

PASSPORT SURRENDER RESPONSE FORM INSTRUCTIONS

Last revised: 6/12/09

1. PURPOSE:

- 1.1. This form is for use by Members in responding to a notification by the Dept. of State that their USA passport is suspended or revoked.
- 1.2. For additional information about how to apply for a passport as a “national” and how to use this form, see Section 7 of the following article:

Getting a USA Passport as a “state national”, Form #06.007
<http://sedm.org/Forms/FormIndex.htm>

2. PROCEDURE FOR USE:

- 2.1. The form is electronically fillable with the free Adobe Acrobat Reader available below. Please download and install the latest version of the program:
<http://www.adobe.com/products/acrobat/readstep2.html>
- 2.2. Fill in the return address and date on the cover letter with yours.
- 2.3. Fill in the destination address on the cover letter off the Department of State Website:
<http://www.state.gov/>
- 2.4. Fill in the name at the end of the cover letter.
- 2.5. Print out the document on double-sided paper to keep the size down.
- 2.6. Download, print, and Sign Enclosure (1).
USA Passport Application Attachment, Form #06.007
<http://sedm.org/Forms/FormIndex.htm>
- 2.7. Find a Postal Annex or UPS Store that has two people on duty, one of which is a notary and the other the Mail Server who will mail the item and complete the Certificate of Service.
- 2.8. In the presence of the Notary and using blue (not black) ink, sign section 7 and Enclosures (1).
- 2.9. Have the Mail Server fill out the attached Certificate of Service and sign it. Make sure item 2 includes the addresses where the items are mailed, as indicated in the Cover Letter.
- 2.10. Have the Notary fill out the Notary Public Jurat at the end of the Certificate of Service, which authenticates the identity of the Mail Server.
- 2.11. Make one copy of the entire package, including:
 - 2.11.1. Cover letter
 - 2.11.2. Enclosure (1): USA Passport Application Attachment, Form #06.007
- 2.12. Have the Mail Server put the *copy* into the envelope, and then seal the envelope and personally drop it into the mail.
- 2.13. Keep the original for yourself and make several copies. You also might want to record the original with the County Recorder so that it becomes a public record which is automatically admissible as evidence in any court trial. The reason is that under [Federal Rule of Evidence 902](#), public records are not subject to the Hearsay Rule.

1. PROTECT YOUR LEGAL EVIDENCE.

Keep the original in a safe place locked up, preferably away from your house so that it may not be seized. Also, scan it in as a full color PDF and make backups you keep in several locations. One of the first things a judge will do if you want the document admitted as evidence in a legal trial is ask about the chain of custody of the document and whether it has remained under your own control at all times so that there is an assurance that it was not tampered with. See the free article below:

Techniques for Building a Good Administrative Record, Form #07.003
<http://sedm.org/Forms/FormIndex.htm>

2. FURTHER READING AND RESEARCH:

- 2.1. *USA Passport Application Attachment*, Form #06.007
<http://sedm.org/Forms/FormIndex.htm>
- 2.2. *Getting a USA Passport as a “state national”*, Form #06.007-describes the procedure for using this form.
<http://sedm.org/Forms/FormIndex.htm>
- 2.3. *Sovereignty and Freedom Page, Section 3.4: Right to Travel*-Family Guardian website
<http://famguardian.org/Subjects/Freedom/Freedom.htm>
- 2.4. *Developing Evidence of Citizenship and Sovereignty*, Form #12.002
<http://sedm.org/Forms/FormIndex.htm>

- 2.5. *Why You are a “national”, “state national”, and Constitutional but not Statutory Citizen, Form #05.006.* Detailed information about citizenship law that explains why most people incorrectly claim the wrong status on federal government forms.
<http://sedm.org/Forms/FormIndex.htm>

CERTIFICATE OF SERVICE

Republic of _____)
Subscribed and Affirmed _____)
County of _____)

I, _____, the undersigned mailer/server, being of sound mind and under no duress, do hereby certify, attest and affirm that the following facts are true and correct, to wit:

- That, at the city of _____, County of _____ and the Republic of _____ (statename), on the _____, 20____, that, on behalf of (name) _____, a natural person, the undersigned personally deposited the following documents (listed below) inside the envelope, sealed them and transmitted them via the carrier indicated in item 2 below, to wit:

Item #	Document Description	Number of pages
1	Passport Surrender Request Response	16
2	Enclosure (1): USA Passport Application Attachment	14
3		
4		
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9		

Total of ____ () documents with combined total of _____ (____) pages.

- That I personally mailed said document(s) via (initial those which apply):

_____ United States Postal Office, by regular mail, postage prepaid

_____ United States Postal Office, by Certified Mail # _____, Return Receipt Requested

_____ United Parcel Service (UPS), tracking number # _____

_____ Federal Express, tracking number # _____

_____ Other (specify): _____

at said City and State, one (1) complete set of **ORIGINAL/COPIED (circle one)** documents, as described in item 1 above, properly enveloped and addressed to (addressee and address):

Attn: _____
Cert. Mail No.: _____

- 3. That I am at least 18 years of age;
- 4. That I am not related to _____ by blood, marriage, adoption, or employment, but serve as a “disinterested third party” (herein “Server”); and further,
- 5. That I am in no way connected to, or involved in or with, the person and/or matter at issue in this instant action.

I now affix my signature to these affirmations.

(Signature): _____, Mailer/Server

(Printed name): _____

NOTARY PUBLIC’S JURAT

BEFORE ME, the undersigned authority, a Notary Public, of the County of _____, Republic of _____(statename), this _____ day of _____, 20____, _____ mailer/server did appear and was identified by (circle one): 1. Passport; 2. Driver’s license; 3. Other: _____, and who, upon first being duly sworn and/or affirmed, deposes and says that the foregoing asseveration is true to the best of his/her knowledge and belief.

I certify under PENALTY OF PERJURY under the laws of the State of _____ that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

/s/ _____ SEAL

Notary Public

My Commission Expires On:

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Email: _____

Cert. Mail #

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Subject: Passport Surrender Request Response

Enclosure(s):

(1) USA Passport Application Attachment.

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Dear Sir,

1 PURPOSE

This correspondence is intended:

1. To respond to a request to surrender the USA passport issued to me by your office.
2. To update the application relating to the passport you are requesting to be surrendered.
3. To gather legally admissible evidence about the specific legal “person” subject to your request.
4. To give legal notice of damages and violation of rights instituted by your office in connection with your request.
5. To bill you for the damages before I can or will comply with your request.
6. As a notice and demand to cease and desist:
 - 6.1. Willful interference with my constitutional right to travel.
 - 6.2. Continued injuries to my constitutional rights by you personally and your agency.
 - 6.3. Commercial injuries to me and my business caused by my inability to travel.

