possessing said license to act in
   
24 an EXCLUSIVELY PRIVATE capacity. For instance:
  - 25 15.1. They may have a contractor's license but they are NOT allowed to operate as OTHER than a licensed
   
26 contractor...OR are NOT allowed to operate in an exclusively PRIVATE capacity.
  - 27 15.2. They may have a vehicle registration but are NOT allowed to remove it or NOT use it during times when they are
   
28 NOT using the public roadways for hire, which is most of the time. In other words, the vehicle is the equivalent
   
29 to "off duty" at some times. They allow police officers, who are PUBLIC officers, to be off duty, but not anyone
   
30 who DOESN'T work for the government.
- 31 16. Issue or demand GOVERNMENT ID and then presume that the applicant is a statutory "resident" for ALL purposes,
   
32 rather than JUST the specific reason the ID was issued. Since a "resident" is a public officer, in effect they are
   
33 PRESUMING that you are a public officer 24 hours a day, 7 days a week, and that you HAVE to assume this capacity
   
34 without pay or "benefit" and without the ability to quit. See:

*Why Domicile and Becoming a "Taxpayer" Require Your Consent*, Form #05.002, Section 13.6  
<http://sedm.org/Forms/FormIndex.htm>

35 What all of the above government abuses have in common is that they do one or more of the following:

- 36 1. Involve PRESUMPTIONS which violate due process of law and are therefore UNCONSTITUTIONAL. See:
 

*Presumption: Chief Weapon for Unlawfully Enlarging Federal Jurisdiction*, Form #05.017  
<http://sedm.org/Forms/FormIndex.htm>
- 37 2. Refuse to RECOGNIZE the existence of PRIVATE property or PRIVATE rights.
- 38 3. Violate the very purpose of establishing government to begin with, which is to PROTECT PRIVATE property by
   
39 LEAVING IT ALONE and not regulating or benefitting from its use or abuse until AFTER it has been used to injure
   
40 the equal rights of anyone OTHER than the original owner.
- 41 4. Violate the Unconstitutional Conditions Doctrine of the U.S. Supreme Court.
- 42 5. Needlessly interfere with the ownership or control of otherwise PRIVATE property.
- 43 6. Often act upon property BEFORE it is used to institute an injury, instead of AFTER. Whenever the law acts to
   
44 PREVENT future harm rather than CORRECT past harm, it requires the consent of the owner. The common law itself
   
45 only provides remedies for PAST harm and cannot act on future conduct, except in the case of injunctions where PAST
   
46 harm is already demonstrated.
- 47 7. Institute involuntary servitude against the owner in violation of the Thirteenth Amendment.
- 48 8. Represent an eminent domain over PRIVATE property in violation of the state constitution in most states.
- 49 9. Violate the takings clauses of the Fifth Amendment to the United States Constitution.
- 50 10. Violate the maxim of law that the government has a duty to protect your right to NOT receive a "benefit" and NOT pay
   
51 for "benefits" that you don't want or don't need.

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 *Quilibet potest renunciare juri pro se inducto.*  
5 *Any one may renounce a law introduced for his own benefit. To this rule there are some exceptions. See 1 Bouv.*  
6 *Inst. n. 83.*

7 [*Bouvier's Maxims of Law, 1856,*  
8 *SOURCE: <http://famguardian.org/Publications/BouvierMaximsOfLaw/BouviersMaxims.htm>]*

9 It ought to be obvious to the reader that the basis for Socialism is public ownership of ALL property.

10 *“socialism n (1839) 1: any of various economic and political theories advocating collective or governmental*  
11 *ownership and administration of the means of production and distribution of goods 2 a: a system of society or*  
12 *group living in which there is no private property b: a system or condition of society in which the means of*  
13 *production are owned and controlled by the state 3: a stage of society in Marxist theory transitional between*  
14 *capitalism and communism and distinguished by unequal distribution of goods and pay according to work done.”*  
15 *[Webster's Ninth New Collegiate Dictionary, 1983, ISBN 0-87779-510-X, p. 1118]*

16 Any system of law that recognizes no absolute and inviolable constitutional boundary between PRIVATE property and  
17 PUBLIC property, or which regards ALL property as being subject to government taxation and/or regulation is a socialist or  
18 collectivist system. That socialist system is exhaustively described in the following:

*Socialism: The New American Civil Religion*, Form #05.016  
<http://sedm.org/Forms/FormIndex.htm>

19 Below is how the U.S. Supreme Court characterizes efforts to violate the rules for converting PRIVATE property into  
20 PUBLIC property listed above and thereby STEAL PRIVATE property. The text below the following line up to the end of  
21 the section comes from the case indicated:

22 \_\_\_\_\_  
23 Munn v. Illinois, 94 U.S. 113 (1876)

24 The question presented, therefore, is one of the greatest importance, — whether it is within the competency of a State to fix  
25 the compensation which an individual may receive for the use of his own property in his private business, and for his services  
26 in connection with it.

27 [ . . . ]

28 139\*139 The validity of the legislation was, among other grounds, assailed in the State court as being in conflict with that  
29 provision of the State Constitution which declares that no person shall be deprived of life, liberty, or property without due  
30 process of law, and with that provision of the Fourteenth Amendment of the Federal Constitution which imposes a similar  
31 restriction upon the action of the State. The State court held, in substance, that the constitutional provision was not violated  
32 so long as the owner was not deprived of the title and possession of his property; and that it did not deny to the legislature the  
33 power to make all needful rules and regulations respecting the use and enjoyment of the property, referring, in support of the  
34 position, to instances of its action in prescribing the interest on money, in establishing and regulating public ferries and public  
35 mills, and fixing the compensation in the shape of tolls, and in delegating power to municipal bodies to regulate the charges  
36 of hackmen and draymen, and the weight and price of bread. In this court the legislation was also assailed on the same ground,  
37 our jurisdiction arising upon the clause of the Fourteenth Amendment, ordaining that no State shall deprive any person of  
38 life, liberty, or property without due process of law. But it would seem from its opinion that the court holds that property  
39 loses something of its private character when employed in such a way as to be generally useful. The doctrine declared is that  
40 property "becomes clothed with a public interest when used in a manner to make it of public consequence, and affect the  
41 community at large;" and from such clothing the right of the legislature is deduced to control the use of the property, and to  
42 determine the compensation which the owner may receive for it. **When Sir Matthew Hale, and the sages of the law in his**  
43 **day, spoke of property as affected by a public interest, and ceasing from that cause to be juris privati solely, that is,**  
44 **ceasing to be held merely in private right, they referred to property dedicated by the owner to public uses, or to**  
45 **property the use of which was granted by the government, or in connection with which special privileges were**  
46 **conferred. Unless the property was thus dedicated, or some right bestowed by the government was held with the**

1 **property, either by specific grant or by prescription of so long a time as 140\*140 to imply a grant originally, the**  
2 **property was not affected by any public interest so as to be taken out of the category of property held in private right.**

3 But it is not in any such sense that the terms "clothing property with a public interest" are used in this case. From the nature  
4 of the business under consideration — the storage of grain — which, in any sense in which the words can be used, is a private  
5 business, in which the public are interested only as they are interested in the storage of other products of the soil, or in articles  
6 of manufacture, it is clear that the court intended to declare that, whenever one devotes his property to a business which is  
7 useful to the public, — "affects the community at large," — the legislature can regulate the compensation which the owner  
8 may receive for its use, and for his own services in connection with it. "When, therefore," says the court, "one devotes his  
9 property to a use in which the public has an interest, he, in effect, grants to the public an interest in that use, and must submit  
10 to be controlled by the public for the common good, to the extent of the interest he has thus created. He may withdraw his  
11 grant by discontinuing the use; but, so long as he maintains the use, he must submit to the control." The building used by the  
12 defendants was for the storage of grain: in such storage, says the court, the public has an interest; therefore the defendants,  
13 by devoting the building to that storage, have granted the public an interest in that use, and must submit to have their  
14 compensation regulated by the legislature.

15 **If this be sound law, if there be no protection, either in the principles upon which our republican government is**  
16 **founded, or in the prohibitions of the Constitution against such invasion of private rights, all property and all business**  
17 **in the State are held at the mercy of a majority of its legislature.** The public has no greater interest in the use of buildings  
18 for the storage of grain than it has in the use of buildings for the residences of families, nor, indeed, anything like so great an  
19 interest; and, according to the doctrine announced, the legislature may fix the rent of all tenements used for residences, without  
20 reference to the cost of their erection. If the owner does not like the rates prescribed, he may cease renting his houses. He has  
21 granted to the public, says the court, an interest in the use of the 141\*141 buildings, and "he may withdraw his grant by  
22 discontinuing the use; but, so long as he maintains the use, he must submit to the control." The public is interested in the  
23 manufacture of cotton, woollen, and silken fabrics, in the construction of machinery, in the printing and publication of books  
24 and periodicals, and in the making of utensils of every variety, useful and ornamental; **indeed, there is hardly an enterprise**  
25 **or business engaging the attention and labor of any considerable portion of the community, in which the public has**  
26 **not an interest in the sense in which that term is used by the court in its opinion; and the doctrine which allows the**  
27 **legislature to interfere with and regulate the charges which the owners of property thus employed shall make for its**  
28 **use, that is, the rates at which all these different kinds of business shall be carried on, has never before been asserted,**  
29 **so far as I am aware, by any judicial tribunal in the United States.**

30 **The doctrine of the State court, that no one is deprived of his property, within the meaning of the constitutional**  
31 **inhibition, so long as he retains its title and possession, and the doctrine of this court, that, whenever one's property**  
32 **is used in such a manner as to affect the community at large, it becomes by that fact clothed with a public interest,**  
33 **and ceases to be juris privati only, appear to me to destroy, for all useful purposes, the efficacy of the constitutional**  
34 **guaranty. All that is beneficial in property arises from its use, and the fruits of that use; and whatever deprives a**  
35 **person of them deprives him of all that is desirable or valuable in the title and possession. If the constitutional guaranty**  
36 **extends no further than to prevent a deprivation of title and possession, and allows a deprivation of use, and the fruits**  
37 **of that use, it does not merit the encomiums it has received.** Unless I have misread the history of the provision now  
38 incorporated into all our State constitutions, and by the Fifth and Fourteenth Amendments into our Federal Constitution, and  
39 have misunderstood the interpretation it has received, it is not thus limited in its scope, and thus impotent for good. **It has a**  
40 **much more extended operation than either court, State, or Federal has given to it. The provision, it is to be observed,**  
41 **places property under the same protection as life and liberty. Except by due process of law, no State can 142\*142**  
42 **deprive any person of either. The provision has been supposed to secure to every individual the essential conditions**  
43 **for the pursuit of happiness; and for that reason has not been heretofore, and should never be, construed in any**  
44 **narrow or restricted sense.**

45 No State "shall deprive any person of life, liberty, or property without due process of law," says the Fourteenth Amendment  
46 to the Constitution. By the term "life," as here used, something more is meant than mere animal existence. The inhibition  
47 against its deprivation extends to all those limbs and faculties by which life is enjoyed. The provision equally prohibits the  
48 mutilation of the body by the amputation of an arm or leg, or the putting out of an eye, or the destruction of any other organ  
49 of the body through which the soul communicates with the outer world. The deprivation not only of life, but of whatever God  
50 has given to everyone with life, for its growth and enjoyment, is prohibited by the provision in question, if its efficacy be not  
51 frittered away by judicial decision.

52 By the term "liberty," as used in the provision, something more is meant than mere freedom from physical restraint or the  
53 bounds of a prison. It means freedom to go where one may choose, and to act in such manner, not inconsistent with the equal

1 rights of others, as his judgment may dictate for the promotion of his happiness; that is, to pursue such callings and avocations  
2 as may be most suitable to develop his capacities, and give to them their highest enjoyment.

3 **The same liberal construction which is required for the protection of life and liberty, in all particulars in which life**  
4 **and liberty are of any value, should be applied to the protection of private property. If the legislature of a State, under**  
5 **pretence of providing for the public good, or for any other reason, can determine, against the consent of the owner,**  
6 **the uses to which private property shall be devoted, or the prices which the owner shall receive for its uses, it can**  
7 **deprive him of the property as completely as by a special act for its confiscation or destruction. If, for instance, the**  
8 **owner is prohibited from using his building for the purposes for which it was designed, it is of little consequence that**  
9 **he is permitted to retain the 143\*143 title and possession; or, if he is compelled to take as compensation for its use less**  
10 **than the expenses to which he is subjected by its ownership, he is, for all practical purposes, deprived of the property,**  
11 **as effectually as if the legislature had ordered his forcible dispossession. If it be admitted that the legislature has any**  
12 **control over the compensation, the extent of that compensation becomes a mere matter of legislative discretion. The**  
13 **amount fixed will operate as a partial destruction of the value of the property, if it fall below the amount which the**  
14 **owner would obtain by contract, and, practically, as a complete destruction, if it be less than the cost of retaining its**  
15 **possession. There is, indeed, no protection of any value under the constitutional provision, which does not extend to**  
16 **the use and income of the property, as well as to its title and possession.**

17 This court has heretofore held in many instances that a constitutional provision intended for the protection of rights of private  
18 property should be liberally construed. It has so held in the numerous cases where it has been called upon to give effect to  
19 the provision prohibiting the States from legislation impairing the obligation of contracts; the provision being construed to  
20 secure from direct attack not only the contract itself, but all the essential incidents which give it value and enable its owner  
21 to enforce it. Thus, in *Bronson v. Kinzie*, reported in the 1st of Howard, it was held that an act of the legislature of Illinois,  
22 giving to a mortgagor twelve months within which to redeem his mortgaged property from a judicial sale, and prohibiting its  
23 sale for less than two-thirds of its appraised value, was void as applied to mortgages executed prior to its passage. It was  
24 contended, in support of the act, that it affected only the remedy of the mortgagee, and did not impair the contract; but the  
25 court replied that there was no substantial difference between a retrospective law declaring a particular contract to be  
26 abrogated and void, and one which took away all remedy to enforce it, or encumbered the remedy with conditions that  
27 rendered it useless or impracticable to pursue it. And, referring to the constitutional provision, the court said, speaking through  
28 Mr. Chief Justice Taney, that

29 *"it would be unjust to the memory of the distinguished men who framed it, to suppose that it was designed to*  
30 *protect a mere barren and 144\*144 abstract right, without any practical operation upon the business of life. It*  
31 *was undoubtedly adopted as a part of the Constitution for a great and useful purpose. It was to maintain the*  
32 *integrity of contracts, and to secure their faithful execution throughout this Union, by placing them under the*  
33 *protection of the Constitution of the United States. And it would but Ill. become this court, under any*  
34 *circumstances, to depart from the plain meaning of the words used, and to sanction a distinction between the*  
35 *right and the remedy, which would render this provision illusive and nugatory, mere words of form, affording no*  
36 *protection and producing no practical result."*

37 And in *Pumpelly v. Green Bay Company*, 13 Wall. 177, the language of the court is equally emphatic. That case arose in  
38 Wisconsin, the constitution of which declares, like the constitutions of nearly all the States, that private property shall not be  
39 taken for public use without just compensation; and this court held that the flooding of one's land by a dam constructed across  
40 a river under a law of the State was a taking within the prohibition, and required compensation to be made to the owner of  
41 the land thus flooded. The court, speaking through Mr. Justice Miller, said: —

42 *"It would be a very curious and unsatisfactory result, if, in construing a provision of constitutional law, always*  
43 *understood to have been adopted for protection and security to the rights of the individual as against the*  
44 *government, and which has received the commendation of jurists, statesmen, and commentators, as placing the*  
45 *just principles of the common law on that subject beyond the power of ordinary legislation to change or control*  
46 *them, it shall be held that, if the government refrains from the absolute conversion of real property to the uses of*  
47 *the public, it can destroy its value entirely, can inflict irreparable and permanent injury to any extent, can, in*  
48 *effect, subject it to total destruction without making any compensation, because, in the narrowest sense of the*  
49 *word, it is not taken for the public use. Such a construction would pervert the constitutional provision into a*  
50 *restriction on the rights of the citizen, as those rights stood at the common law, instead of the government, and*  
51 *make it an authority for invasion of private right under the pretext of the public good, which had no warrant*  
52 *in the laws or practices of our ancestors."*

53 **The views expressed in these citations, applied to this case, would render the constitutional provision invoked by the**  
54 **defendants effectual to protect them in the uses, income, and revenues of their property, as well as in its title and**  
55 **possession. The construction actually given by the State court and by this court makes the provision, in the language**

1 **of Taney, a protection to "a mere barren and abstract right, without any practical operation upon the business of**  
2 **life," and renders it "illusiv and nugatory, mere words of form, affording no protection and producing no practical**  
3 **result."**

4 The power of the State over the property of the citizen under the constitutional guaranty is well defined. The State may take  
5 his property for public uses, upon just compensation being made therefor. It may take a portion of his property by way of  
6 taxation for the support of the government. It may control the use and possession of his property, so far as may be necessary  
7 for the protection of the rights of others, and to secure to them the equal use and enjoyment of their property. **The doctrine**  
8 **that each one must so use his own as not to injure his neighbor — sic utere tuo ut alienum non lædas — is the rule by**  
9 **which every member of society must possess and enjoy his property; and all legislation essential to secure this common**  
10 **and equal enjoyment is a legitimate exercise of State authority. Except in cases where property may be destroyed to**  
11 **arrest a conflagration or the ravages of pestilence, or be taken under the pressure of an immediate and overwhelming**  
12 **necessity to prevent a public calamity, the power of the State over the property of the citizen does not extend beyond**  
13 **such limits.**

14 It is true that the legislation which secures to all protection in their rights, and the equal use and enjoyment of their property,  
15 embraces an almost infinite variety of subjects. Whatever affects the peace, good order, morals, and health of the community,  
16 comes within its scope; and every one must use and enjoy his property subject to the restrictions which such legislation  
17 imposes. What is termed the police power of the State, which, from the language often used respecting it, one would suppose  
18 to be an undefined and irresponsible element in government, can only interfere with the conduct of individuals in their  
19 intercourse with each other, and in the use of their property, so far 146\*146 as may be required to secure these objects. **The**  
20 **compensation which the owners of property, not having any special rights or privileges from the government in**  
21 **connection with it, may demand for its use, or for their own services in union with it, forms no element of consideration**  
22 **in prescribing regulations for that purpose.** If one construct a building in a city, the State, or the municipality exercising a  
23 delegated power from the State, may require its walls to be of sufficient thickness for the uses intended; it may forbid the  
24 employment of inflammable materials in its construction, so as not to endanger the safety of his neighbors; if designed as a  
25 theatre, church, or public hall, it may prescribe ample means of egress, so as to afford facility for escape in case of accident;  
26 it may forbid the storage in it of powder, nitro-glycerine, or other explosive material; it may require its occupants daily to  
27 remove decayed vegetable and animal matter, which would otherwise accumulate and engender disease; it may exclude from  
28 it all occupations and business calculated to disturb the neighborhood or infect the air. Indeed, there is no end of regulations  
29 with respect to the use of property which may not be legitimately prescribed, having for their object the peace, good order,  
30 safety, and health of the community, thus securing to all the equal enjoyment of their property; but in establishing these  
31 regulations it is evident that compensation to the owner for the use of his property, or for his services in union with it, is not  
32 a matter of any importance: whether it be one sum or another does not affect the regulation, either in respect to its utility or  
33 mode of enforcement. One may go, in like manner, through the whole round of regulations authorized by legislation, State  
34 or municipal, under what is termed the police power, and in no instance will he find that the compensation of the owner for  
35 the use of his property has any influence in establishing them. **It is only where some right or privilege is conferred by the**  
36 **government or municipality upon the owner, which he can use in connection with his property, or by means of which**  
37 **the use of his property is rendered more valuable to him, or he thereby enjoys an advantage over others, that the**  
38 **compensation to be received by him becomes a legitimate matter of regulation. Submission to the regulation of**  
39 **compensation in such cases is an implied condition 147\*147 of the grant, and the State, in exercising its power of**  
40 **prescribing the compensation, only determines the conditions upon which its concession shall be enjoyed. When the**  
41 **privilege ends, the power of regulation ceases.**

42 Jurists and writers on public law find authority for the exercise of this police power of the State and the numerous regulations  
43 which it prescribes in the doctrine already stated, that everyone must use and enjoy his property consistently with the rights  
44 of others, and the equal use and enjoyment by them of their property. "The police power of the State," says the Supreme  
45 Court of Vermont, "extends to the protection of the lives, limbs, health, comfort, and quiet of all persons, and the protection  
46 of all property in the State. According to the maxim, sic utere tuo ut alienum non lædas, which, being of universal application,  
47 it must, of course, be within the range of legislative action to define the mode and manner in which every one may so use his  
48 own as not to injure others." Thorpe v. Rutland & Burlington Railroad Co., 27 Vt. 149. "We think it a settled principle  
49 growing out of the nature of well-ordered civil society," says the Supreme Court of Massachusetts, "that every holder of  
50 property, however absolute and unqualified may be his title, holds it under the implied liability that his use of it shall not be  
51 injurious to the equal enjoyment of others having an equal right to the enjoyment of their property, nor injurious to the rights  
52 of the community." Commonwealth v. Alger, 7 Cush. 84. In his Commentaries, after speaking of the protection afforded by  
53 the Constitution to private property, Chancellor Kent says: —

1 *"But though property be thus protected, it is still to be understood that the law-giver has the right to prescribe*  
2 *the mode and manner of using it, so far as may be necessary to prevent the abuse of the right, to the injury or*  
3 *annoyance of others, or of the public. The government may, by general regulations, interdict such uses of property*  
4 *as would create nuisances and become dangerous to the lives, or health, or peace, or comfort of the citizens.*  
5 *Unwholesome trades, slaughter-houses, operations offensive to the senses, the deposit of powder, the application*  
6 *of steam-power to propel cars, the building with combustible materials, and the burial of the dead, may all be*  
7 *interdicted by law, in the-midst of dense masses of population, 148\*148 on the general and rational principle*  
8 *that every person ought so to use his property as not to injure his neighbors, and that private interests must be*  
9 *made subservient to the general interests of the community. 2 Kent, 340.*

10 The Italics in these citations are mine. The citations show what I have already stated to be the case, that the regulations which  
11 the State, in the exercise of its police power, authorizes with respect to the use of property are entirely independent of any  
12 question of compensation for such use, or for the services of the owner in connection with it.

13 There is nothing in the character of the business of the defendants as warehousemen which called for the interference  
14 complained of in this case. Their buildings are not nuisances; their occupation of receiving and storing grain infringes upon  
15 no rights of others, disturbs no neighborhood, infects not the air, and in no respect prevents others from using and enjoying  
16 their property as to them may seem best. **The legislation in question is nothing less than a bold assertion of absolute**  
17 **power by the State to control at its discretion the property and business of the citizen, and fix the compensation he**  
18 **shall receive. The will of the legislature is made the condition upon which the owner shall receive the fruits of his**  
19 **property and the just reward of his labor, industry, and enterprise. "That government," says Story, "can scarcely be**  
20 **deemed to be free where the rights of property are left solely dependent upon the will of a legislative body without any**  
21 **restraint. The fundamental maxims of a free government seem to require that the rights of personal liberty and private**  
22 **property should be held sacred."** *Wilkeson v. Leland, 2 Pet. 657. The decision of the court in this case gives*  
23 **unrestrained license to legislative will.**

24 The several instances mentioned by counsel in the argument and by the court in its opinion, in which legislation has fixed the  
25 compensation which parties may receive for the use of their property and services, do not militate against the views I have  
26 expressed of the power of the State over the property of the citizen. They were mostly cases of public ferries, bridges, and  
27 turnpikes, of wharfingers, hackmen, and draymen, and of interest on money. In all these cases, except that of interest on  
28 money, which I shall presently notice there was some special 149\*149 privilege granted by the State or municipality; and no  
29 one, I suppose, has ever contended that the State had not a right to prescribe the conditions upon which such privilege should  
30 be enjoyed. **The State in such cases exercises no greater right than an individual may exercise over the use of his own**  
31 **property when leased or loaned to others. The conditions upon which the privilege shall be enjoyed being stated or**  
32 **implied in the legislation authorizing its grant, no right is, of course, impaired by their enforcement. The recipient of**  
33 **the privilege, in effect, stipulates to comply with the conditions. It matters not how limited the privilege conferred, its**  
34 **acceptance implies an assent to the regulation of its use and the compensation for it.** The privilege which the hackman  
35 and drayman have to the use of stands on the public streets, not allowed to the ordinary coachman or laborer with teams,  
36 constitutes a sufficient warrant for the regulation of their fares. In the case of the warehousemen of Chicago, no right or  
37 privilege is conferred by the government upon them; and hence no assent of theirs can be alleged to justify any interference  
38 with their charges for the use of their property.

39 The quotations from the writings of Sir Matthew Hale, so far from supporting the positions of the court, do not recognize the  
40 interference of the government, even to the extent which I have admitted to be legitimate. They state merely that the franchise  
41 of a public ferry belongs to the king, and cannot be used by the subject except by license from him, or prescription time out  
42 of mind; and that when the subject has a public wharf by license from the king, or from having dedicated his private wharf  
43 to the public, as in the case of a street opened by him through his own land, he must allow the use of the wharf for reasonable  
44 and moderate charges. Thus, in the first quotation which is taken from his treatise *De Jure Maris*, Hale says that the king has:

45 *"a right of franchise or privilege, that no man may set up a common ferry for all passengers without a prescription*  
46 *time out of mind or a charter from the king. He may make a ferry for his own use or the use of his family, but not*  
47 *for the common use of all the king's subjects passing that way; because it doth in consequent tend to a common*  
48 *charge, and is become a thing of public interest and use, and every man for his passage 150\*150 pays a toll,*  
49 *which is a common charge, and every ferry ought to be under a public regulation, viz., that it give attendance at*  
50 *due times, keep a boat in due order, and take but reasonable toll; for if he fail in these he is finable."*

51 Of course, one who obtains a license from the king to establish a public ferry, at which "every man for his passage pays a  
52 toll," must take it on condition that he charge only reasonable toll, and, indeed, subject to such regulations as the king may  
53 prescribe.



1 In the second quotation, which is taken from his treatise De Portibus Maris, Hale says: —

2 *"A man, for his own private advantage, may, in a port or town, set up a wharf or crane, and may take what rates*  
3 *he and his customers can agree for crannage, wharfage, housellage, pesage; for he doth no more than is lawful*  
4 *for any man to do, viz., makes the most of his own. If the king or subject have a public wharf, unto which all*  
5 *persons that come to that port must come and unlade or lade their goods as for the purpose, because they are the*  
6 *wharves only licensed by the king, or because there is no other wharf in that port, as it may fall out where a port*  
7 *is newly erected, in that case there cannot be taken arbitrary and excessive duties for crannage, wharfage, pesage,*  
8 *&c.; neither can they be enhanced to an immoderate rate, but the duties must be reasonable and moderate, though*  
9 *settled by the king's license or charter. For now the wharf and crane and other conveniences are affected with a*  
10 *public interest, and they cease to be juris privati only; as if a man set out a street in new building on his own land,*  
11 *it is now no longer bare private interest, but is affected by the public interest."*

12 The purport of which is, that if one have a public wharf, by license from the government or his own dedication, he must exact  
13 only reasonable compensation for its use. By its dedication to public use, a wharf is as much brought under the common-law  
14 rule of subjection to reasonable charges as it would be if originally established or licensed by the crown. All property  
15 dedicated to public use by an individual owner, as in the case of land for a park or street, falls at once, by force of the  
16 dedication, under the law governing property appropriated by the government for similar purposes.

17 I do not doubt the justice of the encomiums passed upon Sir 151\*151 Matthew Hale as a learned jurist of his day; but I am  
18 unable to perceive the pertinency of his observations upon public ferries and public wharves, found in his treatises on "The  
19 Rights of the Sea" and on "The Ports of the Sea," to the questions presented by the warehousing law of Illinois, undertaking  
20 to regulate the compensation received by the owners of private property, when that property is used for private purposes.

21 The principal authority cited in support of the ruling of the court is that of Alnutt v. Inglis, decided by the King's Bench, and  
22 reported in 12 East. But that case, so far from sustaining the ruling, establishes, in my judgment, the doctrine that everyone  
23 has a right to charge for his property, or for its use, whatever he pleases, unless he enjoys in connection with it some right or  
24 privilege from the government not accorded to others; and even then it only decides what is above stated in the quotations  
25 from Sir Matthew Hale, that he must submit, so long as he retains the right or privilege, to reasonable rates. In that case, the  
26 London Dock Company, under certain acts of Parliament, possessed the exclusive right of receiving imported goods into  
27 their warehouses before the duties were paid; and the question was whether the company was bound to receive them for a  
28 reasonable reward, or whether it could arbitrarily fix its compensation. In deciding the case, the Chief Justice, Lord  
29 Ellenborough, said: —

30 *"There is no doubt that the general principle is favored, both in law and justice, that every man may fix what*  
31 *price he pleases upon his own property, or the use of it; but if, for a particular purpose, the public have a right*  
32 *to resort to his premises and make use of them, and he have a monopoly in them for that purpose, if he will take*  
33 *the benefit of that monopoly, he must, as an equivalent, perform the duty attached to it on reasonable terms."*

34 And, coming to the conclusion that the company's warehouses were invested with "the monopoly of a public privilege," he  
35 held that by law the company must confine itself to take reasonable rates; and added, that if the crown should thereafter think  
36 it advisable to extend the privilege more generally to other persons and places, so that the public would not be restrained from  
37 exercising a choice of warehouses for the purpose, the company might be enfranchised from the restriction which 152\*152  
38 attached to a monopoly; but, so long as its warehouses were the only places which could be resorted to for that purpose, the  
39 company was bound to let the trade have the use of them for a reasonable hire and reward. The other judges of the court  
40 placed their concurrence in the decision upon the ground that the company possessed a legal monopoly of the business, having  
41 the only warehouses where goods imported could be lawfully received without previous payment of the duties. From this  
42 case it appears that it is only where some privilege in the bestowal of the government is enjoyed in connection with the  
43 property, that it is affected with a public interest in any proper sense of the terms. It is the public privilege conferred with the  
44 use of the property which creates the public interest in it.

45 In the case decided by the Supreme Court of Alabama, where a power granted to the city of Mobile to license bakers, and to  
46 regulate the weight and price of bread, was sustained so far as regulating the weight of the bread was concerned, no question  
47 was made as to the right to regulate the price. 3 Ala. 137. There is no doubt of the competency of the State to prescribe the  
48 weight of a loaf of bread, as it may declare what weight shall constitute a pound or a ton. But I deny the power of any  
49 legislature under our government to fix the price which one shall receive for his property of any kind. If the power can be  
50 exercised as to one article, it may as to all articles, and the prices of everything, from a calico gown to a city mansion, may  
51 be the subject of legislative direction.

1 **Other instances of a similar character may, no doubt, be cited of attempted legislative interference with the rights of**  
2 **property.** The act of Congress of 1820, mentioned by the court, is one of them. There Congress undertook to confer upon  
3 the city of Washington power to regulate the rates of wharfage at private wharves, and the fees for sweeping chimneys. Until  
4 some authoritative adjudication is had upon these and similar provisions, I must adhere, notwithstanding the legislation, to  
5 my opinion, that those who own property have the right to fix the compensation at which they will allow its use, and that  
6 those who control services have a right to fix the compensation at which they will be rendered. The chimney-sweeps may, I  
7 think, safely claim all the compensation which 153\*153 they can obtain by bargain for their work. In the absence of any  
8 contract for property or services, the law allows only a reasonable price or compensation; but what is a reasonable price in  
9 any case will depend upon a variety of considerations, and is not a matter for legislative determination.

10 **The practice of regulating by legislation the interest receivable for the use of money, when considered with reference**  
11 **to its origin, is only the assertion of a right of the government to control the extent to which a privilege granted by it**  
12 **may be exercised and enjoyed. By the ancient common law it was unlawful to take any money for the use of money;**  
13 **all who did so were called usurers, a term of great reproach, and were exposed to the censure of the church; and if,**  
14 **after the death of a person, it was discovered that he had been a usurer whilst living, his chattels were forfeited to the**  
15 **king, and his lands escheated to the lord of the fee. No action could be maintained on any promise to pay for the use**  
16 **of money, because of the unlawfulness of the contract. Whilst the common law thus condemned all usury, Parliament**  
17 **interfered, and made it lawful to take a limited amount of interest. It was not upon the theory that the legislature**  
18 **could arbitrarily fix the compensation which one could receive for the use of property, which, by the general law, was**  
19 **the subject of hire for compensation, that Parliament acted, but in order to confer a privilege which the common law**  
20 **denied. The reasons which L.Ed. to this legislation originally have long since ceased to exist; and if the legislation is**  
21 **still persisted in, it is because a long acquiescence in the exercise of a power, especially when it was rightfully assumed**  
22 **in the first instance, is generally received as sufficient evidence of its continued lawfulness. 10 Bac. Abr. 264.[\*]**

23 There were also recognized in England, by the ancient common law, certain privileges as belonging to the lord of the manor,  
24 which grew out of the state of the country, the condition of the people, and the relation existing between him and 154\*154  
25 his tenants under the feudal system. Among these was the right of the lord to compel all the tenants within his manor to grind  
26 their corn at his mill. No one, therefore, could set up a mill except by his license, or by the license of the crown, unless he  
27 claimed the right by prescription, which presupposed a grant from the lord or crown, and, of course, with such license went  
28 the right to regulate the tolls to be received. Woolrych on the Law of Waters, c. 6, of Mills. Hence originated the doctrine  
29 which at one time obtained generally in this country, that there could be no mill to grind corn for the public, without a grant  
30 or license from the public authorities. It is still, I believe, asserted in some States. This doctrine being recognized, all the rest  
31 followed. The right to control the toll accompanied the right to control the establishment of the mill.

32 It requires no comment to point out the radical differences between the cases of public mills and interest on money, and that  
33 of the warehouses in Chicago. No prerogative or privilege of the crown to establish warehouses was ever asserted at the  
34 common law. **The business of a warehouseman was, at common law, a private business and is so in its nature. It has**  
35 **no special privileges connected with it, nor did the law ever extend to it any greater protection than it extended to all**  
36 **other private business. No reason can be assigned to justify legislation interfering with the legitimate profits of that**  
37 **business, that would not equally justify an intermeddling with the business of every man in the community, so soon,**  
38 **at least, as his business became generally useful.**

## 39 **10. PUBLIC Rights v. PRIVATE Rights**<sup>31</sup>

40 If you would like a simplified training course or presentation summarizing everything in the following subsections, please  
41 see:

*Private Right or Public Right? Course*, Form #12.044  
<https://sedm.org/Forms/FormIndex.htm>

### 42 **10.1 Introduction**

43 *"Indeed, in a free government almost all other rights would become worthless if the government possessed power*  
44 *over the private fortune of every citizen."*  
45 *[John Marshall; SOURCE: <http://quotio.com/quote/Indeed-in-a-free/315738>]*

<sup>31</sup> Adapted from Great IRS Hoax, Form #11.302, Section 4.3 with permission.

1                   *"This nation, as experience has proved, cannot always remain at peace, and has no right to expect that it always*  
2 *will have wise and humane rulers, sincerely attached to the principles of the Constitution. **Wicked men, ambitious***  
3 ***of power, with hatred of liberty and contempt of law, may fill the place once occupied by Washington and***  
4 ***Lincoln; and if this right is conceded, and the calamities of war again befall us, **the dangers to human liberty*****  
5 ***are frightful to contemplate.** ... For this, and other equally weighty reasons, they secured the inheritance they*  
6 *had fought to maintain, by incorporating in a written Constitution **the safeguards which time had proven were***  
7 ***essential to its preservation. **Not one of these safeguards can the President or Congress or the Judiciary disturb,*****  
8 ***except the one concerning the writ of habeas corpus."***  
9                   [[Ex Parte Milligan](#), 71 U.S. 2, 18 L.Ed. 281, 297 (1866)]

10 This section concerns itself with the origin and nature of rights and privileges. We discuss the subject both from a biblical  
11 as well as a legal/civil perspective. The subject of rights and privileges is of utmost importance in understanding our role in  
12 society and the relationship that government has to us as the sovereign people that they serve. Failure to fully understand  
13 this subject can result in making you into a government slave and signing away all your rights and sovereignty without even  
14 realizing it.

15 The various articles contained within this chapter will demonstrate to you the facts and the proof, not only that these things  
16 are true, but just how they are used to infringe upon your Unalienable Rights as Sovereign Americans and "natural persons"  
17 of the several Union states. These Sovereign Americans of the several Union states are the only People who have  
18 Constitutional (Natural) Rights. No other status of "citizenship" or "residency" has these Natural Rights, yet you claim these  
19 other forms of citizenship every day, and as you do so, you are unknowingly waving your Natural Rights for the illusion of  
20 benefits and privileges from the federal government. In effect, you have exchanged your own Natural Rights for mere  
21 "government privileges" and thereby irreparably compromised your personal liberty and sovereignty [Whoops.]

22 It is all a matter of perspective and choice. The problem is, you probably don't know or understand that there are two sides  
23 to this coin - and more importantly, that you have a choice. If you don't know how or when to "Reserve your Rights" then  
24 you become prey to oppression and tyranny by anyone, including the various levels of government, who might wish to take  
25 advantage of you for their own sake or their notions of what is best for you. It is time to take charge of your own destiny and  
26 stop being so casual about your Rights. You do have them, in that they do still exist. The question is do you have access to  
27 them, when you need them the most. Not likely, unless you understand and use this valuable information at every turn in your  
28 involvement with all levels of government.

29 So, please, take the time to read, study and verify this information thoroughly for yourself. And please, feel free to share it  
30 with others. Organize discussion groups with your friends, relatives, and with your various clubs and organizations. The more  
31 people who become enlightened, the sooner we can stop the insanity of oppression and tyranny, by anyone, especially our  
32 own government.

33 Time after time we have all heard the expression, "*The People have the power.*" Probably more times than any one of us can  
34 count. We have heard that "We the People..." are the masters and the federal government is the servant of the People. Today,  
35 most of us would agree that it is the other way around. Yet few of us can explain how or why this has come to be true. While  
36 most of us understand these powers are actually our Rights as they were known, understood and written into the Declaration  
37 of Independence, the Constitution of the United States of America, and the Bill of Rights, few of us understand how to use  
38 and enforce these Rights. The majority of us are unaware of how to protect these rights and ourselves from those who would  
39 choose to usurp them, entrapping us into a web of deceit and misleading us to believe we must obey what are obviously laws  
40 which function outside our protections under the Constitution.

41 We often hear speakers proclaim "*The people must protect (reserve) their Rights or they won't have any.*" Yet, few actually  
42 know how. Of course every elected official is required to take an oath of office, which includes the statement "... to protect  
43 and defend the Constitution of the United States of America...". As we all have come to realize, we are gradually losing our  
44 Rights with each passing year, as the government continues to erode them away with still more federal regulation being  
45 imposed.

46 In paraphrasing Supreme Court Justice Clarence Thomas (well known for his conservative views), he said:

47                   *"... I promise to fight federalism at every turn. But, the People must first 'reserve' their 'Rights' or I can do nothing*  
48                   *..."*

49 We have all heard other notable people make similar statements in the past, and yet I have found that very few of us actually  
50 know and understand what is meant by these words. Most of us assume that the government itself is waging the battle to

1 protect our Rights, or simply believe that these Rights we have are just there and known to all. So, who in their right mind  
2 would, or even could, get away with denying them? As you read this section, not only will you come to know exactly what  
3 Justice Thomas meant in those few words, but you will also understand precisely how to go about “reserving your Rights.”  
4 You will learn that there is a lot more going on here than first meets the eye.

5 So, how do we protect and enforce these Unalienable Rights granted to us by our Creator, from those who would steal them  
6 away? Who are those that would trick us into being unknowing and unwilling victims of what seems to be unconstitutional  
7 laws that violate our natural rights?

8 Most would agree that it is the government and big business which seek to usurp our rights. The government on all levels  
9 (local, county, state and federal) operates on a system that is actually outside the protections of the Constitution, which is a  
10 little known and even less understood conspiracy perpetrated on the American People to control their lives and their money  
11 (property and other assets). Meanwhile, big business lobbies congress to the point that “We the People...” have little if any  
12 input or affect in the legislative process. So, it is our elected officials in government who have betrayed both their oaths of  
13 office, and our faith that they will do what they promised during the election process.

14 It is our goal, as set forth in this book, to inform you as to precisely how government and big business accomplish these deeds  
15 of deception, trickery and fraud. Then, to further instruct you, we will educate you as to how to overcome these obstacles  
16 and barriers to the freedoms we were granted by our Creator, and guaranteed by our Constitution, for which so many have  
17 fought and died to preserve and protect for ourselves and for our posterity.

18 We have the power - we always have! It is time then to reeducate ourselves, getting away from the leftist rhetoric and back  
19 to the simple facts of the matter in an effort to save our Constitution and our Individual Freedoms. Our tolerance and silence  
20 has too long been mistaken for ignorance, and the faith we have entrusted in our elected officials has certainly been betrayed.

21 *“No legislative act contrary to the Constitution can be valid. To deny this would be to affirm that the deputy*  
22 *(agent) is greater than his principal; that the servant is above the master; that the representatives of the people*  
23 *are superior to the people; that men, acting by virtue of powers may do not only what their powers do not*  
24 *authorize, but what they forbid. It is not to be supposed that the Constitution could intend to enable the*  
25 *representatives of the people to substitute their will to that of their constituents. A Constitution is, in fact, and*  
26 *must be regarded by judges, as fundamental law. If there should happen to be an irreconcilable variance between*  
27 *the two, the Constitution is to be preferred to the statute.”*  
28 *[Alexander Hamilton (Federalist Paper # 78)]*

29 *“Where rights secured by the Federal Constitution are involved, there can be no rule-making or legislation*  
30 *which would abrogate them.”*  
31 *[Miranda v. Arizona, 384 U.S. 436 (1966) ]*

32 *“Truth is incontrovertible, ignorance can deride it, panic may resent it, malice may destroy it, but there it is.”*  
33 *[Winston Churchill]*

## 34 **10.2 The “Publici Juris” or “Public Rights” Scam<sup>32</sup>**

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

*Private Right or Public Right? Course, Form #12.044*  
<https://sedm.org/LibertyU/PrivateRightOrPublicRight.pdf>

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

40 *“PUBLICI JURIS. Lat. Of public right. The word “public” in this sense means pertaining to the people, or*  
41 *affecting the community at large; that which concerns a multitude of people; and the word “right,” as so used,*  
42 *means a well-founded claim; an interest; concern; advantage; benefit. State v. Lyon, 63 Okl. 285, 165 P. 419,*  
43 *420.*

<sup>32</sup> Source: *Why the Federal Income Tax is a Privilege Tax Upon Government Property*, Form #04.404, Section 2; <https://sedm.org/Forms/FormIndex.htm>.

1 *This term, as applied to a thing or right, means that it is open to or exercisable by all [CIVIL STATUTORY]*  
2 *persons [but not CONSTITUTIONAL "persons"]. It designates things which are owned by "the public:" that is,*  
3 *the entire state or community, and not by any private person. When a thing is common property, so that any one*  
4 *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.*

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

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

9 Notice the phrase in the above "owned by the public", and by that they mean PUBLIC property. The word "benefit" also  
10 betrays a privilege as well. "Common property" implies COLLECTIVE control and ownership, rather than PERSONAL  
11 ownership.

12 They use the phrase "*it is open to or exercisable by all persons*", but they can ONLY mean all human beings consensually  
13 domiciled in the forum and EXCLUDING those who are NOT. In other words, VOLUNTARY CLUB MEMBERS.  
14 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>

15 STATUTORY persons always require a domicile within the CIVIL jurisdiction of a geographical region. That domicile must  
16 be [CONSENSUAL \(Form #05.003\)](#). If you don't consent to a [domicile \(Form #05.002\)](#) in the forum or venue, the only  
17 CIVIL protection you have is the CONSTITUTION and the COMMON LAW and [STATUTORY CIVIL law \(Form #05.037\)](#)  
18 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>

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

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

25 You CANNOT be a CONSTITUTIONAL "[person](#)" and a STATUTORY "[person](#)" at the SAME time:

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

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

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

37 *SOURCE:*

38 [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)

39 *]*

40 *See Magill v. Browne, Fed.Cas. No. 8952, 16 Fed.Cas. 408; 6 Words and Phrases, 5583, 5584; A J. Lien,*

41 *"Privileges and Immunities of Citizens of the United States," in Columbia University Studies in History,*

42 *Economics, and Public Law, vol. 54, p. 31.*



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

4 The Constitutional Avoidance Doctrine of the U.S. Supreme Court describe EXACTLY how you transition from a  
5 PRIVATE/CONSTITUTIONAL “person” to a PUBLIC/STATUTORY CIVIL “person”:

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

9 [. . .]

10 **6. The Court will not pass upon the constitutionality of a statute at the instance of one who has availed himself  
11 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.  
12 Parrot Silver & Copper Co., 244 U.S. 407, 411, 412, 37 S.Ct. 609, 61 L.Ed. 1229; St. Louis Malleable Casting  
13 Co. v. Prendergast Construction Co., 260 U.S. 469, 43 S.Ct. 178, 67 L.Ed. 351.](#)

14 \_\_\_\_\_  
15 **FOOTNOTES:**

16 [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.  
17 641, 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.  
18 1108.](#)  
19 [\[Ashwander v. Tennessee Valley Authority, 297 U.S. 288, 56 S.Ct. 466 \(1936\)\]](#)

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

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

[Are You “Playing the Harlot” with the Government?, SEDM Blog  
https://sedm.org/are-you-playing-the-harlot/](https://sedm.org/are-you-playing-the-harlot/)

- 25 4. You have SURRENDERED all constitutional remedies in the way described on the next page.

26 **BEND OVER!**

27 Notice in the Constitutional Avoidance Doctrine above THAT:

- 28 1. He was in effect MAKING LAW, because he cited NO AUTHORITY for the rules.  
29 2. The judge was operating in a POLITICAL capacity, which real judges cannot do.  
30 3. Because he was operating in a political capacity and “making law” that directly SURRENDERS all of your  
31 constitutional rights, then He was in effect REPEALING the entire Bill of Rights and thus violating his oath to  
32 “support and defend the constitution”.  
33 4. He admitted that the court has DELIBERATELY OBFUSCATED the [Separation Between Public and Private \(Form  
34 #12.025\)](#). Confusing these two is the MAIN method of tyranny, in fact, and they can’t hand the prisoners the key to  
35 their prison cell!

36 Here’s another example:

37 *“The distinction between public rights and private rights has not been definitively explained in our precedents.  
38 Nor is it necessary to do so in the present cases, for it suffices to observe that a matter of public rights must at  
39 a minimum arise “between the government and others.” Ex parte Bakelite Corp., supra, at 451, 49 S.Ct., at  
40 413. In contrast, “the liability of one individual to another under the law as defined,” Crowell v. Benson,  
41 supra, at 51, 52 S.Ct., at 292, is a matter of private rights. Our precedents clearly establish that only  
42 controversies in the former category may be removed from Art. III courts and delegated to legislative courts or  
43 administrative agencies for their determination. See Atlas Roofing Co. v. Occupational Safety and Health  
44 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,  
45 supra, 285 U.S., at 50-51, 52 S.Ct., at 292. See also Katz, Federal Legislative Courts, 43 Harv.L.Rev. 894, 917-*

1 918 (1930).FN24 Private-rights disputes, on the other hand, lie at the core of the historically recognized  
2 judicial power.”

3 [. . .]

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

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

22 More on judges unconstitutionally “making law” at:

- 23 1. How Judges Unconstitutionally “Make Law”, Litigation Tool #01.009  
24 <https://sedm.org/Litigation/01-General/HowJudgesMakeLaw.pdf>
- 25 2. Courts Cannot Make Law, RM Productions  
26 <https://youtu.be/avXHXxeT-UU>

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

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

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

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

40 [. . .]

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

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

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



1. Government can do no wrong PROVIDED that it is operating within its statutory and constitutional limits, and therefore cannot be sued as a wrongdoer, unless the statute they are administering is or has been declared unconstitutional.
2. Disputes between TWO private parties protected by the Constitution must be heard in Constitutional, Article III courts.
3. Disputes between a PRIVATE party and the GOVERNMENT must be heard in:
  - 3.1. Legislative franchise courts in the LEGISLATIVE or EXECUTIVE Branch if no Constitutional wrong is implicated, because you are seeking a privilege against Uncle.
  - 3.2. A constitutional Article III court if a Constitutional violation is implicated.
4. Any privilege or right originating from a civil statute that is not in the Constitution is, by definition a public right AGAINST the government. Thus, it is a PRIVILEGE that can be regulated by the government and heard in a franchise court. [Northern Pipeline Const. Co. v. Marathon Pipe Line Co., 458 U.S. 50, 102 S.Ct. 2858 \(1983\)](#)
5. Franchise courts, also called “legislative franchise courts”:
  - 5.1. Are legislatively created creatures of Congress which can only hear disputes relating to federal property coming under 5 U.S.C. §553(a)(2).
  - 5.2. Cannot hear constitutional issues or rights violations.
  - 5.3. Cannot hear disputes of those not partaking of the civil statutory privileges or franchise they were created to administer.
  - 5.4. Are part of what now deceased Supreme Court Justice Antonin Scalia called “The FOURTH Branch of government”, implying that they are unconstitutional. [Freytag v. Commissioner, 501 U.S. 868 \(1991\)](#).
6. If you wish to invoke your constitutional rights against a government actor who injured your constitutional rights:
  - 6.1. That dispute is against THE INDIVIDUAL ACTOR, not against the government.
  - 6.2. You must satisfy the burden of proof that the tortious actor was acting OUTSIDE of their delegated constitutional or statutory authority. Usually, this means that your status or your earnings did NOT fall within the STATUTORY definitions provided in the civil statute they were administering using the strict rules of statutory construction and interpretation documented in Form #05.014.
  - 6.3. The Department of Justice can overrule you by simply declaring, absent ANY proof, that they were operating WITHIN their authority, even if the definitions say they were NOT. See 28 U.S.C. §2679(d)(3).
  - 6.4. If the tortious actor was acting outside their delegated authority, they are NOT entitled to free representation by the Department of Justice.
7. If you file the action against the tortious actor in STATE court, then the action cannot be removed to FEDERAL court WITHOUT the defendant proving that federal property OF SOME KIND listed in 5 U.S.C. §553(a)(2) is involved, and thus, that a “federal question” is at issue.
8. The COURT which allows for removal from state to federal court itself is committing a tort WITHOUT enforcing the requirement of the defendant to prove “federal question” and FEDERAL PROPERTY is at issue. See 28 U.S.C. §1652, which is deliberately vague to protect UNLAWFUL removals and IDENTITY THEFT that they facilitate, as documented in:
 

[Government Identity Theft, Form #05.046](#)  
<https://sedm.org/Forms/05-MemLaw/GovernmentIdentityTheft.pdf>
9. Lastly, there are cases where even though the offending party in the government who you are suing INDIVIDUALLY caused an unlawful taking of PRIVATE property, the property is still in the CUSTODY of the government.
  - 9.1. Suing the corrupt individual will not return the property and you have to sue the PROPERTY and indirectly the party possessing it at the time, which is usually the government.
  - 9.2. The action to return the property must be filed as an “in rem” action against the PROPERTY and NOT the government.
  - 9.3. In rem actions against the government for property unlawfully in their custody ARE permitted and are NOT privileges, but RIGHTS and NO STATUTE is necessary to reclaim the property WRONGFULLY in government possession. Property taken from a “nontaxpayer” under the color but without the actual authority of law is not “taxes”, but THEFT, and therefore would NOT come under the Internal Revenue Code, which only 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)]

1 “Revenue Laws relate to taxpayers and not to non-taxpayers [American Citizens/American Nationals not subject  
2 to the exclusive jurisdiction of the Federal Government]. The latter are without their scope. No procedures are  
3 prescribed for non-taxpayers and no attempt is made to annul any of their Rights or Remedies in due course of  
4 law. With them[non-taxpayers] Congress does not assume to deal and they are neither of the subject nor of the  
5 object of federal revenue laws.”  
6 [Economy Plumbing & Heating v. U.S., 470 F2d. 585 (1972)]

7 “A claim against the United States is a right to demand money from the United States.<sup>33</sup> Such claims are  
8 sometimes spoken of as gratuitous in that they cannot be enforced by suit without statutory consent.<sup>34</sup> **The**  
9 **general rule of non-liability of the United States does not mean that a citizen cannot be protected against the**  
10 **wrongful governmental acts that affect the citizen or his or her property.**<sup>35</sup> **If, for example, money or property**  
11 **of an innocent person goes into the federal treasury by fraud to which a government agent was a party, the**  
12 **United States cannot [lawfully] hold the money or property against the claim of the injured party.**<sup>36</sup>”  
13 [American Jurisprudence 2d, United States, §45 (1999)]  
14

15 “When the Government has illegally received money which is the property of an innocent citizen and when this  
16 money has gone into the Treasury of the United States, there arises an implied contract on the part of the  
17 Government to make restitution to the rightful owner under the Tucker Act and this court has jurisdiction to  
18 entertain the suit.  
19 [90 Ct.Cl. at 613, 31 F.Supp. at 769.](#)”  
20 [[Gordon v. U.S., 227 Ct.Cl. 328, 649 F.2d. 837 \(Ct.Cl., 1981\)](#) ]  
21

22 California Civil Code  
23 Section 2224

24 “One who gains a thing by fraud, accident, mistake, undue influence, the violation of a trust, or other wrongful  
25 act, is, unless he or she has some other and better right thereto, an involuntary trustee of the thing gained, for the  
26 benefit of the person who would otherwise have had it.”  
27

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

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

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

### 37 **10.3 PRIVATE Rights Defined and Explained**

38 “The people...are the only sure reliance for the preservation of our liberty.”  
39 [Thomas Jefferson to James Madison, 1787. ME 6:392]

40 “The people of every country are the only safe guardians of their own rights.”  
41 [Thomas Jefferson to John Wyche, 1809]

42 The Bill of Rights documents PRIVATE rights. We define “private” as follows:

<sup>33</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>34</sup> Blagge v. Balch, 162 U.S. 439, 40 L.Ed. 1032, 16 S.Ct. 853.

<sup>35</sup> Wilson v. Shaw, 204 U.S. 24, 51 L.Ed. 351, 27 S.Ct. 233.

<sup>36</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.

1 SEDM Disclaimer  
2 4. Meaning of Words  
3 4.3. Private

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

- 6
- 7 1. In possession of absolute, exclusive ownership and control over their own labor, body, and all their  
8 property. In Roman Law this was called "dominium".
  - 9 2. On an EQUAL rather than inferior relationship to government in court. This means that they have no  
10 obligations to any government OTHER than possibly the duty to serve on jury and vote upon voluntary  
11 acceptance of the obligations of the civil status of "citizen" (and the DOMICILE that creates it). Otherwise,  
12 they are entirely free and unregulated unless and until they INJURE the equal rights of another under the  
13 common law.
  - 14 3. A "nonresident" in relation to the state and federal government.
  - 15 4. Not a PUBLIC entity defined within any state or federal statutory law. This includes but is not limited to  
16 statutory "person", "individual", "taxpayer", "driver", "spouse" under any under any civil statute or  
17 franchise.
  - 18 5. Not engaged in a public office or "trade or business" (per 26 U.S.C. §7701(a)(26)). Such offices include but  
19 are not limited to statutory "person", "individual", "taxpayer", "driver", "spouse" under any civil statute or  
20 franchise.

21 "PRIVATE PERSON. An individual who is not the incumbent of an office."  
22 [Black's Law Dictionary, Fourth Edition, p. 1359]

- 23
- 24 6. Not consenting to contract with or acquire any public status, public privilege, or public right under any  
25 state or federal franchise. For instance, the phrase "private employee" means a common law worker that is  
26 NOT the statutory "employee" defined within 26 U.S.C. §3401(c) or 26 C.F.R. §301.3401(c)-1 or any other  
27 federal or state law or statute.
  - 28 7. Not sharing ownership or control of their body or property with anyone, and especially a government. In  
29 other words, ownership is not "qualified" but "absolute".
  - 30 8. Not subject to civil enforcement or regulation of any kind, except AFTER an injury to the equal rights of  
31 others has occurred. Preventive rather than corrective regulation is an unlawful taking of property  
32 according to the Fifth Amendment Takings Clause.
  - 33 9. Not "privileged" or party to a franchise of any kind:

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

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

52  
53 If this is so--if in England a privilege existing in a subject, which the king alone could  
54 grant, constitutes it a franchise--in this country, under our institutions, a privilege or  
55 immunity of a public nature, which could not be exercised without a legislative grant,  
56 would also be a franchise."  
57 [People v. Ridgley, 21 Ill. 65, 1859 WL 6687, 11 Peck 65 (Ill., 1859)]

- 58
- 59 10. The equivalent to a common law or Constitutional "person" who retains all of their common law and  
60 Constitutional protections and waives none.

61 "The words "privileges" and "immunities," like the greater part of the legal phraseology  
of this country, have been carried over from the law of Great Britain, and recur constantly

1 either as such or in equivalent expressions from the time of Magna Charta. For all  
2 practical purposes they are synonymous in meaning, and originally signified a peculiar  
3 right or private law conceded to particular persons or places **whereby a certain**  
4 **individual or class of individuals was exempted from the rigor of the common law.**  
5 Privilege or immunity is conferred upon any person when he is invested with a legal claim  
6 to the exercise of special or peculiar rights, authorizing him to enjoy some particular  
7 advantage or exemption. "

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

10 [http://famguardian.org/Publications/ThePrivAndImmOfStateCit/The\\_privileges\\_and\\_im](http://famguardian.org/Publications/ThePrivAndImmOfStateCit/The_privileges_and_im)  
11 [munities\\_of\\_state\\_c.pdf/](http://famguardian.org/Publications/ThePrivAndImmOfStateCit/The_privileges_and_im)

12  
13 See Magill v. Browne, Fed.Cas. No. 8952, 16 Fed.Cas. 408; 6 Words and Phrases, 5583,  
14 5584; A J. Lien, "Privileges and Immunities of Citizens of the United States," in  
15 Columbia University Studies in History, Economics, and Public Law, vol. 54, p. 31.

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

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

24 [[Luke 16:13](#), Bible, NKJV]

25 [SEDM Disclaimer, Section 4.3: Private; SOURCE: <http://sedm.org/disclaimer.htm>]

26 Black's Law Dictionary (Sixth Edition) defines our Constitutional Rights:

27 "... Natural rights are those which grow out of the nature of man [the Creator] and depend upon personality, as  
28 distinguished from such as are created by law and depend upon civilized society; or those which are plainly  
29 assured by natural law;..."

30 [*Black's Law Dictionary, Sixth Edition, p. 1324*]

31 In other words, Natural Rights or Natural Laws come from nature [the Creator] and are separate and distinct from those laws  
32 derived by man. We also call them PRIVATE rights. Our Constitution not only recognizes these Natural Rights (Natural  
33 Laws), but guarantees them as individual Rights. The Constitution recognizes that they are superior to all other laws,  
34 including the laws made by man (any level of government). That is, unless of course you freely waive your Rights, which is  
35 exactly what you do under compulsion every time you file an income tax return. It is likely, however, that you didn't know  
36 that is what you were doing. Hence, this section.

37 Possession of a legal right conveys certain advantages to us in a court of law as revealed by the U.S. Supreme Court, *Marbury*  
38 *v. Madison*, 5 U.S. 137, 1 Cranch 137, 2 L.Ed. 60 (1803):

39 *The very essence of civil liberty certainly consists in the right of every individual [note that he said **individual***  
40 *and not **citizen**, since you don't have to be a **citizen** to have the protection of government] to claim the protection*  
41 *of the laws, whenever he receives an injury. One of the first duties of government is to afford that protection. In*  
42 *Great Britain the king himself is sued in the respectful form of a petition, and he never fails to comply with the*  
43 *judgment of his court.*

44 *In the 3d vol. of his Commentaries, p. 23, Blackstone states two cases in which a remedy is afforded by mere*  
45 *operation of law.*

46 "In all other cases," he says, "it is a general and indisputable rule, that where there is a  
47 legal right, there is also a legal remedy by suit, or action at law, whenever that right is  
48 invaded."

49 And afterwards, p. 109, of the same vol. he says,

50 "I am next to consider such injuries as are cognizable by the court of the common law.  
51 And herein I shall for the present only remark, that all possible injuries whatsoever, that  
52 did not fall within the exclusive cognizance of either the ecclesiastical, military, or  
53 maritime tribunals, are, for that very reason, within the cognizance of the common law

1 courts of justice; for it is a settled and invariable principle in the laws of England, that  
2 every right, when withheld, must have a remedy, and every injury its proper redress.

3 *The government of the United States has been emphatically termed a government of laws, and not of men. It will  
4 certainly cease to deserve this high appellation, if the laws furnish no remedy for the violation of a vested legal  
5 right."*

6 The above case is often cited as an authority on the subject of rights, even by the government, and makes mandatory reading  
7 for the budding freedom fighter.

8 The Supreme Court has said repeatedly that governments may not tax or regulate the exercise of PRIVATE rights. Here is  
9 but one example:

10 *"A state may not impose a charge for the enjoyment of a right granted by the Federal Constitution."  
11 [Murdock v. Commonwealth of Pennsylvania, 319 U.S. 105, 63 S.Ct. 870 (1943)]*

12 However, governments can regulate the exercise of "privileges":

13 *"The power to tax the exercise of a privilege is the power to control or suppress its enjoyment."  
14 [Murdock v. Commonwealth of Pennsylvania, 319 U.S. 105, 63 S.Ct. 870 (1943)]*

## 15 **10.4 PUBLIC Rights/Privileges Defined and Explained**

16 What is a "privilege"? It is a PUBLIC right created by government in civil statutes conveying a right AGAINST the  
17 government or an agent of the government ONLY.

18 **PRIVILEGE.** *A particular and peculiar benefit or advantage enjoyed by a person, company, or class, beyond  
19 the common advantages of other citizens. An exceptional or extraordinary power or exemption. A right, power,  
20 franchise, or immunity held by a person or class, against or beyond the course of the law. Waterloo Water Co. v.  
21 Village of Waterloo, 193 N.Y.S. 360, 362, 200 App.Div. 718; Colonial Motor Coach Corporation v. City of  
22 Oswego, 215 N.Y.S. 159,163,126 Misc. 829; Cope v. Flanery, 234 P. 845, 849, 70 Cal.App. 738; Bank of  
23 Commerce & Trust Co. v. Senter, 260 S.W. 144, 147, 149 Tenn. 569; State v. Betts, 24 N.J.L. 557.*

24 *An exemption from some burden or attendance, with which certain persons are indulged, from a supposition of  
25 law that the stations they All, or the offices they are engaged in, are such as require all their time and care, and  
26 that, therefore, without this indulgence, it would be impracticable to execute such offices to that advantage which  
27 the public good requires. Dike v. State, 38 Min. 366, 38 N.W. 95; International Trust Co. v. American L. & T.  
28 Co., 62 Minn. 501, 65 N.W. 78. State v. Gilman, 33 W.Va. 146, 10 S.E. 283, 6 L.R.A. 847. That which releases  
29 one from the performance of a duty or obligation, or exempts one from a liability which he would otherwise be  
30 required to perform, or sustain in common with all other persons. State v. Grosnickle, 189 Wis. 17, 206 N.W. 895,  
31 896. A peculiar advantage, exemption, or immunity. Sacramento Orphanage & Children's Home v. Chambers,  
32 25 Cal.App. 536, 144 P. 317, 319.*

### 33 **Civil Law**

34 *A right which the nature of a debt gives to a creditor, and which entitles him to be preferred before other creditors.  
35 Civil Code La. art. 3186. It is merely an accessory of the debt which it secures, and falls with the extinguishment  
36 of the debt. A. Baldwin & Co. v. McCain, 159 La. 966, 106 So. 459, 460. The civil-law privilege became, by  
37 adoption of the admiralty courts, the admiralty lien. Howe, Stud. Civ. L. 89; The J. E. Rumbell, 148U.S. 1, 13S.Ct.  
38 498, 37 L.Ed. 345.*

39 **Privileges and immunities.** *Within the meaning of the 14th amendment of the United States constitution,  
40 such privileges as are fundamental, which belong to the citizens of all free governments and which have at all  
41 times been enjoyed by citizens of the United States. La Tourette v. McMaster, 104 S.C. 501, 89 S.E. 398, 399.  
42 They are only those which owe their existence to the federal government, its national character, its Constitution,  
43 or its laws. Ownbey v. Morgan, 256 U.S. 94, 41 S.Ct. 433, 65 L.Ed. 837, 17 A.L.R. 873; Prudential Ins. Co. of  
44 America v. Cheek, 25 U.S. 530, 42 S.Ct. 516, 520, 66 L.Ed. 1044, 27 A.L.R. 27; Rosenthal v. New York, 33 S.Ct.  
45 27, 226 U.S. 260, 57 L.Ed. 212, Ann.Cas.1914B, 71.  
46 [Black's Law Dictionary, Fourth Edition, pp. 1359-1360]*

47 Those who may exercise government privileges must hold an OFFICE within the government to do so. It is interesting that  
48 we had to go to the English dictionary rather than the law dictionary to determine that privileges=offices:

49 *priv•i•lege \ 'priv-lij, 'pri-və- \ noun*

1 [Middle English, from Anglo-French, from Latin *privilegium* law for or against a private person, from *privus*  
2 *private + leg-, lex* law] 12th century: a right or immunity granted as a peculiar benefit, advantage, or favor:  
3 *PREROGATIVE* especially: such a right or immunity **attached specifically to a position or an office.**  
4 [Mish, F. C. (2003). Preface. Merriam-Webster's collegiate dictionary. (Eleventh ed.). Springfield, MA: Merriam-  
5 Webster, Inc.]

6 The key to having PRIVATE rights is to *avoid* the government trap of becoming a person in receipt of government privileges,  
7 meaning PUBLIC privileges. Even the U.S. Supreme court admitted this, when it said:

8 **"The rights of sovereignty extend to all persons and things *not privileged*, that are within the *territory*.**  
9 **They extend to all strangers *resident* therein; not only to those who are *naturalized*, and to those who are**  
10 **domiciled therein, having taken up their abode with the intention of permanent residence, but also to those whose**  
11 **residence is transitory. All strangers are under the protection of the sovereign while they are within his territory**  
12 **and owe a temporary allegiance in return for that protection."**  
13 [Carlisle v. United States, 83 U.S. 147, 154 (1873)]

14 Keep in mind that being a statutory "U.S. citizen", in receipt of the "privileges and immunities" of federal citizenship derived  
15 from 8 U.S.C. §1401 is the very privilege that in effect, denies you your other Constitutionally guaranteed rights and personal  
16 sovereignty. Therefore, the key to having rights is also to not be a privileged statutory "U.S. citizen" or a "citizen of the  
17 United States" under 8 U.S.C. §1401, but instead to be a "national" defined in 8 U.S.C. §1101(a)(21) and the Fourteenth  
18 Amendment. You don't need statutory federal citizenship found in 8 U.S.C. §1401 to have rights. Your PRIVATE rights  
19 come from the land you live on and not your citizenship status. The only thing that being a statutory "U.S. citizen" under 8  
20 U.S.C. §1401 does is take away rights, not endow you with rights. "U.S. citizen" status under 8 U.S.C. §1401 was invented  
21 only to regulate and enslave people born in and occupying territories and possessions of the United States and has absolutely  
22 no bearing upon persons born in states of the Union. Everyone else who was born in a state of the Union already had the  
23 rights of kings!

24 **"No white person born within the limits of the United States, and subject to their [the states, and not the federal  
25 government] jurisdiction, or born without those limits, and subsequently naturalized under their laws, owes the  
26 status of citizenship to the recent amendments [Thirteenth and Fourteenth Amendments] to the Federal  
27 Constitution."  
28 [Van Valkenburg v. Brown, 43 Cal. 43 (1872)]**

## 29 **10.5 PUBLIC rights are created legislatively by the State and can be taken away while** 30 **PRIVATE rights are created by God and cannot be taken away**

31 If you want to find out whether something is a privilege, look for a statute that authorizes it to be TAKEN AWAY. If you  
32 find one, then it's a PUBLIC PRIVILEGE rather than PRIVATE RIGHT.

33 A PRIVATE right is a behavior or a choice, the exercise of which can't be taken away, fined, taxed, or regulated by anyone,  
34 including the government. The rights recognized by the Bill of Rights are "unalienable" according to the Declaration of  
35 Independence because they are created by God rather than the Government.

36 **"We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator**  
37 **with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness.--That to secure**  
38 **these rights, Governments are instituted among Men, deriving their just powers from the consent of the governed,**  
39 **-"**  
40 [Declaration of Independence]

41 The word "unalienable" is defined as follows:

42 **"Unalienable. Inalienable; incapable of being aliened, that is, sold and transferred."**  
43 [Black's Law Dictionary, Fourth Edition, p. 1693]

44 So in other words, PRIVATE rights protected by the Constitution or a REAL, de jure government may not lawfully be  
45 bargained away, sold, or transferred in relation to that government, including by the commercial mechanism of a franchise.  
46 Governments must drop to the level of PRIVATE individuals and surrender their sovereign immunity, in fact, before they  
47 can entice you out of a right protected by the Constitution without violating the Constitution and even then, they are violating  
48 the purpose of their creation and engaging in a commercial conflict of interest in criminal violation of 18 U.S.C. §208 to  
49 make a business (franchise) out of destroying and enticing you out of your rights.



1 See also *Clearfield Trust Co. v. United States*, 318 U.S. 363, 369 (1943) ("**The United States does business on**  
2 **business terms**") (quoting *United States v. National Exchange Bank of Baltimore*, 270 U.S. 527, 534 (1926));  
3 *Perry v. United States*, supra at 352 (1935) ("**When the United States, with constitutional authority, makes**  
4 **contracts, it has rights and incurs responsibilities similar to those of individuals who are parties to such**  
5 **instruments. There is no difference . . . except that the United States cannot be sued without its consent**")  
6 (citation omitted); *United States v. Bostwick*, 94 U.S. 53, 66 (1877) ("**The United States, when they contract with**  
7 **their citizens, are controlled by the same laws that govern the citizen in that behalf**"; *Cooke v. United States*,  
8 91 U.S. 389, 398 (1875) (explaining that when the United States "**comes down from its position of sovereignty,**  
9 **and enters the domain of commerce, it submits itself to the same laws that govern individuals there**").

10 See *Jones*, 1 Cl.Ct. at 85 ("**Wherever the public and private acts of the government seem to commingle, a citizen**  
11 **or corporate body must by supposition be substituted in its place, and then the question be determined whether**  
12 **the action will lie against the supposed defendant**"; *O'Neill v. United States*, 231 Ct.Cl. 823, 826 (1982)  
13 (sovereign acts doctrine applies where, "[w]here [the] contracts exclusively between private parties, the party hurt  
14 by such governing action could not claim compensation from the other party for the governing action"). The  
15 dissent ignores these statements (including the statement from *Jones*, from which case *Horowitz* drew its  
16 reasoning literally verbatim), when it says, post at 931, that the sovereign acts cases do not emphasize the need  
17 to treat the government-as-contractor the same as a private party.  
18 [*United States v. Winstar Corp.*, 518 U.S. 839 (1996).]

19 What specifically do PRIVATE rights attach to? They attach irrevocably to LAND protected by the Constitution, and not to  
20 the STATUS of the people standing on said land.

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

24 Notice that the Declaration of Independence also states that all men are EQUAL. The results of the requirement that rights  
25 are unalienable and that all men are equal are the following:

- 26 1. Kings are impossible.
- 27 2. The source of all sovereignty is the People as private individuals and NOT as a collective.

28 "**Sovereignty is the right to govern; a nation or State-sovereign is the person or persons in whom that resides.**  
29 **In Europe the sovereignty is generally ascribed to the Prince; here it rests with the people; there, the sovereign**  
30 **actually administers the Government; here, never in a single instance; our Governors are the agents**  
31 **[fiduciaries] of the people, and at most stand in the same relation to their sovereign, in which regents in Europe**  
32 **stand to their sovereigns. Their Princes have personal powers, dignities, and pre-eminences, our rulers have**  
33 **none but official; nor do they partake in the sovereignty otherwise, or in any other capacity, than as private**  
34 **citizens."** at 472."  
35 [*Justice Wilson, Chisholm, Ex'r. v. Georgia*, 2 *Dall. (U.S.)* 419, 1 *L.ed.* 454, 457, 471, 472) (1794)]

- 36 3. All governments are established by authority delegated by the people they serve. In that sense, they govern ONLY by  
37 our continuing consent and when they fail to do their job properly, it is our right AND duty as the Sovereigns they serve  
38 to fire them by changing our domicile and forming a competing government that does a better job.
- 39 4. No group or collection of men can have any more authority than a single man.
- 40 5. No government, which is simply a collection of men, can have any more authority, rights, or privileges than a single  
41 man.
- 42 6. The people cannot delegate an authority they do not themselves individually have. For instance, they cannot delegate  
43 the authority to injure the equal rights of others by stealing from others. Hence, they cannot delegate an authority to a  
44 government to collect a tax that redistributes wealth by taking from one group of private individuals and giving it to  
45 another group or class of private individuals.
- 46 7. A government that asserts "sovereign immunity" must also give natural persons the same right. When governments  
47 assert sovereign immunity in court, their opponent has to produce evidence of consent to be sued in writing. The same  
48 concept of sovereign immunity pertains to us as natural persons, where if the government attempts to allege that we  
49 consented to something, they too must produce evidence of consent to be sued and surrender rights IN WRITING.
- 50 8. The only place where all men are UNEQUAL is on federal territory where Constitutional rights do not exist.

51 If you would like a wonderful, animated version of the above concepts, then we highly recommend the following:

[Philosophy of Liberty, SEDM  
https://sedm.org/education/liberty-university/liberty-university-2-2-philosophy-of-liberty/](https://sedm.org/education/liberty-university/liberty-university-2-2-philosophy-of-liberty/)



1 Why is all of this relevant and important to the subject of government authority over private persons? Because once you  
2 understand this concept of equality, you also understand that:

- 3 1. The foundation of the Constitution is equal protection.
- 4 2. Any attempt to make us unequal constitutes tyranny, usurpation, and slavery.
- 5 3. Any attempt to do any of the following constitutes tyranny, usurpation, and slavery:
  - 6 3.1. Replace *rights* with *privileges*.
  - 7 3.2. Describe rights as privileges.
  - 8 3.3. Call a privilege a “right”.
- 9 4. Any attempt to do any of the following constitutes tyranny, usurpation, and slavery because it compels us into subjection  
10 and subordination to a political ruler as a “public official”:
  - 11 4.1. Compel us to participate in a government franchise.
  - 12 4.2. Presume that we consented to participate in said franchise without being required to obtain our consent in writing  
13 where all rights surrendered to procure the benefits of the franchise are fully disclosed.
  - 14 4.3. Replace a de jure government service with a franchise.
  - 15 4.4. Confer benefits of a franchise against our will and without our consent.
- 16 5. Any attempt to make some persons or groups of persons more equal than others is idolatry in violation of the first four  
17 commandments of the Ten Commandments. See Exodus 20:3-8. It amounts to the establishment of a religion and a  
18 “superior being”. All religions are based on the “worship” of superior beings, and the essence of “worship” is obedience.  
19 The fact that obedience to this superior being is a product of the force implemented under the authority of law doesn’t  
20 change the nature of the relationship at all. It is STILL a religion.

21 *“You shall have no other gods [or rulers or governments] before Me.*

22 *You shall not make for yourself a carved image—any likeness of anything that is in heaven above, or*  
23 *that is in the earth beneath, or that is in the water under the earth; **you shall not bow down to them***  
24 ***nor serve them [rulers or governments]**. For I, the LORD your God, am a jealous God, visiting the*  
25 *iniquity of the fathers upon the children to the third and fourth generations of those who hate Me,*  
26 *but showing mercy to thousands, to those who love Me and keep My commandments.*  
27 *[Exodus 20:3-6, Bible, NKJV]*

28 A PUBLIC privilege, on the other hand, is something that can be taken away at any moment, usually at the discretion of the  
29 entity providing it, subject only to the contractual and legal constraints governing your relationship with that entity. They  
30 attach to your CIVIL STATUS, which you acquire through a domicile in a specific place and thereby becoming subject to  
31 the statutory civil laws of that place. For instance, it is unconstitutional for the government to tax or fine you for exercising  
32 your right to free speech guaranteed by the First Amendment to the Constitution. Voting, for instance, is a privilege. It is  
33 also called the “elective franchise”. The government can lawfully revoke that privilege if you are convicted of a felony.  
34 Anything that can be revoked legislatively is a privilege rather than a right.

35 You can’t be fined for exercising the right not to incriminate yourself guaranteed by the 5<sup>th</sup> Amendment, by, for instance,  
36 fining you \$500 (under the “Jurat” amendment and 26 U.S.C. §6702) for refusing to sign your 1040 income tax return “under  
37 penalty of perjury”. The government also should never be permitted to fine you for your right under the Petition clause of  
38 the constitution to correct a government wrongdoing (the First Amendment states that we have a right “to petition the  
39 Government for a redress of grievances.”), but in fact the courts routinely do this anyway, in violation of the Constitution.  
40 This tactic is part of the “judicial conspiracy to protect the income tax” defined elsewhere in this document, including in  
41 section 6.6. The fact that most Americans allow and tolerate this kind of injustice, abuse, and violation of their God-given  
42 rights confounds us and simply reveals how apathetic and indifferent we have become about our heritage and our treasured  
43 rights under the Constitution of the United States.

