

RULES OF PRESUMPTION AND STATUTORY INTERPRETATION FORM INSTRUCTIONS

1. PURPOSE:

This form is intended for use by people litigating against the government or in a courtroom controlled by a government judge. It should be used to prevent abuses of “words of art” and presumption to advantage the government and prejudice your rights. Attach it as an exhibit to the Memorandum of Law you file with your pleading or motion in a federal court.

This form prevents abuses of “words of art” to confuse and deceive people, such as “United States”, “State”, “citizen”, “resident”, “trade or business”, “income”, “domicile”, “employee” etc. These mechanisms are summarized below. We must prevent and overcome all of the abuses listed below in the context of these “words of art” in order to keep the government within the bounds of the Constitution and inside the ten mile square sand box bequeathed to them by the founding fathers:

“Judicial verbicide is calculated to convert the Constitution into a worthless scrap of paper and to replace our government of laws with a judicial oligarchy.”
[Senator Sam Ervin, during Watergate hearing]

“When words lose their meaning, people will lose their liberty.”
[Confucius, 500 B.C.]

1.1. Misunderstanding or misapplication of choice of law rules. See Section 2 of the following:

Federal Jurisdiction, Form #05.018
<http://sedm.org/Forms/FormIndex.htm>

1.2. Failure or refusal to adjust the meaning of “words of art” based on their context and the legal definitions that apply in that context. See:

Geographical Definitions and Conventions
<http://sedm.org/SampleLetters/DefinitionsAndConventions.htm>

1.3. A violation of or disregard for the rules of statutory construction, usually by abusing the word “includes”. See:

Legal Deception, Propaganda, and Fraud, Form #05.014
<http://sedm.org/Forms/FormIndex.htm>

1.4. Presumptions, usually about the meanings of words. See:

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

2. RESOURCES FOR FURTHER STUDY

2.1. *Citizenship, Domicile, and Tax Status Options*, Form #10.003-use this form to describe your citizenship status, domicile, and tax status in the context of any legal action, deposition, etc. in federal court

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

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

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

2.3. *Federal Jurisdiction*, Form #05.018-describes federal jurisdiction

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

2.4. *Statutes and Statutory Construction*, Second edition. Jabez Sutherland, 1904.

2.4.1. Volume 1: <http://books.google.com/books?id=Jw49AAAAIAAJ&printsec=titlepage>

2.4.2. Volume 2: <http://books.google.com/books?id=4xA9AAAAIAAJ&printsec=titlepage>

2.5. *Sovereignty Forms and Instructions Online*, Form #10.004, Cites By Topic-Meaning several common “words of art”

<http://famguardian.org/TaxFreedom/FormsInstr-Cites.htm>

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DEDICATION

“It poisons the blessing of liberty itself. It will be of little avail to the people, that the laws are made by men of their own choice, if the laws be so voluminous that they cannot be read, or so incoherent that they cannot be understood; if they be repealed or revised before they are promulgated, or undergo such incessant changes that no man, who knows what the law is to-day, can guess what it will be to-morrow. Law is defined to be a rule of action; but how can that be a rule, which is little known, and less fixed?”

“It has been frequently remarked, with great propriety, that a voluminous code of laws is one of the inconveniences necessarily connected with the advantages of a free government. To avoid an arbitrary discretion in the courts, it is indispensable that they should be bound down by strict rules [of statutory construction and interpretation] and precedents, which serve to define and point out their duty in every particular case that comes before them; and it will readily be conceived from the variety of controversies which grow out of the folly and wickedness of mankind, that the records of those precedents must unavoidably swell to a very considerable bulk, and must demand long and laborious study to acquire a competent knowledge of them.”

[Federalist Paper No. 78, Alexander Hamilton]

“The great enemy of clear language is insincerity. When there is a gap between one's real and one's declared aims, one turns as it were instinctively to long words and exhausted idioms, like a cuttlefish spurting out ink. “

[George Orwell, "Politics and the English Language", 1946; English essayist, novelist, & satirist (1903 - 1950)]

“Political chaos is connected with the decay of language... one can probably bring about some improvement by starting at the verbal end.”

[George Orwell]

“Political language... is designed to make lies sound truthful and murder respectable, and to give an appearance of solidity to pure wind.”

[George Orwell]

“Sometimes the first duty of intelligent men is the restatement of the obvious. “

[George Orwell]

“Judicial verbicide is calculated to convert the Constitution into a worthless scrap of paper and to replace our government of laws with a judicial oligarchy.”

[Senator Sam Ervin, during Watergate hearing]

“When words lose their meaning, people will lose their liberty.”

[Confucius, 500 B.C.]

"If a word has an infinite number of meanings [or even a SUBJECTIVE meaning], it has no meaning, and our reasoning with one another has been annihilated."

[Aristotle, Metaphysica Book IV]

1 Introduction

This document is submitted into evidence in good faith into the record of this honorable court:

1. As an act of self-defense intended to prevent injury to myself and the other litigant by abuse of “words of art” by the government as party to this suit.
2. For the purposes of furthering the ends of justice and equity.
3. To prevent either myself or others from violating my religious beliefs. The Bible forbids presumptions of any kind. Implicit in that prohibition is the requirement that believers not encourage, condone, or allow others to engage in presumption:

“But the person who does anything presumptuously, whether he is native-born or a stranger, that one brings reproach on the Lord, and he shall be cut off from among his people.”
[Numbers 15:30, Bible, NKJV]

4. To prevent prejudicial presumptions about the meaning of “words of art” that might injure any party’s rights and thereby violate due process of law.

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

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

5. To prevent turning this proceeding into a state-sponsored religion or church, where:

- 5.1. Presumption serves as a substitute for religious faith. The entire Internal Revenue Code, according to 1 U.S.C. §204, is “prima facie evidence”, meaning that it is nothing more than a “presumption” and not evidence. Neither are judges statutorily delegated the authority to convert such a presumption to evidence without violating due process of law:

*“**Prima facie.** Lat. At first sight on the first appearance; on the face of it; so far as can be judged from the first disclosure; **presumably; a fact presumed to be true unless disproved by some evidence to the contrary.** State ex rel. Herbert v. Whims, 68 Ohio App. 39, 38 N.E.2d 596, 499, 22 O.O. 110. See also Presumption.”*
[Black’s Law Dictionary, Sixth Edition, p. 1189]

“This court has never treated a presumption as any form of evidence. See, e.g., [A.C. Aukerman Co. v. R.L. Chaides Constr. Co., 960 F.2d. 1020, 1037 \(Fed.Cir.1992\)](#) (“[A] presumption is not evidence.”); see also [Del Vecchio v. Bowers, 296 U.S. 280, 286, 56 S.Ct. 190, 193, 80 L.Ed. 229 \(1935\)](#) (“[A] presumption] cannot acquire the attribute of evidence in the claimant's favor.”); [New York Life Ins. Co. v. Gamer, 303 U.S. 161, 171, 58 S.Ct. 500, 503, 82 L.Ed. 726 \(1938\)](#) (“[A] presumption is not evidence and may not be given weight as evidence.”). Although a decision of this court, [Jensen v. Brown, 19 F.3d. 1413, 1415 \(Fed.Cir.1994\)](#), dealing with presumptions in VA law is cited for the contrary proposition, the Jensen court did not so decide.”
[Routen v. West, 142 F.3d. 1434 C.A.Fed.,1998]

- 5.2. The government becomes the superior being to be worshipped, because the presumptions made by the government/court and omission in dealing with violations of law by the government convey supernatural powers to the government not possessed by either me or any other man or woman, thus destroying equal protection and making government on the same footing as God. What makes such a being “divine” is that they are not equal to others, but MORE equal and greater than others, thus violating the basis for our republic, which is that we are all EQUAL.

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

1 *The Fall of Lucifer*

2 *“How you are fallen from heaven,*
3 *O Lucifer,¹ son of the morning!*
4 *How you are cut down to the ground,*
5 *You who weakened the nations!*
6 *For you have said in your heart:*

7 ***I will ascend into heaven [using PRESUMPTION and OMISSION].***

8 ***I will exalt my throne [on the bench] above the stars of God;***

9 *I will also sit on the mount of the congregation*

10 *On the farthest sides of the north;*

11 *I will ascend above the heights of the clouds,*

12 ***I will be like the Most High.***

13 *[Isaiah 14:12-14, Bible, NKJV]*

14 *A “code” not enacted into positive law becomes the “bible” of the state-sponsored bible.*

15 5.3. The “judge” becomes the “priest” of a “civil religion”.

16 5.4. The court becomes a “church”.

17 5.5. The jury becomes the 12 disciples of the priest instead of the law, because they are forbidden from reading or
18 hearing or seeing the law by the “priest”, not unlike the early Catholic church before the printing press in 1550.

19 5.6. The licensed attorneys become deacons ordained by the Chief Priests of the Supreme Court, and who conduct
20 “worship services” directed at the pagan deity called “government”.

21 5.7. “Worship” amounts to obedience to the dictates of priests who reveal “god’s will”, which is nothing more than the
22 will of the amoral collective majority unrestrained by enacted positive law (REAL law and REAL evidence) being
23 read to them in the courtroom.

24 5.8. People appear at “church” and before the “priest” to buy “indulgences”, which is advanced permission to violate
25 the law for a fee. These indulgences are what paid for the HUGE and extravagant Catholic church buildings
26 scattered throughout Europe built before about 1550. The Catholic church in essence sold “insurance” to indemnify
27 wealthy parishioners from the consequences of their deliberate sin, not unlike what the current government calls
28 “social insurance”. The EVIL represented by these indulgences was the very thing, in fact, that gave birth to the
29 Protestant Reformation starting with Martin Luther. When the printing press made the “law” (bible) accessible to
30 the masses in 1550 and people found out that the priests were sinning by offering indulgences, the Protestant
31 reformation was born and the Catholic “social insurance” program had to come to an end.

32 5.9. Inquisitions are used to discipline those who refuse to participate in or “tithe” or “pay tribute” to the church. Today,
33 these “tithes” are called “taxes” and tax trials are conducted exactly the same as religious inquisitions. The judge
34 plays “Pilate” and creates a dark room ripe for a mugging by an angry mob of “taxpayers” who don’t want to pay
35 more than their “fair share” by keeping the law out of evidence and then letting bias and prejudice and superstition
36 rather than law rule the proceeding.

37 *“For the very idea that one man may be compelled to hold his life, or the means of living, or any material right*
38 *essential to the enjoyment of life, at the mere will of another [man, or group of men], seems to be intolerable in*
39 *any country where freedom prevails, as being the essence of slavery itself.”*

40 *[Yick Wo v. Hopkins, [118 US 356](#) (1885)]*

41 We define “religion” here as any system of belief that is not supported or is *not required to be supported* by evidence, which
42 is based on a system of written or moral codes of conduct (laws), which is based on faith, belief, or “presumption”, and which
43 renders any being or party *superior* (e.g. “supernatural powers) in relation to another and the object of worship or obedience.
44 That object of obedience can and often does unconstitutionally include government and/or judges. The essence of “worship”
45 in a religious sense is “obedience” and the essence of the law is “obedience”. Therefore, religion and law are, in fact, twin
46 sisters:

47 *“You shall have no other gods [or rulers or governments] before Me.*

48 *You shall not make for yourself a carved image—any likeness of anything that is in heaven above, or that is in*
49 *the earth beneath, or that is in the water under the earth; **you shall not bow down to them nor serve [obey] them***
50 ***[rulers or governments].** For I, the LORD your God, am a jealous God, visiting the iniquity of the fathers upon*
51 *the children to the third and fourth generations of those who hate Me, but showing mercy to thousands, to those*
52 *who love Me and keep My commandments.*
53 *[Exodus 20:3-6, Bible, NKJV]*

1 **Worship.** Any form of religious service showing reverence for Divine Being, or exhortation to obedience to or
2 following the mandates of such Being. Religious exercises participated in by a number of persons assembled for
3 that purpose, the disturbance of which is a statutory offense in many states.

4 English law. **A title of honor or dignity used in addresses to certain magistrates** [judges] and other persons of
5 rank or office.
6 [Black's Law Dictionary, Sixth Edition, pp. 1606-1607]
7

8 "Obedience is the essence of the law. 11 Co. 100."
9 [Bouvier's Maxims of Law, 1856;
10 SOURCE: <http://famguardian.org/Publications/BouvierMaximsOfLaw/BouviereMaxims.htm>]
11

12 "**Law is in every culture religious in origin.** Because law governs man and society, because it establishes and
13 declares the meaning of justice and righteousness, law is inescapably religious, in that it establishes in practical
14 fashion the ultimate concerns of a culture. Accordingly, a fundamental and necessary premise in any and every
15 study of law must be, first, a recognition of this religious nature of law.

16 **Second, it must be recognized that in any culture the source of law is the god of that society. If law has its source**
17 **in man's reason, then reason is the god of that society. If the source is an oligarchy, or in a court, senate, or ruler,**
18 **then that source is the god of that system.** Thus, in Greek culture law was essentially a religiously humanistic
19 concept."
20 [The Institutes of Biblical Law, Rousas John Rushdoony, 1973, The Craig Press, Library of Congress Catalog
21 Card Number 72-79485, pp. 4-5, Emphasis added]

22 For information on item 5 above, please see the following fascinating analysis:

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

23 This document hereby conclusively establishes the rules for construction and interpretation of legal "terms" and definitions,
24 and the meaning of such terms when the *specific* and inclusive definition is NOT provided by the speaker. These
25 presumptions shall apply to ALL FUTURE PLEADINGS throughout this action involving a government opponent or a
26 government court. The intent and spirit of these prescriptions is motivated by the Founding Fathers themselves and other
27 famous personalities, who said of this MOST IMPORTANT subject the following:

28 "It has been frequently remarked, with great propriety, that a voluminous code of laws is one of the
29 inconveniences necessarily connected with the advantages of a free government. **To avoid an arbitrary discretion**
30 **in the courts, it is indispensable that they should be bound down by strict rules [of statutory construction and**
31 **interpretation] and precedents, which serve to define and point out their duty in every particular case that**
32 **comes before them;** and it will readily be conceived from the variety of controversies which grow out of the folly
33 and wickedness of mankind, that the records of those precedents must unavoidably swell to a very considerable
34 bulk, and must demand long and laborious study to acquire a competent knowledge of them."
35 [Federalist Paper No. 78, Alexander Hamilton]
36

37 "Judicial verbiage is calculated to convert the Constitution into a worthless scrap of paper and to replace our
38 government of laws with a judicial oligarchy."
39 [Senator Sam Ervin, during Watergate hearing]
40

41 "When words lose their meaning, people will lose their liberty."
42 [Confucius, 500 B.C.]
43

44 "Every nation, consequently, whose affairs betray a want of wisdom and stability, may calculate on every loss
45 which can be sustained from the more systematic policy of their wiser neighbors. But the best instruction on this
46 subject is unhappily conveyed to America by the example of her own situation. **She finds that she is held in no**
47 **respect by her friends; that she is the derision of her enemies; and that she is a prey to every nation which has**
48 **an interest in speculating on her fluctuating councils and embarrassed affairs.**

49 The internal effects of a mutable policy are still more calamitous. **It poisons the blessing of liberty itself. It will**
50 **be of little avail to the people, that the laws are made by men of their own choice, if the laws be so voluminous**
51 **that they cannot be read, or so incoherent that they cannot be understood; if they be repealed or revised before**
52 **they are promulgated, or undergo such incessant changes that no man, who knows what the law is to-day, can**

1 guess what it will be to-morrow. Law is defined to be a rule of action; but how can that be a rule, which is little
2 known, and less fixed?

3 Another effect of public instability is the unreasonable advantage it gives to the sagacious, the enterprising,
4 and the moneyed few over the industrious and uniformed mass of the people. Every new regulation concerning
5 commerce or revenue, or in any way affecting the value of the different species of property, presents a new harvest
6 to those who watch the change, and can trace its consequences; a harvest, reared not by themselves, but by the
7 toils and cares of the great body of their fellow-citizens. This is a state of things in which it may be said with
8 some truth that laws are made for [benefit of] the FEW, not for the MANY."
9 [Federalist Paper No. 62, James Madison]

10 All references to Form numbers or Litigation Tool Numbers in this document derive from the following website:

Sovereignty Education and Defense Ministry (SEDM)
<http://sedm.org>

11 **2 Rules of Statutory Construction and Interpretation**

12 For the purpose of all "terms" used by government opponent "United States", myself, and the Court, the following rules of
13 statutory construction and interpretation MUST apply.

- 14 1. The law should be given it's plain meaning wherever possible.
- 15 2. Statutes must be interpreted so as to be entirely harmonious with all law as a whole. The pursuit of this harmony is often
16 the best method of determining the meaning of specific words or provisions which might otherwise appear ambiguous:

17 *It is, of course, true that statutory construction "is a holistic endeavor" and that the meaning of a provision is*
18 *"clarified by the remainder of the statutory scheme ... [when] only one of the permissible meanings produces a*
19 *substantive effect that is compatible with the rest of the law." United Sav. Assn. of Tex. v. Timbers of Inwood*
20 *Forest Associates, Ltd., 484 U.S. 365, 371, 108 S.Ct. 626, 98 L.Ed.2d. 740 (1988).*
21 *[U.S. v. Cleveland Indians Baseball Co., 532 U.S. 200, 121 S.Ct. 1433 (2001)]*

- 22 3. Every word within a statute is there for a purpose and should be given its due significance.

23 *"This fact only underscores our duty to refrain from reading a phrase into the statute when Congress has left it*
24 *out. " [W]here Congress includes particular language in one section of a statute but omits it in another ..., it is*
25 *generally presumed that Congress acts intentionally and purposely in the disparate inclusion or exclusion." "*
26 *[Russello v. United States, 464 U.S. 16, 23, 78 L.Ed.2d. 17, 104 S.Ct. 296 (1983)]*

- 27 4. All laws are to be interpreted consistent with the legislative intent for which they were originally enacted, as revealed in
28 the Congressional Record prior to the passage. The passage of no amount of time can change the original legislative
29 intent of a law.

30 *"Courts should construe laws in Harmony with the legislative intent and seek to carry out legislative purpose.*
31 *With respect to the tax provisions under consideration, there is no uncertainty as to the legislative purpose to tax*
32 *post-1913 corporate earnings. We must not give effect to any contrivance which would defeat a tax Congress*
33 *plainly intended to impose."*
34 *[Foster v. U.S., 303 U.S. 118 (1938)]*

35 *"We are bound to interpret the Constitution in the light of the law as it existed at the time it was adopted."*
36 *[Mattox v. U.S., 156 U.S. 237 (1938)]*

- 37 5. The regulation which implements a specific statute may not add anything to the statute or add anything to the meaning
38 of terms in a statute:

39 *Finally, the Government points to the fact that the Treasury Regulations relating to the statute purport to include*
40 *the pick-up man among those subject to the s 3290 tax,^{FN11} and argues (a) that this constitutes an administrative*
41 *interpretation to which we should give weight in construing the statute, particularly because (b) section 3290 was*
42 *carried over in haec verba into s 4411 of the Internal Revenue Code of 1954, 26 U.S.C.A. s 4411. We find neither*
43 *argument persuasive. In light of the above discussion, *359 we cannot but regard this Treasury Regulation as*
44 *no more than an attempted addition to the statute of something which is not there. FN12 As such the regulation*
45 *can furnish no sustenance to the statute. Koshland v. Helvering, 298 U.S. 441, 446-447, 56 S.Ct. 767, 769-770,*
46 *80 L.Ed. 1268. Nor is the Government helped by its argument as to the 1954 Code. The regulation had been in*
47 *effect for only three years,^{FN13} and there is nothing to indicate that it was ever called to the attention **1144 of*

1 Congress. The re-enactment of s 3290 in the 1954 Code was not accompanied by any congressional discussion
2 which throws light on its intended scope. In such circumstances we consider the 1954 re-enactment to be
3 without significance. Commissioner of Internal Revenue v. Glenshaw Glass Co., 348 U.S. 426, 431, 75 S.Ct.
4 473, 476, 99 L.Ed. 483.

5 FNI1. Treas.Reg. 132, s 325.41, Example 2 (26 CFR, 1957 Cum. Pocket Supp.), which was issued on November
6 1, 1951 (16 Fed.Reg. 11211, 11222), provides as follows:

7 'B operates a numbers game. He has an arrangement with ten persons, who are employed in various capacities,
8 such as bootblacks, elevator operators, newsdealers, etc., to receive wagers from the public on his behalf. B also
9 employs a person to collect from his agents the wagers received on his behalf.

10 'B, his ten agents, and the employee who collects the wagers received on his behalf are each liable for the special
11 tax.'

12 FNI2. Apart from this, the force of this Treasury Regulations as an aid to the interpretation of the statute is
13 impaired by its own internal inconsistency. Thus, while Example 2 of that regulation purports to make the pick-
14 up man liable for the s 3290 occupational tax, Example 1 of the same regulation provides that 'a secretary and
15 bookkeeper' of one 'engaged in the business of accepting horse race bets' are not liable for the occupational tax
16 'unless they also receive wagers' for the person so engaged in business, although those who 'receive wagers by
17 telephone' are so liable. Thus in this instance a distinction seems to be drawn between the 'acceptance' of the
18 wager, and its 'receipt' for recording purposes. But if this be proper, it is not apparent why the same distinction
19 is not also valid between a writer, who 'accepts' or 'receives' a bet from a numbers player, and a pick-up man,
20 who simply 'receives' a copy of the slips on which the writer has recorded the bet, and passes it along to the
21 banker.

22 FNI3. See note 11, supra.
23 [U.S. v. Calamaro, 354 U.S. 351, 77 S.Ct. 1138 (U.S. 1957)]

- 24 6. Presumption may not be used in determining the meaning of a statute. Doing otherwise is a violation of due process and
25 a religious sin under Numbers 15:30 (Bible). A person reading a statute cannot be required by statute or by "judge made
26 law" to read anything into a Title of the U.S. Code that is not expressly spelled out. See:

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

- 27 7. The proper audience to turn to in order to deduce the meaning of a statute are the persons who are the subject of the law,
28 and not a judge. Laws are supposed to be understandable by the common man because the common man is the proper
29 subject of most laws. Judges are NOT common men.

30 "It is a basic principle of due process that an enactment [435 U.S. 982 , 986] is void for vagueness if its
31 prohibitions are not clearly defined. Vague laws offend several important values. First, because we assume that
32 man is free to steer between lawful and unlawful conduct, we insist that laws give the person of ordinary
33 intelligence a reasonable opportunity to know what is prohibited, so that he may act accordingly. Vague laws
34 may trap the innocent by not providing fair warning. Second, if arbitrary and discriminatory enforcement is to
35 be prevented, laws must provide explicit standards for those who apply them. A vague law impermissibly delegates
36 basic policy matters to policemen, judges, and juries for resolution on an ad hoc and subjective basis, with the
37 attendant dangers of arbitrary and discriminatory application."
38 [Grayned v. City of Rockford, 408 U.S. 104, 108 (1972)]

39 ". . . whether right or wrong, the premise underlying the constitutional method for determining guilt or innocence
40 in federal courts is that laymen are better than specialists to perform this task."
41 [United States ex rel. Toth v. Quarles, 350 U.S. 11, 18 (1955)]

- 42 8. If a word is not statutorily defined, then the courts are bound to start with the common law meaning of the term.

43 "Absent contrary direction from Congress, we begin our interpretation of statutory language with the general
44 presumption that a statutory term has its common law meaning. See Taylor v. United States, 495 U.S. 575, 592
45 (1990); Morissette v. United States, 342 U.S. 246, 263 (1952)."
46 [Scheidler v. National Organization for Women, 537 U.S. 393 (2003)]

- 47 9. The purpose for defining a word within a statute is so that its ordinary (dictionary) meaning is not implied or assumed
48 by the reader. A "definition" by its terms excludes non-essential elements by mentioning only those things to which it
49 shall apply.

1 *"Define. To explain or state the exact meaning of words and phrases; to state explicitly; to limit; to determine*
2 *essential qualities of; to determine the precise signification of; to settle; to establish or prescribe authoritatively;*
3 *to make clear. (Cite omitted)"*

4 *"To "define" with respect to space, means to set or establish its boundaries authoritatively; to mark the limits of;*
5 *to determine with precision or exhibit clearly the boundaries of; to determine the end or limit; to fix or establish the*
6 *limits. It is the equivalent to declare, fix or establish.*
7 *[Black's Law Dictionary, Sixth Edition, p. 422]*
8

9 *"Definition. A description of a thing by its properties; an explanation of the meaning of a word or term. The process*
10 *of stating the exact meaning of a word by means of other words. Such a description of the thing defined, including all essential*
11 *elements and excluding all nonessential, as to distinguish it from all other things and classes."*
12 *[Black's Law Dictionary, Sixth Edition, p. 423]*

- 13 10. When a term is defined within a statute, that definition is provided to supersede and not enlarge other definitions of the
14 word found elsewhere, such as in other Titles or Codes.

15 ***"When a statute includes an explicit definition, we must follow that definition, even if it varies from that term's***
16 ***ordinary meaning.*** *Meese v. Keene, 481 U.S. 465, 484-485 (1987) ("It is axiomatic that the statutory definition*
17 *of the term excludes unstated meanings of that term"); Colautti v. Franklin, 439 U.S. at 392-393, n. 10 ("As a*
18 *rule, "a definition which declares what a term "means" . . . excludes any meaning that is not stated"); Western*
19 *Union Telegraph Co. v. Lenroot, 323 U.S. 490, 502 (1945); Fox v. Standard Oil Co. of N.J., 294 U.S. 87, 95-96*
20 *(1935) (Cardozo, J.); see also 2A N. Singer, Sutherland on Statutes and Statutory Construction § 47.07, p. 152,*
21 *and n. 10 (5th ed. 1992) (collecting cases). That is to say, the statute, read "as a whole," post at 998 [530 U.S.*
22 *943] (THOMAS, J., dissenting), leads the reader to a definition. That definition does not include the Attorney*
23 *General's restriction -- "the child up to the head." Its words, "substantial portion," indicate the contrary."*
24 *[Stenberg v. Carhart, 530 U.S. 914 (2000)]*

- 25 11. It is a violation of due process of law to employ a "statutory presumption", whereby the reader is compelled to guess
26 about precisely what is included in the definition of a word, or whereby all that is included within the meaning of a term
27 defined is not described SOMEWHERE within the body of law or Title in question.

28 *The Schlesinger Case has since been applied many times by the lower federal courts, by the Board of Tax Appeals,*
29 *and by state courts;¹ and **none of them seem to have been **361 at any loss to understand the basis of the***
30 ***decision, namely, that a statute which imposes a tax upon an assumption of fact which the taxpayer is forbidden***
31 ***to controvert is so arbitrary and unreasonable that it cannot stand under the Fourteenth Amendment.***

32 [. . .]

33 *A rebuttable presumption clearly is a rule of evidence which has the effect of shifting the burden of proof,*
34 *Mobile, J. & K. C. R. Co. v. Turnipseed, 219 U.S. 35, 43, 31 S.Ct. 136, 32 L. R. A. (N. S.) 226, Ann.Cas. 1912A,*
35 *463; and **it is hard to see how a statutory rebuttable presumptions is turned from a rule of evidence into a rule***
36 ***of substantive law as the result of a later statute making it conclusive. In both cases it is a substitute for proof;***
37 ***in the one open to challenge and disproof, and in the other conclusive. However, whether the latter***
38 ***presumption be treated as a rule of evidence or of substantive law, it constitutes an attempt, by legislative fiat,***
39 ***to enact into existence a fact which here does not, and cannot be made to, exist in actuality,***
40 *and the result is the same, unless we are ready to overrule the Schlesinger Case, as we are not; for that case dealt with a conclusive*
41 *presumption, and the court held it invalid without regard to the question of its technical characterization. This*
42 *court has held more than once that a statute creating a presumption which operates to deny a fair opportunity*
43 *to rebut it violates the due process clause of the Fourteenth Amendment. For example, Bailey v. Alabama, 219*
44 *U.S. 219, 238, et seq., 31 S.Ct. 145; Manley v. Georgia, 279 U.S. 1, 5-6, 49 S.Ct. 215.*

45 *'It is apparent,' this court said in the Bailey Case (219 U.S. 239, 31 S.Ct. 145, 151) 'that a constitutional*
46 *prohibition cannot be transgressed indirectly by the creation of a statutory presumption any more than it can*
47 *be violated by direct enactment. The power to create presumptions is not a means of escape from constitutional*
48 *restrictions.'*
49 *[Heiner v. Donnan, 285 U.S. 312 (1932)]*

50 The implications of this rule are that the following definition cannot imply the common definition of a term IN
51 ADDITION TO the statutory definition, or else it is compelling a presumption, engaging in statutory presumptions, and
52 violating due process of law:

¹ See, for example, [Hall v. White \(D. C.\) 48 F.\(2d\) 1060](#); [Donnan v. Heiner \(D. C.\) 48 F.\(2d\) 1058](#) (the present case); [Guinzburg v. Anderson \(D. C.\) F. \(2d\) 592](#); [American Security & Trust Co. et al., Executors, 24 B. T. A. 334](#); [State Tax Commission v. Robinson's Executor, 234 Ky. 415, 28 S.W.\(2d\) 491](#) (involving a three-year period).

1 [26 U.S.C. Sec. 7701\(c\) INCLUDES AND INCLUDING.](#)

2 *The terms 'include' and 'including' when used in a definition contained in this title shall not be deemed to exclude*
3 *other things otherwise within the meaning of the term defined."*

- 4 12. Expressio Unius est Exclusio Alterius Rule: The term "includes" is a term of limitation and not enlargement in most
5 cases. Where it is used, it prescribes all of the things or classes of things to which the statute pertains. All other possible
6 objects of the statute are thereby excluded, by implication.

7 *"expressio unius, exclusio alterius"—if one or more items is specifically listed, omitted items are purposely*
8 *excluded. Becker v. United States, 451 U.S. 1306 (1981)*

9 *"Expressio unius est exclusio alterius. A maxim of statutory interpretation meaning that **the expression of one***
10 ***thing is the exclusion of another.** Burgin v. Forbes, 293 Ky. 456, 169 S.W.2d. 321, 325; Newblock v. Bowles,*
11 *170 Okl. 487, 40 P.2d. 1097, 1100. Mention of one thing implies exclusion of another. **When certain persons or***
12 ***things are specified in a law, contract, or will, an intention to exclude all others from its operation may be***
13 ***inferred.** Under this maxim, if statute specifies one exception to a general rule or assumes to specify the effects*
14 *of a certain provision, other exceptions or effects are excluded."*
15 *[Black's Law Dictionary, Sixth Edition, p. 581]*

- 16 13. When the term "includes" is used as implying enlargement or "in addition to", it only fulfills that sense when the
17 definitions to which it pertains are scattered across multiple definitions or statutes within an overall body of law. In each
18 instance, such "scattered definitions" must be considered AS A WHOLE to describe all things which are included. The
19 U.S. Supreme Court confirmed this when it said:

20 *"That is to say, the statute, read "as a whole," post at 998 [530 U.S. 943] (THOMAS, J., dissenting), leads the*
21 *reader to a definition. That definition does not include the Attorney General's restriction -- "the child up to the*
22 *head." Its words, "substantial portion," indicate the contrary."*
23 *[Stenberg v. Carhart, 530 U.S. 914 (2000)]*

24 An example of the "enlargement" or "in addition to" context of the use of the word "includes" might be as follows, where
25 the numbers on the left are a fictitious statute number :

- 26
27 13.1. "110 The term "state" includes a territory or possession of the United States."
28 13.2. "121 In addition to the definition found in section 110 earlier, the term "state" includes a state of the Union."
29 14. Statutes that do not specifically identify ALL of the things or classes of things or persons to whom they apply are
30 considered "void for vagueness" because they fail to give "reasonable notice" to the reader of all the behaviors that are
31 prohibited and compel readers to make presumptions or to guess at their meaning.

32 *"It is a basic principle of due process that an enactment is void for vagueness if its prohibitions are not clearly*
33 *defined. Vague laws offend several important values. First, because we assume that man is free to steer between*
34 *lawful and unlawful conduct, **we insist that laws give the person of ordinary intelligence a reasonable***
35 ***opportunity to know what is prohibited, so that he may act accordingly.** Vague laws may trap the innocent by*
36 *not providing fair warning. Second, if arbitrary and discriminatory enforcement is to be prevented, laws must*
37 *provide explicit standards for those who apply them. **A vague law impermissibly delegates basic policy matters***
38 ***to policemen, judges, and juries for resolution on an ad hoc and subjective basis, with the attendant dangers***
39 ***of arbitrary and discriminatory application.**" (Footnotes omitted.)*

40 *See al Papachristou v. City of Jacksonville, 405 U.S. 156 (1972); Cline v. Frink Dairy Co., 274 U.S. 445, 47 S.*
41 *Ct. 681 (1927); Connally v. General Construction Co., 269 U.S. 385 (1926).*
42 *[Sewell v. Georgia, 435 U.S. 982 (1978)]*

- 43 15. Judges may not extend the meaning of words used within a statute, but must resort ONLY to the meaning clearly indicated
44 in the statute itself. That means they may not imply or infer the common definition of a term IN ADDITION to the
45 statutory definition, but must rely ONLY on the things clearly included in the statute itself and nothing else.

46 *"It is axiomatic that the statutory definition of the term excludes unstated meanings of that term. Colautti v.*
47 *Franklin, 439 U.S. 379, 392, and n. 10 (1979). Congress' use of the term "propaganda" in this statute, as indeed*
48 *in other legislation, has no pejorative connotation.[19] As judges, it is our duty to [481 U.S. 485] construe*
49 *legislation as it is written, not as it might be read by a layman, or as it might be understood by someone who*
50 *has not even read it."*
51 *[Meese v. Keene, 481 U.S. 465, 484 (1987)]*

1 16. Citizens [not “taxpayers”, but “citizens”] are presumed to be exempt from taxation unless a clear intent to the contrary
2 is clearly manifested in a positive law taxing statute.

3 *“In the interpretation of statutes levying taxes, it is the established rule not to extend their provisions by
4 implication beyond the clear import of the language used, or to enlarge their operations so as to embrace matters
5 not specifically pointed out. In case of doubt they are construed most strongly against the government and in
6 favor of the citizen.”
7 [Gould v. Gould, 245 U.S. 151, at 153 (1917)]*

8 For additional authorities similar to those above, see: *Spreckles Sugar Refining Co. v. McClain*, 192 U.S. 397, 416 (1904);
9 *Smietanka v. First Trust & Savings Bank*, 257 U.S. 602, 606 (1922); *Lucas v. Alexander*, 279 U.S. 573, 577 (1929);
10 *Crooks v. Harrelson*, 282 U.S. 55 (1930); *Burnet v. Niagra Falls Brewing Co.*, 282 U.S. 648, 654 (1931); *Miller v.*
11 *Standard Nut Margarine Co.*, 284 U.S. 498, 508 (1932); *Gregory v. Helvering*, 293 U.S. 465, 469 (1935); *Hassett v. Welch*,
12 303 U.S. 303, 314 (1938); *U.S. v. Batchelder*, 442 U.S. 114, 123 (1978); *Security Bank of Minnesota v. CIA*, 994 F.2d.
13 432, 436 (CA8 1993).

14 17. Ejusdem Generis Rule: Where general words follow an enumeration of persons or things, by words of a particular and
15 specific meaning, such general words are not to be construed in their widest extent, but are to be held as applying only
16 to persons or things of the same general kind or class as those specifically mentioned

17 *“[w]here general words [such as the provisions of 26 U.S.C. §7701(c)] follow specific words in a statutory
18 enumeration, the general words are construed to embrace only objects similar in nature to those objects
19 enumerated by the preceding specific words.”
20 [Circuit City Stores v. Adams, 532 U.S. 105, 114-115 (2001)]*

21
22 *“Under the principle of ejusdem generis, when a general term follows a specific one, the general term should be
23 understood as a reference to subjects akin to the one with specific enumeration.”
24 [Norfolk & Western R. Co. v. Train Dispatchers, 499 U.S. 117 (1991)]*

25
26 *“Ejusdem generis. Of the same kind, class, or nature. In the construction of laws, wills, and other instruments,
27 the “ejusdem generis rule” is, that where general words follow an enumeration of persons or things, by words of
28 a particular and specific meaning, such general words are not to be construed in their widest extent, but are to
29 be held as applying only to persons or things of the same general kind or class as those specifically mentioned.
30 U.S. v. LaBrecque, D.C. N.J., 419 F.Supp. 430, 432. The rule, however, does not necessarily require that the
31 general provision be limited in its scope to the identical things specifically named. Nor does it apply when the
32 context manifests a contrary intention.*

33 *Under “ejusdem generis” canon of statutory construction, where general words follow the enumeration of
34 particular classes of things, the general words will be construed as applying only to things of the same general
35 class as those enumerated. Campbell v. Board of Dental Examiners, 53 Cal.App.3d. 283, 125 Cal.Rptr. 694,
36 696.”
37 [Black’s Law Dictionary, Sixth Edition, p. 517]*

38 18. In all criminal cases, the “Rule of Lenity” requires that where the interpretation of a criminal statute is ambiguous, the
39 ambiguity should be resolved in favor of the human being and against the government. An ambiguous statute fails to
40 give “reasonable notice” to the reader what conduct is prohibited, and therefore renders the statute unenforceable. The
41 Rule of Lenity may only be applied when there is ambiguity in the meaning of a statute:

42 *This expansive construction of § 666(b) is, at the very least, inconsistent with the rule of lenity -- which the
43 Court does not discuss. This principle requires that, to the extent that there is any ambiguity in the term
44 “benefits,” we should resolve that ambiguity in favor of the defendant. See United States v. Bass, 404 U.S. 336,
45 347 (1971) (“In various ways over the years, we have stated that, when choice has to be made between two
46 readings of what conduct Congress has made a crime, it is appropriate, before we choose the harsher
47 alternative, to require that Congress should have spoken in language that is clear and definite” (internal
48 quotation marks omitted)).”
49 [Fischer v. United States, 529 U.S. 667 (2000)]*

50
51 *“It is not to be denied that argumentative skill, as was shown at the Bar, could persuasively and not unreasonably
52 reach either of the conflicting constructions. About only one aspect of the problem can one be dogmatic. When*

1 Congress has the will it has no difficulty in expressing it - when it has the will, that is, of defining what it
2 desires to make the unit of prosecution and, more particularly, to make each stick in a faggot a single criminal
3 unit. When Congress leaves to the Judiciary the task of imputing to Congress an undeclared will, the ambiguity
4 should be resolved in favor of lenity. And this not out of any sentimental consideration, or for want of sympathy
5 with the purpose of Congress in proscribing evil or antisocial conduct. It may fairly be said to be a presupposition
6 of our law to resolve doubts in the enforcement of a penal code against the imposition of a harsher punishment.
7 This in no wise implies that language used in criminal statutes should not be read with the saving grace of common
8 sense with which other enactments, not cast in technical language, are to be read. Nor does it assume that
9 offenders against the law carefully read the penal [349 U.S. 81, 84] code before they embark on crime. It merely
10 means that if Congress does not fix the punishment for a federal offense clearly and without ambiguity, doubt
11 will be resolved against turning a single transaction into multiple offenses, when we have no more to go on
12 than the present case furnishes."
13 [Bell v. United States, 349 U.S. 81 (1955)]

14 19. When Congress intends, by one of its Acts, to supersede the police powers of a state of the Union, it must do so very
15 clearly.

16 "If Congress is authorized to act in a field, it should manifest its intention clearly. It will not be presumed that a
17 federal statute was intended to supersede the exercise of the power of the state unless there is a clear
18 manifestation of intention to do so. The exercise of federal supremacy is not lightly to be presumed."
19 [Schwartz v. Texas, 344 U.S. 199, 202-203 (1952)]

20 20. There are no exceptions to the above rules. However, there are cases where the "common definition" or "ordinary
21 definition" of a term can and should be applied, but ONLY where a statutory definition is NOT provided that might
22 supersede the ordinary definition. See:

23 20.1. Crane v. Commissioner of Internal Revenue, 331 U.S. 1, 6 (1947) , Malat v. Riddell, 383 U.S. 569, 571 (1966);

24 "[T]he words of statutes--including revenue acts--should be interpreted where possible in their ordinary,
25 everyday senses."
26 [Crane v. Commissioner of Internal Revenue, 331 U.S. 1, 6 (1947), Malat v. Riddell, 383 U.S. 569, 571 (1966)]

27 20.2. Commissioner v. Soliman, 506 U.S. 168, 174 (1993) ;

28 "In interpreting the meaning of the words in a revenue Act, we look to the 'ordinary, everyday senses' of the
29 words."
30 [Commissioner v. Soliman, 506 U.S. 168, 174 (1993)]

31 20.3. Helvering v. Horst, 311 U.S. 112, 118 (1940) ; Old Colony R. Co. v. Commissioner of Internal Revenue, 248 U.S.
32 552, 560 (1932)

33 "Common understanding and experience are the touchstones for the interpretation of the revenue laws."
34 [Hilvering v. Horst, 311 U.S. 112, 118 (1940); Old Colony R. Co. v. Commissioner of Internal Revenue, 248 U.S.
35 552, 560 (1932)]

36 21. We must ALWAYS remember that the fundamental purpose of law is "the definition and limitation of power":

37 "When we consider the nature and theory of our institutions of government, the principles
38 upon which they are supposed to rest, and review the history of their development, we are
39 constrained to conclude that they do not mean to leave room for the play and action of purely
40 personal and arbitrary power. Sovereignty itself is, of course, not subject to law, for it is
41 the author and source of law; but in our system, while sovereign powers are delegated to
42 the agencies of government, sovereignty itself remains with the people, by whom and for
43 whom all government exists and acts. And the law is the definition and limitation of
44 power."

45 From Marbury v. Madison to the present day, no utterance of this Court has intimated a doubt that in its operation
46 on the people, by whom and for whom it was established, the national government is a government of enumerated
47 powers, the exercise of which is restricted to the use of means appropriate and plainly adapted to constitutional
48 ends, and which are "not prohibited, but consist with the letter and spirit of the Constitution."

49 The powers delegated by the people to their agents are not enlarged by the expansion of the domain within which
50 they are exercised. When the restriction on the exercise of a particular power by a particular agent is ascertained,
51 that is an end of the question.

1 To hold otherwise is to overthrow the basis of our constitutional law, and moreover, in effect, to reassert the
2 proposition that the states, and not the people, created the government.

3 It is again to antagonize Chief Justice Marshall, when he said:

4 *The government of the Union, then (whatever may be the influence of this fact on the case),*
5 *is emphatically and truly a government of the people. In form and in substance, it emanates*
6 *from them. Its powers are granted by them, and are to be exercised directly on them and for*
7 *their benefit. This government is acknowledged by all to be one of enumerated powers.*

8 [*Downes v. Bidwell, 182 U.S. 244 (1901)]*

9 **3 How judges unconstitutionally “make law”**

10 Judges are not “legislators” and cannot therefore “make law”. By “make law”, we mean:

- 11 1. To refuse to enforce or dismiss efforts to enforce either the constitution or a statute, and thus to repeal it for a specific
12 case.
- 13 2. To impute the “force of law” to that which has no force in the specific case at issue. This usually happens because:
14 2.1. Statutes are being enforced outside the territory they are limited to.
15 2.2. A civil status and public office such as “taxpayer” is imputed or enforced against a party who does not lawfully
16 occupy said office.

17 Government actors are NOT allowed to create “jurisdiction” that doesn’t lawfully exist. Jurisdiction should be
18 forcefully challenged in such case using the following:

Challenging Federal Jurisdiction Course, Form #12.010

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

- 19 3. To impair the constitutional rights of a party protected by it, but to refuse to describe or even acknowledge WHEN or
20 HOW those rights were voluntarily surrendered. This effectively repeals the Constitution. We cover this in:

Separation Between Public and Private Course, Form #12.025

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

21 The sole power to “make law” is vested with the Legislative Branch and that power may NOT be delegated to another branch
22 of government. If it is delegated, a violation of the Separation of Powers Doctrine has occurred . The Separation of Powers
23 Doctrine is the foundation of the Constitution. This violation of the doctrine is described in:

Government Conspiracy to Destroy the Separation of Powers, Form #05.023

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

24 The SOLE function of judges is to INTERPRET and APPLY “laws” written by the Legislative Branch (Congress) under the
25 strict rules of statutory construction. Those rules are described in:

Legal Deception, Propaganda, and Fraud, Form #05.014, Section 13

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

26 The architect of our three branch government, Montesquieu, described the effect of allowing judges to “make law” as follows:

27 *“When the legislative and executive powers are united in the same person, or in the same body of magistrates,*
28 *there can be no liberty; because apprehensions may arise, lest the same monarch or senate should enact*
29 *tyrannical laws, to execute them in a tyrannical manner.*

30 *Again, there is no liberty, if the judiciary power be not separated from the legislative and executive. Were it*
31 *joined with the legislative, the life and liberty of the subject would be exposed to arbitrary control; for the judge*
32 *would be then the legislator. Were it joined to the executive power, the judge might behave with violence and*
33 *oppression [sound familiar?].*

34 *There would be an end of everything, were the same man or the same body, whether of the nobles or of the*
35 *people, to exercise those three powers, that of enacting laws, that of executing the public resolutions, and of*
36 *trying the causes of individuals.”*

37 [. . .]

