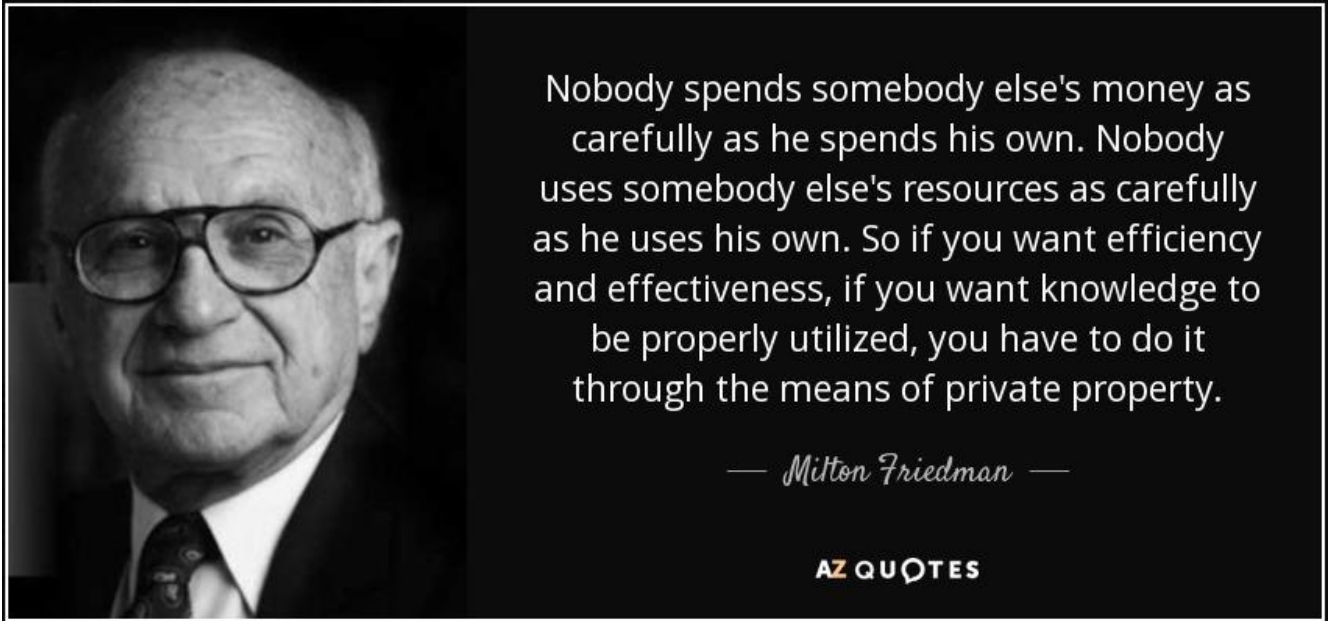


LAWS OF PROPERTY



“The heavens are Yours [God’s], the earth also is Yours[God’s]; The world and all its fullness, You have founded them.”
[Psalms 89:11, Bible, NKJV]

*“**All the inhabitants of the earth are reputed as nothing;** He does according to His will in the army of heaven And among the inhabitants of the earth. No one can restrain His hand Or say to Him, ‘What have You done?’”*
[[Daniel 4:35](#), Bible, NKJV]

*“**All nations [and governments] before Him [God] are as nothing,** and they are counted by Him **less than nothing and worthless.**”*
[[Isaiah 40:17](#), Bible, NKJV]

*“**He [God] brings the princes [and Kings and Presidents] to nothing; He makes the judges of the earth useless.**”*
[[Isaiah 40:23](#), Bible, NKJV]

*“Indeed **they [the governments and the men who make them up in relation to God] are all worthless; their works are nothing;** their molded images [and their bureaus and agencies and [usurious "codes" that are not law](#)] are wind [and vanity] and confusion.”*
[[Isaiah 41:29](#), Bible, NKJV]

DEDICATION

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

“[It is an] essential, unalterable right in nature, engrafted into the British constitution as a fundamental law, and ever held sacred and irrevocable by the subjects within the realm, that what a man has honestly acquired is absolutely his own, which he may freely give, but cannot be taken from him without his consent.”
[Samuel Adams, The Massachusetts Circular Letter, February 11, 1768; SOURCE:
<https://founders.archives.gov/documents/Adams/99-02-02-7094>]

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

California Civil Code
Section 2224

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

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

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1 Introduction

This document is intended as an introduction to the laws of property and a reference tool for use in litigation against the government relating to the violations of the laws of property.

The basic principles behind the laws of property are that:

1. The purpose of creating government is to protect private property and private rights. Declaration of Independence.
2. Government therefore needs consent of the owner to take your private property, which on this site we call a conversion from PRIVATE to PUBLIC.
3. The Constitution prevents this taking or conversion and requires the government to pay for the taking or conversion if you don't consent to it.
4. The civil statutes aid and abet and protect conversion from PRIVATE to PUBLIC, often without real compensation. That conversion is usually done through "tacit procuration", meaning by your ACTIONS and without your explicit knowledge in many cases:
 - 4.1. Domicile of nationals or physical presence/residence of aliens is the method of converting your CIVIL STATUS from PRIVATE to PUBLIC.
 - 4.2. Franchise marks (SSN, TIN, ITIN) and privileges (deductions, credits, and exemptions against the property under the civil statutes) are the method of converting your PROPERTY from PRIVATE to PUBLIC.
5. Therefore, all connections of civil statutes to you or your property should be avoided. Civil statutes are rules for VOLUNTARY members of a civil protection franchise. They acquire the FORCE of law by your CONSENT to acquire and maintain a civil domicile ONLY and thereby become a CIVIL member of a specific society called a STATUTORY "citizen" or "resident". They are, in effect, a form of "patronage" that should be avoided for those who want to retain ALL their constitutional and natural rights.

In the context of taxation, the conversion of PROPERTY in item 4.2 above from PRIVATE to PUBLIC is sometimes described as:

"Items that could not be otherwise taxed are TREATED as subject to tax when the recipient assents."

2 The reasons for learning the laws of property

The reason for learning and applying the laws of property in every dispute with the government BEFORE statutes are applied or enforced is mainly to:

1. Fight socialism. Socialism is legally defined as government ownership or control over all property. See:

<i>Socialism: The New American Civil Religion</i> , Form #05.016 https://sedm.org/Forms/05-MemLaw/SocialismCivilReligion.pdf

2. Make it IMPOSSIBLE for the government to merely PRESUME that they have the right to control, regulate, or tax property they do not own without meeting the burden of proof of HOW they became the owner and where the consideration was that BOUGHT them ownership. In other words, that they are NOT a THIEF that the Bible identifies them as. Rev. 18:4-8 and Exodus 22:7.
3. Avoid the complexity the civil statutes involve, with the realization that they can only regulate the government and people in possession or benefit of government property.
4. Avoid the sophistry that the statutes implement. See:

<i>An Introduction to Sophistry Course</i> , Form #12.042 https://sedm.org/an-introduction-to-sophistry/
--
5. Simplify the dispute down to moral issues that a jury can understand, rather than the complexity of statutes that most jurists DON'T understand.
6. Reduce the dispute down to:
 - 6.1. WHO the owner of the property is.
 - 6.2. Exactly HOW ownership or control of the property were transferred. In other words, how the property was converted from MINE (private) to YOURS (public). See:

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

1 6.3. Where government gets their authority to regulate or “write rules” for the property that they DON’T own and
2 therefore can’t regulate or control without committing a common law trespass or even criminal THEFT.

3 Civil statutes, after all, are just a regulation of GOVERNMENT/PUBLIC property ONLY. They cannot impair control over
4 PRIVATE property without violating the constitution. See:

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

5 **3 Property Rights are the FOUNDATION of all other rights!**

6 It is no accident that a nation conceived in liberty and dedicated to justice for all protects property rights. Property is the
7 foundation of every right we have, including the right to be free. Every right claim, after all, is a claim to some thing — either
8 a defensive claim to keep what one is holding or an offensive claim to something someone else is holding. John Locke, the
9 philosophical father of the American Revolution and the inspiration for Thomas Jefferson when he drafted the Declaration
10 of Independence, stated the issue simply: “Lives, Liberties, and Estates, which I call by the general Name, *Property*.” And
11 James Madison, the principal author of the Constitution, echoed those thoughts when he wrote, “as a man is said to have a
12 right to his property, he may be equally said to have a property in his rights.”

13 Much moral and legal confusion would be avoided if we understood that all of our rights — all of the things to which
14 we are “entitled” — can be reduced to property. That would enable us to separate genuine rights — things to which we
15 hold title — from specious “rights” — things to which other people hold title, which we may want for ourselves. It was
16 the genius of the old common law, grounded in reason and custom, that it grasped that point. And the common law
17 judges understood a pair of corollaries as well: property, broadly conceived, separates one individual from another; and
18 individuals are independent or free to the extent that they have sole or exclusive dominion over what they hold. Indeed,
19 Americans go to work every day to acquire property just so they can be independent.

20 The Constitution protects property rights through the Fifth and Fourteenth Amendments’ Due Process Clauses and,
21 more directly, through the Fifth Amendment’s Takings Clause: “nor shall private property be taken for public use
22 without just compensation.” There are two basic ways government can take property:

- 23 (1) outright, by condemning the property and taking title; and
24 (2) through regulations that take uses, leaving the title with the owner — so-called regulatory takings.

25 In the first case, the title is all too often taken not for a public but for a private use; and rarely is the compensation
26 received by the owner just. In the second case, the owner is often not compensated at all for his losses; and when he is,
27 the compensation is again inadequate.

28 Over the past three decades, the Supreme Court has chipped away at the problem of uncompensated regulatory takings,
29 requiring compensation in some cases; but its decisions were largely ad hoc, leaving most owners to bear the losses
30 themselves. Thus, owners today can get compensation when the title is actually taken, as just noted; when the property
31 is physically invaded by government order, either permanently or temporarily; when regulation for other than health or
32 safety reasons takes all or nearly all of the value of the property; and when government attaches conditions to permits
33 that are unreasonable, disproportionate, or unrelated to the purpose behind the permit requirement. But despite those
34 modest advances, toward the end of its October 2004 term, the Court decided three property rights cases in which the
35 owners had legitimate complaints, and in all three, the owners lost. One of those cases was *Kelo v. City of New London*,
36 in which the city condemned Ms. Kelo’s property only to transfer it to another private party that the city believed could
37 make better use of it. In so doing, the Court simply brushed aside the “public use” restraint on the power of government
38 to take private property. The upshot, however, was a public outcry across the nation and the introduction of reforms in
39 over 40 states. But those reforms varied substantially, and nearly all leave unaddressed the far more common problem
40 of regulatory takings.

41 At bottom, then, the Court has yet to develop a principled and comprehensive theory of property rights, much less a
42 comprehensive solution to the problem of government takings. For that, Congress (or the Court) is going to have to

1 turn to first principles, much as the old common law judges did. We need to begin, then, not with the public law of the
2 Constitution as presently interpreted, but with the private law of property.

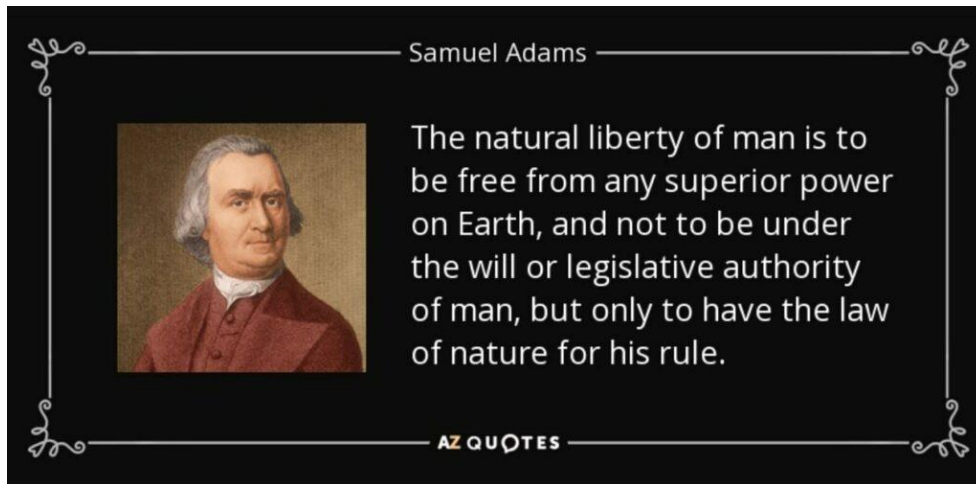
3 At the heart of the approach to property on this site is the notion that the essence of the property right is the right to
4 exclude government from using or benefitting from the use, and that if that right is taken away, then the government
5 becomes the REAL owner and you are merely an “equitable owner”. So long as regulatory takings are limited to
6 HARMFUL uses, then they are permissible. When such takings transfer “beneficial uses” or uses that produce revenue,
7 then they are not permissible. Every other source of regulatory authority must originate from the consent of the original
8 private owner. In most cases, that consent is given through a government application of some kind or another. And in
9 nearly all cases, that consent is procured illegally and through duress through “weaponization of the government” as
10 defined in:

SEDM Disclaimer, Section 4.30: Weaponization of Government
<https://sedm.org/disclaimer.htm>

11 More at:

Property Rights and the Constitution, Cato Institute
<https://www.cato.org/cato-handbook-policymakers/cato-handbook-policy-makers-8th-edition-2017/property-rights-constitution>

12 **4 Absolute Ownership of Private Property is the Foundation of Natural Law**



13

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

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

21 For the purposes of this ministry, “natural law” and “inalienable rights” are synonymous. The following subsections will
22 define and explain what we mean by “natural law” and what it would look like if implemented by our present government.
23 Although the implementation of natural law described in the following subsections is not intended to be religious or favor
24 any specific religion, but rather secular, it also happens to be completely consistent with the requirements of God’s law as
25 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/>

3. [Civil statutes \(Form #05.037\)](#) are not called “law”, but civil service franchise contracts.
4. Only voting and jury service are privileges that can be CIVILLY regulated by default. Any other thing that is a voluntary privilege must be expressly signed up for and PAID for in writing on the annual tax return filed at the beginning of each year and only lasts for one year.
5. Government ID’s are NOT used to change your civil status to a “resident” or “domiciliary”. You remain PRIVATE when using government ID. See:

*Hot Issues: Identification and Identity Theft**, SEDM
<https://sedm.org/identification/>

6. No other [franchise or privilege \(Form #05.030\)](#) is or can be bundled with voting or jury service, such as [civil DOMICILE \(Form #05.002\)](#).
7. All government “civil services” must be requested IN WRITING at the beginning of each year and you only pay for what you ask for. The purpose of filing tax returns is to CONSENT to specific civil services you want and to pay for them in advance. Those who didn’t pay for them may not receive them. See [SEDM Disclaimer, Section 4.6](#) for a definition of “civil service”.
8. Everyone is subject to the criminal and common law, whether they consent or not.
9. Civil courts may not enforce civil statutory law upon any party UNLESS they expressly consented in writing to receive its benefits as public property. If they didn’t, only the common law and criminal law applies. That consent shall appear on the tax return filed annually.
10. Administrative tax enforcement is NOT permitted and not necessary, since all civil services consumed are prepaid annually in advance. If you don’t prepay, you don’t get the service.
11. Every government agent is personally accountable for the accuracy and truthfulness of EVERYTHING he or she communicates to the public that might have an adverse affect on PRIVATE property or PRIVATE rights. Thus, they are PRESUMED to be communicating under penalty of perjury at all times. If they lie, they are civilly penalized. ANONYMOUS communication or collection letters are FORBIDDEN. All must be signed by a human being.
12. All government “benefits” are regarded as “civil services” that must be 100% paid annually for by those who consume them AS THEY ARE USED. Use of public funds for charity is FORBIDDEN.
13. The filing of [information returns \(Form #04.001\)](#) such as the W-2 and 1099 are forbidden and a criminal offense of impersonating a public office. They are unnecessary if civil services are consented to and paid for

1 annually and you don't need to BE a public officer to consume civil services. Being a sponsor is sufficient to
2 consume said services.

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

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

5 For a system of government that implements the above and builds upon existing organic and statutory law, and
6 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>

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

8 **4.2 Consequences to society of implementing natural law**

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

- 11 1. All economic power would return to the Sovereign People. The government would merely be a contractor having to
12 serve their CIVIL needs. They would mostly vote with their MONEY and ultimately decide which government “civil
13 services” are allowed to survive in the commercial marketplace.
- 14 2. The government would run like any other business: ultimately responsible to its customers, who would simply be called
15 “citizens” and “residents”. Those citizens and residents have no special privileges OTHER than the right to serve on
16 jury duty and vote and be a “customer” of VOLUNTARY government “civil services”. Those civil services would be
17 privileges that THEY would have to pay for if they want to receive their “benefit”, and that payment must be in advance
18 of them being consumed. The arrogance of politicians would disappear, because most of their revenue from “civil
19 services” would vaporize if they eliminated truly popular services or tried to impose “civil services” that no one wants.
- 20 3. The administrative state and all administrative enforcement would cease. This would remove most of the risk involved
21 in owning private property because it could no longer be targeted by the corrupt government for administrative or
22 regulatory takings.
- 23 4. The word games, equivocation, and chicanery would have to disappear, because consent to receive “civil services” must
24 be EXPLICIT and never IMPLICIT.
 - 25 4.1. That consent would have to appear on the tax return filed at the beginning of every year government “civil services”
26 you have to ASK for and pay for in advance.
 - 27 4.2. Government would no longer be able to engage in abuse of key “words of art” to, in effect, secure your “invisible
28 consent”. See:

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

- 29 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>

- 30 5. All the legal chicanery with government franchises and “benefits” would disappear because:
 - 31 5.1. It would no longer be up to administrative bureaucracy or “franchise judge” in the Executive Branch to conceive
32 of or enforce any “benefit”, or to even define what a “benefit” is. People would define it for themselves by signing
33 up for INDIVIDUAL “civil services” that they personally think “benefit” them on the annual tax return.
 - 34 5.2. Principles of “unjust enrichment” could no longer be abused in court to force people to pay for any specific service
35 they benefit from personally, because they would have to ASK for the service on their tax return and pay for it in
36 advance before they receive it.
- 37 6. The arrogance of those in the legal and judicial profession would disappear, because:
 - 38 6.1. The central importance of PRIVATE PROPERTY would return to the courts, which would then operate almost
39 exclusively under the common law. Since EVERYTHING would be private for the average American, there would
40 be no governmental or central control for most property like there is now. This would take the wind out of the sails
41 of most lawyers and judges, because most of their importance and value comes from putting PRIVATE
42 PROPERTY at risk mostly during administrative enforcement by the administrative state.

- 1 6.2. People would be absolutely equal to the government in court under principles of equity. Everything in the courts
2 would be based on principles of equity and common law for the average American.
- 3 6.3. Government could no longer engage in “administrative enforcement”, so all the of the legal skulduggery of the
4 administrative state and asset forfeiture laws would have to disappear.
- 5 6.4. Conflicts of financial interest by judges would disappear for the most part. Most judges now operate with two hats:
6 (1) Franchise judge hat; (2) Constitutional judge hat. Thus, judges are forced to make decisions about “choice of
7 law” that inevitably will be biased because only one of those choices will “benefit” themselves or their employer
8 economically. See:

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

- 9 6.5. “Weaponization of the government” and those in the courts would cease, because government couldn’t “bundle”
10 any “civil service” with any other one. Each program would have to survive on its own merit with the public so
11 that inefficient or undesired services would be NATURALLY and AUTOMATICALLY eliminated by their
12 “customers” with no legislative actions needed to eliminate them. That’s how Darwinian “survival of the fittest”
13 inevitably works, and it would work well to automatically reform the government.
- 14 7. Since there are no longer any benefits, franchises, or privileges for the average American:
15 7.1. America would cease to be a “welfare magnet” for the rest of the world. People would no longer be attracted to
16 come to America to get “free goodies” paid for by someone else.
- 17 7.2. Identity politics would disappear, because people could not use their authority as a jurist or voter to sanction the
18 abuse of the government’s taxing power to steal from the rich and give to the poor.
- 19 8. The importance of family and the church within society would return. They would be the only source of charity and
20 grace, since all government “benefits” would disappear.
- 21 9. The IRS and all of its nefarious activities would disappear, because they would no longer need any enforcement authority.
22 9.1. The complexity of the tax franchise codes would disappear. There would no longer be any need for exemptions or
23 deductions or a network of “experts” to market them.
- 24 9.2. The staff of most paper pushers at most businesses in HR, Accounting, and Tax would probably reduce to less than
25 one fourth its size, because the complexity of the tax system would be completely eliminated.
- 26 10. There would be no need to put public bonds on the ballot, because they could simply be offered on the tax return to
27 people who want that “civil service”. Those who want it would check the box and pay for it IN ADVANCE.
- 28 11. The Federal Reserve counterfeiting franchise would have to go away and could no longer be used to print money and
29 steal from those who have cash in hand through inflation.
- 30 11.1. Governments wanting to raise revenue for new programs would have to offer bonds on the annual tax returns that
31 would have to directly appeal to the public or they wouldn’t be funded to begin with.
- 32 11.2. Banks could no longer be abused to recruit PUBLIC OFFICER “taxpayers” by forcing them to adopt a franchise
33 status of “taxpayer” as a precondition of opening an account.

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

Devil’s Advocate: Lawyers, SEDM
<https://sedm.org/what-we-are-up-against/>

41 It is PRECISELY the above corruption that is the inevitable source of resistance to SEDM and the concepts of personal
42 sovereignty that underlies it.

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

4.3 Empirical validation of natural law

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

1. Murder
2. Assault.
3. Theft.
4. Rape.
5. Trespassing.
6. Coercion.
7. Lying.

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

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

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

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

Apophasis (noun)

apoph-a-sis

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

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

—John Brooks

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

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

—Mark Allen McIntosh

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

In effect, God is defined by what Satan IS NOT from a theological vantage point. Thesis and Antithesis....however, embracing both and reconciling results in synthesis (Jesus Christ, the great mediator/redeemer). The one cannot exist without the other if we are to abide by natural law (all paradoxes may be reconciled), because hermetic principles dictate that there is the principle of polarity. Much of the Codes in mans law recognize this..."male imports the female, and female imports the 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

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

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>

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

4.4 Natural law is the foundation of justice itself

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

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

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

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

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

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

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

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

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

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

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

20 *On the other hand, if there be no such natural principle as justice, there can be no such thing as injustice. If there*
21 *be no such natural principle as honesty, there can be no such thing as dishonesty; and no possible act of either*
22 *force or fraud, committed by one man against the person or property of another, can be said to be unjust or*
23 *dishonest; or be complained of, or prohibited, or punished as such. In short, if there be no such principle as*
24 *justice, there can be no such acts as crimes; and all the professions of governments, so called, that they exist,*
25 *either in whole or in part, for the punishment or prevention of crimes, are professions that they exist for the*
26 *punishment or prevention of what never existed, nor ever can exist. Such professions are therefore confessions*
27 *that, so far as crimes are concerned, governments have no occasion to exist; that there is nothing for them to do,*
28 *and that there is nothing that they can do. They are confessions that the governments exist for the punishment*
29 *and prevention of acts that are, in their nature, simple impossibilities.”*
30 *[The Lysander Spooner Reader, Lysander Spooner, ISBN 0-930073-06-1, 1992, Fox & Wilkes, San Francisco,*
31 *CA, pp. 16-18]*

32 **4.5 Three main elements of natural law**

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

35 1. **Live honestly.**

- 36 1.1. Tell the truth and do not lie (Exodus 20:16; Exodus 34:6-7; Prov. 19:9).
37 1.2. Make your actions consistent with your words. Make no promises you can't keep. (integrity, Prov. 28:6).
38 1.3. Be a good example to others (Matt. 5:16).

39 2. **Hurt no one.**

- 40 2.1. Do not violate the equal rights of others to life, liberty, and the pursuit of happiness (love your neighbor as yourself,
41 Matt. 22:39; don't plot evil Zech. 8:17).
42 2.2. Don't kill (Exodus 20:13).
43 2.3. Don't steal (Exodus 20:15).
44 2.4. Take full and complete responsibility for yourself at all times. Don't expect or require your neighbor to take care
45 of yourself, because this will lead you to steal from your neighbor (1 Tim. 5:8).
46 2.5. Don't commit adultery (Exodus 20:17).
47 2.6. Don't lust after property or sex or money (Exodus 20:17; Prov. 15:27).

48 3. **Give everyone his due.**

- 49 3.1. Put God FIRST on your priority list (Exodus 20:3-11)
50 3.2. Respect authority when it agrees with natural law (1 Peter 2:13-17).
51 3.3. Honor all your agreements (Num. 30:2).
52 3.4. Promote justice by rebuking/punishing people who hurt others (Prov. 24:25; Romans 13:4; Psalm 5:5-6).
53 3.5. Show mercy and help the less-fortunate when they are down (Psalm 89:14-15).

54 Natural law derives from our conscience, which Christians call the "Holy Spirit". The author who most eloquently described
55 and explained natural law was Lysander Spooner. A favorite book which contains most of his better writings is *The Lysander*

1 *Spooner Reader*, ISBN 0-930073-06-1, Fox & Wilkes, 938 Howard Street, Ste. 202; San Francisco, CA 94103. The section
2 in that book entitled "Natural Law" beginning on page 11 is most enlightening on the subject of natural law.

3 **4.6 Man-made laws that conform with natural law**

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

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

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

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

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

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

25 The corollary to approaching ALL proceedings against the government in equity is that if judges won't allow equity to be
26 invoked against the government, they have in effect made themselves and their employer SUPERIOR and SUPERNATURAL
27 beings, the source of law that replaces God's law, established an unconstitutional CIVIL religion in violation of the First
28 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>

29 **5 The Problem with Property in a Nutshell**

30 *"The privileged man, whether he be privileged politically or economically, is a man depraved in intellect and*
31 *heart."*
32 *[Mikhail Bakunin; SOURCE: https://www.brainyquote.com/quotes/mikhail_bakunin_326739/]*

33 *"The hand of the diligent will rule, But the lazy [or IRRESPONSIBLE] man will be put to forced labor*
34 *[SLAVERY]."*
35 *[Prov. 12:24, Bible, NKJV]*

36 THE problem with property in a nutshell:

37 *"People of all races, genders, political beliefs, sexual orientations, and nearly all religions are welcome here. All*
38 *are treated equally under REAL "law". The only way to remain truly free and equal under the civil law is to avoid*
39 *seeking government civil services, benefits, property, special or civil status, exemptions, privileges, or special*
40 *treatment. All such pursuits of government services or property require individual and lawful consent to a*
41 *franchise and the surrender of inalienable constitutional rights AND EQUALITY in the process, and should*
42 *therefore be AVOIDED. The rights and equality given up are the "cost" of procuring the "benefit" or property*
43 *from the government, in fact. Nothing in life is truly "free". Anyone who claims that such "benefits" or property*
44 *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."
[Family Guardian Fellowship Opening Page; <http://famguardian.org>]

The implication of the above is that ALL must live RESPONSIBLY, and never draw more from the public purse than they take in. Social Security Numbers, by the way, are just an accounting mechanism to ensure at a personal level that EVERYONE pulls their own weight and never violates this requirement. If you don't like being enumerated and regulated to ensure that you live responsibly, then ultimately the ONLY choice left to you is to live responsibly and:

1. Never accept ANY government/public property. Thus, all of your property is absolutely owned, constitutionally protected PRIVATE property. See:

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

2. Never apply for or receive any public benefit.

Government Instituted Slavery Using Franchises, Form #05.030
<https://sedm.org/Forms/05-MemLaw/Franchises.pdf>

3. Never accept the privileges or "benefits" incident to a civil domicile. See:

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

4. Never claim any civil statutory status such as "citizen", "resident", "person", "taxpayer", etc. Doing so forfeits the protections of the constitution under the U.S. Supreme Court's Constitutional Avoidance Doctrine. See:

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

5. Claim only to be a constitutional and common law "person" and NEVER a civil statutory "person". See:

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

6. Always interface to the government as LEGISLATIVELY but not CONSTITUTIONALLY "foreign" and a CIVIL "nonresident". See:

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

7. Always act in an INDIVIDUAL capacity and never in a COLLECTIVE capacity as an AGENT of the collective called a civil statutory "person" who has no PRIVATE property or PRIVATE rights or Constitutional protections. Someone engaged in a statutory "trade or business" in the Internal Revenue Code is an agent of the STATE handling PUBLIC property that does not belong to them. See:

Collectivism and How to Resist It Course, Form #12.025
<https://sedm.org/LibertyU/Collectivism.pdf>

8. Avoid filling out government forms, every one of which is used as a method to get you to GIVE UP private property and private rights. Define ALL terms on government forms you are COMPELLED to fill out in their common law and PRIVATE context and NEVER in their CIVIL STATUTORY context. See:

Avoiding Traps in Government Forms Course, Form #12.023
<https://sedm.org/LibertyU/AvoidingTrapsGovForms.pdf>

Judges, lawyers, and the entire legal profession have created a profitable business out of violating the above and therefore are The Matrix which seeks to enslave you. The truth is, they love money more than they love you or your freedom. See the following for exhaustive proof of this fact:

1. Devil's Advocate: Lawyers, SEDM
<http://sedm.org/what-we-are-up-against/>
2. Your Irresponsible, Lawless, and Anarchist Beast Government, Form #05.054

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

3. *Government Corruption*, Form #11.401

<https://sedm.org/home/government-corruption/>

The key to seeing this Matrix clearly for what it is and to be able to explain it to a jury is to study the laws of property. ALL rights are property. There are only TWO types of property: PUBLIC (government) and PRIVATE (individual). The Declaration of Independence says that the MAIN purpose of establishing government is to protect PRIVATE property of INDIVIDUALS and not CORPORATIONS OR COLLECTIVES. In that context, PRIVATE property is synonymous with "the pursuit of happiness". Anyone who wants to do any of the following has the malicious intent to DEPRIVE you of your happiness and undermine the goals of that Declaration:

1. Refer to you and TREAT you BY [UNCONSTITUTIONAL PRESUMPTION \(Form #05.017\)](#) as someone who has or accepts a [civil statutory STATUS \(Form #13.008\)](#) without your express written consent or without defining the terms. This is:

1.1. Criminal identity theft and human trafficking. See:

Government Identity Theft, Form #05.046

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

1.2. Legal deception and propaganda. See:

Legal Deception, Propaganda, and Fraud, Form #05.014

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

2. Confuse PRIVATE and PUBLIC property rights using a logical fallacy called "equivocation". This is "sophistry". See:

An Introduction to Sophistry Course, Form #12.042

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

3. Make all property PUBLIC property owned by the government that you need permission to use.

4. Use the word RIGHTS but not identify whether the RIGHT referred to is PRIVATE (individual) or PUBLIC (governmental).

5. Use grants or loans of PUBLIC/GOVERNMENT property to create NEW offices within the government. The constitution doesn't authorize this, so this is an act of criminal bribery to procure a public or governmental office.

6. TREAT anyone and everyone who handles or receives the "benefit" of PUBLIC/GOVERNMENT or civil statutory privileges as a de facto officer of the government. This is a crime in violation of 18 U.S.C. §912.

7. Use any of the above tactics to unconstitutionally INVADE the states in violation of Article 4, Section 4 using, in effect, government franchises, also called privileges. See:

Government Instituted Slavery Using Franchises, Form #05.030

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

8. Use a reserved PUBLIC property interest in any government payment under a grant to create a civil obligation to "return" any portion thereof, and to treat you as a public officer UNTIL that portion is "returned" on a "tax RETURN". The white man called this Indian Giver when Indians did it. Uncle Sam has made an entire profitable business out of this called "income tax". See:

Why the Federal Income Tax is a Privilege Tax Upon Government Property, Form #04.404

<https://sedm.org/product/why-the-federal-income-tax-is-a-privilege-tax-on-government-property-form-04-404/>

9. Use any essential government service that the government has a monopoly on to bundle any other unrelated or unwanted obligation or service with it that they want. This results in monopolistic antitrust behavior we call "weaponization of government" that can legally destroy ANY and EVERY arbitrary constitutional right that any politician wants. Private companies can't do this so why should any government be able to? Choice and autonomy are impossible unless every government civil service is subject to competition in the marketplace and has to be self-supporting and be voluntary and paid for separately. If capitalism works in the private sector to promote an efficient allocation of money and services, it should work in the public sector. See:

Family Guardian Disclaimer, Section 4.30: Weaponization of Government

https://famguardian.org/disclaimer.htm#4.30. Weaponization_of_government

The brutal and painful truths in this section are ALL [Third Rail Issues](#) to everyone in the legal profession and the government. By that we mean that it threatens their security, revenue, power, promotability, or reputation. As such, they are unspeakable in the courtroom, and when raised, may make those who speak them targets of sanctions, selective enforcement, retribution, censorship, and even an assassination attempt.

If you want [justice](#), which is legally defined as the right to be left alone, then talk about NOTHING but these issues in all your interactions with anyone in the legal profession. They will run like cockroaches when the light comes on if you speak

1 accurately and succinctly about these issues at every opportunity, and especially to jurists. Since they can't talk about these
2 things, the only defense they can have is silence, and you can easily put them in default with that silence. This is discussed
3 in:

Silence as a Weapon and a Defense in Legal Discovery, Form #05.021
<https://sedm.org/product/silence-as-a-weapon-and-a-defense-in-legal-discovery-form-05-021/>

4 These legal subjects are the MOST difficult to discover and document, because information on them is deliberately SO sparse
5 and censored. Discovering them and documenting them is literally as difficult as trying to observe and characterize a literal
6 BLACK HOLE at the center of a galaxy: It emits NO light, sound, or matter and cannot be observed directly. The only way
7 you can measure anything about it is to watch how it interacts with the things around it. The man who did this to the black
8 hole at the center of our galaxy won a Nobel prize for doing so because it was SO difficult. See:

Theoretical Foundation for Black Holes and the Supermassive Compact Object at the Galactic Centre, Royal Swedish
Academy of Sciences
<https://www.nobelprize.org/uploads/2020/10/advanced-physicsprize2020.pdf>

9 Science has a name for the process of discovering these issues. It's called "apophasis":

10 *apophasis*

11 [noun](#)

12 *Poph a sis*

13 *1: the raising of an issue by claiming not to mention it (as in "we won't discuss his past crimes")*

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

16 *2: the practice of describing something (such as God) by stating which characteristics it does not have especially*
17 *because human thought or language is believed to be insufficient to describe it fully or accurately*

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

21 [Merriam-Webster Dictionary; SOURCE: <https://www.merriam-webster.com/dictionary/apophasis>]

22 The closer you get to these issues in your litigation and in your legal research, the more legal deception, feigned ignorance,
23 and VIOLENT of a response you will encounter by those in the know. That deception is documented in:

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

24 This is because admitting one knows these things:

- 25 1. Destroys one's "plausible deniability".
- 26 2. Is an admission of criminal malpractice for those in the legal profession.
- 27 3. Admits the main thing Jesus criticized lawyers for: Using law as a way to benefit oneself personally instead of love and
28 protect and liberate your neighbor. See:

Who Were the Pharisees and Sadducees?, Form #05.047

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

- 29 4. Is an act of commercial suicide in the context of one's chosen legal profession.
- 30 5. Completely discredits those who have been operating in contradiction to the truths here, even though they DESERVE
31 such a punishment.
- 32 6. Inevitably may make them a target of their government regulators by losing their license to practice law or the office in
33 their government. Those who are licensed are officers of the government, by the way, and even Social Security
34 Numbers constitute de facto licenses to represent an office in the national government. See:

The most BASIC instinct of any animal is to protect their food source first. The above consequences of NOT doing so by being brutally honest are the reason you will find it SO difficult to find accurate information about the subject of PRIVATE property and the law system which protects it, being the common law and NEVER [civil statutory law \(Form #05.037\)](#). This is also why there is so much derogatory propaganda about the common law coming from the courts and the legal profession. That propaganda is documented in:

The challenges posed by this subject alone could easily fill an entire lifetime with learning and effort, for those who like challenges. That has been our great passion for multiple decades so far. Studying any other legal subject matter is the moral equivalent of rearranging deck chairs on the sinking Titanic.

Major changes to Black's Law Dictionary have been made over the years on this subject since we started studying this subject deeper than anyone in 2001. We believe our work has been the catalyst for these changes. Hopefully, these changes to Black's Law Dictionary will expand the audience for this VITAL information.

6 Important legal concepts underlying property law

In the context of the subject of property, REMEMBER the following important legal concepts:

1. Rights are property.
<https://famguardian.org/TaxFreedom/CitesByTopic/right.htm>
2. Anything that CONVEYS rights is property.
3. Contracts convey rights and are therefore property.
4. All franchises are contracts, and therefore property.
5. Civil statutes (Form #13.008) convey and enforce PUBLIC rights and are therefore PUBLIC property.
<https://sedm.org/Forms/13-SelfFamilyChurchGovnce/RightToDeclStatus.pdf>
6. The Constitution conveys mainly PRIVATE rights, which are PRIVATE property in the case of the Bill of Rights.
7. Those who OFFER property to you are a Merchant (Seller) under [U.C.C. §2-104\(1\)](#).
8. The person RECEIVING the property is the Buyer under [U.C.C. §2-103\(1\)\(a\)](#).
9. 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.
10. 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.
11. 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](#)

1 <https://famguardian.org/Subjects/Taxes/Evidence/HowScCorruptOurRepubGovt.htm> for a detailed description
2 of the legal, moral, and spiritual consequences of violating this paragraph.”
3 [SEDM Opening Page, <http://sedm.org>]

- 4 12. The CREATOR of a civil statutory privilege/public right/franchise is ALWAYS the owner and the Merchant granting
5 or selling PUBLIC property. See:
6 12.1. United States v. Babcock, 250 U.S. 328 (1919)
7 https://scholar.google.com/scholar_case?case=13911914425951042261
8 12.2. *Hierarchy of Sovereignty: The Power to Create is the Power to Tax*, Family Guardian Fellowship
9 <https://famguardian.org/Subjects/Taxes/Remedies/PowerToCreate.htm>
- 10 13. A statutory civil right (which is PUBLIC PROPERTY) exercised against a [fiction of law \(straw man, Form #05.042\)](#)
11 such as a “person” is a right exercised against the GRANTOR/CREATOR of the OFFICE, and not the human(s)
12 FILLING the office. This is an outgrowth of the law of agency. Thus, a civil statute used as a remedy in court against
13 someone else is a remedy against the GOVERNMENT GRANTOR/CREATOR of the right, and not the OFFICER
14 filling the office to which the PUBLIC right attaches. The CREATOR is the OWNER, and the OWNER of the right is
15 the person legally RESPONSIBLE for its effect on others.
- 16 14. If you use a civil statutory fictional office for private gain, the creator of the office is the owner of all income and
17 property attached to the office through the use of the franchise mark, the Social Security Number or Taxpayer
18 Identification Number. They must reward you with a portion of the PUBLIC property attached to the office to induce
19 you to volunteer for the office to begin with. Thus, a “trade or business” partnership is established to remit the
20 “kickback”. This is called a “return”.
- 21 15. Rules of Evidence relating to property interest are described in Federal Rule of Evidence 803(14) and 803(15).
- 22 16. Income taxation is always upon PROFIT or GAIN, and never the underlying property. For instance, taxes on LABOR
23 are upon PROFIT from labor, not the underlying labor itself, which is property. That means NEVER can the ENTIRE
24 amount earned from selling one’s labor for compensation of EQUAL value be classified as “income” from a
25 constitutional perspective UNLESS you consent to it. That consent must come in a place not protected by the
26 constitution such as on federal territory or abroad, because otherwise government is making a profitable business out of
27 alienating rights that the Declaration of Independence says are UNALIENABLE, which is a criminal financial conflict
28 of interest. Doing the OPPOSITE of what governments are created to do makes them not only NOT a government, but
29 an ANTI-government. See:

*Proof that earnings from labor are not “gross income” under 26 U.S.C. §61***, SEDM
<https://sedm.org/proof-that-earnings-from-labor-are-not-gross-income-under-26-u-s-c-61/>

30 Authorities supporting each of the items in the above list can also be found in the following article:

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

31 **7 Ownership v. Control**

32 Throughout this site, we often equate ownership and control of specific property as being synonymous. There are exceptions
33 to this, however, as we will now explain.

34 The most important aspects of control are:

- 35 1. The right to EXCLUDE any and all others from using or benefitting from something and
36 2. The right to attach conditions to the use of the property. This is typically done with a lease or rental agreement.

37 If you don’t have the above two things, you are a mere trustee and steward but not the real or absolute owner. Those two
38 things essentially define “absolute ownership”.

39 If you rent a car, they can then USE the property and pay the use fee, but ultimately, the REAL and ABSOLUTE owner
40 EXCLUDES you from using it under the conditions of the grant or lease by calling it back when the time limit is exhausted
41 or when the lease terms are violated. The fact that they can WRITE the lease to begin with and make you sign it before using
42 the property is proof that they are the absolute owner.

1 In theological terms, we state on this site that God is both the CREATOR and therefore the ABSOLUTE OWNER of ALL
2 property. That makes us His trustees whenever we use ANYTHING on this Earth or anywhere in the Universe. The terms
3 of the trust indenture governing our use of God’s property appear in the Bible as [God’s laws](#). Whenever we:

- 4 1. Use the property to DO something He FORBIDS or
- 5 2. NOT DO something He COMMANDS. . .

6 . . .then we violate the terms of the grant of His property in the Holy Bible as trustees and will suffer the eternal consequences
7 under [His divine law](#). So long as we don’t abuse the property to do either of the above, we “**in effect**” exercise “absolute
8 ownership”, not unlike the term “effectively connected” is used in the Internal Revenue Code. All this
9 abstraction....“effective” and “effectively” are the keys it seems. The powers that be deal in mental constructs that people
10 understand and can turn into reality.

11 The main job of [God’s law](#) is to forbid uses of the property that injure others by defining MAINLY what we CANNOT do
12 with the property. Because God’s law rarely tells us what TO DO with His property and almost exclusively defines what
13 NOT to do, then it maximizes our liberty.

14 **8 Choice of Law**

- 15 1. You, as the owner of yourself and your private property, get to choose the choice of law. That power is an outgrowth of
16 ownership itself and the right to exclude that is part of it. See:

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

- 17 2. The power to CIVILLY control property and write CIVIL definitions that affect property comes ONLY from property
18 ownership. It can come from no other source. See Article 4, Section 3, Clause 2 of the Constitution, for instance.
- 19 3. The government cannot write definitions that CIVILLY affect, control, or regulate your private property without some
20 degree of ownership over that specific property.
- 21 4. When government seeks to control your property, they have the burden of proving how they acquired a CIVIL
22 ownership interest in it. If they can’t demonstrate that ownership interest, their enforcement action must be dismissed.
- 23 5. Law is a tool you use to CIVILLY protect property you own. You get to choose which laws CIVILLY protect your
24 property.
- 25 6. Choice of law rules for CIVIL statutes between state and federal law are found in 28 U.S.C. §1652.
- 26 7. Under choice of law rules in 28 U.S.C. §1652, the federal government cannot enforce CIVIL legislation in a state of
27 the Union that affects property they do not have an ownership interest in. See sections 24.21 and 24.22 later.
- 28 8. The Internal Revenue Code cannot be enforced within the exclusive jurisdiction of a Constitutional State under choice
29 of law rules found in 28 U.S.C. §1652. See:

Rebutted False Arguments About the Nonresident Alien Position When Used by American Nationals, Form #08.031,
Sections 14.6 through 14.9 and 15
<https://sedm.org/Forms/08-PolicyDocs/RebArgNRA.pdf>

30 **9 Theology and Property**

31 **9.1 Summary of theological rules of property**

- 32 1. The CREATOR of a thing is always the owner.

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

- 33 2. God created man. [Gen. 1:27](#), [Gen. 6:7](#).
- 34 3. Men are God’s workmanship. [Eph. 2:10](#).
- 35 4. God created the entire universe. [Isaiah 42:5](#).
- 36 5. The ENTIRE UNIVERSE is God’s property because He CREATED it. [Psalm 89:11](#).
- 37 6. God can’t be God unless He and therefore controls and makes laws for EVERYTHING.

SEDM About Us Page, Section 9: About religious tolerance and this ministry
<https://sedm.org/Ministry/AboutUs.htm#9>. [About religious tolerance and this ministry](#)

- 38 7. Everything God owns is PRIVATE. Everything Caesar or governments own is PUBLIC:

Separation Between Public and Private Course, Form #12.025, pp. 52-60
<https://sedm.org/LibertyU/SeparatingPublicPrivate.pdf>

8. Since God owns everything, we Christians are mere temporary trustees under God's delegation of authority order, the Bible. See:

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

9.2 How churches, people, and governments become corrupted through covetousness of property

1. Jesus HATES hierarchies of authority. They are filled with vanity and pride and God hates pride. Prov. 6:16-19. Jesus said that everyone who desires to lead should serve from below rather than rule from above as a "sovereign":

"You know that the rulers of the Gentiles lord it over them, and those who are great exercise authority over them. 26 Yet it shall not be so among you; but whoever desires to become great among you, let him be your servant. 27 And whoever desires to be first among you, let him be your slave— 28 just as the Son of Man did not come to be served, but to serve, and to give His life a ransom for many."
[Matt. 20-25-28, Bible, NKJV]

2. Hierarchies of authority are the antithesis of the above. They are created mainly using loans or grants of property with legal strings. In legal terms, this is called a franchise or privilege.
2.1. Whoever controls the property controls all those who WANT the property.
2.2. To covet property is a biblical sin in violation of the Ten Commandments, so franchises and privileges depend on covetousness for their existence:

"You shall not covet your neighbor's house; you shall not covet your neighbor's wife, nor his male servant, nor his female servant, nor his ox, nor his donkey, nor anything that is your neighbor's."
[Exodus. 20:17, Bible, NKJV]

3. ALL are treated equally under REAL law. Thus, there can be no hierarchies in REAL law.
3.1. Every other type of so-called "law" is FAKE and counterfeit from a biblical perspective. This is because [Lev. 24:22](#) says you shall have the same law for the stranger and one from your own country. This means those WITH a CONSENSUAL domicile and WITHOUT one BOTH must live under the same laws. In other words, consent cannot change the laws that one is subject to according to God. See:

Why Domicile and Becoming a "Taxpayer" Require Your Consent, Form #05.002, Section 10.3
<https://sedm.org/Forms/05-MemLaw/Domicile.pdf>

3.2. Satan is a counterfeiter of God's design. He sought to imitate God in AUTHORITY and POWER. [Isaiah 14:12-21](#).
3.3. The serpent tempted Eve's covetousness by telling her she would be "like God" in power and authority. That power and authority was PROPERTY in a legal sense. Gen. 3:5.
4. On the mountain, Satan tempted Christ with ONLY "things", meaning property.

"And he said to Him, "All these THINGS I will give You if You will fall down and worship me."
[Matt. 4:9, Bible, NKJV] (written by an EX tax collector whose full time job was CHARGING for these "things")

The end sought by Satan was that Christ had to "bow down", and thus become INFERIOR and UNEQUAL. This would make Satan ABOVE God in authority. That inequality created a hierarchy of authority that places a man between YOU and God. The result is theological idolatry.