44 PUBLIC privileges attach to a statutory “status” rather than to land protected by the Constitution as in the case of rights.  
45 Such statutory statuses include “taxpayer”, “citizen”, “resident”, “employee”, “driver”, “spouse”, etc. If you don’t have the  
46 status, then you can’t exercise the privilege, and usually the only way you can acquire the status is by filling out a government  
47 form that usually calls itself an “application”. For instance, IRS Form W-4 identifies itself as an “Employee Withholding  
48 Allowance Certificate”. If you fill out, sign, and submit that form the regulations controlling its use say that it is an agreement  
49 or contract and that you are to be treated as a statutory “employee” beyond that point but NOT before. If you don’t want the  
50 status of statutory “employee” under federal law or don’t want the “benefits” associated with said status such as social  
51 insurance, then you have to use a different form such as IRS Form W-8BEN.

1 Privileges, however, are much different from rights. Privileges we want are how the government, our employer, and others  
2 we know enslave and coerce us into giving up our rights voluntarily. Giving up a right is an injury, and as one shrewd friend  
3 frequently said:

4 *“The more you want, the more the world can hurt you.”*

5 The more needy and desperate we allow ourselves to become, the more susceptible we become to being abused by voluntarily  
6 jeopardizing our rights and becoming willing slaves to others. There is nothing unconstitutional or illegal about giving away  
7 our rights to PRIVATE parties and not governments in exchange for benefits in this way, so long as we do it voluntarily and  
8 with full knowledge of exactly what we are giving up to procure the benefit. The Constitution doesn’t apply to transactions  
9 involving private parties, in fact. This is called “informed consent”. Situations where we surrender rights in exchange for  
10 privileges are commonplace and actually are the foundation of the commercial marketplace. This exchange is referred to as  
11 a business transaction and is usually governed by some contractual or legal vehicle in order to protect the property interests  
12 of the parties to the transaction. This legal vehicle is the Uniform Commercial Code, or UCC and the contract that fixes the  
13 rights of the two or PRIVATE parties to it. An example of a privilege we give up our property rights to exercise is legalized  
14 gambling. If a person is a compulsive gambler and they lose their whole life savings and gamble themselves into massive  
15 debt, they in effect have sold themselves into legalized financial slavery to the casino. That’s perfectly legal, and the laws  
16 will protect the property interest of the casino and the right of the casino to collect on the debt. Even though the Thirteenth  
17 Amendment outlawed slavery and even though the gambler might be a slave in this circumstance, because it was his choice  
18 and he wasn’t compelled to do it, then it isn’t illegal or unconstitutional.

19 Another example of privileges being exchanged for rights is when we obtain a state marriage license. When we voluntarily  
20 get a marriage license, we basically surrender our God-given right to control the fruit of our marriage, including our children  
21 and all our property, and give jurisdiction to the government to control every aspect of our lives. Many people do this because  
22 their hormones get the better of them and they aren’t practical or rational enough to negotiate the terms of their marriage and  
23 won’t sit down with their spouse and write down an agreement that will keep the government out of their lives. Marriage is  
24 supposed to be a confidential spiritual and religious union between a man and a woman, but when we get a marriage license,  
25 we violate the separation of church and state and actually get married not only to our spouse, but also to the government. We  
26 become, in effect, a polygamist! A marriage license is a license to the government, not to us, that allows them to invade our  
27 lives any way they see fit at any time at the request of either spouse and based on the presumption that they are furthering the  
28 “public good”, whatever that is! If couples get married in the church and get a marriage certificate but don’t get a marriage  
29 license from the state, then the government has no jurisdiction over the spouses, the children, or the property of the marriage,  
30 and the only way it can get jurisdiction, under such circumstances is to PROVE that someone within the relationship is being  
31 hurt by the actions of others. If divorce results from an unlicensed marriage, the parties can litigate if need be, but the  
32 government has to stay within the bounds of any written or verbal agreement that the spouses have between them.

33 The government can’t take away or even bargain away rights protected by the Constitution because the Declaration of  
34 Independence, which is “organic law” of this country which is implemented by the Constitution, says these rights are  
35 “unalienable”, which means they can’t be sold or transferred by any commercial process, including franchises.

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

38 However, governments can definitely take away privileges, often indiscriminately. For instance, receiving social security  
39 checks is a privilege, and not a right. The courts have repeatedly ruled that social security is not a contract or a right, but a  
40 privilege. We can only earn that privilege by “volunteering” to be a U.S. or “federal” statutory and NOT constitutional  
41 “citizen” and paying into the Social Security System. Paying into the Social Security System means participants have to  
42 waive their right to not be taxed on our income with direct taxes, which the Constitution forbids. Same thing for Medicare  
43 and disability insurance. There is nothing immoral or unethical or illegal with being taxed on our income to support these  
44 programs provided:

- 45 1. The programs are ONLY offered to those domiciled and physically present on federal territory that is no part of any  
46 state of the Union, who are called statutory “U.S. citizens” and “U.S. residents”. Offering the “benefit” to those  
47 domiciled outside the territory of the sovereign such as those domiciled in states of the Union is a violation of the  
48 separation of powers doctrine.
- 49 2. Those being offered the “benefit” are informed prior to joining that participation was voluntary and that we could  
50 not be coerced to join or punished for not joining.

3. The program is only offered to EXISTING public officers in the government and is NOT used as a mechanism to unlawfully create any NEW offices. Pursuant to 4 U.S.C. §72, all such public offices may be exercised ONLY in the District of Columbia and NOT elsewhere, except as expressly provided by law. There is no provision within the I.R.C. or the Social Security Act that in fact authorizes the creation of NEW public offices or the exercise of the offices that it does regulate within the exclusive jurisdiction of any state of the Union. Furthermore, there are no internal revenue districts within any state of the Union, so revenue can't be collected outside the District of Columbia, which is the only remaining internal revenue district.
4. There is some measure of accountability and fiduciary duty associated with the government in managing and investing our money. Good stewardship of our contributions by the government is expected and bad stewardship is punished by the law and those who enforce the law.
5. We are informed frequently by the fiduciary that we can leave the program at any time, and that our benefits will be proportional to our contributions.
6. We made a conscious, informed decision on a signed contract to sacrifice our rights to qualify to receive the benefit or privilege. This is called "informed consent", which can only exist where there is "full disclosure" by either party of the rights surrendered and the benefits obtained through the surrender of rights. This approach is the basis for what is called "good faith" dealing.
7. If you die young or never collect benefits, your contributions plus interest should be given to your relatives, so that the government doesn't benefit financially from people dying.
8. There is no unwritten or invisible or undisclosed contract that binds us, and nothing will be expected of us that wasn't clearly explained upfront before we signed the contract.

However, the problem is that our federal government has mismanaged the funds put into the Social Security System and squandered the money. This has led them to violate their fiduciary duties and the above requirements as follows:

1. Government employees routinely and deliberately waive or overlook the domicile requirement as a matter of public policy rather than law, and thereby turn a government function into private business. See 20 C.F.R. §422.104, which says that only statutory "citizens" and "residents" domiciled on federal territory within a statutory but not constitutional "State" may lawfully participate.
2. The government refuses to be accountable or to notify us of the benefits we have earned. They also don't tell us on their statements how much we would earn if we quit contributing today and only drew benefits based on what we paid in the past.
3. The federal government won't tell us that participation is voluntary and they provide no means on the social security website (<http://www.ssa.gov>) to *de-enroll* from the program. Instead, they try to fool us all into thinking that the program is mandatory when in fact it is entirely voluntary. The reason the U.S. Government won't tell us that participation is voluntarily is that so many people would leave such an inefficient and poorly managed system to start their own plans when they find this out that the Ponzi scheme it has become would suffer instant meltdown and would turn into a big scandal!
4. If you never collect benefits or you die young, all the money you paid in and the interest aren't given to your relatives as an inheritance. The government keeps EVERYTHING, and this is a BIG injustice that would not occur if the program were run more like the annuity that it should be.
5. There is no written agreement or contract, so they have no obligation or liability to be good stewards over our contributions.
6. Our kids are coerced into joining the system when they are born under the Enumeration At Birth program and the decision is made by their parents and not by them directly. This is unethical and immoral.
7. We are also coerced by our parents to join because the IRS deceives us into thinking that we are obligated to get Socialist Security Numbers for each of our children in order to qualify to use them as deductions on our taxes. In effect, they bribe us with our own money to sell our children into slavery into this inept and poorly managed system.

For all the above reasons and many more, *we recommend exiting this bankrupt welfare-state system as quickly as you can!* It's a "privilege" you can't be coerced to participate in anyway. We have to ask ourselves: Is a *compelled* benefit really a benefit, or just another form of slavery? The trick is determining how to escape, because you will get absolutely NO help from the Social Security Administration or the government! We provide answers to this dilemma of how to abandon the Social Security Program and your federal citizenship in Chapter 3 of the *Tax Fraud Prevention Manual*, Form #06.008.

## **10.6 The Creator of a Right Determines Who May Regulate and Tax It**

1 The creator of a right determines who may regulate and tax a specific right. If the creator is God or the Constitution, the right  
2 is PRIVATE. If the creator is the state through a legislative enactment, the right is PUBLIC.

3 According to the Declaration of Independence, our PRIVATE rights come from God and not government or any law enacted  
4 by government:

5 *"We hold these truths to be self-evident, that **all men are created equal, that they are endowed by their Creator***  
6 ***with certain unalienable Rights**, that among these are Life, Liberty and the pursuit of Happiness.--That to secure*  
7 *these rights, Governments are instituted among Men, deriving their just powers from the consent of the governed,*  
8 *-"*  
9 *[Declaration of Independence, 1776]*

10 Some people ignorantly argue that the Declaration of Independence cited above is not "LAW" and they are wrong. The very  
11 first enactment of Congress on p. 1 of volume 1 of the Statutes At Large incorporated the Declaration of Independence as the  
12 laws of this country. Don't believe us on this critical point? Watch Judge Andrew Napolitano say the same thing. He also  
13 says that law is THE MOST VIOLATED provision of law in existence:

*Judge Andrew Napolitano says the Declaration of Independence is LAW enacted by Congress*, Exhibit #03.006  
<http://sedm.org/Exhibits/ExhibitIndex.htm>

14 An unalienable PRIVATE right is one that cannot be sold, bargained away, or transferred by any process, including either  
15 your consent or through any franchise:

16 *"Unalienable. Inalienable; incapable of being aliened, that is, sold and transferred."*  
17 *[Black's Law Dictionary, Fourth Edition, p. 1693]*

18 As the Declaration of Independence states, governments are established to secure and protect PRIVATE rights. Here is an  
19 affirmation of these principles by the U.S. Supreme Court:

20 *"The most basic function of any government is to provide for the security of the individual and of his [PRIVATE]*  
21 *property. [Lanzetta v. New Jersey, 306 U.S. 451, 455](#). These ends of society are served by the criminal laws which*  
22 *for the most part are aimed at the prevention of crime. Without the reasonably effective performance of the task*  
23 *of preventing private violence and retaliation, it is idle to talk about human dignity and civilized values."*  
24 *[[Miranda v. Arizona, 384 U.S. 436, 539 \(1966\)](#)]*

25 Any attempt to alienate PRIVATE rights, and especially if done without the consent of the owner of the right, therefore:

- 26 1. Works a purpose OPPOSITE for which government was created.  
27 2. Is a breach of fiduciary duty on the part of the government.  
28 3. Is a theft.  
29 4. Must be classified as PRIVATE business activity that may not be protected with sovereign immunity. Sovereign  
30 immunity, recall, may only be invoked by de jure governments, not private corporations masquerading as  
31 "government", which we call "de facto government".

32 We should be asking ourselves: Just how sacred are our God given constitutionally protected PRIVATE rights? Have we  
33 lost sight of our objective of restoring liberty for ourselves and family? And even if we know something is wrong, and we  
34 start to do something about it, are we standing on solid ground?

35 We are the masters over our government and not its subjects. We are the "sovereign people" as the U.S. Supreme Court called  
36 us in *Boyd v. State of Nebraska, 12 S.Ct. 375, 143 U.S. 135, 36 L.Ed. 103 (1892)*. We should not allow ourselves to be  
37 compelled to waive fundamental rights to comply with some taxing scheme, merely for exercising my right to work and exist.

38 We absolutely have no "legal duty" to waive our fundamental rights to:

- 39 1. Speak or not to speak, as protected under the First Amendment.  
40 2. Be secure in my personal home, papers and effects, as protected under the Fourth Amendment.  
41 3. Not be compelled to be a witness against myself per the Fifth Amendment.  
42 4. Due process of law, as protected under the Fifth and Fourteenth Amendments.  
43 5. An impartial jury, as protected under the Sixth amendment.

1 6. Any other rights protected under the Ninth Amendment.

2 This is not a wild theory claim. We don't need to claim rights under the state Uniform Commercial Code. Our rights are God  
3 given, not commercially given. Neither do I need to fear waiving a right because I use a "zip code" as part of my mailing  
4 address.

5 The Supreme Court of the United States has already ruled on the standard for waiver of rights.

6 *"Waivers of constitutional rights not only must be voluntary but must be knowing, intelligent acts done with*  
7 *sufficient awareness of the relevant circumstances and likely consequences."*  
8 *[Brady v. U.S., 397 U.S. at 749, 90 S.Ct. 1463 at 1469 (1970). ]*

9 See also the following cases:

10 *Fuentes v. Shevin, 407 U.S. 67 (1972);*  
11 *Brookhart v. Janis, 384 U.S. 6 (1966);*  
12 *Empsak v. U.S., 349 U.S. 190 (1955);*  
13 *Johnson v. Zerbst, 304 U.S. 58 (1938).*

14 The issue of protection of rights has a track record 10 miles long. We should be able to confidently say:

15 *"We got em, they are ours, you (government) can't take em. If you (government) say that we lost them or waived*  
16 *them, the burden of proof is on you (government) to show us how we lost them or waived them or where you have*  
17 *the authority to take them."*

18 Let us cite an example that establishes a standard for the protection of rights, so you can see some of these cases that establish  
19 that track record. Back in the '60s, there was a voting rights case down in Texas. The state of Texas was imposing a poll tax  
20 on the voters prior to letting them vote. The Texas U.S. District Court said in *U.S. v. Texas*, 252 F.Supp. 234, 254, (1966):

21 *"Since, in general, only those who wish to vote pay the poll tax, the tax as administered by the State, is equivalent*  
22 *to a charge or a penalty imposed on the exercise of a fundamental right. If the tax were increased to a high degree,*  
23 *as it could be if valid, it would result in the destruction of the right to vote. See Grosjean v. American Press Co.,*  
24 *297 U.S. 233, 244, 54 S.Ct. 444 (1936)."*  
25 *[U.S. v. Texas, 252 F.Supp. 234, 254, (1966)]*

26 [Note that the court reiterated the fundamental premise of law expressed by Chief Justice John Marshall in the landmark  
27 decision of *McCulloch v. Maryland*, 4 Wheat 418 at 431 (1819), that "the power to tax is the power to destroy."]

28 The Texas district court went on to quote from the Supreme Court case of *Harman v. Forssenius*, 380 U.S. 528 at 540, 85  
29 S.Ct. 1177, 1185 (1965):

30 *"It has long been established that a State may not impose a penalty upon those who exercise a right guaranteed*  
31 *by the Constitution." Frost & Frost Trucking Co. v. Railroad Comm'n of California, 271 U.S. 583. "Constitutional*  
32 *rights would be of little value if they could be indirectly denied,' Smith v. Allwright, 321 US. 649, 644, or*  
33 *manipulated out of existence,' Gomillion v. Lightfoot, 364 U.S. 339, 345."*  
34 *[Harman v. Forssenius, 380 U.S. 528 at 540, 85 S.Ct. 1177, 1185 (1965)]*

35 That Texas federal district court held the poll tax unconstitutional and invalid and enjoined the state of Texas from requiring  
36 the payment of a poll tax as a prerequisite to voting.

37 Now a rare legal procedure followed that ruling. The state of Texas appealed. Not to the court of appeals, but directly to the  
38 Supreme Court. And in an equally rare circumstance, the Supreme Court took the district court's opinion as its own and  
39 affirmed the Judgment based on the facts and opinion stated by the district court. See *Texas v. U.S.*, 384 U.S. 155 (1966).

40 When the Amendments to the Constitution for the United States were ratified, they were considered a bill of restrictions on  
41 the government, not a legislative grant of privileges that could be taken from "we the people." The courts have upheld this  
42 premise many times, so if you're going to take a stand, it would be wise to base that stand on a position that has, at the  
43 minimum, the track record established for the guarantee of fundamental rights. There is none better!!

44 The conclusion of this exercise then, is that the government cannot tax or penalize the exercise of a right. You might then  
45 ask yourself:

- 1 1. How can the IRS impose a \$5000 fine for filing a so-called “frivolous” tax return that exercises our Fifth Amendment  
2 right not to incriminate ourselves and doesn’t have our signature? (this is called a Jurat violation)
- 3 2. Why does the IRS impose a \$50 fine upon employers or individual who file a 1099 form that does not have a social  
4 security number if the party we employed wants his or her 5<sup>th</sup> Amendment right not to incriminate him/herself respected?
- 5 3. Why can the state require individuals to provide their social security number in order to get a driver’s license that allows  
6 them to exercise their RIGHT to travel?
- 7 4. Why can the government impose penalties on individuals for the exercise of rights when the Constitution in Article 1,  
8 Section 9, Clause 3 specifically forbids the federal government to impose Bills of Attainder, which are penalties not  
9 imposed by a jury trial? Likewise, Article 1, Section 10 also forbids states to impose penalties without a judicial trial?

10 The answer is that neither the state nor federal governments are legally allowed to do any of the above in a state of the union  
11 where the Bill of Rights applies, because they amount to a tax or a penalty on the exercise of a God-given right! On the  
12 other hand, they are perfectly entitled to do all of the above as long as they are doing so within the federal zone, where the  
13 Bill of Rights does not apply, which is why we say throughout this book that the Internal Revenue Code and most state  
14 income tax laws can only apply within the federal zone. The source of authority to do the above is a legislative grant of  
15 PUBLIC privileges, not PRIVATE rights. If you look for the implementing regulations that authorize any of the above  
16 actions, they don’t exist. Because implementing regulations are not required for laws that only apply to government  
17 employees, then this is a strong clue that Subtitle A of the Internal Revenue Code can ONLY apply to federal employees who  
18 are elected or appointed officers of the United States government in receipt of taxable privileges of public office. Applying  
19 any of the penalties mentioned above to anyone but appointed or elected officers of the United States government and who  
20 reside in states of the Union are ILLEGAL and constitute a tort that you can sue for in court. These are the very illegal actions  
21 that convert our glorious republic into a relativistic, totalitarian socialistic democracy where the collective as a whole is the  
22 sovereign and no individuals have rights. They continue to be perpetrated because of fundamental ignorance about the  
23 separation of powers and sovereignty between the state and federal governments.

## 24 **10.7 PUBLIC rights and PRIVATE rights compared**

25 We have prepared the following table to compare rights with privileges to make this section crystal clear and to help you  
26 discern the two:  
27

1 **Table 6: Private Rights and PUBLIC privileges compared**

#	Characteristic	PRIVATE Right	PUBLIC Privilege
1	Name	Right	Privilege
2	How created	By God through His law	Legislatively granted by government ("publici juris")
3	Attach to	IRREVOCABLY to land protected by the Constitution	Statutory "statutes" such as "taxpayer", "citizen", "resident", "spouse", "driver", "benefit recipient", "employee"
4	Exercised ONLY by	Human beings	Public offices and officers of the state and federal government
5	Described in	Bill of Rights God's Laws Natural law	Statutes Codes Administrative regulations
6	Can be legislatively revoked?	No	Yes
7	Protected by	Police powers of the state Article III constitutional and NOT franchise courts	Administrative codes, regulations, and Article IV legislative franchise courts

2 Lastly, it is VERY important to realize that the very words we use to describe ourselves establish whether we are engaged in  
 3 a privileged activity or a right. We must be VERY careful to recognize key "words or art" that create a false legal presumption  
 4 of "privilege" and remove or replace them from our written and spoken vocabulary and all the government forms and  
 5 correspondence. This subject is covered more thoroughly in section 2.5.2.6 of the *Sovereignty Forms and Instructions*  
 6 *Manual*, Form #10.005, if you would like to know more. Below is a table showing you how to describe yourself so as to  
 7 avoid any association with "privileged" and thus "taxable" activities or status:  
 8



1 **Table 7: Privileged v. Nonprivileged words**

#	Condition	Privileged PUBLIC Status	Unprivileged PRIVATE status	Reason
1	Place where you live	Residence	Dwelling	The only people who have a “residence” are aliens. See 26 C.F.R. §1.872-1
2	Residency	Resident Citizen	Inhabitant Free inhabitant	The only “residents” are aliens with a domicile in the District of Columbia under the I.R.C.
3	Citizenship status	Citizen	National	A subject “citizen” is subject to the legislative jurisdiction of the government. A “national” is not, unless of course he injures the equal rights of others.
4	“Taxpayer” status	Taxpayer	Nontaxpayer	A “taxpayer” is subject to the I.R.C. A “nontaxpayer” is not. He is “foreign” with respect to it, as defined in 26 U.S.C. §7701(a)(31)
5	Marriage status	Married	Betrothed	Those who are “married” have a license. The only “marriages” recognized in most states is a licensed marriage. All persons with licensed marriages are polygamists. They marry BOTH the state AND their spouse and consent to be subject to the family code in their state.
6	Country to which you owe allegiance	“United States”	“United States of America”	The “United States” is the government of the District of Columbia and the territories and possessions of the federal government and excludes states of the Union, which are “foreign” with respect to the legislative jurisdiction of states of the Union.
7	What you earn by working	“wages” “income”	Earnings	“wages”, which are defined under 26 C.F.R. §31.3401(a)-3, can only be earned by federal statutory “employees”, which are elected or appointed officers of the United States government under 26 C.F.R. §31.3401(c)-1. “income” can only be earned by federally chartered corporations under the indirect excise tax upon “trade or business” activity described in Subtitle A of the Internal Revenue Code. Since you don’t hold a “public office” and are not engaged in a “trade or business”, then you are incapable of earning either “wages” or “income”. See section 5.6.7 later for details.
8	Employment status	Self-employed Employee	Self-supporting Worker	The only “employees” under the Internal Revenue Code are those connected with a “trade or business”, as defined in 26 U.S.C. §7701(a)(26) and 26 C.F.R. §31.3401(c)-1. The only people who are “self-employed” are those federal “employees” who have income connected with a “trade or business”, which is a “public office” as shown in 26 U.S.C. §1402.
9	Method of defining words	“includes”	“means”	See <i>Legal Deception, Propaganda, and Fraud</i> , Form #05.014, Section 15.2.
10	Place to send mail	Address	Dwelling	You can’t “have” or “possess” an address. An “address” is information, not a location. A dwelling is a physical location.

1 Do you see how tricky this game with words is? The trickiness is deliberate, so that you can be deceived by a covetous  
2 government into becoming a “subject” of their corrupt laws and a feudal serf residing on the federal plantation:

3 *“For where [government] envy and self-seeking [of money they are not entitled to] exist, confusion [and  
4 deception] and every evil thing will be there.”  
5 [[James 3:16](#), Bible, NKJV]*

## 6 **10.8 PRIVATE Civil Liberties v. PUBLIC Civil Rights v. PUBLIC Political Rights**

7 There is a great deal of confusion over the distinctions between “civil rights”, “civil liberties”, “constitutional rights”, and  
8 “political rights” and the nature of each as either PUBLIC or PRIVATE. We believe this confusion is deliberately crafted to  
9 confuse PUBLIC and PRIVATE so that PRIVATE is easier to STEAL for covetous politicians.

10 Most legal publications are not very useful in helping distinguish each right as PUBLIC or PRIVATE and the definitions  
11 have historically changed drastically over the years, which makes the task even more difficult. The distinctions we make in  
12 this section are therefore somewhat arbitrary but intended to prevent the confusion of PUBLIC and PRIVATE rights so that  
13 PRIVATE rights are not lost or indiscriminately converted to PUBLIC rights without the consent of the owner.

14 It is very important to understand that there are three classes of rights within our system of jurisprudence. All other “rights”  
15 are simply subsets of these three classes of rights:

16 1. PRIVATE Civil Liberties. Also called PRIVATE rights. Relate to the Bill of Rights and natural rights and have no  
17 relation to the establishment, support or management of the government. Attach to the land you stand on and not your  
18 citizenship status. Everyone, whether alien or citizen, has this kind of right and the protection afforded by government  
19 is equal to all for this type of right. On this subject, the U.S. Supreme Court said:

20 *“The Fourteenth Amendment of the Constitution is not confined to the protection of citizens. It says:*

21 *Nor shall any State deprive any person of life, liberty, or property without due process of law, nor*  
22 *deny to any person within its jurisdiction the equal protection of the laws.*

23 *These provisions are universal in their application to all persons within the territorial jurisdiction, without regard*  
24 *to any differences of race, of color, or of nationality; and the equal protection of the laws is a pledge of the*  
25 *protection of equal laws.”*  
26 [*Yick Wo v. Hopkins, 118 U.S. 356 (1886)*]

27 2. PUBLIC Civil Rights. Also called PUBLIC rights. Privileges granted to STATUTORY “citizens” and “residents” and  
28 created by Congress. Available mainly to those physically present on and domiciled on federal territory. You lose these  
29 rights if you change your domicile to be outside of federal territory.

30 3. PUBLIC Political rights. Also called PUBLIC rights. Are a privilege incident to citizenship. Involve participation,  
31 directly or indirectly, in the establishment or management of the government. They include voting, the right to serve as  
32 a jurist, and the right to occupy public office. In most jurisdictions, political rights usually have the prerequisite of  
33 “allegiance”, in order to ensure that those who manage or administer the government as voters and jurists have the best  
34 interests of the society in mind.

35 “Civil rights” and “Political rights” as used above were first defined and clarified in the case of *Fletcher v. Tuttle*, 151 Ill. 41,  
36 37 N.E. 683 (1894). Note that BOTH of these types of rights refer to “members of a district community or nation” rather than  
37 merely to ALL people physically situated on specific land:

38 *“As defined by Anderson, a civil right is ‘a right accorded to every member of a district community or nation,’  
39 while a political right is a ‘right exercisable in the administration of government.’ And, Law Dict. 905. Says  
40 Bouvier: ‘Political rights consist in the power to participate, directly or indirectly, in the establishment or  
41 management of the government. These political rights are fixed by the constitution. Every citizen has the right  
42 of voting for public officers, and of being elected. These are the political rights which the humblest citizen  
43 possesses. Civil rights are those which have no relation to the establishment, support, or management of the  
44 government. They consist in the power of acquiring and enjoying property, or exercising the paternal and  
45 marital powers, and the like. It will be observed that every one, unless deprived of them by sentence of civil  
46 death, is in the enjoyment of the civil rights, which is not the case with political rights; for an alien, for example,  
47 has no political, although in full enjoyment of the civil, rights.’ 2 Bouv. Law Dict. 597.*

1 The question, then, is whether the assertion and protection of political rights, as judicial power is apportioned in  
2 this state between courts of law and courts of chancery, are a proper matter of chancery jurisdiction. We would  
3 not be understood as holding that political rights are not a matter of judicial solicitude and protection, and that  
4 the appropriate judicial tribunal will not, in proper cases, give them prompt and efficient protection, but we think  
5 they do not come within the proper cognizance of courts of equity. In *Sheridan v. Colvin*, 78 Ill. 237, this court,  
6 adopting, in substance, the language of *Kerr on Injunctions*, said: 'It is elementary law that the subject of the  
7 jurisdiction of the court of chancery is civil property. The court is conversant only with the questions of property  
8 and the maintenance of civil rights. Injury to property, whether actual or prospective, is the foundation on which  
9 the jurisdiction rests. The court has no jurisdiction in matters merely criminal or [151 Ill. 54]merely immoral,  
10 which do not affect any right of property. Nor do matters of a political character come within the jurisdiction of  
11 the court of chancery. Nor has the court of chancery jurisdiction to interfere with the public duties of any  
12 department of the government, except under special circumstances, and where necessary for the protection of  
13 rights or property.' In that case the police commissioners of the city of Chicago filed their bill in chancery against  
14 the mayor, the members of the common council, and certain officers of the city to restrain the enforcement of the  
15 city ordinance reorganizing the police force of the city, and depriving the complainants of their functions as  
16 police commissioners, it being claimed that the common council had no power to pass the ordinance, and that it  
17 was consequently void. It was held that the rights which were thus sought to be protected and enforced were  
18 purely political, and that a court of chancery, therefore, had no jurisdiction to interfere with the passage or  
19 enforcement of the ordinance. In *Dickey v. Reed*, 78 Ill. 261, a bill in chancery was filed by the state's attorney of  
20 Cook county, and by taxpayers of the city of Chicago, to restrain the members of the common council of the city  
21 and the city clerk from canvassing the returns of the election held in the city April 23, 1875, upon the question  
22 whether the city would become incorporated under the general incorporation act. It was claimed that the election,  
23 for certain reasons, was void, and also that gross frauds had been perpetrated at the election, by depositing a  
24 large number of ballots in the ballot boxes which had not been cast by the voters, and that a large number of the  
25 illegal and fraudulent votes in favor of organization had been cast, and that various other irregularities, having  
26 the effect of invalidating the election, had intervened. A preliminary injunction having been awarded, it was  
27 disregarded by the city officers, who proceeded, notwithstanding, to canvass the vote and declare [151 Ill. 55]the  
28 result. Various of the city officers and their advisers were attached and fined for contempt, and, on appeal to this  
29 court from the judgment for contempt, it was held that the matter presented by the bill was a matter over which a  
30 court of chancery had no jurisdiction, and that the injunction was void, so that its violation was not an act which  
31 subjected the violators to proceedings for contempt. In *Harris v. Schryock*, 82 Ill. 119, it was held that the power  
32 to hold an election is political, and not judicial, and that a court of equity has no jurisdiction to restrain officers  
33 from the exercise of such powers; and it was said that this was in accordance with repeated decisions of this  
34 court, and in support of that statement. *People v. City of Galesburg*, 48 Ill. 485; *Walton v. Develing*, 61 Ill.  
35 201; *Darst v. People*, 62 Ill. 306; and *Dickey v. Reed*, supra, are cited. So, in *Delahanty v. Warner*, 75 Ill. 185, it  
36 was held that a court of equity has no jurisdiction to entertain a bill to enjoin the mayor and aldermen of a city  
37 from removing a party from office, and appointing a successor, and from preventing the party from discharging  
38 his duties after removal by them, as the party's remedy as law is complete by quo warranto against the successor,  
39 or by mandamus against the mayor and councilmen. In *State v. Stanton*, 6 Wall. 50, a bill was filed by the state  
40 of Georgia against the secretary of war and other officers representing the executive authority of the United  
41 States, to restrain them in the execution of the acts of congress known as the 'Reconstruction Acts,' on the ground  
42 that the enforcement of those acts would annul and totally abolish the existing state government of the state, and  
43 establish another and different one in its place, and would, in effect, overthrow and destroy the corporate  
44 existence of the state, by depriving it of all means and instrumentalities whereby its existence might and otherwise  
45 would be maintained; and it was held that the bill [151 Ill. 56]called for a judgment upon a political question,  
46 and that it would not therefore be entertained by a court of chancery; and it was further held that the character  
47 of the bill was not changed by the fact that, in setting forth the political rights sought to be protected, it averred  
48 that the state had real and personal property, such, for example, as public buildings, etc., of the enjoyment of  
49 which, by the destruction of its corporate existence, the state would be deprived, such averment not being the  
50 substantial ground of the relief sought. In *Re Sawyer*, 124 U.S. 200, 8 Sup.Ct. 482, it was held that the circuit  
51 court of the United States had no jurisdiction to entertain a bill in equity to restrain the mayor and committee of  
52 a city in Nebraska from removing a city officer upon charges filed against him for misfeasance in office, and that  
53 an injunction issued on such bill, as well as an order committing certain persons for contempt in disregarding  
54 the injunction, was absolutely void. In that case the court say. 'The office and jurisdiction of a court of equity,  
55 unless enlarged by express statute, are limited to the protection of rights of property. It has no jurisdiction over  
56 the prosecution, the punishment, or the pardon of crimes or misdemeanors, or over the appointment and removal  
57 of public officers. To assume such jurisdiction, or to sustain a bill in equity to restrain or relieve against  
58 proceedings for the punishment of offenses, or for the removal of public officers, is to invade the domain of the  
59 courts of common law, or of the executive and administrative department of the government.' In support of its  
60 decision, the court cites, among various other cases, the decisions of this court in *Delahanty v. Warner*, *Sheridan*  
61 *v. Colvin*, and *Dickey v. Reed*, above referred to, and quotes with approval the passage in the opinion in *Sheridan*  
62 *v. Colvin* above set forth, taken, in substance, from *Kerr on Injunctions*. [151 Ill. 57]Other authorities of similar  
63 import might be referred to, but the foregoing are amply sufficient to show that wherever the established  
64 distinctions between equitable and common-law jurisdiction are observed, as they are in this state, courts of  
65 equity have no authority or jurisdiction to interpose for the protection of rights which are merely political, and  
66 where no civil or property right is involved. In all such cases, the remedy, if there is one, may be sought in a court  
67 of law. The extraordinary jurisdiction of courts of chancery cannot therefore be invoked to protect the right of a  
68 citizen to vote or to be voted for at an election, or his right to be a candidate for or to be elected to any office;  
69 nor can it be invoked for the purpose of restraining the holding of an election, or of directing or controlling the  
70 mode in which, or of determining the rules of law in pursuance of which, an election shall be held. These matters  
71 involve in themselves no property rights, but pertain solely to the political administration of government. If a  
72 public officer, charged with political administration, has disobeyed or threatens to disobey the mandate of the

1 law, whether in respect to calling or conducting an election or otherwise, the party injured or threatened with  
2 injury in his political rights is not without remedy; but his remedy must be sought in a court of law, and not in a  
3 court of chancery.

4 The only decision to which we are referred in which relief of the character of that sought in this case was given  
5 in what was in substance an equitable proceeding is [State v. Cunningham, 83 Wis. 90, 53 N. W. 35](#). That was an  
6 original proceeding brought in the supreme court of Wisconsin, to test the validity of the apportionment law,  
7 passed by the legislature of that state, dividing the state into legislative districts. An injunction was prayed to  
8 restrain the secretary of state from publishing notices of an election of members of the senate and assembly in  
9 the legislative districts attempted to be created by that act, and from filing [151 Ill. 58]and preserving in his office  
10 certificates of nomination and nomination papers, and from certifying the same to the several county clerks. The  
11 court entertained jurisdiction of the proceeding, and, on final hearing, awarded a perpetual injunction as prayed  
12 for. We have carefully considered the case as reported, and, if we understand it correctly, it cannot, in our opinion,  
13 be regarded as an authority in favor of equity jurisdiction in the case before us. In this connection it may be borne  
14 in mind, as a matter of some importance, that the Wisconsin Code of Procedure attempts to abolish the distinction  
15 between actions at law and in equity; but as to precisely how far that statutory provision has been held to have  
16 broken down the distinctions between common-law and equitable remedies we do not pretend to be accurately  
17 advised. But, whether that distinction is held to remain practically unaffected by the statute or not, it appears  
18 from the opinion of the court that its jurisdiction to grant a remedy by injunction in that case was based solely  
19 upon that provision of the constitution of Wisconsin which gives to the supreme court jurisdiction 'to issue writs  
20 of habeas corpus, mandamus, injunction, quo warranto, certiorari, and other original and remedial rights, and  
21 to hear and determine the same. Const. art. 7, § 3. In construing this provision of the constitution, the court holds  
22 that these various writs, and injunction among them, are prerogative writs; and that the supreme court is thereby  
23 given original jurisdiction in all judicial questions affecting the sovereignty of the state, its franchises and  
24 prerogatives, or the liberty of the people; and that injunction and mandamus are thereby made correlative  
25 remedies, so as to authorize resort to injunction to restrain excess of action in the same class of cases where  
26 mandamus may be resorted to for the purpose of supplying defects. Thus, the court, in the opinion, quoting the  
27 language of a former decision in which this constitutional provision is construed, say: 'And it is very safe to  
28 assume that the [151 Ill. 59]constitution gives injunction to restrain excess in the same class of cases as it gives  
29 mandamus to supply defect; the use of the one writ or the other in each case turning solely on the accident of  
30 overaction or shortcoming of the defendant; and it may be that, where defect and excess meet in a single case,  
31 the court might meet both, in its discretion, by one of the writs, without being driven to send out both, tied together  
32 with red tape, for a single purpose.' And again: 'Inasmuch as the use of the writ of injunction, in the exercise of  
33 the original jurisdiction of this court, is correlative with the writ of mandamus, the former issuing to restrain  
34 where the latter compels action, it is plain that this case, as against the respondent, is a proper one for an  
35 injunction to restrain unauthorized action by him in a matter where his duties are clearly ministerial, and affect  
36 the sovereignty rights and franchises of the state, and the liberties of the people.' It thus seems plain that, in view  
37 of the construction of the constitution of Wisconsin adopted by the supreme court of that state, the prerogative  
38 writ of injunction of which that court is given original jurisdiction is a writ of a different nature, and having a  
39 different scope and purpose, from an ordinary injunction in equity. Where the established distinctions between  
40 equity and common-law jurisdiction are observed, injunction and mandamus are not correlative remedies, in the  
41 sense of being applicable to the same subject-matter, the choice of a writ to be resorted to in a particular case to  
42 depend upon whether there is an excess of action to be restrained or a defect to be supplied. The two writs properly  
43 pertain to entirely different jurisdictions, and to different classes of proceedings, injunction being the proper writ  
44 only in cases of equitable cognizance, and mandamus being a common-law writ, and applicable only in cases  
45 coming within the appropriate jurisdiction of courts of common law. Besides, it would seem that, in Wisconsin,  
46 the writ of injunction of which the supreme [151 Ill. 60]court is given original jurisdiction is not limited, as is the  
47 jurisdiction of courts of equity, to cases involving civil or property rights, but may be resorted to in all cases  
48 'affecting the sovereignty of the state, its franchises or prerogatives, or the liberties of the people,' thus including  
49 within its scope the protection of political as well as civil or property rights. It thus seems plain that *State v.*  
50 *Cunningham* was decided under a judicial system differing essentially from ours, and that it cannot be resorted  
51 to as an authority upon the question of the jurisdiction of courts of equity in this state in cases of this character.  
52 [*Fletcher v. Tuttle, 151 Ill. 41, 37 N.E. 683 (Ill., 1894)*]

53 Black's Law Dictionary, Sixth Edition, refers to "civil rights" as "civil liberties", and defines them as follows:

54 "**Civil liberties.** Personal, natural rights guaranteed and protected by the Constitution; e.g. freedom of speech,  
55 press, freedom from discrimination, etc. Body of law dealing with natural liberties, shorn of excesses which  
56 invade equal rights of others. Constitutionally, they are restraints on government. *Sowers v. Ohio Civil Rights*  
57 *Commission, 20 Ohio Misc. 115, 252 N.E.2d. 463, 476. State law may recognize liberty interests more extensive*  
58 *than those independently protected by the Federal Constitution. Mills v. Rogers, 457 U.S. 291, 300, 102 S.Ct.*  
59 *2442, 2449, 73 L.Ed.2d. 16 (1982). See also Bill of Rights, Civil Rights Acts; Fundamental rights."*  
60 [*Black's Law Dictionary, Sixth Edition, p. 246*]

61 As we said previously, the rights indicated in the Bill of Rights are PRIVATE, so the above refers to PRIVATE rights. If  
62 they are referring to civil statutes as the origin of the right, then it is a PUBLIC right and PUBLIC privilege.

63 Black's Law Dictionary, Sixth Edition, defines "political rights" as follows:

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### Enumeration of Inalienable Rights

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Form 10.002, Rev. 11-14-2021

160 of 295

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

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***“Political rights.** Those which may be exercised in the formation or administration of the government. Rights of citizens established or recognized by constitutions which give them the power to participate directly or indirectly in the establishment or administration of the government.”*  
*[Black’s Law Dictionary, Sixth Edition, p. 1159]*

Below is a tabular summary that compares these two fundamental types of rights and the place from which they derive in the case of states of the Union:

**Table 8: Two types of rights within states of the Union: PRIVATE Civil Liberties v. Political PUBLIC Rights**

#	Right	Origin	Classification	
			Civil PRIVATE Liberty	Political PUBLIC Right
1	Freedom of speech and assembly	First Amendment	●	
1.1	Right to assemble and associate free of government interference.	First Amendment	●	
1.2	Right to speak freely without punishment	First Amendment	●	
1.3	Right to not be compelled to associate with any political or economic activity or group	First Amendment	●	
2	Right to bear arms and own a gun	Second Amendment	●	
3	Right to not be required to accommodate soldiers in your house	Third Amendment	●	
4	Right of privacy and security of personal papers and effects from search and seizure	Fourth Amendment	●	
5	Right to due process	Fifth Amendment	●	
5.1	Cannot be required to incriminate oneself	Fifth Amendment	●	
5.2	Property cannot be taken without just compensation or a court hearing	Fifth Amendment	●	
6	Rights of accused	Sixth Amendment	●	
6.1	Right to be informed of charges	Sixth Amendment	●	
6.2	Right of speedy trial	Sixth Amendment	●	
6.3	Right to counsel	Sixth Amendment	●	
6.4	Right to obtain witnesses in one's favor	Sixth Amendment	●	
6.5	Right to be confronted by witness against us	Sixth Amendment	●	
7	Right to jury in civil trials.	Seventh Amendment	●	
8	Right to not have excessive bails, punishments or fines imposed	Eighth Amendment	●	
9	Rights of persons reserved where not delegated to federal government	Ninth Amendment	●	
10	Rights of states reserved where not delegated to federal government	Tenth Amendment	●	
11	Right to vote	Fifteenth Amendment; State Constitution		●
12	Right to serve on jury duty	State Constitution		●

On federal land or property where exclusive federal jurisdiction applies, as described in Article 1, Section 8, Clause 17 of the Federal Constitution, the above table looks *very* different. Remember that the Bill of Rights does *not* apply within federal property. Therefore, all rights are PUBLIC rights that derive from federal legislation and “acts of congress” published in the Statutes at Large and codified in Title 48 of the U.S. Code. Since Congress can rewrite its own laws any time it wants, then it can take away rights by simple legislation. Therefore, on federal property, what are mistakenly called “rights” are really just “privileges”. Anything that can be taken away on a whim or through a legislative enactment simply cannot be described as a “PRIVATE right”.

Below is the revised version of the above table that reflects these realities. The term “Civil PUBLIC Privilege” as used in the following table is the equivalent to “Civil Right”. The term “Civil Right” is NOT equivalent to “Civil Liberty” as defined earlier. Civil Rights are PUBLIC, Civil Liberties are always PRIVATE.

1 **Table 9: Two types of PUBLIC rights within the Federal Zone**

#	Right	Origin	Classification	
			Civil PUBLIC Privilege	Political PUBLIC Privilege
1	Freedom of speech and assembly	Acts of Congress	●	
1.1	Right to assemble and associate free of government interference.	Acts of Congress	●	
1.2	Right to speak freely without punishment	Acts of Congress	●	
1.3	Right to not be compelled to associate with any political or economic activity or group	Acts of Congress	●	
2	Right to bear arms and own a gun	Acts of Congress	●	
3	Right to not be required to accommodate soldiers in your house	Acts of Congress	●	
4	Right of privacy and security of personal papers and effects from search and seizure	Acts of Congress	●	
5	Right to due process	Acts of Congress	●	
5.1	Cannot be required to incriminate oneself	Acts of Congress	●	
5.2	Property cannot be taken without just compensation or a court hearing	Acts of Congress	●	
6	Rights of accused	Acts of Congress	●	
6.1	Right to be informed of charges	Acts of Congress	●	
6.2	Right of speedy trial	Acts of Congress	●	
6.3	Right to counsel	Acts of Congress	●	
6.4	Right to obtain witnesses in one's favor	Acts of Congress	●	
6.5	Right to be confronted by witness against us	Acts of Congress	●	
7	Right to jury in civil trials.	Acts of Congress	●	
8	Right to not have excessive bails, punishments or fines imposed	Acts of Congress	●	
9	Rights of persons reserved where not delegated to federal government	Acts of Congress	●	
10	Rights of states reserved where not delegated to federal government	Acts of Congress	●	
11	Right to vote	Acts of Congress		●
12	Right to serve on jury duty	Acts of Congress		●

2 Within federal territories, possessions, and Indian reservations, “PRIVATE rights” don’t exist and the “PUBLIC privileges”  
 3 that replace them are legislatively granted and often, there isn’t even a Constitution to protect people from government  
 4 usurpation. The only “laws” within federal territories and possessions are those that are enacted by Congress, in most cases.  
 5 Below is a listing of the legislative “Bill of Rights” for each of the territories and possessions of the United States that are  
 6 under the stewardship of the U.S. Congress. “Bill of Rights” is a misnomer, and they should be called “Bill of Privileges”  
 7 rather than “Bill of Rights” because the rights conveyed are PUBLIC and can be revoked. When a territory is emancipated  
 8 as the Philippines was, all of these so-called rights can be revoked by Congress through a mere act of legislation. The list  
 9 below is not all-inclusive but shows you only the most important territories and possessions:

10 **Table 10: “Bill of PUBLIC Rights” for U.S. territories, possessions, and Indian reservations**

#	Territory/Possession	Legislative “Bill of Rights” Found At
1	Guam	48 U.S.C. §1421b
2	Puerto Rico	48 U.S.C. §737
3	Virgin Islands	48 U.S.C. §1561
4	Indian Reservations	48 U.S.C. §1302 48 U.S.C. §1451

11 Your public servants don’t want you to know or be able to distinguish between PRIVATE and PUBLIC rights and the  
 12 circumstances when you exercise each. They want you to believe that all rights attach to your citizenship status or your



domicile so that you falsely believe that they are “PUBLIC privileges” incident to citizenship rather than PRIVATE rights granted by God and which can’t be taken away. They also want to do this in order to bring you within their legislative jurisdiction and tax and pillage your labor and property, because being a “citizen” under federal law implies a domicile within federal jurisdiction and outside of the state you live in. Below is a deceptive definition of “citizen” from Black’s Law Dictionary to prove our point:

*“**citizen.** One who, under the [Constitution](#) and laws of the [United States](#), or of a particular state, is a member of the political community, **owing allegiance and being entitled to the enjoyment of full civil rights.** All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the state wherein they reside. [U.S. Const., 14th Amend.](#) See [Citizenship](#).*

*“Citizens” are members of a political community who, in their associated capacity, have established or submitted themselves to the dominion of a government for the promotion of their general welfare and the protection of their individual as well as collective rights. [Herriott v. City of Seattle](#), 81 Wash.2d. 48, 500 P.2d. 101, 109.*

[ . . . ]

*Under diversity statute [[28 U.S.C. §1332](#)], which mirrors [U.S. Const, Article III](#)’s diversity clause, a person is a “citizen of a state” if he or she is a citizen of the United States and a domiciliary of a state of the United States. [Gibbons v. Udaras na Gaeltachta, D.C.N.Y., 549 F.Supp. 1094, 1116.](#)  
[[Black’s Law Dictionary, Sixth Edition, p. 244](#)]*

Notice in the above:

1. Phrase “..and laws of the United States”. This means the thing described is a STATUTORY citizen. A Constitutional citizen would not be subject to the “laws of the United States” but would be subject to the common law and protected by the Constitution.
2. The phrase “are members of a political community who, in their associated capacity, have established or submitted themselves to the dominion of a government”. The only way you can do that is to choose a domicile in that place because domicile is a prerequisite to either voting or serving as a jurist. Nonresidents aren’t allowed to do either.

The term “civil rights” as used above is therefore NOT equivalent to “civil liberties” as used earlier, even though Black’s Law Dictionary tries to confuse the two. Civil rights are PUBLIC PRIVILEGES granted by statute. Civil liberties are NOT and are PRIVATE. Notice that they didn’t mention who *else*, other than “citizens”, enjoys “full civil rights”, because they want to create a false presumption that all rights derive from citizenship as “entitlements” or “privileges”. We show above, however, that civil liberties originate exclusively from the Bill of Rights in the Federal Constitution.

Notice that none of the Amendments that form the Bill of Rights mention anything about a requirement for “citizenship”. The cites below help drive home our point to show that EVERYONE, whether “citizen” or “alien” (called “resident” in law) is entitled to “civil liberties” under the law”.

*“The very essence of civil liberty certainly consists in the right of every individual [not **citizen**, but individual] to claim the protection of the laws, whenever he receives an injury. One of the first duties of government is to afford that protection.”  
[[Marbury v. Madison](#), 5 U.S. 137, 1 Cranch 137, 2 L.Ed. 60 (1803)]*

*“Is any one of the rights secured to the individual by the Fifth or by the Sixth Amendment any more a privilege or immunity of a citizen of the United States than are those secured by the Seventh? **In none are they privileges or immunities granted and belonging to the individual as a citizen of the United States, but they are secured to all persons as against the Federal government, entirely irrespective of such citizenship.** As the individual does not enjoy them as a privilege of citizenship of the United States, therefore, when the Fourteenth Amendment prohibits the abridgment by the states of those privileges or immunities which he enjoys as such citizen, it is not correct or reasonable to say that it covers and extends to [176 U.S. 581, 596] certain rights which he does not enjoy by reason of his citizenship, but simply because those rights exist in favor of all individuals as against Federal governmental powers.”  
[[Maxwell v. Dow](#), 176 U.S. 581 (1900)]*

*“In [Truax v. Raich](#), *supra*, the people of the state of Arizona adopted an act, entitled ‘An act to protect the [[271 U.S. 500, 528](#)] citizens of the United States in their employment against noncitizens of the United States,’ and*

1 provided that an employer of more than five workers at any one time in that state should not employ less than 80  
2 per cent. qualified electors or native-born citizens, and that any employer who did so should be subject upon  
3 conviction to the payment of a fine and imprisonment. **It was held that such a law denied aliens an opportunity  
4 of earning a livelihood and deprived them of their liberty without due process of law, and denied them the  
5 equal protection of the laws. As against the Chinese merchants of the Philippines, we think the present law  
6 which deprives them of something indispensable to the carrying on of their business, and is obviously intended  
7 chiefly to affect them as distinguished from the rest of the community, is a denial to them of the equal protection  
8 of the laws."**

9 [Yu Cong Eng v. Trinidad, 271 U.S. 500 (1926)]  
10

11 *The alien retains immunities from burdens which the citizen must shoulder. By withholding his allegiance from  
12 the United States, he leaves outstanding a foreign [342 U.S. 586] call on his loyalties which international law not  
13 only permits our Government to recognize, but commands it to respect. In deference to it, certain dispensations  
14 from conscription for any military service have been granted foreign nationals. **They cannot, consistently with  
15 our international commitments, be compelled "to take part in the operations of war directed against their own  
16 country." In addition to such general immunities they may enjoy particular treaty privileges.***

17 **Under our law, the alien in several respects stands on an equal footing with citizens, but, in others, has never  
18 been conceded legal parity with the citizen. Most importantly, to protract this ambiguous status within the  
19 country is not his right, but is a matter of permission and [342 U.S. 587] tolerance. The Government's power  
20 to terminate its hospitality has been asserted and sustained by this Court since the question first arose.**  
21 [Harisiades v. Shaughnessy, 342 U.S. 580 (1952)]

22 "Civil rights", on the other hand, are only available to domiciled statutory citizens and residents. The term "inhabitant" is a  
23 person domiciled in a particular place. This is confirmed by the content of Federal Rule of Civil Procedure 17, which says  
24 that the capacity to sue or be sued is determined by the law of the domicile of the party.

25 **"RIGHT: ...Civil rights are such as belong to every citizen of the state or country, or, in a wider sense, to all  
26 its inhabitants, and are not connected with the organization or administration of the government."**  
27 [Black's Law Dictionary, Fourth Edition, 1968, pp. 1486-1488]  
28

29 [IV. PARTIES > Rule 17.](#)  
30 [Rule 17. Parties Plaintiff and Defendant; Capacity](#)

31 (b) Capacity to Sue or be Sued.

32 **Capacity to sue or be sued is determined as follows:**

33 **(1) for an individual who is not acting in a representative capacity, by the law of the individual's domicile;**  
34 **(2) for a corporation [the "United States", in this case, or its officers on official duty representing the**  
35 **corporation], by the law under which it was organized [laws of the District of Columbia]; and**

36 (3) for all other parties, by the law of the state where the court is located, except that:

37 (A) a partnership or other unincorporated association with no such capacity under that state's law may sue  
38 or be sued in its common name to enforce a substantive right existing under the United States Constitution  
39 or laws; and

40 (B) 28 U.S.C. §§754 and 959(a) govern the capacity of a receiver appointed by a United States court to sue  
41 or be sued in a United States court.

42 [SOURCE: <http://www.law.cornell.edu/rules/frcp/Rule17.htm>]

43 The reason that EVERYONE is entitled to civil liberties, including "aliens", is because our Constitution is based on the  
44 concept of "equal protection of the laws". Equal protection is mandated in states of the Union by Section 1 of the Fourteenth  
45 Amendment. Here is what the Supreme Court says on the requirement for "equal protection":

46 *"The equal protection demanded by the fourteenth amendment forbids this. No language is more worthy of  
47 frequent and thoughtful consideration than these words of Mr. Justice Matthews, speaking for this court, in Yick  
48 Wo v. Hopkins, 118 U.S. 356, 369, 6 S.Sup.Ct. 1064, 1071: 'When we consider the nature and the theory of our  
49 institutions of government, the principles upon which they are supposed to rest, and review the history of their  
50 development, we are constrained to conclude that they do not mean to leave room for the play and action of purely  
51 personal and arbitrary power.' The first official action of this nation declared the foundation of government in  
52 these words: 'We hold these truths to be self-evident, [165 U.S. 150, 160] that all men are created equal, that  
53 they are endowed by their Creator with certain unalienable rights, that among these are life, liberty, and the  
54 pursuit of happiness.' While such declaration of principles may not have the force of organic law, or be made the  
55 basis of judicial decision as to the limits of right and duty, and while in all cases reference must be had to the  
56 organic law of the nation for such limits, yet the latter is but the body and the letter of which the former is the  
57 thought and the spirit, and it is always safe to read the letter of the constitution in the spirit of the Declaration of*

1 *Independence. **No duty rests more imperatively upon the courts than the enforcement of those constitutional***  
2 ***provisions intended to secure that equality of rights which is the foundation of free government."***  
3 *[Gulf, C. & S.F.R. Co. v. Ellis, [165 U.S. 150](#) (1897) ]*

4 Equal protection means that EVERYONE, whether they are a "citizen" or an "alien" (which is called a "resident" in the tax  
5 code) or "non-resident non-person", is entitled to the SAME civil liberties but NOT necessarily the same "civil PUBLIC  
6 rights".

7 On the other hand, not all People have the same "political rights". Only "citizens" can vote and serve on jury duty while  
8 aliens are excluded from these functions in most states. The reason is that only citizens claim "allegiance" to the political  
9 body and therefore only they are likely to exercise their political rights in such a way that will preserve, defend, and protect  
10 the existing governmental system and the rights of their fellow men. Chaos would result if aliens could come into a country  
11 who are intent on destroying the country and then exercise sovereign powers of voting and jury service in such a way as to  
12 disrespect the law and destroy the existing civil order.

### 13 **10.9 Why we MUST know and assert our rights and can't depend on anyone to help us**

14 All rights come not from the government, from a judge, or any law, but from God, our Creator alone, just as the Declaration  
15 of Independence says. Since rights don't come from any man, but from God, then it's vain and foolish to ask any earthly  
16 man what your rights are. To remain free, we must know what rights are instinctively and be willing to literally fight for  
17 them at all times. It's not only impossible, but illegal for an attorney who practices law to fight for your rights within the  
18 context of a court proceeding. Your attorney cannot claim or exercise any of the rights God gave you while he is representing  
19 you in any court proceeding. For further details on this, read our article below:

20 <http://famguardian.org/Subjects/LawAndGovt/Articles/WhyYouDontWantAnAtty/WhyYouDon'tWantAnAttorney.htm>

21 An attorney cannot assert any of your rights on your behalf. Only YOU, the sovereign, can. Below is a very good explanation  
22 of why we can't be free and at the same time allow an attorney to represent us in court. The quote below is extracted from a  
23 federal court decision:

24 *"The privilege against self-incrimination [Fifth Amendment] is neither accorded to the passive **resistant**, nor the*  
25 *person who is ignorant of their rights, nor to one who is indifferent thereto. It is a **fighting clause**. **Its benefits***  
26 ***can be retained only by sustained combat. It cannot be claimed by an attorney or solicitor. It is only valid***  
27 ***when insisted upon by a belligerent claimant** in person."  
28 [U.S. v. Johnson, 76 F.Supp. 538 (1947), Emphasis added]*

29 Please notice the boldfaced and underlined words the court used in the above quote! What human endeavor are these words  
30 normally used in connection with? WAR! Freedom is not for the timid, but for the brave. That is why they call America  
31 "Land of the Free and Home of the Brave!". If you want to stay free, then you must be willing to fight with anyone and  
32 everyone who tries to take away that freedom, and especially with tyrannical public servants.

33 *Rights [read Liberties] are always demanded!*

34 Also note in the quote above that what the court above called a "privilege" is really structured in the Bill of Rights as a  
35 "Liberty" or restraint on government! Who is afforded "civil rights"? One who knows them and demands them! Our pledge  
36 of allegiance says "with liberty and justice for ALL". If you are going to stay free, then you must help everyone to stay free.  
37 A chain is only as strong as its weakest link. The weakest link is the most helpless, ignorant, and defenseless members of  
38 society. We can only remain free so long as we are willing to donate our effort and money to defending the weakest members  
39 of society from government abuse. If we only protect our rights and don't help our neighbor defend his, then the tyrants in  
40 government will isolate, divide, and eventually conquer and enslave everyone.

### 41 **10.10 Why you shouldn't cite federal statutes (PUBLIC RIGHTS) as authority for protecting** 42 **your PRIVATE rights**

43 Nearly all federal civil law is a civil franchise that you must volunteer for. This is covered in:

[Why Statutory Civil Law is Law for Government and Not Private Persons, Form #05.037](http://sedm.org/Litigation/LitIndex.htm)  
<http://sedm.org/Litigation/LitIndex.htm>

1 As such:

- 2 1. One must be domiciled or resident on federal territory to invoke federal civil statutory law. State citizens domiciled in  
3 constitutional states of the Union do NOT satisfy this criteria.
- 4 2. One must consent to the statutory “citizen” or “resident” franchise by describing themselves as such on government  
5 forms.
- 6 3. If you are a state citizen domiciled in a constitutional state of the Union and you cite federal statutory law as authority  
7 for an injury, then indirectly you are:
  - 8 3.1. Misrepresenting your status as a statutory “citizen of the United States” under federal law.
  - 9 3.2. Conferring civil jurisdiction to a federal court that they would not otherwise lawfully have.
  - 10 3.3. Waiving sovereign immunity under 28 U.S.C. Chapter 97, section 28 U.S.C. §1603(b)(3).

11 There are exceptions to the above, but they are rare. Any enactment of Congress that implements a constitutional provision,  
12 for instance, would be an exception. For instance, the civil rights found mainly in Title 42, Chapter 21 entitled “Civil Rights”  
13 implement the Fourteenth Amendment. They do not CREATE “privileges” or “rights”, but rather enforce them as authorized  
14 by the Fourteenth Amendment, Section 5. This is revealed in the following document:

Section 1983 Litigation, Litigation Tool #08.008  
<http://sedm.org/Litigation/LitIndex.htm>

15 The most often cited statute within Chapter 21 is 42 U.S.C. §1983. To wit:

16 [TITLE 42 > CHAPTER 21 > SUBCHAPTER I > Sec. 1983.](#)  
17 [Sec. 1983. - Civil action for deprivation of rights](#)

18 ***Every person** [not “man” or “woman”, but “person”] who, under color of any statute, ordinance, regulation,  
19 custom, or usage, **of any State or Territory or the District of Columbia**, subjects, or causes to be subjected, any  
20 citizen of the United States or other person within the jurisdiction thereof to the deprivation of any rights,  
21 privileges, or immunities secured by the Constitution and laws, shall be liable to the party injured in an action at  
22 law, suit in equity, or other proper proceeding for redress, except that in any action brought against a judicial  
23 officer for an act or omission taken in such officer's judicial capacity, injunctive relief shall not be granted unless  
24 a declaratory decree was violated or declaratory relief was unavailable. For the purposes of this section, any Act  
25 of Congress applicable exclusively to the District of Columbia shall be considered to be a statute of the District  
26 of Columbia*

27 The first thing to notice about the above, is that they use the word “person” instead of “man or woman”. This “person” is a  
28 CONSTITUTIONAL person described in the Fourteenth Amendment, not a STATUTORY “person” domiciled or resident  
29 on federal territory and subject to the GENERAL jurisdiction of the national government. The phrase “within the jurisdiction”  
30 above means the SUBJECT MATTER jurisdiction and not the GENERAL jurisdiction. How do we know this? Because:

- 31 1. They mention the laws of a State or territory or the District of Columbia RATHER than those of the national  
32 government.
- 33 2. The statute may ONLY be enforced against officers of constitutional states depriving those under their protection of  
34 their constitutionally guaranteed rights. It may NOT be enforced against ANY private person.

35 *“Title 42, § 1983 of the U.S. Code provides a mechanism for seeking redress for an alleged deprivation of a  
36 litigant's federal constitutional and federal statutory rights by persons acting under color of state law.”*  
37 *[Section 1983 Litigation, Litigation Tool #08.008, p. 1;*  
38 *FORMS PAGE: <http://sedm.org/Litigation/LitIndex.htm>]*

39 On the opposite end of the spectrum, we have civil franchises such as Social Security, Medicare, marriage licenses, driver  
40 licenses, all of which require you to volunteer by filling out an application and using government property before you are  
41 treated as a statutory “person”, “taxpayer”, “spouse”, “citizen”, or “resident”. This is covered in:

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

42 You will find out later that the status of being either a STATUTORY “citizen” or STATUTORY “resident” within a franchise  
43 is not a status you want to have under federal law, because that is how you become a “taxpayer”! They also use the word

1 “State”, which we know from 4 U.S.C. §110(d) means a federal State, which is a territory or possession of the United States.  
2 States of the Union do NOT fit this category, folks!

3 A very important aspect of natural rights is the following fact:

4 “You don’t need stinking federal statutes to protect them!”  
5 [Family Guardian Fellowship]

6 Below is an example of a sovereign Indian tribe that sued a state official under the provisions of 42 U.S.C. §1983 and yet  
7 tried to assert that it was “sovereign”. The U.S. Supreme Court admitted that it could NOT cite this statute as authority:

8 “The issue pivotal here is whether a tribe [which enjoys “sovereign immunity” from suit] qualifies as a  
9 claimant -- a “person within the jurisdiction” of the United States -- under § 1983.[5] The United States  
10 maintains it does not, invoking the Court’s “longstanding interpretive presumption that ‘person’ does not include  
11 the sovereign, “ a presumption that “may be disregarded only upon some affirmative showing of statutory intent  
12 to the contrary.” Brief for United States as Amicus Curiae 7-8 (quoting Vermont Agency of Natural Resources v.  
13 United States ex rel. Stevens, 529 U.S. 765, 780-781 (2000)); see Will, 491 U.S. at 64. Nothing in the text,  
14 purpose, or history of § 1983, the Government contends, overcomes the interpretive presumption [538 U.S. 710]  
15 that “‘person’ does not include the sovereign.” Brief for United States as Amicus Curiae 7-8 (some internal  
16 quotation marks omitted). Furthermore, the Government urges, given the Court’s decision that “person” excludes  
17 sovereigns as defendants under § 1983, it would be anomalous for the Court to give the same word a different  
18 meaning when it appears later in the same sentence. Id. at 8; see Brown v. Gardner, 513 U.S. 115, 118 (1994)  
19 (the “presumption that a given term is used to mean the same thing throughout a statute” is “surely at its most  
20 vigorous when a term is repeated within a given sentence”); cf. Lafayette v. Louisiana Power & Light Co., 435  
21 U.S. 389, 397 (1978) (because municipalities are “persons” entitled to sue under the antitrust laws, they are also,  
22 in principle, “persons” capable of being sued under those laws).

23 *The Tribe responds that Congress intended § 1983 “to provide a powerful civil remedy against all forms of*  
24 *official violation of federally protected rights.”* Brief for Respondents 45 (quoting *Monell v. New York City Dept.*  
25 *of Social Servs.*, 436 U.S. 658, 700-701 (1978)). To achieve that remedial purpose, the Tribe maintains, § 1983  
26 should be “broadly construed.” Brief for Respondents 45 (citing *Monell*, 436 U.S. at 684-685) (internal quotation  
27 marks omitted). Indian tribes, the Tribe here asserts, “have been especially vulnerable to infringement of their  
28 federally protected rights by states.” Brief for Respondents 42 (citing, inter alia, *The Kansas Indians*, 5 Wall.  
29 737 (1867) (state taxation of tribal lands); *Minnesota v. Mille Lacs Band of Chippewa Indians*, 526 U.S. 172  
30 (1999) (state infringement on tribal rights to hunt, fish, and gather on ceded lands); *Mississippi Band of Choctaw*  
31 *Indians v. Holyfield*, 490 U.S. 30 (1989) (tribal jurisdiction over Indian child custody proceedings); *California v.*  
32 *Cabazon Band of Mission Indians*, 480 U.S. 202 (1987) (state attempt to regulate gambling on tribal land)). To  
33 guard against such infringements, the Tribe contends, the [538 U.S. 711] Court should read § 1983 to encompass  
34 suits brought by Indian tribes.

35 *As we have recognized in other contexts, qualification of a sovereign as a “person” who may maintain a particular*  
36 *claim for relief depends not “upon a bare analysis of the word ‘person,’”* *Pfizer Inc. v. Government of India*, 434  
37 *U.S. 308, 317 (1978), but on the “legislative environment” in which the word appears,* *Georgia v. Evans*, 316  
38 *U.S. 159, 161 (1942). Thus, in Georgia, the Court held that a State, as purchaser of asphalt shipped in interstate*  
39 *commerce, qualified as a “person” entitled to seek redress under the Sherman Act for restraint of trade. Id. at*  
40 *160-163. Similarly, in Pfizer, the Court held that a foreign nation, as purchaser of antibiotics, ranked as a*  
41 *“person” qualified to sue pharmaceuticals manufacturers under our antitrust laws. Pfizer, 434 U.S. at 309-320;*  
42 *cf. Stevens, 529 U.S. at 787, and n. 18 (deciding States are not “person[s]” subject to qui tam liability under the*  
43 *False Claims Act, but leaving open the question whether they “can be ‘persons’ for purposes of commencing an*  
44 *FCA qui tam action” (emphasis deleted)); United States v. Cleveland Indians Baseball Co.*, 532 U.S. 200, 213  
45 (2001) (“Although we generally presume that identical words used in different parts of the same act are intended  
46 to have the same meaning, the presumption is not rigid, and the meaning of the same words well may vary to meet  
47 the purposes of the law.” (internal quotation marks, brackets, and citations omitted)).

48 *There is in this case no allegation that the County lacked probable cause or that the warrant was otherwise*  
49 *defective. It is only by virtue of the Tribe’s asserted “sovereign” status that it claims immunity from the County’s*  
50 *processes. See App. 97-105, ¶¶1-25, 108-110, ¶¶33-39; 291 F.3d. at 554 (Court of Appeals “find[s] that the*  
51 *County and its agents violated the Tribe’s sovereign immunity when they obtained and executed a search warrant*  
52 *against the Tribe and tribal [538 U.S. 712] property.” (emphasis added)). Section 1983 was designed to secure*  
53 *private rights against government encroachment, see Will, 491 U.S. at 66, not to advance a sovereign’s*  
54 *prerogative to withhold evidence relevant to a criminal investigation. For example, as the County acknowledges,*  
55 *a tribal member complaining of a Fourth Amendment violation would be a “person” qualified to sue under §*  
56 *1983. See Brief for Petitioners 20, n. 7. But like other private persons, that member would have no right to*  
57 *immunity from an appropriately executed search warrant based on probable cause. Accordingly, we hold that*  
58 *the [sovereign] Tribe may not sue under § 1983 to vindicate the sovereign right it here claims.* {6}”  
59 [*Inyo County, California v. Paiute Shoshone Indians*, 538 U.S. 701 (2003)]



1 State courts are the only appropriate forum in which to litigate to protect your rights if you live in a state of the Union and  
2 not on federal property. The Supreme Court confirmed this when it said:

3 *"It would be the vainest show of learning to attempt to prove by citations of authority, that up to the adoption of  
4 the recent Amendments [the Thirteenth and Fourteenth Amendment], no claim or pretense was set up that those  
5 rights depended on the Federal government for their existence or protection, beyond the very few express  
6 limitations which the Federal Constitution imposed upon the states—such as the prohibition against ex post facto  
7 laws, bill of attainder, and laws impairing the obligation of contracts. **But with the exception of these and a few  
8 other restrictions, the entire domain of the privileges and immunities of citizens of the states, as above defined,  
9 lay within the constitutional and legislative power of the states, and without that of the Federal government.  
10 Was it the purpose of the 14<sup>th</sup> Amendment, by the simple declaration that no state should make or enforce any  
11 law which shall abridge the privileges and immunities of citizens of the United States, to transfer the security  
12 and protection of all the civil rights which we have mentioned, from the states to the Federal government? And  
13 where it is declared that Congress shall have the power to enforce that article, was it intended to bring within the  
14 power of Congress the entire domain of civil rights heretofore belonging exclusively to the states?"***

15 *We are convinced that no such result was intended by the Congress which proposed these amendments, nor by  
16 the legislatures of the states, which ratified them.*

17 *Having shown that the privileges and immunities relied on in the argument are those which belong to citizens  
18 of the states as such, and that they are left to the state governments for security and protection, and not by this  
19 article placed under the special care of the Federal government, we may hold ourselves excused from defining  
20 the privileges and immunities of citizens of the United States which no state can abridge, until some case  
21 involving those privileges may make it necessary to do so."*  
22 [*Slaughter-House Cases, 83 U.S. (16 Wall.) 36, 21 L.Ed. 394 (1873) , emphasis added*]

23 When properly litigated in a state court, the only authority necessary for the defense of rights is the Constitution itself and  
24 proof of your domicile in a state of the Union and not on federal property. The Supreme Court alluded to this fact when it  
25 stated:

26 *"The government of the United States has been emphatically termed a government of laws, and not of men. **It  
27 will certainly cease to deserve that high appellation, if the laws furnish no remedy for the violation of a vested  
28 legal right.**"*  
29 [*Marbury v. Madison, 5 U.S. 137, 1 Cranch 137, 2 L.Ed. 60 (1803)*]

30 Those citing EXCLUSIVELY the constitution do not NEED federal statutes, as held by the U.S. Supreme Court:

31 *The design of the Fourteenth Amendment has proved significant also in maintaining the traditional separation of  
32 powers 524\*524 between Congress and the Judiciary. **The first eight Amendments to the Constitution set forth  
33 self-executing prohibitions on governmental action, and this Court has had primary authority to interpret those  
34 prohibitions.** The Bingham draft, some thought, departed from that tradition by vesting in Congress primary  
35 power to interpret and elaborate on the meaning of the new Amendment through legislation. Under it, "Congress,  
36 and not the courts, was to judge whether or not any of the privileges or immunities were not secured to citizens  
37 in the several States." Flack, *supra*, at 64. While this separation-of-powers aspect did not occasion the widespread  
38 resistance which was caused by the proposal's threat to the federal balance, it nonetheless attracted the attention  
39 of various Members. See Cong. Globe, 39th Cong., 1st Sess., at 1064 (statement of Rep. Hale) (noting that Bill of  
40 Rights, unlike the Bingham proposal, "**provide[s] safeguards to be enforced by the courts, and not to be  
41 exercised by the Legislature**"); *id.*, at App. 133 (statement of Rep. Rogers) (prior to Bingham proposal it "was  
42 left entirely for the courts . . . to enforce the privileges and immunities of the citizens"). As enacted, the Fourteenth  
43 Amendment confers substantive rights against the States which, like the provisions of the Bill of Rights, are self-  
44 executing. Cf. *South Carolina v. Katzenbach, 383 U.S., at 325* (discussing Fifteenth Amendment). The power to  
45 interpret the Constitution in a case or controversy remains in the Judiciary.  
46 [*City of Boerne v. Flores, 521 U.S. 507 (1997)*]*

47 Nearly all federal statutes dealing with the protection of so-called "rights" exist for the following reasons. And by "rights"  
48 we really mean franchise privileges:

- 49 1. They only apply within federal jurisdiction and on federal land, where the Bill of Rights do not apply and where federal  
50 jurisdiction is exclusive and plenary. See *Downes v. Bidwell, 182 U.S. 244 (1901)*. These statutes are therefore meant  
51 as a substitute for the Bill of Rights that only applies in federal areas.
- 52 2. They are intended to be used by "persons" domiciled on federal territory wherever situated and may only be invoked by  
53 nonresident parties where a specific extraterritorial subject matter issue enumerated in the Constitution is involved, such  
54 as interstate commerce.
- 55 3. The result of persons citing federal statutes who are domiciled in Constitutional states of the Union is that these people  
56 basically are volunteering or "electing" to become "resident" parties and/or "taxpayers" for the purposes of the dispute.

1 Keep in mind that if you are a Constitutional and not statutory "citizen", then making such an election is a CRIME  
2 pursuant to [18 U.S.C. §911!](#)

3 Per Fourteenth Amendment, Section 5, [42 U.S.C. §1981](#), implements the equal protection provisions of said amendment as  
4 follows:

5 [TITLE 42 > CHAPTER 21 > SUBCHAPTER I > Sec. 1981.](#)  
6 [Sec. 1981. - Equal rights under the law](#)

7 (a) Statement of equal rights

8 ***All persons within the jurisdiction of the United States shall have the same right in every State and Territory to  
9 make and enforce contracts, to sue, be parties, give evidence, and to the full and equal benefit of all laws and  
10 proceedings for the security of persons and property as is enjoyed by white citizens, shall be subject to like  
11 punishment, pains, penalties, taxes, licenses, and exactions of every kind, and to no other.***

12 The whole chapter 21 only applies to people “within the jurisdiction of the United States”, which we already said are  
13 CONSTITUTIONAL and NOT federal STATUTORY "persons". If you are domiciled within a state of the Union and don't  
14 maintain a domicile on federal territory, then that doesn't include you, amigo! By “like”, they mean the same “taxes” as  
15 “U.S. citizens” pay who were born in federal territories or possessions or the District of Columbia. Notice they put  
16 “punishment, pains, penalties, and taxes” in the same sentence because they are all equivalent!

17 *"A fine is a tax for doing something wrong. A tax is a fine for doing something right."*

18 Here is some more evidence:

19 [TITLE 42 > CHAPTER 21 > SUBCHAPTER IX > §2000h-4](#)  
20 [§2000h-4. Construction of provisions not to exclude operation of State laws and not to invalidate consistent State](#)  
21 [laws](#)

22 *Nothing contained in any title of this Act shall be construed as indicating an intent on the part of Congress to*  
23 *occupy the field in which any such title operates to the exclusion of State laws on the same subject matter, **nor***  
24 *shall any provision of this Act be construed as invalidating any provision of State law unless such provision is*  
25 *inconsistent with any of the purposes of this Act, or any provision thereof.*

26 It's silly to go to such great lengths to free yourself of federal taxes by spending countless hours reading and studying and  
27 applying this book if you are going to turn right around and call on Uncle [Big Brother] to protect you from people in your  
28 own state! If you want to be sovereign, you *can't* depend on Big Brother for anything, because the minute you start doing  
29 so, they [the IRS goons in this case] are going to come knocking on your door and ask you to “pay up”! People who are  
30 sovereign look out for themselves and don't take handouts or help from anyone, folks!