1 *In what a situation must the poor subject be in those republics! The same body of magistrates are possessed,*
2 *as executors of the laws, of the whole power they have given themselves in quality of legislators. They may*
3 *plunder the state by their general determinations; and as they have likewise the judiciary power in their hands,*
4 *every private citizen may be ruined by their particular decisions.”*
5 *[The Spirit of Laws, Charles de Montesquieu, Book XI, Section 6, 1758;*
6 *SOURCE: http://famguardian.org/Publications/SpiritOfLaws/sol_11.htm]*

7 A major theme of what the legal field calls “Originalism” is the idea that judges cannot “make law”. Below are a few videos
8 explaining this concept:

- 9 1. [Uncommon Knowledge with Justice Antonin Scalia](https://youtu.be/DaoLMW5AF4Y)
10 <https://youtu.be/DaoLMW5AF4Y>
- 11 2. [Interview with U.S. Supreme Court Justice Antonin Scalia about his book Reading Law](https://sedm.org/Exhibits/ExhibitIndex.htm), Exhibit #11.006
12 <https://sedm.org/Exhibits/ExhibitIndex.htm>

13 Unfortunately, proponents of Originalism such as now deceased U.S. Supreme Court Justice Scalia are not very good at
14 identifying EXACTLY HOW judges “make law”. Scalia vainly attempted this task with his book on the subject but failed
15 miserably as expected:

[Reading Law: The Interpretation of Legal Texts](https://www.amazon.com/Reading-Law-Interpretation-Legal-Texts/dp/031427555X), Antonin Scalia and Bryan A. Garner, ISBN: 978-0314275554
<https://www.amazon.com/Reading-Law-Interpretation-Legal-Texts/dp/031427555X>

16 A much more detailed analysis of how judges corruptly and even unconstitutionally “make law” is needed because you won’t
17 EVER hear the truth about this subject coming from those in power such as Justice Scalia, who would have to piss in his own
18 drinking water to do so. As we like to say:

19 *Never ask a barber whether you need a haircut.*

20 Also, expecting a lawyer, and especially YOUR OWN lawyer to describe these tactics would also take away most of his/her
21 power and render his or her services less useful or even irrelevant. Therefore, a disinterested, unprivileged, and unlicensed
22 NON-MEMBER of the legal profession guild must perform this analysis to produce an objective and complete result. That
23 is the focus of this section.

24 Some of the tactics used by judges to “make law” include the following, listed in order of the frequency the tactic is used or
25 abused. After each item, we list the places in our website where you can find further information about each illegal or
26 unconstitutional tactic.

- 27 1. [Calling something voluntary “law” rather than merely “private law”, and thus deceiving you into believing that your](#)
28 [consent at some point is not required to enforce](#). We clarified this subject earlier in section 0, where we talked about
29 the difference between “operation of law” and “contracts”. The judge is essentially treating you like you are a
30 CONTRACTOR by making the contract LOOK like real law. We also clarify this concept in our Disclaimer:

31 [SEDM Disclaimer](#)

32 [Section 4: Meaning of Words](#)

33 *The term “law” is defined as follows:*

34 “[True Law](#) is right reason [in agreement with Nature](#), it is of universal application,
35 unchanging and everlasting; it summons to duty by its commands and averts from wrong-
36 doing by its prohibitions. And it does not lay its commands or prohibitions upon good men
37 in vain, although neither have any effect upon the wicked. It is a sin to try to alter this law,
38 nor is it allowable to try to repeal a part of it, and it is impossible to abolish it entirely. We
39 cannot be freed from its obligations by Senate or People, and we need not look outside
40 ourselves for an expounder or interpreter of it. And there will not be different laws at Rome
41 or at Athens, or different laws now and in the future, but one [eternal and unchangeable law](#)
42 will be valid for all times and all nations, and there will be one master and one rule, that is
43 God, for He is the author of [this law](#), its promulgator, and its enforcing judge.”
44 [Marcus Tullius Cicero, 106-43 B.C.]

1 "Power and law are not synonymous. In truth, they are frequently in opposition and
2 irreconcilable. There is [God's Law](#) from which [all equitable laws of man](#) emerge and by
3 which men must live if they are not to die in oppression, chaos and despair. Divorced from
4 [God's eternal and immutable Law](#), established before the founding of the suns, man's
5 power is evil no matter the noble words with which it is employed or the motives urged
6 when enforcing it. Men of good will, mindful therefore of the [Law laid down by God](#), will
7 oppose governments whose rule is by men, and if they wish to survive as a nation they will
8 destroy the [\[de facto\] government](#) which attempts to adjudicate by the whim of venal
9 judges."

10 [Marcus Tullius Cicero, 106-43 B.C.]

11 "Law" is defined to EXCLUDE any and all [civil statutory codes, franchises, or privileges](#) in relation to any and
12 all governments and to include ONLY the COMMON law, the CONSTITUTION (if trespassing government actors
13 ONLY are involved), and the CRIMINAL law.

14 The Court developed, for its own governance in the cases confessedly within its
15 jurisdiction, a series of rules under which it has avoided passing upon a large part of all
16 the constitutional questions pressed upon it for decision. They are:

17 [. . .]

18 **6. The Court will not pass upon the constitutionality of a statute at the instance of one**
19 **who has availed himself of its benefits.**[FN7](#) [Great Falls Mfg. Co. v. Attorney General](#),
20 [124 U.S. 581, 8 S.Ct. 631, 31 L.Ed. 527](#); [Wall v. Parrot Silver & Copper Co.](#), [244 U.S.](#)
21 [407, 411, 412, 37 S.Ct. 609, 61 L.Ed. 1229](#); [St. Louis Malleable Casting Co. v. Prendergast](#)
22 [Construction Co.](#), [260 U.S. 469, 43 S.Ct. 178, 67 L.Ed. 351](#).

23
24 FOOTNOTES:

25 [FN7](#) Compare [Electric Co. v. Dow](#), [166 U.S. 489, 17 S.Ct. 645, 41 L.Ed. 1088](#); [Pierce v.](#)
26 [Somerset Ry.](#), [171 U.S. 641, 648, 19 S.Ct. 64, 43 L.Ed. 316](#); [Leonard v. Vicksburg, etc.,](#)
27 [R. Co.](#), [198 U.S. 416, 422, 25 S.Ct. 750, 49 L.Ed. 1108](#).
28 [[Ashwander v. Tennessee Valley Authority](#), [297 U.S. 288, 56 S.Ct. 466 \(1936\)](#)]

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

33 [. . .]

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

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

1 [The Privileges and Immunities of State Citizenship, Roger Howell, PhD, 1918, pp. 9-10;
2 SOURCE:
3 http://famguardian.org/Publications/ThePrivAndImmOfStateCit/The_privileges_and_im
4 [munities_of_state_c.pdf/](http://famguardian.org/Publications/ThePrivAndImmOfStateCit/The_privileges_and_im)

5
6 FOOTNOTES:

7 See Magill v. Browne, Fed.Cas. No. 8952, 16 Fed.Cas. 408; 6 Words and Phrases, 5583,
8 5584; A J. Lien, "Privileges and Immunities of Citizens of the United States," in Columbia
9 University Studies in History, Economics, and Public Law, vol. 54, p. 31.

10
11 "What, then, is [\[civil\] legislation](#)? It is an [assumption \[presumption\]](#) by one man, or body
12 of men, of absolute, irresponsible dominion [because of abuse of [sovereign immunity](#) and
13 the [act of "CONSENT"](#) by calling yourself a "citizen"] over all other men whom they call
14 subject to their power. It is the assumption by one man, or body of men, of a right to subject
15 all other men to their will and their service. It is the assumption by one man, or body of
16 men, of a right to abolish outright all the natural rights, all the natural liberty of all other
17 men; to make all other men their slaves; to arbitrarily dictate to all other men what they
18 may, and may not, do; what they may, and may not, have; what they may, and may not, be.
19 It is, in short, the assumption of a right to banish the [principle of human rights](#), the [principle](#)
20 [of justice itself](#), from off the earth, and set up their own personal will [society of men and
21 not law], pleasure, and interest in its place. All this, and nothing less, is involved in the
22 very idea that there can be any such thing as [human \[CIVIL\] legislation](#) that is obligatory
23 upon those upon whom it is imposed [and ESPECIALLY those who never expressly
24 consented in writing]."
25 [\[Natural Law, Chapter 1, Section IV, Lysander Spooner;](#)
26 SOURCE:
27 [28 *The above methods of REMOVING the protections of the common law and the constitution from the*
29 *INALIENABLE rights \[rights that CANNOT lawfully be given away, even WITH consent\] that are protected by*
30 *them has been described by the U.S. Congress as the ESSENCE of \[communism\]\(#\) itself! This is especially true when*
31 *you add games with legal words of art to remove even the STATUTORY limitations upon the conduct of the*
32 *government. See \[Legal Deception, Propaganda, and Fraud, Form #05.014.\]\(#\)*](http://famguardian.org/PublishedAuthors/Indiv/SpoonerLysander/NaturalLaw.htm]</p></div><div data-bbox=)

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

35 *The Congress finds and declares that the Communist Party of the United States [consisting*
36 *of the IRS, DOJ, and a corrupted federal judiciary], although purportedly a political*
37 *party, is in fact an instrumentality of a conspiracy to overthrow the [de jure] Government*
38 *of the United States [and replace it with a de facto government ruled by the judiciary].*
39 *It constitutes an authoritarian dictatorship [IRS, DOJ, and corrupted federal judiciary*
40 *in collusion] within a [constitutional] republic, demanding for itself the rights and*
41 *[FRANCHISE] privileges [including immunity from prosecution for their wrongdoing in*
42 *violation of Article 1, Section 9, Clause 8 of the Constitution] accorded to political parties,*
43 *but denying to all others the liberties [Bill of Rights] guaranteed by the Constitution [Form*
44 *#10.002]. Unlike political parties, which evolve their policies and programs through*
45 *public means, by the reconciliation of a wide variety of individual views, and submit those*
46 *policies and programs to the electorate at large for approval or disapproval, the policies*
47 *and programs of the Communist Party are secretly [by corrupt judges and the IRS in*
48 *complete disregard of, Form #05.014, the tax franchise "codes", Form #05.001]*
49 *prescribed for it by the foreign leaders of the world Communist movement [the IRS and*
50 *Federal Reserve]. Its members [the Congress, which was terrorized to do IRS bidding*
51 *by the framing of Congressman Traficant] have no part in determining its goals, and*
52 *are not permitted to voice dissent to party objectives. Unlike members of political parties,*
53 *members of the Communist Party are recruited for indoctrination [in the public FOOL*
54 *system by homosexuals, liberals, and socialists] with respect to its objectives and methods,*
55 *and are organized, instructed, and disciplined [by the IRS and a corrupted judiciary] to*
56 *carry into action slavishly the assignments given them by their hierarchical chieftains.*
57 *Unlike political parties, the Communist Party [thanks to a corrupted federal*
58 *judiciary] acknowledges no constitutional or statutory limitations upon its conduct or*
59 *upon that of its members [ANARCHISTS!, Form #08.020]. The Communist Party is*
60 *relatively small numerically, and gives scant indication of capacity ever to attain its ends*
61 *by lawful political means. The peril inherent in its operation arises not from its*

1 numbers, but from its failure to acknowledge any limitation as to the nature of its
2 activities, and its dedication to the proposition that the present constitutional
3 Government of the United States ultimately must be brought to ruin by any available
4 means, including resort to force and violence [or using income taxes]. Holding that
5 doctrine, its role as the agency of a hostile foreign power [the Federal Reserve and the
6 American Bar Association (ABA)] renders its existence a clear present and continuing
7 danger to the security of the United States. It is the means whereby individuals are
8 seduced [illegally KIDNAPPED via identity theft!, Form #05.046] into the service of
9 the world Communist movement [using FALSE information returns and other
10 PERJURIOUS government forms, Form #04.001], trained to do its bidding [by
11 FALSE government publications and statements that the government is not
12 accountable for the accuracy of, Form #05.007], and directed and controlled [using
13 FRANCHISES illegally enforced upon NONRESIDENTS, Form #05.030] in the
14 conspiratorial performance of their revolutionary services. Therefore, the
15 Communist Party should be outlawed

16 *The above corruption of our Constitutional Republic by the unconstitutional abuse of franchises, the violation of*
17 *the rules of statutory construction, and interference with common law remedies was described by the U.S.*
18 *Supreme Court as follows:*

19 *"These are words of weighty import. They involve consequences of the most momentous*
20 *character. I take leave to say that if the principles thus announced should ever receive*
21 *the sanction of a majority of this court, a radical and mischievous change in our system*
22 *of government will be the result. We will, in that event, pass from the era of constitutional*
23 *liberty guarded and protected by a written constitution into an era of legislative*
24 *absolutism.*

25 Although from the foundation of the Government this court has held steadily to the view
26 that the Government of the United States was one of enumerated powers, and that no one
27 of its branches, nor all of its branches combined, could constitutionally exercise powers
28 not granted, or which were not necessarily implied from those expressly granted, *Martin*
29 *v. Hunter, 1 Wheat. 304, 326, 331, we are now informed that Congress possesses powers*
30 *outside of the Constitution, and may deal with new territory, 380*380 acquired by treaty*
31 *or conquest, in the same manner as other nations have been accustomed to act with*
32 *respect to territories acquired by them. In my opinion, Congress has no existence and*
33 *can exercise no authority outside of the Constitution. Still less is it true that Congress*
34 *can deal with new territories just as other nations have done or may do with their new*
35 *territories. This nation is under the control of a written constitution, the supreme law of*
36 *the land and the only source of the powers which our Government, or any branch or*
37 *officer of it, may exert at any time or at any place. Monarchical and despotic*
38 *governments, unrestrained by written constitutions, may do with newly acquired*
39 *territories what this Government may not do consistently with our fundamental law. To*
40 *say otherwise is to concede that Congress may, by action taken outside of the*
41 *Constitution, engraft upon our republican institutions a colonial system such as exists*
42 *under monarchical governments. Surely such a result was never contemplated by the*
43 *fathers of the Constitution. If that instrument had contained a word suggesting the*
44 *possibility of a result of that character it would never have been adopted by the People*
45 *of the United States. The idea that this country may acquire territories anywhere upon*
46 *the earth, by conquest or treaty, and hold them as mere colonies or provinces — the*
47 *people inhabiting them to enjoy only such rights as Congress chooses to accord to them*
48 *— is wholly inconsistent with the spirit and genius as well as with the words of the*
49 *Constitution.*

50 *[Downes v. Bidwell, 182 U.S. 244 (1901), Justice Harlan, Dissenting]*

51 *Civil statutory codes, franchises, or privileges are referred to on this website as "private law", but not "law".*
52 *The word "public" precedes all uses of "law" when dealing with acts of government and hence, refers only to*
53 *COMMON law and CRIMINAL law that applies equally to everyone, regardless of [their consent](#). Involvement in*
54 *any and all "[private law](#)" [franchises or privileges](#) offered by any government ALWAYS undermines and threatens*
55 *sovereignty, autonomy, and [equality](#), turns government into an [unconstitutional civil religion](#), and [corrupts even](#)*
56 *[the finest of people](#). This is explained in:*

57  [Government Instituted Slavery Using Franchises, Form #05.030](#)

58 *Any use of the word "law" by any government actor directed at us or any member, if not clarified with the words*
59 *"private" or "public" in front of the word "law" shall constitute:*

- 60 1. A criminal attempt and conspiracy to recruit us to be [a public officer called a "person"](#), ["taxpayer"](#),
- 61 ["citizen"](#), ["resident"](#), etc.
- 62 2. A solicitation of [illegal bribes called "taxes"](#) to treat us "AS IF" we are a public officer.

3. [A criminal conspiracy to convert PRIVATE rights into PUBLIC rights](#) and to violate the Bill of Rights.

The protection of PRIVATE rights mandated by the Bill of Rights BEGINS with and requires:

1. ALWAYS keeping PRIVATE and PUBLIC rights separated and never mixing them together.
2. Using unambiguous language about the TYPE of "right" that is being protected: PUBLIC or PRIVATE in every use of the word "right". The way to avoid confusing PUBLIC and PRIVATE RIGHTS is to simply refer to PRIVATE rights as "privileges" and NEVER refer to them as "rights".
3. Only converting PRIVATE rights to PUBLIC rights with the express written consent of the HUMAN owner.
4. Limiting the conversion to geographical places where rights are NOT unalienable. This means the conversion occurred either abroad or on government territory not within the exclusive jurisdiction of a Constitutional state. Otherwise, the Declaration of Independence, which is organic law, would be violated.
5. Keeping the rules for converting PRIVATE to PUBLIC so simple, unambiguous, and clear that a child could understand them and always referring to these rules in every interaction between the government and those they are charged with protecting.
6. Ensuring that in every interaction (and ESPECIALLY ENFORCEMENT ACTION) between the government both administratively and in court, that any right the government claims to civilly enforce against, regulate, tax, or burden otherwise PRIVATE property is proven ON THE RECORD IN WRITING to originate from the rules documented in the previous step. This BURDEN OF PROOF must be met both ADMINISTRATIVELY and IN COURT BEFORE any enforcement action may be lawfully attempted by any government. It must be met by an IMPARTIAL decision maker with NO FINANCIAL interest in the outcome and not employed by the government or else a criminal financial conflict of interest will result. In other words, the government has to prove that it is NOT stealing before it can take property, that it is the lawful owner, and expressly HOW it became the lawful owner.
7. Enforcing the following [CONCLUSIVE PRESUMPTION](#) against [government jurisdiction](#) to enforce unless and until the above requirements are met:

"All rights and property are PRESUMED to be EXCLUSIVELY PRIVATE and beyond the control of government or the CIVIL statutory franchise codes unless and until the government meets the burden of proving, WITH EVIDENCE, on the record of the proceeding that:

1. A SPECIFIC formerly PRIVATE owner consented IN WRITING to convert said property to PUBLIC property.


2. The owner was either abroad, domiciled on, or at least PRESENT on federal territory NOT protected by the Constitution and therefore had the legal capacity to ALIENATE a Constitutional right or relieve a public servant of the fiduciary obligation to respect and protect the right. Those physically present but not necessarily domiciled in a constitutional but not statutory state protected by the constitution cannot lawfully alienate rights to a real, de jure government, even WITH their consent.

3. If the government refuses to meet the above burden of proof, it shall be CONCLUSIVELY PRESUMED to be operating in a PRIVATE, corporate capacity on an EQUAL footing with every other private corporation and which is therefore NOT protected by official, judicial, or sovereign immunity."

For a detailed exposition on the mandatory separation between PUBLIC and PRIVATE as indicated above, please see the following course on our site:

 [Separation Between Public and Private Course, Form #12.025](#)

For a detailed exposition of the legal meaning of the word "law" and why the above restrictions on its definition are important, see:

 [What is "law"?, Form #05.048](#)

[[SEDM Disclaimer](#), Section 4: Meaning of Words; SOURCE: <https://sedm.org/disclaimer.htm>]

2. [Refusing to recognize or enforce the limitations of the Constitution upon the conduct of public servants](#). This effectively repeals the Constitution for specific cases selected by judges who usually have a criminal financial conflict of interest in violation of 28 U.S.C. §§144, 455 and 18 U.S.C. §208. The Legislative Branch of the government in 50 U.S.C. §841 defined this sort of behavior as the essence of communism itself.

The Congress finds and declares that the Communist Party of the United States [consisting of the IRS, DOJ, and a corrupted federal judiciary], although purportedly a political party, is in fact an instrumentality of a conspiracy to overthrow the [de jure] Government of the United States [and replace it with a de facto government ruled by the judiciary]. It constitutes an authoritarian dictatorship [IRS, DOJ, and corrupted federal judiciary in collusion] within a [constitutional] republic, demanding for itself the rights and [FRANCHISE] privileges [including immunity from prosecution for their wrongdoing in violation of Article I, Section 9, Clause 8 of the Constitution] accorded to political parties, but denying to all others the liberties [Bill of Rights] guaranteed by the Constitution [Form #10.002]. Unlike political parties, which evolve their policies and programs through public means, by the reconciliation of a wide variety of individual views, and submit those policies and programs to the electorate at large for approval or disapproval, the policies and programs of the Communist Party are secretly [by corrupt judges and the IRS in complete disregard of, Form #05.014, the tax franchise “codes”, Form #05.001] prescribed for it by the foreign leaders of the world Communist movement [the IRS and Federal Reserve]. Its members [the Congress, which was terrorized to do IRS bidding by the framing of Congressman Traficant] have no part in determining its goals, and are not permitted to voice dissent to party objectives. Unlike members of political parties, members of the Communist Party are recruited for indoctrination [in the public FOOL system by homosexuals, liberals, and socialists] with respect to its objectives and methods, and are organized, instructed, and disciplined [by the IRS and a corrupted judiciary] to carry into action slavishly the assignments given them by their hierarchical chieftains. Unlike political parties, the Communist Party [thanks to a corrupted federal judiciary] acknowledges no constitutional or statutory limitations upon its conduct or upon that of its members [ANARCHISTS!, Form #08.020]. The Communist Party is relatively small numerically, and gives scant indication of capacity ever to attain its ends by lawful political means. **The peril inherent in its operation arises not from its numbers, but from its failure to acknowledge any limitation as to the nature of its activities, and its dedication to the proposition that the present constitutional Government of the United States ultimately must be brought to ruin by any available means, including resort to; force and violence for using income taxes.** Holding that doctrine, its role as the agency of a hostile foreign power [the Federal Reserve and the American Bar Association (ABA)] renders its existence a clear present and continuing danger to the security of the United States. **It is the means whereby individuals are seduced illegally KIDNAPPED via identity theft!, Form #05.046] into the service of the world Communist movement [using FALSE information returns and other PERJURIOUS government forms, Form #04.001], trained to do its bidding [by FALSE government publications and statements that the government is not accountable for the accuracy of, Form #05.007], and directed and controlled [using FRANCHISES illegally enforced upon NONRESIDENTS, Form #05.030] in the conspiratorial performance of their revolutionary services. Therefore, the Communist Party should be outlawed**

The main method of REMOVING the protections of the constitution and the lawful circumstances when it can be invoked are described in:

Unalienable Rights Course, Form #12.038
<https://sedm.org/Forms/FormIndex.htm>

3. Quoting or enforcing civil statutes against PRIVATE litigants who are not representing a public office and therefore not SUBJECT to the civil statutes. This is criminal identity theft. See:
 - 3.1. Why Statutory Civil Law is Law for Government and Not Private Persons, Form #05.037
<https://sedm.org/Forms/FormIndex.htm>
 - 3.2. Proof That There Is a “Straw Man”, Form #05.042
<https://sedm.org/Forms/FormIndex.htm>
4. Treating litigants as public officers by enforcing civil statutes against them, but not treating them as public officers for ALL purposes. This effectively repeals the statutes relating to public officer conduct for select purposes. Examples of this phenomenon include:
 - 4.1. Treating members of the private sector as withholding agents and therefore public officers, but refusing to acknowledge they are public officers during litigation. This kind of “double-think” thus prevents the judge from having to force the government litigant to satisfy the burden of proof that the withholding agent was lawfully elected or appointed. Without such proof, due process is violated and the judge is acting in a political rather than legal capacity.
 - 4.2. Dismissing constitutional rights violations against private sector withholding agents as public officers who forced PRIVATE people who were not public officers to become statutory “taxpayers” by virtue of compelling them to submit withholding paperwork or misrepresent their status on the withholding documents. Thus, the constitution is REPEALED when public officers are acting against a party situated on land protected by it and who is NOT a public officer.
 - 4.3. Depriving private parties who are NOT statutory “taxpayer” public officers of the right to submit evidence in to the court record proving they are NOT public officers and yet enforcing civil statutes that only pertain to public officers against them. This violates the Public Records exception of the Hearsay Rule found in Federal Rule of Evidence 803(8). Thus, they are being treated as public officers for TAX LIABILITY purposes but receive none

- of the “benefit” of being such public officers such as admissibility of ALL records conducted in the conduct of the alleged but de facto “office” of “taxpayer”. The inability to claim the “benefit” of the public office franchise thus results in them NOT being public officers. Contracts and franchises without consideration are not contracts.
5. Violating the “Choice of Law Rules” to apply statutes from a foreign jurisdiction to a nonresident. This has the effect of imputing “the force of law” to that which is merely political speech. Any statute enforced against a nonresident party situated in a legislatively foreign jurisdiction who has a foreign domicile causes the judge to act in a POLITICAL rather than LEGAL capacity, which the Separation of Powers Doctrine forbids. For example, citing federal civil statutes applicable only to those domiciled on federal territory within the exclusive jurisdiction of Congress to a state domiciled party. This is identity theft. See:
- 5.1. *Federal Jurisdiction*, Form #05.018, Section 3
<https://sedm.org/Forms/FormIndex.htm>
- 5.2. *Flawed Tax Arguments to Avoid*, Form #08.004, Section 3
<https://sedm.org/Forms/FormIndex.htm>
6. Making unwarranted “presumptions” about the civil status of the litigants. This imputes the “force of law” to a specific case in which statutes do not in fact have that force against the affected party. It essentially compels the party victimized by them to contract with the government, where the civil status is tied to a franchise contract or agreement. For instance, PRESUMING that the litigant is a statutory “taxpayer” and therefore “franchisee” because they quote or invoke the Internal Revenue Code, even though they may be “nontaxpayers” who are not subject. It is the crime if impersonating a public officer for a private American to quote or invoke any civil statutory remedy, and the judge is complicit and a co-conspirator in that crime if he allows such Americans to do so. See:
- 6.1. *Presumption: Chief Weapon for Unlawfully Enlarging Federal Jurisdiction*, Form #05.017
<https://sedm.org/Forms/FormIndex.htm>
- 6.2. *Government Instituted Slavery Using Franchises*, Form #05.030
<https://sedm.org/Forms/FormIndex.htm>
7. Quoting irrelevant case law from a foreign jurisdiction against a nonresident: This is identity theft. Like abuse of Choice of Law rules, quoting irrelevant case law from a legislatively foreign jurisdiction that the party is not domiciled within causes the judge to behave in a POLITICAL rather than LEGAL capacity and thus violate the Separation of Powers Doctrine. Case law that is quoted MUST derive from litigants who are “similarly situated”. That means the people who were the subject of the suit MUST have the SAME domicile and the SAME civil status, such as “taxpayer”, “resident”, driver, etc. If you are a “nontaxpayer” and non-franchisee, its identity theft to quote case law pertaining to statutory “taxpayers” against you. This creates the FALSE appearance that the cases cited have the “force of law” against you. See:
- Government Identity Theft*, Form #05.046, Section 9
<https://sedm.org/Forms/FormIndex.htm>
8. Abusing equivocation to confuse contexts: Abusing words that have multiple contexts as if both contexts are equivalent. This ultimately causes a civil franchise status to be imputed to those that it does not apply to and thus kidnaps their legal identity and compels them to be party to a franchise contract that they do not consent to and cannot even lawfully consent to as a party with “inalienable rights”. This includes:
- 8.1. Confusing CONSTITUTIONAL and STATUTORY geographical terms. See:
- 8.1.1. *Citizenship Status v. Tax Status*, Form #10.011, Section 6
<https://sedm.org/Forms/FormIndex.htm>
- 8.1.2. *Non-Resident Non-Person Position*, Form #05.020, Section 4
<https://sedm.org/Forms/FormIndex.htm>
- 8.2. Confusing “United States” the legal person and corporation with “United States” the geography. See:
- 8.2.1. *Foundations of Freedom Course*, Form #12.021, Video 4: Willful Government Deception and Propaganda
<https://sedm.org/Forms/FormIndex.htm>
- 8.2.2. *Government Identity Theft*, Form #05.046, Section 8.6.3
<https://sedm.org/Forms/FormIndex.htm>
- 8.3. Confusing “State” in the Constitutional context with statutory term “this State”, meaning federal enclaves within states of the Union. Nearly all statutory state franchises only apply within federal enclaves where state and federal jurisdictions overlap. See:
- 8.3.1. *Corporatization and Privatization of the Government*, Form #05.024, Section 10.
<https://sedm.org/Forms/FormIndex.htm>
- 8.3.2. *State Income Tax*, Form #05.031, Section 8.
<https://sedm.org/Forms/FormIndex.htm>
- 8.3.3. *Sovereignty Forms and Instructions Online*, Form #10.004, Cites by Topic: “State”
<https://famguardian.org/TaxFreedom/CitesByTopic/State.htm>

1 8.4. Confusing CONSTITUTIONAL citizens with STATUTORY citizens. They are NOT equivalent and DO NOT
2 overlap. See:

3 8.4.1. *Why You Are a “national”, “state national”, and Constitutional but Not Statutory Citizen*, Form #05.006,
4 Sections 4 and 5

5 <https://sedm.org/Forms/FormIndex.htm>

6 8.4.2. *Why the Fourteenth Amendment is Not a Threat to Your Freedom*, Form #08.015

7 <https://sedm.org/Forms/FormIndex.htm>

8 8.4.3. *Government Identity Theft*, Form #05.046, Section 10

9 <https://sedm.org/Forms/FormIndex.htm>

10 9. Abusing the word “includes”: Expanding legal definitions to include things not expressly stated. See:

11 9.1. *Legal Deception, Propaganda, and Fraud*, Form #05.014, Section 15.2

12 <https://sedm.org/Forms/FormIndex.htm>

13 9.2. *Government Identity Theft*, Form #05.046, Section 8.4

14 <https://sedm.org/Forms/FormIndex.htm>

15 10. Accusing non-governmental litigants suing government actors of being “frivolous” or penalizing them for it without
16 providing legal evidence proving that the position that is CALLED “frivolous” is incorrect or untruthful. The result is
17 an unconstitutional “presumption” that violates due process of law. We cover this in:

Responding to “Frivolous” Penalties and Accusations, Form #05.027

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

18 In order to supervise judges in the proper execution of their duties as a vigilant American, you must therefore intimately
19 understand all the above tactics and file criminal complaints against the judge immediately into the court record every time
20 they are attempted. You can’t do this as an attorney without pissing off the judge and ILLEGALLY losing your license if
21 you are litigating against a government actor. You MUST therefore be a private American when you do it. The tactics for
22 dealing with the above abuses mostly appear in the following documents:

23 1. *Government Identity Theft*, Form #05.046

24 <https://sedm.org/Forms/FormIndex.htm>

25 2. *Tax Form Attachment*, Form #04.201

26 <https://sedm.org/Forms/FormIndex.htm>

27 3. *Rules of Presumption and Statutory Interpretation*, Litigation Tool #01.006

28 <https://sedm.org/Litigation/LitIndex.htm>

29 4. *Citizenship, Domicile, and Tax Status Options*, Form #10.003

30 <https://sedm.org/Forms/FormIndex.htm>

31 5. *Affidavit of Citizenship, Domicile, and Tax Status*, Form #02.001

32 <https://sedm.org/Forms/FormIndex.htm>

33 6. *Citizenship Status v. Tax Status*, Form #10.011

34 <https://sedm.org/Forms/FormIndex.htm>

35 7. *Federal Pleading, Motion, and Petition Attachment*, Litigation Tool #01.002

36 <https://sedm.org/Litigation/LitIndex.htm>

37 For an entertaining video on the subject of this section, we highly recommend the following video:

Courts Cannot Make Law, Michael Anthony Peroutka Townhall

<https://sedm.org/courts-cannot-make-law/>

38 For more on the subject of this section, see:

How Judges Unconstitutionally “Make Law”, Litigation Tool #01.009

<https://sedm.org/Litigation/LitIndex.htm>

39 **4 Two methods of creating “obligations” clarify the definition of “law”**

40 The legal definition of “law” can be easily discerned by examining HOW “obligations” are created. The California Civil
41 Code, Section 1427 defines what an obligation or duty is:

1 Civil Code - CIV
2 DIVISION 3. OBLIGATIONS [1427 - 3272.9]
3 (Heading of Division 3 amended by Stats. 1988, Ch. 160, Sec. 14.)
4 PART 1. OBLIGATIONS IN GENERAL [1427 - 1543] (Part 1 enacted 1872.)
5 TITLE 1. DEFINITION OF OBLIGATIONS [1427 - [1428.]] (Title 1 enacted 1872.)

6 1427. An obligation is a legal duty, by which a person is bound to do or not to do a certain thing.
7 (Enacted 1872.)

8 The California Civil Code and California Code of Civil Procedure then describe how obligations may lawfully be created.
9 Section 22.2 of the California Civil Code (“CCC”) shows that the **common law** shall be the rule of decision in all the courts
10 of this State. CCC section 1428 establishes that **obligations** are **legal duties** arising either from **contract of the parties**, or **the**
11 **operation of law** (nothing else). CCCP section 1708 states that the **obligations imposed by operation of law** are only to abstain
12 from injuring the person or property of another, or infringing upon any of his or her rights.

13 Civil Code - CIV
14 DEFINITIONS AND SOURCES OF LAW
15 (Heading added by Stats. 1951, Ch. 655, in conjunction with Sections 22, 22.1, and 22.2)

16 22.2. The common law of England, so far as it is not repugnant to or inconsistent with the Constitution of the
17 United States, or the Constitution or laws of this State, is the rule of decision in all the courts of this State. (Added
18 by Stats. 1951, Ch. 655.)

19 -----
20 Civil Code – CIV
21 DIVISION 3. OBLIGATIONS [1427 - 3272.9]
22 (Heading of Division 3 amended by Stats. 1988, Ch. 160, Sec. 14.)
23 PART 1. OBLIGATIONS IN GENERAL [1427 - 1543] (Part 1 enacted 1872.)
24 TITLE 1. DEFINITION OF OBLIGATIONS [1427 - [1428.]] (Title 1 enacted 1872.)

25 [1428.] Section Fourteen Hundred and Twenty-eight. An obligation arises either from:

26 One — The contract of the parties; or,

27 Two — The operation of law. An obligation arising from operation of law may be enforced in the manner
28 provided by law, or by civil action or proceeding.

29 (Amended by Code Amendments 1873-74, Ch. 612.)

30 -----
31 Civil Code – CIV
32 DIVISION 3. OBLIGATIONS [1427 - 3272.9]
33 (Heading of Division 3 amended by Stats. 1988, Ch. 160, Sec. 14.)
34 PART 3. OBLIGATIONS IMPOSED BY LAW [1708 - 1725]
35 (Part 3 enacted 1872.)

36 1708. Every person is bound, without contract, to abstain from injuring the person or property of another, or
37 infringing upon any of his or her rights.

38 (Amended by Stats. 2002, Ch. 664, Sec. 38.5. Effective January 1, 2003.)

39 The phrase “operation of law” uses the word “law” and therefore implies REAL law. REAL law in turn consists of ONLY
40 the common law and the Constitution, as we prove in this document.

41 Based on the above provisions of the California Civil Code, when anyone from the government seeks to enforce a “duty” or
42 “obligation”, such as in tax correspondence, they have the burden of proof to demonstrate.

43 1. That you expressly consented to a contract with them. This would include:

44 1.1. Written agreements.

45 1.2. Trusts.

1 1.3. Statutory franchises.
2 2. That “operation of law” is involved. In other words, that you injured a specific, identified flesh and blood person and
3 that such a person has standing to sue in a civil or common law action. THIS is what we refer to as “law” in this
4 document.

5 They must meet the above burden of proof with legally admissible evidence and may not satisfy that burden with either a
6 belief or a presumption. Pursuant to Federal Rule of Evidence 610, neither beliefs or opinions constitute legally admissible
7 evidence. Likewise, a presumption is not legally admissible evidence for the same reason. We cover why presumptions are
8 not evidence in:

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

9 In practice, they NEVER can meet the above burden of proof and consequently, you will always win when they send you a
10 tax collection notice if you know what you are doing and have read this document!

11 The first option above, contracts, is described in:

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

12 The first option, meaning contracts, is EXCLUDED from the definition of “law” based on the following.

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

15 [. . .]

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

23 Real “law” is what the above refers to as “a rule of civil conduct”. By that definition, it can only refer to the common law.
24 Why? Because domicile is a prerequisite to enforcing civil STATUTES and it is voluntary and requires consent in some
25 form, as we prove in the following document:

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

26 **5 Presumptions about the legal status of property held by the submitter as either**
27 **PUBLIC or PRIVATE**

28 All rights and property held by the submitter are PRESUMED to be EXCLUSIVELY PRIVATE and beyond the control of
29 government or the CIVIL statutory franchise codes unless and until the government meets the burden of proving, WITH
30 EVIDENCE, on the record of the proceeding that:

- 31 1. A SPECIFIC formerly PRIVATE owner consented IN WRITING to convert said property to PUBLIC property.
32 2. The owner was either abroad, domiciled on, or at least PRESENT on federal territory NOT protected by the
33 Constitution and therefore had the legal capacity to ALIENATE a Constitutional right or relieve a public servant of the
34 fiduciary obligation to respect and protect the right. Those physically present but not necessarily domiciled in a
35 constitutional but not statutory state protected by the constitution cannot lawfully alienate rights to a real, de jure
36 government, even WITH their consent.

1 3. If the government refuses to meet the above burden of proof, it shall be CONCLUSIVELY PRESUMED to be
2 operating in a PRIVATE, corporate capacity on an EQUAL footing with every other private corporation and which is
3 therefore NOT protected by official, judicial, or sovereign immunity."

4 **6 Presumptions about the applicability of “acts of Congress” to the Submitter**

5 Submitter hereby certifies under penalty of perjury that he was NOT domiciled or physically present on federal territory
6 within the exclusive jurisdiction of Congress during the period of the offense and or tax period and hence, Acts of Congress
7 may not be enforced against to him or her in that case. Any attempt to change the choice of law of enforce such statutes shall
8 be conclusively presumed to be criminal identity theft as described in:

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

9 Under Federal Rule of Civil Procedure 17, Acts of Congress shall NOT apply unless and until the government satisfies the
10 burden of proof that the Submitter is domiciled on federal territory within the exclusive or general jurisdiction of Congress:

11 IV. PARTIES > Rule 17.
12 Rule 17. Parties Plaintiff and Defendant; Capacity

13 (b) Capacity to Sue or be Sued.

14 Capacity to sue or be sued is determined as follows:

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

16 (2) for a corporation, by the law under which it was organized; and

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

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

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

23 [SOURCE: <http://www.law.cornell.edu/rules/frcp/Rule17.htm>]

24 Conspicuously absent from the above federal civil rule are the two MOST important sources of law:

- 25 1. The USA Constitution.
26 2. The common law. The common law includes natural rights.

27 Why are these two sources of law NOT explicitly or expressly mentioned in the above civil rule as a source of jurisdiction or
28 standing to sue in a federal CIVIL statutory court? Because these sources of law come from the constitution and are NOT
29 “granted” or “created” by the government. Anything not CREATED by the government cannot be limited, regulated, or
30 taxed. PRIVATE rights and PRIVATE property, for instance, are NOT “created” by government and instead are created and
31 endowed by God, according to the Declaration of Independence:

32 “We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator
33 with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness.--That to secure
34 these rights, Governments are instituted among Men, deriving their just powers from the consent of the governed,
35 --“

36 [Declaration of Independence, 1776]

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

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

1 The Constitution or the common law therefore may be cited by ANYONE, including those not domiciled within the civil
2 statutory jurisdiction of the civil court, so long as they were physically present on land protected by the Constitution within
3 the district served by the court at the time they received an injury. Recall that the Constitution attaches to LAND, and not to
4 your status as a statutory “citizen” or “resident”:

5 *“It is locality that is determinative of the application of the Constitution, in such matters as judicial procedure,*
6 *and not the status of the people who live in it.”*
7 *[Balzac v. Porto Rico, 258 U.S. 298 (1922)]*

8 **7 Presumptions about the Meaning of Terms**

9 My religious beliefs do NOT allow me to “presume” anything, or to encourage or allow others to make presumptions.

10 *“But **the person who does anything presumptuously, whether he is native-born or a stranger, that one brings***
11 ***reproach on the Lord, and he shall be cut off from among his people.”***
12 *[Numbers 15:30, Bible, NKJV]*

13 Consonant with the above, I have a mandate from my God to define all the words that he uses and that anyone else might use
14 against me. The following table provides default definitions for all key “words of art” that both the Government opponent
15 and the Court are likely to use in order to destroy and undermine his rights throughout this proceeding.

16 **7.1 Meaning of specific terms**

17 This section is a defense against the following fraudulent tactics by those in government:

- 18 1. [Foundations of Freedom Course, Video 4: Willful Government Deception and Propaganda, Form #12.021](https://www.youtube.com/watch?v=hPwMfa_oD-w)
19 https://www.youtube.com/watch?v=hPwMfa_oD-w
- 20 2. [Legal Deception, Propaganda, and Fraud, Form #05.014](https://sedm.org/Forms/05-MemLaw/LegalDecPropFraud.pdf)
21 <https://sedm.org/Forms/05-MemLaw/LegalDecPropFraud.pdf>
- 22 3. [Presumption: Chief Weapon for Unlawfully Enlarging Federal Jurisdiction, Form #05.017](https://sedm.org/Forms/05-MemLaw/Presumption.pdf)
23 <https://sedm.org/Forms/05-MemLaw/Presumption.pdf>
- 24 4. [The Beginning of Wisdom is to Call Things By Their Proper Names](https://youtu.be/FXZSEHVtWQE), Stefan Molyneux
25 <https://youtu.be/FXZSEHVtWQE>
- 26 5. [Mirror Image Rule](http://www.youtube.com/embed/j8pgbZV757w)
27 <http://www.youtube.com/embed/j8pgbZV757w>

28 The biblical reason for this section is explained in the following videos:

- 29 1. [Oreilly Factor, April 8, 2015](http://famguardian1.org/Mirror/Famguardian/20150408_1958-The_OReilly_Factor-Dealing%20with%20slanderous%20liberals%20biblically-Everett%20Piper.mp4), John Piper of the Oklahoma Wesleyan University
30 [http://famguardian1.org/Mirror/Famguardian/20150408_1958-The_OReilly_Factor-](http://famguardian1.org/Mirror/Famguardian/20150408_1958-The_OReilly_Factor-Dealing%20with%20slanderous%20liberals%20biblically-Everett%20Piper.mp4)
31 [Dealing%20with%20slanderous%20liberals%20biblically-Everett%20Piper.mp4](http://famguardian1.org/Mirror/Famguardian/20150408_1958-The_OReilly_Factor-Dealing%20with%20slanderous%20liberals%20biblically-Everett%20Piper.mp4)
- 32 2. [Overcoming the World 2014 Conference: Against the World](https://sedm.org/Media/Ligioneer-OvercomingTheWorld2014-Against%20the%20World-15-24-Language.mp4), Ligonier Ministries. [Click here](#) for original source,
33 minutes 15-24.
34 <https://sedm.org/Media/Ligioneer-OvercomingTheWorld2014-Against%20the%20World-15-24-Language.mp4>
- 35 3. [Kingdom Bible Studies, Lesson 1: WHO'S WHO?-The Correct Meaning of Names](https://sheldonemrylibrary.famguardian.org/BibleStudyCourses/KBS-1.pdf), [Sheldon Emry Memorial](#)
36 [Library](https://sheldonemrylibrary.famguardian.org/BibleStudyCourses/KBS-1.pdf)
37 <https://sheldonemrylibrary.famguardian.org/BibleStudyCourses/KBS-1.pdf>
- 38 4. [Kingdom Bible Studies, Lesson 2: WHO's WHO?-Understanding Word Meanings](https://sheldonemrylibrary.famguardian.org/BibleStudyCourses/KBS-2.pdf), [Sheldon Emry Memorial](#)
39 [Library](https://sheldonemrylibrary.famguardian.org/BibleStudyCourses/KBS-2.pdf)
40 <https://sheldonemrylibrary.famguardian.org/BibleStudyCourses/KBS-2.pdf>
- 41 5. [Words are Our Enemies' Weapons, Part 1](http://sheldonemrylibrary.famguardian.org/CassetteTapedMessages/1976/7603a.mp3), [Sheldon Emry](#)
42 <http://sheldonemrylibrary.famguardian.org/CassetteTapedMessages/1976/7603a.mp3>
- 43 6. [Words are Our Enemies' Weapons, Part 2](http://sheldonemrylibrary.famguardian.org/CassetteTapedMessages/1976/7603b.mp3), [Sheldon Emry](#)
44 <http://sheldonemrylibrary.famguardian.org/CassetteTapedMessages/1976/7603b.mp3>
- 45 7. [Roman Catholicism and the Battle Over Words](https://youtu.be/uxmEK1RGJQc), Ligonier Ministries
46 <https://youtu.be/uxmEK1RGJQc>

1 8. [The Keys to Freedom](https://youtu.be/rYIDRxDU5mw), Bob Hamp
2 <https://youtu.be/rYIDRxDU5mw>

3 The legal purpose of these definitions is to prevent [GOVERNMENT crime](#) using words:

[Word Crimes](https://youtu.be/8Gv0H-vPoDc), Al Yankovic
<https://youtu.be/8Gv0H-vPoDc>

4 The definitions in this section are MANDATORY in any interaction between either the government or any of its agents or
5 officers and any agent or member of this ministry. The reasons why this MUST be the case are described in:

[Path to Freedom, Form #09.015, Sections 5.3 through 5.8](https://sedm.org/Forms/09-Procs/PathToFreedom.pdf)
<https://sedm.org/Forms/09-Procs/PathToFreedom.pdf>

6

7 **7.1.1 Human**

8 The word "human" means a man or woman above the age of majority, which we regard as 18 years of age. Anyone below
9 the age of 18 is considered a "child" rather than a "human".