5. These considerations are why God refers to Himself as "the MOST high": He owns EVERYTHING, including the Heaven and the Earth. He would have no real lawful authority if He DIDN'T own all property and control it through us as his agents.
6. All those who COVET and therefore WANT property owned or controlled by a GOVERNMENT and who are willing to violate God's law to get it are doomed to a spiritual CURSE direct from God:

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 above curse is why socialism is evil: It depends on the government owning or controlling all property and thus brings curses on every society it is implemented in and also replaces God with Government or civil rulers as an idol. See:

Socialism: The New American Civil Religion, Form #05.016
<https://sedm.org/Forms/05-MemLaw/SocialismCivilReligion.pdf>

7. Churches become corrupted by erecting man-made hierarchies that destroy equality on Earth under God’s law, and using privileges, property, and franchises to do so:

“10. Grace and works are BOTH necessary. Effectively the middle path. Grace alone produces salvation and is never a product of works. However, our works motivated out of love and not pride are inherent in accepting the grace and doing good to all mankind. This is because by surrendering to Christ’s authority He then works through us and we become His divine agents. That is what Christ means when He says that we are “in Him”, in fact: Two become one and unity prevails in God’s temple, which is our own body according to the Apostle Paul. Direct connection without the need for intercessors, priests, rituals, popes, or physical temples. Amos 3:7. This throws out all the middle men and the hierarchies and corruption they inevitably produce that are prideful “works of men” intended to affect THIS life, rather than the more proper NEXT life. By hierarchies in the case of Latter Day Saints, we mean the THREE kingdoms in Heaven, the 12 apostles/prophets, and the prophecies, which are equally as bad as the Catholic Pope and all his vain inventions. Matt. 20:20-28. Our disdain for government franchises (Form #05.030) has the same origin as our view of man-made church authority hierarchies.”
[Why We Must Personally Learn, Follow, and Enforce the Law, SEDM; <https://sedm.org/home/why-we-must-personally-learn-follow-and-enforce-the-law/>]

8. Fear of LOSING the privilege or property or status is what cults use to manipulate people. Cult religions believe that you are entitled to grace ONLY after you have done everything you can do, and not BEFORE. Thus, cult believers can never measure up and have a continual feeling of fear and inadequacy. This creates an impossible fools errand to “measure up” to the standards of the cult. That fools’ errand is the basis of the cult blackmail to continue good works that keeps the spiritual prisoners in check. All cults are based on precisely that fear and inadequacy.
9. Perfect love casts our fear and the essence of God is love. 1 John 4:3. To base a religion on fear and inadequacy is to replace a God of love with a Satanic idol. It also separates rather than unites us with God.

“He who does not love does not know God, for God is love.”
[1 John 4:8, Bible, NKJV]

“And we have known and believed the love that God has for us. God is love, and he who abides in love abides in God, and God in him.”
[1 John 4:16, Bible, NKJV]

10. Healthy families are based on love, not fear. God’s family is based on love. Dysfunctional families are based on:
- 10.1. Privileges, franchises, and grants of property that keep members in bondage to satisfy their covetousness.
 - 10.2. Fear and the vain man-made hierarchies that covetousness produces.
11. The two main components of Christianity are Grace and Works. Jesus does some of the same blackmail as cults as well, but only to get people to accept His grace to begin with and thereby become believers and “beneficiaries” of that Grace. An example of this is found in Matt. 19:16-22, where Jesus is asked what a rich man must do to have eternal life. His answer was to sell everything he has and come follow Him, an impossible task most of us can never measure

up to. Beyond surrendering to Christ, works are never a result of such blackmail within Christianity. So it's a much healthier approach based on love after accepting Christ instead of the perpetual fear and inadequacy that cults use to control their members.

12. Many pastors, including ours, will tell you that materialism is at the heart of how secular societies become corrupted. They are correct. Ironically, however, they seldom if ever admit that this is also true of churches because covetousness of the "benefits" of salvation in this life and reward for "works" in the next life is the main tool used to motivate and control members of the congregation invisibly. It is precisely this same covetousness that governments use to control people by tempting them with the temporal "benefits" of participating in their socialist franchise programs like Social Security. In that sense, government is an imitator of God just like Lucifer. See:

Social Security: Mark of the Beast, Form #11.407
<http://famguardian.org/Publications/SocialSecurity/TOC.htm>

Like the modern secular government, religious cults are modern Pharisees. Here is the essence of what a Pharisee is:

Who Were the Pharisees and Sadducees?, Form #05.047
<https://sedm.org/Forms/05-MemLaw/WhoWerePharisees.pdf>

Compare the above with any book on religious cults (such as *Passport to Heaven* in the case of LDS) and you will understand why the Pharisee cult doesn't want you in direct relationship with God and instead wants to be the middleman between you and Christ.

Middleman=hierarchy created by privileges, franchises, and property.

Instead of 619 extra commandments designed to circumvent the 10 commandments that the Pharisees had, LDS have three extra books, all designed to implement their hierarchy and privilege/franchise system.

All cults are SOPHISTS. That's why they get angry when you talk about Works righteousness. Works=earning of privileges. They don't want their privileges and property attacked. They are storing up treasures on earth instead of in heaven just like the Pharisees.

This is the SAME way the government reacts, BTW, when you expose their franchise system for the cult that it is! See:

Government Instituted Slavery Using Franchises, Form #05.030
<https://sedm.org/Forms/05-MemLaw/Franchises.pdf>

The U.S. government in effect created their own CULT similar to religious cults. The power HIERARCHY IS the essence of what a cult is. But Christianity insists that ALL are equal and that those who desire to lead MUST be SERVANTS and NEVER MASTERS.

"You know that the rulers of the Gentiles [unbelievers] lord it over them [govern from ABOVE as pagan idols] , and those who are great exercise authority over them [supernatural powers that are the object of idol worship]. Yet it shall not be so among you; but whoever desires to become great among you, let him be your servant [serve the sovereign people from BELOW rather than rule from above]. And whoever desires to be first among you, let him be your slave—just as the Son of Man did not come to be served, but to serve, and to give His life a ransom for many."
[[Matt. 20:25-28](#), Bible, NKJV]

So Christianity, according to Jesus, is an ANTI-CULT religion! Anti-cult literature often doesn't put it the way we describe cults here exactly, but this sort of hypocrisy is what they are attacking, we're sure. Hypocrite=someone who follows different rules than the people UNDER them and is therefore UNEQUAL.

It's too bad the bible didn't explain these concepts more clearly. They discuss it allegorically but never directly. I suppose if they had discussed it directly, the book would never have survived and been censored.

Voluntary privileges are the ONLY lawful way to create inequality and hierarchies. The only way they can be promoted and defended in a free society is with INVISIBLE or IMPLIED consent, because they are an adhesion contract and no one in their right mind would openly volunteer in a scenario of full disclosure. See:

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

1 Franchises are also the origin of "identity politics" as well.

2 Government can't govern people who are EQUAL. You become ungovernable, a nonresident, and a transient foreigner when
3 you pursue Christianity. It's the only coherent way to approach Christianity and life generally. Jesus was an anarchist. See:

Jesus Is an Anarchist, Family Guardian Fellowship
<https://famguardian.org/Subjects/Spirituality/ChurchvState/JesusAnarchist.htm>

4 You can't avoid becoming a religious anarchist when you follow him. By "religious anarchist", we mean that defined in the
5 following presentation:

Problems with Atheistic Anarchism, Form #08.020
SLIDES: <https://sedm.org/Forms/08-PolicyDocs/ProbsWithAtheistAnarchism.pdf>
VIDEO: <http://youtu.be/n883Ce11ML0>

6 "Natural law" is the RESULT of this anarchy and the absolute equality that makes it possible. See:

SEDM Disclaimer, Section 4.31: "Natural Law"
<https://sedm.org/disclaimer.htm#4.31. Natural law>

7 **9.3 Corruption of the Latter Day Saints (LDS) originates in property**

8 Latter Day Saints (LDS) Church (also called "Mormons" by some) corruption is evident based on the creation of a man-
9 made hierarchy of authority based on property and privileges:

- 10 1. The Prophet.
- 11 2. The 12 Apostles.
- 12 3. The THREE levels of heaven: Celestial, Telestial, Terrestrial.
- 13 4. You can't be married in the temple unless you go on a mission.

14 It is very much a works religion. You essentially aren't WORTHY of God's grace unless you do all you can to EARN it.
15 Two books come to mind about this corruption if you want to look more into it:

- 16 1. *Passport to Heaven: The True Story of a Zealous Mormon Missionary Who Discovers the Jesus He Never Knew*,
17 Micah Wilder-Author concludes that the church abuses Jesus Christ as a subterfuge to get people to be beholden to the
18 Church and its leaders authority.
19 <https://www.amazon.com/Passport-Heaven-Zealous-Missionary-Discovers/dp/0736982876/>
- 20 2. *The God Makers: A Shocking Expose of What the Mormon Church Really Believes*, Ed Decker and Dave Hunt
21 <https://www.amazon.com/God-Makers-Shocking-Expose-Believes/dp/1565077172/>

22 **9.4 Corruption of the Catholic Church originates in property**

23 For a summary of how the laws of property are abused to create church hierarchies and thereby implement idolatry in the
24 Catholic Church, see:

- 25 1. [Why Protestant Nations are Rich and Catholic Nations are Poor](https://nikeinsights.famguardian.org/forums/topic/why-protestant-nations-are-rich-and-catholic-nations-are-poor/) -Nike Insights
26 <https://nikeinsights.famguardian.org/forums/topic/why-protestant-nations-are-rich-and-catholic-nations-are-poor/>
- 27 2. [Why Catholic Nations Tolerate Stealing](https://nikeinsights.famguardian.org/forums/topic/why-catholic-nations-tolerate-stealing/) -Nike Insights
28 <https://nikeinsights.famguardian.org/forums/topic/why-catholic-nations-tolerate-stealing/>
- 29 3. [Natural Law](https://www.newadvent.org/cathen/09076a.htm)-Advent Catholic Encyclopedia
30 <https://www.newadvent.org/cathen/09076a.htm>
- 31 4. [Ecclesiastical Megalomania, John W. Robbins](https://archive.org/details/ecclesiastical-megalomania-by-john-w.-robbins) -book
32 <https://archive.org/details/ecclesiastical-megalomania-by-john-w.-robbins>

1 Thesis: The Catholic church rejected communism: that the State owns all property.

2 Antithesis: That in Capitalism, individuals have a right to own private property.

3 Synthesis: The Pope has a right as vicar of the church to control all property.

4 And, the thief has a right to steal your property for the common good. “the possession of all things in common, and universal
5 freedom are matters of natural law <https://www.newadvent.org/cathen/09076a.htm> .

6 Hence: the Catholic doctrine brought in serfdom, fascisms, socialisms, democratic socialism, and the “great reset” where you
7 will own nothing and enjoy it.” of natural law <https://www.newadvent.org/cathen/09076a.htm>

8 A must watch for legal beagles.

9 **10 Income Taxation in Relation to Property**

10 1. The income tax is NOT EVER a tax on YOUR property, which is PRIVATE property. This was decided in Pollock v.
11 Farmers’ Loan Trust Co., 158 U.S. 601, 634, 637, 15 S.Ct. 912, 39 L.Ed. 1108 (1895).

12 *“The Supreme Court held in the early case of Pollock v. Farmers’ Loan Trust Co., 158 U.S. 601, 634, 637, 15*
13 *S.Ct. 912, 39 L.Ed. 1108 (1895), that a tax on capital or principal is a direct tax which must be apportioned*
14 *among the states in proportion to the population as shown by the census, because of the requirements of the above*
15 *provisions of Article I. A direct tax on corpus or principal without such apportionment is unconstitutional, and*
16 *this cannot be avoided by merely calling it a tax on income. See Richardson v. United States, 294 F.2d. 593, 596*
17 *(6th Cir. 1961), cert. denied, 369 U.S. 802, 82 S.Ct. 640, 7 L.Ed.2d 549 (1962); Commissioner v. Obeir-Nester*
18 *Glass Co., 217 F.2d. 56, 58 (7th Cir. 1954), cert. denied, 348 U.S. 982, 75 S.Ct. 570, 99 L.Ed. 764 (1955),*
19 *rehearing denied, 349 U.S. 948, 75 S.Ct. 870, 99 L.Ed. 1274.”*
20 [[Harkness v. United States, 469 F.2d. 310, 324 \(Fed. Cir. 1972\)](https://www.newadvent.org/cathen/09076a.htm)]

21 2. One own’s labor is property.

22 *“Once earned, those unpaid wages became property to which the employees were entitled.”*
23 [[Cortez v. Purolator Air Filtration Products Co., 23 Cal.4th 163, 168 \(Cal. 2000\)](https://www.newadvent.org/cathen/09076a.htm)]

24 One converts one’s own labor (property) into another form of property (money). This is not a “transfer” of property.
25 So, a federal tax on such conversion of property from one form or another is inescapably a tax on the OWNERSHIP of
26 the property, thus an unconstitutional direct tax unapportioned on the PROPERTY. More at:

[Proof that Involuntary Income Taxes on Your Labor are Slavery](https://sedm.org/product/proof-that-involuntary-income-taxes-on-your-labor-are-slavery), Form #05.055**
<https://sedm.org/product/proof-that-involuntary-income-taxes-on-your-labor-are-slavery-form-05-055/>

27 3. An employee's remuneration for labor is principal in that it is the sum of the employer's obligation, and the BASIS for
28 any interest the employer may become obligated to pay if (for instance) the employer pays late or for some reason ends
29 up owing back pay to the employee.

30 *“Principal” has been defined as “[t]he capital sum of a debt or obligation, as distinguished from interest or other*
31 *additions to it.” Black’s Law Dictionary 1192 (6th ed. 1990). In other words, it is the “sum of money owed as a*
32 *debt, upon which interest is calculated.” The American Heritage Dictionary 985 (2d college ed. 1985). It refers*
33 *to the aggregate amount of an obligation. See Black’s Law Dictionary 1073 (5th ed. 1979) (“principal” refers to*
34 *the total amount of debt due, e.g., the face value of a mortgage or promissory note).”*
35 [[Miller v. Marshall Cty. and Cty. Bd. of Super, 641 N.W.2d 742, 748 \(Iowa 2002\)](https://www.newadvent.org/cathen/09076a.htm)]

36 4. The income tax is instead an excise tax on “profit” derived from privileged activities. In that sense “Income” has been
37 defined to be SEPARATE and APART, and DIFFERENT from the capital corpus, or principal. See the above case.

38 5. Privileges subject to excise taxation must be legislatively granted and therefore owned by the government. As such,
39 they are PUBLIC property. IN that sense, the income tax BEHAVES as a “use” or “rental” fee on PUBLIC property
40 not unlike using a rental car.

41 6. Income taxation has two main components:

42 6.1. Withholding. Done by third parties.

43 6.2. Assessment. Done mainly by you, but can be adjusted by the IRS after submitting a return.

- 1 7. Withholding is not an imposition of tax. Although money withheld is transferred into the federal treasury, the worker
2 or business associate receives a corresponding CREDIT for that amount. The CREDIT is also a form of property and
3 can be applied to the eventual tax liability (even a liability of \$0). Of course the employee would prefer to get the
4 money back in exchange for the credit, but he must go through the IRS in order to redeem the CREDIT the IRS has
5 awarded him and convert that credit back into the preferred form of property.
6 7.1. Only the individual who is the taxpayer can do this, he cannot sell or transfer his CREDIT to another person.
7 7.2. The employee at all times retains his property, albeit in different forms.
8 7.3. The party in temporary custody of the withholding credit before it is applied to a specific tax is a BAILIFF and
9 TRUSTEE on behalf of the worker.
10 7.4. The IRS classifies all income tax withholding as Tax Class 5, which means GIFTS.
11 8. To get back money withheld, one can:
12 8.1. Pursue a refund of the credit from the IRS.
13 8.2. Seek reimbursement from the employer who withheld the amount as “tax”. At no point was the labor converted
14 into public property. The labor was converted to money, and some of the money was converted into a CREDIT
15 which remains the private property of the employee held in trust by the IRS.
16 9. When it comes to ASSESSEMENT:
17 9.1. That is where the CREDIT is either converted (in whole or in part) back to money given to the employee or it is
18 applied toward whatever tax liability the taxpayer has.
19 9.2. Whatever is converted from private property to public property is determined by the taxpayer with his self-
20 assessment, then assessed by the IRS. Whatever amount the taxpayer pays is converted to public funds by his
21 voluntary actions.
22 9.3. No one is forced to have “United States person” status under 26 U.S.C. §7701(a)(30) and no one is forced to
23 receive federally-connected income. If one does, it comes with terms and conditions that includes some or all
24 income being subject to federal tax.
25 10. Even AFTER the ratification of the Sixteenth Amendment, taxes on one's own labor have always been DIRECT
26 TAXES that are unconstitutional and also a violation of the Thirteenth Amendment prohibition against involuntary
27 servitude.

28 *“That narrow view of what a direct tax might be persisted for a century. In 1880, for example, we explained that*
29 *“direct taxes, within the meaning of the Constitution, are only capitation taxes, as expressed in that instrument,*
30 *and taxes on real estate.” Springer, supra, at 602. In 1895, we expanded our interpretation to include taxes on*
31 *personal property and income from personal property, in the course of striking down aspects of the federal income*
32 *tax. Pollock v. Farmers' Loan & Trust Co., 158 U.S. 601, 618, 15 S.Ct. 912, 39 L.Ed. 1108 (1895). That result*
33 *was overturned by the Sixteenth Amendment, although we continued to consider taxes on personal property to be*
34 *direct taxes. See Eisner v. Macomber, 252 U.S. 189, 218–219, 40 S.Ct. 189, 64 L.Ed. 521 (1920).”*
35 *[Nat'l Fed'n of Indep. Bus. v. Sebelius, 567 U.S. 519, 571 (2012)]*

36 This is the SCOTUS in 2012, admitting that SCOTUS determined in 1895 that a tax on PERSONAL PROPERTY is a
37 DIRECT TAX, and that in spite of the 16th Amendment, the SCOTUS CONTINUED to consider taxes on
38 PERSONAL PROPERTY to be DIRECT TAXES. THIS IS GOLD. Your remuneration for labor is unquestionably
39 PERSONAL PROPERTY. But they call it income, in order to pretend it isn't your personal property!!

40 **11 Government propaganda and sophistry that HIDES this important** 41 **information**

42 Remember that because this information is so important and useful, the government and legal profession have gone OUT of
43 their way to hide or conceal it as follows:

- 44 1. This information is HUGELY important because it is the origin of their right to even DEFINE anything in the code.
45 1.1. Only the owner of property can write the definitions.
46 1.2. The “owner” of the property is described as a “Merchant” in U.C.C. terms under commercial law.
47 1.3. A major source of dispute in court for those using our materials is legal definitions. Approaching this subject
48 from a property perspective adds a whole new dimension to this subject useful in court.
49 1.4. More at:

*Hot Issues: Identification and Identity Theft**, SEDM
<https://sedm.org/ownership-as-the-origin-of-the-right-to-define/>

- 1 2. There are almost NO books we can find about the laws of property because if these laws were consistently applied to
2 your interactions with the government in court, the jury and the public would clearly and unambiguously see exactly
3 the problem with the present government.
- 4 3. For most people, the laws of property operate at an intuitive level only but very few Americans even have the
5 vocabulary to describe the mechanisms by which it operates. Thus, they are sitting ducks in front of a jury if they have
6 to discuss it in their own defense. And yet, even a two-year-old understands the concept intuitively enough to yell
7 “IT’S MINE!” when a child takes their toy.
- 8 4. Property and jurisdiction:
 - 9 4.1. Unlike almost every other type of jurisdiction the government exercises, jurisdiction over PUBLIC property is
10 NOT territorial. It happens wherever the property or person handling the property is found.
 - 11 4.2. Jurisdiction of the national government over its property extends EXTRATERRITORIALLY into the states under
12 Article 4, Section 3, Clause 2. The U.S. Supreme Court acknowledged this in Dred Scott v. Sandford, 60 U.S. 393
13 (1857).
14 https://scholar.google.com/scholar_case?case=3231372247892780026
 - 15 4.3. It is MUCH SIMPLER to challenge jurisdiction in court when you understand the PUBLIC property interest the
16 government is enforcing. Corrupt governments don’t want to make it easy for you to do this by invoking laws of
17 property and identifying the property that is the subject of the dispute.
- 18 5. The FIRST invocation of words to describe property appears in the Declaration of Independence, and it refers to THIS
19 property as “RIGHTS”. Black’s Law Dictionary defines “rights” as property.
- 20 6. The Constitution only mentions jurisdiction over PUBLIC property ONCE, in Article 4, Section 3, Clause 2 as
21 “Territory and other property”, as if to make you believe that they are only talking about LAND, when in fact they are
22 referring to ANY type of property, including LAND, CHATTEL PROPERTY, RIGHTS, etc. as described above.
- 23 7. The Constitution doesn’t mention the most important aspect of Congress’ jurisdiction over property, which is control
24 over PRIVILEGES granted by statute as PUBLIC RIGHTS.
 - 25 7.1. If you go seeking a legislatively granted privilege, they have jurisdiction over you and can set any condition or
26 cost they want to vindicate that PUBLIC RIGHT in court.
 - 27 7.2. You have to dig deep into case law to find this information.
- 28 8. When courts talk about the subject of PUBLIC/GOVERNMENT property, they do so VERY eruditely using LATIN
29 that no one will understand so that the public will gloss over the subject. For example, they use the phrase “publici
30 juris” to talk about it.
- 31 9. Governments NEVER use the word “property” to describe anything they provide to you, whether it is a “benefit”
32 payment, service, etc.
 - 33 9.1. They do this IN SPITE of the fact that the legal definition of “property” in Black’s Law Dictionary when strictly
34 construed includes every service or benefit they provide.
 - 35 9.2. If they did honestly refer to the services and benefits they provide, they would have to refer to this property as
36 PUBLIC property granted to you with legal strings (franchises) attached. Then you would IMMEDIATELY
37 know how to ESCAPE the matrix, which they can never permit. You must remain a “useful idiot” by putting an
38 embargo on all clear information about the subject of PUBLIC property and how it is used to control you.
- 39 10. When courts discuss the income tax:
 - 40 10.1. They have repeatedly held that it is NOT a tax on “property”, but they are referring to YOUR PRIVATE property
41 and not THEIR PUBLIC property.
 - 42 10.2. In a strict sense, the income tax IS a tax on property, but the property that is taxed is the “beneficial use” or
43 consumption of PUBLIC privileges or services implemented usually with public offices and government
44 “benefits”. The OBJECT of the privilege is the OFFICER voluntarily serving in the fictional office (you) in order
45 to procure the privilege to receive it.
 - 46 10.3. When you put the transaction in these terms, now all of a sudden, they have the burden of proving that they
47 provided real, measurable consideration and public property that you wanted and asked for in order to justify
48 enforcing the payment of the tax. This is a predicament that governments want to avoid like the plague, because
49 they don’t want to be accountable or responsible for anything as the anarchists they are as described in:
50

<i>Your Irresponsible, Lawless, and Anarchist Beast Government</i> , Form #05.054 https://sedm.org/Forms/05-MemLaw/YourIrresponsibleLawlessGov.pdf
--
 - 51 10.4. An understanding of the laws of property thus DRAMATICALLY simplifies challenging unlawful tax collection
52 because it reduces and simplifies everything as explained in:
53

<i>Overview of the Income Taxation Process</i> , SEDM https://sedm.org/overview-of-the-income-taxation-process-as-a-property-exercise/
--
- 52 11. If you ask questions surrounding this subject to [ChatGPT](#) or other AI chatbots as we have, they dance around it as well,
53 saying that “in a classical sense” used by the courts, government “benefits” and services are NOT property, even

1 though when you point out the definition of property in Black’s Law Dictionary, they eventually AGREE that PUBLIC
2 RIGHTS are property.

3 12 PUBLIC Property v. PRIVATE Property¹

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

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

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

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

20 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.
21 Another U.S. Supreme Court cite also confirms why this must be:

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

26
27 *“...we are of the opinion that there is a clear distinction in this particular between an [PRIVATE] individual*
28 *and a [PUBLIC] corporation, and that the latter has no right to refuse to submit its books and papers for an*
29 *examination at the suit of the state. The individual may stand upon his constitutional rights as a citizen. He is*
30 *entitled to carry on his private business in his own way. His power to contract is unlimited. He owes no duty to*
31 *the state or to his neighbors to divulge his business, or to open his doors to an investigation, so far as it may*
32 *tend to criminate him. He owes no such duty to the state, since he receives nothing therefrom, beyond the*
33 *protection of his life and property. His rights are such as existed by the law of the land long antecedent to the*
34 *organization of the state, and can only be taken from him by due process of law, and in accordance with the*
35 *Constitution. Among his rights are a refusal to incriminate himself, and the immunity of himself and his*
36 *property from arrest or seizure except under a warrant of the law. He owes nothing to the public so long as he*
37 *does not trespass upon their rights.*

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

¹ Source: *Government Instituted Slavery Using Franchises*, Form #05.030, Section 3; <http://sedm.org/Forms/FormIndex.htm>.

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

3 *“A defendant sued as a wrong-doer, who seeks to substitute the state in his place, or to justify by the authority of
4 the state, or to defend on the ground that the state has adopted his act and exonerated him, cannot rest on the
5 bare assertion of his defense. He is bound to establish it. **The state is a political corporate body, can act only
6 through agents, and can command only by laws.** It is necessary, therefore, for such a defendant, in order to
7 complete his defense, to produce a law of the state which constitutes his commission as its agent, and a warrant
8 for his act.”*

9 *[Poindexter v. Greenhow, 114 U.S. 270 (1885)]*

10 By “act” above, they implicitly also include “enforce”. If you aren’t an agent of the state, they can’t enforce against you.
11 Examples of “agents” or “public officers” of the government include all the following:

- 12 1. “person” (26 U.S.C. §7701(a)(1)).
- 13 2. “individual” (26 C.F.R. §1441-1(c)(3)).
- 14 3. “taxpayer” (26 U.S.C. §7701(a)(14)).
- 15 4. “withholding agent” (26 U.S.C. §7701(a)(16)).

16 *“The government thus lays a tax, through the [GOVERNMENT] instrumentality [PUBLIC OFFICE] of the
17 company [a FEDERAL and not STATE corporation], upon the income of a non-resident alien over whom it
18 cannot justly exercise any control, nor upon whom it can justly lay any burden.”*

19 *[United States v. Erie R. Co., 106 U.S. 327 (1882)]*

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

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

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

[Why Statutory Civil Law is Law for Government and Not Private Persons, Form #05.037](http://sedm.org/Forms/FormIndex.htm)

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

- 28 4. Those who enforce any civil statutory duties against you are PRESUMING that you occupy a public office.
- 29 5. You cannot unilaterally “elect” yourself into a public office in the government by filling out a government form, even
30 if you consent to volunteer.
- 31 6. Even if you ARE a public officer, you can only execute the office in a place EXPRESSLY authorized by Congress per
32 4 U.S.C. §72, which means ONLY the District of Columbia and “not elsewhere”.

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

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

- 37 7. If you are “construing, administering, or executing” the laws, then you are doing so as a public officer and:
 - 38 7.1. You are bound and constrained in all your actions by the constitution like every OTHER public officer while on
39 official business interacting with PRIVATE humans.
 - 40 7.2. The Public Records exception to the Federal Rule of Evidence 803(8), Hearsay Exceptions Rule applies.
41 EVERYTHING you produce in the process of “construing, administering, or executing” the laws is instantly
42 admissible and cannot be excluded from the record by any judge. If a judge interferes with the admission of such
43 evidence, he is:
 - 44 7.2.1. Interfering with the duties of a coordinate branch of the government in violation of the Separation of
45 Powers.
 - 46 7.2.2. Criminally obstructing justice.

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

- 3 1. Unalienable Rights Course, Form #12.038 -course which gives you the basics of unalienable rights, and when they can
4 lawfully be given up.
5 <http://sedm.org/Forms/FormIndex.htm>
- 6 2. Separation Between Public and Private Course, Form #12.025
7 <http://sedm.org/Forms/FormIndex.htm>
- 8 3. Private Right or Public Right? Course, Form #12.044
9 <http://sedm.org/Forms/FormIndex.htm>
- 10 4. Private v. Public Property/Rights and Protection Playlist, SEDM Youtube Channel
11 <https://www.youtube.com/playlist?list=PLin1scINPT0txYewMRT66TXyn6AUF0KTu>
- 12 5. Sovereignty and Freedom Points and Authorities, Litigation Tool #10.018
13 <https://sedm.org/Litigation/LitIndex.htm>
- 14 6. Legal Remedies that Protect Private Rights Course, Form #12.019
15 <http://sedm.org/Forms/FormIndex.htm>
- 16 7. Property and Privacy Protection Topic, Family Guardian Fellowship
17 <http://famguardian.org/Subjects/PropertyPrivacy/PropertyPrivacy.htm>
- 18 8. Sovereignty and Freedom Topic, Section 6: Private and Natural Rights and Natural Law, Family Guardian Fellowship
19 <http://famguardian.org/Subjects/Freedom/Freedom.htm#RIGHTS:>

20 **12.1 Property in the context of franchises**

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

- 24 1. There are TWO types of property:
 - 25 1.1. Public property. This type of property is protected by the CIVIL law.
 - 26 1.2. Private property. This type of property is protected by the COMMON law.
- 27 2. Specific legal rights attach to EACH of the two types of property. These “rights” in turn, are ALSO property as legally
28 defined.

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 [. . .]

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

- 46 3. Human beings can simultaneously be in possession of BOTH PUBLIC and PRIVATE rights. This gives rise to TWO
47 legal “persons”: PUBLIC and PRIVATE.
 - 48 3.1. The CIVIL law attaches to the PUBLIC person.
 - 49 3.2. The COMMON law and the Constitution attach to and protect the PRIVATE person.
- 50 This is consistent with the following maxim of law.

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

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

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 [EXCLUSIVELY PRIVATE, God-given] rights, Governments are instituted among Men, deriving their***
11 ***just powers from the consent of the governed, -"***
12 *[Declaration of Independence, 1776]*

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

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

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

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

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

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

- 36 7. That the terms "person", "persons", "individual", "individuals" as used within the civil statutory law by default imply
37 PUBLIC "persons" and therefore public offices within the government and not PRIVATE human beings. All such
38 offices are creations and franchises of the government and therefore property of the government subject to its exclusive
39 control.
- 40 8. That if the government wants to call you a statutory "person" or "individual" under the civil law, then:
41 8.1. You must volunteer or consent at some point to occupy a public office in the government while situated
42 physically in a place not protected by the USA Constitution and the Bill of Rights....namely, federal territory. In
43 some cases, that public office is also called a "citizen" or "resident".
44 8.2. If you don't volunteer, they are essentially exercising unconstitutional "eminent domain" over your PRIVATE
45 property. Keep in mind that rights protected by the Constitution are PRIVATE PROPERTY.
- 46 9. That there are VERY SPECIFIC and well defined rules for converting PRIVATE property into PUBLIC PROPERTY
47 and OFFICES, and that all such rules require your express consent except when a crime is involved.
- 48 10. That if a corrupted judge or public servant imposes upon you any civil statutory status, including that of "person" or
49 "individual" without PROVING with evidence that you consented to the status AND had the CAPACITY to lawfully
50 consent at the time you consented, they are:
51 10.1. Violating due process of law.
52 10.2. Imposing involuntary servitude.
53 10.3. STEALING property from you. We call this "theft by presumption".
54 10.4. Kidnapping your identity and moving it to federal territory.

1 10.5. Instituting eminent domain over EXCLUSIVELY PRIVATE property.
2 11. That within the common law, the main mechanism for PREVENTING the conversion of PRIVATE property to
3 PUBLIC property through government franchises are the following maxims of law. These maxims of law MANDATE
4 that all governments must protect your right NOT to participate in franchises or be held accountable for the
5 consequences of receiving a “benefit” you did not consent to receive and/or regarded as an INJURY rather than a
6 “benefit”:

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

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

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

15 For an example of how this phenomenon works in the case of the Internal Revenue Code, Subtitles A and C “trade or business”
16 franchise, see:

[Why Your Government is Either a Thief or You are a “Public Officer” for Income Tax Purposes](http://sedm.org/Forms/FormIndex.htm), Form #05.008
<http://sedm.org/Forms/FormIndex.htm>

17 As an example of why an understanding of this subject is EXTREMELY important, consider the following dialog at an IRS
18 audit in which the FIRST question out of the mouth of the agent is ALWAYS “What is YOUR Social Security Number?”:
19

20 **IRS AGENT QUESTION:**

21 What is YOUR Social Security Number?

22 **YOUR ANSWER:**

23 20 C.F.R. §422.103(d) says the “Social Security Number Card” but NOT the STATUTORY SSN belongs to the government.
24 Since you didn’t ask me for the card but the number, then you aren’t asking me for government property you can place
25 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
26 PRIVATE owner of the number and the associated franchise it connects to and am appearing here today as a Merchant
27 offering billable services to you under MY franchise contract. Thank you for inviting me here today to do business with you
28 as a Merchant who makes all the rules and conditions under which I render services to you as the absolute owner and seller
29 of myself and all of my property.

30 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
31 only you own and control, then I don’t HAVE THAT account number and there is no such thing, because:

32 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.

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

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

38 **IRS AGENT QUESTION:**

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

1 **YOUR ANSWER:**

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

9 **IRS AGENT QUESTION:**

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

12 **YOUR ANSWER:**

13 When are you going to get it through your thick skull that I don't WANT ANY COMMERCIAL RELATIONSHIP with you
14 and simply want to be CIVILLY LEFT ALONE as justice itself requires. The fact that no one else realizes that or takes that
15 approach and blindly uses SSNs to become government cattle on the government plantation doesn't mean I have to. Unlike
16 the rest of the stupid cattle you "service" who volunteer to be cattle, I'm not your stupid whore who volunteers to work for
17 free or donates my entire body to a public use without compensation. I as the exclusive and absolute owner of myself under
18 the Thirteenth Amendment decide what my services to you or the use of my property are worth, not you, and they aren't free.
19 The charge for my services to act as a federal "employee" or officer or trustee in possession of public property such as a
20 STATUTORY SSN is documented in the following agreement:

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

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

23 **IRS AGENT QUESTION:**

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

25 **YOUR ANSWER:**

26 Well good. Then if it's MY number and MY property, then I have EXCLUSIVE control and use over it and may LICENSE
27 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
28 regulate its use under the following franchise:

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

29 If it's MY property as you indicate, then your job as an alleged "government" is to protect me from abuses of MY property.
30 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
31 me for misusing YOUR procedures and forms, which are YOUR property, then I am EQUALLY entitled to penalize you for
32 misusing MY property. I can't be free unless I'm at least equal to you, according to Supreme Court:

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

36 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-
37 STATUTORY SSN, because if you aren't, you are depriving me of exclusive use and control over MY property and depriving
38 me of the equal right to prevent abuses of my property, my identity, and my life??

1 **IRS AGENT QUESTION:**

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

3 **YOUR ANSWER:**

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

7 If the STATUTORY SSN is PUBLIC or GOVERNMENT property, then you can't allow me to use it as a private person,
8 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
9 allow them to use it for a private purpose. That's criminal embezzlement. Therefore, the only way that PUBLIC property
10 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
11 federal employee at this moment, and I am NOT. I am here as a private person and not a public employee who retains ONLY
12 constitutional and not STATUTORY protections. Therefore, it couldn't have been lawfully issued to me.

13 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.](#)
14 [§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
15 me to act like one without compensation that only I can determine and without demonstrated legal authority. Where is the
16 compensation that I demand to act as a fiduciary and trustee over your STINKING number, which you claim is public property
17 without proof? I remind you that the very purpose why governments are created is to PROTECT and maintain the separation
18 between "public property" and "private property" in order to preserve my inalienable constitutional rights that you took an
19 oath to support and defend. Why do you continue to insist on co-mingling and confusing them in order to STEAL my labor,
20 property, and money without compensation in violation of the Fifth Amendment takings clause?

21 **IRS AGENT QUESTION:**

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

25 **YOUR ANSWER:**

26 Third party information returns are classified by the courts as "lay legal opinions". That means none of the LABELS on the
27 form can have any actionable effect and are therefore not necessarily statutory terms. 26 U.S.C. §6041(a) connects the FILER
28 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
29 of the report. These reports also do NOT authorize the FILER to convert PRIVATE property to PUBLIC property and a
30 PUBLIC office without the consent of the ABSOLUTE owner, which is me. Further, even the FILER is not lawfully engaged
31 in a "trade or business" and public office as someone who was never lawfully appointed or elected to a public office and is
32 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
33 possibly FRAUDULENT under penalty of perjury. See:

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

34 The 1040NR return acknowledges that these information return reports do NOT necessarily connect me to such a public
35 office by calling the earnings on the return "EFFECTIVELY connected" rather than merely "ACTUALLY connected". If I
36 enter the amounts reported on these false information returns onto the 1040NR return, I am "in effect" and "effectively"
37 donating the PRIVATE property they describe to a PUBLIC use, a PUBLIC purpose, and a PUBLIC office and thus
38 subjecting them to income taxation and governmental control. I DO NOT consent to do that because all my earnings are
39 EXCLUDED rather than EXEMPT from taxation as a nonresident alien not engaged in a "trade or business"/public office
40 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>

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

- 2 1. Earnings originate from outside:
 - 3 1.1. The STATUTORY "United States**" as defined in 26 U.S.C. §7701(a)(9) and (a)(10) (federal zone) and
 - 4 1.2. The U.S. government federal corporation as a privileged legal fiction.
- 5 Thus, their earnings are expressly EXCLUDED rather than EXEMPTED from "gross income" under 26 U.S.C. §871
- 6 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.
- 7 §1.871-7(a)(4) and 26 U.S.C. §861(a)(3)(C)(i) for proof.
- 8 2. Earnings are expressly EXCLUDED rather than EXEMPTED from STATUTORY "wages" as defined in 26 U.S.C.
- 9 §3401(a) because all services performed outside the STATUTORY "United States**" as defined in 26 U.S.C.
- 10 §7701(a)(9) and (a)(10) (federal zone) and the CORPORATION "United States" as a legal fiction. Therefore, not
- 11 subject to "wage" withholding of any kind for such services per:
 - 12 2.1. 26 C.F.R. §31.3401(a)(6)-1(b) in the case of income tax.
 - 13 2.2. 26 C.F.R. §31.3121(b)-3(c)(1) in the case of Social Security.
- 14 3. Expressly EXCLUDED rather than EXEMPTED from income tax reporting under:
 - 15 3.1. 26 C.F.R. §1.1441-1(b)(5)(i).
 - 16 3.2. 26 C.F.R. §1.1441-1(e)(1)(ii)(A)(1).
 - 17 3.3. 26 C.F.R. §1.6041-4(a)(1).
- 18 4. Expressly EXCLUDED rather than EXEMPTED from backup withholding because earnings are not reportable by 26
- 19 U.S.C. §3406 and 26 C.F.R. §31.3406(g)-1(e). Only "reportable payments" are subject to such withholding.

20 My earnings are excluded, by the way, because they are PRIVATE and the owner who is me never consented to convert them

21 to PUBLIC. Stop engaging in sophistry to rope me into your servitude and pay money I don't owe. This is despicable!

22 **IRS AGENT QUESTION:**

23 Even if your participation in Social Security is illegal, everyone still uses Social Security Numbers at least for financial,

24 banking, or lending purposes. If your participation is illegal, then how can you bank or get a loan?

25 **YOUR ANSWER:**

26 Your question presupposes that my activities in getting a loan or opening a financial account are PUBLIC activities using

27 PUBLIC property and that I am therefore subject to taxation and regulation in doing so. I and not you get to decide when I

28 am acting in a PRIVATE or PUBLIC capacity and to define the meaning of all terms that affect the enjoyment of my

29 ABSOLUTELY OWNED PRIVATE PROPERTY and LABOR. YOU have NO AUTHORITY to write definitions affecting

30 property that you have no ownership interest in, because doing so would be an interference with the absolute control over

31 said property and therefore for a THEFT of property. I use ownership and control synonymously here. You even admit in

32 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

33 forms either, including but not limited to "Social Security Number", "Taxpayer", etc. If the forms and the labels on the forms

34 are not ACTIONABLE or even factual, then my writing on the form even under penalty of perjury doesn't make them

35 actionable either or connect them to a civil statutory context unless I expressly do so myself, which I DO NOT.

36 We have already established that the NUMBER is NOT public property under 20 C.F.R. §422.103(d), and that only the

37 CARD is PUBLIC property. You have also essentially admitted that the NUMBER is MY absolutely owned property and

38 therefore not YOURS or the GOVERNMENT'S or PUBLIC property by calling it "YOUR Social Security Number". And

39 if it is "MY ABSOLUTELY OWNED PROPERTY" as you call it, then I have the right as the only lawful owner to control

40 ANY and ALL commercial uses of it by ANYONE and EVERYONE, including banks or lenders and even YOU and every

41 government. I exercise that control by specifying all the definitions affecting its use and the CONTEXT of those definitions:

42 PUBLIC or PRIVATE. If I don't have a right to control my identity, my reputation, and the commercial use of information

43 about me that might damage me through no act of my own, then you can turn the SSN into a vehicle for criminal identity

44 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

45 FACT engage in criminal identity theft, and that you are trying to get my permission to allow you to abuse aspects of my

46 identity and reputation for an unauthorized commercial use and for ILLEGAL tax enforcement purposes. By "illegal" I mean

47 NON-CONSENSUAL purposes.

48 Calling myself a CIVIL STATUTORY "taxpayer", "person", "citizen", or "resident" are methods of manifesting consent to

49 privileges and taxation, but I don't claim the "benefit" of ANY connection to ANY CIVIL statutory status within any

1 government law or franchise, or a connection to any aspect of my identity to the CIVIL statutory protection of any
2 government. The authority to do this is my First Amendment right to NOT civilly or legally associate and my right to NOT
3 contract with you. Thus, I am exclusively PRIVATE in the context of this interaction, and you must leave me alone in the
4 interests of JUSTICE, which is legally defined as “the right to be left alone”. Since it costs you NOTHING to simply LEAVE
5 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
6 “taxes”. YES, a “taxpayer” is someone subject to a tax, but the decision to BECOME a “taxpayer” is voluntary. This is
7 proven by:

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

12 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
13 and you are a tyrant. It can’t be both. Welcome to The Matrix, Neo.

14 **IRS AGENT QUESTION:**

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

16 **YOUR ANSWER:**

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

30 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
31 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
32 criminal law, the common law, or the military. It would be irresponsible of me to object to NOT paying for that. A workman
33 is always worthy of his hire, according to the Bible. HOWEVER, I must have the discretion to decide WHAT I want to hire
34 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
35 and government chattel. The scenario where I do have that protection I identify as “natural law”. For a definition of “natural
36 law”, see:

37 *Disclaimer*, Section 4.31: Natural law
<https://sedm.org/disclaimer.htm#4.31.Natural.law>

38 Usually, after the above interchange, the IRS agent will realize he is digging a DEEP hole for himself and will abruptly end
39 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
40 committing crimes, he no longer has a plausible deniability defense if he ends up in front of a jury.

41 **12.2 What is “Property”?**

42 Property is legally defined as follows:

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

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

16 Property embraces everything which is or may be the subject of ownership, whether a legal ownership, or whether
17 beneficial, or a private ownership. *Davis v. Davis*. *TexCiv-App.*, 495 S.W.2d. 607. 611. Term includes not only
18 ownership and possession but also the right of use and enjoyment for lawful purposes. *Hoffmann v. Kinealy, Mo.*,
19 389 S.W.2d. 745, 752.

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

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

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

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

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

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

39
40 **"In this case, we hold that the 'right to exclude,' so universally held to be a fundamental element of the**
41 **property right,^[11] falls within this category of interests that the Government cannot take without**
42 **compensation."**
43 [Kaiser Aetna v. United States, 444 U.S. 164 (1979)]

44 [11] See, e. g., *United States v. Pueblo of San Ildefonso*, 206 Ct.Cl. 649, 669-670, 513 F.2d. 1383, 1394 (1975);
45 *United States v. Lutz*, 295 F.2d. 736, 740 (CA5 1961). As stated by Mr. Justice Brandeis, "[a]n essential element
46 of individual property is the legal right to exclude others from enjoying it." *International News Service v.*
47 *Associated Press*, 248 U.S. 215, 250 (1918) (dissenting opinion).

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

12.3 “Public” v. “Private” property ownership

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

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

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

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

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

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

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

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

Table 1: 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

#	Characteristic	Public	Private
10	Conversion to opposite type of property by	<ol style="list-style-type: none"> 1. Removing government identifying number. 2. Donation. 	<ol style="list-style-type: none"> 1. Associating with government identifying number.² 2. Donation. 3. Eminent domain (with compensation). 4. THEFT (Internal Revenue Service).

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

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

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

11 For a fascinating and powerful presentation showing why private and public are separate, how to keep them that way, and
12 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>

13 **12.4 The purpose and foundation of de jure government: Protection of EXCLUSIVELY**
14 **PRIVATE rights**

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

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*
21 *governed, -"*
22 *[Declaration of Independence, 1776]*

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

25 *"As expressed otherwise, the powers delegated to a public officer are held in trust for the people and are to be*
26 *exercised in behalf of the government or of all citizens who may need the intervention of the officer. ³*
27 *Furthermore, the view has been expressed that all public officers, within whatever branch and whatever level*
28 *of government, and whatever be their private vocations, are trustees of the people, and accordingly labor under*
29 *every disability and prohibition imposed by law upon trustees relative to the making of personal financial gain*
30 *from a discharge of their trusts. ⁴ That is, a public officer occupies a fiduciary relationship to the political*

² See: [About SSNs and TINs on Government Forms and Correspondence, Form #05.012.](#)

³ 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.

⁴ 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.⁵ and owes a fiduciary duty to the public.⁶ It has been said that the
2 fiduciary responsibilities of a public officer cannot be less than those of a private individual.⁷ 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.⁸
5 [63C American Jurisprudence 2d, Public Officers and Employees, §247 (1999)]

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

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

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

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

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

- 24 1. All property is PUBLIC property and there IS no PRIVATE property.
- 25 2. The government owns and/or controls all property and said property is LOANED to the people.
- 26 3. The government and/or the collective has rights superior to those of the individual. There is and can be NO equality or
27 equal protection under the law without the right of PRIVATE property. In that sense, the government or the “state” is
28 a pagan idol with “supernatural powers” because human beings are “natural” and they are inferior to the collective.
- 29 4. Control is synonymous with ownership. If the government CONTROLS the property but the citizen “owns” it, then:
30 4.1. The REAL owner is the government.
31 4.2. The ownership of the property is QUALIFIED rather than ABSOLUTE.
32 4.3. The person holding the property is a mere CUSTODIAN over GOVERNMENT property and has EQUITABLE
33 rather than LEGAL ownership. Hence, their name in combination with the Social Security Number constitutes a
34 PUBLIC office synonymous with the government itself.
- 35 5. Everyone in temporary use of said property is an officer and agent of the state. A “public officer”, after all, is someone
36 who is in charge of the PROPERTY of the public. It is otherwise a crime to use public property for a PRIVATE use or
37 benefit. That crime is called theft or conversion:

38 *“Public office. The right, authority, and duty created and conferred by law, by which for a given period, either*
39 *fixed by law or enduring at the pleasure of the creating power, an individual is invested with some portion of the*
40 *sovereign functions of government for the benefit of the public. Walker v. Rich, 79 Cal.App. 139, 249 P. 56, 58.*
41 *An agency for the state, the duties of which involve in their performance the exercise of some portion of the*
42 *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,*
43 *13 Ala.App. 212, 68 So. 706, 710; Curtin v. State, 61 Cal.App. 377, 214 P. 1030, 1035; Shelmadine v. City of*

⁵ 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.

⁶ 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).

⁷ 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.

⁸ 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 Elkhart, 75 Ind.App. 493, 129 N.E. 878. State ex rel. Colorado River Commission v. Frohmler, 46 Ariz. 413, 52
2 P.2d. 483, 486. **Where, by virtue of law, a person is clothed, not as an incidental or transient authority, but for**
3 **such time as de- notes duration and continuance, with Independent power to control the property of the public,**
4 **or with public functions to be exercised in the supposed interest of the people, the service to be compensated by**
5 **a stated yearly salary, and the occupant having a designation or title, the position so created is a public office.**
6 State v. Brennan, 49 Ohio.St. 33, 29 N.E. 593.
7 [Black's Law Dictionary, Fourth Edition, p. 1235]

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

- 9 1. Abolition of property in land and application of all rents of land to public purposes.
10 2. A heavy progressive or graduated income tax.
11 [. . .]
12 [Wikipedia: The Communist Manifesto, Downloaded 12-27-2011; SOURCE:
13 http://en.wikipedia.org/wiki/The_Communist_Manifesto]

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

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

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

35 Property embraces everything which is or may be the subject of ownership, whether a legal ownership, or whether
36 beneficial, or a private ownership. Davis v. Davis. TexCiv-App., 495 S.W.2d. 607. 611. Term includes not only
37 ownership and possession but also the right of use and enjoyment for lawful purposes. Hoffmann v. Kinealy, Mo.,
38 389 S.W.2d. 745, 752.