31 Lastly, when filling out government forms, it is VERY important to do so in such a way as to PRECLUDE citing or enforcing  
32 any federal statute against you. Below is the language we use to do that extracted from one of our forms:

33 **SECTION 4: DEFINITION OF KEY “WORDS OF ART” ON ALL ATTACHED GOVERNMENT FORMS**

34 [ . . . ]

35 *As a general rule, NONE of the terms used on any government form I submit, have submitted, or will submit imply*  
36 *or may be interpreted as any word or “term” used in any federal or state statute. All such submissions, in fact,*  
37 *are compelled and may be interpreted as prima facie evidence of DURESS. The Submitter is, always has been,*  
38 *and always will be EXCLUSIVELY PRIVATE and therefore beyond the reach of any federal or state statute.*  
39 *He/she does not intend, by submitting any government form, to waive his/her/its sovereignty or sovereign*  
40 *immunity or apply for or accept any government “benefit”. Instead, he/she seeks ONLY to recover monies*  
41 *STOLEN from him/her or prevent them from being STOLEN to begin with:*

42 *“As independent sovereignty, it is State's province and duty to forbid interference by another state or*  
43 *foreign power with status of its own citizens. Roberts v Roberts (1947) 81 C.A.2d. 871, 185 P.2d. 381.*

44 *“*  
45 *[Black's Law Dictionary, 4th Ed., p 1300]*

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



1 Below are the definitions I provide of all key “words of art” commonly found on government forms as a  
2 SUBSTITUTE for statutory definitions:

3 [. . .]

4 “All CIVIL statutory terms TO WHICH OBLIGATIONS AND PRIVILEGES attach are limited to territory over  
5 which Congress has EXCLUSIVE GENERAL jurisdiction. All of the statuses TO WHICH CIVIL OBLIGATIONS  
6 AND PRIVILEGES ATTACH indicated in the statutes (including those in 8 U.S.C. §§1401 and 1408) STOP at  
7 the border to federal territory and do not apply within states of the Union. I cannot have a status in a place that  
8 I am not civilly domiciled, and especially a status that I do NOT consent to and to which rights and obligations  
9 attach. Otherwise, the Declaration of Independence is violated because I am subjected to obligations that I didn't  
10 consent to and am a slave. This is proven in:

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

12 DIRECT LINK: <http://sedm.org/Forms/13-SelfFamilyChurchGovnce/RightToDeclStatus.pdf>

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

14 As the U.S. Supreme Court held, all law is prima facie territorial and confined to the territory of the specific state.  
15 The states of the Union are NOT "territory" as defined, and therefore, all of the CIVIL STATUSES found in Title  
16 8 of the U.S. code CONNECTED WITH UNITED STATES TERRITORY AND DOMICILIARIES do not extend  
17 into or relate to anyone civilly domiciled in a constitutional state, regardless of what the definition of "United  
18 States" is and whether it is GEOGRAPHICAL or GOVERNMENT sense. As held by the U.S. Supreme Court in  
19 the License Tax Cases, Congress cannot lawfully offer or extend any federal franchise or the statuses that enforce  
20 it into a foreign jurisdiction such as a state of the Union. If it does, it is engaging in a “commercial invasion” in  
21 violation of Article 4, Section 4 of the United States Constitution. That is why public offices, which are a franchise,  
22 are limited by 4 U.S.C. §72 to being exercised ONLY in the District of Columbia and NOT ELSEWHERE.  
23 Furthermore, it is a violation of the legislative intent of the constitution and criminal activity to: 1. Make an  
24 ordinary CONSTITUTIONAL and PRIVATE citizen into a PUBLIC officer in the government; 2. Pay PUBLIC  
25 monies or “benefits” to ordinary PRIVATE CITIZENS.; 3. Bribe or entice and PRIVATE human to become a  
26 PUBLIC OFFICER in exchange for “benefits”. This would eliminate all PRIVATE property and replace a  
27 CONSTITUTIONAL government with a gigantic, corporate, SOCIALIST monopoly and employer of EVERYONE  
28 in violation of the Sherman Anti-Trust Act.

29 Any and every attempt by the Recipient or any government actor to associate the Submitter of this form with any  
30 statutory civil status found in federal or state statutes is hereby declared to be an act of criminal identity theft as  
31 described in the document below. This attachment hereby formally requests any and every government employee  
32 who becomes aware of such identity theft to prosecute and report it by every available means or be guilty of  
33 misprision of felony and become an accessory after the fact if they don't (18 U.S.C. §§3 and 4):

34 Government Identity Theft, Form #05.046

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

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

37 [Tax Form Attachment, Form #04.201, Section 4; SOURCE: <http://sedm.org/Forms/FormIndex.htm>]

38 Those who are inclined to question the need or propriety for the above type of language are directed to read the following  
39 excerpt from a U.S. Attorneys Bulletin used to PROSECUTE tax crimes of so-called “sovereign citizens”, of which we are  
40 NOT:

41 “What evidence refutes a good faith defense will depend on the facts and circumstances of each case. It is often  
42 helpful to focus on evidence that shows the defendant knew the law but disregarded it or was simply defying it.  
43 For instance, evidence that the defendant received proper advice from a CPA or tax preparer, or that the  
44 defendant failed to consult legitimate sources about his or her understanding of the tax laws can be helpful. **To**  
45 **refute claims that wages are not income, that the defendant did not understand the meaning of “wages,” or**  
46 **that the defendant is a state citizen but not a citizen of the United States, look for loan applications during the**  
47 **prosecution period. Tax defiers and sovereign citizens never seem to have a problem understanding the**  
48 **definition of income on a loan application. They also do not hesitate to check the “yes” box to the question**  
49 **“are you a U.S. citizen.” Any evidence that the defendant accepted Government benefits, such as**  
50 **unemployment, Medicare, social security, or the Alaska Permanent Fund Dividend will also be helpful to**  
51 **refute the defendant’s claims that he or she is not a citizen subject to federal laws.”**

52 [Prosecuting Tax Defier and Sovereign Citizen Cases—Frequently Asked Questions, U.S. Attorneys Bulletin,  
53 Volume 61, No. 2, March 2013, p. 48;

54 SOURCE: <http://famguardian.org/Publications/USAttyBulletins/usab6102.pdf>]

## 55 **11. Authorities on Rights as Property**



1

1 The subject of rights as property is a very important one. It is one upon which most of the injustice in government is built so  
2 it is worth spending lots of time to learn more about. This article summarizes all the authorities we can find relating to rights  
3 as property.

4 Why is the concept of rights as property the origin of evil relating to freedom and sovereignty? The answer is found in the  
5 following authorities, indicating that the main source of government control over your life is the process of granting or loaning  
6 you government property with legal strings attached:

7 *“The rich rules over the poor,  
8 And **the borrower [of money or property] is servant to the lender.**”  
9 [\[Prov. 22:7, Bible, NKJV\]](#)*

10 **“The State in such cases exercises no greater right than an individual may exercise over the use of his own  
11 property when leased or loaned to others. The conditions upon which the privilege shall be enjoyed being  
12 stated or implied in the legislation authorizing its grant, no right is, of course, impaired by their  
13 enforcement. The recipient of the privilege, in effect, stipulates to comply with the conditions. It matters  
14 not how limited the privilege conferred, its acceptance implies an assent to the regulation of its use and the  
15 compensation for it.”**  
16 [\[Munn v. Illinois, 94 U.S. 113 \(1876\)\]](#)

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17  
18 **Curses of Disobedience [to God’s Laws]**

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

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

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

40 The evil resulting from the above authorities is exhaustively described in:  
41 [How Scoundrels Corrupted Our Republican Form of Government, Family Guardian Fellowship](#)

42 This subject, in turn, is built on the laws of property. We summarize these laws and repeat the major headings below in the  
43 following resources:

- 44 1. *Hot Issues: Laws of Property*, SEDM  
45 <https://sedm.org/laws-of-property/>  
46 2. *Laws of Property*, Form #14.018  
47 <https://sedm.org/Forms/14-PropProtection/LawsOfProperty.pdf>

48 If you would like to read a detailed debate of the content of this page between SEDM Admin and one of our most experienced  
49 Members, visit the following page:

## 11.1 Introduction and Definitions

- 1  
2 1. These definitions are necessary because politicians often conflate “rights” and “privileges” so as to entice people to  
3 adopt socialist progressive wealth redistribution. It is therefore especially important to be clear in your language when  
4 trying to distinguish rights (PRIVATE rights) from privileges (PUBLIC rights) so that the ignorant masses are not  
5 further enticed into socialism. See:

*Socialism: The New American Civil Religion*, Form #05.016  
<https://sedm.org/Forms/05-MemLaw/SocialismCivilReligion.pdf>

- 6 2. For the purposes of this website:  
7 2.1. “rights” are private and some but not all are found in the Constitution.  
8 2.2. In relation to government, “privileges” are always PUBLIC and are found only in civil statutes. By “civil  
9 statutes”, we mean anything OTHER than what is in the criminal code. A privilege is simply a distribution of  
10 PUBLIC property with CIVIL legal strings attached. Also called “public rights”, “benefits”, “entitlements”, etc.  
11 3. The CREATOR of a right or privilege is always the GRANTOR and the OWNER of the right or privilege.  
12 3.1. God (the Creator mentioned in the Declaration of Independence) is the Creator of PRIVATE rights and therefore  
13 PRIVATE property. He is therefore the OWNER of these rights and the party to whom all those exercising such  
14 rights owe obedience and allegiance.  
15 3.2. The Legislature is the Creator of PUBLIC statutory privileges. The act of creation happens in the DEFINITIONS  
16 section of statutes and the PRIVILEGES are then attached and assigned to the fictions of law thus created. There  
17 cannot be a public right or privilege WITHOUT an office to assign or attach it to.  
18 4. The [Bill of Rights \(the first eight amendments to the Constitution\)](#) RECOGNIZES but does not CREATE Private  
19 rights. THE CREATOR creates Private rights. He is the ONLY one who CAN. As the CREATOR, He is also the  
20 ABSOLUTE OWNER of Private rights. This is clarified below:

21 *“Men are endowed by their Creator with certain unalienable rights,- ‘life, liberty, and the pursuit of*  
22 *happiness;’ and to ‘secure,’ not grant or create, these rights, governments are instituted. That property [or*  
23 *income] which a man has honestly acquired he retains full control of, subject to these limitations: First, that he*  
24 *shall not use it to his neighbor’s injury, and that does not mean that he must use it for his neighbor’s benefit [e.g.*  
25 *SOCIAL SECURITY, Medicare, and every other public “benefit”]; second, that if he devotes it to a public use,*  
26 *he gives to the public a right to control that use; and third, that whenever the public needs require, the public*  
27 *may take it upon payment of due compensation.”*  
28 *[Budd v. People of State of New York, 143 U.S. 517 (1892)]*

- 29 5. Alienation of rights:  
30 5.1. In relation to government, “rights” (private rights) are unalienable, which means the can’t be given away, sold, or  
31 transferred, even with consent. God is the owner of these rights, not the government, so government can’t SELL  
32 these rights or make them into a privilege. See:

*Enumeration of Inalienable Rights*, Form #10.002  
<https://sedm.org/Forms/10-Emancipation/EnumRights.pdf>

- 33 5.2. In a private context between to private humans, private rights are transferable through consent or contract, and  
34 therefore ARE alienable.  
35 6. Rights and privileges ALWAYS must have a grantor. Those granting rights (private rights) or privileges (public  
36 rights) cannot grant these rights or privileges against anyone OTHER than themselves.  
37 6.1. This is because if they granted rights against anyone ELSE, they would be either stealing property or services  
38 (slavery in violation of the Thirteenth Amendment) from the third party they granted rights against.  
39 6.2. There is therefore an IMPLIED conclusive presumption that if a grantor grants rights against a third party, that  
40 third party must be acting as an AGENT or officer of the grantor when properly executing or enforcing those  
41 rights. For instance, if the government grants a remedy or obligation by statute against a “driver” in the vehicle  
42 code, all “drivers” must be agents and officers of the government grantor, and not the human being  
43 VOLUNTARILY filling the said office of “driver”.  
44 6.3. Because rights or privileges granted against apparent third-parties are always ultimately against AGENTS and  
45 OFFICERS of the grantor, then ultimately, the LIABLE party for those EXERCISING such rights or privileges is  
46 the grantor, and NOT the third party. VERY IMPORTANT!  
47 6.4. The fictional public OFFICES established to IMPLEMENT the grant of privileges are, by default, PROPERTY of  
48 the grantor and the RESPONSIBILITY and liability of the grantor. Ownership and responsibility ALWAYS go



1 together. For instance, if such an officer in the official and lawful exercise of their delegated duties injures  
2 someone, the actions of the OFFICER are the exclusive liability of government grantor. If they were acting  
3 OUTSIDE their delegated authority, they personally become liable for the damages done.

4 6.5. Those who apply for the position and office of “driver” with the Department of Transportation are an example of  
5 people filling a government-granted office created by statute, for instance. The application creates a  
6 CONSENSUAL connection between an otherwise PRIVATE human and the PUBLIC office he or she fills.  
7 Upon being accepted, they are OFFICERS of the government grantor responsible for the RIGHTS and  
8 OBLIGATIONS attached to the “driver” office. This is because the legal definition of a “public officer” is  
9 someone in charge of the PROPERTY of the public, which property is, as a minimum, the privileges and  
10 obligations attached to the office.

11 6.6. The only way for the government to avoid liability for the damages of the “driver” against third party is to:

12 6.6.1. Claim that the “driver” was not legislatively authorized to injure others and thus, was acting OUTSIDE their  
13 delegated authority and was therefore PERSONALLY liable for those damages. This also makes sense  
14 logically, because no contract that results in criminal consequences or damaging behavior is enforceable in  
15 court anyway, and the driver licensing is, for all intents and purposes, a franchise contract between the  
16 government (public) grantor and an otherwise PRIVATE human. .OR

17 6.6.2. Expressly state in the granting legislation that the officer instead of the office is the liable party for all  
18 damages they inflict on third parties who are not mentioned in the grant.

19 Judges won't tell you that's how the vehicle code works, but that is the only way it logically CAN work without  
20 bankrupting the government in connection with traffic accidents executed by public officers called “drivers”.

21 6.7. More on the subject of the law of agency at:

*A Treatise on the Law of Agency in Contract and Tort*, George L Reinhard  
<https://archive.org/details/atreatiseonlaw00reingoo>

22 7. STATUTORY “Citizen” is a “civil status” and is always a privilege and always voluntary.

23 7.1. You don't HAVE to be a “citizen”. That would be a violation of due process and a taking of property without due  
24 process. The property taken in violation of due process from those involuntarily filling the office of citizen would  
25 be the obligations attached to the office by civil statutes.

26 7.2. If you choose NOT to be a “citizen”, you default to being a “national” by virtue of birth or naturalization. A  
27 person who does this is called a “nonresident” (Form #05.020) or “an idiot” in classical terminology.

28 7.3. A STATUTORY “citizen” and a CONSTITUTIONAL “citizen” are NOT the same thing and are often mutually  
29 exclusive. You can be one without being the OTHER, especially as someone born in a constitutional state. See:

*Citizenship Status v. Tax Status*, Form #10.011

<https://sedm.org/Forms/10-Emancipation/CitizenshipStatusVTaxStatus/CitizenshipVTaxStatus.htm>

30 7.4. The reason that that STATUTORY “citizen” and a CONSTITUTIONAL “citizen” are not the same is that they  
31 have a different creator and therefore owner. STATUTORY “citizen” is a creation of the legislature and a  
32 government granted privilege, whereas CONSTITUTIONAL “citizen” is a creation of “the State” rather than the  
33 government. See the following for details on the differences between these two:

*Why You are a “national”, “state national”, and Constitutional but not Statutory Citizen*, Form #05.006

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

34 7.5. The government and “the State” are two completely different legal entities. The government is called the “body  
35 corporate” and “the State” is called the “body politic”. The government is a creation and property and franchise  
36 of “the State” that works for “the State”. See Poindexter v. Greenhow, 114 U.S. 270 (1885) for a description of  
37 the differences between the government and “the State” by the U.S. Supreme Court.

38 8. The Bill of Rights pertains to CONSTITUTIONAL PERSONS, not only or just to “citizens” as consenting members of  
39 the political community. Anyone who tries to limit RIGHTS in their application to only CIVIL STATUTORY CLUB  
40 MEMBERS called “citizens” is:

41 8.1. Trying to turn “justice” into a “privilege“. Justice can NEVER be a privilege and when it is, it becomes  
42 INJUSTICE. See:

*What is “Justice”?*, Form #05.050, Section 5.3

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

43 8.2. Attempting to turn PRIVATE property into PUBLIC property usually without your consent.

44 8.3. Trying to convert the society to SOCIALISM.

45 9. All rights (private rights) implicate corresponding obligations on the part of someone else. The “property” represented  
46 by these rights HAS to come from SOMEWHERE and SOMEONE. They don't grow on trees or just magically  
47 APPEAR out of thin air, contrary to what many socialists believe. Property is like math equations: They have to  
48 BALANCE! In fact, the very purpose that the Social Security Number was invented for is to ENSURE that the  
49 equation always balances and that you never draw out of the welfare state system MORE than you actually put in!

- 1 9.1. If the party with the obligation is the government, it's a PRIVATE right.
- 2 9.2. If the BOTH parties involved are private, then it is purely private contracting. The contract itself is property, and
- 3 the consideration it conveys is also property.
- 4 9.3. If the grantor of the right (the Merchant) is private and the obligor (the Buyer) is the government entering the
- 5 commercial marketplace competitively for goods, then the government is acting in a PRIVATE capacity under
- 6 the Clearfield Doctrine of the U.S. Supreme Court.
- 7 10. All privileges (public rights) are granted by government using statutes (legislation) instead of the Constitution. In this
- 8 capacity, the government is acting as a Merchant and you as the Buyer under the U.C.C. They implicate corresponding
- 9 obligations on your part.
- 10 10.1. If the obligation imposed is on a non-consenting private party (the Buyer, and also a member of the general
- 11 public), the property which constitutes the obligation is STOLEN from the VICTIM with the involuntary
- 12 obligation. In that sense, the government granted right represents a violation of due process against someone else
- 13 under the Fifth Amendment. This very situation is the very HEART of just about EVERYTHING the Democrat
- 14 party does to entice and bribe voters with OTHER peoples money that is stole to buy votes!
- 15 10.2. If the privilege is not available to ALL people, but only applies to a class of people such as "citizens", "benefit
- 16 recipients", or "taxpayers", then it's class legislation and a voluntary franchise. The Pollock v. Farmers Loan and
- 17 Trust, 157 U.S. 429 (1895) case of the U.S. Supreme Court which declared income tax unconstitutional held that
- 18 government may not engage in such DISCRIMINATORY activities towards anyone and denounced it as "class
- 19 legislation". That's because when they do this, the government is really just selling property at that point in the
- 20 capacity of a private business. Or in other words, they are essentially acting as a de facto government (Form
- 21 #05.043). Governments are NOT supposed to enter the commercial marketplace and compete with private
- 22 companies, or grant themselves a monopoly (such as money system or Social Security) because it impairs choice
- 23 and competition and violates the Sherman Antitrust Act.
- 24 10.3. The Public Rights Doctrine of the U.S. Supreme Court regulates the adjudication of disputes relating to privileges
- 25 (public rights). See: Murray's Lessee v. Hoboken Land & Improvement Co., 59 U.S. (18 How.) 272 (1856), Ex
- 26 parte Bakelite Corp., 279 U.S. 438, 451 (1929), Old Colony Trust Co. v. Commissioner, 279 U.S. 716 (1929).
- 27 10.4. All STATUTORY obligations are CIVIL in nature and not CRIMINAL. There are TWO types of law in federal
- 28 court: Civil and Criminal, corresponding with the Federal Rules of CIVIL Procedure and the Federal Rules of
- 29 CRIMINAL Procedure respectively. Even contract issues are litigated as CIVIL matters in Federal Court. See:
- Lawfully Avoiding Government Obligations Course, Form #12.040  
<https://sedm.org/LibertyU/AvoidGovernmentObligations.pdf>
- 30 11. Temporary and revocable grants or loans of public property from the government are called "bailments". All such
- 31 grants are privileges subject to civil statutory regulation under Article 4, Section 3, Clause 2 of the Constitution. The
- 32 ability to tax and regulate, in fact, derives almost exclusively from these bailments. In that sense, taxation is simply
- 33 government charging "rent" on the use or "benefit" of its property. They are in the property rental business, just like
- 34 car rental businesses. Examples of such bailments include:
- 35 11.1. Any kind of "status" you claim to which legal rights attach under a franchise. Remember: All "rights" are
- 36 property"! This includes:
- 37 11.1.1. "taxpayer" (I.R.C. "trade or business" franchise).
- 38 11.1.2. "citizen" or "resident" (civil law protection franchise").
- 39 11.1.3. "driver" (vehicle code of your state).
- 40 11.1.4. "spouse" (family code of your state, which is a voluntary franchise).
- 41 11.2. A Social Security Card. 20 C.F.R. §422.103(d) says the card and the number belong to the U.S. government.
- 42 11.3. A "Taxpayer Identification Number" (TIN) issued under the authority of 26 U.S.C. §6109. All "taxpayers" are
- 43 public officers in the U.S. government. Per 26 C.F.R. §301.6109-1, use of the number provides prima facie
- 44 evidence that the user is engaged in official government business called a "trade or business", which is defined in
- 45 26 U.S.C. §7701(a)(26) as "the functions of a public office" (in the U.S. and not state government).
- 46 11.4. Any kind of license. Most licenses say on the back or in the statutes regulating them that they are property of the
- 47 government and must be returned upon request. This includes:
- 48 11.4.1. Driver's licenses.
- 49 11.4.2. Contracting licenses.
- 50 11.5. A USA Passport. The passport indicates on page 6, note 2 that it is property of the U.S. government and must be
- 51 returned upon request. So does 22 C.F.R. §51.7.
- 52 11.6. Any kind of government ID, including state Resident ID cards. Nearly all such ID say they belong to the
- 53 government. This includes Common Access Cards (CACs) used in the U.S. military.
- 54 11.7. A vehicle license plate. Attaching it to the car makes a portion of the vehicle public property.

1 11.8. Stock in a public corporation. All stockholders in corporations are regarded by the courts as GOVERNMENT  
2 CONTRACTORS!

3 “The court held that the first company's charter was a contract between it and the state, within the protection of  
4 the constitution of the United States, and that the charter to the last company was therefore null and void., Mr.  
5 Justice DAVIS, delivering the opinion of the court, said that, if anything was settled by an unbroken chain of  
6 decisions in the federal courts, it was that an act of incorporation was a contract between the state and the  
7 stockholders, 'a departure from which now would involve dangers to society that cannot be foreseen, would  
8 shock the sense of justice of the country, unhinge its business interests, and weaken, if not destroy, that respect  
9 which has always been felt for the judicial department of the government.' “  
10 [New Orleans Gas Co. v. Louisiana Light Co., 115 U.S. 650 (1885)]

11 **11.2 Rights are property**

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

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

27 Property embraces everything which is or may be the subject of ownership, whether a legal ownership. or whether  
28 beneficial, or a private ownership. *Davis v. Davis. TexCiv-App.,* 495 S.W.2d. 607. 611. Term includes not only  
29 ownership and possession but also the right of use and enjoyment for lawful purposes. *Hoffmann v. Kinealy, Mo.,*  
30 *389 S.W.2d. 745, 752.* Property, within constitutional protection, denotes group of rights inhering in citizen's  
31 relation to physical thing, as right to possess, use and dispose of it. *Cereghino v. State By and Through State*  
32 *Highway Commission,* 230 Or. 439, 370 P.2d. 694, 697.  
33 [Black's Law Dictionary, Fifth Edition, p. 1095]

34 More at:

[Sovereignty Forms and Instructions Online](https://famguardian.org/TaxFreedom/CitesByTopic/property.htm), Form #10.004, Cites by Topic: “property”  
<https://famguardian.org/TaxFreedom/CitesByTopic/property.htm>

35 **11.3 Anything that CONVEYS rights is property**

36 “Were the Contract a negotiable instrument, a property right would come into existence either on the date on  
37 which payment was due or on the date of execution. The court finds, however, that the Contract was not a  
38 negotiable instrument. It was, rather, a conditional promise to pay certain unfixed amounts upon demand but  
39 only after certain other dates, events, or payments.

40 A negotiable instrument must be an unconditional promise to pay a fixed amount upon demand or at a definite  
41 time to order or bearer. Va. Code Ann. § 8.3-104, repealed by Acts 1992, c. 693 (stating that negotiable  
42 instruments covered by this title must be signed, unconditional promises payable on demand or a definite time to  
43 order or to bearer); Va. Code Ann. § 8.3A-104(a)(2) (“negotiable instrument” means an unconditional promise  
44 or order to pay a fixed amount of money”). 11 HN20 “  
45 [Armstrong v. United States, 7 F.Supp.2d. 758 (1998)]

46 **11.4 Contracts convey rights and are therefore property**

47 “A contract is property, and, like any other property, may be taken under condemnation proceedings for public  
48 use.”  
49 [Kreegan v. State, 305 Kan. 1158 (2017)]

50 More at:



## 11.5 All franchises are contracts, and therefore property

“It is generally conceded that a franchise is the subject of a contract between the grantor and the grantee, and that it does in fact constitute a contract when the requisite element of a consideration is present.[1]. Conversely, a franchise granted without consideration is not a contract binding upon the state, franchisee, or pseudo-franchisee.[2].”  
[36 American Jurisprudence 2d, Franchises, §6: As a Contract (1999)]

### FOOTNOTES:

1. *Larson v. South Dakota*, 278 U.S. 429, 73 L.Ed. 441, 49 S.Ct. 196; *Grand Trunk Western R. Co. v. South Bend*, 227 U.S. 544, 57 L.Ed. 633, 33 S.Ct. 303; *Blair v. Chicago*, 201 U.S. 400, 50 L.Ed. 801, 26 S.Ct. 427; *Arkansas-Missouri Power Co. v. Brown*, 176 Ark. 774, 4 S.W.2d. 15, 58 A.L.R. 534; *Chicago General R. Co. v. Chicago*, 176 Ill. 253, 52 N.E. 880; *Louisville v. Louisville Home Tel. Co.*, 149 Ky. 234, 148 S.W. 13; *State ex rel. Kansas City v. East Fifth Street R. Co.*, 140 Mo. 539, 41 S.W. 955; *Baker v. Montana Petroleum Co.*, 99 Mont. 465, 44 P.2d. 735; *Re Board of Fire Comrs.* 27 N.J. 192, 142 A.2d. 85; *Chrysler Light & P. Co. v. Belfield*, 58 N.D. 33, 224 N.W. 871, 63 A.L.R. 1337; *Franklin County v. Public Utilities Com.*, 107 Ohio.St. 442, 140 N.E. 87, 30 A.L.R. 429; *State ex rel. Daniel v. Broad River Power Co.*, 157 S.C. 1, 153 S.E. 537; *Rutland Electric Light Co. v. Marble City Electric Light Co.*, 65 Vt. 377, 26 A. 635; *Virginia-Western Power Co. v. Commonwealth*, 125 Va. 469, 99 S.E. 723, 9 A.L.R. 1148, cert den 251 U.S. 557, 64 L.Ed. 413, 40 S.Ct. 179, disapproved on other grounds *Victoria v. Victoria Ice, Light & Power Co.* 134 Va. 134, 114 S.E. 92, 28 A.L.R. 562, and disapproved on other grounds *Richmond v. Virginia Ry. & Power Co.*, 141 Va. 69, 126 S.E. 353.

2. *Pennsylvania R. Co. v. Bowers*, 124 Pa. 183, 16 A. 836.

36 Am Jur 2d Franchises from Public Entities § 1  
§ 1 Definitions

“**A franchise constitutes a private property right.** [5] Similarly stated, a “franchise” is the special privilege awarded by government to a person or corporation and conveys a valuable property right. [6] To be a “franchise,” the right possessed must be such as cannot be exercised without the express permission of the sovereign power. [7] It is a privilege conferred by the government on an individual or a corporation to do that which does not belong to the citizens of the country generally by common right. [8]”  
[36 Am.Jur.2d, Franchises from Public Entities §1]

### FOOTNOTES:

5. *Central Waterworks, Inc. v. Town of Century*, 754 So.2d. 814 (Fla. Dist. Ct. App. 1st Dist. 2000).

A governmental franchise is deemed to be privately owned, with all of the rights attaching to the ownership of the property in general, and is subject to taxation the same as any other estate in real property. *In re South Bay Expressway, L.P.*, 434 B.R. 589 (Bankr. S.D. Cal. 2010) (applying California law).

6. *Montana-Dakota Utilities Co. v. City of Billings*, 2003 MT 332, 318 Mont. 407, 80 P.3d 1247 (2003) (holding modified on other grounds by, *Havre Daily News, LLC v. City of Havre*, 2006 MT 215, 333 Mont. 331, 142 P.3d. 864 (2006)); *South Carolina Elec. & Gas Co. v. Town of Awendaw*, 359 S.C. 29, 596 S.E.2d. 482 (2004).

A governmental “franchise” constitutes a special privilege granted by the government to particular individuals or companies to be exploited for private profits; such franchisees seek permission to use public streets or rights-of-way in order to do business with a municipality’s residents and are willing to pay a fee for this privilege. *South Carolina Elec. & Gas Co. v. Town of Awendaw*, 359 S.C. 29, 596 S.E.2d. 482 (2004).

7. *Rural Water Sewer and Solid Waste Management, Dist. No. 1, Logan County, Oklahoma v. City of Guthrie*, 2010 OK 51, 2010 WL 2600181 (Okla. 2010).

1 8. New Orleans Gas-light Co. v. Louisiana Light & Heat Producing & Manufacturing Co., 115 U.S. 650, 6 S.Ct.  
2 252, 29 L.Ed. 516 (1885); City of Groton v. Yankee Gas Services Co., 224 Conn. 675, 620 A.2d. 771 (1993);  
3 Artesian Water Co. v. State, Dept. of Highways and Transp., 330 A.2d. 432 (Del. Super. Ct. 1974), *judgment*  
4 *modified on other grounds*, 330 A.2d 441 (Del. 1974); City of Poplar Bluff v. Poplar Bluff Loan & Bldg. Ass'n,  
5 369 S.W.2d. 764 (Mo. Ct. App. 1963); Dunmar Inv. Co. v. Northern Natural Gas Co., 185 Neb. 400, 176 N.W.2d.  
6 4 (1970); Petition of South Lakewood Water Co., 61 N.J. 230, 294 A.2d. 13 (1972); Shaw v. City of Asheville,  
7 269 N.C. 90, 152 S.E.2d. 139 (1967); Rural Water Sewer and Solid Waste Management, Dist. No. 1, Logan  
8 County, Oklahoma v. City of Guthrie, 2010 OK 51, 2010 WL 2600181 (Okla. 2010); Borough of Scottdale v.  
9 National Cable Television, Corp., 28 Pa.Comm. 387, 368 A.2d. 1323 (1977), *order aff'd*, 476 Pa. 47, 381 A.2d  
10 859 (1977); Quality Towing, Inc. v. City of Myrtle Beach, 345 S.C. 156, 547 S.E.2d. 862 (2001); State/Operating  
11 Contractors ABS Emissions, Inc. v. Operating Contractors/State, 985 S.W.2d. 646 (Tex. App. Austin 1999); Tri-  
12 County Elec. Ass'n, Inc. v. City of Gillette, 584 P.2d. 995 (Wyo. 1978).

## 13 **11.6 Civil statuses (Form #13.008) convey and enforce PUBLIC rights and are therefore** 14 **PUBLIC property**

15 *"In Udney v. Udney, (1869) L.R. 1 H.L. Sc. 441, the point decided was one of inheritance, depending upon the*  
16 *question whether the domicile of the father was in England or in Scotland, he being in either alternative a British*  
17 *subject. Lord Chancellor Hatherley said: "The question of naturalization and of allegiance is distinct from that*  
18 *of domicil." p. 452. Lord Westbury, in the passage relied on by the counsel for the United States, began by saying:*  
19 *"The law of England, and of almost all civilized countries, ascribes to each individual at his birth two*  
20 *distinct legal states or conditions: one, by virtue of which he becomes the subject of some particular*  
21 *country, binding him by the tie of natural allegiance, and which may be called his political status; another,*  
22 *by virtue of which he has ascribed to him the character of a citizen of some particular country, and as such*  
23 *is possessed of certain municipal rights, and subject to certain obligations, which latter character is the*  
24 *civil status or condition of the individual, and may be quite different from his political status." And then,*  
25 *while maintaining that the civil status is universally governed by the single principle of domicil, domicilium,*  
26 *the criterion established by international law for the purpose of determining civil status, and the basis on*  
27 *which "the personal rights of the party, that is to say, the law which determines his majority or minority,*  
28 *his marriage, succession, testacy or intestacy, 657\*657 must depend;" he yet distinctly recognized that a*  
29 *man's political status, his country, patria, and his "nationality, that is, natural allegiance," "may depend*  
30 *on different laws in different countries." pp. 457, 460. He evidently used the word "citizen," not as*  
31 *equivalent to "subject," but rather to "inhabitant;" and had no thought of impeaching the established rule*  
32 *that all persons born under British dominion are natural-born subjects."*  
33 [United States v. Wong Kim Ark, 169 U.S. 649 (1898)]

34  
35 "§ 29. Status

36 It may be laid down that the ,status- or, as it is sometimes called, civil status, in contradistinction to political  
37 status – of a person depends largely, although not universally, upon domicil. The older jurists, whose  
38 opinions are fully collected by Story I and Burge, maintained, with few exceptions, the principle of the  
39 ubiquity of status, conferred by the lex domicilii with little qualification. Lord Westbury, in Udney v. Udney,  
40 thus states the doctrine broadly: "The civil status is governed by one single principle, namely, that of  
41 domicil, which is the criterion established by law for the purpose of determining civil status. For it is on  
42 this basis that the personal rights of the party – that is to say, the law which determines his majority and  
43 minority, his marriage, succession, testacy, or intestacy-must depend." Gray, C. J., in the late  
44 Massachusetts case of Ross v. Ross, speaking with special reference to capacity to inherit, says: "It is a  
45 general principle that the status or condition of a person, the relation in which he stands to another person,  
46 and by which he is qualified or made capable to take certain rights in that other's property, is fixed by the  
47 law of the domicil; and that this status and capacity are to be recognized and upheld in every other State,  
48 so far as they are not inconsistent with its own laws and policy."

49 [A Treatise on the Law of Domicil, National, Quasi-National, and Municipal, M.W. Jacobs, Little, Brown, and  
50 Company, 1887, p. 89]

51 More at:

- 52 1. Sovereignty Forms and Instructions Online, Form #10.004, Cites by Topic: "civil status"  
53 <https://famguardian.org/TaxFreedom/CitesByTopic/CivilStatus.htm>
- 54 2. Civil Status (Important!), SEDM-SEDM Litigation->Civil Status menu item.  
55 <https://sedm.org/litigation-main/civil-status/>
- 56 3. Your Exclusive Right to Declare or Establish Your Civil Status, Form #13.008  
57 <https://sedm.org/Forms/13-SelfFamilyChurchGovnce/RightToDeclStatus.pdf>

1 **11.7 The Constitution conveys mainly PRIVATE rights, which are PRIVATE property in the**  
2 **case of the Bill of Rights**

3 The Constitution is a trust indenture. All trusts ARE property and CONVEY property. The CREATOR and therefore OWNER  
4 of the trust is called the GRANTOR. In the Constitution, that CREATOR is called “We the People”, “the State”, or “the body  
5 politic” by the courts.

6 For legal purposes, “the State” is synonymous with the group of people called “[citizens](#)“. It excludes EVERYONE else.  
7 These people are MEMBERS of the political community who make rules ONLY to govern THEMSELVES. Those rules  
8 come in the form of statutes. Those who are NOT “members” of this political community, therefore, are not subject to CIVIL  
9 STATUTORY rules that can only pertain or be enforced against CLUB MEMBERS. See:

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

10 Those who are NOT called “citizens” or not “club members” are called “persons” in the Constitution. Anything that  
11 applies to PERSONS in the Constitution protects and controls EVERYONE. The entire Bill of Rights fits in this  
12 category: It applies to PERSONS and is not limited ONLY to “citizens”.

13 *“In [United States v. Cruikshank](#), 92 U.S. 542, 549, Mr. Chief Justice Waite, delivering the opinion of the court,*  
14 *said: “Citizens are the members of the political community to which they belong. They are the people who*  
15 *compose the community, and who, in their associated capacity, have established or submitted themselves to the*  
16 *dominion of a government for the promotion of their general welfare and the protection of their individual as well*  
17 *as their collective rights.” There is no attempt in this definition, which was entirely [\[\\*\\*381\]](#) sufficient for the*  
18 *argument, to exclude those members of the State who are citizens in the sense of participation in civil rights,*  
19 *though not in the exercise of political functions.”*  
20 *[[Boyd v. Nebraska](#), 143 U.S. 135 (1892)]*

---

21  
22 **Rights Of Persons**

23 *No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or*  
24 *indictment of a Grand Jury, except in cases arising in the land or naval forces, or in the Militia, when in actual*  
25 *service in time of War or public danger; nor shall any person be subject for the same offence to be twice put in*  
26 *jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be*  
27 *deprived of life, liberty, or property, without due process of law; nor shall private property be taken for*  
28 *public use, without just compensation.*  
29 *[[Fifth Amendment Annotated](#)]*

30 **11.8 Those who OFFER property to you are a Merchant (Seller) under [U.C.C. §2-104\(1\)](#)**

31 [§ 2-104. Definitions: “Merchant”; “Between Merchants”; “Financing Agency”.](#)

32 *(1) “Merchant” means a person who deals in [goods](#) of the kind or otherwise by his occupation holds himself out*  
33 *as having knowledge or skill peculiar to the practices or goods involved in the transaction or to whom such*  
34 *knowledge or skill may be attributed by his employment of an agent or broker or other intermediary who by his*  
35 *occupation holds himself out as having such knowledge or skill.*  
36 *[[U.C.C. §2-104\(1\)](#)]*

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37  
38 [§ 2-103. Definitions and Index of Definitions.](#)

39 (d) “**Seller**” means a person who sells or [contracts](#) to sell [goods](#).  
40 *[[U.C.C. §2-103\(1\)\(d\)](#)]*

41 **11.9 The person RECEIVING the property is the Buyer under [U.C.C. §2-103\(1\)\(a\)](#)**

42 [§ 2-103. Definitions and Index of Definitions.](#)

43 (a) “**Buyer**” means a person who buys or [contracts](#) to buy [goods](#).  
44 *[[U.C.C. §2-103\(1\)\(a\)](#)]*

1 **11.10 The MERCHANT always prescribes ALL the terms of the offer and can withhold the**  
2 **property if those terms are not met. The withholding of the property is an exercise of the “right**  
3 **to exclude” aspect of ownership**

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

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

15 FOOTNOTES:

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

20 **11.11 You should always strive to be the Merchant in every business transaction to give yourself**  
21 **the upper hand**

22 “For the Lord your God will bless you just as He promised you; **you shall lend to many nations, but you shall**  
23 **not borrow;** you shall reign over many nations, but they shall not reign over you.”  
24 [Deut. 15:6, Bible, NKJV]

25 “The Lord will open to you His good treasure, the heavens, to give the rain to your land in its season, and to  
26 bless all the work of your hand. **You shall lend to many nations, but you shall not borrow.**”  
27 [Deut. 28:12, Bible, NKJV]

28 “**You shall not charge interest to your brother**—interest on money or food or anything that is lent out at  
29 interest.”  
30 [Deut. 23:19, Bible, NKJV]

31 “To a foreigner you may charge interest, but to your brother you shall not charge interest, that the Lord your  
32 God may bless you in all to which you set your hand in the land which you are entering to possess.”  
33 [Deut. 23:20, Bible, NKJV]

34 **11.12 You should NEVER allow the GOVERNMENT to act as a Merchant in relation to you**

35 “**You shall make no covenant [contract or franchise] with them [foreigners, pagans], nor with their [pagan**  
36 **government] gods [laws or judges].** They shall not dwell in your land [and you shall not dwell in theirs by  
37 becoming a “resident” or domiciliary in the process of contracting with them], lest they make you sin against Me  
38 [God]. For if you serve their [government] gods [under contract or agreement or franchise], it will surely be a  
39 snare to you.”  
40 [Exodus 23:32-33, Bible, NKJV]

41  
42 “I [God] brought you up from Egypt [slavery] and brought you to the land of which I swore to your fathers; and  
43 I said, ‘I will never break My covenant with you. And **you shall make no covenant [contract or franchise or**  
44 **agreement of ANY kind] with the inhabitants of this [corrupt pagan] land; you shall tear down their**  
45 **[man/government worshipping socialist] altars.**’ But you have not obeyed Me. Why have you done this?”

46 “Therefore I also said, **I will not drive them out before you; but they will become as thorns [terrorists and**  
47 **persecutors] in your side and their gods will be a snare [slavery!] to you.”**

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

[Judges 2:1-4, Bible, NKJV]

"We can hardly find a denial of due process in these circumstances, particularly since it is even doubtful that appellee's burdens under the program outweigh his benefits. It is hardly lack of due process for the Government to regulate that which it subsidizes."

[Wickard v. Filburn, 317 U.S. 111, 63 S.Ct. 82 (1942)]

"In the context of state taxation, the Due Process Clause limits States to imposing only taxes that "bear[r] fiscal relation to protection, opportunities and benefits given by the state." Wisconsin v. J. C. Penney Co. , 311 U.S. 435, 444, 61 S.Ct. 246, 85 L.Ed. 267 (1940). The power to tax is, of course, "essential to the very existence of government," McCulloch v. Maryland , 4 Wheat. 316, 428, 4 L.Ed. 579 (1819), but the legitimacy of that power requires drawing a line between taxation and mere unjustified "confiscation." Miller Brothers Co. v. Maryland , 347 U.S. 340, 342, 74 S.Ct. 535, 98 L.Ed. 744 (1954). **That boundary turns on "[t]he simple but controlling question ... whether the state has given anything for which it can ask return."** Wisconsin , 311 U.S. at 444, 61 S.Ct. 246."

[North Carolina Dept. of Revenue v. Kimberley Rice Kaestner 1992 Family Trust, 139 S. Ct. 2213, 2219-20 (2019)]

### **Here is what happens when you do:**

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

### **11.13 The CREATOR of a civil statutory privilege/right/franchise is ALWAYS the owner and the Merchant granting or selling PUBLIC property**

An act of CREATION is a legislative act in the context of government. The courts assign many different names to that act:

1. "Creation of"
2. "Creature of"
3. "Chartered by"
4. "Enacted by"
5. "Power of visitation and control" (control and ownership are synonymous)
6. "Power to destroy" or "death doing stroke" (that goes WITH the power to create)
7. "Life giving principle"
8. "Remedy is exclusive" (right to exclude is an aspect of absolute ownership of the thing that is legislatively created)

Below are some authorities on this subject:

#### ***Enumeration of Inalienable Rights***

Copyright Sovereignty Education and Defense Ministry, <http://sedm.org>  
Form 10.002, Rev. 11-14-2021

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



1 “What is a Constitution? It is the form of government, delineated by the mighty hand of the people, in which  
2 certain first principles of fundamental laws are established. The Constitution is certain and fixed; it contains the  
3 permanent will of the people, and is the supreme law of the land; it is paramount to the power of the Legislature,  
4 and can be revoked or altered only by the authority that made it. **The life-giving principle and the death-doing  
5 stroke must proceed from the same hand.**  
6 [\[VanHorne’s Lessee v. Dorrance, 2 U.S. 304 \(1795\)\]](#)

7 “The power to tax is the power to destroy.”  
8 [\[John Marshal, U.S. Supreme Court Justice \(M’Culloch v. Maryland, 4 Wheat. 316, 431\)\]](#)

9  
10 “These general rules are well settled:

11 **(1) That the United States, when it creates rights in individuals against itself, is under no obligation to**  
12 **provide a remedy through the courts.** United States ex rel. Dunlap v. Black, 128 U.S. 40; Ex parte Atocha, 17  
13 Wall. 439; Gordon v. United States, 7 Wall. 188, 195; De Groot v. United States, 5 Wall. 419, 431-433; Comegys  
14 v. Vasse, 1 Pet. 193, 212.

15 **(2) That, where a statute creates a right and provides a special remedy, that remedy is exclusive.** Wilder  
16 Manufacturing Co. v. Corn Products Co., 236 U.S. 165, 174-175; Arnson v. Murphy, 109 U.S. 238; Barnet v.  
17 National Bank, 98 U.S. 555, 558; Farmers’ & Mechanics’ National Bank v. Dearing, 91 U.S. 29, 35. Still, the fact  
18 that the right and the remedy are thus intertwined might not, if the provision stood alone, require us to hold that  
19 the remedy expressly given excludes a right of review by the Court of Claims, where the decision of the special  
20 tribunal involved no disputed question of fact and the denial of compensation was rested wholly upon the  
21 construction of the act. See Medbury v. United States, 173 U.S. 492, 198; Parish v. MacVeagh, 214 U.S. 124;  
22 McLean v. United States, 226 U.S. 374; United States v. Laughlin, 249 U.S. 440. “  
23 [\[United States v. Babcock, 250 U.S. 328 \(1919\)\]](#)

24 “If the time shall ever arrive when, for an object appealing, however strongly, to our sympathies, the dignity of  
25 the States shall bow to the dictation of Congress by conforming their legislation thereto, **when the power and  
26 majesty and honor of those who created shall become subordinate to the thing of their creation, I but feebly  
27 utter my apprehensions when I express my firm conviction that we shall see “the beginning of the end.”**  
28 [\[Steward Machine Co. v. Davis, 301 U.S. 548 \(1937\)\]](#)

29 “**A State does not owe its origin to the Government of the United States, in the highest or in any of its**  
30 **branches. It was in existence before it. It derives its authority from the same pure and sacred source as**  
31 **itself: The voluntary and deliberate choice of the people.**...A State is altogether exempt from the jurisdiction  
32 of the Courts of the United States, or from any other exterior authority, unless in the special instances when the  
33 general Government has power derived from the Constitution itself.”  
34 [\[Chisholm v. Georgia, 2 Dall. \(U.S.\) 419 \(Dall.\) \(1794\)\]](#)

35 “**The great principle is this: because the constitution will not permit a state to destroy, it will not permit a**  
36 **law involving the power to destroy.** In order to show that the case turned entirely on that point, let us suppose  
37 that the court had arrived to the conclusion that the bank [The Bank of the United States located in the state of  
38 Maryland] was an authorized instrument of government; but that it was not the intention of the constitution to  
39 prohibit the states from interfering with those instruments: would it not have been necessary to have decided that  
40 the Maryland act was constitutional? Of what importance was it that the bank was an authorized means of power,  
41 other than this, that it afforded a key to the meaning of the constitution? If the bank was a legitimate and proper  
42 instrument of power, then the constitution intended to protect it. If not, then no protection was intended. The  
43 question, whether it was a necessary and proper means, was auxiliary to the great question, whether the  
44 constitution intended to shelter it; and when the court arrived to the conclusion that such protection was intended,  
45 they interfered not in behalf of the bank, but in behalf of the sanctuary to which it had fled. **They decided against**  
46 **the tax; because the subject had been placed beyond the power of the states, by the constitution. They**  
47 **decided, not on account of the subject, but on account of the power that protected it; they decided that a**  
48 **prohibition against destruction was a prohibition against a law involving the power of destruction.**”  
49 [\[Providence Bank v. Billings, 29 U.S. 514 \(1830\)\]](#)

50 “Woe to him who strives with his Maker! Let the potsherd strive with the potsherd of the earth! Shall the clay  
51 say to him who forms it, ‘What are you making?’ Or shall your handiwork say, ‘He has no hands?’ Who to him  
52 who says to his father, ‘What are you begetting?’ Or to the woman, ‘What have you brought forth?’”  
53 [\[Isaiah 45:9-10, Bible, NKJV\]](#)

54  
55 “While an individual may lawfully refuse to answer incriminating questions unless protected by an immunity  
56 statute, **a corporation is a creature of the State, and there is a reserved right in the legislature to investigate its**  
57 **contracts and find out whether it has exceeded its powers.**



1 There is a clear distinction between an individual and a corporation, and **the latter, being a creature of the State,**  
2 **has not the constitutional right to refuse to submit its books and papers for an examination at the suit of the**  
3 **State; and an officer of a corporation which is charged with criminal violation of a statute cannot plead the**  
4 **criminality of the corporation as a refusal to produce its books.**

5 *Franchises of a corporation chartered by a State are, so far as they involve questions of interstate commerce,*  
6 *exercised in subordination to the power of Congress to regulate such commerce; and while Congress may not*  
7 *have general visitatorial power over state corporations, its powers in vindication of its own laws are the same as*  
8 *if the corporation had been created by an act of Congress.*  
9 [*Hale v. Henkel, 201 U.S. 43 (1906)*]

10 See also:

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

11 More at:

*Sovereignty Forms and Instructions Online*, Form #10.004, Cites by Topic: “rights”  
<https://famguardian.org/TaxFreedom/CitesByTopic/rights.htm>

12 **11.14 A statutory civil right (which is PUBLIC PROPERTY) exercised against a fiction of law**  
13 **(straw man, Form #05.042) such as a “person” is a right exercised against the**  
14 **GRANTOR/CREATOR of the OFFICE, and not the human(s) FILLING the office**

15 This is an outgrowth of the law of agency. Thus, a civil statute used as a remedy in court against someone else is a remedy  
16 against the GOVERNMENT GRANTOR/CREATOR of the right, and not the OFFICER filling the office to which the  
17 PUBLIC right attaches. The CREATOR is the OWNER, and the OWNER of the right is the person legally RESPONSIBLE  
18 for its effect on others.

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

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

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

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

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

33 They use the phrase “*it is open to or exercisable by all persons*”, but they can ONLY mean all human beings consensually  
34 domiciled in the forum and EXCLUDING those who are NOT. In other words, VOLUNTARY CLUB MEMBERS.  
35 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>

36 STATUTORY persons always require a domicile within the CIVIL jurisdiction of a geographical region. That domicile must  
37 be CONSENSUAL (Form #05.003). If you don’t consent to a domicile (Form #05.002) in the forum or venue, the only

1 CIVIL protection you have is the CONSTITUTION and the COMMON LAW and [STATUTORY CIVIL law \(Form #05.037\)](#) DOES NOT and CANNOT APPLY. See:

*Why Statutory Civil Law is Law for Government and Not Private Persons*, Form #05.037  
<https://sedm.org/Forms/FormIndex.htm>

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

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

9 You CANNOT be a CONSTITUTIONAL “person” and a STATUTORY “person” at the SAME time:

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

13 *“The words “privileges” and “immunities,” like the greater part of the legal phraseology of this country, have*  
14 *been carried over from the law of Great Britain, and recur constantly either as such or in equivalent expressions*  
15 *from the time of Magna Charta. For all practical purposes they are synonymous in meaning, and originally*  
16 *signified a peculiar right or private law conceded to particular persons or places **whereby a certain individual***  
17 ***or class of individuals was exempted from the rigor of the common law.** Privilege or immunity is conferred*  
18 *upon any person when he is invested with a legal claim to the exercise of special or peculiar rights, authorizing*  
19 *him to enjoy some particular advantage or exemption. “*  
20 *[The Privileges and Immunities of State Citizenship, Roger Howell, PhD, 1918, pp. 9-10;SOURCE:*  
21 [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)  
22 *f]*

23 \_\_\_\_\_  
24 FOOTNOTES:

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

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

31 More at:

- 32 1. [Proof that “Publici Juris”/PUBLIC RIGHTS Include the ENTIRE Civil Code, SEDM](#)  
33 <https://sedm.org/proof-that-publici-juris-includes-the-entire-civil-code/>
- 34 2. [Enumeration of Inalienable Rights](#), Form #10.002, Section 9.2: The “Publici Juris” or “Public Rights” Scam  
35 <https://sedm.org/Forms/10-Emancipation/EnumRights.pdf>
- 36 3. [Sovereignty Forms and Instructions Online](#), Form #10.004, Cites by Topic: “public office”  
37 <https://famguardian.org/TaxFreedom/CitesByTopic/PublicOffice.htm>
- 38 4. [Why Statutory Civil Law is Law for Government and Not Private Persons](#), Form #05.037 (PDF)  
39 <https://sedm.org/Forms/05-MemLaw/StatLawGovt.pdf>
- 40 5. [Proof That There Is a “Straw Man”](#), Form #05.042 (PDF)  
41 <https://sedm.org/Forms/05-MemLaw/StrawMan.pdf>

1 **11.15 If you use a civil statutory fictional office for private gain, the creator of the office is the**  
2 **owner of all income and property attached to the office through the use of the franchise mark,**  
3 **the Social Security Number or Taxpayer Identification Number**

4 They must reward you with a portion of the PUBLIC property attached to the office to induce you to volunteer for the office  
5 to begin with. Thus, a “[trade or business](#)” partnership is established between you, the PRIVATE and them the PUBLIC to  
6 remit the “kickback”. This is called a “[return](#)”.

7 “The term ‘trade or business’ [includes](#) the performance of the functions of a public office.”  
8 [[26 U.S.C. § 7701\(a\)\(26\)](#)]

9 More at:

- 10 1. [Sovereignty Forms and Instructions Online](#), Form #10.004, Cites by Topic: “trade or business”  
11 <https://famguardian.org/TaxFreedom/CitesByTopic/TradeOrBusiness.htm>  
12 2. [About SSNs and TINs on Government Forms and Correspondence](#), Form #05.012 (PDF)  
13 <https://sedm.org/Forms/05-MemLaw/AboutSSNsAndTINs.pdf>  
14 3. [About SSNs and TINs on Government Forms and Correspondence](#), Form #07.004 (HTML)  
15 <https://sedm.org/Forms/04-Tax/I-Procedure/AboutSSNs/AboutSSNs.htm>

16 **11.16 How to DESTROY all private property and private rights and make us all public servants**  
17 **whether we want to be or not**

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

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

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

34 \_\_\_\_\_  
35 \_\_\_\_\_  
36 **“For the love of money [and even government “benefits”, which are payments] is the root of all evil: which**  
37 **while some coveted after, they have erred from the faith, and pierced themselves through with many sorrows. But**  
38 **thou, O man of God, flee these things; and follow after righteousness, godliness, faith, love, patience,**  
39 **meekness. Fight the good fight of faith, lay hold on eternal life, whereunto thou art also called,**  
40 **and hast professed a good profession before many witnesses.”**  
41 [[1 Timothy 6:5-12](#), Bible, NKJV]

42 \_\_\_\_\_  
43 \_\_\_\_\_  
44 “A tax, in the general understanding of the term and as used in the constitution, signifies an exaction for the  
45 support of the government. The word has never thought to connote the expropriation of money from one group  
46 for the benefit of another.”  
47 [U.S. v. Butler, [297 U.S. 1](#) (1936)]

1 “To lay with one hand the power of government on the property of the citizen, and with the other to bestow  
2 it on favored individuals.. is none the less robbery because it is done under the forms of law and is called  
3 taxation. This is not legislation. It is a decree under legislative forms.”  
4 [Loan Association v. Topeka, 20 Wall. 655 (1874)]

## 5 **12. Other Restraints Upon The Government**

6 The following represent absolute prohibitions upon the actions of the government identified by the U.S. Supreme Court.  
7 They are not “rights” per se, but they are intended to protect rights:

### 8 **12.1 Restraints upon all branches of government**

9 For further information beyond that indicated in the following subsections, refer to the following:

- 10 1. Woe to You Lawyers!-Fred Rodell. A Professor of Law at Yale University explains how the legal profession is a big  
11 fraud.  
12 [http://famguardian.org/Publications/WoeToYouLawyers/woe\\_onto\\_you\\_lawyers.pdf](http://famguardian.org/Publications/WoeToYouLawyers/woe_onto_you_lawyers.pdf)
- 13 2. Federal Usurpation-Franklin Pierce. Extensive documentation of the destruction of the constitution and treason within  
14 the government  
15 <http://famguardian.org/Publications/FederalUsurpation/FederalUsurpation.pdf>

#### 16 **12.1.1 Legislature may not pass and judiciary may not enforce any law that violates natural law**

17 *In Hooker v. Canal Co.,*<sup>37</sup> a Connecticut case, the court say:

18 *‘The fundamental maxims of a free government require that the right of personal liberty and private property*  
19 *should be held sacred.’*

20 *They cite and approve the expressions of Marshall, C. J., in Fletcher v. Peck:*<sup>38</sup>

21 *‘And it may well be doubted whether the nature of society and of government does not prescribe some limits to*  
22 *the legislative power,’ &c.*

23 *This whole subject is fully treated in the late decision of Booth v. Woodbury,*<sup>39</sup> *where it is expressly held that*  
24 *the legislature can pass no laws contrary to the ‘principles of natural justice.’*

25 *All these cases, and the jurisprudence of Connecticut on* \*133 *this subject, are in harmony with and in fact*  
26 *founded upon the case of Calder v. Bull,*<sup>40</sup> *a case which went from Connecticut to this court; and the expressions*  
27 *in Goshen v. Stonington are almost identical with those of Mr. Justice Chase, where he says:*

28 *‘I cannot subscribe to the omnipotence of a State legislature, or that it is absolute and without control, although*  
29 *its authority should not be expressly restrained by the constitution or fundamental law of the State.’*

30 *\*\*13 But both in this court and many of the State courts the same rule is applied.*<sup>41</sup>

31 *A case quite in point is Brown v. Hummel,*<sup>42</sup> *in the Supreme Court of Pennsylvania. There a devise of land was*  
32 *made to an orphan asylum, with a provision that the land be never sold, but the rents and profits only be applied*  
33 *to the use of the asylum. The legislature, by a special act, directed that part of the land be sold.*

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<sup>37</sup> [FN34 14 Connecticut, 152](#); and see *Gas Co. v. Gas Co.*, [25 Id. 38](#), and *Hotchkiss v. Porter*, [30 Id. 418](#).

<sup>38</sup> [FN35 5 Cranch, 185](#).

<sup>39</sup> [FN36 32 Connecticut, 118](#).

<sup>40</sup> [FN37 3 Dallas, 386](#).

<sup>41</sup> [FN38 Terrett v. Taylor, 9 Cranch, 43](#); *Wilkeson v. Leland*, 2 Pet. 657; *Irvine's Appeal*, 16 Pennsylvania State, 256; *Shoenberger v. School District*, [32 Id. 34](#); *Railroad Co. v. Davis*, 2 Devereux & Battle, 451; *Hatch v. Vermont Railroad*, 25 Vermont, 49; [Benson v. Mayor, &c., 10 Barbour, 223](#); *Regent's University v. Williams*, 9 Gill & Johnson, 365; *Billings v. Hall*, 7 California, 1.

<sup>42</sup> [FN39 6 Pennsylvania State, 86](#).

1 The court held unanimously that the act was void and unconstitutional.

2 If the legislature can, by a special act, dispense with the performance of one condition of a devise, they can with  
3 any.

4 Such an act as this is different from those enabling or healing acts often passed, such as those authorizing a sale  
5 of minors' lands, or those of lunatics, &c. In all such cases they merely remove a personal disability.<sup>43</sup> Acts, too,  
6 will be cited on the other side in which power has been given to corporations to sell, where in the gifts to them  
7 no such power was expressly given. Such cases are from the purpose. \*134 To say nothing about the  
8 constitutionality or safety of this sort of legislation in general, it may be noted that in many cases the legislature  
9 has only aided an intent of a donor left unexpressed or but insufficiently given, or cases in which perhaps the  
10 legislature was itself the donor. But can any case be found where, without the assent of the heirs, a power to  
11 destroy the identity and substance of the gift has been given in any case where it was plain that the testator meant  
12 to keep the land in specie, forever undivided in the corporation, beneficiary, and devisee? What is proper to be  
13 done in any case where heirs may have an interest, and what the legislature of Connecticut itself has done, may  
14 be seen in the Acts of Connecticut, May Sessions, 1850, at page 82. There Thaddeus and Eunice Burr, she owning  
15 it, had granted a lot for a parsonage. An act reciting that the land was not now and never could be wanted for a  
16 parsonage, and that a sale was desirable and expedient, authorized a sale. But how? It declares the sale is to be  
17 made 'with the assent of the heirs of the said Eunice;' and the act authorized the heirs to release a condition in  
18 the deed, in the presence of witnesses; and such release, it was enacted, 'shall operate to forever estop said heirs,  
19 and all claiming under them.' This is the right way; and in no other way, assuredly, in a case like the present,  
20 could a sale be authorized and the right of property in the heirs be duly respected.

21 \*\*14 It will be argued that a legislature has power as parens patriae to interfere and authorize a sale of land in  
22 cases like the one at bar; but the authorities say that the legislatures in this country have no such power.

23 In Moore v. Moore,<sup>44</sup> a Kentucky case, the court say:

24 'We do not admit that the commonwealth as parens patriae can rightfully interfere, unless there has been an  
25 escheat to her, and then she can become absolute and beneficial owner. Rights here are regulated by law, and  
26 if any person has a claim to property ineffectually dedicated to charity, the commonwealth has \*135 no  
27 prerogative right to decide on that claim and dispose of the property, as the King of England has been permitted  
28 to do.'  
29 [Stanley v. Colt, 72 U.S. 119, 1866 WL 9404 (U.S.,1866)]

30 If you would like a summary of all the principles of natural law referred to in the above case, see:

[Principles of Natural and Politic Law](http://famguardian.org/PublishedAuthors/Indiv/BurlamaquiJJ/burla_.htm), J.J. Burlamaqui  
[http://famguardian.org/PublishedAuthors/Indiv/BurlamaquiJJ/burla\\_.htm](http://famguardian.org/PublishedAuthors/Indiv/BurlamaquiJJ/burla_.htm)

### 31 **12.1.2 Government cannot do indirectly what it cannot do directly**

32 "I turn now to the arguments by which the constitutionality of the act of Congress has been attempted to be  
33 supported. It is said that, though Congress cannot directly abrogate contracts, or impair their obligation, it may  
34 indirectly, by the exercise of other powers granted to it. This I have conceded, but **I deny that an acknowledged**  
35 **power can be exerted solely for the purpose of effecting indirectly an unconstitutional end which the legislature**  
36 **cannot directly attempt to reach. If the purpose were declared in the act, I think no court would hesitate to**  
37 **pronounce the act void. In Hoke v. Harderson, to which I have referred, Chief Justice Ruffin, when**  
38 **considering at length an argument that a legislature could purposely do indirectly what it could not do directly,**  
39 **used this strong language: 'The argument is unsound in this, that it supposes (what cannot be admitted as a**  
40 **supposition) the legislature will, designedly and wilfully, violate the Constitution, in utter disregard of their**  
41 **oaths and duty. To do indirectly in the abused exercise of an acknowledged power, not given for, but perverted**  
42 **for that purpose, that which is expressly forbidden to be done directly, is a gross and wicked infraction of the**  
43 **Constitution.'**"  
44 [Sinking Fund Cases, 99 U.S. 700, (1878) ]

### 45 **12.1.3 Government cannot use its taxing powers to take from A and give to B**

46 \*\*7 Of all the powers conferred upon government that of taxation is most liable to abuse. Given a purpose or  
47 object for which taxation may be lawfully used and the extent of its exercise is in its very nature unlimited. It is  
48 true that express limitation on the amount of tax to levied or the things to be taxed may be imposed by constitution  
49 or statute, but in most instances for which taxes are levied, as the support of government, the prosecution of war,

<sup>43</sup> FN40 Powers v. Bergen, 2 Selden, 358; Shoenberger v. School District, 32 Pennsylvania State, 34; Leggett v. Hunter, 5 E. P. Smith, 445.

<sup>44</sup> FN41 4 Dana, 366; and see Lepage v. McNamara, 5 Clarke (Iowa), 124, and White v. Fisk, 22 Connecticut, 31(54).



1 the National defence, any limitation is unsafe. The entire resources of the people should in some instances be at  
2 the disposal of the government.

3 The power to tax is, therefore, the strongest, the most pervading of all the powers of government, reaching directly  
4 or indirectly to all classes of the people. It was said by Chief Justice Marshall, in the case of McCulloch v. The  
5 State of Maryland,<sup>45</sup> that the power to tax is the power to destroy. A striking instance of the truth of the  
6 proposition is seen in the fact that the existing tax of ten per cent. imposed by the United States on the circulation  
7 of all other banks than the National banks, drove out of existence every <sup>\*664</sup> State bank of circulation within a  
8 year or two after its passage. This power can as readily be employed against one class of individuals and in  
9 favor of another, so as to ruin the one class and give unlimited wealth and prosperity to the other, if there is  
10 no implied limitation of the uses for which the power may be exercised.

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

15 Nor is it taxation. A 'tax,' says Webster's Dictionary, 'is a rate or sum of money assessed on the person or  
16 property of a citizen by government for the use of the nation or state.' 'Taxes are burdens or charges imposed  
17 by the legislature upon persons or property to raise money for public purposes.'<sup>46</sup>

18 Coulter, J., in Northern Liberties v. St. John's Church,<sup>47</sup> says, very forcibly, 'I think the common mind has  
19 everywhere taken in the understanding that taxes are a public imposition, levied by authority of the government  
20 for the purpose of carrying on the government in all its machinery and operations-that they are imposed for a  
21 public purpose.'

22 **\*\*8 We have established, we think, beyond cavil that there can be no lawful tax which is not laid for a public**  
23 **purpose.**  
24 [Citizens' Savings & Loan Ass'n v. City of Topeka, 87 U.S. 655 (1874)]  
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26 Whether the Legislature of any of the States can revise and correct by law, a decision of any of its Courts of  
27 Justice, although not prohibited by the Constitution of the State, is a question of very great importance, and not  
28 necessary NOW to be determined; because the resolution or law in question does not go so far. I cannot subscribe  
29 to the omnipotence of a State <sup>\*388</sup> Legislature, or that it is absolute and without control; although its authority  
30 should not be expressly restrained by the Constitution, or fundamental law, of the State. The people of the United  
31 States erected their Constitutions, or forms of government, to establish justice, to promote the general welfare, to  
32 secure the blessings of liberty; and to protect their persons and property from violence. The purposes for which  
33 men enter into society will determine the nature and terms of the social compact; and as they are the foundation  
34 of the legislative power, they will decide what are the proper objects of it: The nature, and ends of legislative  
35 power will limit the exercise of it. This fundamental principle flows from the very nature of our free Republican  
36 governments, that no man should be compelled to do what the laws do not require; nor to refrain from acts which  
37 the laws permit. **There are acts which the Federal, or State, Legislature cannot do, without exceeding their**  
38 **authority. There are certain vital principles in our free Republican governments, which will determine and**  
39 **over-rule an apparent and flagrant abuse of legislative power; as to authorize manifest injustice by positive**  
40 **law; or to take away that security for personal liberty, or private property, for the protection whereof of the**  
41 **government was established. An ACT of the Legislature (for I cannot call it a law) contrary to the great first**  
42 **principles of the social compact, cannot be considered a rightful exercise of legislative authority.** The obligation  
43 of a law in governments established on express compact, and on republican principles, must be determined by  
44 the nature of the power, on which it is founded. A few instances will suffice to explain what I mean. A law that  
45 punished a citizen for an innocent action, or, in other words, for an act, which, when done, was in violation of no  
46 existing law; a law that destroys, or impairs, the lawful private contracts of citizens; a law that makes a man a  
47 Judge in his own cause; **or a law that takes property from A. and gives it to B: It is against all reason and**  
48 **justice, for a people to entrust a Legislature with SUCH powers; and, therefore, it cannot be presumed that**  
49 **they have done it. The genius, the nature, and the spirit, of our State Governments, amount to a prohibition of**  
50 **such acts of legislation; and the general principles of law and reason forbid them.** The Legislature may enjoin,  
51 permit, forbid, and punish; they may declare new crimes; and establish rules of conduct for all its citizens in  
52 future cases; they may command what is right, and prohibit what is wrong; but they cannot change innocence  
53 into guilt; or punish innocence as a crime; or violate the right of an antecedent lawful private contract; or the  
54 right of private property. To maintain that our Federal, or State, Legislature possesses such powers, if they had  
55 not been expressly restrained; would, <sup>\*389</sup> in my opinion, be a political heresy, altogether inadmissible in our  
56 free republican governments.  
57 [Calder v. Bull, 3 U.S. 386, (1798)]

<sup>45</sup> FN5 4 Wheaton 431.

<sup>46</sup> FN6 Cooley on Constitutional Limitations, 479.

<sup>47</sup> FN7 13 Pennsylvania State, 104; see also Pray v. Northern Liberties, 31 Id. 69; Matter of Mayor of New York, 11 Johnson, 77; Camden v. Allen, 2 Dutcher, 398; Sharpless v. Mayor of Philadelphia, supra; Hanson v. Vernon, 27 Iowa, 47; Whiting v. Fond du Lac, 25 Wisconsin, 188.



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*In Calder v. Bull, which was here in 1798, Mr. Justice Chase said, that there were acts which the Federal and State legislatures could not do without exceeding their authority, and among them he mentioned a law which punished a citizen for an innocent act; a law that destroyed or impaired the lawful private contracts of citizens; a law that made a man judge in his own case; and a law that took the property from A. and gave it to B. 'It is against all reason and justice,' he added, 'for a people to intrust a legislature with such powers, and therefore it cannot be presumed that they have done it. They may command what is right and prohibit what is wrong; but they cannot change innocence into guilt, or punish innocence as a crime, or violate the right of an antecedent lawful private contract, or the right of private property. To maintain that a Federal or State legislature possesses such powers if they had not been expressly restrained, would, in my opinion, be a political heresy altogether inadmissible in all free republican governments.' 3 Dall. 388. [Sinking Fund Cases, 99 U.S. 700, (1878) ]*

#### 13 **12.1.4 Government may not punish citizens for innocent acts or turn innocence into guilt**

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*Whether the Legislature of any of the States can revise and correct by law, a decision of any of its Courts of Justice, although not prohibited by the Constitution of the State, is a question of very great importance, and not necessary NOW to be determined; because the resolution or law in question does not go so far. I cannot subscribe to the omnipotence of a State \*388 Legislature, or that it is absolute and without control; although its authority should not be expressly restrained by the Constitution, or fundamental law, of the State. The people of the United States erected their Constitutions, or forms of government, to establish justice, to promote the general welfare, to secure the blessings of liberty; and to protect their persons and property from violence. The purposes for which men enter into society will determine the nature and terms of the social compact; and as they are the foundation of the legislative power, they will decide what are the proper objects of it: The nature, and ends of legislative power will limit the exercise of it. This fundamental principle flows from the very nature of our free Republican governments, that no man should be compelled to do what the laws do not require; nor to refrain from acts which the laws permit. There are acts which the Federal, or State, Legislature cannot do, without exceeding their authority. There are certain vital principles in our free Republican governments, which will determine and over-rule an apparent and flagrant abuse of legislative power; as to authorize manifest injustice by positive law; or to take away that security for personal liberty, or private property, for the protection whereof of the government was established. An ACT of the Legislature (for I cannot call it a law) contrary to the great first principles of the social compact, cannot be considered a rightful exercise of legislative authority. The obligation of a law in governments established on express compact, and on republican principles, must be determined by the nature of the power, on which it is founded. A few instances will suffice to explain what I mean. A law that punished a citizen for an innocent action, or, in other words, for an act, which, when done, was in violation of no existing law; a law that destroys, or impairs, the lawful private contracts of citizens; a law that makes a man a Judge in his own cause; or a law that takes property from A. and gives it to B: It is against all reason and justice, for a people to entrust a Legislature with SUCH powers; and, therefore, it cannot be presumed that they have done it. The genius, the nature, and the spirit, of our State Governments, amount to a prohibition of such acts of legislation; and the general principles of law and reason forbid them. The Legislature may enjoin, permit, forbid, and punish; they may declare new crimes; and establish rules of conduct for all its citizens in future cases; they may command what is right, and prohibit what is wrong; but they cannot change innocence into guilt; or punish innocence as a crime; or violate the right of an antecedent lawful private contract; or the right of private property. To maintain that our Federal, or State, Legislature possesses such powers, if they had not been expressly restrained; would, \*389 in my opinion, be a political heresy, altogether inadmissible in our free republican governments. [Calder v. Bull, 3 U.S. 386, (1798)]*

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*In Calder v. Bull, which was here in 1798, Mr. Justice Chase said, that there were acts which the Federal and State legislatures could not do without exceeding their authority, and among them he mentioned a law which punished a citizen for an innocent act; a law that destroyed or impaired the lawful private contracts of citizens; a law that made a man judge in his own case; and a law that took the property from A. and gave it to B. 'It is against all reason and justice,' he added, 'for a people to intrust a legislature with such powers, and therefore it cannot be presumed that they have done it. They may command what is right and prohibit what is wrong; but they cannot change innocence into guilt, or punish innocence as a crime, or violate the right of an antecedent lawful private contract, or the right of private property. To maintain that a Federal or State legislature possesses such powers if they had not been expressly restrained, would, in my opinion, be a political heresy altogether inadmissible in all free republican governments.' 3 Dall. 388. [Sinking Fund Cases, 99 U.S. 700, (1878) ]*

#### 58 **12.1.5 Government cannot hold a man accountable to a law without giving him “reasonable notice” of what he will be held accountable for in advance of any penalties**

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60 This concept is exhaustively explained below:

## 12.2 Restraints upon the Judiciary

For further information beyond that indicated in the following subsections, refer to the following:

1. Catalog of U.S. Supreme Court Doctrines, Litigation Tool #10.020. Limitations upon how the U.S. Supreme Court must deal with rights and remedies.  
<https://sedm.org/Litigation/LitIndex.htm>
2. Code of Conduct for U.S. Judges, Federal Judicial Center  
<http://www.uscourts.gov/RulesAndPolicies/CodesOfConduct/CodeConductUnitedStatesJudges.aspx>
3. What Happened to Justice?, Sovereignty Education and Defense Ministry-proves why we don't have an Article III judiciary and why the courts we do have are in the Executive branch.  
<http://sedm.org/ItemInfo/Ebooks/WhatHappJustice/WhatHappJustice.htm>
4. Global Corruption Report-Corruption throughout the world in the judiciary  
[http://www.transparency.org/publications/gcr/download\\_gcr](http://www.transparency.org/publications/gcr/download_gcr)
5. Recusal: Analysis of Case Law Under 28 U.S.C. § 455 & 144-Federal Judicial Center (FJC)  
<http://famguardian.org/PublishedAuthors/Govt/FJC/Recusal.pdf>

### 12.2.1 No litigant may be deprived of "due process of law"

The U.S. Supreme Court has said the following about "due process" in the context of tax proceedings:

Exactly what due process of law requires in the assessment and collection of general taxes has never been decided by this court, although we have had frequent occasion to hold that, in proceedings for the condemnation of land under the laws of eminent domain, or for the imposition of special taxes for local improvements, notice to the owner at some stage of the proceedings, as well as an opportunity to defend, is essential. [Cites omitted.] But laws for the assessment and collection of general taxes stand upon a somewhat different footing, and are construed with the utmost liberality, sometimes even to the extent of holding that no notice whatever is necessary. Due process of law was well defined by Mr. Justice Field in *Hagar v. Reclamation Dist., No. 108*, 111 U.S. 701, 28 L.Ed. 569, 4 Sup.Ct.Rep. 663, in the following words: "It is sufficient to observe here, that by 'due process' is meant one which, following the forms of law, is appropriate to the case, and just to the parties to be affected. It must be pursuant in the ordinary mode prescribed by the law; it must be adapted to the end to be attained; and wherever it is necessary for the protection of the parties, it must give them an opportunity to be heard respecting the justice of the judgment sought. The clause in question means, therefore, that there can be no proceeding against life, liberty, or property which may result in deprivation of either, without the observance of those general rules established in our system of jurisprudence for the security of private rights."

Under the Fourth Amendment, the legislature is bound to provide a method for the assessment and collection of taxes that shall not be inconsistent with natural justice; but it is not bound to provide that the particular steps of a procedure for the collection of such taxes shall be proved by written evidence; and it may properly impose upon the taxpayer the burden of showing that in a particular case the statutory method was not observed."  
[*Turpin v. Lemon*, 187 U.S. 51, 23 S.Ct. 20 (1902)]

In the context of legal proceedings generally, "due process" is defined as follows:

Due process of law. Law in its regular course of administration through courts of justice. Due process of law in each particular case means such an exercise of the powers of the government as the settled maxims of law permit and sanction, and under such safeguards for the protection of individual rights as those maxims prescribe for the class of cases to which the one in question belongs. A course of legal proceedings according to those rules and principles which have been established in our systems of jurisprudence for the enforcement and protection of private rights. To give such proceedings any validity, there must be a tribunal competent by its constitution—that is, by the law of the creation—to pass upon the subject-matter of the suit; and, if that involves merely a determination of the personal liability of the defendant, he must be brought within its jurisdiction by service of process within the state, or his voluntary appearance. *Pennoy v. Neff*, 95 U.S. 714, 24 L.Ed. 565. Due process of law implies the right of the person affected thereby to be present before the tribunal which pronounces judgment upon the question of life, liberty, or property, in its most comprehensive sense; to be heard, by testimony or otherwise, and to have the right of controverting, by proof, every material fact which bears on the question of right in the matter involved. If any question of fact or liability be conclusively be presumed [rather than proven] against him, this is not due process of law.