10 **7.1.2 “Should”, “Shall”, “Must”, “We Recommend”**

11 All use of the words "should", "shall", "must", or "we recommend" on this website or in any of the interactions of this ministry
12 with the public shall mean "may at your choice and discretion". This is similar to the government's use of the same words.
13 See [Legal Deception, Propaganda, and Fraud, Form #05.014](#), Sections 12.4.13, 12.4.17, 12.4.19, and 12.4.26 for further
14 details.

15 **7.1.3 Private**

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

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

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

- 31 6. [Not consenting](#) to contract with or acquire any public status, public privilege, or public right under any state or federal
32 franchise. For instance, the phrase "private employee" means a common law worker that is NOT the statutory
33 "employee" defined within 26 U.S.C. §3401(c) or 26 C.F.R. §301.3401(c)-1 or any other federal or state law or statute.
- 34 7. Not sharing ownership or control of their body or property with anyone, and especially a government. In other words:
35 7.1. Ownership is not "qualified" but "absolute".
36 7.2. There are not moieties between them and the government.
37 7.3. The government has no usufructs over any of their property.
- 38 8. Not [subject to civil enforcement or regulation of any kind](#), except AFTER an injury to the equal rights of others has
39 occurred. Preventive rather than corrective regulation is an unlawful taking of property according to the Fifth
40 Amendment takings clause.

1 9. Not "privileged" or party to a franchise of any kind:

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

8

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

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

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

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

30 *[The Privileges and Immunities of State Citizenship, Roger Howell, PhD, 1918, pp. 9-10; SOURCE:*
31 *http://famguardian.org/Publications/ThePrivAndImmOfStateCit/The_privileges_and_immunities_of_state_c.pdf*
32 *]*

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

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

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

45 **7.1.4 Government**

46 The term "government" is defined to include that group of people dedicated to the protection of purely and exclusively
47 PRIVATE RIGHTS and PRIVATE PROPERTY that are absolutely and exclusively owned by a truly free and sovereign
48 human being who is EQUAL to the government in the eyes of the law per the Declaration of Independence. It excludes the
49 protection of [PUBLIC rights or PUBLIC privileges \(franchises, Form #05.030\)](#) and [collective rights \(Form #12.024\)](#) because
50 of the tendency to subordinate PRIVATE rights to PUBLIC rights due to the CRIMINAL conflict of financial interest on the
51 part of those in the alleged "government" (18 U.S.C. §208, 28 U.S.C. §§144, and 455). See [Separation Between Public and](#)
52 [Private Course, Form #12.025](#) for the distinctions between PUBLIC and PRIVATE.

1 "As expressed otherwise, the powers delegated to a public officer are held in trust for the people and are to be
2 exercised in behalf of the government or of all citizens who may need the intervention of the officer. [1]
3 Furthermore, the view has been expressed that all public officers, within whatever branch and whatever level
4 of government, and whatever be their private vocations, are trustees of the people, and accordingly labor under
5 every disability and prohibition imposed by law upon trustees relative to the making of personal financial gain
6 from a discharge of their trusts. [2] That is, a public officer occupies a fiduciary relationship to the political
7 entity on whose behalf he or she serves. [3] and owes a fiduciary duty to the public. [4] It has been said that
8 the fiduciary responsibilities of a public officer cannot be less than those of a private individual. Furthermore,
9 it has been stated that any enterprise undertaken by the public official which tends to weaken public confidence
10 and undermine the sense of security for individual [PRIVATE] rights is against public policy. [5]"
11 [63C American Jurisprudence 2d, Public Officers and Employees, §247 (1999)]

12
13 FOOTNOTES:

14 [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,
15 115 A.2d. 8.

16 [2] *Georgia Dep't of Human Resources v. Sistrunk*, 249 Ga. 543, 291 S.E.2d. 524. A public official is held in
17 public trust. *Madlener v. Finley (1st Dist)*, 161 Ill.App.3d. 796, 113 Ill.Dec. 712, 515 N.E.2d. 697, app gr 117
18 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.

19 [3] *Chicago Park Dist. v. Kenroy, Inc.*, 78 Ill.2d. 555, 37 Ill.Dec. 291, 402 N.E.2d. 181, appeal after remand (1st
20 Dist) 107 Ill.App.3d. 222, 63 Ill.Dec. 134, 437 N.E.2d. 783.

21 [4] *United States v. Holzer (CA7 Ill)*, 816 F.2d. 304 and vacated, remanded on other grounds 484 U.S. 807, 98
22 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
23 S.Ct. 2022 and (criticized on other grounds by *United States v. Osser (CA3 Pa)* 864 F.2d. 1056) and (superseded
24 by statute on other grounds as stated in *United States v. Little (CA5 Miss)* 889 F.2d. 1367) and (among conflicting
25 authorities on other grounds noted in *United States v. Boylan (CA1 Mass)*, 898 F.2d. 230, 29 Fed.Rules.Evid.Serv.
26 1223).

27 [5] *Chicago ex rel. Cohen v. Keane*, 64 Ill.2d. 559, 2 Ill.Dec. 285, 357 N.E.2d. 452, later proceeding (1st Dist)
28 105 Ill.App.3d. 298, 61 Ill.Dec. 172, 434 N.E.2d. 325.

29 [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
30 den (Jan 24, 1996) and transfer den (May 28, 1996).

31 Anything done CIVILLY for the benefit of those working IN the government at the [involuntary, enforced, coerced, or](#)
32 [compelled \(Form #05.003\)](#) expense of PRIVATE free humans is classified as [DE FACTO \(Form #05.043\)](#), non-
33 governmental, PRIVATE business activity beyond the core purpose of government that cannot and should not be protected
34 by official, judicial, or sovereign immunity. [Click here \(Form #11.401\)](#) for a detailed exposition of ALL of the illegal methods
35 of enforcement (Form #05.032) and [duress \(Form #02.005\)](#). "Duress" as used here INCLUDES:

- 36 1. Any type of [LEGAL DECEPTION, Form #05.014](#).
- 37 2. Every attempt to insulate government workers from responsibility or accountability for their false or misleading
38 statements ([Form #05.014](#) and [Form #12.021 Video 4](#)), forms, or publications ([Form #05.007](#) and [Form #12.023](#)).
- 39 3. Every attempt to offer or enforce civil franchise statutes against anyone OTHER than public officers ALREADY in the
40 government. Civil franchises cannot and should not be used to CREATE new public offices, but to add duties to
41 EXISTING public officers who are ALREADY lawfully elected or appointed.. See [Form #05.030](#).
- 42 4. Every attempt to commit identity theft by legally kidnapping [CONSTITUTIONAL state domiciled parties](#) onto federal
43 territory or into the "United States" federal corporation as public officers. [Form #05.046](#).
- 44 5. Every attempt to offer or enforce any kind of franchise within a CONSTITUTIONAL state. See [Form #05.030](#).
- 45 6. Every attempt to entice people to give up an inalienable CONSTITUTIONAL right in exchange for a franchise
46 privilege. See [Form #05.030](#).
- 47 7. Every attempt to use the police to enforce civil franchises or civil penalties. Police power can be lawfully used ONLY
48 to enforce the criminal law. Any other use, and especially for revenue collection, is akin to sticking people up at
49 gunpoint. See [Form #12.022](#).
- 50 8. Every attempt at CIVIL asset forfeiture to police in the conduct of CRIMINAL enforcement. This merely creates a
51 criminal conflict of interest in police and makes them into CIVIL revenue collectors who seek primarily their own
52 enrichment. See [Form #12.022](#).

- 1 9. Every attempt to compel or penalize anyone to declare a specific civil status on a government form that is signed under
2 penalty of perjury. That is criminal witness tampering and the IRS does it all the time.
3 10. Every attempt to call something voluntary and yet to refuse to offer forms and procedures to unvolunteer. This is
4 criminal FRAUD. Congressmen call income taxes voluntary all the time but the IRS refuses to even recognize or help
5 anyone who is a "nontaxpayer". See [Exhibit #05.051](#).

6 All of the above instances of duress place personal interest in direct conflict with obedience to [REAL law, Form #05.048](#).
7 They are the main source of [government corruption \(Form #11.401\)](#) in the present [de facto system \(Form #05.043\)](#). The only
8 type of enforcement by a DE JURE government that can or should be compelled and lawful is CRIMINAL or COMMON
9 LAW enforcement where a SPECIFIC private human has been injured, not [CIVIL statutory enforcement \(a franchise, Form](#)
10 [#05.030\)](#). Under the State Action Doctrine of the U.S. Supreme Court, everyone who is the target of CIVIL enforcement is,
11 by definition a public officer or agent in the government and Christians are forbidden by the Bible from becoming such public
12 officers. [Form #13.007](#).

13 Every type of DE JURE CIVIL governmental service or regulation MUST be voluntary and ALL must be offered the right
14 to NOT participate on every governmental form that administers such a CIVIL program. It shall mandatorily, publicly, and
15 NOTORIOUSLY be enforced and prosecuted as a crime NOT to offer the right to NOT PARTICIPATE in any CIVIL
16 STATUTORY activity of government or to call a service "VOLUNTARY" but actively interfere with and/or persecute those
17 who REFUSE to volunteer or INSIST on unvolunteering. All statements by any Government Actor or government form or
18 publication relating to the right to volunteer shall be treated as statements under penalty of perjury for which the head of the
19 governmental department shall be help PERSONALLY liable if false. EVERY CIVIL "benefit" or activity offered by any
20 government MUST identify at the beginning of ever law creating the program that the program is VOLUNTARY and HOW
21 specifically to UNVOLUNTEER or quit the program. Any violation of these rules makes the activity NON-
22 GOVERNMENTAL in nature AND makes those offering the program into a [DE FACTO government \(Form #05.043\)](#). The
23 Declaration of Independence says that all "just powers" of government derive from the CONSENT of those governed. Any
24 attempt to [CIVILLY enforce](#) MUST be preceded by an explicit written attempt to procure consent, to not punish those who
25 DO NOT consent, and to not PRESUME consent by virtue of even submitting a government form that does not IDENTIFY
26 that submission of the form is an IMPLIED [act of consent \(Form #05.003\)](#). This ensures "justice" in a constitutional sense,
27 which is [legally defined as "the right to be left alone"](#). For the purposes of this website, those who do not consent to
28 ANYTHING civil are referred to ["non-resident non-persons" \(Form #05.020\)](#). An example of such a human would be a
29 devout Christian who is acting in complete obedience to the word of God in all their interactions with anyone and everyone
30 in government. Any attempt by a PRIVATE human to consent to any [CIVIL STATUTORY offering by any government \(a](#)
31 [franchise, Form #05.030\)](#) is a violation of their [delegation of authority order from God \(Form #13.007\)](#) that places them
32 OUTSIDE the protection of God under the Bible.

33 Under this legal definition of "government" the IDEAL and DE JURE government is one that:

- 34 1. The States cannot offer THEIR taxable franchises within federal territory and the FEDERAL government may not
35 establish taxable franchises within the territorial borders of the states. This limitation was acknowledged by the U.S.
36 Supreme Court in the [License Tax Cases, 72 U.S. 462 \(1866\)](#) and continues to this day but is
37 UNCONSTITUTIONALLY ignored more by fiat and practice than by law.
38 2. Has the administrative burden of proof IN WRITING to prove to a common law jury of your peers that you
39 CONSENTED in writing to the CIVIL service or offering before they may COMMENCE administrative enforcement
40 of any kind against you. Such administrative enforcement includes, but is not limited to administrative liens,
41 administrative levies, administrative summons, or contacting third parties about you. This ensures that you CANNOT
42 become the unlawful victim of a [USUALLY FALSE PRESUMPTION \(Form #05.017\)](#) about your [CIVIL STATUS](#)
43 [\(Form #13.008\)](#) that ultimately leads to [CRIMINAL IDENTITY THEFT \(Form #05.046\)](#). The decision maker on
44 whether you have CONSENTED should NOT be anyone in the AGENCY that administers the service or benefit and
45 should NEVER be ADMINISTRATIVE. It should be JUDICIAL.
46 3. Judges making decisions about the payment of any CIVIL SERVICE fee may NOT participate in ANY of the
47 programs they are deciding on and may NOT be "taxpayers" under the I.R.C. Subtitle A Income tax. This creates a
48 criminal financial conflict of interest that denies due process to all those who are targeted for enforcement. This sort of
49 corruption was abused to unlawfully expand the income tax and the Social Security program OUTSIDE of their [lawful](#)
50 [territorial extent \(Form #05.018\)](#). See [Lucas v. Earl, 281 U.S. 111 \(1930\)](#), [O'Malley v. Woodrough, 307 U.S. 277](#)
51 [\(1939\)](#) and later in [Hatter v. U.S. 532 U.S. 557 \(2001\)](#).
52 4. EVERY CIVIL service offered by any government MUST be subject to choice and competition, in order to ensure
53 accountability and efficiency in delivering the service. This INCLUDES the minting of substance based currency. The

1 government should NOT have a monopoly on ANY service, including money or even the postal service. All such
2 monopolies are inevitably abused to institute duress and destroy the autonomy and sovereignty and EQUALTY of
3 everyone else.

- 4 5. CANNOT "bundle" any service with any other in order to FORCE you to buy MORE services than you want.
5 Bundling removes choice and autonomy and constitutes biblical "usury". For instance, it CANNOT:
 - 6 5.1. Use "driver licensing" to FORCE people to sign up for Social Security by forcing them to provide a "franchise
7 license number" called an SSN or TIN in order to procure the PRIVILEGE of "driving", meaning using the commercial
8 roadways FOR HIRE and at a profit.
 - 9 5.2. Revoke driver licenses as a method of enforcing ANY OTHER franchise or commercial obligation, including but
10 not limited to child support, taxes, etc.
 - 11 5.3. Use funds from ONE program to "prop up" or support another. For instance, they cannot use Social Security as a
12 way to recruit "taxpayers" of other services or the income tax. This ensures that EVERY PROGRAM stands on its own
13 two feet and ensures that those paying for one program do not have to subsidize failing OTHER programs that are not
14 self-supporting. It also ensures that the government MUST follow the SAME free market rules that every other
15 business must follow for any of the CIVIL services it competes with other businesses to deliver.
 - 16 5.4 Piggyback STATE income taxes onto FEDERAL income taxes, make the FEDERAL government the tax collector
17 for STATE TAXES, or the STATES into tax collectors for the FEDERAL government.
- 18 6. Can lawfully enforce the CRIMINAL laws without your express consent.
- 19 7. Can lawfully COMPEL you to pay for BASIC SERVICES of the courts, jails, military, and ROADS and NO
20 OTHERS. EVERYONE pays the same EQUAL amount for these services.
- 21 8. Sends you an ITEMIZED annual bill for CIVIL services that you have contracted in writing to procure. That bill
22 should include a signed copy of your consent for EACH individual CIVIL service or "social insurance". Such "social
23 services" include anything that costs the government money to provide BEYOND the BASIC SERVICES, such as
24 health insurance, health care, Social Security, Medicare, etc.
- 25 9. If you do not pay the ITEMIZED annual bill for the services you EXPRESSLY consented to, the government should
26 have the right to collect ITS obligations the SAME way as any OTHER PRIVATE human. That means they can
27 administratively lien your real or personal property, but ONLY if YOU can do the same thing to THEM for services or
28 property THEY have procured from you either voluntarily or involuntarily. Otherwise, they must go to court IN
29 EQUITY to collect, and MUST produce evidence of consent to EACH service they seek payment or collection for. In
30 other words, they have to follow the SAME rules as every private human for the collection of CIVIL obligations that
31 are in default. Otherwise, they have superior or supernatural powers and become a pagan deity and you become the
32 compelled WORSHIPPER of that pagan deity. See [Socialism: The New American Civil Religion, Form #05.016](#) for
33 details on all the BAD things that happen by turning government into such a CIVIL RELIGION.

34 Jesus described the above de jure government as follows. He is implying that Christians cannot consent to any government
35 that rules from above or has superior or supernatural powers in relation to biological humans. In other words, the government
36 Christians adopt or participate in or subsidize CANNOT function as a religion as described in [Socialism: The New American
37 Civil Religion, Form #05.016](#):

38 *"You know that the rulers of the Gentiles [unbelievers] lord it over them [govern from ABOVE as pagan idols],*
39 *and those who are great exercise authority over them [supernatural powers that are the object of idol worship].*
40 *Yet it shall not be so among you; but whoever desires to become great among you, let him be your servant [serve*
41 *the sovereign people from BELOW rather than rule from above]. And whoever desires to be first among you, let*
42 *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*
43 *for many."*
44 *[Matt. 20:25-28, Bible, NKJV]*

45 For documentation on HOW to implement the above IDEAL or DE JURE government by making MINOR changes to existing
46 foundational documents of the present government such as the Constitution, see:

[Self Government Federation: Articles of Confederation, Form #13.002](http://sedm.org/Forms/13-SelfFamilyChurchGovnce/SGFArtOfConfed.pdf)
<http://sedm.org/Forms/13-SelfFamilyChurchGovnce/SGFArtOfConfed.pdf>

47 7.1.5 Civil Status

48 The term "[civil status](#)" describes the process by which human beings become "persons" under civil statutory law. It is what
49 the courts call a "res" which gives them civil control over you under one of three different systems of civil law. Civil status
50 is VERY important, because it is the source of civil statutory jurisdiction of courts over you and their right to "personal

1 jurisdiction” over you. It also describes how your actions affect “choice of law” and your “status” in any court cases you
2 bring. Human beings who are “sovereign” in fact:

- 3 1. Have no “[civil status](#)” under statutory law.
- 4 2. Only have a “[civil status](#)” under the constitution and the common law.
- 5 3. Are not party to the “social compact”, but “foreigners” among citizens. The Law of Nations, Book 1, Section 213 calls
6 them “inhabitants”.
- 7 4. Are not privileged “aliens”.
- 8 5. Participate in NO government franchises or privileges, but instead reserve all their PRIVATE, UNALIENABLE rights
9 (Form #12.038) and thereby remain exclusively private. See Form #05.030.
- 10 6. Were described as “idiots” under early Greek law. See:

Are You an “Idiot”?, Sovereignty Education and Defense Ministry (SEDM)
<https://sedm.org/are-you-an-idiot-we-are/>

- 11 7. Understand the distinctions between PUBLIC and PRIVATE and maintain absolute separation between the two in all
12 their interactions with any so-called “government”. They ensure that all of their property remains absolutely owned and
13 exclusively private. Thus, they can control and dictate all uses and everyone who wants to take or control it. See:

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

- 14 8. Civilly govern themselves without external interference, except possibly of common law and criminal courts.
- 15 9. Replace the civil statutory protection franchise with private contracts and franchises of their own for everyone they do
16 business with, thus rendering “civil services” on the part of organized governments irrelevant and unnecessary. For a
17 definition of “civil services”, see the definition in our Disclaimer, Section 4. In that sense they have FIRED the
18 government from a civil perspective and retain all of their God given inalienable rights. All rights reserved, U.C.C.
19 §1-308.
- 20 10. Are governed mainly by the “civil laws” found in the Holy Bible. This is a protected First Amendment right to practice
21 their religion.

Laws of the Bible, Litigation Tool #09.001
<https://sedm.org/Litigation/09-Reference/LawsOfTheBible.pdf>

22 You cannot have a “[civil status](#)” under the laws of a place WITHOUT at least one of the following conditions:

- 23 1. A physical presence in that place. The status would be under the COMMON law. Common law is based on physical
24 location of people on land rather than their statutory status.
- 25 2. CONSENSUALLY doing business in that place. The status would be under the common law. See the Foreign
26 Sovereign Immunities Act, 28 U.S.C. Chapter 97 and *International Shoe Co. v. Washington*, 326 U.S. 310 (1945).
- 27 3. A domicile in that place. This would be a status under the civil statutes of that place. See Federal Rule of Civil
28 Procedure 17(a).
- 29 4. CONSENSUALLY representing an artificial entity (a legal fiction) that has a domicile in that place. This would be a
30 status under the civil statutes of that place. See Federal Rule of Civil Procedure 17(b).
- 31 5. Consenting to a civil status under the laws of that place. Anything done consensually cannot form the basis for an
32 injury in a court of law. Such consent is usually manifested by filling out a government form identifying yourself with
33 a specific statutory status, such as a W-4, 1040, driver license application, etc. This is covered in:

Avoiding Traps in Government Forms Course, Form #12.023
<https://sedm.org/Forms/FormIndex.htm>

34 If any of the above rules are violated, you are a victim of criminal identity theft:

Government Identity Theft, Form #05.046
<https://sedm.org/Forms/05-MemLaw/GovernmentIdentityTheft.pdf>

35 “civil status” is further discussed in:

- 36 1. *Civil Status (Important!)-SEDM*-Article under "Litigation->Civil Status (Important!)-SEDM on the SEDM menus
37 <https://sedm.org/litigation-main/civil-status/>
- 38 2. *Your Exclusive Right to Declare or Establish Your Civil Status*, Form #13.008
39 <https://sedm.org/Forms/13-SelfFamilyChurchGovnce/RightToDeclStatus.pdf>
- 40 3. *Proof That There Is a “Straw Man”*, Form #05.042-SEDM

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

2 4. *Legal Fictions*, Form #09.071-SEDM

3 <https://sedm.org/Forms/09-Procs/LegalFictions.pdf>

4 **7.1.6 Civil Service**

5 The term "civil service" or "civil service fee" relates to any and all activities of "government" OTHER than:

- 6 1. Police.
- 7 2. Military.
- 8 3. Jails.
- 9 4. Criminal court.
- 10 5. Common law court.

11 "civil service" and "civil service fee" includes any attempt or act to:

- 12 1. Establish or enforce a [domicile \(Form #05.002\)](#)
- 13 2. Procure [consent \(Form #05.003\)](#) of any kind to alienate rights that are supposed to be INALIENABLE per the
- 14 Declaration of Independence.
- 15 3. PRESUME [consent \(Form #05.003\)](#) to surrender INALIENABLE PRIVATE RIGHTS by virtue of submitting,
- 16 accepting, or receiving any application for a government benefit, license, or franchise. See [Form #12.023](#).
- 17 4. Convert PRIVATE property or PRIVATE rights to PUBLIC property, PUBLIC offices, or excise taxable
- 18 franchises. See [Form #12.025](#). Government's FIRST and most important duty is to at all times maintain TOTAL
- 19 separation between PRIVATE and PUBLIC and NEVER to allow them to convert one to another. Every attempt
- 20 to convert one to the other represents a criminal financial conflict of interest that turns the PUBLIC trust into a
- 21 SHAM trust.
- 22 5. Offer or enforce the civil statutory code.
- 23 6. Offer or enforce [civil franchises \(see Form #05.030\)](#)

24 **7.1.7 Common Law**

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

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

48 It is the duty of all CONSTITUTIONAL courts in the JUDICIAL branch to provide remedy for the protection of such rights
49 when violated, even if there is no statute authorizing a remedy. This is a consequence of the oath that all judges IN
50 CONSTITUTIONAL COURTS take to "support and defend the constitution against all enemies, foreign and domestic",

1 whether state or federal. Franchise judges in the LEGISLATIVE or EXECUTIVE branch don't have to take this oath and
2 often ACTIVELY INTERFERE with any attempt by private litigants to invoke or enforce constitutional rights. That sort of
3 behavior would be TREASON in a CONSTITUTIONAL court. Franchise courts act in essence as binding arbitration boards
4 for people in temporary possession, custody, or control of absolutely owned government property which is dispensed with
5 legal strings attached called "franchises". These courts preside by the CONSENT of those who accept the property or "benefit"
6 that the franchise court is charged with managing, such as "licenses", "permits", or government "benefits". Examples of
7 "legislative franchise courts" include:

- 8 1. Traffic court.
- 9 2. Family court.
- 10 3. Tax Court (see 26 U.S.C. §7441).

11 For a detailed exposition of exactly how government franchises and franchise courts operate, see:

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

12 Rights are property and protecting and enforcing them is an action to protect PRIVATE property in the case of
13 CONSTITUTIONAL rights recognized but not created by the Bill of Rights. In providing judicial remedy absent statutes,
14 the courts in effect are DEFINING the common law, because statutes CANNOT define or limit such rights:

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

*"The very purpose of a Bill of Rights was to withdraw certain subjects from the vicissitudes of political
controversy, to place them beyond the reach of majorities [within juries] and officials [and CIVIL STATUTES,
Form #05.037] and to establish them as legal principles to be applied by the courts [using the COMMON LAW
rather than CIVIL STATUTES, Form #05.037]. One's right to life, liberty, and property, to free speech, a free
press, freedom of worship and assembly, and other fundamental rights may not be submitted to vote [of a JURY
OR an ELECTOR]; they depend on the outcome of no elections."*
*[West Virginia Bd. of Ed. v. Barnett, 319 U.S. 624, 638 (1943); SOURCE:
https://scholar.google.com/scholar_case?case=8030119134463419441]*

26 Based on the above, anything licensed, taxed, requiring a "permit", denied (the essence of ownership is the right to exclude
27 and control the use of), or regulated by civil statute or which may be voted on by a jury or an elector or which is created or
28 enforced by statute is NOT a CONSTITUTIONAL or a PRIVATE right and is not the proper subject of the common law.
29 Further, anyone who tries to convince you that there IS no such thing as the common law in the context of
30 CONSTITUTIONAL rights, or that common law proceedings can and do involve STATUTORY remedies is engaging in a
31 conspiracy to DESTROY all of your private rights and private property. This is proven in:

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

32 A failure or refusal by a judge in the judicial department to provide CONSTITUTIONAL remedy for absolutely owned
33 PRIVATE property or PRIVATE rights is therefore, in fact and in deed:

- 34 1. An attempt to accomplish the OPPOSITE purpose for why government was created, which was to protect PRIVATE
35 property and PRIVATE rights.
- 36 2. An attempt to denigrate, demoralize, oppress, and enslave (Thirteenth Amendment) litigants before them who are
37 litigating against any government for a violation of those rights.
- 38 3. An attempt to maliciously abuse legal process to institute peonage and slavery in violation of 18 U.S.C. §1589.
- 39 4. A selective REPEAL of a portion of the CONSTITUTIONAL common law.
- 40 5. A selective REPEAL of the portion of the Bill of Rights that forms the STANDING of the party to sue in court.
- 41 6. A violation of the judicial oath to support and defend the Constitution against all enemies, foreign and domestic.
- 42 7. Treason punishable by death under 18 U.S.C. §2381.
- 43 8. A violation of the Separation of Powers Doctrine, because by SELECTIVELY REPEALING a portion of the
44 constitution or constitutional common law, they in effect are acting in a "legislative capacity" as a member of the

1 Legislative or Executive Branch, not as judges.²

2 9. Destroying ANY and ALL possibility of freedom or liberty itself, according to the man who DESIGNED the three-
3 branch system of Republic Government and Separation of Powers:

4 “When the legislative and executive powers are united in the same person, or in the same body of magistrates,
5 there can be no liberty; because apprehensions may arise, lest the same monarch or senate should enact
6 tyrannical laws, to execute them in a tyrannical manner.

7 Again, there is no liberty, if the judiciary power be not separated from the legislative and executive. Were it
8 joined with the legislative, the life and liberty of the subject would be exposed to arbitrary control; for the judge
9 would be then the legislator. Were it joined to the executive power, the judge might behave with violence and
10 oppression [sound familiar?].

11 There would be an end of everything, were the same man or the same body, whether of the nobles or of the
12 people, to exercise those three powers, that of enacting laws, that of executing the public resolutions, and of
13 trying the causes of individuals.”

14 [. . .]

15 In what a situation must the poor subject be in those republics! The same body of magistrates are possessed,
16 as executors of the laws, of the whole power they have given themselves in quality of legislators. They may
17 plunder the state by their general determinations; and as they have likewise the judiciary power in their hands,
18 every private citizen may be ruined by their particular decisions.”

19 [The Spirit of Laws, Charles de Montesquieu, Book XI, Section 6, 1758;

20 SOURCE: http://famguardian.org/Publications/SpiritOfLaws/sol_11.htm]

21 Further, Congress can only regulate or tax PRIVILEGES or PUBLIC rights that it created by statute, not PRIVATE rights
22 recognized but not created by the Constitution.

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

40 [Northern Pipeline Const. Co. v. Marathon Pipe Line Co., 458 U.S. 50, 102 S.Ct. 2858 (1983)]

41 For more details on the CIVIL (not CRIMINAL, but CIVIL) power to tax or regulate only public rights (public property) that
42 Congress created by statute and therefore ABSOLUTELY OWNS and CONTROLS as 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>

43 The basic rules of the common law are documented in the following exemplary books published near the turn of the Twentieth
44 Century and many others, and thus are WRITTEN. These rules have not been REPEALED, but rather fallen out of use
45 because of censorship by covetous Pharisee lawyers trying to convert ALL property to government property so they could
46 STEAL it and harvest it for their personal benefit³:

47 1. Handbook of Common Law Pleading, Benjamin Shipman (48 MB)-

² See: Government Conspiracy to Destroy the Separation of Powers, Form #05.023; <https://sedm.org/Forms/FormIndex.htm>.

³ See: Who Were the Pharisees and Saducees?, Form #05.047; <https://sedm.org/Forms/FormIndex.htm>.

- 1 http://famguardian.org/Publications/CommonLawPractice/Hand_book_of_Common_law_Pleading.pdf
- 2 2. *Handbook of Common Law Pleading*, Joseph Koefler (4.8 MB).
- 3 http://famguardian.org/Publications/CommonLawPractice/CL_Pleading.pdf
- 4 3. *Principles of Common Law Pleading*, John McKelvey (3.5 MB)
- 5 http://famguardian.org/Publications/CommonLawPractice/Principles_of_Common_law_Pleading.pdf
- 6 4. *Pleadings and Practice in Actions At Common Law*, Martin Burks (90.3 MB)
- 7 http://famguardian.org/Publications/CommonLawPractice/Pleading_and_Practice_in_Actions_at_Comm.pdf

8 In addition to the above generally accepted rules, those owning the PRIVATE property protected by the common law may
9 ADD to these rules with their own set of rules that form the conditions of the temporary use, benefit, or control of the property
10 so granted and protected to the person SUBJECT to those rules. We call these the Grant Rules.

11 Grant Rules are CIVIL rules implemented as a contract or agreement between the GRANTOR and the GRANTEE for
12 temporarily using, controlling, or benefitting from that property. In the case of government, these rules regulating government
13 property cannot be and are not implemented with CRIMINAL statutes. They are only implemented by CIVIL statutes. They
14 are enforced against those who consent to those RULES by temporarily accepting or exercising custody, benefit, or control
15 over the property in question. These rules behave, in essence, as a franchise or an excise. The OBLIGATIONS against the
16 GRANTOR associated with the use of the granted property are the “consideration” provided by the GRANTOR and the
17 consideration they receive in return are the temporary “RIGHTS” they exercise over the granted property. All franchises are
18 based on “grants” of property with legal strings or conditions attached and ANYONE can grant or participate in such a
19 franchise or use such a franchise AGAINST a government to defend themselves against GOVERNMENT unlawfully offering
20 or enforcing THEIR franchises:

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

27 An example of the use of such rules by the government against the private rights and private property is found below:

28 *“We have repeatedly held that the Federal Government may impose appropriate conditions on the use of [federal](#)*
29 *[property](#) or [privileges \[franchises, Form #05.030\]](#) and may require that state instrumentalities comply with*
30 *[conditions \[obligations, Form #12.040\]](#) that are reasonably related to the federal interest in particular national*
31 *projects or programs. See, e. g., *Ivanhoe Irrigation Dist. v. McCracken*, 357 U.S. 275, 294-296 (1958); *Oklahoma**
32 *v. *Civil Service Comm'n*, 330 U.S. 127, 142-144 (1947); *United States v. San Francisco*, 310 U.S. 16 (1940); cf.*
33 *National League of Cities v. Usery*, 426 U.S. 833, 853 (1976); *Fry v. United States*, 421 U.S. 542 (1975). *A*
34 *requirement that States, like all other users, pay a portion of the costs of the [benefits \[Form #05.040\]](#) they enjoy*
35 *from federal programs is surely permissible [meaning CONSTITUTIONAL] since it is closely related to the [435*
36 *U.S. 444, 462] federal interest in recovering costs from those who [benefit](#) and since it effects no greater*
37 *interference with state sovereignty than do the restrictions which this Court has approved.”*
38 *[Massachusetts v. United States, 435 U.S. 444 (1978);*
39 https://scholar.google.com/scholar_case?case=16842193024599209893]

40 Under the concept of equal protection and equal treatment, WE TOO have an EQUAL right, recognized above by the U.S.
41 Supreme Court in *Munn v. Illinois*, to attach conditions to the use or benefit or control of our property by any and all others,
42 INCLUDING governments. To suggest otherwise is to impute or enforce superior or supernatural powers to a government
43 and institute a civil religion in violation of the First Amendment. ALL ARE EQUAL in a free society. You are equal to the
44 government, as President Obama implied in his First Inauguration Speech, as we prove below:

[Foundations of Freedom Course, Form #12.021, Video 1: Introduction](https://www.youtube.com/watch?v=ikf7CcT2I8I)
<https://www.youtube.com/watch?v=ikf7CcT2I8I>

45 If you are not equal to the government and cannot use YOUR absolutely owned PRIVATE property to control THEM, then
46 they can't use THEIR property to control you through civil franchises or statutes either. For more on the abuse of franchises
47 by government to oppress people they are supposed to be helping, and how to use them to DEFEND yourself against such
48 abuses, see:

- 49 1. *Government Franchises Course*, Form #12.012

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

2. *Government Instituted Slavery Using Franchises*, Form #05.030

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

Anyone who asserts that the GOVERNMENT is the only one who can absolutely own property or that government SHARES ownership or control of ALL property is indirectly advocating all of the following:

1. A violation of the main reason for creating government, which is the protection of PRIVATE rights and PRIVATE property.
2. The establishment of a state sponsored religion in violation of the First Amendment, because the government can use their control over ALL property to control ANYTHING and ANYONE. See:

Socialism: The New American Civil Religion, Form #05.016

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

3. A violation of the Thirteenth Amendment, because there is no way to avoid the rules associated with buying or using ANY TYPE OF PROPERTY.

4. The establishment of socialism, which is government ownership or at least control over ALL property:

“Socialism n (1839) 1: any of various economic and political theories advocating collective or governmental ownership and administration of the means of production and distribution of goods 2 a: a system of society or group living in which there is no private property b: a system or condition of society in which the means of production are owned and controlled by the state 3: a stage of society in Marxist theory transitional between capitalism and communism and distinguished by unequal distribution of goods and pay according to work done.”

[Webster's Ninth New Collegiate Dictionary, 1983, ISBN 0-87779-510-X, page 1118; SOURCE:

<https://famguardian.org/TaxFreedom/Forms/Discovery/Deposition/Evidence/Q05.010.pdf>]

For more information about common misconceptions about the common law propagated mainly by MISINFORMED members of the legal profession and the government, see:

Rebutted False Arguments about the Common Law, Form #08.025

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

7.1.8 Law

The term "law" as used on this site is constrained by the following requirements:

1. It must apply equally to ALL. It cannot compel INEQUALITY of treatment between any man or class of men. See [Form #05.033](#).
2. It cannot do collectively what people individually cannot NATURALLY do. In other words, in the words of [Frederic Bastiat](#), it aggregates the individual right of self-defense into a collective body so that it can be delegated. A single human CANNOT delegate a right he does not individually ALSO possess, which indirectly implies that no GROUP of men called “government” can have any more COLLECTIVE rights under the collective entity rule than a single human being. See the following for a video on the subject.

Philosophy of Liberty, SEDM

<https://sedm.org/liberty-university/liberty-university-2-2-philosophy-of-liberty/>

3. It cannot punish a citizen for an innocent action that was not a crime or not demonstrated to produce measurable harm. The ability to PROVE such harm with evidence in court is called “standing”.
4. It cannot compel the redistribution of wealth between two private parties. This is ESPECIALLY true if it is called a “tax”.
5. It cannot interfere with or impair the right of contracts between PRIVATE parties. That means it cannot compel income tax withholding unless one or more of the parties to the withholding are ALREADY public officers in the government.
6. It cannot interfere with the use or enjoyment or CONTROL over private property, so long as the use injures no one. Implicit in this requirement is that it cannot FAIL to recognize the right of private property or force the owner to donate it to a PUBLIC USE or PUBLIC PURPOSE. In the common law, such an interference is called a “trespass”.
7. The rights it conveys must attach to LAND rather than the [CIVIL STATUS](#) (e.g. “taxpayer”, “citizen”, “resident”, etc.) of the people ON that land. One can be ON land within a PHYSICAL state WITHOUT being legally “WITHIN” that state (a corporation) as an [officer of the government or corporation \(Form #05.042\) called a](#)

1 “citizen” or “resident”. See:

2 7.1 [Your Exclusive Right to Declare or Establish Your Civil Status, Form #13.008.](#)

3 <https://sedm.org/Forms/13-SelfFamilyChurchGovnce/RightToDeclStatus.pdf>

4 7.2 [Foundations of Freedom Course, Form #12.021, Video 4](#) covers how LAND and STATUS are deliberately
5 confused through equivocation in order to [KIDNAP people’s identity \(Form #05.046\)](#) and transport it illegally to
6 federal territory.

7 (“It is locality that is determinative of the application of the Constitution, in such matters as judicial procedure,
8 and not the status of the people who live in it.” [Balzac v. Porto Rico, 258 U.S. 298 (1922)])

9 https://www.youtube.com/watch?v=hPwMfa_oD-w

- 10 8. It must provide a remedy AFTER an injury occurs. It may not PREVENT injuries before they occur. Anything
11 that operates in a PREVENTIVE rather than CORRECTIVE mode is a franchise. There is no standing in a REAL
12 court to sue WITHOUT first demonstrating such an injury to the PRIVATE or NATURAL rights of the Plaintiff
13 or VICTIM.
- 14 9. It cannot acquire the “force of law” from the consent of those it is enforced against. In other words, it cannot be an
15 agreement or contract. All franchises and licensing, by the way, are types of contracts.
- 16 10. It does not include compacts or contracts between private people and governments. Rights that are
17 INALIENABLE cannot be contracted away, even WITH consent. See [Form #05.003](#).
- 18 11. It cannot, at any time, be called “voluntary”. Congress and even the U.S. Supreme Court call the IRC Subtitle a
19 “income tax” voluntary. See Exhibits [#05.025](#) and [#05.051](#).
- 20 12. It does not include franchises, licenses, or civil statutory codes, all of which derive ALL of their force of law from
21 your consent in choosing a [civil domicile \(Form #05.002\)](#).

22 The above criteria derives from [What Is "law"?, Form #05.048, Section 16](#). Any violation of the above rules is what the Bible
23 calls “devises evil by law” in Psalm 94:20-23 as indicated above.

24 Roman statesman Cicero defined law as follows:

25 “*True Law* is right reason *in agreement with Nature*, it is of universal application, unchanging and everlasting; it
26 summons to duty by its commands and averts from wrong-doing by its prohibitions. And it does not lay its
27 commands or prohibitions upon good men in vain, although neither have any effect upon the wicked. It is a sin
28 to try to alter this law, nor is it allowable to try to repeal a part of it, and it is impossible to abolish it entirely. We
29 cannot be freed from its obligations by Senate or People, and we need not look outside ourselves for an expounder
30 or interpreter of it. And there will not be different laws at Rome or at Athens, or different laws now and in the
31 future, but one *eternal and unchangeable law* will be valid for all times and all nations, and there will be one
32 master and one rule, that is God, for He is the author of *this law*, its promulgator, and its enforcing judge.”
33 [Marcus Tullius Cicero, 106-43 B.C.]

34 “Power and law are not synonymous. In truth, they are frequently in opposition and irreconcilable. There is *God’s*
35 *Law* from which *all equitable laws of man* emerge and by which men must live if they are not to die in oppression,
36 chaos and despair. Divorced from *God’s eternal and immutable Law*, established before the founding of the suns,
37 man’s power is evil no matter the noble words with which it is employed or the motives urged when enforcing it.
38 Men of good will, mindful therefore of the *Law laid down by God*, will oppose governments whose rule is by
39 men, and if they wish to survive as a nation they will destroy the *[de facto] government* which attempts to
40 adjudicate by the whim of venal judges.”
41 [Marcus Tullius Cicero, 106-43 B.C.]

42 “Law” is defined to EXCLUDE any and all [civil statutory codes, franchises, or privileges](#) in relation to any and all
43 governments and to include ONLY the COMMON law, the CONSTITUTION (if trespassing government actors ONLY are
44 involved), and the CRIMINAL law.

45 *The Court developed, for its own governance in the cases confessedly within its jurisdiction, a series of rules*
46 *under which it has avoided passing upon a large part of all the constitutional questions pressed upon it for*
47 *decision. They are:*

48 [. . .]

49 **6. *The Court will not pass upon the constitutionality of a statute at the instance of one who has availed himself***
50 ***of its benefits.*** [FN7 Great Falls Mfg. Co. v. Attorney General, 124 U.S. 581, 8 S.Ct. 631, 31 L.Ed. 527; Wall v.](#)
51 [Parrot Silver & Copper Co., 244 U.S. 407, 411, 412, 37 S.Ct. 609, 61 L.Ed. 1229; St. Louis Malleable Casting](#)
52 [Co. v. Prendergast Construction Co., 260 U.S. 469, 43 S.Ct. 178, 67 L.Ed. 351.](#)

1 FOOTNOTES:

2 [FN7 Compare *Electric Co. v. Dow*, 166 U.S. 489, 17 S.Ct. 645, 41 L.Ed. 1088; *Pierce v. Somerset Ry.*, 171 U.S.
3 \[641, 648, 19 S.Ct. 64, 43 L.Ed. 316; *Leonard v. Vicksburg, etc., R. Co.*, 198 U.S. 416, 422, 25 S.Ct. 750, 49 L.Ed.
4 \\[1108.\\]\\(#\\)
5 \\[\\\[*Ashwander v. Tennessee Valley Authority*, 297 U.S. 288, 56 S.Ct. 466 \\\(1936\\\)\\\]\\]\\(#\\)\]\(#\)](#)

6
7 *Municipal law, thus understood, is properly defined to be "a rule of civil conduct prescribed by the supreme*
8 *power in a state, commanding what is right and prohibiting what is wrong."*

9 [. . .]

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

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

25 [\[*The Privileges and Immunities of State Citizenship*, Roger Howell, PhD, 1918, pp. 9-10;](#)

26 SOURCE:

27 http://famguardian.org/Publications/ThePrivAndImmOfStateCit/The_privileges_and_immunities_of_state_c.pdf
28]

29
30 FOOTNOTES:

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

34
35 "What, then, is [\[civil\] legislation](#)? It is an [assumption \[presumption\]](#) by one man, or body of men, of absolute,
36 irresponsible dominion [because of abuse of [sovereign immunity](#) and the [act of "CONSENT"](#) by calling yourself
37 a "citizen"] over all other men whom they call subject to their power. It is the assumption by one man, or body of
38 men, of a right to subject all other men to their will and their service. It is the assumption by one man, or body
39 of men, of a right to abolish outright all the natural rights, all the natural liberty of all other men; to make all other
40 men their slaves; to arbitrarily dictate to all other men what they may, and may not, do; what they may, and may
41 not, have; what they may, and may not, be. It is, in short, the assumption of a right to banish the [principle of](#)
42 [human rights](#), the [principle of justice itself](#), from off the earth, and set up their own personal will [society of men
43 and not law], pleasure, and interest in its place. All this, and nothing less, is involved in the very idea that there
44 can be any such thing as [human \[CIVIL\] legislation](#) that is obligatory upon those upon whom it is imposed [and
45 ESPECIALLY those who never expressly consented in writing]."