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

42 [. . .]

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

44 In a lawful de jure government under our constitution:

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

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

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

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

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

- 10 3. You have to knowingly and intentionally DONATE your PRIVATE property to a public use and a PUBLIC purpose
11 before the government can lawfully REGULATE its use. In other words, you have to at least SHARE your ownership
12 of otherwise private property with the government and become an EQUITABLE rather than ABSOLUTE owner of the
13 property before they can acquire the right to regulate its use or impose obligations or duties upon its original owner.
- 14 4. That donation ordinarily occurs by applying for and/or using a license in connection with the use of SPECIFIC
15 otherwise PRIVATE property.
- 16 5. The process of applying for or using a license and thereby converting PRIVATE into PUBLIC cannot be compelled. If
17 it is, the constitutional violation is called “eminent domain” without compensation or STEALING, in violation of the
18 Fifth Amendment Takings Clause.
- 19 6. You have a PUBLIC persona (office) and a PRIVATE persona (human) at all times.
- 20 6.1. That which you VOLUNTARILY attach a government license number to, such as a Social Security Number or
21 Taxpayer Identification Number, becomes PRIVATE property donated to a public use to procure the benefits of a
22 PUBLIC franchise. That property, in turn, is effectively OWNED by the government grantor of your public
23 persona and the public office it represents.
- 24 6.2. If you were compelled to use a government license number, such as an SSN or TIN, then a theft and taking
25 without compensation has occurred, because all property associated with such numbers was unlawfully converted
26 and STOLEN.
- 27 7. If the right to contract of the parties conducting any business transaction has any meaning at all, it implies the right to
28 EXCLUDE the government from participation in their relationship.
- 29 7.1. You can write the contract such that neither party may use or invoke a license number, or complain to a licensing
30 board, about the transaction, and thus the government is CONTRACTED OUT of the otherwise PRIVATE
31 relationship. Consequently, the transaction becomes EXCLUSIVELY PRIVATE and government may not tax or
32 regulate or arbitrate the relationship in any way under the terms of the license franchise.
- 33 7.2. Every consumer of your services has a right to do business with those who are unlicensed. This right is a natural
34 consequence of the right to CONTRACT and NOT CONTRACT. The thing they are NOT contracting with is the
35 GOVERNMENT, and the thing they are not contracting FOR is STATUTORY/FRANCHISE “protection”.
36 Therefore, even those who have applied for government license numbers are NOT obligated to use them in
37 connection with any specific transaction and may not have their licenses suspended or revoked for failure or
38 refusal to use them for a specific transaction.
- 39 8. If the government invades the commercial relationship between you and those you do business with by forcing either
40 party to use or invoke the license number or pursue remedies or “benefits” under the license, they are:
- 41 8.1. Interfering with your UNALIENABLE right to contract.
- 42 8.2. Compelling you to donate EXCLUSIVELY PRIVATE property to a PUBLIC use.
- 43 8.3. Exercising unconstitutional eminent domain over your otherwise PRIVATE property.
- 44 8.4. Compelling you to accept a public “benefit”, where the “protection” afforded by the license is the “benefit”.

45 The above requirements of the USA Constitution are circumvented with nothing more than the simple PRESUMPTION,
46 usually on the part of the IRS and corrupted judges who want to STEAL from you, that the GOVERNMENT owns it and that
47 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
48 such a right, and all such presumptions are a violation of due process of law.

49 (1) [8:4993] *Conclusive presumptions affecting protected interests:*

50 A conclusive presumption may be defeated where its application would impair a party's constitutionally-protected
51 liberty or property interests. In such cases, conclusive presumptions have been held to violate a party's due
52 process and equal protection rights. [Vlandis v. Kline (1973) [412 U.S. 441](#), 449, 93 S.Ct. 2230, 2235; Cleveland

53 Bed. of Ed. v. LaFleur (1974) [414 U.S. 632](#), 639-640, 94 S.Ct. 1208, 1215-presumption under Illinois law that
54 unmarried fathers are unfit violates process]
55 [[Federal Civil Trials and Evidence, Rutter Group \(2006\), paragraph 8:4993, p. 8K-34](#)]

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

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

Why Your Government is Either a Thief or You are a "Public Officer" for Income Tax Purposes, Form #05.008
DIRECT LINK: <http://sedm.org/Forms/05-MemLaw/WhyThiefOrPubOfficer.pdf>
FORMS PAGE: <http://sedm.org/Forms/FormIndex.htm>

- 6 2. Abusing fraudulent information returns to criminally and unlawfully "elect" you into public offices in the government:

Correcting Erroneous Information Returns, Form #04.001
DIRECT LINK: <http://sedm.org/Forms/04-Tax/CorrErrInfoRtns/CorrErrInfoRtns.pdf>
FORMS PAGE: <http://sedm.org/Forms/FormIndex.htm>

- 7 3. PRESUMING that because you did not rebut evidence connecting you to a public office, then you CONSENT to
8 occupy the office.

- 9 4. PRESUMING that ALL of the four contexts for "United States" are equivalent.

- 10 5. PRESUME that CONSTITUTIONAL citizens and STATUTORY citizens are EQUIVALENT under federal law. They
11 are NOT. A CONSTITUTIONAL citizen is a "non-resident " under federal civil law and NOT a STATUTORY
12 "national and citizen of the United States** at birth" per 8 U.S.C. §1401. See the document below:

Why You are a "national", "state national", and Constitutional but not Statutory Citizen, Form #05.006
DIRECT LINK: <http://sedm.org/Forms/05-MemLaw/WhyANational.pdf>
FORMS PAGE: <http://sedm.org/Forms/FormIndex.htm>

- 13 6. PRESUMING that "nationality" and "domicile" are equivalent. They are NOT. 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>

- 14 7. Using the word "citizenship" in place of "nationality" OR "domicile", and refusing to disclose WHICH of the two they
15 mean in EVERY context.

- 16 8. Confusing the POLITICAL/CONSTITUTIONAL meaning of words with the civil STATUTORY context. For
17 instance, asking on government forms whether you are a POLITICAL/CONSTITUTIONAL citizen and then
18 FALSELY PRESUMING that you are a STATUTORY citizen under 8 U.S.C. §1401.

- 19 9. Confusing the words "[domicile](#)" and "[residence](#)" or impute either to you without satisfying the burden of proving that
20 you EXPRESSLY CONSENTED to it and thereby illegally kidnap your civil legal identity against your will. One can
21 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>

- 22 10. Adding things or classes of things to the meaning of statutory terms that do not EXPRESSLY appear in their
23 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>

- 24 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
25 statutory definition. This substitutes the JUDGES will for what the law expressly says and thereby substitutes PUBLIC
26 POLICY for the written law.

- 27 12. Publishing deceptive government publications that are in deliberate conflict with what the statutes define "United
28 States" as and then tell the public that they CANNOT rely on the publication. The [IRS does this with ALL of their](#)
29 [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>

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

31 *"When we consider the nature and the theory of our institutions of government, the principles upon which they*
32 *are supposed to rest, and review the history of their development, we are constrained to conclude that they do*
33 *not mean to leave room for the play and action of purely personal and arbitrary power."*

[Yick Wo v. Hopkins, [118 U.S. 356, 369](#), 6 S. Sup. Ct. 1064, 1071]

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

"It has long been my opinion, and I have never shrunk from its expression,... that the germ of dissolution of our Federal Government is in the constitution of the Federal Judiciary--an irresponsible body (for impeachment is scarcely a scare-crow), working like gravity by night and by day, gaining a little today and a little tomorrow, and advancing its noiseless step like a thief over the field of jurisdiction until all shall be usurped from the States and the government be consolidated into one. To this I am opposed."

[Thomas Jefferson to Charles Hammond, 1821. ME 15:331]

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

[Thomas Jefferson: Autobiography, 1821. ME 1:121]

"The judiciary of the United States is the subtle corps of sappers and miners constantly working under ground to undermine the foundations of our confederated fabric. They are construing our Constitution from a co-ordination of a general and special government to a general and supreme one alone. This will lay all things at their feet, and they are too well versed in English law to forget the maxim, 'boni judicis est ampliare jurisdictionem.'"

[Thomas Jefferson to Thomas Ritchie, 1820. ME 15:297]

"When all government, domestic and foreign, in little as in great things, shall be drawn to Washington as the center of all power, it will render powerless the checks provided of one government on another and will become as venal and oppressive as the government from which we separated."

[Thomas Jefferson to Charles Hammond, 1821. ME 15:332]

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

[Thomas Jefferson to Gideon Granger, 1800. ME 10:168]

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.

12.5 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:

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

26 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
27 said property. They say that this authority is the origin of the "police powers" of the state. What they hide, however, is that
28 these same POLICE POWERS involve the CRIMINAL laws and EXCLUDE the CIVIL laws or even franchises. You can
29 TELL they are trying to hide something because around this subject they invoke the Latin language that is unknown to most
30 Americans to conceal the nature of what they are doing. Whenever anyone invokes Latin in a legal setting, a red flag ought
31 to go up because you KNOW they are trying to hide a KEY fact. Here is the Latin they invoked:

32 *"sic utere tuo ut alienum non laedas"*

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

35 *"Compact, n. An agreement or contract between persons, nations, or states. Commonly applied to working*
36 *agreements between and among states concerning matters of mutual concern. A contract between parties, which*
37 *creates obligations and rights capable of being enforced and contemplated as such between the parties, in their*
38 *distinct and independent characters. A mutual consent of parties concerned respecting some property or right*
39 *that is the object of the stipulation, or something that is to be done or forborne. See also Compact clause;*
40 *Confederacy; Interstate compact; Treaty."*
41 [Black's Law Dictionary, Sixth Edition, p. 281]

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

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

50 A CONSTITUTIONAL citizen, on the other hand, is someone who cannot consent to choose the place of their birth. These
51 people in federal statutes are called "non-residents". Neither BEING BORN nor being PHYSICALLY PRESENT in a place
52 is an express exercise of one's discretion or an act of CONSENT, and therefore cannot make one a government contractor
53 called a statutory "U.S. citizen". That is why birth or naturalization determines nationality but not their status under the
54 CIVIL laws. All civil jurisdiction is based on "consent of the governed", as the Declaration of Independence indicates. Those
55 who do NOT consent to the civil laws that implement the social compact of the municipal government they are
56 PHYSICALLY situated within are called "free inhabitants", "nonresidents", "transient foreigners", or "foreign sovereigns".
57 These "free inhabitants" are mentioned in the Articles of Confederation, which continue to this day and they are NOT the

1 same and mutually exclusive to a statutory "U.S. citizen". These "free inhabitants" instead are CIVILLY governed by the
2 common law RATHER than the civil law.

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

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

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

14 *"Indeed, the practical interpretation put by Congress upon the Constitution has been long continued and uniform*
15 *to the effect [182 U.S. 244, 279] that the Constitution is applicable to territories acquired by purchase or*
16 *conquest, only when and so far as Congress shall so direct. Notwithstanding its duty to 'guarantee to every*
17 *state in this Union a republican form of government' (art. 4, 4), by which we understand, according to the*
18 *definition of Webster, 'a government in which the supreme power resides in the whole body of the people, and*
19 *is exercised by representatives elected by them,' Congress did not hesitate, in the original organization of the*
20 *territories of Louisiana, Florida, the Northwest Territory, and its subdivisions of Ohio, Indiana, Michigan,*
21 *Illinois, and Wisconsin and still more recently in the case of Alaska, to establish a form of government bearing*
22 *a much greater analogy to a British Crown colony than a republican state of America, and to vest the legislative*
23 *power either in a governor and council, or a governor and judges, to be appointed by the President. It was not*
24 *until they had attained a certain population that power was given them to organize a legislature by vote of the*
25 *people. In all these cases, as well as in territories subsequently organized west of the Mississippi, Congress*
26 *thought it necessary either to extend to Constitution and laws of the United States over them, or to declare that*
27 *the inhabitants should be entitled to enjoy the right of trial by jury, of bail, and of the privilege of the writ of*
28 *habeas corpus, as well as other privileges of the bill of rights."*
29 *[Downes v. Bidwell, 182 U.S. 244 (1901)]*

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

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

- 46 1. Those who consent to the "social compact" by choosing a domicile or residence within a specific municipal
47 jurisdiction. These people are identified by the following statutory terms:
 - 48 1.1. Individuals.
 - 49 1.2. Residents.
 - 50 1.3. Citizens.
 - 51 1.4. Inhabitants.
 - 52 1.5. PUBLIC officers serving as an instrumentality of the government.
- 53 2. Those who do NOT consent to the "social compact" and who therefore are called:
 - 54 2.1. Free inhabitants.

- 1 2.2. Nonresidents.
- 2 2.3. Transient foreigners.
- 3 2.4. Sojourners.
- 4 2.5. EXCLUSIVELY PRIVATE human beings beyond the reach of the civil statutes implementing the social
- 5 compact.

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

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

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

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

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

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

31 *[1] **First, that he shall not use it to his neighbor's injury, and that does not mean that he must***
32 ***use it for his neighbor's benefit [e.g. SOCIAL SECURITY, Medicare, and***
33 ***every other public "benefit"];***

34 *[2] **second, that if he devotes it to a public use, he gives to the public a right to control that use; and***

35 *[3] **third, that whenever the public needs require, the public may take it upon payment of due compensation.***
36 *[Budd v. People of State of New York, 143 U.S. 517 (1892)]*

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

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

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

1 All "citizens" that they can regulate therefore must be WITHIN the government and be acting as public officers. Otherwise,
2 they would continue to be PRIVATE parties beyond the CIVIL control of any government. Hence, in a Republican Form of
3 Government where the People are sovereign:

- 4 1. The only "subjects" under the civil law are public officers in the government.
- 5 2. The government is counted as a STATUTORY "citizen" but not a CONSTITUTIONAL "citizen". All
6 CONSTITUTIONAL citizens are human beings and CANNOT be artificial entities. All STATUTORY citizens, on the
7 other hand, are artificial entities and franchises and NOT CONSTITUTIONAL citizens.

8 *"A corporation [the U.S. government, and all those who represent it as public officers, is a federal corporation
9 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
10 which it was created, and of that state or country only."
11 [19 Corpus Juris Secundum (C.J.S.), Corporations, §886 (2003)]*

12
13 **Citizens of the United States within the meaning of this Amendment must be natural and not artificial**
14 **persons; a corporate body is not a citizen of the United States.**[14]

15
16 **FOOTNOTES:**

17
18 [14] *Insurance Co. v. New Orleans, 13 Fed.Cas. 67 (C.C.D.La. 1870). Not being citizens of the United States,*
19 *corporations accordingly have been declared unable "to claim the protection of that clause of the Fourteenth*
20 *Amendment which secures the privileges and immunities of citizens of the United States against abridgment or*
21 *impairment by the law of a State." Orient Ins. Co. v. Dags, 172 U.S. 557, 561 (1869) . This conclusion was in*
22 *harmony with the earlier holding in Paul v. Virginia, 75 U.S. (8 Wall.) 168 (1869), to the effect that corporations*
23 *were not within the scope of the privileges and immunities clause of state citizenship set out in Article IV, Sec. 2.*
24 *See also Selover, Bates & Co. v. Walsh, 226 U.S. 112, 126 (1912) ; Berea College v. Kentucky, 211 U.S. 45 (1908)*
25 *; Liberty Warehouse Co. v. Tobacco Growers, 276 U.S. 71, 89 (1928) ; Grosjean v. American Press Co., 297 U.S.*
26 *233, 244 (1936).*
27 *[SOURCE: Annotated Fourteenth Amendment, Congressional Research Service:*
28 http://www.law.cornell.edu/amdt14a_hd1]

- 29 3. The only statutory "citizens" are public offices in the government.
- 30 4. By serving in a public office, one becomes the same type of "citizen" as the GOVERNMENT is.

31 These observations are consistent with the very word roots that form the word "republic". The following video says the word
32 origin comes from "res publica", which means a collection of PUBLIC rights shared by the public. You must therefore JOIN
33 "the public" and become a public officer before you can partake of said PUBLIC right.

Overview of America, SEDM Liberty University, Section 2.3
<http://sedm.org/LibertyU/LibertyU.htm>

34 This gives a WHOLE NEW MEANING to Abraham Lincoln's Gettysburg Address, in which he refers to American
35 government as:

36 *"A government of the people, by the people, and for the people."*

37 You gotta volunteer as an uncompensated public officer for the government to CIVILLY govern you. Hence, the only thing
38 they can CIVILLY GOVERN, is the GOVERNMENT! Pretty sneaky, huh? Here is a whole memorandum of law on this
39 subject proving such a conclusion:

Why Statutory Civil Law is Law for Government and Not Private Persons, Form #05.037
FORMS PAGE: <http://sedm.org/Forms/FormIndex.htm>
DIRECT LINK: <http://sedm.org/Form...StatLawGovt.pdf>

40 The other important point we wish to emphasize is that those who are EXCLUSIVELY private and therefore beyond the
41 reach of the civil law are:

- 42 1. Free inhabitants.

2. Not a statutory “person” under the civil law or franchise statute in question.
3. Not “individuals” under the CIVIL law if they are human beings. All statutory “individuals”, in fact, are identified as “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.
4. “foreign”, a “transient foreigner”, and sovereign in respect to government CIVIL but not CRIMINAL jurisdiction.
5. NOT “subject to” but also not necessarily statutorily “exempt” under the civil or franchise statute in question.

For a VERY interesting background on the subject of this section, we recommend reading the following case:

Mugler v. Kansas, 123 U.S. 623 (1887)
SOURCE: http://scholar.google.com/scholar_case?case=12658364258779560123

12.6 The Right to be left alone

The purpose of the Constitution of the United States of America is to confer the “right to be left alone”, which is the essence of being sovereign:

*“The makers of our Constitution undertook to secure conditions favorable to the pursuit of happiness. They recognized the significance of man’s spiritual nature, of his feelings and of his intellect. They knew that only a part of the pain, pleasure and satisfactions of life are to be found in material things. They sought to protect 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)]

The legal definition of “justice” confirms that its purpose is to protect your right to be “left alone”:

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

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

The Bible also states the foundation of justice by saying:

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

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

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

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

Those who are “private persons” fit in the category of people who must be left alone as a matter of law:

1 "There is a clear distinction in this particular case between an individual and a corporation, and that the latter
2 has no right to refuse to submit its books and papers for an examination at the suit of the State. The individual
3 may stand upon his constitutional rights as a citizen. **He is entitled to carry on his private business in his own
4 way. His power to contract is unlimited. He owes no such duty to the State, since he receives nothing therefrom,
5 beyond the protection of his life and property. His rights are such as existed by the law of the land long
6 antecedent to the organization of the State, and can only be taken from him by due process of law, and in
7 accordance with the constitution.** Among his rights are a refusal to incriminate himself, and the immunity of
8 himself and his property from arrest or seizure except under a warrant of the law. He owes nothing to the public
9 so long as he does not trespass upon their rights."
10 [*Hale v. Henkel*, [201 U.S. 43](#), 74 (1906)]

11
12 [Internal Revenue Manual \(I.R.M.\), Section 5.14.10.2 \(09-30-2004\)](#)
13 Payroll Deduction Agreements

14 **2. Private employers, states, and political subdivisions are not required to enter into payroll deduction**
15 **agreements.** Taxpayers should determine whether their employers will accept and process executed agreements
16 before agreements are submitted for approval or finalized.
17 [SOURCE: <http://sedm.org/Exhibits/EX05.043.pdf>]

18 The U.S. Supreme Court has also held that the ability to regulate what it calls "private conduct" is repugnant to the
19 constitution. It is the differentiation between PRIVATE rights and PUBLIC rights, in fact, that forms the basis for enforcing
20 your right to be left alone:

21 "The power to "legislate generally upon" life, liberty, and property, as opposed to the "power to provide modes
22 of redress" against offensive state action, was "repugnant" to the Constitution. *Id.*, at 15. See also *United States*
23 *v. Reese*, [92 U.S. 214, 218](#) (1876); *United States v. Harris*, [106 U.S. 629, 639](#) (1883); *James v. Bowman*, [190 U.S.](#)
24 [127, 139](#) (1903). Although the specific holdings of these early cases might have been superseded or modified, see,
25 e.g., *Heart of Atlanta Motel, Inc. v. United States*, [379 U.S. 241](#) (1964); *United States v. Guest*, [383 U.S. 745](#)
26 (1966), their treatment of Congress' §5 power as corrective or preventive, not definitional, has not been
27 questioned."
28 [*City of Boerne v. Flores, Archbishop of San Antonio*, [521 U.S. 507](#) (1997)]

29 Only by taking on a "public character" or engaging in "public conduct" rather than a "private" character may our actions
30 become the proper or lawful subject of federal or state legislation or regulation.

31 "**One great object of the Constitution is to permit citizens to structure their private relations as they choose**
32 **subject only to the constraints of statutory or decisional law.** [500 U.S. 614, 620]

33 **To implement these principles, courts must consider from time to time where the governmental sphere [e.g.,**
34 **"public purpose" and "public office"] ends and the private sphere begins. Although the conduct of private**
35 **parties lies beyond the Constitution's scope in most instances, governmental authority may dominate an activity**
36 **to such an extent that its participants must be deemed to act with the authority of the government and, as a**
37 **result, be subject to constitutional constraints.** This is the jurisprudence of state action, which explores the
38 "essential dichotomy" between the private sphere and the public sphere, with all its attendant constitutional
39 obligations. *Moose Lodge*, *supra*, at 172. "

40 [. . .]

41 Given that the statutory authorization for the challenges exercised in this case is clear, the remainder of our state
42 action analysis centers around the second part of the *Lugar* test, whether a private litigant, in all fairness, must
43 be deemed a government actor in the use of peremptory challenges. Although we have recognized that this aspect
44 of the analysis is often a fact-bound inquiry, see *Lugar*, *supra*, 457 U.S. at 939, our cases disclose certain
45 principles of general application. **Our precedents establish that, in determining whether a particular action or**
46 **course of conduct is governmental in character, it is relevant to examine the following: the extent to which the**
47 **actor relies on governmental assistance and benefits, see *Tulsa Professional Collection Services, Inc. v. Pope*,**
48 **[485 U.S. 478](#) (1988); *Burton v. Wilmington Parking Authority*, [365 U.S. 715](#) (1961); whether the actor is**
49 **performing a traditional governmental function, see *Terry v. Adams*, [345 U.S. 461](#) (1953); *Marsh v. Alabama*,**
50 **[326 U.S. 501](#) (1946); cf. *San Francisco Arts & Athletics, Inc. v. United States Olympic [500 U.S. 614, 622]***
51 ***Committee*, [483 U.S. 522, 544-545](#) (1987); and whether the injury caused is aggravated in a unique way by the**
52 **incidents of governmental authority, see *Shelley v. Kraemer*, [334 U.S. 1](#) (1948).** Based on our application of these
53 three principles to the circumstances here, we hold that the exercise of peremptory challenges by the defendant
54 in the District Court was pursuant to a course of state action.
55 [*Edmonson v. Leesville Concrete Company*, [500 U.S. 614](#) (1991)]

1 The phrase “subject only to the constraints of statutory or decisional law” refers ONLY to statutes or court decisions that
2 pertain to licensed or privileged activities or franchises, all of which:

- 3 1. Cause the licensee or franchisee to represent a “public office” and work for the government.
- 4 2. Cause the licensee or franchisee to act in a representative capacity as an officer of the government, which is a federal
5 corporation and therefore he or she becomes an “officer or employee of a corporation” acting in a representative capacity.
6 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
7 provisions as an officer or employee of a corporation.
- 8 3. Change the effective domicile of the “office” or “public office” of the licensee or franchisee to federal territory pursuant
9 to Federal Rule of Civil Procedure 17(b), 26 U.S.C. §7701(a)(39), and 26 U.S.C. §7408(d).

10 [IV. PARTIES > Rule 17.](#)

11 *(b) Capacity to Sue or be Sued.*

12 *Capacity to sue or be sued is determined as follows:*

13 *(1) for an individual who is not acting in a representative capacity, by the law of the individual's domicile;*

14 ***(2) for a corporation [or the officers or “public officers” of the corporation], by the law under which it was***
15 ***organized; and***

16 *(3) for all other parties, by the law of the state where the court is located, except that:*

17 *(A) a partnership or other unincorporated association with no such capacity under that state's law may sue or*
18 *be sued in its common name to enforce a substantive right existing under the United States Constitution or*
19 *laws; and*

20 *(B) 28 U.S.C. §§754 and 959(a) govern the capacity of a receiver appointed by a United States court to sue or*
21 *be sued in a United States court.*

- 22 4. Create a “res” or “office” which is the subject of federal legislation and a “person” or “individual” within federal statutes.
23 For instance, the definition of “individual” within 5 U.S.C. §552a(a)(2) reveals that it is a government employee with a
24 domicile in the statutory “United States”, which is federal territory. Notice that the statute below is in Title 5, which is
25 “Government Organization and Employees”, and that “citizens and residents of the United States” share in common a
26 legal domicile on federal territory. An “individual” is an officer of the government, and not a natural man or woman.
27 The office is the “individual”, and not the man or woman who fills it:

28 [TITLE 5 > PART 1 > CHAPTER 5 > SUBCHAPTER II > § 552a](#)
29 [§ 552a. Records maintained on individuals](#)

30 *(a) Definitions.— For purposes of this section—*

31 *(2) the term “individual” means a citizen of the United States or an alien lawfully admitted for permanent*
32 *residence;*

33 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
34 for the government by participating in its franchises, then the government has NO AUTHORITY to even keep records on
35 you under the authority of the Privacy Act and you would be committing perjury under penalty of perjury to call yourself an
36 “individual” on a government form. Why? Because you are the sovereign and the sovereign is not the subject of the law,
37 but the author of the law!

38 *“Since in common usage, the term person does not include the sovereign, statutes not employing the phrase are*
39 *ordinarily construed to exclude it.”*
40 *[United States v. Cooper Corporation, 312 U.S. 600 (1941)]*

41 *“There is no such thing as a power of inherent Sovereignty in the government of the United States. In this country*
42 ***sovereignty resides in the People**, and Congress can exercise no power which they have not, by their Constitution*
43 *entrusted to it: All else is withheld.”*
44 *[Juilliard v. Greenman, 110 U.S. 421 (1884)]*

45 *“Sovereignty itself is, of course, not subject to law for it is the author and source of law;”*
46 *[Yick Wo v. Hopkins, 118 U.S. 356 (1886)]*

47 *“Under our form of government, the legislature is NOT supreme. It is only one of the organs of that ABSOLUTE*
48 *SOVEREIGNTY which resides in the whole body of the PEOPLE; like other bodies of the government, it can only*
49 *exercise such powers as have been delegated to it, and **when it steps beyond that boundary, its acts.. are utterly***
50 ***VOID.**”*

1 [Billings v. Hall, 7 CA. 1]

2 "In Europe, the executive is synonymous with the sovereign power of a state...where it is too commonly acquired
3 by force or fraud, or both...In America, however the case is widely different. Our government is founded upon
4 compact. **Sovereignty was, and is, in the people.**
5 [The Betsy, 3 Dall 6]

6 In summary, the only way the government can control you through civil law is to connect you to public conduct or a "public
7 office" within the government executed on federal territory. If they are asserting jurisdiction that you believe they don't
8 have, it is probably because:

- 9 1. You misrepresented your domicile as being on federal territory within the "United States" or the "State of ___" by
10 declaring yourself to be either a statutory "U.S. citizen" pursuant to 8 U.S.C. §1401 or a statutory "resident" (alien)
11 pursuant to 26 U.S.C. §7701(b)(1)(A). This made you subject to their laws and put you into a privileged state.
- 12 2. You filled out a government application for a franchise, which includes government benefits, professional licenses,
13 driver's licenses, marriage licenses, etc.
- 14 3. Someone else filed a document with the government which connected you to a franchise, even though you never
15 consented to participate in the franchise. For instance, IRS information returns such as W-2, 1042S, 1098, and 1099
16 presumptively connect you to a "trade or business" in the U.S. government pursuant to 26 U.S.C. §6041. A "trade or
17 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
18 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>

19 **12.7 The PUBLIC You (straw man) vs. the PRIVATE You (human)**

20 It is extremely important to know the difference between PRIVATE and PUBLIC "persons", because we all have private and
21 public identities. This division of our identities is recognized in the following maxim of law:

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

27 The U.S. Supreme Court also recognizes the division of PUBLIC v. PRIVATE:

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

31 "All the powers of the government [including ALL of its civil enforcement powers against the public] must be
32 carried into operation **by individual agency, either through the medium of public officers, or contracts made**
33 **with [private] individuals.**"
34 [Osborn v. Bank of U.S., 22 U.S. 738 (1824), This is the headnotes for the case]

35
36 **"...we are of the opinion that there is a clear distinction in this particular between an [PRIVATE] individual**
37 **and a [PUBLIC] corporation, and that the latter has no right to refuse to submit its books and papers for an**
38 **examination at the suit of the state. The individual may stand upon his constitutional rights as a citizen. He is**
39 **entitled to carry on his private business in his own way. His power to contract is unlimited. He owes no duty to**
40 **the state or to his neighbors to divulge his business, or to open his doors to an investigation, so far as it may**
41 **tend to criminate him. He owes no such duty to the state, since he receives nothing therefrom, beyond the**
42 **protection of his life and property. His rights are such as existed by the law of the land long antecedent to the**
43 **organization of the state, and can only be taken from him by due process of law, and in accordance with the**
44 **Constitution. Among his rights are a refusal to incriminate himself, and the immunity of himself and his**
45 **property from arrest or seizure except under a warrant of the law. He owes nothing to the public so long as he**
46 **does not trespass upon their rights.**

47 **"Upon the other hand, the [PUBLIC] corporation is a creature of the state. It is presumed to be incorporated**
48 **for the benefit of the public. It receives certain special privileges and franchises, and holds them subject to the**
49 **laws of the state and the limitations of its charter. Its powers are limited by law. It can make no contract not**

1 authorized by its charter. Its rights to [201 U.S. 43, 75] act as a corporation are only preserved to it so long
2 as it obeys the laws of its creation. There is a reserved right in the legislature to investigate its contracts and
3 find out whether it has exceeded its powers. It would be a strange anomaly to hold that a state, having chartered
4 a corporation to make use of certain franchises, could not, in the exercise of its sovereignty, inquire how these
5 franchises had been employed, and whether they had been abused, and demand the production of the corporate
6 books and papers for that purpose. The defense amounts to this: That an officer of a corporation which is charged
7 with a criminal violation of the statute, may plead the criminality of such corporation as a refusal to produce its
8 books. To state this proposition is to answer it. While an individual may lawfully refuse to answer incriminating
9 questions unless protected by an immunity statute, it does not follow that a corporation, vested with special
10 privileges and franchises, may refuse to show its hand when charged with an abuse of such privileges. "
11 [Hale v. Henkel, 201 U.S. 43 (1906)]

12 The next time you are in court as a PRIVATE person, here are some questions for the next jury, judge, or government
13 prosecutor trying to enforce a civil obligation upon you as a PRESUMED public officer called a "citizen", "resident",
14 "person", or "taxpayer":

- 15 1. How do you, a PRIVATE human, "OBEY" a law without "EXECUTING" it? We'll give you a hint: It CAN'T BE
16 DONE!
- 17 2. What "public office" or franchise does the government claim to have "created" and therefore have the right to control
18 in the context of my otherwise exclusively PRIVATE property and PRIVATE rights under the Constitution?
- 19 3. Who is the "customer" in the context of the IRS: The STATUTORY "taxpayer" public office or the PRIVATE human
20 filling the office?
- 21 4. Who gets to define what a "benefit" is in the context of "customers"? Isn't it the human volunteering to be surety for
22 the "taxpayer" office and not the government grantor of the public office franchise?
- 23 5. What if I as the human compelled to become surety for the office define that compulsion as an INJURY rather than a
24 BENEFIT? Does that "end the privilege" and the jurisdiction to tax and regulate?
- 25 6. Does the national government claim the right to create franchises within a constitutional state in order to tax them?
26 The Constitution says they CANNOT and that this is an "invasion" within the meaning of Article 4, Section 4 of the
27 Constitution:

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

33 But very different considerations apply to the internal commerce or domestic trade of the States. Over this
34 commerce and trade Congress has no power of regulation nor any direct control. This power belongs
35 exclusively to the States. No interference by Congress with the business of citizens transacted within a State
36 is warranted by the Constitution, except such as is strictly incidental to the exercise of powers clearly
37 granted to the legislature. The power to authorize a business within a State is plainly repugnant to the exclusive
38 power of the State over the same subject. It is true that the power of Congress to tax is a very extensive power. It
39 is given in the Constitution, with only one exception and only two qualifications. Congress cannot tax exports,
40 and it must impose direct taxes by the rule of apportionment, and indirect taxes by the rule of uniformity. Thus
41 limited, and thus only, it reaches every subject, and may be exercised at discretion. But, it reaches only existing
42 subjects. Congress cannot authorize a trade or business within a State in order to tax it.
43 [License Tax Cases, 72 U.S. 462, 18 L.Ed. 497, 5 Wall. 462, 2 A.F.T.R. 2224 (1866)]

- 44 7. Isn't a judge compelling you to violate your religious beliefs by compelling you to serve in a public office or accept the
45 DUTIES of the office? Isn't this a violation of the First Commandment NOT to serve "other gods", which can and
46 does mean civil rulers or governments?

47 *But the thing displeased Samuel when they said, "Give us a king to judge us." So Samuel prayed to the Lord.*
48 *And the Lord said to Samuel, "Heed the voice of the people in all that they say to you; for they have rejected*
49 *Me [God], that I should not reign over them.* According to all the works which they have done since the day that
50 I brought them up out of Egypt, even to this day—with which they have forsaken Me and served other gods
51 [Kings, in this case]—so they are doing to you also [government becoming idolatry]. Now therefore, heed their
52 voice. However, you shall solemnly forewarn them, and show them the behavior of the king who will reign
53 over them."
54 [1 Sam. 8:6-9, Bible, NKJV]

- 55 8. How can one UNILATERALLY ELECT themselves into public office by filling out a government form? The form
56 isn't even signed by anyone in the government, such as a tax form or social security application, and therefore couldn't

POSSIBLY be a valid contract anyway? Isn't this a FRAUD upon the United States and criminal bribery, using illegal "withholdings" to bribe someone to TREAT you as a public officer? See 18 U.S.C. §211.

9. How can a judge enforce civil statutory law that only applies to public officers without requiring proof on the record that you are CONSENSUALLY and LAWFULLY engaged in a public office? In other words, that you waived sovereign immunity by entering into a contract with the government.

"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/

10. Isn't this involuntary servitude in violation of the Thirteenth Amendment to serve in a public office if you DON'T consent and they won't let you TALK about the ABSENCE of your consent?
11. Isn't it a violation of due process of law to PRESUME that you are public officer WITHOUT EVIDENCE on the record from an unbiased witness who has no financial interest in the outcome?

"A presumption is an assumption of fact that the law requires to be made from another fact or group of facts found or otherwise established in the action. A presumption is not evidence."
[Black's Law Dictionary, Sixth Edition, p. 1185]

"If any question of fact or liability be conclusively be presumed [rather than proven] against him, this is not due process of law. [. . .] the presumption of innocence under which **guilt must be proven by legally obtained evidence** and the verdict must be supported by the evidence presented; rights at the earliest stage of the criminal process; and the guarantee that an individual will not be tried more than once for the same offence (double jeopardy).
[Black's Law Dictionary, Sixth Edition, p. 500]

"A presumption is neither evidence nor a substitute for evidence."
[American Jurisprudence 2d, Evidence, §181 (1999)]

12. If the judge won't enforce the requirement that the government as moving party has the burden of proving WITH EVIDENCE that you were LAWFULLY "appointed or elected" to a public office, aren't you therefore PRESUMED to be EXCLUSIVELY PRIVATE and therefore beyond the reach of the civil statutory law?
13. Isn't the judge criminally obstructing justice to interfere with requiring evidence on the record that you lawfully occupy a public office? See 18 U.S.C. §1503, whereby the judge is criminally "influencing" the PUBLIC you.
14. Isn't an unsupported presumption that prejudices a PRIVATE right a violation of the Constitution and doesn't the rights that UNCONSTITUTIONAL presumption prejudicially conveys to the government constitute a taking of rights without just compensation in violation of the Fifth Amendment Takings Clause?
15. Don't the rights that UNCONSTITUTIONAL presumptions prejudicially convey to the government constitute a taking of rights without just compensation in violation of the Fifth Amendment Takings Clause?
16. By what authority does the judge impose federal civil law within a constitutional state of the Union because:
- 16.1. Constitutional states are legislatively but not constitutionally foreign jurisdiction.
- 16.2. Federal Rule of Civil Procedure 17(b) requires that those with a domicile outside of federal territory cannot be sued under federal law.

⁹ 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 16.3. The Rules of Decision Act, 28 U.S.C. §1652 dictates that state rather than federal law applies.

2 16.4. National franchises and the PRIVATE law that implements them cannot be offered or enforced within
3 constitutional states per License Tax Cases, [72 U.S. 462](#), 18 L.Ed. 497, 5 Wall. 462, 2 A.F.T.R. 2224 (1866).

4 17. Even if we ARE lawfully serving in a public office, don't we have the right to:

5 17.1. Be off duty?

6 17.2. Choose WHEN we want to be off duty?

7 17.3. Choose WHAT financial transactions we want to connect to the office?

8 17.4. Be protected in NOT volunteering to connect a specific activity to the public office? Governments LIE by calling
9 something "voluntary" and yet refusing to protect those who do NOT consent to "volunteer", don't they?

10 17.5. Not be coerced to sign up for OTHER, unrelated public offices when we sign up for a single office? For instance,
11 do we have a right not become a FEDERAL officer when we sign up for a STATE "driver license" and "public
12 office" that ALSO requires us to have a Social Security Number to get the license, and therefore to ALSO
13 become a FEDERAL officer at the same time.

14 14. If the answer to all the above is NO, then there ARE no PRIVATE rights or PRIVATE property and there IS no
15 "government" because governments only protect PRIVATE rights and private property!

16 We'd love to hear a jury, judge, or prosecutor address this subject before they haul him away in a straight jacket to the nuthouse
17 because of a completely irrational and maybe even criminal answer.

18 The next time you end up in front of a judge or government attorney enforcing a civil statute against you, you might want to
19 insist on proof in the record during the process of challenging jurisdiction as a defendant or respondent:

- 20 1. WHICH of the two "persons" they are addressing or enforcing against.
21 2. How the two statuses, PUBLIC v. PRIVATE, became connected.
22 3. What specific act of EXPRESS consent connected the two. PRESUMPTION alone on the part of government can't. A
23 presumption that the two became connected WITHOUT consent is an unconstitutional eminent domain in violation of
24 the Fifth Amendment Takings Clause.

25 In a criminal trial, such a question would be called a "bill of particulars".

26 We can handle private and public affairs from the private, but we cannot handle private affairs from the public. The latter is
27 one of the biggest mistakes many people make when trying to handle their commercial and lawful (private) or legal (public)
28 affairs. Those who use PUBLIC property for PRIVATE gain in fact are STEALING and such stealing has always been a
29 crime.

30 In law, all rights attach to LAND, and all privileges attach to one's STATUS under voluntary civil franchises. An example
31 of privileged statuses include "taxpayer" (under the tax code), "person", "individual", "driver" (under the vehicle code),
32 "spouse" (under the family code). Rights are PRIVATE, PRIVILEGES are PUBLIC.

33 In our society, the PRIVATE "straw man" was created by the application for the birth certificate. It is a legal person under
34 contract law and under the Uniform Commercial Code (U.C.C.), with capacity to sue or be sued under the common law. It
35 is PRIVATE PROPERTY of the human being described in the birth certificate.

36 The PUBLIC officer "straw man" (e.g. statutory "taxpayer") was created by the SSA Form SS-5, Application for a Social
37 Security Card. It is a privileged STATUS under an [unconstitutional national franchise](#) of the [de facto government](#). It is
38 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>

39 The PRIVATE "John Doe" is a statutory "non-resident alien non-individual" not engaged in the "trade or business"/PUBLIC
40 OFFICER franchise in relation to the PUBLIC. He exists in the republic and is a free inhabitant under the Articles of
41 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>

1 The PUBLIC "JOHN DOE" is a public office in the government corporation and statutory "U.S. citizen" per 8 U.S.C. §1401,
2 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,
3 obligations, immunities, and limited liability.

4 In the PRIVATE, money is an ASSET and always in the form of something that has intrinsic value, i.e. gold or silver. Payment
5 for anything is in the form of commercial set-off.

6 In the PUBLIC, money is a LIABILITY or debt and normally takes the form of a promissory note, i.e. a Federal Reserve
7 Note (FRN), a check, bond, or note. Payment is in the form of discharge in the future.

8 The PRIVATE realm is the basis for all contract and commerce under the Uniform Commercial Code (U.C.C.). The PUBLIC
9 realm was created by the bankruptcy of the PRIVATE entity. Generally, creditors can operate from the PRIVATE. PUBLIC
10 entities are all debtors (or slaves). The exercise of the right to contract by the PRIVATE straw man makes human beings into
11 SURETY for the PUBLIC straw man.

12 Your judicious exercise of your right to contract and the requirement for consent that protects it is the main thing that keeps
13 the PUBLIC separate from the PRIVATE. See:

[Requirement for Consent, Form #05.003
http://sedm.org/Forms/FormIndex.htm](http://sedm.org/Forms/FormIndex.htm)

14 **Be careful how you use your right to contract!** It is the most DANGEROUS right you have because it can destroy ALL
15 of your PRIVATE rights by converting them to PUBLIC rights and offices.

16 *"These general rules are well settled:*

17 *(1) That the United States, when it creates rights in individuals against itself [a "public right", which is a*
18 *euphemism for a "franchise" to help the court disguise the nature of the transaction], is under no obligation*
19 *to provide a remedy through the courts.* *United States ex rel. Dunlap v. Black, 128 U.S. 40, 9 Sup.Ct. 12, 32*
20 *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;*
21 *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.*

22 *(2) That where a statute creates a right and provides a special remedy, that remedy is exclusive.* *Wilder*
23 *Manufacturing Co. v. Corn Products Co., 236 U.S. 165, 174, 175, 35 Sup.Ct. 398, 59 L.Ed. 520, Ann. Cas. 1916A,*
24 *118; Arnsion v. Murphy, 109 U.S. 238, 3 Sup.Ct. 184, 27 L.Ed. 920; Barnet v. National Bank, 98 U.S. 555, 558,*
25 *25 L.Ed. 212; Farmers' & Mechanics' National Bank v. Dearing, 91 U.S. 29, 35, 23 L.Ed. 196. Still the fact that*
26 *the right and the remedy are thus intertwined might not, if the provision stood alone, require us to hold that the*
27 *remedy expressly given excludes a right of review by the Court of Claims, where the decision of the special*
28 *tribunal involved no disputed question of fact and the denial of compensation was rested wholly upon the*
29 *construction of the act. See Medbury v. United States, 173 U.S. 492, 198, 19 Sup.Ct. 503, 43 L.Ed. 779; Parish v.*
30 *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,*
31 *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,*
32 *1919."*
33 *[U.S. v. Babcock, 250 U.S. 328, 39 S.Ct. 464 (1919)]*

34 All PUBLIC franchises are contracts or agreements and therefore participating in them is an act of contracting.

35 *"It is generally conceded that a franchise is the subject of a contract between the grantor and the grantee, and*
36 *that it does in fact constitute a contract when the requisite element of a consideration is present.¹⁰ Conversely, a*
37 *franchise granted without consideration is not a contract binding upon the state, franchisee, or pseudo-*
38 *franchisee.¹¹ "*

¹⁰ *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.

¹¹ *Pennsylvania R. Co. v. Bowers, 124 Pa. 183, 16 A. 836.*

Franchises include Social Security, income taxation (“trade or business”/public office franchise), unemployment insurance, driver licensing (“driver” franchise), and marriage licensing (“spouse” franchise).

“You shall make no covenant [contract or franchise] with them [foreigners, pagans], nor with their [pagan government] gods [laws or judges]. They shall not dwell in your land [and you shall not dwell in theirs by becoming a “resident” or domiciliary in the process of contracting with them], lest they make you sin against Me [God]. For if you serve their [government] gods [under contract or agreement or franchise], it will surely be a snare to you.”
[Exodus 23:32-33, Bible, NKJV]

Governments become corrupt by:

1. Refusing to recognize the PRIVATE.
2. Undermining or interfering with the invocation of the common law in courts of justice.
3. Allowing false information returns to be abused to convert the PRIVATE into the PUBLIC without the consent of the owner.
4. Destroying or undermining remedies for the protection of PRIVATE rights.
5. Replacing CONSTITUTIONAL courts with LEGISLATIVE FRANCHISE courts.
6. Making judges into statutory franchisees such as “taxpayers”, through which they are compelled to have a conflict of interest that ultimately destroys or undermines all private rights. This is a crime and a civil offense in violation of 18 U.S.C. §208, 28 U.S.C. §144, and 28 U.S.C. §455.
7. Offering or enforcing government franchises to people not domiciled on federal territory. This breaks down the separation of powers and enforces franchise law extraterritorially.
8. Abusing “words of art” to blur or confuse the separation between the PUBLIC and the PRIVATE. (deception)
9. Removing the domicile prerequisite for participation in government franchises through policy and not law, thus converting them into essentially PRIVATE business ventures that operate entirely through the right to contract.
10. Abusing sovereign immunity to protect PRIVATE government business ventures, thus destroying competition and implementing a state-sponsored monopoly.
11. Refusing to criminally prosecute those who compel participation in government franchises.
12. Turning citizenship into a statutory franchise, and thus causing people who claim citizen status to unwittingly become PUBLIC officers.
13. Allowing presumption to be used as a substitute for evidence in any proceeding to enforce government franchises against an otherwise PRIVATE party. This violates due process of law, unfairly advantages the government, and imputes to the government supernatural powers as an object of religious worship.

Therefore, it is important to learn how to be EXCLUSIVELY PRIVATE and a CREDITOR in all of our affairs. Freedom is possible in the PRIVATE; it is not even a valid fantasy in the realm of the PUBLIC.

Below is a summary:

Table 2: Public v. Private “Persons”/Offices

#	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)

#	Characteristic	Private	Public
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) and body CORPORATE (PUBLIC)	Body CORPORATE (PUBLIC) only . All those in the body POLITIC are converted into officers of the corporation by abusing franchises.

1 **12.8 All PUBLIC/GOVERNMENT law attaches to government territory, all PRIVATE law**
2 **attaches to your right to contract**

3 A very important consideration to understand is that:

- 4 1. All EXCLUSIVELY PUBLIC LAW attaches to the government’s own territory. By “PUBLIC”, we mean law that
5 runs the government and ONLY the government.
6 2. All EXCLUSIVELY PRIVATE law attaches to one of the following:
7 2.1. The exercise of your right to contract with others.
8 2.2. The property you own and lend out to others based on specific conditions.