Please refrain from the temptation of making any legal determination(s) regarding my status or political intentions regarding this correspondence. This is a very serious matter and it’s incumbent that I receive candid straightforward answers to the questions I’m going to present to you. Please don’t tell me you can’t answer them, since you already have made certain legal determinations about me and what laws you may enforce against me without due process. Further, refrain from ‘labeling’ me as anything other than an honest American that loves his neighbor and country and interpret this correspondence as anything other than a legitimate and lawful request to understand and lawfully comply with these very important questions. I’m merely trying to reach a lawful conclusion based on the facts at hand, and your assistance in making these determinations is not only helpful, but also required since you are party to this and I’ve hereinafter given you ample opportunity to assert your position and quote the applicable statutes that support the assertions you’ll be taking under penalty of perjury.

I’ve continually asked for your help and assistance with being lawfully compliant with all that you claim I’m legally subject to. I’ve asked you for help because you purport to know how I should have answered the questions, and you’ve threatened me because you don’t like my answers by telling me to ‘send you my passport’. My basis for this statement is on the fact that you’ve accused me of not filling out forms properly, yet instead of helping me by telling how I should have answered questions, you choose to not answer or assist me and instead threaten and intimidate me. I’m not wanting, or trying, to be a problem for you or for any one else in your department and I certainly don’t want you labeling me as anything other than an American purposefully intent on following all the laws I’m provably subject to and correct any honest mistakes. Please, don’t make my letter to you today anything other than an attempt to clarify the following questions and concerns I have once and for all and to enjoy my life and liberties as a law abiding Constitutional citizen of the United States of America (coincidentally, the same country indicated on my passport).

This letter is intended, but not limited, to address your statements wherein you said “do not try to use your passport” and when I objected saying that I would be unable to leave, to do my work and travel, you said “I’m not preventing you from leaving”. You know that I would be unable to re-enter the United States of America, the country of my birth, without my passport, so as you may not be ‘preventing me from leaving’, by denying me the use of my passport you are certainly

1 preventing me from coming back to my country which is a violation of my Constitutional rights. Further, you are preventing
2 me from performing my work related services in various countries other than the U.S.A. since I need a passport to enter them,
3 which is causing me undue duress and violating my pursuit of happiness. Essentially, your words and actions are enjoining
4 me from the exercise of very basic fundamental rights without due process.

5 You are hereby advised that all written and voice correspondence between us shall become legal evidence to be used in the
6 future litigation should this be necessary and that answering the phone or talking to me in person shall constitute consent to
7 be recorded.

8 If you don't understand the legal consequences and implications of your actions, then I advise you to seek the advice of
9 competent counsel immediately AS I HAVE DONE.

10 **2 WHY YOUR REQUEST TO SURRENDER PASSPORT IS UNLAWFUL AND BILL FOR** 11 **DAMAGES PRIOR TO SURRENDER**

12 Your request identified 22 C.F.R. § 51.70 as the authority for requesting the return of a passport. That provision states:

13 *TITLE 22--FOREIGN RELATIONS*
14 *CHAPTER I--DEPARTMENT OF STATE*
15 *PART 51_PASSPORTS--Table of Contents*
16 *Subpart E_Limitations on Issuance or Use of Passports*
17 *Sec. 51.70 Denial of passports.*

18
19 *(a) A passport, except for direct return to the United States, shall not be issued in any case in which the*
20 *Secretary of State determines or is informed by competent authority that:*

21 *(1) The applicant is the subject of an outstanding Federal warrant of arrest for a felony, including a warrant*
22 *issued under the Federal Fugitive Felon Act (18 U.S.C. 1073); or*

23 *(2) The applicant is subject to a criminal court order, condition of probation, or condition of parole, any of*
24 *which forbids departure from the United States and the violation of which could result in the issuance of a Federal*
25 *warrant of arrest, including a warrant issued under the Federal Fugitive Felon Act; or*

26 *(3) The applicant is subject to a court order committing him or her to a mental institution; or*

27 *(4) The applicant is the subject of a request for extradition or provisional arrest for extradition which has been*
28 *presented to the government of a foreign country; or*

29 *(5) The applicant is the subject of a subpoena issued pursuant to section 1783 of title 28, United States Code,*
30 *in a matter involving Federal prosecution for, or grand jury investigation of, a felony; or*

31 *(6) The applicant has not repaid a loan received from the United States as prescribed under Sec. Sec. 71.10*
32 *and 71.11 of this chapter;*

33 *or*

34 *(7) The applicant is in default on a loan received from the United States to effectuate his or her return from a*
35 *foreign country in the course of travel abroad; or*

36 *(8) The applicant has been certified by the Secretary of Health and Human Services as notified by a State*
37 *agency under 42 U.S.C. 652(k) to be in arrears of child support in an amount exceeding \$5,000.00.*

38 *(b) A passport may be refused in any case in which the Secretary of State determines or is informed by*
39 *competent authority that:*

40 *(1) The applicant has not repaid a loan received from the United States to effectuate his or her return from a*
41 *foreign country in the course of travel abroad; or*

42 *(2) The applicant has been legally declared incompetent unless accompanied on his or her travel abroad by*
43 *the guardian or other person responsible for the national's custody and well being; or*

44 *(3) The applicant is under the age of 18 years, unmarried and not in the military service of the United States*
45 *unless a person having legal custody of such national authorizes issuance of the passport and agrees to reimburse*
46 *the United States for any monies advanced by the United States for the minor to return to the United States; or*

47 *(4) The Secretary determines that the national's activities abroad are causing or are likely to cause serious*
48 *damage to the national security or the foreign policy of the United States; or*

49 *(5) The applicant has been the subject of a prior adverse action under this section or Sec. 51.71 and has not*
50 *shown that a change in circumstances since the adverse action warrants issuance of a passport;*

51 *or*

52 *(6) The applicant is subject to an order of restraint or apprehension issued by an appropriate officer of the*
53 *United States Armed Forces pursuant to chapter 47 of title 10 of the United States Code. (Approved by the Office*
54 *of Management and Budget under control number 1405-0077)*

55 *[54 FR 8531, Mar. 1, 1989, as amended at 62 FR 62695, Nov. 25, 1997]*

56 I remind you that I am not requesting the *issuance* of a new passport from you, and therefore, you are mis-applying the above
57 regulation. Furthermore, you said that revocation of a passport IN MY CASE can only happen through an administrative
58 action before an administrative law judge. An administrative law judge is not an Article III judge. Administrative judges
59 are only permissible in the case of a franchise/public right, which is not at issue here. Otherwise, an Article III judge is
60 required in the case of a private right, which is the only right at issue here.

1 “The distinction between public rights and private rights has not been definitively explained in our precedents.¹
2 Nor is it necessary to do so in the present cases, for it suffices to observe that a matter of public rights must at a
3 minimum arise “between the government and others.” *Ex parte Bakelite Corp.*, *supra*, at 451, 49 S.Ct., at 413.²
4 In contrast, “the liability of one individual to another under the law as defined,” *Crowell v. Benson*, *supra*, at 51,
5 52 S.Ct., at 292, is a matter of private rights. **Our precedents clearly establish that only controversies in the**
6 **former category may be removed from Art. III courts and delegated to legislative courts or administrative**
7 **agencies for their determination. See *Atlas Roofing Co. v. Occupational Safety and Health Review Comm’n*,**
8 **430 U.S. 442, 450, n. 7, 97 S.Ct. 1261, 1266, n. 7, 51 L.Ed.2d 464 (1977); *Crowell v. Benson*, *supra*, 285 U.S.**
9 **at 50-51, 52 S.Ct., at 292. See also *Katz*, *Federal Legislative Courts*, 43 *Harv.L.Rev.* 894, 917-918 (1930),FN24**
10 **Private-rights disputes, on the other hand, lie at the core of the historically recognized judicial power.”**

11 [. . .]