1 An orderly proceeding wherein a person with notice, actual or constructive, and has an opportunity to be heard  
2 and to enforce and protect his rights before a court having the power to hear and determine the case. *Kazubowski*  
3 v. *Kazubowski*, 45 Ill.2d. 405, 259 N.E.2d. 282, 290. Phrase means that no person shall be deprived of life,  
4 liberty, property or of any right granted him by statute, unless matter involved first shall have been adjudicated  
5 against him upon trial conducted according to established rules regulating judicial proceedings, and it forbids  
6 condemnation without a hearing. *Pettit v. Penn*, LaApp., 180 So.2d 66, 69. The concept of "due process of law"  
7 as it is embodied in the Fifth Amendment demands that a law shall not be unreasonable, arbitrary, or capricious  
8 and that the means selected shall have a reasonable and substantial relation to the object being sought. *U.S. v.*  
9 *Smith*, D.C.Iowa, 249 F.Supp. 515, 516. Fundamental requisite of "due process of law" is the opportunity to be  
10 heard, to be aware that a matter is pending, to make an informed choice whether to acquiesce or contest, and to  
11 assert before the appropriate decision-making body the reasons for such choice. *Trinity Episcopal Corp. v.*  
12 *Romney*, D.C.N.Y., 387 F.Supp. 1044, 1084. Aside from all else, "due process" means fundamental fairness and  
13 substantial justice. *Vaughn v. State*, 3 Tenn.Crim.App. 54, 456 S.W.2d 879, 883.

14 Embodied in the due process concept are the basic rights of a defendant in criminal proceedings and the requisites  
15 for a fair trial. These rights and requirements have been expanded by Supreme Court decisions and include,  
16 timely notice of a hearing or trial which informs the accused of the charges against him or her; the opportunity  
17 to confront accusers and to present evidence on one's own behalf before an impartial jury or judge; the  
18 presumption of innocence under which **guilt must be proven by legally obtained evidence** and the verdict must  
19 be supported by the evidence presented; rights at the earliest stage of the criminal process; and the guarantee  
20 that an individual will not be tried more than once for the same offence (double jeopardy).  
21 [Black's Law Dictionary, Sixth Edition, p. 500]

22 Due process is the lawful means by which the government protects your right to private property.

23 "The guaranty of due process of law is one of the most important to be found in the Federal Constitution or any  
24 of the Amendments; *Ulman v. Mayor, etc. of Baltimore*, 72 Md. 587, 20 A. 141, *aff'd* 165 U.S. 719, 41 L.Ed. 1184,  
25 17 S.Ct. 1001. It has been described as the very essence of a scheme of ordered justice, *Brock v. North Carolina*,  
26 344 U.S. 424, 97 L.Ed. 456, 73 S.Ct. 349 and it has been said that without it the right to private property could  
27 not be said to exist, in the sense in which it is known to our laws.  
28 [*Ochoa v. Hernandez y Morales*, [230 U.S. 139](#), 57 L Ed 1427, 33 S Ct 1033]

29 Due process includes or implies all the minimum elements indicated below, in addition to several other elements not  
30 mentioned here:

31 1. Reasonable notice of the pendency of the suit or proceedings. See:

32 "It is sufficient to say that there are certain immutable principles of justice which inhere in the very idea of free  
33 government which no member of the Union may disregard, as that **no man shall be condemned in his person or**  
34 **property without due notice and an opportunity of being heard in his own defense.**"  
35 [*Holden v. Hardy*, [169 U.S. 366](#) (1898)]

36 "An elementary and fundamental requirement of due process in any proceeding which is to be accorded finality  
37 is notice reasonably calculated, under all circumstances, to apprise interested parties of the pendency of the  
38 action and afford them an opportunity to present their objections." *Mullane v. Central Hanover Bank & Trust*  
39 *Co.*, 339 U.S. 306, 314 (1950). Without proper prior notice to those who may be affected by a government  
40 decision, all other procedural rights may be nullified. The exact contents of the notice required by due process  
41 will, of course, vary with the circumstances.  
42 [*Administrative Law and Process in a Nutshell*, Ernest Gellhorn, 1990, West Publishing, p. 214]

43 2. An opportunity for a hearing prior to being deprived of property.

44 "This analysis as to liberty parallels the accepted due process analysis as to property. **The Court has consistently**  
45 **held that some kind of hearing is required at some time before a person is finally deprived of his property** [418  
46 U.S. 539, 558] **interests**. *Anti-Fascist Committee v. McGrath*, [341 U.S. 123, 168](#) (1951) (*Frankfurter, J.*,  
47 *concurring*). The requirement for some kind of a hearing applies to the taking of private property, *Grannis v.*  
48 *Ordean*, [234 U.S. 385](#) (1914), the revocation of licenses, *In re Ruffalo*, [390 U.S. 544](#) (1968), the operation of state  
49 dispute-settlement mechanisms, when one person seeks to take property from another, or to government-created  
50 jobs held, absent "cause" for termination, *Board of Regents v. Roth*, [408 U.S. 564](#) (1972); *Arnett v. Kennedy*, [416](#)  
51 [U.S. 134, 164](#) (1974) (*POWELL, J., concurring*); *id.*, at 171 (*WHITE, J., concurring in part and dissenting in*  
52 *part*); *id.*, at 206 (*MARSHALL, J., dissenting*). Cf. *Stanley v. Illinois*, [405 U.S. 645, 652-654](#) (1972); *Bell v.*  
53 *Burson*, [402 U.S. 535](#) (1971)."  
54 [*Wolff v. McDonnell*, 418 U.S. 539, 94 S.Ct. 2963, 41 L.Ed.2d. 935 (1974)]

55 "In this case the sole question is whether there has been a taking of property without that procedural due process  
56 that is required by the Fourteenth Amendment. We have dealt over and over again with the question of what  
57 constitutes "the right to be heard" (*Schroeder v. New York*, [371 U.S. 208, 212](#).) within the meaning of procedural  
58 due process. See *Mullane v. Central Hanover Trust Co.*, [339 U.S. 306, 314](#). In the latter case we said that the

1 right to be heard "has little reality or worth unless one is informed that the matter is pending and can choose for  
2 himself whether [395 U.S. 337, 340] to appear or default, acquiesce or contest." 339 U.S., at 314.  
3 [Sniadach v. Family Finance Corp., 395 U.S. 337 (1969)]

4 "If the right to notice and a hearing is to serve its full purpose, it is clear that it must be granted at a time when  
5 the deprivation can still be prevented. At a later hearing, an individual's possessions can be returned to him if  
6 they were unfairly or mistakenly taken in the first place. Damages may even be awarded him for wrongful  
7 deprivation. But no later hearing and no damage award can undo the fact that the arbitrary taking that was  
8 subject to the right of due process has already occurred. This Court [the Supreme Court] has not embraced the  
9 general proposition that a wrong may be done if it can be undone."  
10 [Stanley v. Illinois, 405 U.S. 645, 647, 31 L.Ed.2d. 551, 556., Ct. 1208 (1972)]

### 11 3. Impartial jurors and decision makers.

12 26 C.F.R. §601.106(f)(1): Appeals Functions

13 (1) Rule I.

14 An exaction by the U.S. Government, which is not based upon law, statutory or otherwise, is a taking of property  
15 without due process of law, in violation of the Fifth Amendment to the U.S. Constitution. Accordingly, an Appeals  
16 representative in his or her conclusions of fact or application of the law, shall hew to the law and the recognized  
17 standards of legal construction. **It shall be his or her duty to determine the correct amount of the tax, with strict**  
18 **impartiality as between the taxpayer and the Government, and without favoritism or discrimination as between**  
19 **taxpayers.**

21 **Few, if any, interests under the Constitution are more fundamental than the right to a fair trial by "impartial"**  
22 **jurors, and an outcome affected by extrajudicial statements would violate that fundamental right.** See, e.g.,  
23 Sheppard, 384 U.S. at 350-351; Turner v. Louisiana, 379 U.S. 466, 473 (1965) (evidence in criminal trial must  
24 come solely from witness stand in public courtroom with full evidentiary protections). Even if a fair trial can  
25 ultimately be ensured through voir dire, change of venue, or some other device, these measures entail serious  
26 costs to the system. Extensive voir dire may not be able to filter out all of the effects of pretrial publicity, and  
27 with increasingly widespread media coverage of criminal trials, a change of venue may not suffice to undo the  
28 effects of statements such as those made by petitioner. The State has a substantial interest in preventing officers  
29 of the court, such as lawyers, from imposing such costs on the judicial system and on the litigants. [501 U.S.  
30 1076]

31 The restraint on speech is narrowly tailored to achieve those objectives. The regulation of attorneys' speech is  
32 limited -- it applies only to speech that is substantially likely to have a materially prejudicial effect; it is neutral  
33 as to points of view, applying equally to all attorneys participating in a pending case; and it merely postpones  
34 the attorneys' comments until after the trial. While supported by the substantial state interest in preventing  
35 prejudice to an adjudicative proceeding by those who have a duty to protect its integrity, the Rule is limited on  
36 its face to preventing only speech having a substantial likelihood of materially prejudicing that proceeding.  
37 [Gentile v. State Bar of Nevada, 501 U.S. 1030 (1991)]

38  
39 "Moreover, in each case, the decisionmaker must be impartial, there must be some record of the proceedings,  
40 and the decisionmaker's conclusions must be set forth in written form indicating both the evidence and the reasons  
41 relied upon. Because the Due Process Clause requires these procedures, I agree that the case must be remanded  
42 as the Court orders."  
43 [Morrissey v. Brewer, 408 U.S. 471 (1972)]

### 44 4. Impartial witnesses:

45 **A fair trial in a fair tribunal is a basic requirement of due process. Fairness, of course, requires an absence**  
46 **of actual bias in the trial of cases. But our system of law has always endeavored to prevent even the probability**  
47 **of unfairness.** To this end, no man can be a judge in his own case, and no man is permitted to try cases where  
48 he has an interest in the outcome. That interest cannot be defined with precision. Circumstances and  
49 relationships must be considered. This Court has said, however, that

50 *Every procedure which would offer a possible temptation to the average man as a judge . . . not*  
51 *to hold the balance nice, clear, and true between the State and the accused denies the latter due*  
52 *process of law.*

53 *Turney v. Ohio, 273 U.S. 510, 532. Such a stringent rule may sometimes bar trial by judges who have no actual*  
54 *bias and who would do their very best to weigh the scales of justice equally between contending parties. But, to*  
55 *perform its high function in the best way, "justice must satisfy the appearance of justice." Offutt v. United States,*  
56 *348 U.S. 11, 14. [349 U.S. 137]*

1 *It would be very strange if our system of law permitted a judge to act as a grand jury and then try the very persons*  
2 *accused as a result of his investigations. Perhaps no State has ever forced a defendant to accept grand jurors as*  
3 *proper trial jurors to pass on charges growing out of their hearings.[7] A single "judge-grand jury" is even more*  
4 *a part of the accusatory process than an ordinary lay grand juror. Having been a part of that process, a judge*  
5 *cannot be, in the very nature of things, wholly disinterested in the conviction or acquittal of those accused. While*  
6 *he would not likely have all the zeal of a prosecutor, it can certainly not be said that he would have none of that*  
7 *zeal.[8] Fair trials are too important a part of our free society to let prosecuting judges be trial judges of the*  
8 *charges they prefer.[9] It is true that contempt committed in a trial courtroom can under some circumstances be*  
9 *punished summarily by the trial judge. See Cooke v. United States, 267 U.S. 517, 539. But adjudication by a*  
10 *trial judge of a contempt committed in his immediate presence in open court cannot be likened to the proceedings*  
11 *here. For we held in the Oliver case that a person charged with contempt before a "one-man grand jury" could*  
12 *not be summarily tried. [349 U.S. 138]*  
13 *[In Re. Murchison, 349 U.S. 133 (1955)]*

14 5. Trial by jury in a civil matter when demanded:

15 *U.S. Constitution: Seventh Amendment*  
16 ***Seventh Amendment - Civil Trials***

17 *In Suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall*  
18 *be preserved, and no fact tried by a jury, shall be otherwise re-examined in any Court of the United States, than*  
19 *according to the rules of the common law.*

20 6. All actions of the agency must be justified with the authority of law.

21 [26 C.F.R. §601.106\(f\)\(1\)](#)

22 *Rule I. An exaction by the U.S. Government, which is not based upon law, statutory or otherwise, is a taking of*  
23 *property without due process of law, in violation of the Fifth Amendment to the U.S. Constitution.*

24 7. Right to examine all the evidence being used against you:

25 *"Certain principles have remained relatively immutable in our jurisprudence. One of these is that where*  
26 *governmental action seriously injures an individual, and the reasonableness of the action depends on fact*  
27 *findings, the evidence used to prove the Government's case must be disclosed to the individual so that he has an*  
28 *opportunity to show that it is untrue. While it is important in the case of documentary evidence, it is more*  
29 *important where the evidence consists of testimony of individuals..."*

30 *"We have formalized these protections in the requirements of confrontation and cross-examination. This court*  
31 *has been zealous to protect these rights from erosion. It has spoken out...in all types of cases where*  
32 *administrative...actions were under scrutiny."*  
33 *[Greene v. McElroy, 360 U.S. 474, 496-497 (1959)]*

34 8. Right to speak in your own defense and present evidence in the record in your own defense.

35 *"I agree that a parole may not be revoked, consistently with the Due Process Clause, unless the parolee is*  
36 *afforded, first, a preliminary hearing at the time of arrest to determine whether there is probable cause to believe*  
37 *[408 U.S. 491] that he has violated his parole conditions and, second, a final hearing within a reasonable time*  
38 *to determine whether he has, in fact, violated those conditions and whether his parole should be revoked. **For***  
39 ***each hearing, the parolee is entitled to notice of the violations alleged and the evidence against him,***  
40 ***opportunity to be heard in person and to present witnesses and documentary evidence, and the right to confront***  
41 ***and cross-examine adverse witnesses, unless it is specifically found that a witness would thereby be exposed to***  
42 ***a significant risk of harm.** Moreover, in each case, the decisionmaker must be impartial, there must be some*  
43 *record of the proceedings, and the decisionmaker's conclusions must be set forth in written form indicating both*  
44 *the evidence and the reasons relied upon. Because the Due Process Clause requires these procedures, I agree*  
45 *that the case must be remanded as the Court orders."*  
46 *[Morrissey v. Brewer, 408 U.S. 471 (1972)]*

47 9. All evidence used must be completely consistent with the rules of evidence.

48 9.1. All evidence used must be introduced only through testimony under oath. Federal Rule of Evidence (F.R.E.) 603.

49 *"Testimony which is not given under oath (or affirmation) is not competent evidence and may not be considered*  
50 *unless objection is waived"*  
51 *[Federal Civil Trials and Evidence, Rutter Group (2006) 8:220]*



**IMPORTANT NOTE!:** If you don't object to evidence submitted without an oath or authenticating signature, then you are presumed to waive this requirement.

9.2. Witness must lay a foundation for real [physical] evidence, and proponent must offer sufficient evidence to support a finding that the matter in question is what the proponent claims it to be. Federal Rule of Evidence (F.R.E.) 901(a). If the person authenticating provides a "pseudo name", refuses to provide their real legal name, refuses to identify themselves, or is protected by the court from identifying themselves and thereby becomes a "secret witness", then none of the evidence is admissible. If the witness cannot be held liable for perjury because he did not swear an oath, then all evidence he provides is inadmissible and lacks relevancy. Federal Civil Trials and Evidence, Rutter Group (2006) 8:375. It is quite frequent for IRS agents to use pseudo names and to print those pseudo names on the official IRS identification badges. It is therefore crucial to obtain copies of not only their IRS badges, but also of their state and federal government ID, like driver's licenses and passports, and to compare the IRS ID with the others to ensure consistency.

*"From the scant information available it may tentatively be concluded that **the Confrontation Clause was meant to constitutionalize a barrier against flagrant abuses, trials by anonymous accusers, and absentee witnesses.** That the Clause was intended to ordain common law rules of evidence with constitutional sanction is doubtful, notwithstanding English decisions that equate confrontation and hearsay. Rather, having established a broad principle, it is far more likely that the Framers anticipated it would be supplemented, as a matter of judge-made common law, by prevailing rules of evidence. [[California v. Green, 399 U.S. 149 \(1970\)](#)]*

*"**No nation can remain true to the ideal of liberty under law and at the same time permit people to have their homes destroyed and their lives blasted by the slurs of unseen and unsworn informers. There is no possible way to contest the truthfulness of anonymous accusations.** The supposed accuser can neither be identified nor interrogated. He may be the most worthless and irresponsible character in the community. What he said may be wholly malicious, untrue, unreliable, or inaccurately reported. In a court of law, the triers of fact could not even listen to such gossip, must less decide the most trifling issue on it." [[Jay v. Boy, 351 U.S. 345 \(1956\)](#)]*

10. An opportunity to face your accusers and ask them questions on the record.

*"The fundamental requisite of due process of law is the opportunity to be heard". Grannis v. Ordean, 234 U.S. 385,394 (1914). The hearing must be "at a meaningful time and in a meaningful manner." Armstrong v. Manzo, 380 U.S. 545, 552(1965). In the present context these principles require...timely and adequate notice detailing reasons..., and an effective opportunity to defend by confronting any adverse witnesses and by presenting arguments and evidence... These rights are important in cases...challenged...as resting on incorrect or misleading factual premises or on misapplication of rules or policies to the facts of particular cases."*

*"In almost every setting where important decisions turn on questions of fact, **due process requires an opportunity to confront and cross-examine adverse witnesses.** E.g., ICC v. Louisville & N.R. Co., 227 U.S. 88, 93-94 (1913) 503 U.S. L.Ed 2nd 391(1992), Willner v. Committee on Character and Fitness, [373 U.S. 474,496-497 \(1959\)](#)" [[Goldberg v. Kelly, 397 U.S. 254 \(1970\)](#) (emphasis added)]*

*The Sixth Amendment gives a criminal defendant the right "to be confronted with the witnesses against him." This language "comes to us on faded parchment," California v. Green, [399 U.S. 149, 174 \(1970\)](#) (Harlan, J., concurring), with a lineage that traces back to the beginnings of Western legal culture. There are indications that a right of confrontation existed under Roman law. The Roman Governor Festus, discussing the proper treatment of his prisoner, Paul, stated: "It is not the manner of the Romans to deliver any man up to die before the accused has met his accusers face to face, and has been given a chance to defend himself against the [487 U.S. 1012, 1016] charges." Acts 25:16. It has been argued that a form of the right of confrontation was recognized in England well before the right to jury trial. Pollitt, *The Right of Confrontation: Its History and Modern Dress*, 8 J. Pub. L. 381, 384-387 (1959).*

*Most of this Court's encounters with the Confrontation Clause have involved either the admissibility of out-of-court statements, see, e. g., Ohio v. Roberts, [448 U.S. 56 \(1980\)](#); Dutton v. Evans, [400 U.S. 74 \(1970\)](#), or restrictions on the scope of cross-examination, Delaware v. Van Arsdall, [475 U.S. 673 \(1986\)](#); Davis v. Alaska, [415 U.S. 308 \(1974\)](#). Cf. Delaware v. Fensterer, [474 U.S. 15, 18 -19 \(1985\)](#) (per curiam) (noting these two categories and finding neither applicable). The reason for that is not, as the State suggests, that these elements are the essence of the Clause's protection - but rather, quite to the contrary, that there is at least some room for doubt (and hence litigation) as to the extent to which the Clause includes those elements, whereas, as Justice Harlan put it, "[s]imply as a matter of English" it confers at least "a right to meet face to face all those who appear and give evidence at trial." California v. Green, supra, at 175. Simply as a matter of Latin as well, since the word "confront" ultimately derives from the prefix "con-" (from "contra" meaning "against" or "opposed") and the noun "frons" (forehead). Shakespeare was thus describing the root meaning of confrontation when he*



1 had Richard the Second say: "Then call them to our presence - face to face, and frowning brow to brow, ourselves  
2 will hear the accuser and the accused freely speak . . . ." Richard II, Act 1, sc. 1.

3 *We have never doubted, therefore, that the Confrontation Clause guarantees the defendant a face-to-face*  
4 *meeting with witnesses appearing before the trier of fact. See Kentucky v. Stincer, 482 U.S. 730, 748, 749-750*  
5 *(1987) (MARSHALL, J., dissenting). For example, in Kirby v. United States, 174 U.S. 47, 55 (1899), which*  
6 *concerned the admissibility of prior convictions of codefendants to prove an element of the offense [487 U.S.*  
7 *1012, 1017] of receiving stolen Government property, we described the operation of the Clause as follows:*  
8 *"[A] fact which can be primarily established only by witnesses cannot be proved against an accused . . . except*  
9 *by witnesses who confront him at the trial, upon whom he can look while being tried, whom he is entitled to*  
10 *cross-examine, and whose testimony he may impeach in every mode authorized by the established rules*  
11 *governing the trial or conduct of criminal cases." Similarly, in Dowdell v. United States, 221 U.S. 325, 330*  
12 *(1911), we described a provision of the Philippine Bill of Rights as substantially the same as the Sixth*  
13 *Amendment, and proceeded to interpret it as intended "to secure the accused the right to be tried, so far as*  
14 *facts provable by witnesses are concerned, by only such witnesses as meet him face to face at the trial, who*  
15 *give their testimony in his presence, and give to the accused an opportunity of cross-examination." More*  
16 *recently, we have described the "literal right to 'confront' the witness at the time of trial" as forming "the core*  
17 *of the values furthered by the Confrontation Clause." California v. Green, supra, at 157. Last Term, the*  
18 *plurality opinion in Pennsylvania v. Ritchie, 480 U.S. 39, 51 (1987), stated that "[t]he Confrontation Clause*  
19 *provides two types of protections for a criminal defendant: the right physically to face those who testify against*  
20 *him, and the right to conduct cross-examination."*  
21 *[Coy v. Iowa, 487 U.S. 1012 (1988)]*

- 22 11. The right to point out violations of law and other grievances of the government without the imposition of any penalty.  
23 The First Amendment guarantees us a right to Petition the Government for a redress of grievances. Every such right  
24 creates a duty on the part of the government it is directed at, and that right implies the absence of any penalty for engaging  
25 in such a petition.  
26 12. The right to not be hauled into a foreign jurisdiction as a nonresident defendant without proof on the record of "minimum  
27 contacts" with the forum:

28 *The Due Process Clause of the Fourteenth Amendment limits the power of a state court to render a valid*  
29 *personal judgment against a nonresident defendant. Kulko v. California Superior Court, 436 U.S. 84, 91*  
30 *(1978). A judgment rendered in violation of due process is void in the rendering State and is not entitled to full*  
31 *faith and credit elsewhere. Pennoyer v. Neff, 95 U.S. 714, 732 -733 (1878). Due process requires that the*  
32 *defendant be given adequate notice of the suit, Mullane v. Central Hanover Trust Co., 339 U.S. 306, 313 -314*  
33 *(1950), and be subject to the personal jurisdiction of the court, International Shoe Co. v. Washington, 326 U.S.*  
34 *310 (1945). In the present case, it is not contended that notice was inadequate; the only question is whether these*  
35 *particular petitioners were subject to the jurisdiction of the Oklahoma courts.*

36 *As has long been settled, and as we reaffirm today, a state court may exercise personal jurisdiction over a*  
37 *nonresident defendant only so long as there exist "minimum contacts" between the defendant and the forum*  
38 *State. International Shoe Co. v. Washington, supra, at 316. The concept of minimum contacts, in turn, can be*  
39 *seen to perform two related, but [444 U.S. 286, 292] distinguishable, functions. It protects the defendant*  
40 *against the burdens of litigating in a distant or inconvenient forum. And it acts to ensure that the States,*  
41 *through their courts, do not reach out beyond the limits imposed on them by their status as coequal sovereigns*  
42 *in a federal system.*

43 *The protection against inconvenient litigation is typically described in terms of "reasonableness" or "fairness."*  
44 *We have said that the defendant's contacts with the forum State must be such that maintenance of the suit "does*  
45 *not offend traditional notions of fair play and substantial justice." International Shoe Co. v. Washington, supra,*  
46 *at 316, quoting Milliken v. Meyer, 311 U.S. 457, 463 (1940). The relationship between the defendant and the*  
47 *forum must be such that it is "reasonable . . . to require the corporation to defend the particular suit which is*  
48 *brought there." 326 U.S., at 317. Implicit in this emphasis on reasonableness is the understanding that the burden*  
49 *on the defendant, while always a primary concern, will in an appropriate case be considered in light of other*  
50 *relevant factors, including the forum State's interest in adjudicating the dispute, see McGee v. International Life*  
51 *Ins. Co., 355 U.S. 220, 223 (1957); the plaintiff's interest in obtaining convenient and effective relief, see Kulko*  
52 *v. California Superior Court, supra, at 92, at least when that interest is not adequately protected by the plaintiff's*  
53 *power to choose the forum, cf. Shaffer v. Heitner, 433 U.S. 186, 211, n. 37 (1977); the interstate judicial system's*  
54 *interest in obtaining the most efficient resolution of controversies; and the shared interest of the several States in*  
55 *furthering fundamental substantive social policies, see Kulko v. California Superior Court, supra, at 93, 98.*  
56 *[World-Wide Volkswagen Corp. v. Woodson, 444 U.S. 286 (1980)]*

## 57 **12.2.2 Men are presumed innocent until proven guilty with evidence**

58 *The presumption of innocence, although not articulated in the Constitution, is a basic component of a fair trial*  
59 *under our system of criminal justice. Long ago this Court stated:*

1                    *The principle that there is a presumption of innocence in favor of the accused is the undoubted law, axiomatic*  
2                    *and elementary, and its enforcement lies at the foundation of the administration of our criminal law.*  
3                    [*Coffin v. United States, 156 U.S. 432, 453 (1895).*]

### 4    **12.2.3 Courts may not entertain “political questions”**

5    Courts may not involve themselves in any strictly political question:

- 6    1. *Baker v. Carr*, 369 U.S. 186 (1962). Establishes criteria for determining jurisdiction to decide specific aspects of political  
7    questions.
- 8    2. *Luther v. Borden*, 48 U.S. 1 (1849). Denied all court’s jurisdiction to hear strictly political matters.
- 9    3. *Fletcher v. Tuttle*, 151 Ill. 41, 37 N.E. 683 (1894). Defined “political rights”.
- 10    4. *O’Brien v. Brown*, 409 U.S. 1 (1972). Ruled that equity courts must refrain from interfering in the administration of the  
11    internal affairs of a political party. Note that any number of people, including a single human, can define a political  
12    party.

13    Courts may not involve themselves in the affairs of a political party or its members:

- 14    1. *Lynch v. Torquato*, 343 F.2d. 370 (3<sup>rd</sup> Cir. 1965). Court dismissed petitioner’s challenge to the method of selecting the  
15    Democratic County Committee and Chairman.
- 16    2. *Farmer-Labor State Central Committee v. Holm*, 227 Minn. 52, 33 N.W.2d. 831 (1948). Court ruled that “In factional  
17    controversies within a party, where there is not controlling statute or clear right based on statute law, the courts will not  
18    assume jurisdiction, but will leave the matter for determination within the party organization. . . Such a convention is a  
19    deliberative body, and unless it acts arbitrarily, oppressively, or fraudulently, its final determination as to candidates, or  
20    any other question of which it has jurisdiction, will be followed by the courts.”
- 21    3. *White v. Berry*, 171 U.S. 366 (1898). Ruled that court of equity will refrain from exercising jurisdiction over the  
22    appointment or removal of public officers.

23    Courts may not compel participation in political parties or interfere with membership in them:

- 24    1. *Democratic Party of U.S. v. Wisconsin, ex re. LaFollette*, 450 U.S. 107, 101 S.Ct. 1010, 67 L.Ed.2d. 82 (1981). Court  
25    ruled that freedom of political association “necessarily presupposes the freedom to identify the people who comprise the  
26    association, and to limit the association to those people only.”
- 27    2. *Tashjian v. Republican Party of Connecticut*, 479 U.S. 208, 107 S.Ct. 544, 93 L.Ed.2d. 514 (1986): Ruled that a state  
28    could not constitutionally require that voters in party primaries be registered members of that party.

29    The criteria for determining whether a question is a “political question” is best described in *Baker v. Carr*, which was  
30    explained in *Nixon v. United States*, 506 U.S. 224 (1993) as follows:

31                    *“A controversy is nonjusticiable -- i.e., involves a political question -- where there is a textually demonstrable*  
32                    *constitutional commitment of the issue to a coordinate political department; or a lack of judicially discoverable*  
33                    *and manageable standards for resolving it. . . .”*  
34                    [*Nixon v. United States, 506 U.S. 224 (1993)*]

35    The second criteria above: “or a lack of judicially discoverable and manageable standards for resolving it” is explained in the  
36    same case:

37                    *The majority states that the question raised in this case meets two of the criteria for political questions set out in*  
38                    *Baker v. Carr, 369 U.S. 186 (1962). It concludes first that there is “a textually demonstrable constitutional*  
39                    *commitment of the issue to a coordinate political department.” It also finds that the question cannot be resolved*  
40                    *for “a lack of judicially discoverable and manageable standards.” Ante, at 228.*

41                    *Of course the issue in the political question doctrine is not whether the constitutional text commits exclusive*  
42                    *responsibility for a particular governmental function to one of the political branches. There are numerous*  
43                    *instances of this sort of textual commitment, e.g., Art. I, 8, and it is not thought that disputes implicating these*  
44                    *provisions are nonjusticiable. Rather, the issue is whether the Constitution has given one of the political branches*  
45                    *final responsibility for interpreting the scope and nature of such a power.*

46                    *Although Baker directs the Court to search for “a textually demonstrable constitutional commitment” of such*  
47                    *responsibility, there are few, if any, explicit and unequivocal instances in the Constitution of this sort of textual*

1 commitment. Conferral on Congress of the power to "Judge" qualifications of its Members by Art. I, 5, may, for  
2 example, preclude judicial review of whether a prospective member in fact meets those qualifications. See Powell  
3 v. McCormack, 395 U.S. 486, 548 (1969). The courts therefore are usually left to infer the presence of a political  
4 question from the text and structure of the Constitution. In drawing the inference that the Constitution has  
5 committed final interpretive authority to one of the political branches, courts are sometimes aided by textual  
6 evidence that the judiciary was not meant to exercise judicial review - a coordinate inquiry expressed in Baker's  
7 "lack of judicially discoverable and manageable standards" criterion. See, e.g., Coleman v. Miller, 307 U.S. 433,  
8 452 -454 (1939), where the Court refused to determine [506 U.S. 224, 241] the lifespan of a proposed  
9 constitutional amendment, given Art. V's placement of the amendment process with Congress and the lack of any  
10 judicial standard for resolving the question. See also id., at 457-460 (Black, J., concurring).  
11 [Nixon v. United States, 506 U.S. 224 (1993)]

12 The best description of the political questions doctrine appears in the following U.S. Supreme Court case:

13 **"But, fortunately for our freedom from political excitements in judicial duties, this court [the U.S. Supreme**  
14 **Court] can never with propriety be called on officially to be the umpire in questions merely political. The**  
15 **adjustment of these questions belongs to the people and their political representatives, either in the State or**  
16 **general government. These questions relate to matters not to be settled on strict legal principles. They are**  
17 **adjusted rather by inclination, or prejudice or compromise, often.**

18 [. . .]

19 **Another evil, alarming and little foreseen, involved in regarding these as questions for the final arbitrament**  
20 **of judges would be that, in such an event, all political privileges and rights would, in a dispute among the**  
21 **people, depend on our decision finally. We would possess the power to decide against, as well as for, them, and,**  
22 **under a prejudiced or arbitrary judiciary, the public liberties and popular privileges might thus be much**  
23 **perverted, if not entirely prostrated.** But, allowing the people to make constitutions and unmake them, allowing  
24 their representatives to make laws and unmake them, and without our interference as to their principles or policy  
25 in doing it, yet, when constitutions and laws are made and put in force by others, then the courts, as empowered  
26 by the State or the Union, commence their functions and may decide on the rights which conflicting parties can  
27 legally set up under them, rather than about their formation itself. **Our power begins after theirs [the Sovereign**  
28 **People] ends. Constitutions and laws precede the judiciary, and we act only under and after them, and as to**  
29 **disputed rights beneath them, rather than disputed points in making them. We speak what is the law, jus dicere,**  
30 **we speak or construe what is the constitution, after both are made, but we make, or revise, or control neither.**  
31 **The disputed rights beneath constitutions already made are to be governed by precedents, by sound legal**  
32 **principles, by positive legislation [e.g. "positive law"], clear contracts, moral duties, and fixed rules; they are**  
33 **per se questions of law, and are well suited to the education and habits of the bench.** But the other disputed  
34 points in making constitutions, depending often, as before shown, on policy, inclination, popular resolves and  
35 popular will and arising not in respect to private rights, not what is meum and tuum, but in relation to politics,  
36 they belong to politics, and they are settled by political tribunals, and are too dear to a people bred in the school  
37 of Sydney and Russel for them ever to intrust their final decision, when disputed, to a class of men who are so far  
38 removed from them as the judiciary, a class also who might decide them erroneously, as well as right, and if in  
39 the former way, **the consequences might not be able to be averted except by a revolution, while a wrong decision**  
40 **by a political forum can often be peacefully corrected by new elections or instructions in a single month; and**  
41 **if the people, in the distribution of powers under the constitution, should ever think of making judges supreme**  
42 **arbiters in political controversies when not selected by nor, frequently, amenable to them nor at liberty to follow**  
43 **such various considerations in their judgments as [48 U.S. 53] belong to mere political questions, they will**  
44 **dethrone themselves and lose one of their own invaluable birthrights; building up in this way -- slowly, but**  
45 **surely -- a new sovereign power in the republic, in most respects irresponsible and unchangeable for life, and**  
46 **one more dangerous, in theory at least, than the worst elective oligarchy in the worst of times. Again, instead**  
47 **of controlling the people in political affairs, the judiciary in our system was designed rather to control**  
48 **individuals, on the one hand, when encroaching, or to defend them, on the other, under the Constitution and**  
49 **the laws, when they are encroached upon.** And if the judiciary at times seems to fill the important station of a  
50 check in the government, it is rather a check on the legislature, who may attempt to pass laws contrary to the  
51 Constitution, or on the executive, who may violate both the laws and Constitution, than on the people themselves  
52 in their primary capacity as makers and amenders of constitutions."  
53 [Luther v. Borden, 48 U.S. 1 (1849)]

54 For further information on this subject, see:

[Political Jurisdiction, Form #05.004  
http://sedm.org/Forms/FormIndex.htm](http://sedm.org/Forms/FormIndex.htm)

## 55 **12.2.4 A man cannot be judge in his own case**

56 **"No man is allowed to be a judge in his own cause, because his interest would certainly bias his judgment,**  
57 **and, not improbably, corrupt his integrity.** With equal, nay with greater reason, a body of men are unfit to be  
58 both judges and parties at the same time; yet what are many of the most important acts of legislation, but so many

1 judicial determinations, not indeed concerning the rights of single persons, but concerning the rights of large  
2 bodies of citizens? And what are the different classes of legislators but advocates and parties to the causes which  
3 they determine? Is a law proposed concerning private debts? It is a question to which the creditors are parties  
4 on one side and the debtors on the other. Justice ought to hold the balance between them. Yet the parties are, and  
5 must be, themselves the judges; and the most numerous party, or, in other words, the most powerful faction must  
6 be expected to prevail. Shall domestic manufactures be encouraged, and in what degree, by restrictions on foreign  
7 manufactures? are questions which would be differently decided by the landed and the manufacturing classes,  
8 and probably by neither with a sole regard to justice and the public good. The apportionment of taxes on the  
9 various descriptions of property is an act which seems to require the most exact impartiality; yet there is, perhaps,  
10 no legislative act in which greater opportunity and temptation are given to a predominant party to trample on the  
11 rules of justice. Every shilling with which they overburden the inferior number, is a shilling saved to their own  
12 pockets.”

13 [James Madison, Federalist Paper #10]  
14

15 Whether the Legislature of any of the States can revise and correct by law, a decision of any of its Courts of  
16 Justice, although not prohibited by the Constitution of the State, is a question of very great importance, and not  
17 necessary NOW to be determined; because the resolution or law in question does not go so far. I cannot subscribe  
18 to the omnipotence of a State \*388 Legislature, or that it is absolute and without control; although its authority  
19 should not be expressly restrained by the Constitution, or fundamental law, of the State. The people of the United  
20 States erected their Constitutions, or forms of government, to establish justice, to promote the general welfare, to  
21 secure the blessings of liberty; and to protect their persons and property from violence. The purposes for which  
22 men enter into society will determine the nature and terms of the social compact; and as they are the foundation  
23 of the legislative power, they will decide what are the proper objects of it: The nature, and ends of legislative  
24 power will limit the exercise of it. This fundamental principle flows from the very nature of our free Republican  
25 governments, that no man should be compelled to do what the laws do not require; nor to refrain from acts which  
26 the laws permit. **There are acts which the Federal, or State, Legislature cannot do, without exceeding their  
27 authority. There are certain vital principles in our free Republican governments, which will determine and  
28 over-rule an apparent and flagrant abuse of legislative power; as to authorize manifest injustice by positive  
29 law; or to take away that security for personal liberty, or private property, for the protection whereof of the  
30 government was established. An ACT of the Legislature (for I cannot call it a law) contrary to the great first  
31 principles of the social compact, cannot be considered a rightful exercise of legislative authority.** The obligation  
32 of a law in governments established on express compact, and on republican principles, must be determined by  
33 the nature of the power, on which it is founded. A few instances will suffice to explain what I mean. A law that  
34 punished a citizen for an innocent action, or, in other words, for an act, which, when done, was in violation of no  
35 existing law; a law that destroys, or impairs, the lawful private contracts of citizens; **a law that makes a man a  
36 Judge in his own cause;** or a law that takes property from A. and gives it to B: **It is against all reason and justice,  
37 for a people to entrust a Legislature with SUCH powers; and, therefore, it cannot be presumed that they have  
38 done it. The genius, the nature, and the spirit, of our State Governments, amount to a prohibition of such acts  
39 of legislation; and the general principles of law and reason forbid them.** The Legislature may enjoin, permit,  
40 forbid, and punish; they may declare new crimes; and establish rules of conduct for all its citizens in future cases;  
41 they may command what is right, and prohibit what is wrong; but they cannot change innocence into guilt; or  
42 punish innocence as a crime; or violate the right of an antecedent lawful private contract; or the right of private  
43 property. To maintain that our Federal, or State, Legislature possesses such powers, if they had not been expressly  
44 restrained; would, \*389 in my opinion, be a political heresy, altogether inadmissible in our free republican  
45 governments.

46 [Calder v. Bull, 3 U.S. 386, (1798)]  
47

48 In Calder v. Bull, which was here in 1798, Mr. Justice Chase said, that **there were acts which the Federal and  
49 State legislatures could not do without exceeding their authority, and among them he mentioned** a law which  
50 punished a citizen for an innocent act; a law that destroyed or impaired the lawful private contracts of citizens;  
51 **a law that made a man judge in his own case;** and a law that took the property from A. and gave it to B. **‘It is  
52 against all reason and justice,’ he added, ‘for a people to intrust a legislature with such powers, and therefore  
53 it cannot be presumed that they have done it. They may command what is right and prohibit what is wrong;  
54 but they cannot change innocence into guilt, or punish innocence as a crime, or violate the right of an  
55 antecedent lawful private contract, or the right of private property. To maintain that a Federal or State  
56 legislature possesses such powers if they had not been expressly restrained, would, in my opinion, be a political  
57 heresy altogether inadmissible in all free republican governments.’** 3 Dall. 388.

58 [Sinking Fund Cases, 99 U.S. 700, (1878)]  
59

## 13. How You Lose Constitutional or Natural Rights: Exchanging them for Government Civil Statutory Privileges

### 13.1 Introduction and Purpose

The following subsections offer proof of the following:

1. Precisely under what circumstances constitutional rights can be voluntarily surrendered by the human beings protected by it.
2. The limitations, if any, that geography places on the protections of the constitution, statutory codes, the common law, and natural law.
3. When and how the protections of the common law or natural law are surrendered or need not be recognized or enforced by a specific court.
4. The relationship of absolutely owned private property to constitutional rights.
5. When and how absolutely owned private property protected by the Bill of Rights can lawfully be converted to public property in which the government shares a qualified property interest (moiety), a usufruct, or any degree of lawful CIVIL control.

Note that we do not intend to indicate by publishing this document that waivers of constitutional rights are, in fact, constitutional in the case of a REAL, DE JURE government, but only the courts have erected a multitude of methods NOT AUTHORIZED by the organic law to waive constitutional rights.

The most important considerations when dealing with loss of rights are the following concepts:

1. Constitutional and natural rights are PRIVATE property. Losing them means turning them into PUBLIC property.
2. [Rights](#) are property.
3. Anything that CONVEYS rights is property.
4. Contracts convey rights and are therefore property.
5. All franchises are contracts, and therefore property.
6. [Civil statutes \(Form #13.008\)](#) convey and enforce PUBLIC rights and are therefore PUBLIC property.
7. The Constitution conveys mainly PRIVATE rights, which are PRIVATE property in the case of the Bill of Rights.
8. Those who OFFER property to you are a Merchant (Seller) under [U.C.C. §2-104](#)(1).
9. The person RECEIVING the property is the Buyer under [U.C.C. §2-103](#)(1)(a).
10. The MERCHANT always prescribes ALL the terms of the offer and can withhold the property if those terms are not met. The withholding of the property is an exercise of the “right to exclude” aspect of ownership.
11. You should always strive to be the Merchant in every business transaction to give yourself the upper hand. Deut. 15:6, Deut. 28:12, Deut. 23:19, Deut. 23:20.
12. You should NEVER allow the GOVERNMENT to act as a Merchant in relation to you. Exodus 23:32-33, Judges 2:1-4. Here is what happens when you do.

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



1 The Declaration of Independence, which is ORGANIC law published on the first page of the Statutes At Large, indicates that  
2 your constitutional rights are UNALIENABLE, which means that they are INCAPABLE of being sold, bargained away, or  
3 transferred, even WITH your consent:

4 *"We hold these truths to be self-evident, that **all men are created equal, that they are endowed by their Creator***  
5 ***with certain unalienable Rights**, that among these are Life, Liberty and the pursuit of Happiness.--That to secure*  
6 *these rights, Governments are instituted among Men, deriving their just powers from the consent of the governed,*  
7 *--"*  
8 *[Declaration of Independence]*

9 *"Unalienable. Inalienable; incapable of being aliened, that is, sold and transferred."*  
10 *[Black's Law Dictionary, Fourth Edition, p. 1693]*

11 If, in fact, governments are instituted among men ONLY to protect PRIVATE property and PRIVATE rights as the  
12 Declaration of Independence requires, then it is inconsistent with the organic law to make a profitable business called a  
13 "franchise" or a "privilege" with the goal of alienating such rights. The most sacred and inviolable "benefit" of the  
14 Constitution, in fact, is the right of property. Some people claim the Declaration of Independence is NOT "law", but that  
15 can't be so, since it's published on the first page of the very first volume of the Statues at Large as "law". Judge Andrew  
16 Napolitano, in fact, says this is "the most frequently violated statute" ever published! See for yourself:

*Judge Andrew Napolitano says the Declaration of Independence is LAW enacted by Congress, Exhibit #03.006*  
[https://sedm.org/Exhibits/EX03.006-Andrew P. Napolitano-The Natural Law as a Restraint Against Tyranny-04-08.mp4](https://sedm.org/Exhibits/EX03.006-Andrew_P._Napolitano-The_Natural_Law_as_a_Restraint_Against_Tyranny-04-08.mp4)

17 To make a profitable business, or even a "trade or business" out of alienating such rights works a purpose OPPOSITE that of  
18 establishing government to begin with, and results in what we call an "anti-government" and a de facto government as  
19 described in:

- 20 1. *Government Corruption*, Form #11.401  
21 <https://sedm.org/home/government-corruption/>
- 22 2. *De Facto Government Scam*, Form #05.043  
23 <https://sedm.org/Forms/05-MemLaw/DeFactoGov.pdf>
- 24 3. *Corporatization and Privatization of the Government*, Form #05.024  
25 <https://sedm.org/Forms/05-MemLaw/CorpGovt.pdf>
- 26 4. *Government Corruption: Causes and Remedies Course*, Form #12.026  
27 <https://sedm.org/GovCorruption/GovCorruption.pdf>

28 Government is supposed to be a non-profit charitable trust with a fiduciary duty to the Sovereign People to protect the MAIN  
29 "benefit" of the Constitution, which is PRIVATE PROPERTY, folks!

30 *"Indeed, in a free government almost all other rights would become worthless if the government possessed power*  
31 *over the private fortune of every citizen."*  
32 *[John Marshall; SOURCE: <http://quotio.com/quote/Indeed-in-a-free/315738>]*

33 *"A constitutional right against unjust taxation is given for the protection of private property, but it may be waived*  
34 *by those affected who consent to such action to their property as would otherwise be invalid."*  
35 *[Wight v. Davidson, 181 U.S. 371 (1901)]*  
36 *[EDITORIAL: Anything you don't consent to is unjust, if you exercise your right to NOT ACCEPT any and all*  
37 *CIVIL "benefits" of government, and they must recognize that right.]*

38 *"As expressed otherwise, the powers delegated to a public officer are held in trust for the people and are to be*  
39 *exercised in behalf of the government or of all citizens who may need the intervention of the officer. <sup>48</sup>*  
40 ***Furthermore, the view has been expressed that all public officers, within whatever branch and whatever level***  
41 ***of government, and whatever be their private vocations, are trustees of the people, and accordingly labor under***  
42 ***every disability and prohibition imposed by law upon trustees relative to the making of personal financial gain***  
43 ***from a discharge of their trusts. <sup>49</sup> That is, a public officer occupies a fiduciary relationship to the political***

<sup>48</sup> 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.

<sup>49</sup> 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.



1 entity on whose behalf he or she serves.<sup>50</sup> and owes a fiduciary duty to the public.<sup>51</sup> It has been said that the  
2 fiduciary responsibilities of a public officer cannot be less than those of a private individual.<sup>52</sup> Furthermore,  
3 it has been stated that any enterprise undertaken by the public official which tends to weaken public confidence  
4 and undermine the sense of security for individual rights is against public policy.<sup>53</sup>  
5 [63C American Jurisprudence 2d, Public Officers and Employees, §247 (1999)]

6  
7 5 CFR § 2635.101 - Basic obligation of public service.  
8 [§ 2635.101 Basic obligation of public service.](#)

9 (a) **Public service is a public trust.**

10 Each employee has a responsibility to the United States Government and its citizens to place loyalty to the  
11 Constitution, laws and ethical principles above private gain. To ensure that every citizen can have complete  
12 confidence in the integrity of the Federal Government, each employee shall respect and adhere to the principles  
13 of ethical conduct set forth in this section, as well as the implementing standards contained in this part and in  
14 supplemental agency regulations.

15 (b) **General principles.**

16 The following general principles apply to every employee and may form the basis for the standards contained in  
17 this part. Where a situation is not covered by the standards set forth in this part, employees shall apply the  
18 principles set forth in this section in determining whether their conduct is proper.

19 (1) Public service is a public trust, requiring employees to place loyalty to the Constitution, the laws and ethical  
20 principles above private gain.

21 (2) Employees shall not hold financial interests that conflict with the conscientious performance of duty.

22 (3) Employees shall not engage in financial transactions using nonpublic Government information or allow the  
23 improper use of such information to further any private interest.

24 (4) An employee shall not, except as permitted by subpart B of this part, solicit or accept any gift or other item of  
25 monetary value from any person or entity seeking official action from, doing business with, or conducting  
26 activities regulated by the employee's agency, or whose interests may be substantially affected by the performance  
27 or nonperformance of the employee's duties.

28 (5) Employees shall put forth honest effort in the performance of their duties.

29 (6) Employees shall not knowingly make unauthorized commitments or promises of any kind purporting to bind  
30 the Government.

31 (7) Employees shall not use public office for private gain.

32 (8) Employees shall act impartially and not give preferential treatment to any private organization or individual.

33 (9) Employees shall protect and conserve Federal property and shall not use it for other than authorized activities.

34 (10) Employees shall not engage in outside employment or activities, including seeking or negotiating for  
35 employment, that conflict with official Government duties and responsibilities.

36 (11) Employees shall disclose waste, fraud, abuse, and corruption to appropriate authorities.

<sup>50</sup> 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.

<sup>51</sup> 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).

<sup>52</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>53</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 (12) Employees shall satisfy in good faith their obligations as citizens, including all just financial obligations,  
2 especially those - such as Federal, State, or local taxes - that are imposed by law.

3 (13) Employees shall adhere to all laws and regulations that provide equal opportunity for all Americans  
4 regardless of race, color, religion, sex, national origin, age, or handicap.

5 (14) Employees shall endeavor to avoid any actions creating the appearance that they are violating the law or  
6 the ethical standards set forth in this part. Whether particular circumstances create an appearance that the law  
7 or these standards have been violated shall be determined from the perspective of a reasonable person with  
8 knowledge of the relevant facts.

9 (c) Related statutes.

10 In addition to the standards of ethical conduct set forth in this part, there are conflict of interest statutes that  
11 prohibit certain conduct. Criminal conflict of interest statutes of general applicability to all employees, 18 U.S.C.  
12 201, 203, 205, 208, and 209, are summarized in the appropriate subparts of this part and must be taken into  
13 consideration in determining whether conduct is proper. Citations to other generally applicable statutes relating  
14 to employee conduct are set forth in subpart I and employees are further cautioned that there may be additional  
15 statutory and regulatory restrictions applicable to them generally or as employees of their specific agencies.  
16 Because an employee is considered to be on notice of the requirements of any statute, an employee should not  
17 rely upon any description or synopsis of a statutory restriction, but should refer to the statute itself and obtain  
18 the advice of an agency ethics official as needed.

19 The first step in implementing that protection is to keep PRIVATE property from being converted to PUBLIC property, even  
20 WITH consent. A government that won't do the main job it was created to do and makes a business out of doing the  
21 OPPOSITE, must be FIRED, DISESTABLISHED, and REPLACED because it is really just a sham trust masquerading as a  
22 de jure government. The Declaration of Independence REQUIRES all good Americans to disestablish such a government  
23 and REPLACE it, folks!

24 *"But when a long train of abuses and usurpations, pursuing invariably the same Object evinces a design to reduce*  
25 *them under absolute Despotism, it is their right, it is their duty, to throw off such Government, and to provide*  
26 *new Guards for their future security."*  
27 *[Declaration of Independence, July 4, 1776; <https://www.archives.gov/founding-docs/declaration-transcript>]*

28 For a blueprint that fixes all the problems with the current, de facto government and which builds ON TOP of the existing  
29 organic documents, and which you can implement in fulfillment of what the Declaration of Independence REQUIRES you  
30 personally to do above, see:

31 Self Government Federation: Articles of Confederation, Form #13.002  
32 <https://sedm.org/Forms/13-SelfFamilyChurchGovnce/SGFArtOfConfed.pdf>

33 The Declaration of Independence also says that all just powers of the government derive from "CONSENT of the governed".  
34 Where the people individually consent to NOTHING, the only power remaining that the government may use to enforce  
35 peace and order is the criminal law and the common law of England. The civil statutory law of "social compact", if enforced  
against non-consenting parties who are not members of the club amounts to slavery, peonage, and human trafficking in such  
a scenario. More on efforts by the government to HIDE this fact can be found in:

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

### 38 **13.2 Conversion of Constitutional or Natural PRIVATE Rights into Statutory Public** 39 **Privileges is called "Weaponization of Government" on This Website**

40 *"The great principle is this: because the constitution will not permit a state to destroy, it will not permit a law*  
41 *involving the power to destroy. In order to show that the case turned entirely on that point, let us suppose that*  
42 *the court had arrived to the conclusion that the bank [The Bank of the United States located in the state of*  
43 *Maryland] was an authorised instrument of government; but that it was not the intention of the constitution to*  
44 *prohibit the states from interfering with those instruments: would it not have been necessary to have decided that*  
45 *the Maryland act was constitutional? Of what importance was it that the bank was an authorized means of power,*  
46 *other than this, that it afforded a key to the meaning of the constitution? If the bank was a legitimate and proper*  
47 *instrument of power, then the constitution intended to protect it. If not, then no protection was intended. The*  
*question, whether it was a necessary and proper means, was auxiliary to the great question, whether the*  
*constitution intended to shelter it; and when the court arrived to the conclusion that such protection was intended,*

1 they interfered not in behalf of the bank, but in behalf of the sanctuary to which it had fled. **They decided against**  
2 **the tax; because the subject had been placed beyond the power of the states, by the constitution. They decided,**  
3 **not on account of the subject, but on account of the power that protected it; they decided that a prohibition**  
4 **against destruction was a prohibition against a law involving the power of destruction.**  
5 [Providence Bank v. Billings, [29 U.S. 514](#) (1830)]

6 **'That the power to tax involves the power to destroy; that the power to destroy may defeat and render useless**  
7 **the power to create; that there is a plain repugnance in conferring on one government a power to control the**  
8 **constitutional measures of another, which other, in respect to those very measures, is declared to be supreme**  
9 **over that which exerts the control,-are propositions not to be denied.' It is true that taxation does not necessarily**  
10 **and unavoidably destroy, and that to carry it to the excess of destruction would be an abuse not to be**  
11 **anticipated; but the very power would take from the states a portion of their intended liberty of independent**  
12 **action within the sphere of their powers, and would constitute to the state a perpetual danger of embarrassment**  
13 **and possible annihilation. The constitution contemplates no such shackles upon state powers, and by**  
14 **implication forbids them.'**  
15 [Pollock v. Farmers' Loan & Trust Co., [157 U.S. 429](#) (1895)]

16  

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17 **'We are of opinion that a statute of a state granting powers and privileges to corporations must, in the absence**  
18 **of plain indications to the contrary, be held to apply only to corporations created by the state, and over which**  
19 **it has power of visitation and control. ... The legislature in such cases is dealing with its own creations, whose**  
20 **rights and obligations it may limit, define, and control.'** To the same effect are *Catlin v. Trustees*, 113 N.Y. 133,  
21 20 N.E. 864; *White v. Howard*, 46 N.Y. 144; *In re Balleis' Estate*, 144 N.Y. 132, 38 N.E. 1007; *Minot v. Winthrop*,  
22 162 Mass. 113, 38 N.E. 512; *Dos P. Inh. Tax Law*, c. 3, 34. If the ruling of the court of appeals of New York in  
23 this particular case be not absolutely binding upon us, we think that, having regard to the purpose of the law to  
24 impose a tax generally upon inheritances, **the legislature intended to allow an exemption only in favor of such**  
25 **corporations as it had itself created, and which might reasonably be supposed to be the special objects of its**  
26 **solicitude and bounty.**

27 "In addition to this, however, the United States are not one of the class of corporations intended by law to be  
28 exempt [163 U.S. 625, 631] from taxation. What the corporations are to which the exemption was intended to  
29 apply are indicated by the tax laws of New York, and are confined to those of a religious, educational, charitable,  
30 or reformatory purpose. **We think it was not intended to apply it to a purely political or governmental**  
31 **corporation, like the United States.** *Catlin v. Trustees*, 113 N.Y. 133, 20 N.E. 864; *In re Van Kleeck*, 121 N.Y.  
32 701, 75 N.E. 50; *Dos P. Inh. Tax Law*, c. 3, 34. *In Re Hamilton*, 148 N.Y. 310, 42 N.E. 717, it was held that the  
33 execution did not apply to a municipality, even though created by the state itself."  
34 [U.S. v. Perkins, [163 U.S. 625](#) (1896); EDITORIAL: You have to join the United States Corporation to be subject  
35 to the tax above as an officer of that corporation to be taxable]

36 On this site, we refer to every effort any government makes to convert constitutional or private or natural rights into statutory  
37 privileges or public rights as "weaponization of government". That term is defined in our Disclaimer as follows:

## 38 39 **4. Meaning of Words**

40 **[...]**

### 41 **4.30 Weaponization of Government**

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

47 *People of all races, genders, political beliefs, sexual orientations, and nearly all religions are welcome here. All*  
48 *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*

her behalf. All just rights spring from responsibilities/obligations under the laws of a higher power. If that higher power is God, you can be truly and objectively free. If it is government, you are guaranteed to be a slave because they can lawfully set the cost of their property as high as they want as a Merchant under the U.C.C. If you want it really bad from people with a monopoly, then you will get it REALLY bad. Bend over. There are NO constitutional limits on the price government can charge for their monopoly services or property. Those who want no responsibilities can have no real/PRIVATE rights, but only privileges dispensed to wards of the state which are disguised to LOOK like unalienable rights. Obligations and rights are two sides of the same coin, just like self-ownership and personal responsibility. For the biblical version of this paragraph, read 1 Sam. 8:10-22. For the reason God answered Samuel by telling him to allow the people to have a king, read Deut. 28:43-51, which is God's curse upon those who allow a king above them. Click Here for a detailed description of the legal, moral, and spiritual consequences of violating this paragraph.  
[Sovereignty Education and Defense Ministry (SEDM) Website Opening Page; <http://sedm.org/>]

Below are the elements describing exactly what we mean by this term:

1. The result is:

- 1.1. An INVOLUNTARY conversion of PRIVATE property, PRIVATE rights, and PRIVATE civil status into PUBLIC property, PUBLIC rights, and PUBLIC civil statutory status respectively.
- 1.2. A destruction of the legal separation between PUBLIC and PRIVATE. See:

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

- 1.3. A government that has superior or supernatural powers in relation to the people it was created to SERVE from below rather than RULE from above.
- 1.4. The creation of an ALLEGED but not ACTUAL consensual connection between a fictional office (the "franchisee") in the government and an otherwise PRIVATE human OUTSIDE the government.
- 1.5. A destruction of equality of treatment and protection between the GOVERNORS and the GOVERNED. See:

*Requirement for Equal Protection and Equal Treatment*, Form #05.033  
<https://sedm.org/Forms/05-MemLaw/EqualProtection.pdf>

- 1.6. The establishment of a civil or governmental religion in violation of the First Amendment. See:

*Socialism: The New American Civil Religion*, Form #05.016  
<https://sedm.org/Forms/05-MemLaw/SocialismCivilReligion.pdf>

2. Such activities:

- 2.1. Work a purpose OPPOSITE of that of establishing government in the first place, which is EXCLUSIVELY the protection of PRIVATE property and PRIVATE rights.
- 2.2. Violate the Bill of Rights of the constitution of the government doing so.
- 2.3. Violate the oath of office of those working in the government who conspire to engage in such activities.
- 2.4. Result in a conversion of the government engaging in them from DE JURE to DE FACTO. See:

*De Facto Government Scam*, Form #05.043  
<https://sedm.org/Forms/05-MemLaw/CorpGovt.pdf>

3. The method of instituting this weaponization of government usually consists of illegal "bundling" of a WANTED service with an UNWANTED service, privilege or franchise. This makes it IMPOSSIBLE to avoid the UNWANTED service, privilege, or franchise, because:

- 3.1. The government has a monopoly on the WANTED aspect of the product or service.
- 3.2. Private industry is usually legally prohibited from offering the WANTED service. In some cases, the offering of the service is a criminal offense, in order to ENSURE and protect this criminal mafia racketeering.

4. The techniques described herein fit in the following CRIMINAL categories:

- 4.1. Extortion. 18 U.S.C. §872. They are coercing you into a public office and franchise so you become a usually ONGOING sponsor of their criminal activities.
- 4.2. Offer to procure appointive public office. 18 U.S.C. §210. Offering you the UNWANTED portion of the service, which is usually a public office, constitutes a criminal offer to procure the public office with the bribe of "benefits" that you technically aren't eligible for.
- 4.3. Bribery of public officials and witnesses. 18 U.S.C. §201. The monies paid to the government under the coerced public office or fiction occupied by the victim of this extortion constitute bribes to a public official to treat you AS IF you are a real de jure public officer and to pay you "benefits" that only public officers can collect.
- 4.4. Conflict of interest. 18 U.S.C. §208. A criminal financial conflict of interest is created in the people offering the WANTED service to market and compel the UNWANTED service to increase their revenues.
- 4.5. Peonage and slavery. 18 U.S.C. §1581 and Thirteenth Amendment. The civil statutory obligations that attach to the compelled office that the VICTIM involuntarily occupies constitute PEONAGE.

1 4.6. Impersonating a public officer. [18 U.S.C. §912](#). Government can only regulate its own officers. Those officers  
2 must, in turn, be lawfully elected, appointed, or hired and they NEVER are. Following proper appointment,  
3 election, or hiring protocol would, after all, inform you that you are a volunteer, and they can NEVER admit that  
4 they need your consent to regulate you.

5 5. Those in government engaging in such activities protect themselves from criminal consequences by:

6 5.1. Abusing "equivocation" of key terms to make PUBLIC and PRIVATE indistinguishable.

7 5.2. Playing stupid.

8 5.3. Ensuring that people administering the program are NOT legally responsible or accountable for anything they  
9 say, write, or publish. See:

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

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

10 5.4. Compartmentalizing service personnel at the bottom by telling them to learn PROCEDURES and NEVER actual  
11 LAW. Thus, they can claim plausible deniability and never be prosecuted personally for their criminal activities. .

12 6. To ensure the continuation and protection of the weaponization of government, the corrupt government agents and  
13 employees engaging in it will:

14 6.1. Hide forms for quitting the programs.

15 6.2. Describe the program as "voluntary" but provide no regulations, forms, or internal procedures to QUIT.

16 6.3. Not offer options on the application for the WANTED service any method of UNBUNDLING or REMOVING  
17 the UNWANTED service from the transaction.

18 6.4. Define no statutory or regulatory terms which recognize ANYONE who has not volunteered for the  
19 UNWANTED service so that their PRIVATE rights can be legally recognized and even ADMINISTRATIVELY  
20 enforced.

The above tactics, in a PRIVATE business context, would be referred to as "marketing".

21 7. To ensure that the government is never victimized by the above tactics by PRIVATE people using it against THEM,  
22 the corrupted and covetous government must implement SOVEREIGN IMMUNITY in its own case but DENY it to  
23 the sovereign people they serve:

24 7.1. Government must claim to have sovereign immunity which requires EXPRESS WRITTEN CONSENT to  
25 surrender that sovereign immunity. By the way, the CONSTITUTION DOES NOT AUTHORIZE sovereign  
26 immunity and there is therefore NO SUCH THING! See: [Najim v. CACI Premier Tech., Inc., 368 F.Supp.3d. 935](#)  
27 [\(2019\)](#).

28 7.2. The Sovereign People from whom that sovereign immunity was delegated DO NOT have sovereign immunity.  
29 Thus, sovereign immunity is a "supernatural power" the people as the "natural" cannot and do not possess.

30 7.3. All people signing up for the SCAM UNWANTED service do so through usually IMPLIED rather than  
31 EXPRESS consent. Thus, they are UNAWARE that they are "electing" themselves ILLEGALLY into a public  
32 office and joining the government by doing so. This constitutes fraud, because they are NOT ALLOWED to  
33 know that is what they are doing, and if they knew that was what they were doing, they would DEMAND the  
34 ability to NOT CONSENT to the UNWANTED service connected to the office and receive only the WANTED  
35 service or product. See:

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

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

36 8. Synonyms for this process include: adhesion contract, unconscionable contract, compelled franchise, compelled  
37 privilege, SLAVERY, PEONAGE, HUMAN TRAFFICKING.

38 Examples of government programs which usually implement "weaponization of government" as described above:

39 1. Passports. Most people use this document mainly for INTERSTATE travel and ID to conduct commerce, neither of  
40 which can be or should be "privileged" or regulated. Foreign travel use requests the PRIVILEGE of protection abroad  
41 is only secondary and should be optional. The Department of State should offer TWO passports, one for INTRAsate  
42 use and one for FOREIGN use, so that you have a "NONPRIVILEGED" version of the document that you can obtain  
43 WITHOUT the need to collect an SSN or TIN. Forcing applicants to provide an SSN or TIN to receive ANY kind of  
44 passport essentially bundles a DE FACTO public office with otherwise PRIVATE travel. That office is called  
45 "STATUTORY citizen" under [8 U.S.C. §1401](#), 26 C.F.R. §1.1-1(c), etc. See:

*Getting a USA Passport as a "State National"*, Form #10.013

<https://sedm.org/product/getting-a-usa-passport-as-a-state-national-form-10-013/>

46 2. State "resident" ID. This id is intended primarily for use in commerce, and most people, if they had a choice, would  
47 AVOID the STATUTORY "resident" civil status and public office bundled with it.  
48



- 1 3. Driver licensing. This id is intended primarily for use in commerce, and most people, if they had a choice, would  
2 AVOID the STATUTORY "driver" civil status and public office bundled with it.
- 3 4. Marriage licensing. Licensed marriage is a civil statutory privilege and a three-party contract. A licensed marriage is  
4 polygamy with the state, and the state is the only one of the three parties who can rewrite the contract at will any time  
5 they want. Thus, the state literally becomes god as the only party with superior or supernatural powers in violation of  
6 the First Amendment.
- 7 5. Professional licensing. Government uses licenses to institute in effect ECONOMIC EMBARGOES on all those who  
8 don't follow their rules. If you don't follow their rules and regulations, they take away the license. In the absence of a  
9 license, you lose business and could literally starve in some cases. The result is GENOCIDE.
- 10 6. Building permits. It is not your property if you need permission from the government to do anything to it that doesn't  
11 demonstrably injure others.
- 12 7. Property taxes. Through the Torrens Act and the building code, the state claims a shared ownership in the property and  
13 acquires absolute ownership. If you don't pay the property tax, they literally STEAL your property and all your equity.  
14 The absolute owner is the only party who can deprive other parties of the use of the property so they are the absolute  
15 owner.
- 16 8. The Federal Reserve counterfeiting franchise. We presently have "currency", and not "money". Currency in turn is a  
17 debt instrument, and the effective lender is the PRIVATE, for profit, Federal Reserve. Every attempt to regulate the use  
18 of this fiat currency through money laundering statutes presupposes that those handling it are engaged in a public office  
19 in the national government. See:  
20 8.1. *The Money Scam*, Form #05.041  
21 <https://sedm.org/Forms/05-MemLaw/MoneyScam.pdf>  
22 8.2. *The Money Laundering Enforcement Scam*, Form #05.044  
23 <https://sedm.org/Forms/05-MemLaw/MoneyLaunderingScam.pdf>
- 24 9. Criminal courts, who will insist that you must be "REPRESENTED" essentially by a public officer and officer of the  
25 court with a criminal financial conflict of interest, or they won't allow litigation to proceed. See:  

*Unlicensed Practice of Law*, Form #05.029  
<https://sedm.org/product/unlicensed-practice-of-law-form-05-029/>

26 In the private commercial marketplace, such tactics by large corporations include the following:

- 27 1. The Google Android operating system:  
28 1.1. If phone manufacturers what to implement on their phone, must agree to use Google Search as their default  
29 search engine.  
30 1.2. Developers who want to sell their apps in the Google Play store must run all payments through the Google Play  
31 payment system and pay a commission to Google. They are NOT allowed to have their OWN private app store or  
32 payment platform.
- 33 2. The Apple IOS operating system. Vendors who want to offer their apps in the Apple Store must use the Apple payment  
34 platform and pay an exorbitant 30% of all revenues their app collects, even if it isn't the sale of their app initially. This  
35 is extortion.
- 36 3. The Microsoft Windows operating system. For years, Microsoft mandated that the Internet Explorer browser had to be  
37 installed as the default browser on all new PC's sold, or the manufacturer could not buy Windows to install on their  
38 computer.
- 39 4. Amazon marketplace. Third party vendors who sell on Amazon must agree in writing when they sign up to NEVER  
40 offer the products they sell on Amazon at a LOWER price than the Amazon price.
- 41 5. Banks. Most banks COMPEL you ILLEGALLY into a public office called a STATUTORY "U.S. Person" in order to  
42 open a bank account, even though it is ILLEGAL to occupy or elect yourself into such an office. They do this by  
43 refusing to accept the W-8 form and mandating the use of the W-9 form to open an account, even though the W-9  
44 doesn't apply to most Americans. See:  

*"U.S. Person" Position*, Form #05.052  
<https://sedm.org/Forms/05-MemLaw/USPersonPosition.pdf>
- 45 6. Money Service Businesses (MSBs) such as Western Union. They require you to provide an SSN in order to obtain a  
46 reloadable gift card and claim that "the law" mandates this.  
47 6.1. Their basis for doing so is usually "anti-money laundering" statutes (not "laws", but "statutes") that DO NOT  
48 apply to the average American. See:  

*The Money Laundering Enforcement Scam*, Form #05.044  
<https://sedm.org/Forms/05-MemLaw/MoneyLaunderingScam.pdf>



6.2. No law mandates that a state national and nonresident alien not engaged in the "trade or business" franchise must have or use an SSN or TIN, but the ILLEGALLY refuse to allow prospective cardholders to claim this status or avoid the SSN/TIN requirement. See:

*About IRS Form W-8BEN*, Form #04.202

<https://sedm.org/Forms/04-Tax/2-Withholding/W-8BEN/AboutIRSFormW-8BEN.htm>

7. Private employers accepting job applicants. They say you MUST fill out a W-4 and will not accept a W-8 in order to obtain a job, NOT as an "employee", but simply as a "worker" who is NOT a statutory government "employee". See

*Federal and State Withholding Options for Private Employers*, Form #09.001

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

The European Union has previously SANCTIONED large corporations to the tune of billions of dollars of penalties connected with the above tactics, which they label in court as "anti-competitive behavior". Why aren't they applying the SAME tactics to THEMSELVES, as far as the MONEY system? For instance, why aren't PRIVATE companies allowed to have private money systems and not connect those who use them into a public office illegally? Every time someone tries to do this, they get RAIDED illegally under the guise of "know your customer rules" that don't apply to private people. This has happened with eGold, Bitclub, Liberty Dollar, National Commodity and Barter Association (NCBA), and MANY others. Litigating against these entities can only have one purpose: Protect a de facto monopoly on money that the Constitution does NOT EXPRESSLY authorize, and which is therefore FORBIDDEN. See:

1. *The Money Scam*, Form #05.041

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

2. *Why It Is Illegal for You to Enforce Money Laundering Statutes In My Specific Case*, Form #06.046

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

3. *Money Laundering Enforcement Scam*, Form #05.044

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

The main purpose of ELIMINATING all "weaponization of government" as described above is to:

1. Pursue "justice", which is legally defined as the "right to be left alone" by everyone, INCLUDING and ESPECIALLY government. See:

*What is "Justice"?*, Form #05.050

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

2. Restore the constitutional separation between PUBLIC and PRIVATE. The Constitution is a TRUST indenture, and the main "benefit" it delivers, in fact, is PRIVATE PROPERTY! See:

*Separation Between Public and Private Course*, Form #12.025

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

3. Restore government to it's DE JURE functions and eliminate all DE FACTO practices. See:

*De Facto Government Scam*, Form #05.043

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

4. Eliminate the "Administrative State" that depends for its entire existence upon the ILLEGAL creation of the public offices that animate and implement the above FRAUD upon the people. See:

*Administrative State: Tactics and Defenses Course*, Form #12.041

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

5. To eliminate the criminal activities and criminal financial conflicts of interest in both the judiciary and the legal profession created by the above.

[SEDM Disclaimer, Section 4.30: Weaponization of Government; <https://sedm.org/disclaimer.htm>]

### **13.3 Summary of Authorities Governing Conversion of Constitutional (PRIVATE) Rights to Statutory (PUBLIC) Privileges**

The following list summarizes the court doctrines governing the conversion of Constitutional Rights into Statutory privileges:

1. Waivers of constitutional or private or natural rights must, at all times, be willful, informed, and knowing 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   2. At a bare minimum the person “consenting” must know he or she has the RIGHT to NOT consent, and that they are  
5   volunteering. This is a requirement of the constitutional requirement for “reasonable notice” as described below:

Requirement for Reasonable Notice, Form #05.022  
<https://sedm.org/Forms/05-MemLaw/ReasonableNotice.pdf>

- 6   3. An act of IMPLIED CONSENT or “assent” through an ACTION rather than a written agreement or informed consent,  
7   does NOT satisfy the criteria for what a “knowing, intelligent act” requires. Thus, there is no real consent because  
8   “assent” is not equivalent to informed consent, as in the following case.

9                   *“The State in such cases exercises no greater right than an individual may exercise over the use of his own  
10                  property when leased or loaned to others. The conditions upon which the privilege shall be enjoyed being stated  
11                  or implied in the legislation authorizing its grant, no right is, of course, impaired by their enforcement. The  
12                  recipient of the privilege, in effect, stipulates to comply with the  
13                  conditions. It matters not how limited the privilege conferred, its  
14                  acceptance implies an assent to the regulation of its use and the  
15                  compensation for it.”  
16                  [Munn v. Illinois, 94 U.S. 113 (1876)]*

17  
18                  

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19                  **ASSENT.** *Compliance: approval of something done; a declaration of willingness to do something in compliance  
20                  with a request. Norton v. Davis, 83 Tex. 32, 18 S.W. 430; Appeal of Pittsburgh, 115 Pa. 4, 7 A. 778; To approve,  
21                  ratify and confirm. People v. Consolidated Indemnity and Ins. Co., 233 App.Div. 74, 251 N.Y.S. 566, 569. It  
22                  implies a conscious approval of facts actually known, as distinguished from mere neglect to ascertain facts. White-  
23                  Wilson-Drew Co. v. Lyon Ratcliff Co., C.C.A.Ill., 268 F. 525, 526. Sometimes it is equivalent to “authorize.”  
24                  Hagerla v. Mississippi River Power Co., D.C.Iowa, 202 F. 776, 783. In the sense of the law is a matter of overt  
25                  acts, not of inward unanimity in motives, design or the interpretation of words. Triboro Coach Corporation v.  
                    New York State Labor Relations Board, 261 App.Div. 636, 27 N.Y.S.2d 83, 85.*

26                  *“Assent” is an act of understanding, while “consent” is an act of the will or feelings. Ilundby v. Hogden. 202 Wis.  
27                  438, 232 N.W. 858, 860, 73 A.L.R. 648. It means passivity or submission which does not include consent.  
28                  Perryman v. State, 63 Ga. App. 819, 12 S. E.2d 388, 390.*

29                  **Express Assent**

30                  *That which is openly declared.*

31                  **Implied Assent**

32                  *That which is presumed by law.*

33                  **Mutual Assent**

34                  *The meeting of the minds of both or all the parties to a contract; the fact that each agrees to all the terms and  
35                  conditions, in the same sense and with the same meaning as the others. Insurance Co. v. Young, 23 Wall. 107, 23  
36                  L.Ed. 152.*

37                  [Black’s Law Dictionary, Fourth Edition, p. 149]

- 38   4. Constitutional rights found in the first 8 amendments to the Constitution (the Bill of Rights) are “self-executing” and do  
39   not NEED statutes to enforce.

40                  *The design of the Fourteenth Amendment has proved significant also in maintaining the traditional separation of  
41                  powers 524\*524 between Congress and the Judiciary. The first eight Amendments to the Constitution set forth  
42                  self-executing prohibitions on governmental action, and this Court has had primary authority to interpret those  
43                  prohibitions. The Bingham draft, some thought, departed from that tradition by vesting in Congress primary  
44                  power to interpret and elaborate on the meaning of the new Amendment through legislation. Under it, “Congress,  
45                  and not the courts, was to judge whether or not any of the privileges or immunities were not secured to citizens  
46                  in the several States.” Flack, *supra*, at 64. While this separation-of-powers aspect did not occasion the widespread  
47                  resistance which was caused by the proposal’s threat to the federal balance, it nonetheless attracted the attention  
48                  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)]

5. Those who claim or pursue the “benefits” of a statute cannot invoke the constitution if they don’t like any part of the statute they invoked.

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

[. . .]

6. The Court will not pass upon the constitutionality of a statute at the instance of one who has availed himself of its benefits. FN7 Great Falls Mfg. Co. v. Attorney General, 124 U.S. 581, 8 S.Ct. 631, 31 L.Ed. 527; Wall v. Parrot Silver & Copper Co., 244 U.S. 407, 411, 412, 37 S.Ct. 609, 61 L.Ed. 1229; St. Louis Malleable Casting Co. v. Prendergast Construction Co., 260 U.S. 469, 43 S.Ct. 178, 67 L.Ed. 351.

FN7 Compare Electric Co. v. Dow, 166 U.S. 489, 17 S.Ct. 645, 41 L.Ed. 1088; Pierce v. Somerset Ry., 171 U.S. 641, 648, 19 S.Ct. 64, 43 L.Ed. 316; Leonard v. Vicksburg, etc., R. Co., 198 U.S. 416, 422, 25 S.Ct. 750, 49 L.Ed. 1108.