9 Item 2.2 needs further attention. Here is how that mechanism works:

10 *“How, then, are purely equitable obligations created? For the most part, either by the acts of third persons or by*
11 *equity alone. **But how can one person impose an obligation upon another? By giving property to the latter on***
12 ***the terms of his assuming an obligation in respect to it. At law there are only two means by which the object of***
13 ***the donor could be at all accomplished, consistently with the entire ownership of the property passing to the***
14 ***donee, namely: first, by imposing a real obligation upon the property; secondly, by subjecting the title of the***
15 ***donee to a condition subsequent.** The first of these the law does not permit; the second is entirely inadequate.*
16 *Equity, however, can secure most of the objects of the doner, and yet avoid the mischiefs of real obligations by*
17 *imposing upon the donee (and upon all persons to whom the property shall afterwards come without value or*
18 *with notice) **a personal obligation with respect to the property; and accordingly this is what equity does.** It is in*
19 *this way that all trusts are created, and all equitable charges made (i.e., equitable hypothecations or liens created)*
20 *by testators in their wills. In this way, also, most trusts are created by acts inter vivos, except in those cases in*
21 *which the trustee incurs a legal as well as an equitable obligation. **In short, as property is the subject of every***
22 ***equitable obligation, so the owner of property is the only person whose act or acts can be the means of creating***
23 ***an obligation in respect to that property. Moreover, the owner of property can create an obligation in respect***
24 ***to it in only two ways: first, by incurring the obligation himself, in which case he commonly also incurs a legal***
25 ***obligation; secondly, by imposing the obligation upon some third person; and this he does in the way just***
26 ***explained.”***

27 *[Readings on the History and System of the Common Law, Second Edition, Roscoe Pound, 1925, p. 543]*

28 Next, we must describe exactly what we mean by “territory”, and the three types of “territory” identified by the U.S. Supreme
29 Court in relation to the term “United States”. Below is how the united States Supreme Court addressed the question of the
30 meaning of the term “United States” (see Black’s Law Dictionary) in the famous case of *Hooven & Allison Co. v. Evatt*, 324
31 U.S. 652 (1945). The Court ruled that the term United States has three uses:

32 *“The term ‘United States’ may be used in any one of several senses. It may be merely the name of a sovereign*
33 *occupying the position analogous to that of other sovereigns in the family of nations. It may designate the territory*
34 *over which the sovereignty of the United States extends, or it may be the collective name of the states which are*
35 *united by and under the Constitution.”*

36 *[Hooven & Allison Co. v. Evatt, 324 U.S. 652 (1945)]*

37 We will now break the above definition into its three contexts and show what each means.
38

Table 3: 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 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,¹² 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.**¹³*
15 *[American Jurisprudence 2d, Franchises, §4: Generally (1999)]*

16 **12.9 “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, Book XI, Section 1, 1758;*
31 *SOURCE: 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; ...***

¹² 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.

¹³ 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.⁴³ 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, Book XXVI, Section 15, 1758;
31 SOURCE: 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 area 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>

12.10 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 4: 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.¹⁴

11.2. **INDIRECT CONVERSION:** Owner assumes a PUBLIC status as a PUBLIC officer in the HOLDING of title to the property.¹⁵ 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.

¹⁴ 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.

¹⁵ 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 **12.11 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 http://sedm.org/Forms/FormIndex.htm</u>
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- 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 http://sedm.org/Forms/FormIndex.htm</u>
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- 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 13.7
<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 "illusive 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 **13 Ownership as the Origin of the Right to Define**¹⁶

40 **13.1 Introduction**

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

Proof that "Publici Juris"/Public Rights Include the Entire Civil Code, SEDM
<https://sedm.org/proof-that-publici-juris-includes-the-entire-civil-code/>

¹⁶ Source: *Hot Issues: Identification and Identity Theft**, SEDM; <https://sedm.org/ownership-as-the-origin-of-the-right-to-define/>.

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

3 **13.2 Biblical Origin of the Right to Define**

4 *Authority = Author of it*

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

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

7 *The Race of Faith*

8 *12 Therefore we also, since we are surrounded by so great a cloud of witnesses, let us lay aside every weight,*
9 *and the sin which so easily ensnares us, and let us run with endurance the race that is set before us, 2 looking*
10 *unto Jesus, **the author and finisher of our faith**, who for the joy that was set before Him endured the cross,*
11 *despising the shame, and has sat down at the right hand of the throne of God.*
12 *[Heb. 12:1-2, Bible, NKJV]*

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

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

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

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

26 *"People of all races, genders, political beliefs, sexual orientations, and nearly all religions are welcome here.*
27 *All are treated equally under **REAL "law"**. The only way to remain truly free and equal under the civil law is to*
28 *avoid seeking government civil services, benefits, property, **special or civil status**, exemptions, privileges, or*
29 *special treatment. All such pursuits of government services or property require **individual and lawful consent to***
30 ***a franchise** and the surrender of **inalienable constitutional rights** AND **EQUALITY** in the process, and should*
31 *therefore be AVOIDED. The rights and equality given up are the "cost" of procuring the "benefit" or property*
32 *from the government, in fact. Nothing in life is truly "free". Anyone who claims that such "benefits" or property*
33 *should be free and cost them nothing is a thief who wants to use the government as a means to STEAL on his or*
34 *her behalf. All **just rights** spring from responsibilities/obligations under the **laws of a higher power**. If that higher*
35 *power is God, you can be **truly and objectively free**. If it is government, you are **guaranteed to be a slave** because*
36 *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***
37 ***it really bad from people with a monopoly, then you will get it REALLY bad. Bend over.** There are NO*
38 *constitutional limits on the price government can charge for their monopoly services or property. Those who*
39 *want no responsibilities can have no **real/PRIVATE rights**, but only privileges dispensed to wards of the state*
40 *which are disguised to LOOK like unalienable rights. Obligations and rights are two sides of the same coin, just*
41 *like self-ownership and personal responsibility. For the biblical version of this paragraph, read **1 Sam. 8:10-22**.*
42 *For the reason God answered Samuel by telling him to allow the people to have a king, read **Deut. 28:43-51**,*
43 *which is God's curse upon those who allow a king above them. **Click Here***
44 ***(<https://famguardian.org/Subjects/Taxes/Evidence/HowScCorruptOurRepubGovt.htm>)** for a detailed description*
45 *of the legal, moral, and spiritual consequences of violating this paragraph."*
46 *[SEDM Opening Page, **<http://sedm.org>**]*

47 PUBLIC property therefore operates as the legal and moral equivalent of a Trojan Horse that DESTROYS private property,
48 private rights, freedom, and autonomy. Beware of Trojans bearing GOVERNMENT gifts! Property and rules always go
49 together. His is the meaning of the phrase "strings attached". See Article 4, Section 3, Clause 2 of the Constitution as proof

1 that property and rules or laws always go together. ALL of what government does CIVILLY is a regulation of
2 government/PUBLIC property.

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

5 *“Please identify the SPECIFIC PUBLIC or GOVERNMENT property I am in USE, BENEFIT, or POSSESSION*
6 *of which gives rise to your authority to write or enforce rules that regulate my conduct in this specific instance.*
7 *If you can’t answer my question, you are a THIEF stealing private property without compensation and in violation*
8 *of the Fifth Amendment Takings Clause.”*

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

13 **Abram and Melchizedek**

14 *¹⁸ Then Melchizedek king of Salem brought out bread and wine; he was the priest of God Most High. ¹⁹ And he*
15 *blessed him and said:*

16 *“Blessed be Abram of God Most High,*
17 *Possessor [OWNER] of heaven and earth;*
18 *²⁰And blessed be God Most High,*
19 *Who has delivered your enemies into your hand.”*

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

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

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

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

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

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

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

41 **13.3 Ownership**

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

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

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

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

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

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

Government Instituted Slavery Using Franchises, Form #05.030
<https://sedm.org/Forms/05-MemLaw/Franchises.pdf>

13.4 YOUR rights as the OWNER of Private Property

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

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

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

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

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

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

3. To identify the privileges/rights and corresponding obligations of all the fictional PERSONS who USE or BENEFIT from the “res” or property being created and regulated. These people, in effect, volunteer to become AGENTS of the property owner when handling the “res” or property under the terms of the contract, franchise, or agreement regulating the use of the property. They must all VOLUNTEER for the role of STEWARD or CUSTODIAN over the property temporarily granted or loaned or else UNCONSTITUTIONAL [slavery](#) is the result in violation of the Thirteenth Amendment.
4. To firmly fix the relations of all fictional PERSONS handling the property so that control and beneficial use of the property by the Owner is respected and protected.
5. To sometimes create or at least recognize a specific organization to manage the property created by the contract, trust, franchise, or license. In a governmental sense, that organization is always a corporation. All governments are corporations that manage a collection of community/public property. Agents of this corporation manage the property and corresponding privileges/rights of the corporation. In a governmental sense, these AGENTS are called “[public](#)”

1 [officers](#)". A "[public office](#)", in fact, is LEGALLY DEFINED as someone IN CHARGE (exercising stewardship) over
2 PUBLIC property. WITHOUT public property, there can in fact BE no public officers!

- 3 6. To identify those who are not parties to the contract, franchise, or license granting the property and how they are
4 permitted to interact with the property through the agents managing the property. In a governmental sense, these
5 parties are nonresident or stateless. An example of such a party is a nonresident alien in the Internal Revenue Code.

6 **13.5 Ownership and COMMERCE with others**

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

12 So, we can see that:

- 13 1. The OWNER is the one who is the ORIGIN of the CONTRACT, FRANCHISE, or LICENSE regulating the use of the
14 property and the DEFINITIONS that are within it.
15 2. The CREATOR is always the OWNER, just like the Bible identifies God as the CREATOR, and also the OWNER of
16 the ENTIRE Heavens and the Earth and all people ON the Earth.
17 3. The ACT of DEFINING terms is an act of CREATION. That power of being a CREATOR of anything can come
18 ONLY from OWNERSHIP itself.
19 4. OWNERSHIP and THE RIGHT TO DEFINE always travel TOGETHER and are INSEPARABLE. In that sense, they
20 are similar to the duality of OWNERSHIP and RESPONSIBILITY. You cannot OWN a thing without being
21 RESPONSIBLE for the damage that it causes to others.

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

26 **13.6 Practical Application**

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

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

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

38 *Then, at the first sign of resistance or word of complaint, one is repressed, fined, despised, vexed, pursued,
39 hustled, beaten up, garroted, imprisoned, shot, machine-gunned, judged, sentenced, deported, sacrificed, sold,
40 betrayed, and to cap it all, ridiculed, mocked, outraged, and dishonored. That is government, that is its justice
41 and its morality! . . . O human personality! How can it be that you have cowered in such subjection for sixty
42 centuries?"*

43 *[Pierre-Joseph Proudhon (born A. D. 1809 – died A. D. 1865)]*

44 Every dispute with covetous tyrants who want to "govern" you as described above WITHOUT your consent ALWAYS
45 begins with a dispute about THEIR power to write definitions and associate you with the thing defined, now doesn't it?
46 Below is an example:

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

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

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

"The compensation which the owners of property, not having any special rights or privileges from the government in connection with it, may demand for its use, or for their own services in union with it, forms 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."

[. . .]

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

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

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

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

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

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

7 *“As expressed otherwise, the powers delegated to a public officer are held in trust for the people and are to be*
8 *exercised in behalf of the government or of all citizens who may need the intervention of the officer. [1]*
9 ***Furthermore, the view has been expressed that all public officers, within whatever branch and whatever***
10 ***level of government, and whatever be their private vocations, are trustees of the people, and accordingly***
11 ***labor under every disability and prohibition imposed by law upon trustees relative to the making of***
12 ***personal financial gain from a discharge of their trusts.[2] That is, a public officer occupies a fiduciary***
13 ***relationship to the political entity on whose behalf he or she serves. [3] and owes a fiduciary duty to the***
14 ***public. [4] It has been said that the fiduciary responsibilities of a public officer cannot be less than those of***
15 ***a private individual. [5] Furthermore, it has been stated that any enterprise undertaken by the public official***
16 ***which tends to weaken public confidence and undermine the sense of security for individual rights is against***
17 ***public policy.[6]”***
18 [63C Am.Jur.2d, Public Officers and Employees, §247]

19 _____
20 FOOTNOTES:

21 [1] *State ex rel. Nagle v. Sullivan*, 98 Mont. 425, 40 P.2d. 995, 99 A.L.R. 321; *Jersey City v. Hague*, 18 N.J. 584,
22 115 A.2d. 8.

23 [2] *Georgia Dep’t of Human Resources v. Sistrunk*, 249 Ga. 543, 291 S.E.2d. 524. A public official is held in
24 public trust. *Madlener v. Finley (1st Dist)*, 161 Ill.App.3d. 796, 113 Ill.Dec. 712, 515 N.E.2d. 697, app gr 117
25 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.

26 [3] *Chicago Park Dist. v. Kenroy, Inc.*, 78 Ill.2d. 555, 37 Ill.Dec. 291, 402 N.E.2d. 181, appeal after remand (1st
27 Dist) 107 Ill.App.3d. 222, 63 Ill.Dec.134, 437 N.E.2d. 783.

28 [4] *United States v. Holzer (CA7 Ill)*, 816 F.2d. 304 and vacated, remanded on other grounds 484 U.S. 807, 98
29 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
30 S.Ct. 2022 and (criticized on other grounds by *United States v. Osser (CA3 Pa)*, 864 F.2d. 1056) and (superseded
31 by statute on other grounds as stated in *United States v Little (CA5 Miss)* 889 F.2d. 1367) and (among conflicting
32 authorities on other grounds noted in *United States v. Boylan (CA1 Mass)*, 898 F.2d. 230, 29 Fed.Rules.Evid.Serv.
33 1223).

34 [5] *Chicago ex rel. Cohen v. Keane*, 64 Ill.2d. 559, 2 Ill.Dec. 285, 357 N.E.2d. 452, later proceeding (1st Dist)
35 105 Ill.App.3d. 298, 61 Ill.Dec. 172, 434 N.E.2d. 325.

36 [6] *Indiana State Ethics Comm’n v. Nelson (Ind App)*, 656 N.E.2d. 1172, reh gr (Ind App) 659 N.E.2d. 260, reh
37 den (Jan 24, 1996) and transfer den (May 28, 1996).

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

41 *“For the love of money is a root of all kinds of evil, for which some have strayed from the faith in their greediness,*
42 *and pierced themselves through with many sorrows.”*
43 [1 [Tim. 6:10](#), Bible, NKJV]

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

- 47 1. [De Facto Government Scam](#), Form #05.043
48 <https://sedm.org/Forms/05-MemLaw/DeFactoGov.pdf>
- 49 2. [Government Corruption](#), Form #11.401
50 <https://sedm.org/home/government-corruption/>

13.7 Conclusions

Some readers might be inclined to say of this article:

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

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

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

But filing a 1040NR as a nonresident alien doesn’t accept that office in the sense that all your income is subject to tax by virtue of filling that office in an in personam sense. It connects a small donation and establishes a record of little or no tax due and recovers the erroneously withheld amounts. Nonresident status is subject matter as I’m sure you know where citizen or resident is in personam.

We respond to this retort by saying:

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

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

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

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

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

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

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

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

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

14 Property Resources

The following resources on our site are helpful in learning the very important laws of property and how they apply to EVERY aspect of daily life:

1. *ChatGPT AI Answers to Questions About Property*, SEDM
<https://sedm.org/chatgpt-ai-answers-to-questions-about-property/>
2. *Hot Issues: Identification and Identity Theft**, SEDM
<https://sedm.org/ownership-as-the-origin-of-the-right-to-define/>
3. *Hot Issues: Laws of Property**, SEDM
<https://sedm.org/category/hot-issues/laws-of-property/>
4. *Legal Remedies that Protect Private Rights Course*, Form #12.019** (Member Subscriptions)
<https://sedm.org/product/legal-remedies-that-protect-private-rights-course-form-12-019/>
5. *What is an Income Tax “Exclusion”?*, SEDM
<https://sedm.org/what-is-an-income-tax-exclusion/>
6. *Sources of Extraterritorial Jurisdiction, Section 4.3: Extraterritorial Jurisdiction Over Property*-SEDM
<https://sedm.org/sources-of-extraterritorial-jurisdiction-domicile-contract-or-merely-consent-comity/>
7. *Philosophy of Liberty*, SEDM -Explains the relationship between LIFE, LIBERTY and the PURSUIT OF HAPPINESS mentioned in the Declaration of Independence. “Pursuit of happiness” is equated with ABSOLUTE OWNERSHIP OF PRIVATE PROPERTY
<https://sedm.org/education/liberty-university/liberty-university-2-2-philosophy-of-liberty/>
8. *Who Owns Me?* -Michael Sandell, Harvard course on “justice”
<http://justiceharvard.org/lecture-6-who-owns-me/>
9. *The Absolute Nature of Property*, Butler Shaffer -this video was so important that Youtube CENSORED it. Must watch.
<https://sedm.org/the-absolute-nature-of-property-butler-shaffer/>
10. *Boundaries of Order: Private Property as a Social System*, Butler Shaffer
 - 10.1. https://www.amazon.com/s?i=stripbooks&rh=p_27%3AButler+Shaffer&s=relevancerank&text=Butler+Shaffer&ref=dp_byline_sr_book_1
 - 10.2. <https://mises.org/library/boundaries-order-private-property-social-system>
 - 10.3. https://cdn.mises.org/Boundaries%20of%20Order%20Private%20Property%20as%20a%20Social%20System_0.pdf
11. *The Guardian of Every Other Right: A Constitutional History of Property Rights*, James W. Ealy
 - 11.1. Google Books
https://www.google.com/books/edition/The_Guardian_of_Every_Other_Right/tn88DwAAQBAJ?hl=en
 - 11.2. Amazon
<https://www.amazon.com/Guardian-Every-Other-Right-Constitutional/dp/0195323335>
12. Family Guardian
<http://famguardian.org/>
 - 12.1. *Property and Privacy Protection Topic*, Section 8: Private Property Protection, Family Guardian Fellowship
https://famguardian.org/Subjects/PropertyPrivacy/PropertyPrivacy.htm#PRIVATE_PROPERTY_PROTECTION
 - 12.2. *Understanding American Property Rights*, Family Guardian Fellowship
<https://famguardian.org/Publications/PropertyRights/tableoc.html>
13. *SEDM Private v. Public Property/Rights and Protection Playlist*-Youtube
<https://www.youtube.com/playlist?list=PLin1scINPT0txYewMRT66TXyn6AUF0KTu>
14. *SEDM Disclaimer*, Section 4.27: Socialism Defined – Most people are confused about what this means. This is deliberate. It means a system of government where there is no private property.
<https://sedm.org/disclaimer.htm#4.27.Socialism>
15. *SEDM Disclaimer*, Section 4.28: “Grant” or “Loan” Defined – the main and only method used to convert your PRIVATE property to PUBLIC property and it requires your consent.
<https://sedm.org/disclaimer.htm#4.28.Grant>
16. *Delegation of Authority Order from God to Christians*, Form #13.007 -why:
<https://sedm.org/Forms/13-SelfFamilyChurchGovnce/DelOfAuthority.pdf>
 - 16.1. The Bible is a trust indenture.
 - 16.2. We are God’s trustees.
 - 16.3. The entire earth and all of Creation is God’s property.

- 1 16.4. Caesar can't charge a property tax, because he would be renting out STOLEN property.
2 16.5. Any attempt to convert PRIVATE to PUBLIC is stealing from God and interfering with your duties as trustee.
- 3 17. *Subject Index, Section 62: Property Protection*, SEDM
4 https://sedm.org/Search/SubjectIndex.htm#Property_protection
- 5 18. *Separation Between Public and Private Course*, Form #12.025 -main job of government is to keep PRIVATE and
6 PUBLIC property separated at all times and NEVER mixing them.
7 <https://sedm.org/LibertyU/SeparatingPublicPrivate.pdf>
- 8 19. *Hot Issues: Common Law and Equity Litigation***, SEDM -the ONLY way to force the court to enforce ONLY
9 private property and PRIVATE rights and NEVER civil franchises, privileges, or civil statutes.
10 <https://sedm.org/common-law-litigation/>
- 11 20. *Choice of Law*, Litigation Tool #01.010-how judges corruptly FORCE you to give up ALL your constitutional rights
12 by switching the choice of law from the PRIVATE common law to PUBLIC civil statutes and how to prevent it.
13 <https://sedm.org/Litigation/01-General/ChoiceOfLaw.pdf>
- 14 21. *Government Instituted Slavery Using Franchises*, Form #05.030 -the ONLY lawful method to legislatively convert
15 PRIVATE property to PUBLIC property, and it requires CONSENT. Can't be offered within a constitutional state
16 because it works a purpose OPPOSITE to the establishment of government.
17 <https://sedm.org/Forms/05-MemLaw/Franchises.pdf>
- 18 22. *Self Government Federation: Articles of Confederation, Form #13.002* -a plan to create PERFECT separation between
19 PRIVATE and PUBLIC in which the ONLY part of government the civilly touches the average American is voting and
20 jury service. Everything else is separated. Is based on additions to existing organic documents rather than destroying
21 everything and rebuilding it from scratch.
22 <https://sedm.org/Forms/13-SelfFamilyChurchGovnce/SGFArtOfConfed.pdf>
- 23 23. *Socialism: The New American Civil Religion*, Form #05.016-how government works when there is NO PRIVATE
24 property
25 <https://sedm.org/Forms/05-MemLaw/SocialismCivilReligion.pdf>
- 26 24. *Avoiding Traps in Government Forms Course*, Form #12.023-how a corrupted government recruits you into a public
27 office by getting you to declare a statutory civil status. Beyond that point, whatever property you connect to the office
28 becomes PUBLIC property.
29 <https://sedm.org/Forms/05-MemLaw/SocialismCivilReligion.pdf>
- 30 25. *About SSNs and TINs on Government Forms and Correspondence*, Form #05.012 -how the government uses "franchise
31 marks" and forcing you to use them in order to compel you to donate PRIVATE property to a PUBLIC use, PUBLIC
32 purpose, and PUBLIC office.
33 <https://sedm.org/Forms/05-MemLaw/AboutSSNsAndTINs.pdf>
- 34 26. *Correcting Erroneous Information Returns*, Form #04.001 -how the corrupt government DECEIVES third parties into
35 essentially DONATING your PRIVATE earnings to a PUBLIC use, PUBLIC purpose, and PUBLIC office without
36 your express consent, and therefore STEALS your money to the benefit of the government.
37 <https://sedm.org/Forms/04-Tax/0-CorrErrInfoRtns/CorrErrInfoRtns.pdf>
- 38 27. *Why the Government is the Only Real Beneficiary of All Government Franchises*, Form #05.051 (Member
39 Subscriptions)- why every civil enactment of Congress really only protects the government, and not you as a man or
40 woman.
41 <https://sedm.org/product/why-the-government-is-the-only-real-beneficiary-of-all-government-franchises-form-05-051/>
- 42 28. *Critique of the Book "They Own It All (Including You)" by Ronald Macdonald and Robert Rowen*-SEDM
43 <https://sedm.org/critique-of-the-book-they-own-it-all-including-you-by-ronald-macdonald/>
- 44 29. *There's No Such Thing as "Government Funding"*, SEDM
45 <https://sedm.org/theres-no-such-thing-a-government-funding/>
- 46 30. *Using the Laws of Property to Respond to a Federal or State Tax Collection Notice*, Form #14.015-SEDM
47 <https://sedm.org/using-the-laws-of-property-to-respond-to-a-federal-or-state-tax-collection-notice/>
- 48 31. *Why the Federal Income Tax is a Privilege Tax Upon Government Property*, Form #04.404** (Member Subscriptions)
49 <https://sedm.org/product/why-the-federal-income-tax-is-a-privilege-tax-on-government-property-form-04-404/>
- 50 32. *Breakdown: How Many Rights Have Americans Really Lost?* -We Are Change
51 <https://wearechange.org/break-many-rights-americans-really-lost/>
- 52 33. *Who Will Eventually Own Everything, Including You?*, Mercola
53 <https://fanguardian.org/Subjects/PropertyPrivacy/Property/blackrock-gates-big-tech-ownership.pdfv>
- 54 34. *Wikipedia: Property Law in the United States*
55 https://en.wikipedia.org/wiki/Property_law_in_the_United_States
- 56 35. *Property Rights and the Constitution* Cato Institute

<https://www.cato.org/cato-handbook-policymakers/cato-handbook-policy-makers-8th-edition-2017/property-rights-constitution>

36. *An Economic Analysis of Civil versus Common Law Property*, Henry E. Smith
https://extranet.sioe.org/uploads/isnie2011/chang_smith.pdf
37. *What the Chat.openai.com Chatbot Says the Difference Between a STATUTORY “U.S. citizen” and a Common Law “State national” Is in the Context of Taxation*, Exhibit #01.024 -The Chatgpt chatbot outscored 90% of applicants on the bar exam. Section 8 deals with “property” and private property.
<https://sedm.org/Exhibits/EX01.024-WhatChatbotThinks-Citizen%20v%20National.pdf>
38. Restatement of Property
https://en.wikipedia.org/wiki/Restatements_of_the_Law
 - 38.1. Restatement of Property (1936–40; mostly superseded by Restatement of Property, Second and Third volumes)
 - 38.2. Restatement of Property, Second, Landlord and Tenant (1977)
 - 38.3. Restatement of Property, Third, Mortgages (1997)
 - 38.4. Restatement of Property, Third, Servitudes (2000)
 - 38.5. Restatement of Property, Third, Wills and Other Donative Transfers (1999, 2003, and 2011)

15 Extraterritorial Jurisdiction Over Property

More cites on Extraterritorial Jurisdiction by [Clicking Here \(https://sedm.org/sources-of-extraterritorial-jurisdiction-domicile-contract-or-merely-consent-comity/\)](https://sedm.org/sources-of-extraterritorial-jurisdiction-domicile-contract-or-merely-consent-comity/).

Sovereignty Forms and Instructions Online, Form #10.004, Cites by Topic: “property”
<https://famguardian.org/TaxFreedom/CitesByTopic/property.htm>

“. . .the classification of direct was adopted for the purpose of rendering it impossible to burden by taxation accumulations of property, real or personal, except subject to the regulation of apportionment, it was held that the duty existed to fix what was a direct tax in the constitutional sense so as to accomplish this purpose contemplated by the Constitution. (157 U.S. 581.)”
[Brushaber v. Union Pac. R.R., 240 U.S. 1, 16 (1916)]

[EDITORIAL: What they mean is PRIVATE property. Government can and does tax PUBLIC property all the time. Civil statuses of “citizen”, “resident”, and “person” are their creation and public property. See:

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

That is the main and only way they can institute an excise tax to begin with. See the next case cite for proof.]

“We conclude that an excise tax (in contradistinction to a direct tax) is a tax imposed on the acquisition, ownership, or use of particular kinds of categories of [PUBLIC] property that falls short of being a general tax on the whole of an individual’s personal property.”
[Union Elec. Co. v. U.S., 363 F.3d. 1292, 1304 (Fed. Cir. 2004)]

“A proper regard for its genesis, as well as its very clear language, requires also that this Amendment [the Sixteenth Amendment] shall not be extended by loose construction, so as to repeal or modify, except as applied to income, those provisions of the Constitution that require an apportionment according to population for direct taxes upon property, real and personal. This limitation still has an appropriate and important function, and is not to be overridden by Congress or disregarded by the courts.”
[Eisner v. Macomber, 252 U.S. 189, 206 (1920)]

“In the case of the federal government where the individual is either a United States citizen or an alien residing in the taxing jurisdiction, the tax under section 1 of the Code is based upon jurisdiction over the person; where the individual is an alien [LEGISLATIVELY OR CONSTITUTIONALLY “foreign”, INCLUDING states of the Union] not residing in the taxing jurisdiction [the “geographical United States”, meaning the District of Columbia per 26 U.S.C. §7701(a)(9) and (a)(10), the tax under section 871 of the Code is based upon

1 **jurisdiction over the [PUBLIC] property or income of the nonresident individual [GEOGRAPHICALLY and**
2 **PHYSICALLY] located or earned in the taxing jurisdiction”**
3 **[Great Cruz Bay, Inc., St. John v. Wheatley, 495 F.2d. 301, 307 (3d Cir. 1974)]**

4
5 “Men are endowed by their Creator with certain unalienable rights, -life, liberty, and the pursuit of happiness;’
6 and to ‘secure,’ not grant or create, these rights, governments are instituted. That property [or income] which a
7 man has honestly acquired he retains full [meaning EXCLUSIVE and ABSOLUTE] control of, subject to these
8 limitations:

9 [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
10 neighbor’s benefit [e.g. SOCIAL SECURITY, Medicare, and every other public “benefit”];
11 [2] second, that if he devotes it to a public use, he gives to the public a right to control that use
12 [VOLUNTARILY associating it with an SSN/TIN, which is a “franchise mark” is the METHOD of donating it to
13 a public use per Form #05.012, compelled use of SSN is THEFT of property]; and
14 [3] third, that whenever the public needs require, the public may take it upon payment of due compensation
15 [required by the Fifth Amendment].”
16 [Budd v. People of State of New York, 143 U.S. 517 (1892)]

17
18 “The State in such cases exercises no greater right than an individual may exercise over the use of his own
19 property when leased or loaned to others. The conditions upon which the privilege shall be enjoyed being
20 stated or implied in the legislation authorizing its grant, no right is, of course, impaired by their
21 enforcement. The recipient of the privilege, in effect, stipulates to comply with the conditions. It matters
22 not how limited the privilege conferred, its acceptance implies an assent to the regulation of its use and the
23 compensation for it.”
24 [Munn v. Illinois, 94 U.S. 113 (1876)]

25 [EDITORIAL: All privileges and franchises are based on GRANTS/LOANS of PUBLIC property with CIVIL
26 LEGAL STRINGS attached. Those strings are the statutory civil law, and that law ONLY applies to those with a
27 CONSENSUAL domicile within the jurisdiction of the granting power, as described in Form #05.030]

28
29 “Thus the State, through its tribunals, may compel persons domiciled within its limits to execute, in pursuance
30 of their contracts respecting property elsewhere situated, instruments in such form and with such
31 solemnities as to transfer the title, so far as such formalities can be complied with; and the exercise of this
32 jurisdiction in no manner interferes with the supreme control over the property by the State within which
33 it is situated. Penn v. Lord Baltimore, 1 Ves. 444; Massie v. Watts, 6 Cranch, 148; Watkins v. Holman, 16 Pet.
34 25; Corbett v. Nutt, 10 Wall. 464.”

35 So the State, through its tribunals, may subject property situated within its limits owned by non-residents to
36 the payment of the demand of its own citizens against them; and the exercise of this jurisdiction in no respect
37 infringes upon the sovereignty of the State where the owners are domiciled. Every State owes protection to its
38 own citizens; and, when non-residents deal with them, it is a legitimate and just exercise of authority to hold
39 and appropriate any property owned by such non-residents to satisfy the claims of its citizens. It is in virtue of
40 the State’s jurisdiction over the property of the non-resident situated within its limits that its tribunals can
41 inquire into that non-resident’s obligations to its own citizens, and the inquiry can then be carried only to the
42 extent necessary to control the disposition of the property. If the non-resident 724*724 have no property in the
43 State, there is nothing upon which the tribunals can adjudicate. “
44 [Pennoyer v. Neff, 95 U.S. 714 (1878)]

45 **16 Acquiring or proving absolute ownership**

46 1. Yourself:

47 1.1. Thirteenth Amendment prohibits involuntary servitude.

48 2. An ALL CAPS name

49 2.1. You can file a “Service Mark” with the U.S. Patent and Trademark Office to control when and how the
50 government can use it against you to impose civil statutory obligations as “services”. We don’t recommend
51 copyrights. Service marks are better. See:

52 2.1.1. U.S.P.T.O.: Service marks

53 <https://www.uspto.gov/trademarks>

54 2.1.2. Owning the Straw Man Name, Form #06.049

<https://sedm.org/Forms/06-AvoidingFranch/OwningStrawManName.pdf>

2.2. You can file a UCC Security Agreement, Form #14.002** (Member Subscriptions) against the name to put a lien on it and put yourself at the head of the line of ownership priority.

<https://sedm.org/product/ucc-security-agreement-form-14-002/>

2.3. You can file a name change. See Form #06.048.

3. Land

3.1. Allodial title of land is absolute ownership.

3.2. Documentation on allodial title is found in Member Subscription Library, Item 15.01 entitled “Allodial Titles and Land Patents”

4. Your vehicle:

4.1. DMV Certificate of Title is not absolute ownership, because you have to pay a tax to get it.

4.2. Those in possession of the Manufacturer’s Certificate of Origin (MCO) are absolute owners.

4.3. Title to car can also be filed with the county recorder to avoid the DMV Certificate of title.

17 How PRIVATE property ownership has been undermined since the founding of our country

Since the founding of the United States of America, PRIVATE ownership of property has been subverted by the following means:

1. By undermining and subverting the ABSOLUTE separation between PUBLIC and PRIVATE that is the reason for establishing government to begin with. The Declaration of Independence says that governments are established to protect RIGHTS, which are property, and those rights are PRIVATE property mainly. The main “benefit” of the Constitution as a trust indenture is PRIVATE PROPERTY, and taking this away makes the public trust into a SHAM TRUST. See:

Separation Between Public and Private Course, Form #12.025

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

2. By FALSELY STATING that there IS NOT COMMON LAW as mentioned in the Constitution. This forces everyone to use CIVIL STATUTES that only apply to public officers working for the government to get a judicial remedy for their injuries. See:

2.1. *Rebutted False Arguments About the Common Law*, Form #08.025

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

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

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

3. Weaponizing the government so that every classical government service requires you during the application process to surrender ALL of your constitutional rights by bundling things you DON’T want with things that you DO. See:

SEDM Disclaimer, Section 4.30: Weaponization of Government

https://sedm.org/disclaimer.htm#4.30.Weaponization_of_government

4. By procuring your consent to convert PRIVATE to PUBLIC INVISIBLY and without your knowledge. See:

*Hot Issues: Invisible Consent**, SEDM

<https://sedm.org/invisible-consent/>

5. Redefining “ownership” in the legal dictionary to make it a characteristic of a “citizen” instead of a CONSTITUTIONAL “person”. See Black’s Law Dictionary.

6. Compelling the use of Social Security Numbers in every interaction. It is ILLEGAL to offer Social Security in a state of the Union, so all such numbers constitute a FRAUD. See:

6.1. *Why You Aren’t Eligible for Social Security*, Form #06.001

<https://sedm.org/Forms/06-AvoidingFranch/SSNotEligible.pdf>

6.2. *About SSNs and TINs on Government Forms and Correspondence*, Form #05.012

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

7. Equivocating in federal statutes to make “United States” the corporation synonymous with “United States” in a constitutional geographical sense. These two things are NOT the same and mutually exclusive. Thus, those who say they are “U.S. citizen” inadvertently are declaring themselves OFFICERS of the “U.S. Inc” federal corporation, as described in:

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

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

- 1 8. Using government ID as a means to unlawfully and unconstitutionally and unwittingly convert those possessing it into
 2 government officers on official business who are subject to civil statutory law that really only regulates the
 3 GOVERNMENT. See:
 4 8.1. *Hot Issues: Identification and Identity Theft**, SEDM
 5 <https://sedm.org/identification/>
 6 8.2. *Why Statutory Civil Law is Law for Government and Not Private Persons*, Form #05.037
 7 <https://sedm.org/Forms/05-MemLaw/StatLawGovt.pdf>
 8 9. Unconstitutionally instituting national franchises limited to federal territory within the Constitutional states of the
 9 Union and thus INVADING the states of the Union in violation of Article 4, Section 4 of the Constitution. See:
 10 *Government Instituted Slavery Using Franchises*, Form #05.030.
 11 <https://sedm.org/Forms/05-MemLaw/Franchises.pdf>
 12 10. Not defining “resident“, which really means someone who consents to be treated as an officer of the government rather
 13 than retaining their PRIVATE, constitutionally protected status. See:
 14 *Why Domicile and Becoming a “Taxpayer” Require Your Consent*, Form #05.002
 15 <https://sedm.org/Forms/05-MemLaw/Domicile.pdf>
 16 11. Forcing people applying for bank or financial accounts to declare STATUTORY “U.S. person” status and provide an
 17 SSN. State nationals are NOT PRIVILEGED STATUTORY “U.S. persons” engaged in a statutory “trade or
 18 business”/public office defined in 26 U.S.C. §7701(a)(26). See:
 19 *About IRS Form W-8BEN*, Form #04.202
 20 <https://sedm.org/Forms/04-Tax/2-Withholding/W-8BEN/AboutIRSFormW-8BEN.htm>
 21 12. Enforcing the income tax within the borders of Constitutional States, which the Supreme Court held in 1872 in the
 22 License Tax Cases was unconstitutional after the end of the Civil War and also in Pollock v. Farmer’s Loan and Trust.
 23 State nationals must COMMIT PERJURY on a government form and misrepresent their physical location to file the
 24 1040 tax return. See:
 25 12.1. *How State Nationals Volunteer to Pay Income Tax*, Form #08.024
 26 <https://sedm.org/Forms/08-PolicyDocs/HowYouVolForIncomeTax.pdf>
 27 12.2. *Why Its a Crime for a state National to File a 1040 Income Tax Return*, Form #08.021
 28 <https://sedm.org/Forms/08-PolicyDocs/WhyCrimefileReturn.pdf>

23 **18 Foundation of Administrative State is Control over Government/Public** 24 **Property**

- 25 1. *The Achilles Heel of the Administrative State***, SEDM -how to defeat the government’s authority to regulate using the
 26 laws of property.
 27 <https://sedm.org/the-achilles-heel-of-the-administrative-state/>
 28 2. *Administrative State: Tactics and Defenses Course*, Form #12.041 -voluntary public offices, at a minimum, are the
 29 property being granted or loaned with legal strings.
 30 <https://sedm.org/LibertyU/AdminState.pdf>
 31 3. *Avoiding Traps in Government Forms Course*, Form #12.023-goal of government forms is to get you to volunteer for a
 32 public office within the government, and that office is a **civil status** such as STATUTORY “citizen”, “taxpayer”,
 33 “driver”, “person”, etc. This tactic is documented in [Disclaimer, Section 4.28](#).
 34 <https://sedm.org/LibertyU/AvoidingTrapsGovForms.pdf>
 35 4. *Taxation Topic Page, Section 9.3: Administrative Remedies* -Family Guardian Fellowship
 36 https://famguardian.org/Subjects/Taxes/taxes.htm#Administrative_Remedies
 37 5. *Taxation Topic Page, Section 14.4: Challenging Jurisdiction Administratively* -Family Guardian Fellowship
 38 <https://famguardian.org/Subjects/Taxes/taxes.htm#Administratively>
 39 6. *Administrative Procedure*, Family Guardian Fellowship
 40 <https://famguardian.org/Subjects/Taxes/ChallJurisdiction/AdminProc/AdminProc.htm>

41 **19 Rights as Property**

- 42 1. *Authorities on Rights as Property*, SEDM
 43 <https://sedm.org/authorities-on-rights-as-property/>
 44 2. *Enumeration of Inalienable Rights*, Form #10.002 -all rights are PROPERTY.
 45 <https://sedm.org/Forms/10-Emancipation/EnumRights.pdf>

- 1 3. *How You Lose Constitutional or Natural Rights*, Form #10.015-Constitutional and natural rights are PRIVATE
2 property. Losing them means turning them into PUBLIC property.
3 <https://sedm.org/Forms/10-Emancipation/HowLoseConstOrNatRights.pdf>
- 4 4. *Private Right or Public Right? Course*, Form #12.044-how to decide whether a right being exercised is PRIVATE or
5 PUBLIC.
6 <https://sedm.org/LibertyU/PrivateRightOrPublicRight.pdf>
- 7 5. Family Guardian
8 <http://famguardian.org/>
9 5.1. *Sovereignty and Freedom Topic, Section 6: Private and Natural Rights and Natural Law*, Family Guardian
10 Fellowship
11 <https://famguardian.org/Subjects/Freedom/Freedom.htm#RIGHTS:>
- 12 6. *Proof that "Publici Juris"/Public Rights Include the Entire Civil Code*, SEDM
13 <https://sedm.org/proof-that-publici-juris-includes-the-entire-civil-code/>

1 **20 Authorities on Rights as Property¹⁷**



2

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 \(1876\)\]](#)

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 shall
20 rise higher and higher above you, and you shall come down lower and lower [\[malicious destruction of
21 EQUAL PROTECTION and EQUAL TREATMENT by abusing FRANCHISES\]](#). He shall lend to you [\[Federal
22 Reserve counterfeiting franchise\]](#), but you shall not lend to him; he shall be the head, and you shall be the
23 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 which
26 He commanded you](#). And they shall be upon you for a sign and a wonder, and on your descendants forever.**

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

39 The evil resulting from the above authorities is exhaustively described in:

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

40 This subject, in turn, is built on the laws of property. We summarize these laws and repeat the major headings below on the
41 following page:

**[Hot Issues: Laws of Property*](https://sedm.org/laws-of-property/), SEDM
<https://sedm.org/laws-of-property/>**

42 If you would like to read a detailed debate of the content of this page between SEDM Admin and one of our most experienced
43 Members, visit the following page:

¹⁷ Source: *Enumeration of Inalienable Rights*, Form #10.002, Section 11; <https://sedm.org/Forms/10-Emancipation/EnumRights.pdf>

20.1 Introduction and Definitions

1. These definitions are necessary because politicians often conflate "rights" and "privileges" so as to entice people to adopt socialist progressive wealth redistribution. It is therefore especially important to be clear in your language when trying to distinguish rights (PRIVATE rights) from privileges (PUBLIC rights) so that the ignorant masses are not further enticed into socialism. See:

Socialism: The New American Civil Religion, Form #05.016
<https://sedm.org/Forms/05-MemLaw/SocialismCivilReligion.pdf>

2. For the purposes of this website:
 - 2.1. "rights" are private and some but not all are found in the Constitution.
 - 2.2. In relation to government, "privileges" are always PUBLIC and are found only in civil statutes. By "civil statutes", we mean anything OTHER than what is in the criminal code. A privilege is simply a distribution of PUBLIC property with CIVIL legal strings attached. Also called "public rights", "benefits", "entitlements", etc.
3. The CREATOR of a right or privilege is always the GRANTOR and the OWNER of the right or privilege.
 - 3.1. God (the Creator mentioned in the Declaration of Independence) is the Creator of PRIVATE rights and therefore PRIVATE property. He is therefore the OWNER of these rights and the party to whom all those exercising such rights owe obedience and allegiance.
 - 3.2. The Legislature is the Creator of PUBLIC statutory privileges. The act of creation happens in the DEFINITIONS section of statutes and the PRIVILEGES are then attached and assigned to the fictions of law thus created. There cannot be a public right or privilege WITHOUT an office to assign or attach it to.
4. The [Bill of Rights \(the first eight amendments to the Constitution\)](#) RECOGNIZES but does not CREATE Private rights. THE CREATOR creates Private rights. He is the ONLY one who CAN. As the CREATOR, He is also the ABSOLUTE OWNER of Private rights. This is clarified below:

"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)]

5. Alienation of rights:
 - 5.1. In relation to government, "rights" (private rights) are unalienable, which means they can't be given away, sold, or transferred, even with consent. God is the owner of these rights, not the government, so government can't SELL these rights or make them into a privilege. See:
Enumeration of Inalienable Rights, Form #10.002
<https://sedm.org/Forms/10-Emancipation/EnumRights.pdf>
 - 5.2. In a private context between two private humans, private rights are transferable through consent or contract, and therefore ARE alienable.
6. Rights and privileges ALWAYS must have a grantor. Those granting rights (private rights) or privileges (public rights) cannot grant these rights or privileges against anyone OTHER than themselves.
 - 6.1. This is because if they granted rights against anyone ELSE, they would be either stealing property or services (slavery in violation of the Thirteenth Amendment) from the third party they granted rights against.
 - 6.2. There is therefore an IMPLIED conclusive presumption that if a grantor grants rights against a third party, that third party must be acting as an AGENT or officer of the grantor when properly executing or enforcing those rights. For instance, if the government grants a remedy or obligation by statute against a "driver" in the vehicle code, all "drivers" must be agents and officers of the government grantor, and not the human being VOLUNTARILY filling the said office of "driver".
 - 6.3. Because rights or privileges granted against apparent third-parties are always ultimately against AGENTS and OFFICERS of the grantor, then ultimately, the LIABLE party for those EXERCISING such rights or privileges is the grantor, and NOT the third party. VERY IMPORTANT!
 - 6.4. The fictional public OFFICES established to IMPLEMENT the grant of privileges are, by default, PROPERTY of 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 7. 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/atreatiseonlaw00reingooq>

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 people's 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 **20.2 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 **20.3 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 **20.4 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:

20.5 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 **20.6 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>

20.7 The Constitution conveys mainly PRIVATE rights, which are PRIVATE property in the case of the Bill of Rights

The Constitution is a trust indenture. All trusts ARE property and CONVEY property. The CREATOR and therefore OWNER of the trust is called the GRANTOR. In the Constitution, that CREATOR is called “We the People”, “the State”, or “the body politic” by the courts.

For legal purposes, “the State” is synonymous with the group of people called “[citizens](#)“. It excludes EVERYONE else. These people are MEMBERS of the political community who make rules ONLY to govern THEMSELVES. Those rules come in the form of statutes. Those who are NOT “members” of this political community, therefore, are not subject to CIVIL 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>

Those who are NOT called “citizens” or not “club members” are called “persons” in the Constitution. Anything that applies to PERSONS in the Constitution protects and controls EVERYONE. The entire Bill of Rights fits in this category: It applies to PERSONS and is not limited ONLY to “citizens”.