12 Although *Crowell* and *Raddatz* do not explicitly distinguish between rights created by Congress and other rights,
13 such a distinction underlies in part *Crowell*'s and *Raddatz*' recognition of a critical difference between rights
14 created by federal statute and rights recognized by the Constitution. Moreover, such a distinction seems to us
15 to be necessary in light of the delicate accommodations required by the principle of separation of powers reflected
16 in Art. III. The constitutional system of checks and balances is designed to guard against “encroachment or
17 aggrandizement” by Congress at the expense of the other branches of government. *Buckley v. Valeo*, 424 U.S.,
18 at 122, 96 S.Ct., at 683. But when Congress creates a statutory right [a “privilege” in this case, such as a “trade
19 or business”], it clearly has the discretion, in defining that right, to create presumptions, or assign burdens of
20 proof, or prescribe remedies; it may also provide that persons seeking to vindicate that right must do so before
21 particularized tribunals created to perform the specialized adjudicative tasks related to that right.FN35 Such
22 provisions do, in a sense, affect the exercise of judicial power, but they are also incidental to Congress' power to
23 define the right that it has created. No comparable justification exists, however, when the right being adjudicated
24 is not of congressional creation. In such a situation, substantial inroads into functions that have traditionally
25 been performed by the Judiciary cannot be characterized merely as incidental extensions of Congress' power to
26 define rights that it has created. Rather, such inroads suggest unwarranted encroachments upon the judicial
27 power of the United States, which our Constitution reserves for Art. III courts.
28 [*Northern Pipeline Const. Co. v. Marathon Pipe Line Co.*, 458 U.S. 50, 102 S.Ct. 2858 (1983)]

29 In fact, the authority for revoking passports is found at 22 C.F.R. §51.72. To wit:

30 TITLE 22--FOREIGN RELATIONS
31 CHAPTER I--DEPARTMENT OF STATE
32 PART 51_PASSPORTS--Table of Contents
33 Subpart E_Limitations on Issuance or Use of Passports
34 Sec. 51.72 Revocation or restriction of passports.

35 A passport may be revoked or restricted or limited where:

- 36 (a) The national would not be entitled to issuance of a new passport under Sec. 51.70 or Sec. 51.71; or
- 37 (b) The passport has been obtained illegally, by fraud, or has been fraudulently altered, or has been
38 fraudulently misused, or has been issued in error; or
- 39 (c) The Department of State is notified that a certificate of naturalization issued to the applicant for or bearer
40 of the passport has been canceled by a federal court.
41 [54 FR 8532, Mar. 1, 1989, as amended at 64 FR 19714, Apr. 22, 1999]

42 The burden of proof lies upon you to satisfy the criteria established by regulation above that the originally issued passport
43 was in error or fraudulent, or that I don't qualify for the issuance of a new passport. So far:
44

¹ *Crowell v. Benson*, 285 U.S. 22, 52 S.Ct. 285, 76 L.Ed. 598 (1932), attempted to catalog some of the matters that fall within the public-rights doctrine:

“Familiar illustrations of administrative agencies created for the determination of such matters are found in connection with the exercise of the congressional power as to interstate and foreign commerce, taxation, immigration, the public lands, public health, the facilities of the post office, pensions and payments to veterans.” *Id.*, at 51, 52 S.Ct., at 292 (footnote omitted).

² Congress cannot “withdraw from [Art. III] judicial cognizance any matter which, from its nature, is the subject of a suit at the common law, or in equity, or admiralty.” *Murray's Lessee v. Hoboken Land & Improvement Co.*, 18 How. 272, 284 (1856) (emphasis added). It is thus clear that the presence of the United States as a proper party to the proceeding is a necessary but not sufficient means of distinguishing “private rights” from “public rights.” And it is also clear that even with respect to matters that arguably fall within the scope of the “public rights” doctrine, the presumption is in favor of Art. III courts. See *Glidden Co. v. Zdamok*, 370 U.S., at 548-549, and n. 21, 82 S.Ct., at 1471-1472, and n. 21 (opinion of Harlan, J.). See also Currie, *The Federal Courts and the American Law Institute*, Part 1, 36 U.Chi.L.Rev. 1, 13-14, n. 67 (1968). Moreover, when Congress assigns these matters to administrative agencies, or to legislative courts, it has generally provided, and we have suggested that it may be required to provide, for Art. III judicial review. See *Atlas Roofing Co. v. Occupational Safety and Health Review Comm’n*, 430 U.S., at 455, n. 13, 97 S.Ct., at 1269, n. 13.

- 1 1. You have not indicated that I satisfy any of the conditions above and refuse to disclose which criteria applies.
- 2 2. You have not provided an opportunity for me to provide exculpatory evidence to prove that your evidence satisfying
- 3 the above is accurate.
- 4 3. Your action to suspend or revoke the passport is based on political considerations and retaliation only.

5 In short:

- 6
- 7 1. You are engaging in an arbitrary act of “selective enforcement” that is:
 - 8 1.1. In violation of my rights to life, liberty, and property.
 - 9 1.2. A violation of due process of law.
 - 10 1.3. Interfering with my protected right to travel as a human being protected by the Constitution.
 - 11 1.4. Actionable, and a Constitutional tort.
- 12 2. I am not subject to the civil statutory/regulatory enactments you cite as authority. All statutory civil law enacted by the
- 13 U.S. government can pertain only to those who either work for the government as public officers within the U.S. Inc.
- 14 federal corporation (28 U.S.C. §3002(15)(A)) or who are domiciled on federal territory and therefore “protected
- 15 persons” under the civil law. I remind you that I am a private person and not a public officer and that I am not
- 16 domiciled on federal territory in connection with the ownership or use of a USA passport. I am a nonresident party, a
- 17 transient foreigner, and a stateless person in relation to federal statutory law. See and rebut the following if you
- 18 disagree:

<p><i>Why Statutory Civil Law is Law for Government and not Private Persons</i>, Form #05.037 http://sedm.org/Forms/FormIndex.htm</p>

- 19 3. The above provision of law DOES NOT apply to me and cannot adversely affect my rights. See and rebut the
- 20 questions at the end of the following if you disagree and if you don't rebut them within 30 days, your answer is admit
- 21 to every question:
 - 22 3.1. *Federal Enforcement Authority Within States of the Union*, Form #05.032
 - 23 <http://sedm.org/Forms/FormIndex.htm>
 - 24 3.2. *Federal Jurisdiction*, Form #05.018
 - 25 <http://sedm.org/Forms/FormIndex.htm>

26 I remind you that the U.S. Supreme Court has declared that the ability to regulate, tax, or penalize the exercise of PRIVATE

27 (not PUBLIC, but PRIVATE) rights protected by the Constitution is “repugnant to the constitution” and beyond your

28 authority.