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

6. Those who invoke CIVIL STATUTORY remedies SURRENDER the protections of the common law for their natural rights:

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

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

SOURCE:

[http://famguardian.org/Publications/ThePrivAndImmOfStateCit/The\\_privileges\\_and\\_immunities\\_of\\_state\\_c.pdf](http://famguardian.org/Publications/ThePrivAndImmOfStateCit/The_privileges_and_immunities_of_state_c.pdf)]

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

7. It is a basic rule of statutory construction and interpretation that statutes cannot “impair rights given under a constitution”. By “given” they can only mean RECOGNIZED but not CREATED by the Constitution:

"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)]

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

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

8. Congress cannot, by legislation, interfere with the interpretation or enforcement of the Constitution by any court.

**But Congress may not legislatively supersede our decisions interpreting and applying the Constitution.** See, e.g., City of Boerne v. Flores, 521 U.S. 507, 517—521 (1997). This case therefore turns on whether the Miranda

1 Court announced a constitutional rule or merely exercised its supervisory authority to regulate evidence in the  
2 absence of congressional direction. Recognizing this point, the Court of Appeals surveyed Miranda and its  
3 progeny to determine the constitutional status of the Miranda decision. 166 F.3d, at 687—692. Relying on the  
4 fact that we have created several exceptions to Miranda’s warnings requirement and that we have repeatedly  
5 referred to the Miranda warnings as “prophylactic,” New York v. Quarles, [467 U.S. 649](#), 653 (1984), and “not  
6 themselves rights protected by the Constitution,” Michigan v. Tucker, [417 U.S. 433](#), 444 (1974), [2](#) the Court of  
7 Appeals concluded that the protections announced in Miranda are not constitutionally required. 166 F.3d, at 687—  
8 690.  
9 [Dickerson v. United States, 530 U.S. 428 (2000)]

10  
11 

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*FOOTNOTES:*

12 [2](#). See also Davis v. United States, *512 U. S. 452, 457—458 (1994)*; Withrow v. Williams, [507 U.S. 680](#), 690—  
13 691 (1993) (“Miranda’s safeguards are not constitutional in character”); Duckworth v. Eagan, [492 U.S. 195](#),  
14 203 (1989); Connecticut v. Barrett, [479 U.S. 523](#), 528 (1987) (“[T]he Miranda Court adopted prophylactic rules  
15 designed to insulate the exercise of [Fifth Amendment](#) rights”); Oregon v. Elstad, [470 U.S. 298](#), 306 (1985);  
16 Edwards v. Arizona, [451 U.S. 477](#), 492 (1981) (Powell, J., concurring in result).

- 17 9. Since Congress cannot legislatively control, tax, or interfere with constitutional PRIVATE rights, then when a  
18 STATUTORY remedy is exclusive such as the 26 U.S.C. §7422 refund statutes, it thereby EXCLUDES constitutional  
19 remedies and always must involve PUBLIC property that is PROVEN to be public property BEFORE administrative or  
20 judicial enforcement may be used to “return” it. The ABSOLUTE OWNER is the only one who can have the right to  
21 exclude and there can only be ONE ABSOLUTE OWNER. Taxation of property in your possession is the process of  
22 EXCLUDING you from using, benefitting from, or controlling that specific property. Thus, government must, at some  
23 point, have become the ABSOLUTE owner of the thing taxed who has the right to exclude YOUR use or possession of  
24 the property. The money owed that must be “returned” is PUBLIC property and never PRIVATE property. The burden  
25 of proof upon the government is therefore to prove WHEN and HOW the money or property subject to tax was lawfully  
26 from PRIVATE ownership to PUBLIC ownership. That conversion can ONLY happen by CONSENT in some form:

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

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

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

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

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

41 *See also Equitable ownership; Exclusive ownership; Hold; Incident of ownership; Interest; Interval ownership;*  
42 *Ostensible ownership; Owner; Possession; Title.*  
43 *[Black’s Law Dictionary, Sixth Edition, p. 1106]*

44  
45 *“Quod meum est sine me auferri non potest.*

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

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

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

52 *[Bouvier’s Maxims of Law, 1856;*

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

1 10. Income tax obligations are “quasi-contractual” and EXCLUSIVELY statutory, meaning PUBLIC. They are NEVER  
2 constitutional (PRIVATE) obligations and they ALWAYS involve PUBLIC property which lawfully BECAME public  
3 property by your VOLUNTARY consent.<sup>54</sup>

4 “Even if the judgment is deemed to be colored by the nature of the obligation whose validity it establishes, and  
5 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  
6 it outside the state where rendered, see *Wisconsin v. Pelican Insurance Co.*, [127 U.S. 265](#), 292, et seq. 8 S.Ct.

7 1370, compare *Fauntleroy v. Lum*, [210 U.S. 230](#), 28 S.Ct. 641, **still the obligation to pay**  
8 **taxes is not penal. It is a statutory liability, quasi contractual in**  
9 **nature, enforceable, if there is no exclusive statutory remedy,**  
10 **in the civil courts by the common-law action of debt or**  
11 **indebitatus assumpsit.** *United States v. Chamberlin*, [219 U.S. 250](#), 31 S.Ct. 155; *Price v. United*  
12 *States*, [269 U.S. 492](#), 46 S.Ct. 180; *Dollar Savings Bank v. United States*, [19 Wall. 227](#); and see *Stockwell v.*  
13 *United States*, [13 Wall. 531, 542](#); *Meredith v. United States*, [13 Pet. 486, 493](#). **This was the rule established in**  
14 **the English courts before the Declaration of Independence.** *Attorney General v. Weeks*, *Bunbury's Exch. Rep.*  
15 *223*; *Attorney General v. Jewers and Batty*, *Bunbury's Exch. Rep.* 225; *Attorney General v. Hatton*, *Bunbury's*  
16 *Exch. Rep.* [296 U.S. 268, 272] 262; *Attorney General v. \_ \_*, *2 Ans.Rep.* 558; see *Comyn's Digest* (Title 'Dett,'  
17 A, 9); *1 Chitty on Pleading*, 123; cf. *Attorney General v. Sewell*, *4 M.&W.* 77. “  
18 [*Milwaukee v. White*, [296 U.S. 268](#) (1935)]

19 “A tax is a legal imposition, exclusively of statutory origin (37 Cyc. 724, 725), and, naturally, liability to taxation  
20 must be read in statute, or it does not exist.”

21 [*Bente v. Bugbee*, [137 A. 552](#); [103 N.J. Law. 608](#) (1927)]

22 “The taxing power of the state is exclusively a legislative function, and taxes can be imposed only in pursuance  
23 of legislative authority, although the general charge, control, and conduct of taxation are an executive function.  
24 In other words, the power to tax must be drawn from express statutory authority, there being no such thing as  
25 taxation by implication, and the legislative authority must be positive and not negative in nature. All doubts will  
26 be resolved against the taxing power.” *Idaho Power Company v. Three Creek Good Roads Dist*, [87 Idaho 109](#),  
27 [114](#) (Idaho 1964)  
28 [[84 C.J.S. Taxation § 7](#), p. 51]

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

36 11. You can be physically situated in a place protected by the Constitution, and yet still be “treated AS IF” you are located  
37 extraterritorially in a place not protected by the Constitution and subject to civil statutes. This is done under “Choice of  
38 Law Rules”. It happens when:

39 11.1. You are DOING BUSINESS with people extraterritorially in either the government or the federal zone under the  
40 following:

41 11.1.1. The Foreign Sovereign Immunities Act, 28 U.S.C. Chapter 97

42 11.1.2. *International Shoe Co. v. Washington*, [326 U.S. 310](#) (1945)

43 11.2. You declare a “domicile” or “residence” in that remote place. This confers civil statutory jurisdiction under Federal  
44 Rule of Civil Procedure 17.

45 11.3. You CONSENSUALLY represent an artificial entity (a legal fiction) that has a domicile in that place. This would  
46 be a status under the civil statutes of that place. See Federal Rule of Civil Procedure 17(b).

47 11.4. A dispute over federal property is involved. This invokes Article 4, Section 3, Clause 2, which empowers Congress  
48 and by implication the courts, to officiate over the use of federal property that they demonstrably own and lawfully  
49 acquired an interest in. This applies to all government property WORLDWIDE, including within the states.  
50 HOWEVER, the government has the burden of proof when invoking this kind of jurisdiction to prove exactly how  
51 they lawfully acquired an ownership interest in the property they seek to control or adjudicate. A failure to meet  
52 that burden of proof causes the dispute to default to the local laws where the property is physically situated.

<sup>54</sup> For a description of HOW you consented, see: *How State Nationals Volunteer to Pay Income Tax*, Form #08.024; <https://sedm.org/Forms/08-PolicyDocs/HowYouVolForIncomeTax.pdf>.



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 12. Constitutional rights attach to LAND and not the [civil status \(Form #13.008\)](#) of people ON that land. Thus, when you  
15 LEAVE the land that is protected, you surrender your constitutional rights, whether you realize it or not. This surrender  
16 of constitutional rights can happen when you go abroad to a foreign country or when you set foot on federal territory not  
17 protected by the Constitution. When abroad or on federal territory, there ARE no constitutional rights other than the  
18 Thirteenth Amendment, and EVERYTHING you want government to do for you there is a CIVIL privilege, unless  
19 congress legislatively and irrevocably extends the constitution to the locality you are at.

20            *“Indeed, the practical interpretation put by Congress upon the Constitution has been long continued and uniform*  
21 *to the effect [182 U.S. 244, 279] that **the Constitution is applicable to territories acquired by purchase or***  
22 ***conquest, only when and so far as Congress shall so direct. Notwithstanding its duty to ‘guarantee to every***  
23 ***state in this Union a republican form of government’ (art. 4, 4), by which we understand, according to the***  
24 ***definition of Webster, ‘a government in which the supreme power resides in the whole body of the people, and***  
25 ***is exercised by representatives elected by them,’ Congress did not hesitate, in the original organization of the***  
26 ***territories of Louisiana, Florida, the Northwest Territory, and its subdivisions of Ohio, Indiana, Michigan,***  
27 ***Illinois, and Wisconsin and still more recently in the case of Alaska, to establish a form of government bearing***  
28 ***a much greater analogy to a British Crown colony than a republican state of America,** and to vest the legislative  
29 power either in a governor and council, or a governor and judges, to be appointed by the President. It was not  
30 until they had attained a certain population that power was given them to organize a legislature by vote of the  
31 people. In all these cases, as well as in territories subsequently organized west of the Mississippi, Congress  
32 thought it necessary either to extend to Constitution and laws of the United States over them, or to declare that  
33 the inhabitants should be entitled to enjoy the right of trial by jury, of bail, and of the privilege of the writ of  
34 habeas corpus, as well as other privileges of the bill of rights.”*  
35 [Downes v. Bidwell, 182 U.S. 244 (1901)]

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

39  
40            *“Under the Insular Cases doctrine, only fundamental constitutional rights [\*\*10] extend to unincorporated*  
41 *United States territories, whereas in incorporated territories all constitutional provisions are in force. [Balzac v.](#)*  
42 *[Puerto Rico](#), 258 U.S. 298, 42 S.Ct. 343, 66 L.Ed. 627 (1922). In [Balzac](#), the Court determined that Puerto Rico*  
43 *was an unincorporated territory. Thus, in order for the [Spending Clause](#) protections to apply to Puerto Rico,*  
44 *Congress must have subsequently incorporated the territory. Otherwise, the Clause would not apply because it is*  
45 *not the source of any fundamental rights. <sup>3</sup> See [Downes v. Bidwell](#), 182 U.S. 244, 21 S.Ct. 770, 45 L.Ed. 1088*  
46 *(1901) (holding that [Article I, § 8 cl. 1 of the Constitution](#) did not apply to Puerto Rico).”*  
47 [Consejo de Salud v. Rullan, 586 F.Supp.2d. 22 (2008)]  
48 [EDITORIAL: By fundamental constitutional rights, they mean everything OTHER than the Bill of Rights]

- 49 13. There is only ONE constitutional right that attaches to land EVERYWHERE in the COUNTRY “United States” rather  
50 than only in land within the exclusive jurisdiction of a constitutional state. That right is freedom from involuntary  
51 servitude found in the Thirteenth Amendment:

52            *“That is does not conflict with the Thirteenth Amendment, which abolished slavery and involuntary servitude,*  
53 *except as a punishment for crime, is too clear for argument. Slavery implies involuntary servitude—a state of*  
54 *bondage; the ownership of mankind as a chattel, or at least the control of the labor and services of one man for*  
55 *the benefit of another, and the absence of a legal right to the disposal of his own person, property, and services.*  
56 *This amendment was said in the Slaughter House Cases, 16 Wall, 36, to have been intended primarily to abolish*  
57 *slavery, as it had been previously known in this country, and that it equally forbade Mexican peonage or the*  
58 *Chinese coolie trade, when they amounted to slavery or involuntary servitude and that the use of the word*  
59 *‘servitude’ was intended to prohibit the use of all forms of involuntary slavery, of whatever class or name.”*  
60 [Plessy v. Ferguson, 163 U.S. 537, 542 (1896)]



1 "It is not open to doubt that Congress may enforce the 13th Amendment by direct legislation, punishing the  
2 holding of a person in slavery or in involuntary servitude except as a punishment for crime. In the exercise of  
3 that power Congress has enacted these sections denouncing peonage, and punishing one who holds another in  
4 that condition of involuntary servitude. This legislation is not limited to the territories or other parts of the  
5 strictly national domain, but is operative in the states and wherever the sovereignty of the United States extends.  
6 We entertain no doubt of the validity of the legislation, or its applicability to the case of any person holding  
7 another in a state of peonage, and this whether there be a municipal ordinance or state law sanctioning such  
8 holding. It operates directly on every citizen of the Republic, wherever his residence may be."  
9 [*Clyatt v. United States*, 197 U.S. 207, 25 S.Ct. 429, 49 L.Ed. 726 (1905)]

- 10 14. Where rights secured by the Constitution are involved, there can be no rule making or legislation which would abrogate  
11 them. By "rule making" they mean REGULATIONS instituted under the authority of Article 4, Section 3, Clause 2 of  
12 the Constitution to regulate GOVERNMENT/PUBLIC property ONLY and NOT PRIVATE property.

13 *"It is also urged upon us that we withhold decision on this issue until state legislative bodies and advisory groups*  
14 *have had an opportunity to deal with these problems by rule making.<sup>65</sup> We have already pointed out that the*  
15 *Constitution does not require any specific code of procedures for protecting the privilege against self-*  
16 *incrimination during custodial interrogation. Congress and the States are free to develop their own safeguards*  
17 *for the privilege, so long as they are fully as effective as those described above in informing accused persons of*  
18 *their right of silence and in affording a continuous opportunity to exercise it. In any event, however, the issues*  
19 *presented are of constitutional dimensions and must be determined by the courts. The admissibility of a statement*  
20 *in the face of a claim that it was obtained in violation of the defendant's constitutional rights is an issue the*  
21 *resolution of which has long since been undertaken by this Court. See *Hopt v. People of Territory of Utah*, 110*  
22 *U.S. 574, 4 S.Ct. 202, 28 L.Ed. 262 (1884). Judicial solutions to problems of constitutional dimension have*  
23 *evolved decade by decade. As courts have been presented with the need to enforce constitutional rights, they have*  
24 *found means of doing so. That was our responsibility when Escobedo was before us and it is our responsibility*  
25 *today. Where rights secured by the Constitution are involved, there can be no rule making or legislation which*  
26 *would abrogate [eliminate] them."*  
27 [*Miranda v. Arizona*, 384 U.S. 436, 86 S.Ct. 1602, 16 L.Ed.2d. 694 (1966)]

- 28 15. Under common law maxims, anything you consent to cannot form the basis for an injury in court. Thus, if you consent  
29 to the surrender of ANY constitutional right, you have no standing in any court to sue for an injury to that right. That  
30 consent can be manifested EXPRESSLY (in writing) or IMPLIEDLY (by conduct).

31 *"Volunt non fit injuria.*  
32 *He who consents cannot receive an injury. 2 Bouv. Inst. n. 2279, 2327; 4 T. R. 657; Shelf. on mar. & Div. 449.*

33 *Consensus tollit errorem.*  
34 *Consent removes or obviates a mistake. Co. Litt. 126.*

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

37 *Nemo videtur fraudare eos qui sciunt, et consentiunt.*  
38 *One cannot complain of having been deceived when he knew the fact and gave his consent. Dig. 50, 17, 145."*  
39 [*Bouvier's Maxims of Law*, 1856;  
40 SOURCE: <http://famguardian.org/Publications/BouvierMaximsOfLaw/BouviereMaxims.htm>]

- 41 16. Most surrenders of constitutional rights occur IMPLIEDLY, when you seek temporary use, custody, or benefit of  
42 government property. The courts label this type of consent "ASSENT", and it is literally PURCHASED by  
43 "consideration" that they provide and your conduct in SEEKING that consideration or PUBLIC property<sup>55</sup>:

44 "The State in such cases exercises no greater right than an individual may exercise over the use of his own  
45 property when leased or loaned to others. The conditions upon which the privilege shall be enjoyed being stated  
46 or implied in the legislation authorizing its grant, no right is, of course, impaired by their enforcement. **The**  
47 recipient of the privilege, in effect, stipulates to comply with the  
48 conditions. It matters not how limited the privilege conferred, its

<sup>55</sup> It is VERY important to keep in mind that CIVIL STATUTES convey PUBLIC RIGHTS, and those rights are created by and owned by the government through legislation. Any pursuit of the PUBLIC rights or remedies provided by civil statutes is a request to use PUBLIC property for your "benefit", and thus to surrender ALL constitutional rights in the process. This is discussed in: [Why Statutory Civil Law is Law for Government and Not Private Persons](https://sedm.org/Forms/05-MemLaw/StatLawGovt.pdf), Form #05.037; <https://sedm.org/Forms/05-MemLaw/StatLawGovt.pdf>. You can STILL get a remedy for a violation of PRIVATE or NATURAL or CONSTITUTIONAL rights, but you must invoke the common law of England and NOT civil statutes to properly invoke the remedy. This is covered in: [Choice of Law](https://sedm.org/Litigation/01-General/ChoiceOfLaw.pdf), Litigation Tool #01.010, <https://sedm.org/Litigation/01-General/ChoiceOfLaw.pdf>.

1 **acceptance implies an assent to the regulation of its use and the**  
2 **compensation for it.”**

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

4 17. There is a BIBLICAL CURSE upon all nations and societies which abuse grants or loans of government property as a  
5 method to destroy constitutional or natural rights or convert them to PUBLIC rights as described in the previous step.<sup>56</sup>

6 “The rich rules over the poor,  
7 And the borrower is servant [SLAVE] to the lender.”  
8 [[Prov. 22:7](#), Bible, NKJV]

9  
10 **Curses of Disobedience [to God’s Laws]**

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

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

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

31 **13.4 How Grants of Government Property (“Benefits”) Cause a Surrender of**  
32 **Constitutional/Private Rights That Causes You to represent a Privileged Government “Straw**  
33 **man”/Public Officer within a Dulocracy<sup>57</sup>**

34 “Many [idolaters] seek the ruler’s favor [privileges], But [justice \[Form #05.050\]](#) for man comes from the Lord  
35 [rather than the government/Caesar].”  
36 [[Prov. 29:26](#), Bible, NKJV]

37 “For the love of money [or government “benefits” or payments or privileges] is a root of all kinds of evil, for  
38 which some have strayed from the faith in their greediness, and pierced themselves through with many sorrows.  
39 [[1 Tim. 6:10](#), Bible, NKJV]

40 “Most assuredly, I say to you, whoever commits sin is a slave of sin.”  
41 [[John 8:34](#), Bible, NKJV]

42 This article summarizes in a nutshell content from many different places on this site into a single, succinct, and cohesive  
43 explanation of how you lose your rights, liberty, and freedom by usually unknowingly exchanging them for government  
44 privileges. The fact that this process is largely unknown by most Americans is more a product of deficient legal education

<sup>56</sup> See: [How Scoundrels Corrupted Our Republican Form of Government](#), Family Guardian Fellowship;  
<https://famguardian.org/Subjects/Taxes/Evidence/HowScCorruptOurRepubGovt.htm>.

<sup>57</sup> SOURCE: [Why the Federal Income Tax is a Privilege Tax Upon Government Property](#), Form #04.404, Section 3;  
<https://sedm.org/Forms/FormIndex.htm>.

1 and legal ignorance than it is choice. That legal ignorance about this subject is deliberately fostered by the following culpable  
2 parties to protect the main source of their unjust authority over you:

- 3 1. The Internal Revenue Service, which isn't even part of the U.S. government.<sup>58</sup>
- 4 2. American and State BAR Associations.
- 5 3. Tax Lawyers.
- 6 4. American Institute of Certified Public Accountants.
- 7 5. State Societies of CPA's.
- 8 6. Individual Certified Public Accountants and Public Accounting Firms, who prepare income tax returns.
- 9 7. Professional Tax preparers.

10 All the conspirators earn billions of dollars every year and act essentially as uncompensated agents for the IRS. It is really  
11 an organized criminal conspiracy to subvert the private property rights of American citizens domiciled on non-federal land  
12 who are wholly employed within the private sector. The main organizers are corrupt federal judges, who protect the criminal  
13 activity mainly because their "benefits" and pay and retirement depend on it.<sup>59</sup>

14 Throughout this site, we refer to equality or rights between you and the government in court as the MAIN source of your  
15 freedom, as acknowledged by the U.S. Supreme Court:

16 *"No duty rests more imperatively upon the courts than the enforcement of those constitutional provisions intended*  
17 *to secure that equality of rights which is the foundation of free government."*  
18 *[Gulf, C. & S.F.R. Co. v. Ellis, [165 U.S. 150](#) (1897)]*

19 So, in order to destroy your freedom or private/constitutional rights, the government must make you subservient and  
20 unequal in relation to itself, and thus to create a "dulocracy". There is no other way.

21 *"Dulocracy: A government where servants and slaves have [so much license and privilege \[franchises\]](#) that they*  
22 *domineer."*  
23 *[Black's Law Dictionary, Fourth Edition]*

24 But how, you might ask, is this "dulocracy" created without violating the constitution or the laws protecting property? The  
25 answer is that you must CONSENT to it! And that to entice you to consent, they must bribe or entice you to give up rights  
26 in exchange for privileges. The bribe comes in the form of "benefits" or advantages or what we call "[civil services](#)" (in our  
27 [Disclaimer, Section 4.6](#)) offered by civil statutes. The bribe and the rights you have to give up to procure the bribe, in turn,  
28 are "property" from a legal perspective, so in effect, they are enticing you with PROPERTY of some kind:

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

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

44 *Property embraces everything which is or may be the subject of ownership, whether a legal ownership, or whether*  
45 *beneficial, or a private ownership. *Davis v. Davis. TexCiv-App., 495 S.W.2d. 607. 611. Term includes not only**  
46 *ownership and possession but also the right of use and enjoyment for lawful purposes. *Hoffmann v. Kinealy, Mo.,**  
47 *389 S.W.2d. 745, 752. Property, within constitutional protection, denotes group of rights inhering in citizen's*

<sup>58</sup> See: *Origins and Authority of the Internal Revenue Service*, Form #05.005; <https://sedm.org/Forms/FormIndex.htm>.

<sup>59</sup> See: *What Happened to Justice?*, Form #06.012; <https://sedm.org/Forms/FormIndex.htm>.

1 relation to physical thing, as right to possess, use and dispose of it. *Cereghino v. State By and Through State*  
2 Highway Commission, 230 Or. 439, 370 P.2d. 694, 697.  
3 [Black's Law Dictionary, Fifth Edition, p. 1095]

4 The property and rights to property can take many forms:

- 5 1. A privilege. All privileges constitute loans or grants of government property with conditions or legal strings attached  
6 taking the form of civil statutes. They can be taken away at the whim of the grantor of the property. This gets back to  
7 the original definition of "ownership", the essence of which is "the right to exclude" per the U.S. Supreme court:

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

13  
14 "In this case, we hold that the "right to exclude," so universally held to be a fundamental element of the property  
15 right,<sup>[11]</sup> falls within this category of interests that the Government cannot take without compensation."  
16 [Kaiser Aetna v. United States, 444 U.S. 164 (1979)]

17 FOOTNOTES:

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

- 22 2. A franchise. This is a specific TYPE of privilege which constitutes a contract or agreement. The legal definition of  
23 "franchise" is that it is "a privilege in the hands of a subject". So, to put government property in your HANDS or your  
24 CUSTODY, you become party to a franchise.  
25 3. A commercial benefit offered by government.  
26 4. A government "service". We call these "civil services" in our [Disclaimer, Section 4.6](#).  
27 5. An "entitlement"  
28 6. A license.  
29 7. Free healthcare, which actually isn't really "free" because they make you pay for it one way or another.  
30 8. Old age pension such as Social Security.  
31 9. The ability to vote or serve on jury duty. Convicted felons cannot do either in most states, and therefore these two  
32 things are PRIVILEGES, not RIGHTS.  
33 10. A privilege granted by a statute against the government, such as tax remedies.  
34 11. A privilege granted by statute against ANOTHER man or woman who is ALSO party to the same franchise contract or  
35 compact that you are party to.  
36 12. The civil status that the privilege attaches to, such as "person", "taxpayer", "citizen", or "resident", all of which are  
37 creations of and therefore PROPERTY of their creator, which is the Legislative branch.

38 The above all constitute property because:

- 39 1. All rights are property.  
40 2. Anything that CONVEYS rights is property.  
41 3. Contracts convey rights and therefore are property.  
42 4. All franchises are implemented as contracts or agreements and therefore property.

43 So, to make you the LAWFUL target of any CIVIL STATUTORY enforcement, the only thing the government has to prove  
44 is that you either received a government commercial benefit or government property of some kind, or are even ELIGIBLE to  
45 receive such a benefit. Those who are "eligible" are assigned a civil STATUTORY status of some kind, such as "person",  
46 "driver", "citizen", "resident", "taxpayer", etc. This then gives them the lawful authority under Article 4, Section 3, Clause 2  
47 of the Constitution to "make all needful rules" to REGULATE all those in custody of such property through DIRECT  
48 legislation. Thus, you become a SUBJECT because government property is "in your hands", as the definition of "franchise"

1 proves. The statutes at 5 U.S.C. §553(a)(2) recognize the authority to DIRECTLY regulate your personal conduct as someone  
2 in custody of government property without the need for implementing regulations or even public notice!

3 [5 U.S. Code § 553 - Rule making](#)

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

5 [. . .]

6 (2) a matter relating to [agency](#) management or personnel or to public property, loans, grants, benefits, or  
7 contracts.

8 What ALL of the above have in common is that they are government property or loans of government property of one kind  
9 or another. THIS, in fact, is why they call it a tax RETURN: You are RETURNING a portion of the government property  
10 in your custody, folks! In the context of "income taxation" as an excise tax upon the "public office"/"trade or business"  
11 franchise, no one we know of would refer to it as a "benefit", "contract", or grant, so the only thing it can relate to is "agency  
12 management and personnel", meaning activities WITHIN the federal and not state government ONLY.

13 Most of the time, the government doesn't even have the burden of proof to produce evidence that you are eligible for the  
14 benefit or property or service, because you actually HELP them produce it. How? Because most people are DUMB enough  
15 to either REQUEST or INVOKE a statutory civil status on a government form signed under penalty of perjury in order to  
16 PURSUE the privilege. This occurs when you fill out a "Driver License Application", a "Marriage License Application", or  
17 an SS-5 Application for Social Security CARD or even NUMBER. The CARD and the NUMBER are property of the  
18 government on loan to you per 20 C.F.R. §422.103(d). Both of these are what the Federal Trade Commission calls a  
19 "franchise mark". The SSN is akin to an inventory control number. A unique identifier that people use to tag other property  
20 and attach other government privileges to that property. People use the Social Security Number to tag new bank accounts and  
21 then list those bank accounts on their tax returns to help Uncle keep better track of their property.

22 Acceptance of the application results in a transfer of GOVERNMENT property to you, with conditions or strings attached.  
23 Those conditions come in the form of civil statutes that IMPLEMENT the equivalent of a FRANCHISE contract or  
24 agreement.

25 Not surprisingly, even the current definition of "comity" itself recognizes this mechanism of regulating those in receipt,  
26 custody, control, or "benefit" of government property as follows:

27 *"comity. Courtesy; complaisance; respect; **a willingness to grant a privilege, not as a matter of right, but out***  
28 ***of deference and good will.** Recognition that one sovereignty allows within its territory to the legislative,*  
29 *executive, or judicial act of another sovereignty, having due regard to rights of its own citizens. *Nowell v. Nowell,**  
30 *Tex.Civ.App., 408 S.W.2d. 550, 553. In general, principle of "comity" is that courts of one state or jurisdiction*  
31 *will give effect to laws and judicial decisions of another state or jurisdiction, not as a matter of obligation, but*  
32 *out of deference and mutual respect. *Brown v. Babbitt Ford, Inc., 117 Ariz. 192, 571 P.2d. 689, 695. See also**  
33 *Full faith and credit clause."*  
34 *[Black's Law Dictionary, Sixth Edition, p. 267]*

35 Who exactly is "granting the privilege" above? Both YOU and the GOVERNMENT! The government as a MERCHANT  
36 under the U.C.C. grants it by creating the civil statutory franchise and offering a civil status it LEGISLATIVELY created to  
37 which the benefit attaches. It owns everything it creates, as is pointed out in:

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

38 You as the BUYER under the U.C.C. also grant it by asking for the civil status that makes you eligible to receive the benefit  
39 or property. This is how COMITY works!

40 Where's the constitutional problem with this? The problem is that Congress has NEVER had the authority to create or enforce  
41 franchises within the constitutional states of the Union!

42 *"Thus, Congress having power to regulate commerce with foreign nations, and among the several States, and*  
43 *with the Indian tribes, may, without doubt, provide for **granting** coasting **licenses**, licenses to pilots, licenses to*  
44 *trade with the Indians, and any other **licenses** necessary or proper for the exercise of that great and extensive*



1 power; and the same observation is applicable to every other power of Congress, to the exercise of which the  
2 granting of licenses may be incident. All such licenses confer authority, and give rights to the licensee.

3 But very different considerations apply to the **internal commerce** or **domestic trade** of the States. Over this  
4 commerce and trade Congress has **no power of regulation nor any direct control**. This power belongs **exclusively**  
5 to the States. **No interference by Congress with the business of citizens transacted within a State is warranted**  
6 **by the Constitution, except such as is strictly incidental to the exercise of powers clearly granted to the**  
7 **legislature**. The power to authorize a business within a State is plainly repugnant to the exclusive power of the  
8 State over the same subject. It is true that the power of Congress to tax is a very extensive power. It is given in  
9 the Constitution, with only one exception and only two qualifications. Congress cannot tax exports, and it must  
10 impose direct taxes by the rule of apportionment, and indirect taxes by the rule of uniformity. Thus limited, and  
11 thus only, it reaches every subject, and may be exercised at discretion. But, it reaches only existing subjects.

12 **Congress cannot authorize [e.g. LICENSE using a Social Security**  
13 **Number] a trade or business within a State in order to tax it.**"

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

15 Let's now apply these concepts to perhaps the most EGREGIOUS example at the federal level of a DENIAL and  
16 DESTRUCTION of equality of you in relation to them, done ironically in the NAME of PROTECTING equality! 42 U.S.C.  
17 §1981.

18 So-called STATUTORY "equal protection" is implemented in the enactments of Congress pertaining NOT to the Fourteenth  
19 Amendment, but to federal territory ONLY :

20 [TITLE 42 > CHAPTER 21 > SUBCHAPTER I > Sec. 1981.](#)  
21 [Sec. 1981. - Equal rights under the law](#)

22 (a) *Statement of equal rights*

23 *All persons within the jurisdiction of the United States shall have the same right in every State and Territory to*  
24 *make and enforce contracts, to sue, be parties, give evidence, and to the full and equal benefit of all laws and*  
25 *proceedings for the security of persons and property as is enjoyed by white citizens, and shall be subject to like*  
26 *punishment, pains, penalties, taxes, licenses, and exactions of every kind, and to no other.*

27 This statute TECHNICALLY produces INEQUALITY and turns JUSTICE into a legislative PRIVILEGE. Whenever you  
28 turn justice into a revocable privilege, it becomes INJUSTICE, as we point out in Form #05.050, Section 5.3. It produces  
29 INEQUALITY between the governed and the governors because:

- 30 1. The government is the enforcer and you are not.
- 31 2. You can't make your OWN rules for your own property to enforce against the government under the statute as the  
32 government does to you, because the statute doesn't recognize that authority. Equality demands the same rights of ALL  
33 parties on both sides.
- 34 3. You are presumed to CONSENT to the statutes when invoking the status that implements the benefit you seek. Anything  
35 you consent to cannot form the basis for an injury under the common law. Thus, you can NEVER sue the government  
36 for any part of the statutes you claim the "benefit" of. Therefore, you have waived your sovereignty and sovereign  
37 immunity to pursue a "benefit"/property. They, however, can sue YOU for refusing to follow the statute as a precondition  
38 of receiving its "benefit". Is that "fair"?

39 *"Volunt non fit injuria.*

40 *He who consents cannot receive an injury. 2 Bouv. Inst. n. 2279, 2327; 4 T. R. 657; Shelf. on mar. & Div. 449.*

41 *Consensus tollit errorem.*

42 *Consent removes or obviates a mistake. Co. Litt. 126.*

43 *Melius est omnia mala pati quam malo consentire.*

44 *It is better to suffer every wrong or ill, than to consent to it. 3 Co. Inst. 23.*

45 *Nemo videtur fraudare eos qui sciunt, et consentiunt.*

46 *One cannot complain of having been deceived when he knew the fact and gave his consent. Dig. 50, 17, 145."*

47 [*Bouvier's Maxims of Law*, 1856;

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

49 The above is why we put the following warning on the opening page of our website:

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### **Enumeration of Inalienable Rights**

Copyright Sovereignty Education and Defense Ministry, <http://sedm.org>  
Form 10.002, Rev. 11-14-2021

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



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

21 The key word in the above statute is "benefit". The PRIVILEGES attached to the civil status of "person" and enforced by the  
22 courts is the BENEFIT afforded those who claim the status. Anyone who accepts ANY benefit based on adopting such a  
23 status waives ALL constitutional rights and all NATURAL rights. This is explained in the Constitutional Avoidance Doctrine  
24 documented below:

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

28 [. . .]

29 **6. The Court will not pass upon the constitutionality of a statute at the instance of one who has availed**  
30 **himself of its benefits.**FN7 Great Falls Mfg. Co. v. Attorney General, 124 U.S. 581, 8 S.Ct. 631, 31 L.Ed. 527;  
31 Wall v. Parrot Silver & Copper Co., 244 U.S. 407, 411, 412, 37 S.Ct. 609, 61 L.Ed. 1229; St. Louis Malleable  
32 Casting Co. v. Prendergast Construction Co., 260 U.S. 469, 43 S.Ct. 178, 67 L.Ed. 351.

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34 FOOTNOTES

35 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.  
36 641, 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.  
37 1108.  
38 [Ashwander v. Tennessee Valley Authority, 297 U.S. 288, 56 S.Ct. 466 (1936)]

39 The "taxes, licenses, and exactions" mentioned in the statute are examples of CIVIL STATUTORY OBLIGATIONS that  
40 TAKE AWAY CONSTITUTIONAL or NATURAL PRIVATE RIGHTS. Such civil statutory obligations cannot be imposed  
41 involuntarily, or else slavery in violation of the Thirteenth Amendment and an unconstitutional Fifth Amendment taking  
42 would result. Thus, the STATUTORY "equality" mentioned above is equality of TREATMENT in ENFORCING  
43 PRIVILEGES or "benefits" against those who have VOLUNTARILY accepted them. ABSOLUTELY OWNED,  
44 CONSTITUTIONALLY protected PRIVATE rights CANNOT be taken away by imposing "taxes, license, and exactions"  
45 without the express consent of the original PRIVATE owner. That consent (Form #05.003) is usually impliedly or tacitly  
46 expressed by claiming the "benefits" of a specific FICTIONAL civil statutory status, such as "person", "citizen", or "resident".  
47 The courts will NEVER admit this, because it is the source of ALL of their unjust statutory power over you. You have to  
48 KNOW it. By refusing to discuss this CRUCIAL "third rail issue", this legislation and the courts which enforce it are in effect  
49 making your consent to be CIVILLY "governed" essentially invisible, so that you can never find out how you gave your  
50 consent or expressly revoke it. This devious process is called "tacit procuration" or "sub silentio".

51 "SUB SILENTIO. Under silence; without any notice being taken. Passing a thing sub silentio may be evidence  
52 of consent"  
53 [Black's Law Dictionary, Fourth Edition, p. 1593]

54 "Qui tacet consentire videtur.  
55 He who is silent appears to consent. Jenk. Cent. 32."

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

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

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

14 The U.S. Supreme Court describes this "tacit procurator" or "sub silentio" as follows:

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 (1876)*]

21 Notice the phrase "of course". They use this phrase so that they don't have to explain or address the method of consent further.  
22 It is their "dirty little secret" that they can't elaborate on because it is the source of ALL of their unjust authority. They just  
23 ASSUME/PRESUME it exists. For more on "invisible consent", see:

[Requirement for Consent, Form #05.003, Section 9.4](https://sedm.org/Forms/FormIndex.htm)  
<https://sedm.org/Forms/FormIndex.htm>

24 The term "all laws" in 42 U.S.C. §1981 earlier means CIVIL STATUTORY privileges/benefits mentioned in [5 U.S.C.](#)  
25 [§553\(a\)\(2\)](#) that are NOT, in fact "law" as legally defined, but revocable privileges which must be voluntarily accepted to  
26 become the lawful target of ENFORCEMENT activity. For proof, see:

[What is "law"?, Form #05.048](https://sedm.org/Forms/FormIndex.htm)  
<https://sedm.org/Forms/FormIndex.htm>

27 42 U.S.C. §1981 is a SUBSTITUTE for the equal protection clauses of the constitution that applies ONLY to CIVIL  
28 STATUTORY "persons" [domiciled \(Form #05.002\)](#) on federal territory within the exclusive jurisdiction of Congress as  
29 required by [Federal Rule of Civil Procedure 17\(b\)](#). Those NOT so domiciled are beyond the reach of the CIVIL jurisdiction  
30 of the federal courts and have no "capacity to sue or be sued" under the federal civil statutes, but retain their standing under  
31 the constitution. This is because the Constitution does not limit or control what happens on federal territory, except possibly  
32 the Thirteenth Amendment, which applies everywhere IN THE COUNTRY. This statute implements [CIVIL STATUTORY](#)  
33 [PUBLIC PRIVILEGES \(Form #05.037\)](#) that can be taken away without your consent, not ABSOLUTELY OWNED  
34 PRIVATE RIGHTS that cannot be taken away. The "persons" they refer to are fictional civil statutory "persons", not  
35 CONSTITUTIONAL  
36 persons". All constitutional "persons" are HUMAN BEINGS and not [Congressionally created "fictions of law" \(Form](#)  
37 [#05.042\)](#), also called "straw men". The rights spoken of attach to the [fictional civil statutory status \(Form #13.008\)](#) OF  
38 "person" not to human beings standing on land as the CONSTITUTION does. "Within the jurisdiction" means [domiciled](#)  
39 [\(Form #05.002\)](#) on federal territory. Domicile (Form #05.002) is a civil statutory protection franchise or privilege, not a  
40 PRIVATE right. "Within the jurisdiction" above does NOT refer to people physically within the boundaries of the  
41 COUNTRY "United States OF AMERICA" mentioned in the Articles of Confederation. The constitution is "self-executing"  
42 and needs no civil statutes such as this one to enforce or to define the extent of enforcement.

43 *"As enacted, the Fourteenth Amendment confers substantive rights against the States which, like the provisions  
44 of the Bill of Rights, are self-executing. Cf. South Carolina v. Katzenbach, 383 U.S., at 325 (discussing Fifteenth  
45 Amendment). The power to interpret the Constitution in a case or controversy remains in the Judiciary."*  
46 [*City of Boerne v. Flores, 521 U.S. 507 (1997)*]

1 Thus, CONSTITUTIONAL "persons" do not need civil statutes or the [civil statutes](#) they attach the privilege to such as the  
2 above to be entitled to protection of PRIVATE RIGHTS that are NOT statutory privileges within any court. This statute is  
3 therefore a devious attempt to deceive the reader into exchanging your PRIVATE CONSTITUTIONAL RIGHTS for  
4 REVOCABLE STATUTORY PUBLIC PRIVILEGES. Don't go for it! As a practical matter, the reader must always be aware  
5 that YOU CANNOT BE A CONSTITUTIONAL PERSON AND A STATUTORY PERSON under federal law at the SAME  
6 time! They are mutually exclusive and non-overlapping. This is the main implication of City of Boerne above and the  
7 Constitutional Avoidance Doctrine, in fact. Thus, they are using EQUIVOCATION between the STATUTORY and  
8 CONSTITUTIONAL contexts for "person" to deceive the reader into thinking they are equivalent. For more on  
9 "equivocation" as a tool of tyranny and deception, see:

[Legal Deception, Propaganda, and Fraud](https://sedm.org/Forms/FormIndex.htm), Form #05.014, Section 16.1  
<https://sedm.org/Forms/FormIndex.htm>

10 Some federal courts have INCORRECTLY interpreted this statute as an attempt to IMPLEMENT the [Fourteenth](#)  
11 [Amendment's "necessary and proper" clause, clause 5](#), which says

12 *"The Congress shall have power to enforce, by appropriate legislation, the provisions of this article."*

13 ... but this is simply not what it does, as explained in City of Boerne above. For an example of this MISINTERPRETATION  
14 of the purpose of this amendment, see the following, which deals with a closely related statute to this one:

- 15 1. [Section 1983 Litigation](#), Litigation Tool #08.008  
16 <https://sedm.org/Litigation/LitIndex.htm>
- 17 2. [Rosenstock's Section 1983 Civil Rights Digest](#), Litigation Tool #08.009  
18 <https://sedm.org/Litigation/LitIndex.htm>

19 It's now crystal clear to all readers from this discussion to not be tricked into thinking the beneficent government has crafted  
20 a civil rights statute for the protection and REAL benefit of the American people. Those days are long gone where legislation  
21 helps us.

22 The artfully employed, but always pernicious application of presumption, is ever-present in nearly every confusing,  
23 obfuscated federal statute and regulation. And the end goal is the destruction of personal liberty and the aggrandizement of  
24 money and power taken from the people, with a corresponding decrease in the freedom and liberty of these same sovereign  
25 people.

26 Stated simply, over a period of many decades, through the abuse of legislation and the pernicious drafting of same, the  
27 nation's core founding principles, have steadfastly been eroded, destroyed, and attacked from within, by the senators, by the  
28 elected representatives, and the many presidents who betrayed the American people and abrogated their respective oaths of  
29 office. It goes far beyond the pale and is the very essence of the devil incarnate.

30 These B.S. civil rights statutes in 42 U.S.C. are similar to the closely distanced steel rails/fences, that slowly narrow so the  
31 swine and cows will naturally form an obedient, single file line, and walk mindlessly in lock step, prior to their execution  
32 inside the meat harvesting and packing plants.

33 The corrupted statutes and regulations trick the masses of people and act as inducements and legal fences, to herd and guide  
34 the unsuspecting sheeple, to their own eventual slaughter.

35 As an example of how the above process works as a method to HUNT you like an animal and trap you, consider the  
36 requirement to use a "franchise mark" called a Social Security Number to live or work.

- 37 1. You can only participate in Social Security by earning statutory "Wages" per 26 U.S.C. §3401.
- 38 2. Only those subject to FICA, meaning Social Security insurance, have to supply an SSN. 26 C.F.R. §31.6011(b)-2.
- 39 3. Reports of covered "wages" earnings are submitted under the authority of 26 C.F.R. §31.6051-1 and MUST include an  
40 SSN.
- 41 4. Jurisdiction over FICA insurance is "special maritime jurisdiction", meaning contract. See:

[DOJ Criminal Resource Manual, Section 662](https://www.justice.gov/archives/jm/criminal-resource-manual-662-maritime-territorial-and-indian-jurisdiction-generally)

<https://www.justice.gov/archives/jm/criminal-resource-manual-662-maritime-territorial-and-indian-jurisdiction-generally>

5. You can only earn “wages” by volunteering in submitting a W-4 under 26 U.S.C. §3402(p). If you don’t, the employer is stealing if they treat your PRIVATE, ABSOLUTELY OWNED earnings as STATUTORY “wages” and you must correct your earnings and request a refund of FICA tax when or if you file income tax.
6. It is otherwise ILLEGAL to compel the use of an SSN per 42 U.S.C. §408(a)(8).
7. Once you sign up for FICA using a Form W-4:
  - 7.1. EVERYTHING you earn even as a nonresident alien, is and MUST be treated AS IF it was related to “services performed within the United States\*\*”, meaning THE GOVERNMENT and not the GEOGRAPHICAL “United States” per 26 U.S.C. §7701(a)(9) and (a)(10). There is NO SUCH THING as “employment” for services performed OUTSIDE the “United States\*\*” government. For proof, see 26 C.F.R. §31.3121(b)-3(a). The IRS also admitted this on their own letterhead as follows:

*Cynthia Mills Letter, IRS Disclosure Officer Hoverdale Letter*, SEDM Exhibit #09.023  
<https://sedm.org/Exhibits/ExhibitIndex.htm>
  - 7.2. You agree to be treated as a STATUTORY government “EMPLOYEE” under 26 U.S.C. §3401(c) AND 5 U.S.C. §2105(a). That’s what the W-4 says: “EMPLOYEE Withholding allowance certificate”.
  - 7.3. Everything you earn is now “effectively connected to a trade or business”, meaning a PUBLIC OFFICE per 26 U.S.C. §7701(a)(26) .
  - 7.4. Everything you earn will be TREATED as a “federal payment”, meaning a GOVERNMENT payment instead of your PRIVATE absolutely owned property. For proof, see 26 U.S.C. §3402(p)(1)(C).
  - 7.5. The REAL party in interest performing the services for the employer is UNCLE SAM and the office that he owns called “employee”, which functions as the equivalent of a “Kelly Girl” on loan to your employer. You don’t exist anymore, and the SSN is the “employee badge” identifying you as a franchisee.
8. Because everything then becomes “services performed WITHIN the United States\*\*\*”, then EVERYTHING is now taxable under the Internal Revenue Code. Thus, you had to agree to make ALL your earnings taxable even if they weren’t previously, in order to participate in FICA/Social Security. SCAM!
9. By participating in government social insurance, you now have surrendered ALL of your constitutional protections. The constitution does NOT protect government “employees” or even private employees on the job.

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

Thus, FICA/Social Security Insurance is the CONSIDERATION that creates the obligation to furnish the SSN. If you never consent to participate and don’t want the “benefit”, you can’t be compelled to use the number. AND it's used as a CARROT to give up control and absolute ownership of ALL of your earnings. NOW do you understand the significance of the following scriptures?:

*‘For among My people are found wicked men;  
They lie in wait as one who sets snares;  
They set a trap;  
They catch men.  
27 As a cage is full of birds,  
So their houses are full of deceit.  
Therefore they have become great and grown rich.  
28 They have grown fat, they are sleek;  
Yes, they surpass the deeds of the wicked;  
They do not plead the cause,*

1           *The cause of the fatherless;*  
2           *Yet they prosper,*  
3           *And the right of the needy they do not defend.*  
4           <sup>29</sup>*Shall I not punish them for these things?’ says the Lord.*  
5           *‘Shall I not avenge Myself on such a nation as this?’*

6           <sup>30</sup>*“An astonishing and horrible thing*  
7           *Has been committed in the land:*  
8           <sup>31</sup>*The prophets prophesy falsely,*  
9           *And the priests rule by their own power;*  
10           *And My people love to have it so.*  
11           *But what will you do in the end?*  
12           *[Isaiah 42:21-25, Bible, NKJV]*

13   It’s a biblical sin to number the people collectively, or to number yourself PERSONALLY. That’s what the Mark of the  
14   Beast is all about!

15           <sup>14</sup>*So the Lord sent a plague upon Israel, and seventy thousand men of Israel fell.<sup>1</sup> And God sent an angel to*  
16           *Jerusalem to destroy it. As he was destroying, the Lord looked and relented of the disaster, and said to the angel*  
17           *who was destroying, “It is enough; now restrain your hand.” And the angel of the Lord stood by the threshing*  
18           *floor of Ornan the Jebusite.*

19           <sup>16</sup>*Then David lifted his eyes and saw the angel of the Lord standing between earth and heaven, having in his hand*  
20           *a drawn sword stretched out over Jerusalem. So David and the elders, clothed in sackcloth, fell on their faces.<sup>17</sup>*  
21           *And David said to God, “Was it not I who commanded the people to be numbered? I am the one who has sinned*  
22           *and done evil indeed; but these sheep, what have they done? Let Your hand, I pray, O Lord my God, be against*  
23           *me and my father’s house, but not against Your people that they should be plagued.”*  
24           *[1 Chron. 21:14-17, Bible, NKJV]*

25   Ironically, the very purpose of the GOVERNMENT’S mark, meaning the Slave Surveillance Number, is essentially to ensure  
26   that an accounting system is in place to literally FORCE you to have to PAY for value of ALL property and services you  
27   demand from the government, and thus, to take responsibility for paying your own way. So it’s really about personal  
28   responsibility for pulling one’s own weight. The U.S. Supreme Court has held, in fact, that the ONLY occasion where the  
29   government can COMPEL you to provide a Social Security Number is if you are asking for a “benefit”, and by implication  
30   government property:

31           *“Roy may no more prevail on his religious objection to the Government’s use of a Social Security number for his*  
32           *daughter than he could on a sincere religious objection to the size or color of the Government’s filing cabinets.*  
33           *The Free Exercise Clause affords an individual protection from certain forms of governmental compulsion; it*  
34           *does not afford an individual a right to dictate the conduct of the Government’s internal procedures.*

35           [. . .]

36           *The Federal Government’s use of a Social Security number for Little Bird of the Snow does not itself in any degree*  
37           *impair Roy’s “freedom to believe, express, and exercise” his religion.<sup>[6]</sup> 701\*701 Consequently, appellees’*  
38           *objection to the statutory requirement that each state agency “shall utilize” a Social Security number in the*  
39           *administration of its plan is without merit. It follows that their request for an injunction against use of the Social*  
40           *Security number in processing benefit applications should have been rejected. We therefore hold that the portion*  
41           *of the District Court’s injunction that permanently restrained the Secretary from making any use of the Social*  
42           *Security number that had been issued in the name of Little Bird of the Snow Roy must be vacated.*

43           [. . .]

44           *The statutory requirement that applicants provide a Social Security number is wholly neutral in religious terms*  
45           *and uniformly applicable. There is no claim that there is any attempt by Congress to discriminate invidiously or*  
46           *any covert suppression of particular religious beliefs. The administrative requirement does not create any danger*  
47           *of censorship<sup>[8]</sup> or place a direct condition or burden on the dissemination of religious views.<sup>[9]</sup> It does not intrude*  
48           *on the organization of a religious institution<sup>[10]</sup> or school.<sup>[11]</sup> It may indeed confront some applicants for benefits*  
49           *with choices, but in no sense does it affirmatively compel appellees, by threat of sanctions, to refrain from*  
50           *religiously motivated conduct<sup>[12]</sup> or to engage in conduct that they find objectionable for religious reasons.<sup>[13]</sup>*  
51           *Rather, it is appellees who seek benefits from the Government and who assert that, because of certain religious*  
52           *beliefs, they should be excused from compliance with a condition that is binding on all other persons who seek*  
53           *the same benefits from the Government.*

54           [. . .]



1 We conclude then that government regulation that indirectly and incidentally calls for a choice between securing  
2 a governmental benefit and adherence to religious beliefs is wholly different from governmental action or  
3 legislation that criminalizes religiously inspired activity or inescapably compels conduct that some find  
4 objectionable for religious reasons. Although the denial of government benefits over religious objection can raise  
5 serious Free Exercise problems, these two very different forms of government action are not governed by the  
6 same constitutional standard. A governmental burden on religious liberty is not insulated from review simply  
7 because it is indirect, Thomas v. Review Board of Indiana Employment Security Div., 450 U.S. 707, 717-718  
8 (1981) (citing Sherbert v. Verner, 374 U.S., at 404); 707\*707 but the nature of the burden is relevant to the  
9 standard the government must meet to justify the burden.  
10 [Bowen v. Roy, 476 U.S. 693 (1986)]

11 If you want to abuse the tax system, the voter roles, and your time as a jurist to effect socialism by compelling the government  
12 to transfer wealth from the 1 percenters to subsidize your idle life of luxury, then the Bible says you DESERVE to be punished  
13 and curse. Who are we to interfere with such a curse?:

#### 14 Curses of Disobedience [to God's Laws]

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

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

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

34 For more on the main subjects of this article, which are equality and franchises, see:

- 35 1. Government Instituted Slavery Using Franchises, Form #05.030  
36 <https://sedm.org/Forms/05-MemLaw/Franchises.pdf>
- 37 2. Requirement for Equal Protection and Equal Treatment, Form #05.033  
38 <https://sedm.org/Forms/05-MemLaw/EqualProtection.pdf>
- 39 3. Consent and Exchange, Oren Bar-Gill, Harvard Law School  
40 [https://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=1002046](https://papers.ssrn.com/sol3/papers.cfm?abstract_id=1002046)

### 41 **13.5 The Role of Consent in Surrendering Your Rights**

42 A very important subject to study and thoroughly understand is the exact mechanisms by which you surrender Constitutional  
43 and common law protections. That is the subject of this section. To put the issue as simply as we can, a waiver of  
44 Constitutional or common law protections is a waiver or surrender of your inherent sovereignty. The main mechanism is to  
45 accept privileges of one kind or another from any government. Below is how one court describes how you waive your  
46 sovereignty and sovereign immunity toward a specific government:

47 **"The rights of sovereignty extend to all persons and things not privileged, that are within the territory.**  
48 **They extend to all strangers resident therein; not only to those who are naturalized, and to those who are**  
49 **domiciled therein, having taken up their abode with the intention of permanent residence, but also to those whose**  
50 **residence is transitory. All strangers are under the protection of the sovereign while they are within his territory**  
51 **and owe a temporary allegiance in return for that protection."**  
52 **[Carlisle v. United States, 83 U.S. 147, 154 (1873)]**



1 First, we should emphasize that according to the Declaration of Independence, which is organic law enacted in the first official  
2 act of Congress on page 1 of the statutes at large, all JUST powers of government derive from the CONSENT of the parties  
3 affected.

4 *"That to secure these rights, governments are instituted among men, deriving their just powers from the consent  
5 of the governed."*  
6 *[Declaration of Independence]*

7 Criminal law and common law do not need your consent to enforce but every other type of law does. Hence, every civil  
8 statutory enforcement proceeding requires that anyone who injured your rights has to either admit they STOLE them, or  
9 prove that you consented to give them away.

10 *"Waivers of Constitutional rights not only must be voluntary, but must be knowing, intelligent acts done with  
11 sufficient awareness of the relevant circumstances and likely consequences."*  
12 *[Brady v. U.S., 397 U.S. 742 (1970)]*

13 For an exhaustive treatment of how consent is both explicitly and implicitly conveyed, we refer you to the following  
14 memorandum of law:

[Requirement for Consent, Form #05.003](http://sedm.org/Forms/FormIndex.htm)  
<http://sedm.org/Forms/FormIndex.htm>

15 Below is a tabular list of the mechanisms we know of so far by which you voluntarily surrender your Constitutional rights or  
16 common law rights. This list grows over time, but these are the main mechanisms:

- 17 1. Explicit consent. This happens mostly in criminal cases such as:  
18 1.1. Sex offenders agreeing to register in order to be able to leave jail.  
19 1.2. Offenders posting bail and agreeing not to flee in exchange for not being incarcerated.  
20 2. Misrepresenting your civil status on government forms to declare or elect an effective domicile or residence in a place  
21 you are not physically located and which is on federal territory. This includes:  
22 2.1. Declaring yourself to be a STATUTORY "U.S. citizen" or STATUTORY "citizen of the United States" on a  
23 federal government form. State citizens are non-resident non-persons and cannot truthfully do this.

24 *"No white person born within the limits of the United States, and subject to their [the states, and not the federal  
25 government] jurisdiction, or born without those limits, and subsequently naturalized under their laws, owes the  
26 status of citizenship to the recent amendments [Thirteenth and Fourteenth Amendments] to the Federal  
27 Constitution."  
28 *[Van Valkenburg v. Brown, 43 Cal. 43 (1872)]**

- 29 2.2. Filling out any government "benefit" form, which always causes you to nominate yourself to be treated AS IF  
30 you are a public officer in the national government.

31 For more details on how to AVOID misrepresenting your civil status on government forms, see:

[Avoiding Traps in Government Forms Course, Form #12.023](http://sedm.org/Forms/FormIndex.htm)  
<http://sedm.org/Forms/FormIndex.htm>

- 32 3. Making mistakes in court:  
33 3.1. Letting a government judge or prosecutor abuse the rules of statutory construction to add to the meaning of  
34 definitions of geographic terms, such as "United States", "State", etc. They do this because of a financial conflict  
35 of interest which is a crime, in violation of 18 U.S.C. §208, 28 U.S.C. §§144, 455. The result is that the judge  
36 essentially becomes a legislator in writing NEW definitions, and thereby violates the separation of powers. For all  
37 the devious means that they do this, see:

[Legal Deception, Propaganda, and Fraud, Form #05.014](http://sedm.org/Forms/FormIndex.htm)  
<http://sedm.org/Forms/FormIndex.htm>

- 38 3.2. Invoking the "benefit" of federal statutes that only apply on federal territory by using them to establish standing  
39 or injury in a case in federal district court.  
40 3.3. Not declaring your civil status as a non-resident non-person in federal court. The ONLY reason you can go into  
41 federal district court is for constitutional rights violations under either a 42 U.S.C. §1983 suit or a Bivens action.  
42 You can't claim the benefit of any civil statutes other than these in federal court. If you show up in federal court  
43 and are not entertaining this type of action, you will be PRESUMED to be a STATUTORY "U.S. citizen" (8  
44 U.S.C. §1401) domiciled on federal territory and NOT within a state of the Union. The "U.S. citizen" is a public

office, and that office is domiciled on federal territory. When you invoke the “benefit” of this civil status, then you acquire the SAME domicile as the office, which is the District of Criminals pursuant to Federal Rule of Civil Procedure 17.

4. Participation in franchises or “benefits”, if domiciled on federal territory and not holding a public office.

4.1. Below is how you waive your common law rights, meaning your EQUALITY in relation to anyone and everyone:

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

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

*SOURCE:*

[http://famguardian.org/Publications/ThePrivAndImmOfStateCit/The\\_privileges\\_and\\_immunities\\_of\\_state.c.pdf](http://famguardian.org/Publications/ThePrivAndImmOfStateCit/The_privileges_and_immunities_of_state.c.pdf)

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

4.2. Below is the U.S. Supreme Court on the subject of waiving Constitutional rights. These are called the Constitutional Avoidance Doctrine:

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

*[. . .]*

**6. The Court will not pass upon the constitutionality of a statute at the instance of one who has availed himself of its benefits.** [FN7 Great Falls Mfg. Co. v. Attorney General, 124 U.S. 581, 8 S.Ct. 631, 31 L.Ed. 527; Wall v. Parrot Silver & Copper Co., 244 U.S. 407, 411, 412, 37 S.Ct. 609, 61 L.Ed. 1229; St. Louis Malleable Casting Co. v. Prendergast Construction Co., 260 U.S. 469, 43 S.Ct. 178, 67 L.Ed. 351.](#)

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

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

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*"...when a State willingly accepts a substantial benefit from the Federal Government, it waives its immunity under the Eleventh Amendment and consents to suit by the intended beneficiaries of that federal assistance."* [\[Papasan v. Allain, 478 U.S. 265 \(1986\)\]](#)

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*California Civil Code*

*1589. A voluntary acceptance of the benefit of a transaction is equivalent to a consent to all the obligations arising from it, so far as the facts are known, or ought to be known, to the person accepting.*

*[SOURCE:*

<http://www.leginfo.ca.gov/cgi-bin/displaycode?section=civ&group=01001-02000&file=1565-1590>

4.3. Federal franchises, such as Social Security, Medicare, Obamacare, etc. cannot lawfully be offered within a Constitutional state. The reason is that Constitutional rights of those in states of the Union are INALIENABLE, which means you aren't LEGALLY PERMITTED to give them up, even WITH your consent. That means you can't lawfully give consent to participate in a franchise, or consent to be treated as if you are domiciled or resident on federal territory when you in fact are not:

*"Unalienable. Inalienable; incapable of being aliened, that is, sold and transferred."*

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

1 4.3.1. For a memorandum on this subject, see:

2 4.3.1.1. *Why You Aren't Eligible for Social Security*, Form #06.001

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

4 4.3.1.2. *Government Instituted Slavery Using Franchises*, Form #05.030, Section 11: Government Franchises  
5 may NOT lawfully be offered to persons domiciled in Constitutional states of the Union and may only  
6 be offered to those domiciled on federal territory

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

8 4.3.2. Below is what the U.S. Supreme Court held on this subject:

9 “Thus, Congress having power to regulate commerce with foreign nations, and among the several States, and  
10 with the Indian tribes, may, without doubt, provide for **granting** coasting **licenses**, licenses to pilots, licenses to  
11 trade with the Indians, and any other **licenses** necessary or proper for the exercise of that great and extensive  
12 power; and the same observation is applicable to every other power of Congress, to the exercise of which the  
13 granting of licenses may be incident. All such licenses confer authority, and give rights to the licensee.

14 But very different considerations apply to the **internal commerce or domestic trade of the States**. Over this  
15 commerce and trade Congress has **no power of regulation nor any direct control**. This power belongs  
16 **exclusively to the States**. **No interference by Congress with the business of citizens transacted within a State**  
17 **is warranted by the Constitution, except such as is strictly incidental to the exercise of powers clearly**  
18 **granted to the legislature**. The power to authorize a business within a State is plainly repugnant to the exclusive  
19 power of the State over the same subject. It is true that the power of Congress to tax is a very extensive power. It  
20 is given in the Constitution, with only one exception and only two qualifications. Congress cannot tax exports,  
21 and it must impose direct taxes by the rule of apportionment, and indirect taxes by the rule of uniformity. Thus  
22 limited, and thus only, it reaches every subject, and may be exercised at discretion. But, it reaches only existing  
23 subjects. **Congress cannot authorize a trade or business within a State in order to tax it.**”

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

25 The result of violating any one or more of the above rules is COMMUNISM as defined by the United States Government:

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

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

61 Consistent with the above, below is how we define “law” within our Disclaimer:

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### Enumeration of Inalienable Rights

Copyright Sovereignty Education and Defense Ministry, <http://sedm.org>  
Form 10.002, Rev. 11-14-2021

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

1 **SEDM Disclaimer**  
2 **4. Meaning of Words**  
3 **4.3. Private**

4 [. . .]

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

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

14 [. . .]

15 **4.8. Law**

16 "Law" is defined to EXCLUDE any and all [civil statutory codes, franchises, or privileges](#) in relation to any and  
17 all governments and to include ONLY the COMMON law, the CONSTITUTION (if trespassing government actors  
18 ONLY are involved), and the CRIMINAL law.

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

22 [. . .]

23 **6. The Court will not pass upon the constitutionality of a statute at the instance of one**  
24 **who has availed himself of its benefits.** [FN7 Great Falls Mfg. Co. v. Attorney General,](#)  
25 [124 U.S. 581, 8 S.Ct. 631, 31 L.Ed. 527; Wall v. Parrot Silver & Copper Co., 244 U.S.](#)  
26 [407, 411, 412, 37 S.Ct. 609, 61 L.Ed. 1229; St. Louis Malleable Casting Co. v. Prendergast](#)  
27 [Construction Co., 260 U.S. 469, 43 S.Ct. 178, 67 L.Ed. 351.](#)

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

32  
33 

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34 Municipal law, thus understood, is properly defined to be "a rule of civil conduct  
35 prescribed by the supreme power in a state, commanding what is right and prohibiting  
36 what is wrong."

36 [. . .]

37 It is also called a rule to distinguish it from a compact or agreement; **for a compact is a**  
38 **promise proceeding from us, law is a command directed to us.** The language of a  
39 compact is, "I will, or will not, do this"; that of a law is, "thou shalt, or shalt not, do it." It  
40 is true there is an obligation which a compact carries with it, equal in point of conscience  
41 to that of a law; but then the original of the obligation is different. **In compacts we**  
42 **ourselves determine and promise what shall be done, before we are obliged to do it;**  
43 **in laws. We are obliged to act without ourselves determining or promising anything**  
44 **at all.** Upon these accounts law is defined to be "a rule."  
45 [[Readings on the History and System of the Common Law, Second Edition, Roscoe Pound,](#)  
46 [1925, p. 4](#)]

47  
48 

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49 "The words "privileges" and "immunities," like the greater part of the legal phraseology  
50 of this country, have been carried over from the law of Great Britain, and recur constantly  
51 either as such or in equivalent expressions from the time of Magna Charta. For all  
practical purposes they are synonymous in meaning, and originally signified a peculiar

1 right or private law conceded to particular persons or places **whereby a certain**  
2 **individual or class of individuals was exempted from the rigor of the common law.**  
3 Privilege or immunity is conferred upon any person when he is invested with a legal claim  
4 to the exercise of special or peculiar rights, authorizing him to enjoy some particular  
5 advantage or exemption."

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

7 SOURCE:

8 [http://famguardian.org/Publications/ThePrivAndImmOfStateCit/The\\_privileges\\_and\\_im](http://famguardian.org/Publications/ThePrivAndImmOfStateCit/The_privileges_and_im)  
9 [munities\\_of\\_state\\_c.pdf/](http://famguardian.org/Publications/ThePrivAndImmOfStateCit/The_privileges_and_im)

10 See Magill v. Browne, Fed.Cas. No. 8952, 16 Fed.Cas. 408; 6 Words and Phrases, 5583,  
11 5584; A.J. Lien, "Privileges and Immunities of Citizens of the United States," in Columbia  
12 University Studies in History, Economics, and Public Law, vol. 54, p. 31.

13 The above methods of REMOVING the protections of the common law and the constitution from the  
14 INALIENABLE rights [rights that CANNOT lawfully be given away, even WITH consent] that are protected by  
15 them has been described by the U.S. Congress as the ESSENCE of **communism** itself! This is especially true when  
16 you add games with legal words of art to remove even the STATUTORY limitations upon the conduct of the  
17 government. See [Legal Deception, Propaganda, and Fraud, Form #05.014](#).

18 [TITLE 50 > CHAPTER 23 > SUBCHAPTER IV > Sec. 841.](#)

19 [Sec. 841. - Findings and declarations of fact](#)

20 The Congress finds and declares that the Communist Party of the United States [**consisting**  
21 **of the IRS, DOJ, and a corrupted federal judiciary**], although purportedly a political  
22 party, is in fact an instrumentality of a conspiracy to overthrow the [de jure] Government  
23 of the United States [**and replace it with a de facto government ruled by the judiciary**]. It  
24 constitutes an **authoritarian dictatorship [IRS, DOJ, and corrupted federal judiciary in**  
25 **collusion]** within a [**constitutional**] republic, demanding for itself the rights and  
26 [**FRANCHISE**] privileges [including immunity from prosecution for their wrongdoing in  
27 violation of **Article 1, Section 9, Clause 8 of the Constitution**] accorded to political parties,  
28 **but denying to all others the liberties [Bill of Rights] guaranteed by the Constitution [Form**  
29 **#10.002]**. Unlike political parties, which evolve their policies and programs through  
30 public means, by the reconciliation of a wide variety of individual views, and submit those  
31 policies and programs to the electorate at large for approval or disapproval, the policies  
32 and programs of the Communist Party are secretly [**by corrupt judges and the IRS in**  
33 **complete disregard of, Form #05.014, the tax franchise "codes", Form #05.001]**  
34 prescribed for it by the foreign leaders of the world Communist movement [**the IRS and**  
35 **Federal Reserve**]. Its members [**the Congress, which was terrorized to do IRS bidding by**  
36 **the framing of Congressman Trafficant**] have no part in determining its goals, and are not  
37 permitted to voice dissent to party objectives. Unlike members of political parties, members  
38 of the Communist Party are recruited for indoctrination [in **the public FOOL system** by  
39 homosexuals, liberals, and socialists] with respect to its objectives and methods, and are  
40 organized, instructed, and disciplined [by the IRS and a corrupted judiciary] to carry into  
41 action slavishly the assignments given them by their hierarchical chieftains. **Unlike**  
42 **political parties, the Communist Party [thanks to a corrupted federal judiciary]**  
43 **acknowledges no constitutional or statutory limitations upon its conduct or upon that of**  
44 **its members [ANARCHISTS!, Form #08.020]**. The Communist Party is relatively small  
45 numerically, and gives scant indication of capacity ever to attain its ends by lawful political  
46 means. **The peril inherent in its operation arises not from its numbers, but from its failure**  
47 **to acknowledge any limitation as to the nature of its activities, and its dedication to the**  
48 **proposition that the present constitutional Government of the United States ultimately**  
49 **must be brought to ruin by any available means, including resort to; force and violence**  
50 **[or using income taxes]. Holding that doctrine, its role as the agency of a hostile foreign**  
51 **power [the Federal Reserve and the American Bar Association (ABA)] renders its**  
52 **existence a clear present and continuing danger to the security of the United States. It**  
53 **is the means whereby individuals are seduced [illegally KIDNAPPED via identity theft!,**  
54 **Form #05.046] into the service of the world Communist movement [using FALSE**  
55 **information returns and other PERJURIOUS government forms, Form #04.001],**  
56 **trained to do its bidding [by FALSE government publications and statements that the**  
57 **government is not accountable for the accuracy of, Form #05.007], and directed and**  
58 **controlled [using FRANCHISES illegally enforced upon NONRESIDENTS, Form**  
59 **#05.030] in the conspiratorial performance of their revolutionary services. Therefore,**  
60 **the Communist Party should be outlawed.**

61 The above corruption of our Constitutional Republic by the unconstitutional abuse of franchises, the violation of  
62 the rules of statutory construction, and interference with common law remedies was described by the U.S.  
63 Supreme Court as follows:



1 *"These are words of weighty import. They involve consequences of the most momentous*  
2 *character. I take leave to say that if the principles thus announced should ever receive*  
3 *the sanction of a majority of this court, a radical and mischievous change in our system*  
4 *of government will be the result. We will, in that event, pass from the era of constitutional*  
5 *liberty guarded and protected by a written constitution into an era of legislative*  
6 *absolutism.*

7 *Although from the foundation of the Government this court has held steadily to the view*  
8 *that the Government of the United States was one of enumerated powers, and that no one*  
9 *of its branches, nor all of its branches combined, could constitutionally exercise powers*  
10 *not granted, or which were not necessarily implied from those expressly granted, [Martin](#)*  
11 *[v. Hunter](#), [1 Wheat. 304, 326, 331](#), we are now informed that Congress possesses powers*  
12 *outside of the Constitution, and may deal with new territory, [380\\*380](#) acquired by treaty*  
13 *or conquest, in the same manner as other nations have been accustomed to act with*  
14 *respect to territories acquired by them. In my opinion, Congress has no existence and*  
15 *can exercise no authority outside of the Constitution. Still less is it true that Congress*  
16 *can deal with new territories just as other nations have done or may do with their new*  
17 *territories. This nation is under the control of a written constitution, the supreme law of*  
18 *the land and the only source of the powers which our Government, or any branch or*  
19 *officer of it, may exert at any time or at any place. Monarchical and despotic*  
20 *governments, unrestrained by written constitutions, may do with newly acquired*  
21 *territories what this Government may not do consistently with our fundamental law. To*  
22 *say otherwise is to concede that Congress may, by action taken outside of the*  
23 *Constitution, engraft upon our republican institutions a colonial system such as exists*  
24 *under monarchical governments. Surely such a result was never contemplated by the*  
25 *fathers of the Constitution. If that instrument had contained a word suggesting the*  
26 *possibility of a result of that character it would never have been adopted by the People*  
27 *of the United States. The idea that this country may acquire territories anywhere upon*  
28 *the earth, by conquest or treaty, and hold them as mere colonies or provinces — the*  
29 *people inhabiting them to enjoy only such rights as Congress chooses to accord to them*  
30 *— is wholly inconsistent with the spirit and genius as well as with the words of the*  
31 *Constitution."*

32 [*Downes v. Bidwell, [182 U.S. 244](#) (1901), Justice Harlan, Dissenting*]

33 Civil statutory codes, franchises, or privileges are referred to on this website as "private law", but not "law".  
34 The word "public" precedes all uses of "law" when dealing with acts of government and hence, refers only to  
35 COMMON law and CRIMINAL law that applies equally to everyone, regardless of [their consent](#). Involvement in  
36 any and all "[private law](#)" [franchises or privileges](#) offered by any government ALWAYS undermines and threatens  
37 sovereignty, autonomy, and [equality](#), turns government into an [unconstitutional civil religion](#), and [corrupts even](#)  
38 [the finest of people](#). This is explained in:

39 [Government Instituted Slavery Using Franchises, Form #05.030](#)

40 Any use of the word "law" by any government actor directed at us or any member, if not clarified with the words  
41 "private" or "public" in front of the word "law" shall constitute:

- 42 1. A criminal attempt and conspiracy to recruit us to be [a public officer called a "person", "taxpayer", "citizen",](#)  
43 ["resident"](#), etc.  
44 2. A solicitation of [illegal bribes called "taxes"](#) to treat us "AS IF" we are a public officer.  
45 3. A [criminal conspiracy to convert PRIVATE rights into PUBLIC rights](#) and to violate the Bill of Rights.

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

- 47 1. ALWAYS keeping PRIVATE and PUBLIC rights separated and never mixing them together.  
48 2. Using unambiguous language about the TYPE of "right" that is being protected: PUBLIC or PRIVATE in  
49 every use of the word "right". The way to avoid confusing PUBLIC and PRIVATE RIGHTS is to simply refer to  
50 PUBLIC rights as "privileges" and NEVER refer to them as "rights".  
51 3. Only converting PRIVATE rights to PUBLIC rights with the express written consent of the HUMAN owner.  
52 4. Limiting the conversion to geographical places where rights are NOT unalienable. This means the conversion  
53 occurred either abroad or on government territory not within the exclusive jurisdiction of a Constitutional state.  
54 Otherwise, the Declaration of Independence, which is organic law, would be violated.  
55 5. Keeping the rules for converting PRIVATE to PUBLIC so simple, unambiguous, and clear that a child could  
56 understand them and always referring to these rules in every interaction between the government and those they  
57 are charged with protecting.



1 6. Ensuring that in every interaction (and ESPECIALLY ENFORCEMENT ACTION) between the government  
2 both administratively and in court, that any right the government claims to civilly enforce against, regulate, tax,  
3 or burden otherwise PRIVATE property is proven ON THE RECORD IN WRITING to originate from the rules  
4 documented in the previous step. This BURDEN OF PROOF must be met both ADMINISTRATIVELY and IN  
5 COURT BEFORE any enforcement action may be lawfully attempted by any government. It must be met by an  
6 IMPARTIAL decision maker with NO FINANCIAL interest in the outcome and not employed by the government  
7 or else a criminal financial conflict of interest will result. In other words, the government has to prove that it is  
8 NOT stealing before it can take property, that it is the lawful owner, and expressly HOW it became the lawful  
9 owner.

10 7. Enforcing the following CONCLUSIVE PRESUMPTION against government jurisdiction to enforce unless  
11 and until the above requirements are met:

12 "All rights and property are PRESUMED to be EXCLUSIVELY PRIVATE and beyond the  
13 control of government or the CIVIL statutory franchise codes unless and until the  
14 government meets the burden of proving, WITH EVIDENCE, on the record of the  
15 proceeding that:

16 1. A SPECIFIC formerly PRIVATE owner consented IN WRITING to convert said property  
17 to PUBLIC property.

18 2. The owner was either abroad, domiciled on, or at least PRESENT on federal territory  
19 NOT protected by the Constitution and therefore had the legal capacity to ALIENATE a  
20 Constitutional right or relieve a public servant of the fiduciary obligation to respect and  
21 protect the right. Those domiciled in a constitutional but not statutory state and who are  
22 "citizens" or "residents" protected by the constitution cannot alienate rights to a real, de  
23 jure government.

24 3. If the government refuses to meet the above burden of proof, it shall be  
25 CONCLUSIVELY PRESUMED to be operating in a PRIVATE, corporate capacity on an  
26 EQUAL footing with every other private corporation and which is therefore NOT protected  
27 by official, judicial, or sovereign immunity."

28 [SEDM Disclaimer, Section 4.3: Private; SOURCE: <http://sedm.org/disclaimer.htm>]

## 29 **13.6 The Constitutional Avoidance Doctrine**<sup>60</sup>

30 Every attempt to bring you under the control or regulation of civil statutes against your will represents a surrender of  
31 potentially ANY and ALL constitutional rights and a conversion of your PRIVATE property and PRIVATE rights to PUBLIC  
32 property and PUBLIC rights that should be AVOIDED in favor of common law protections instead. That is the conclusion  
33 of the following exhaustive analysis on the subject:

*Why Statutory Civil Law is Law for Government and Not Private Persons*, Form #05.037  
<https://sedm.org/Forms/FormIndex.htm>

34 These concepts are recognized by the following U.S. Supreme Court Doctrine. The Constitutional Avoidance Doctrine is a  
35 principle of statutory interpretation that suggests that when a federal statute is susceptible to multiple interpretations, one of  
36 which would raise constitutional issues, courts should choose the interpretation that avoids the constitutional question. Here  
37 are a few notable U.S. Supreme Court cases that have involved or referenced the Constitutional Avoidance Doctrine:

- 38 1. Ashwander v. Tennessee Valley Authority, 297 U.S. 288 (1936): This case is often cited as one of the earliest instances  
39 of the Supreme Court discussing the principle of constitutional avoidance. The Court stated that it should avoid passing  
40 on constitutional questions if the case can be decided on other grounds.
- 41 2. Edward J. DeBartolo Corp. v. Florida Gulf Coast Building & Construction Trades Council, 485 U.S. 568 (1988): In  
42 this case, the Supreme Court applied the Constitutional Avoidance Doctrine to avoid deciding a First Amendment  
43 challenge to a state statute. The Court interpreted the statute in a way that would not raise constitutional issues.
- 44 3. Clark v. Martinez, 543 U.S. 371 (2005): This case involved a challenge to a federal statute that potentially impacted the  
45 equal protection rights of certain groups. The Supreme Court applied the Constitutional Avoidance Doctrine and  
46 interpreted the statute in a way that did not raise significant constitutional concerns.