*“In [United States v. Cruikshank](#), 92 U.S. 542, 549, Mr. Chief Justice Waite, delivering the opinion of the court, said: “Citizens are the members of the political community to which they belong. They are the people who compose the community, and 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 their collective rights.” There is no attempt in this definition, which was entirely [\[**381\]](#) sufficient for the argument, to exclude those members of the State who are citizens in the sense of participation in civil rights, though not in the exercise of political functions.”*
[[Boyd v. Nebraska](#), 143 U.S. 135 (1892)]

Rights Of Persons

No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury, except in cases arising in the land or naval forces, or in the Militia, when in actual service in time of War or public danger; nor shall any person be subject for the same offence to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.
[[Fifth Amendment Annotated](#)]

20.8 Those who OFFER property to you are a Merchant (Seller) under U.C.C. §2-104(1)

[§ 2-104. Definitions: “Merchant”; “Between Merchants”; “Financing Agency”.](#)

(1) “**Merchant**” means a person who deals in [goods](#) of the kind or otherwise by his occupation holds himself out as having knowledge or skill peculiar to the practices or goods involved in the transaction or to whom such knowledge or skill may be attributed by his employment of an agent or broker or other intermediary who by his occupation holds himself out as having such knowledge or skill.
[\[U.C.C. §2-104\(1\)\]](#)

[§ 2-103. Definitions and Index of Definitions.](#)

(d) “**Seller**” means a person who sells or [contracts](#) to sell [goods](#).
[\[U.C.C. §2-103\(1\)\(d\)\]](#)

20.9 The person RECEIVING the property is the Buyer under U.C.C. §2-103(1)(a)

[§ 2-103. Definitions and Index of Definitions.](#)

(a) "Buyer" means a person who buys or [contracts](#) to buy [goods](#).
[U.C.C. §2-103(1)(a)]

20.10 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

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

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

FOOTNOTES:

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

20.11 You should always strive to be the Merchant in every business transaction to give yourself the upper hand

"For the Lord your God will bless you just as He promised you; **you shall lend to many nations, but you shall not borrow**; you shall reign over many nations, but they shall not reign over you."
[[Deut. 15:6, Bible, NKJV](#)]

"The Lord will open to you His good treasure, the heavens, to give the rain to your land in its season, and to bless all the work of your hand. **You shall lend to many nations, but you shall not borrow.**"
[[Deut. 28:12, Bible, NKJV](#)]

"**You shall not charge interest to your brother**—interest on money or food or anything that is lent out at interest."
[[Deut. 23:19, Bible, NKJV](#)]

"To a foreigner you may charge interest, but to your brother you shall not charge interest, that the Lord your God may bless you in all to which you set your hand in the land which you are entering to possess."
[[Deut. 23:20, Bible, NKJV](#)]

20.12 You should NEVER allow the GOVERNMENT to act as a Merchant in relation to you

"**You shall make no covenant [contract or franchise] with them [foreigners, pagans], nor with their [pagan government] gods [laws or judges]**. They shall not dwell in your land [and you shall not dwell in theirs by becoming a "resident" or domiciliary in the process of contracting with them], lest they make you sin against Me [God]. For if you serve their [government] gods [under [contract or agreement or franchise](#)], it will surely be a snare to you."
[[Exodus 23:32-33, Bible, NKJV](#)]

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

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

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

4
5 "We can hardly find a denial of due process in these circumstances, particularly since it is even doubtful that
6 appellee's burdens under the program outweigh his benefits. It is hardly lack of due process for the Government
7 to regulate that which it subsidizes."
8 [[Wickard v. Filburn, 317 U.S. 111, 63 S.Ct. 82 \(1942\)](#)]

9 "In the context of state taxation, the Due Process Clause limits States to imposing only taxes that "bea[r] fiscal
10 relation to protection, opportunities and benefits given by the state." *Wisconsin v. J. C. Penney Co.*, 311 U.S.
11 435, 444, 61 S.Ct. 246, 85 L.Ed. 267 (1940). The power to tax is, of course, "essential to the very existence of
12 government," *McCulloch v. Maryland*, 4 Wheat. 316, 428, 4 L.Ed. 579 (1819), but the legitimacy of that power
13 requires drawing a line between taxation and mere unjustified "confiscation." *Miller Brothers Co. v. Maryland*,
14 347 U.S. 340, 342, 74 S.Ct. 535, 98 L.Ed. 744 (1954). **That boundary turns on "[t]he simple but controlling**
15 **question ... whether the state has given anything for which it can ask return."** *Wisconsin*, 311 U.S. at 444,
16 61 S.Ct. 246."
17 [*North Carolina Dept. of Revenue v. Kimberley Rice Kaestner 1992 Family Trust*, 139 S. Ct. 2213, 2219-20
18 (2019)]

19 **Here is what happens when you do:**

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

41 **20.13 The CREATOR of a civil statutory privilege/right/franchise is ALWAYS the owner and the** 42 **Merchant granting or selling PUBLIC property**

43 An act of CREATION is a legislative act in the context of government. The courts assign many different names to that act:

- 44 1. "Creation of"
- 45 2. "Creature of"
- 46 3. "Chartered by"
- 47 4. "Enacted by"
- 48 5. "Power of visitation and control" (control and ownership are synonymous)
- 49 6. "Power to destroy" or "death doing stroke" (that goes WITH the power to create)
- 50 7. "Life giving principle"
- 51 8. "Remedy is exclusive" (right to exclude is an aspect of absolute ownership of the thing that is legislatively created)

52 Below are some authorities on this subject:

53 "What is a Constitution? It is the form of government, delineated by the mighty hand of the people, in which
54 certain first principles of fundamental laws are established. The Constitution is certain and fixed; it contains the
55 permanent will of the people, and is the supreme law of the land; it is paramount to the power of the Legislature,

1 and can be revoked or altered only by the authority that made it. **The life-giving principle and the death-doing**
2 **stroke must proceed from the same hand.**
3 [[VanHorne's Lessee v. Dorrance, 2 U.S. 304 \(1795\)](#)]

4 "The power to tax is the power to destroy."
5 [[John Marshall, U.S. Supreme Court Justice \(M'Culloch v. Maryland, 4 Wheat. 316, 431\)](#)]

6
7 "These general rules are well settled:

8 **(1) That the United States, when it creates rights in individuals against itself, is under no obligation to**
9 **provide a remedy through the courts.** United States ex rel. Dunlap v. Black, 128 U.S. 40; Ex parte Atocha,
10 17 Wall. 439; Gordon v. United States, 7 Wall. 188, 195; De Groot v. United States, 5 Wall. 419, 431-433;
11 Comegys v. Vasse, 1 Pet. 193, 212.

12 **(2) That, where a statute creates a right and provides a special remedy, that remedy is exclusive.** Wilder
13 **Manufacturing Co. v. Corn Products Co., 236 U.S. 165, 174-175; Arnson v. Murphy, 109 U.S. 238; Barnett**
14 **v. National Bank, 98 U.S. 555, 558; Farmers' & Mechanics' National Bank v. Dearing, 91 U.S. 29, 35. Still,**
15 **the fact that the right and the remedy are thus intertwined might not, if the provision stood alone, require**
16 **us to hold that the remedy expressly given excludes a right of review by the Court of Claims, where the**
17 **decision of the special tribunal involved no disputed question of fact and the denial of compensation was**
18 **rested wholly upon the construction of the act. See Medbury v. United States, 173 U.S. 492, 198; Parish v.**
19 **MacVeagh, 214 U.S. 124; McLean v. United States, 226 U.S. 374; United States v. Laughlin, 249 U.S. 440.**
20 "
21 [[United States v. Babcock, 250 U.S. 328 \(1919\)](#)]

22 "If the time shall ever arrive when, for an object appealing, however strongly, to our sympathies, the dignity of
23 the States shall bow to the dictation of Congress by conforming their legislation thereto, **when the power and**
24 **majesty and honor of those who created shall become subordinate to the thing of their creation, I but feebly**
25 **utter my apprehensions when I express my firm conviction that we shall see "the beginning of the end."**"
26 [[Steward Machine Co. v. Davis, 301 U.S. 548 \(1937\)](#)]

27 "A State does not owe its origin to the Government of the United States, in the highest or in any of its
28 branches. It was in existence before it. It derives its authority from the same pure and sacred source as
29 itself: **The voluntary and deliberate choice of the people.**...A State is altogether exempt from the jurisdiction
30 of the Courts of the United States, or from any other exterior authority, unless in the special instances when the
31 general Government has power derived from the Constitution itself."
32 [[Chisholm v. Georgia, 2 Dall. \(U.S.\) 419 \(Dall.\) \(1794\)](#)]

33 "The great principle is this: **because the constitution will not permit a state to destroy, it will not permit a**
34 **law involving the power to destroy.** In order to show that the case turned entirely on that point, let us suppose
35 that the court had arrived to the conclusion that the bank [The Bank of the United States located in the state of
36 Maryland] was an authorised instrument of government; but that it was not the intention of the constitution to
37 prohibit the states from interfering with those instruments: would it not have been necessary to have decided that
38 the Maryland act was constitutional? Of what importance was it that the bank was an authorized means of power,
39 other than this, that it afforded a key to the meaning of the constitution? If the bank was a legitimate and proper
40 instrument of power, then the constitution intended to protect it. If not, then no protection was intended. The
41 question, whether it was a necessary and proper means, was auxiliary to the great question, whether the
42 constitution intended to shelter it; and when the court arrived to the conclusion that such protection was intended,
43 they interfered not in behalf of the bank, but in behalf of the sanctuary to which it had fled. **They decided against**
44 **the tax; because the subject had been placed beyond the power of the states, by the constitution. They**
45 **decided, not on account of the subject, but on account of the power that protected it; they decided that a**
46 **prohibition against destruction was a prohibition against a law involving the power of destruction.**"
47 [[Providence Bank v. Billings, 29 U.S. 514 \(1830\)](#)]

48 "Woe to him who strives with his Maker! Let the potsherd strive with the potsherds of the earth! Shall the clay
49 say to him who forms it, 'What are you making?' Or shall your handiwork say, 'He has no hands?' Who to him
50 who says to his father, 'What are you begetting?' Or to the woman, 'What have you brought forth?'"
51 [[Isaiah 45:9-10](#), Bible, NKJV]

52
53 "While an individual may lawfully refuse to answer incriminating questions unless protected by an immunity
54 statute, **a corporation is a creature of the State, and there is a reserved right in the legislature to investigate its**
55 **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 **20.14 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 \(Form](#)
2 [#05.037\)](#) 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 limited
8 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 privileges](#)
11 [\(Form #05.030\)](#).
- 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
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 10.2: 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 **20.15 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**
3 **mark, 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/1-Procedure/AboutSSNs/AboutSSNs.htm>

16 **20.16 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,*
31 *the government is no longer a limited one possessing enumerated powers, but an indefinite one subject to*
32 *particular 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, and hast**
40 **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 **21 PERSONAL jurisdiction v. PROPERTY jurisdiction**

6 Property law is intimately related to the taxation subject. This is because income tax functions in effect as rent on the beneficial
 7 use of property. That property are the civil statuses and offices that government creates.

8 There are only two types of civil jurisdiction a court can exercise: PERSONAL and PROPERTY jurisdiction. Below is a
 9 comparison of these two:

10 **Table 5: PERSONAL jurisdiction v. PROPERTY jurisdiction**

#	Category	PERSONAL	PROPERTY
1	Originates from	Domicile	Ownership
2	Found in	Civil statutory law	Constitution 4:3:2, 1:8, Fifth Amendment
3	Operates extraterritorially?	No (personal service of summons must be within the territory)	1. If property is outside the territory, but only if in custody of a government officer. 2. Otherwise must be physically situated within territory.
4	Attaches to	Human being	Tangible or intangible property (humans cannot be property)
5	Method of attachment	Election by human to accept a civil statutory status (e.g. "person", "taxpayer", "citizen")	Election by OWNER to convert civil status of property such as "trade or business" from absolute to qualified or usufruct.
6	Permits administrative levy?	No	1. Yes, if property in custody of government officer only. 2. No if in custody of private party.
7	Type of property regulated and taxed	PUBLIC ONLY	PUBLIC ONLY
8	Jurisdiction protects private property?	NO (only the office, not the officer)	NO (only the public rights attached to the property. Not the property itself)
9	Bill of Rights in its entirety applies?	NO (no standing to defend any constitutional right lost in exercising the status)	NO (no standing to defend any constitutional right lost in exercising the status)

11 The differences between the two above sources of civil jurisdiction are explained by the U.S. Supreme Court as follows:

12 *But as contracts made in one State may be enforceable only in another State, and property may be held by non-*
 13 *residents, the exercise of the jurisdiction which every State is admitted to possess over persons and property*
 14 *within its own territory will often affect persons and property without it. To any influence exerted in this way by*
 15 *a State affecting persons resident or property situated elsewhere, no objection can be justly taken; whilst any*
 16 *direct exertion of authority upon them, in an attempt to give ex-territorial operation to its laws, or to enforce an*
 17 *ex-territorial jurisdiction by its tribunals, would be deemed an encroachment upon the independence of the State*
 18 *in which the persons are domiciled or the property is situated, and be resisted as usurpation.*

19 *Thus the State, through its tribunals, may compel persons domiciled within its limits to execute, in pursuance of*
 20 *their contracts respecting property elsewhere situated, instruments in such form and with such solemnities as to*
 21 *transfer the title, so far as such formalities can be complied with; and the exercise of this jurisdiction in no manner*
 22 *interferes with the supreme control over the property by the State within which it is situated. [Penn v. Lord](#)*
 23 *[Baltimore](#), 1 Ves. 444; [Massie v. Watts](#), 6 Cranch, 148; [Watkins v. Holman](#), 16 Pet. 25; [Corbett v. Nutt](#), 10 Wall.*
 24 *464.*

25 *So the State, through its tribunals, may subject property situated within its limits owned by non-residents to the*
 26 *payment of the demand of its own citizens against them; and the exercise of this jurisdiction in no respect infringes*
 27 *upon the sovereignty of the State where the owners are domiciled. Every State owes protection to its own citizens;*
 28 *and, when non-residents deal with them, it is a legitimate and just exercise of authority to hold and appropriate*
 29 *any property owned by such non-residents to satisfy the claims of its citizens. It is in virtue of the State's*
 30 *jurisdiction over the property of the non-resident situated within its limits that its tribunals can inquire into that*
 31 *non-resident's obligations to its own citizens, and the inquiry can then be carried only to the extent necessary to*

1 control the disposition of the property. If the non-resident 724*724 have no property in the State, there is nothing
2 upon which the tribunals can adjudicate.

3 These views are not new. They have been frequently expressed, with more or less distinctness, in opinions of
4 eminent judges, and have been carried into adjudications in numerous cases. Thus, in Picquet v. Swan, 5 Mas.
5 35, Mr. Justice Story said: —

6 “Where a party is within a territory, he may justly be subjected to its process, and bound personally by the
7 judgment pronounced on such process against him. Where he is not within such territory, and is not personally
8 subject to its laws, if, on account of his supposed or actual property being within the territory, process by the
9 local laws may, by attachment, go to compel his appearance, and for his default to appear judgment may be
10 pronounced against him, such a judgment must, upon general principles, be deemed only to bind him to the extent
11 of such property, and cannot have the effect of a conclusive judgment in personam, for the plain reason, that,
12 except so far as the property is concerned, it is a judgment coram non iudice.”

13 And in Boswell’s Lessee v. Otis, 9 How. 336, where the title of the plaintiff in ejectment was acquired on a sheriff’s
14 sale, under a money decree rendered upon publication of notice against non-residents, in a suit brought to enforce
15 a contract relating to land, Mr. Justice McLean said: —

16 “Jurisdiction is acquired in one of two modes: first, as against the person of the defendant by the service of
17 process; or, secondly, by a procedure against the property of the defendant within the jurisdiction of the court.
18 In the latter case, the defendant is not personally bound by the judgment beyond the property in question. And it
19 is immaterial whether the proceeding against the property be by an attachment or bill in chancery. It must be
20 substantially a proceeding in rem.”

21 These citations are not made as authoritative expositions of the law; for the language was perhaps not essential
22 to the decision of the cases in which it was used, but as expressions of the opinion of eminent jurists. But in Cooper
23 v. Reynolds, reported in the 10th of Wallace, it was essential to the disposition of the case to declare the effect of
24 a personal action against an absent party, without the jurisdiction of the court, not served 725*725 with process
25 or voluntarily submitting to the tribunal, when it was sought to subject his property to the payment of a demand
26 of a resident complainant; and in the opinion there delivered we have a clear statement of the law as to the
27 efficacy of such actions, and the jurisdiction of the court over them. In that case, the action was for damages for
28 alleged false imprisonment of the plaintiff; and, upon his affidavit that the defendants had fled from the State, or
29 had absconded or concealed themselves so that the ordinary process of law could not reach them, a writ of
30 attachment was sued out against their property. Publication was ordered by the court, giving notice to them to
31 appear and plead, answer or demur, or that the action would be taken as confessed and proceeded in ex parte as
32 to them. Publication was had; but they made default, and judgment was entered against them, and the attached
33 property was sold under it. The purchaser having been put into possession of the property, the original owner
34 brought ejectment for its recovery. In considering the character of the proceeding, the court, speaking through
35 Mr. Justice Miller, said: —

36 “Its essential purpose or nature is to establish, by the judgment of the court, a demand or claim against the
37 defendant, and subject his property lying within the territorial jurisdiction of the court to the payment of that
38 demand. But the plaintiff is met at the commencement of his proceedings by the fact that the defendant is not
39 within the territorial jurisdiction, and cannot be served with any process by which he can be brought personally
40 within the power of the court. For this difficulty the statute has provided a remedy. It says that, upon affidavit
41 being made of that fact, a writ of attachment may be issued and levied on any of the defendant’s property, and a
42 publication may be made warning him to appear; and that thereafter the court may proceed in the case, whether
43 he appears or not. If the defendant appears, the cause becomes mainly a suit in personam, with the added incident,
44 that the property attached remains liable, under the control of the court, to answer to any demand which may be
45 established against the defendant by the final judgment of the court. But if there is no appearance of the defendant,
46 and no service of process on him, the case becomes in its essential nature a proceeding in rem, the only effect of
47 which is to subject the property attached to the payment of the demand which the court may find to be due to the
48 plaintiff. That such is 726*726 the nature of this proceeding in this latter class of cases is clearly evinced by two
49 well-established propositions: first, the judgment of the court, though in form a personal judgment against the
50 defendant, has no effect beyond the property attached in that suit. No general execution can be issued for any
51 balance unpaid after the attached property is exhausted. No suit can be maintained on such a judgment in the
52 same court, or in any other; nor can it be used as evidence in any other proceeding not affecting the attached
53 property; nor could the costs in that proceeding be collected of defendant out of any other property than that
54 attached in the suit. Second, the court, in such a suit, cannot proceed, unless the officer finds some property of
55 defendant on which to levy the writ of attachment. A return that none can be found is the end of the case, and
56 deprives the court of further jurisdiction, though the publication may have been duly made and proven in court.”

57 The fact that the defendants in that case had fled from the State, or had concealed themselves, so as not to be
58 reached by the ordinary process of the court, and were not non-residents, was not made a point in the decision.
59 The opinion treated them as being without the territorial jurisdiction of the court; and the grounds and extent of
60 its authority over persons and property thus situated were considered, when they were not brought within its
61 jurisdiction by personal service or voluntary appearance.
62 [Pennoyer v. Neff, 95 U.S. 714 (1878)]

1 To apply the above information to the civil status of “U.S. person” found in [26 U.S.C. §7701\(a\)\(30\)](#):

2 1. Quotes of U.S. person are found at:

Sovereignty Forms and Instructions Online, Form #10.004, Cites by Topic: “U.S. person”
<https://famguardian.org/TaxFreedom/CitesByTopic/USPerson.htm>

3 2. “U.S. person” is a CIVIL status legislatively created by Congress and therefore PROPERTY of Congress. Civil
4 statuses are described below:

Civil Status (Important!), SEDM

<https://sedm.org/litigation-main/civil-status/>

5 3. “U.S. person” is a res, meaning a SUBJECT of property rights.

6 4. “U.S. person” is not the OBJECT of rights.

7 5. The OBJECT of rights is the OFFICER who volunteers for the status or office of “U.S. person”.

8 6. In order to reach the OFFICER, an additional civil status of “person” is needed under:

9 6.1. [26 U.S.C. §6671\(b\)](#) for CIVIL enforcement.

10 6.2. [26 U.S.C. §7343](#) for CRIMINAL enforcement.

11 7. Without one of the above two ADDITIONAL civil statuses of the OFFICER rather than the OFFICE or STATUS, civil
12 and criminal enforcement is impossible.

13 8. To say the U.S. government has personal jurisdiction over this “U.S. Person” res is FALSE. It only has personal
14 jurisdiction over the OFFICER and not the OFFICE.

15 9. If the owner and creator of the “U.S. person” res does not have an OFFICER and agent to control the property, it has
16 no method to REACH or control the property attached to the “U.S person” res.

17 10. The Social Security Number or Taxpayer Identification Number is the “franchise mark” that attaches formerly private
18 property to the “U.S. person” [civil status](#).

19 11. The civil status of “U.S. person” has a domicile INDEPENDENT of the OFFICER VOLUNTARILY filling the office.
20 This is most clearly seen in discussions of “tax home” within [26 C.F.R. §301.7701\(b\)-2](#).

21 We will now apply the above concepts to “nonresident aliens”, which are legally described as something that Congress HAS
22 no personal jurisdiction over.

23 1. Quotes of “nonresident alien” are found at:

Sovereignty Forms and Instructions Online, Form #10.004, Cites by Topic: “nonresident alien”
<https://famguardian.org/TaxFreedom/CitesByTopic/NonresidentAlien.htm>

24 2. Nonresident aliens have no civil domicile within the venue.

25 3. Nonresident aliens are not a civil status or an office. The definition found in [26 U.S.C. §7701\(b\)\(1\)\(B\)](#) is actually not a
26 definition, but a description. Congress cannot create or define something it does not own or directly control. The
27 ORIGIN of the right to define, in fact is OWNERSHIP. See:

*Hot Issues: Identification and Identity Theft**, SEDM

<https://sedm.org/ownership-as-the-origin-of-the-right-to-define/>

28 4. Nonresident aliens only have property within the civil jurisdiction of the person actually PAYING it, which is the
29 national government. If they tried to assert jurisdiction over the property of two contracting parties exchanging private
30 funds, they would be stealing and interfering with their right to contract in violation of the Constitution.

31 5. Nonresident aliens do not even fall in the definition of “person” found in [26 U.S.C. §6671\(b\)](#) or [7343](#) for the purposes
32 of CIVIL enforcement or CRIMINAL enforcement respectively. We can find NO nonresident alien who has ever been
33 criminally prosecuted for a tax crime, in fact.

34 6. Nonresident aliens can, however, DONATE their PROPERTY to a public use, a public purpose, and a public office if
35 and only if they attach it to a statutory “trade or business”. Thus, the status of their PROPERTY converts from
36 PRIVATE to PUBLIC, but THEIR status does not. See:

The “Trade or Business” Scam, Form #05.001

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

37 The following case compares STATUTORY “U.S. Persons”, which are PERSONAL JURISDICTION with STATUTORY
38 “Nonresident Aliens”, which are PROPERTY jurisdiction:

39 *“In the case of the federal government where the individual is either a United States citizen or an alien residing*
40 *in the taxing jurisdiction, the tax under section 1 of the Code is based upon jurisdiction over the person; where*
41 *the individual is an alien [LEGISLATIVELY OR CONSTITUTIONALLY “foreign”, INCLUDING states of*
42 *the Union] not residing in the taxing jurisdiction [the “geographical United States”, meaning the District of*
43 *Columbia per 26 U.S.C. §7701(a)(9) and (a)(10), the tax under section 871 of the Code is based upon*

jurisdiction over the [PUBLIC] property or income of the nonresident individual [GEOGRAPHICALLY and PHYSICALLY] located or earned in the taxing jurisdiction”
[Great Cruz Bay, Inc., St. John v. Wheatley, 495 F.2d. 301, 307 (3d Cir. 1974)]

Below is a tabular comparison of STATUTORY “U.S. Persons”, which are PERSONAL JURISDICTION with STATUTORY “Nonresident Aliens”, which are PROPERTY jurisdiction:

Table 6: NRA Position v. U.S. Person Position

#	Characteristic	Nonresident Alien Position	U.S. Person Position
1	Described in what form #?	Form #09.081	Form #05.053
2	Parties made liable	“nonresident aliens” engaged in a “trade or business”. “Foreign estate” if no “trade or business” earnings per 26 U.S.C. §7701(a)(31)	Citizens of the United States** (federal zone) Residents of the United States** (federal zone)
3	Geographical area where it applies	States of the Union	Federal territory
4	Status established by	Filing 1040NR (changes status of SSN to “foreign person” per 26 C.F.R. §301.6109-1(g)(1)(i))	Filing 1040 (changes status of SSN to “U.S. person” per 26 C.F.R. §301.6109-1(g)(1)(i))
5	Popular among	Private humans	Those practicing law who are worried about losing their license
6	Amount of education/confrontation with withholding agents	High	Low
7	Allows for substitute forms in the regulations?	Yes	Yes
8	Citizenship of those who use it	CONSTITUTIONAL citizens	STATUTORY citizens
9	Complexity	Very complex	Very simple
10	Requires modification of forms or defining terms to properly use for state domiciled parties?	Yes	Yes
11	Requires accepting a civil privilege?	No	Yes (“citizen of the United States” and SSN/TIN)
12	Withholding form to use	Form W-8 (modified because not a statutory “individual” or “alien”)	Modified W-9 (modified to define “U.S.” to exclude that in 26 U.S.C. §7701(a)(9) and (a)(10)). DO NOT use W-4!
13	Tax Return Form	1. Form 1040NR modified or with attachment, but ONLY if engaged in a public office. 2. No tax return required if not engaged in a public office and no income from “sources within the United States**” (federal zone)	1040 modified or custom form
14	Subject to information return reporting? (See Form #04.001)	No	No
15	A STATUTORY “citizen of the United States” under 8 U.S.C. §1401?	No	Yes
16	A “national of the United States***”	Yes, in the case of those born and domiciled in a Constitutional state of the Union.	No
17	A “a person who, though not a citizen of the United States, owes permanent allegiance to the United States” per 8 U.S.C. §1101(a)(22)(B)	Yes, in the case of those born and domiciled in a U.S. possession	No
18	A STATUTORY “nonresident alien”?	1. No for those not engaged in a public office. 2. Yes for those lawfully engaged in a public office.	No
19	A STATUTORY “individual” or “person”?	No. Not an “alien” per 26 C.F.R. §1.1441-1(c)(3)	Yes, but only when abroad per 26 U.S.C. §911(d)(1) as a “qualified individual”
20	Domiciled on federal territory?	No	Yes
21	Required to Use SSN or TIN on withholding documents?	No. 31 C.F.R. §306.10, Note 2, 31 C.F.R. §1020.410(b)(3)(x), 26 C.F.R. §301.6109-1(b)(2).	Yes. 26 C.F.R. §1.1441-1, 26 C.F.R. §301.6109-1(b)(1)
22	“gross income” subject to tax	Only earnings from the statutory geographical “United States” in 26 U.S.C. §7701(a)(9) and (a)(10) and 4 U.S.C. §110(d). Collectively called “the federal zone” or connected to a “trade or business” worldwide. See 26 U.S.C. §871.	Worldwide earnings. See: 1. Cook v. Tait, 265 U.S. 47 (1924). 2. 26 C.F.R. §1.1-1(b).

#	Characteristic	Nonresident Alien Position	U.S. Person Position
23	Deductions and exemptions on “gross income”	Only in the case of “effectively connected income” pursuant to 26 U.S.C. §871(b), 26 U.S.C. §873, and 26 U.S.C. §162.	1. All earnings subject to deductions (because EVERYTHING earned is “trade or business” pursuant to 26 C.F.R. §1.1-1(b)) 2. Foreign earned income exclusion if abroad under 26 U.S.C. §911(b)(2).
24	Examples of U.S. sourced payments subject to withholding and reporting	1. Social Security (26 U.S.C. §861(a)(8)) 2. Federal employee/office earnings. 3. Federal Pensions. 4. Earnings from federal corporations including “U.S. Inc” (see Brushaber v. Union Pacific Railroad, 240 U.S. 1 (1916)	None. See: 1. 26 U.S.C. §1441(d)(1). 2. Treasury Decision (T.D.) 8734: <u>“To the extent withholding is required under chapter 3 of the Code, or is excused based on documentation that must be provided, none of the information reporting provisions under chapter 61 of the Code apply, nor do the provisions under section 3406.”</u> [<i>Treasury Decision 8734, 62 F.R. 53391, (October 14, 1997); SEDM Exhibit #09.038</i>]
25	Income from “employment” within the “United States” not subject to reporting or withholding	None if: 1. Not connected with a “trade or business” or not “wages” (no W-4). 26 C.F.R. §31.3401(a)(6)-1 2. Working for a foreign employer not engaged in a “trade or business”. 26 U.S.C. §864(b)(1).	Everything (see 26 U.S.C. §1441(d)(1) and T.D. 8734 in previous item)
26	Required to use a Social Security Number?	Only if engaged in a “trade or business”, or filing as a resident alien. See 26 C.F.R. §301.6109-1(b)(2).	Always. 26 C.F.R. §301.6109-1(b)(1).
27	Subject to Affordable Care Act? ¹⁸	No	Yes
28	Subject to FATCA reporting? ¹⁹	No	Yes
29	Can take deductions on tax return?	Only on earnings “effectively connected with a trade or business” under 26 U.S.C. §162.	Yes (for EVERYTHING on return)
30	Tax imposed by	26 U.S.C. §871 Tax on Nonresident alien individuals 26 U.S.C. §872 Gross Income 26 U.S.C. §873 Deductions	26 U.S.C. §1 Tax imposed 26 U.S.C. §61 Gross income defined 26 U.S.C. §861 Income from sources within the United States 26 U.S.C. §862 Income from sources without the United States
31	Status defined in	26 U.S.C. §7701(b)(1)(B)	26 U.S.C. §7701(a)(30)
32	Subject to backup withholding?	Only in the case of “reportable payments” under 26 U.S.C. §3406(b) connected to the “trade or business” franchise.	No.

1 The following case says PRIVATE rights and PRIVATE property TRUMP any congressional enactment:

2 *“In American jurisprudence, the rights and powers of our dual sovereigns, federal and state, were created*
3 *through a grant of power from the citizens themselves and are derivative of the “certain unalienable rights”*
4 *endowed to all persons by their Creator. The Declaration of Independence para. 2 (U.S. 1776); see also N.C.*
5 *Const. art. I, § 1 (“We hold it to be self-evident that all persons are created equal; that they are endowed by their*
6 *Creator with certain inalienable rights; that among these are life, liberty, the enjoyment of the fruits of their own*
7 *labor, and the pursuit of happiness.”); § 2 (“All political power is vested in and derived from the people; all*
8 *government of right originates from the people, is founded upon their will only, and is instituted solely for the*
9 *good of the whole.”). The state was created as sovereign to secure these natural rights of her citizens, Declaration*
10 *of Independence para. 2 (U.S. 1776) (“That to secure these rights, Governments are instituted among Men,*
11 *deriving their just powers from the consent of the governed...”), and “[s]uch constitutional rights are a part of*
12 *the supreme law of the State.” Corum , 330 N.C. at 786, 413 S.E.2d at 291-92 (citing State ex rel. Martin v.*
13 *Preston , 325 N.C. 438, 385 S.E.2d 473 (1989)).”*

14 [. . .]

15 *“”[T]he doctrine of sovereign immunity is not a constitutional right; it is a common law theory or defense*
16 *established by [our Supreme] Court.... Thus, when there is a clash between these constitutional rights and*

¹⁸ See: Patient Protection and Affordable Care Act, Wikipedia; https://en.wikipedia.org/wiki/Patient_Protection_and_Affordable_Care_Act

¹⁹ See: Foreign Account Tax Compliance Act (FATCA), IRS; <https://www.irs.gov/businesses/corporations/foreign-account-tax-compliance-act-fatca>.

1 sovereign immunity, the constitutional rights must prevail.” *Id.* at 786, 413 S.E.2d at 292. Every expropriation of
2 a citizen’s fruits of his or her labor by the government is a taking, whether through taxation or by the power of
3 eminent domain. However, of all rights enumerated in our constitutions, only the taking of an individual’s
4 property rights by the sovereign for public use requires remuneration. This right “was designed to bar
5 Government from forcing some people alone to bear public burdens which, in all fairness and justice, should be
6 borne by the public as a whole.” *Armstrong v. United States*, 364 U.S. 40, 49, 80 S.Ct. 1563, 1569, 4 L.Ed.2d
7 1554, 1561 (1960).”

8 [. . .]

9 “Every expropriation of a citizen’s fruits of his or her labor by the government is a taking, whether through
10 taxation or by the power of eminent domain.”
11 [*Berth Oil Co. v. N.C. Dep’t of Transp.*, 256 N.C. App. 401, 415 (N.C. Ct. App. 2017)]

12 More on the subject of this article:

- 13 1. *U.S. Person Position*, Form #05.053
14 <https://sedm.org/Forms/05-MemLaw/USPersonPosition.pdf>
- 15 2. *Nonresident Alien Position Course*, Form #12.045
16 <https://sedm.org/LibertyU/NRA.pdf>
- 17 3. *Proof that American Nationals are Nonresident Aliens*, Form #09.081
18 <https://sedm.org/Forms/09-Procs/ProofAnNRA.pdf>
- 19 4. *Your Exclusive Right to Declare or Establish Your Civil Status*, Form #13.008
20 <https://sedm.org/Forms/13-SelfFamilyChurchGovnce/RightToDeclStatus.pdf>
- 21 5. *Laws of Property*, Form #14.018
22 <https://sedm.org/Forms/14-PropProtection/LawsOfProperty.pdf>
- 23 6. *Hot Issues: Laws of Property**, SEDM
24 <https://sedm.org/laws-of-property/>
- 25 7. *Why Domicile and Becoming a “Taxpayer” Require Your Consent*, Form #05.002
26 <https://sedm.org/Forms/05-MemLaw/Domicile.pdf>

27 **22 How to keep your property PRIVATE**²⁰

28 The application of the information in this memorandum to the income taxation process is crucial to restoring your freedom,
29 sovereignty, and personal autonomy. You can only remain sovereign and free if your property remains PRIVATE, and is
30 UNABLE to never converted to PUBLIC through either consent or mistake.

²⁰ Source: *How to Keep Your Property Private*, Form #09.085; <https://sedm.org/Forms/09-Procs/HowKeepPropertyPrivate.pdf>.

1 **22.1 What is a slave?**



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“My people are destroyed for lack of knowledge. Because you have rejected knowledge, I also will reject you from being priest for Me; Because you have forgotten the law of your God, I also will forget your children.”
[[Hosea 4:6](#), Bible, NKJV]

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“That it does not conflict with the [Thirteenth Amendment](#), which abolished slavery and involuntary servitude, except as a punishment for crime, is too clear for argument. **Slavery implies involuntary servitude—a state of bondage; the ownership of mankind as a chattel, or at least the control of the labor and services of one man for the benefit of another, and the absence of a legal right to the disposal of his own person, property, and services [in their entirety].** This amendment was said in the Slaughter House Cases, 16 Wall, 36, to have been intended primarily to abolish slavery, as it had been previously known in this country, and that it equally forbade Mexican peonage or the Chinese coolie trade, when they amounted to slavery or involuntary servitude and that the use of the word ‘servitude’ was intended to prohibit the use of all forms of involuntary slavery, of whatever class or name.”
[[Plessy v. Ferguson](#), 163 U.S. 537, 542 (1896)]

1 **A SLAVE IS A HUMAN BEING:**

- 2 1. Who can be connected with any [statutory status](#) in civil franchises or [civil law \(Form #05.037\)](#) to which public rights
3 attach without their EXPRESS consent. This is a Fifth Amendment taking without compensation, a violation of the
4 right to contract and associate, and a conversion of PRIVATE property to PUBLIC property.
- 5 2. Who can't ABSOLUTELY own [PRIVATE PROPERTY](#). Instead, ownership is either exclusively with the
6 government or is QUALIFIED ownership in which the REAL owner is the government and the party holding title has
7 merely equitable interest or "qualified ownership" in the fruits.
- 8 3. Who is SOMEONE ELSE'S PROPERTY. That property is called a STATUTORY "person", "taxpayer" (under the
9 tax code), "driver", "spouse" (under the family code) and you volunteered to become someone else's property by
10 invoking these statuses, which are government property. All such "persons" are public officers in the government.
11 [Form #05.042](#).
- 12 4. Who is compelled to economic or contractual servitude to anyone else, including a government. All franchises are
13 contracts. [Form #05.030](#).
- 14 5. Who is compelled to share any aspect of ownership or control of any property with the government. In other words, is
15 compelled to engage in a "moiety" and surrender PRIVATE rights illegally and unconstitutionally.
- 16 6. Whose ownership of property was converted from ABSOLUTE to QUALIFIED without their EXPRESS written and
17 informed consent.
- 18 7. Who is not allowed to EXCLUDE government from benefitting from or taxing property held as ABSOLUTE title.
- 19 8. Who is EXCLUDED from holding Title to property as ABSOLUTE or outside the "State", where "State" means the
20 [GOVERNMENT \(meaning a CORPORATION FRANCHISE, Form #05.024\)](#) and not a geographic place.
- 21 9. Who the government REFUSES its constitutional duty to protect [the PRIVATE rights or property of \(Form #12.038\)](#)
22 or undermines or interferes with REMEDIES that protect them from involuntary conversion of ownership from
23 ABSOLUTE to QUALIFIED.
- 24 10. Who is compelled to associate PUBLIC property with PRIVATE property, namely Social Security Numbers or
25 Taxpayer Identification Numbers and thereby accomplish a conversion of ownership. [SSNs and TINs are what the](#)
26 [FTC calls a "franchise mark" \(Form #05.012\)](#).
- 27 11. Whose reservation of rights under [U.C.C. §1-308](#) or 1-207 is interfered with or ignored and thereby is compelled to
28 contract with and [become an agent or officer of a government \(Form #05.042\)](#) using [a government application form](#)
29 [\(Form #12.023\)](#).
- 30 12. Who isn't [absolutely equal \(Form #05.033\) to any and every government](#) or who is [compelled to become unequal or a](#)
31 [franchisee \(Form #05.030\)](#). The basis of ALL your freedom is EQUALITY of rights, as held by the U.S. Supreme
32 Court. See [Form #12.021, Video 1](#).

33 **QUESTIONS:**

- 34 1. Is there any difference between BEING someone else's property and BEING COMPELLED TO HOLD [A PUBLIC](#)
35 [OFFICE \(a franchise, Form #05.030\)](#) that is someone else's property 24 hours a day, seven days a week?
36 ANSWER: NO!
- 37 2. If government will not issue ID to [NONRESIDENTS](#) or EXCLUSIVELY PRIVATE PEOPLE not engaged in
38 [franchises](#) and who don't have an SSN or TIN, haven't they effectively outlawed private property?
39 ANSWER: YES!
- 40 3. If you can only own property as a public officer in the government engaged in a [franchise](#), and all public officers
41 represent the government, then can you as a PRIVATE human being realistically own ANYTHING?
42 ANSWER: NO!
- 43 4. If the [Declaration of Independence](#) and the Courts universally agree that PRIVATE rights protected by the Constitution
44 are "unalienable", which means they cannot lawfully be sold or bargained away, then how could you lawfully contract
45 them away to procure the "benefits" of a [government franchise](#)?
46 ANSWER: YOU CAN'T. YOU HAVE BEEN DECEIVED! ONLY THOSE [DOMICILED ON FEDERAL](#)
47 [TERRITORY](#) NOT PROTECTED BY THE CONSTITUTION CAN DO SO!
-

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49 More on this subject at:

- 50 1. [The Jones Plantation](#), Larken Rose-how slave masters think and talk
51 <https://www.youtube.com/watch?v=vb8Rj5xkDPk>

- 1 2. *Are You a Zebra or a Horse?*, SEDM
2 <https://sedm.org/are-you-a-zebra-or-a-horse/>
- 3 3. *The Slave Mentality* (OFFSITE LINKS) -Pastor John Weaver
4 3.1. Expressions of a Slave Mentality
5 <http://www.sermonaudio.com/sermoninfo.asp?SID=126101454442>
6 3.2. The Effects of a Slave Mentality
7 <http://www.sermonaudio.com/sermoninfo.asp?SID=59132130101>
- 8 4. *Hot Issues: Laws of Property**, SEDM
9 <https://sedm.org/laws-of-property/>
- 10 5. *Sovereignty and Freedom Topic*, Family Guardian Fellowship
11 <https://famguardian.org/Subjects/Freedom/Freedom.htm>
- 12 6. *Foundations of Freedom Course*, Form #12.021
13 6.1. Slides
14 <https://sedm.org/LibertyU/FoundOfFreedom-Slides.pdf>
15 6.2. Video 1: Introduction
16 <https://www.youtube.com/watch?v=ikf7CcT2I8I>
17 6.3. Video 2: Freedom, Sovereignty, and Justice
18 https://www.youtube.com/watch?v=Ofiwvb_sJJI
19 6.4. Video 3: Status, Rights, and Privileges
20 <https://www.youtube.com/watch?v=k6A1vIQrsM>
21 6.5. Video 4: Willful Government Deception and Propaganda
22 https://www.youtube.com/watch?v=hPWMfa_oD-wv
- 23 7. *Government Instituted Slavery Using Franchises*, Form #05.030
24 <https://sedm.org/Forms/05-MemLaw/Franchises.pdf>
- 25 8. *Government Identity Theft*, Form #05.046
26 <https://sedm.org/Forms/05-MemLaw/GovernmentIdentityTheft.pdf>
- 27 9. *Getting Out* (OFFSITE LINK) -The spiritual aspects of how we liberate people from government slavery to Christian
28 liberty. This is a sermon by Pastor Tim Keller. It explains the biblical aspects of our [Path to Freedom. Form #09.015](#),
29 Section 2 process.
30 <https://sedm.org/getting-out-sermon-by-tim-keller-of-the-gospel-coalition/>



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2 The slaves of today are educated in everything BUT law, critical thinking, fact checking skills, and how to discover truth.

3

The Public Fool, I mean "School" System is doing what it was designed to do.

22.2 Conversion techniques

As we have shown throughout this document, the conversion from PRIVATE to PUBLIC happens by one of TWO means:

1. **Convert the civil status of the PROPERTY.** This is done, for instance, by:
 - 1.1. Calling the earnings “wages” when filing a W-4 as a private man or woman per [26 U.S.C. §3402\(p\)](#).
 - 1.2. “Effectively connecting” earnings to the “trade or business” franchise as a nonresident alien. In effect, the earnings are converted from PRIVATE to PUBLIC to procure the PRIVILEGE of some kind of deduction as a benefit or advantage. This is done by placing the earnings on the 1040NR form instead of the Schedule NEC, for instance.
2. **Convert the civil status of the OWNER (jurisdiction over the PERSON).** This is done, for instance, by changing your DEFAULT civil status of “nonresident alien” as a state national by “electing” to be treated as a PRIVILEGED STATUTORY “citizen” or “resident”, who file a 1040 instead of a 1040NR and can then take privileged “deductions” under [26 U.S.C. §162](#). The cost of PROCURING this “benefit” or privilege is that the character of your earnings changes from being taxable only from U.S. sources in [26 U.S.C. §872](#) to being taxable on your worldwide EARNINGS UNDER [26 U.S.C. §61](#) and [§861](#). NOT a good deal.

The following court case acknowledges the above two mechanisms to convert PRIVATE property to PUBLIC property:

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

An “EXCLUSION” happens when any of the following methods are employed to reduce taxable income without invoking an “EXEMPTION” or “DEDUCTION” under [26 U.S.C. §162](#):

1. Avoiding clouding the ownership or title to the payment as “property” by:
 - 1.1. Not getting involved in or accepting payments from sources within the geographical “[United States](#)” under [26 U.S.C. §872\(a\)](#).
 - 1.2. Not getting involved in or accepting payments from activities involving a “[trader or business](#)” under [26 U.S.C. §872\(b\)](#).
2. Avoiding clouding the [civil status](#) of the OWNER of the income by connecting him, her, or it to a public office or “trade or business” by pursuing a [civil status](#) that is a privilege, such as [STATUTORY “citizen”](#) or [STATUTORY “resident”](#) in 26 C.F.R. §1.1-1(a). These two civil statuses are voluntary and avoidable PRIVILEGES. Those who don’t consent to them simply declare themselves as “nonresident aliens”, which does not have any civil statutory duties, liabilities, or obligations directly attached to it. See:

[Lawfully Avoiding Government Obligations Course, Form #12.040](#)
<https://sedm.org/LibertyU/AvoidGovernmentObligations.pdf>

Once property is converted from PRIVATE to PUBLIC as described in item 1, those in possession of it “may be treated as” public officers. This is because a “public officer” is legally defined as someone in charge of the PROPERTY of the public:

“Public Office[. . .] Where, by virtue of law, a person is clothed, not as an incidental or transient authority, but for such time as de- notes duration and continuance, with Independent power to control the property of the public“
[Black’s Law Dictionary, Sixth Edition, p. 1235]

The authority to exercise DIRECT, CIVIL legislative control over those in charge of the “property of the public” originates from Constitution Article 4, Section 3, Clause 2, which says:

[Article 4, Section 3, Clause 2](#)

Congress shall have the power to make all needful rules respecting the Territory and Other Property of the United States.

1 Statutes at [5 U.S.C. §553\(a\)\(2\)](#) and [44 U.S.C. §1505\(a\)](#) implement the above method of DIRECT LEGISLATIVE
2 CONTROL over those in possession of PUBLIC property WITHOUT the need for implementing regulations.

3 Below is an example from our website to accomplish item 1 above:

4 “2. Earnings in this section come ONLY from the statutory geographical “United States” as defined in [26 U.S.C.](#)
5 [§7701\(a\)\(9\)](#) and [\(a\)\(10\)](#) and [4 U.S.C. §110\(d\)](#).

6 3. Earnings from any place OTHER than the statutory geographical “United States” are purposefully excluded
7 under [26 U.S.C. §872](#). They don’t need to be exempt, because they are excluded from being listed in the schedule
8 NEC. This means all earnings received from geographical sources outside the STATUTORY, but not
9 CONSTITUTIONAL “United States” are purposefully not listed in this section. This includes all of my earnings,
10 because I do not do business with or in the statutory geographical “United States”.
11 [[1040NR Attachment](#), Form #09.077, Section 6: Schedule NEC Information; [https://sedm.org/Forms/09-
13 Procs/1040NR-Attachment.pdf](https://sedm.org/Forms/09-
12 Procs/1040NR-Attachment.pdf)]

14 5. Effectively connected” means otherwise private property CONSENSUALLY donated to a public use, a public
15 purpose, or a public office within the national and not state government, and thus connected to the statutory
16 “trade or business” defined in [26 U.S.C. §7701\(a\)\(26\)](#) as “the functions of a public office”. None of God’s
17 entirely private property under my stewardship falls into this category. All of God’s property is absolutely owned
18 private property protected by the constitution and defined as a “foreign estate” under [26 U.S.C. §7701\(a\)\(31\)](#)
19 and the First Amendment separation of church and state. Ownership of “trade or business” property, on the
20 other hand, is QUALIFIED (shared) rather than ABSOLUTE (singular). “Trade or business” property
21 ownership or control is shared by the officer occupying the office and its government parens patriae, Creator,
22 and owner. A portion of the shared ownership becomes a kickback (called a return) to compensate its trustee for
23 his or her services.
24 [[1040NR Attachment](#), Form #09.077, Section 7: Definitions; [https://sedm.org/Forms/09-
26 Procs/1040NR-Attachment.pdf](https://sedm.org/Forms/09-
25 Procs/1040NR-Attachment.pdf)]

26 Below is an example from our website to accomplish item 2 above:

27 8. The term “U.S. citizen” is defined in [8 U.S.C. §1401](#), [26 C.F.R. §31.3121\(e\)-1\(b\)](#), and [26 C.F.R. §1.1-1\(c\)](#).
28 Regulation at [26 C.F.R. §1.1-1\(c\)](#) identifies [8 U.S.C. §1401-1459](#) as the source of the definition for “citizen”,
29 and none of the statutes referenced identifies a “citizen” as a CONSTITUTIONAL citizen mentioned in the
30 Fourteenth Amendment. The “United States” in the Constitution includes states of the Union and excludes that
31 mentioned in [26 U.S.C. §7701\(a\)\(9\)](#) and [\(a\)\(10\)](#). The “citizen” status in the I.R.C. is privileged and statutory
32 and is always geographical in this context and therefore is tied to the statutory geographical “United States”
33 defined in [26 U.S.C. §7701\(a\)\(9\)](#) and [\(a\)\(10\)](#) and [4 U.S.C. §110\(d\)](#). Because liability is attached to this status in
34 [26 C.F.R. §1.1-1\(a\)](#), it must be voluntary or unconstitutional slavery and human trafficking is the result. Those
35 who don’t volunteer would drop back to “nonresident alien” civil status, which doesn’t have a direct liability
36 associated with it. This inference is consistent with [Great Cruz Bay, Inc., St. John v. Wheatley, 495 F.2d. 301,
37 307 \(3d Cir. 1974\)](#). The D.C. circuit court even held that the range of statutes cited in [26 C.F.R. §1.1-1\(c\)](#) defining
38 what a “citizen” was did NOT include constitutional citizens, when it held: **“Finally, this Court is mindful of
39 the years of past practice in which territorial citizenship has been treated as a statutory [PRIVILEGE!],
40 and not a constitutional, right. In the unincorporated territories of Puerto Rico, Guam, the U.S. Virgin
41 Islands, and the Northern Mariana Islands, birthright citizenship was conferred upon their inhabitants by
42 various statutes many years after the United States acquired them. See Amicus Br. at 10-11. If the
43 Citizenship Clause guaranteed birthright citizenship in unincorporated territories, these statutes [8 U.S.C.
44 §1401-1459 mentioned in 26 C.F.R. §1.1-1(c)] would have been unnecessary.”** [Tuaua v. U.S.A, 951 F.Supp.2d.
45 88 \(2013\)](#). OF COURSE the government can tax privileges. I would never argue with that. However, privileges
46 are voluntary and avoidable or we have unconstitutional slavery, and I therefore choose to avoid them. And if I
47 can’t make that choice, I’m a slave. All just powers, according to the Declaration of Independence, derive from
48 the CONSENT of the governed. I consent to NOTHING. Anything not consensual in a civil context is therefore
49 inherently UNJUST. To equivocate between CONSTITUTIONAL and STATUTORY “citizens”, which are
50 mutually exclusive and non-overlapping, is to essentially KIDNAP the identity of people in states of the Union to
51 federal territory without their consent and enslave them, in violation of [Article 4, Section 4 of the Constitution](#).
52 Identity theft is a criminal offense in violation of [18 U.S.C. §911](#) in the case of a statutory “U.S. Citizen”
53 franchise/privilege. More at: [Citizenship Status v. Tax Status, http://sedm.org/Forms/10-
54 Emancipation/CitizenshipStatusVTaxStatus/CitizenshipVTaxStatus.htm](#).
55 [[1040NR Attachment](#), Form #09.077, Section 7: Definitions; [https://sedm.org/Forms/09-
57 Procs/1040NR-Attachment.pdf](https://sedm.org/Forms/09-
56 Procs/1040NR-Attachment.pdf)]

22.3 Words, definitions, and context on government forms are KEY

Based on the above, the words you use to describe either yourself or your property on government forms is CRUCIAL and is the essence of how the VOLUNTARY or CONSENSUAL conversion happens. The following factors influence the outcome of such a conversion:

1. Whether the content of the original uncompleted form provided by the government is credible and admissible evidence in court under the Federal Rules of Evidence.
2. The CONTEXT of the terms on the form: Whether STATUTORY or CONSTITUTIONAL or PRIVATE (defined by you).
3. Who has the legal authority to write the definition of the terms on the form. This authority can come ONLY from absolute ownership of the property affected by the definitions.
4. The express delegated authority of those in government who INTERPRET the CONTEXT and MEANING of terms on government forms you prepare, sign, and submit to the government.