29 *“The power to “legislate generally upon” life, liberty, and property, as opposed to the “power to provide modes*

30 *of redress” against offensive state action, was “repugnant” to the Constitution. Id., at 15. See also United States*

31 *v. Reese, 92 U.S. 214, 218 (1876) ; United States v. Harris, 106 U.S. 629, 639 (1883) ; James v. Bowman, 190*

32 *U.S. 127, 139 (1903). Although the specific holdings of these early cases might have been superseded or modified,*

33 *see, e.g., Heart of Atlanta Motel, Inc. v. United States, 379 U.S. 241 (1964) ; United States v. Guest, 383 U.S.*

34 *745 (1966) , their treatment of Congress' §5 power as corrective or preventive, not definitional, has not been*

35 *questioned.”*

36 *[City of Boerne v. Flores, Archbishop of San Antonio, 521 U.S. 507 (1997)]*

37 The addition of Enclosure (1) to the original passport application that gave rise to the issuance of the passport sought to be

38 suspended clarifies that the ONLY rights at issue are private and not public rights, that the holder is not engaged in a public

39 right or public office as a holder of said passport. Therefore, the civil regulations you cite and the administrative procedures

40 and entities that govern them for terminating passports cannot and do not apply to my circumstances. The questions in Section

41 5 later are proof of that. You are therefore exceeding your authority to suspend or revoke a passport against a non-resident

42 private party domiciled in a foreign state, and outside your jurisdiction and your silence in rebutting every point of law and

43 fact raised herein shall constitute agreement on your part that I am correct in that determination.

44 Recipient is put on formal legal notice that:

- 45
- 46 1. Revocation of a passport would allow me to leave the country but not return. Whatever country I ended up in I would
- 47 be a fugitive and my otherwise lawful activities would undoubtedly be restricted and possibly even interfered with.
- 48 2. I need the ability to return in order to conduct my international business affairs as a responsible American
- 49 3. I cannot function in my private business concerns without a passport, which requires frequent travel. Every day spent
- 50 without the ability to travel causes grave commercial damages to me and my PRIVATE business.
- 51 4. I am not eligible and never have been eligible to participate in any public franchise, public office, or public right and
- 52 that any records to the contrary in your possession are in error and must be promptly corrected consistent with

1 Enclosure (1). I have provided legal notice to the government of this fact, which apparently is being ignored at great
2 and actionable injury to me.

- 3 5. The use of the passport is not in connection with any public franchise, public office, or public right, but rather
4 PRIVATE business concerns in no way associated with the government or the jurisdiction of the government.
- 5 6. It is unlawful to either presume or impute the creation or exercise of a public office within a state of the Union, and
6 public officers are the only ones who can lawfully have or use government identifying numbers. See:
7 6.1. 26 C.F.R. §301.6109-1(b) (“trade or business”=a public office in the government) establishes the requirement to
8 use a number and I am not mentioned in that section.
9 6.2. 4 U.S.C. §72 says public offices may only lawfully be exercised WITHIN the District of Columbia and not
10 elsewhere, except as expressly authorized by law. There is not statute that expressly authorizes the exercise of
11 any new public offices connected with the Social Security, Income tax, Medicare, or any other federal franchises
12 within the exclusive jurisdiction of any state of the Union.
- 13 7. Information about me connected with the passport issuance, like the USA Passport itself, is my private property and
14 must be both removed from your paper and electronic records upon notice and demand from me. See Enclosure (1),
15 Section 8. Any attempt to avoid or interfere with the franchise agreement is a deprivation of equal protection mandated
16 by the Constitution. If you can establish a franchise with your Passport property, then I can establish a franchise with
17 information about me and the commercial use of said information. Commercial uses of such information include
18 connecting me with any and all government franchises, such as Social Security, Medicare, Unemployment
19 compensation, etc.

20 When you agree to compensate me for the commercial damages sustained personally by me and/or my business resulting
21 from the arbitrary, malicious, and politically motivated revocation or suspension of my passport, then I will surrender it, but
22 not before. Below is a summary of the damages:

23 Per trip damages: \$ _____

24 Daily damages: \$ _____

25 Please remit the amount indicated above over the period you intend to revoke or suspend the passport. As soon as you have,
26 I will surrender the passport.

27 **3 ACTIONS PROMPTLY REQUESTED OF YOU**

28 Please promptly:

- 29
- 30 1. Append the document provided as Enclosure (1) to the original passport application, Form DS-11, that you requested
31 to be surrendered. Failure of you to do this shall constitute criminal violations of the following:
32 1.1. 18 U.S.C. §1030: Computer fraud. Passport records are maintained in computers and they in accurate as long as
33 you refuse to correct them according to the attached.
34 1.2. 18 U.S.C. §1542: Fraud on passport. The passport records you have are fraudulent because of changes in the
35 information since application. Failure to correct them will make them knowingly false.
- 36 2. Advise me immediately of the proper, formal procedure for updating my passport with the information on Enclosure
37 (1) if you are unable to comply with this request, as I am unable to find any other method for doing so available online
38 or from your office.
- 39 3. Advise and confirm immediately that applying for a new passport is the proper action on my behalf in the event you
40 are unable to comply with items 1.1, 1.2 and 2 above. For the purposes of this section, your lack of response shall
41 constitute the affirmative to question 5.3 of this section and I shall proceed accordingly.
- 42 4. Clarify what was issued to me. I was issued a “United States of America” passport, but apparently your office
43 provided me a “U.S. passport application” which resulted in the aforementioned passport. Are you willing to admit that
44 the “U.S. passport application” I was forced to fill out in order to receive my passport contains definitions and asks
45 questions that I was neither subject to nor required to fill out in order to receive a “United States of America Passport”?
- 46 5. Admit that your power to “revoke” my passport is a presumption of yours based on a result of me using the very form
47 you provided for me in order to apply for a passport, and, that Enclosure (1) corrects these presumptions and therefore
48 nullifies your request for my passport.
- 49 6. Show me where in the United States Code you have the lawful ability to violate my fundamental rights and take away
50 my private right to travel by rescinding my passport without due process.
- 51 7. Provide in your response:
52 7.1. Your phone number and email address so we can talk about your response if I have any questions.

- 7.2. Your delegation of authority order that specifically authorizes you to make the claim you are making.
- 7.3. Proof that you are legally responsible for what you say as a government employee, so that I have a reasonable cause to believe what you say. This proof must come in the form of a perjury statement and a court cite proving that if you say something false to me, you can and will be held legally responsible for that.
- 7.4. All evidence needed to satisfy the burden of proving every claim you make in your response as required by [5 U.S.C. §556](#)(d). All evidence must be admissible in court and signed under penalty of perjury, just as everything I submit to you must be.
8. Cease and desist all unlawful efforts indicated herein to harass, terrorize, discredit, and burden me for the exercise of constitutionally protected right to travel and to not participate in federal franchises.
9. DO NOT enter any of the PRIVATE information provided by me into any government information system, as this would violate my privacy and subject me to selective enforcement. You are required to obtain my consent to share information about me pursuant to 5 U.S.C. §552a(b) and you DO NOT have my consent to store or share my information with ANYONE after the passport is issued.
10. If you dispute or have doubts about anything in this correspondence, please read and then respond with a detailed rebuttal signed under penalty of perjury to:
 - 10.1. Anything you disagree with in this correspondence.
 - 10.2. Anything referenced in this correspondence.

