

# *COMMON LAW PRACTICE GUIDE*



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## **REVISION HISTORY**

<i>Date</i>	<i>Version</i>	<i>Description</i>
2/12/12	1.00	Initial Version
3/17/22	1.01	<ol style="list-style-type: none"><li>1. Completely revised section 12: Choice of Law</li><li>2. Added references to Litigation Tool #01.010 to section 24.1: References.</li><li>3. Fixed the Copyright notice</li><li>4. Renamed form #05.027 throughout.</li><li>5. Added section 10.3: Principles of Equitable Pleading</li></ol>

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# 1 Introduction

Those who choose to establish their sovereignty using the law and materials on our website will undoubtedly be faced at some point with the prospect of defending it in a court of law. This is especially true in the case of tax litigation. Sovereigns face special challenges and requirements that most in the legal profession do not know about and have never confronted, such as the following:

1. They are typically nonresidents, foreigners, and statutory but not constitutional “aliens”.
2. They do not have a domicile in the forum. This imposes obstacles to enforcing civil statutes against them.
3. They do not participate in government franchises, so statutes that administer the franchises may not be cited or enforced against them.
4. They are not subject to civil statutes of government, which are civil franchises. Therefore, they can invoke said statutes as a limitation upon government actors but not upon themselves in support of a common law trespass.
5. They must be careful to properly invoke the court’s jurisdiction in their defense or they will surrender their sovereign immunity.
6. They must impose upon the government the burden of proof of demonstrating an express waiver of sovereign immunity on the part of the private litigant before the government can have a claim or basis to civilly sue.
7. Their commercial relationship to the forum is the origin of all of the court’s civil jurisdiction under the Minimum Contacts Doctrine. By this we mean that consensually conducting commerce with residents of the forum constitutes a waiver of sovereign immunity for all consequences arising from said consensual commerce.
8. They must challenge jurisdiction at every step of the way to prevent illegally enforcing obligations of civil franchises against them.

This book will thoroughly analyze all of the above constraints and demonstrate how they are enforced during various types of litigation. The information and techniques presented presuppose that those who will employ them are Members of SEDM who satisfy the terms of the SEDM Fellowship Member Agreement.

This book does NOT advocate or defend any of the following attitudes or behaviors:

That the reader should refuse to take responsibility or should not be accountable for any injury they cause to another.

That the reader should hate or interfere with government. Governments are but servants of the only true sovereign, who is The People IN THEIR PRIVATE CAPACITY. To the extent that public servants stay within their narrowly defined delegation of authority, they can do no harm to the public.

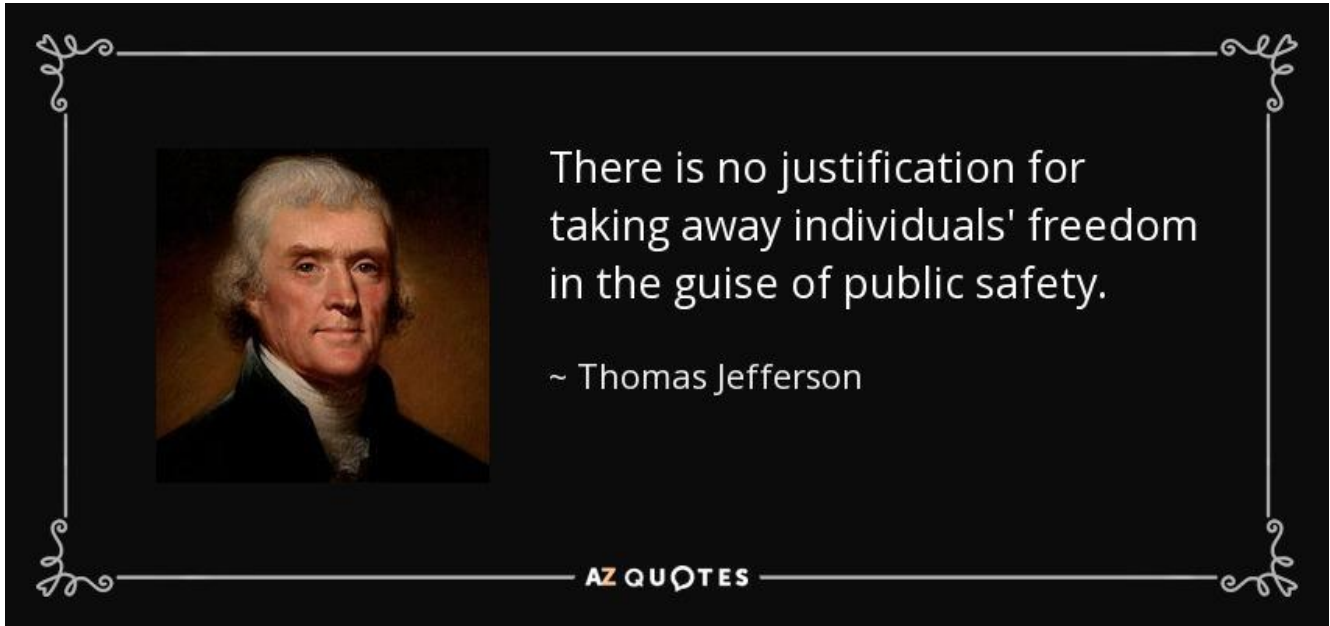
That by exercising sovereign powers, one is exempt from, or not subject to the de jure criminal laws. ALL are equally subject to de jure criminal laws. HOWEVER, criminal provisions within voluntary civil franchises do NOT come within the ambit of this statement, because they activate only upon the consent of the party to the civil franchise. In that sense, they are what the courts call “quasi-criminal” and therefore voluntary for those not subject to the franchise.