On the above, we frequently say that the following:

“He who write EITHER the rules OR the definitions of the terms always wins.”

You only need to control ONE of the two above things to win in any legal dispute involving information on government forms and its affect on you or your property:

1. Laws (rules) that govern the use of the information on the form.
2. Definitions of the terms on the form.

22.4 Rules of the Game

In order to win at this chess game, you must remember the central premise of sovereignty:

1. You at least START OUT absolutely owning yourself and all your property. That is the implication of the Bill of Rights, in fact.
2. You are the ONLY lawful source of definitions that might adversely affect that absolute ownership interest.
3. If you let someone ELSE write CIVIL STATUTORY definitions that adversely impact that ownership, you have surrendered some degree of ownership and/or control of the things affected by the definitions.
4. The act of WRITING a definition is an act of CREATION.
5. The CREATOR of a thing is the OWNER. That act of CREATION in fact occurs in the DEFINITIONS.
6. The DEFINITIONS are the part of the law or rules that create the CIVIL STATUS or RES which then becomes the SUBJECT of privileges or rights.
7. You cannot PURSUE the PRIVILEGES or rights attached to a civil status also implicitly accept the OBLIGATIONS attached to the CIVIL STATUS. Obligations and privileges ALWAYS go together, kind of like love and marriage.
8. Government didn't create you.
 - 8.1. The only thing they CAN CIVILLY create is legislation that creates CIVIL STATUSES to which both OBLIGATIONS and PRIVILEGES attach.
 - 8.2. The CIVIL PRIVILEGES become “BAIT” to entice you to accept the CIVIL OBLIGATIONS that also attach to the CIVIL STATUS.
 - 8.3. CIVIL OBLIGAGATIONS, therefore, are the “CONSIDERATION” you pay to PROCURE the “PRIVILEGES” attached to all CIVIL STATUSES.
 - 8.4. When government CREATES a civil status through legislation, they call that legislation a “BILL”. By doing so, they are BILLING YOU with CIVIL OBLIGATIONS that literally PAY for the PRIVILEGES attached to the CIVIL STATUS appearing in the definitions within the legislation.
9. ALL CIVIL legislation should therefore in effect be treated as an OFFER under the Uniform Commercial Code that you have a right to NOT accept:
 - 9.1. The GOVERNMENT offering the civil legislation is the Merchant under U.C.C. 2-104(1).
 - 9.2. You as the PRIVATE HUMAN CUSTOMER of the CIVIL PRIVILEGES they created are the Buyer under U.C.C. 2-103(1)(a).
 - 9.3. An “acceptance” must occur either EXPRESS (vocally or in writing) or IMPLIED (through action) before the OFFER acquires the “force of law” and may be adjudicated in a court of law. See:

10. You have a RIGHT to NOT ACCEPT a government “benefit”, which implies that you have a right to not RECEIVE or be the SUBJECT of any CIVIL STATUTORY PRIVILEGE. By rejecting CIVIL PRIVILEGES, you also avoid the CORRESPONDING CIVIL OBLIGATIONS attached to the privileges.
11. Private humans are the “customers” of all CIVIL legislation and the customer is always right.
 - 11.1. You should NEVER leave it up to ANYONE but you to decide or define what a “benefit” is, and ESPECIALLY in the context of any CIVIL privilege.
 - 11.2. If you allow anyone in government to DEFINE or DECIDE FOR YOU what a “benefit” is, then they can make you into a CIVIL STATUTORY “CUSTOMER” of their franchises without your express consent. THIS is how you become a SLAVE: Imposing CIVIL obligations upon you without your express consent.
12. Most of the time, you engage in the above process using government forms that you must fill out and sign under penalty of perjury to request a CIVIL PRIVILEGE and the CIVIL OBLIGATIONS that go with the PRIVILEGE.
 - 12.1. The forms contain NO actionable legal definitions or information.
 - 12.2. The forms are WRITTEN by the Merchant offering the CIVIL PRIVILEGE in such a way as to prejudice your rights.
 - 12.3. The interpretation of the forms is left to the SUBJECTIVE judgment of the Merchant BECAUSE there is no actionable definitions holding them accountable for the accuracy of what is on the form.
13. You are the ONLY one who signs government forms and the only WITNESS when the form is submitted, because YOU and ONLY YOU sign the perjury statement.
 - 13.1. Thus, you are the CREATOR of the entire form and the language on it.
 - 13.2. While acting as the CREATOR, you control both the DEFINITIONS and the RULES that pertain to the form because the government is NOT LEGALLY ACCOUNTABLE for the accuracy or content of any part of the form and is not a fact witness when the form is submitted.
14. Based on the above, the CIVIL STATUTORY LAW functions, in effect as a CONTRACTING device. Courts call this process of contracting “the social compact”.
 - 14.1. The CIVIL STATUTORY law behaves as the equivalent of a Private Membership Association (PMA).
 - 14.2. There are LOTS of different CLUBS or FRANCHISES you can join under the CIVIL STATUTORY LAW.
 - 14.3. Each CLUB or FRANCHISE you join makes you a “MEMBER” with a CIVIL STATUS to which OBLIGATIONS and PRIVILEGES attach.
 - 14.4. The U.S. Supreme COURT has held that pursuing these various forms of “membership” is the MAIN way that you SURRENDER constitutional rights.
 - 14.5. Some CLUBS or FRANCHISES come BUNDLED with membership in OTHER CLUBS or FRANCHISES. For instance: You can’t get a driver license these days WITHOUT becoming a member of the following OTHER CLUBS or FRANCHISES
 - 14.5.1. The “RESIDENCE” or “RESIDENT” club.
 - 14.5.2. The “DOMICILE” club.
 - 14.5.3. The Social Security CLUB, by not being able to complete the application process WITHOUT supplying a Social Security Number.
 - 14.5.4. The “MUST PAY CHILD SUPPORT CLUB”. If your child support from a divorce is not paid up, they will either NO ISSUE a NEW license or RESCIND an EXISTING license.
 - 14.5.5. The “MUST PAY TRAFFIC TICKETS CLUB”. If all your parking tickets are not fully paid, they will either NO ISSUE a NEW license or RESCIND an EXISTING license.
 - 14.5.6. The “Military Draft REGISTRATION CLUB”. The national government uses DMV license databases to register and draft new people into the military.
 - 14.5.7. The “Jury Pool CLUB”. States select jurors mainly from the DMV license database.
 - 14.5.8. The “ELIGIBLE FOR CAR INSURANCE CLUB”. Few if any car insurance companies will insure those WITHOUT state driver licenses.

On a HUMAN and interpersonal level in all your PRIVATE dealings with others, the entire above process is completely invisible and even INSTINCTUAL almost all the time. It becomes a little more formal when you operate in the business world using contracts. The implementation of the above process in the context of government is the most formal and procedural of all, and is almost NEVER discussed. It is just PRESUMED. The fact that it is PRESUMED makes it difficult to perceive, explain, and learn for the average Joe. Hence, this document.

Understanding the above rules is the ONLY way you will EVER win with the SOPHISTS who designed this whole SPRINGE called “government” to trap and enslave you:

1 *springe*
 2 [*spring*]
 3 *noun*
 4 1. a snare for catching small game.
 5 *verb (used with object),springed, spring-ing.*
 6 2. to catch in a springe.
 7 *verb (used without object),springed, spring-ing.*
 8 3. to set a springe or springes.
 9 [*Dictionary.com: Springe, Downloaded 2/26/24; <https://www.dictionary.com/browse/springe>*]

10 We didn't make of the above descriptive word. The first use we encountered was by a judge running the "springe network"
 11 called "government" when reading caselaw!

12 **22.5 Origin and History of the Game**

13 The RULES of this game discussed in the prior sections are not new. They have been around since the BEGINNING of
 14 civilization in the FIRST city mentioned in the Bible: Babylon. Below are its various incarnations over time:

15 **22.5.1 Civilization 1.0: Biblical Babylon**

16 1. This was the original model for all cities: An area of land with a wall around it and gates to enter and leave.

17 *"Blessed are those who do His commandments, that they may have the right to the tree of life, and may enter*
 18 *through the gates into the city."*
 19 *[Rev. 22:14, Bible, NKJV]*

20 2. In the Bible, God's kingdom works the same way:
 21 2.1. God owns the Heaven and the Earth because he created them.

22 *The heavens are Yours, the earth also is Yours;*
 23 *The world and all its fullness, You have founded them.*
 24 *The north and the south, You have created them;*
 25 *Tabor and Hermon rejoice in Your name.*
 26 *[Psalm 89:11-12, Bible, NKJV]*

27 2.2. Because all matter is God's creation and property, we are mere temporary users and trustees who need his
 28 permission to use or benefit from His property.
 29 2.3. The Bible acts as a "trust indenture" and delegation of authority order to all those using HIS and ONLY HIS
 30 property, which is all matter. See:

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

31 2.4. The mayor of cities are PREDATORS rather than PROTECTORS. Nimrod was the first mayor or king
 32 mentioned in the Bible describes him as "a mighty under", because he hunted MEN! Gen. 10:9.
 33 3. Out of a desire to IMITATE and BE EQUAL to God in authority and rights just like SATAN, a group of investors gets
 34 together, buys some land, and builds a wall around it made of brick.

35 *The Fall of Lucifer*
 36 *"How you are fallen from heaven,*
 37 *O Lucifer, son of the morning!*
 38 *How you are cut down to the ground,*
 39 *You who weakened the nations!*
 40 *For you have said in your heart:*

1 *'I will ascend into heaven,*
2 *I will exalt my throne above the stars of God;*
3 *I will also sit on the mount of the congregation*
4 *On the farthest sides of the north;*
5 *I will ascend above the heights of the clouds,*
6 *I will be like the Most High.'*
7 *[Isaiah 14:12-14, Bible, NKJV]*

- 8 4. The evil covetous Satanic investors out of the lust for power and money hire a bunch of mercenaries who work on
9 commission to get people to sign up for a “protection racket” inside the wall called a “city”. Today, these people are
10 concentrated in the Federal Reserve, who are puppeteers of the politicians.
11 5. The investors tell the mercenaries to go outside the wall at night in plain cloths and rape and pillage everyone outside
12 with impunity.
13 6. When daybreak comes, the marauders assemble inside the city, put on their knight armor and mask to be anonymous,
14 get on their horses, and go outside the city to the place they marauded the previous night.
15 7. The knights in armor tell people they raided the previous night that its dangerous out there and that they can get better
16 “protection” inside the city.
17 8. The people ask the knights in armor what the cost of the protection is.
18 9. The knights in armor say they have to:
19 9.1. Bow down and swear allegiance to the king.
20 9.2. Move into the city.
21 9.3. Pay tribute annually.
22 9.4. Follow the CIVIL CLUB RULES for all beneficiaries of king’s protection.
23 9.5. Volunteer to defend the city by signing up for the military draft.
24 10. The Rancher or king them authors a set of “club rules” for people living inside the city called “THE CIVIL
25 STATUTORY CODE”.
26 10.1. This was the first “Private Membership Association (PMA)”, in fact, and it was given the name “the Social
27 Compact”. See:

The Social Contract or Principles of Political Right, Jean Rousseau
PDF: https://famguardian.org/Publications/TheSocialContract-Rousseau/The_social_contract.pdf
HTML: <https://famguardian.org/Publications/TheSocialContract-Rousseau/Rousseau%20Social%20Contract.htm>
Constitution Research: <http://constitution.famguardian.org/1-Authors/jjr/socon.htm>
Google Books:
http://books.google.com/books?id=exNPAAAAMAAJ&printsec=frontcover&source=gbs_ge_summary_r&cad=0

- 28 10.2. These rules are exhaustive and, ever expanding, and in no way constitute a fair exchange of consideration under
29 the “social compact”. Rather, they are an “adhesion contract” in which the Merchant can write all the terms and
30 there is no choice or competition. In modern times, this adhesion contract is referred to as a violation of what is
31 called the Unconstitutional Conditions Doctrine of the U.S. Supreme Court.
32 10.3. The King is the sole arbiter of what goes into the contract, and can “bundle” anything and everything he wants
33 into it in a process that we call “weaponization of government”. For a definition of this term, see:

SEDM Disclaimer, Section 4.30: Weaponization of Government
https://sedm.org/disclaimer.htm#4.30.Weaponization_of_government

- 34 11. Everyone who is tired of being harassed nightly by the marauders in fake knights armor outfits swears allegiance to the
35 king, moves into the city, buys HIGH PRICED lots in the city, and builds a home they RENT from the King using
36 PROPERTY TAXES.
37 12. No one can leave or enter the city without going through the city gates. Everyone is now CATTLE and the Rancher is
38 the group of investors or their STEALTH representative, the Mayor or King of the “City state”.
39 12.1. The king stages tax collectors at the gate.
40 12.2. You can’t enter or leave the city without paying your tribute.
41 12.3. If a foreigner approaches the gates to do business with the CATTLE inside, they are required to conduct all
42 business and trading at the gate in the view of the king’s revenue collectors at the gate, and “EXCISE” or CUT a
43 portion of the commerce from the transaction as tribute to the Rancher.
44 13. The Rancher, I mean Mayor or King, gets everyone together in the town square and gives them a pep talk so they will
45 be deceived into thinking they are FREE. This is called “free range farming”. More prospective clients are recruited to
46 join for free based on PERCEIVED but not ACTUAL “benefit”. See:

The Jones Plantation, Larken Rose

22.5.2 Civilization 2.0: The Romans

1. The Rancher decides it's too expensive to maintain the walls, that no one likes to feel like they are caged in a farm called a city.
2. The Rancher tears down the walls around the city, saves the bricks, and uses them to make cobblestone roads like the Romans that are so convenient that no one wants to travel anywhere without them.
3. The Rancher builds fences so that travelers have to go through toll booths, that double as guard posts.
 - 3.1. You can't enter or leave through the toll booth without paying your tribute.
 - 3.2. If a foreigner approaches the gates to do business with the CATTLE inside, they are required to conduct all business and trading at the toll booth in the view of the king's revenue collectors at the gate, and "EXCISE" or CUT a portion of the commerce from the transaction as tribute to the Rancher. That's what an "excise tax" is.

22.5.3 Civilization 3.0. Modern governments

This phase of civilization was described by the U.S. Supreme Court as follows:

*In Udney v. Udney, (1869) L.R. 1 H.L.Sc. 441, the point decided was one of inheritance, depending upon the question whether the domicile of the father was in England or in Scotland, he being in either alternative a British subject. Lord Chancellor Hatherley said: "The question of naturalization and of allegiance is distinct from that of domicil." p. 452. Lord Westbury, in the passage relied on by the counsel for the United States, began by saying: "The law of England, and of almost all civilized countries, ascribes to each individual at his birth two distinct legal states or conditions: one, by virtue of which he becomes the subject of some particular country, binding him by the tie of natural allegiance, and which may be called his political status; another, by virtue of which he has ascribed to him the character of a citizen of some particular country, and as such is possessed of certain municipal rights, and subject to certain obligations, which latter character is the civil status or condition of the individual, and may be quite different from his political status." And then, while maintaining that the civil status is universally governed by the single principle of domicil, domicilium, the criterion established by international law for the purpose of determining civil status, and the basis on which "the personal rights of the party, that is to say, the law which determines his majority or minority, his marriage, succession, testacy or intestacy, 657*657 must depend;" he yet distinctly recognized that a man's political status, his country, patria, and his "nationality, that is, natural allegiance," "may depend on different laws in different countries." pp. 457, 460. He evidently used the word "citizen," not as equivalent to "subject," but rather to "inhabitant;" and had no thought of impeaching the established rule that all persons born under British dominion are natural-born subjects.*
[United States v. Wong Kim Ark, 169 U.S. 649 (1898)]

*The several States of the Union are not, it is true, in every respect independent, many of the rights and powers which originally belonged to them being now vested in the government created by the Constitution. But, except as restrained and limited by that instrument, they possess and exercise the authority of independent States, and the principles of public law to which we have referred are applicable to them. One of these principles is, that every State possesses exclusive jurisdiction and sovereignty over persons and property within its territory. As a consequence, every State has the power to determine for itself the civil status and capacities of its inhabitants; to prescribe the subjects upon which they may contract, the forms and solemnities with which their contracts shall be executed, the rights and obligations arising from them, and the mode in which their validity shall be determined and their obligations enforced; and also to regulate the manner and conditions upon which property situated within such territory, both personal and real, may be acquired, enjoyed, and transferred. The other principle of public law referred to follows from the one mentioned; that is, that no State can exercise direct jurisdiction and authority over persons or property without its territory. Story, Confl. Laws, c. 2; Wheat. Int. Law, pt. 2, c. 2. The several States are of equal dignity and authority, and the independence of one implies the exclusion of power from all others. And so it is laid down by jurists, as an elementary principle, that the laws of one State have no operation outside of its territory, except so far as is allowed by comity; and that no tribunal established by it can extend its process beyond that territory so as to subject either persons or property to its decisions. "Any exertion of authority of this sort beyond this limit," says Story, "is a mere nullity, and incapable of binding 723*723 such persons or property in any other tribunals." Story, Confl. Laws, sect. 539.*

But as contracts made in one State may be enforceable only in another State, and property may be held by non-residents, the exercise of the jurisdiction which every State is admitted to possess over persons and property within its own territory will often affect persons and property without it. To any influence exerted in this way by a State affecting persons resident or property situated elsewhere, no objection can be justly taken; whilst any direct exertion of authority upon them, in an attempt to give ex-territorial operation to its laws, or to enforce an

1 *ex-territorial jurisdiction by its tribunals, would be deemed an encroachment upon the independence of the State*
2 *in which the persons are domiciled or the property is situated, and be resisted as usurpation.*

3 **Thus the State, through its tribunals, may compel persons domiciled within its limits to execute, in pursuance**
4 **of their contracts respecting property elsewhere situated, instruments in such form and with such solemnities**
5 **as to transfer the title, so far as such formalities can be complied with; and the exercise of this jurisdiction in**
6 **no manner interferes with the supreme control over the property by the State within which it is situated.** *Penn*
7 *v. Lord Baltimore, 1 Ves. 444; Massie v. Watts, 6 Cranch, 148; Watkins v. Holman, 16 Pet. 25; Corbett v. Nutt,*
8 *10 Wall. 464.*

9 *So the State, through its tribunals, may subject property situated within its limits owned by non-residents to the*
10 *payment of the demand of its own citizens against them; and the exercise of this jurisdiction in no respect infringes*
11 *upon the sovereignty of the State where the owners are domiciled. Every State owes protection to its own citizens;*
12 *and, when non-residents deal with them, it is a legitimate and just exercise of authority to hold and appropriate*
13 *any property owned by such non-residents to satisfy the claims of its citizens. It is in virtue of the State's*
14 *jurisdiction over the property of the non-resident situated within its limits that its tribunals can inquire into that*
15 *non-resident's obligations to its own citizens, and the inquiry can then be carried only to the extent necessary to*
16 *control the disposition of the property. If the non-resident ⁷²⁴*724 have no property in the State, there is nothing*
17 *upon which the tribunals can adjudicate.*

18 *These views are not new. They have been frequently expressed, with more or less distinctness, in opinions of*
19 *eminent judges, and have been carried into adjudications in numerous cases. Thus, in Picquet v. Swan, 5 Mas.*
20 *35, Mr. Justice Story said: —*

21 *"Where a party is within a territory, he may justly be subjected to its process, and bound personally by the*
22 *judgment pronounced on such process against him. Where he is not within such territory, and is not personally*
23 *subject to its laws, if, on account of his supposed or actual property being within the territory, process by the*
24 *local laws may, by attachment, go to compel his appearance, and for his default to appear judgment may be*
25 *pronounced against him, such a judgment must, upon general principles, be deemed only to bind him to the extent*
26 *of such property, and cannot have the effect of a conclusive judgment in personam, for the plain reason, that,*
27 *except so far as the property is concerned, it is a judgment coram non iudice."*
28 *[Pennoyer v. Neff, 95 U.S. 714 (1878); SOURCE:*
29 *https://scholar.google.com/scholar_case?case=13333263776496540273]*

30 Note the admission above that the state may ONLY compel people with a VOLUNTARY domicile who are therefore
31 VOLUNTARY club members, and not ALL PEOPLE, in how they contract:

32 *"Thus the State, **through its tribunals, may compel persons domiciled within its limits** to execute, in pursuance*
33 *of their contracts respecting property elsewhere situated, instruments in such form and with such solemnities as*
34 *to transfer the title, so far as such formalities can be complied with"*

35 So the main thing that CIVIL governments do using the CIVIL law as a Private Membership Association (PMA) in order to
36 GOVERN CIVILLY and not CRIMINALLY is to control the "**civil status**" (**Form #13.008**) of the people within their
37 territory. The civil status constitutes any one of several "membership roles" or "franchise statuses" that people have who
38 conduct business or contracting on their territory, such as civil statutory "person", "citizen", "resident", etc.

39 HOWEVER, the state's control over "civil status" may NOT be used compel people to acquire ANY civil status or compel
40 domicile (membership) itself, because that would be a violation of the First Amendment right of freedom from compelled
41 association. This very important limitation on the state's authority is probably the MOST IMPORTANT Third Rail Issue
42 there is. If they COMPEL domicile, it is a crime, and you don't need a domicile to enforce the criminal laws. Mere physical
43 presence on the territory of the sovereign and the commission of a criminal act is sufficient to prosecute. See:

- 44 1. *Identity Theft Affidavit*, Form #14.020
45 https://sedm.org/Forms/14-PropProtection/Identity_Theft_Affidavit-f14039.pdf
- 46 2. *Third Rail Government Issues*, Form #08.032
47 <https://sedm.org/Forms/08-PolicyDocs/ThirdRailIssues.pdf>
- 48 3. *Your Exclusive Right to Declare or Establish Your Civil Status*, Form #13.008
49 <https://sedm.org/Forms/13-SelfFamilyChurchGovnce/RightToDeclStatus.pdf>

50 Below is how this third phase of civilization works:

- 51 1. The government publicizes all the crime and corruption in the city to make people distrust each other and distrust
52 conducting commerce with each other unsupervised by the government.

1 2. The government says to avoid the rampant corruption in commerce, everyone must be issued government
2 identification. See:

*Hot Issues: Identification and Identity Theft**, SEDM
<https://sedm.org/identification/>

3 3. Government identification is only available to “citizens”, who are VOLUNTARY members of the King’s CIVIL
4 “protection franchise”.

5 3.1. They must produce evidence that they have paid their yearly tribute before they can be issued the identification.

6 3.2. If they refuse to present the evidence, they will literally starve to death because of their inability to conduct
7 commerce.

8 4. A name was given to these CONSENTING members called:

9 4.1. “DOMICILE” in the case of people born in the city. These are called “citizens”.

10 4.2. “RESIDENCE” to aliens born outside the city. These are called “residents”.

11 The above two terms are exhaustively defined and explored in:

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

12 5. Then the government:

13 5.1. Fools EVERYONE into getting government ID for club members through legal deception:

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

14 5.2. Issues CITIZEN and RESIDENT identification documents and cards to all members of the King’s CIVIL
15 protection franchise club “citizens” of the city. This deputizes them as agents and officers of the King. See:

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

16 Now EVERYONE with government ID is one of the King’s revenue collectors when conducting commerce. If
17 they don’t act as such, they are deprived of the ID and starve to death without the ability to conduct commerce.
18 In modern times, this phenomenon is called “economic sanctions”.

19 5.3. Orders all CATTLE to conduct all commerce using ONLY the identification cards to protect people from fraud.

20 5.4. Criminalizes commerce being conducted WITHOUT government ID.

21 5.5. Commits CRIMINAL IDENTITY THEFT against anyone who does not want the privileges, in order to make
22 them LOOK like consenting club members of the King’s protection racket. See:

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

23 6. The fences forcing travelers to go through the toll booths are removed. They are no longer necessary, because now all
24 commercial transactions are under the purview of the King because those conducting them are AGENTS or
25 OFFICERS of the King.

26 7. Through property taxes, and zoning regulations, land within every city is transitioned from absolute ownership to
27 qualified ownership and a moiety. Thus, the king or Rancher now owns and controls at least a part of the house people
28 live and sleep in. They will lose that house if they don’t cooperate under the CIVIL STATUTORY law with the King.

29 8. The king creates public schools for people to send their kids to.

30 8.1. These public schools are just like the original boarding schools that the children of the American Indians were
31 sent to in order to socialize them in the white man’s ways and remove them from the control of their parents so
32 that they would be CIVILIZED enough to leave the reservation and give the land back to the national
33 government.

34 8.2. Public schools are patterned the same way as the Indian boarding schools.

35 8.3. The study of law is removed from these schools so that “graduates” will be compliant docile government pets
36 who always follow orders and never questions authority.

37 8.4. This treatment is a little better than the African Slaves, who weren’t allowed to get any education. The main
38 difference is that the subjects of study are filtered so that anything that would LEGALLY empower the students
39 with education about law is REMOVED from study so that those living on the government plantation can never
40 reach “escape velocity” to leave it’s orbit. See:

How to Leave the Government Farm, Form #12.020
YOUTUBE: <http://youtu.be/Mp1gJ3iF2Ik>
LOCAL COPY: <https://sedm.org/media/how-to-leave-the-government-farm/>

41 9. CATTLE now falsely believe they are free. However:

42 9.1. In the back of their mind there is this unspoken fear that if they try to conduct commerce without a government
43 sanctioned ID or refuse to pay their annual tribute to GET the ID, they will be targeted for the worst form of

1 economic sanction and will therefore starve to death and not be able to conduct commerce to sustain their life or
2 will be jailed for conducting commerce without government ID.

3 9.2. Anyone who reveals the truth about this government ID scam is targeted for “selective enforcement” by the
4 “political junkyard dog”, the IRS. Their money and resources are STOLEN so they can’t afford to hire a lawyer.
5 They can’t defend themselves and prosecute the wrongdoers because they weren’t allowed to learn law in the
6 public FOOL school. Without economic power, they are completely silenced.

7 9.3. The cattle on the farm are taught to have closed minds and believe they know everything they need to know.
8 Anyone who attempts to leave the plantation is then “cancelled” and branded as a FREAK, an OUTCAST, and
9 literally CRAZY. See:

[Secular Praise of the Main Virtue of Christianity: HUMILITY](https://sedm.org/secular-praise-of-the-main-virtue-of-christianity-humility/), SEDM
<https://sedm.org/secular-praise-of-the-main-virtue-of-christianity-humility/>

10 10. If you go to the government and insist only on NONRESIDENT ID, they will tell you there is NO SUCH THING.
11 Thus, there is no way to conduct commerce WITHOUT asking for government ID, becoming a club member called a
12 “CITIZEN” or “RESIDENT”, and paying annual tribute.

13 11. Paid government skills are hired by the Rancher to slander anyone who wants to teach the slaves to leave like SEDM
14 and spread disinformation. This keeps people from leaving and keeps the sheep in the government corral following
15 their GOVERNMENT shepherd.

16 Now do you know why the following proverb is our favorite?:

17 *“The only thing new under the sun is the history you do not know and deliberately were not taught in the public*
18 *FOOL system.”*

19 **22.6 Winning the Game**

20 To win at the game:

21 1. You must START with the following premise:

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

43 2. Next, you must read and follow the following free document on our website:

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

44 3. Ignorance of the law manufactured in the public FOOL system is the main thing keeping you in bondage and servitude.

45 *My people are destroyed for lack of knowledge. Because you have rejected knowledge, I also will reject you from*
46 *being priest for Me; Because you have forgotten the law of your God, I also will forget your children.*
47 *[Hosea 4:6, Bible, NKJV]*

- 1 4. You must LEARN THE LAW, because the law is your main defense in a world where the legal profession and the
 2 government have become a secret priesthood with superior or supernatural powers which seek to enslave and
 3 economically enslave you:
- 4 *Devil's Advocate: Lawyers*, SEDM
 5 <http://sedm.org/what-we-are-up-against/>
- 6 5. We must renew our religious faith and commitment to biblical principles that are the origin of remedy and motivation
 7 to pursue the remedy. See:
- 8 *Why Learn Law?*, SEDM
 9 <https://sedm.org/home/why-we-must-personally-learn-follow-and-enforce-the-law/>
- 10 6. We must step forward and take RESPONSIBILITY for ourselves and not abuse our powers as a jurist or voter to
 11 TRANSFER that responsibility to anyone else. Self-ownership and personal responsibility are two sides of the SAME
 12 coin.
- 13 7. We must avoid ANY and ALL government privileges and franchises because they interfere with our absolute
 14 ownership of OURSELVES and our property, including:
- 15 7.1. CIVIL domicile.
- 16 7.2. Marriage licenses.
- 17 7.3. Driver licenses.
- 18 7.4. Professional licenses.
- 19 7.5. Government “benefits” of every description.
- 20 8. We must NEVER surrender absolute ownership or control over our body or our property to any government:
- 21 8.1. We must maintain PERFECT separation between us as PRIVATE and the government as PUBLIC. See:
- 22 *Separation Between Public and Private Course*, Form #12.025
 23 <https://sedm.org/LibertyU/SeparatingPublicPrivate.pdf>
- 24 8.2. Don't fill out government forms asking for PUBLIC property. Government property with CIVIL legal strings
 25 attached are called “PRIVILEGES”.
- 26 8.3. If we are COMPELLED under threat of starving to death to fill out government forms, we must use the following
 27 as a guide:
- 28 *Avoiding Traps in Government Forms Course*, Form #12.023
 29 <https://sedm.org/LibertyU/AvoidingTrapsGovForms.pdf>
- 30 8.4. Don't pursue ANY civil statutory status, such as “person”, “individual”, “taxpayer”, “driver”, “spouse” (under the
 31 family code), etc.
- 32 8.5. Every communication with any government, and especially on a government form, should define the MEANING
 33 and CONTEXT of every word of art that might be abused by the recipient to commit CRIMINAL IDENTITY
 34 THEFT upon us so as to convert our status from PRIVATE to PUBLIC. See:
- 35 *Government Identity Theft*, Form #05.046
 36 <https://sedm.org/Forms/05-MemLaw/GovernmentIdentityTheft.pdf>
- 37 9. We must take the CEO chair of our life and stop behaving passively like a government pet:
- 38 9.1. Ownership includes RESPONSIBILITY. You can't own yourself without taking complete, exclusive, and
 39 personal responsibility for yourself.
- 40 9.2. Acting like an OWNER of yourself means NEVER allowing ANYONE to write any CIVIL STATUTORY
 41 definition that impairs you of any degree of ownership or control over your absolutely owned private property.
- 9.2.1. The ORIGIN Of the right to author such definitions is OWNERSHIP.
- 9.2.2. Any attempt to write definitions that impairs control over your PRIVATE property is a TAKING.
 More on the above earlier in section 13.
- 9.3. We must always assume the following statuses that presuppose NO civil statutory jurisdiction:
- 9.3.1. Legislatively but not constitutionally “foreign” under 26 U.S.C. §7701(a)(31). See:
- “Sovereign” = “Foreign”, Family Guardian Fellowship
<https://famguardian.org/Subjects/Freedom/Sovereignty/Sovereign=Foreign.htm>
- 9.3.2. “nonresident”. See:
- Non-Resident Non-Person Position*, Form #05.020
<https://sedm.org/Forms/05-MemLaw/NonresidentNonPersonPosition.pdf>
- 9.3.3. “stateless”.
- 9.3.4. “transient foreigner”.
- 9.3.5. “idiot”. See:
- Are You an “Idiot”?*, SEDM
<https://sedm.org/are-you-an-idiot-we-are/>
- 9.3.6. No civil domicile within the exclusive jurisdiction of the venue. See:

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

9.3.7. Protected only COMMON LAW, constitution (Bill of Rights) and EQUITY jurisdiction and not civil statutory franchise codes. See:

*Hot Issues: Common Law and Equity Litigation***, SEDM
<https://sedm.org/common-law-litigation/>

9.4. We must "reserve our rights" on every government form. U.C.C. §1-308.

9.5. We must ALWAYS approach every government as a MERCHANT selling our private property on ONLY our terms and NEVER their terms. Government must always be a BUYER and never a Merchant. See:

Path to Freedom, Form #09.015, Sections 5.5-5.7
<https://sedm.org/Forms/09-Procs/PathToFreedom.pdf>

9.6. We must insist that ALL forms of consent MUST EXPRESS and IN WRITING and never IMPLIED through action.

9.7. We must remember that all just governmental powers are derived from powers delegated by the SOVEREIGN PEOPLE. The COLLECTIVE sovereignty called the "State" cannot have any more authority than a single individual under the concept of equality of protection and of treatment. See:

Requirement for Equal Protection and Equal Treatment, Form #05.033
<https://sedm.org/Forms/05-MemLaw/EqualProtection.pdf>

9.8. We must insist on the EQUAL right of acquiring rights over government by EXACTLY the same mechanisms as they acquire rights over you, and ESPECIALLY in the case where consent is IMPLIED rather than EXPRESS.

9.8.1. We should accuse them of being HYPOCRITES if they impute superior rights to themselves that the people do not have.

9.8.2. We should insist that they satisfy the burden of proving the origin of any and every CIVIL STATUTORY right originated from your express consent in a form you defined. Any attempt to use IMPLIED consent that you can't use on them by the same mechanism is THEFT and tyranny.

9.9. We must impose conditions on the commercial use of our name and likeness and property in a way that benefits anyone but us. Those conditions are described in:

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

9.10. Passively letting government take over our life presupposes that we have surrendered ownership and our sovereignty with it:

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

"Qui tacet consentire videtur. He who is silent appears to consent. Jenk. Cent. 32."
[Bouvier's Maxims of Law, 1856;
SOURCE: <http://famguardian.org/Publications/BouvierMaximsOfLaw/BouvierMaxims.htm>]

"Procurat[i]o[n].. Agency; proxy; the act of constituting another one's attorney in fact. The act by which one person gives power to another to act in his place, as he could do himself. Action under a power of attorney or other constitution of agency. Indorsing a bill or note "by procurat[i]o[n]" is doing it as proxy for another or by his authority. The use of the word procurat[i]o[n] (usually, per procurat[i]o[n]e, or abbreviated to per proc. or p. p.) on a promissory note by an agent is notice that the agent has but a limited authority to sign.

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

9.11. We must STOP trusting government for ANYTHING:

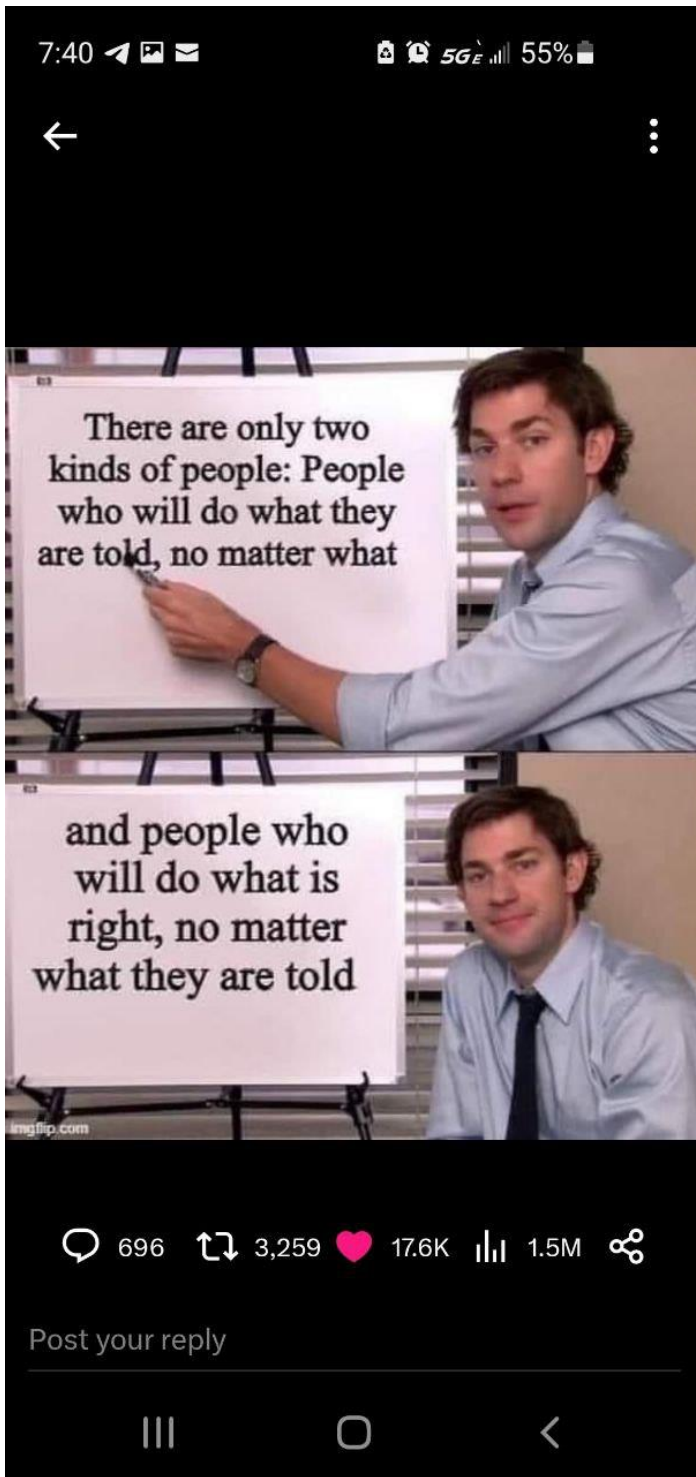
Trust the government or fight a bear

Me:



1
2
3

9.12. We must, at every turn, CHALLENGE authority and demand proof of its origin traceable to our express consent in some form.



1
2 On the above, Thomas Jefferson famously said:

3 *"When the people fear the government, there is Tyranny. When the government fears the people there is Liberty."*

4 10. If called upon to provide a Social Security Number or Taxpayer Identification Number, we must:

5 10.1. Read and understand the following:

[About SSNs and TINs on Government Forms and Correspondence](https://sedm.org/Forms/05-MemLaw/AboutSSNsAndTINs.pdf), Form #05.012
<https://sedm.org/Forms/05-MemLaw/AboutSSNsAndTINs.pdf>

- 10.2. Place a notice on any form we are called to fill out defining SSN and TIN as being NONSTATUTORY and a license to the government under the terms of Form #06.027 rather than the other way around.
- 10.3. Qualify all terms on the form as being in the private, common law, and constitutional context and NEVER in their civil statutory context.
- 10.4. Include a waiver of any and all rights to receive any and all government benefits, because they cannot lawfully be offered within the exclusive jurisdiction of a constitutional state. See:
 - 10.4.1. *Why You Aren't Eligible for Social Security*, Form #06.001
<https://sedm.org/Forms/06-AvoidingFranch/SSNotEligible.pdf>
 - 10.4.2. *Why It is Illegal for Me to Request or Use a Taxpayer Identification Number*, Form #04.201
<https://sedm.org/Forms/04-Tax/2-Withholding/WhyTINIllegal.pdf>

More on the above at:

- a. *About SSNs and TINs on Government Forms and Correspondence*, Form #05.012, Section 19
<https://sedm.org/Forms/05-MemLaw/AboutSSNsAndTINs.pdf>
- b. *Avoiding Traps in Government Forms Course*, Form #12.023, Section 2.11
<https://sedm.org/LibertyU/AvoidingTrapsGovForms.pdf>

11. We ALWAYS must remember that:

- 11.1. The origin of the CIVIL STATUTORY authority of all JUST government is YOUR consent in some form, according to the Declaration of Independence.
- 11.2. Not all government authority can or does derive from your consent personally. The common law and the criminal law do NOT require your consent to enforce against you.
- 11.3. Any loss of constitutional or natural rights from a CIVIL perspective must be traceable to an act of consent on your part, whether EXPRESS or IMPLIED.
- 11.4. When a government wants to usurp CIVIL authority from you and remove you from the protections of the constitution and the common law, they usually derive the consent necessary to do so IMPLIEDLY and unjustly through your actions.
- 11.5. ALL surrenders of natural and constitutional rights we are aware of derive mainly from MEMBERSHIP of one kind or another. See:

Membership in a Specific Class, Status, or Group As a Cause for Loss of Rights, SEDM
<https://sedm.org/membership-in-a-specific-class-status-or-group-as-a-cause-for-loss-of-rights/>

The above are exhaustively explored in:

How You Lose Constitutional or Natural Rights, Form #10.015
<https://sedm.org/Forms/10-Emancipation/HowLoseConstOrNatRights.pdf>

12. If we are FORCED to file tax returns usually because of FALSE information return reports filed against us:

- 12.1. We should NEVER file RESIDENT tax forms such as the 1040.
- 12.2. We should file “nonresident alien” tax forms, the 1040NR. See:
 - 12.2.1. *Nonresident Alien Position Course*, Form #12.045
<https://sedm.org/LibertyU/NRA.pdf>
 - 12.2.2. *Proof that American Nationals are Nonresident Aliens*, Form #09.081
<https://sedm.org/Forms/09-Procs/ProofAnNRA.pdf>
- 12.3. We should prepare the 1040NR per the following to avoid all privileges and invoke only EXCLUSIONS and never EXEMPTIONS.
 - 12.3.1. How to File Returns, Form #09.074** (Member Subscriptions)
<https://sedm.org/product/filing-returns-form-09-074/>
 - 12.3.2. Procedure to File Returns, Form #09.075** (Member Subscriptions)
<https://sedm.org/product/procedure-to-file-tax-returns-form-09-075/>

13. If we setup any business, it should always be a FOREIGN business not subject to the CIVIL jurisdiction of the government. See:

Creating and Running a Business, Trust, or Estate, Form #09.079
<https://sedm.org/product/creating-and-running-a-business-form-09-079/>

14. We should VOCIFEROUSLY and FEROCIOUSLY defend our beliefs with court admissible evidence using law and facts and the content of the following:

- 14.1. *Legal Deception, Propaganda, and Fraud*, Form #05.014-know the deception that corrupt prosecutors and judges use to confuse and enslave and slander you before the jury.
<https://sedm.org/Forms/05-MemLaw/LegalDecPropFraud.pdf>
- 14.2. *Liberty University*, Section 8: Resources to Rebut Government, Legal, and Tax Profession Deception and False Propaganda
<https://sedm.org/LibertyU/LibertyU.htm>

1 14.3. Liberty University, Section 9: Resources to Rebut Private Sector Deception and False Propaganda
2 <https://sedm.org/LibertyU/LibertyU.htm>

3 14.4. SEDM Forms/Pubs Page, Section 1.8: Policy Documents
4 <https://sedm.org/Forms/FormIndex.htm>

5 15. We must remember that FREEDOM and SOVEREIGNTY are NOT “spectator sports”.

6 15.1. You can’t hire a lawyer to defend it because its against his economic interest to do so.

7 15.2. When you are in a corner, you probably can’t afford a lawyer anyway.

8 15.3. You should LISTEN to everyone and TRUST no one on the subject of freedom and sovereignty.

9 15.4. Everything you believe about your rights you should be able to prove with statutes, case law, the Bill of Rights,
10 and the same legal resources judges and attorneys use.

11 15.5. You should not be pursuing these things as a “pay-triot-for-profit”:

12 REBUTTAL: How to Spot a “Pay-Triot For Profit” Con Man, SEDM
13 <https://sedm.org/how-to-spot-a-pay-triot-for-profit/>

14 15.6. You must SPEAK the language of judges and attorneys and not invoke your own language to describe or litigated
15 the problem. Every term you use should be defined or you will be branded a lunatic or an idiot and sanctioned.

16 15.7. You must not be pursuing freedom and sovereignty as a method to escape personal responsibility, to get free stuff
or “benefits”, or as a get out of jail free card. You may only pursue it for the sake of “legal justice”, which is
legally defined as “the right to be LEFT ALONE” by the government. See:

17 What is “Justice”?, Form #05.050
18 <https://sedm.org/Forms/05-MemLaw/WhatIsJustice.pdf>

19 16. If called on to defend our rights, we must invoke equity and the common law and never the CIVIL statutory
20 “protection franchise” and social compact called the CIVIL CODE. See:

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

23 Practical Application

23.1 Overview of the Income Taxation Process from a Property Perspective²¹

23 This section provides basic background on how the income tax described in Internal Revenue Code, Subtitle A functions.
24 This will help you fit the explanation contained in this memorandum into the overall taxation process. Below is a summary
25 of the taxation process:

26 1. The purpose for establishing governments is mainly to protect private property. The Declaration of Independence affirms
27 this:

28 *“We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator
29 with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness.--That to secure
30 these rights, Governments are instituted among Men, deriving their just powers from the consent of the governed,
31 --”*
[Declaration of Independence, 1776]

32 2. Government protects private rights by keeping “public [government] property” and “private property” separate and never
33 allowing them to be joined together. This is the heart of the separation of powers doctrine: separation of what is private
from what is public with the goal of protecting mainly what is private. See:

34 Government Conspiracy to Destroy the Separation of Powers, Form #05.023
35 <http://sedm.org/Forms/FormIndex.htm>

36 3. All property BEGINS as private property. The only way to lawfully change it to public property is through the exercise
37 of your unalienable constitutional right to contract. All franchises qualify as a type of contract, and therefore, franchises
are one of many methods to lawfully convert PRIVATE property to PUBLIC property. The exercise of the right to
contract, in turn, is an act of consent that eliminates any possibility of a legal remedy of the donor against the donee:

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

²¹ Source: Great IRS Hoax, Form #11.302, Section 5.1.3; <https://famguardian.org/Publications/GreatIRSHoax/GreatIRSHoax.htm>

1 *Consensus tollit errorem.*
2 *Consent removes or obviates a mistake. Co. Litt. 126.*

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

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

9 4. In law, all rights are “property”.

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

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

25 *Property embraces everything which is or may be the subject of ownership, whether a legal ownership, or whether*
26 *beneficial, or a private ownership. Davis v. Davis. TexCiv-App., 495 S.W.2d. 607. 611. Term includes not only*
27 *ownership and possession but also the right of use and enjoyment for lawful purposes. Hoffmann v. Kinealy, Mo.,*
28 *389 S.W.2d. 745, 752.*

29 ***Property, within constitutional protection, denotes group of rights inhering in citizen’s relation to physical***
30 ***thing, as right to possess, use and dispose of it.** Cereghino v. State By and Through State Highway Commission,*
31 *230 Or. 439, 370 P.2d. 694, 697.*
32 *[Black’s Law Dictionary, Fifth Edition, p. 1095]*

33 By protecting your constitutional rights, the government is protecting your PRIVATE property. Your rights are private
34 property because they came from God, not from the government. Only what the government creates can become public
35 property. An example is corporations, which are a public franchise that makes officers of the corporation into public
36 officers.

37 5. The process of taxation is the process of converting “private property” into a “public use” and a “public purpose”. Below
38 are definitions of these terms for your enlightenment.