I ask that in responding to this correspondence, you avoid the temptation to:

1. Make legal determinations about my status. I do not authorize you to practice law on my behalf or to tell me either what I AM or what I am NOT. The status I claim is an exercise of my protected First Amendment right of freedom of association and you may not interfere with the exercise of that right by telling me how, or under what circumstances, I choose to politically associate or disassociate with a specific political group called a "state" or government.
2. Label anything within this correspondence as "frivolous". For the purposes of your response to all correspondence or forms originating from me, that word shall mean "truthful, accurate, and consistent with prevailing law". I emphasize that you are a public **servant** and I am the public. You serve me and I have a right to expect that you will help me comply with the requirements of law by citing HOW to comply, not why you don't like my sincere efforts to comply.
3. Make presumptions about my status. All such presumptions are a violation of due process of law and a tort:

*"It is apparent that a constitutional prohibition cannot be transgressed indirectly by the creation of a statutory presumption any more than it can be violated by direct enactment. The power to create presumptions is not a means of escape from constitutional restrictions."
[Bailey v. Alabama, 219 U.S. 219 (1911)]*

4. Try to compel me to participate in federal franchises such as Social Security, Medicare, Unemployment, or the "trade or business" franchise. It is a criminal violation of the separation of powers and the Thirteenth Amendment to offer or enforce government franchises to those domiciled outside of federal territory or those not ALREADY lawfully employed with the federal government as public officers BEFORE they filled out any tax or passport form. See 18 U.S.C. §911 and the rebut the following and the questions at the end of the following if you disagree:

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

You have 30 days to respond to and rebut this correspondence or be found in default and equitable estoppel pursuant to Fed.Rul.Civ.P. 8(b)(6).

4 SIGNIFICANCE OF SPECIFIC STATEMENTS IN YOUR RESPONSE

The First Amendment recognized my right to communicate with my government as I see fit. Included within that right is the right to define the meaning and significance of all the words and "terms" and actions involved, which are "symbols" that communicate the intentions of the parties. Even the federal courts have repeatedly said that you can't trust anything a government employee says, and therefore I am compelled to define all the words and phrases that may be used by either side in this interchange in order to avoid the sin of presumption and avoid being injured by any presumptions. Consequently, for the purposes of this correspondence and your response(s) to it, the following definitions and protocols shall conclusively apply:

1. A response not signed under penalty of perjury or signed without the real legal birthname, work address (NOT PO BOX), phone number, and place where you can be served with legal papers shall constitute a non-response for the purposes of this correspondence. Every time I correspond with you on a government form, I have to sign it under penalty of perjury and you have to abide by the same rule. Otherwise, an unconstitutional "title of nobility" has been illegally conferred and the requirement for equal protection that is the foundation of the Constitution has been violated.
2. Any issue raised in this correspondence that you remain silent on or do not explicitly rebut shall constitute an admission and an estoppel in pais for all future litigation on this subject. This is a requirement of [Federal Rule of Civil Procedure 8\(b\)\(6\)](#), which says that failure to deny (with evidence rather than just opinion) shall constitute an admission. Federal Courts have also said that when a criminal, which is you, is confronted with evidence of his wrongdoing, and either responds with silence or claims the Fifth Amendment, that shall constitute an admission and a negative inference against them to a jury or factfinder.

*"It is well established that in a criminal trial a judge or prosecutor may not suggest that the jury draw an adverse inference from a defendant's failure to testify." United States v. Solano-Godines, 120 F.3d 957, 962 (9th Cir. 1997). However, in civil proceedings adverse inferences can be drawn from a party's invocation of this Fifth Amendment right. See SEC v. Colello, 139 F.3d 674, 677 (9th Cir. 1998). The seminal case in this area is [Baxter v. Palmigiano, 425 U.S. 308 \(1976\)](#). In Baxter, the Supreme Court was confronted with a prison inmate who had been brought before a prison disciplinary board on charges of inciting a disturbance. When informed that state criminal charges might be brought against him arising out of his conduct while in prison, the inmate was advised that he could remain silent before the board, but that his silence would be used against him. See id. at 312. During the hearing, the inmate was confronted with incriminating evidence, remained completely silent, and as a consequence was given further punishment under the assumption that he perpetrated the acts for which he was being questioned. See id. at 313, 317. **The Supreme Court held that the drawing of the adverse inference from the inmate's silence was proper when incriminating evidence had also been presented, and therefore no Fifth Amendment violation had taken place.** See id. at 317-18.*

The Baxter holding is not a blanket rule that allows adverse inferences to be drawn from invocations of the privilege against self-incrimination under all circumstances in the civil context. Rather, lower courts interpreting Baxter have been uniform in suggesting that the key to the Baxter holding is that such adverse inference can only be drawn when independent evidence exists of the fact to which the party refuses to answer. See, e.g., LaSalle Bank Lake View v. Seguban, 54 F.3d 387, 391 (7th Cir. 1995); Peiffer v. Lebanon Sch. Dist., 848 F.2d 44, 46 (3d Cir. 1988). Thus, an adverse inference can be drawn when silence is countered by independent evidence of the fact being questioned, but that same inference cannot be drawn when, for example, silence is the answer to an allegation contained in a complaint. See Nat'l Acceptance Co. v. Bathalter, 705 F.2d 924, 930 (7th Cir. 1983). In such instances, when there is no corroborating evidence to support the fact under inquiry, the proponent of the fact must come forward with evidence to support the allegation, otherwise no negative inference will be permitted. See LaSalle Bank, 54 F.3d at 391. [Doe v. Glanzer, 232 F.3d 1258, 232 F.3d 1258 (9th Cir. 11/17/2000)]

3. Previous responses by you to earlier versions of this document have predictably employed deliberately ambiguous terms in order to avoid admitting the truth. We therefore define all such terms below consistent with their statutory meanings. If you agree with these definitions, simply say nothing. If you disagree, please provide the statute the expressly includes that which you argue is included. Otherwise, the rules of statutory construction forbid arbitrarily extending the definitions or making presumptions about what is included because that would violate due process of law and cause you to establish a religion in violation of the First Amendment:

*"**Expressio unius est exclusio alterius.** A maxim of statutory interpretation meaning that **the expression of one thing is the exclusion of another.** Burgin v. Forbes, 293 Ky. 456, 169 S.W.2d 321, 325; Newblock v. Bowles, 170 Okl. 487, 40 P.2d 1097, 1100. Mention of one thing implies exclusion of another. **When certain persons or things are specified in a law, contract, or will, an intention to exclude all others from its operation may be inferred.** Under this maxim, if statute specifies one exception to a general rule or assumes to specify the effects of a certain provision, other exceptions or effects are excluded." [Black's Law Dictionary, Sixth Edition, p. 581]*

- 3.1. **"United States"**: Means federal territories and possessions and excludes states of the Union. There is no definition of "State" within the original Social Security Act of 1935 or any of its successors that has ever included a state of the Union. Congress cannot legislate for either states of the Union or the people in them without violating the Separation of Powers Doctrine and committing treason punishable by death. See:
 - 3.1.1. Social Security Act of 1935, Section 1101(a)(2).
 - 3.1.2. Current Social Security Act, Section 1101(a)(2).
 - 3.1.3. 42 U.S.C. §1301(a)(2).
- 3.2. **"State"**: Means a federal territory or possession and no part of any state mentioned in the United States Constitution. See:
 - 3.2.1. Social Security Act of 1935, Section 1101(a)(1).
 - 3.2.2. Current Social Security Act, Section 1101(a)(1).