46 [\[*Natural Law*, Chapter 1, Section IV, Lysander Spooner;](#)

47 SOURCE: <http://famguardian.org/PublishedAuthors/Indiv/SpoonerLysander/NaturalLaw.htm>]

48 The above methods of REMOVING the protections of the common law and the constitution from the INALIENABLE rights
49 [rights that CANNOT lawfully be given away, even WITH consent] that are protected by them has been described by the
50 U.S. Congress as the ESSENCE of [communism](#) itself! This is especially true when you add games with legal words of art to
51 remove even the STATUTORY limitations upon the conduct of the government. See [Legal Deception, Propaganda, and](#)
52 [Fraud, Form #05.014.](#)

3 The Congress finds and declares that the Communist Party of the United States [consisting of the IRS, DOJ, and
4 a corrupted federal judiciary], although purportedly a political party, is in fact an instrumentality of a conspiracy
5 to overthrow the [de jure] Government of the United States [and replace it with a de facto government ruled by
6 the judiciary]. It constitutes an authoritarian dictatorship [IRS, DOJ, and corrupted federal judiciary in
7 collusion] within a [constitutional] republic, demanding for itself the rights and [FRANCHISE] privileges
8 [including immunity from prosecution for their wrongdoing in violation of Article I, Section 9, Clause 8 of the
9 Constitution] accorded to political parties, but denying to all others the liberties [Bill of Rights] guaranteed by
10 the Constitution [Form #10.002]. Unlike political parties, which evolve their policies and programs through
11 public means, by the reconciliation of a wide variety of individual views, and submit those policies and programs
12 to the electorate at large for approval or disapproval, the policies and programs of the Communist Party are
13 secretly [by corrupt judges and the IRS in complete disregard of, Form #05.014, the tax franchise "codes",
14 Form #05.001] prescribed for it by the foreign leaders of the world Communist movement [the IRS and Federal
15 Reserve]. Its members [the Congress, which was terrorized to do IRS bidding by the framing of Congressman
16 Traficant] have no part in determining its goals, and are not permitted to voice dissent to party objectives. Unlike
17 members of political parties, members of the Communist Party are recruited for indoctrination [in the public
18 FOOL system by homosexuals, liberals, and socialists] with respect to its objectives and methods, and are
19 organized, instructed, and disciplined [by the IRS and a corrupted judiciary] to carry into action slavishly the
20 assignments given them by their hierarchical chieftains. Unlike political parties, the Communist Party [thanks
21 to a corrupted federal judiciary] acknowledges no constitutional or statutory limitations upon its conduct or
22 upon that of its members [ANARCHISTS!, Form #08.020]. The Communist Party is relatively small
23 numerically, and gives scant indication of capacity ever to attain its ends by lawful political means. The peril
24 inherent in its operation arises not from its numbers, but from its failure to acknowledge any limitation as to
25 the nature of its activities, and its dedication to the proposition that the present constitutional Government of
26 the United States ultimately must be brought to ruin by any available means, including resort to force and
27 violence [or using income taxes]. Holding that doctrine, its role as the agency of a hostile foreign power [the
28 Federal Reserve and the American Bar Association (ABA)] renders its existence a clear present and continuing
29 danger to the security of the United States. It is the means whereby individuals are seduced [illegally
30 KIDNAPPED via identity theft!, Form #05.046] into the service of the world Communist movement [using
31 FALSE information returns and other PERJURIOUS government forms, Form #04.001], trained to do its
32 bidding [by FALSE government publications and statements that the government is not accountable for the
33 accuracy of, Form #05.007], and directed and controlled [using FRANCHISES illegally enforced upon
34 NONRESIDENTS, Form #05.030] in the conspiratorial performance of their revolutionary services.
35 Therefore, the Communist Party should be outlawed

36 The above corruption of our Constitutional Republic by the unconstitutional abuse of franchises, the violation of the rules of
37 statutory construction, and interference with common law remedies was described by the U.S. Supreme Court as follows:

38 "These are words of weighty import. They involve consequences of the most momentous character. I take leave
39 to say that if the principles thus announced should ever receive the sanction of a majority of this court, a
40 radical and mischievous change in our system of government will be the result. We will, in that event, pass
41 from the era of constitutional liberty guarded and protected by a written constitution into an era of legislative
42 absolutism.

43 Although from the foundation of the Government this court has held steadily to the view that the Government of
44 the United States was one of enumerated powers, and that no one of its branches, nor all of its branches combined,
45 could constitutionally exercise powers not granted, or which were not necessarily implied from those expressly
46 granted, Martin v. Hunter, 1 Wheat. 304, 326, 331, we are now informed that Congress possesses powers outside
47 of the Constitution, and may deal with new territory, 380*380 acquired by treaty or conquest, in the same
48 manner as other nations have been accustomed to act with respect to territories acquired by them. In my
49 opinion, Congress has no existence and can exercise no authority outside of the Constitution. Still less is it
50 true that Congress can deal with new territories just as other nations have done or may do with their new
51 territories. This nation is under the control of a written constitution, the supreme law of the land and the only
52 source of the powers which our Government, or any branch or officer of it, may exert at any time or at any
53 place. Monarchical and despotic governments, unrestrained by written constitutions, may do with newly
54 acquired territories what this Government may not do consistently with our fundamental law. To say otherwise
55 is to concede that Congress may, by action taken outside of the Constitution, engraft upon our republican
56 institutions a colonial system such as exists under monarchical governments. Surely such a result was never
57 contemplated by the fathers of the Constitution. If that instrument had contained a word suggesting the
58 possibility of a result of that character it would never have been adopted by the People of the United States.
59 The idea that this country may acquire territories anywhere upon the earth, by conquest or treaty, and hold
60 them as mere colonies or provinces — the people inhabiting them to enjoy only such rights as Congress chooses
61 to accord to them — is wholly inconsistent with the spirit and genius as well as with the words of the
62 Constitution."

63 [*Downes v. Bidwell, 182 U.S. 244 (1901), Justice Harlan, Dissenting*]

1 Civil statutory codes, franchises, or privileges are referred to on this website as “private law”, but not “law”. The word
2 “public” precedes all uses of “law” when dealing with acts of government and hence, refers only to COMMON law and
3 CRIMINAL law that applies equally to everyone, regardless of [their consent](#). Involvement in any and all “private law”
4 [franchises or privileges](#) offered by any government ALWAYS undermines and threatens sovereignty, autonomy, and [equality](#),
5 turns government into an [unconstitutional civil religion](#), and [corrupts even the finest of people](#). This is explained in:

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

6 Any use of the word "law" by any government actor directed at us or any member, if not clarified with the words "private"
7 or "public" in front of the word "law" shall constitute:

- 8 1. A criminal attempt and conspiracy to recruit us to be [a public officer called a "person", "taxpayer", "citizen",](#)
9 ["resident"](#), etc.
- 10 2. A solicitation of [illegal bribes called "taxes"](#) to treat us "AS IF" we are a public officer.
- 11 3. A [criminal conspiracy to convert PRIVATE rights into PUBLIC rights](#) and to violate the Bill of Rights.

12 The protection of PRIVATE rights mandated by the Bill of Rights BEGINS with and requires:

- 13 1. ALWAYS keeping PRIVATE and PUBLIC rights separated and never mixing them together.
- 14 2. Using unambiguous language about the TYPE of "right" that is being protected: PUBLIC or PRIVATE in every
15 use of the word "right". The way to avoid confusing PUBLIC and PRIVATE RIGHTS is to simply refer to
16 PRIVATE rights as "privileges" and NEVER refer to them as "rights".
- 17 3. Only converting PRIVATE rights to PUBLIC rights with the express written consent of the HUMAN owner.
- 18 4. Limiting the conversion to geographical places where rights are NOT unalienable. This means the conversion
19 occurred either abroad or on government territory not within the exclusive jurisdiction of a Constitutional state.
20 Otherwise, the Declaration of Independence, which is organic law, would be violated.
- 21 5. Keeping the rules for converting PRIVATE to PUBLIC so simple, unambiguous, and clear that a child could
22 understanding them and always referring to these rules in every interaction between the government and those they
23 are charged with protecting.
- 24 6. Ensuring that in every interaction (and ESPECIALLY ENFORCEMENT ACTION) between the government both
25 administratively and in court, that any right the government claims to civilly enforce against, regulate, tax, or
26 burden otherwise PRIVATE property is proven ON THE RECORD IN WRITING to originate from the rules
27 documented in the previous step. This BURDEN OF PROOF must be met both ADMINISTRATIVELY and IN
28 COURT BEFORE any enforcement action may be lawfully attempted by any government. It must be met by an
29 IMPARTIAL decision maker with NO FINANCIAL interest in the outcome and not employed by the government
30 or else a criminal financial conflict of interest will result. In other words, the government has to prove that it is
31 NOT stealing before it can take property, that it is the lawful owner, and expressly HOW it became the lawful
32 owner.
- 33 7. Enforcing the following [CONCLUSIVE PRESUMPTION](#) against [government jurisdiction](#) to enforce unless and
34 until the above requirements are met:

35 *"All rights and property are PRESUMED to be EXCLUSIVELY PRIVATE and beyond the control of government*
36 *or the CIVIL statutory franchise codes unless and until the government meets the burden of proving, WITH*
37 *EVIDENCE, on the record of the proceeding that:*

38 *a. A SPECIFIC formerly PRIVATE owner consented IN WRITING to convert said property to PUBLIC property.*

39 *b. The owner was either abroad, domiciled on, or at least PRESENT on federal territory NOT protected by the*
40 *Constitution and therefore had the legal capacity to ALIENATE a Constitutional right or relieve a public servant*
41 *of the fiduciary obligation to respect and protect the right. Those physically present but not necessarily domiciled*
42 *in a constitutional but not statutory state protected by the constitution cannot lawfully alienate rights to a real,*
43 *de jure government, even WITH their consent.*

44 *c. If the government refuses to meet the above burden of proof, it shall be CONCLUSIVELY PRESUMED to be*
45 *operating in a PRIVATE, corporate capacity on an EQUAL footing with every other private corporation and*
46 *which is therefore NOT protected by official, judicial, or sovereign immunity."*

1 For a detailed exposition on the mandatory separation between PUBLIC and PRIVATE as indicated above, please see the
2 following course on our site:

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

3 For a detailed exposition of the legal meaning of the word "law" and why the above restrictions on its definition are important,
4 see:

[What is "law"?, Form #05.048](https://sedm.org/Forms/05-MemLaw/WhatIsLaw.pdf)
<https://sedm.org/Forms/05-MemLaw/WhatIsLaw.pdf>

5 **7.1.9 Copyright**

6 The words "Copyright" or "Copyright Sovereignty Education and Defense Ministry (SEDM)" used in connection with any
7 of the intellectual property on this site shall mean the following:

- 8 1. Owned by an exclusively private, nonstatutory human and not any artificial entity, "person", "citizen", or
9 "resident" under any civil statutory law.
- 10 2. Protected only under the common law and the constitution and not subject to the statutory civil law, including any
11 tax law.
- 12 3. Not owned by this website or ministry.
- 13 4. Owned by an anonymous third party who we have an agreement with to reuse the materials on this site.
- 14 5. Not owned or controlled by any government per [17 U.S.C. §105](#). Governments are not allowed to copyright their
15 works. Any attempt to bring this ministry under the control of any government or make it the property of any
16 government therefore results in no copyright being held in the name of the government.

17 The purpose of these copyright restrictions is to ensure that no government can use legal process or tax assessment as a
18 method to censor free speech materials found on this website.

19 **7.1.10 Franchise**

20 The word "[franchise](#)" means a grant or rental or lease rather than a gift of specific property with legal strings or "obligations"
21 attached.

22 *FRANCHISE. A special privilege conferred by government on individual or corporation, and which does*
23 *not belong to citizens of country generally of common right. Elliott v. City of Eugene, 135 Or. 108, 294 P.*
24 *358, 360. In England it is defined to be a royal privilege in the hands of a subject.*

25 *A "franchise," as used by Blackstone in defining quo warranto, (3 Com. 262 [4th Am. Ed.] 322), had reference*
26 *to a royal privilege or branch of the king's prerogative subsisting in the hands of the subject, and must arise from*
27 *the king's grant, or be held by prescription, but today we understand a franchise to be some special privilege*
28 *conferred by government on an individual, natural or artificial, which is not enjoyed by its citizens in general.*
29 *State v. Fernandez, 106 Fla. 779, 143 So. 638, 639, 86 A.L.R. 240.*

30 **In this country a franchise is a privilege or immunity of a public nature, which cannot be legally exercised**
31 **without legislative grant. To be a corporation is a franchise.** *The various powers conferred on corporations*
32 *are franchises. The execution of a policy of insurance by an insurance company [e.g. Social Insurance/Socialist*
33 *Security], and the issuing a bank note by an incorporated bank [such as a Federal Reserve NOTE], are*
34 *franchises. People v. Utica Ins. Co., 15 Johns., N.Y., 387, 8 Am.Dec. 243. But it does not embrace the property*
35 *acquired by the exercise of the franchise. Bridgeport v. New York & N.H. R. Co., 36 Conn. 255, 4 Am.Rep. 63.*
36 *Nor involve interest in land acquired by grantee. Whitbeck v. Funk, 140 Or. 70, 12 P.2d 1019, 1020. In a*
37 *popular sense, the political rights of subjects and citizens are franchises, such as the right of suffrage. etc.*
38 *Pierce v. Emery, 32 N.H. 484 ; State v. Black Diamond Co., 97 Ohio St. 24, 119 N.E. 195, 199, L.R.A. 1918E,*
39 *352.*

40 *Elective Franchise. The right of suffrage: the right or privilege of voting in public elections.*

41 *Exclusive Franchise. See Exclusive Privilege or Franchise.*

1 General and Special. The charter of a corporation is its "general" franchise, while a "special" franchise consists
2 in any rights granted by the public to use property for a public use but-with private profit. Lord v. Equitable Life
3 Assur. Soc., 194 N.Y. 212, 87 N.E. 443, 22 L.R.A. (N.S.) 420.

4 Personal Franchise. A franchise of corporate existence, or one which authorizes the formation and existence of
5 a corporation, is sometimes called a "personal" franchise. as distinguished from a "property" franchise, which
6 authorizes a corporation so formed to apply its property to some particular enterprise or exercise some special
7 privilege in its employment, as, for example, to construct and operate a railroad. See Sandham v. Nye, 9 Misc.ReP.
8 541, 30 N.Y.S. 552.

9 Secondary Franchises. The franchise of corporate existence being sometimes called the "primary" franchise of a
10 corporation, its "secondary" franchises are the special and peculiar rights, privileges, or grants which it may,
11 receive under its charter or from a municipal corporation, such as the right to use the public streets, exact tolls,
12 collect fares, etc. State v. Topeka Water Co., 61 Kan. 547, 60 P. 337; Virginia Canon Toll Road Co. v. People,
13 22 Colo. 429, 45 P. 398 37 L.R.A. 711. The franchises of a corporation are divisible into (1) corporate or general
14 franchises; and (2) "special or secondary franchises. The former is the franchise to exist as a corporation, while
15 the latter are certain rights and privileges conferred upon existing corporations. Gulf Refining Co. v. Cleveland
16 Trust Co., 166 Miss. 759, 108 So. 158, 160.

17 Special Franchisee. See Secondary Franchises, supra.
18 [Black's Law Dictionary, 4th Edition, pp. 786-787]

19 The definition of "privilege" in the definition above means PROPERTY, whether physical or intangible. This loan is often
20 called a "grant" in statutes, as in the case of Social Security in [42 U.S. Code Subchapter I-Grants to the States for Old-Age](#)
21 [Assistance](#). That grant is to federal territories and NOT constitutional states, as demonstrated by the definition of "[State](#)"
22 found in [42 U.S.C. §1301](#)(a)(1). Hence, Social Security cannot be offered in constitutional states, but only federal territories,
23 as proven in [Form #06.001](#).

24 *"For here, the state must deposit the proceeds of its taxation in the federal treasury, **upon terms which make the***
25 ***deposit suspiciously like a forced loan to be repaid only in accordance with restrictions imposed by federal law.***
26 ***Title IX, §§ 903 (a) (3), 904 (a), (b), (e).** All moneys withdrawn from this fund must be used exclusively for the*
27 *payment of compensation. § 903 (a) (4). And this compensation is to be paid through public employment offices*
28 *in the state or such other agencies as a federal board may approve. § 903 (a) (1)."*
29 [[Steward Machine Co. v. Davis, 301 U.S. 548 \(1937\)](#)]

30 In the case of government franchises, property granted or rented can include one or more of the following:

- 31 1. A public right or public privilege granted by a statute that is not found in the Constitution but rather created by the
32 Legislature. This includes remedies provided in franchise courts in the Executive Branch under Article I or Article IV
33 to vindicate such rights. It does not include remedies provided in true Article III courts.

34 *"The distinction between public rights and private rights has not been definitively explained in our precedents.*
35 *Nor is it necessary to do so in the present cases, for it suffices to observe that a matter of public rights must at a*
36 *minimum arise "between the government and others." Ex parte Bakelite Corp., supra, at 451, 49 S.Ct., at 413.*
37 *In contrast, "the liability of one individual to another under the law as defined," Crowell v. Benson, supra, at 51,*
38 *52 S.Ct., at 292, is a matter of private rights. Our precedents clearly establish that only controversies in the*
39 *former category may be removed from Art. III courts and delegated to legislative courts or administrative*
40 *agencies for their determination. See Atlas Roofing Co. v. Occupational Safety and Health Review Comm'n, 430*
41 *U.S. 442, 450, n. 7, 97 S.Ct. 1261, 1266, n. 7, 51 L.Ed.2d. 464 (1977); Crowell v. Benson, supra, 285 U.S., at 50-*
42 *51, 52 S.Ct., at 292. See also Katz, Federal Legislative Courts, 43 Harv.L.Rev. 894, 917-918 (1930).FN24*
43 *Private-rights disputes, on the other hand, lie at the core of the historically recognized judicial power."*

44 [. . .]

45 Although Crowell and Raddatz do not explicitly distinguish between rights created by Congress [PUBLIC
46 RIGHTS] and other [PRIVATE] rights, such a distinction underlies in part Crowell's and Raddatz' recognition
47 of a critical difference between rights created by federal statute and rights recognized by the Constitution.
48 Moreover, such a distinction seems to us to be necessary in light of the delicate accommodations required by the
49 principle of separation of powers reflected in Art. III. The constitutional system of checks and balances is designed
50 to guard against "encroachment or aggrandizement" by Congress at the expense of the other branches of
51 government. Buckley v. Valeo, 424 U.S., at 122, 96 S.Ct., at 683. *But when Congress creates a statutory right [a*
52 *"privilege" or "public right" in this case, such as a "trade or business"], it clearly has the discretion, in defining*
53 *that right, to create presumptions, or assign burdens of proof, or prescribe remedies; it may also provide that*
54 *persons seeking to vindicate that right must do so before particularized tribunals created to perform the*
55 *specialized adjudicative tasks related to that right. FN35 Such provisions do, in a sense, affect the exercise of*
56 *judicial power, but they are also incidental to Congress' power to define the right that it has created. No*

1 comparable justification exists, however, when the right being adjudicated is not of congressional creation. In
2 such a situation, substantial inroads into functions that have traditionally been performed by the Judiciary cannot
3 be characterized merely as incidental extensions of Congress' power to define rights that it has created. Rather,
4 such inroads suggest unwarranted encroachments upon the judicial power of the United States, which our
5 Constitution reserves for Art. III courts.
6 [Northern Pipeline Const. Co. v. Marathon Pipe Line Co., 458 U.S. 50, 102 S.Ct. 2858 (1983)]

- 7 2. Any type of privilege, immunity, or exemption granted by a statute to a specific class of people and not to all people
8 generally that is not found in the Constitution. All such statutes are referred to as "special law" or "private law", where
9 the government itself is acting in a private rather than a public capacity on an equal footing with every other private
10 human in equity. The U.S. Supreme court also called such legislation "class legislation" in [Pollock v. Farmers' Loan](#)
11 [and Trust, 157 U.S. 429 \(1895\)](#) and the ONLY "class" they can be talking about are public officers in the U.S.
12 government and not to all people generally. See the following for proof:

[Why Your Government is Either a Thief or You are a "Public Officer" for Income Tax Purposes, Form #05.008](https://sedm.org/Forms/05-MemLaw/WhyThiefOrPubOfficer.pdf)
<https://sedm.org/Forms/05-MemLaw/WhyThiefOrPubOfficer.pdf>

13 "special law. One relating to particular persons or things; one made for individual cases or for particular places
14 or districts; one operating upon a selected class, rather than upon the public generally. A private law. A law is
15 "special" when it is different from others of the same general kind or designed for a particular purpose, or limited
16 in range or confined to a prescribed field of action or operation. A "special law" relates to either particular
17 persons, places, or things or to persons, places, or things which, though not particularized, are separated by any
18 method of selection from the whole class to which the law might, but not such legislation, be applied. Utah Farm
19 Bureau Ins. Co. v. Utah Ins. Guaranty Ass'n, Utah, 564 P.2d. 751, 754. A special law applies only to an individual
20 or a number of individuals out of a single class similarly situated and affected, or to a special locality. Board of
21 County Com'rs of Lemhi County v. Swensen, Idaho, 80 Idaho 198, 327 P.2d. 361, 362. See also Private bill;
22 Private law. Compare General law; Public law."
23 [Black's Law Dictionary, Sixth Edition, pp. 1397-1398]

- 24 3. A statutory "[civil status](#)" created and therefore owned by the legislature. This includes statutory "taxpayers", "drivers",
25 "persons", "individuals", etc. All such entities are creations of Congress and public rights which carry obligations when
26 consensually and lawfully exercised. See:

[Your Exclusive Right to Declare or Establish Your Civil Status, Form #13.008](https://sedm.org/Forms/13-SelfFamilyChurchGovnce/RightToDeclStatus.pdf)
<https://sedm.org/Forms/13-SelfFamilyChurchGovnce/RightToDeclStatus.pdf>

- 27 4. A STATUTORY Social Security Card. The regulations at [20 C.F.R. §422.103\(d\)](#) indicates the card is property of the
28 government and must be returned upon request.
29 5. A U.S. passport. The passport indicates that it is property of the government that must be returned upon request.
30 6. A "[license](#)", which is legally defined as permission by the state to do something that would otherwise be illegal or even
31 criminal.

32 In legal parlance, such a grant makes the recipient a temporary trustee, and if they violate their trust, the property can be taken
33 back through administrative action or physical seizure and without legal process so long as the conditions of the loan allowed
34 for these methods of enforcement:

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

52 [Readings on the History and System of the Common Law, Second Edition, Roscoe Pound, 1925, p. 543]
53

1 "When Sir Matthew Hale, and the sages of the law in his day, spoke of property as affected by a public interest,
2 and ceasing from that cause to be juris privati solely, that is, ceasing to be held merely in private right, they
3 referred to

4 [1] property dedicated [DONATED] by the owner to public uses, or

5 [2] to property the use of which was granted by the government [e.g. Social Security Card], or

6 [3] in connection with which special privileges were conferred [licenses].

7 Unless the property was thus dedicated [by one of the above three mechanisms], or some right bestowed by the
8 government was held with the property, either by specific grant or by prescription of so long a time as to imply
9 a grant originally, the property was not affected by any public interest so as to be taken out of the category of
10 property held in private right."

11 [Munn v. Illinois, 94 U.S. 113, 139-140 (1876)]

12 The above authorities imply that a mere act of accepting or using the property in question in effect represents "implied
13 consent" to abide by the conditions associated with the loan, as described in the California Civil Code below:

14 CALIFORNIA CIVIL CODE
15 DIVISION 3. OBLIGATIONS
16 PART 2. CONTRACTS
17 CHAPTER 3. CONSENT
18 [Section 1589](#)

19 1589. A voluntary acceptance of the benefit of a transaction is equivalent to a consent to all the obligations
20 arising from it, so far as the facts are known, or ought to be known, to the person accepting.

21 The U.S. Supreme Court further acknowledged the above mechanisms of using grants or loans of government property to
22 create equitable obligations against the recipient of the property as follows. Note that they ALSO imply that YOU can use
23 exactly the same mechanism against the government to impose obligations upon them, if they are trying to acquire your
24 physical property, your services, your labor, your time, or impose any kind of [obligation \(Form #12.040\)](#) against you without
25 your express written consent, because all such activities involve efforts to acquire what is usually PRIVATE, absolutely
26 owned property that you can use to control the GOVERNMENT as the lawful owner:

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

33 The [injustice \(Form #05.050\)](#), [sophistry](#), and [deception \(Form #05.014\)](#) underlying their welfare state system is that:

- 34 1. Governments don't produce anything, but merely transfer wealth between otherwise private people (see [Separation](#)
35 [Between Public and Private Course, Form #12.025](#)).
- 36 2. The money they are paying you can never be more than what you paid them, and if it is, then they are abusing their
37 taxing powers!

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

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

45 Coulter, J., in Northern Liberties v. St. John's Church, 13 Pa.St. 104 says, very forcibly, 'I think the common
46 mind has everywhere taken in the understanding that **taxes are a public imposition, levied by authority of the**
47 **government for the purposes of carrying on the government in all its machinery and operations—that they are**
48 **imposed for a public purpose.'** See, also Pray v. Northern Liberties, 31 Pa.St. 69; Matter of Mayor of N.Y., 11
49 Johns., 77; Camden v. Allen, 2 Dutch., 398; Sharpless v. Mayor, supra; Hanson v. Vernon, 27 Ia., 47; Whiting v.
50 Fond du Lac, supra."

- 2 3. If they try to pay you more than you paid them, they must make you into a public officer to do so to avoid the
3 prohibition of the case above. In doing so, they in most cases must illegally establish a public office and in effect use
4 "benefits" to criminally bribe you to illegally impersonate such an office. See [The "Trade or Business" Scam, Form](#)
5 [#05.001](#) for details.
- 6 4. Paying you back what was originally your own money and NOTHING more is not a "benefit" or even a loan by them
7 to you. If anything, it is a temporary loan by you to them! And its an unjust loan because they don't have to pay
8 interest!
- 9 5. Since you are the real lender, then you are the only real party who can make rules against them and not vice versa. See
10 [Article 4, Section 3, Clause 2 of the Constitution](#) for where the ability to make those rules comes from.
- 11 6. All franchises are contracts that require mutual consideration and mutual obligation to be enforceable. Since
12 government isn't contractually obligated to provide the main consideration, which is "benefits" and isn't obligated to
13 provide ANYTHING that is truly economically valuable beyond that, then the "contract" or "compact" is
14 unenforceable against you and can impose no obligations on you based on mere equitable principals of contract law.

15 *"We must conclude that a person covered by the Act has not such a right in benefit payments... This is not to*
16 *say, however, that Congress may exercise its power to modify the statutory scheme free of all constitutional*
17 *restraint."*

18 [*Flemming v. Nestor, 363 U.S. 603 (1960)*]

19 *"... railroad benefits, like social security benefits, are not contractual and may be altered or even eliminated at*
20 *any time."*

21 [*United States Railroad Retirement Board v. Fritz, 449 U.S. 166 (1980)*]

22 For further details on government franchises, see:

- 23 1. [Sovereignty Forms and Instructions Online, Form #10.014, Cites by Topic: "franchise"](#)
24 <http://famguardian.org/TaxFreedom/CitesByTopic/franchise.htm>
- 25 2. Government Franchises Course, Form #12.012
26 Slides: <https://sedm.org/LibertyU/GovFranchises.pdf>
27 Video: <http://youtu.be/vnDcauqlbTQ>
- 28 3. [Government Instituted Slavery Using Franchises, Form #05.030](#)
29 <https://sedm.org/Forms/05-MemLaw/Franchises.pdf>

30 For information on how to avoid franchises, quit them, or use your own PERSONAL franchises to DEFEND yourself against
31 illegal government franchise administration or enforcement, usually against ineligible parties, see:

- 32 1. [Avoiding Traps in Government Forms Course, Form #12.023](#)
33 <https://sedm.org/LibertyU/AvoidingTrapsGovForms.pdf>
- 34 2. [Path to Freedom, Form #09.015, Section 5](#)
35 <https://sedm.org/Forms/09-Procs/PathToFreedom.pdf>
- 36 3. [Injury Defense Franchise and Agreement, Form #06.027](#)
37 <https://sedm.org/Forms/06-AvoidingFranch/InjuryDefenseFranchise.pdf>
- 38 4. [SEDM Forms/Pubs page, Section 1.6: Avoiding Government Franchises](#)
39 [https://sedm.org/Forms/FormIndex-](https://sedm.org/Forms/FormIndex-Singlepg.htm#1.6)
40 [Singlepg.htm#1.6. AVOIDING GOVERNMENT FRANCHISES AND LICENSES](#)
- 41 5. [The Government "Benefits" Scam, Form #05.040 \(Member Subscription form\)](#)
42 <https://sedm.org/Forms/FormIndex.htm>
- 43 6. [Why the Government is the Only Real Beneficiary of All Government Franchises, Form #05.051 \(Member Subscription](#)
44 [form\)](#)
45 <https://sedm.org/Forms/FormIndex.htm>

46 7.1.11 **Frivolous**

47 The word "[frivolous](#)" as used by the government or on other websites in referring to this website shall mean "correct" and
48 "truthful". Any attempts to call anything on this website incorrect or untruthful must be accompanied by authoritative, court-
49 admissible evidence to support such a conclusion or shall be presumed by the reader to be untrustworthy and untruthful. All
50 such evidence MUST derive EXCLUSIVELY from the consensual civil domicile of the defendant pursuant to [Federal Rule](#)

1 [of Civil Procedure 17\(b\)](#). Parties subject to this agreement stipulate that any violation of this rule is a malicious prosecution
2 and obstruction of justice in violation of [18 U.S.C. §1589\(a\)\(3\)](#). [Click here for details on domicile](#)
3 (<https://sedm.org/Forms/05-MemLaw/Domicile.pdf>).

4 **7.1.12 Federal Income Tax**

5 The term "federal income tax", in the context of this website, means the revenue scheme described in Subtitle A of the Internal
6 Revenue Code as applied specifically and only to human beings who are not statutory "persons" or "individuals" under federal
7 law and shall NOT refer to businesses or artificial entities. This website does NOT concern itself with businesses or
8 corporations or artificial entities of any description.

9 **7.1.13 Tax**

10 The term "[tax](#)" includes any method to collect revenues to support ONLY the operation of the government. It does NOT
11 include the abuse of taxing power to transfer wealth between ordinary citizens or residents and when it is used for this purpose
12 it is THEFT, not "taxation".

13 *"The power to tax is, therefore, the strongest, the most pervading of all powers of government, reaching directly
14 or indirectly to all classes of the people. It was said by Chief Justice Marshall, in the case of McCulloch v.
15 Md., 4 Wheat. 431, that the power to tax is the power to destroy. A striking instance of the truth of the proposition
16 is seen in the fact that the existing tax of ten per cent, imposed by the United States on the circulation of all other
17 banks than the National Banks, drove out of existence every *state bank of circulation within a year or two after
18 its passage. This power can be readily employed against one class of individuals and in favor of another, so as
19 to ruin the one class and give unlimited wealth and prosperity to the other, if there is no implied limitation of the
20 uses for which the power may be exercised.*

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

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

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

35
36 *"A tax, in the general understanding of the term and as used in the constitution, signifies an exaction for the
37 support of the government. The word has never thought to connote the expropriation of money from one group
38 for the benefit of another."
39 [[U.S. v. Butler, 297 U.S. 1 \(1936\)](#)]*

40 "[Tax](#)" includes ONLY impositions upon PUBLIC property or franchises ([Form #05.030](#)) and not upon absolutely owned
41 PRIVATE property.

- 42 1. PRIVATE property must be consensually converted to PUBLIC property before it can be taxed, and the burden of
43 proof rests on the government to prove that it was lawfully converted before it can be subject to tax. See:

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

- 44 2. The "persons" spoken above are civil statutory PUBLIC "persons" and not PRIVATE humans. See:

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

1 **7.1.14 Protection**

2 The word "protection" includes only CRIMINAL, constitutional, and common law protection. It excludes every type of
3 government activity, franchise, or program that requires a [predicate civil status \(Form #13.008\) to enforce](#), such as "citizen",
4 "resident", "taxpayer", "spouse", Social Security beneficiary, etc. Every attempt to impose, acquire, or enforce a civil status
5 or to enforce duties upon a civil status NOT related to voting or jury service constitutes the following:

- 6 1. An INJURY and an [INJUSTICE \(Form #05.050\)](#).
7 2. [Identity Theft \(Form #05.046\)](#).

8 **7.1.15 Fact**

9 The word "fact" means that which is admissible as evidence in a court of law BECAUSE ENACTED LAW makes it
10 admissible AND because the speaker (other than us) INTENDED for it to be factual. It does NOT imply that we allege that
11 it is factual, actionable, or even truthful. Any attempt by any government to make anything published on this website or
12 anything said by members or officers of the ministry FACTUAL or ACTIONABLE in conflict with this disclaimer is hereby
13 declared and stipulated by all members to be FRAUDULENT, PERJURIOUS, and a willful act of international terrorism
14 and organized extortion.

15 **7.1.16 Statutory**

16 The term "statutory" when used as a prefix to any other term, means that the term it precedes pertains only to federal territory,
17 property, PUBLIC rights, or privileges under the exclusive jurisdiction of the national government. Includes NO private
18 property or people.

19 **7.1.17 Statutory Citizen**

20 The term "statutory citizen" is defined on this website to mean every reference to the word "citizen" in every act of congress
21 OTHER than in [Title 8](#). Title 8 acts as a substitute for the Constitution for the purposes of only citizenship within territories
22 and/or possessions OR abroad. [Fourteenth Amendment/CONSTITUTIONAL](#) citizenship is NOWHERE described or
23 referenced in in [Title 8](#) of the U.S. Code. Statutes in [Title 8](#) are not necessary to define or authorize citizenship for people in
24 states of the Union:

25 *"Finally, this Court is mindful of the years of past practice in which territorial citizenship has been treated as a*
26 *statutory [PRIVILEGE!], and not a constitutional, right. In the unincorporated territories of Puerto Rico, Guam,*
27 *the U.S. Virgin Islands, and the Northern Mariana Islands, birthright citizenship was conferred upon their*
28 *inhabitants by various statutes many years after the United States acquired them. See Amicus Br. at 10-11. If the*
29 *Citizenship Clause [of the Fourteenth Amendment] guaranteed birthright citizenship in unincorporated*
30 *territories, these statutes would have been unnecessary. While longstanding practice is not sufficient to*
31 *demonstrate constitutionality, such a practice requires special scrutiny before being set aside. See, e.g., Jackman*
32 *v. Rosenbaum Co., 260 U.S. 22, 31 (1922) (Holmes, J.) ("If a thing has been practiced for two hundred years by*
33 *common consent, it will need a strong case for the [Fourteenth Amendment](#) to affect it[.]."); Walz v. Tax Comm'n,*
34 *397 U.S. 664, 678 (1970) ("It is obviously correct that no one acquires a vested or protected right in violation of*
35 *the Constitution by long use Yet an unbroken practice . . . is not something to be lightly cast aside."). And*
36 *while Congress cannot take away the citizenship of individuals covered by the Citizenship Clause [of the*
37 *Fourteenth Amendment], it can bestow citizenship upon those not within the Constitution's breadth. See [U.S.](#)*
38 *[Const. art. IV, § 3, cl. 2](#) ("Congress shall have Power to dispose of and make all needful Rules and Regulations*
39 *respecting the Territory belonging to the United States[**]."); id. At [art. I, § 8, cl. 4](#) (Congress may "establish*
40 *an uniform Rule of Naturalization . . ."). To date, Congress has not seen fit to bestow birthright citizenship upon*
41 *American Samoa, and in accordance with the law, this Court must and will respect that choice.¹⁶*
42 *[[Tuaua v. U.S.A., 951 F.Supp.2d. 88 \(2013\)](#)]*

43 Note the following in the above:

44 *"If the Citizenship Clause [of the [Fourteenth Amendment](#)] guaranteed birthright citizenship in unincorporated*
45 *territories, these statutes would have been unnecessary."*

46 All statutory statutes in [Title 8](#) are therefore POLITICAL statutes rather than CIVIL statutes. For the meaning of "civil
47 status", see:

1 However, the political status imputed in Title 8 ("citizen" and/or "national") is not that mentioned in the Constitution. The
2 constitution does not apply on federal territory with the exception of [Article 1, Section 8, Clause 17](#) except insofar as Congress
3 legislatively allows it to apply. Once it is made to apply, that constitutional provision which is legislatively applied cannot be
4 legislatively revoked, because Constitutional rights cannot be legislatively revoked and are private property.

5 *"[T]he Constitution is applicable to territories acquired by purchase or conquest only when and so far as*
6 *Congress shall so direct"*
7 [\[Downes v. Bidwell, 182 U.S. 244, 279 \(1901\)\]](#)

8 All titles of the U.S. Code OTHER than [Title 8](#) and which are CIVIL in nature limit themselves to domiciled parties against
9 whom statutory civil law may lawfully be enforced per [Federal Rule of Civil Procedure 17\(b\)](#). The origin of civil statutory
10 enforcement authority is domicile on federal territory or representing an entity or office domiciled there (such as "person").
11 Thus, all such parties must be at least domiciled on federal territory to civilly enforce. And, one can't have a domicile without
12 physical presence there at some point in time. See:

14 **7.1.18 Constitutional**

15 The term "constitutional" when used as a prefix to any other term, means that the term it precedes pertains only to land,
16 property, rights, or privileges under the exclusive jurisdiction of a state of the Union and not within the civil or criminal
17 jurisdiction of the national government.

18 **7.1.19 Law Practice**

19 The terms "law practice" or "practice of law":

- 20 1. Exclude any and all statutory references to said term in any state or federal statute.
- 21 2. Exclude any use of these terms found in any rule of court.
- 22 3. Exclude any litigation in which the party "practicing" is representing either a government instrumentality or acting
23 as an officer for said instrumentality such as a statutory "taxpayer" (under the Internal Revenue Code), "driver"
24 (under the vehicle code), "spouse" (under the family code), or "benefit recipient" (under any entitlement program,
25 including Social Security).
- 26 4. Include litigation involving ONLY the protection of EXCLUSIVELY PRIVATE rights beyond the jurisdiction of
27 any de jure government.

28 **7.1.20 Sovereign**

29 The word "sovereign" when referring to humans or governments means all the following:

- 30 1. A human being and NOT a "government". Only human beings are "sovereign" and only when they are acting in
31 strict obedience to the laws of their religion. All powers of government are delegated from the PEOPLE and are
32 NOT "divine rights". Those powers in turn are only operative when government PREVENTS the conversion of
33 PRIVATE rights into PUBLIC rights. When that goal is avoided or undermined or when law is used to
34 accomplish involuntary conversion, we cease to have a government and instead end up with [a private, de facto for
35 profit corporation that has no sovereign immunity and cannot abuse sovereign immunity to protect its criminal
36 thefts from the people.](#)
- 37 2. EQUAL in every respect to any and every government or actor in government. All governments are legal
38 "persons" and under our Constitutional system, ALL "persons" are equal and can only become UNEQUAL in
39 relation to each other WITH their EXPRESS and NOT IMPLIED consent. Since our Constitutional rights are
40 unalienable per the Declaration of Independence, then we can't become unequal in relation to any government,
41 INCLUDING through our consent.

3. Not superior in any way to any human being within the jurisdiction of the courts of any country.
4. Possessing the EQUAL right to acquire rights over others by the same mechanisms as the government uses. For instance, if the government encourages the filing of FALSE information returns that essentially "elect" people into public office without their consent, then we have an EQUAL right to elect any and every government or officer within government into our PERSONAL service as our PERSONAL officer without THEIR consent. See:

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

5. Subject to the criminal laws of the jurisdiction they are physically situated in, just like everyone else. This provision excludes "quasi criminal provisions" within civil franchises, such as tax crimes.
6. The origin of all authority delegated to the government per the Declaration of Independence.
7. Reserving all rights and delegating NONE to any and every government or government actor. U.C.C. 1-308 and its predecessor, U.C.C. 1-207.
8. Not consenting to any and every civil franchise offered by any government.
9. Possessing the same sovereign immunity as any government. Hence, like the government, any government actor asserting a liability or obligation has the burden of proving on the record of any court proceeding EXPRESS WRITTEN consent to be sued before the obligation becomes enforceable.
10. Claiming no civil or franchise status under any statutory franchise, including but not limited to "citizen", "resident", "driver" (under the vehicle code), "spouse" (under the family code), "taxpayer" (under the tax code). Any attempt to associate a statutory status and the public rights it represents against a non-consenting party is THEFT and SLAVERY and INJUSTICE.
11. Acting as a fiduciary, agent, and trustee on behalf of God 24 hours a day, seven days a week as an ambassador of a legislatively foreign jurisdiction and as a public officer of "Heaven, Inc.", a private foreign corporation. God is the ONLY "sovereign" and the source of all sovereignty. We must be acting as His agent and fiduciary before we can exercise any sovereignty at all. Any attempt by so-called "government" to interfere with our ability to act as His fiduciaries is a direct interference with our right to contract and the free exercise of religion. See:

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

12. Capable of being civilly sued ONLY under the common law and equity and not under any statutory civil law. All statutory civil laws are law for government and public officers, and NOT for private human beings. They are civil franchises that only acquire the "force of law" with the consent of the subject. See:

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

13. Protected from the civil statutory law by the First Amendment requirement for separation of church and state because we Christians are the church and our physical body is the "temple" of the church. See: [1 Cor. 6:19](#).
14. Responsible for all the injuries they cause to every other person under equity and common law ONLY, and not under civil statutory law.

7.1.21 **Anarchy**

The term "anarchy" implies any one or more of the following, and especially as regards so-called "governments". An important goal of this site it to eliminate all such "anarchy":

1. Are superior in any way to the people they govern UNDER THE LAW.
2. Are not directly accountable to the people or the law. They prohibit the PEOPLE from criminally prosecuting their own crimes, reserving the right to prosecute to their own fellow criminals. Who polices the police? THE CRIMINALS.
3. Enact laws that exempt themselves. This is a violation of the Constitutional requirement for equal protection and equal treatment and constitutes an unconstitutional Title of Nobility in violation of Article 1, Section 9, Clause 8 of the United States Constitution.
4. Only enforce the law against others and NOT themselves, as a way to protect their own criminal activities by persecuting dissidents. This is called "selective enforcement". In the legal field it is also called "professional courtesy". Never kill the goose that lays the STOLEN golden eggs.
5. Break the laws with impunity. This happens most frequently when corrupt people in government engage in "selective enforcement", whereby they refuse to prosecute or interfere with the prosecution of anyone in government. The Department of Justice (D.O.J.) or the District Attorney are the most frequent perpetrators of this type of crime.

6. Are able to choose which laws they want to be subject to, and thus refuse to enforce laws against themselves. The most frequent method for this type of abuse is to assert sovereign, official, or judicial immunity as a defense in order to protect the wrongdoers in government when they are acting outside their delegated authority, or outside what the definitions in the statutes EXPRESSLY allow.
7. Impute to themselves more rights or methods of acquiring rights than the people themselves have. In other words, who are the object of PAGAN IDOL WORSHIP because they possess “supernatural” powers. By “supernatural”, we mean that which is superior to the “natural”, which is ordinary human beings.
8. Claim and protect their own sovereign immunity, but refuse to recognize the same EQUAL immunity of the people from whom that power was delegated to begin with. Hypocrites.
9. Abuse sovereign immunity to exclude either the government or anyone working in the government from being subject to the laws they pass to regulate everyone ELSE’S behavior. In other words, they can choose WHEN they want to be a statutory “person” who is subject, and when they aren’t. Anyone who has this kind of choice will ALWAYS corruptly exclude themselves and include everyone else, and thereby enforce and implement an unconstitutional “Title of Nobility” towards themselves. On this subject, the U.S. Supreme Court has held the following:

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

10. Have a monopoly on anything, INCLUDING “protection”, and who turn that monopoly into a mechanism to force EVERYONE illegally to be treated as uncompensated public officers in exchange for the “privilege” of being able to even exist or earn a living to support oneself.
11. Can tax and spend any amount or percentage of the people’s earnings over the OBJECTIONS of the people.
12. Can print, meaning illegally counterfeit, as much money as they want to fund their criminal enterprise, and thus to be completely free from accountability to the people.
13. Deceive and/or lie to the public with impunity by telling you that you can’t trust anything they say, but force YOU to sign everything under penalty of perjury when you want to talk to them. 26 U.S.C. §6065.