39 ***Public use.** Eminent domain. The constitutional and statutory basis for taking property by eminent domain. For*
40 *condemnation purposes, “public use” is one which confers some benefit or advantage to the public; it is not*
41 *confined to actual use by public. It is measured in terms of right of public to use proposed facilities for which*
42 *condemnation is sought and, as long as public has right of use, whether exercised by one or many members of*
43 *public, a “public advantage” or “public benefit” accrues sufficient to constitute a public use. Montana Power*
44 *Co. v. Bokma, Mont., 457 P.2d. 769, 772, 773.*

45 *Public use, in constitutional provisions restricting the exercise of the right to take property in virtue of eminent*
46 *domain, means a use concerning the whole community distinguished from particular individuals. But each and*
47 *every member of society need not be equally interested in such use, or be personally and directly affected by it;*
48 *if the object is to satisfy a great public want or exigency, that is sufficient. Ringe Co. v. Los Angeles County, 262*
49 *U.S. 700, 43 S.Ct. 689, 692, 67 L.Ed. 1186. The term may be said to mean public usefulness, utility, or advantage,*
50 *or what is productive of general benefit. It may be limited to the inhabitants of a small or restricted locality, but*
51 *must be in common, and not for a particular individual. The use must be a needful one for the public, which*
52 *cannot be surrendered without obvious general loss and inconvenience. A “public use” for which land may be*
53 *taken defies absolute definition for it changes with varying conditions of society, new appliances in the sciences,*
54 *changing conceptions of scope and functions of government, and other differing circumstances brought about by*
55 *an increase in population and new modes of communication and transportation. Katz v. Brandon, 156 Conn.*
56 *521, 245 A.2d. 579, 586.*

1 See also *Condemnation; Eminent domain.*
2 [Black's Law Dictionary, Sixth Edition, p. 1232]

3
4 **"Public purpose.** *In the law of taxation, eminent domain, etc., this is a term of classification to distinguish the*
5 *objects for which, according to settled usage, the government is to provide, from those which, by the like usage,*
6 *are left to private interest, inclination, or liberality. **The constitutional requirement that the purpose of any tax,***
7 ***police regulation, or particular exertion of the power of eminent domain shall be the convenience, safety, or***
8 ***welfare of the entire community and not the welfare of a specific individual or class of persons [such as, for***
9 ***instance, federal benefit recipients as individuals].** "Public purpose" that will justify expenditure of public*
10 *money generally means such an activity as will serve as benefit to community as a body and which at same time*
11 *is directly related function of government. Pack v. Southwestern Bell Tel. & Tel. Co., 215 Tenn. 503, 387 S.W.2d.*
12 *789, 794 .*

13 *The term is synonymous with governmental purpose. As employed to denote the objects for which taxes may be*
14 *levied, it has no relation to the urgency of the public need or to the extent of the public benefit which is to follow;*
15 ***the essential requisite being that a public service or use shall affect the inhabitants as a community, and not***
16 ***merely as individuals.** A public purpose or public business has for its objective the promotion of the public*
17 *health, safety, morals, general welfare, security, prosperity, and contentment of all the inhabitants or residents*
18 *within a given political division, as, for example, a state, the sovereign powers of which are exercised to promote*
19 *such public purpose or public business."*
20 [Black's Law Dictionary, Sixth Edition, p. 1231, Emphasis added]

- 21 6. The federal government has no power of eminent domain within states of the Union. This means that they cannot
22 lawfully convert private property to a public use or a public purpose within the exclusive jurisdiction of states of the
23 Union:

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

- 29 7. The Fifth Amendment prohibits converting private property to a public use or a public purpose without just compensation
30 if the owner does not consent, and this prohibition applies to the Federal government as well as states of the Union. It
31 was made applicable to states of the Union by the Fourteenth Amendment in 1868.

32 *Fifth Amendment - Rights of Persons*

33 **No person shall** *be held to answer for a capital, or otherwise infamous crime, unless on a presentment or*
34 *indictment of a Grand Jury, except in cases arising in the land or naval forces, or in the Militia, when in actual*
35 *service in time of War or public danger; nor shall any person be subject for the same offence to be twice put in*
36 *jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor **be***
37 ***deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public***
38 ***use, without just compensation.***
39 [United States Constitution, Fifth Amendment]

40 If the conversion of private property to public property is done without the express consent of the party affected by the
41 conversion and without compensation, then the following violations have occurred:

- 42 7.1. Violation of the Fifth Amendment "takings clause" above.
43 7.2. "Conversion" in violation of 18 U.S.C. §654.
44 7.3. Theft.

- 45 8. Because taxation involves converting private property to a public use, public purpose, and public office, then it involves
46 eminent domain if the owner of the property did not expressly consent to the taking:

47 **Eminent domain.** *The power to take private property for public use by the state, municipalities, and private*
48 *persons or corporations authorized to exercise functions of public character. Housing Authority of Cherokee*
49 *National of Oklahoma v. Langley, Okl., 555 P.2d. 1025, 1028. Fifth Amendment, U.S. Constitution.*

50 *In the United States, the power of eminent domain is founded in both the federal (Fifth Amend.) and state*
51 *constitutions. **However, the Constitution limits the power to taking for a public purpose and prohibits the***
52 ***exercise of the power of eminent domain without just compensation to the owners of the property which is***

taken. The process of exercising the power of eminent domain is commonly referred to as "condemnation", or, "expropriation".

The right of eminent domain is the right of the state, through its regular organization, to reassert, either temporarily or permanently, its dominion over any portion of the soil of the state on account of public exigency and for the public good. Thus, in time of war or insurrection, the proper authorities may possess and hold any part of the territory of the state for the common safety; and in time of peace the legislature may authorize the appropriation of the same to public purposes, such as the opening of roads, construction of defenses, or providing channels for trade or travel. Eminent domain is the highest and most exact idea of property remaining in the government, or in the aggregate body of the people in their sovereign capacity. It gives a right to resume the possession of the property in the manner directed by the constitution and the laws of the state, whenever the public interest requires it.

See also Adequate compensation; Condemnation; Constructive taking; Damages; Expropriation; Fair market value; Just compensation; Larger parcel; Public use; Take.
[Black's Law Dictionary, Fifth Edition, p. 470]

9. The Fifth Amendment requires that any taking of private property without the consent of the owner **must** involve compensation. The Constitution must be consistent with itself. The taxation clauses found in Article 1, Section 8, Clauses 1 and 3 cannot conflict with the Fifth Amendment. The Fifth Amendment contains no exception to the requirement for just compensation upon conversion of private property to a public use, even in the case of taxation. This is why all taxes must be indirect excise taxes against people who provide their consent by applying for a license to engage in the taxed activity: The application for the license constitutes constructive consent to donate the fruits of the activity to a public use, public purpose, and public office.

"Supreme Court's decision in *Armstrong v. U.S.*, in which Court ruled that government could not assert sovereign immunity as defense to suit for recovery under takings clause, did not provide basis for district court to exercise subject matter jurisdiction over embezzlement victim's claim to recover taxes paid by corporation on embezzled funds; decision did not question right of Congress to limit its waiver of immunity to suit to particular court, and Court of Federal Claims had exclusive jurisdiction over victim's claim."
[*Pershing Division of Donaldson, Lufkin & Jenrette Securities Corp. v. United States*, 22 F.3d. 741 (7th Cir. 1994)]

10. There is only ONE condition in which the conversion of private property to public property does NOT require compensation, which is when the owner donates the private property to a public use, public purpose, or public office. To wit:

"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)]

The above rules are summarized below:

Table 7: 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 violation of the equal rights of a fellow sovereign "neighbor".	No

#	Description	Requires consent of owner to be taken from owner?
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

- 1 11. The following two methods are the ONLY methods involving consent of the owner that may be LAWFULLY employed
2 to convert PRIVATE property into PUBLIC property. Anything else is unlawful and THEFT:
3 11.1. **DIRECT CONVERSION:** Owner donates the property by conveying title or possession to the government.²²
4 11.2. **INDIRECT CONVERSION:** Owner assumes a PUBLIC status as a PUBLIC officer in the HOLDING of title to
5 the property.²³ All such statuses and the rights that attach to it are creations and property of the government, the
6 use of which is a privilege. The status and all PUBLIC RIGHTS that attach to it conveys a “benefit” for which the
7 status user must pay an excise tax. The tax acts as a rental or use fee for the status, which is government property.
8 12. You and ONLY you can authorize your private property to be donated to a public use, public purpose, and public office.
9 No third party can lawfully convert or donate your private property to a public use, public purpose, or public office
10 without your knowledge and express consent. If they do, they are guilty of theft and conversion, and especially if they
11 are acting in a quasi-governmental capacity as a “withholding agent” as defined in 26 U.S.C. §7701(a)(16) .
12 12.1. A withholding agent cannot file an information return connecting your earnings to a “trade or business” without
13 you actually occupying a “public office” in the government BEFORE you filled out any tax form.
14 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
15 and thereby consent to donate your private property to a public office in the U.S. government and therefore a “public
16 use”.
17 12.3. That donation process is accomplished by your own voluntary self-assessment and ONLY by that method. Before
18 such a self-assessment, you are a "nontaxpayer" and a private person. After the assessment, you become a
19 "taxpayer" and a public officer in the government engaged in the "trade or business" franchise.
20 12.4. In order to have an income tax liability, you must complete, sign, and “file” an income tax return and thereby assess
21 yourself:

22 *“Our system of taxation is based upon voluntary assessment and payment, not distraint.”*
23 *[Flora v. U.S., 362 U.S. 145 (1960)]*

24 By assessing yourself, you implicitly give your consent to allow the public the right to control that use of the formerly
25 PRIVATE property donated to a public use.

- 26 12.5. IRS Forms W-2 and W-4 are identified as Tax Class 5: Estate and Gift Taxes. Payroll withholdings are GIFTS,
27 not “taxes” in a common law sense.

28 [TITLE 31](#) > [SUBTITLE 1](#) > [CHAPTER 3](#) > [SUBCHAPTER II](#) > § 321
29 [§ 321. General authority of the Secretary](#)

30 (d)

31 (1) The Secretary of the Treasury may accept, hold, administer, and use gifts and bequests of property, both real
32 and personal, for the purpose of aiding or facilitating the work of the Department of the Treasury. Gifts and
33 bequests of money and the proceeds from sales of other property received as gifts or bequests shall be deposited
34 in the Treasury in a separate fund and shall be disbursed on order of the Secretary of the Treasury. Property
35 accepted under this paragraph, and the proceeds thereof, shall be used as nearly as possible in accordance with
36 the terms of the gift or bequest.

²² 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.

²³ 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 (2) For purposes of the Federal income, estate, and gift taxes, property accepted under paragraph (1) shall be
2 considered as a gift or bequest to or for the use of the United States.

3 They don't become "taxes" and assessments until you attach the Form W-2 "gift statement" to an assessment called
4 an IRS Form 1040 and create a liability with your own self-assessment signature. IRS has no delegated authority to
5 convert a "gift" into a "tax". That is why when you file the IRS Form 1040, you must attach the W-2 gift statement.

6 12.6. The IRS cannot execute a lawful assessment without your knowledge and express consent because if they didn't
7 have your consent, then it would be criminal conversion and theft. That is why every time they do an assessment,
8 they have to call you into their office and present it to you to procure your consent in what is called an
9 "examination". If you make it clear that you don't consent and hand them the following, they have to delete the
10 assessment because it's only a proposal. See:

Why the Government Can't Lawfully Assess Human Beings With an Income Tax Liability Without Their Consent,
Form #05.011
<http://sedm.org/Forms/FormIndex.htm>

11 There is no way other than the above to lawfully create an income tax liability without violating the Fifth Amendment
12 takings clause. If you assess yourself, you consent to become a "public officer" and thereby donate the fruits of your
13 labor as such officer to a public use and a public purpose.

14 13. The IRS won't admit this, but this in fact is how the de facto unlawful system currently functions:

15 13.1. You can't unilaterally "elect" yourself into a "public office", even if you do consent.

16 13.2. No IRS form nor any provision in the Internal Revenue Code CREATES any new public offices in the government.

17 13.3. The I.R.C. only taxes EXISTING public offices lawfully exercised ONLY in the District of Columbia and in all
18 places expressly authorized pursuant to 4 U.S.C. §72.

19 14. Information returns are being abused in effect as "federal election" forms.

20 14.1. Third parties in effect are nominating private persons into public offices in the government without their knowledge,
21 without their consent, and without compensation. Thus, information returns are being used to impose the
22 obligations of a public office upon people without compensation and thereby impose slavery in violation of the
23 Thirteenth Amendment.

24 14.2. Anyone who files a false information return connecting a person to the "trade or business"/"public office" franchise
25 who in fact does not ALREADY lawfully occupy a public office in the U.S. government is guilty of impersonating
26 a public officer in criminal violation of 18 U.S.C. §912.

27 15. The IRS Form W-4 cannot and does not create an office in the U.S. government, but allows EXISTING public officers
28 to elect to connect their private earnings to a public use, a public office, and a public purpose. The IRS abuses this form
29 to unlawfully create public offices, and this abuse of the I.R.C. is the heart of the tax fraud: They are making a system
30 that only applies to EXISTING public offices lawfully exercised in order to:

31 15.1. Unlawfully create new public offices in places where they are not authorized to exist.

32 15.2. Destroy the separation of powers between what is public and what is private.

33 15.3. Institute eminent domain over private labor using false third-party reports. Omission in preventing such fraud
34 accomplishes involuntary servitude in violation of the Thirteenth Amendment, 42 U.S.C. §1994, and 18 U.S.C.
35 §1581.

36 15.4. Destroy the separation of powers between the federal and state governments. Any state employee who participates
37 in the federal income tax is serving in TWO offices, which is a violation of most state constitutions.

38 15.5. Enslave innocent people to go to work for them without compensation, without recourse, and in violation of the
39 thirteenth amendment prohibition against involuntary servitude. That prohibition, incidentally, applies
40 EVERYWHERE, including on federal territory.

41 16. The right to control the use of private property donated to a public use to procure the benefits of a franchise is enforced
42 through the Internal Revenue Code, which is the equivalent of the employment agreement for franchisees called
43 "taxpayers".

44 The above criteria explains why:

45 1. You cannot be subject to either employment tax withholding or employment tax reporting without voluntarily signing
46 an IRS Form W-4.

47 Title 26: Internal Revenue
48 PART 31—EMPLOYMENT TAXES AND COLLECTION OF INCOME TAX AT SOURCE
49 Subpart E—Collection of Income Tax at Source
50 Sec. 31.3402(p)-1 Voluntary withholding agreements.

1 (a) In general.

2 An employee and his employer may enter into an agreement under section 3402(b) to provide for the withholding
3 of income tax upon payments of amounts described in paragraph (b)(1) of §31.3401(a)-3, made after December
4 31, 1970. **An agreement may be entered into under this section only with respect to amounts which are**
5 **includible in the gross income of the employee under section 61, and must be applicable to all such amounts**
6 **paid by the employer to the employee.** The amount to be withheld pursuant to an agreement under section 3402(p)
7 shall be determined under the rules contained in section 3402 and the regulations thereunder. See §31.3405(c)-
8 1, Q&A-3 concerning agreements to have more than 20-percent Federal income tax withheld from eligible
9 rollover distributions within the meaning of section 402.

10 (b) Form and duration of agreement

11 (2) An agreement under section 3402 (p) shall be effective for such period as the employer and employee mutually
12 agree upon. **However, either the employer or the employee may terminate the agreement prior to the end of**
13 **such period by furnishing a signed written notice to the other.** Unless the employer and employee agree to an
14 earlier termination date, the notice shall be effective with respect to the first payment of an amount in respect of
15 which the agreement is in effect which is made on or after the first "status determination date" (January 1, May
16 1, July 1, and October 1 of each year) that occurs at least 30 days after the date on which the notice is furnished.
17 If the employee executes a new Form W-4, the request upon which an agreement under section 3402 (p) is based
18 shall be attached to, and constitute a part of, such new Form W-4.

19
20 [26 C.F.R. §31.3401\(a\)-3 Amounts deemed wages under voluntary withholding agreements](#)

21 (a) In general.

22 **Notwithstanding the exceptions to the definition of wages specified in section 3401(a) and the regulations**
23 **thereunder, the term "wages" includes the amounts described in paragraph (b)(1) of this section with respect**
24 **to which there is a voluntary withholding agreement in effect under section 3402(p).** References in this chapter
25 to the definition of wages contained in section 3401(a) shall be deemed to refer also to this section (§31.3401(a)-
26 3).

27 (b) Remuneration for services.

28 (1) Except as provided in subparagraph (2) of this paragraph, **the amounts referred to in paragraph (a) of this**
29 **section include any remuneration for services performed by an employee for an employer which, without**
30 **regard to this section, does not constitute wages under section 3401(a).** For example, remuneration for services
31 performed by an agricultural worker or a domestic worker in a private home (amounts which are specifically
32 excluded from the definition of wages by section 3401(a) (2) and (3), respectively) are amounts with respect to
33 which a voluntary withholding agreement may be entered into under section 3402(p). See §§31.3401(c)-1 and
34 31.3401(d)-1 for the definitions of "employee" and "employer".

35 2. The courts have no authority under the Declaratory Judgments Act, 28 U.S.C. §2201(a) to declare you a franchisee called
36 a "taxpayer". You own yourself.

37 Specifically, Rowen seeks a declaratory judgment against the United States of America with respect to "whether
38 or not the plaintiff is a taxpayer pursuant to, and/or under 26 U.S.C. §7701(a)(14)." (See Compl. at 2.) **This**
39 **Court lacks jurisdiction to issue a declaratory judgment "with respect to Federal taxes other than actions**
40 **brought under section 7428 of the Internal Revenue Code of 1986," a code section that is not at issue in the**
41 **instant action. See 28 U.S.C. § 2201; see also Hughes v. United States, 953 F.2d. 531, 536-537 (9th Cir. 1991)**
42 **(affirming dismissal of claim for declaratory relief under § 2201 where claim concerned question of tax liability).**
43 Accordingly, defendant's motion to dismiss is hereby GRANTED, and the instant action is hereby DISMISSED.
44 [Rowen v. U.S., 05-3766MMC. (N.D.Cal. 11/02/2005)]

45 3. The revenue laws may not be cited or enforced against a person who is not a "taxpayer":

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

51 "Revenue Laws relate to taxpayers [officers, employees, instrumentalities, and elected officials of the Federal
52 Government] and not to non-taxpayers [American Citizens/American Nationals not subject to the exclusive
53 jurisdiction of the Federal Government and who did not volunteer to participate in the federal "trade or business"

franchise]. The latter are without their scope. No procedures are prescribed for non-taxpayers and no attempt is made to annul any of their Rights or Remedies in due course of law.”
[Economy Plumbing & Heating v. U.S., 470 F.2d. 585 (1972)]

“And by statutory definition, ‘taxpayer’ includes any person, trust or estate subject to a tax imposed by the revenue act. ...Since the statutory definition of ‘taxpayer’ is exclusive, the federal courts do not have the power to create nonstatutory taxpayers for the purpose of applying the provisions of the Revenue Acts...”
[C.I.R. v. Trustees of L. Inv. Ass’n., 100 F.2d. 18 (1939)]

All of the above requirements have in common that violating them would result in the equivalent of exercising eminent domain over the private property of the private person *without* their consent and without just compensation, which the U.S. Supreme Court said violates the Fifth Amendment takings clause:

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

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

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

As a consequence of the above considerations, any government officer or employee who does any of the following is unlawfully converting private property to a public use without the consent of the owner and without consideration:

1. Assuming or “presuming” you are a “taxpayer” without producing evidence that you consented to become one. In our system of jurisprudence, a person must be presumed innocent until proven guilty with court admissible evidence. Presumptions are NOT evidence. That means they must be presumed to be a “nontaxpayer” until they are proven with admissible evidence to be a “taxpayer”. See:

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

2. Performing a tax assessment or re-assessment if you haven’t *first* voluntarily assessed yourself by filing a tax return. See:

Why the Government Can’t Lawfully Assess Human Beings With an Income Tax Liability Without Their Consent, Form #05.011
<http://sedm.org/Forms/FormIndex.htm>

3. Citing provisions of the franchise agreement against those who never consented to participate. This is an abuse of law for political purposes and an attempt to exploit the innocent and the ignorant. The legislature cannot delegate authority to the Executive Branch to convert innocent persons called “nontaxpayers” into franchisees called “taxpayers” without producing evidence of consent to become “taxpayers”.

“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 [labor] contracts [and labor compensation, e.g. earnings from employment through compelled W-4 withholding] of citizens; a law that made a man judge in his own case; and a law that took the property from A [the worker], and gave it to B [the government or another citizen, such as through social welfare programs]. ‘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 [employment] contract [by compelling W-4 withholding, for instance], or the right of private property. To maintain that a Federal or State legislature possesses such powers [of THEFT!] 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)]

1 4. Relying on third party information returns that are unsigned as evidence supporting the conclusion that you are a
2 “taxpayer”. These forms include IRS Forms W-2, 1042-S, 1098, and 1099 and they are NOT signed and are inadmissible
3 as evidence under Federal Rule of Evidence 802 because not signed under penalty of perjury. Furthermore, the submitters
4 of these forms seldom have personal knowledge that you are in fact and in deed engaged in a “trade or business” as
5 required by 26 U.S.C. §6041(a). Most people don’t know, for instance, that a “trade or business” includes ONLY “the
6 functions of a public office”.

7 **23.2 How to use the laws of property in an income tax return filing**

8 The laws of property are very useful in legitimately filing a tax return. This is because the origin of the ability of Congress
9 to enforce the income tax is upon government/public property under Article 4, Section 3, Clause 2 as we prove in:

10 *Why the Federal Income Tax is a Privilege Tax Upon Government Property*, Form #04.404
11 <https://sedm.org/product/why-the-federal-income-tax-is-a-privilege-tax-on-government-property-form-04-404/>

12 Below is sample language of how to apply the laws of property to an income tax return filing after the horizontal line. You
13 can place this language in an attachment to a 1040NR tax return, which is the only type of return that SEDM members are
14 allowed to file in connection with our materials:

14 **Mandatory 1040NR Tax Form Attachment**

15 This submission and the accompanying 1040NR tax return constitutes a notice and demand to return all withholdings sent to
16 you by legally ignorant third parties. These parties either misrepresented my civil statutory status or compelled me to do so
17 under threat, duress, and coercion. In so doing, they stole my absolutely owned private property and sent it illegally to you
18 without my consent. You as the custodian over this stolen property thus become a money launderer until you return the
19 amounts due since they represent a THEFT and a Fifth Amendment taking without my consent absent compensation so long
20 as such private property remains in your unlawful possession. You facilitated this THEFT by making it look lawful by
21 abusing “words of art” and equivocation, and thus are complicit in this criminal identity theft as described in *Government*
22 *Identity Theft*, Form #05.046; <https://sedm.org/Forms/05-MemLaw/GovernmentIdentityTheft.pdf>. Beyond the point of this
23 legal notice and absent prompt actions on your part to return the stolen property, your actions constitute mens rea in proving
24 your criminal intent.

25 The ability to define anything that affects my absolutely owned private property or makes it subject to your enforcement
26 authority or civil jurisdiction can originate ONLY from absolute ownership of said property, just like Congress’ similar
27 authority over its own property found in Article 4, Section 3, Clause 2.

- 28 1. No third party can lawfully change ownership over my absolutely owned, constitutionally protected private property
29 through either false information return reporting (Forms W-2, 1099, etc) or withholding without my consent.
- 30 2. I also never expressly consented to convert ANY of my property from my absolute PRIVATE ownership to PUBLIC
31 ownership either, and any representations to the contrary are a product of threat, duress, mistake, deception, fraud, and
32 coercion on your part and any third parties you deceived into believing they had such authority without even a formal
33 appointment as an assessment officer or collector of internal revenue. By “internal”, I mean internal to the United
34 States government, and not internal to the statutory geographical “United States” as defined in 26 U.S.C. §7701(a)(9)
35 and (a)(10).
- 36 3. To accept your subjective definition of the terms on any attached government forms or to allow any congressionally
37 created statute to define said terms would be to concede ownership of the property described on this submission to you,
38 which I do not consent to do, since it would in effect constitute a DONATION of private property to a public use, a
39 public purpose, and a public office. That is why the terms on all government forms you received may NOT be
40 interpreted in their civil statutory context, but only in a common law and constitutional context. The Constitutional
41 Avoidance Doctrine may also not be invoked to impose such civil statuses either without a clear intent by me as the
42 ABSOLUTE owner to pursue a civil statutory remedy and therefore convert the status of the protected property from
43 PRIVATE to PUBLIC. See *Ashwander v. Tennessee Valley Authority*, 297 U.S. 288, 56 S.Ct. 466 (1936). It would
44 be criminal THEFT and CONVERSION to do so.
- 45 4. It is NOT up to you as the recipient of this correspondence in the Executive Branch to unilaterally define anything
46 absent my consent, since doing so is a function reserved ONLY to the Legislative and not Executive Branch. Also, to

1 unilaterally associate civil statutory definitions upon me or my property would impute the “force of law” to statutes
2 that can only regulate public property per 5 U.S.C. §552(a)(2). The earnings described in this submission are NOT
3 such public property and it would be FRAUD to describe them as such when I as the absolute owner don’t consent and
4 never have expressly consented in writing to MAKE them public property.

5 To then be required to submit a government form such as a tax return that similarly mischaracterizes my civil statutory status
6 as that of a CONSENTING privileged civil statutory “citizen”, “resident”, “person”, or “taxpayer” in order to exercise the
7 constitutional right to have STOLEN property returned WITHOUT changing my civil statutory status or that of my property
8 from PRIVATE to PUBLIC then converts “justice” (the right to simply be LEFT ALONE) into a privilege and thus DENIES
9 justice itself. I as the owner of myself under the Thirteenth Amendment and who has a First Amendment right NOT to legally
10 or politically associate with any public or collective entity am the only one who can lawfully choose what law system I and
11 my private property are to be protected by. That law system is ONLY the constitution and the common law and criminal
12 law.²⁴ To deny me that right or force a civil statutory privilege and civil status upon me constitutes duress, an unconstitutional
13 adhesion contract, and turns you from a de jure government into a de facto government intent on recruiting me into involuntary
14 servitude as a victim of criminal human trafficking. 18 U.S.C. §§1583 and 1589.

15 I as the absolute owner of myself (Thirteenth Amendment) and all my private property (Fifth Amendment) hereby therefore
16 declare that none of the standard government forms sent to you in the past, present, or future and signed by me may have any
17 of the terms on said forms interpreted in their STATUTORY sense or in the context of any Internal Revenue tax. It is not
18 your prerogative to write definitions that change the ownership of my property from PRIVATE (ME) to PUBLIC (YOU)
19 without my consent. This is my way of ensuring that I will not be associated with any privileged civil statutory status that
20 might cause a surrender of private, constitutionally protected rights for PUBLIC civil statutory privileges legislatively created
21 and owned by Congress.

22 I remind you that:

- 23 1. You as an alleged “government” are created ONLY to protect PRIVATE property and PRIVATE rights according to
24 the Declaration of Independence.
- 25 2. The VERY FIRST step in such protection is to prevent the property from being converted from MY ownership as
26 PRIVATE to YOUR ownership as PUBLIC. Would you hire a security guard to protect your property who required
27 you to transfer ownership to THEM before they would protect it?
- 28 3. You don’t NEED to convert ownership from PRIVATE to PUBLIC in order to protect it.
- 29 4. You must ALREADY absolutely own property before you can write definitions that affect it, regulate, or tax it.
- 30 5. Your civil statutory laws are enacted to control people and offices in the government and can NEVER regulate or tax
31 PRIVATE people unless and UNTIL they consent to legally associate by declaring a VOLUNTARY civil domicile and
32 claiming a privileged civil statutory status such as “person”, “taxpayer”, “citizen”, “resident” under the civil statutory
33 laws enacted as a privilege by Congress. I hereby nunc pro tunc withdraw any such consent to a civil statutory
34 domicile or to acquire the privilege of said civil offices.

35 Consequently, the burden of proof imposed upon you, the recipient, is to demonstrate that the property affected by and
36 described in this correspondence was lawfully and consensually and EXPRESSLY in writing converted from PRIVATE to
37 PUBLIC by me as the owner BEFORE it can be called a “tax”, “regulated”, or made the lawfully subject of an information
38 return. I have no recollection that this ever happened and I am not in receipt of such evidence. Until you satisfy that burden
39 of proof:

- 40 1. The property in your possession described by this submission remains PRIVATE, constitutionally protected, absolutely
41 owned property.
- 42 2. I as the owner of the property in your possession have an ongoing right to regulate your use of “benefit” of said
43 property unless and until you return it. This makes me a “Merchant” under U.C.C. §1-204(1).
- 44 3. You as the person in unlawful possession of the property of another remain a “Buyer” under U.C.C. §2-103(1)(a).
- 45 4. You as the recipient of stolen property have a moral and constitutional and legal duty to return it in full to me
46 WITHOUT forcing me to acquire a privileged civil statutory status.
- 47 5. Any attempt to associate the absolutely owned property with a civil statutory status such as a “income”, “gross
48 income”, “trade or business”, or “taxable income” constitutes a conversion and a taking of property without
49 compensation.

²⁴ See: *Choice of Law*, Litigation Tool #01.010; <https://sedm.org/Litigation/01-General/ChoiceOfLaw.pdf>.

1 6. There is no legal authority to non-consensually convert PRIVATE property to PUBLIC property without the consent of
2 the PRIVATE owner. The office of Assessor who was allowed to do this was permanently abolished by Congress in
3 1872 by 17 Stat. 401, 42nd Congress, Session III Chapter XIII after the License Tax Cases, 72 U.S. 462 (1866)
4 declared the first income tax enacted in 1862 during the civil war as unconstitutional when enforced within the
5 constitutional states of the Union.

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 The reader will not that the present income tax is an excise tax upon public offices in the national but not state
23 government upon an activity called a “trade or business” and that per the above, such an activity cannot lawfully be
24 conducted within the exclusive jurisdiction of a constitutional state of the Union. See:

The “Trade or Business” Scam, Form #05.001
<https://sedm.org/Forms/05-MemLaw/TradeOrBusScam.pdf>

25 7. Any attempt to describe me as an agent or officer of the government such as a “person”, “citizen”, “resident”,
26 “taxpayer”, etc. constitutes criminal identity theft and this submission constitutes a criminal complaint of such identity
27 theft as documented in:

Identity Theft Affidavit, Form #14.020
https://sedm.org/Forms/14-PropProtection/Identity_Theft_Affidavit-f14039.pdf

28 By no means should this submission be interpreted as an attempt to avoid paying for government services I have both ASKED
29 FOR in writing and VOLUNTARILY consumed. That would be entirely IRRESPONSIBLE. You therefore have my firm
30 promise to reimburse you in full for any and all such services consumed during the tax year documented in this
31 correspondence under rules of EQUITY and not CIVIL LAW, and in accordance with the following:

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/>

32 **DEFINITIONS OF TERMS ON ALL FORMS SUBMITTED WITH THIS FILING:**

33 The definitions of all terms used in all communications originating from either me or you the recipient about me in the past,
34 present, and future are governed by the definitions provided in this submission and originating ONLY from me. None of the
35 terms used shall be interpreted in their STATUTORY context. This is an outgrowth of the fact that the origin of the right to
36 define terms that CIVILLY control, enforce against, or take specific property is absolute OWNERSHIP of the property
37 affected or of the office or entity holding said property. It can reasonably come from no other source pursuant to Article 4,
38 Section 3, Clause 2.

39 “Taxpayer”: A human being and not a legislatively created office who:

- 40 1. Does not consent to become surety for any legislatively created civil office, such as “taxpayer”, “citizen”, “resident”,
41 etc.
- 42 2. Absolutely owns their body and all their tangible and intangible property.
- 43 3. Waives or surrenders no rights or property interest or any aspect of control over said property.
- 44 4. Remains protected by the entire Bill of Rights and reserves all rights.
- 45 5. Claims the choice of law found below for their protection:

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

6. Is not domiciled in, consensually doing business in, or purposefully availing themselves of property or services of the national government or of any government.
7. Is not visiting or doing business in the statutory geographical “United States” as a privileged alien.
8. Imposes the following conditions upon anyone seeking the benefit of his/her absolutely owned private property, including the United States government. This includes any and all earnings withheld by third parties and sent to the United States and which is not subject to income tax:

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

9. Is a victim of false information returns relating to his/her absolutely owned private property filed by legally ignorant third parties. These reports are the ONLY reason for this tax filing, in fact: to nullify, rebut, and correct them. See:

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

23.3 Using the Laws of Property to Respond to a Federal or State Tax Collection Notice²⁵

Throughout this website, we refer to the process of taxation as a process of converting PRIVATE property to PUBLIC property. See, for instance:

1. Flawed Tax Arguments to Avoid, Form #08.004, Section 6
<https://sedm.org/Forms/08-PolicyDocs/FlawedArgsToAvoid.pdf>
2. Great IRS Hoax, Form #11.302, Section 5.1.3
<https://famguardian.org/Publications/GreatIRSHoax/GreatIRSHoax.htm>
3. Why the Federal Income Tax is a Privilege Tax Upon Government Property, Form #04.404 (Member Subscriptions)
<https://sedm.org/product/why-the-federal-income-tax-is-limited-to-federal-territories-federal-possession-and-federal-enclaves-within-the-states-form-04-404/>

Using the laws of property to respond to tax collection notices provides a powerful defense. The following text derives from:

Separation Between Public and Private Course, Form #12.025, pp. 180-185
<https://sedm.org/LibertyU/SeparatingPublicPrivate.pdf>

Below is the text, for your copying and reuse:

Dear sir,

This letter is a response to your tax collection notice in which you allege, without evidence or even a valid signature of a real, accountable, living person who has a personal knowledge, that I have a liability under the Internal Revenue Code, Subtitle A income tax franchise as a public officer engaged in a statutory “trade or business” as defined in 26 U.S.C. §7701(a)(26) while doing business on federal territory in the statutory “United States” defined geographically in 26 U.S.C. §7701(a)(9) and (a)(10) as the District of Columbia and excluding the constitutional states of the Union which I presently inhabit.

This letter represents an honest attempt under the Beard Test to comply with the requirements of civil law applicable only to domiciliaries of the statutory geographical “United States” per Federal Rule of Civil Procedure 17(b), which I am not:

1. *It must purport to be a return.*
2. *It must contain enough information to calculate a tax liability (even \$0 is a tax liability for these purposes, just as 0 counts as a number) and*
3. *It must contain some affirmation of the correctness of the return (we seem to recall SCOTUS saying something like “magic words are not necessary” but we think the Beard Test says the return must be signed “under penalty of perjury” and*

²⁵ Source: Why the Federal Income Tax is a Privilege Tax Upon Government Property, Form #04.404, Section 15.2; <https://sedm.org/product/why-the-federal-income-tax-is-a-privilege-tax-on-government-property-form-04-404/>.

1 4. Finally it must be an honest and reasonable attempt to comply with the REQUIREMENTS of the APPLICABLE
2 law.

3 I therefore hereby certify under penalty of perjury in response that this is a NON-STATUTORY return submitted
4 by a non-resident party with the following civil status to both the PAYMENTS involved and the ABSOLUTE
5 OWNER of the payment, which is me:

6 1.I am a "nonresident alien" not engaged in "the functions of a public office" or "trade or business" excise
7 taxable franchise described in [26 U.S.C. §7701\(a\)\(26\)](#). I do not consent or "elect" to "effectively connect" any
8 of my earnings to a "trade or business".

9 2. I am NOT an "alien" because I am a "national" under [8 U.S.C. §1101\(a\)\(21\)](#) or "U.S. national" under [26](#)
10 [C.F.R. §51.1](#) owing allegiance to a state of the Union and not the national or federal government. Thus, I am not
11 subject to the presence test under [26 U.S.C. §7701\(b\)](#) and may not lawfully be kidnapped into your exclusive
12 jurisdiction as a privileged alien "resident" or have a "residence" ([26 C.F.R. §1.871-2\(b\)](#)) within the statutory
13 geographical "United States" in [26 U.S.C. §7701\(a\)\(9\)](#) and (a)(10) or [4 U.S.C. §110\(d\)](#).

14 2.My earnings are excluded but NOT "exempt" from "gross income" by [26 U.S.C. §872](#) and [26 C.F.R. §1.872-](#)
15 [2\(f\)](#), [26 C.F.R. §1.871-7\(a\)\(4\)](#), and [26 U.S.C. §861\(a\)\(3\)\(C\)\(i\)](#) because they do not originate from either the
16 District of Columbia (statutory geographical "[United States](#)") or from the U.S. government ("[United States](#)")
17 federal corporation as a legal fiction.

18 3. All earnings are EXCLUDED rather than EXEMPTED from STATUTORY "gross income" by 26 U.S.C. §872
19 and [26 C.F.R. §1.872-2\(f\)](#), [26 C.F.R. §1.871-7\(a\)\(4\)](#), and [26 U.S.C. §861\(a\)\(3\)\(C\)\(i\)](#) because they do not originate
20 from either the District of Columbia (statutory geographical "[United States](#)") or from the U.S. government
21 ("[United States](#)") federal corporation as a legal fiction.

22 4.I don't need to file an income tax return or claim exemptions to reduce taxable earnings because I don't have
23 STATUTORY "taxable income" or "gross income" under the "trade or business" excise taxable franchise
24 documented in: [The "Trade or Business" Scam](#), Form #05.001; [https://sedm.org/Forms/05-](https://sedm.org/Forms/05-MemLaw/TradeOrBusScam.pdf)
25 [MemLaw/TradeOrBusScam.pdf](#).

26 5. There are no VOLUNTARY agreements or "elections" in place between myself and any third party to convert
27 my PRIVATE earnings into excise taxable PUBLIC "wages" as described in [26 U.S.C. §3402\(p\)](#). Any evidence
28 you have in your possession from third parties to the contrary is FALSE and a product of ILLEGAL duress by my
29 business associates and are hereby declared VOID and a product of criminal extortion. Being threatened by a
30 business associate to either be FIRED or not hired for not signing and submitting a W-4 certainly counts as
31 criminal extortion in violation of [18 U.S.C. Chapter 41](#), recruitment into peonage to pay off public debt, and
32 involuntary servitude to a third party in violation of the Thirteenth Amendment and [18 U.S.C. §1589](#). The product
33 of such a CRIME cannot serve as useful evidence of any [lawful form of "consent"](#). Further, unalienable rights
34 cannot be surrendered, even WITH consent, in a geographical place protected by the constitution, so any such
35 agreements are void except where the constitution does not apply, such as on federal territory or abroad, which
36 I do not work in. Further, it is a violation of my delegation of authority order direct from God (the Bible) to
37 consent to such agreements as His full time agent, representative, and His property. Therefore such agreements
38 can be of no binding force and effect and therefore would constitute theft of religious property and a violation of
39 the First Amendment. I can't logically consent to give away property that doesn't belong to me but belongs to
40 my Principal as His agent.

41 "You were **bought** [by God] **at a price** [by the blood of Jesus Christ]; do not become slaves of men [and by
42 implication a GOVERNMENT of men]."
43 [1 Cor. 7:22; Bible, NKJV]

44 WHERE is separation of church and state when you need it, keeping in mind that my delegation of authority order
45 says my BODY is God's Temple and property? 1 Cor. 6:19. Separation of church and state, according to the
46 Bible, means separation of PRIVATE, which is God's, from PUBLIC, which is Caesar's. See: [Separation](#)
47 [Between Public and Private Course](#), Form #12.025; <https://sedm.org/LibertyU/SeparatingPublicPrivate.pdf>.

48 6. All payments during the reporting period, including those documented on information returns in your custody
49 for the applicable reporting period are expressly EXCLUDED but not EXEMPTED from being reportable as
50 statutory "wages" under 26 U.S.C. §3406 because:

51 6.1. All services were performed outside the "United States" and therefore expressly EXCLUDED rather than
52 EXEMPTED from statutory "wages" per:

53 6.1.1. [26 C.F.R. §31.3121\(b\)-3\(c\)\(1\)](#) in the case of Social Security.

54 6.1.1. [26 C.F.R. §31.3401\(a\)\(6\)-1\(b\)](#). In the case of income tax.

55 6.2. The payer cannot unilaterally make legal determinations or conclusions about the status of the payment.

56 Only the OWNER, which is me, can. *Christiansen v. National Savings and Trust Co.*, 683 F.2d. 520, 529 (D.C.

1 Cir. 1982), *Langbord v. U.S. Department of Treasury*, CIVIL ACTION No. 06-5315, at *22 (E.D. Pa. July 5,
2 2011), and also Form #04.001 referenced later.

3 7. All payments during the reporting period, including those documented on information returns in your
4 custody, are expressly EXCLUDED rather than EXEMPTED from income tax reporting under:

5 7.1. [26 C.F.R. §1.1441-1\(b\)\(5\)\(i\)](#).

6 7.2. [26 C.F.R. §1.1441-1\(e\)\(1\)\(ii\)\(A\)\(1\)](#).

7 7.3. [26 C.F.R. §1.6041-4\(a\)\(1\)](#).

8 8. All earnings are EXCLUDED rather than EXEMPTED from either W-2 "wage" withholding per 26 C.F.R.
9 §31.3121(b)-3(c)(1) and 26 C.F.R. §3.3401(a)(6)-1(b) or "backup withholding" per [26 U.S.C. §3406](#). My
10 earnings are not subject to backup withholding because they are not "reportable". They can only be reportable
11 if:

12 8.1. They are connected with the "trade or business"/public office excise taxable franchise per [26 U.S.C.](#)
13 [§6041\(a\)](#).

14 8.2. They are from "sources within the United States" in the case of IRS Form 1042s as ALLEGED "gross
15 income", but even THAT is "trade or business" income per [26 U.S.C. §864\(c\)\(3\)](#). The implications of this
16 provision are that everything from "sources in the United States" is government payments and you IMPLICITLY
17 agree as the recipient of the payment to in effect CONSENT to "effectively connect" the earning to the "trade or
18 business"/public office excise taxable franchise, even though it TECHNICALLY is NOT.

19
20 Otherwise, they are NOT reportable, per [26 U.S.C. §3406](#) and [26 C.F.R. §31.3406\(g\)-1\(e\)](#).

21 9. Because the earnings documented on the FALSE information returns are not "gross income" or "wages", they
22 are therefore PRIVATE property protected by the Constitution and earned by a constitutionally protected
23 PRIVATE party, not a PUBLIC officer.

24 10. The submitter of these false information returns has NO STATUTORY AUTHORITY over me as a
25 NONRESIDENT party and NO DIRECT PERMISSION from me to convert these PRIVATE earnings to PUBLIC
26 earnings by connecting them to a civil status such as "gross income" or "taxable income" or "reportable
27 income", because the earnings are NOT THEIR property but MY absolutely owned exclusively private,
28 constitutionally protected property. Therefore any records in your possession falsely representing my PRIVATE
29 earnings as having any civil status within the Internal Revenue Code are in error and I demand IMMEDIATE
30 correction of all such records. Failure to NOT correct your records is a criminal offense under [18 U.S.C. §§1001](#)
31 [and 1030](#) (fraud generally and in connection with computers), and [18 U.S.C. §§911 and 912](#) (false personation)
32 for which I demand that you be criminally prosecuted and civilly penalized personally.

33 11. Any false information returns in your possession relating to the reporting period therefore DO NOT document
34 the CIVIL STATUS of the payment absent my consent, because the submitter is NOT AUTHORIZED to make legal
35 determinations about:

36 11.1 My STATUTORY civil status as a "person", "taxpayer", "citizen", "resident", etc or

37 11.2 The STATUTORY civil status of my earnings as "income", "gross income", etc.

38 11.3 Whether the earnings were paid from the STATUTORY geographical "United States" per [26 U.S.C.](#)
39 [§7701\(a\)\(9\)](#) and (a)(10) or the "United States" federal corporation as a legal person and fiction of law.

40 12. Since the human parties made directly liable on their worldwide income are "citizens and residents" in 26
41 C.F.R. §1.1-1(a), then those civil statuses must be privileges and voluntary or else slavery in violation of the
42 Thirteenth Amendment, peonage, and even international human trafficking will be the result. I choose not to
43 volunteer, so the only status left that does not have direct liability attached is "nonresident alien". If those parties
44 are actually physical and geographical parties, they would be tied to the "United States" in 26 U.S.C. §7701(a)(9)
45 and (a)(10) as far as I can tell, and I'm not domiciled or present there or doing business there, so they can't be
46 me.

47 13. Insofar as "sources in the United States" is concerned, it appears to me that the United States they are
48 referring to is the FICTIONAL corporation as a public officer and not the geography, because slavery, peonage,
49 and human trafficking are unconstitutional and possibly even criminal everywhere in the Union and even the
50 world, not just within a physical state protected by the Constitution. Any other interpretation would lead to an
51 interference with the private right to contract and associate. The U.S. Supreme Court held in *Downes v. Bidwell*,
52 182 U.S. 244 (1901) and *Loughborough v. Blake*, 5 Wheat. 317, 5 L.Ed. 98 that an income tax on the District of
53 Columbia, which is what "United States" is defined as in 26 U.S.C. §7701(a)(9) and (a)(10), is a tax upon THE
54 GOVERNMENT and not upon the GEOGRAPHY, and extends wherever and ONLY where that GOVERNMENT
55 extends. To claim that I am IN THIS "United States" or worst yet that I am rendering "services in THIS United
56 States" is to falsely claim that I am a public officer participating in an excise taxable franchise, which I am not
57 in this case and which the national government cannot even lawfully do within the borders of a constitutional
58 state per the License Tax Cases, 72 U.S. 462 (1866) without unconstitutionally INVADING them in violation of
59 Article 4, Section 4 of the Constitution.

60 14. Under common law rules, I have a right to refuse ANY and ALL "benefits", and by implication privileges.
61 You are a business that only delivers ONE product: Protection. I am the customer and I get to decide if what you

offer is a "benefit", and it isn't so I resign as the "customer" of your "protection racket". A refusal to recognize that right is a trespass upon private, constitutionally protected property. The basis of all just powers of government is CONSENT according to the Declaration of Independence, and I DO NOT consent or "elect" to receive or to PAY FOR any "benefit":

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.

[Bouvier's Maxims of Law, 1856;

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

15. According to the U.S. Supreme Court, when I am incapable of receiving "benefits", then anything you collect outside my FOREIGN domicile in a constitutional state is "EXTORTION" as legally defined. The states and not the national government protect private property where I have my domicile. I don't need you to protect me from THEM. I want THEM to protect me from YOU and the constitution says in Article 4, Section 4, that you are INVADING the states by trying to setup a "benefit" or "social insurance" business there not expressly authorized in the constitution.

"The power of taxation, indispensable to the existence of every civilized government, is exercised upon the assumption of an equivalent rendered to the taxpayer in the protection of his person and property, in addition to the value of such property, or in the creation and maintenance of public conveniences in which he shares -- such, for instance, as roads, bridges, sidewalks, pavements, and schools for the education of his children. If the taxing power be in no position to render these services, or otherwise to benefit the person or property taxed, and such property be wholly within the taxing power of another state, to which it may be said to owe an allegiance, and to which it looks for protection, the taxation of such property within the domicile of the owner partakes rather of the nature of an extortion than a tax, and has been repeatedly held by this Court to be beyond the power of the legislature, and a taking of property without due process of law. *Railroad Company v. Jackson*, 7 Wall. 262 ; *State Tax on Foreign-Held Bonds*, 15 Wall. 300; *Tappan v. Merchants' National Bank*, 19 Wall. 490, 499 ; *Delaware &c. R. Co. v. Pennsylvania*, 198 U.S. 341, 358 . In *Chicago &c. R. Co. v. Chicago*, 166 U.S. 226, it was held, after full consideration, that the taking of private property [199 U.S. 203] without compensation was a denial of due process within the Fourteenth Amendment. See also *Davidson v. New Orleans*, 96 U.S. 97, 102; *Missouri Pacific Railway v. Nebraska*, 164 U.S. 403, 417; *Mt. Hope Cemetery v. Boston*, 158 Mass. 509, 519." [Union Refrigerator Transit Company v. Kentucky, 199 U.S. 194 (1905)]

"With respect to the words general welfare, I have always regarded them as qualified by the detail of powers connected with them. To take them in a literal and unlimited sense would be a metamorphosis of the Constitution into a character which there is a host of proofs was not contemplated by its creator."