3.2.3. 42 U.S.C. §1301(a)(1).

4. Any use of the words “frivolous” in your response shall mean “correct, truthful”. I have a protected [First Amendment](#) right to communicate with our government as we see fit. This means you must communicate with me in a language I understand and define. If people who speak Spanish are entitled to interpreters in court, I am entitled to a similar “interpreter”. My “language” does not include the word “frivolous” or any variation thereof as commonly used by the legal profession. Those who want to identify anything that I say as incorrect must specify exactly what is incorrect and do so under the rules of evidence established above using only legally admissible evidence consistent with that identified in the list above.
5. If you provide a general answer rather than specifically address the issues raised herein about your coercive and illegal conduct, then this shall constitute fraud, based on the following maxims of law:

“*Fraus latet in generalibus. Fraud lies hid in general expressions.*”

“*Fraus est celare fraudem. It is a fraud to conceal a fraud. 1 Vern. 270.*”

“*Lata culpa dolo aequiparatur. Gross negligence is equal to fraud.*”

[*Bouvier’s Maxims of Law, 1856; SOURCE:*

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

6. The expression of a personal or agency opinion rather than providing legally admissible evidence under penalty of perjury supporting your position shall constitute an admission of the truthfulness of everything not rebutted with such legally admissible evidence. I am not interested in self-serving “opinions”, agency “propaganda”, or agency “policy”, but only facts and law that are relevant and admissible in a legal proceeding involving the issues raised herein. All such self-serving agency “rhetoric” only proves to me that you are administering the “public trust” as a “sham trust” for your own personal benefit as “trustee” and not for the benefit of the public who the trust was created to serve. The U.S. Supreme Court has declared that we are a “society of law and not men”.

“*The government of the United States has been emphatically termed a government of laws, and not of men. It will certainly cease to deserve that high appellation, if the laws furnish no remedy [against a public official such as yourself] for the violation of a vested legal right.*”

[*Marbury v. Madison, 5 U.S. 137; 1 Cranch 137, 2 L.Ed. 60 (1803)*]

This means that we are NOT a “society of policy”, because “policy” is NOT law, except possibly in a monarchical or dictatorial form of government that is anathema to our system of republican government. Therefore, I am not interested in what “men” such as you have to say, but what the law, the courts, and the legally admissible evidence signed under penalty of perjury by someone with demonstrated lawfully delegated authority with personal knowledge and who agrees to take legal responsibility in court for their statements says in your favor. An opinion that is not legally “actionable” from a person who is not responsible for what they say is meaningless and makes a very poor basis for belief. Whenever I communicate with you on a government form, it usually must be under penalty of perjury. See [26 U.S.C. §6065](#), for instance, and the perjury statement on just about every government form available. That is exactly what I expect from you, because the Fourteenth Amendment section 1 and [42 U.S.C. §1981](#) both say that I am legally entitled to the same “equal protection”. Any expression of “policy” rather than legally admissible, specific evidence of authority shall constitute an admission that we are NOT a society of law but of men and that YOU are a COMMUNIST. Welcome to AMERIKA. Comrade! The U.S. Congress says the main characteristics of all communists is a failure or refusal to recognize the lawful limits placed upon their authority by the Constitution and all laws passed in furtherance of it.

[TITLE 50 > CHAPTER 23 > SUBCHAPTER IV > Sec. 841.](#)
[Sec. 841. - Findings and declarations of fact](#)

The Congress finds and declares that the Communist Party of the United States [consisting of the IRS, DOJ, and a corrupted federal judiciary], although purportedly a political party, is in fact an instrumentality of a conspiracy to overthrow the [de jure] Government of the United States [and replace it with a de facto government ruled by the judiciary]. It constitutes an authoritarian dictatorship [IRS, DOJ, and corrupted federal judiciary in collusion] within a [constitutional] republic, demanding for itself the rights and privileges [including immunity from prosecution for their wrongdoing in violation of Article I, Section 9, Clause 8 of the Constitution] accorded to political parties, but denying to all others the liberties [Bill of Rights] guaranteed by the Constitution. Unlike political parties, which evolve their policies and programs through public means, by the reconciliation of a wide variety of individual views, and submit those policies and programs to the electorate at large for approval or disapproval, the policies and programs of the Communist Party are secretly [by corrupt judges and the IRS in complete disregard of the tax laws] prescribed for it by the foreign leaders of the world Communist movement [the IRS and Federal Reserve]. Its members [the Congress, which was terrorized to do IRS bidding recently by the framing of Congressman Traficant] have no part in determining its goals, and are not permitted to voice dissent to party objectives. Unlike members of political parties, members of the Communist Party are recruited for indoctrination [in the public schools by homosexuals,

liberals, and socialists] with respect to its objectives and methods, and are organized, instructed, and disciplined [by the IRS and a corrupted judiciary] to carry into action slavishly the assignments given them by their hierarchical chieftains. Unlike political parties, the Communist Party [thanks to a corrupted federal judiciary] acknowledges no constitutional or statutory limitations upon its conduct or upon that of its members. The Communist Party is relatively small numerically, and gives scant indication of capacity ever to attain its ends by lawful political means. The peril inherent in its operation arises not from its numbers, but from its failure to acknowledge any limitation as to the nature of its activities, and its dedication to the proposition that the present constitutional Government of the United States ultimately must be brought to ruin by any available means, including resort to force and violence [or using income taxes]. Holding that doctrine, its role as the agency of a hostile foreign power [the Federal Reserve and the American Bar Association (ABA)] renders its existence a clear present and continuing danger to the security of the United States. It is the means whereby individuals are seduced into the service of the world Communist movement, trained to do its bidding, and directed and controlled in the conspiratorial performance of their revolutionary services. Therefore, the Communist Party should be outlawed.