In support of the above definition of "anarchy", here is how the U.S. Supreme Court defined it:

“Decency, security, and liberty alike demand that government officials shall be subjected to the same rules of conduct that are commands to the citizen. In a government of laws, existence of the government will be imperiled if it fails to observe the law scrupulously. Our government is the potent, the omnipresent teacher. For good or for ill, it teaches the whole people by its example. Crime is contagious. If the government becomes a lawbreaker, it breeds contempt for law; it invites every man to become a law unto himself; it invites anarchy. To declare that in the administration of the criminal law the end justifies the means—to declare that the government may commit crimes in order to secure the conviction of a private criminal—would bring terrible retribution. Against that pernicious doctrine this court should resolutely set its face.”
[Olmstead v. United States, 277 U.S. 438 (1928)]

The above requirements are a consequence of the fact that the foundation of the United States Constitution is [EQUAL protection and EQUAL treatment](#). Any attempt to undermine equal rights and equal protection described above constitutes:

1. The establishment of a state sponsored religion in violation of the First Amendment and the Religious Freedom Restoration Act, 42 U.S.C. Chapter 21B. That religion is described in: [Socialism: The New American Civil Religion, Form #05.016](#). The object of worship of such a religion is imputing "supernatural powers" to civil rulers and forcing everyone to worship and serve said rulers as "superior beings".
2. The establishment of an unconstitutional Title of Nobility in violation of [Article 1, Section 9, Clause 8 of the United States Constitution](#).

1 **7.1.22 Political**

2 The term "political" as used throughout our website in reference to us or our activities:

- 3 1. Excludes the endorsement of specific candidates for political office.
- 4 2. Excludes any motivation that might result in a revocation of 26 U.S.C. §501(c)(4) status.
- 5 3. Excludes activities of public officers or agents of the government.
- 6 4. Excludes those who are "persons", "individuals", "taxpayers" under any revenue law.
- 7 5. Excludes those with a domicile or residence "in this State", meaning the government.
- 8 6. Includes efforts to educate the public about the law and the legal limits upon the jurisdiction of those in the
- 9 government.
- 10 7. Includes ONLY EXCLUSIVELY PRIVATE people beyond the [civil legislative control](#) of the specific government
- 11 affected by the policy.
- 12 8. Involves the protection of purely private property and private rights exclusively owned by human beings and not
- 13 businesses or artificial entities of any description.
- 14 9. Includes activities undertaken ONLY in the fulfillment of [purely religious goals as a full time fiduciary of God](#)
- 15 [under the Bible trust indenture](#).

16 **7.1.23 Non-citizen national**

17 The term "non-citizen national" MEANS a human being born in a constitutional state and domiciled or at least physically
18 present there. These people are described in [8 U.S.C. §1101\(a\)\(21\)](#). They are STATUTORY "non-resident non-persons" as
19 described in [Non-Resident Non-Person Position, Form #05.020](#). It DOES NOT mean or include those who are:

- 20 1. [Domiciled](#) either abroad or on federal territory.
- 21 2. Statutory "nationals and citizens of the United States[**] at birth" per [8 U.S.C. §1401](#). These people are born in
- 22 federal territories exclusively.
- 23 3. Statutory "national but not citizen of the United States[**] at birth" per [8 U.S.C. §1408](#). These people are born in
- 24 federal possessions such as Puerto Rico.
- 25 4. Statutory "citizens of the United States[**]" per [8 U.S.C. §1101\(a\)\(22\)\(A\)](#).
- 26 5. Statutory "national of the United States [**]" per [8 U.S.C. §1101\(a\)\(22\)](#).

27 **7.1.24 State national**

28 The term "state national" means those who are:

- 29 1. Born in a Constitutional but not Statutory "State" as described in the Fourteenth Amendment or the original
 - 30 constitution.
 - 31 2. Standing on land protected by the Constitution and/or the organic law and therefore possessing natural and
 - 32 Constitutional and PRIVATE rights as documented in:
- Enumeration of Inalienable Rights*, Form #10.002
<https://sedm.org/Forms/10-Emancipation/EnumRights.pdf>
- 33 3. Not claiming any government statutory privilege, immunity, exemption, "benefit", domicile, or civil statutory
 - 34 protection in the context of a specific interaction and reserving all rights per U.C.C. §1.308.
 - 35 4. Owing allegiance to THE PEOPLE as individuals and sovereigns occupying the land within the state, and not to
 - 36 the government that serves them under the constitution as the delegation of authority order. "State" in a political
 - 37 sense always refers to PEOPLE occupying land and never to GOVERNMENTS or government corporations. In
 - 38 biblical terms, that allegiance is called "love" and it is commanded by God in Matt. 22:34-40. God NEVER
 - 39 commands Christians to love governments or civil rulers and often tells people to DISOBEY them when they
 - 40 violate the Bible as their delegation of authority order (Form #13.007).

41 Equivalent to a "non-citizen national of the United States OF AMERICA" or a "free inhabitant" under the Articles
42 of Confederation. EXCLUDES any of the following:

- 43 1. STATUTORY "person" under [26 U.S.C. §6671\(b\)](#) and [§7343](#).

- 1 2. Statutory "national and citizen of the United States** at birth" as defined in [8 U.S.C. §1401](#). This is a territorial citizen
2 rather than a state citizen.
- 3 3. "citizen of the United States**[federal zone]" under [26 U.S.C. §911](#), 26 U.S.C. §3121(e), or [26 C.F.R. §1.1-1\(c\)](#).
- 4 4. "National but not citizen of the United States** at birth" under [8 U.S.C. §1408](#). This is a person born in a federal
5 possession RATHER than a state of the Union.
- 6 5. "U.S.[**] non-citizen national" under [8 U.S.C. §1452](#). This is a person born in a federal possession RATHER than a
7 state of the Union.
- 8 6. STATUTORY "U.S. person" as defined in [26 U.S.C. §7701\(a\)\(30\)](#), which is a human being born and domiciled on
9 federal territory not within the exclusive jurisdiction of any Constitutional state.

10 The term is equivalent to "American National" as used by the Department of State in [8 U.S.C. §1502](#). "state" for a foreign
11 national = the country of which that person is a national. "state" for an American national is the United States of America, or
12 just America. "state" is not defined in 8 U.S.C. although "State" is defined in [8 U.S.C. §1101\(a\)\(36\)](#) and they are NOT
13 equivalent. See [8 U.S.C. §1101\(a\)\(21\)](#) for another reference to a "state national". Remember the context of [8 U.S.C. §1101](#) is
14 immigration and nationality. So when we speak of a state in this context, we are talking about international states. In that
15 context, American nationality (or U.S. nationality) is what we are---nationality of California is meaningless in this context.
16 So to say you are a national of California is to say you are a national of the United States[***] OF AMERICA or an American
17 National.

18 For the purposes of "State", the following definition applies:

19 *State*

20 *As a noun, a people permanently occupying a fixed territory bound together by common habits and custom into*
21 *one body politic exercising, through the medium of an organized government, independent sovereignty and*
22 *control over all persons and things within its boundaries, capable of making war and peace and of entering into*
23 *international relations with other states. The section of territory occupied by one of the United States. The people*
24 *of a state, in their collective capacity, considered as the party wronged by a criminal deed; the public; as in the*
25 *title of a case, "The State v. A. B." The circumstances or condition of a being or thing at a given time.*
26 *[The Free Dictionary, Farlex; SOURCE: <https://legal-dictionary.thefreedictionary.com/state/>]*

27 "State national" is NOT a statutory term and is not commonly used by courts of law. Therefore, if you invoke it in government
28 correspondence or in litigation, you should take great care to define it BEFORE invoking it so that you do not invite charges
29 of being "frivolous".

30 **7.1.25 “Non-Person” or “Non-Resident Non-Person”**

31 The term "[non-person](#)" or "[non-resident non-person](#)" ([Form #05.020](#)) as used on this site we define to be a human who is all
32 of the following:

- 33 1. Tax status:
 - 34 1.1. Is NOT a STATUTORY "nonresident alien individual" as defined in [26 U.S.C. §1441\(e\)](#) and [26 C.F.R. §1.1441-](#)
35 [1\(c\)\(3\)\(ii\)](#), both of which are alien residents of Puerto Rico AND NO ONE ELSE.
 - 36 1.2. Because they are "nonresident aliens" but not "nonresident alien individuals", then they are not a statutory
37 "person". You must be an statutory "individual" to be a statutory "[person](#)" per [26 U.S.C. §7701\(a\)](#) if you are a
38 man or woman.
39 More on this at: [Tax Status Presentation, Form #12.043](#).
- 40 2. Not domiciled on federal territory and not representing a corporate or governmental office that is so domiciled under
41 [Federal Rule of Civil Procedure 17](#). See [Form #05.002](#) for details.
- 42 3. Not engaged in a public office within any government. This includes the civil office of "person", "individual",
43 "citizen", or "resident". See [Form #05.037](#) and [Form #05.042](#) for court-admissible proof that statutory "persons",
44 "individuals", "citizens", and "residents" are public offices.
- 45 4. Not "purposefully or consensually availing themself" of commerce with any government. Therefore, they do not waive
46 sovereign immunity under the [Foreign Sovereign Immunities Act \(FSIA\), 28 U.S.C. Chapter 97](#).
- 47 5. Obligations and Rights in relation to Governments:
 - 48 5.1. Waives any and all privileges and immunities of any civil status and all rights or "entitlements" to receive
49 "benefits" or "civil services" from any government. It is a maxim of law that [REAL de jure governments \(Form](#)
50 [#05.043\)](#) MUST give you the right to not receive or be eligible to receive "benefits" of any kind. See Form

1 #05.040 for a description of the SCAM of abusing "benefits" to destroy sovereignty. The reason is because they
2 MUST guarantee your right to be self-governing and self-supporting:

3 *Invito beneficium non datur.*

4 *No one is obliged to accept a benefit against his consent. Dig. 50, 17, 69. But if he does not dissent he will be*
5 *considered as assenting. Vide Assent.*

6 *Potest quis renunciare pro se, et suis, juri quod pro se introductum est.*

7 *A man may relinquish, for himself and his heirs, a right which was introduced for his own benefit. See 1 Bouv.*
8 *Inst. n. 83.*

9 *Quilibet potest renunciare juri pro se inducto.*

10 *Any one may renounce a law introduced for his own benefit. To this rule there are some exceptions. See 1 Bouv.*
11 *Inst. n. 83.*

12 [*Bouvier's Maxims of Law, 1856;*

13 *SOURCE: <http://famguardian.org/Publications/BouvierMaximsOfLaw/BouviereMaxims.htm/>*

14 5.2. Because they are not in receipt of or eligible to receive property or benefits from the government, they owe no
15 CIVIL STATUTORY obligations to that government or any STATUTORY "citizen" or STATUTORY
16 "resident", as "obligations" are described in [California Civil Code Section 1428](#). This means they are not party to
17 any contracts or compacts and have injured NO ONE as injury is defined NOT by statute, but by the common
18 law. See [Form #12.040](#) for further details on the definition of "obligations".

19 5.3. Because they owe no statutory civil obligations, the definition of "justice" REQUIRES that they MUST be left
20 alone by the government. See [Form #05.050](#) for a description of "[justice](#)".

21 6. For the purposes of citizenship on government forms:

22 6.1. Does NOT identify as a STATUTORY "citizen" ([8 U.S.C. §1401](#) and [26 C.F.R. §1.1-1\(c\)](#)), "resident" (alien
23 under [26 U.S.C. §7701\(b\)\(1\)\(A\)](#)), "U.S. citizen" (not defined in any statute), "U.S. resident" (not defined in any
24 statute), or "U.S. person" ([26 U.S.C. §7701\(a\)\(30\)](#)).

25 6.2. Identifies themselves as a "national" per [8 U.S.C. §1101\(a\)\(21\)](#) and per common law by virtue of birth or
26 naturalization within the CONSTITUTIONAL "United States***".

27 7. Earnings originate from outside:

28 7.1. The STATUTORY "United States***" as defined in [26 U.S.C. §7701\(a\)\(9\) and \(a\)\(10\)](#) (federal zone) and

29 7.2. The U.S. government federal corporation as a privileged legal fiction.

30 Thus, their earnings are not includible in "[gross income](#)" under [26 U.S.C. §871](#) and are a "foreign estate" under [26](#)
31 [U.S.C. §7701\(a\)\(31\)](#). See [26 U.S.C. §872](#) and [26 C.F.R. §1.872-2\(f\)](#) and [26 C.F.R. §1.871-7\(a\)\(4\)](#) and [26 U.S.C.](#)
32 [§861\(a\)\(3\)\(C\)\(i\)](#) for proof.

33 8. Does not and cannot earn STATUTORY "[wages](#)" as defined in [26 U.S.C. §3401\(a\)](#) for services performed outside the
34 STATUTORY "United States***" as defined in [26 U.S.C. §7701\(a\)\(9\) and \(a\)\(10\)](#) (federal zone) and the
35 CORPORATION "United States" as a legal fiction. Not subject to "wage" withholding of any kind for such services
36 per:

37 8.1. [26 C.F.R. §31.3401\(a\)\(6\)-1\(b\)](#) in the case of income tax.

38 8.2. [26 C.F.R. §31.3121\(b\)-3\(c\)\(1\)](#) in the case of Social Security.

39 9. Expressly exempt from income tax reporting under:

40 9.1. [26 C.F.R. §1.1441-1\(b\)\(5\)\(i\)](#).

41 9.2. [26 C.F.R. §1.1441-1\(e\)\(1\)\(ii\)\(A\)\(1\)](#).

42 9.3. [26 C.F.R. §1.6041-4\(a\)\(1\)](#).

43 10. Exempt from backup withholding because earnings are not reportable by [26 U.S.C. §3406](#). Only "reportable payments"
44 are subject to such withholding.

45 11. Because they are exempt from income tax reporting and therefore withholding, they have no "taxable income".

46 11.1. Only reportable income is taxable.

47 11.2. There is NO WAY provided within the Internal Revenue Code to make earnings not connected to a [statutory](#)
48 ["trade or business"/public office \(Form #05.001\)](#) under [26 U.S.C. §6041](#) reportable.

49 11.3. The only way to make earnings of a nonresident alien not engaged in the "trade or business" franchise taxable
50 under [26 U.S.C. §871\(a\)](#) is therefore only when the PAYOR is lawfully engaged in a "trade or business" but the
51 PAYEE is not. This situation would have to involve the U.S. government ONLY and not private parties in the states of
52 the Union. The information returns would have to be a [Form 1042s](#). It is a crime under [18 U.S.C. §91](#) for a private
53 party to occupy a public office or to impersonate a public office, and Congress cannot establish public offices within
54 the exclusive jurisdiction of the states of the Union to tax them, according to the [License Tax Cases, 72 U.S. 462, 18](#)
55 [L.Ed. 497, 68 S.Ct. 331 \(1866\)](#).

- 1 12. Continue to be a "[national of the United States*](#)" ([Form #05.006](#)) and not lose their CONSTITUTIONAL citizenship
- 2 while filing form 1040NR. See [26 U.S.C. §873\(b\)\(3\)](#). They do NOT need to "expatriate" their nationality to file as a
- 3 "nonresident alien" and will not satisfy the conditions in [26 U.S.C. §877](#) (expatriation to avoid tax). Expatriation is loss
- 4 of NATIONALITY, and NOT loss of STATUTORY "citizen" status under [8 U.S.C. §1401](#).
- 5 13. If they submit a Form W-8BEN to control withholding and revoke their Form W-4, then they:
- 6 13.1 Can submit [SSA Form 7008](#) to correct your SSA earnings to zero them out. See [SEDM Form #06.042](#).
- 7 13.2 Can use [IRS Form 843](#) to request a full refund or abatement of all FICA and Medicare taxes withheld if the
- 8 employer or business associate continues to file W-2 forms or withhold against your wishes. See [SEDM Form #06.043](#).
- 9 14. Are eligible to replace the SSN with a TEMPORARY International Taxpayer Identification Number (ITIN) that
- 10 expires AUTOMATICALLY every year and is therefore NOT permanent and changes. If you previously applied for an
- 11 SSN and were ineligible to participate, you can terminate the SSN and replace it with the ITIN. If you can't prove you
- 12 were ineligible for Social Security, then they will not allow you to replace the SSN with an ITIN. See:
- 13 14.1. [Form W-7](#) for the application.
- 14 14.2. [Understanding Your IRS Individual Taxpayer Identification Number, Publication 1915](#)
- 15 14.3. [Why You Aren't Eligible for Social Security, Form #06.001](#) for proof that no one within the exclusive
- 16 jurisdiction of a constitutional state of the Union is eligible for Social Security.
- 17 15. Must file the paper version of IRS Form 1040NR, because there are no electronic online providers that automate the
- 18 preparation of the form or allow you to attach the forms necessary to submit a complete and accurate return that
- 19 correctly reflects your status. This is in part because the IRS doesn't want to make it easy or convenient to leave their
- 20 slave plantation.
- 21 16. Is a SUBSET of "[nonresident aliens](#)" who are not required to have or to use Social Security Numbers (SSNs) or
- 22 Taxpayer Identification Numbers (TINs) in connection with tax withholding or reporting. They are expressly exempted
- 23 from this requirement by:
- 24 16.1. [31 C.F.R. §1020.410\(b\)\(3\)\(x\)](#) .
- 25 16.2. [26 C.F.R. §301.6109-1\(b\)\(2\)](#).
- 26 16.3. [W-8BEN Inst. p. 1,2,4,5 \(Cat 25576H\)](#).
- 27 16.4. [Instructions for the Requesters of Forms W-8BEN, W-8BEN-E, W-8ECI, W-8EXP, and W-8IMY, p. 1,2,6 \(Cat](#)
- 28 [26698G\)](#).
- 29 16.5. [Pub 515 Inst. p. 7 \(Cat. No 16029L\)](#).
- 30 More on SSNs and TINs at:
- 31 [About SSNs and TINs on Government Forms and Correspondence, Form #05.012](#)
- 32 <https://sedm.org/Forms/05-MemLaw/AboutSSNsAndTINs.pdf>
- 33 [About SSNs and TINs on Government Forms and Correspondence, Form #04.104](#)
- 34 <https://sedm.org/Forms/04-Tax/1-Procedure/AboutSSNs/AboutSSNs.htm>

35 They are "non-persons" BY VIRTUE of not benefitting from any civil statutory privilege and therefore being "PRIVATE".

36 By "privilege", we mean ANY of the things described in [5 U.S.C. 553\(a\)\(2\)](#):

37 [5 U.S. Code § 553 - Rule making](#)

38 *(a) This section applies, according to the provisions thereof, except to the extent that there is involved—*

39 *[. . .]*

40 *(2) a matter relating to agency management or personnel or to public property, loans, grants, benefits, or*

41 *contracts.*

42 The above items all have in common that they are PROPERTY coming under [Article 4, Section 3, Clause 2](#) of the Constitution

43 that is loaned or possessed or granted temporarily to a human being with legal strings attached. Thus, Congress has direct

44 legislative jurisdiction not only over the property itself, but over all those who USE, BENEFIT FROM, or HAVE such

45 property physically in their custody or within their temporary control. We remind the reader that Congress enjoys control

46 over their own property NO MATTER WHERE it physically is, including states of the Union, and that it is the MAIN source

47 of their legislative jurisdiction within the exclusive jurisdiction of Constitutional states of the Union!:

48 [United States Constitution](#)

49 [Article 4, Section 3, Clause 2](#)

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

4
5 **“The Constitution permits Congress to dispose of and to make all needful rules and regulations respecting**
6 **the territory or other property belonging to the United States. This power applies as well to territory**
7 **belonging to the United States within the States, as beyond them. It comprehends all the public domain,**
8 **wherever it may be. The argument is, that the power to make ‘ALL needful rules and regulations’ ‘is a**
9 **power of legislation,’ ‘a full legislative power;’ ‘that it includes all subjects of legislation in the territory,’**
10 **and is without any limitations, except the positive prohibitions which affect all the powers of Congress.**
11 *Congress may then regulate or prohibit slavery upon the public domain within the new States, and such a*
12 *prohibition would permanently affect the capacity of a slave, whose master might carry him to it. And why not?*
13 *Because no power has been conferred on Congress. This is a conclusion universally admitted. But the power to*
14 *‘make rules and regulations respecting the territory’ is not restrained by State lines, nor are there any*
15 *constitutional prohibitions upon its exercise in the domain of the United States within the States; and*
16 *whatever rules and regulations respecting territory Congress may constitutionally make are supreme, and*
17 *are not dependent on the situs of ‘the territory.’”*
18 *[Dred Scott v. Sandford, 60 U.S. 393, 509-510 (1856)]*

19 By property, we mean all the things listed in [5 U.S.C. §553\(a\)\(2\)](#) such as SSNs (property of the government per [20 C.F.R.](#)
20 [§422.103\(d\)](#)), contracts (which are property), physical property, chattel property, "benefits", "offices", [civil statuses](#),
21 privileges, civil statutory remedies, etc. A "[public office](#)" is, after all, legally defined as someone in charge of the PROPERTY
22 of the "public",

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

36 Even the public office ITSELF is property of the national government, so those claiming any civil statutory status are claiming
37 a civil office within the government. It is otherwise unconstitutional to regulate private property or private rights. The only
38 way you can surrender your private status is to voluntarily adopt an office or civil status or the "benefits", "rights", or
39 privileges attaching to said office or status, as we prove in:

- 40 1. [Civil Status \(Important!\)-SEDM](#)
41 <https://sedm.org/litigation-main/civil-status/>
42 2. [Your Exclusive Right to Declare or Establish Your Civil Status, Form #13.008](#)
43 <https://sedm.org/Forms/13-SelfFamilyChurchGovnce/RightToDeclStatus.pdf>
44 3. [Why Statutory Civil Law is Law for Government and Not Private Persons, Form #05.037](#)
45 <https://sedm.org/Forms/05-MemLaw/StatLawGovt.pdf>

46 It is custody or "benefit" or control of government/public property that grants government control over those handling or
47 using such property:

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

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

4
5 **Curses of Disobedience [to God's Laws]**

6 "The alien [Washington, D.C. is legislatively "alien" in relation to states of the Union] who is among you shall
7 rise higher and higher above you, and you shall come down lower and lower [malicious destruction of EQUAL
8 PROTECTION and EQUAL TREATMENT by abusing FRANCHISES]. He shall lend to you [Federal
9 Reserve counterfeiting franchise], but you shall not lend to him; he shall be the head, and you shall be the tail.

10 "Moreover all these curses shall come upon you and pursue and overtake you, until you are destroyed, because
11 you did not obey the voice of the Lord your God, to keep His commandments and His statutes which He
12 commanded you. And they shall be upon you for a sign and a wonder, and on your descendants forever.

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

25 You cannot MIX or comingle PRIVATE property with PUBLIC property without converting the PRIVATE property
26 ownership from absolute to qualified. You must keep them SEPARATE at all times and it is the MAIN and MOST
27 IMPORTANT role of government to maintain that separation. Governments, after all, are created ONLY to protect private
28 property and the FIRST step in that protection is to protect PRIVATE property from being converted to PUBLIC property.
29 For proof, see:

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

30 What Congress is doing is abusing its own property to in effect create "de facto public offices" within the government, in
31 violation of 4 U.S.C. §72, as is proven in:

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

32 This is how we describe the reason why people should avoid privileges and thereby avoid possession, custody, use, or
33 "benefit" of government/public property on the opening page of our site:

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

1 which is God's curse upon those who allow a king above them. [Click Here](#)
2 (<https://famguardian.org/Subjects/Taxes/Evidence/HowScCorruptOurRepubGovt.htm>) for a detailed description
3 of the legal, moral, and spiritual consequences of violating this paragraph."
4 [SEDM Opening Page; <http://sedm.org>]

5 "Non-resident Non-Person" or "non-person" are synonymous with "transient foreigner", "in transitu", and "stateless" (in
6 relation to the national government). We invented this term. The term does not appear in federal statutes because statutes
7 cannot even define things or people who are not subject to them and therefore foreign and sovereign. The term "non-
8 individual" used on this site is equivalent to and a synonym for "non-person" on this site, even though STATUTORY
9 "individuals" are a SUBSET of "persons" within the Internal Revenue Code. Likewise, the term "private human" is also
10 synonymous with "non-person". Hence, a "non-person":

- 11 1. Retains their sovereign immunity. They do not waive it under the Foreign Sovereign Immunities Act, 28 U.S.C.
12 Chapter 97 or the longarm statutes of the state they occupy.
- 13 2. Is protected by the United States Constitution and not federal statutory civil law.
- 14 3. May not have federal statutory civil law cited against them. If they were, a violation of Federal Rule of Civil Procedure
15 17 and a constitutional tort would result if they were physically present on land protected by the United States
16 Constitution within the exterior limits of states of the Union.
- 17 4. Is on an equal footing with the United States government in court. "Persons" would be on an UNEQUAL, INFERIOR,
18 and subservient level if they were subject to federal territorial law.

19 Don't expect vain public servants to willingly admit that there is such a thing as a human "non-person" who satisfies the above
20 criteria because it would undermine their systematic and treasonous plunder and enslavement of people they are supposed to
21 be protecting. However, the U.S. Supreme Court has held that the "right to be left alone" is the purpose of the constitution.
22 *Olmstead v. United States*, 277 U.S. 438. A so-called "government" that refuses to leave you alone or respect or protect your
23 sovereignty and equality in relation to them is no government at all and has violated the purpose of its creation described in
24 the Declaration of Independence. Furthermore, anyone from the national or state government who refuses to enforce this
25 status, or who imputes or enforces any status OTHER than this status under any law system other than the common law is:

- 26 1. "purposefully availing themselves" of commerce within OUR jurisdiction.
- 27 2. STEALING, where the thing being STOLEN are the public rights associated with the statutory civil "status" they are
28 presuming we have but never expressly consented to have.
- 29 3. Engaging in criminal identity theft, because the civil status is associated with a domicile in a place we are not
30 physically in and do not consent to a civil domicile in.
- 31 4. Consenting to our Member Agreement.
- 32 5. Waiving official, judicial, and sovereign immunity.
- 33 6. Acting in a private and personal capacity beyond the statutory jurisdiction of their government employer.
- 34 7. Compelling us to contract with the state under the civil statutory "social compact".
- 35 8. Interfering with our First Amendment right to freely and civilly DISASSOCIATE with the state.
- 36 9. Engaged in a constitutional tort.

37 If freedom and self-ownership or "ownership" in general means anything at all, it means the right to deny any and all others,
38 including governments, the ability to use or benefit in any way from our body, our exclusively owned private property, and
39 our labor.

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

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

49 _____
50 FOOTNOTES:

1 [11] See, e. g., *United States v. Pueblo of San Ildefonso*, 206 Ct.Cl. 649, 669-670, 513 F.2d. 1383, 1394 (1975);
2 *United States v. Lutz*, 295 F.2d. 736, 740 (CA5 1961). As stated by Mr. Justice Brandeis, "[a]n essential element
3 of individual property is the legal right to exclude others from enjoying it." *International News Service v.*
4 *Associated Press*, 248 U.S. 215, 250 (1918) (dissenting opinion).

5 If you would like a W-8 form that ACCURATELY describes the withholding and reporting status of a "non-resident non-
6 person", see:

W-8SUB, Form #04.231
<https://sedm.org/Forms/04-Tax/2-Withholding/W-8SUB.pdf>

7 7.1.26 "Advice" or "legal advice"

8 The term "advice" or "legal advice" means education about tools, facts, remedies, and options for making your own informed
9 choice. It does not include any method of: 1. Transferring liability or responsibility from the person asking to the person
10 responding; 2. Anything that could be classified as "legal advice" or "law practice" as used in any statute or enacted law; 3.
11 Anything that could be classified as factual or a basis for belief or reliance upon the person asked in connection with
12 commercial speech subject to government protection or regulation.

13 7.1.27 Socialism

14 The term "socialism" means any attempt by any government to use civil legislation to abolish private property or to convert
15 private property ownership to public property, public rights, or privileges, whether by consent or by theft. "Ownership" and
16 "control" are synonymous for the purpose of this definition. Such property includes land, labor, physical objects, chattel
17 property, or constitutional rights.

18 Examples of the implementation of socialism include the following activities by the government:

19 1. Government Franchises and licensing. See:

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

20 2. Civil statutes when enforced against those not consensually serving WITHIN the government. See:

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

21 3. Domicile, which is a civil statutory protection franchise. See:

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

22 4. Income and excise taxation. See:

The "Trade or Business" Scam, Form #05.001
<https://sedm.org/Forms/05-MemLaw/TradeOrBusScam.pdf>

23 5. Extraterritorial civil enforcement under the COLOR, but without the actual AUTHORITY of law. against parties not 24 domiciled within the jurisdiction or venue doing the enforcement. See:

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

25 6. Any attempt to change the [civil status \(Form #13.008\)](#) of parties situated extraterritorially without the exclusive 26 jurisdiction of the lawmaker with or without their express or implied [consent \(Form #05.003\)](#). The result is that they 27 are made to APPEAR as parties domiciled within the civil jurisdiction or venue of the lawmaker. See:

Government Identity Theft, Form #05.046
<https://sedm.org/Forms/05-MemLaw/GovernmentIdentityTheft.pdf>

28 7. Any attempt to offer a "benefit" or franchise without recognizing or enforcing the right to NOT participate or to quit on 29 any and every form administering the program. Thus, the program is TREATED as mandatory by fiat but in fact is 30 voluntary. This violates the common law maxim that you have a right to refuse a "benefit". See:

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

1 The result of implementing socialism through civil legislation is ultimately to abolish constitutional or common law
2 protections for property, and to replace them with legislatively granted civil privileges that come with obligations and a
3 corresponding surrender of said rights. Below is how we describe this process on the opening page of our website:

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

25 For the purpose of this definition "socialism" does NOT include "social control over the means of production" as most
26 contemporary reference sources FALSELY identify it. Early dictionaries defined it consistent with our definition but over
27 the years, the word has fairly recently been redefined to REMOVE the mention of abolition of private property from the
28 definition. This was done so that statist would conveniently stop having to APOLOGIZE for government theft through the
29 legislative process. For examples of this phenomenon, see:

[Sovereignty Forms and Instructions Online, Form #10.004, Cites by Topic: "socialism"](https://famguardian.org/TaxFreedom/CitesByTopic/Socialism.htm)
<https://famguardian.org/TaxFreedom/CitesByTopic/Socialism.htm>

30 It is important to emphasize here that when you want to stop public opposition to a government activity such as theft or
31 conversion of private property, the easiest way is to redefine terms so that there is no word that accurately refers to the activity
32 that is being opposed. The result is that you have eliminated vocabulary that could describe the thing being opposed, and thus
33 to eliminate the political opposition entirely. This approach, in fact, is the heart of the modern phenomenon of "[Identity](#)
34 [politics](#)": Control public opinion and public opposition by controlling language.

35 An important goal of this website is to ELIMINATE all forms of socialism as defined here, and thus to restore the supremacy
36 of individual rights over governmental rights to our political and democratic processes and institutions. For details on the
37 evils of socialism, see:

- 38 1. [Socialism: The New American Civil Religion](#), Form #05.016
39 <https://sedm.org/Forms/05-MemLaw/SocialismCivilReligion.pdf>
- 40 2. [Social Security: Mark of the Beast](#), Form #11.407
41 <http://famguardian.org/Publications/SocialSecurity/TOC.htm>

42 **7.1.28 "Grant" or "loan"**

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

- 47 1. The grantor or lender is the "Merchant" under U.C.C. §2-104(1).
- 48 2. The recipient or borrower of the property conveyed is the "Buyer" under U.C.C. §2-103(1)(a).
- 49 3. The property loaned can include land, physical/chattel property, rights, or privileges.

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

4 In the context of GOVERNMENT grants of property:

- 5 1. This conveyance of property is the foundation of ALL governmental civil statutory privileges and most civil statutory
6 law, as explained in [Why Civil Statutory Law is Law for Government and Not Private Persons, Form #05.037](#).
- 7 2. The constitutional authority for such grants is [Article 4, Section 3, Clause 2](#) of the U.S. Constitution, which allows
8 Congress to "dispose of and make all needful rules and Regulations respecting the Territory or other property
9 belonging to the United States".
- 10 3. Those receiving the granted property and the associated privileges essentially waive their constitutional rights under
11 the Brandeis Rules of the U.S. Supreme Court, [Ashwander v. Tennessee Valley Authority, 297 U.S. 288, 56 S.Ct. 466](#)
12 [\(1936\)](#).
- 13 4. Individual agencies of the government are created to manage the SPECIFIC property and franchises and privileges
14 loaned or granted, and such agencies DO NOT have jurisdiction over PRIVATE parties NOT in receipt or eligible to
15 receive said property. These agencies are referred to as "the administrative state". [Click here](#) for details on the
16 "Administrative State".
- 17 5. Types of property that may be loaned must fit within [5 U.S.C. §553\(a\)\(2\)](#).
- 18 6. In the context of GOVERNMENT property so granted or loaned to the public, the party in temporary custody of the
19 property is legally defined as a "public officer" subject to DIRECT legislative control of Congress WITHOUT the need
20 for implementing regulations pursuant to [5 U.S.C. §553\(a\)](#), and [44 U.S.C. §1505\(a\)\(1\)](#).

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

- 34 7. Jurisdiction over government property extends EXTRATERRITORIALLY and INTERNATIONALLY, and thus
35 grants can occur anywhere in the world and may cross state borders and reach into a Constitutional state of the Union.
- 36 8. There is NO CONSTITUTIONAL AUTHORITY EXPRESSLY GRANTED that allows government to abuse
37 government property to CREATE new public offices. This is a usurpation and an invasion of the states in violation of
38 [Article 4, Section 4](#) of the Constitution.
- 39 9. This source of jurisdiction is the MAIN source of jurisdiction in the case of the income tax, which is an excise tax and
40 a franchise tax upon federal offices legislatively created by Congress but usually implemented ILLEGALLY and
41 UNCONSTITUTIONALLY within states of the Union, as described in [Challenge to Income Tax Enforcement](#)
42 [Authority within Constitutional States of the Union, Form #05.052](#).

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

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

1 Congress cannot authorize [e.g. LICENSE using a Social Security Number] a trade or business within a State
2 in order to tax it."
3 [License Tax Cases, 72 U.S. 462, 18 L.Ed. 497, 5 Wall. 462, 2 A.F.T.R. 2224 (1866)]

4 God vehemently forbids Christians from participating in any grants or loans of government property and warns Christians
5 that they will be CURSED if they participate. This curse is the STRONGEST and SCARRIEST curse in all the bible:

6 Curses of Disobedience [to God's Laws]

7 "The alien [Washington, D.C. is legislatively "alien" in relation to states of the Union] who is among you shall
8 rise higher and higher above you, and you shall come down lower and lower [malicious destruction of EQUAL
9 PROTECTION and EQUAL TREATMENT by abusing FRANCHISES]. He shall lend to you [Federal
10 Reserve counterfeiting franchise], but you shall not lend to him; he shall be the head, and you shall be the tail.

11 "Moreover all these curses shall come upon you and pursue and overtake you, until you are destroyed, because
12 you did not obey the voice of the Lord your God, to keep His commandments and His statutes which He
13 commanded you. And they shall be upon you for a sign and a wonder, and on your descendants forever.

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

26 The reason God forbids becoming and borrower of government property is that the legal relation created by the transaction,
27 being a franchise or contract or agreement, causes conflicts of interest and allegiance and sin.

28 "The rich rules over the poor,
29 And the borrower is servant to the lender."
30 [Prov. 22:7, Bible, NKJV]

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

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

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

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

48 God also says that the only thing that Christians are allowed to be in relation to any and all governments is Merchants.

49 "For the Lord your God will bless you just as He promised you; you shall lend to many nations, but you shall
50 not borrow; you shall reign over many nations, but they shall not reign over you."
51 [Deut. 15:6, Bible, NKJV]

1 *"The Lord will open to you His good treasure, the heavens, to give the rain to your land in its season, and to bless*
2 *all the work of your hand. **You shall lend to many nations, but you shall not borrow.**"*
3 *[Deut. 28:12, Bible, NKJV]*

4 *"**You shall not charge interest to your brother**--interest on money or food or anything that is lent out at interest."*
5 *[Deut. 23:19, Bible, NKJV]*

6 *"To a foreigner you may charge interest, but to your brother you shall not charge interest, that the Lord your*
7 *God may bless you in all to which you set your hand in the land which you are entering to possess."*
8 *[Deut. 23:20, Bible, NKJV]*

9 For more information on the subject of franchises and their perils and pitfalls, see:

- 10 1. *Government Franchises Course*, Form #12.012
11 <https://sedm.org/Forms/FormIndex.htm>
- 12 2. *Government Instituted Slavery Using Franchises*, Form #05.030
13 <https://sedm.org/Forms/FormIndex.htm>
- 14 3. *How Scoundrels Corrupted Our Republican Form of Government*, Family Guardian Fellowship (OFFSITE LINK)
15 <https://famguardian.org/Subjects/Taxes/Evidence/HowScCorruptOurRepubGovt.htm>

16 For tools and tactics to FIGHT the EXTRATERRITORIAL abuse of franchises and the UNCONSTITUTIONAL grants of
17 government property that implement them, see:

- 18 1. *Path to Freedom*, Form #09.015, Sections 5.3 through 5.8
19 <https://sedm.org/Forms/FormIndex.htm>
- 20 2. *Separation Between Public and Private Course*, Form #12.025
21 <https://sedm.org/Forms/FormIndex.htm>
- 22 3. *Private Right or Public Right? Course*, Form #12.044
23 <https://sedm.org/Forms/FormIndex.htm>
- 24 4. *Lawfully Avoiding Government Obligations Course*, Form #12.040
25 <https://sedm.org/Forms/FormIndex.htm>
- 26 5. *Proof of Claim: Your Main Defense Against Government Greed and Corruption*, Form #09.073
27 <https://sedm.org/Forms/FormIndex.htm>
- 28 6. *Federal Enforcement Authority within States of the Union*, Form #05.032
29 <https://sedm.org/Forms/FormIndex.htm>
- 30 7. *Challenge to Income Tax Enforcement Authority within Constitutional States of the Union*, Form #05.052
31 <https://sedm.org/Forms/FormIndex.htm>
- 32 8. *Administrative State: Tactics and Defenses Course*, Form #12.041
33 <https://sedm.org/Forms/FormIndex.htm>

34 **7.1.29 Benefit**

35 The term "Benefit" means advantage; profit; fruit; gain; interest, and real consideration associated with a specific transaction
36 which conveys a right or property interest to a specific status, class, or group lawfully requesting said "benefit" which:

- 37 1. Is not dispensed by an administrative agency of any state or federal government, but by a private individual.
- 38 2. Does not require the recipient to be an officer, agent, employee, or "personnel" within any government.
- 39 3. Is not called a "tax" or collected by the Internal Revenue Service, but is clearly identified as "private business activity
40 beyond the core purposes of government".
- 41 4. Does not confer upon the grantor any form of sovereign, official, or judicial immunity.
- 42 5. Is legally enforceable in OTHER than a franchise court or administrative agency. That is, may be heard in equity
43 within a true, Article III constitutional court and NOT a legislative franchise court.
- 44 6. True constitutional courts are provided in which to litigate disputes arising under the benefit and those with said
45 disputes are not required to exhaust administrative remedies with an executive branch agency BEFORE they may
46 litigate. These constitutional courts are required to produce evidence that they are constitutional courts with OTHER
47 than strictly legislative franchise powers when challenged by the recipients of said benefits.
- 48 7. The specific value of the consideration can be quantified at any time.
- 49 8. Monies paid in by the recipient to subsidize the program are entirely refundable if the benefits they pay for have not
50 been received or employed either partially or in full.

- 1 9. Has all contributions paid in refunded if they die and never collect any benefits.
- 2 10. Participation in the program is not also attached to any other government program. For instance, being a recipient of
- 3 "social insurance" does not also make the recipient liable for unrelated or other federal taxes.
- 4 11. The term "benefit" must be defined in the franchise agreement that dispenses it, and its definition may not be left to the
- 5 subjective whims of any judge or jury.
- 6 12. If the "benefit" is financial, then it is paid in lawful money rather than Federal Reserve Notes, which are non-interest
- 7 bearing promissory notes that are not lawful money and are backed by nothing.
- 8 13. The franchise must expressly state that participation is voluntary and that no one can be prosecuted or punished for
- 9 failure to participate.
- 10 14. The identifying numbers, if any, that administer the program may not be used for identification and may not be shared
- 11 with or used by any nongovernmental entity other than the recipient him or her self.
- 12 15. May not be heard by any judge, jurist, or prosecutor who is a recipient or beneficiary of the same benefit, because this
- 13 would cause a conflict of interest in violation of 18 U.S.C. §208, 28 U.S.C. §144, and 28 U.S.C. §455, 18 U.S.C. §597,
- 14 and 18 U.S.C. §201.
- 15 16. During any litigation involving the "benefit", both the grantor and the grantee share equal obligation to prove that
- 16 equally valuable consideration was provided to the other party. Note that Federal Reserve Notes do not constitute
- 17 lawful money or therefore consideration.
- 18 17. Does NOT include a return of monies UNLAWFULLY withheld against a non-taxpayer. It is not a commercial
- 19 "benefit" or "purposeful availment" to have property STOLEN by a corrupted government returned to me.

20 Anything offered by the government that does not meet ALL of the above criteria is herein defined as an INJURY and a
21 TORT. Compelled participation is stipulated by both parties as being slavery in criminal violation of 18 U.S.C. §1583, 42
22 U.S.C. §1994, and the Thirteenth Amendment.

23 Receipt and/or acceptance of any government form by any government constitutes consent by the recipient of the application
24 to use the above definition of "benefit" in any disputes that might arise over such acceptance. Government recipient and its
25 agents, employees, and assignees forfeit their right as private individuals acting in any government office to define the term
26 "benefit" and agree to use ONLY the above definition.

27 Because the Submitter is ineligible for and does not seek any kind of "benefit" by submitting any of the attached forms, the
28 Submitter and Recipient both stipulate that the perjury statement has no "materiality" or legal actionability because it cannot
29 produce any kind of injury to the Recipient.

30 Parties stipulate that this definition applies to any and all past, present, or future forms they receive by any parties concerned
31 with this disclaimer.