<sup>60</sup> Adapted from: *Catalog of U.S. Supreme Court Doctrines*, Litigation Tool #10.020, Section 5.13; <https://sedm.org/Litigation/10-PracticeGuides/SCDoctrines.pdf>

- 1 4. *National Labor Relations Board v. Catholic Bishop of Chicago*, 440 U.S. 490 (1979): In this case, the Supreme Court  
2 applied the Constitutional Avoidance Doctrine to avoid deciding whether certain employees of religious schools were  
3 subject to federal labor law, as this could raise First Amendment concerns regarding the separation of church and state.
- 4 5. *National Cable & Telecommunications Association v. Brand X Internet Services*, 545 U.S. 967 (2005): While this case  
5 primarily focused on issues related to administrative law and the Chevron deference doctrine, it also touched on the  
6 concept of constitutional avoidance. The Court noted that if a statute could be reasonably interpreted to avoid a serious  
7 constitutional question, that interpretation should be preferred.

8 These cases demonstrate the application of the Constitutional Avoidance Doctrine in various legal contexts and its role in  
9 guiding the Court's approach to statutory interpretation when constitutional issues are potentially at stake.

10 The rules specifically include:

- 11 1. Rule 1) The Rule against Feigned or Collusive Lawsuits. Parties to a case must be adverse to each other. Justice  
12 Brandeis stated: The Court will not pass upon the constitutionality of legislation in a friendly, non-adversary,  
13 proceeding, declining because to decide such questions 'is legitimate only in the last resort, and as a necessity in the  
14 determination of real, earnest, and vital controversy between individuals.'<sup>8</sup>
- 15 2. Rule 2) Ripeness. The court should not resolve constitutional questions prematurely. As Justice Brandeis wrote: The  
16 Court will not 'anticipate a question of constitutional law in advance of the necessity of deciding it'<sup>9</sup> and '[i]t is not the  
17 habit of the Court to decide questions of a constitutional nature unless absolutely necessary to a decision of the case.'<sup>10</sup>
- 18 3. Rule 3) Judicial Minimalism. The court should decide questions of constitutional law narrowly. Justice Brandeis stated:  
19 The Court will not 'formulate a rule of constitutional law broader than is required by the precise facts to which it is to  
20 be applied.'<sup>11</sup>
- 21 4. Rule 4) The Last Resort Rule. If possible, a court should resolve a case on non-constitutional grounds instead of  
22 resolving it on constitutional grounds. Explaining this rule, Justice Brandeis stated: The Court will not pass upon a  
23 constitutional question . . . if there is also present some other ground upon which the case may be disposed . . . [I]f a  
24 case can be decided on either of two grounds, one involving a constitutional question, the other a question of statutory  
25 construction or general law, the Court will decide only the latter.<sup>12</sup> He further added: Appeals from the highest court of  
26 a state challenging its decision of a question under the Federal Constitution are frequently dismissed because the  
27 judgment can be sustained on an independent state ground.<sup>13</sup>
- 28 5. Rule 5) Standing and Mootness. The complainant should suffer an actual injury; as Justice Brandeis noted: The Court  
29 will not pass upon the validity of a statute upon complaint of one who fails to show that he is injured by its operation.<sup>14</sup>
- 30 6. Rule 6) Constitutional Estoppel. A party cannot challenge a law's constitutionality when he or she enjoys the benefits  
31 of such law.<sup>15</sup> Justice Brandeis stated: The Court will not pass upon the constitutionality of a statute at the instance of  
32 one who has availed himself of its benefits.<sup>16</sup>
- 33 7. Rule 7) The Constitutional-Doubt Canon. Courts should construe statutes to be constitutional if such a construction is  
34 plausible. Explaining this requirement, Justice Brandeis noted: 'When the validity of an act of the Congress is drawn in  
35 question, and even if a serious doubt of constitutionality is raised, it is a cardinal principle that this Court will first  
36 ascertain whether a construction of the statute is fairly possible by which the question may be avoided.'<sup>17</sup>

#### 37 FOOTNOTES:

- 38 8. *Ashwander*, 297 U.S. at 348 (citing [St. Louis Malleable Casting Co. v. Prendergast Construction Co.](#), 260 U.S. 469  
39 (1923); [Wall v. Parrot Silver & Copper Co.](#) 244 U.S. 407, 411–12 (1917); [Great Falls Manufacturing Co. v. Garland](#),  
40 124 U.S. 581 (1888)).
- 41 9. *Id.* (quoting [Crowell v. Benson](#), 285 U.S. 22, 62 (1932) and citing [Interstate Com. Comm'n v. Or.-Wash. R.R. &](#)  
42 [Navigation Co.](#), 288 U.S. 14, 40 (1933); [Lucas v. Alexander](#), 279 U.S. 573, 577 (1929); [Richmond Screw Anchor Co.](#)  
43 [v. United States](#), 275 U.S. 331, 346 (1928); [Blodgett v. Holden](#), 275 U.S. 142, 148 (1928); [Mo. Pac. R.R. v. Boone](#),  
44 [270 U.S. 466, 471–72 \(1926\)](#); [Panama R.R. v. Johnson](#), 264 U.S. 375, 390 (1924); [Linder v. United States](#), 268 U.S. 5,  
45 [17–18 \(1922\)](#); [Texas v. E. Tex. R.R.](#), 258 U.S. 204, 217 (1922); [Baender v. Barnett](#), 255 U.S. 224 (1921); [United](#)  
46 [States v. Jin Fuey Moy](#), 241 U.S. 394, 401 (1916); [United States v. Del. & Hudson Co.](#), 213 U.S. 366, 407–08 (1909)).

47 See also:

[ArtIII.S2.C1.10.4 Ashwander and Rules of Constitutional Avoidance](#)  
[https://constitution.congress.gov/browse/essay/artIII-S2-C1-9-4/ALDE\\_00013156/](https://constitution.congress.gov/browse/essay/artIII-S2-C1-9-4/ALDE_00013156/)

## 13.7 Surrenders of Constitutional Rights in the Context of Taxation

"A state may not impose a charge for the enjoyment of a right granted by the Federal Constitution. Thus, it may not exact a license tax for the privilege of carrying on interstate commerce (*McGoldrick v. Berwind-White Co.*, 309 U.S. 33, 56-58), although it may tax the property used in, or the income derived from, that commerce, so long as those taxes are not discriminatory. *Id.*, p. 47 and cases cited. A license tax applied to activities guaranteed by the First Amendment would have the same destructive effect. It is true that the First Amendment, like the commerce clause, draws no distinction between license taxes, fixed sum taxes, and other kinds of taxes. But that is no reason why we should shut our eyes to the nature of the tax and its destructive influence. The power to impose a license tax on the exercise of these freedoms is indeed as potent as the power of censorship which this Court has repeatedly struck down. *Lovell v. Griffin*, 303 U.S. 444; *Schneider v. State*, *supra*; *Cantwell v. Connecticut*, 310 U.S. 296, 306; *Largent v. Texas*, 318 U.S. 418; *Jamison v. Texas*, *supra*. It was for that reason that the dissenting opinions in *Jones v. Opelika*, *supra*, stressed the nature of this type of tax. 316 U.S. pp. 607-609, 620, 623.  
[*Murdock v. Pennsylvania*, 319 U.S. 105 (1943)]

"Legislature can name any privilege a taxable privilege and tax it....but legislature cannot name something to be taxable privilege unless it is first a privilege..."  
[*Jack Cole Co. v. Alfred T McFarland*, Sup. Ct. Tenn. 337 S.W.2d. 453]

### 13.7.1 Express "Elections" in the tax code

An "election" within the Internal Revenue Code is an exercise of your right to consent and contract.

*election*, n. (13c) **1. The exercise of a choice; esp., the act of choosing from several possible rights or remedies in a way that precludes the use of other rights or remedies <the taxpayers' election to file jointly instead of separately>.** See **ELECTION OF REMEDIES. 2. The doctrine by which a person is compelled to choose between accepting a benefit under a legal instrument and retaining some property right to which the person is already entitled; an obligation imposed on a party to choose between alternative rights or claims, so that the party is entitled to enjoy only one <the prevailing plaintiff was put to an election between out-of-pocket damages and lost profits>.- Also termed equitable election. See RIGHT OF ELECTION. 3. The process of selecting a person to occupy an office (usu. a public office), membership, award, or other title or status <the 2004 congressional election>.** Cf. **two-round voting under VOTING.** ~ *elect*, vb. - *elective*, adj.

"'Election' is 'a choice by the major part of those who have a right to choose,' and who exercise that right. If 1 the electors are unanimous, or but a few dissent from the choice of the larger number, it is easy to determine the election by the view. So if there be no competitor to dispute the choice, nor any proposed, there can be no doubt who is the person elected, though some, or even the larger part of the electors do not give their voices." Arthur Male, *A Treatise on the Law and Practice of Elections 100-01* (1818).  
[*Black's Law Dictionary*, 11<sup>th</sup> Edition, pp. 654-655]

Every instance we know of in the Internal Revenue Code where an "election" is made involves ACCEPTING A COMMERCIAL BENEFIT, and by doing so, literally "electing" yourself into public office or agency or one kind or another. Below are a few examples of this phenomenon in action:

1. Under 26 U.S.C. §871(d), one can make an "election" to treat foreign real property located abroad or within the exclusive jurisdiction of a constitutional state as connected with "United States business".

[26 U.S. Code § 871 - Tax on nonresident alien individuals](#)

(d)ELECTION TO TREAT REAL PROPERTY INCOME AS INCOME CONNECTED WITH UNITED STATES BUSINESS

(I)IN GENERAL

A nonresident alien individual who during the taxable year derives any income—

(A) from real property held for the production of income and located in the United States, or from any interest in such real property, including (i) gains from the sale or exchange of such real property or an interest therein, (ii) rents or royalties from mines, wells, or other natural deposits, and (iii) gains described in [section 631\(b\)](#) or (c), and

(B) which, but for this subsection, would not be treated as income which is effectively connected with the conduct of a trade or business within the United States, may elect for such taxable year to treat all such income as income which is effectively connected with the conduct of a trade or business within the United States. In such case, such income shall be taxable as provided in subsection (b)(1) whether or not such individual is engaged in trade or

1 *business within the United States during the taxable year. An election under this paragraph for any taxable year*  
2 *shall remain in effect for all subsequent taxable years, except that it may be revoked with the consent of the*  
3 *Secretary with respect to any taxable year.*

4 **(2)ELECTION AFTER REVOCATION**

5 *If an election has been made under paragraph (1) and such election has been revoked, a new election may not be*  
6 *made under such paragraph for any taxable year before the 5th taxable year which begins after the first taxable*  
7 *year for which such revocation is effective, unless the Secretary consents to such new election.*

8 **(3)FORM AND TIME OF ELECTION AND REVOCATION**

9 *An election under paragraph (1), and any revocation of such an election, may be made only in such manner and*  
10 *at such time as the Secretary may by regulations prescribe.*

11 1.1. The PUBLIC RIGHT or “benefit” of pursuing this this election is that they can now take “deductions” against the  
12 property under 26 U.S.C. §162.

13 1.2. The OBLIGATION associated with this election is that the property now comes under the FIRPTA rules and thus  
14 sales or transfer of the property are subject to income taxation. This is a HORRIBLE IDEA because nearly all  
15 earnings of nonresident aliens are excluded under 26 U.S.C. §872 so that no deductions are needed to reduce  
16 taxable income! Thus, there is no real economic “benefit” to pursuing this election. See:

*Income Taxation of Real Estate Sales*, Form #05.028 (Member Subscriptions)  
<https://sedm.org/Forms/FormIndex.htm>

17 2. Under 26 U.S.C. §6013(g), a “nonresident alien” may make an election to be treated as a “resident” (alien) by filing  
18 jointly with their STATUTORY “citizen or resident of the United States\*\*” spouse filing a 1040 return. Since all  
19 “residents” are aliens under 26 U.S.C. §7701(b)(1)(A), this means they in effect are electing to be treated as an ALIEN.  
20 If they started out as a “national” who is a nonresident alien, then they are literally ALIENATING all their rights by  
21 doing so by becoming a privileged “alien” as a consequence of such an “election”.

22 [26 U.S. Code § 6013 - Joint returns of income tax by husband and wife](#)

23 **(g)ELECTION TO TREAT NONRESIDENT ALIEN INDIVIDUAL AS RESIDENT OF THE UNITED STATES**

24 **(1)IN GENERAL**

25 *A nonresident alien individual with respect to whom this subsection is in effect for the taxable year shall be treated*  
26 *as a resident of the United States—*

27 **(A)** *for purposes of chapter 1 for all of such taxable year, and*

28 **(B)** *for purposes of chapter 24 (relating to wage withholding) for payments of wages made during such taxable*  
29 *year.*

30 **(2)INDIVIDUALS WITH RESPECT TO WHOM THIS SUBSECTION IS IN EFFECT**

31 *This subsection shall be in effect with respect to any individual who, at the close of the taxable year for which an*  
32 *election under this subsection was made, was a nonresident alien individual married to a citizen or resident of*  
33 *the United States, if both of them made such election to have the benefits of this subsection apply to them.*

34 **(3)DURATION OF ELECTION**

35 *An election under this subsection shall apply to the taxable year for which made and to all subsequent taxable*  
36 *years until terminated under paragraph (4) or (5); except that any such election shall not apply for any taxable*  
37 *year if neither spouse is a citizen or resident of the United States at any time during such year.*

38 **(4)TERMINATION OF ELECTION**

39 *An election under this subsection shall terminate at the earliest of the following times:*

40 **(A)Revocation by taxpayers**

41 *If either taxpayer revokes the election, as of the first taxable year for which the last day prescribed by law for*  
42 *filing the [return](#) of tax under chapter 1 has not yet occurred.*

1 (B)Death

2 In the case of the death of either spouse, as of the beginning of the first taxable year of the spouse who survives  
3 following the taxable year in which such death occurred; except that if the spouse who survives is a citizen or  
4 resident of the United States who is a surviving spouse entitled to the benefits of section 2, the time provided by  
5 this subparagraph shall be as of the close of the last taxable year for which such individual is entitled to the  
6 benefits of section 2.

7 (C)Legal separation

8 In the case of the legal separation of the couple under a decree of divorce or of separate maintenance, as of the  
9 beginning of the taxable year in which such legal separation occurs.

10 (D)Termination by Secretary

11 At the time provided in paragraph (5).

12 (5)TERMINATION BY SECRETARY

13 The Secretary may terminate any election under this subsection for any taxable year if he determines that either  
14 spouse has failed—

15 (A) to keep such books and records,

16 (B) to grant such access to such books and records, or

17 (C) to supply such other information, as may be reasonably necessary to ascertain the amount of liability for  
18 taxes under chapter 1 of either spouse for such taxable year.

19 (6)ONLY ONE ELECTION

20 If any election under this subsection for any two individuals is terminated under paragraph (4) or (5) for any  
21 taxable year, such two individuals shall be ineligible to make an election under this subsection for any subsequent  
22 taxable year.

23 3. Under 26 C.F.R. §301.7701-3, a business entity may make an “election” to be treated as an association, disregarded  
24 entity, partnership, or corporation. This election is made on IRS Form 8832.

25 3.1. On our site, the only way to remain sovereign is to remain foreign, which means one CANNOT have a civil  
26 statutory status under any law of Congress, including association, disregarded entity, partnership, or corporation.  
27 Every civil status they pursue represents a waiver of constitutional rights. See:

28 *Why Statutory Civil Law is Law for Government and Not Private Persons*, Form #05.037  
29 <https://sedm.org/Forms/FormIndex.htm>

30 3.2. Any attempt to be treated as a privileged corporation is a HORRIBLE idea, because corporations are taxable  
31 under the Internal Revenue Code and are treated as “agents” of the national government.

32 3.3. For details on how to structure your business as a foreign entity and REMAIN foreign and exclusively PRIVATE,  
33 see:

34 *Creating and Running a Business, Trust, or Estate*, Form #09.079 (Member Subscriptions)  
35 <https://sedm.org/Forms/FormIndex.htm>

36 **13.7.2 Invisible (and often ILLEGAL) CIVIL STATUS elections**

37 In addition to the EXPRESS “elections” directly referenced in the Internal Revenue Code, there are also several INVISIBLE  
38 “elections” that are not called “elections” but ACT is if they are. This section will list a few of them. We believe the reason  
39 that these are not listed in the Internal Revenue Code as EXPRESS “elections” is because they are ILLEGAL to make, an  
40 especially if they are FORCED upon you as a worker by a company or by a bank in order to open an account.

41 1. If you are a state national, filing a 1040 instead of the proper 1040NR return constitutes in effect an “election” to be  
treated AS IF you are domiciled on federal territory and representing an office within the Department of the Treasury.  
This is a HORRIBLE idea! This is NEVER called an “election” in the Internal Revenue Code but it BEHAVES as  
one. See:

1.1. *Why It Is a Crime for a State National to File a 1040 Income Tax Return*, Form #08.021



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

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

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

2. In 26 U.S.C. §6109, those apply for a “Taxpayer Identification Number” are making in effect an “election” to become a civil statutory “taxpayer”. They don’t CALL it an election in the statutes, but it BEHAVES as one.
- 2.1. Nonresident aliens apply for an International Taxpayer Identification Number (ITIN) using IRS Form W-7. This form is NOT available to those who are “nationals” or “state nationals”, because it is ONLY for ALIENS who are NONRESIDENT, not statutory “nonresident aliens” who also include NATIONALS.
- 2.2. STATUTORY but not CONSTITUTIONAL “citizens” and “residents” apply for a Social Security Card using IRS Form SS-5. Those born and domiciled or physically present within a constitutional state are INELIGIBLE for these numbers. See:

*Why You Aren’t Eligible for Social Security*, Form #06.001

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

- 2.3. Businesses apply for an Employer Identification Number (EIN) to become STATUTORY “employers” using IRS Form SS-4. Businesses operating OUTSIDE the federal zone and not engaged in foreign commerce are not eligible for such a number. Details on how to fill this out to AVOID the civil statutory status of “employer” and retain FOREIGN civil status are available in:

*Creating and Running a Business, Trust, or Estate*, Form #09.079 (Member Subscriptions)

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

- 2.4. Tax Preparers apply for a Preparer Taxpayer Identification Number (PTIN) using IRS Form W-12. The only reason anyone should need these is because they are FORCED to get one to open a bank account or just earn a living. Every such application should be filled out in such a way that you indicate that you are applying as:

*A nonresident nontaxpayer who does not seek any civil statutory status, benefit, or privilege, and for PRIVATE use protected by the constitution and NOT any civil statute.*

3. Submitting an IRS Form W-4 to a company you work for constitutes an “election” to treat ALL your earnings from labor as “gross income”.

- 3.1. Earnings from labor are NOT taxable otherwise. See:

*Proof that Involuntary Income Taxes on Your Labor are Slavery*, Form #05.055

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

- 3.2. The “election” is made under 26 U.S.C. §83(b) and 26 U.S.C. §3402(p), which permits earnings from labor to be included IN THEIR ENTIRETY as taxable income when an election to treat them as STATUTORY rather than COMMON LAW or PRIVATE “wages” is made using IRS Form W-4.
- 3.3. Submitting IRS Form W-4 itself also constitutes an “election” to be treated AS IF you are a federal government “employee” under 26 U.S.C. §3401(c) and 5 U.S.C. §2105(a).

[26 U.S.C. §3401\(c\) Employee](#)

*For purposes of this chapter, the term “employee” includes [is limited to] an officer, employee, or elected official of the United States, a State, or any political subdivision thereof, or the District of Columbia, or any agency or instrumentality of any one or more of the foregoing. The term “employee” also includes an officer of a corporation.*

- 3.4. The CORRECT form to file for income tax withholding and reporting to AVOID these “elections”, avoid withholding, avoid reporting, and avoid the need for an SSN or TIN is:

*W-8SUB*, Form #04.231

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

We emphasize that EVERY involuntary civil status election is a criminal act. This is because:

1. The Thirteenth Amendment outlaws involuntary servitude and civil legal obligations attach to every civil status which impose servitude in one form or another.
2. The civil legal obligations imposed involuntarily upon the victim represent rights and property that are in effect STOLEN from the victim without compensation and in violation of the Fifth Amendment.
3. Adopting a civil statutory status is the exercise of your First Amendment right to associate or not associate, which cannot be violated without your consent.



1 These often INVOLUNTARY civil status elections are compelled under duress by:

- 2 1. Telling you that you can't open a bank account as a business without an EIN. This represents DISCRIMINATION in  
3 providing financial services and also compels businesses into government servitude and STEALS their rights and  
4 property.
- 5 2. Telling you that you can't open a bank account as a human without an SSN and an IRS W-9 Form. This is  
6 BULLSHIT, because the average American is a nonresident alien and NOT a STATUTORY "U.S. person" who is  
7 protected by law in opening a bank account WITHOUT an SSN, without withholding, and without reporting as  
8 documented below.

W-8SUB, Form #04.231

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

- 9 3. A company telling you that they won't hire you, will fire you, or will not promote you unless you submit IRS Form W-  
10 4 essentially ILLEGALLY consenting to be treated AS IF you are public officer of the national government in criminal  
11 violation of 18 U.S.C. §912. This is also discrimination in hiring. The only correct form for the average American is  
12 Form #04.231 mentioned above and anything else is FRAUD if you know the law.

13 Our *Path to Freedom*, Form #09.015, Section 2 process requires members to REPORT all the above forms of criminal identity  
14 theft using the following forms:

- 15 1. *Identity Theft Affidavit*, Form #14.020  
16 <https://sedm.org/Forms/FormIndex.htm>
- 17 2. *Resignation of Compelled Social Security Trustee*, Form #06.002  
18 <https://sedm.org/Forms/FormIndex.htm>

19 More on the subject of why the adoption of ALL civil statutory statuses MUST be voluntary and why it is a CRIME if they  
20 are compelled in the following:

- 21 1. *Government Identity Theft*, Form #05.046  
22 <https://sedm.org/Forms/FormIndex.htm>
- 23 2. *Your Exclusive Right to Declare or Establish Your Civil Status*, Form #13.008  
24 <https://sedm.org/Forms/FormIndex.htm>
- 25 3. *Civil Status (Important!)*, SEDM  
26 <https://sedm.org/litigation-main/civil-status/>

### 27 **13.7.3 Equivocation between STATUTORY terms and CONSTITUTIONAL/Private terms**

28 There are many ways to unconstitutionally destroy the separation between PRIVATE and PUBLIC documented in the  
29 previous section, many of which are described in Form #12.025 mentioned at the end of the previous section. Below is a list  
30 of the more common and important ways:

- 31 1. Confusing PRIVATE "employees" with STATUTORY "employees" (5 U.S.C. §2105(a) and 26 U.S.C. §3401(c)).  
32 They are MUTUALLY exclusive and not equivalent. See:

*Why Your Government is Either a Thief or You are a "Public Officer" for Income Tax Purposes*, Form #05.008

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

- 33 2. Confusing STATUTORY "U.S.[\*\*] citizens" (8 U.S.C. §1401 and 26 C.F.R. §1.1-1(c)) with CONSTITUTIONAL  
34 "citizens of the United States[\*\*\*]" (Fourteenth Amendment). They are MUTUALLY exclusive and not equivalent.  
35 See:

*Why You are a "national", "state national", and Constitutional but not Statutory Citizen*, Form #05.006

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

- 36 3. Confusing the STATUTORY geographical "United States[\*\*]" with the CONSTITUTIONAL geographical "United  
37 States[\*\*\*]". They are MUTUALLY exclusive and not equivalent. See:

*Citizenship Status v. Tax Status*, Form #10.011

<https://sedm.org/Forms/10-Emancipation/CitizenshipStatusVTaxStatus/CitizenshipVTaxStatus.htm>

- 38 4. Confusing STATUTORY "persons" or "individuals" with CONSTITUTIONAL "persons". They are NOT the same  
39 and mutually exclusive. See:

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

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

5. Not defining WHICH context, STATUTORY or CONSTITUTIONAL they mean on government forms they make you fill out. In effect, they will try to deceive you into believing that the terms used have their PRIVATE or CONSTITUTIONAL or ordinary meaning but INTERPRET their meaning in court to have the STATUTORY meaning.

The above tactics of DECEPTION and criminal identity theft and how to PROSECUTE them as the CRIMES and breach of the public trust that they are is exhaustively described in:

1. Legal Deception, Propaganda, and Fraud, Form #05.014  
<https://sedm.org/Forms/FormIndex.htm>
2. Government Identity Theft, Form #05.046  
<https://sedm.org/Forms/FormIndex.htm>

To give you some idea how this works, we refer back to 5 C.F.R. §2635.101, which shows EXACTLY how PRIVATE and PUBLIC are deliberately confused and made to appear equivalent:

*5 CFR § 2635.101 - Basic obligation of public service.  
§ 2635.101 Basic obligation of public service.*

(b)General principles.

[. . .]

(12) Employees shall satisfy in good faith their obligations as citizens, including all just financial obligations, especially those - such as Federal, State, or local taxes - that are imposed by law.

The above mentions OBLIGATIONS. We prove in the following that obligations, in general, can only be created by either a demonstrated injury or a CONTRACT and by NO OTHER LAWFUL METHOD:

1. Lawfully Avoiding Government Obligations Course, Form #12.040  
<https://sedm.org/Forms/FormIndex.htm>
2. Proof of Claim: Your Main Defense Against Government Greed and Corruption, Form #09.073  
<https://sedm.org/Forms/FormIndex.htm>

Based on the above two documents and analysis, the OBLIGATIONS mentioned in 5 C.F.R. §2635.101(b)(12) MUST be a product of contract. But WHAT contract? The answer is your EMPLOYMENT contract with Uncle Sam!

"It is true, that the person who accepts an office may be supposed to enter into a compact 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 [CONSENT], 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/)

In other words, you must be a statutory PUBLIC "employee" and not a PRIVATE or common law "employee" to have a revenue taxable obligation and the TAX is upon earnings from the office, and not PRIVATE earnings. Below is evidence supporting this which is not exhaustive.

- 1 1. The REAL obligation to file a tax return comes from the OFFICE of statutory “employee” and not the status of  
2 CONSTITUTIONAL “citizen”:<sup>61</sup>

3 *“I: DUTY TO ACCOUNT FOR PUBLIC FUNDS*

4 *§ 909. In general. -It is the duty of the public officer, like any other agent or trustee, although not declared by*  
5 *express statute, to faithfully account for and pay over to the proper authorities all moneys which may come*  
6 *into his hands upon the public account, and the performance of this duty may be enforced by proper actions*  
7 *against the officer himself, or against those who have become sureties for the faithful discharge of his duties.”*  
8 *[Treatise on the Law of Public Offices and officers, p. 609, §909; Floyd Mechem, 1890;*  
9 *SOURCE: <http://books.google.com/books?id=g-I9AAAAIAAJ&printsec=titlepage>]*

- 10 2. The “citizens” mentioned in paragraph (12) above are 8 U.S.C. §1401 territorial STATUTORY “citizens”, not state  
11 citizens or CONSTITUTIONAL “citizens of the United States[\*\*\*]”. All territorial statutory “citizens” are  
12 franchisees of the national government exercising a PUBLIC privilege.

13 *“Finally, this Court is mindful of the years of past practice in which territorial citizenship has been treated as*  
14 *a statutory [PRIVILEGE!], and not a constitutional, right. In the unincorporated territories of Puerto Rico,*  
15 *Guam, the U.S. Virgin Islands, and the Northern Mariana Islands, birthright citizenship was conferred upon their*  
16 *inhabitants by various statutes many years after the United States acquired them. See Amicus Br. at 10-11. If the*  
17 *Citizenship Clause guaranteed birthright citizenship in unincorporated territories, these statutes would have*  
18 *been unnecessary.”*  
19 *[Tuaua v. U.S.A, 951 F.Supp.2d. 88 (2013)]*

20 *“The 1st section of the 14th article [Fourteenth Amendment], to which our attention is more specifically invited,*  
21 *opens with a definition of citizenship—not only citizenship of the United States[\*\*\*], but citizenship of the states.*  
22 *No such definition was previously found in the Constitution, nor had any attempt been made to define it by act*  
23 *of Congress. It had been the occasion of much discussion in the courts, by the executive departments and in the*  
24 *public journals. It had been said by eminent judges that no man was a citizen of the United States[\*\*\*] except*  
25 *as he was a citizen of one of the states composing the Union. Those therefore, who had been born and resided*  
26 *always in the District of Columbia or in the territories, though within the United States[\*], were not citizens.”*  
27 *[Slaughter-House Cases, 83 U.S. (16 Wall.) 36, 21 L.Ed. 394 (1873)]*

28  
29 *“... the Supreme Court in the Insular Cases <sup>62</sup> provides authoritative guidance on the territorial scope of the*  
30 *term "the United States" in the Fourteenth Amendment. The Insular Cases were a series of Supreme Court*  
31 *decisions that addressed challenges to duties on goods transported from Puerto Rico to the continental United*  
32 *States. Puerto Rico, like the Philippines, had been recently ceded to the United States. The Court considered the*  
33 *territorial scope of the term "the United States" in the Constitution and held that this term as used in the*  
34 *uniformity clause of the Constitution was territorially limited to the states of the Union. U.S. Const. art. I, § 8*  
35 *("[A]ll Duties, Imposts and Excises shall be uniform throughout the United States." (emphasis added)); see*  
36 *Downes v. Bidwell, 182 U.S. 244, 251, 21 S.Ct. 770, 773, 45 L.Ed. 1088 (1901) ("[I]t can nowhere be inferred*  
37 *that the territories were considered a part of the United States. The Constitution was created by the people of*  
38 *the United States, as a union of States, to be governed solely by representatives of the States; ... In short, the*  
39 *Constitution deals with States, their people, and their representatives."); Rabang, 35 F.3d at 1452. Puerto Rico*  
40 *was merely a territory "appurtenant and belonging to the United States, but not a part of the United States*  
41 *within the revenue clauses of the Constitution." Downes, 182 U.S. at 287, 21 S.Ct. at 787.*

42 *The Court's conclusion in Downes was derived in part by analyzing the territorial scope of the Thirteenth and*  
43 *Fourteenth Amendments. The Thirteenth Amendment prohibits slavery and involuntary servitude "within the*  
44 *United States, or any place subject to their jurisdiction." U.S. Const. amend. XIII, § 1 (emphasis added). The*  
45 *Fourteenth Amendment states that persons "born or naturalized in the United States, and subject to the*  
46 *jurisdiction thereof, are citizens of the United States and of the State wherein they reside." U.S. Const. amend*  
47 *XIV, § 1 (emphasis added). The disjunctive "or" in the Thirteenth Amendment demonstrates that "there may*  
48 *be places within the jurisdiction of the United States that are not] part of the Union" to which the Thirteenth*  
49 *Amendment would apply. Downes, 182 U.S. at 251, 21 S.Ct. at 773. Citizenship under the Fourteenth*  
50 *Amendment, however, "is not extended to persons born in any place 'subject to [the United States ]*  
51 *jurisdiction,' " but is limited to persons born or naturalized in the states of the Union. Downes, 182 U.S. at 251,*  
52 *21 S.Ct. at 773 (emphasis added); see also id. at 263, 21 S.Ct. at 777 ("[I]n dealing with foreign sovereignties,*

<sup>61</sup> For more on the subject of the legal obligation to file income tax returns, see: *Legal Requirement to File Federal Income Tax Returns*, Form #05.009;  
<https://sedm.org/Forms/FormIndex.htm>.

<sup>62</sup> *De Lima v. Bidwell, 182 U.S. 1, 21 S.Ct. 743, 45 L.Ed. 1041 (1901); Dooley v. United States, 182 U.S. 222, 21 S.Ct. 762, 45 L.Ed. 1074 (1901);*  
*Armstrong v. United States, 182 U.S. 243, 21 S.Ct. 827, 45 L.Ed. 1086 (1901); and Downes v. Bidwell, 182 U.S. 244, 21 S.Ct. 770, 45 L.Ed. 1088 (1901).*

1 the term 'United States' has a broader meaning than when used in the Constitution, and includes all territories  
2 subject to the jurisdiction of the Federal government, wherever located.'<sup>63</sup>  
3 [Valmonte v. I.N.S., 136 F.3d. 914 (C.A.2, 1998)]

- 4 3. The ONLY “person” who is the subject of CRIMINAL provisions of the Internal Revenue Code are those in  
5 partnership with Uncle Sam or serving in offices within a FEDERAL and not STATE corporation.

6 [TITLE 26 > Subtitle F > CHAPTER 75 > Subchapter D > § 7343](#)  
7 [§7343. Definition of term “person”](#)

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

- 11 4. The ONLY “person” who is the subject of CIVIL enforcement such as penalties in the Internal Revenue Code are those  
12 in partnership with Uncle Sam or serving in offices within a FEDERAL and not STATE corporation.

13 [TITLE 26 > Subtitle F > CHAPTER 68 > Subchapter B > PART I > § 6671](#)  
14 [§ 6671. Rules for application of assessable penalties](#)

15 (b) Person defined

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

- 19 5. There are no enforcement implementing regulations for any of the criminal or civil provisions under Part 1 of the  
20 regulations, and therefore the only proper audience for ALL revenue enforcement is public officers and not private  
21 humans. More on this is found in:

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

- 22 6. The requirement to provide or use a Taxpayer Identification Number (TIN) or Social Security Number (SSN) found in  
23 [26 C.F.R. §301.6109-1\(b\)](#) originates from your status as a statutory “employee” (5 U.S.C. §2105(a)) or public officer  
24 within the U.S. Treasury Department, not a PRIVATE or common law “employee”. Note that the regulation that is  
25 under 26 C.F.R. Part 301, which pertains to EMPLOYEES of the treasury. If the requirement had originated from Part  
26 1, which is the income tax, it would be in Part 1 and therefore have the number of 26 C.F.R. §1.6109-1(b), instead of  
27 26 C.F.R. §301.6109-1(b). See *About SSNs and TINs on Government Forms and Correspondence*, Form #05.012 for  
28 exhaustive proof of this subject.

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

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

35 One cannot have “obligations” under the Internal Revenue Code WITHOUT being a statutory but not constitutional “person”.  
36 These obligations can either be CIVIL in the case of 26 U.S.C. §6671(b) or CRIMINAL in the case of 26 U.S.C. §7343. Note  
37 that STATUTORY “citizens” are NOWHERE mentioned in the definition of “person” above, and therefore the obligation  
38 does not attach to this civil statutory status of “citizen”. For more on how you can’t have an obligation under civil statutes  
39 WITHOUT a contract with the national government, see:

- 40 1. *Civil Status (important!)*, SEDM  
41 <https://sedm.org/litigation-main/civil-status/>  
42 2. *Your Exclusive Right to Declare or Establish Your Civil Status*, Form #13.008  
43 <https://sedm.org/Forms/FormIndex.htm>

<sup>63</sup> Congress, under the Act of February 21, 1871, ch. 62, § 34, 16 Stat. 419, 426, expressly extended the Constitution and federal laws to the District of Columbia. See Downes, 182 U.S. at 261, 21 S.Ct. at 777 (stating that the “mere cession of the District of Columbia” from portions of Virginia and Maryland did not “take [the District of Columbia] out of the United States or from under the aegis of the Constitution.”).

1 Mentioning “citizens” in 26 C.F.R. §2635.101(b)(12) is therefore a RED HERRING designed to make it falsely APPEAR  
2 that the obligation is associated with the status of STATUTORY “citizen” instead of what it is REALLY associated with,  
3 which is STATUTORY “employee”. The result is criminal IDENTITY theft if you let them get away with this, folks! We  
4 talk more about this deception in the context of income taxes in the following:

*The “Trade or Business” Scam*, Form #05.001  
<https://sedm.org/Forms/FormIndex.htm>

### 5 **13.8 Membership in a Specific Class, Status, or Group As a Cause for Loss of Rights**<sup>64</sup>

6 A frequent source of debate on this site is the discrimination and inequality imposed by creating and enforcing civil franchises,  
7 how this inequality constitutes discrimination, and how it also causes a loss of constitutional rights. In the constitution, all  
8 protected “persons”, who are all HUMAN BEINGS are treated AND TAXED equally. So how does one become UNEQUAL  
9 and how can this inequality be PREVENTED? That is the subject of this article.

10 In speaking of the loss of constitutional rights at the hands of government, the U.S. Supreme Court has held:

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

35 *From this it is apparent that, down to the time of the adoption of the Fourteenth Amendment, it was not supposed*  
36 *that statutes regulating the use, or even the price of the use, of private property necessarily deprived an owner of*  
37 *his property without due process of law. Under some circumstances they may, but not under all. The amendment*  
38 *does not change the law in this particular: it simply prevents the States from doing that which will operate as*  
39 *such a deprivation.*

40 [*Munn v. Illinois*, 94 U.S. 113 (1876); SOURCE:  
41 [https://scholar.google.com/scholar\\_case?case=6419197193322400931](https://scholar.google.com/scholar_case?case=6419197193322400931)]

42 The term “compact” as used above means CONTRACT. Look it up if you don’t believe us. So can a government FORCE  
43 you to contract with them? NO! They are created to protect your right to contract or not contract with anyone and everyone,  
44 including THEM. If you can’t refuse to contract with the government, then you don’t own yourself because they can put  
45 anything in the contract or “social compact” they want! And what form does this “social compact take”? The civil statutory  
46 codes, that’s what. Rebut the following if you disagree or be found to agree:

*Why Statutory Civil Law is Law for Government and Not Private Persons*, Form #05.037  
<https://sedm.org/Forms/05-MemLaw/StatLawGovt.pdf>

<sup>64</sup> Source: *Your Exclusive Right to Declare or Establish Your Civil Status*, Form #13.008, Section 11.6; <https://sedm.org/Forms/FormIndex.htm>.



1 The above Munn case, however, raises many more questions than it answers, because they are hiding a large part of the truth  
2 from the reader, as we will explain later:

- 3 1. If the Declaration of Independence says that all just powers of government derive from the consent of the governed,  
4 then what exactly constitutes CONSENT in this context?
- 5 2. What if one chooses to not consent to ANYTHING the government offers? Would they THEN retain all their  
6 constitutional rights and lose none of them to civil statutory regulation?
- 7 3. Is it possible to not give up ANY constitutional rights without being punished, ostracized, or targeted for economic  
8 sanctions such as those that result from not getting a “RES-IDENT” ID card or a driver license?
- 9 4. Exactly WHAT constitutes “membership” that causes a loss of CONSTITUTIONAL or PRIVATE rights? Is it:  
10 4.1. “nationality”?  
11 4.2. “residence”? In the tax code, this is the temporary dwelling place of an ALIEN who is NOT a national or a  
12 citizen.  
13 4.3. “domicile”? You can’t register to vote without a domicile within the district, and since you can only have one  
14 domicile, you can only vote in ONE place at a time. Voters are certainly POLITICAL members of the  
15 community by virtue of their ability to vote, but does that imply that they are LEGAL or CIVIL “persons” under  
16 the civil code? [Form #05.002](#) proves that they are.  
17 4.4. A VOLUNTARY franchise status such as “spouse” (under the family code), “person”, “taxpayer” (under the tax  
18 code), driver (under the vehicle code), or “citizen”, or “resident” under the civil code?

19 The only ones in the above list item 4 that ARE consensual are the last three: residence, domicile, and franchise statuses.  
20 And we prove in [Form #05.002](#) that 4.2 and 4.3 are a civil statutory protection franchises, so they are a subset of item 4.4  
21 above indirectly. Nationality is NOT consensual, because an act of birth is not an explicit act of consent. “Residence” is  
22 consensual in the case of aliens because you don’t have to BE in a foreign country if you don’t want to. Presence on the  
23 territory of a foreign country on the part of an alien is a PRIVILEGE, not a right.

24 *The reasons for not allowing to other aliens exemption ‘from the jurisdiction of the country in which they are*  
25 *found’ were stated as follows: ‘When private individuals of one nation [states of the Unions are “nations”*  
26 *under the law of nations] spread themselves through another as business or caprice may direct, mingling*  
27 *indiscriminately with the inhabitants of that other, or when merchant vessels enter for the purposes of trade,*  
28 *it would be obviously inconvenient and dangerous to society, and would subject the laws to continual*  
29 *infraction, and the government to degradation, if such individuals or merchants did not owe temporary and*  
30 *local allegiance, and were not amenable to the jurisdiction of the country. Nor can the foreign sovereign have*  
31 *any motive for wishing such exemption. His subjects thus passing into foreign countries are not employed by him,*  
32 *nor are they engaged in national pursuits. Consequently, there are powerful motives for not exempting persons*  
33 *of this description from the jurisdiction of the country in which they are found, and no one motive for requiring*  
34 *it. The implied license, therefore, under which they enter, can never be construed to grant such exemption.’ 7*  
35 *Cranch, 144.*

36 *In short, the judgment in the case of The Exchange declared, as incontrovertible principles, that the jurisdiction*  
37 *of every nation within its own territory is exclusive and absolute, and is susceptible of no limitation not imposed*  
38 *by the nation itself; that all exceptions to its full and absolute territorial jurisdiction must be traced up to its own*  
39 *consent, express or implied; that upon its consent to cede, or to waive the exercise of, a part of its territorial*  
40 *jurisdiction, rest the exemptions from that jurisdiction of foreign sovereigns or their armies entering its territory*  
41 *with its permission, and of their foreign ministers and public ships of war; and that the implied license, under*  
42 *which private individuals of another nation enter the territory and mingle indiscriminately with its inhabitants,*  
43 *for purposes of business or pleasure, can never be construed to grant to them an exemption from the*  
44 *jurisdiction of the country in which they are found. See, also, Carlisle v. U.S. (1872) 16 Wall. 147, 155 ; Radich*  
45 *v. Hutchins (1877) 95 U.S. 210 ; Wildenhus’ Case (1887) 120 U.S. 1, 7 Sup. Ct. 385 ; Chae Chan Ping v. U.S.*  
46 *(1889) 130 U.S. 581, 603, 604, 9 Sup. Ct. 623.*  
47 *[United States v. Wong Kim Ark, 169 U.S. 649, 18 S.Ct. 456, 42 L.Ed. 890 (1898)]*

48  
49 *“Residents, as distinguished from citizens, are aliens who are permitted to take up a permanent abode in the*  
50 *country. Being bound to the society by reason of their dwelling in it, they are subject to its laws so long as they*  
51 *remain there, and, being protected by it, they must defend it, although they do not enjoy all the rights of citizens.*  
52 *They have only certain privileges which the law, or custom, gives them. Permanent residents are those who*  
53 *have been given the right of perpetual residence. They are a sort of citizen of a less privileged character, and*  
54 *are subject to the society without enjoying all its advantages. Their children succeed to their status; for the right*  
55 *of perpetual residence given them by the State passes to their children.”*  
56 *[The Law of Nations, Vattel, Book 1, Chapter 19, Section 213, p. 87]*



1 So the ONLY thing left that they can be talking about above that might cause a VOLUNTARY surrender of rights are  
2 franchises, which are then defined as temporary GRANTS of government property, keeping in mind that RIGHTS are also  
3 property. On this website, we use the term “franchise” and “privilege” interchangeably. We have never seen a court ruling  
4 that distinguishes the two, and privilege is used in the definition, so they are synonymous for all practical purposes. Below  
5 is the definition:

6 **FRANCHISE. A special privilege conferred by government on individual or corporation, and which does**  
7 **not belong to citizens of country generally of common right.** *Elliott v. City of Eugene, 135 Or. 108, 294 P.*  
8 **358, 360. In England it is defined to be a royal privilege in the hands of a subject.**

9 *A “franchise,” as used by Blackstone in defining quo warranto, (3 Com. 262 [4th Am. Ed.] 322), had reference*  
10 *to a royal privilege or branch of the king’s prerogative **subsisting in the hands of the subject, and must arise***  
11 *from the king’s grant, or be held by prescription, but today we understand a franchise to be some special*  
12 *privilege conferred by government on an individual, natural or artificial, which is not enjoyed by its citizens in*  
13 *general. State v. Fernandez, 106 Fla. 779, 143 So. 638, 639, 86 A.L.R. 240.*

14 **In this country a franchise is a privilege or immunity of a public nature, which cannot be legally exercised**  
15 **without legislative grant. To be a corporation is a franchise.** *The various powers conferred on corporations*  
16 *are franchises. The execution of a policy of insurance by an insurance company [e.g. Social Insurance/Socialist*  
17 *Security], and the issuing a bank note by an incorporated bank [such as a Federal Reserve NOTE], are*  
18 *franchises. People v. Utica Ins. Co., 15 Johns. (N.Y.) 387, 8 Am.Dec. 243. But it does not embrace the property*  
19 *acquired by the exercise of the franchise. Bridgeport v. New York & N.H. R. Co., 36 Conn. 255, 4 Am.Rep. 63.*  
20 *Nor involve interest in land acquired by grantee. Whitbeck v. Funk, 140 Or. 70, 12 P.2d. 1019, 1020. In a*  
21 **popular sense, the political rights of subjects and citizens are franchises, such as the right of suffrage, etc.**  
22 **Pierce v. Emery, 32 N.H. 484; State v. Black Diamond Co., 97 Ohio.St. 24, 119 N.E. 195, 199, L.R.A.1918E,**  
23 **352.**

24 *Elective Franchise. The right of suffrage: the right or privilege of voting in public elections.*

25 *Exclusive Franchise. See Exclusive Privilege or Franchise.*

26 *General and Special. The charter of a corporation is its “general” franchise, while a “special” franchise consists*  
27 **in any rights granted by the public to use property for a public use but-with private profit.** *Lord v. Equitable*  
28 *Life Assur. Soc., 194 N.Y. 212, 87 N.E. 443, 22 L.R.A. (N.S.) 420.*  
29 *[Black’s Law Dictionary, Fourth Edition, pp. 786-787]*

30 Note the phrase “**which does not belong to citizens of country generally of common right**”, meaning that it does NOT  
31 apply EQUALLY to everyone in society, but only a SUBSET of people in the society. How then does one join this SUBSET  
32 that are participants in the franchise, one might ask? The answer is that you must have government property or even statutory  
33 privileges in “your hands” to prove that you are a “subject” of the franchise. But WHAT SPECIFIC property exactly are  
34 they referring to?

35 The word “privilege” in the above definition is a code word for grants of government property. A “grant” is a temporary loan  
36 of property with usually civil legal strings or conditions or obligations attached. The property can be demanded to be returned  
37 at any time by the grantor, which would then constitute a revocation of the franchise. Here is an example of the use of these  
38 two words as synonyms by the same court quoted in the lead post:

39 **“We have repeatedly held that the Federal Government may impose appropriate conditions on the use of**  
40 **federal property or privileges and may require that state instrumentalities comply with conditions that are**  
41 **reasonably related to the federal interest in particular national projects or programs.** *See, e. g., Ivanhoe*  
42 *Irrigation Dist. v. McCracken, 357 U.S. 275, 294 -296 (1958); Oklahoma v. Civil Service Comm’n, 330 U.S. 127,*  
43 *142 -144 (1947); United States v. San Francisco, 310 U.S. 16 (1940); cf. National League of Cities v. Usery, 426*  
44 *U.S. 833, 853 (1976) ; Fry v. United States, 421 U.S. 542 (1975). A requirement that States, like all other*  
45 *users, pay a portion of the costs of the benefits they enjoy from federal programs is surely permissible since*  
46 **it is closely related to the [435 U.S. 444, 462] federal interest in recovering costs from those who benefit and**  
47 **since it effects no greater interference with state sovereignty than do the restrictions which this Court has**  
48 **approved.”**

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

51 Later in the Munn Case, the same court obtusely admits that this is exactly what they are doing:

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

[...]

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

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

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

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

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

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

So, the source of the government’s ability to enact civil legislation that regulates otherwise private, constitutionally protected property is the receipt and grant of government property of one kind or another with civil legal strings attached. That property can take the following forms listed:

[5 U.S. Code §553 – Rule making](#)

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

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

The context for the lead quote then is that membership implies receipt of at least one of the above types of government property, which includes government offices, public property, loans, grants, benefits and contracts, all of which are property. So we must then ask ourself:

1. What SPECIFIC type of “membership” are they talking about in the lead post?
2. How is it measured and identified and proven with evidence in court?
3. Why didn’t they IDENTIFY IN THE RULING HOW to identify when and how membership was pursued by the target of the enforcement action or regulation? Are they trying to hide it?
4. The definition of “franchise” above uses the phrase “in the hands of the subject”, as if to imply that it is property in the custody or “benefit” of the recipient. But HOW exactly can we prove with evidence that it is “IN YOUR HANDS”, because that in fact is exactly and only HOW you become a “subject” as they call it.

The answer is that they are talking about civil statuses under franchises to which privileges (public rights), or obligations are attached. In other words, to find the NAME of the “membership” they are talking about, you look in the definition section of the civil statutes which regulate and find definitions for various types of civil “persons” to whom the obligations attach, such as “driver” (under the vehicle code), “spouse” (under the family code), “citizen” or “resident” or “taxpayer” under the tax code, “person” (under civil statutes). Each of these civil statuses is what the U.S. Supreme court calls a “class”, and only members of that class are targeted to both RECEIVE the privilege (public right) AND to have the liability described. Here is how they describe it in the landmark case of *Pollock v. Farmer’s Loan and Trust*, in which the FIRST income tax of the modern era was declared UNCONSTITUTIONAL:

**“The income tax law under consideration is marked by discriminating features which affect the whole law. It discriminates between those who receive an income of four thousand dollars and those who do not. It thus vitiates, in my judgment, by this arbitrary discrimination, the whole legislation. Hamilton says in one of his papers, (the *Continentalist*,) “the genius of liberty reprobates everything arbitrary or discretionary in taxation. It exacts that every man, by a definite and general rule, should know what proportion of his property the State demands; whatever liberty we may boast of in theory, it cannot exist in fact while [arbitrary] assessments continue.” 1 *Hamilton’s Works*, ed. 1885, 270. The legislation, in the discrimination it makes, is class legislation. Whenever a distinction is made in the burdens a law imposes or in the benefits it confers on any citizens by**

1 **reason of their birth, or wealth, or religion, it is class legislation, and leads inevitably to oppression and**  
2 **abuses, and to general unrest and disturbance in society [e.g. wars, political conflict, violence, anarchy].** *It*  
3 *was hoped and believed that the great amendments to the Constitution which followed the late civil war had*  
4 *rendered such legislation impossible for all future time. But the objectionable legislation reappears in the act*  
5 *under consideration. It is the same in essential character as that of the English income statute of 1691, which*  
6 *taxed Protestants at a certain rate, Catholics, as a class, at double the rate of Protestants, and Jews at another*  
7 *and separate rate. Under wise and constitutional legislation every citizen should contribute his proportion,*  
8 *however small the sum, to the support of the government, and it is no kindness to urge any of our citizens to*  
9 *escape from that obligation. If he contributes the smallest mite of his earnings to that purpose he will have a*  
10 *greater regard for the government and more self-respect [597\\*597](#) for himself feeling that though he is poor in*  
11 *fact, he is not a pauper of his government. And it is to be hoped that, whatever woes and embarrassments may*  
12 *betide our people, they may never lose their manliness and self-respect. Those qualities preserved, they will*  
13 *ultimately triumph over all reverses of fortune."*

14 [. . .]

15 *"Here I close my opinion. I could not say less in view of questions of such gravity that go down to the very*  
16 *foundation of the government. If the provisions of the Constitution can be set aside by an act of Congress, where*  
17 *is the course of usurpation to end? **The present assault upon capital is but the beginning. It will be but the***  
18 ***stepping-stone to others, larger and more sweeping, till our political contests will become a war of the poor***  
19 ***against the rich; a war constantly growing in intensity and bitterness."***

20 ***"If the court sanctions the power of discriminating taxation, and nullifies the uniformity mandate of the***  
21 ***Constitution," as said by one who has been all his life a student of our institutions, "it will mark the hour***  
22 ***when the sure decadence of our present government will commence."** *If the purely arbitrary limitation of*  
23 *\$4000 in the present law can be sustained, none having less than that amount of income being assessed or taxed*  
24 *for the support of the government, the limitation of future Congresses may be fixed at a much larger sum, at five*  
25 *or ten or twenty thousand dollars, parties possessing an income of that amount alone being bound to bear the*  
26 *burdens of government; or the limitation may be designated at such an amount as a board of "walking delegates"*  
27 *may deem necessary. There is no safety in allowing the limitation to be adjusted except in strict compliance with*  
28 *the mandates of the Constitution which require its taxation, if imposed by direct taxes, to be apportioned among*  
29 *the States according to their representation, and if imposed by indirect taxes, to be uniform in operation and, so*  
30 *far as practicable, in proportion to their property, equal upon all citizens. **Unless the rule of the Constitution***  
31 ***governs, a majority may fix the limitation at such rate as will not include any of their own number."***  
32 *[Pollock v. Farmers' Loan & Trust Co., 157 U.S. 429 (Supreme Court 1895); SOURCE:*  
33 *[https://scholar.google.com/scholar\\_case?case=7292056596996651119](https://scholar.google.com/scholar_case?case=7292056596996651119)]**

34 Note the use of the word "discriminates". This is a sign that they are talking about a VOLUNTARY franchise to which you  
35 must be a member to be the target of the UNCONSTITUTIONAL tax, which they call "class legislation". The  
36 DISTINCTION they are talking about is the CIVIL STATUS of the group targeted for the tax, instead of treating everyone  
37 equally. That status, in the case of the Internal Revenue Code is [STATUTORY "citizen"](#), [STATUTORY "resident"](#),  
38 ["nonresident alien" \(Form #05.020\)](#), ["person" \(Form #08.023\)](#), and "taxpayer". Each of these civil statuses have a different  
39 subset of privileges (public rights) and corresponding obligations under the I.R.C. Since those privileges and obligations are  
40 not equal for every one of these statuses, then based on Pollock above, the tax code is "class legislation". Another name for  
41 that is FRANCHISES. Franchises are also sometimes called "special law":

42 ***"special law.** One relating to particular persons or things; one made for individual cases or for particular places*  
43 *or districts; one operating upon a selected class, rather than upon the public generally. A private law. A law is*  
44 *"special" when it is different from others of the same general kind or designed for a particular purpose, or limited*  
45 *in range or confined to a prescribed field of action or operation. A "special law" relates to either particular*  
46 *persons, places, or things or to persons, places, or things which, though not particularized, are separated by any*  
47 *method of selection from the whole class to which the law might, but not such legislation, be applied. Utah Farm*  
48 *Bureau Ins. Co. v. Utah Ins. Guaranty Ass'n, Utah, 564 P.2d. 751, 754. A special law applies only to an individual*  
49 *or a number of individuals out of a single class similarly situated and affected, or to a special locality. Board of*  
50 *County Com'rs of Lemhi County v. Swensen, Idaho, 80 Idaho 198, 327 P.2d. 361, 362. See also Private bill;*  
51 *Private law. Compare General law; Public law."*  
52 *[Black's Law Dictionary, Sixth Edition, pp. 1397-1398]*

53 VOLUNTARY franchises are the main method of creating INEQUALITY, implementing "special law", and violating what  
54 the above case calls "uniformity". When INEQUALITY is present, UNIFORMITY cannot be present because the tax  
55 discriminates against certain classes while not taxing others or taxing them at a reduced rate. Below is an example of this  
56 phenomenon:

57 *"Revenue Laws relate to taxpayers [instrumentalities, officers, employees, and elected officials of the [national](#)*  
58 *[Government](#)] and not to non-taxpayers [[non-resident non-persons domiciled in states of the Union](#) without the*  
59 *exclusive jurisdiction of the national Government]. The latter are without their scope. No procedures are*  
60 *prescribed for non-taxpayers and no attempt is made to annul any of their Rights or Remedies in due course of*

1 law. With them [non-taxpayers] Congress does not assume to deal and they are neither of the subject nor of the  
2 object of federal revenue laws.”  
3 [*Economy Plumbing & Heating v. U.S.*, 470 F.2d. 585 (1972)]

4 Those who argue against the idea that “taxpayer” is a privilege have no defense for the above except perhaps to say that the  
5 “nontaxpayer” above was not the SPECIFICALLY liable party, but that there was indeed an ACTUAL “taxpayer” in the  
6 above case. But WHAT about people who DO NOT WANT to BE “taxpayers” and are victims of identity theft by the filers  
7 of false information returns? Why can’t THEY claim that there IS no “taxpayer” in their case, and that the fiction of  
8 “taxpayer” is a product of a crime, and that they instead, like the above case retain all their constitutional rights and remedies?  
9 That crime is described in:

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

10 They have no answer for that other than to say “frivolous” and have no rebuttal for any of the other evidence in this article.  
11 HOGWASH! It’s frivolous to say an argument is bad without rebutting the evidence it is based on, which is in this article.  
12 Here is another example:

13 “A reasonable construction of the taxing statutes does not include vesting any tax official with absolute power of  
14 assessment against **individuals not specified in the statutes as a person liable for the tax without an**  
15 **opportunity for judicial review of this status before the appellation of ‘taxpayer’ is bestowed upon them**  
16 **and their property is seized...**”  
17 [*Botta v. Scanlon*, 288 F.2d 504 (2nd Circuit Court of Appeals, March 6, 1961)]

18 In the above case:

- 19 1. Botta v. Scanlon was a claim for a refund based on the Fifth Amendment.  
20 [Botta v. Scanlon, 288 F.2d 504 \(2nd Circuit Court of Appeals, March 6, 1961\)](#)
- 21 2. The basis of the claim was honored.
- 22 3. So there is a constitutional Remedy.
- 23 4. Botta was a Nontaxpayer.
- 24 5. The only difference between the Botta Case and most other cases is the “taxpayer” status.
- 25 6. Those who INVOKE “taxpayer” status CANNOT accompany their claim with a constitutional claim.
- 26 7. So it’s ONE or the other: CONSTITUTION, or STATUTES, but never BOTH.
- 27 8. Botta was ONLY a CONSTITUTIONAL claim, not a statutory claim.

28 Constitutional claims ARE permitted for those who have their property seized and who are NOT “taxpayers” but are still  
29 protected by the Fifth Amendment. So “taxpayer” does come with obligations, and the obligations are that you LOSE  
30 constitutional protections. The U.S. Supreme Court even WARNS people that citing ANY statute waives constitutional  
31 rights, so you can’t claim a statutory status without forfeiting constitutional rights and replacing them with civil statutory  
32 privileges:

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

36 [. . .]

37 **6. The Court will not pass upon the constitutionality of a statute at the instance of one who has availed**  
38 **himself of its benefits.** *FN7 Great Falls Mfg. Co. v. Attorney General, 124 U.S. 581, 8 S.Ct. 631, 31 L.Ed. 527;*  
39 *Wall v. Parrot Silver & Copper Co., 244 U.S. 407, 411, 412, 37 S.Ct. 609, 61 L.Ed. 1229; St. Louis Malleable*  
40 *Casting Co. v. Prendergast Construction Co., 260 U.S. 469, 43 S.Ct. 178, 67 L.Ed. 351.*

41 \_\_\_\_\_  
42 FOOTNOTES:

43 *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.*  
44 *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.*  
45 *1108.*  
46 [*Ashwander v. Tennessee Valley Authority, 297 U.S. 288, 56 S.Ct. 466 (1936)*]

1 What if you don't volunteer to be a "taxpayer"? You retain Fifth Amendment protections.

2 "Taxpayer" status isn't related DIRECTLY to your liability based on our reading of 26 C.F.R. § 1.1-1, but it does produce an  
3 obligation to surrender constitutional or Fifth Amendment remedy, based on Botta. A LOSS of a specific remedy such as a  
4 constitutional remedy is, no doubt, an obligation you can't avoid if you claim the status. Can obligations without  
5 corresponding consideration be valid without consent? NO.

6 So you're a volunteer. Congress CANNOT by any legislation, compel a surrender of ALL constitutional protections. You  
7 must volunteer for the status that does so. Any other way is involuntary servitude.

8 That case even equated "liability" with "taxpayer" status. The only difference in Botta is that by "liability", they don't mean  
9 TAX liability, but liability to surrender constitutional protections. It's not poorly worded. It's encrypted truth.

10 Subsequent to the Botta Case, on Nov. 2, 1966, Congress enacted [26 U.S.C. §7426](#) giving remedy to "persons other than  
11 taxpayers". Did these people suddenly LOSE their Fifth Amendment protections after this enactment? NO. Beyond that  
12 point, they had an administrative remedy to DISGUISE their Fifth Amendment remedy in administrative language. They  
13 still didn't need "taxpayer" to get a remedy. But they had to agree to become a statutory "person" with a civil status who is  
14 now an "individual" who is subject. So these wrongful targets of enforcement activity were compelled to exchange  
15 CONSTITUTIONAL rights for STATUTORY privileges and became subject, even if they previously were not. See  
16 legislative notes under the statute:

26 U.S. Code § 7426 – Civil actions by persons other than taxpayers  
<https://www.law.cornell.edu/uscode/text/26/7426>

17 BUT, nontaxpayers can still invoke constitutional remedies if they don't want the statute or the status or its liabilities. 26  
18 U.S.C. §7426 is not exclusive and CAN'T be exclusive because it doesn't deal with GOVERNMENT property. It protects  
19 PRIVATE property under the Fifth Amendment just like in Botta.

20 Keep in mind that "taxpayer" is a STATUTORY "civil status" or franchise status is PROPERTY, and that it was legislatively  
21 created by Congress. Whatever Congress creates it literally OWNS and controls, including anyone and everyone claiming  
22 the status. That's the hypothesis proven in the following article:

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

23 The U.S. Supreme Court has also admitted that the legislative creator of a thing is the owner and only  
24 legitimate controller:

25 *Although Crowell and Raddatz do not explicitly distinguish between rights created by Congress [PUBLIC*  
26 *RIGHTS] and other [PRIVATE] rights, such a distinction underlies in part Crowell's and Raddatz' recognition*  
27 *of a critical difference between rights created by federal statute and rights recognized by the Constitution.*  
28 *Moreover, such a distinction seems to us to be necessary in light of the delicate accommodations required by*  
29 *the principle of separation of powers reflected in Art. III. The constitutional system of checks and balances is*  
30 *designed to guard against "encroachment or aggrandizement" by Congress at the expense of the other*  
31 *branches of government. Buckley v. Valeo, 424 U.S., at 122, 96 S.Ct., at 683. But when Congress creates a*  
32 *statutory right [a "privilege" or "public right" in this case, such as a "trade or business"], it clearly has the*  
33 *discretion, in defining that right, to create presumptions, or assign burdens of proof, or prescribe remedies; it*  
34 *may also provide that persons seeking to vindicate that right must do so before particularized tribunals created*  
35 *to perform the specialized adjudicative tasks related to that right. FN35 Such provisions do, in a sense, affect*  
36 *the exercise of judicial power, but they are also incidental to Congress' power to define the right that it has*  
37 *created. No comparable justification exists, however, when the right being adjudicated is not of congressional*  
38 *creation. In such a situation, substantial inroads into functions that have traditionally been performed by the*  
39 *Judiciary cannot be characterized merely as incidental extensions of Congress' power to define rights that it*  
40 *has created. Rather, such inroads suggest unwarranted encroachments upon the judicial power of the United*  
41 *States, which our Constitution reserves for Art. III courts.*  
42 *[Northern Pipeline Const. Co. v. Marathon Pipe Line Co., 458 U.S. 50, 102 S.Ct. 2858 (1983)]*

43 In the case of "taxpayer" per the above, Congress has dictated that ONLY "taxpayers" can go to Tax Court, and that they  
44 have the burden of proof as the "transferee" of government property under [26 U.S.C. §6903](#), to prove NON-LIABILITY. In  
45 other words, they have the unfortunate burden to prove a NEGATIVE, which is absurd and a literal impossibility in most



1 cases. In other words, they are GOVERNMENT WHORES until they prove that they are NOT. Imagine the irony of the  
2 following quote proving this, which says "the taxpayer" has the burden, who simply by invoking the status, is a government  
3 whore:

4 *"..the taxpayer can not be left in the unpardonable position of having to prove a negative"*  
5 *[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*  
6 *F.2d. 1169, 1175 (9th Cir. 1977); Portillo v Comm'r, 932 F.2d. 938, Affirming, reversing and remanding 58 TCM*  
7 *1386, Dec 46, 373 (M), TC Memo, 1990-68 [91-2 USTC P50, 304]; Weimerskirch [79-1 USTC P9359], 596*  
8 *F.2d. at 361]*

9 To this irony we respond with the following:

10 *"Maddam, you have all the equipment necessary to be a whore, but that does not make you one by presumption.*  
11 *Until such time as you demonstrate the traits of a whore or claim to be one, I'll presume that you are a lady who*  
12 *will be treated with respect."*

13 *"Maddam, we've already established you are a whore. We're just negotiating the PRICE now. Taxpayers are*  
14 *whores."*

15 Could it be that our detractor who ejected us from his forum didn't want his clients or friends, who he advocates calling  
16 themselves "taxpayers" on government forms, being referred to as WHORES? Probably so. He knew that the only remedy  
17 he could offer was a CIVIL STATUTORY remedy which required that his clients surrender ALL their constitutional rights  
18 to get an administrative remedy to recover money unlawfully withheld or reported or levied upon them AFTER they made  
19 the mistake of claiming to be "taxpayers" on government forms absent duress. Our detractor also incorrectly interpreted our  
20 allegation of being a whore as a "taxpayer" or civil "person", but GOD is the one who gave it that name, not us. See:

[Are You "Playing the Harlot" with the Government?, SEDM Blog](https://sedm.org/are-you-playing-the-harlot/)  
<https://sedm.org/are-you-playing-the-harlot/>

21 This detractor also told us that "taxpayer" really only means someone who PAID the "tax", not someone who actually  
22 surrenders any remedies, and cited court cases to prove it that even the IRS says cannot form the basis for a reasonable belief.  
23 To that, we respond by saying that if you HAVE to use a government form that identifies the submitter then simply attach or  
24 add a definition to the form defining the word "taxpayer" as follows:

25 *"2. "taxpayer":*  
26 *2.1. A fictional creation of Congress.*  
27 *2.2. Described in [26 U.S.C. §7701\(a\)\(14\)](#) and [26 U.S.C. §1313](#).*  
28 *2.3. A civil statutory status that is domiciled in the "United States\*\*" (federal zone, not a state of the Union) as*  
29 *defined in [26 U.S.C. §7701\(a\)\(9\)](#) and (a)(10) as required by Federal Rule of Civil Procedure 17.*  
30 *2.4. Not a human being.*  
31 *2.5. Animated by a human being under criminal compulsion to accept the civil obligations attached to the status*  
32 *in violation of the Thirteenth Amendment, human trafficking laws, identity theft criminal statutes, and criminal*  
33 *laws prohibiting peonage.*  
34 *2.6 Suffers the disabilities of someone who has surrendered ALL of their constitutional rights and exchanged*  
35 *them for statutory public privileges. See [Ashwander v. Tennessee Valley Authority, 297 U.S. 288, 56 S.Ct. 466](#)*  
36 *(1936), Constitutional Avoidance Doctrine, Rule 6.*

37 *See "nontaxpayer" later. It is BAD ENOUGH that I am a victim of human trafficking as a target of illegal tax*  
38 *enforcement and criminal identity theft, but to force me to submit a tax form that identifies me as a "taxpayer"*  
39 *who consents to the peonage to procure the PRIVILEGE of getting a criminal mafia to "leave me alone" (which*  
40 *is the legal definition of "justice", by the way) is unconscionable."*  
41 *[Tax Form Attachment, Form #04.201, Section 4: Definitions of Key Words of Art; [https://sedm.org/Forms/04-](https://sedm.org/Forms/04-Tax2-Withholding/TaxFormAtt.pdf)*  
42 *[Tax2-Withholding/TaxFormAtt.pdf](https://sedm.org/Forms/04-Tax2-Withholding/TaxFormAtt.pdf)]*

43 You know what they said to this suggestion?

44 *"I am not going to risk not getting my refund through the statutory administrative remedy provided, because there*  
45 *IS no CONSTITUTIONAL remedy and sovereign immunity requires Uncle's consent to get one."*

46 How ridiculous is that? You can only lose a constitutional or Fifth Amendment right of PRIVATE property by  
47 VOLUNTARILY surrendering it to pursue a statutory remedy. What he is saying is that everyone has to surrender all their  
48 constitutional rights to go to court. Remember, however, that IN THE CASE OF CONSTITUTIONAL violations, there is



1 an IMPLIED WAIVER of STATUTORY sovereign immunity! We saw this earlier with the Botta case. Congress cannot by  
2 legislation undermine or defeat a constitutional remedy. Only you can surrender it as PRIVATE PROPERTY.

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

6 The next question we must ask ourselves is WHAT specific type of property listed in [5 U.S.C. §553\(a\)\(2\)](#) earlier does the  
7 CIVIL STATUS of "taxpayer", for instance, fall under. No sane or rational jury would ever call taxation a contract or a  
8 "benefit", so it can't be that. The only thing LEFT in the list is "agency management and personnel" or "public property".  
9 Why does it HAVE to be "public property", you might ask? We explain in the following article that whenever the government  
10 wants to reach extraterritorial parties, the ONLY method they have is either CONTRACT or PROPERTY. Since  
11 CONTRACTS are a TYPE of property, then it all devolves to PROPERTY:

*Proof that When a Government Wants to Reach a Nonresident Extraterritorially, the ONLY way They Have to Do It is  
through Property, SEDM Blog*  
[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/)

12 What type of property under [5 U.S.C. §553\(a\)\(2\)](#) is it? THE STATUS OF "TAXPAYER" ITSELF! If you claim the status  
13 to pursue the BENEFIT of the PUBLIC RIGHTS it entails as a "transferee", then you implicitly accept the corresponding  
14 obligations of the status. Welcome to the federal plantation, cows!

15 But wait a MINUTE! The U.S. Code says that when they establish a PRIVILEGED public office as "taxpayer" outside the  
16 District of Columbia, they must EXPRESSLY authorize it in the specific geographical place it is executed or else it is de  
17 facto and unlawful.

18 [TITLE 4 > CHAPTER 3 > § 72](#)  
19 [§ 72. Public offices; at seat of Government](#)

20 *All offices attached to the seat of government shall be exercised in the District of Columbia, and not elsewhere,*  
21 *except as otherwise expressly provided by law.*

22 And guess what, they have NEVER done this in the exclusive jurisdiction of a constitutional state. We prove that in the  
23 following document:

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

24 Let's then apply these concepts to the income tax to answer some of the questions posed by this article:

25 1. **QUESTION:** If the Declaration of Independence says that all just powers of government derive from the consent of the  
26 governed, then what exactly constitutes CONSENT in this context?

27 **ANSWER:** Using a Social Security Number, which is what the FTC calls a "franchise mark" in connection with  
28 requesting a government "benefit" or service is what constitutes constructive consent. Also, invoking a specific status  
29 to which UNEQUAL "benefits" or public rights attach, such as "citizen", "resident", or "U.S. person". All these  
30 statuses impose a tax on WORLDWIDE earnings (watch out!) and are subject to DEDUCTIONS under [26 U.S.C.](#)  
31 [§162](#). Deductions are a commercial privilege that comes with a COST. just ask COOK in the famous case of [Cook v.](#)  
32 [Tait, 265 U.S. 47 \(1924\)](#), in which Cook, who was a nonresident alien living in Mexico, erroneously filed a 1040 tax  
33 return and therefore had to pay income tax on his earnings from Mexico. IDIOT! See the following for the sordid  
34 details of that SCAM.:

[Tax Return History-Citizenship, Family Guardian Fellowship](https://famguardian.org/Subjects/Taxes/Citizenship/TaxReturnHistory-Citizenship/TaxReturnHistory-Citizenship.htm)  
[https://famguardian.org/Subjects/Taxes/Citizenship/TaxReturnHistory-Citizenship/TaxReturnHistory-  
Citizenship.htm](https://famguardian.org/Subjects/Taxes/Citizenship/TaxReturnHistory-Citizenship/TaxReturnHistory-Citizenship.htm)

35 2. **QUESTION:** What if one chooses to not consent to ANYTHING the government offers. Would they THEN retain all  
36 their constitutional rights and lose none of them to civil statutory regulation?

37 **ANSWER:** YES.

- 1 3. QUESTION: Is it possible to not give up ANY constitutional rights without being punished, ostracized, or targeted for  
 2 economic sanctions such as those that result from not getting a “RES-IDENT” ID card or a driver license?  
 3 ANSWER: If you can travel and conduct commerce without ID connecting you to “resident” or “domiciliary” or  
 4 “citizen” or “driver” status, and obtain the ID WITHOUT a Social Security Number, then you have retained all your  
 5 constitutionally protected rights because you are not a “member” as they describe in the Munn Case. But of course,  
 6 they will NEVER show you the exit door to the federal plantation, which is why they didn’t discuss this in the Munn  
 7 Case. What good is a government farm without cows to milk?
- 8 4. QUESTION: Exactly WHAT constitutes “membership” that causes a loss of CONSTITUTIONAL or PRIVATE  
 9 rights?  
 10 ANSWERS:
- 11 4.1. It is NOT “nationality” or being an American National or State National because an act of birth is not an act of  
 12 consent.  
 13 4.2. It is “resident” status of an alien, because being here as an alien is a privilege but you don’t HAVE to come here.  
 14 If you come here there is an IMPLIED OBLIGATION to submit to regulations by the foreign government you are  
 15 visiting.  
 16 4.3. It is “domicile” in the case of the civil statutory franchise codes, because they cannot be enforced without it  
 17 pursuant to Federal Rule of Civil Procedure 17.  
 18 4.4. It is voluntarily invoking any civil status in the tax code that comes with either obligations or a REDUCTION in  
 19 constitutional remedies, both of which are losses of property. Such statuses include “citizen”, “resident”,  
 20 “person”, or “taxpayer”. They DO NOT include “nonresident alien” because you can be a “nonresident alien”  
 21 WITHOUT being an alien who is privileged or the “individual” described in 26 U.S.C. §1441(e) or 26 C.F.R.  
 22 §1.1441-1(c)(3) (SEDM Form #04.225). We call this status a “non-person”. Even “Taxpayer” is a form of  
 23 membership, because it implies a LOSS of constitutional remedies and substituting STATUTORY remedies in  
 24 their place.