If you as a public servant will not acknowledge the limitations and duties imposed by law upon your conduct in helping the “public”, of which I am a member, by complying with this lawful request, then you are risking a criminal complaint for conspiracy to violate rights, constructive fraud, and civil damages for breach of fiduciary duty as a public officer. Of this sort of willful communist rebellion against enacted law by public servants, the U.S. Supreme Court has said:

“No man in this country is so high that he is above the law. No officer of the law [such as YOU, a “public officer”] may set that law at defiance with impunity [by ignoring or evading his duties under it]. All the officers of the government, from the highest to the lowest, are creatures of the law and are bound to obey it. It is the only supreme power in our system of government, and every man who by accepting office participates in its functions is only the more strongly bound to submit to that supremacy, and to observe the limitations which it imposes upon the exercise of the authority which it gives.” 106 U.S., at 220. “Shall it be said... that the courts cannot give remedy when the Citizen has been deprived of his property [or his earnings from labor, which are also property] by force [and CONSTRUCTIVE FRAUD through OMISSION], his estate seized and converted to the use of the government without any lawful authority, without any process of law, and without any compensation, because the president has ordered it and his officers are in possession? If such be the law of this country, it sanctions a tyranny which has no existence in the monarchies of Europe, nor in any other government which has a just claim to well-regulated liberty and the protection of personal rights,” 106 U.S., at 220, 221. [United States vs. Lee, 106 U.S. 196, 1 S. Ct. 240 (1882)]

5 PROOF OF JURISDICTION QUESTIONNAIRE

This section contains a list of specific legal questions you are demanded to produce answers for within 30 days of receipt of this correspondence as required by 5 U.S.C. §556(d), which requires that the moving party has the burden of proof. Pursuant to Fed.R.Civ.P. 8(b)(6), failure to deny or answer shall constitute:

1. An “Admit” in the case of an admission
2. The DEFAULT ANSWER provided if not an admission.
3. An express admission on your part that your request is unlawful, a Constitutional tort, and that you consent to be sued for violation of rights under a Bivens Action under the terms of the franchise described in Enclosure (1), Section 8.

Your answers will become evidence in future litigation, should that be necessary in order to protect the rights of the person against whom you are attempting to unlawfully enforce federal law.

5.1 Admissions

1. Admit that there is no statute or regulation which makes “USA Passports” (NOT “U.S. passports”, but “USA Passports”) the property of the United States government.

YOUR ANSWER: ___ Admit ___ Deny

CLARIFICATION: _____

2. Admit that absent evidence to include a statutory and implementing regulation published in the Federal Register that expressly makes a specific type of passport into government property, any claim by you that said passport is “U.S. property” is fraudulent and without foundation.

YOUR ANSWER: ___ Admit ___ Deny

1 CLARIFICATION: _____

2 3. Admit that the passport I received indicates that it is a "United States of **America** Passport" and not a "U.S. Passport".

3 YOUR ANSWER: ___ Admit ___ Deny

4 CLARIFICATION: _____

5
6 4. Admit that a "U.S. passport" is one applied for and in use by those engaged in public offices in the government such as
7 those who applied for the passport using a Social Security Number, which the regulations at 20 C.F.R. §422.103(d)
8 identify as government property and not private property or even "my" private property.

9 YOUR ANSWER: ___ Admit ___ Deny

10 CLARIFICATION: _____

11
12 5. Admit that there is no definition of "United States" anywhere within Title 8 of the U.S. Code that expressly includes
13 any state of the Union, and therefore states mentioned in the Constitution are "foreign states" in relation to Title 8 of
14 the U.S. Code and that the people within them are "nonresidents".

15 [8 U.S.C. §1101\(a\): Definitions](#)

16 (36): State

17 *The term "State" includes the District of Columbia, Puerto Rico, Guam, and the Virgin Islands of the United*
18 *States.*

19 (38) United States

20 *The term "United States", except as otherwise specifically herein provided, when used in a geographical sense,*
21 *means the [continental United States](#), Alaska, Hawaii, Puerto Rico, Guam, and the Virgin Islands of the United*
22 *States.*

23
24 *TITLE 8--ALIENS AND NATIONALITY CHAPTER 1--IMMIGRATION AND NATURALIZATION SERVICE,*
25 *DEPARTMENT OF JUSTICE*
26 *PART 215--CONTROLS OF ALIENS DEPARTING FROM THE UNITED STATES*
27 [Section 215.1: Definitions](#)

28 (f) *The term **continental United States** means the District of Columbia and the several [States](#), except Alaska and*
29 *Hawaii.*

30 YOUR ANSWER: ___ Admit ___ Deny

31 CLARIFICATION: _____

32
33 6. Admit that in the absence of express declaration, things not expressly included somewhere within the definitions of
34 statutory words may safely be presumed to be purposeful excluded by implication:

35 *"**Expressio unius est exclusio alterius.** A maxim of statutory interpretation meaning that **the expression of one***
36 ***thing is the exclusion of another.** Burgin v. Forbes, 293 Ky. 456, 169 S.W.2d 321, 325; Newblock v. Bowles,*
37 *170 Okl. 487, 40 P.2d 1097, 1100. Mention of one thing implies exclusion of another. **When certain persons or***
38 ***things are specified in a law, contract, or will, an intention to exclude all others from its operation may be***
39 ***inferred.** Under this maxim, if statute specifies one exception to a general rule or assumes to specify the effects*
40 *of a certain provision, other exceptions or effects are excluded."*
41 *[Black's Law Dictionary, Sixth Edition, p. 581]*

42
43 *". . . Statutory definitions control the meaning of statutory words, . . ."*
44 *[Lawson v. Suwannee Fruit & Steamship Co., 336 U.S. 198, 201 (1949)]*
45

1 *"When a statute includes an explicit definition, we must follow that definition, even if it varies from that term's*
2 *ordinary meaning.* *Meese v. Keene, 481 U.S. 465, 484-485 (1987) ("It is axiomatic that the statutory definition*
3 *of the term excludes unstated meanings of that term"); Colautti v. Franklin, 439 U.S. at 392-393, n. 10 ("As a*
4 *rule, `a definition which declares what a term "means" . . . excludes any meaning that is not stated"); Western*
5 *Union Telegraph Co. v. Lenroot, 323 U.S. 490, 502 (1945); Fox v. Standard Oil Co. of N.J., 294 U.S. 87, 95-96*
6 *(1935) (Cardozo, J.); see also 2A N. Singer, Sutherland on Statutes and Statutory Construction § 47.07, p. 152,*
7 *and n. 10 (5th ed. 1992) (collecting cases). That is to say, the statute, read "as a whole," post at 998 [530 U.S.*
8 *943] (THOMAS, J., dissenting), leads the reader to a definition. That definition does not include the Attorney*
9 *General's restriction -- "the child up to the head." Its words, "substantial portion," indicate the contrary."*
10 [[Stenberg v. Carhart, 530 U.S. 914 \(2000\)](#)]

11 YOUR ANSWER: ___Admit ___Deny

12 CLARIFICATION:_____

- 14 7. Admit that Recipient of this correspondence has no evidence in their possession that the Submitter is domiciled on
15 federal territory and therefore subject to federal statutory civil law as a "U.S. person" (26 U.S.C. §7701(a)(30)), "U.S.
16 citizen" (8 U.S.C. §1401), or "resident" (alien) (8 U.S.C. §1101(a)(3) and 26 U.S.C. §7701(b)(1)(A)).

