

In Lieu of Form W-4 (Rev. FORM)

Withholding Exemption Certificate

"The Employer is not authorized to alter the W-4 Form/Withholding Exemption Certificate and disallow the employee's claims."
U.S. v. Malinkowski, 47 F Supp. 352 (1972)

First Name, Middle Initial,	Last Name	Your social security number
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Postal Location (number and street or rural route)

City or town, County, complete name of State

Pursuant to IRC Section 3402(n)-1, 26 CFR Section 31.3402(n)-1, 26 CFR Section 31.3402(f)(2)-1, 26 CFR 1.0-1, 26 USC Section 7851(a)(1)(A), 5 USC 552(a)(1), 26 CFR 601.702(a)(1) Requirement to publish in Federal Register & 26 CFR 601.702(a)(2)(ii) Effect of failure to publish in the Federal Register, & the Legislative Intent of the 16th Amendment [written by President William H. Taft and promulgated in the Congressional Record on June 16, 1909 pages 3344-3345]. I certify that I am **EXEMPT** from any & all withholding for the year **2003**. The Legislative Intent of the 16th Amendment identified the parties who were made liable to be only "officers, employees, and elected officials of the federal government". All American Citizens [Citizens of one of the 50 States of the Union] were stated to be exempt from the income tax.

Furthermore, I certify that:

- I incurred no liability for income tax imposed under the non-enacted Subtitle A of Title 26 [the Internal Revenue Code] for the preceding taxable year and that I am a non-federal employee.
- Title 26 has no effective date of enactment per 26 CFR 1.0-1, is not positive law, and I am not an identified party under the Legislative Intent of the 16th Amendment to whom wages are income.
- The IRC is special law and only applies to those who choose to subject themselves to it by entering into an employment agreement within the U.S. Government. The law is that income from sources not effectively connected with the conduct of a trade or business within the U.S. Government is not subject to any tax under Subtitle 'A' of the IRC per C.J. Mills, IRS Disclosure Officer, Philadelphia, PA.
- I anticipate that I will incur no liability from income tax imposed under the non-enacted Subtitle A for the current taxable year and I am employed by a non-federal employer.

I declare under penalty of perjury under the laws of the United States of the America that the foregoing is true and correct as stated is based entirely upon enacted federal tax law. American Citizens, unless they voluntarily declare otherwise, are neither the subject nor the object of Federal Revenue Laws per Economy Plumbing & Heating v. US, 470 F2d. (1972). "UCC 1.207 WITHOUT PREJUDICE."

Signature (Form is not valid unless you sign it)	Date
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Non-Federal Employer's name and address	
Office Code (optional)	Non-Federal Employer ID#

Title 26, Internal Revenue Code, Section 3402(n)-1, 26 CFR Section 31.3402(n)-1 – Employees incurring no income tax liability. –Notwithstanding any other provision of this section, *an employer shall not be required to deduct and withhold any tax* under this chapter upon a payment to an employee if there is in effect with respect to the payment, *a withholding exemption certificate* furnished to the employer by the employee which states that –

- (a) The [non-federal] employee incurred no liability for income tax imposed under the non-enacted Subtitle A of the Code for his preceding taxable year and is not a U.S. Citizen per 8 USC 1401; and
- (b) The [non-federal] employee anticipates that he will incur no liability for income tax imposed under the non-enacted Subtitle A for his current taxable year.

26 CFR Section 31.3402(f)(2)-1 – Withholding exemption certificates. –(a) *On commencement of employment.* ON or before the date on which an individual commences employment with an employer, the individual shall furnish the employer with a signed exemption certificate...or, if the statements described in Section 31.3402(n)-1 are true with respect to an individual, he/she may furnish the employer with a signed withholding exemption certificate which contains such statements in lieu of the first mentioned [W-4] certificate.

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