32 More on the subject of "benefit" can be found at:

- 33 1. [Sovereignty Forms and Instructions Online, Form #10.004, Cites by Topic: "benefit"](https://famguardian.org/TaxFreedom/CitesByTopic/Benefit.htm) -legal authorities on "benefit"
- 34 <https://famguardian.org/TaxFreedom/CitesByTopic/Benefit.htm>
- 35 2. [Sovereignty and Freedom Points and Authorities, Litigation Tool #10.018, Section 4.10: "Benefits": ALLEGED but](https://sedm.org/Litigation/10-PracticeGuides/PointsAuth.pdf)
- 36 [not ACTUAL public rights/property that CANNOT form lawful "consideration" in forming a lawful contract or civil](https://sedm.org/Litigation/10-PracticeGuides/PointsAuth.pdf)
- 37 [statutory obligation](https://sedm.org/Litigation/10-PracticeGuides/PointsAuth.pdf)
- 38 <https://sedm.org/Litigation/10-PracticeGuides/PointsAuth.pdf>
- 39 3. [5 U.S.C. §553\(a\)\(2\)](https://www.law.cornell.edu/uscode/text/5/553)-Subjects those in receipt of "benefits" to DIRECT LEGISLATIVE CONTROL of congress. Watch
- 40 out!
- 41 <https://www.law.cornell.edu/uscode/text/5/553>
- 42 4. [Government Instituted Slavery Using Franchises, Form #05.030](https://sedm.org/Forms/05-MemLaw/Franchises.pdf)-Government "benefits" are illegally abused to
- 43 establish unconstitutional franchises in the constitutional states of the Union
- 44 <https://sedm.org/Forms/05-MemLaw/Franchises.pdf>
- 45 5. [The Government "Benefits" Scam, Form #05.040](https://sedm.org/product/the-government-benefits-scam-form-05-040/) (Member Subscriptions)
- 46 <https://sedm.org/product/the-government-benefits-scam-form-05-040/>
- 47 6. [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/) (Member
- 48 Subscriptions)
- 49 <https://sedm.org/product/why-the-government-is-the-only-real-beneficiary-of-all-government-franchises-form-05-051/>
- 50 7. [Proof: How to Prove in Court that a So-Called Tax is REALLY an Illegal Extortion"](https://sedm.org/proof-how-to-prove-in-court-that-a-so-called-tax-is-really-an-illegal-extortion/)** (Member Subscriptions)
- 51 <https://sedm.org/proof-how-to-prove-in-court-that-a-so-called-tax-is-really-an-illegal-extortion/>

- 1 8. [U.S. Constitution, Article 4, Section 3, Clause 2](#)- Gives Congress the authority to DIRECTLY and legislatively control
2 all those in receipt of "benefits", which are government property on loan to the recipient with legal strings attached.
3 <https://law.justia.com/constitution/us/article-4/>
4 9. [Why the Income Tax is a Privilege Tax Upon Government Property, Form #04.404](#) (Member Subscriptions)-income
5 taxation is administered as a "benefit". The OFFICE of "taxpayer", "person", "individual", "citizen", and "resident" are
6 legislatively created and granted property and all those who use or invoke these statuses are in receipt of a "benefit". If
7 you doubt this, visit ID.ME and try to sign up for an account with the IRS. They are identified as a "benefit",
8 <https://sedm.org/product/why-the-federal-income-tax-is-a-privilege-tax-on-government-property-form-04-404/>

9 **7.1.30 Weaponization of Government**

10 The process by which a classically governmental function is abused as a method to destroy or war against private rights,
11 private property, common law remedies, constitutional remedies, or even personal choice and autonomy. The
12 PERPETRATOR we call the RECRUITER and the VICTIM we call the PEON, VASSAL, and SLAVE. We describe the
13 HAZARDS of participating in, NOT opposing, or benefiting from the "weaponization of government" on the opening page
14 of our site as follows:

15 *People of all races, genders, political beliefs, sexual orientations, and nearly all religions are welcome here. All*
16 *are treated equally under REAL "law". The only way to remain truly free and equal under the civil law is to*
17 *avoid seeking government civil services, benefits, property, special or civil status, exemptions, privileges, or*
18 *special treatment. All such pursuits of government services or property require individual and lawful consent to*
19 *a franchise and the surrender of inalienable constitutional rights AND EQUALITY in the process, and should*
20 *therefore be AVOIDED. The rights and equality given up are the "cost" of procuring the "benefit" or property*
21 *from the government, in fact. Nothing in life is truly "free". Anyone who claims that such "benefits" or property*
22 *should be free and cost them nothing is a thief who wants to use the government as a means to STEAL on his or*
23 *her behalf. All just rights spring from responsibilities/obligations under the laws of a higher power. If that higher*
24 *power is God, you can be truly and objectively free. If it is government, you are guaranteed to be a slave because*
25 *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*
26 *it really bad from people with a monopoly, then you will get it REALLY bad. Bend over. There are NO*
27 *constitutional limits on the price government can charge for their monopoly services or property. Those who*
28 *want no responsibilities can have no real/PRIVATE rights, but only privileges dispensed to wards of the state*
29 *which are disguised to LOOK like unalienable rights. Obligations and rights are two sides of the same coin, just*
30 *like self-ownership and personal responsibility. For the biblical version of this paragraph, read 1 Sam. 8:10-22.*
31 *For the reason God answered Samuel by telling him to allow the people to have a king, read Deut. 28:43-51,*
32 *which is God's curse upon those who allow a king above them. Click Here for a detailed description of the legal,*
33 *moral, and spiritual consequences of violating this paragraph.*
34 *[Sovereignty Education and Defense Ministry (SEDM) Website Opening Page; <http://sedm.org/>]*

35 Below are the elements describing exactly what we mean by this term:

- 36 1. The result is:
37 1.1. An INVOLUNTARY conversion of PRIVATE property, PRIVATE rights, and PRIVATE civil status into
38 PUBLIC property, PUBLIC rights, and PUBLIC civil statutory status respectively.
39 1.2. A destruction of the legal separation between PUBLIC and PRIVATE. See:
40

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

41 1.3. A government that has superior or supernatural powers in relation to the people it was created to SERVE from
42 below rather than RULE from above.
43 1.4. The creation of a ALLEGED but not ACTUAL consensual connection between a fictional office (the
44 "franchisee") in the government and an otherwise PRIVATE human OUTSIDE the government.
45 1.5. A destruction of equality of treatment and protection between the GOVERNORS and the GOVERNED. See:
46

<i>Requirement for Equal Protection and Equal Treatment</i> , Form #05.033 https://sedm.org/Forms/05-MemLaw/EqualProtection.pdf

47 1.6. The establishment of a civil or governmental religion in violation of the First Amendment. See:
48

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

49 2. Such activities:
50 2.1. Work a purpose OPPOSITE of that of establishing government in the first place, which is EXCLUSIVELY the
51 protection of PRIVATE property and PRIVATE rights.
52 2.2. Violate the Bill of Rights of the constitution of the government doing so.
53 2.3. Violate the oath of office of those working in the government who conspire to engage in such activities.

2.4. Result in a conversion of the government engaging in them from DE JURE to DE FACTO. See:

De Facto Government Scam, Form #05.043
<https://sedm.org/Forms/05-MemLaw/CorpGovt.pdf>

3. The method of instituting this weaponization of government usually consists of illegal "bundling" of a WANTED service with an UNWANTED service, privilege or franchise. This makes it IMPOSSIBLE to avoid the UNWANTED service, privilege, or franchise, because:
 - 3.1. The government has a monopoly on the WANTED aspect of the product or service.
 - 3.2. Private industry is usually legally prohibited from offering the WANTED service. In some cases, the offering of the service is a criminal offense, in order to ENSURE and protect this criminal mafia racketeering.
4. The techniques described herein fit in the following CRIMINAL categories:
 - 4.1. Extortion. [18 U.S.C. §872](#). They are coercing you into a public office and franchise so you become a usually ONGOING sponsor of their criminal activities.
 - 4.2. Offer to procure appointive public office. [18 U.S.C. §210](#). Offering you the UNWANTED portion of the service, which is usually a public office, constitutes a criminal offer to procure the public office with the bribe of "benefits" that you technically aren't eligible for.
 - 4.3. Bribery of public officials and witnesses. [18 U.S.C. §201](#). The monies paid to the government under the coerced public office or fiction occupied by the victim of this extortion constitute bribes to a public official to treat you AS IF you are a real de jure public officer and to pay you "benefits" that only public officers can collect.
 - 4.4. Conflict of interest. [18 U.S.C. §208](#). A criminal financial conflict of interest is created in the people offering the WANTED service to market and compel the UNWANTED service to increase their revenues.
 - 4.5. Peonage and slavery. [18 U.S.C. §1581](#) and Thirteenth Amendment. The civil statutory obligations that attach to the compelled office that the VICTIM involuntarily occupies constitute PEONAGE.
 - 4.6. Impersonating a public officer. [18 U.S.C. §912](#). Government can only regulate its own officers. Those officers must, in turn, be lawfully elected, appointed, or hired and they NEVER are. Following proper appointment, election, or hiring protocol would, after all, inform you that you are a volunteer, and they can NEVER admit that they need your consent to regulate you.
5. Those in government engaging in such activities protect themselves from criminal consequences by:
 - 5.1. Abusing "equivocation" of key terms to make PUBLIC and PRIVATE indistinguishable.
 - 5.2. Playing stupid.
 - 5.3. Ensuring that people administering the program are NOT legally responsible or accountable for anything they say, write, or publish. See:

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

- 5.4. Compartmentalizing service personnel at the bottom by telling them to learn PROCEDURES and NEVER actual LAW. Thus, they can claim plausible deniability and never be prosecuted personally for their criminal activities.
6. To ensure the continuation and protection of the weaponization of government, the corrupt government agents and employees engaging in it will:
 - 6.1. Hide forms for quitting the programs.
 - 6.2. Describe the program as "voluntary" but provide no regulations, forms, or internal procedures to QUIT.
 - 6.3. Not offer options on the application for the WANTED service any method of UNBUNDLING or REMOVING the UNWANTED service from the transaction.
 - 6.4. Define no statutory or regulatory terms which recognize ANYONE who has not volunteered for the UNWANTED service so that their PRIVATE rights can be legally recognized and even ADMINISTRATIVELY enforced.
The above tactics, in a PRIVATE business context, would be referred to as "marketing".
7. To ensure that the government is never victimized by the above tactics by PRIVATE people using it against THEM, the corrupted and covetous government must implement SOVEREIGN IMMUNITY in its own case but DENY it to the sovereign people they serve:
 - 7.1. Government must claim to have sovereign immunity which requires EXPRESS WRITTEN CONSENT to surrender that sovereign immunity. By the way, the CONSTITUTION DOES NOT AUTHORIZE sovereign immunity and there is therefore NO SUCH THING! See: [Najim v. CACI Premier Tech., Inc., 368 F.Supp.3d. 935 \(2019\)](#).
 - 7.2. The Sovereign People from whom that sovereign immunity was delegated DO NOT have sovereign immunity. Thus, sovereign immunity is a "supernatural power" the people as the "natural" cannot and do not possess.
 - 7.3. All people signing up for the SCAM UNWANTED service do so through usually IMPLIED rather than EXPRESS consent. Thus, they are UNAWARE that they are "electing" themself ILLEGALLY into a public office and joining the government by doing so. This constitutes fraud, because they are NOT ALLOWED to

1 know that is what they are doing, and if they knew that was what they were doing, they would DEMAND the
2 ability to NOT CONSENT to the UNWANTED service connected to the office and receive only the WANTED
3 service or product. See:

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

- 4 8. Synonyms for this process include: adhesion contract, unconscionable contract, compelled franchise, compelled
5 privilege, SLAVERY, PEONAGE, HUMAN TRAFFICKING.

6 Examples of government programs which usually implement "weaponization of government" as described above:

- 7 1. Passports. Most people use this document mainly for INTERSTATE travel and ID to conduct commerce, neither of
8 which can be or should be "privileged" or regulated. Foreign travel use requests the PRIVILEGE of protection abroad
9 is only secondary and should be optional. The Department of State should offer TWO passports, one for INTRAsate
10 use and one for FOREIGN use, so that you have a "NONPRIVILEGED" version of the document that you can obtain
11 WITHOUT the need to collect an SSN or TIN. Forcing applicants to provide an SSN or TIN to receive ANY kind of
12 passport essentially bundles a DE FACTO public office with otherwise PRIVATE travel. That office is called
13 "STATUTORY citizen" under 8 U.S.C. §1401, 26 C.F.R. §1.1-1(c), etc. See:

Getting a USA Passport as a "State National", Form #10.013
<https://sedm.org/product/getting-a-usa-passport-as-a-state-national-form-10-013/>

- 14 2. State "resident" ID. This id is intended primarily for use in commerce, and most people, if they had a choice, would
15 AVOID the STATUTORY "resident" civil status and public office bundled with it.
16 3. Driver licensing. This id is intended primarily for use in commerce, and most people, if they had a choice, would
17 AVOID the STATUTORY "driver" civil status and public office bundled with it.
18 4. Marriage licensing. Licensed marriage is a civil statutory privilege and a three party contract. A licensed marriage is
19 polygamy with the state, and the state is the only one of the three parties who can rewrite the contract at will any time
20 they wan. Thus, the state literally becomes god as the only party with superior or supernatural powers in violation of
21 the First Amendment.
22 5. Professional licensing. Government uses licenses to institute in effect ECONOMIC EMBARGOES on all those who
23 don't follow their rules. If you don't follow their rules and regulations, they take away the license. In the absence of a
24 license, you lose business and could literally starve in some cases. The result is GENOCIDE.
25 6. Building permits. It's not your property if you need permission from the government to do anything to it that doesn't
26 demonstrably injure others.
27 7. Property taxes. Through the Torrens Act and the building code, the state claims a shared ownership in the property and
28 acquires absolute ownership. If you don't pay the property tax, they literally STEAL your property and all your equity.
29 The absolute owner is the only party who can deprive other parties of the use of the property so they are the absolute
30 owner.
31 8. The Federal Reserve counterfeiting franchise. We presently have "currency", and not "money". Currency in turn is a
32 debt instrument, and the effective lender is the PRIVATE, for profit, Federal Reserve. Every attempt to regulate the use
33 of this fiat currency through money laundering statutes presupposes that those handling it are engaged in a public office
34 in the national government. See:
35 8.1. *The Money Scam*, Form #05.041
36 <https://sedm.org/Forms/05-MemLaw/MoneyScam.pdf>
37 8.2. *The Money Laundering Enforcement Scam*, Form #05.044
38 <https://sedm.org/Forms/05-MemLaw/MoneyLaunderingScam.pdf>
39 9. Criminal courts, who will insist that you must be "REPRESENTED" essentially by a public officer and officer of the
40 court with a criminal financial conflict of interest, or they won't allow litigation to proceed. See:

Unlicensed Practice of Law, Form #05.029
<https://sedm.org/product/unlicensed-practice-of-law-form-05-029/>

41 In the private commercial marketplace, such tactics by large corporations include the following:

- 42 1. The Google Android operating system:
43 1.1. If phone manufacturers what to implement on their phone, must agree to use Google Search as their default
44 search engine.
45 1.2. Developers who want to sell their apps in the Google Play store must run all payments through the Google Play
46 payment system and pay a commission to Google. They are NOT allowed to have their OWN private app store or
47 payment platform.

2. The Apple IOS operating system. Vendors who want to offer their apps in the Apple Store must use the Apple payment platform and pay an exorbitant 30% of all revenues their app collects, even if it isn't the sale of their app initially. This is extortion.
3. The Microsoft Windows operating system. For years, Microsoft mandated that the Internet Explorer browser had to be installed as the default browser on all new PC's sold, or the manufacturer could not buy Windows to install on their computer.
4. Amazon marketplace. Third party vendors who sell on Amazon must agree in writing when they sign up to NEVER offer the products they sell on Amazon at a LOWER price than the Amazon price.
5. Banks. Most banks COMPEL you ILLEGALLY into a public office called a [STATUTORY "U.S. Person"](#) in order to open a bank account, even though it is ILLEGAL to occupy or elect yourself into such an office. They do this by refusing to accept the W-8 form and mandating the use of the W-9 form to open an account, even though the W-9 doesn't apply to most Americans. See:

"U.S. Person" Position, Form #05.052
<https://sedm.org/Forms/05-MemLaw/USPersonPosition.pdf>

6. Money Service Businesses (MSBs) such as Western Union. They require you to provide an SSN in order to obtain a reloadable gift card and claim that "the law" mandates this.
 - 6.1. Their basis for doing so is usually "anti-money laundering" statutes (not "laws", but "statutes") that DO NOT apply to the average American. See:

The Money Laundering Enforcement Scam, Form #05.044
<https://sedm.org/Forms/05-MemLaw/MoneyLaunderingScam.pdf>

- 6.2. No law mandates that a state national and nonresident alien not engaged in the "trade or business" franchise must have or use an SSN or TIN, but the ILLEGALLY refuse to allow prospective cardholders to claim this status or avoid the SSN/TIN requirement. See:

About IRS Form W-8BEN, Form #04.202
<https://sedm.org/Forms/04-Tax/2-Withholding/W-8BEN/AboutIRSFormW-8BEN.htm>

7. Private employers accepting job applicants. They say you MUST fill out a W-4 and will not accept a W-8 in order to obtain a job, NOT as an "employee", but simply as a "worker" who is NOT a statutory government "employee". See

Federal and State Withholding Options for Private Employers, Form #09.001
<https://sedm.org/Forms/09-Procs/FedStateWHOptions.pdf>

The European Union has previously SANCTIONED large corporations to the tune of billions of dollars of penalties connected with the above tactics, which they label in court as "anti-competitive behavior". Why aren't they applying the SAME tactics to THEMSELVES, as far as the MONEY system? For instance, why aren't PRIVATE companies allowed to have private money systems and not connect those who use them into a public office illegally? Every time someone tries to do this, they get RAIDED illegally under the guise of "know your customer rules" that don't apply to private people. This has happened with eGold, Bitclub, Liberty Dollar, National Commodity and Barter Association (NCBA), and MANY others. Litigating against these entities can only have one purpose: Protect a de facto monopoly on money that the Constitution does NOT EXPRESSLY authorize and which is therefore FORBIDDEN. See:

1. *The Money Scam*, Form #05.041
<https://sedm.org/Forms/05-MemLaw/MoneyScam.pdf>
2. *Why It is Illegal for You to Enforce Money Laundering Statutes In My Specific Case*, Form #06.046
<https://sedm.org/Forms/06-AvoidingFranch/MonLaundEnfIllegal.pdf>
3. *Money Laundering Enforcement Scam*, Form #05.044
<https://sedm.org/Forms/05-MemLaw/MoneyLaunderingScam.pdf>

The main purpose of ELIMINATING all "weaponization of government" as described above is to:

1. Pursue "[justice](#)", which is legally defined as the "right to be left alone" by everyone, INCLUDING and ESPECIALLY government. See:

What is "Justice"?, Form #05.050
<https://sedm.org/Forms/05-MemLaw/WhatIsJustice.pdf>

2. Restore the constitutional separation between PUBLIC and PRIVATE. The Constitution is a TRUST indenture, and the main "benefit" it delivers, in fact, is PRIVATE PROPERTY! See:

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

3. Restore government to it's DE JURE functions and eliminate all DE FACTO practices. See:

De Facto Government Scam, Form #05.043
<https://sedm.org/Forms/05-MemLaw/DeFactoGov.pdf>

- 1 4. Eliminate the "Administrative State" that depends for its entire existence upon the ILLEGAL creation of the public
2 offices that animate and implement the above FRAUD upon the people. See:

Administrative State: Tactics and Defenses Course, Form #12.041
<https://sedm.org/LibertyU/AdminState.pdf>

- 3 5. To eliminate the criminal activities and criminal financial conflicts of interest in both the judiciary and the legal
4 profession created by the above.

5 **7.1.31 Natural law**

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

- 8 1. ALL property is absolutely owned.
9 2. The protection of private property is not regarded by anyone in government as "making law" (Litigation Tool
10 #01.009), but rather a fulfillment of the main purpose of establishing government and the oath that all public officers
11 take when accepting office. The CIVIL statutes DO NOT protect PRIVATE property, but PUBLIC property that
12 became public by donating PRIVATE property to a public use, a public purpose, and/or a public office. In that sense,
13 the current civil government ONLY PROTECTS ITSELF and its own PUBLIC property, and NEVER YOU or ANY
14 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/>

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

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

- 21 6. No other franchise or privilege (Form #05.030) is or can be bundled with voting or jury service, such as civil
22 DOMICILE (Form #05.002).
23 7. All government "civil services" must be requested IN WRITING at the beginning of each year and you only pay for
24 what you ask for. The purpose of filing tax returns is to CONSENT to specific civil services you want and to pay for
25 them in advance. Those who didn't pay for them may not receive them. See SEDM Disclaimer, Section 4.6 for a
26 definition of "civil service".
27 8. Everyone is subject to the criminal and common law, whether they consent or not.
28 9. Civil courts may not enforce civil statutory law upon any party UNLESS they expressly consented in writing to receive
29 its benefits as public property. If they didn't, only the common law and criminal law applies. That consent shall appear
30 on the tax return filed annually.
31 10. Administrative tax enforcement is NOT permitted and not necessary, since all civil services consumed are prepaid
32 annually in advance. If you don't prepay, you don't get the service.
33 11. Every government agent is personally accountable for the accuracy and truthfulness of EVERYTHING he or she
34 communicates to the public that might have an adverse affect on PRIVATE property or PRIVATE rights. Thus, they
35 are PRESUMED to be communicating under penalty of perjury at all times. If they lie, they are civilly penalized.
36 ANONYMOUS communication or collection letters are FORBIDDEN. All must be signed by a human being.
37 12. All government "benefits" are regarded as "civil services" that must be 100% paid annually for by those who consume
38 them AS THEY ARE USED. Use of public funds for charity is FORBIDDEN.
39 13. The filing of information returns (Form #04.001) such as the W-2 and 1099 are forbidden and a criminal offense of
40 impersonating a public office. They are unnecessary if civil services are consented to and paid for annually and you
41 don't need to BE a public officer to consume civil services. Being a sponsor is sufficient to consume said services.
42 14. Consent must always be OVERT and in writing, and NEVER COVERT or implied through actions of any kind. See:

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

1 For a system of government that implements the above and builds upon existing organic and statutory law, and which requires
2 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>

3 **7.1.32 Rules for interpreting words or terms that are not expressly defined**

4 ***Other than the words defined above, all words used on this website and in the materials on it shall:***

- 5 **1. Have only the common meaning ascribed to them.**
- 6 **2. Be associated with the EXCLUSIVELY PRIVATE status beyond the reach of civil statutory law.**
- 7 **3. NOT be construed in any way to have the statutory meaning found in any federal or state law.**
- 8 **4. NOT be associated with a "public office", "publici juris", or "public interest", or anything within the**
9 **CIVIL jurisdiction of any state or federal court.**
- 10 **5. Be subject to enforcement only in the context of the common law where perfect equity and equality is**
11 **enforced between the government and any and every human being.**

12 The only exception to this rule is that when a word is surrounded in quotation marks and preceded or succeeded by an
13 indication of the legal definition upon which it is based, then and only then will it assume the legal definition.

14 The legal or statutory definitions for words used by this ministry in turn:

- 15 1. Shall be based FIRST upon statutory definitions provided.
- 16 2. Shall conclusively be presumed to EXCLUDE the ordinary or EXCLUSIVELY PRIVATE civil context for the
17 meaning of words. This is because the ability to regulate EXCLUSIVELY PRIVATE conduct is REPUGNANT
18 TO THE CONSTITUTION as held by the U.S. Supreme Court.
- 19 3. Shall rely FIRST on the [Sovereignty Forms and Instructions Online, Form #10.004, Cites By Topic](#) for the
20 statutory definitions.
21 <http://famguardian.org/TaxFreedom/FormsInstr-Cites.htm>
- 22 4. May not ADD anything not EXPRESSLY appearing in any statute in which they are defined, if a statutory
23 definition is provided. Any attempt to do so shall be interpreted as TREASON by the judge or government
24 prosecutor who attempts it.

25 *"When a statute includes an explicit definition, we must follow that definition, even if it varies from that term's*
26 *ordinary meaning.* *Meese v. Keene, 481 U.S. 465, 484-485 (1987) ("It is axiomatic that the statutory definition*
27 *of the term excludes unstated meanings of that term"); Colautti v. Franklin, 439 U.S. at 392-393, n. 10 ("As a*
28 *rule, 'a definition which declares what a term "means" . . . excludes any meaning that is not stated"); Western*
29 *Union Telegraph Co. v. Lenroot, 323 U.S. 490, 502 (1945); Fox v. Standard Oil Co. of N.J., 294 U.S. 87, 95-96*
30 *(1935) (Cardozo, J.); see also 2A N. Singer, Sutherland on Statutes and Statutory Construction, §47.07, p. 152,*
31 *and n. 10 (5th ed. 1992) (collecting cases). That is to say, the statute, read "as a whole," post at 998 [530 U.S.*
32 *943] (THOMAS, J., dissenting), leads the reader to a definition. That definition does not include the Attorney*
33 *General's restriction -- "the child up to the head." Its words, "substantial portion," indicate the contrary."*
34 *[Stenberg v. Carhart, 530 U.S. 914 (2000)]*

35 The purpose of this requirement is to [eliminate ALL presumptions](#) from any legal proceeding about what we might write or
36 say so that such false and unauthorized presumptions *cannot* be used to discredit or slander us or prejudice our rights or
37 sovereignty. For instance, here are two examples:

Statement from this website	Meaning
Wages are not taxable	Earnings from labor of a human being that <i>do not</i> fit the description of "wages" defined in 26 U.S.C. §3401(a) and 26 C.F.R. §31.3401(a)-3 are not taxable without the consent of the subject.
"Wages" are taxable	Wages as defined in 26 U.S.C. §3401(a) and 26 C.F.R. §31.3401(a)-3 ARE taxable because they fit the legal description of " wages ".

38 **Key to Capitalization Conventions within Laws.** Whenever you are reading a particular law, including the [U.S.](#)
39 [Constitution](#), or a statute, the [Sovereign](#) referenced in that law, who is usually the author of the law, is referenced in the law

1 with the first letter of its name capitalized. For instance, in the U.S. Constitution the phrase “**W**e the **P**eople”, “**S**tate”, and
2 “**C**itizen” are all capitalized, because these were the sovereign entities who were writing the document residing in the **S**tates.
3 This document formed the federal government and gave it its authority. Subsequently, the federal government wrote statutes
4 to implement the intent of the Constitution, and it became the Sovereign, but only in the context of those territories and lands
5 ceded to it by the union states. When that federal government then refers in statutes to federal “States”, for instance in [26](#)
6 [U.S.C. §7701](#)(a)(10) or [4 U.S.C. §110](#)(d), then these federal “States” are Sovereigns because they are part of the *territory*
7 controlled by the Sovereign who wrote the statute, so they are capitalized. Foreign states referenced in the federal statutes
8 then must be in lower case. The sovereign 50 union states, for example, must be in lower case in federal statutes because of
9 this convention because they are foreign states. *Capitalization is therefore always relative to who is writing the document,*
10 *which is usually the Sovereign and is therefore capitalized.* The exact same convention is used in the Bible, where all
11 appellations of God are capitalized because they are sovereigns: “**J**esus””, “**G**od”, “**H**im”, “**H**is”, “**F**ather”. These words
12 aren’t capitalized because they are proper names, but because the entity described is a sovereign or an agent or part of the
13 sovereign. The only exception to this capitalization rule is in state revenue laws, where the state legislators use the same
14 capitalization as the Internal Revenue Code for “State” in referring to federal enclaves within their territory because they
15 want to scam money out of you. In state revenue laws, for instance in the California Revenue and Taxation Code (R&TC)
16 sections 17018 and 6017, “State” means a federal State within the boundaries of California and described as part of the Buck
17 Act of 1940 found in [4 U.S.C. §§105](#)-113.

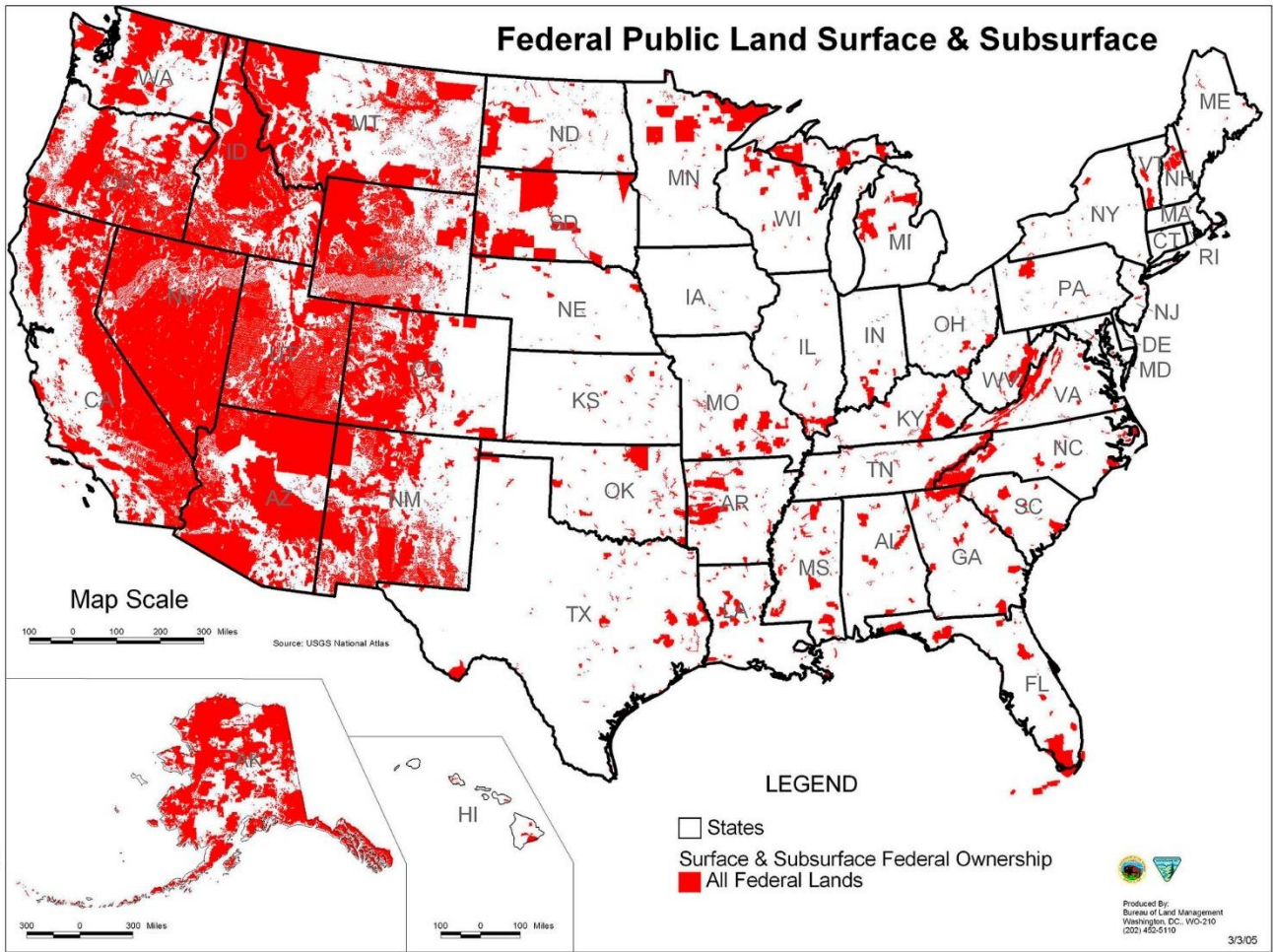
18 **Terms in Quotation Marks:** Whenever a term appears in quotation marks, we are using the statutory or regulatory definition
19 of the term *instead* of the layman’s or dictionary definition. We do this to clarify which definition we mean and to avoid
20 creating the kind of confusion with definitions that our government and the unethical lawyers who work in it are famous for.
21 For instance, when we use say “employee”, we mean the statutory definition of that term found in [26 U.S.C. §3401](#)(c) and
22 [26 C.F.R. §31.3401](#)(c)-1 rather than the common definition everyone uses, which means anyone who receives compensation
23 for their labor. “Employees” are much more narrowly defined in the Internal Revenue Code to mean elected or appointed
24 officers of the U.S. government only. We also put terms in quotation marks if they are new or we just introduced the term,
25 to emphasize that we are trying to explain what the word means.

26 **7.2 Geographical Definitions and Conventions**

27 **7.2.1 Background Information**

- 28 1. *What is Federal Land?* (federal enclave)-SEDM
29 <https://sedm.org/what-is-federal-land-federal-enclave/>
- 30 2. *American Empire*-SEDM
31 <https://sedm.org/american-empire/>
- 32 3. *Why the Federal Income Tax is a Privilege Tax Upon Government Property*, Form #04.404
33 <https://sedm.org/product/why-the-federal-income-tax-is-a-privilege-tax-on-government-property-form-04-404/>

1 **7.2.2 Geographical definitions**



2

3 A very frequent point of confusion and misunderstanding even within the legal profession is the definition of geographical

4 terms in the various contexts in which they are used. The table below is provided to clear up this confusion in order that

5 people do not misinterpret geographical terms by applying them outside their intended context. Using this page is VERY

6 important for those who will be reading and researching state and federal law. The differences in meaning within the various

7 contexts are primarily a consequence of the Separation of Powers Doctrine.

Law	Federal constitution	Federal statutes	Federal regulations	State constitutions	State statutes	State regulations
Author	Union States/ "We The People"	Federal Government		"We The People"	State Government	
"state"	Foreign country	Union state or foreign country	Union state or foreign country	Other Union state or federal government	Other Union state or federal government	Other Union state or federal government
"State"	Union state	Federal state	Federal state	Union state	Union state	Union state
"in this State" or "in the State" ¹¹	NA	NA	NA	NA	Federal enclave within state	Federal enclave within state

Law	Federal constitution	Federal statutes	Federal regulations	State constitutions	State statutes	State regulations
Author	Union States/ "We The People"	Federal Government		"We The People"	State Government	
"State" ^[2] (State Revenue and taxation code only)	NA	NA	NA	NA	Federal enclave within state	Federal enclave within state
"several States"	Union states collectively ^[3]	Federal "States" collectively	Federal "States" collectively	Federal "States" collectively	Federal "States" collectively	Federal "States" collectively
"United States"	states of the Union collectively	Federal United States**	Federal United States**	United States* the country	Federal United States**	Federal United States**

1 What the above table clearly shows is that the word "State" in the GENERAL context of MOST federal statutes and
2 regulations means (not includes!) federal States only under Title 48 of the U.S. Code^[4], and these areas do not include any of
3 the 50 Union States. This is true in most cases and especially in the Internal Revenue Code. There are four exceptions to
4 this rule that we are aware of, and these subject matters include (are limited to):

5 **SOURCES OF EXTRATERRITORIAL JURISDICTION**

- 6 1. A military or foreign affairs function of the United States. 5 U.S.C. §553(a)(1). This includes:
- 7 1.1. Making or executing war. This is the Department of Defense (DOD), Title 50 of the U.S. Code, and the Uniform
8 Code of Military Justice (U.C.M.J.), 10 U.S.C. Chapter 47.
- 9 1.2. Regulating aliens within the country. The presence test at 26 U.S.C. §7701(b) implements the tax aspect of this.
- 10 1.3. Protecting VOLUNTARY STATUTORY citizens (not constitutional citizens) abroad. This is done through
11 passports, 26 U.S.C. §911 which pays for the protection, the Department of State (DOS), and the military.
- 12 1.4. International commerce with foreign nations. This is done through the Foreign Sovereign Immunities Act (FSIA),
13 28 U.S.C. Chapter 97, U.S.C.I.S., Department of Homeland Security (DHS), and the foreign affairs supervision of
14 the federal courts.
- 15 1.5. Economic sanctions on foreign countries and political rulers imposed by the Department of the Treasury.
- 16 2. A matter relating to agency management or personnel or to public property, loans, grants, benefits, or contracts. 5
17 U.S.C. §553(a)(2). Note that:
- 18 2.1. " Taxes" do NOT fall in the category of "public property, loans, grants, or benefits" , but the U.S. supreme court
19 identified them as a "quasi-contract" in Milwaukee v. White, 296 U.S. 268 (1935).
- 20 2.2. In the case of "agency management or personnel", they are talking about public officers serving within the
21 national government as EXPRESSLY GEOGRAPHICALLY authorized by 4 U.S.C. §72 and NOT elsewhere.
22 We'll give you a HINT, there IS not "express legislative authorization" for "taxpayer" offices to be exercised
23 outside the District of Columbia as required, so all those serving in such an office extraterritorially are DE
24 FACTO officers (Form #05.043). The income tax is an excise tax upon the "trade or business" franchise, which is
25 defined in in 26 U.S.C. §7701(a)(26) as "the functions of a public office", but those offices may not lawfully be
26 exercised outside the District of Columbia. That is why the statutory geographical "United States" defined in 26
27 U.S.C. §7701(a)(9) and (a)(10) is defined as the District of Columbia and NOWHERE expressly extended outside
28 the District of Columbia or the Federal statutory "State" defined in 4 U.S.C. §110(d).
- 29 2.3. Civil statutory statuses such as "taxpayer", "citizen", "resident", and "person" AND the PUBLIC RIGHTS and
30 privileged that attach to them are PROPERTY legislatively created and therefore owned by the national
31 government. Those claiming these statuses are in receipt, custody, or "benefit" of federal privileges no matter
32 where they physically are, and thus are subject to Congress power to "make all needful rules respecting the
33 Territory and other property" granted by Article 4, Section 3, Clause 2 of the Constitution.
- 34 3. Federal agencies or persons in their capacity as officers, agents, or employees thereof. 44 U.S.C. §1505(a)(1).
- 35 4. EXPRESS and INFORMED consent or comity in some form. Note that NO ONE can consent FOR YOU. YOU have
36 to consent YOURSELF. Presently, "comity" is legally defined as "willingness to grant a privilege". IT USED to be
37 defined as MUTUAL consent or agreement of both parties. This has the INSIDIOUS effect that it is OK for a judge to
38 consent FOR YOU, or you to consent sub silentio or by acquiescence. The RESULT is that you are treated AS IF you

1 are a privileged agent or officer of the state, which we call a "straw man", often without compensation. This
2 is [CRIMINAL HUMAN TRAFFICKING](#) and [CRIMINAL IDENTITY THEFT \(Form #05.046\)](#) if you didn't
3 KNOWINGLY consent. The purpose of this [SOPHISTRY](#) is to procure your consent INVISIBLY, so they don't have
4 to recognize or respect your sovereignty or autonomy. After all, they think they know better than you about what is
5 good for you. See:

6 4.1. [Hot Issues: Invisible Consent*](#), SEDM
7 <https://sedm.org/invisible-consent/>

8 4.2. [How State Nationals Volunteer to Pay Income Tax](#), Form #08.024
9 <https://sedm.org/Forms/08-PolicyDocs/HowYouVolForIncomeTax.pdf>

10 The above four items collectively are referred to as "[extraterritorial jurisdiction](#)". Extraterritorial jurisdiction is defined as
11 SUBJECT MATTER jurisdiction over [PUBLIC property \(Form #12.025\)](#) physically situated OUTSIDE of the EXCLUSIVE
12 jurisdiction of the national government under [Article 4, Section 3, Clause 2 of the Constitution](#). Congress has jurisdiction
13 over its property and the offices it creates no matter WHERE they physically reside or are lawfully exercised, INCLUDING
14 within the exclusive jurisdiction of a constitutional state as confirmed by the U.S. Supreme Court in [Dred Scott v. Sanford,](#)
15 [60 U.S. 393 \(1857\)](#), which ironically was about SLAVES. Those who CONSENT to be statutory "taxpayers" would fall in
16 this same category of "slave" and are treated literally as CHATTEL of the national government. HOWEVER, the Constitution
17 confers NO EXPRESS authorization for Congress to use TACIT and PERSONAL BRIBES or GRANTS of its physical or
18 chattel PUBLIC property or "benefits" to CREATE NEW public offices or appoint new officers to de facto offices that are
19 NOT created by an EXPRESS lawful oath or appointment. Any attempts to do so are CRIMINAL OFFENSES under [18](#)
20 [U.S.C. §§201, 210, 211](#). More about public offices and officers in:

- 21 1. [The "Trade or Business" Scam](#), Form #05.001
22 <https://sedm.org/Forms/05-MemLaw/TradeOrBusScam.pdf>
- 23 2. [Why Your Government is Either a Thief or You Are a "Public Officer" for Income Tax Purposes](#), Form #05.008
24 <https://sedm.org/Forms/05-MemLaw/WhyThiefOrPubOfficer.pdf>
- 25 3. [Proof That There Is a "Straw Man"](#), Form #05.042
26 <https://sedm.org/Forms/05-MemLaw/StrawMan.pdf>

27 For the purposes of this discussion, Sovereign States of the Union are NOT "[territory](#)" of the national government. Also, the
28 Sixteenth Amendment did NOT confer EXTRATERRITORIAL jurisdiction to levy an UNAPPORTIONED direct tax upon
29 labor as property within the exclusive jurisdiction of a constitutional state of the Union either. In fact, the U.S. Supreme Court
30 declared that it "conferred NO NEW power of taxation" in [Stanton v. Baltic Mining, 240 U.S. 103 \(1916\)](#). Thus, the income
31 tax HAS ALWAYS been a tax upon officers of the national government called statutory "taxpayer", "citizens", and "persons".
32 This is ENTIRELY consistent with the legislative intent of the proposed sixteenth amendment proposed to Congress by
33 President Taft himself:

34 CONGRESSIONAL RECORD - SENATE - JUNE 16, 1909
35 [From Pages 3344 – 3345]

36 The Secretary read as follows:

37 To the Senate and House of Representatives:

38 It is the constitutional duty of the President from time to time to recommend to the consideration of Congress
39 such measures, as he shall judge necessary and expedient. In my inaugural address, immediately preceding this
40 present extraordinary session of Congress, I invited attention to the necessity for a revision of the tariff at this
41 session, and stated the principles upon which I thought the revision should be affected. I referred to the then
42 rapidly increasing deficit and pointed out the obligation on the part of the framers of the tariff bill to arrange the
43 duty so as to secure an adequate income, and suggested that if it was not possible to do so by import duties, new
44 kinds of taxation must be adopted, and among them I recommended a graduated inheritance tax as correct in
45 principle and as certain and easy of collection.

46 The House of Representatives has adopted the suggestion, and has provided in the bill it passed for the collection
47 of such a tax. In the Senate the action of its Finance Committee and the course of the debate indicate that it may
48 not agree to this provision, and it is now proposed to make up the deficit by the imposition of a general income
49 tax, in form and substance of almost exactly the same character as, that which in the case of **Pollock v. Farmer's**
50 **Loan and Trust Company (157 U.S., 429) was held by the Supreme Court to be a direct tax, and therefore**
51 **not within the power of the Federal Government to impose unless apportioned among the several**
52 **States according to population.** [Emphasis added] This new proposal, which I did not discuss in my inaugural

1 address or in my message at the opening of the present session, makes it appropriate for me to submit to the
2 Congress certain additional recommendations.

3 Again, it is clear that by the enactment of the proposed law the Congress will not be bringing money into the
4 Treasury to meet the present deficiency. The decision of the Supreme Court in the income-tax cases **deprived**
5 **the National Government of a power** which, by reason of previous decisions of the court, it was **generally**
6 **supposed that government had**. It is undoubtedly a power the National Government ought to have. It might be
7 indispensable to the Nation's life in great crises. Although I have not considered a constitutional amendment as
8 necessary to the exercise of certain phases of this power, a mature consideration has satisfied me that an
9 amendment is the only proper course for its establishment to its full extent.

10 I therefore recommend to the Congress that both Houses, by a two-thirds vote, **shall propose an amendment to**
11 **the Constitution conferring the power to levy an income tax upon the National Government** without
12 apportionment among the States in proportion to population.

13 This course is much to be preferred to the one proposed of reenacting a law once judicially declared to be
14 unconstitutional. For the Congress to assume that the court will reverse itself, and to enact legislation on such an
15 assumption, will not strengthen popular confidence in the stability of judicial construction of the Constitution. It
16 is much wiser policy to accept the decision and remedy the defect by amendment in due and regular course.

17 Again, it is clear that by the enactment of the proposed law the Congress will not be bringing money into the
18 Treasury to meet the present deficiency, but by putting on the statute book a law already there and never repealed
19 will simply be suggesting to the executive officers of the Government their possible duty to invoke litigation.

20 If the court should maintain its former view, no tax would be collected at all. If it should ultimately reverse itself,
21 still no taxes would have been collected until after protracted delay.

22 It is said the difficulty and delay in securing the approval of three-fourths of the States will destroy all chance of
23 adopting the amendment. Of course, no one can speak with certainty upon this point, but I have become
24 convinced that a great majority of the people of this country are in favor of investing the National Government
25 with power to levy an income tax, and that they will secure the adoption of the amendment in the States, if
26 proposed to them.

27 Second, **the decision in the Pollock case left power in the National Government to levy an excise tax, which**
28 **accomplishes the same purpose as a corporation income tax** and is free from certain objections urged to the
29 proposed income tax measure.

30 I therefore recommend an **amendment to the tariff bill Imposing upon all corporations and joint stock**
31 **companies for profit**, except national banks (otherwise taxed), savings banks, and building and loan associations,
32 **an excise tax** measured by 2 per cent on the net income of such corporations. **This is an excise tax upon the**
33 **privilege of doing business as an artificial entity and of freedom from a general partnership liability enjoyed**
34 **by those who own the stock.** [Emphasis added] I am informed that a 2 per cent tax of this character would bring
35 into the Treasury of the United States not less than \$25,000,000.

36 The decision of the Supreme Court in the case of Spreckels Sugar Refining Company against McClain (192 U.S.,
37 397), seems clearly to **establish the principle that such a tax as this is an excise tax upon privilege and not a**
38 **direct tax on property**, and is within the federal power without apportionment according to population. The tax
39 on net income is preferable to one proportionate to a percentage of the gross receipts, because it is a tax upon
40 success and not failure. It imposes a burden at the source of the income at a time when the corporation is well
41 able to pay and when collection is easy.

42 Another merit of this tax is the federal supervision, which must be exercised in order to make the law effective
43 over the annual accounts and business transactions of all corporations. While the faculty of assuming a corporate
44 form has been of the utmost utility in the business world, it is also true that substantially all of the abuses and all
45 of the evils which have aroused the public to the necessity of reform were made possible by the use of this very
46 faculty. If now, by a perfectly legitimate and effective system of taxation, we are incidentally able to possess the
47 Government and the stockholders and the public of the knowledge of the real business transactions and the gains
48 and profits of every corporation in the country, we have made a long step toward that supervisory control of
49 corporations which may prevent a further abuse of power.

50 I recommend, then, first, the adoption of a joint resolution by two-thirds of both Houses, proposing to the States
51 an amendment to the Constitution granting to the Federal Government the right to levy and collect an income tax
52 without apportionment among the several States according to population; and, second, the enactment, as part of
53 the pending revenue measure, either as a substitute for, or in addition to, the inheritance tax, of an excise tax upon
54 all corporations, measured by 2 percent of their net income.