17 YOUR ANSWER: ___Admit ___Deny

18 CLARIFICATION:_____

- 21 8. Admit that Recipient has no delegated authority to make legal determinations about my status in conflict with
22 Enclosure (1), nor to represent me legally as an agent or fiduciary. Provide your delegation of authority order with
23 your response if your answer is "Deny".

24 YOUR ANSWER: ___Admit ___Deny

25 CLARIFICATION:_____

28 **5.2 Interrogatories**

29 The following interrogatories shall constitute a request under the Freedom of Information Act, 5 U.S.C. §552, and the Privacy
30 Act, 5 U.S.C. §552a, for the information provided that is pertinent to the resolution of this matter.

- 31
32 1. Explain how you can call a "U.S. passport" government property issued to a private and not public person and call for
33 its return without instituting the equivalent of eminent domain over private property associated with the Constitutional
34 right to travel of the holder that is located and domiciled outside of your civil jurisdiction. The U.S. Supreme Court
35 has held that the federal government has no power of eminent domain within the borders of a state of the Union.

36 *"The United States have no constitutional capacity to exercise municipal jurisdiction, sovereignty, or eminent*
37 *domain, within the limits of a State or elsewhere, except in cases where it is delegated, and the court denies*
38 *the faculty of the Federal Government to add to its powers by treaty or*
39 *compact."*
40 [[Dred Scott v. Sandford, 60 U.S. 393, 508-509 \(1856\)](#)]

41 DEFAULT ANSWER: We can only call passports "U.S. property" that are carried and owned by public officers on
42 official business called "taxpayers", all of whom are domiciled within our jurisdiction. In that capacity they are
43 government property because ALREADY in custody of a public officer representing the government. By calling for
44 their return from such a public officer, we are not exercising eminent domain because we are simply changing which
45 public officer has custody of the passport, not changing its character from private to public by demanding its return
46 from a private human being. Any other method of exercising our authority in this circumstance would be equivalent
47 to eminent domain and THEFT of private property. In law, all rights, including the right to travel, are the PRIVATE
48 property of the owner of the right. Public officers have no rights, but only statutory privileges, and therefore there are
49 not such rights that could be taken away when we request the transfer of said property from one public officer to
50 another.
51

- 1 2. Please identify the statute within the U.S. Code that identifies the specific type of statutory “person” whom you are
2 presuming or assuming when corresponding with me and addressing me as “you” and all the physical evidence that
3 proves that I ever declared myself as such. Choose only one:
4 a. ____ statutory but not constitutional “U.S. citizen” per 8 U.S.C. §1401
5 b. ____ Constitutional but not statutory per U.S.A. constitution

6 DEFAULT ANSWER: Answer b. I have no delegated authority to make legal determinations about your status and
7 your status is whatever you say it is. It would constitute compelled association in violation of the First Amendment for
8 me to choose a political status absent your consent or against your will. See:

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

- 9
10 3. Provide any and all evidence in your possession that the passport you requested to be surrendered was not lawfully
11 issued or that any of the evidence in support of the application of said passport is or may have been incorrect or false in
12 any material matter.

13 DEFAULT ANSWER: There is not such evidence in our possession. We are being capricious and arbitrary because
14 you refuse to commit fraud on the Form DS-11 passport application as we requested by declaring yourself a statutory
15 “U.S. citizen” (8 U.S.C. §1401) or a franchisee called a “taxpayer” engaged in the government’s “trade or business”
16 (public office). Indirectly, we admit that we are compelling you to bribe us by signing up for federal franchises that we
17 know you don’t qualify for and thereby transforming your Constitutional right to travel into a statutory privilege that we
18 can unconstitutionally and criminally tax and regulate.

19
20 CLARIFICATION: _____

- 21 4. Provide any and all evidence in your possession that I am lawfully AND consensually engaged in any federal
22 franchise, including Social Security, Medicare, and income taxation (“trade or business” franchise) in the context of
23 this transaction.

24 DEFAULT ANSWER: There is not such evidence in our possessions.

25
26 CLARIFICATION: _____

- 27 5. Which provision within 22 C.F.R. §51.70 *expressly* authorizes the REVOCATION of an existing USA passport?
28 Submitter is unable to locate any such provision.

29 DEFAULT ANSWER: There is not such provision and my request is ILLEGAL.

30 REGULATION: _____

31
32 CLARIFICATION: _____

- 33 6. Which provision within 22 C.F.R. §51.72 *expressly* identifies the reason why you are choosing to suspend or revoke
34 the passport that is the subject of this controversy?

35 DEFAULT ANSWER: There is not such provision and my request is ILLEGAL.

36 REGULATION: _____

37
38 CLARIFICATION: _____

- 39 7. Please provide any evidence in your possession that would contradict Enclosure (1) signed under penalty of perjury.

40 DEFAULT ANSWER: There is not such evidence in our possession.

41
42 CLARIFICATION: _____

1 **5.3 Affirmation of Rejecting Officer**

2 **Affirmation of Rejecting Officer Matthew Frohlich:**

3 I, the person directly responsible for revoking and/or denying the use of passport # _____, as an officer or
4 agent of the United States government, declare under penalties of perjury pursuant to [28 U.S.C. §1746\(2\)](#) that the information
5 provided by me in this section is truthful, accurate, and consistent with prevailing law to the best of my knowledge and ability.
6 I also agree to take complete, personal, and exclusive responsibility for loss, damages and other claims for the falsity or
7 accuracy of any information which I advised Philip Kelly Leopard in regards to passport, his citizenship status, and his right
8 to travel and other rights, definitions and other legalities discussed herein.

9
10
11 _____
12 Signature Date

13 Printed Name: _____

14 **6 CONCLUSION**

15 I depend on the use of passports to conduct my international business affairs. A failure to have or the withdrawal of the
16 ability to use a passport would, for all practical purpose, mean an end to my ability to conduct international commerce and to
17 support and employ myself in my private affairs and would compel me to pursue public assistance that I am not even eligible
18 for.

19 Because of the grave nature of your request, I ask that you provide the proof of jurisdiction requested herein before I can or
20 may comply without doing severe injury to myself and my entire family. I therefore kindly ask that you give this matter the
21 utmost serious attention and take the actions requested in Section 3 and thereby terminate the malicious, discriminatory,
22 politically motivated retaliation against me instituted by you and your agency in connection with lawfully requesting and
23 issuing that which I am lawfully entitled to. If not, legal action may be required for recovery of damages sustained by me
24 and my private business in connection with your willful violations of laws cited in section 2.

25 Thank you for your prompt cooperation.
26

1 **7 AFFIRMATION**

2 I certify under penalty of perjury from without the "United States" and from within the "United States of America", a foreign
3 state and a foreign estate pursuant to 26 U.S.C. §7701(a)(31) and 28 U.S.C. §1746(1) that this correspondence and all
4 enclosures are true, correct, and complete to the best of my ability.

5 Very Respectfully,

6

7

8 _____

ENCLOSURE (1): USA PASSPORT APPLICATION ATTACHMENT