25 In retort to our claims about “taxpayers” being a privilege, some members have suggested that the LIABILITY for income  
 26 tax attaches to “citizens” and “residents” in 26 C.F.R. §1.1-1, and thus, there is no disability associated with being a statutory  
 27 “taxpayer” as defined in 26 U.S.C. §7701(a)(14). This, however, cannot be true because:

- 28 1. The only way to surrender constitutional rights is with consent in some form.  
 29 2. The remedies under 26 U.S.C. §7433 pertain ONLY to STATUTORY “taxpayers”  
 30 3. The remedies under 26 U.S.C. §7433 are “exclusive”, meaning EXCLUSIVE of CONSTITUTIONAL remedies.  
 31 4. The ability to “exclude” constitutional remedies betrays that federal government property is involved, because the  
 32 essence of OWNERSHIP of such property is, in fact “the right to exclude” as held by the U.S. Supreme Court:

33 **“We have repeatedly held that, as to property reserved by its owner for private use, “the right to exclude**  
 34 **[others is] one of the most essential sticks in the bundle of rights that are commonly characterized as**  
 35 **property.”** *Loretto v. Teleprompter Manhattan CATV Corp.*, 458 U.S. 419, 433 (1982), quoting *Kaiser Aetna*  
 36 *v. United States*, 444 U.S. 164, 176 (1979). “  
 37 [*Nollan v. California Coastal Comm’n*, 483 U.S. 825 (1987)]

38  
 39 **“In this case, we hold that the “right to exclude,” so universally held to be a fundamental element of the**  
 40 **property right<sup>[11]</sup> falls within this category of interests that the Government cannot take without**  
 41 **compensation.”**  
 42 [*Kaiser Aetna v. United States*, 444 U.S. 164 (1979)]

43 [11] See, e. g., *United States v. Pueblo of San Ildefonso*, 206 Cr.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 So EVEN “taxpayer” status is a privilege, as we point out in:

- 48 1. *Sovereignty Forms and Instructions Online*, Form #10.004, Cites by Topic: “taxpayer”  
 49 <https://famguardian.org/TaxFreedom/CitesByTopic/taxpayer.htm>  
 50 2. *Who are “Taxpayers”, and Who Needs a “Taxpayer Identification Number”?*, Form #05.013  
 51 <https://sedm.org/Forms/05-MemLaw/WhoAreTaxpayers.pdf>

1 3. *Your Rights as a “Nontaxpayer”*, IRS Publication 1a, Form #08.008  
2 <https://sedm.org/LibertyU/NontaxpayerBOR.pdf>

3 Below was part of the debate we had with one of our members suggesting that one should avoid “taxpayer” status. Their  
4 identity shall remain anonymous at this point for privacy purposes. The debate was held on a Telegram chat channel that we  
5 used to participate in, but were EJECTED from because of the issues raised in this article that the moderator positively refused  
6 to discuss but had no evidentiary basis to rebut any of the content of this article or objective reason for doing so:

7 *5. I recognize that your channel is an important marketing platform for your services, since I don't believe that*  
8 *you advertise. As such, you don't want it poisoned with anything that would adversely affect your image. Thus,*  
9 *you can't have debates on the platform and it is thus a propaganda vehicle more than an educational tool, at*  
10 *least for people like me, if not for all your members. You should at least have the decency to honestly admit that*  
11 *to your members, or else it's another scam just like the IRS dribble we both vociferously oppose.*

12 *6. I also recognize that the channel is “your property” and that you have a right to “make all needful rules” to*  
13 *moderate it just like 4:3:2, including excluding specific “members”, or “persons”, whatever you want to call*  
14 *them. Far be it from me to interfere with the use of that property or anyone ELSE'S property.*

15 *7. Since there is no “benefit” or beneficial right conveyed to me by the use of your channel as property, then I*  
16 *choose to no longer be a “person” within your channel or community or your jurisdiction (within that channel)*  
17 *and I am proud and relieved of it by virtue of terminating my membership. This is the same right you claim to*  
18 *exercise by choosing NRA over US Person, ironically. So I must have that right or else you don't.*

19 *8. The same arguments that apply to your Telegram channel apply to the government's civil membership and*  
20 *franchise community called “citizens”, “residents”, “taxpayers”, and “persons”. If you think they don't, then*  
21 *you are misleading people and promoting statism. It seems hypocritical to claim the following:*

22 *8.1 That they need your consent in some form to tax you. You allege that this consent is manifested by choosing*  
23 *a form of membership/status OR by demanding or accepting government property/privileges.*  
24 *8.2 That as far as membership choice, you have a right to associate in the way you see fit under the First*  
25 *Amendment and your right to contract or NOT contract, including the right to associate politically as an NRA*  
26 *instead of a U.S. Person.*

27 *8.3 However, by telling me or anyone else that I MUST pick ONE of the membership statuses offered and cannot*  
28 *simply quit entirely from ALL civil statuses, there is a contradiction so obvious that anyone can see it. There are*  
29 *more choices than NRA or US Person and you know it. If there aren't we are ALL slaves in violation of the*  
30 *Thirteenth Amendment. Nationality is not consensual membership. Asking for government property, whether as*  
31 *a benefit or a domicile is consent. You only want to recognize the benefit or status component that goes with the*  
32 *benefit but there is more to it than that.*

33 *8.4 The contradiction of saying that I can't choose “none of the above” for a status would be the equivalent of*  
34 *saying: You have an OBLIGATION to participate in MY Telegram community and to obey MY rules, even though*  
35 *you don't want to be a member and don't see anything in there as a “benefit” or have any reason whatsoever to*  
36 *participate. AND YOU MUST pay your membership dues for the PRIVILEGE of doing so, or else we will levy*  
37 *your bank account and lien your property.*

38 *9. It's quite ironic that you say I shouldn't make it about status, but that is exactly what YOU have made it all*  
39 *about: Choosing the right status. The main difference between you and me is that you think no one can force you*  
40 *to be a “U.S. person”, and that they have to give you the choice of NRA to escape obligations to avoid slavery,*  
41 *but you refuse to acknowledge the right to not choose ANY status and be “stateless”. The U.S. Supreme Court*  
42 *recognizes they have no STATUTORY jurisdiction over those who are stateless, and yet you don't seem to care.*

43 *10. I'm not suggesting that any of the above membership issues should form a basis for challenging a tax liability,*  
44 *because the civil statutes in the IRC trade or business franchise agreement proving you aren't subject are*  
45 *sufficient proof without adopting ANY civil status beyond NRA. You maliciously put words in my mouth in your*  
46 *Telegram channel and I will not allow you to target me with such malicious, public abuse. You abused your*  
47 *platform to do to me exactly what you didn't want me to do to you and which I was NOT doing, which is slander*  
48 *you. That was never my intention and you ought to know that by now.*

49 *You can't talk butterfly talk with caterpillar people.*

50 The opponent in the above debate could not rebut anything in this article, and until he at least rebuts it all, we must conclude  
51 that we are correct on the subject of “taxpayer” at least. In their defense, we must say that the two of us agree on 99.99% of  
52 everything and have only a small dispute over the “taxpayer” issue. They even helped us assemble some of the content of  
53 this article. We even agree that the income tax is a privilege tax, as described for the most part in:

Note that we ARE NOT suggesting, by this article, that claiming “non-taxpayer” status is a way to dispute a tax liability. It ISN’T and will be called “frivolous”. But we ARE saying that if you want to retain AS MANY of your CONSTITUTIONAL rights as you can and NOT surrender them in exchange for civil statutory remedies, then you must approximate as closely as possible the civil status we define in our Disclaimer as a “non-resident non-person” but not CALL it that in your pleadings or correspondence. Instead, invoke the statutory terms used in the definition itself and ONLY those, so that you speak the language of your audience and don’t confuse them. That status is described as follows for the benefit of the reader at this point:

**SEDM Disclaimer**  
**Section 4, Meaning of Words**  
**4.25 “Non-Person” or “non-resident non-person”**

*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/BouviereMaxims.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\(a\)\(30\)](#)).*

1 6.2. Identifies himself as a “national” per [8 U.S.C. §1101\(a\)\(21\)](#) and per common law by virtue of birth or  
2 naturalization within the CONSTITUTIONAL “United States\*\*\*”.

3 7. Earnings originate from outside:

4 7.1. The [STATUTORY “United States\\*\\*\\*”](#) as defined in [26 U.S.C. §7701\(a\)\(9\)](#) and [\(a\)\(10\)](#) (federal zone) and

5 7.2. The U.S. government federal corporation as a privileged legal fiction.

6 Thus, their earnings are not includable in “gross income” under [26 U.S.C. §871](#) and are a “foreign estate”

7 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  
8 [26 U.S.C. §861\(a\)\(3\)\(C\)\(i\)](#) for proof.

9 8. Does not and cannot earn STATUTORY “wages” as defined in [26 U.S.C. §3401\(a\)](#) for services performed  
10 outside the [STATUTORY “United States\\*\\*\\*”](#) as defined in [26 U.S.C. §7701\(a\)\(9\)](#) and [\(a\)\(10\)](#) (federal zone) and  
11 the CORPORATION “United States” as a legal fiction. Not subject to “wage” withholding of any kind for such  
12 services per:

13 8.1. [26 C.F.R. §31.3401\(a\)\(6\)-1\(b\)](#) in the case of income tax.

14 8.2. [26 C.F.R. §31.3121\(b\)-3\(c\)\(1\)](#) in the case of Social Security.

15 9. Expressly exempt from income tax reporting under:

16 9.1. [26 C.F.R. §1.1441-1\(b\)\(5\)\(i\)](#).

17 9.2. [26 C.F.R. §1.1441-1\(e\)\(1\)\(ii\)\(A\)\(1\)](#).

18 9.3. [26 C.F.R. §1.6041-4\(a\)\(1\)](#).

19 10. Exempt from backup withholding because earnings are not reportable by [26 U.S.C. §3406\(g\)](#) and [26 C.F.R.](#)  
20 [§31.3406\(g\)-1\(e\)](#). Only “reportable payments” are subject to such withholding.

21 11. Because they are exempt from income tax reporting and therefore withholding, they have no “taxable  
22 income”.

23 11.1. Only reportable income is taxable.

24 11.2. There is NO WAY provided within the Internal Revenue Code to make earnings not connected to a  
25 [statutory “trade or business”/public office \(Form #05.001\)](#) under [26 U.S.C. §6041](#) reportable.

26 11.3. The only way to make earnings of a nonresident alien not engaged in the “trade or business” franchise  
27 taxable under [26 U.S.C. §871\(a\)](#) is therefore only when the PAYOR is lawfully engaged in a “trade or  
28 business” but the PAYEE is not. This situation would have to involve the U.S. government ONLY and not  
29 private parties in the states of the Union. The information returns would have to be a Form 1042s. It is a crime  
30 under [18 U.S.C. §912](#) for a private party to occupy a public office or to impersonate a public office, and  
31 Congress cannot establish public offices within the exclusive jurisdiction of the states of the Union to tax them,  
32 according to the [License Tax Cases, 72 U.S. 462, 18 L.Ed. 497, 68 S.Ct. 331 \(1866\)](#).

33 12. Continue to be a “national of the United States\*” ([Form #05.006](#)) and not lose their CONSTITUTIONAL  
34 citizenship while filing form 1040NR. See [26 U.S.C. §873\(b\)\(3\)](#). They do NOT need to “expatriate” their  
35 nationality to file as a “nonresident alien” and will not satisfy the conditions in [26 U.S.C. §877](#) (expatriation to  
36 avoid tax). Expatriation is loss of NATIONALITY, and NOT loss of STATUTORY “citizen” status under [8 U.S.C.](#)  
37 [§1401](#).

38 13. If they submit a Form W-8 to control withholding and revoke Form W-4, then they:

39 13.1. Can submit [SSA Form 7008](#) to correct their SSA earnings to zero them out. See [SEDM Form #06.042](#).

40 13.2. Can use [IRS Form 843](#) to request a full refund or abatement of all FICA and Medicare taxes withheld if  
41 the employer or business associate continues to file W-2 forms or withhold against your wishes. See [SEDM](#)  
42 [Form #06.044](#).

43 14. Are eligible to replace the SSN with a TEMPORARY International Taxpayer Identification Number (ITIN)  
44 that expires AUTOMATICALLY every year and is therefore NOT permanent and changes. If you previously  
45 applied for an SSN and were ineligible to participate, you can terminate the SSN and replace it with the ITIN. If  
46 you can’t prove you were ineligible for Social Security, then they will not allow you to replace the SSN with an  
47 ITIN. See:

48 14.1. [Form W-7](#) for the application.

49 14.2. [Understanding Your IRS Individual Taxpayer Identification Number, Publication 1915](#)

50 14.3. [Why You Aren’t Eligible for Social Security, Form #06.001](#) for proof that no one within the exclusive  
51 jurisdiction of a constitutional state of the Union is eligible for Social Security.

52 15. Must file the paper version of IRS Form 1040NR, because there are no electronic online providers that  
53 automate the preparation of the form or allow you to attach the forms necessary to submit a complete and  
54 accurate return that correctly reflects your status. This is in part because the IRS doesn’t want to make it easy  
55 or convenient to leave their slave plantation.

56 16. Is a SUBSET of “nonresident aliens” who are not required to have or to use Social Security Numbers  
57 (SSNs) or Taxpayer Identification Numbers (TINs) in connection with tax withholding or reporting. They are  
58 expressly exempted from this requirement by:

59 16.1. [31 C.F.R. §1020.410\(b\)\(3\)\(x\)](#).



1 16.2. [26 C.F.R. §301.6109-1\(b\)\(2\)](#).  
2 16.3. [W-8BEN Inst. p. 1,2,4,5 \(Cat 25576H\)](#).  
3 16.4. [Instructions for the Requesters of Forms W-8BEN, W-8BEN-E, W-8ECI, W-8EXP, and W-8IMY, p. 1,2,6](#)  
4 [\(Cat 26698G\)](#).  
5 16.5. [Pub 515 Inst. p. 7 \(Cat. No 16029L\)](#).  
6 More on SSNs and TINs at:  
7 [About SSNs and TINs on Government Forms and Correspondence, Form #05.012](#)  
8 [About SSNs and TINs on Government Forms and Correspondence, Form #04.104](#)  
9 [SEDM Disclaimer, Section 4.25: “non-resident non-person”; SOURCE:  
10 [https://sedm.org/disclaimer.htm#4.25\\_Non-Person](https://sedm.org/disclaimer.htm#4.25_Non-Person)]

11 For an example of how such a party would respond to a collection notice, read the following:

[Using the Laws of Property to Respond to a Federal or State Tax Collection Notice](https://sedm.org/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/>

12 For information about how such a person described in this article would file a tax return, see:

[How to File Returns](https://sedm.org/product/filing-returns-form-09-074/), Form #09.074 (Member Subscription form)  
<https://sedm.org/product/filing-returns-form-09-074/>

13 If you want to read the Shepards Report on all the cases that cite Munn v. Illinois, see the following. This is a hugely  
14 important case:

[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](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)

15 For those readers interested in exploring their constitutional rights, the private property that they constitute, and how that  
16 private property can be LAWFULLY converted to PUBLIC/GOVERNMENT property, see:

- 17 1. [Proof: God Says Spiritual Men and Women are NOT “Persons” or “Human Beings” as Legally Defined](https://sedm.org/spiritual-men-and-women-are-not-human-beings-as-legally-defined/)-SEDM Blog
- 18 <https://sedm.org/spiritual-men-and-women-are-not-human-beings-as-legally-defined/>
- 19 2. [Your Exclusive Right to Declare or Establish Your Civil Status](https://sedm.org/Forms/13-SelfFamilyChurchGovnce/RightToDeclStatus.pdf), Form #13.008
- 20 <https://sedm.org/Forms/13-SelfFamilyChurchGovnce/RightToDeclStatus.pdf>
- 21 3. [Unalienable Rights Course](https://sedm.org/LibertyU/UnalienableRights.pdf), Form #12.038
- 22 <https://sedm.org/LibertyU/UnalienableRights.pdf>
- 23 4. [Separation Between Public and Private Course](https://sedm.org/LibertyU/SeparatingPublicPrivate.pdf), Form #12.025
- 24 <https://sedm.org/LibertyU/SeparatingPublicPrivate.pdf>
- 25 5. [Private Right or Public Right? Course](https://sedm.org/LibertyU/PrivateRightOrPublicRight.pdf), Form #12.044
- 26 <https://sedm.org/LibertyU/PrivateRightOrPublicRight.pdf>
- 27 6. [Enumeration of Inalienable Rights](https://sedm.org/Forms/10-Emancipation/EnumRights.pdf), Form #10.002
- 28 <https://sedm.org/Forms/10-Emancipation/EnumRights.pdf>
- 29 7. [Legal Remedies That Protect Private Rights Course](https://sedm.org/product/legal-remedies-that-protect-private-rights-course-form-12-019/), Form #12.019 (Member Subscription form)
- 30 <https://sedm.org/product/legal-remedies-that-protect-private-rights-course-form-12-019/>

31 NOW do you know what the Lord means when he makes the following statement in the book of Revelation?

32 <sup>4</sup> And I heard another voice from heaven saying, “Come out of [her \[the Babylon Whore De Facto Government, Form #05.043\]](#) , my people, lest you share in her sins, and lest you receive of her plagues. <sup>5</sup> For [her sins \[lawlessness, Form #05.048\]](#) have reached to heaven, and God has remembered her iniquities. <sup>6</sup> Render to her just as she rendered to you, and repay her double [THIEVES pay DOUBLE what they STOLE, Exodus 22:7] according to her works; in the cup which she has mixed, mix double for her. <sup>7</sup> In the measure that she glorified herself and lived luxuriously [a Socialist Security Check paid for with money STOLEN from young folk who will never collect a dime, Form #11.407], in the same measure give her torment and sorrow; for she says in her heart, ‘I sit as queen, and am no widow [for Christians are married to their Husband, God, Isaiah 54:5], and will not see sorrow.’ <sup>8</sup> Therefore her plagues will come in one day—death and mourning and famine. And she will be utterly burned with fire, for strong is the Lord God who judges her.  
33  
34  
35  
36  
37  
38  
39  
40  
41  
42 [Rev. 18:4-8, Bible, NIKJV]



1 God is talking about citizenship, residence, domicile, and ALL government franchises and how we CANNOT participate and  
2 must EXIT them IMMEDIATELY. NOW do you ALSO know why we put the following warning on the opening page of  
3 our website, which indirectly is derived from the above scripture?

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

25 Below is the BIBLICAL version of the above paragraph, which is also repeated in Deut. 28:43-51:

26 <sup>6</sup>But the thing displeased Samuel when they said, "Give us a king to judge us." So Samuel prayed to the Lord. <sup>7</sup>  
27 And the Lord said to Samuel, "Heed the voice of the people in all that they say to you; for they have not rejected  
28 you, but they have rejected Me, that I should not reign over them. <sup>8</sup>According to all the works which they have  
29 done since the day that I brought them up out of Egypt, even to this day—with which they have forsaken Me and  
30 served other gods—so they are doing to you also. <sup>9</sup>Now therefore, heed their voice. However, you shall solemnly  
31 forewarn them, and show them the behavior of the king who will reign over them."

32 <sup>10</sup>So Samuel told all the words of the Lord to the people who asked him for a king. <sup>11</sup>And he said, "This will be  
33 the behavior of the king who will reign over you: He will take your sons and appoint them for his own chariots  
34 and to be his horsemen, and some will run before his chariots. <sup>12</sup>He will appoint captains over his thousands and  
35 captains over his fifties, will set some to plow his ground and reap his harvest, and some to make his weapons of  
36 war and equipment for his chariots. <sup>13</sup>He will take your daughters to be perfumers, cooks, and bakers. <sup>14</sup>And he  
37 will take the best of your fields, your vineyards, and your olive groves, and give them to his servants. <sup>15</sup>He will  
38 take a tenth of your grain and your vintage, and give it to his officers and servants. <sup>16</sup>And he will take your male  
39 servants, your female servants, your finest young men, and your donkeys, and put them to his work. <sup>17</sup>He will  
40 take a tenth of your sheep. And you will be his servants. <sup>18</sup>And you will cry out in that day because of your king  
41 whom you have chosen for yourselves, and the Lord will not hear you in that day."

42 <sup>19</sup>Nevertheless the people refused to obey the voice of Samuel; and they said, "No, but we will have a king over  
43 us, <sup>20</sup>that we also may be like all the nations, and that our king may judge us and go out before us and fight our  
44 battles."  
45 [[1 Sam 8:6-20](#), Bible, NKJV]

46 The above biblical cite is again repeated in Deut. 28:43-51, and it's the scariest curse in all the bible reserved for those who  
47 borrow government property by the methods described in this article using franchises:

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

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

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

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

13   And HERE is how this THIEVERY and enslavement by the Beast Babylon Whore is described by ITSELF!

14           *"The legislation in question is nothing less than a bold assertion of absolute power by the State to control at*  
15 *its discretion the property and business of the citizen, and fix the compensation he shall receive. The will of*  
16 *the legislature is made the condition upon which the owner shall receive the fruits of his property and the just*  
17 *reward of his labor, industry, and enterprise. "That government," says Story, "can scarcely be deemed to be*  
18 *free where the rights of property are left solely dependent upon the will of a legislative body without any*  
19 *restraint. The fundamental maxims of a free government seem to require that the rights of personal liberty and*  
20 *private property should be held sacred." Wilkeson v. Leland, 2 Pet. 657."*  
21 *[Munn v. Illinois, 94 U.S. 113 (1876) ]*

22   This is VERY serious business, folks!



1

2 Lastly, if you the reader find anything inaccurate in this article, please immediately bring it to our attention through our  
3 Contact Us page so that we may fix it. We published this article not to somehow be “right” or better than anyone else, but to  
4 subject our research on this subject to thorough peer review so that it can be continually improved. We don’t censor or  
5 “cancel” people on this website, as the opponent described above tried to do to us or as the left makes a PROFESSION out  
6 of doing.

7 **13.9 Warning About the Use of Labels or Civil Statutory Statuses to Describe Yourself**<sup>65</sup>

8 Our [Member Agreement, Form #01.001](#), requires that all Members of this website and readers of our materials ARE NOT  
9 allowed to call themselves "sovereign citizens", STATUTORY "citizens", or "citizens" and they may not use or ANY OTHER  
10 name, label, or stereotype (other than [AMERICAN NATIONAL but not STATUTORY "citizen" as described in Form](#)  
11 [#05.006](#)) to describe themselves, and certainly not in a court of law, on a legal pleading, or on a [government form \(Form](#)

<sup>65</sup> SOURCE: *Citizenship, Domicile, and Tax Status Options*, Form #10.003, Section 5; <https://sedm.org/Forms/FormIndex.htm>.

1 [#12.023](#)). God's example in the Bible applies here. The only thing He called HIMSELF was "[I Am](#)" ([Exodus 3:14](#)), and if  
2 you are truly a Christian serving and representing Him 24 hours a day, 7 days a week and thereby PRACTICING your faith,  
3 THAT is the only thing you can truthfully call YOURSELF as when interacting with any state officer. Anyone who interferes  
4 with that in the government is interfering with your First Amendment right to practice your religion in violation of the First  
5 Amendment and the [Religious Freedom Restoration Act \(RFRA\), 42 U.S.C. Chapter 21B](#). See also [TANZIN et al. v.](#)  
6 [TANVIR et al. No. 19-71, Decided Dec. 10, 2020, U.S. Supreme Court](#).

7 These considerations are the true significance of what it means to have "[separation of church and state](#)" and "[sanctification](#)"  
8 in a theological sense. [Your body is God's temple \(1 Cor. 6:19-20\)](#) and you can't worship (meaning serve or obey or accept  
9 CIVIL "obligations" in a legal sense as anyone other than a voluntary government employee of) Caesar in or with your  
10 Temple without violating the First Commandment of the Ten Commandments in [Exodus 20](#). That is the only way we know  
11 of in a legal sense that Christians can truthfully be described as "IN the world but not "OF the world". You are an [ambassador](#)  
12 [and agent of God \(2 Cor. 5:20\)](#) and can act in no other capacity or you will surrender the CIVIL protections of [God's law](#)  
13 [\(Form #13.001\)](#) in so doing. The Bible is your [DELEGATION OF AUTHORITY ORDER \(Form #13.007\)](#) as a Christian  
14 and Trustee over His property, which is [the entire Earth and all the Heavens \(Psalm 89:11\)](#). If in fact you are Trustees and  
15 the trust indenture (the Bible) says you can't contract with governments, then it is LEGALLY IMPOSSIBLE to [consent \(Form](#)  
16 [#05.003\)](#) to alienate or give up rights or property that belong to the trust and come from God and are GRANTED or LOANED  
17 to you temporarily as a Christian. Anyone from the [de facto government \(Form #05.024\)](#) who attempts to deceive or defraud  
18 you through [sophistry \(Form #12.042\)](#) to give up property or rights to them in that scenario cannot claim to have lawfully  
19 acquired such rights or property. This is because it is literally OUTSIDE of your delegation of authority order (the Bible) to  
20 convert them to public use or from the status of PRIVATE (owned by God) to PUBLIC (owned by Caesar) to do so as  
21 documented in [Separation Between Public and Private Course, Form #12.025](#)). This is the SAME defense they use when  
22 THEY are sued for doing or refusing to do something and you can use it too! God is the only Sovereign, and we exercise  
23 sovereignty only when we are representing Him. On this subject, Jesus, our example, said about us being an agent of the  
24 Father who we represent as Christians the following:

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

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

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

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

34 An important purpose of this website is to disassociate and disconnect from all [domicile \(a civil statutory protection franchise,](#)  
35 [Form #05.002\)](#), [privileges, franchises \(Form #05.030\)](#), "benefits", and civil statutory jurisdiction. This cannot be done  
36 WITHOUT abandoning all [civil statuses \(Form #13.008\)](#), labels, and stereotypes to which [CIVIL legal obligations \(Form](#)  
37 [#12.040\)](#), "benefits", privileges, exemptions, or rights might attach. The Apostle Paul warned of this by saying: "You were  
38 bought at a price. Do not become slaves of men" in [1 Cor. 6:20](#) and [1 Cor. 7:23](#). In a legal sense, the ONLY thing he can  
39 mean is that you can NEVER use any [CIVIL status](#), name, label, or stereotype to describe yourself that DOES in fact infer  
40 or imply a [legally enforceable CIVIL statutory obligation \(Form #05.037\)](#) against you in the context of any government.  
41 Anyone who CONSENSUALLY violates these requirements absent provable duress and in connection with administrative  
42 correspondence or litigation is clearly using our materials in an unauthorized manner in violation of our [Member Agreement,](#)  
43 [Form #01.001](#). For a clarification on THIS and other abuses of [the term "sovereign"](#), please read and heed: [Policy Document:](#)  
44 [Rebutted False Arguments About Sovereignty, Form #08.018](#). The reason we have to do this is that invoking a [civil status](#)  
45 that comes with CIVIL STATUTORY obligations makes you a borrower of government property. In law, all rights or  
46 privileges are property, and being a borrower makes you servant to the [GOVERNMENT grantor or lender](#) per [Prov. 22:7](#) and  
47 literally a [GOVERNMENT SLAVE \(Form #05.030\)](#). That slavery comes with the following curse:

48 *"The State in such cases exercises no greater right than an individual may exercise over the use of his own*  
49 *property when leased or loaned to others. The conditions upon which the privilege shall be enjoyed being stated*  
50 *or implied in the legislation authorizing its grant, no right is, of course, impaired by their enforcement. The*  
51 *recipient of the privilege, in effect, stipulates to comply with the conditions. It matters not how limited the*  
52 *privilege conferred, its acceptance implies an assent to the regulation of its use and the compensation for it."*  
53 *[Munn v. Illinois, 94 U.S. 113 (1876)]*



1  
2 **Curses of Disobedience [to God's Laws]**

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

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

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

23 To put this biblical prohibition and relationship with governments in commercial terms, the government grantor or "lender"  
24 of their property is called a "Merchant" in [U.C.C. §2-104\(1\)](#) and the debtor or borrower or renter is called a "Buyer" under  
25 [U.C.C. §2-103\(1\)\(a\)](#). God ONLY permits Christians to be "Merchants" and NEVER "Buyers" in relation to any and all  
26 governments. That way, they will always work for you and you can NEVER work for or "serve" them, since the First Four  
27 commandments of the Ten Commandments in [Exodus 20](#) prohibit such "worship" and/or servitude and the superior or  
28 supernatural LEGAL powers on the part of government that is used to COMPEL or ENFORCE (Form #05.032) it. This  
29 biblically mandated status of being a "Merchant" ONLY is explained [Path to Freedom, Form #09.015](#), Sections 5.6 and 5.7.  
30 The biblical Hierarchy of Sovereignty can be viewed by [clicking here](#)  
31 (<https://famguardian.org/Subjects/Taxes/Remedies/PowerToCreate.htm>). Below are the commands of Jesus (God) Himself  
32 on this subject:

33 *"You know that the rulers of the Gentiles [unbelievers] lord it over them [govern from ABOVE as pagan idols],*  
34 *and those who are great exercise authority over them [supernatural powers that are the object of idol worship].*  
35 *Yet it shall not be so among you; but whoever desires to become great among you, let him be your servant [serve*  
36 *the sovereign people called "the State" from BELOW as public SERVANTS rather than rule from above]. And*  
37 *whoever desires to be first among you, let him be your slave—just as the Son of Man did not come to be served,*  
38 *but to serve, and to give His life a ransom for many."*  
39 *[Matt. 20:25-28, Bible, NKJV]*

40 Lastly, note that this biblical approach is NOT anarchist in any fashion. Members are subject to the criminal laws, the common  
41 law, and biblical law. They can't be members WITHOUT being subject to the laws of their religion. The biblical mandate is  
42 that Christians cannot consent to anything government offers and thus contract with them. The only systems of law that do  
43 NOT depend on consent in some form to acquire "the force of law" are the criminal law, the common law, and biblical law.  
44 Everything else is essentially government contracting in one form or another under [a contract called "the social compact", as](#)  
45 [Rousseau called it](#). The Social Security Number is, in fact, what the FTC calls a "franchise mark" evidencing your status AS  
46 a government contractor, as we describe in [About SSNs and TINs on Government Forms and Correspondence, Form #05.012](#).  
47 Welcome to the [government farm/plantation](#), I mean "franchise", amigo! These distinctions are further described in:

- 48 1. [What is "law"?, Form #05.048](#)  
49 FORMS PAGE: <https://sedm.org/Forms/FormIndex.htm>  
50 DIRECT LINK: <https://sedm.org/Forms/05-MemLaw/WhatIsLaw.pdf>  
51 2. [Rebutted False Arguments About Sovereignty, Form #08.018](#), Sections 5.5 and 6.5  
52 FORMS PAGE: <https://sedm.org/Forms/FormIndex.htm>  
53 DIRECT LINK: <https://sedm.org/Forms/08-PolicyDocs/RebFalseArgSovereignty.pdf>

- 1 3. *Problems with Atheistic Anarchism*, Form #08.020  
2 [Video: http://youtu.be/n883Ce11ML0](http://youtu.be/n883Ce11ML0)  
3 [Slides: https://sedm.org/Forms/08-PolicyDocs/ProbsWithAtheistAnarchism.pdf](https://sedm.org/Forms/08-PolicyDocs/ProbsWithAtheistAnarchism.pdf)  
4 4. *Four Law Systems Course*, Form #12.039  
5 FORMS PAGE: <https://sedm.org/Forms/FormIndex.htm>  
6 DIRECT LINK: <https://sedm.org/LibertyU/FourLawSystems.pdf>  
7 5. *Rebutted False Arguments About the Common Law*, Form #08.025  
8 FORMS PAGE: <https://sedm.org/Forms/FormIndex.htm>  
9 DIRECT LINK: <https://sedm.org/Forms/08-PolicyDocs/RebuttedFalseArgumentsAboutCommonLaw.pdf>

10 **13.10 Specific Acts that Trigger a Surrender of Constitutional Rights and How to Avoid the**  
11 **Surrender**



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2

**Table 11: Specific Acts that Trigger a Surrender of Constitutional Rights and How to Avoid the Surrender**

#	Act	Reason	Notes	How to avoid this type of surrender
1	Physically move from a Constitutional state to federal territory or abroad.	Constitutional rights attach to LAND within a Constitutional state.		Don't move.
2	Misrepresenting your physical location on a government form.	If you file a 1040, you are claiming to represent an office of "citizen" or "resident" with an effective domicile on federal territory where constitutional rights don't exist.		Use the correct form to submit and define the terms to place you and your domicile outside the federal zone as a nonresident.
3	Quote or invoke the "benefits" of a civil statute.	He who invokes the "benefit" of a statute cannot complain of its constitutionality. <i>Ashwander v. Tennessee Valley Authority</i> , 297 U.S. 288, 56 S.Ct. 466 (1936)		Invoke the English common law instead of civil statutory law in a civil case.
4	Claim a privileged tax status, such as "person", "taxpayer", "employee", "citizen", or "resident"	All such statuses are legislatively created by the government and property of the government. You are invoking the "benefit" of the civil privileges attached to these civil statuses and thus, must accept the obligations also attached to them.		File a nonresident tax form (1040NR) and ensure that all information returns connecting you unlawfully to a public officer are rebutted.
5	Being victimized by the presumption of a government officer that you have a privileged civil status such as STATUTORY "citizen", "resident", etc.	See item 4 above.		1. Challenge their enforcement authority using Forms #05.052 and 12.010. 2. File a criminal complaint of identity theft with the SSA, IRS, or FTC. See Form #05.046.
4	Being deceived by terms on a government form into declaring a privileged civil status.	See item 4 above.		Read our presentation: <u><i>Avoiding Traps in Government Forms Course, Form #12.023</i></u>

#	Act	Reason	Notes	How to avoid this type of surrender
5	Use any kind of license connection with a SPECIFIC commercial transaction.	The license is government property. You are receiving the “benefits” of the physical license and therefore agree to the civil statutory obligations attached to it status of “licensee”.	This includes driver license, marriage license, professional license, etc.	<ol style="list-style-type: none"> <li>1. Get a foreign license.</li> <li>2. Take public transportation.</li> <li>3. Unregister your automobile and travel without a license.</li> <li>4. Use our <i>Defending Your Right to Travel</i>, Form #06.010 in traffic court to dismiss any tickets.</li> </ol>
6	Make an “election” to be treated as a STATUTORY “citizen” or “resident” under 26 U.S.C. §6013(g) and (h) as the spouse of such a “citizen” or “resident”	“citizen” and “resident” are privileged franchise offices subject to government regulation and accepting the "benefit" of such statuses through an “election” constitutes consent to the obligations attached to these statuses.		File a nonresident tax form (1040NR) and ensure that all information returns connecting you unlawfully to a public officer are rebutted.
7	Using a Social Security Number (SSN) or Taxpayer Identification Number (TIN) in connection with a commercial transaction.	These numbers are de facto licenses to represent a public office engaged in a “trade or business” franchise. As such, their use is a privilege. See Form #05.012.		Use the following forms for withholding to rebut the presumption that an SSN/TIN is needed to complete the transaction: Form #04.202 and 04.231.
8	Accepting a court-appointed attorney to represent you in a criminal case.	This makes you a ward of the court because the licensed attorney has a criminal financial conflict of interest		<ol style="list-style-type: none"> <li>1. Run your case entirely by yourself.</li> <li>2. Accept the attorney only as a paralegal, ensure that the court can’t know his name so he can’t be sanctioned, and then hand him a contract limiting his role to paralegal and not representing you with no ability to do anything directly with the court without express consent.</li> <li>3. Use Litigation Tool #01.004 to screen the attorney.</li> <li>4. Motion the court to have him removed using Litigation Tool #03.003</li> </ol>
9	Allowing information returns (W-2, 1099, etc) to be filed against you and not correcting them.	This creates the usually FALSE presumption that you are engaged in the “Trade or Business” excise taxable franchise.		If your business associates file them in SPITE of you handing them Form #04.231 or Form #02.001, then correct the information return in your tax filings using Forms #04.001.
10	Your business associates are trying to compel you to use an SSN/TIN	This connects you to a public office per 26 C.F.R. §301.6109-1(b).		Hand them Form #04.205.

#	Act	Reason	Notes	How to avoid this type of surrender
11	You are called to fill out a government form that could be construed as a request for services, "benefits", or "protection" such as a passport.	This causes you to surrender sovereignty in exchange for a privilege.		<ol style="list-style-type: none"> <li>1. Define all terms on the form using an attachment to EXCLUDE all statutory and regulatory uses and to include on common law uses.</li> <li>2. Include an attachment WAIVING any and all services, benefits, and protection and seeking ONLY the physical item such as the passport for use INTERNAL to the state rather than abroad. See Form #06.007 for an example.</li> <li>3. See Form #06.041 as an example.</li> </ol>

1

1  
2 **13.11 How “comity” has been redefined to allow franchises to be unconstitutionally extended**  
3 **outside the territory of the granting power**<sup>66</sup>

4 The main method of extending franchises outside the territory of the granting power is through the concept called “comity”.  
5 Comity is the process by which courts voluntarily recognize the laws of a legislatively foreign jurisdiction that do not  
6 otherwise have the “force of law”. At the founding of America, franchises were not allowed to be enforced outside the  
7 territory of the granting powers. This is also clear from the original definition of Comity in Bouvier’s Law Dictionary, 1856:

8 *COMITY. Courtesy; a disposition to accommodate.*

9 *2. Courts of justice in one state will, out of comity, enforce the laws of another state, when by such enforcement*  
10 *they will not violate their laws or inflict an injury on some one of their own citizens; as, for example, the*  
11 *discharge of a debtor under the insolvent laws of one state, will be respected in another state, where there is a*  
12 *reciprocity in this respect.*

13 *3. It is a general rule that the municipal laws of a country do not extend beyond its limits, and cannot be*  
14 *enforced in another, except on the principle of comity. But when those laws clash and interfere with the rights of*  
15 *citizens, or the laws of the countries where the parties to the contract seek to enforce it, as one or the other must*  
16 *give way, those prevailing where the relief is sought must have the preference. 2 Mart. Lo. Rep. N. S. 93; S. C. 2*  
17 *Harr. Cond. Lo. Rep. 606, 609; 2 B. & C. 448, 471; 6 Binn. 353; 5 Cranch, 299; 2 Mass. 84; 6 Mass. 358; 7*  
18 *Mart.Lo.R. 318. See Conflict of Laws; Lex loci contractus.*

19 [*Bouvier’s Law Dictionary, 1856; SOURCE: <http://famguardian.org/Publications/Bouviere/bouviere.txt>*]

20 As time progressed and courts became corrupted, comity was unilaterally and unconstitutionally and illegally redefined by  
21 the legal profession as the main means of protecting and expanding franchises outside of federal territory. They did this  
22 because it enhanced the importance of lawyers and judges. Judges did this by expanding the definition of “comity” to add to  
23 the definition the phrase “a willingness to grant a privilege”:

24 *COMITY. Courtesy; complaisance; respect; a willingness to grant a privilege [FRANCHISE], not as a matter*  
25 *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;*  
26 *Cox v. Terminal R. Ass’n of St. Louis, 331 Mo. 910, 55 S.W.2d. 685.*

27 ***Comity of Nations***  
28 *(Lat. comitas gentium)*

29 *The most appropriate phrase to express the true foundation and extent of the obligation of the laws of one nation*  
30 *within the territories of another. Story, Confl.Laws, §38. That body of rules which states observe towards one*  
31 *another from courtesy or mutual convenience, although they do not form part of international law. Holtz. Enc.*  
32 *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,*  
33 *558; Second Russian Ins. Co. v. Miller, C.C.A.N.Y., 297 F. 404, 409.*

34 ***It is derived altogether from the voluntary consent of the latter; and it is inadmissible when it is contrary to its***  
35 ***known policy, or prejudicial to its interests.*** *In the silence of any positive rule affirming or denying or restraining*  
36 *the operation of foreign laws, courts of justice presume the tacit adoption of them by their own government,*  
37 *unless repugnant to its policy, or prejudicial to its interests. It is not the, comity of the courts, but the comity of*  
38 *the nation, which is administered and ascertained in the same way, and guided by the same reasoning, by which*  
39 *all other principles of the municipal law are ascertained and guided.*

40 *The recognition which one nation allows within its territory to the legislative, executive, or judicial acts of another*  
41 *nation, having due regard both to international duty and convenience and to the rights of its own citizens or of*  
42 *other persons who are under the protection of its laws. State ex rel. National Surety Corporation v. Price, 129*  
43 *Neb. 433, 261 N.W. 884.*

44 ***“The use of the word ‘comity’ as expressing the basis of jurisdiction has been criticized.*** *It is, however, a mere*  
45 *question of definition. The principles lying behind the word are recognized. \* \* \* The truth remains that*  
46 ***jurisdiction depends upon the law of the forum, and this law in turn depends upon the public policy disclosed***  
47 ***by the acts and declarations of the political departments of the government.*** *” Russian Socialist Federated Soviet*  
48 *Republic v. Cibrario, 235 N.Y. 255, 139 N.E. 259, 260.*

<sup>66</sup> Source: *Government Instituted Slavery Using Franchises*, Form #05.030, Section 11.6; <https://sedm.org/Forms/05-MemLaw/Franchises.pdf>.

1 **Judicial Comity**

2 *The principle in accordance with which the courts of one state or jurisdiction will give effect to the laws and*  
3 *judicial decisions of another, not as a matter of obligation, but out of deference and respect. Franzen v. Zimmer,*  
4 *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.*  
5 *Civ.App., 279 S.W. 473, 474; Bobala v. Bobala, 68 Ohio.App. 63, 33 N.E.2d. 845, 849.*

6 **There is no statute or common-law rule by which one court is bound to abide by the decisions of another court**  
7 **of equal rank. It does so simply for what may be called comity among judges. There is no common law or**  
8 **statutory rule to oblige a court to bow to its own decisions; it does so on the ground of judicial comity. (1884)**  
9 **9 P.D. 98, per Brett. M. R.**

10 *Of such a use of the word, however, Dicey says: "The term 'comity' \* \* \* is open to the charge of implying that*  
11 *the judge, when he applies foreign law to a particular case, does so as a matter of caprice or favor."*

12 **Comity is not a rule of law, but one of practice, convenience and expediency.** *It is something more than mere*  
13 *courtesy, which implies only deference to the opinion of others, since it has a substantial value in securing*  
14 *uniformity of decision, and discouraging repeated litigation of the same question. But its obligation is not*  
15 *imperative. Comity persuades; but it does not command. It declares not how a case shall be decided, but how it*  
16 *may with propriety be decided. Mast, Foos & Co. v. Mfg. Co., 177 U.S. 485, 488, 20 S.Ct. 708, 44 L.Ed. 856;*  
17 *National Electric Signaling Co. v. Telefunken Wireless Telegraph Co. of United States, C.C.A.N.Y., 221 F. 629,*  
18 *632; Lauer v. Freudenthal, 96 Wash. 394, 165 P. 98, 99.*

19 **Comity of States**

20 *Simply a phrase designating the practice by which the courts of one state follow the decision of another on a like*  
21 *question, though not bound by law of precedents to do so. Larrick v. Walters, 39 Ohio.App. 363, 177 N.E. 642,*  
22 *645.*

23 *[Black's Law Dictionary, Fourth Edition, p. 334]*

24 Important principles emerge from the above which need to be emphasized:

- 25 1. **"Comity is not a rule of law, but one of practice, convenience and expediency."**
  - 26 1.1. They don't define WHO'S convenience it is for, but the implication is obvious: It is for the convenience and
  - 27 profit of the GOVERNMENT, and NOT the people that the government was created to PROTECT and SERVE.
  - 28 Hence, it creates an unequal and prejudicial relationship between the governed and the governors.
  - 29 1.2. The opportunity for a judge to exercise this type of discretion obviously cannot coexist with obligations under the
  - 30 constitution to protect PRIVATE rights. This would create a criminal conflict of interest in violation of 18 U.S.C.
  - 31 §208, 28 U.S.C. §144, and 28 U.S.C. §455. Hence, no judge who exercises this kind of discretion can or should
  - 32 ALSO hear constitutional issues not involving franchises. Anyone who consents to the jurisdiction of a judge
  - 33 who wears TWO hats, "franchise" and "constitutional", is aiding and abetting crime.
- 34 2. **"The truth remains that jurisdiction depends upon the law of the forum, and this law in turn depends upon the public**  
35 **policy disclosed by the acts and declarations of the political departments of the government."** Comity therefore is the  
36 means by which judges act in a POLITICAL rather than LEGAL manner and implement "public policy" by caprice,  
37 rather than law. A true constitutional court cannot lawfully enforce public policy and therefore, only legislative  
38 franchise courts in the Executive Branch of the government can lawfully exercise this kind of comity. See:
 

39 Political Jurisdiction, Form #05.004  
<http://sedm.org/Forms/FormIndex.htm>
- 40 3. **"...they do not form part of international law."** This means that they are judge made law, not statutory law. That is  
41 why courts hearing franchise issues such as tax issues frequently will make their rulings "unpublished" so that they  
42 cannot be cited as precedence: Because they are not law but essentially an edict or command from the judge personally  
43 to a litigant before the court. Judges recognize that such unconstitutional and fraudulent commands cannot and do not  
44 have the "force of law", which is why they are published as "opinions" or "memorandum opinions" instead of  
45 "ORDERS". Under the Federal Rule of Evidence 610, "opinions" are inadmissible as evidence of ANYTHING,  
46 including an obligation. This is a sign that they are operating in a POLITICAL rather than LEGAL capacity AND that  
47 their "opinion" need not be obeyed.
  - 48 3.1. The only people they can issue "memorandums" to are OTHER public officers within the government.
  - 49 3.2. They can't issue civil commands to public officers in any branch of the government outside the judicial branch  
without violating the separation of powers. That's why FRANCHISE judges and FRANCHISEES have to BOTH

1 be in the Executive Branch of the government, as the U.S. Supreme Court indirectly referenced in Freytag v.  
2 Commissioner, 501 U.S. 868 (1991).

- 3 4. “There is no statute or common-law rule by which one court is bound to abide by the decisions of another court of  
4 equal rank. It does so simply for what may be called comity among judges.” This means that the mere will of the  
5 judge is the sole arbiter of whether the foreign law is enforced. The U.S. Supreme Court defined the exercise of this  
6 type of discretion as “the essence of slavery itself”:

7 “**And the law is the definition and limitation of power.** It is, indeed,  
8 quite true that there must always be lodged somewhere, and in some person or body, the authority of final  
9 decision; and in many cases of mere administration, the responsibility is purely political, no appeal lying except  
10 to the ultimate tribunal of the public judgment, exercised either in the pressure of opinion, or by means of the  
11 suffrage. But the fundamental rights to life, liberty, and the pursuit of happiness, considered as individual  
12 possessions, are secured by those maxims of constitutional law which are the monuments showing the victorious  
13 progress of the race in securing to men the blessings of civilization under the reign of just and equal laws, so that,  
14 in the famous language of the Massachusetts bill of rights, the government of the commonwealth 'may be a  
15 government of laws and not of men.' **For the very idea that one man may be compelled to hold his life, or the**  
16 **means of living, or any material right essential to the enjoyment of life, at the mere will of another, seems to**  
17 **be intolerable in any country where freedom prevails, as being the essence of slavery itself.”**  
18 [*Yick Wo v. Hopkins*, [118 U.S. 356](#) (1886)]

19 In conclusion, it ought to be obvious to the reader that:

- 20 1. The exercise of “comity” as it is currently defined turns a “society of law” into a “society of men”.  
21 2. Lodging the kind of discretion exercised by judges that is described above is extremely dangerous.

22 *“When we consider the nature and the theory of our institutions of government, the principles upon which they*  
23 *are supposed to rest, and review the history of their development, **we are constrained to conclude that they do***  
24 ***not mean to leave room for the play and action of purely personal and arbitrary power.’***  
25 [*Yick Wo v. Hopkins*, [118 U.S. 356, 369](#), 6 S. Sup.Ct. 1064, 1071]

- 26 3. Franchises and franchise courts ought to be avoided entirely, because the conflict of interest, greed, and covetousness  
27 by the government that they create and perpetuate are a severe threat to one’s liberty.  
28 4. It is a violation of the separation of powers for franchise judges to hear matters not involving those who are not  
29 lawfully appointed or elected to public offices within the federal and not state government. All such cases MUST be  
30 dismissed or they constitute an unconstitutional Bill of Attainder.

## 31 **13.12 Proof that I and my Property are Still Protected by the Constitution and Therefore am** 32 **NOT subject to Civil Statutes Which Would Abrogate such Protections**<sup>67</sup>

### 33 **1. FACTS FOR JURY**

- 34 1. At the time of receiving earnings or the alleged civil offense, I was physically situated on land protected by the  
35 constitution.  
36 2. The property or earnings targeted for government enforcement activity (meaning UNCONSTITUTIONAL taking in  
37 violation of the Fifth Amendment) does NOT satisfy any of the conditions that follow, and therefore remains private  
38 and constitutionally protected:

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

42 *[1] First, that he shall not use it to his neighbor’s injury, and that does not mean that he must use it for his*  
43 *neighbor’s benefit;*

44 *[2] second, that if he devotes it to a public use, he gives to the public a right to control that use; and*

45 *[3] third, that whenever the public needs require, the public may take it upon payment of due compensation.*  
46 [*Budd v. People of State of New York*, 143 U.S. 517 (1892)]

<sup>67</sup> Source: *Enumeration of Inalienable Rights*, Form #10.002, Section 13; <https://sedm.org/Forms/FormIndex.htm>



1  
2  
3 **“When Sir Matthew Hale, and the sages of the law in his day, spoke of property as affected by a public**  
4 **interest, and ceasing from that cause to be juris privati solely, that is, ceasing to be held merely in private**  
5 **right, they referred to**

6 **[1] property dedicated [DONATED] by the owner to public uses, or**

7 **[2] to property the use of which was granted by the government [e.g. Social Security Card], or**

8 **[3] in connection with which special privileges were conferred [licenses].**

9 **Unless the property was thus dedicated [by one of the above three mechanisms], or some right bestowed**  
10 **by the government was held with the property, either by specific grant or by prescription of so long a time**  
11 **as to imply a grant originally, the property was not affected by any public interest so as to be taken out of**  
12 **the category of property held in private right.”**

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

- 13 3. I do not claim nor invoke the benefits or privileges, in this case, of any civil status such as “citizen”, “resident”, or  
14 “person”, “taxpayer”, “driver”, etc and thus, cannot be responsible for the obligations attached to such statuses. It is  
15 my RIGHT under the First Amendment and my right to NOT contract, to NOT adopt any civil status which might  
16 carry obligations or sanction a loss of property that such obligations might entail. Even IF I claim to be a MEMBER or  
17 even government “customer” called a “citizen” or “person” for one title of code, that does not make me a “citizen” for  
18 ALL titles of code. The rules of statutory construction and interpretation require that every title is independent of the  
19 other and that I must at all times have the ability to AVOID a “benefit” and the obligations or loss of property that  
20 might go with it:

21 *“The citizen cannot complain [about the laws or the tax system], because he has voluntarily submitted himself to*  
22 *such a form of government. He owes allegiance to the two departments, so to speak, and within their respective*  
23 *spheres must pay the penalties which each exacts for disobedience to its laws. In return, he can demand protection*  
24 *from each within its own jurisdiction.”*

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

26 *“When one becomes a member of society [called a STATUTORY “citizen”, not a CONSTITUTIONAL “citizen”],*  
27 *he necessarily parts with some rights or privileges which, as an individual not affected by his relations to others,*  
28 *he might retain. “A body politic,” as aptly defined in the preamble of the Constitution of Massachusetts, “is a*  
29 *social compact by which the whole people covenants with each citizen, and each citizen with the whole people,*  
30 *that all shall be governed by certain laws for the common good.” This does not confer power upon the whole*  
31 *people to control rights which are purely and exclusively private, Thorpe v. R. & B. Railroad Co., 27 Vt. 143; but*  
32 *it does authorize the establishment of laws requiring each citizen to so conduct himself, and so use his own*  
33 *property, as not unnecessarily to injure another. This is the very essence of government, and 125\*125 has found*  
34 *expression in the maxim sic utere tuo ut alienum non laedas. From this source come the police powers, which, as*  
35 *was said by Mr. Chief Justice Taney in the License Cases, 5 How. 583, “are nothing more or less than the powers*  
36 *of government inherent in every sovereignty, . . . that is to say, . . . the power to govern men and things.” Under*  
37 *these powers the government regulates the conduct of its citizens one towards another, and the manner in which*  
38 *each shall use his own property, when such regulation becomes necessary for the public good. In their exercise*  
39 *it has been customary in England from time immemorial, and in this country from its first colonization, to regulate*  
40 *ferries, common carriers, hackmen, bakers, millers, wharfingers, innkeepers, &c., and in so doing to fix a*  
41 *maximum of charge to be made for services rendered, accommodations furnished, and articles sold. To this day,*  
42 *statutes are to be found in many of the States upon some or all these subjects; and we think it has never yet been*  
43 *successfully contended that such legislation came within any of the constitutional prohibitions against*  
44 *interference with private property. With the Fifth Amendment in force, Congress, in 1820, conferred power upon*  
45 *the city of Washington “to regulate . . . the rates of wharfage at private wharves, . . . the sweeping of chimneys,*  
46 *and to fix the rates of fees therefor, . . . and the weight and quality of bread,” 3 Stat. 587, sect. 7; and, in 1848,*  
47 *“to make all necessary regulations respecting hackney carriages and the rates of fare of the same, and the rates*  
48 *of hauling by cartmen, wagoners, carmen, and draymen, and the rates of commission of auctioneers,” 9 id. 224,*  
49 *sect. 2.*

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

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

52  
53 *“Cujus est commodum ejus debet esse incommodum. He who receives the benefit should also bear the*  
54 *disadvantage.”*

55 *Hominum caus jus constitutum est. Law [civil STAUTES] is established for the benefit of man.*

1 *Injuria propria non cadet in beneficium facientis. One's own wrong shall not benefit the person doing it.*

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

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

6 *Privilegium est beneficium personale et extinguitur cum person. A privilege is a personal benefit and dies with*  
7 *the person. 3 Buls. 8.*

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

10 *Quilibet potest renunciare juri pro se inducto. Any one may renounce a law introduced for his own benefit. To*  
11 *this rule there are some exceptions. See 1 Bouv. Inst. n. 83.*

12 [*Bouvier's Maxims of Law, 1856;*

13 <https://famguardian.org/Publications/BouvierMaximsOfLaw/BouviereMaxims.htm>]

- 14 4. I am not aware of doing any of the things above necessary to LOSE constitutional protections or rights.
- 15 5. Statutory "taxpayer" under the [Internal Revenue Code Section 7491](#) has the burden of proof, but I don't claim to be a  
16 "taxpayer" and imposing such a civil status and the obligations of such a status is an unconstitutional taking without  
17 my express consent. A third-party information return filer cannot "elect" me into the office of "taxpayer" without my  
18 consent and if they do, they are engaging in unconstitutional involuntary servitude. As pointed out in the  
19 Constitutional Avoidance Doctrine found in *Ashwander v. Tennessee Valley Authority*, 297 U.S. 288, 56 S.Ct. 466  
20 (1936), one who avails themselves of the "benefit" of a statute or the status that the benefit attaches to WAIVES  
21 constitutional rights, and I do not consent to waive and cannot be COMPELLED to waive constitutional rights. More  
22 at: *Policy Document: IRS Fraud and Deception About the Statutory Word "Person"*, Form #08.023;  
23 <https://sedm.org/Forms/08-PolicyDocs/IRSPerson.pdf>. Your solicitation or receipt of the "benefit" of my services as a  
24 "taxpayer" or a "person", in fact, is an acceptance of MY franchise agreement as documented in: *Injury Defense*  
25 *Franchise and Agreement*, Form #06.027; <https://sedm.org/Forms/06-AvoidingFranch/InjuryDefenseFranchise.pdf>.  
26 This is an outgrowth of my EQUAL right to "make all needful rules" under Article 4, Section 3, Clause 2 respecting  
27 MY property, just like you do with the Internal Revenue Code "trade or business" excise taxable franchise.

28 **13.13 Do those who have NOT waived CONSTITUTIONAL or Common law remedies have to**  
29 **exhaust administrative remedies prior to judicial review?**

30 **QUESTION:**

31 If a state citizen wants to file a complaint against a state agency, and the state has written rules governing the complaint  
32 process, is there case law that says that if the citizen does not first avail themselves of the state provided complaint process,  
33 they are not allowed to file suit in federal or state court?

34 Many years ago, I was a sole practitioner as management consultant and had a few clients for whom I wrote employee  
35 handbooks. And I learned that if a firm has a written grievance procedure, in some states the worker must use the firm's  
36 internal grievance procedure first, prior to being allowed to sue the employer in court.

37 I was reading this morning a section of the opaque Pa. Code which says,

38 *"Failure to pursue the administrative remedies provided by this chapter, which have been willingly made*  
39 *available by an agency, forecloses judicial review."*

40 If a citizen's position is that a state law is unconstitutional - do you think judicial review is available even if the internal state-  
41 approved complaint process is not followed?

42 **ANSWER:**

43 1. The Achilles' heel of the administrative state is property. See:

1 1.1 *The Achilles' Heel of the Administrative State*, SEDM Blog  
2 <https://sedm.org/the-achilles-heel-of-the-administrative-state/>

3 1.2 *Administrative State: Tactics and Defenses Course*, Form #12.041  
4 <https://sedm.org/LibertyU/AdminState.pdf>

5 2. In order for any government to regulate your conduct or impose civil statutory obligations upon you, they MUST be in a  
6 CONTRACTUAL position of providing you property, whether it be:

7 2.1 Services or benefits that you CONSENTED to receive, which are property.

8 2.2 Physical property or rights you are in possession of but not full control of. See:

*Hot Issues: Laws of Property, SEDM*  
<https://sedm.org/laws-of-property/>

9 3. If you are not in receipt of the above, it would be SLAVERY or THEFT to demand the CONSIDERATION of your services  
10 or compliance in any form whatsoever without express compensation. This is explained in:

*Lawfully Avoiding Government Obligations Course*, Form #12.040  
<https://sedm.org/LibertyU/AvoidGovernmentObligations.pdf>

11 4. The purpose of establishing government is justice and the end of justice is to be entirely left alone. See:

*What is "Justice"?*, Form #05.050  
<https://sedm.org/Forms/05-MemLaw/WhatIsJustice.pdf>

12 5. If they are an administrative agency, they have to leave you alone and NEVER "enforce" against you UNLESS you  
13 approach THEM as their CONTRACTOR and ASK for services, "benefits", or property, which are all property. If they won't  
14 leave you alone, then they are committing a common law trespass upon your ownership of YOURSELF and criminally  
15 instituting SLAVERY, PEONAGE, HUMAN TRAFFICKING if they make you a target of any kind of enforcement. Here  
16 is an example of a criminal complaint against such enforcement:

*Affidavit of Duress: Illegal Tax Enforcement by De Facto Officers*, Form #02.005  
<https://sedm.org/Forms/02-Affidavits/AffOfDuress-Tax.pdf>

17 6. The requirement to exhaust administrative remedies only applies to CUSTOMERS who have consensual business with the  
18 agency engaging in the enforcement. The "state citizen" you mentioned in your lead question IS such a "customer".

19 7. It costs them NOTHING to leave you alone, so they can never claim it is a "benefit" to be left alone. It's a RIGHT. To  
20 have to follow a bunch of exhaustion remedies for customers when you aren't a patron or customer before you can get a  
21 common law or constitutional remedy is a violation of due process for those who are not customers, such as citizens or  
22 residents.

23 8. Those who are DUMB enough to BE customers called citizens or residents and who have RES-IDENT ID have to follow  
24 exhaustion rules. But those who aren't don't.

25 9. The exhaustion principle only limits STATUTORY remedies, not constitutional remedies. Congress CANNOT, by  
26 legislation, limit constitutional or even common law remedies or prescribe rules for when or if they may be exercised,  
27 INCLUDING the exhaustion of administrative remedies. However, they can for CUSTOMERS who have waived  
28 constitutional protections as indicated in:

*How You Lose Constitutional or Natural Rights*, Form #10.015  
<https://sedm.org/Forms/10-Emancipation/HowLoseConstOrNatRights.pdf>

1 The people described in the above are ALL "customers" and franchise participants engaging in patronage with the government  
2 parent that the administrative agency works for.

3 Only those who have NOT waived constitutional or natural remedies by becoming "club members" who have to follow  
4 exhaustion rules are entitled invoke common law or constitutional remedies, but ONLY beyond the point of giving the  
5 constitutionally required reasonable notice to the government to cease and desist all enforcement actions and the basis upon  
6 which you claim the right to be left alone as a matter of justice. Such a notice might be construed as exercising the full extent  
7 of exhaustion of remedies for those who do not have to follow the civil statutory exhaustion remedies ADDED to the  
8 constitutional remedy. For instance, it makes no sense for a "taxpayer" to exhaust all STATUTORY CIVIL remedies if he  
9 or she is NOT a statutory "taxpayer", "citizen", or "resident" made liable for tax in the Internal Revenue Code.

10 Caselaw to prove the content of this section is something we would like to add to this section eventually, but these are the  
11 basics as we understand them so far.

### 12 **13.14 The BEST Way to LAWFULLY Reject ANY and ALL Benefits in Court that is** 13 **Unassailable**<sup>68</sup>

14 Throughout this site we frequently state that it is a maxim of law that you have an absolute RIGHT to reject any and all  
15 "benefits", "privileges", "franchises", and government property and the obligation to pay for them. Below are some examples:

16 *"Cujus est commodum ejus debet esse incommodum.*  
17 *He who receives the benefit should also bear the disadvantage."*

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

20 *Commodum ex injuri su non habere debet.*  
21 *No man ought to derive any benefit of his own wrong. Jenk. Cent. 161.*

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

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

28 *Quilibet potest renunciare juri pro se inducto.*  
29 *Any one may renounce a law introduced for his own benefit. To this rule there are some exceptions. See 1 Bouv.*  
30 *Inst. n. 83.*

31 *[Bouvier's Maxims of Law, 1856;*  
32 *SOURCE: <http://famguardian.org/Publications/BouvierMaximsOfLaw/BouviersMaxims.htm>]*

33 The above are principles of EQUITY that all maxims of law implement. We talk about the above principles in the following  
34 link on our opening page, in fact:

Hot Issues: Common Law and Equity Litigation  
<https://sedm.org/common-law-litigation/>

35 But HOW exactly might one invoke these principles in a common law or equity setting to in effect COMPEL the court to  
36 respect them and which might be easy to explain to a common law jury? That is the focus of this article.

37 To answer that question, we must first focus on when and where we would most likely need to do this. Most often, this  
38 approach would be needed in tax litigation relating to civilly or criminally enforcing the payment or non-payment of a tax.  
39 We must remember that all taxes have the following characteristics in common:

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<sup>68</sup> SOURCE: *Why the Government is the Only Real Beneficiary of All Government Franchises*, Form #05.051, Section 2;  
<https://sedm.org/Forms/FormIndex.htm>

1. The tax relates to your obligation to pay for a specific “benefit” or “privilege”.
2. The obligation to pay the tax covers a specific defined period of time such as a year.
3. You acquired the obligation to pay from a CIVIL perspective by joining a specific class, group, or civil status that has the obligation.
4. The government has the burden of proving that you voluntarily joined the group that is the only proper object of enforcement authority. If not, slavery and human trafficking are involved on their part.
5. The government attempting to enforce disguises the ORIGIN of the obligation to pay by calling it a “quasi-contract”. This is a code word for a voluntary act you engaged in that is excise taxable and which constitutes CONSTRUCTIVE consent to join the civil legal group or class that is the only proper object of the civil obligation to pay.
6. The group or class that has the obligation is ALWAYS an OFFICE within the government that is legislatively created by civil legislation enacted by the government.
7. By claiming the status defined in the legislation creating the office, you in effect are deemed to VOLUNTEER for the obligations attached to the civil office by accepting the juridical privileges ([franchises, Form #05.030](#)) that are ALSO attached to it.
8. By invoking or accepting the civil statutory juridical PRIVILEGES and public rights ([franchises, Form #05.030](#)) attached to the office, you also implicitly accept the obligations that make the delivery of those rights possible. Thus, the government is a Merchant offering you its PUBLIC property, you are the Buyer, and there is a “tacit procurement” or “sub silentio” purchase of their property or services by seeking or invoking those property or services in an administrative or judicial setting.
9. The authority to force you to PAY for the benefit or privilege you are seeking originates not only from the above maxims of law, but the common law principle of unjust enrichment.

Unjust enrichment is described below:

**unjust enrichment.** (1897) 1. The retention of a benefit conferred by another not as a gift, but instead in circumstances where compensation is reasonably expected. 2. A benefit obtained from another, not intended as a gift and not legally justifiable, for which the beneficiary must make restitution or recompense. • Unjust enrichment is a basis of civil liability involving a claim for recovery that sometimes also goes by the name restitution. Instances of unjust enrichment typically arise when property is transferred by an act of wrongdoing (as by conversion or breach of fiduciary duty), or without the effective consent of the transferor (as in a case of mistake), or when a benefit is conferred deliberately but without a contract, and the court concludes that the absence of a contract is excusable as when the benefit was provided in an emergency, or when the parties once seemed to have a contract but it turns out to be invalid;. The resulting claim of unjust enrichment seeks to recover the defendant’s gains. 3. The area of law dealing with unjustifiable benefits of this kind.  
[Black’s Law Dictionary, Eleventh Edition, pp. 1849-1850]

The U.S. Supreme Court describes the concept of unjust enrichment in the context of taxation as follows by calling it “indebitatus assumpsit”, meaning an “assumed debt” on your part. The obligation it calls “quasi-contractual”:

“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)]

Therefore, in all unjust enrichment scenarios, someone is offering PROPERTY or SERVICES (which is also property) as a Merchant which cost money to produce or deliver and are implicitly NOT free. Although the property or services don’t come to you with a price schedule and they don’t specifically identify themselves as a Merchant, the courts inevitably will refer to the person offering as a Merchant and you as a Buyer under the U.C.C. You will therefore be treated AS IF you were a Buyer under the Uniform Commercial Code (UCC) whether you know it or not and whether you wanted to be or not. By the government merely making the property or services available to you as a Buyer to ASK for on a government application constitutes an OFFER in commerce, and you applying for or accepting the property or sometimes even being ELIGIBLE to receive it constitutes an acceptance. The above scenario is sometimes referred to as:

- 1 1. Implied consent.
- 2 2. Quid pro quo.
- 3 3. Tacit procurement.
- 4 4. Sub silentio.
- 5 5. Excise taxable privilege.

6 So there is an INVISIBLE (in most cases) and IMPLIED commercial process at work whenever you deal with the government  
7 and ask them for their property, services, or privileges, whether they expressly communicate that to you or not. The U.S.  
8 Supreme Court even identified this as a “concession”. A “concession” is a process where someone is SELLING something  
9 to you and BY YOUR ACTIONS ALONE YOU BECOME A BUYER from a legal perspective:

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

13 [. . .]

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

22 Unjust enrichment is an [equitable and common law principle](#). That means it applies EQUALLY to EVERYONE, not just the  
23 government. NO ONE can use it unless EVERYONE can use it. This also means that you CAN and even SHOULD use it  
24 against the government, and especially when they are trying to use it against you to justify or defend their authority to enforce  
25 against you. This approach is an implementation of the Sun Tzu proverbs of war, which say that you can defeat your enemy  
26 by using their greatest strength against them.

27 We give a high-level overview on the opening page of our site about the above conundrum that most people often  
28 UNKNOWINGLY volunteer for with the following succinct summary of how it operates:

29 *People of all races, genders, political beliefs, sexual orientations, and nearly all religions are welcome here. All*  
30 *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 Website Opening Page; http://sedm.org](#)]

49 Essentially then, the entire income tax system operates entirely under equity, is not expressly authorized by the constitution,  
50 and abuses “benefits” and “franchises” to unconstitutionally invade the states in violation of the Article 4, Section 4 of the  
51 Constitution:

52 *“Thus, Congress having power to regulate commerce with foreign nations, and among the several States, and*  
53 *with the Indian tribes, may, without doubt, provide for granting coasting licenses, licenses to pilots, licenses to*  
54 *trade with the Indians, and any other licenses necessary or proper for the exercise of that great and*  
55 *extensive power; and the same observation is applicable to every other power of Congress, to the exercise of*



1 which the granting of licenses may be incident. All such licenses confer authority, and give rights to the licensee.  
2 But very different considerations apply to the internal commerce or domestic trade of the States. Over this  
3 commerce and trade Congress has no power of regulation nor any direct control. This power belongs exclusively  
4 to the States. No interference by Congress with the business of citizens transacted within a State is warranted by  
5 the Constitution, except such as is strictly incidental to the exercise of powers clearly granted to the legislature.  
6 The power to authorize a business within a State is plainly repugnant to the exclusive power of the State over the  
7 same subject. It is true that the power of Congress to tax is a very extensive power. It is given in the Constitution,  
8 with only one exception and only two qualifications. Congress cannot tax exports, and it must impose direct taxes  
9 by the rule of apportionment, and indirect taxes by the rule of uniformity. Thus limited, and thus only, it reaches  
10 every subject, and may be exercised at discretion. But, it reaches only existing subjects. **Congress cannot**  
11 **authorize a trade or business within a State in order to tax it.**  
12 [*License Tax Cases, 72 U.S. 462, 18 L.Ed. 497, 5 Wall. 462, 2 A.F.T.R. 2224 (1866)*]

13 The advantage you have in your favor when you invoke this process against the government is that:

- 14 1. Most of the money the government spends is actually just PRINTED or BORROWED into existence. There is no  
15 “benefit” to you in them doing that and a LOT of injury to future generations who will have to foot the bill to service  
16 that debt.
- 17 2. The government ALWAYS charges WAY more for their property and services than it costs to deliver them. This is  
18 because they have to ADD the cost of the borrowing and printing of money spent on things OTHER than the “benefit”  
19 that often aren’t even constitutionally authorized. Thus, the UNAUTHORIZED spending usually dwarfs the cost of the  
20 actual “benefit” they DO deliver.
- 21 3. The inflation they invoke by printing the money erodes the actual benefit received, which often isn’t received until  
22 DECADES after it is paid for, as in the case of Social Security.
- 23 4. Most of the money the government spends is for service on the national debt. It doesn’t in actuality pay for the delivery  
24 of the product or service you are often seeking. This was one of the principles established by Ronald Reagan’s Grace  
25 Commission Report.
- 26 5. The time period for which a tax owes almost NEVER overlaps with WHEN the benefit or service is actually delivered.  
27 Thus, no matter what time period you are talking about, if you attempted to equitably BALANCE the cost with the  
28 payment, the government would ALWAYS lose in the accounting process and thereby ultimately be the ONLY party  
29 who in actuality would actually engage in an “unjust enrichment”.
- 30 6. Any calculations that might be done to reconcile the account under equitable principles must consider the Net Present  
31 Value adjusted for inflation of what was contributed and what is actually paid. The government always loses on that  
32 accounting as well, because their money printing in effect behaves as an INVISIBLE tax. That “tax” should be  
33 accounted for in the calculations as well in order to be truly equitable.
- 34 7. The government corruptly tries to deny their responsibility under rules of equity by invoking sovereign immunity  
35 unlawfully. It is unlawful because all their powers are delegated by THE SOVEREIGN people, and you can’t delegate  
36 it unless YOU have it and can use it against them AS WELL. Thus, the government are HYPOCRITES and elitists  
37 who deny the use of unjust enrichment against THEM but want to use it against you.
- 38 8. In most cases, the benefit delivered is not even expressly authorized by the written law. Social Security and income tax  
39 BOTH are never expressly authorized to be offered or paid in the constitutional state. See Form #06.002. Thus, the  
40 government in an unjust enrichment claim is abusing it to BENEFIT from an activity they have NO  
41 CONSTITUTIONAL authority to even engage in within the exclusive jurisdiction of a constitutional state. It is also a  
42 principle of equity that NO ONE should be allowed to BENEFIT from an unlawful, injurious, or criminal act and the  
43 government loses on this one as well.
- 44 9. The tax obligation being enforced is often, as in the case of statutory “wages” bundled with other obligations. On this  
45 site and [section 4.30 of our Disclaimer](#), we call this “weaponization of the government”. For instance, you can’t earn  
46 statutory “wages” under the Social Security Act without ALSO earning “wages” that are taxable under the Internal  
47 Revenue Code, even though THAT obligation is not a “benefit”. Thus, you are in effect being asked to pay an  
48 ADDITIONAL tax beyond SSI deductions for something that is not literally a “benefit” and which no one in their right  
49 mind would ever perceive as a “benefit”.

50 Therefore, if you invoke an equitable proceeding against the government to enforce an unjust enrichment AGAINST THEM,  
51 and actually quantify the value they can prove they delivered over the taxing period in question and compare that with what  
52 you actually paid for it, THEN NO MATTER WHAT, the government would ultimately and INEVITABLY LOSE and be  
53 the only one who actually should pay ANYTHING to ANYONE in that legal proceeding. We prove this in:

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

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

1 Below is sample language we would use to ensure the court and the jury must enforce your right to NOT receive the benefit,  
2 privilege, public right, or property of the government that gives rise to the civil obligation being enforced and which does not  
3 make you look irresponsible or narcissistic to the jury, but rather RESPONSIBLE, conscientious, and seeking to behave in a  
4 respectful and equitable manner that is more likely to help you win your case. That discussion follows after the line below.

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6 “Ladies and gentlemen of the jury, there is no question that all those who consume the services of others should pay for them,  
7 including me. This includes both the government as a Merchant offering property and services to me, as well as me offering  
8 property and services to the government. Any attempt to apply these principles unequally to either party to this controversy  
9 ultimately results in an abuse of you the jury to participate in, condone, and even commit a THEFT on the part of the  
10 government. Under principles of the [common law and equity](#), this scenario is called ‘unjust enrichment’, which gives rise to  
11 an implied obligation to always pay for whatever you ask someone else for. If we didn’t run the government the government  
12 this way, then people could abuse their power to vote and serve on jury duty to use the government as a thief and a Robinhood  
13 to equalize OUTCOMES rather than merely OPPORTUNITY and treatment. On this subject, the U.S. Supreme Court has  
14 held:

15 *“... A tax, in the general understanding of the term and as used in the constitution, signifies an exaction for the*  
16 *support of the government. The word has never thought to connote the expropriation of money from one group*  
17 *for the benefit of another. . . .”*  
18 *[U.S. v. Butler, 297 U.S. 1 (1936) ]*

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

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

28 *Coulter, J., in Northern Liberties v. St. John’s Church, 13 Pa.St. 104 says, very forcibly, ‘I think the common*  
29 *mind has everywhere taken in the understanding that **taxes are a public imposition, levied by authority of the***  
30 ***government for the purposes of carrying on the government in all its machinery and operations—that they***  
31 ***are imposed for a public purpose.’ See, also Pray v. Northern Liberties, 31 Pa.St. 69; Matter of Mayor of N.Y.,***  
32 *11 Johns., 77; Camden v. Allen, 2 Dutch., 398; Sharpless v. Mayor, supra; Hanson v. Vernon, 27 Ia., 47; Whiting*  
33 *v. Fond du Lac, supra.”*  
34 *[Loan Association v. Topeka, 87 U.S. 655, 20 Wall. 655 (1874)]*

35 This case involves nonpayment of an alleged “tax” for the specific years \_\_\_\_\_ to \_\_\_\_\_. A proper accounting under  
36 equitable principles requires us to consider the “benefits”, services, or property dispensed to me personally by the government  
37 over that period with what I actually paid. Any other approach would violate the principles of equity and unjust enrichment  
38 and make this jury an instrument of THEFT.

39 A “tax”, in this case is legally defined by the U.S. Supreme Court as a sum of money that supports ONLY the government or  
40 people working in or for the government. That means it cannot be paid to private, constitutionally protected parties in states  
41 of the Union, and if it IS, it ceases to be a classical “tax” as legally defined and devolves merely into a purely commercial  
42 activity conducted for profit like any private business, in which BOTH parties are treated NOT as a “government” but merely  
43 equals under equitable principles under the Clearfield Doctrine of the U.S. Supreme Court.

44 In the instant case, I have not sought, do not want, and do not want to pay for any “benefit”, privilege, or exemption offered  
45 by any government. The ability to do so is my right under principles of equity, in fact:

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

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

50 *Commodum ex injuri su non habere debet.*  
51 *No man ought to derive any benefit of his own wrong. Jenk. Cent. 161.*

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

12 Paying or rendering a “benefit”, property, or service to someone who does not WANT it, has communicated that objection  
13 timely to the person offering, and who has identified any attempt to provide it against their will is not as a GRANT of a  
14 “benefit” but a GIFT by the provider, cannot therefore produce any equitable obligation whatsoever. Further, it is beyond the  
15 authority delegated to me by my principal, who is God under the Bible trust indenture, to ask for, accept, or pay for ANY  
16 benefit, property, or civil service that any so-called “government” might attempt to abuse to enslave me to them:

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

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

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

25 *“Because you did not serve [ONLY] the Lord your God with joy and gladness of heart, for the abundance of*  
26 *everything, therefore you shall serve your [covetous thieving lawyer] enemies, whom the Lord will send against*  
27 *you, in hunger, in thirst, in nakedness, and in need of everything; and He will put a yoke of iron [franchise codes]*  
28 *on your neck until He has destroyed you. The Lord will bring a nation against you from afar [the District of*  
29 *CRIMINALS], from the end of the earth, as swift as the eagle flies [the American Eagle], a nation whose language*  
30 *[LEGALESE] you will not understand, a nation of fierce [coercive and fascist] countenance, which does not*  
31 *respect the elderly [assassinates them by denying them healthcare through bureaucratic delays on an Obamacare*  
32 *waiting list] nor show favor to the young [destroying their ability to learn in the public FOOL system]. And they*  
33 *shall eat the increase of your livestock and the produce of your land [with “trade or business” franchise taxes],*  
34 *until you [and all your property] are destroyed [or STOLEN/CONFISCATED]; they shall not leave you grain or*  
35 *new wine or oil, or the increase of your cattle or the offspring of your flocks, until they have destroyed you.*  
36 *[Deut. 28:43-51, Bible, NKJV]*  
37

38 *“The rich rules over the poor,*  
39 *And the borrower is servant to the lender.”*  
40 *[Prov. 22:7, Bible, NKJV]*

41 When a government actor is sued for wrongdoing under the constitution, they can only be sued if the Plaintiff can prove they  
42 acted outside their delegated authority of their “principal” and “employer”, the U.S. Inc. federal corporation. The same  
43 principle applies here, except that the Plaintiff is a de facto government and the principal is different because MY principal,  
44 being God, is superior to that of any government. In the capacity of this proceeding, I am acting as an agent and fiduciary of  
45 God 24 hours a day, 7 days a week and have not stepped out of the protections of the Bible trust indenture that is my delegation  
46 of authority order, as documented in:

***Delegation of Authority Order from God to Christians, Form #13.007***  
***<https://sedm.org/Forms/13-SelfFamilyChurchGovnce/DelOfAuthority.pdf>***

47 My delegation of authority order also forbids me from seeking the protection of anything but His laws, the common law, the  
48 criminal law, and the Constitution and NEVER the civil statutory franchise protection contract called “domicile”, as proven  
49 in:

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

Therefore, we must settle this matter under equitable rather than civil statutory terms, and to treat both parties absolutely equally. A failure by you the jury or this court will have the practical effect of turning the government into an unconstitutional civil religion in violation of the First Amendment, make the judge into the priest, make you into the apostle of the priest, make this courtroom into a church, make the attorneys into deacons of the church, and impute or enforce superior and supernatural powers to a collective corporation called "U.S. Inc" (Form #05.024) that I as the natural am not allowed to have. That unlawful establishment of religion in violation of the First Amendment is documented below in:

*Socialism: The New American Civil Religion*, Form #05.016  
<https://sedm.org/Forms/05-MemLaw/SocialismCivilReligion.pdf>

Over the tax period in question, a deduction of what I received from what I paid results in a net negative balance to the government. That means under principles of equity that:

1. The government has no standing to sue, because they cannot demonstrate an actual injury.
2. The government is the only one in this case engaging in "unjust enrichment".
3. The government is the ONLY one receiving a net "benefit" or privilege from ME rather than the other way around. In that scenario, I am the only "Merchant" under the U.C.C. and I am the ONLY one who can define the terms of my offer of the privilege involved as its absolute owner. See:

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

4. The government has a moral and implied legal duty to correct this inequity by paying me the DIFFERENCE to me as a Merchant offering MY property, services, and "benefits" to them.