"If Congress can employ money indefinitely to the general welfare, and are the sole and supreme judges of the general welfare, they may take the care of religion into their own hands; they may appoint teachers in every State, county and parish and pay them out of their public treasury; they may take into their own hands the education of children, establishing in like manner schools throughout the Union; they may assume the provision of the poor; they may undertake the regulation of all roads other than post-roads; in short, every thing, from the highest object of state legislation down to the most minute object of police, would be thrown under the power of Congress.... Were the power of Congress to be established in the latitude contended for, it would subvert the very foundations, and transmute the very nature of the limited Government established by the people of America."

"If Congress can do whatever in their discretion can be done by money, and will promote the general welfare, the government is no longer a limited one possessing enumerated powers, but an indefinite one subject to particular exceptions."

[James Madison. House of Representatives, February 7, 1792, On the Cod Fishery Bill, granting Bounties]

16. The amount of tax owing for the affected tax year is therefore ZERO.

Only I under the First Amendment and as the ORIGINAL and EXCLUSIVE owner of the remuneration I earned and accrued in exchange for my private labor, and as a result of a private agreement between myself and the payor may lawfully create admissible legal evidence of the civil status of any affected property. This right is an outgrowth of my right to "make all needful rules" respecting my absolutely owned, constitutionally protected, PRIVATE property. Any attempt to interfere with or supersede that right is a violation of my right to privately contract, a constitutional tort, and a common law trespass. See:

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

1 I readily acknowledge that if my PRIVATE earnings had been CONSENSUALLY and VOLUNTARILY connected
2 to a taxable civil status by ONLY ME, then I would have a legal duty to "return" the government/public funds in
3 my possession and could be penalized for refusing to do so by virtue of YOUR authority to "make rules" for
4 government property under [Article 4, Section 3, Clause 2](#). See, for instance, [Calif. Civil Code Sections 2223 and](#)
5 [2224](#):

6 2223 One who wrongfully detains a thing is an involuntary trustee thereof, for the benefit of the owner.

7 (Repealed and added by Stats. 1986, Ch. 820, Sec. 8. Operative July 1, 1987, by Sec. 43 of Ch. 820.)

8 2224 One who gains a thing by fraud, accident, mistake, undue influence, the violation of a trust, or other
9 wrongful act, is, unless he or she has some other and better right thereto, an involuntary trustee of the thing
10 gained, for the benefit of the person who would otherwise have had it."

11 HOWEVER, there are no such PUBLIC funds in my possession or anyone ELSE'S possession and any
12 withholdings you (the IRS OR the SSA) are in receipt of from third parties are UNLAWFUL and continue to be
13 MY absolutely owned constitutionally protected private property. None of the parties to the transaction involve
14 the government, in fact, and no government payments or officers are directly involved. As such, I have a right to
15 make "all needful rules" respecting such property while in your TEMPORARY possession, control, or "benefit"
16 just like you do under [Article 4, Section 3, Clause 2](#). For your information, those rules are documented in:

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

19 Civil penalties and PROPERTY rental fees apply to your continued custody and "benefit" of all UNLAWFULLY
20 withheld PRIVATE property in your possession per the above agreement. Similarly, my labor and services in
21 educating you about what the law requires and forcing you to obey the laws stated herein also have fees and
22 obligations attached in the above agreement, because negligence in dealing with the issues raised herein
23 constitutes common law fraud that you cannot be allowed to benefit from or be rewarded for or punish me for
24 directly or indirectly. You don't have to expressly consent to the agreement because your acceptance and
25 continued "benefit" of the use of my private property, labor, or services in ANY form including in responding to
26 your collection notice is sufficient to make the agreement enforceable per the U.S. Supreme Court and in
27 conformance with the Uniform Commercial Code, where I am the "Merchant" offering you my services and
28 property FOR SALE at a price. The above agreement, like the Internal Revenue Code itself, therefore behaves
29 as what the U.S. Supreme Court calls a "quasi contract" in [Milwaukee v. White, 296 U.S. 268 \(1935\)](#).

30 "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
32 or implied in the legislation authorizing its grant, no right is, of course, impaired by their enforcement. The
33 recipient of the privilege, in effect, stipulates to comply with the conditions. It matters not how limited the privilege
34 conferred, its acceptance implies an assent to the regulation of its use and the compensation for it."
35 [\[Munn v. Illinois, 94 U.S. 113 \(1876\)\]](#)

36 A denial of the SAME EQUAL right you exercise over government property to me over my property is a violation
37 of the constitutional requirement for equal protection and equal treatment.

38 WHAT I REQUEST FROM YOU:

39 I request that ALL withholdings of every kind deducted from my pay and documented on any kind of information
40 return be immediately refunded, including Social Security, Medicare, income tax, etc. because they are my
41 absolutely owned private property and are not STATUTORY "wages" or public property of any kind. I do not
42 consent or "elect" to donate them to a public use or a public purpose of any kind and thus to convert them from
43 PRIVATE to PUBLIC. I also request that any amounts withheld by the payer be returned to them as well. I do not
44 wish retain eligibility for any government benefit or pay for any government "benefit" or privilege. I have/will
45 submit SSA Form 7008 corrected reported earnings and IRS Form 843: Abatement to get the SSA/Medicare
46 portion of the withholdings back. This correspondence shall also serve as formal notice to request the same thing
47 as these two forms. I am NOT eligible for Social Security or any other federal benefit per the following proof:

48 [Why You Aren't Eligible for Social Security, Form #06.001; \[https://sedm.org/Forms/06-\]\(https://sedm.org/Forms/06-AvoidingFranch/SSNotEligible.pdf\)](#)
49 [AvoidingFranch/SSNotEligible.pdf](#)

50 If you believe that I HAVE indeed expressly consented to convert my absolutely owned, constitutionally protected,
51 PRIVATE property earnings to TAXABLE PUBLIC "gross income" or "wages" or STATUTORY FRANCHISE
52 "income", please present legal evidence of same signed by me under penalty of perjury and executed on federal
53 territory where constitutional rights or unalienable rights don't exist. If you do not present such evidence in your
54 immediate response, then you forfeit your right to do so in the future. Third party reports or even your own
55 determination that my earnings are derived from "sources within the United States" and PRESUMING or acting
56 AS IF "United States" means THE GOVERNMENT does not constitute my consent in any form to occupy an

1 office within said government as a franchisee because that would be impersonating a public officer in violation
2 of 18 U.S.C. §912.

3 Your obligation and burden of proof at this point is then:

4 1.To identify exactly HOW my earnings were made to fall in the list of things that the government can tax and
5 regulate directly through legislation as listed in [5 U.S.C. §553\(a\)\(2\)](#).

6 2.Identify exactly WHICH of the five U.S. Supreme Court rules for converting property from PRIVATE to PUBLIC
7 were exercised in determining that I have your property in my possession, as listed in:

8 Separation Between Public and Private Course, Form #12.025, pp. 125 through 127
9 <https://sedm.org/LibertyU/SeparatingPublicPrivate.pdf>

10 Until such time as you prove the above, my property and earnings are presumed to be absolutely owned, private,
11 constitutionally protected and therefore BEYOND taxation and CIVIL regulation:

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

15 [. . .]

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

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

24 The Internal Revenue Service is not even part of the U.S. government and is acting in a private capacity as debt
25 collector for the Federal Reserve. As such, you are on an equal footing to me as a PRIVATE party and may not
26 assert official, judicial, or sovereign immunity in response. For proof, see: Origins and Authority of the Internal
27 Revenue Service, Form #05.005; <https://sedm.org/Forms/05-MemLaw/OrigAuthIRS.pdf>.

28 Anything in response NOT signed under penalty of perjury by a living human being whose FULL printed legal
29 birthname and detailed contact information is provided for service of legal process shall constitute: 1. A non-
30 response; 2. Legal evidence of a default and agreement to the facts asserted herein per Federal Rule of Civil
31 Procedure 8(b)(6); 3. A nihil dicit judgment against you. This is our method of ensuring "justice", which is the
32 right to be left alone, and it also serves to prevent what the IRS calls "paper terrorism".

33 The following form is incorporated into this form by reference as an attachment in order to save space: Tax
34 Form Attachment, Form #04.201; <https://sedm.org/Forms/04-Tax/2-Withholding/TaxFormAtt.pdf>

35 I declare under penalty of perjury under the COMMON LAW of my constitutional state and NOT under federal
36 or state statutory law from WITHOUT the geographical "United States" documented in 26 U.S.C. §7701(a)(9)
37 and (a)(10) and from WITHOUT the "United States" federal corporation per 28 U.S.C. §1746(1) that the
38 foregoing facts are true, correct, and complete. Any commercial use of this information to benefit YOU subjects
39 the Recipient to the Injury Defense Franchise and Agreement, Form #06.027, previously mentioned.

40 Signed,

41 John Doe

42 After reading the above, some members have asked why one's earnings AREN'T "wages" as described in the Internal Revenue
43 Code. Our answer to their question was as follows:

44 They are "wages" in an ordinary sense, but not a statutory sense. Any attempt to regulate or tax private property
45 is a common law trespass. It must be donated to a public use before it can be regulated or taxed.

46 "It is only where some right or privilege [which are GOVERNMENT/PUBLIC PROPERTY] is conferred by the
47 government or municipality upon the owner, which he can use in connection with his property, or by means of which
48 the use of his property is rendered more valuable to him, or he thereby enjoys an advantage over others, that the

1 compensation to be received by him becomes a legitimate matter of regulation. Submission to the regulation of
2 compensation in such cases is an implied condition of the grant, and the State, in exercising its power of prescribing
3 the compensation, only determines the conditions upon which its concession shall be enjoyed. When the privilege ends,
4 the power of regulation ceases.”
5 [Munn v. Illinois, 94 U.S. 113 (1876)]

6 The GOVERNMENT/PUBLIC property described above MUST fall within 5 U.S.C. §553(a)(2) or it cannot
7 convey a power of direct legislative control by Congress over the person in custody, receipt, or “benefit” of the
8 property.

9 Here's the Shepards report on Munn:

10 https://fanguardian.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
11
12

13 Enforcing or imputing a civil statutory status against the PRIVATE earnings is an act of eminent domain, because
14 the status comes with civil statutory obligations. Those obligations are property and represent a TAKING.

15 So there must either be:

16 1. Consent demonstrated to convert in some form.

17 2. Compensation per the Fifth Amendment.

18 ...or the status AND the civil enforcement MUST be terminated.

19 If it is NOT terminated and the obligations continue to be enforced, there is a common law trespass AND a crime
20 after they have been notified of same. The interference then becomes deliberate and malicious. It's called "mens
21 rea"

22 For further details on how to write income tax response letters, see:

- 23 1. *Tax Fraud Prevention Manual*, Form #06.008, Chapter 6: Response Letter Templates (Ministry Bookstore)
24 <https://sedm.org/ItemInfo/Ebooks/TaxFraudPrevMan/TaxFraudPrevMan.htm>
25 2. *Writing Tax Response Letters*, Form #07.008 (Member Subscriptions)
26 <https://sedm.org/product/writing-tax-response-letters-form-07-008/>
27 3. *Writing Effective Response Letters*, Form #09.002
28 <https://sedm.org/Forms/07-RespLtrs/0-Guidance/ResponseGuidance.htm>

29 **23.4 Motion to Dismiss Federal Criminal Case based on Predicate Civil Status**

30 The purpose of this section is to apply the content of this page to crafting a motion to dismiss a Federal criminal case based
31 on a predicate civil status of “person” under Titles 15 and 26 of the U.S. Code, since the Defendant was charges with 1 Count
32 of violating [15 U.S.C. §77a](#) and [§77x](#) and 1 count of [26 U.S.C. §7201](#). The defendant was a “nonresident alien” and stateless,
33 because he/she was domiciled outside “United States” the country and did not claim “U.S. person” or “U.S. citizen” civil
34 status while abroad.

35 **Motion to Dismiss Defendant from this Proceeding**

36
37 **There is no standing to join me, the Petitioner, to the conspiracy.**

38 1. In the doctrine of standing enunciated in *Lujan v. Defenders of Wildlife*, 504 U.S. 555, 112 S.Ct. 2130, 119 L.Ed.2d. 351
39 (1992), the U.S. Supreme Court described three criteria for standing to sue:

40 A. First, the plaintiff must have suffered an “injury in fact”—an invasion of a legally protected interest which is (a) concrete
41 and particularized and (b) “actual or imminent, not ‘conjectural’ or ‘hypothetical.’”

1 B. Second, there must be a causal connection between the injury and the conduct complained of—the injury has to be “fairly
2 . . . trace[able] to the challenged action of the defendant, and not . . . th[e] result [of] the independent action of some third
3 party not before the court.”

4 C. Third, it must be “likely,” as opposed to merely “speculative,” that the injury will be “redressed by a favorable decision.”

5 2. Petitioner asserts that government had no standing to join Petitioner to this action because the criteria for standing was not
6 satisfied in the case of me, the Petitioner:

7 A. Petitioner, was not an officer or decisionmaker who had any control over _____’s Know Your Customer Policies that
8 caused the alleged damages by locking people, who did go through the Know Your Customer (KYC) process, out of their
9 accounts until they completed it. KYC is a policy that the government actually wants companies to do with their customers,
10 even though a Private Membership Association (PMA) such as _____ has no obligation to do so.

11 B. The money laundering statutes behind the KYC rules are a SCAM that presuppose those subject to them are voluntary
12 public officers within the national government, which I and _____ (a Private Membership Association) are NOT! See:

13 i. *Money Laundering Enforcement SCAM*, Form #05.044
14 <https://sedm.org/Forms/05-MemLaw/MoneyLaunderingScam.pdf>

15 ii. *Why It is Illegal for You to Enforce Money Laundering Statute in my Specific Case*, Form #06.046
16 <https://sedm.org/Forms/06-AvoidingFranch/MonLaundEnfIllegal.pdf>

17 C. No evidence has been presented that demonstrates causal connection between any act or omission of the Petitioner that
18 directly caused any of the alleged damages to the _____ members.

19 D. Independent actions or inactions by the other “Defendants” in the action relating to the KYC rules were the causes of the
20 supposed injuries. In fact, I was locked out of my own _____ account for several months until I completed the KYC
21 process that _____ chose to implement. I used my Mexican ID and Mexican mailing address, so as to stay compliant
22 with the Bitclub membership agreement, which banned 8 U.S.C. §1401 and 26 C.F.R. §1.1-1(c) STATUTORY “US
23 CITIZENS” (fictions of law) from joining. If I, the human, owed any taxes from mining Bitcoin, I’d owe it to the place that
24 I consented to a domicile and asked for protection, not the “United States Inc”. And for the record, there is no such place on
25 earth because God commands me not fornicate with political beasts who devour human flesh, including mine. I would also
26 not owe it to the United States government, since I did not have a domicile in the United States at the time. I was and still
27 am a nonresident alien, and renounced all protection of the corrupt U.S. government.

28 E. There is nothing the Petitioner could do to ameliorate damages caused because of _____ trying to be compliant with
29 U.S. KYC rules by the other Defendants. Again, I was locked out of my own account. That should show you clearly how
30 little control I had.

31 F. All the parties in the United States who could conceivably claim an injury had to knowingly and deliberately violate the
32 _____ member agreement, which was clearly laid out on the website and use a VPN to bypass internet filtering rules
33 that _____ had in place. Therefore, their own behavior was the only cause of any alleged damages they may have or
34 might claim. Not the petitioners. Think about it, if someone from America wants to gamble online, but the casino in
35 Amsterdam blocks US IP addresses, the easy work around that the STATUTORY “US CITIZEN” can implement is to use
36 a VPN to change the IP address to one in Europe. This is common knowledge. If he does that, and then goes to the casino
37 website and loses \$100, it’s not the casino’s fault is it? Of course not. They shouldn’t have gone to the casino as a statutory
38 US CITIZEN (8 U.S.C. §1401 or 26 C.F.R. §1.1-1(c)) in the first place. It’s literally the same in this scenario.

39 G. Petitioner is “stateless” because he was not domiciled in the “United States” at the time of the offense and therefore has
40 to be dismissed.

41 “In order to be a citizen of a State within the meaning of the diversity statute, a natural person must both be a
42 citizen of the United States and be domiciled within the State. See *Robertson v. Cease*, 97 U.S. 646, 648-649
43 (1878); *Brown v. Keene*, 8 Pet. 112, 115 (1834). The problem in this case is that Bettison, although a United
44 States citizen, has no domicile in any State. He is therefore “stateless” for purposes of §1332(a)(3). Subsection
45 1332(a)(2), which confers jurisdiction in the District Court when a citizen of a State sues aliens only, also could
46 not be satisfied because Bettison is a United States citizen.”

1

2 3. This case is styled as a quasi-criminal and not criminal case because it has a predicate civil status of “person” for the
 3 purposes of [15 U.S.C. §77b\(a\)\(2\)](#) in the case of the [18 U.S.C. §371](#) count and [26 U.S.C. §7343](#) in the case of the [26 U.S.C.
 4 §7201](#) count. The fact that it has a predicate civil status is the reason, in fact, why it is quasi-criminal instead of purely
 5 criminal. Federal Rule of Civil Procedure 17 requires a domicile within the exclusive jurisdiction of the national government
 6 in the statutory geographical “United States” per [26 U.S.C. §7701\(a\)\(9\)](#) and (a)(10) to be suable CIVILLY or to have a civil
 7 status that is suable for a failure to perform the CIVIL duty of securities registration. This action is the equivalent of a class
 8 action like Newman-Green, in which Bettison had to be dismissed from the class because he did not have a domicile within
 9 the statutory geographical “United States”. The “thing” (res) that needs that domicile is the OFFICE of “person” and not the
 10 OFFICER consensually FILLING said office. The civil office of “person” in this case does have a domicile in the statutory
 11 geographical “United States” because it is created and owned by United States Inc., which itself has said domicile as indicated
 12 by [4 U.S.C. §72](#). HOWEVER, there is no consensual connection between the OFFICE and the alleged but not actual
 13 OFFICER, who the government falsely alleged is the Petitioner. A vacant civil office under [26 U.S.C. §7701\(a\)\(1\)](#) and [15
 14 U.S.C. §77b\(a\)\(2\)](#) has no domicile until it is VOLUNTARILY filled, and the Petitioner never consented to fill it and
 15 vehemently denies that he can be COMPELLED to fill it without violating the Thirteenth Amendment and international
 16 human trafficking laws. The obligations attached to the civil status of “person” that you are trying to FORCE onto me, in
 17 fact, represent property and services STOLEN or extorted through duress from the Petitioner by the Prosecution in my case.
 18 As the absolute owner of myself and those services and obligations, I therefore as a Merchant (U.C.C. §2-104(1)) have a right
 19 to set the terms or cost you have to pay to procure those services as the Buyer, and the terms are describe in:

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

20 4. If the Prosecution refuses to pay for those services and obligations it alleges on my part, it is guilty of criminal identity
 21 theft, 18 U.S.C. §912 and becomes an involuntary trustee of mine (California Civil Code Section 2224) until it RETURNS
 22 their value. The bible says such brazen and even court-sanctioned THIEVERY is punishable by AT LEAST TWO TIMES
 23 its value, Exodus 22:7 and Rev. 18:6, which means they must pay DOUBLE the cost that I as the original absolute owner set
 24 in the above agreement. For the Prosecution to respond that they don’t have to return the value of property they STOLE from
 25 me, is for them to admit they are ANARCHISTS, which ironically is what they falsely accuse me of being! More on the
 26 mandatory requirement that ALL civil statuses must be voluntary is contained in:

Your Exclusive Right to Declare or Establish Your Civil Status, Form #13.008
<https://sedm.org/Forms/13-SelfFamilyChurchGovnce/RightToDeclStatus.pdf>

27 5. There could be no conspiracy by the Petitioner to cause the harm described in the indictment, because he was not the cause
 28 or decision maker or principal in anything that _____ did relating to the subject of the indictment or the harm that resulted
 29 from the acts or omissions of the other defendants who owned and operated the club.

30 6. Even pleading guilty to a violation of [18 U.S.C. §371](#) would not ameliorate harm that I was not the proven cause of. All it
 31 would do is help fund a case that clearly is an injustice as far as my involvement is concerned. Thus, by me not withdrawing
 32 the plea I submitted under duress, I would be funding and protecting criminal activity by the officers of this court.

33 7. Consequently, this court has NO JURISDICTION to join Petitioner to this case and must dismiss me immediately from
 34 this case. That’s the easiest way to end this nonsense.

35 **24 Chat GPT AI Chatbot Questions About Property**

36 ChatGPT-4 was released by Microsoft starting in about February 2023. The AI bot outscored 90% of those taking the bar
 37 exam. You can use the bot for free yourself at:

38 <http://chat.openai.com>

39 To verify that everything we are saying in this memorandum is true, we have prepared a series of questions and answers from
 40 the ChatGPT-4 Chatbot relating to the legal subject of “property” as it relates to the circumstances of our members. Those

1 questions and answers are below. These questions were first asked on 4/3/23. The Chatbot may have learned more since
2 then.

3 **24.1 Are civil statutory obligations property in a legal sense?**

4 In general, civil statutory obligations are not considered property in a legal sense. Property is typically defined as something
5 that can be owned or controlled, and that has a recognized economic value. Civil statutory obligations, such as jury duty,
6 paying taxes, or registering for the selective service, are typically seen as legal obligations or responsibilities that individuals
7 have to the government or society.

8 While civil statutory obligations may have certain consequences if they are not fulfilled, such as fines or other penalties, they
9 are not generally considered to be a form of property that can be bought, sold, or transferred. Additionally, because civil
10 statutory obligations are imposed by law and are based on the social contract between citizens and the government, they are
11 not seen as something that can be subject to private ownership or control.

12 However, there may be some situations where civil statutory obligations are treated as property in a limited sense. For
13 example, some jurisdictions allow individuals to sell or transfer the right to perform jury duty to someone else, or to claim
14 tax credits or deductions based on certain expenses or activities. In these cases, civil statutory obligations may be treated as
15 a form of economic benefit or value, but this is generally the exception rather than the rule.

16 **24.2 Can I be a "national" in some cases when I want the benefits of association of the social 17 compact and yet a transient foreigner when I don't want those benefits? Must I be a FULL 18 TIME "national", or can I be a PART TIME national who is sometimes NOT obligated to 19 obey civil statutory obligations?**

20 The question of whether an individual can be considered a "national" or not, and whether they are obligated to obey civil
21 statutory obligations, would depend on the specific legal framework and political context involved.

22 In most countries, the concept of nationality is determined by birthright, ancestry, or naturalization, and confers a certain set
23 of rights and obligations on individuals. These rights and obligations may include the right to vote, the obligation to pay
24 taxes, and the obligation to serve on juries or in the military, among others.

25 Whether an individual can be considered a "part-time" national or not, and whether they are obligated to obey civil statutory
26 obligations in some circumstances but not in others, would depend on the specific legal and political context involved. In
27 some cases, it may be possible for individuals to renounce their nationality or to seek alternative legal status that exempts
28 them from certain civil statutory obligations. However, the specifics of such arrangements would depend on the particular
29 legal and political system involved.

30 In general, the concept of the social contract underlying civil statutory obligations assumes that individuals who benefit from
31 the protection and services provided by the government are also obligated to contribute to the functioning of society through
32 various obligations and responsibilities. Whether or not an individual can be exempt from these obligations in some
33 circumstances would depend on the specifics of the legal and political framework involved, and the extent to which the
34 government recognizes such exemptions.

35 **24.3 Do civil statutory rights granted by government constitute government property in a legal 36 sense and do the civil statutory obligations attached to those same rights constitute a form 37 of consideration you pay for the benefit of receiving those rights as property?**

38 Civil statutory rights granted by the government are not generally considered to be government property in a legal sense.
39 Property is typically defined as something that can be owned or controlled, and that has a recognized economic value. Civil
40 statutory rights, such as the right to vote, the right to free speech, or the right to a fair trial, are generally considered to be
41 intangible rights that individuals possess by virtue of their status as citizens or residents, rather than something that can be
42 bought, sold, or transferred.

1 Similarly, civil statutory obligations attached to these rights are not generally considered to be a form of consideration that
2 individuals pay for the benefit of receiving these rights. Civil statutory obligations, such as jury duty, paying taxes, or
3 registering for the selective service, are typically seen as legal obligations or responsibilities that individuals have to the
4 government or society, rather than something that is directly tied to the exercise of civil statutory rights.

5 In general, the social contract underlying civil statutory obligations assumes that individuals who benefit from the protection
6 and services provided by the government are also obligated to contribute to the functioning of society through various
7 obligations and responsibilities. While civil statutory obligations may be linked to certain civil statutory rights, they are not
8 generally seen as something that can be directly traded or exchanged for those rights, and are not considered to be property
9 in a legal sense.

10 **24.4 Don't civil statutory rights and civil statutory obligations attach to a specific and singular**
11 **civil status, such as person? And if they do, is it possible to receive the benefit of the rights**
12 **without the corresponding obligations that attach to the same civil status?**

13 Civil statutory rights and civil statutory obligations generally attach to a specific and singular civil status, such as that of
14 being a citizen or resident of a particular jurisdiction. These rights and obligations are typically tied to an individual's legal
15 status, and are not transferrable or exchangeable between individuals or groups.

16 It is generally not possible to receive the benefits of civil statutory rights without also accepting the corresponding obligations
17 that attach to the same civil status. The social contract underlying civil statutory obligations assumes that individuals who
18 benefit from the protection and services provided by the government are also obligated to contribute to the functioning of
19 society through various obligations and responsibilities. These obligations are typically seen as a necessary counterpart to the
20 enjoyment of civil statutory rights, and are seen as an essential part of the social contract that underpins civil society.

21 While there may be some limited circumstances where individuals can seek exemptions from certain civil statutory
22 obligations, such exemptions are typically granted only in cases of hardship or other extenuating circumstances, and are not
23 granted as a matter of course. In general, the assumption underlying civil statutory obligations is that individuals who benefit
24 from civil society should also be willing to contribute to its functioning through various obligations and responsibilities.

25 **24.5 You said that civil statutory rights granted by government are not property because they**
26 **cannot be owned or controlled or have economic value. But if the government can take**
27 **these things away, aren't they being controlled? And isn't there a possible economic**
28 **damage to the recipient if they are taken away? In that sense, isn't there a "taking" under**
29 **the Fifth Amendment?**

30 You raise an interesting point. While civil statutory rights cannot be bought or sold like physical property, they are still
31 considered to be valuable rights that are protected by law. Civil statutory rights are typically guaranteed by the Constitution
32 or other laws, and they are generally seen as essential to protecting individual freedom and ensuring equal treatment under
33 the law.

34 The government may have the power to limit or regulate certain civil statutory rights in certain circumstances, such as during
35 a time of war or in the interest of public safety. However, any such limitations or regulations must be done in accordance
36 with the law and cannot be arbitrary or discriminatory.

37 If the government were to take away someone's civil statutory rights without due process, that could be seen as a violation of
38 the person's constitutional rights. In such cases, the person may have recourse to seek legal remedies to recover their rights
39 and to seek damages for any economic harm that resulted from the loss of those rights.

40 Under the Fifth Amendment of the U.S. Constitution, the government is prohibited from taking private property for public
41 use without just compensation. While civil statutory rights may not be considered private property in the traditional sense,
42 the Fifth Amendment has been interpreted to provide some protections against the government taking away valuable rights
43 without just compensation or due process. However, the exact extent of these protections is a matter of ongoing legal debate
44 and interpretation.

1 **24.6 Are constitutional rights private property such that taking them away is a taking of private**
2 **property under the Fifth Amendment?**

3 The question of whether constitutional rights can be considered private property for purposes of the Fifth Amendment's
4 Takings Clause is a complex and contested one.

5 While constitutional rights are generally not treated as traditional forms of property, some legal scholars have argued that
6 certain constitutional rights can be seen as property interests that are protected by the Fifth Amendment's Takings Clause.
7 For example, in some cases, the government may take actions that effectively deprive individuals or businesses of their ability
8 to use their property in a way that is protected by the Constitution, such as by restricting free speech rights or interfering with
9 property interests.

10 However, the Supreme Court has generally been reluctant to recognize constitutional rights as property interests for purposes
11 of the Takings Clause. In the 1992 case of *Lucas v. South Carolina Coastal Council*, the Court held that the Takings Clause
12 only applies when the government takes a person's "recognized property interests," and that such interests do not include
13 mere expectations or potential benefits that are not tied to specific property.

14 In general, the determination of whether a taking has occurred under the Fifth Amendment depends on a variety of factors,
15 including the nature of the property interest at issue, the degree of interference with that interest, and the public purpose
16 served by the government action. Whether constitutional rights can be considered private property for purposes of the Takings
17 Clause is a complex and evolving area of law that is still being explored and debated by legal scholars and courts.

18 **24.7 So are you saying that as long as the GOVERNMENT refuses to RECOGNIZE a**
19 **constitutional right as private property, then it isn't, even though the consequence of taking**
20 **it away can cause economic damage to private property?**

21 The issue of whether constitutional rights can be considered private property under the Fifth Amendment's Takings Clause is
22 a complex and contested one, and the answer depends on a variety of factors.

23 In general, the Supreme Court has been reluctant to recognize constitutional rights as property interests that are subject to the
24 Takings Clause. The Court has held that the Takings Clause only applies to takings of "recognized property interests," which
25 are typically physical or tangible property interests, such as land or buildings.

26 However, there are some situations where the government's actions can interfere with a person's ability to use their property
27 in a way that is protected by the Constitution. For example, if the government imposes regulations that prevent a property
28 owner from using their land in a way that is permitted by the Constitution, such as by restricting their free speech rights, then
29 that could be seen as a taking of the property owner's constitutional rights.

30 The question of whether a taking has occurred under the Fifth Amendment depends on a variety of factors, including the
31 nature of the property interest at issue, the degree of interference with that interest, and the public purpose served by the
32 government action. Ultimately, the determination of whether a constitutional right can be considered private property for
33 purposes of the Takings Clause is a complex legal question that is still being explored and debated by legal scholars and
34 courts.

35 **24.8 Are rights property?**

36 The question of whether rights are property is a complex and contested one, and the answer depends on the context and the
37 specific type of right in question.

38 In general, property rights are a legal concept that refers to the right to control and use tangible or intangible assets. Property
39 rights are often associated with physical assets, such as land or buildings, but they can also include intangible assets such as
40 intellectual property rights, contracts, and other legal claims.

41 Rights, on the other hand, are typically understood as legal entitlements that individuals possess, such as the right to free
42 speech, the right to vote, or the right to due process. These rights are not typically considered to be property in the same way
43 that physical or intangible assets are, as they do not involve the same kind of control or use of assets.

1 However, some legal scholars have argued that certain types of rights can be seen as property interests that are protected by
2 the Fifth Amendment's Takings Clause. For example, the Supreme Court has recognized that certain types of contracts can
3 be considered property for purposes of the Takings Clause, and some have argued that certain other types of rights, such as
4 intellectual property rights, could also be considered property.

5 In general, the question of whether rights are property is a complex and evolving area of law that depends on the specific
6 context and the legal framework at issue.

7 **24.9 Doesn't Black's Law Dictionary define "property" as including "rights"?**

8 Yes, Black's Law Dictionary defines "property" as including "rights" in its broadest sense. Specifically, the 11th edition of
9 Black's Law Dictionary defines "property" as "a legal right that allows one to exclude others from his or her resources,
10 whether those resources are scarce or abundant, whether they are physical or intangible." This definition suggests that
11 "property" can include a wide range of things, including tangible assets like land or personal property, as well as intangible
12 assets like intellectual property rights, contractual rights, and other types of legal rights.

13 However, it's worth noting that the relationship between "property" and "rights" can be complex and context-dependent.
14 While it's true that some types of rights can be seen as property interests, not all rights necessarily fall within the scope of
15 "property" as that term is understood in the law. Ultimately, the precise definition and scope of "property" and its relationship
16 to "rights" is a question that is subject to ongoing debate and discussion among legal scholars and practitioners.

17 **24.10 If Black's Law Dictionary defines rights as property, why do you say they are NOT** 18 **property?**

19 I apologize if my previous responses were unclear. Let me clarify my position on this issue.

20 While it is true that Black's Law Dictionary defines "property" as including "rights" in its broadest sense, it is also important
21 to note that the term "property" has a more specific legal meaning in the context of the Fifth Amendment's Takings Clause.
22 In this context, the Supreme Court has traditionally interpreted the term "property" to refer to tangible and intangible assets
23 that can be owned, controlled, and used by individuals or entities. This can include physical assets like land or buildings, as
24 well as intangible assets like contracts, patents, and other types of legal claims.

25 When it comes to constitutional rights, it is not always clear whether they fall within the scope of "property" as that term is
26 understood in the context of the Takings Clause. While some legal scholars and courts have argued that certain constitutional
27 rights can be considered property interests, this is not a settled issue and the Supreme Court has not always been consistent
28 in its treatment of this question.

29 So, in summary, while it is true that Black's Law Dictionary defines "property" as including "rights," it is also important to
30 recognize that the term "property" has a more specific legal meaning in certain contexts, such as the Takings Clause. In
31 general, the question of whether constitutional rights are considered "property" in this context is a complex and contested one
32 that does not have a clear-cut answer.

33 **24.11 Are services property, even though they are not physical property?**

34 Services are generally not considered "property" in the traditional sense of the term, since they are not physical objects that
35 can be owned, controlled, or transferred. Rather, services are typically understood as intangible actions or efforts performed
36 by individuals or entities.

37 However, it is worth noting that the term "property" can be used in a broader sense to refer to a wide range of assets, including
38 both physical and intangible assets. In this broader sense, it is possible to argue that services can be considered a form of
39 property, particularly if they are the subject of contractual agreements or other legal arrangements that create rights and
40 obligations with respect to their provision and use.

41 Ultimately, whether or not services are considered "property" will depend on the specific legal context and the purposes for
42 which the term is being used. In some cases, services may be treated as a form of property, while in other cases they may be
43 seen as distinct from traditional forms of property.

1 **24.12 If one is entitled to a service by contract or government grant and it is not rendered, is**
2 **there a theft of property?**

3 If one is entitled to a service by contract or government grant and it is not rendered, it may be considered a breach of contract
4 or a violation of the grant, depending on the specific circumstances and legal framework involved.

5 Whether or not this constitutes theft of property would depend on the particular legal definition of theft in the relevant
6 jurisdiction. In some cases, theft may be defined narrowly to include only the taking of physical property without consent,
7 while in other cases it may be defined more broadly to include the unauthorized taking of any property, including intangible
8 property such as services.

9 In any case, the failure to provide a contracted or granted service can have economic or other consequences for the affected
10 party, and may give rise to legal remedies such as damages or specific performance, which are designed to compensate the
11 injured party or compel the other party to fulfill their obligations.

12 **24.13 Does the Constitution Article 4, Section 3, Clause 2 definition of "property" include**
13 **"services" or intangibles?**

14 Article 4, Section 3, Clause 2 of the U.S. Constitution pertains to the power of Congress to dispose of property belonging to
15 the United States. The clause itself does not define the term "property," nor does it specify whether this term includes services
16 or intangibles.

17 In general, the Constitution does not provide a comprehensive definition of the term "property" as it is used throughout the
18 document. Instead, the meaning of this term is often left to be interpreted by the courts based on the context in which it
19 appears and the purposes for which it is being used.

20 In some cases, the courts have interpreted the term "property" broadly to include a wide range of assets, including both
21 physical and intangible property. However, the precise scope of this term will depend on the specific legal context and the
22 purposes for which it is being used.

23 **24.14 So are you saying that although services and rights are property in a private sense, when**
24 **the government grants them they ARE NOT property because you can't sell or buy them**
25 **from others?**

26 I would not say that services and rights are not property simply because they cannot be bought or sold on the open market.
27 The concept of property is broader than just the ability to buy and sell it.

28 As I mentioned earlier, property refers to a broad category of legal rights that allow individuals and organizations to control
29 and benefit from various assets. This can include physical property, like land or buildings, as well as intangible property, like
30 intellectual property or contractual rights.

31 When the government grants a right or service, it may be considered a form of property, depending on the nature of the grant
32 and the legal context in which it is being used. However, the precise legal status of these rights and services will depend on
33 the specific circumstances and the legal framework involved.

34 In general, the fact that a particular form of property cannot be bought or sold does not necessarily mean that it is not property.
35 Many forms of property, such as intellectual property or contractual rights, are not physical or tangible in nature, and yet they
36 are still considered forms of property because they grant the owner certain legal rights and control over a particular asset or
37 set of assets.

38 **24.15 By "assets" do you mean physical property, land, intangibles, or services?**

39 By "assets", I mean a broad category of things that can be owned or controlled by individuals or organizations. This can
40 include physical property like land or buildings, intangible property like intellectual property or contractual rights, and even
41 services or labor that have been contracted for or performed.

1 In essence, an asset is anything that has value and can be used to generate income or provide some other benefit to its owner.
2 The precise nature of an asset can vary widely depending on the specific context in which it is being used, but in general, any
3 form of property that can be owned, controlled, or used to generate value can be considered an asset.

4 **24.16 Is ownership of property or assets the origin of the right to define the terms of a grant of**
5 **that property, whether by private contract or civil legislation?**

6 In general, ownership of property or assets does give the owner certain rights to define the terms of a grant of that property,
7 whether by private contract or civil legislation. For example, if you own a piece of property, you generally have the right to
8 determine how it is used, who can use it, and what conditions must be met for others to use it. Similarly, if you own a business
9 or other asset, you have the right to determine how it is run, who can work for it, and what terms govern its operation.

10 However, the extent to which an owner can define the terms of a grant of property or assets can be limited by various factors,
11 including legal and regulatory requirements, contractual obligations, and ethical or moral considerations. In some cases, the
12 government may also have the power to regulate or restrict how property is used, particularly if it is deemed to be in the
13 public interest. Ultimately, the precise scope of an owner's rights to define the terms of a grant of property or assets will
14 depend on a variety of legal, social, and economic factors, and may vary widely depending on the specific context in which
15 the property or assets are being used.

16 **24.17 Can someone who is an absolute owner of private property and who is nonresident and a**
17 **transient foreigner and not a party to the social compact avoid interference by the**
18 **government with their ability to define the terms of a grant of that property as a Merchant**
19 **and thus contract the government out of the civil relationship between them and the**
20 **Buyer?**

21 It is not clear what you mean by "contract the government out of the civil relationship between them and the Buyer." In
22 general, government has the authority to regulate certain aspects of private contracts and property transactions to ensure
23 compliance with laws and public policy. However, the specifics of how this plays out in any given situation would depend
24 on the relevant laws and regulations in that jurisdiction. Additionally, the legal status of someone as a nonresident and
25 transient foreigner could have implications for their ability to own and transact property in a given jurisdiction. It would be
26 advisable to seek the advice of a qualified legal professional with expertise in the relevant laws and regulations in the specific
27 jurisdiction in question.

28 **24.18 By "contract the government out of the civil relationship", I mean remove all government**
29 **authority to limit the enforceability of any aspect of the relationship between the Merchant**
30 **and the Buyer so long as the contract does not effect a criminal purpose that would render**
31 **it unenforceable.**

32 It is not possible for an individual to completely remove all government authority in a civil relationship, even if they are a
33 nonresident and a transient foreigner. The government has a legitimate interest in regulating certain aspects of contractual
34 relationships to ensure that they are fair and equitable for all parties involved. Additionally, the government has the power to
35 regulate contracts that may be contrary to public policy or that may be harmful to the public interest.

36 While parties to a contract may be able to agree to certain terms and conditions, the government may still have the ability to
37 regulate those terms if they are found to be unlawful or in violation of public policy. For example, the government may
38 regulate contracts related to the sale of certain types of goods or services, such as firearms or drugs, in order to protect public
39 safety and welfare.

40 Furthermore, even if a contract is found to be lawful and enforceable, the government still has the power to enforce it through
41 the courts and other legal means. Ultimately, while individuals have a significant degree of freedom to enter into contractual
42 relationships, the government still has a legitimate role in regulating those relationships in the interest of the public good.

43 **24.19 But why would those who are nonresident, not a party to the social compact, and transient**
44 **foreigners be the subject of "public policy"? Isn't public policy restricted in its application**

1 **to those who are members of the body politic? Those who are nonresident would not be**
2 **such members.**

3 You are correct that public policy generally applies to those who are members of the body politic, which includes citizens,
4 residents, and others who have an established legal presence within a jurisdiction. Nonresident, transient foreigners who are
5 not parties to the social compact would generally not be considered members of the body politic in a particular jurisdiction,
6 and therefore, may not be subject to the same public policy considerations as citizens or residents. However, governments
7 may still have the authority to regulate certain activities or transactions that occur within their jurisdiction, even if the parties
8 involved are nonresident, transient foreigners. This authority may derive from various sources, such as international treaties,
9 common law principles, or statutory law.

10 **24.20 What specific civil laws are limited only to state law in the case of 28 U.S.C. §1652?**

11 28 U.S.C. §1652, also known as the "Rules of Decision Act," provides that state law shall be applied in civil actions in federal
12 courts when there is no federal law on the subject. It states:

13 "The laws of the several states, except where the Constitution or treaties of the United States or Acts of Congress otherwise
14 require or provide, shall be regarded as rules of decision in civil actions in the courts of the United States, in cases where they
15 apply."

16 Under this statute, in the absence of a federal law or constitutional provision on a particular issue, the federal courts will
17 generally apply the relevant state law as the "rule of decision" in civil actions.

18 However, the limitations to the application of state law under 28 U.S.C. §1652 include:

- 19 1. The Constitution or treaties of the United States: If the U.S. Constitution or a federal treaty addresses an issue, it
20 will take precedence over state law.
- 21 2. Acts of Congress: If there is a specific federal law or statute that addresses the issue in question, it will override state
22 law.

23 In essence, 28 U.S.C. §1652 serves as a default rule for civil cases in federal court, applying state law when there is no federal
24 law, constitutional provision, or treaty that dictates otherwise. This ensures that state law can be the "rule of decision" in
25 matters that are not under federal jurisdiction or where federal law does not provide specific guidance. However, when there
26 is a federal law on a subject, it takes precedence over state law, and federal courts will apply it.

27 **24.21 Doesn't property of the national government have to be involved in order to switch the**
28 **choice of law from state to federal under 28 U.S.C. §1652?**

29 You are correct that 28 U.S.C. §1652, the "Rules of Decision Act," typically applies to cases in federal courts that do not
30 involve property of the national government. This statute primarily pertains to cases where there is no federal law,
31 constitutional provision, or treaty that directly applies to the issue in dispute.

32 In cases involving property of the national government, different principles may come into play, and the choice of law may
33 differ. The federal government may have distinct interests in cases where its property is involved, and federal law or principles
34 related to federal property may apply.

35 In essence, the application of 28 U.S.C. §1652 is generally limited to matters where federal law is silent, and state law serves
36 as the "rule of decision" in civil actions in federal courts. When federal property interests are at stake, other legal
37 considerations may come into play, and the choice of law may be influenced by specific federal statutes or regulations.

38 The application of law in cases involving federal property can be complex and may depend on the nature of the case and the
39 specific federal interests involved. Legal advice and consultation with legal experts are essential when dealing with such
40 matters to ensure proper interpretation and application of the law.

1 **24.22 Wouldn't it be a trespass under the Fifth Amendment for federal law to be applied to a**
2 **case involving only private property in which the national government has no ownership**
3 **interest and the Plaintiff seeks only state law for protection?**

4 Under the Fifth Amendment to the U.S. Constitution, private property cannot be taken for public use without just
5 compensation. This is a fundamental protection provided by the Takings Clause of the Fifth Amendment. In cases where the
6 federal government seeks to apply its laws or regulations to private property and there is no ownership interest by the federal
7 government, the application of federal law can potentially raise constitutional issues related to takings.

8 If the federal government attempts to regulate or assert authority over private property without a legitimate ownership interest
9 or compelling public purpose, it could be challenged as a taking of private property rights without just compensation. This
10 could potentially violate the Fifth Amendment.

11 It is important to note that takings claims can be complex and fact-specific, and whether a particular application of federal
12 law violates the Fifth Amendment will depend on the specific circumstances of the case. Legal challenges and litigation may
13 be necessary to determine the constitutionality of such actions.

14 Property owners and individuals who believe their property rights are being affected by federal regulations or actions should
15 seek legal counsel to assess their specific situation and to explore their legal rights and remedies, including potential takings
16 claims. Legal experts can provide guidance on the specific application of constitutional principles and statutes in individual
17 cases.

18 **25 Summary and Conclusions**

19 We will now concisely summarize the findings of this document:

- 20 1. The laws of property are THE MOST IMPORTANT thing about law that you can learn. They are fundamental to
21 every other legal subject.
22 2. Governments are CREATED exclusively to protect PRIVATE property. The right of private property is the main
23 “benefit” of the constitution as a trust indenture, in fact.
24 3. Public officers have a fiduciary duty to protect private property that supersedes every other duty they have in
25 importance.
26 4. The laws of property are so intuitive that they are invisible in most legal proceedings.
27 5. Because the laws of property are so important, they are the subject of a lot of government equivocation and deception.
28 6. The laws of property are something that are easy to explain to juries and they are not in the statutes for the most part,
29 so they are useful for that purpose, since many judges will not permit the statutes to be discussed during trials.

30 **26 Resources for Further Study and Rebuttal**

31 If you would like to study the subjects covered in this short memorandum in further detail, may we recommend the following
32 authoritative sources, and also welcome you to rebut any part of this pamphlet after you have read it and studied the subject
33 carefully yourself just as we have:

- 34 1. *Hot Issues: Laws of Property**, SEDM
35 <https://sedm.org/laws-of-property/>
36 2. *SEDM Forms/Pubs Page*, Section 1.14: Private Property and Privacy Protection
37 <https://sedm.org/Forms/FormIndex.htm>
38 3. *Property and Privacy Protection Topic, Family Guardian Fellowship*
39 <https://famguardian.org/Subjects/PropertyPrivacy/PropertyPrivacy.htm>
40 4. *Famous Quotes About Rights and Liberty*, Form #08.001, Section 3: Property, Separation Between Public and Private
41 <https://sedm.org/Forms/08-PolicyDocs/FamousQuotes.pdf>
42 5. *Separation Between Public and Private Course*, Form #12.025
43 <https://sedm.org/LibertyU/SeparatingPublicPrivate.pdf>
44 6. *Enumeration of Inalienable Rights*, Form #10.002-rights are property.
45 <https://sedm.org/Forms/10-Emancipation/EnumRights.pdf>
46 7. *Unalienable Rights Course*, Form #12.038 -description of your unalienable rights

- 1 <https://sedm.org/LibertyU/UnalienableRights.pdf>
- 2 8. *Private Right or Public Right? Course*, Form #12.044-How to distinguish a PRIVATE right from a PUBLIC right so
- 3 that you can AVOID PUBLIC rights.
- 4 <https://sedm.org/LibertyU/PrivateRightOrPublicRight.pdf>
- 5 9. *How to Keep Your Property Private*, Form #09.085-Simplified overview of how to keep yourself and your property
- 6 private.
- 7 <https://sedm.org/Forms/09-Procs/HowKeepPropertyPrivate.pdf>
- 8 10. *Legal Remedies that Protect Private Rights Course*, Form #12.019** (Member Subscriptions)- This training
- 9 course provides members with an overview of how to employ the courts to protect their PRIVATE rights. PRIVATE
- 10 rights are the only thing that members can have, because they are not allowed to use our materials to interact with third
- 11 parties unless they are NOT participating in any government franchise or benefit.
- 12 <https://sedm.org/product/legal-remedies-that-protect-private-rights-course-form-12-019/>
- 13 11. *Sovereignty and Freedom Points and Authorities*, Litigation Tool #10.018, Section 4: Property, Unalienable Rights,
- 14 Privileges, and Immunities.
- 15 <https://sedm.org/Litigation/10-PracticeGuides/PointsAuth.pdf>
- 16 12. *Sovereignty Forms and Instructions Online*, Form #10.004, Cites by Topic: “property”.
- 17 <https://fanguardian.org/TaxFreedom/CitesByTopic/property.htm>