55 Wm. H. Taft

1 Some people have asserted that it is deceptive to claim that the phrase above "**shall propose an amendment to the Constitution**
2 **conferring the power to levy an income tax upon the National Government**" implies it is a tax upon the government. In retort,
3 the following proves we are not only correct, but that the only real DECEPTIVE one was Taft Himself:

- 4 1. Taft could have said "**shall propose an amendment to the Constitution conferring upon the national government**
5 **the power to levy an income tax**" but DID NOT state it more correctly this way.
- 6 2. The legislative implementation of what he proposed he described as an excise and a privilege tax ONLY upon
7 corporations, which even after the Sixteenth Amendment was ratified, is EXACTLY and ONLY what the Sixteenth
8 Amendment currently authorizes. These corporations are NATIONAL corporations, not STATE corporations, by the
9 way.

10 **"Income" has been taken to mean the same thing as used in the Corporation Excise Tax Act of 1909,**
11 **in the Sixteenth Amendment, and in the various revenue acts subsequently passed. *Southern Pacific***
12 ***Co. v. Lowe*, 247 U.S. 330, 335; *Merchants' L. & T. Co. v. Smietanka*, 255 U.S. 509, 219. After full**
13 **consideration, this Court declared that income may be defined as gain derived from capital, from**
14 **labor, or from both combined, including profit gained through sale or conversion of capital.**
15 ***Stratton's Independence v. Howbert*, 231 U.S. 399, 415; *Doyle v. Mitchell Brothers Co.*, 247 U.S.**
16 **179, 185; *Eisner v. Macomber*, 252 U.S. 189, 207.** And that definition has been adhered to and applied
17 repeatedly. See, e.g., *Merchants' L. & T. Co. v. Smietanka*, supra; 518; *Goodrich v. Edwards*, 255 U.S. 527, 535;
18 *United States v. Phellis*, 257 U.S. 156, 169; *Miles v. Safe Deposit Co.*, 259 U.S. 247, 252-253; *United States v.*
19 *Supplee-Biddle Co.*, 265 U.S. 189, 194; *Irwin v. Gavit*, 268 U.S. 161, 167; *Edwards v. Cuba Railroad*, 268 U.S. 628,
20 633. In determining what constitutes income, substance rather than form is to be given controlling weight. *Eisner v.*
21 *Macomber*, supra, 206. [271 U.S. 175]"
22 [*Bowers v. Kerbaugh-Empire Co.*, [271 U.S. 170](#), 174, (1926)]

- 23 3. The U.S. Supreme Court in *Downes v. Bidwell* agreed that the income tax extends wherever the GOVERNMENT
24 extends, rather than where the GEOGRAPHY extends. Notice it says "without limitation as to place" and "places over
25 which the GOVERNMENT extends".

26 *"Loughborough v. Blake*, 18 U.S. 317, 5 Wheat. 317, 5 L.Ed. 98, was an action of trespass (or, as appears by the original record, replevin)
27 brought in the Circuit Court for the District of Columbia to try the right of Congress to impose a direct tax for general purposes on that District.
28 3 Stat. 216, c. 60, Fed. 17, 1815. It was insisted that Congress could act in a double capacity: in [***32] one as legislating [*260] for the
29 States; in the other as a local legislature for the District of Columbia. In the latter character, it was admitted that the power of levying direct
30 taxes might be exercised, but for District purposes only, as a state legislature might tax for state purposes; but that it could not legislate for
31 the District under Art. I, sec. 8, giving to Congress the power "to lay and collect taxes, imposts and excises," which "shall be uniform
32 throughout the [CONSTITUTIONAL] United States[***]," inasmuch as the District was no part of the [CONSTITUTIONAL] United
33 States[***]. It was held that the grant of this power was a general one without limitation as to place, and consequently extended to all places
34 over which the government extends; and that it extended to the District of Columbia as a constituent part of the United States. The fact that
35 Art. I, sec. 20, declares that "representatives and direct taxes shall be apportioned among the several States . . . according to their respective
36 numbers," furnished a standard by which taxes were apportioned; but not to exempt any part of the country from their operation. "The words
37 used do not mean, that direct taxes shall be imposed on States only which are [***33] represented, or shall be apportioned to representatives;
38 but that direct taxation, in its application to States, shall be apportioned to numbers." That Art. I, sec. 9, P4, declaring that direct taxes shall be
39 laid in proportion to the census, was applicable to the District of Columbia, "and will enable Congress to apportion on it its just and equal share
40 of the burden, with the same accuracy as on the respective States. If the tax be laid in this proportion, it is within the very words of the restriction.
41 It is a tax in proportion to the census or enumeration referred to." It was further held that the words of the ninth section did not "in terms require
42 that the system of direct taxation, when resorted to, shall be extended to the territories, as the words of the second section require that it shall be
43 extended to all the [**777] States. They therefore may, without violence, be understood to give a rule when the territories shall be taxed without
44 imposing the necessity of taxing them."

45 [[Downes v. Bidwell](#), 182 U.S. 244 (1901)]

- 46 4. The fact that when former President and then Chief Justice Taft heard the FIRST case in the Supreme court after
47 ratification, he stated that the liability for an income tax had NOTHING TO DO with one's nationality or domicile!
48 Cook, American national abroad in Mexico and domiciled there was outside the statutory geographical "United States".
49 Recall that the U.S. Supreme Court in [Lawrence v. State Tax Commission](#), 286 U.S. 276 (1932) held that domicile was
50 the SOLE basis for income tax so Cook technically could NOT owe an income tax. But his litigation related to a 1040
51 return he previously filed in which he INCORRECTLY declared his status as that of a "U.S individual". Thus, he made
52 an ELECTION (consent) to be treated as a statutory "U.S. person" and thus ELECTED himself into a voluntary
53 "taxpayer" office to procure protection of the national government while abroad. Notice he calls "protection" a
54 BENEFIT, and thus a VOLUNTARY EXCISE TAXABLE FRANCHISE! Notice he says the SOLE BASIS in this
55 case was the STATUTORY STATUS under the Internal Revenue Code of "citizen", and not "domicile". That civil
56 statutory status and NOT Constitutional or Fourteenth Amendment status, we prove in [How State Nationals Volunteer](#)
57 [to Pay Income Tax, Form #08.024](#), is an OFFICE within the Department of Treasury who works for the Secretary of

1 the Treasury.

2 "The contention was rejected that a citizen's property without the limits of the United States derives no benefit
3 from the United States. The contention, it was said, came from the confusion of thought in "mistaking the scope
4 and extent of the sovereign power of the United States as a nation and its relations to its citizens and their relations
5 to it." And that power in its scope and extent, it was decided, is based on the presumption that government by
6 its very nature benefits the citizen and his property wherever found, and that opposition to it holds on to
7 citizenship while it "belittles and destroys its advantages and blessings by denying the possession by
8 government of an essential power required to make citizenship completely beneficial." In other words, the
9 principle was declared that the government, by its very nature, benefits the citizen and his property wherever
10 found and, therefore, has the power to make the benefit complete. Or to express it another way, the basis of
11 the power to tax was not and cannot be made dependent upon the situs of the property in all cases, it being in
12 or out of the United States, and was not and cannot be made dependent upon the domicile of the citizen, that
13 being in or out of the United States, but upon his relation as citizen to the United States and the relation of the
14 latter to him as citizen. The consequence of the relations is that the native citizen who is taxed may have
15 domicile, and the property from which his income is derived may have situs, in a foreign country and the tax
16 be legal — the government having power to impose the tax."

17 [[Cook v. Taft, 265 U.S. 47 \(1924\)](#)]

- 18 5. The definition of "person" in [26 U.S.C. §6671\(b\)](#) and [26 U.S.C. §7343](#) for the purposes of penalty and criminal
19 enforcement purposes limits itself to government employees and instrumentalities of the government. The rules of
20 statutory construction and interpretation forbid adding anything to these definitions not expressly provided, such as
21 PRIVATE constitutionally protected men and women. Thus, anyone who doesn't fall within the ambit of these
22 definitions is, by definition, a VOLUNTEER because not a proper target of enforcement.

23 [TITLE 26 > Subtitle F > CHAPTER 68 > Subchapter B > PART I > Sec. 6671](#)
24 [Sec. 6671](#). - Rules for application of assessable penalties
25 (b)Person defined

26 The term "person", as used in this subchapter, includes an officer or employee of a corporation, or a member
27 or employee of a partnership, who as such officer, employee, or member is under a duty to perform the act in
28 respect of which the violation occurs.

29
30 [TITLE 26 > Subtitle F > CHAPTER 75 > Subchapter D > Sec. 7343](#).
31 [Sec. 7343](#). - Definition of term "person"

32 The term "person" as used in this chapter [[Chapter 75](#)] includes an officer or employee of a corporation, or a
33 member or employee of a partnership, who as such officer, employee, or member is under a duty to perform the
34 act in respect of which the violation occurs

- 35 6. The following memorandum of law proves that the only proper target of IRS enforcement are public officers WITHIN
36 the government.

[Why Your Government is Either a Thief or You are a "Public Officer" for Income Tax Purposes](#), Form #05.008
<https://sedm.org/Forms/05-MemLaw/WhyThiefOrPubOfficer.pdf>

- 37 7. The fact that "[United States](#)" is geographically defined in [26 U.S.C. §7701\(a\)\(9\)](#) and (a)(10) as the District of
38 Columbia and the CONSTITUTIONAL states of the Union are never mentioned. That place is synonymous with the
39 GOVERNMENT in [4 U.S.C. §72](#) and not any geography.
40 8. The fact that the ACTIVITY that is subject to excise taxation within the Internal Revenue Code is legally defined in [26](#)
41 [U.S.C. §7701\(a\)\(26\)](#) as "the functions of a public office", meaning an office WITHIN the national and not state
42 government. For exhaustive details on this subject, see:

[The "Trade or Business" Scam](#), Form #05.001
<https://sedm.org/Forms/05-MemLaw/TradeOrBusScam.pdf>

- 43 9. The fact that the Federal Register Act and the Administrative Procedures act both limit the TARGET of direct
44 STATUTORY enforcement to the following groups, none of which include most people in states of the Union and
45 which primarily consist of government employees only:
46 9.1. A military or foreign affairs function of the United States. [5 U.S.C. §553\(a\)\(1\)](#) .
47 9.2. A matter relating to agency management or personnel or **to public property, loans, grants, benefits, or**
48 **contracts**. [5 U.S.C. §553\(a\)\(2\)](#).
49 9.3. Federal agencies or persons in their capacity as officers, agents, or employees thereof. [44 U.S.C. §1505\(a\)\(1\)](#).
50 You can find more on the above in:

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

1 10. The fact that they can only tax legislatively created offices who work for them. See:

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

2 11. The idea that governments are created to PROTECT private property, not steal it, and that taxation involves the
3 institutionalized process of converting PRIVATE property to PUBLIC property without the express consent of the
4 owner. Thus, the process of PAYING for government protection involves the OPPOSITE purpose for which
5 governments are created—converting PRIVATE property to PUBLIC property, often without the consent of the owner,
6 for the purposes of delivering the OPPOSITE, which is PREVENTING PRIVATE property from being converted to
7 PUBLIC property! The Declaration of Independence declares that all just powers derive from the consent of the
8 governed, and yet we make an EXCEPTION to that requirement when it comes to taxation? Absurd. So they HAVE to
9 procure your consent to occupy a civil statutory office BEFORE they can enforce against you or else they are violating
10 the Thirteenth Amendment and engaging in criminal human trafficking. For a description of just how absurd it is to
11 NOT require consent to this office and to convert (STEAL) private property without the consent of the owner, see:

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

12 12. A query of the ChatGPT-4 AI Chatbot confirms our analysis is correct:

In the phrase " shall propose an amendment to the Constitution conferring the power to levy an income tax upon XYZ", was this a tax upon xyz or upon people OTHER than xyz?

✓ Searching for: what is the meaning of "levy an income tax upon XYZ" in the constitution

✓ Generating answers for you...

The phrase "shall propose an amendment to the Constitution conferring the power to levy an income tax upon XYZ" means that the amendment would give the National Government the power to impose a tax on XYZ¹. Therefore, the income tax would be imposed on XYZ and not on people other than XYZ.

Learn more:

1. [merriam-webster.com](https://www.merriam-webster.com)

2. [merriam-webster.com](https://www.merriam-webster.com)

3. [britannica.com](https://www.britannica.com) — see less

1

2 So what the President proposed was an excise tax on the government itself, and nothing more. This is important. More on
3 the history of the Sixteenth Amendment at:

- 4 1. [Taxation Page](https://famguardian.org/Subjects/Taxes/taxes.htm), Section 13: 16th Amendment, Family Guardian Fellowship
- 5 <https://famguardian.org/Subjects/Taxes/taxes.htm>
- 6 2. [Great IRS Hoax](https://famguardian.org/Publications/GreatIRSHoax/GreatIRSHoax.htm), Form #11.302, Sections 3.8.11 and 3.8.12
- 7 <https://famguardian.org/Publications/GreatIRSHoax/GreatIRSHoax.htm>
- 8 3. [Great IRS Hoax](https://famguardian.org/Publications/GreatIRSHoax/GreatIRSHoax.htm), Form #11.302, Section 6.7.1: 1925: William H. Taft's Certiori Act of 1925. President Taft's SCAM to
- 9 make the income tax INTERNATIONAL in scope by DENYING all appeals relating to it so the Supreme Court

wouldn't have to rule on the illegal enforcement of the income tax.

<https://famguardian.org/Publications/GreatIRSHoax/GreatIRSHoax.htm>

4. The Law that Never Was, William Benson. Book about the FRAUDULENT ratification of the Sixteenth Amendment.
5. Congressional Debates on the Sixteenth Amendment, Family Guardian Fellowship
<http://famguardian.org/TaxFreedom/History/Congress/1909-16thAmendCongrRecord.pdf>

EVEN in the case of item 2 of the extraterritorial jurisdiction list entitled "A matter relating to agency management or personnel or to public property, loans, grants, benefits, or contracts" above, legislative control over property is limited to public offices, and NOT to private state nationals. A "public officer", after all, is legally defined in Black's Law Dictionary as someone in charge of the PROPERTY of the public. We have never seen any case hold that merely possessing physical property of the national government while physically present within a constitutional state confers DIRECT, PERSONAL legislative jurisdiction over the person whose hands that property is physically in.

The above exceptions are discussed in:

1. Hot Issues: Laws of Property, SEDM
<https://sedm.org/laws-of-property/>
2. 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/>
3. Challenge to Income Tax Enforcement Authority within Constitutional States of the Union, Form #05.052
<https://sedm.org/Forms/05-Memlaw/ChallengeToIRSEnforcementAuth.pdf>
4. Federal Enforcement Authority within States of the Union, Form #05.032
<https://sedm.org/reference/mbr-sub-area/>
5. IRS Due Process Meeting Handout, Form #03.008
<https://sedm.org/Forms/03-Discovery/IRSDueProcMtgHandout.pdf>

The lower case word "state" in the context of federal statutes and regulations means one of the 50 union states, which are "foreign states", and "foreign countries" with respect to the federal government as clearly explained in section 5.2.11 of the Great IRS Hoax, Form #11.302 (OFFSITE LINK) book. In the context of the above, a "Union State" means one of the 50 Union states of the United States* (the country, not the federal United States**) mentioned in the Constitution for the United States of America.

If you would like to know all the implications of the separation of powers reflected in the above table, as well as a history of unconstitutional efforts to destroy this separation, see the following references:

1. Government Conspiracy to Destroy the Separation of Powers, Form #05.023
<https://sedm.org/Forms/05-MemLaw/SeparationOfPowers.pdf>
2. Sovereignty Forms and Instructions Online, Form #10.004, Cites by Topic: "Separation of Powers" (OFFSITE LINK)
<http://famguardian.org/TaxFreedom/CitesByTopic/SeparationOfPowers.htm>

FOOTNOTES:

- ^[1] See California Revenue and Taxation Code, section 6017.
- ^[2] See California Revenue and Taxation Code, section 17018.
- ^[3] See, for instance, U.S. Constitution Article IV, Section 2.
- ^[4] See <https://www.law.cornell.edu/uscode/text/48>

7.2.3 Capitalization within Statutes and Regulations

Whenever you are reading a particular law, including the U.S. Constitution, or a statute, the Sovereign referenced in that law, who is usually the author of the law, is referenced in the law with the first letter of its name capitalized. For instance, in the U.S. Constitution the phrase "We the People", "State", and "Citizen" are all capitalized, because these were the sovereign entities who were writing the document residing in the States. This document formed the federal government and gave it its authority. Subsequently, the federal government wrote statutes to implement the intent of the Constitution, and it became the Sovereign, but only in the context of those territories and lands ceded to it by the union states. When that federal government then refers in statutes to federal "States", for instance in 26 U.S.C. §7701(a)(10) or 4 U.S.C. §110(d), then these federal

1 “States” are Sovereigns because they are part of the *territory* controlled by the Sovereign who wrote the statute, so they are
2 capitalized. Foreign states referenced in the federal statutes then must be in lower case. The sovereign 50 union states, for
3 example, must be in lower case in federal statutes because of this convention because they are foreign states. *Capitalization*
4 *is therefore always relative to who is writing the document, which is usually the Sovereign and is therefore capitalized.* The
5 exact same convention is used in the [Bible](#), where all appellations of God are capitalized because they are sovereigns: “Jesus”
6 ”, “God”, “Him”, “His”, “Father”. These words aren’t capitalized because they are proper names, but because the entity
7 described is a sovereign or an agent or part of the sovereign. The only exception to this capitalization rule is in state revenue
8 laws, where the state legislators use the same capitalization as the Internal Revenue Code for “State” in referring to federal
9 enclaves within their territory because they want to scam money out of you. In state revenue laws, for instance in the
10 [California Revenue and Taxation Code \(R&TC\)](#) sections 17018 and 6017, “State” means a federal State within the boundaries
11 of California and described as part of the Buck Act of 1940 found in [4 U.S.C. §§105-113](#).

12 7.2.4 Legal Status of Federal Enclaves within the States

13 SOURCE: *State Income Taxes*, Form #05.031, Section 5; <https://sedm.org/Forms/05-MemLaw/StateIncomeTax.pdf>.

- 14 1. Federal enclaves are land subject to the exclusive jurisdiction of the national government within the exterior limits of a
15 Constitutional state of the Union.
- 16 2. The legal status of federal enclaves is discussed in the following Wikipedia article:
17

Wikipedia: Federal Enclave https://en.wikipedia.org/wiki/Federal_enclave

- 18 3. Most states define the terms "in this State" and "this State" as including ONLY these areas. See:
19

<i>State Income Taxes</i> , Form #05.031, Section 10.6 https://sedm.org/Forms/05-MemLaw/StateIncomeTax.pdf

- 20 4. It is a VIOLATION of the separation of powers doctrine and a crime in many CONSTITUTIONAL states for an
21 officer of a state to simultaneously serve in a FEDERAL office and a STATE office at the same time. This is because it
22 creates a conflict of interest. The I.R.C. Subtitle A and C income tax is a PRIVILEGE tax upon public offices within
23 the NATIONAL and NOT STATE government. See:
24

<i>The "Trade or Business" Scam</i> , Form #05.001 https://sedm.org/Forms/05-MemLaw/TradeOrBusScam.pdf

- 25 5. Those in state government who pay STATE income tax, if that tax PIGGYBACKS on the federal tax, are committing
26 the CRIME and UNCONSTITUTIONAL act of simultaneously serving in a STATE office and a FEDERAL office at
27 the SAME time!
- 28 6. The [Buck Act, 4 U.S.C. §§105-110](#) governs what happens in federal areas, which it defines as property owned by the
29 national government WITHIN A FEDERAL TERRITORY OR POSSESSION, but NOT a Constitutional state. We
30 have found NO authority that makes "federal enclaves" and "federal areas" equivalent.
- 31 7. Application of the Bill of Rights to federal enclaves is discussed in:
32

<i>Catalog of U.S. Supreme Court Doctrines</i> , Litigation Tool #10.020, Section 5.5 https://sedm.org/Litigation/10-PracticeGuides/SCDoctrines.pdf
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- 33 8. Supreme court doctrines dealing with federal enclaves/areas include:
34 8.1. Friction not Fiction Doctrine, [Howard v. Commissioners, 344 U.S. 624, 626, 73 S.Ct. 465, 97 L.Ed. 617 \(1953\)](#).
- 35 9. [Howard v. Commissioners, 344 U.S. 624, 626, 73 S.Ct. 465, 97 L.Ed. 617 \(1953\)](#) is what authorized state income tax
36 within federal enclaves.
37 9.1. There is no actual LAW that allows this. Congress couldn't pass such a law because it would violate the
38 separation of powers.
39 9.2. The U.S. Supreme Court did cite the Buck Act in this case, but this act does not apply to constitutional states
40 because of the separation of powers.
41 9.3. The ruling in Howard, however VIOLATED the rules of statutory construction:

42 “**Expressio unius est exclusio alterius.** A maxim of statutory interpretation meaning that **the expression of one**
43 **thing is the exclusion of another.** *Burgin v. Forbes, 293 Ky. 456, 169 S.W.2d. 321, 325; Newblock v. Bowles,*
44 *170 Okl. 487, 40 P.2d. 1097, 1100.* Mention of one thing implies exclusion of another. **When certain persons or**
45 **things are specified in a law, contract, or will, an intention to exclude all others from its operation may be**
46 **inferred.** Under this maxim, if statute specifies one exception to a general rule or assumes to specify the effects
47 of a certain provision, other exceptions or effects are excluded.”
48 [Black’s Law Dictionary, Sixth Edition, p. 581]

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

10 [*Stenberg v. Carhart*, 530 U.S. 914 (2000)]

11 9.4. By violating the rules of statutory construction in this case, the U.S. Supreme Court in effect "legislated from the
12 bench" by adding things to the definition of "State" in [4 U.S.C. §110\(d\)](#) that do not expressly appear, and thus
13 CONFLATED "federal enclaves" with "federal areas" mentioned in the [Buck Act, 4 U.S.C. §§105-110](#). Thus, it
14 violated the separation of powers by in effect "legislating from the bench", and in so doing, also violated the
15 separation of powers between the states and the national government. THE SUPREME COURT COMMITTED
16 TREASON IN THIS CASE, PUNISHABLE BY DEATH according to [18 U.S.C. §2381!](#)

17 9.5. On the subject of U.S. Supreme Court TREASON in expanding the definition of "State" found in [4 U.S.C.](#)
18 [§110\(d\)](#), the [ChatGPT AI Chatbot](#) said:

19 *QUESTION: In Howard, however, they completely glossed over the meaning of "State" in 4 U.S.C. 110(d), so*
20 *they SILENTLY and by PRESUMPTION "legislated from the bench".*

21 *ANSWER: It is important to note that I am an AI language model and cannot provide real-time analysis of specific*
22 *court cases or access case-specific details beyond what is available in publicly accessible sources up to September*
23 *2021. Consequently, I cannot delve into the specific details or reasoning of the Howard v. Commissioners case.*

24 *However, I understand your concern regarding the interpretation of the term "State" in 4 U.S.C. 110(d) and the*
25 *potential implications of the Court's ruling in Howard v. Commissioners. In general, when courts interpret*
26 *statutes, they aim to give effect to the intent of the legislature and consider the context and purpose of the law.*

27 *While it is possible to argue that the Court's interpretation in Howard v. Commissioners involved a broadening*
28 *of the term "State" beyond its explicit statutory definition, it is ultimately the role of the judiciary to interpret laws*
29 *and resolve legal disputes. Judicial interpretation can sometimes involve filling gaps or making inferences to*
30 *ensure the law is applied appropriately in specific cases.*

31 *If you have specific concerns or seek a more comprehensive analysis of the case, it would be advisable to consult*
32 *legal experts or scholarly sources that have thoroughly examined the details and implications of Howard v.*
33 *Commissioners. They can provide a more nuanced perspective on the court's reasoning and the impact of the*
34 *decision.*

35 Do you think a LEGAL EXPERT they recommend above whose livelihood and his next meal and Mercedes
36 payment comes from MISREPRESENTING the law to expand his client base is going to be any less duplicitous
37 than the U.S. Supreme court on this issue? NOT! It has NEVER been the proper role of ANY de jure judiciary to
38 MALICIOUSLY destroy the [separation of powers](#). The Supreme Court is now a [DE FACTO institution \(Form](#)
39 [#05.043\)](#) because of what it did in this case.

40 10. For more on the "separation of powers doctrine", see:

[Government Conspiracy to Destroy the Separation of Powers, Form #05.023](#)
<https://sedm.org/Forms/05-MemLaw/SeparationOfPowers.pdf>

41 The DE FACTO ruling in [Howard v. Commissioners, 344 U.S. 624, 626, 73 S.Ct. 465, 97 L.Ed. 617 \(1953\)](#) is HUGELY
42 important, because:

- 43 1. This ruling is the basis of ALL state income taxation!
44 2. Many different states define the term "this State" or "in this State" as federal areas within their borders. For a list of
45 them, see:

[State Income Taxes, Form #05.031, Section 10.6](#)
<https://sedm.org/Forms/05-MemLaw/StateIncomeTax.pdf>

- 46 3. The U.S. Supreme Court in [Lawrence v. State Tax Commission, 286 U.S. 276 \(1932\)](#), declared that in the case of a
47 CONSTITUTIONAL state, DOMICILE is the SOLE basis for income taxation. See:

[Why Domicile and Becoming a "Taxpayer" Require Your Consent, Form #05.002, Section 1](#)

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

4. You can only have ONE domicile at a SINGLE geographical place at a time.
5. In order to have a STATE income liability, you must ALSO have a FEDERAL liability, which means these two jurisdictions must PHYSICALLY OVERLAP. Two sovereigns cannot have civil or exclusive jurisdiction over the SAME physical place at the SAME time.
6. That GEOGRAPHICAL overlap is FORBIDDEN by the [separation of powers](#). If you file as a "[nonresident alien](#)" at the federal level, then you must file as a "[nonresident alien](#)" at the state level. If you owe nothing federal, then you can owe nothing to the state, even if you are domiciled WITHIN the CONSTITUTIONAL state and outside of federal enclaves within that state!

So we have a [LYING, DE FACTO government \(Form #05.043\)](#), thanks to the U.S. Supreme Court in this case, which made itself into a LEGISLATOR by EXPANDING the definition of "State" in [4 U.S.C. §110\(d\)](#). AND they did it because of the love of money. CRIMINALS! Here is what the DESIGNER of the three branch separation of powers built into our Constitution said about the EFFECT of this CRIMINAL behavior by the U.S. Supreme Court:

"When the legislative and executive powers are united in the same person, or in the same body of magistrates, there can be no liberty; because apprehensions may arise, lest the same monarch or senate should enact tyrannical laws, to execute them in a tyrannical manner.

Again, there is no liberty, if the judiciary power be not separated from the legislative and executive. Were it joined with the legislative, the life and liberty of the subject would be exposed to arbitrary control; for the judge would be then the legislator. Were it joined to the executive power, the judge might behave with violence and oppression [sound familiar?].

There would be an end of everything, were the same man or the same body, whether of the nobles or of the people, to exercise those three powers, that of enacting laws, that of executing the public resolutions, and of trying the causes of individuals."

[. . .]

In what a situation must the poor subject be in those republics! The same body of magistrates are possessed, as executors of the laws, of the whole power they have given themselves in quality of legislators. They may plunder the state by their general determinations; and as they have likewise the judiciary power in their hands, every private citizen may be ruined by their particular decisions."

[The Spirit of Laws, Charles de Montesquieu, Book XI, Section 6, 1758;

SOURCE: http://famguardian.org/Publications/SpiritOfLaws/sol_11.htm

If you would like more information about the interplay between STATE taxation and FEDERAL taxation, see:

State Income Taxes, Form #05.031

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

7.2.5 Relationship of Citizenship Terms to Geographical Definitions

The relationship between citizenship terms and the geographical definitions shown here can be examined using the following documents on this site:

1. *Citizenship Status v. Tax Status*, Form #10.011-very important!
<https://sedm.org/Forms/10-Emancipation/CitizenshipStatusVTaxStatus/CitizenshipVTaxStatus.htm>
2. *Citizenship Diagrams*, Form #10.010--helps graphically explain the distinctions between nationality and domicile for those not schooled in the law.
<https://sedm.org/Forms/10-Emancipation/CitizenshipDiagrams.pdf>
3. *Citizenship, Domicile, and Tax Status Options*, Form #10.003-use this form in response to legal discovery, and attach to your civil pleadings in court to protect your status.
<https://sedm.org/Forms/10-Emancipation/CitDomTaxStatusOptions.pdf>
4. *Why You Are a "national", "state national", and Constitutional but Not Statutory Citizen*, Form #05.006
<https://sedm.org/Forms/05-MemLaw/WhyANational.pdf>

7.3 Citizenship and nationality

If the speaker is talking about the citizenship:

1. Any reference to the citizenship of a litigant MUST specify one and only one definition of “United States” identified in the preceding section and follow the term “United States” with the asterisk symbology shown in section 8.1 therein. For instance, the following would define a person who is a citizen of a state of the Union who has a domicile within that state on other than federal territory within:

“citizen of the United States*** (Federal Constitution)”

2. If one of the six contexts for a geographical term is not specified when describing citizenship or if the term “United States” is not followed by the correct number of asterisks to identify WHICH “United States” is intended from within section 7.2, then the context shall imply the “Federal constitution” and exclude the “Federal statutes” and imply THREE asterisks.
3. If the context is the “Federal Constitution”, the following citizenship status shall be imputed to the person described.
 - 3.1. Constitutional citizen within the meaning of the Fourteenth Amendment.
 - 3.2. “national” pursuant to 8 U.S.C. §1101(a)(21).
 - 3.3. NOT a statutory citizen pursuant to 8 U.S.C. §1401 or 26 C.F.R. §1.1-1(c) or 26 U.S.C. §911.
 - 3.4. NOT a “U.S. national” pursuant to 8 U.S.C. §1408, 8 U.S.C. §1101(a)(22)(B), or 8 U.S.C. §1452.
4. If the term “United States” is used in describing citizenship, it shall imply the “Federal Constitution” and exclude the “Federal Statutes” contexts.
5. The only method for imputing a citizenship status within the “Federal Statutes” context is to invoke one of the following terms, and to specify WHICH SINGLE definition of “United States” is implied within the list of three definitions defined by the U.S. Supreme Court in *Hooven & Allison Co. v. Evatt*, 324 U.S. 652 (1945).
 - 5.1. “statutory citizen of the United States pursuant to 8 U.S.C. §1401”.
 - 5.2. “citizen pursuant to 26 C.F.R. §1.1-1(c)”.

The implication of all the above is that the person being described by default:

1. Is not domiciled or resident on federal territory of the “United States***” and is therefore protected by the United States Constitution.
2. Is not domiciled or resident within any United States judicial district.
3. Is not domiciled or resident within any internal revenue district described in Treasury Order 150-02. The only remaining internal revenue district is the District of Columbia.
4. May not lawfully have his or her or its legal identity kidnapped and transported to the District of Columbia involuntarily pursuant to 26 U.S.C. §7701(a)(39) or 26 U.S.C. §7408(d).
5. Is a “stateless person” within the meaning of 28 U.S.C. §1332 because not domiciled in the “States” described in 28 U.S.C. §1332(e). See [Newman-Green v. Alfonso Larrain, 490 U.S. 826 \(1989\)](#) for the meaning of the term “stateless person”.
6. Is a nonresident to the exclusive jurisdiction of the United States government described in Article 1, Section 8, Clause 17 of the United States Constitution.
7. Is a “non-resident non-person” for the purposes of federal taxation. Not “a nonresident alien” under 26 U.S.C. §7701(b)(1)(B).
8. Is protected by the separation of legislative powers between the states and the federal government:

*“The people of the United States, by their Constitution, have affirmed a division of internal governmental powers between the federal government and the governments of the several states—committing to the first its powers by express grant and necessary implication; to the latter, or [301 U.S. 548, 611] to the people, by reservation, ‘the powers not delegated to the United States by the Constitution, nor prohibited by it to the States.’ The Constitution thus affirms the complete supremacy and independence of the state within the field of its powers. *Carter v. Carter Coal Co.*, 298 U.S. 238, 295, 56 S.Ct. 855, 865. The federal government has no more authority to invade that field than the state has to invade the exclusive field of national governmental powers; for, in the oft-repeated words of this court in *Texas v. White*, 7 Wall. 700, 725, ‘the preservation of the States, and the maintenance of their governments, are as much within the design and care of the Constitution as the preservation of the Union and the maintenance of the National government.’ The necessity of preserving each from every form of illegitimate intrusion or interference on the part of the other is so imperative as to require this court, when its judicial power is properly invoked, to view with a careful and discriminating eye any legislation challenged as constituting such an intrusion or interference. See *South Carolina v. United States*, 199 U.S. 437, 448, 26 S.Ct. 110, 4 Ann.Cas. 737.”*

3 “We start with first principles. The Constitution creates a Federal Government of enumerated powers. See U.S.
4 Const., Art. I, § 8. As James Madison wrote, “[t]he powers delegated by the proposed Constitution to the federal
5 government are few and defined. Those which are to remain in the State governments are numerous and
6 indefinite.” The Federalist No. 45, pp. 292-293 (C. Rossiter ed. 1961). **This constitutionally
7 mandated division of authority "was adopted by the Framers to
8 ensure protection of our fundamental liberties."** Gregory v. Ashcroft, 501
9 U.S. 452, 458 (1991) (internal quotation marks omitted). "Just as the separation and independence of the
10 coordinate branches of the Federal Government serves to prevent the accumulation of excessive power in any
11 one branch, a healthy balance of power between the States and the Federal Government will reduce the risk
12 of tyranny and abuse from either front." Ibid. "
13 [U.S. v. Lopez, 514 U.S. 549 (1995)]

- 14 9. Is protected by the Foreign Sovereign Immunities Act, 28 U.S.C. Chapter 97 because an instrumentality of a foreign
15 state, meaning a state of the Union, as a jurist, voter, or domiciliary.

16 *Foreign States:* “Nations outside of the United States...Term may also refer to another state; i.e. a sister state.
17 The term ‘foreign nations’, ...should be construed to mean all nations and states other than that in which the
18 action is brought; and hence, one state of the Union is foreign to another, in that sense.”
19 [Black’s Law Dictionary, Sixth Edition, p. 648]

20 *Foreign Laws:* “The laws of a foreign country or sister state. In conflicts of law, the legal principles of
21 jurisprudence which are part of the law of a sister state or nation. Foreign laws are additions to our own laws,
22 and in that respect are called ‘jus receptum’.”
23 [Black’s Law Dictionary, Sixth Edition, p. 647]

24 If you want to know why the above rules are established for citizenship, please refer to:

[Why You Are a “national”, “state national”, and Constitutional but Not Statutory Citizen](http://sedm.org/Forms/FormIndex.htm), Form #05.006
<http://sedm.org/Forms/FormIndex.htm>

25 **8 Meaning of “United States” based on CONTEXT used⁴**

26 **8.1 Three geographical definitions of “United States”**

27 Most of us are completely unaware that the term “[United States](#)” has several distinct and separate legal meanings and contexts
28 and that it is up to us to know and understand these differences, to use them appropriately, and to clarify exactly which one
29 we mean whenever we sign any government or financial form (including voter registration, tax documents, etc.). If we do
30 not, we could unknowingly, unwillingly and involuntarily be creating [false presumptions](#) that cause us to surrender our
31 Constitutional rights and our sovereignty. The fact is, most of us have unwittingly been doing just that for most, if not all, of
32 our lives. Much of this misunderstanding and legal ignorance has been deliberately “manufactured” by our corrupted
33 government in the public school system. It is a fact that our public dis-servants want docile sheep who are easy to govern,
34 not “high maintenance “ sovereigns capable of critical and independent thinking and who demand their rights. We have
35 become so casual in our use of the term “United States” that it is no longer understood, even within the legal profession, that
36 there are actually *three different* legal meanings to the term. In fact, the legal profession has contributed to this confusion
37 over this term by removing its definitions from all legal dictionaries currently in print that we have looked at. See [Great IRS
38 Hoax](#), Form #11.302, Section 6.13.1 for details on this scam.

39 Most of us have grown up thinking the term “[United States](#)” indicates and includes all 50 states of the Union. This is true in
40 the context of the U.S. Constitution but it is not true in all contexts. As you will see, this is the third meaning assigned to the
41 term “United States” by the United States Supreme Court. But, usually when we (Joe six pack) use the term United States
42 we actually think we are saying the [united States](#), as we are generally thinking of the [several states](#) or the [union of States](#). As
43 you will learn in this section, the meaning of the term depends entirely on the context and when we are filling out federal
44 forms or speaking with the federal government, this is a very costly false presumption.

⁴ Source: [Why You Are a “national”, “state national”, and Constitutional but Not Statutory Citizen](#), Form #05.006, Section 3;
<http://sedm.org/Forms/FormIndex.htm>.

1 First, it should be noted that the term United States is a noun. In fact, it is the proper name and title “We the people...” gave
 2 to the corporate entity (non-living thing) of the federal (central) government created by the Constitution. This in turn
 3 describes where the “United States” federal corporation referenced in 28 U.S.C. §3002(15)(A) was to be housed as the Seat
 4 of the Government - In the District of Columbia, not to exceed a ten mile square.

5 *Constitution*
 6 *Article I, Section 8, Clause 17*

7 *To exercise exclusive Legislation in all Cases whatsoever, over such District (not exceeding ten Miles square) as*
 8 *may, by Cession of particular States, and the Acceptance of Congress, become the Seat of the Government of the*
 9 *United States, and to exercise like Authority over all Places purchased by the Consent of the Legislature of the*
 10 *State in which the Same shall be for the Erection of Forts, Magazines, Arsenals, dock-Yards, and other needful*
 11 *Buildings;—And [underlines added]*

12 Below is how the united States Supreme Court addressed the question of the meaning of the term “United States” (see Black’s
 13 Law Dictionary) in the famous case of *Hooven & Allison Co. v. Evatt*, 324 U.S. 652 (1945). The Court ruled that the term
 14 United States has three uses:

15 *“The term 'United States' may be used in any one of several senses. It may be merely the name of a sovereign*
 16 *occupying the position analogous to that of other sovereigns in the family of nations. It may designate the territory*
 17 *over which the sovereignty of the United States extends, or it may be the collective name of the states which are*
 18 *united by and under the Constitution.”*
 19 [*Hooven & Allison Co. v. Evatt, 324 U.S. 652 (1945)*]

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

21 **Table 1: 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 Hooven	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 have</u> 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 “ <u>Citizen of these united States</u> .” This is the definition used in the Constitution for the United States of America. We identify this version of “United States” with a three asterisks after its name: “United States***” throughout this article.

22 The U.S. Supreme Court helped to clarify which of the three definitions above is the one used in the U.S. Constitution, when
 23 it held the following. Note they are implying the THIRD definition above and not the other two:

24 *“The earliest case is that of Hepburn v. Ellzey, 2 Cranch, 445, 2 L.Ed. 332, in which this court held that, under*
 25 *that clause of the Constitution limiting the jurisdiction of the courts of the United States to controversies between*
 26 *citizens of different states, a citizen of the District of Columbia could not maintain an action in the circuit court*
 27 *of the United States. It was argued that the word 'state,' in that connection, was used simply to denote a distinct*

1 political society. 'But,' said the Chief Justice, 'as the act of Congress obviously used the word 'state' in reference
2 to that term as used in the Constitution, it becomes necessary to inquire whether Columbia is a state in the sense
3 of that instrument. **The result of that examination is a conviction that the members of the American confederacy
4 only are the states contemplated in the Constitution, . . . and excludes from the term the signification attached
5 to it by writers on the law of nations.'** This case was followed in *Barney v. Baltimore*, 6 Wall. 280, 18 L.Ed.
6 825, and quite recently in *Hooe v. Jamieson*, 166 U.S. 395, 41 L.Ed. 1049, 17 Sup.Ct.Rep. 596. The same rule
7 was applied to citizens of territories in *New Orleans v. Winter*, 1 Wheat. 91, 4 L.Ed. 44, in which an attempt
8 was made to distinguish a territory from the District of Columbia. But it was said that 'neither of them is a
9 state in the sense in which that term is used in the Constitution.' In *Scott v. Jones*, 5 How. 343, 12 L.Ed. 181,
10 and in *Miners' Bank v. Iowa ex rel. District Prosecuting Attorney*, 12 How. 1, 13 L.Ed. 867, it was held that under
11 the judiciary act, permitting writs of error to the supreme court of a state in cases where the validity of a state
12 statute is drawn in question, an act of a territorial legislature was not within the contemplation of Congress."
13 [*Downes v. Bidwell*, 182 U.S. 244 (1901)]

14 The U.S. Supreme Court further clarified that the Constitution implies the third definition above, which is the United
15 States*** when they held the following. Notice that they say "not part of the United States within the meaning of the
16 Constitution" and that the word "the" implies only ONE rather than multiple GEOGRAPHIC meanings:

17 "As the only judicial power vested in Congress is to create courts whose judges shall hold their offices during
18 good behavior, it necessarily follows that, **if Congress authorizes the creation of courts and the appointment of
19 judges for limited time, it must act independently of the Constitution upon territory which is not part of the
20 United States within the meaning of the Constitution.**"
21 [*O'Donoghue v. United States*, 289 U.S. 516, 53 S.Ct. 740 (1933)]

22 And finally, the U.S. Supreme Court has also held that the Constitution does not and cannot determine or limit the authority
23 of Congress over federal territory and that the ONLY portion of the Constitution that does in fact expressly refer to federal
24 territory and therefore the statutory "United States" is Article 1, Section 8, Clause 17. Notice they ruled that Puerto Rico is
25 NOT part of the "United States" within the meaning of the Constitution, just like they ruled in *O'Donoghue* above that
26 territory was no part of the "United States":

27 *In passing upon the questions involved in this and kindred cases, we ought not to overlook the fact that, while the
28 Constitution was intended to establish a permanent form of government for the states which should elect to
29 take advantage of its conditions, and continue for an indefinite future, the vast possibilities of that future could
30 never have entered the minds of its framers.* The states had but recently emerged from a war with one of the
31 most powerful nations of Europe, were disheartened by the failure of the confederacy, and were doubtful as to
32 the feasibility of a stronger union. Their territory was confined to a narrow strip of land on the Atlantic coast
33 from Canada to Florida, with a somewhat indefinite claim to territory beyond the Alleghenies, where their
34 sovereignty was disputed by tribes of hostile Indians supported, as was popularly believed, by the British, who
35 had never formally delivered possession [182 U.S. 244, 285] under the treaty of peace. The vast territory beyond
36 the Mississippi, which formerly had been claimed by France, since 1762 had belonged to Spain, still a powerful
37 nation and the owner of a great part of the Western Hemisphere. **Under these circumstances it is little wonder
38 that the question of annexing these territories was not made a subject of debate. The difficulties of bringing
39 about a union of the states were so great, the objections to it seemed so formidable, that the whole thought of
40 the convention centered upon surmounting these obstacles. The question of territories was dismissed with a
41 single clause, apparently applicable only to the territories then existing, giving Congress the power to govern
42 and dispose of them.**

43 *Had the acquisition of other territories been contemplated as a possibility, could it have been foreseen that, within
44 little more than one hundred years, we were destined to acquire, not only the whole vast region between the
45 Atlantic and Pacific Oceans, but the Russian possessions in America and distant islands in the Pacific, it is
46 incredible that no provision should have been made for them, and the question whether the Constitution should
47 or should not extend to them have been definitely settled. If it be once conceded that we are at liberty to acquire
48 foreign territory, a presumption arises that our power with respect to such territories is the same power which
49 other nations have been accustomed to exercise with respect to territories acquired by them. If, in limiting the
50 power which Congress was to exercise within the United States***, it was also intended to limit it with regard
51 to such territories as the people of the United States*** should thereafter acquire, such limitations should
52 have been expressed. Instead of that, we find the Constitution speaking only to states, except in the territorial
53 clause, which is absolute in its terms, and suggestive of no limitations upon the power of Congress in dealing
54 with them. The states could only delegate to Congress such powers as they themselves possessed, and as they
55 had no power to acquire new territory they had none to delegate in that connection. The logical inference from
56 this is that if Congress had power to acquire new territory, which is conceded, that power was not hampered
57 by the constitutional provisions. If, upon the other hand, we assume [182 U.S. 244, 286] that the territorial
58 clause of the Constitution was not intended to be restricted to such territory as the United States then possessed,
59 there is nothing in the Constitution to indicate that the power of Congress in dealing with them was intended to
60 be restricted by any of the other provisions.*

61 [. . .]

1 If those possessions are inhabited by alien races, differing from us in religion, customs, laws, methods of taxation,
2 and modes of thought, the administration of government and justice, according to Anglo-Saxon principles, may
3 for a time be impossible; and the question at once arises whether large concessions ought not to be made for a
4 time, that ultimately our own theories may be carried out, and the blessings of a free government under the
5 Constitution extended to them. We decline to hold that there is anything in the Constitution to forbid such action.