Since I am the only Merchant involved in this interaction offering property for sale, I am the ONLY one allowed to write the terms of procuring my services. Those terms are documented below:

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

Further, the so-called "benefits" being enforced in this case cannot even lawfully be offered or enforced within a constitutional state of the union as described in:

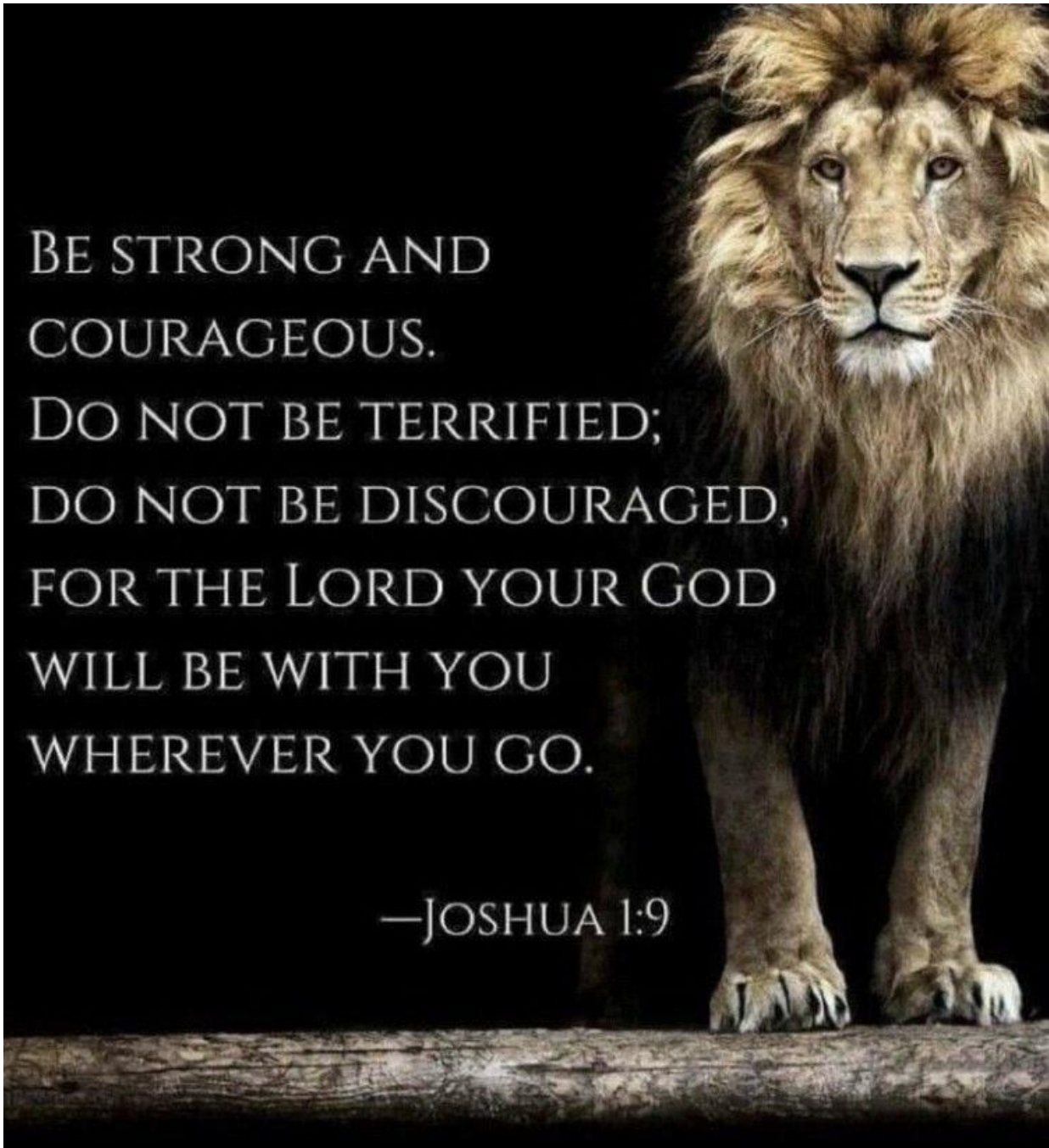
1. *Why You Aren't Eligible for Social Security*, Form #06.001  
<https://sedm.org/Forms/06-AvoidingFranch/SSNotEligible.pdf>
2. *Challenge to Income Tax Enforcement Authority Within Constitutional States of the Union*, Form #05.052  
<https://sedm.org/Forms/05-Memlaw/ChallengeToIRSEnforcementAuth.pdf>

It is a maxim of law and equity that one should not be allowed to "benefit" from illegal, injurious, or non-consensual acts against anyone. Thus, there is NO BENEFIT whatsoever delivered by the government to me AT ALL. Further, it is a crime for the government to try to BRIBE me illegally to create an office with a bribe of "benefits" that are not lawfully available to me. See 18 U.S.C. §§201 and 210, and 18 U.S.C. 912.

Therefore, you, the jury and this court have a moral obligation to:

1. Dismiss the government's action against me.
2. Sanction them for the criminal and illegal and even unconstitutional conduct in this case per the terms of the above agreement, Form #06.027 equitably governing this relationship.





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**13.15 Conclusions and summary**

Below is a summary of the content and implications of this memorandum of law:

1. The United States government is a government of delegated powers ALONE:

*"The Government of the United States is one of delegated powers alone. Its authority is defined and limited by the Constitution. All powers not granted to it by that instrument are reserved to the States or the people."*  
[United States v. Cruikshank, [92 U.S. 542](#) (1875)]

*"The question is not what power the federal government ought to have, but what powers, in fact, have been given by the people... The federal union is a government of delegated powers. It has only such as are expressly conferred upon it, and such as are reasonably to be implied from those granted. In this respect, we differ radically from*

1 nations where all legislative power, without restriction or limitation, is vested in a parliament or other legislative  
2 body subject to no restriction except the discretion of its members." (Congress)  
3 [*U.S. v. William M. Butler*, 297 U.S. 1 (1936)]

4 **Sovereignty.** "Generally, the states of the Union sustain toward each other the relationship of independent  
5 sovereigns or independent foreign states, except in so far as the United States is paramount as the dominating  
6 government, and in so far as the states are bound to recognize the fraternity among sovereignties established by  
7 the federal Constitution, as by the provision requiring each state to give full faith and credit to the public acts,  
8 records, and judicial proceedings of the other states..."  
9 [*81A Corpus Juris Secundum (C.J.S.), United States*, §29 (2003)]

- 10 2. The Sovereign People as a collective group, also called "the State", is the entity that delegates powers through the  
11 constitution to the government. This group is called "the body politic" by the courts.

12 "**In the United States the people are sovereign, and the government cannot sever its relationship to the people**  
13 **by taking away their citizenship...**The very nature of our free Government makes it completely incongruous to  
14 have a rule of law under which a group of citizens temporarily in office can deprive another group of citizens of  
15 their citizenship. We hold that the Fourteenth Amendment was designed to and does, protect every citizen of this  
16 Nation, against a congressional, forcible destruction of his citizenship, whatever his creed, color, or race. Our  
17 holding does no more than to give this citizen, that which is his own, a constitutional right to remain a citizen in  
18 a free country unless he voluntarily relinquishes that citizenship." "  
19 [*Afroyim v. Rusk*, 387 U.S. 253 (1967)]

20 When one becomes a member of society, he necessarily parts with some rights or privileges which, as an  
21 individual not affected by his relations to others, he might retain. "**A body politic," as aptly defined in the**  
22 **preamble of the Constitution of Massachusetts, "is a social compact by which the whole people covenants with**  
23 **each citizen, and each citizen with the whole people, that all shall be governed by certain laws for the common**  
24 **good."** This does not confer power upon the whole people to control rights which are purely and exclusively  
25 private, *Thorpe v. R. & B. Railroad Co.*, 27 Vt. 143; but it does authorize the establishment of laws requiring  
26 each citizen to so conduct himself, and so use his own property, as not unnecessarily to injure another. This is  
27 the very essence of government, and 125\*125 has found expression in the maxim *sic utere tuo ut alienum non*  
28 *laedas*. From this source come the police powers, which, as was said by Mr. Chief Justice Taney in the *License*  
29 *Cases*, 5 How. 583, "are nothing more or less than the powers of government inherent in every sovereignty. . .  
30 . that is to say, . . . the power to govern men and things." Under these powers the government regulates the  
31 conduct of its citizens one towards another, and the manner in which each shall use his own property, when such  
32 regulation becomes necessary for the public good. In their exercise it has been customary in England from time  
33 immemorial, and in this country from its first colonization, to regulate ferries, common carriers, hackmen, bakers,  
34 millers, wharfingers, innkeepers, &c., and in so doing to fix a maximum of charge to be made for services  
35 rendered, accommodations furnished, and articles sold. To this day, statutes are to be found in many of the States  
36 upon some or all these subjects; and we think it has never yet been successfully contended that such legislation  
37 came within any of the constitutional prohibitions against interference with private property. With the Fifth  
38 Amendment in force, Congress, in 1820, conferred power upon the city of Washington "to regulate . . . the rates  
39 of wharfage at private wharves, . . . the sweeping of chimneys, and to fix the rates of fees therefor, . . . and the  
40 weight and quality of bread," 3 Stat. 587, sect. 7; and, in 1848, "to make all necessary regulations respecting  
41 hackney carriages and the rates of fare of the same, and the rates of hauling by cartmen, wagoners, carmen, and  
42 draymen, and the rates of commission of auctioneers," 9 id. 224, sect. 2.  
43 [*Munn v. Illinois*, 94 U.S. 113 (1876),  
44 SOURCE: [http://scholar.google.com/scholar\\_case?case=6419197193322400931](http://scholar.google.com/scholar_case?case=6419197193322400931)]

45 Notice the phrase above admitting that THE COLLECTIVE CANNOT control or regulate PRIVATE property or  
46 PRIVATE rights, meaning rights and property still under constitutional protections. Thus, no law enacted by the  
47 collective can tax, regulate, or control property they do not demonstrably prove that they have SOME ownership  
48 interest in, whether qualified or absolute. Property they have an ownership interest in is called a "public right":

49 **This does not confer power upon the whole people to control rights which are purely and exclusively private,**  
50 **Thorpe v. R. & B. Railroad Co., 27 Vt. 143**  
51 [*Munn* v. *Illinois*, 94 U.S. 113 (1876),  
52 SOURCE: [http://scholar.google.com/scholar\\_case?case=6419197193322400931](http://scholar.google.com/scholar_case?case=6419197193322400931)]

- 53 3. It is a maxim of law that no individual or group can delegate powers as part of a collective or "State" that they do not  
54 personally and individually ALSO possess.

55 *Nemo dat qui non habet. No one can give who does not possess. Jenk. Cent. 250.*

56 *Nemo plus juris ad alienum transferre potest, quam ispe habent. One cannot transfer to another a right which he*  
57 *has not. Dig. 50, 17, 54; 10 Pet. 161, 175.*



1 Nemo potest facere per alium quod per se non potest. No one can do that by another which he cannot do by  
2 himself.

3 Qui per alium facit per seipsum facere videtur. He who does anything through another, is considered as doing it  
4 himself. Co. Litt. 258.

5 Quicquid acquiritur servo, acquiritur domino. Whatever is acquired by the servant, is acquired for the master.  
6 15 Bin. Ab. 327.

7 Quod per me non possum, nec per alium. What I cannot do in person, I cannot do by proxy. 4 Co. 24.

8 What a man cannot transfer, he cannot bind by articles.

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

10 <https://famguardian.org/Publications/BouvierMaximsOfLaw/BouviereMaxims.htm>]

- 11 4. The relationship between COLLECTIVE rights of “the State” or the “Sovereign People” v. INDIVIDUAL rights was  
12 eloquently explained by a former judge in France who served for 8 years on the bench as follows:

13 **What Is Law?**

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

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

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

26 **Such a perversion of force would be, in both cases, contrary to our premise. Force has been given to us to**  
27 **defend our own individual rights. Who will dare to say that force has been given to us to destroy the equal**  
28 **rights of our brothers?** Since no individual acting separately can lawfully use force to destroy the rights of others,  
29 does it not logically follow that the same principle also applies to the common force that is nothing more than the  
30 organized combination of the individual forces?

31 If this is true, then nothing can be more evident than this: The law is the organization of the natural right of lawful  
32 defense. It is the substitution of a common force for individual forces. And this common force is to do only what  
33 the individual forces have a natural and lawful right to do: to protect persons, liberties, and properties; to  
34 maintain the right of each, and to cause justice to reign over us all.

35 **The Complete Perversion of the Law**

36 **But, unfortunately, law by no means confines itself to its proper functions. And when it has exceeded its proper**  
37 **functions, it has not done so merely in some inconsequential and debatable matters. The law has gone further**  
38 **than this; it has acted in direct opposition to its own purpose. The law has been used to destroy its own objective:**  
39 **It has been applied to annihilating the justice that it was supposed to maintain; to limiting and destroying**  
40 **rights which its real purpose was to respect. The law has placed the collective force at the disposal of the**  
41 **unscrupulous who wish, without risk, to exploit the person, liberty, and property of others. It has converted**  
42 **plunder into a right, defense into a crime, in order to punish lawful defense.**

43 How has this perversion of the law been accomplished? And what have been the results?

44 The law has been perverted by the influence of two entirely different causes: stupid greed and false philanthropy.  
45 Let us speak of the first.

46 **A Fatal Tendency of Mankind**

47 **Self-preservation and self-development are common aspirations among all people. And if everyone enjoyed the**  
48 **unrestricted use of his faculties and the free disposition of the fruits of his labor, social progress would be**  
49 **ceaseless, uninterrupted, and unending.**

1 **But there is also another tendency that is common among people. When they can, they wish to live and prosper**  
2 **at the expense of others.** This is no rash accusation. Nor does it come from a gloomy and uncharitable spirit.  
3 **The annals of history bear witness to the truth of it: the incessant wars, mass migrations, religious**  
4 **persecutions, universal slavery, dishonesty in commerce, and monopolies. This fatal desire has its origin in the**  
5 **very nature of man - in that primitive, universal, and insuppressible instinct that impels him to satisfy his**  
6 **desires with the least possible pain.**

#### 7 **Property and Plunder**

8 *Man can live and satisfy his wants only by ceaseless labor, by the ceaseless application of his faculties to natural*  
9 *resources. This process is the origin of property.*

10 *But it is also true that a man may live and satisfy his wants by seizing and consuming the products of the labor of*  
11 *others. This process is the origin of plunder.*

12 *Now since man is naturally inclined to avoid pain - and since labor is pain in itself - it follows that men will resort*  
13 *to plunder whenever plunder is easier than work. History shows this quite clearly. And under these conditions,*  
14 *neither religion nor morality can stop it.*

15 *When, then, does plunder stop? It stops when it becomes more painful and more dangerous than labor.*

16 *It is evident, then, that the proper purpose of law is to use the power of its collective force to stop this fatal*  
17 *tendency to plunder instead of to work. All the measures of the law should protect property and punish plunder.*

18 *But, generally, the law is made by one man or one class of men. And since law cannot operate without the sanction*  
19 *and support of a dominating force, this force must be entrusted to those who make the laws.*

20 *This fact, combined with the fatal tendency that exists in the heart of man to satisfy his wants with the least*  
21 *possible effort, explains the almost universal perversion of the law. Thus it is easy to understand how law, instead*  
22 *of checking injustice, becomes the invincible weapon of injustice. It is easy to understand why the law is used by*  
23 *the legislator to destroy in varying degrees among the rest of the people, their personal independence by slavery,*  
24 *their liberty by oppression, and their property by plunder. This is done for the benefit of the person who makes*  
25 *the law, and in proportion to the power that he holds.*

26 *[The Law, Frederic Bastiat, SOURCE: <http://famguardian.org/Publications/TheLaw/TheLaw.htm>]*

- 27 5. To suggest that there can be NO individual sovereign and that the ONLY kind of sovereignty that can exist is  
28 COLLECTIVE sovereignty is FALSE. See:

[Rebutted False Arguments About Sovereignty](https://sedm.org/Forms/08-PolicyDocs/RebFalseArgSovereignty.pdf), Form #08.018, Section 6.18  
<https://sedm.org/Forms/08-PolicyDocs/RebFalseArgSovereignty.pdf>

- 29 6. To suggest that a collective group called “the State” or “The Sovereign People” can have any more rights than the  
30 individual humans that make it up therefore clearly:  
31 6.1. Violates the maxims of law on delegation of powers.  
32 6.2. Imputes superior or super-natural powers to government, where you are the NATURAL and “government” or  
33 “the State” claims to be ABOVE the natural.

34 *“Religion. Man's relation to Divinity, to reverence, worship, obedience, and submission to mandates and*  
35 *precepts of supernatural or superior beings. In its broadest sense includes all forms of belief in the existence of*  
36 *superior beings exercising power over human beings by volition, imposing rules of conduct, with future*  
37 *rewards and punishments. Bond uniting man to God, and a virtue whose purpose is to render God worship*  
38 *due him as source of all being and principle of all government of things. Nikulnikoff v. Archbishop, etc., of*  
39 *Russian Orthodox Greek Catholic Church, 142 Misc. 894, 255 N.Y.S. 653, 663.”*  
40 *[Black's Law Dictionary, Sixth Edition, p. 1292]*

- 41 6.3. Makes the government or “State” into a religion to be worshipped and obeyed in violation of the First  
42 Amendment establishment clause. That unconstitutional religion is described in:

[Socialism: The New American Civil Religion](https://sedm.org/Forms/05-MemLaw/SocialismCivilReligion.pdf), Form #05.016  
<https://sedm.org/Forms/05-MemLaw/SocialismCivilReligion.pdf>

- 43 7. The process by which the Sovereign People constitutionally delegate powers to the government does NOT require the  
44 SURRENDER of those powers to the government receiving those powers.  
45 7.1. The powers can also be retained by those delegating.  
46 7.2. The powers can be exercised in competition with the government for those who have not joined the social  
47 compact by either choosing a civil domicile within a specific government or contracting with that government in  
48 a limited capacity described in the contract.

- 1 8. A government of delegated powers ALONE is one which must, in the interest of equality of treatment that is the  
2 foundation of the Constitution, allow everyone they serve or protect to EQUALLY be able to acquire rights and  
3 property against ALL others by all the same methods as GOVERNMENT does against the public.  
4 8.1. Equality of treatment is the FOUNDATION of freedom, as established by the U.S. Supreme court.  
5 8.2. If you aren't equal to the government IN COURT as a nonresident and under the English common law and  
6 principles of equity, then you are a vassal, a slave, and a peon worshipping a de facto state sponsored religion.  
7 8.3. A government that is NOT equal but is superior to you is an ANARCHIST government that can and will destroy  
8 ANYONE and EVERYONE under it. It is advocating what we call "GOVERNMENT SUPREMACY" just as  
9 virulent as "white supremacy" ever was:

10 *SEDM Disclaimer*  
11 *Section 4: Meaning of Words*  
12 *Section 4.21: Anarchy*

13 *The term "anarchy" implies any one or more of the following, and especially as regards so-called*  
14 *"governments". An important goal of this site it to eliminate all such "anarchy":*

- 15 *1. Are superior in any way to the people they govern UNDER THE LAW.*
- 16 *2. Are not directly accountable to the people or the law. They prohibit the PEOPLE from criminally prosecuting*  
17 *their own crimes, reserving the right to prosecute to their own fellow criminals. Who polices the police? THE*  
18 *CRIMINALS.*
- 19 *3. Enact laws that exempt themselves. This is a violation of the Constitutional requirement for equal protection*  
20 *and equal treatment and constitutes an unconstitutional Title of Nobility in violation of Article I, Section 9,*  
21 *Clause 8 of the United States Constitution.*
- 22 *4. Only enforce the law against others and NOT themselves, as a way to protect their own criminal activities by*  
23 *persecuting dissidents. This is called "selective enforcement". In the legal field it is also called "professional*  
24 *courtesy". Never kill the goose that lays the STOLEN golden eggs.*
- 25 *5. Break the laws with impunity. This happens most frequently when corrupt people in government engage in*  
26 *"selective enforcement", whereby they refuse to prosecute or interfere with the prosecution of anyone in*  
27 *government. The Department of Justice (D.O.J.) or the District Attorney are the most frequent perpetrators of*  
28 *this type of crime.*
- 29 *6. Are able to choose which laws they want to be subject to, and thus refuse to enforce laws against themselves.*  
30 *The most frequent method for this type of abuse is to assert sovereign, official, or judicial immunity as a defense*  
31 *in order to protect the wrongdoers in government when they are acting outside their delegated authority, or*  
32 *outside what the definitions in the statutes EXPRESSLY allow.*
- 33 *7. Impute to themselves more rights or methods of acquiring rights than the people themselves have. In other*  
34 *words, who are the object of PAGAN IDOL WORSHIP because they possess "supernatural" powers. By*  
35 *"supernatural", we mean that which is superior to the "natural", which is ordinary human beings.*
- 36 *8. Claim and protect their own sovereign immunity, but refuse to recognize the same EQUAL immunity of the*  
37 *people from whom that power was delegated to begin with. Hypocrites.*
- 38 *9. Abuse sovereign immunity to exclude either the government or anyone working in the government from being*  
39 *subject to the laws they pass to regulate everyone ELSE'S behavior. In other words, they can choose WHEN*  
40 *they want to be a statutory "person" who is subject, and when they aren't. Anyone who has this kind of choice*  
41 *will ALWAYS corruptly exclude themselves and include everyone else, and thereby enforce and implement an*  
42 *unconstitutional "Title of Nobility" towards themself. On this subject, the U.S. Supreme Court has held the*  
43 *following:*
- 44 *"No man in this country [including legislators of the government as a legal person] is so high that he is above*  
45 *the law. No officer of the law may set that law at defiance with impunity. All the officers of the government, from*  
46 *the highest to the lowest, are creatures of the law and are bound to obey it. It is the only supreme power in our*  
47 *system of government, and every man who by accepting office participates in its functions is only the more*  
48 *strongly bound to submit to that supremacy, and to observe the limitations which it imposes upon the exercise of*  
49 *the authority which it gives," 106 U.S., at 220. "Shall it be said... that the courts cannot give remedy when the*  
50 *Citizen has been deprived of his property by force, his estate seized and converted to the use of the government*  
51 *without any lawful authority, without any process of law, and without any compensation, because the president*  
52 *has ordered it and his officers are in possession? If such be the law of this country, it sanctions a tyranny which*  
53 *has no existence in the monarchies of Europe, nor in any other government which has a just claim to well-*  
54 *regulated liberty and the protection of personal rights," 106 U.S., at 220, 221.*

1 [United States v. Lee, 106 U.S. 196, 1 S. Ct. 240 (1882)]

2 10. Have a monopoly on anything, INCLUDING "protection", and who turn that monopoly into a mechanism  
3 to force EVERYONE illegally to be treated as uncompensated public officers in exchange for the "privilege" of  
4 being able to even exist or earn a living to support oneself.

5 11. Can tax and spend any amount or percentage of the people's earnings over the OBJECTIONS of the people.

6 12. Can print, meaning illegally counterfeit, as much money as they want to fund their criminal enterprise, and  
7 thus to be completely free from accountability to the people.

8 13. Deceive and/or lie to the public with impunity by telling you that you can't trust anything they say, but force  
9 YOU to sign everything under penalty of perjury when you want to talk to them. 26 U.S.C. §6065.

10 In support of the above definition of "anarchy", here is how the U.S. Supreme Court defined it:

11 "Decency, security, and liberty alike demand that government officials shall be subjected to the same rules of  
12 conduct that are commands to the citizen. In a government of laws, existence of the government will be imperiled  
13 if it fails to observe the law scrupulously. Our government is the potent, the omnipresent teacher. For good or for  
14 ill, it teaches the whole people by its example. Crime is contagious. If the government becomes a lawbreaker, it  
15 breeds contempt for law; it invites every man to become a law unto himself; it invites anarchy. To declare that in  
16 the administration of the criminal law the end justifies the means-to declare that the government may commit  
17 crimes in order to secure the conviction of a private criminal-would bring terrible retribution. Against that  
18 pernicious doctrine this court should resolutely set its face."  
19 [Olmstead v. United States, 277 U.S. 438 (1928)]

20 The above requirements are a consequence of the fact that the foundation of the United States Constitution is  
21 EQUAL protection and EQUAL treatment. Any attempt to undermine equal rights and equal protection  
22 described above constitutes:

23 1. The establishment of a state sponsored religion in violation of the First Amendment and the Religious  
24 Freedom Restoration Act, 42 U.S.C. Chapter 21B. That religion is described in: Socialism: The New American  
25 Civil Religion, Form #05.016. The object of worship of such a religion is imputing "supernatural powers" to  
26 civil rulers and forcing everyone to worship and serve said rulers as "superior beings".

27 2. The establishment of an unconstitutional Title of Nobility in violation of Article 1, Section 9, Clause 8 of the  
28 United States Constitution.  
29 [SEDM Disclaimer, Section 4.21: Anarchy; SOURCE: <https://sedm.org/disclaimer.htm>]

30 9. The constitution confers jurisdiction over government property ANYWHERE it is found, including states of the Union  
31 and all places not within its exclusive jurisdiction under Article 1, Section 8, Clause 17 of the Constitution.

32 United States Constitution

33 Article 4, Section 3

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

37  
38 "The Constitution permits Congress to dispose of and to make all needful rules and regulations respecting the  
39 territory or other property belonging to the United States. This power applies as well to territory belonging to  
40 the United States within the States, as beyond them. It comprehends all the public domain, wherever it may be.  
41 The argument is, that 510\*510 the power to make "ALL needful rules and regulations" "is a power of legislation,"  
42 "a full legislative power;" "that it includes all subjects of legislation in the territory," and is without any  
43 limitations, except the positive prohibitions which affect all the powers of Congress. Congress may then regulate  
44 or prohibit slavery upon the public domain within the new States, and such a prohibition would permanently  
45 affect the capacity of a slave, whose master might carry him to it. And why not? Because no power has been  
46 conferred on Congress. This is a conclusion universally admitted. But the power to "make rules and regulations  
47 respecting the territory" is not restrained by State lines, nor are there any constitutional prohibitions upon its  
48 exercise in the domain of the United States within the States; and whatever rules and regulations respecting  
49 territory Congress may constitutionally make are supreme, and are not dependent on the situs of "the territory."  
50 [Dred Scott v. Sandford, 60 U.S. 393  
51 (1857);[https://scholar.google.com/scholar\\_case?case=3231372247892780026](https://scholar.google.com/scholar_case?case=3231372247892780026)]

1 10. Nearly ALL of the civil statutory jurisdiction exercised by the national government within the borders of constitutional  
2 states originates from Article 4, Section 3, Clause 2. This is true in the case of all:

3 10.1. Statutory civil statuses such as “citizen” or “resident”, which derive from VOLUNTARY domicile within a  
4 specific venue. These are PROPERTY granted or loaned to you by its legislative CREATOR, the government  
5 with civil legal strings attached. Those who don’t want to be STATUTORY “citizens” or “residents” merely  
6 describe themselves as “nonresidents” to avoid the civil statutory obligations that go with these civil statuses.  
7 See:

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

8 10.2. Statutory civil statuses resulting from applying for government “benefits” or “franchises” such as Social Security.  
9 All such statuses are a product of your consent and right to contract. See:

*Government Instituted Slavery Using Franchises*, Form #05.030  
<https://sedm.org/Forms/05-MemLaw/Franchises.pdf>

10 10.3. PUBLIC rights GRANTED by statute to anyone in the civil statutory law.

11 10.3.1. All rights are property.

12 10.3.2. Anything that conveys rights is property.

13 10.3.3. Contracts convey rights and are therefore property.

14 10.3.4. Franchises are contracts and therefore property.

15 10.4. Federal enclaves.

16 10.5. Licensing.

17 10.6. Franchises.

18 10.7. Privileges.

19 10.8. Income tax.

20 10.9. Property tax.

21 10.10. Professional licenses.

22 10.11. Marriage licenses.

23 10.12. Passports, , which are PROPERTY of the national government granted temporarily to you with legal  
24 strings or conditions attached that create jurisdiction that would not otherwise exist.

25 10.13. Social Security Numbers and cards, which are PROPERTY of the national government granted  
26 temporarily to you with legal strings or conditions attached that create jurisdiction that would not otherwise exist.

27 11. The temporary granting of PUBLIC property to specific individuals is the main and perhaps ONLY method of  
28 CIVILLY regulating, taxing, or controlling people in states of the Union. That mechanism is described below:

29 *“The State in such cases exercises no greater right than an individual may exercise over the use of his own  
30 property when leased or loaned to others. The conditions upon which the privilege shall be enjoyed being stated  
31 or implied in the legislation authorizing its grant, no right is, of course, impaired by their enforcement. The  
32 recipient of the privilege, in effect, stipulates to comply with the conditions. It matters not how limited the  
33 privilege conferred, its acceptance implies an assent to the regulation of its use and the compensation for it.”*  
34 *[Munn v. Illinois, 94 U.S. 113 (1876) ]*

35 12. Acceptance of government property in the form of services, civil statutory privileges (misnamed as “rights” but  
36 actually PUBLIC rights) happens SUB SILENTIO and is “treated as if” there is IMPLIED rather than EXPRESS  
37 consent, based on the above. Thus:

38 12.1. Notice the above case of Munn the following language:

39 *“. . . its [government property] acceptance implies an assent to the regulation of its use and the compensation  
40 for it.”*  
41 *[Munn v. Illinois, 94 U.S. 113 (1876) ]*

42 12.2. So what you provide is ASSENT rather than explicit or overt “consent”. “Assent” and “consent” are NOT legally  
43 equivalent.

44 *ASSENT. Compliance: approval of something done; a declaration of willingness to do something in compliance  
45 with a request. Norton v. Davis, 83 Tex. 32, 18 S.W. 430; Appeal of Pittsburgh, 115 Pa. 4, 7 A. 778; To approve,  
46 ratify and confirm. People v. Consolidated Indemnity and Ins. Co., 233 App.Div. 74, 251 N.Y.S. 566, 569. It  
47 implies a conscious approval of facts actually known, as distinguished from mere neglect to ascertain facts. White-  
48 Wilson-Drew Co. v. Lyon Ratcliff Co., C.C.A.Ill., 268 F. 525, 526. Sometimes it is equivalent to “authorize.”  
49 Hagerla v. Mississippi River Power Co., D.C.Iowa, 202 F. 776, 783. In the sense of the law is a matter of overt  
50 acts, not of inward unanimity in motives, design or the interpretation of words. Triboro Coach Corporation v.  
51 New York State Labor Relations Board, 261 App.Div. 636, 27 N.Y.S.2d 83, 85.*

1 "Assent" is an act of understanding, while "consent" is an act of the will or feelings. *Ilundby v. Hogden*. 202 Wis.  
2 438, 232 N.W. 858, 860, 73 A.L.R. 648. It means passivity or submission which does not include consent.  
3 *Perryman v. State*, 63 Ga. App. 819, 12 S. E.2d 388, 390.

4 **Express Assent**

5 That which is openly declared.

6 **Implied Assent**

7 That which is presumed by law.

8 **Mutual Assent**

9 The meeting of the minds of both or all the parties to a contract; the fact that each agrees to all the terms and  
10 conditions, in the same sense and with the same meaning as the others. *Insurance Co. v. Young*, 23 Wall. 107, 23  
11 L.Ed. 152.

12 [*Black's Law Dictionary, Fourth Edition, p. 149*]

13 The above, by the way, is the basis for what the IRS calls "voluntary compliance". It is "assent" invisibly given  
14 usually without knowledge of the law or a recognition and protection of the government to NOT consent or  
15 comply without threat of punishment or duress.

16 12.3. The Declaration of Independence says all just powers of government derive from CONSENT, not "assent":

17 "We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator  
18 with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness.--That to secure  
19 these rights, Governments are instituted among Men, deriving their just powers from the consent of the governed,  
20 -"

21 [*Declaration of Independence*]

22 "Unalienable. Inalienable; incapable of being aliened, that is, sold and transferred."

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

24 Based on the above, what they are doing is tricking you into consent and making your consent essentially  
25 INVISIBLE, so they don't inform you that you have a right to NOT consent or to opt out of their offer as a  
26 Merchant offering government property or service IN ALL SUCH CASES. That trickery is described in:

27 [Hot Issues: Invisible Consent\\*](https://sedm.org/invisible-consent/), SEDM

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

28 12.4. "Assent" (not CONSENT) is given "sub silentio".

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

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

32 "Qui tacet consentire videtur.

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

34 [*Bouvier's Maxims of Law, 1856*;

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

35 12.5. The assent provided does not satisfy the requirement for "reasonable notice" that rights are being given up  
36 established in the following:

37 12.5.1. The following court cite:

38 ". . . Waivers of constitutional rights not only must be voluntary, but must be knowing, intelligent acts done with  
39 sufficient awareness of the relevant circumstances and likely consequences. . ."

40 [*Brady v. United States, 397 U.S. 742, 748*]

41 12.5.2. [Requirement for Reasonable Notice, Form #05.022](https://sedm.org/Forms/05-MemLaw/ReasonableNotice.pdf)

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

42 13. A conversion from PRIVATE property to PUBLIC property can happen by one of only TWO ways:

43 13.1. Convert the CIVIL STATUS of the original PRIVATE OWNER. For instance, associating the original  
44 PRIVATE owner with a PUBLIC civil statutory status such as "citizen", "resident", "person", "taxpayer", etc.



This is usually done by filing the WRONG tax form, such as the 1040. If you don't want to be connected with any privileged civil statutory statuses, you use the 1040NR form. This approach is described in:

Non-Resident Non-Person Position, Form #05.020

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

13.2. Convert the CIVIL STATUS of the PRIVATE property itself to PUBLIC. For instance, filling out a W-4 as a PRIVATE human who is NOT a STATUTORY "employee" and thereby:

13.2.1. CONSENTING to be treated "as if" you are a statutory PUBLIC "employee".

13.2.2. Converting the earnings into statutory "wages" and a "federal payment (from the government, even if paid by an otherwise PRIVATE company)" under 26 U.S.C. §3402(p).

If you don't want to be treated as a statutory "employee" and don't want your earnings converted to taxable "wages", then use the Form W-8 to preserve your PRIVATE, NONRESIDENT civil status:

About IRS Form W-8BEN, Form #04.202

<https://sedm.org/Forms/04-Tax/2-Withholding/W-8BEN/AboutIRSFormW-8BEN.htm>

14. If you don't want to be CIVILLY taxed, regulated, or civilly controlled by government, you MUST:

14.1. Avoid asking the government for any kind of civil services or PUBLIC property or even civil statutory privileges. Don't feed the animals!, keeping in mind that YOU are the sovereign visiting the government zoo, and the animals will always try to escape their cage (the District of Criminals) or get more food (revenue) than they are entitled to.

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

[Sovereignty Education and Defense Ministry (SEDM) Website Opening Page; <http://sedm.org/>]

14.2. Challenge the authority of the national government to offer statutory privileges or franchises within the constitutional states of the Union. See:

*"Thus, Congress having power to regulate commerce with foreign nations, and among the several States, and with the Indian tribes, may, without doubt, provide for granting coasting licenses, licenses to pilots, licenses to trade with the Indians, and any other licenses necessary or proper for the exercise of that great and extensive power; and the same observation is applicable to every other power of Congress, to the exercise of which the granting of licenses may be incident. All such licenses confer authority, and give rights to the licensee.*

*But very different considerations apply to the internal commerce or domestic trade of the States. Over this commerce and trade Congress has no power of regulation nor any direct control. This power belongs exclusively to the States. No interference by Congress with the business of citizens transacted within a State is warranted by the Constitution, except such as is strictly incidental to the exercise of powers clearly granted to the legislature. The power to authorize a business within a State is plainly repugnant to the exclusive power of the State over the same subject. It is true that the power of Congress to tax is a very extensive power. It is given in the Constitution, with only one exception and only two qualifications. Congress cannot tax exports, and it must impose direct taxes by the rule of apportionment, and indirect taxes by the rule of uniformity. Thus limited, and thus only, it reaches every subject, and may be exercised at discretion. But, it reaches only existing subjects. Congress cannot authorize a trade or business within a State in order to tax it."*

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

14.3. Approach ALL governments ONLY as a Merchant under U.C.C. §2-104(1) selling YOUR property with legal strings and NEVER as a Buyer under U.C.C. §2-103(1)(a) seeking their property, CIVIL "rights" (privileges), CIVIL services, "benefits", or franchises. That way, it's IMPOSSIBLE for you to consent to any of their

franchises or privileges and thereby waive your PRIVATE rights or convert PRIVATE to PUBLIC. For an example of the agreement, you can associate with all offers to the government of your property or services, see:

[Injury Defense Franchise and Agreement](https://sedm.org/Forms/FormIndex.htm), Form #06.027  
<https://sedm.org/Forms/FormIndex.htm>

Your ownership of PRIVATE property is the origin of MOST of your sovereignty. If you have PRIVATE property, you can use your absolute ownership and control over it to control GOVERNMENT and keep them in their role as ONLY a servant serving INSIDE the “zoo” and “cage” that Mark Twain called “the District of Criminals”. The minute you start asking government for goodies, you facilitate their ESCAPE from that legal cage (4 U.S.C. §72). The Bible warns you to NEVER allow them to escape that cage, and comes with a CURSE if you allow that to happen:

#### 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]

The purpose of establishing government is to protect MAINLY PRIVATE property. A government becomes “de facto” when it does the OPPOSITE by creating a profitable business, called a “franchise”, out of converting PRIVATE property into PUBLIC property. At that point, government becomes a SHAM trust and everyone in government has a criminal financial conflict of interest. It also becomes an “ANTI-GOVERNMENT”. See:

[De Facto Government Scam](https://sedm.org/Forms/05-MemLaw/DeFactoGov.pdf), Form #05.043  
<https://sedm.org/Forms/05-MemLaw/DeFactoGov.pdf>

Those without private property or private rights are literally SLAVES! Never give it up or give it away by fornicating with the Beast government in the process of procuring “benefits”!

#### SEDM Ministry Introduction

What is a slave? A SLAVE IS A HUMAN BEING:

1. [Who can be connected with any statutory status in civil franchises or civil law to which public rights attach without their EXPRESS consent](#). This is a Fifth Amendment taking without compensation, a violation of the right to contract and associate, and a conversion of PRIVATE property to PUBLIC property.
2. [Who can’t ABSOLUTELY own PRIVATE PROPERTY](#). Instead, ownership is either exclusively with the government or is QUALIFIED ownership in which the REAL owner is the government and the party holding title has merely equitable interest or “qualified ownership” in the fruits.
3. [Who is SOMEONE ELSE’S PROPERTY](#). That property is called a STATUTORY “person”, “taxpayer” (under the tax code), “driver”, “spouse” (under the family code) and you volunteered to become someone else’s property by invoking these statuses, which are government property. All such “persons” are public officers in the government. [Form #05.042](#).

- 1                    4. *Who is compelled to economic or contractual servitude to anyone else, including a government. All*  
2 *franchises are contracts. [Form #05.030](#).*
- 3                    5. *Who is compelled to share any aspect of ownership or control of any property with the government. In*  
4 *other words, is compelled to engage in a “moiety” and surrender PRIVATE rights illegally and*  
5 *unconstitutionally.*
- 6                    6. *Whose ownership of property was converted from ABSOLUTE to QUALIFIED without their EXPRESS*  
7 *written and informed consent.*
- 8                    7. *Who is not allowed to EXCLUDE government from benefitting from or taxing property held as ABSOLUTE*  
9 *title.*
- 10                   8. *Who is EXCLUDED from holding Title to property as ABSOLUTE or outside the “State”, where “State”*  
11 *means the GOVERNMENT (meaning a CORPORATION FRANCHISE, [Form #05.024](#)) and not a*  
12 *geographic place.*
- 13                   9. *Who the government REFUSES its constitutional duty to protect the PRIVATE rights or property of (Form*  
14 *#12.038) or undermines or interferes with REMEDIES that protect them from involuntary conversion of*  
15 *ownership from ABSOLUTE to QUALIFIED.*
- 16                   10. *Who is compelled to associate PUBLIC property with PRIVATE property, namely Social Security Numbers*  
17 *or Taxpayer Identification Numbers and thereby accomplish a conversion of ownership. [SSNs and TINs](#)*  
18 *are what the FTC calls a “franchise mark” (Form #05.012).*
- 19                   11. *Whose reservation of rights under U.C.C. §1-308 or 1-207 is interfered with or ignored and thereby is*  
20 *compelled to contract with and become an agent or officer of a government (Form #05.042) using a*  
21 *government application form (Form #12.023).*
- 22                   12. *Who isn't absolutely equal (Form #05.033) to any and every government or who is compelled to become*  
23 *unequal or a franchisee (Form #05.030). The basis of ALL your freedom is EQUALITY of rights, as held*  
24 *by the U.S. Supreme Court. See [Form #12.021, Video 1](#).*

25 [SEDM Ministry Introduction, Form #12.014; <https://sedm.org/Ministry/MinistryIntro.pdf>

26 People who give away ANY PART of their PRIVATE PROPERTY voluntarily to a government in the process of conducting  
27 “commerce” with that government are described by the bible literally as “harlots”. Harlots seek pleasure for money. Black’s  
28 Law Dictionary defines “commerce” as “intercourse”, which means you are fornicating with the government “Beast”:

29 *“Commerce. ...Intercourse by way of trade and traffic between different peoples or states and the citizens or*  
30 *inhabitants thereof, including not only the purchase, sale, and exchange of commodities, but also the*  
31 *instrumentalities [governments] and agencies by which it is promoted and the means and appliances by which it*  
32 *is carried on...”*  
33 *[Black’s Law Dictionary, Sixth Edition, p. 269]*

34 *“Then one of the seven angels who had the seven bowls came and talked with me, saying [a]to me, “Come, I will*  
35 *show you the judgment of the great harlot who sits on many waters, 2 with whom the kings of the earth*  
36 *committed fornication, and the inhabitants of the earth were made drunk with the wine of her fornication.””*  
37 *[Rev. 17:1-2, Bible, NKJV]*

38 The “kings of the Earth” above are our modern-day government. The “many waters” are described as “nations”, meaning  
39 GOVERNMENTS. Fornication above is a metaphor for “intercourse”, meaning COMMERCE with the government.

40 We should also point out that anyone who believes that they have ANY CIVIL STATUTORY DUTY WHATSOEVER is an  
41 agent and officer of the government. Therefore, the above prohibition also applies to avoiding commerce or intercourse with  
42 those acting as agents of the government, such as “withholding agents”, civil statutory “persons”, franchisees, etc. For proof,  
43 see:

[Proof That There Is a “Straw Man”, Form #05.042](#)  
<https://sedm.org/Forms/05-MemLaw/StrawMan.pdf>

1 How does one avoid doing business with public officer whores mentioned in the civil statutes? Using Private Membership  
2 Associations (PMAs). Our Member Agreement is an example of such an association. It essentially uses your power to  
3 contract as a vehicle to contract the government COMPLETELY out of your relationship with others:

*SEDM Member Agreement*, Form #01.001  
<https://sedm.org/Membership/MemberAgreement.pdf>

4 The civil statutory code is the “membership agreement” for those who VOLUNTEER to be secular club members of the  
5 modern collective or “State”, and we know that secular civil or legal association with unbelievers or corrupted governments  
6 is anathema to what the Bible teaches, and in conflict with our delegation of authority order (the Bible) as Christians.

7 *And I heard another voice from heaven saying, “Come out of her, my people, lest you share in her sins, and lest*  
8 *you receive of her plagues.*  
9 *[Revelation 18:4, Bible, NKJV]*

10 *“Adulterers and adulteresses! Do you not know that friendship [and “citizenship”/domicile] with the world [or*  
11 *the governments of the world] is enmity with God? Whoever therefore wants to be a friend [statutory “citizen” or*  
12 *“taxpayer” or “resident” or “inhabitant”] of the world makes himself an enemy of God.”*  
13 *[James 4:4, Bible, NKJV]*

14 You can learn more about how the above corruption of society manifests itself to institute a “dulocracy”, in which the public  
15 servants and the slaves become masters:

*How Scoundrels Corrupted Our Republican Form of Government*, Family Guardian Fellowship  
<https://famguardian.org/Subjects/Taxes/Evidence/HowScCorruptOurRepubGovt.htm>

#### 16 **14. The History of the Application of the Constitution Outside of States of the Union**

17 Many if not most of the rights spoken of in this document apply inside states of the Union and do not apply on federal territory  
18 or abroad in foreign countries. This is because the Constitution and the rights that it protects attach to land and not the status  
19 of the people ON the land:

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

23 As such, it is VERY important when litigating to protect your rights to know exactly where the Constitution physically  
24 applies. Obviously, we know it applies to land under the exclusive jurisdiction of states of the Union, but what about places  
25 OUTSIDE of those areas, such as federal enclaves, territories, and possessions? This area of law is called “extraterritorial  
26 application of the constitution”.

27 The most instructive U.S. Supreme Court case on the subject of the history of the application of the Constitution outside of  
28 states of the Union is the following case, which we repeat here for the edification of the reader:

29 *The Framers foresaw that the United States would expand and acquire new territories. See [American Ins. Co. v.](#)*  
30 *[356 Bales of Cotton, 1 Pet. 511, 542, 7 L.Ed. 242 \(1828\)](#), Article IV, § 3, cl. 1, grants Congress the power to*  
31 *admit new States. Clause 2 of the same section grants Congress the “Power to dispose of and make all needful*  
32 *Rules and Regulations respecting the Territory or other Property belonging to the United States.” Save for a few*  
33 *notable (and notorious) exceptions, e.g., [Dred Scott v. Sandford, 19 How. 393, 15 L.Ed. 691 \(1857\)](#), throughout*  
34 *most of our history there was little need to explore the outer boundaries of the Constitution’s geographic reach.*  
35 *When Congress exercised its power to create new territories, it guaranteed constitutional protections to the*  
36 *inhabitants by statute. See, e.g., An Act: to establish a Territorial Government for Utah, § 17, 9 Stat. 458 (“[T]he*  
37 *Constitution and laws of the United States are hereby extended over and declared to be in force in said Territory*  
38 *of Utah”); Rev. Stat. § 1891 (“The Constitution and all laws of the United States which are not locally*  
39 *inapplicable shall have the same force and effect within all the organized Territories, and in every Territory*  
40 *hereafter organized as elsewhere within the United States”); see generally Burnett, *United States: American*  
41 *Expansion and Territorial Deannexation*, 72 U. Chi. L.Rev. 797, 825-827 (2005). In particular, there was no need  
42 *to test the limits of the Suspension Clause because, as early as 1789, Congress extended the writ to the Territories.*  
43 *See Act of Aug. 7, 1789, 1 Stat. 52 (reaffirming Art. II of Northwest Ordinance of 1787, which provided that*  
44 *“[t]he inhabitants of the said territory, shall always be entitled to the benefits of the writ of habeas corpus”).**



1 Fundamental questions regarding the Constitution's geographic scope first arose at the dawn of the 20th century  
2 when the Nation acquired noncontiguous Territories: Puerto Rico, Guam, and the Philippines—ceded to the  
3 United States by Spain at the conclusion of the Spanish-American War—and Hawaii—annexed by the United  
4 States in 1898. At this point Congress chose to discontinue its previous practice <sup>2254</sup>\*2254 of extending  
5 constitutional rights to the Territories by statute. See, e.g., An Act Temporarily to provide for the administration  
6 of the affairs of civil government in the Philippine Islands, and for other purposes, 32 Stat. 692 (noting that Rev.  
7 Stat. § 1891 did not apply to the Philippines).

8 In a series of opinions later known as the Insular Cases, the Court addressed whether the Constitution, by its own  
9 force, applies in any territory that is not a State. See *De Lima v. Bidwell*, 182 U.S. 1, 21 S.Ct. 743, 45 L.Ed. 1041  
10 (1901); *Dooley v. United States*, 182 U.S. 222, 21 S.Ct. 762, 45 L.Ed. 1074 (1901); *Armstrong v. United States*,  
11 182 U.S. 243, 21 S.Ct. 827, 45 L.Ed. 1086 (1901); *Downes v. Bidwell*, 182 U.S. 244, 21 S.Ct. 770, 45 L.Ed. 1088  
12 (1901); *Hawaii v. Mankichi*, 190 U.S. 197, 23 S.Ct. 787, 47 L.Ed. 1016 (1903); *Dorr v. United States*, 195 U.S.  
13 138, 24 S.Ct. 808, 49 L.Ed. 128 (1904). The Court held that the Constitution has independent force in these  
14 Territories, a force not contingent upon acts of legislative grace. Yet it took note of the difficulties inherent in that  
15 position.

16 Prior to their cession to the United States, the former Spanish colonies operated under a civil-law system, without  
17 experience in the various aspects of the Anglo-American legal tradition, for instance the use of grand and petit  
18 juries. At least with regard to the Philippines, a complete transformation of the prevailing legal culture would  
19 have been not only disruptive but also unnecessary, as the United States intended to grant independence to that  
20 Territory. See An Act To declare the purpose of the people of the United States as to the future political status of  
21 the people of the Philippine Islands, and to provide a more autonomous government for those islands (Jones Act),  
22 39 Stat. 545 (noting that “it was never the intention of the people of the United States in the incipency of the War  
23 with Spain to make it a war of conquest or for territorial aggrandizement” and that “it is, as it has always been,  
24 the purpose of the people of the United States to withdraw their sovereignty over the Philippine Islands and to  
25 recognize their independence as soon as a stable government can be established therein”). The Court thus was  
26 reluctant to risk the uncertainty and instability that could result from a rule that displaced altogether the existing  
27 legal systems in these newly acquired Territories. See *Downes*, *supra*, at 282, 21 S.Ct. 770 (“It is obvious that in  
28 the annexation of outlying and distant possessions grave questions will arise from differences of race, habits,  
29 laws and customs of the people, and from differences of soil, climate and production...”).

30 These considerations resulted in the doctrine of territorial incorporation, under which the Constitution applies  
31 in full in incorporated Territories surely destined for statehood but only in part in unincorporated Territories.  
32 See *Dorr*, *supra*, at 143, 24 S.Ct. 808 (“Until Congress shall see fit to incorporate territory ceded by treaty into  
33 the United States, ... the territory is to be governed under the power existing in Congress to make laws for such  
34 territories and subject to such constitutional restrictions upon the powers of that body as are applicable to the  
35 situation”); *Downes*, *supra*, at 293, 21 S.Ct. 770 (*White, J., concurring*) (“[T]he determination of what particular  
36 provision of the Constitution is applicable, generally speaking, in all cases, involves an inquiry into the situation  
37 of the territory and its relations to the United States”). As the Court later made clear, “the real issue in the Insular  
38 Cases was not whether the Constitution extended to the Philippines or Porto Rico when we went there, but which  
39 of its provisions were applicable by way of <sup>2255</sup>\*2255 limitation upon the exercise of executive and legislative  
40 power in dealing with new conditions and requirements.” *Balzac v. Porto Rico*, 258 U.S. 298, 312, 42 S.Ct. 343,  
41 66 L.Ed. 627 (1922). It may well be that over time the ties between the United States and any of its unincorporated  
42 Territories strengthen in ways that are of constitutional significance. Cf. *Torres v. Puerto Rico*, 442 U.S. 465,  
43 475-476, 99 S.Ct. 2425, 61 L.Ed.2d. 1 (1979) (*Brennan, J., concurring in judgment*) (“Whatever the validity of  
44 the [Insular Cases] in the particular historical context in which they were decided, those cases are clearly not  
45 authority for questioning the application of the Fourth Amendment—or any other provision of the Bill of Rights—to  
46 the Commonwealth of Puerto Rico in the 1970’s”). But, as early as *Balzac* in 1922, the Court took for granted  
47 that even in unincorporated Territories the Government of the United States was bound to provide to noncitizen  
48 inhabitants “guaranties of certain fundamental personal rights declared in the Constitution.” 258 U.S., at 312,  
49 42 S.Ct. 343; see also *Late Corp. of Church of Jesus Christ of Latter-Day Saints v. United States*, 136 U.S. 1, 44,  
50 10 S.Ct. 792, 34 L.Ed. 478 (1890) (“Doubtless Congress, in legislating for the Territories would be subject to  
51 those fundamental limitations in favor of personal rights which are formulated in the Constitution and its  
52 amendments”). Yet noting the inherent practical difficulties of enforcing all constitutional provisions “always  
53 and everywhere,” *Balzac*, *supra*, at 312, 42 S.Ct. 343, the Court devised in the Insular Cases a doctrine that  
54 allowed it to use its power sparingly and where it would be most needed. This century-old doctrine informs our  
55 analysis in the present matter.

56 Practical considerations likewise influenced the Court's analysis a half century later in *Reid*, 354 U.S. 1, 77 S.Ct.  
57 1222, 1 L.Ed.2d. 1148. The petitioners there, spouses of American servicemen, lived on American military bases  
58 in England and Japan. They were charged with crimes committed in those countries and tried before military  
59 courts, consistent with executive agreements the United States had entered into with the British and Japanese  
60 Governments. *Id.*, at 15-16, and nn. 29-30, 77 S.Ct. 1222 (*plurality opinion*). Because the petitioners were not  
61 themselves military personnel, they argued they were entitled to trial by jury.

62 Justice Black, writing for the plurality, contrasted the cases before him with the Insular Cases, which involved  
63 territories “with wholly dissimilar traditions and institutions” that Congress intended to govern only  
64 “temporarily.” *Id.*, at 14, 77 S.Ct. 1222. Justice Frankfurter argued that the “specific circumstances of each  
65 particular case” are relevant in determining the geographic scope of the Constitution. *Id.*, at 54, 77 S.Ct. 1222

(opinion concurring in result). And Justice Harlan, who had joined an opinion reaching the opposite result in the case in the previous Term, [Reid v. Covert](#), 351 U.S. 487, 76 S.Ct. 880, 100 L.Ed. 1352 (1956), was most explicit in rejecting a “rigid and abstract rule” for determining where constitutional guarantees extend. [Reid](#), 354 U.S., at 74, 77 S.Ct. 1222 (opinion concurring in result). He read the Insular Cases to teach that whether a constitutional provision has extraterritorial effect depends upon the “particular circumstances, the practical necessities, and the possible alternatives which Congress had before it” and, in particular, whether judicial enforcement of the provision would be “impracticable and anomalous.” *Id.*, at 74-75, 77 S.Ct. 1222; see also [United States v. Verdugo-Urquidez](#), 494 U.S. 259, 277-278, 110 S.Ct. 1056, 108 L.Ed.2d. 222 (1990) (KENNEDY, J., concurring) (applying the “impracticable 2256\*2256 and anomalous” extraterritoriality test in the Fourth Amendment context).

That the petitioners in *Reid* were American citizens was a key factor in the case and was central to the plurality’s conclusion that the Fifth and Sixth Amendments apply to American civilians tried outside the United States. But practical considerations, related not to the petitioners’ citizenship but to the place of their confinement and trial, were relevant to each Member of the *Reid* majority. And to Justices Harlan and Frankfurter (whose votes were necessary to the Court’s disposition) these considerations were the decisive factors in the case.

Indeed the majority splintered on this very point. The key disagreement between the plurality and the concurring Justices in *Reid* was over the continued precedential value of the Court’s previous opinion in [In re Ross](#), 140 U.S. 453, 11 S.Ct. 897, 35 L.Ed. 581 (1891), which the *Reid* Court understood as holding that under some circumstances Americans abroad have no right to indictment and trial by jury. The petitioner in *Ross* was a sailor serving on an American merchant vessel in Japanese waters who was tried before an American consular tribunal for the murder of a fellow crewman. 140 U.S., at 459, 479, 11 S.Ct. 897. The *Ross* Court held that the petitioner, who was a British subject, had no rights under the Fifth and Sixth Amendments. *Id.*, at 464, 11 S.Ct. 897. The petitioner’s citizenship played no role in the disposition of the case, however. The Court assumed (consistent with the maritime custom of the time) that *Ross* had all the rights of a similarly situated American citizen. *Id.*, at 479, 11 S.Ct. 897 (noting that *Ross* was “under the protection and subject to the laws of the United States equally with the seaman who was native born”). The Justices in *Reid* therefore properly understood *Ross* as standing for the proposition that, at least in some circumstances, the jury provisions of the Fifth and Sixth Amendments have no application to American citizens tried by American authorities abroad. See 354 U.S., at 11-12, 77 S.Ct. 1222 (plurality opinion) (describing *Ross* as holding that “constitutional protections applied ‘only to citizens and others within the United States ... and not to residents or temporary sojourners abroad’” (quoting [Ross](#), *supra*, at 464, 11 S.Ct. 897); 354 U.S., at 64, 77 S.Ct. 1222 (Frankfurter, J., concurring in result) (noting that the consular tribunals upheld in *Ross* “w[ere] based on long-established custom and they were justified as the best possible means for securing justice for the few Americans present in [foreign] countries”); 354 U.S., at 75, 77 S.Ct. 1222 (Harlan, J., concurring in result) (“[W]hat *Ross* and the Insular Cases hold is that the particular local setting, the practical necessities, and the possible alternatives are relevant to a question of judgment, namely, whether jury trial should be deemed a necessary condition of the exercise of Congress’ power to provide for the trial of Americans overseas”).

The *Reid* plurality doubted that *Ross* was rightly decided, precisely because it believed the opinion was insufficiently protective of the rights of American citizens. See 354 U.S., at 10-12, 77 S.Ct. 1222; see also *id.*, at 78, 77 S.Ct. 1222 (Clark, J., dissenting) (noting that “four of my brothers would specifically overrule and two would impair the long-recognized vitality of an old and respected precedent in our law, the case of [In re Ross](#), 140 U.S. 453, 11 S.Ct. 897, 35 L.Ed. 581 (1891)”). But Justices Harlan and Frankfurter, while willing to hold that the American citizen petitioners in the cases before them were entitled to the protections of Fifth and Sixth Amendments, were unwilling to overturn *Ross*. 354 U.S., at 64, 77 S.Ct. 1222 (Frankfurter, J., concurring in result); 2257\*2257 *id.*, at 75, 77 S.Ct. 1222 (Harlan, J., concurring in result). Instead, the two concurring Justices distinguished *Ross* from the cases before them, not on the basis of the citizenship of the petitioners, but on practical considerations that made jury trial a more feasible option for them than it was for the petitioner in *Ross*. If citizenship had been the only relevant factor in the case, it would have been necessary for the Court to overturn *Ross*, something Justices Harlan and Frankfurter were unwilling to do. See [Verdugo-Urquidez](#), *supra*, at 277, 110 S.Ct. 1056 (KENNEDY, J., concurring) (noting that *Ross* had not been overruled).

Practical considerations weighed heavily as well in [Johnson v. Eisentrager](#), 339 U.S. 763, 70 S.Ct. 936, 94 L.Ed. 1255 (1950), where the Court addressed whether habeas corpus jurisdiction extended to enemy aliens who had been convicted of violating the laws of war. The prisoners were detained at Landsberg Prison in Germany during the Allied Powers’ post-War occupation. The Court stressed the difficulties of ordering the Government to produce the prisoners in a habeas corpus proceeding. It “would require allocation of shipping space, guarding personnel, billeting and rations” and would damage the prestige of military commanders at a sensitive time. *Id.*, at 779, 70 S.Ct. 936. In considering these factors the Court sought to balance the constraints of military occupation with constitutional necessities. *Id.*, at 769-779, 70 S.Ct. 936; see [Rasul](#), 542 U.S., at 475-476, 124 S.Ct. 2686 (discussing the factors relevant to *Eisentrager*’s constitutional holding); 542 U.S., at 486, 124 S.Ct. 2686 (KENNEDY, J., concurring in judgment) (same).

True, the Court in *Eisentrager* denied access to the writ, and it noted the prisoners “at no relevant time were within any territory over which the United States is sovereign, and [that] the scenes of their offense, their capture, their trial and their punishment were all beyond the territorial jurisdiction of any court of the United States.” 339 U.S., at 778, 70 S.Ct. 936. The Government seizes upon this language as proof positive that the *Eisentrager* Court



1 adopted a formalistic, sovereignty-based test for determining the reach of the Suspension Clause. See Brief for  
2 Federal Respondents 18-20. We reject this reading for three reasons.

3 First, we do not accept the idea that the above-quoted passage from *Eisentrager* is the only authoritative language  
4 in the opinion and that all the rest is dicta. The Court's further determinations, based on practical considerations,  
5 were integral to Part II of its opinion and came before the decision announced its holding. See [339 U.S., at 781](#),  
6 [70 S.Ct. 936](#).

7 Second, because the United States lacked both *de jure* sovereignty and plenary control over Landsberg Prison,  
8 see *infra*, at 2258 – 2259, it is far from clear that the *Eisentrager* Court used the term sovereignty only in the  
9 narrow technical sense and not to connote the degree of control the military asserted over the facility. See *supra*,  
10 at 2250 – 2251. The Justices who decided *Eisentrager* would have understood sovereignty as a multifaceted  
11 concept. See *Black's Law Dictionary* 1568 (4th ed.1951) (defining “sovereignty” as “[t]he supreme, absolute,  
12 and uncontrollable power by which any independent state is governed”; “the international independence of a  
13 state, combined with the right and power of regulating its internal affairs without foreign dictation”; and “[t]he  
14 power to do everything in a state without accountability”); *Ballentine's Law Dictionary With Pronunciations*  
15 1216 (2d ed.1948) (defining “sovereignty” as “[t]hat public authority which commands in civil society, and  
16 orders and directs what each ~~2258~~\*2258 citizen is to perform to obtain the end of its institution”). In its principal  
17 brief in *Eisentrager*, the Government advocated a bright-line test for determining the scope of the writ, similar to  
18 the one it advocates in these cases. See Brief for Petitioners in *Johnson v. Eisentrager*, O.T.1949, No. 306, pp.  
19 74-75. Yet the Court mentioned the concept of territorial sovereignty only twice in its opinion. See *Eisentrager*,  
20 *supra*, at 778, 780, 70 S.Ct. 936. That the Court devoted a significant portion of Part II to a discussion of practical  
21 barriers to the running of the writ suggests that the Court was not concerned exclusively with the formal legal  
22 status of Landsberg Prison but also with the objective degree of control the United States asserted over it. Even  
23 if we assume the *Eisentrager* Court considered the United States' lack of formal legal sovereignty over Landsberg  
24 Prison as the decisive factor in that case, its holding is not inconsistent with a functional approach to questions  
25 of extraterritoriality. The formal legal status of a given territory affects, at least to some extent, the political  
26 branches' control over that territory. *De jure* sovereignty is a factor that bears upon which constitutional  
27 guarantees apply there.

28 Third, if the Government's reading of *Eisentrager* were correct, the opinion would have marked not only a change  
29 in, but a complete repudiation of, the *Insular Cases*' (and later *Reid*'s) functional approach to questions of  
30 extraterritoriality. We cannot accept the Government's view. Nothing in *Eisentrager* says that *de jure* sovereignty  
31 is or has ever been the only relevant consideration in determining the geographic reach of the Constitution or of  
32 habeas corpus. Were that the case, there would be considerable tension between *Eisentrager*, on the one hand,  
33 and the *Insular Cases* and *Reid*, on the other. Our cases need not be read to conflict in this manner. A constricted  
34 reading of *Eisentrager* overlooks what we see as a common thread uniting the *Insular Cases*, *Eisentrager*, and  
35 *Reid*: the idea that questions of extraterritoriality turn on objective factors and practical concerns, not formalism.

## 36 B

37 The Government's formal sovereignty-based test raises troubling separation-of-powers concerns as well. The  
38 political history of Guantanamo illustrates the deficiencies of this approach. The United States has maintained  
39 complete and uninterrupted control of the bay for over 100 years. At the close of the Spanish-American War,  
40 Spain ceded control over the entire island of Cuba to the United States and specifically “relinquishe[d] all claim  
41 of sovereignty ... and title.” See *Treaty of Paris*, Dec. 10, 1898, U.S.-Spain, Art. I, 30 Stat. 1755, T.S. No. 343.  
42 From the date the treaty with Spain was signed until the Cuban Republic was established on May 20, 1902, the  
43 United States governed the territory “in trust” for the benefit of the Cuban people. [Neely v. Henkel](#), 180 U.S. 109,  
44 120, 21 S.Ct. 302, 45 L.Ed. 448 (1901); H. Thomas, *Cuba or The Pursuit of Freedom* 436, 460 (1998). And  
45 although it recognized, by entering into the 1903 Lease Agreement, that Cuba retained “ultimate sovereignty”  
46 over Guantanamo, the United States continued to maintain the same plenary control it had enjoyed since 1898.  
47 Yet the Government's view is that the Constitution had no effect there, at least as to noncitizens, because the  
48 United States disclaimed sovereignty in the formal sense of the term. The necessary implication of the argument  
49 is that by surrendering formal sovereignty over any unincorporated territory to a third party, while at the same  
50 time entering into a lease that grants total control over the territory back to the United States, it would be possible  
51 ~~2259~~\*2259 for the political branches to govern without legal constraint.

52 Our basic charter cannot be contracted away like this. The Constitution grants Congress and the President the  
53 power to acquire, dispose of, and govern territory, not the power to decide when and where its terms apply. Even  
54 when the United States acts outside its borders, its powers are not “absolute and unlimited” but are subject “to  
55 such restrictions as are expressed in the Constitution.” [Murphy v. Ramsey](#), 114 U.S. 15, 44, 5 S.Ct. 747, 29 L.Ed.  
56 47 (1885). Abstaining from questions involving formal sovereignty and territorial governance is one thing. To  
57 hold the political branches have the power to switch the Constitution on or off at will is quite another. The former  
58 position reflects this Court's recognition that certain matters requiring political judgments are best left to the  
59 political branches. The latter would permit a striking anomaly in our tripartite system of government, leading to  
60 a regime in which Congress and the President, not this Court, say “what the law is.” [Marbury v. Madison](#), 1  
61 [Cranch](#) 137, 177, 2 L.Ed. 60 (1803).

62 These concerns have particular bearing upon the Suspension Clause question in the cases now before us, for the  
63 writ of habeas corpus is itself an indispensable mechanism for monitoring the separation of powers. The test for

determining the scope of this provision must not be subject to manipulation by those whose power it is designed to restrain.

[*Boumediene v. Bush*, 553 U.S. 723 (Supreme Court 2008);

SOURCE: [https://scholar.google.com/scholar\\_case?case=913322981351483444](https://scholar.google.com/scholar_case?case=913322981351483444)]

## 15. The Bill of NO Rights

### The Bill of NO Rights

"We, the sensible people of the United States, in an attempt to help everyone get along, restore some semblance of [Justice](#), avoid any more riots, keep our nation safe, promote positive behavior, and secure the blessings of debt-free liberty to ourselves and our great-great-grandchildren, hereby try one more time to ordain and establish some common sense guidelines for the terminally whiny, guilt-ridden, deluded, and other liberal Bed-wetters.

We hold these truths to be self-evident: that a whole lot of people are confused by the Bill of Rights and are so dim that they require a Bill of No Rights."

ARTICLE I: You do not have the right to a new car, big screen TV or any other form of wealth. More power to you if you can legally acquire them, but no one is guaranteeing anything.

ARTICLE II: You do not have the right to never be offended. This country is based on freedom, and that means freedom for everyone - not just you! You may leave the room, change the channel, express a different opinion, etc., but the world is full of idiots, and probably always will be.

ARTICLE III: You do not have the right to be free from harm. If you stick a screwdriver in your eye, learn to be more careful. Do not expect the tool manufacturer to make you and all your relatives independently wealthy.

ARTICLE IV: You do not have the right to free food and housing. Americans are the most charitable people to be found, and will gladly help anyone in need, but we are quickly growing weary of subsidizing generation after generation of professional couch potatoes who achieve nothing more than the creation of another generation of professional couch potatoes.

ARTICLE V: You do not have the right to free health care. That would be nice, but from the looks of public housing, we're just not interested in public health care.

ARTICLE VI: You do not have the right to physically harm other people. If you kidnap, rape, intentionally maim, or kill someone, don't be surprised if the rest of us want to see you fry in the electric chair.

ARTICLE VII: You do not have the right to the possessions of others. If you rob, cheat or coerce away the goods or services of other citizens, don't be surprised if the rest of us get together and lock you away in a place where you still won't have the right to a big screen color TV or a life of leisure.

ARTICLE VIII: You don't have the right to demand that our children risk their lives in foreign wars to soothe your aching conscience. We hate oppressive governments and won't lift a finger to stop you from going to fight if you'd like. However, we do not enjoy parenting the entire world and do not want to spend so much of our time battling each and every little tyrant with a military uniform and a funny hat.

ARTICLE IX: You don't have the right to a job. All of us sure want all of you to have one, and will gladly help you along in hard times, but we expect you to take advantage of the opportunities of education and vocational training laid before you to make yourself useful.

ARTICLE X: You do not have the right to happiness. Being an American means that you have the right to *pursue* happiness -- which, by the way, is a lot easier if you are unencumbered by an overabundance of idiotic laws created by those of you who were confused by the Bill of Rights.

[The Bill of No Rights, SOURCE: <http://famguardian.org/Subjects/Politics/Articles/BillOfNoRights.htm>]

1 The Bill of NO Rights is necessary because of the way that the courts have REDEFINED “Justice”. Originally, “justice was  
2 legally defined as “the right to be LEFT ALONE”. In order to promote the evils of government franchises and “benefits”  
3 and unconstitutionally expand the power of government:

- 4 1. “Justice” has been REDEFINED to mean “give every man his due”.
- 5 2. People have been invited through the polls and the jury box to add ANYTHING they want to the phrase “what is due”  
6 in order to abuse the legal system to STEAL property from others and “benefit” themselves with it.

7 For an explanation of this [corruption](#) of the meaning of “[justice](#)”, see:

- 8 1. *What is “Justice”?*, Form #05.050  
9 <http://sedm.org/Forms/FormIndex.htm>
- 10 2. *Requirement for Consent*, Form #05.003, Section 3  
11 <http://sedm.org/Forms/FormIndex.htm>
- 12 3. *Sovereignty Forms and Instructions Online*, Form #10.004, Cites by Topic: “justice”  
13 <http://famguardian.org/TaxFreedom/CitesByTopic/justice.htm>
- 14 4. *The Government “Benefits” Scam*, Form #05.040  
15 <http://sedm.org/Forms/FormIndex.htm>
- 16 5. *The Simple Cure for Socialism*  
17 [http://famguardian.org/Subjects/Communism/Humor/bird\\_feeder.mp4](http://famguardian.org/Subjects/Communism/Humor/bird_feeder.mp4)
- 18 6. *The Law*, Frederic Bastiat  
19 <http://famguardian.org/Publications/TheLaw/TheLaw.htm>

## 20 **16. Resources For Further Reading and Research**

21 The following resources may prove helpful to those readers who wish to further investigate the subject of this pamphlet:

- 22 1. *Hot Issues: Laws of Property*, SEDM-rights are property  
23 <https://sedm.org/laws-of-property/>
- 24 2. *Laws of Property*, Form #14.018-summary of the laws of property useful for filing in court and for teaching  
25 <https://sedm.org/Forms/14-PropProtection/LawsOfProperty.pdf>
- 26 3. *How You Lose Constitutional or Natural Rights*, Form #10.015  
27 <http://sedm.org/Forms/FormIndex.htm>
- 28 4. *Sovereignty and Freedom Points and Authorities*, Litigation Tool #10.018-exhaustive points and authorities you can  
29 use in court pleadings to explain and prove and defend your unalienable rights  
30 <https://sedm.org/Litigation/LitIndex.htm>
- 31 5. *Unalienable Rights Course*, Form #12.038 -course which gives you the basics of unalienable rights, and when they can  
32 lawfully be given up  
33 <http://sedm.org/Forms/FormIndex.htm>
- 34 6. *Separation Between Public and Private Course*, Form #12.025-How to stay private and challenge attempts to make  
35 you public. VERY IMPORTANT.  
36 <http://sedm.org/Forms/FormIndex.htm>
- 37 7. *SEDM Forms/Pubs Page, Section 1.14: Private Property Protection*  
38 <http://sedm.org/Forms/FormIndex.htm>
- 39 8. *Constitution Research Website* -everything you could ever want to know about what the constitution requires and the  
40 rights it protects  
41 <http://constitution.famguardian.org>
  - 42 8.1. *Rights, Powers, and Duties*  
43 [http://constitution.famguardian.org/cs\\_power.htm](http://constitution.famguardian.org/cs_power.htm)
  - 44 8.2. *Liberty Library of Constitutional Classics*-extensive historical background on U.S. Constitution  
45 <http://constitution.famguardian.org/liberlib.htm>
- 46 9. *Private v. Public Property/Rights and Protection Playlist*, SEDM Youtube Channel  
47 <https://www.youtube.com/playlist?list=PLin1scINPTOtxYewMRT66TXYn6AUF0KTu>
- 48 10. *Understanding American Property Rights* (OFFSITE LINK) -Family Guardian Fellowship. Detailed exposition of the  
49 laws of property.  
50 <http://famguardian.org/Publications/PropertyRights/tableoc.html>

- 1 11. *Legal Remedies That Protect Private Rights Course*, Form #12.019-This training course provides members with an  
2 overview of how to employ the courts to protect their PRIVATE rights. PRIVATE rights are the only thing that  
3 members can have, because they are not allowed to use our materials to interact with third parties unless they are NOT  
4 participating in any government franchise or benefit.  
5 <http://sedm.org/Forms/FormIndex.htm>
- 6 12. *Famous Quotes About Rights and Liberty*, Form #08.003  
7 FORMS PAGE: <http://sedm.org/Forms/FormIndex.htm>  
8 DIRECT LINK: <http://sedm.org/Forms/08-PolicyDocs/FamousQuotes.pdf>
- 9 13. *Know Your Rights and Citizenship Status*, Form #10.009-detailed book explaining your rights  
10 <http://sedm.org/Forms/FormIndex.htm>
- 11 14. *Property and Privacy Protection Topic* (OFFSITE LINK)- Family Guardian Fellowship  
12 <http://famguardian.org/Subjects/PropertyPrivacy/PropertyPrivacy.htm>
- 13 15. *Sovereignty and Freedom Topic, Section 6: Private and Natural Rights and Natural Law*, Family Guardian Fellowship  
14 <http://famguardian.org/Subjects/Freedom/Freedom.htm>
- 15 16. *Sovereignty Forms and Instructions Online*, Form #10.004, Cites by Topic: “rights” -Family Guardian Fellowship  
16 <http://famguardian.org/TaxFreedom/CitesByTopic/rights.htm>
- 17 17. *Sovereignty and Freedom Topic, Section 6: Private and Natural Rights* (OFFSITE LINK), Family Guardian  
18 Fellowship  
19 <http://famguardian.org/Subjects/Freedom/Freedom.htm#RIGHTS:>
- 20 18. *Government Instituted Slavery Using Franchises*, Form #05.030-how rights are unlawfully converted into statutory  
21 “privileges”  
22 FORMS PAGE: <http://sedm.org/Forms/FormIndex.htm>  
23 DIRECT LINK: <http://sedm.org/Forms/05-MemLaw/Franchises.pdf>
- 24 19. *Sovereignty and Freedom Topic, Section 6: Private and Natural Rights*-Family Guardian Website. Resources for  
25 those who want to defend their rights.  
26 <http://famguardian.org/Subjects/Freedom/Freedom.htm>
- 27 20. *Rights of Man, Thomas Paine*. Paine was instrumental in fomenting the American Revolution.  
28 <http://www.ushistory.org/paine/rights/>
- 29 21. *Thomas Jefferson on Politics and Government*, Form #11.206  
30 FORMS PAGE: <http://sedm.org/Forms/FormIndex.htm>  
31 DIRECT LINK: <http://famguardian.org/Subjects/Politics/ThomasJefferson/jeffcont.htm>
- 32 22. *Annotated Constitution of the United States*  
33 Findlaw: <http://www.findlaw.com/casecode/constitution/>  
34 Congressional Research Service: <http://famguardian.org/PublishedAuthors/Govt/CRS/USConstAnnotated.pdf>