We instead believe that:

1. All should be sovereign and equal to each other.
2. An entire government cannot have any more delegated authority as a legal “person” than a single human being. The sovereign People cannot delegate rights they do not have.
3. When parties civilly sue each other, they should:
  - 3.1. Proceed entirely under the rules of equity and the common law
  - 3.2. Completely avoid the civil statutory law, which is and can be law ONLY for public officers within the government.
4. It is a conflict of interest for any government to assess or receive as payment any civil penalties from interactions between exclusively private parties. The only compensation that should result from any civil litigation involving civil injuries between third parties is the reparations between the perpetrator of an act and the person he or she or it injured.

1 **2 Definition of “common law”**

2 **2.1 SEDM Definition**



3  
4  
5 We publish our definition of “common law” on our Disclaimer, which you can read at:

<p>6 <u>SEDM Disclaimer</u>, Section 4: Meaning of Words  <a href="https://sedm.org/disclaimer.htm">https://sedm.org/disclaimer.htm</a></p>
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7 Below the following line is that definition:

8 **Common Law:** The term "common law" means procedures and policies used in constitutional courts in the JUDICIAL branch  
9 to provide protection for absolutely owned, constitutionally protected PRIVATE RIGHTS and PRIVATE PROPERTY of a  
10 human being who has accepted no franchises or privileges and therefore who is not subject to civil statutes, not domiciled in  
11 the forum, and who reserves all rights. These procedures may not be exercised in "legislative franchise courts" in the  
12 LEGISLATIVE or EXECUTIVE Branch which manage and adjudicate disputes over federal property, franchise, privileges,  
13 and "benefits". In the words of the U.S. Supreme Court, these organic rights are “self-executing” and not government created  
14 or owned. They may therefore NOT be limited, restrained, taxed, or regulated by statute:

*The design of the Fourteenth Amendment has proved significant also in maintaining the traditional separation of powers 524\*524 between Congress and the Judiciary. **The first eight Amendments to the Constitution set forth self-executing prohibitions on governmental action, and this Court has had primary authority to interpret those prohibitions.** The Bingham draft, some thought, departed from that tradition by vesting in Congress primary power to interpret and elaborate on the meaning of the new Amendment through legislation. Under it, "Congress, and not the courts, was to judge whether or not any of the privileges or immunities were not secured to citizens in the several States." Flack, supra, at 64. While this separation-of-powers aspect did not occasion the widespread resistance which was caused by the proposal's threat to the federal balance, it nonetheless attracted the attention of various Members. See Cong. Globe, 39th Cong., 1st Sess., at 1064 (statement of Rep. Hale) (noting that Bill of Rights, unlike the Bingham proposal, "**provide[s] safeguards to be enforced by the courts, and not to be exercised by the Legislature**"); id., at App. 133 (statement of Rep. Rogers) (prior to Bingham proposal it "was left entirely for the courts . . . to enforce the privileges and immunities of the citizens"). As enacted, the Fourteenth Amendment confers substantive rights against the States which, like the provisions of the Bill of Rights, are self-executing. Cf. South Carolina v. Katzenbach, 383 U. S., at 325 (discussing Fifteenth Amendment). The power to interpret the Constitution in a case or controversy remains in the Judiciary. [City of Boerne v. Flores, 521 U.S. 507 (1997)]*