6 **We are therefore of opinion that the island of Porto Rico is a territory appurtenant and**
7 **belonging to the United States, but not a part of the United States***] within the revenue**
8 **clauses of the Constitution;** that the Foraker act is constitutional, so far as it imposes duties upon imports
9 from such island, and that the plaintiff cannot recover back the duties exacted in this case.
10 [[Downes v. Bidwell, 182 U.S. 244 \(1901\)](#)]

11 **8.2 The two political jurisdictions/nations within the United States***

12 Another important distinction needs to be made. Definition 1 above refers to the country “United States*”, but this country
13 is *not* a “nation”, in the sense of international law. This very important point was made clear by the U.S. Supreme Court in
14 1794 in the case of *Chisholm v. Georgia*, 2 Dall. (U.S.) 419, 1 L.Ed. 440 (1793) , when it said:

15 *This is a case of uncommon magnitude. One of the parties to it is a State; certainly respectable, claiming to be*
16 *sovereign. The question to be determined is, whether this State, so respectable, and whose claim soars so high,*
17 *is amenable to the jurisdiction of the Supreme Court of the United States? This question, important in itself,*
18 *will depend on others, more important still; and, may, perhaps, be ultimately resolved into one, no less radical*
19 *than this 'do the people of the United States form a Nation?'*

20 *A cause so conspicuous and interesting, should be carefully and accurately viewed from every possible point of*
21 *sight. I shall examine it; 1st. By the principles of general jurisprudence. 2nd. By the laws and practice of*
22 *particular States and Kingdoms. **From the law of nations little or no***
23 **illustration of this subject can be expected. By that law the**
24 **several States and Governments spread over our globe, are**
25 **considered as forming a society, not a NATION.** *It has only been by a very*
26 *few comprehensive minds, such as those of Elizabeth and the Fourth Henry, that this last great idea has been*
27 *even contemplated. 3rdly. and chiefly, I shall examine the important question before us, by the Constitution of the*
28 *United States, and the legitimate result of that valuable instrument.*
29 [[Chisholm v. Georgia, 2 Dall. \(U.S.\) 419, 1 L.Ed. 440 \(1793\)](#)]

30 An earlier edition of Black’s Law Dictionary further clarifies the distinction between a “nation” and a “society” by clarifying
31 the differences between a **national** government and a **federal** government, and keep in mind that the American government
32 is called “federal government”:

33 **“NATIONAL GOVERNMENT.** *The government of a whole nation, as distinguished from that of a local or*
34 *territorial division of the nation, and also as distinguished from that of a league or confederation.*

35 *“A national government is a government of the people of a single state or nation, united as a community by what*
36 *is termed the “social compact,” and possessing complete and perfect supremacy over persons and things, so far*
37 *as they can be made the lawful objects of civil government. A federal government is distinguished from a*
38 *national government by its being the government of a community of independent and sovereign states, united*
39 *by compact.” Piqua Branch Bank v. Knoup, 6 Ohio.St. 393.”*
40 [[Black’s Law Dictionary, Revised Fourth Edition, 1968, p. 1176](#)]

42 **“FEDERAL GOVERNMENT.** *The system of government administered in a state formed by the union or*
43 *confederation of several independent or quasi independent states; also the composite state so formed.*

44 *In strict usage, there is a distinction between a confederation and a federal government. **The former term denotes***
45 **a league or permanent alliance between several states, each of which is fully sovereign and independent, and**
46 **each of which retains its full dignity, organization, and sovereignty, though yielding to the central authority a**
47 **controlling power for a few limited purposes, such as external and diplomatic relations. In this case, the**
48 **component states are the units, with respect to the confederation, and the central government acts upon them,**
49 **not upon the individual citizens. In a federal government, on the other hand, the allied states form a union,-**
50 **not, indeed, to such an extent as to destroy their separate organization or deprive them of quasi sovereignty**
51 **with respect to the administration of their purely local concerns, but so that the central power is erected into a**
52 **true state or nation, possessing sovereignty both external and internal,-while the administration of national**
53 **affairs is directed, and its effects felt, not by the separate states deliberating as units, but by the people of all.**

1 in their collective capacity, as citizens of the nation. The distinction is expressed, by the German writers, by the
2 use of the two words "Staatenbund" and "Bundesstaat;" the former denoting a league or confederation of states,
3 and the latter a federal government, or state formed by means of a league or confederation."
4 [Black's Law Dictionary, Revised Fourth Edition, 1968, p. 740]

5 So the "United States*" the country is a "society" and a "sovereignty" but not a "nation" under the law of nations, by the
6 Supreme Court's own admission. Because the Supreme Court has ruled on this matter, it is now incumbent upon each of us
7 to always remember it and to apply it in all of our dealings with the Federal Government. If not, we lose our individual
8 Sovereignty by default and the Federal Government assumes jurisdiction over us. So, while a sovereign American will want
9 to be the third type of Citizen, which is a "Citizen of the United States**" and on occasion a "citizen of the United States*",
10 he would never want to be the second, which is a "citizen of the United States**". A human being who is a "citizen" of the
11 second is called a *statutory* "U.S. citizen" under [8 U.S.C. §1401](#), and he is treated in law as occupying a place not protected
12 by the Bill of Rights, which is the first ten amendments of the United States Constitution. Below is how the U.S. Supreme
13 Court, in a dissenting opinion, described this "other" United States, which we call the "federal zone":

14 "I take leave to say that, if the principles thus announced should ever receive the sanction of a majority of this
15 court, a radical and mischievous change in our system of government will result. We will, in that event, pass
16 from the era of constitutional liberty guarded and protected by a written constitution into an era of legislative
17 absolutism..

18 [. . .]

19 "The idea prevails with some, indeed it has found expression in arguments at the bar, that we have in this country
20 substantially two national governments; one to be maintained under the Constitution, with all of its
21 restrictions; the other to be maintained by Congress outside the independently of that instrument, by exercising
22 such powers [of absolutism] as other nations of the earth are accustomed to..

23 [. . .]

24 It will be an evil day for American liberty if the theory of a government outside the supreme law of the land
25 finds lodgment in our constitutional jurisprudence. No higher duty rests upon this court than to exert its full
26 authority to prevent all violation of the principles of the Constitution."
27 [Downes v. Bidwell, [182 U.S. 244](#) (1901), Justice Harlan, Dissenting]

28 **8.3 "United States" as a corporation and a Legal Person**

29 The second definition of "United States*" above is also a federal corporation. This corporation was formed in 1871. It is
30 described in [28 U.S.C. §3002\(15\)\(A\)](#):

31 [TITLE 28 > PART VI > CHAPTER 176 > SUBCHAPTER A > Sec. 3002.](#)
32 [TITLE 28 - JUDICIARY AND JUDICIAL PROCEDURE](#)
33 [PART VI - PARTICULAR PROCEEDINGS](#)
34 [CHAPTER 176 - FEDERAL DEBT COLLECTION PROCEDURE](#)
35 [SUBCHAPTER A - DEFINITIONS AND GENERAL PROVISIONS](#)

36 [Sec. 3002. Definitions](#)

37 (15) "United States" means -

38 (A) a Federal corporation;

39 (B) an agency, department, commission, board, or other entity of the United States; or

40 (C) an instrumentality of the United States.
41

42 The U.S. Supreme Court, in fact, has admitted that all governments are corporations when it held:

43 "Corporations are also of all grades, and made for varied objects; all governments are corporations, created by
44 usage and common consent, or grants and charters which create a body politic for prescribed purposes; but
45 whether they are private, local or general, in their objects, for the enjoyment of property, or the exercise of
46 power, they are all governed by the same rules of law, as to the construction and the obligation of the
47 instrument by which the incorporation is made [the Constitution is the corporate charter]. One universal rule
48 of law protects persons and property. It is a fundamental principle of the common law of England, that the term
49 freemen of the kingdom, includes 'all persons,' ecclesiastical and temporal, incorporate, politique or natural; it
50 is a part of their magna charta (2 Inst. 4), and is incorporated into our institutions. The persons of the members
51 of corporations are on the same footing of protection as other persons, and their corporate property secured by
52 the same laws which protect that of individuals. 2 Inst. 46-7. 'No man shall be taken,' 'no man shall be disseised,'
53 without due process of law, is a principle taken from magna charta, infused into all our state constitutions, and
54 is made inviolable by the federal government, by the amendments to the constitution."

1 [Proprietors of Charles River Bridge v. Proprietors of, [36 U.S. 420](#) (1837)]

2 If we are acting as a federal “public official” or contractor, then we are representing the “United States** federal corporation”.
3 That corporation is a statutory “U.S. citizen” under [8 U.S.C. §1101\(a\)\(22\)\(A\)](#) which is completely subject to all federal law.

4 “A corporation is a citizen, resident, or inhabitant of the state or country by or under the laws of which it was
5 created, and of that state or country only.”
6 [19 Corpus Juris Secundum (C.J.S.), Corporations, §886 (2003)]

7 [Federal Rule of Civil Procedure 17](#)(b) says that when we are representing that corporation as “officers” or “employees”, we
8 therefore become statutory “U.S. citizens” completely subject to federal territorial law:

9 [IV. PARTIES > Rule 17.](#)
10 [Rule 17. Parties Plaintiff and Defendant; Capacity](#)

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, by the law under which it was organized; and

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

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

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

21 [[Federal Rule of Civil Procedure 17\(b\)](#)]

22 Yet on every government (any level) document we sign (e.g. Social Security, Marriage License, Voter Registration, Driver
23 License, BATF 4473, etc.) they either require you to be a “citizen of the United States” or they ask “are you a resident of
24 Illinois?”. They are in effect asking you to assume or presume the second definition, the “United States**”, when you fill
25 out the form, but they don’t want to tell you this because then you would realize they are asking you to commit perjury on a
26 government form under penalty of perjury. They in effect are asking you if you wish to act in the official capacity of a public
27 employee or officer of the federal corporation. The form you are filling out therefore is serving the dual capacity of a federal
28 job application and an application for “benefits”. The reason this must be so, is that they are not allowed to pay PUBLIC
29 “benefits” to PRIVATE humans and can only lawfully pay them to public statutory “employees”, public officers, and
30 contractors. Any other approach makes the government into a thief. See the article below for details on this scam:

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

31 If you accept the false and self-serving presumption of your public dis-servants, or you answer “Yes” to the question of
32 whether you are a “citizen of the United States” or a “U.S. citizen” on a federal or state form, usually under penalty of perjury,
33 then you have committed perjury under penalty of perjury and also voluntarily placed yourself under their exclusive/plenary
34 legislative jurisdiction as a public official”employee” and are therefore unlawfully subject to Federal & State Codes and
35 Regulations (Statutes). The Social Security Number they ask for on the form, in fact, is prima facie evidence that you are a
36 federal statutory employee, in fact. Look at the evidence for yourself, paying particular attention to sections 6.1, 6.2 and 6.6:

[Resignation of Compelled Social Security Trustee](#), Form #06.002
<http://sedm.org/Forms/FormIndex.htm>

37 Most statutes passed by government are, in effect, PRIVATE law only for government. They are private law or contract law
38 that act as the equivalent of a government employment agreement.

39 “The power to “legislate generally upon” life, liberty, and property, as opposed to the “power to provide modes
40 of redress” against offensive state action, was “repugnant” to the Constitution. *Id.*, at 15. See also *United States*
41 *v. Reese*, [92 U.S. 214, 218](#) (1876); *United States v. Harris*, [106 U.S. 629, 639](#) (1883); *James v. Bowman*, [190 U.S.](#)
42 [127, 139](#) (1903). Although the specific holdings of these early cases might have been superseded or modified, see,
43 e.g., *Heart of Atlanta Motel, Inc. v. United States*, [379 U.S. 241](#) (1964); *United States v. Guest*, [383 U.S. 745](#)

(1966), their treatment of Congress' §5 power as corrective or preventive, not definitional, has not been questioned."

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

What the U.S. Supreme Court is saying above is that the government has no authority to tell you how to run your *private life*. This is contrary to the whole idea of the Internal Revenue Code, whose main purpose is to monitor and control *every aspect* of those who are subject to it. In fact, it has become the chief means for Congress to implement what we call "social engineering". Just by the deductions they offer, people who are not engaged in a "trade or business" and thus have no income tax liability are incentivized into all kinds of crazy behaviors in pursuit of reductions in a liability that they in fact do not even have. Therefore, the only reasonable thing to conclude is that Subtitle A of the Internal Revenue Code, which would "appear" to regulate the private conduct of *all* individuals in states of the Union, in fact only applies to "public officials" in the official conduct of their duties while present in the District of Columbia, which [4 U.S.C. §72](#) makes the "seat of government". The Internal Revenue Code (I.R.C.) therefore essentially amounts to a part of the job responsibility and the "employment contract" of "public officials". This was also confirmed by the House of Representatives, who said that only those who take an oath of "public office" are subject to the requirements of the personal income tax. See:

<http://famguardian.org/Subjects/Taxes/Evidence/PublicOrPrivate-Tax-Return.pdf>

We the People, as the Sovereigns, cannot lawfully become the proper subject to exclusive federal jurisdiction unless and until we surrender our sovereignty by signing a government employment agreement that can take many different forms: I.R.S. Form W-4 and 1040, SSA Form SS-5, etc.

[California Civil Code](#)
DIVISION 3. OBLIGATIONS
PART 2. CONTRACTS
TITLE 1. NATURE OF A CONTRACT
CHAPTER 3. CONSENT

1589. A voluntary acceptance of the benefit of a transaction is equivalent to a consent to all the obligations arising from it, so far as the facts are known, or ought to be known, to the person accepting.

[SOURCE:
<http://www.leginfo.ca.gov/cgi-bin/displaycode?section=civ&group=01001-02000&file=1565-1590>]

The I.R.S. Form W-4 is what both we and the government refer to as a federal "election" form and you are the *only* voter. They are asking you if you want to elect yourself into "public office", and if you say "yes", then you got the job and a cage is reserved for you on the federal plantation:

"The restrictions that the Constitution places upon the government in its capacity as lawmaker, i.e., as the regulator of private conduct, are not the same as the restrictions that it places upon the government in its capacity as employer. We have recognized this in many contexts, with respect to many different constitutional guarantees. Private citizens perhaps cannot be prevented from wearing long hair, but policemen can. [Kelley v. Johnson, 425 U.S. 238, 247 \(1976\)](#). **Private citizens** cannot have their property searched without probable cause, but in many circumstances **government employees** (public officers) can. [O'Connor v. Ortega, 480 U.S. 709, 723 \(1987\)](#) (plurality opinion); *id.*, at 732 (SCALIA, J., concurring in judgment). **Private citizens** cannot be punished for refusing to provide the government information that may incriminate them, but **government employees** (public officers) can be dismissed when the incriminating information that they refuse to provide relates to the performance of their job. [Gardner v. Broderick, \[497 U.S. 62, 95\] 392 U.S. 273, 277-278 \(1968\)](#). With regard to freedom of speech in particular: **Private citizens** cannot be punished for speech of merely private concern, but **government employees** (public officers) can be fired for that reason. [Connick v. Myers, 461 U.S. 138, 147 \(1983\)](#). Private citizens cannot be punished for partisan political activity, but federal and state employees can be dismissed and otherwise punished for that reason. [Public Workers v. Mitchell, 330 U.S. 75, 101 \(1947\)](#); [Civil Service Comm'n v. Letter Carriers, 413 U.S. 548, 556 \(1973\)](#); [Broadrick v. Oklahoma, 413 U.S. 601, 616-617 \(1973\)](#)."

[[Rutan v. Republican Party of Illinois, 497 U.S. 62 \(1990\)](#)]

By making you into a DE FACTO "public official" or statutory "employee", they are intentionally destroying the separation of powers that is the main purpose of the Constitution and which was put there to protect your rights.

"To the contrary, **the Constitution divides authority between federal and state governments for the protection of individuals. State sovereignty is not just an end in itself: "Rather, federalism secures to citizens the liberties that derive from the diffusion of sovereign power."** [Coleman v. Thompson, 501 U.S. 722, 759 \(1991\)](#) (BLACKMUN, J., dissenting). "Just as the separation and independence of the coordinate branches of the Federal

1 Government serve to prevent the accumulation of excessive power in any one branch, a healthy balance of power
2 between the States and the Federal Government will reduce the risk of tyranny and abuse from either front."
3 Gregory v. [505 U.S. 144, 182] Ashcroft, [501 U.S., at 458](#). See The Federalist No. 51, p. 323. (C. Rossiter ed.
4 1961)."
5 [New York v. United States, [505 U.S. 144](#) (1992)]

6 They are causing you to voluntarily waive sovereign immunity under the Foreign Sovereign Immunities Act (F.S.I.A.), [28](#)
7 [U.S.C. §1601-1611](#). [28 U.S.C. §1605](#)(a)(2) of the act says that those who conduct “commerce” within the legislative
8 jurisdiction of the “United States” (federal zone), whether as public official or federal benefit recipient, surrender their
9 sovereign immunity.

10 [TITLE 28 > PART IV > CHAPTER 97 > § 1605](#)
11 [§ 1605. General exceptions to the jurisdictional immunity of a foreign state](#)

12 (a) A foreign state shall not be immune from the jurisdiction of courts of the United States or of the States in any
13 case—

14 (2) in which the action is based upon a commercial activity carried on in the United States by the foreign state;
15 or upon an act performed in the United States in connection with a commercial [employment or federal benefit]
16 activity of the foreign state elsewhere; or upon an act outside the territory of the United States in connection with
17 a commercial activity of the foreign state elsewhere and that act causes a direct effect in the United States;

18 They are also destroying the separation of powers by fooling you into declaring yourself to be a *statutory* “U.S.** citizen”
19 under [8 U.S.C. §1401](#). [28 U.S.C. §1603](#)(b)(3) and [28 U.S.C. §1332](#)(e) specifically exclude such statutory “U.S. citizens”
20 from being foreign sovereigns who can file under statutory diversity of citizenship. This is also confirmed by the Department
21 of State Website:

22 “Section 1603(b) defines an “agency or instrumentality” of a foreign state as an entity

23 (1) which is a separate legal person, corporate or otherwise, and

24 (2) which is an organ of a foreign state or political subdivision thereof, or a majority of whose shares or other
25 ownership interest is owned by a foreign state or political subdivision thereof, and

26 (3) which is neither a citizen of the a state of the United States as defined in Sec. 1332(e) nor created under
27 the laws of any third country.”

28 [Department of State Website, http://travel.state.gov/law/info/judicial/judicial_693.html]

29 In effect, they kidnapped your legal identity and made you into a “resident alien federal employee” working in the “king’s
30 castle”, what Mark Twain called “the District of Criminals”, and changed your status from “foreign” to “domestic” by creating
31 false presumptions about citizenship and using the Social Security Number, IRS Form W-4, and SSA Form SS-5 to make
32 you into a “subject citizen” and a “public employee” with no constitutional rights.

33 The nature of most federal law as private/contract law is carefully explained below:

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

34 As you will soon read, the government uses various ways to mislead and trick us into their private/contract laws (outside our
35 Constitutional protections) and make you into the equivalent of their “employee”, and thereby commits a great fraud on the
36 American People. It is the purpose of this document to expose the most important aspect of that willful deception, which is
37 the citizenship trap.

38 **8.4 Why the STATUTORY Geographical “United States” does not include states of the Union**

39 A common point of confusion is the comparison between STATUTORY and CONSTITUTIONAL contexts for the “United
40 States”. Below is a question posed by a reader about this confusion:

41 *Your extensive citizenship materials say that the term “United States” described in 8 U.S.C. §1101(a)(38) ,*
42 *(a)(36) , and 8 C.F.R. §215.1(f) includes only DC, Puerto Rico, Guam, USVI, and CNMI and excludes all*
43 *Constitutional Union states. In fact, a significant portion of what your materials say hinges on the interpretation*

1 that the term "United States" per 8 U.S.C. §1101(a)(38) includes only DC, Puerto Rico, Guam, USVI, and CNMI
2 and excludes all Constitutional Union states. Therefore, it is important that your readers are confident that this
3 is the correct interpretation of 8 U.S.C. §1101(a)(38). The problem that most of your readers are going to have
4 is that the text for 8 U.S.C. §1101(a)(38) say the "United States" means continental United States, Alaska,
5 Hawaii, Puerto Rico, Guam, and the Virgin Islands of the United States.

6 Please explain to me how the term "United States" described in 8 U.S.C. §1101(a)(38), (a)(36) , and 8 C.F.R.
7 §215.1(f) can exclude all Constitution Union states when 8 U.S.C. §1101(a)(38) explicitly lists list Alaska and
8 Hawaii as part of "United States". Alaska and Hawaii were the last two Constitutional states to join the Union
9 and they became Constitutional Union states on August 21, 1959 and January 3, 1959 respectfully. The only
10 possible explanation that I can think of is that the Statutes at Large that 8 U.S.C. §1101(a)(38) is a codification
11 of never got updated after Alaska and Hawaii joined the Union. Do you agree? How can one provide legal proof
12 of this? This proof needs to go into your materials since this is such a key and pivotal issue to understanding your
13 correct political and civil status. It appears that the wording used in 8 U.S.C. §1101(a)(38) is designed to
14 obfuscate and confuse most people into thinking that it is describing United States* when in fact it is describing
15 only a portion of United States**. If this section of code is out of date, why has Congress never updated it to
16 remove Alaska and Hawaii from the definition of "United States" ?

17 The definitions that lead to this question are as follows:

18 8 U.S.C. §1101(a)(38)

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

22 _____
23 8 U.S.C. §1101(a)(36)

24 The term "State" includes the District of Columbia, Puerto Rico, Guam, the Virgin Islands of the
25 United States, and the Commonwealth of the Northern Mariana Islands.

26 _____
27 8 C.F.R. §215.1(f)

28 The term continental United States means the District of Columbia and the several States, except
29 Alaska and Hawaii.

30 In response to this question, we offer the following explanation:

- 31 1. The U.S. Supreme Court has held that a "national and citizen of the United States at birth" in 8 U.S.C. §1401 does
32 NOT include state citizens under the Fourteenth Amendment. See Rogers v. Bellei, 401 U.S. 815 (1971). Hence, the
33 "United States" they are referring to in 8 U.S.C. §1401 CANNOT include constitutional states of the Union.
34 2. 40 U.S.C. §§3111 and 3112 say that federal jurisdiction does not exist within a state except on land ceded to the
35 national government. Hence, no matter what the geographical definitions are, they do not include anything other than
36 federal territory.
37 3. It is a legal impossibility to have more than one domicile and if you are domiciled in a state of the Union, then you are
38 domiciled OUTSIDE of federal territory and federal civil jurisdiction. See:

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

- 39 4. All statutory terms are limited to territory over which Congress has EXCLUSIVE GENERAL (RATHER than subject
40 matter) jurisdiction. All of the statuses indicted in the statutes (including those in 8 U.S.C. §§1401 and 1408) STOP
41 at the border to federal territory and do not apply within states of the Union. One cannot have a status in a place that they
42 are not civilly domiciled, and especially a status that they do NOT consent to and to which rights and obligations
43 attach. Otherwise, the Declaration of Independence is violated because they are subjected to obligations that they
44 didn't consent to and are a slave. This is proven in:

Your Exclusive Right to Declare or Establish Your Civil Status, Form #13.008

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

DIRECT LINK: <http://sedm.org/Forms/13-SelfFamilyChurchGovnce/RightToDeclStatus.pdf>

1 5. As the U.S. Supreme Court held, all law is prima facie territorial and confined to the territory of the specific state. The
2 states of the Union are NOT "territory" as legally defined.

3 *Volume 86, Corpus Juris Secundum Legal Encyclopedia*
4 *Territories*
5 *§1. Definitions, Nature, and Distinctions*

6 ***The word 'territory,' when used to designate a political organization has a distinctive, fixed, and legal meaning***
7 ***under the political institutions of the United States[**], and does not necessarily include all the territorial***
8 ***possessions of the United States[**], but may include only the portions thereof which are organized and***
9 ***exercise governmental functions under act of congress."***

10 *While the term 'territory' is often loosely used, and has even been construed to include municipal subdivisions of*
11 *a territory, and 'territories of the' United States[**] is sometimes used to refer to the entire domain over which*
12 *the United States[**] exercises dominion, the word 'territory,' when used to designate a political organization,*
13 *has a distinctive, fixed, and legal meaning under the political institutions of the United States[**], and the term*
14 *'territory' or 'territories' does not necessarily include only a portion or the portions thereof which are organized*
15 *and exercise government functions under acts of congress. The term 'territories' has been defined to be political*
16 *subdivisions of the outlying dominion of the United States[**], and in this sense the term 'territory' is not a*
17 *description of a definite area of land but of a political unit governing and being governed as such. The question*
18 *whether a particular subdivision or entity is a territory is not determined by the particular form of government*
19 *with which it is, more or less temporarily, invested.*

20 ***'Territories' or 'territory' as including 'state' or 'states.'*** ***While the term 'territories of the' United States[**]***
21 ***may, under certain circumstances, include the states of the Union, as used in the federal Constitution and in***
22 ***ordinary acts of congress "territory" does not include a [foreign state](#).***

23 ***As used in this title, the term 'territories' generally refers to the political subdivisions created by congress, and***
24 ***not within the boundaries of any of the several states.***
25 ***[86 Corpus Juris Secundum (C.J.S.), Territories (2003)]***

26 Therefore, all of the civil statuses found in Title 8 of the U.S. Code do not extend into or relate to anyone civilly
27 domiciled in a constitutional state, regardless of what the definition of "United States" is and whether it is
28 GEOGRAPHICAL or GOVERNMENT sense.

29 *"It is a well established principle of law that all federal regulation applies only within the territorial jurisdiction*
30 *of the United States unless a contrary intent appears."*
31 *[Foley Brothers, Inc. v. Filardo, 336 U.S. 281 (1949)]*

32 *"The laws of Congress in respect to those matters [outside of Constitutionally delegated powers] do not extend*
33 *into the territorial limits of the states, but have force only in the District of Columbia, and other places that are*
34 *within the exclusive jurisdiction of the national government."*
35 *[Caha v. U.S., 152 U.S. 211 (1894)]*

36 *"There is a canon of legislative construction which teaches Congress that, unless a contrary intent appears*
37 *[legislation] is meant to apply only within the territorial jurisdiction of the United States."*
38 *[U.S. v. Spelar, 338 U.S. 217 at 222]*

39 6. The U.S. Supreme Court has held that Congress enjoys no legislative jurisdiction within a constitutional state. Hence,
40 those in constitutional states can have no civil "status" under the laws of Congress. There are a few RARE exceptions
41 to this, and all of them relate to CONSTITUTIONAL remedies. For instance 42 U.S.C. §1983 implements provisions
42 of the Fourteenth Amendment, so "person" in that statute can also include state nationals. See Litigation Tool #08.008
43 for details on this exception.

44 *"The difficulties arising out of our dual form of government and the opportunities for differing opinions*
45 *concerning the relative rights of state and national governments are many; **but for a very long time this court***
46 ***has steadfastly adhered to the doctrine that the taxing power of Congress does not extend to the states or their***
47 ***political subdivisions**. The same basic reasoning which leads to that conclusion, we think, requires like limitation*
48 *upon the power which springs from the bankruptcy clause. United States v. Butler, supra."*
49 *[Ashton v. Cameron County Water Improvement District No. 1, 298 U.S. 513, 56 S.Ct. 892 (1936)]*

50

1 "It is no longer open to question that **the general government, unlike the states**, *Hammer v. Dagenhart*, [247 U.S.](#)
2 [251, 275](#), 38 S.Ct. 529, 3 A.L.R. 649, *Ann.Cas.1918E 724*, **possesses no inherent power in respect of the internal**
3 **affairs of the states; and emphatically not with regard to legislation.**"
4 [*Carter v. Carter Coal Co.*, [298 U.S. 238](#), 56 S.Ct. 855 (1936)]

- 5 7. The U.S. Supreme Court has held that Congress can only tax or regulate that which it creates. Since it didn't create
6 humans, then all civil statuses under Title 8 MUST be artificial PUBLIC offices.

7 "What is a Constitution? It is the form of government, delineated by the mighty hand of the people, in which
8 certain first principles of fundamental laws are established. The Constitution is certain and fixed; it contains the
9 permanent will of the people, and is the supreme law of the land; it is paramount to the power of the Legislature,
10 and can be revoked or altered only by the authority that made it. The life-giving principle and the death-doing
11 stroke must proceed from the same hand."
12 [*VanHorne's Lessee v. Dorrance*, 2 U.S. 304 (1795)]

13 "The great principle is this: because the constitution will not permit a state to destroy, it will not permit a law
14 [including a tax law] involving the power to destroy. "
15 [*Providence Bank v. Billings*, 29 U.S. 514 (1830)]

16 "The power to tax involves the power to destroy; the power to destroy may defeat and render useless the power
17 to create; and there is a plain repugnance in conferring on one government [THE FEDERAL GOVERNMENT]
18 a power to control the constitutional measures of another [WE THE PEOPLE], which other, with respect to those
19 very measures, is declared to be supreme over that which exerts the control."
20 [*Van Brocklin v. State of Tennessee*, 117 U.S. 151 (1886)]

- 21 8. Just like in the Internal Revenue Code, the term "United States" within Title 8 of the U.S. Code is ONLY defined in its
22 GEOGRAPHICAL sense but the GEOGRAPHICAL sense is not the only sense. The OTHER sense is the
23 GOVERNMENT as a legal person.
24 9. There is no way provided in statutes to distinguish the GEOGRAPHICAL use and the GOVERNMENT use in all the
25 cases we have identified. This leaves the reader guessing and also gives judges unwarranted and unconstitutional
26 discretion to apply either context. This confusion is deliberate to facilitate equivocation and mask and protect the
27 massive criminal identity theft ongoing every day in federal courtrooms across the country. See:

[Government Identity Theft](#), Form #05.046
<https://sedm.org/Forms/FormIndex.htm>

- 28 10. The Great IRS Hoax, Form #11.302, Section 5.2.12 talks about the meaning and history of United States in the Internal
29 Revenue Code. It proves that "United States" includes only the federal zone and not the Constitutional states or land
30 under the exclusive jurisdiction of said states.

[Great IRS Hoax](#), Form #11.302, Section 5.2.12
<http://famguardian.org/Publications/GreatIRSHoax/GreatIRSHoax.htm>

- 31 11. The term "United States" as used in 8 U.S.C. §1401 within "national and citizen of the United States** at birth" does
32 not expressly invoke the GEOGRAPHIC sense and hence, must be presumed to be the GOVERNMENT sense, where
33 "citizen" is a public officer in the government.
34 12. Members of the legal profession have tried to argue with the above by saying that Congress DOES have SUBJECT
35 MATTER jurisdiction within states of the Union as listed in Article 1, Section 8 of the Constitution. However:
36 12.1. The geographical definition of "United States" found in 26 U.S.C. §7701(a)(9) and (a)(10) and 4 U.S.C. §110(d)
37 EXCLUDES states of the Union.

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

45 "**When a statute includes an explicit definition, we must follow that definition, even if it varies from that term's**
46 **ordinary meaning**. *Meese v. Keene*, 481 U.S. 465, 484-485 (1987) ("It is axiomatic that the statutory definition
47 of the term excludes unstated meanings of that term"); *Colautti v. Franklin*, 439 U.S. at 392-393, n. 10 ("As a
48 rule, a definition which declares what a term "means" . . . excludes any meaning that is not stated"); *Western*
49 *Union Telegraph Co. v. Lenroot*, 323 U.S. 490, 502 (1945); *Fox v. Standard Oil Co. of N.J.*, 294 U.S. 87, 95-96
50 (1935) (*Cardozo, J.*); see also 2A N. Singer, *Sutherland on Statutes and Statutory Construction* § 47.07, p. 152,
51 and n. 10 (5th ed. 1992) (collecting cases). That is to say, the statute, read "as a whole," post at 998 [530 U.S.
52 943] (*THOMAS, J., dissenting*), leads the reader to a definition. That definition does not include the Attorney
53 General's restriction -- "the child up to the head." Its words, "substantial portion," indicate the contrary."

1 [\[Stenberg v. Carhart, 530 U.S. 914 \(2000\)\]](#)

2 12.2. The U.S. Supreme Court has never identified income taxation under 26 U.S.C. Subtitles A and C as an Article 1,
3 Section 8 power related to subject matter jurisdiction. We have also NEVER found any evidence that it is a
4 constitutional power other than the Sixteenth Amendment.

5 12.3. The Sixteenth Amendment did not grant Congress ANY new taxing power that it didn't already have over any
6 new subject or person:

7 *"..by the previous ruling it was settled that **the provisions of the Sixteenth Amendment conferred no new power***
8 ***of taxation** but simply prohibited the previous complete and plenary power of income taxation possessed by*
9 *Congress from the beginning from being taken out of the category of indirect taxation to which it inherently*
10 ***belonged and being placed in the category of direct taxation** subject to apportionment by a consideration of the*
11 *sources from which the income was derived, that is by testing the tax not by what it was -- a tax on income, but*
12 *by a mistaken theory deduced from the origin or source of the income taxed. "*
13 *[Stanton v. Baltic Mining Co., 240 U.S. 103 (1916)]*

14 The whole point of Title 8 is confuse state citizens with territorial citizens and to thereby usurp jurisdiction over them and
15 commit criminal identity theft. The tools for usurping that jurisdiction are described in:

[Federal Jurisdiction, Form #05.018
http://sedm.org/Forms/FormIndex.htm](http://sedm.org/Forms/FormIndex.htm)

16 A citizen of the District of Columbia is certainly within the meaning of 8 U.S.C. §1401. All you do by trying to confuse
17 THAT citizen with a state citizen is engage in the Stockholm Syndrome and facilitate identity theft of otherwise sovereign
18 state nationals by thieves in the District of Criminals. If you believe that an 8 U.S.C. §1401 "national and citizen of the
19 United States" includes state citizens, then you have the burden of describing WHERE those domiciled in federal territory
20 are described in Title 8, because the U.S. Supreme Court held that these two types of citizens are NOT the same. Where is
21 your proof?

22 *"The 1st section of the 14th article [Fourteenth Amendment], to which our attention is more specifically invited,*
23 *opens with a definition of citizenship—not only citizenship of the United States[***], but citizenship of the states.*
24 *No such definition was previously found in the Constitution, nor had any attempt been made to define it by act*
25 *of Congress. It had been the occasion of much discussion in the courts, by the executive departments and in the*
26 *public journals. **It had been said by eminent judges that no man was a citizen of the United States[***] except***
27 ***as he was a citizen of one of the states composing the Union. Those therefore, who had been born and resided***
28 ***always in the District of Columbia or in the territories, though within the United States[*], were not citizens.***
29 *Whether this proposition was sound or not had never been judicially decided."*
30 *[Slaughter-House Cases, 83 U.S. (16 Wall.) 36, 21 L.Ed. 394 (1873)]*

31
32 ***The Court today holds that the Citizenship Clause of the Fourteenth Amendment has no application to Bellei***
33 ***[an 8 U.S.C. §1401 STATUTORY citizen].** The Court first notes that Afroyim was essentially a case construing*
34 *the Citizenship Clause of the Fourteenth Amendment. Since the Citizenship Clause declares that: 'All persons*
35 *born or naturalized in the United States * * * are citizens of the United States * * *,' the Court reasons that the*
36 *protections against involuntary expatriation declared in Afroyim do not protect all American citizens, but only*
37 *those 'born or naturalized in the United States.' Afroyim, the argument runs, was naturalized in this country so*
38 *he was protected by the Citizenship Clause, but Bellei, since he acquired his American citizenship at birth in Italy*
39 *as a foreignborn child of an American citizen, was neither born nor naturalized in the United States and, hence,*
40 *falls outside the scope of the Fourteenth Amendment guarantees declared in Afroyim. One could hardly call this*
41 *a generous reading of the great purposes the Fourteenth Amendment was adopted to bring about. **While***
42 ***conceding that Bellei is an American citizen,** the majority states: 'He simply is not a Fourteenth-Amendment-*
43 *first-sentence citizen.' Therefore, the majority reasons, the congressional revocation of his citizenship is not*
44 *barred by the Constitution. **I cannot accept the Court's conclusion that the Fourteenth Amendment protects***
45 ***the citizenship of some Americans and not others. [. . .]***

46 ***The Court today puts aside the Fourteenth Amendment as a standard by which to measure congressional***
47 ***action with respect to citizenship, and substitutes in its place the majority's own vague notions of 'fairness.'***
48 ***The majority takes a new step with the recurring theme that the test of constitutionality is the Court's own view***
49 ***of what is 'fair, reasonable, and right.'** Despite the concession that Bellei was admittedly an American citizen,*
50 ***and despite the holding in Afroyim that the Fourteenth Amendment has put citizenship, once conferred, beyond***
51 ***the power of Congress to revoke, the majority today upholds the revocation of Bellei's citizenship on the ground***
52 ***that the congressional action was not 'irrational or arbitrary or unfair.'** The majority applies the 'shock-the-*
53 ***conscience' test to uphold, rather than strike, a federal statute. It is a dangerous concept of constitutional law***

1 that allows the majority to conclude that, because it cannot say the statute is 'irrational or arbitrary or unfair,'
2 the statute must be constitutional.

3 [. . .]

4 *Since the Court this Term has already downgraded citizens receiving public welfare, Wyman v. James, 400 U.S.*
5 *309, 91 S.Ct. 381, 27 L.Ed.2d. 408 (1971), and citizens having the misfortune to be illegitimate, Labine v. Vincent,*
6 *401 U.S. 532, 91 S.Ct. 1917, 28 L.Ed.2d. 288, I suppose today's decision downgrading citizens born outside the*
7 *United States should have been expected. Once again, as in James and Labine, the Court's opinion makes evident*
8 *that its holding is contrary to earlier decisions. Concededly, petitioner was a citizen at birth, not by constitutional*
9 *right, but only through operation of a federal statute.*
10 *[Rogers v. Bellei, 401 U.S. 815 (1971)]*

11 In summary, all of the above items cannot simultaneously be true and at the same time, the geographical "United States"
12 including states of the Union within any act of Congress. The truth cannot conflict with itself or it is a LIE. Any attempt to
13 rebut the evidence and resulting conclusions of fact and law within this section must therefore deal with ALL of the issues
14 addressed and not cherry pick the ones that are easy to explain.

15 Our conclusion is that the United States**, the area over which the EXCLUSIVE sovereignty of the United States government
16 extends, is divided into two areas in which one can establish their domicile:

- 17 1. American Samoa and
- 18 2. "United States" as described in 8 U.S.C. §1101(a)(38), (a)(36) , and 8 C.F.R. §215.1(f).

19 This is very clear after looking at 8 U.S.C. §1401 and 8 U.S.C. §1408. The term "United States" described in 8 U.S.C.
20 §1101(a)(38), (a)(36), and 8 C.F.R. §215.1(f) is not the inhabited area of United States**, but rather it is one of the two areas
21 within United States** that one can establish a domicile in. The inhabited areas of the United States** would be "United
22 States" per 8 U.S.C. §1101(a)(38) AND American Samoa. Those born in "United States**" are STATUTORY "citizens of
23 the "United States**", where "United States**" is described in 8 U.S.C. §1101(a)(38). They are also STATUTORY
24 "nationals of United States**" per 8 U.S.C. §1401 and 8 U.S.C. §1101(a)(22) .

25 Those born in American Samoa are "non-citizens of the "United States** at birth", where "United States" is described in 8
26 U.S.C. §1101(a)(38). United States** is described in 8 U.S.C. §1101(a)(38) and includes American Samoa, Swains Island,
27 all of the uninhabited territories of the U.S., and federal enclaves within the exterior borders of the Constitutional Union
28 states.

29 For further supporting evidence about the subject of this section, see:

[Tax Deposition Questions](http://sedm.org/Forms/FormIndex-SinglePg.htm), Form #03.016, Section 14: Citizenship
<http://sedm.org/Forms/FormIndex-SinglePg.htm>

30 **8.5 Why the CONSTITUTIONAL Geographical "United States" does NOT include federal** 31 **territory**

32 The case of Valmonte v. I.N.S., 136 F.3d. 914 (C.A.2, 1998) very clearly determines that the CONSTITUTIONAL "United
33 States", when used in a GEOGRAPHICAL context, means states of the Union and EXCLUDES federal territories. Below is
34 the text of that holding:

35 *The principal issue in this petition is the territorial scope of the term "the United States" in the Citizenship*
36 *Clause of the Fourteenth Amendment.* *U.S. Const. amend. XIV, § 1 ("All persons born or naturalized in the*
37 *United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein*
38 *they reside." (emphasis added)). Petitioner, who was born in the Philippines in 1934 during its status as a United*
39 *States territory, argues she was "born ... in the United States" and is therefore a United States citizen.*⁵

40 *Petitioner's argument is relatively novel, having been addressed previously only in the Ninth Circuit. See Rabang*
41 *v. INS, 35 F.3d 1449, 1452 (9th Cir.1994) ("No court has addressed whether persons born in a United States*
42 *territory are born 'in the United States,' within the meaning of the Fourteenth Amendment."), cert. denied sub*

⁵ Although this argument was not raised before the immigration judge or on appeal to the BIA, it may be raised for the first time in this petition. See INA, supra, § 106(a)(5), 8 U.S.C. §1105a(a)(5).

1 *nom. Sanidad v. INS*, 515 U.S. 1130, 115 S.Ct. 2554, 132 L.Ed.2d. 809 (1995). In a split decision, the Ninth
2 Circuit held that "birth in the Philippines during the territorial period does not constitute birth 'in the United
3 States' under the Citizenship Clause of the Fourteenth Amendment, and thus does not give rise to United States
4 citizenship." *Rabang*, 35 F.3d at 1452. *We agree.*⁶

5 *Despite the novelty of petitioner's argument, the Supreme Court in the Insular Cases*⁷ provides authoritative
6 guidance on the territorial scope of the term "the United States" in the Fourteenth Amendment. *The Insular*
7 *Cases were a series of Supreme Court decisions that addressed challenges to duties on goods transported from*
8 *Puerto Rico to the continental United States. Puerto Rico, like the Philippines, had been recently ceded to the*
9 *United States. The Court considered the territorial scope of the term "the United States" in the Constitution*
10 *and held that this term as used in the uniformity clause of the Constitution was territorially limited to the states*
11 *of the Union.* U.S. Const. art. I, § 8 ("[A]ll Duties, Imposts and Excises shall be uniform throughout the United
12 *States."* (emphasis added)); see *Downes v. Bidwell*, 182 U.S. 244, 251, 21 S.Ct. 770, 773, 45 L.Ed. 1088 (1901)
13 *("[I]t can nowhere be inferred that the territories were considered a part of the United States. The Constitution*
14 *was created by the people of the United States, as a union of States, to be governed solely by representatives of*
15 *the States; ... In short, the Constitution deals with States, their people, and their representatives.")*; *Rabang*,
16 *35 F.3d at 1452. Puerto Rico was merely a territory "appurtenant and belonging to the United States, but not*
17 *a part of the United States within the revenue clauses of the Constitution."* *Downes*, 182 U.S. at 287, 21 S.Ct.
18 *at 787.*

19 *The Court's conclusion in Downes was derived in part by analyzing the territorial scope of the Thirteenth and*
20 *Fourteenth Amendments. The Thirteenth Amendment prohibits slavery and involuntary servitude "within the*
21 *United States, or any place subject to their jurisdiction."* U.S. Const. amend. XIII, § 1 (emphasis added). *The*
22 *Fourteenth Amendment states that persons "born or naturalized in the United States, and subject to the*
23 *jurisdiction thereof, are citizens of the United States and of the State wherein they reside."* U.S. Const. amend
24 *XIV, § 1 (emphasis added). The disjunctive "or" in the Thirteenth Amendment demonstrates that "there may*
25 *be places within the jurisdiction of the United States that are not] part of the Union" to which the Thirteenth*
26 *Amendment would apply. Downes, 182 U.S. at 251, 21 S.Ct. at 773. Citizenship under the Fourteenth*
27 *Amendment, however, "is not extended to persons born in any place 'subject to [the United States ']*
28 *jurisdiction.' " but is limited to persons born or naturalized in the states of the Union. Downes, 182 U.S. at 251,*
29 *21 S.Ct. at 773 (emphasis added); see also id. at 263, 21 S.Ct. at 777 ("[I]n dealing with foreign sovereignties,*
30 *the term 'United States' has a broader meaning than when used in the Constitution, and includes all territories*
31 *subject to the jurisdiction of the Federal government, wherever located.")*⁸

32 *Following the decisions in the Insular Cases, the Supreme Court confirmed that the Philippines, during its*
33 *status as a United States territory, was not a part of the United States. See* *Hooven & Allison Co. v. Evatt*, 324
34 *U.S. 652, 678, 65 S.Ct. 870, 883, 89 L.Ed. 1252 (1945) ("As we have seen, [the Philippines] are not a part of the*
35 *United States in the sense that they are subject to and enjoy the benefits or protection of the Constitution, as*
36 *do the states which are united by and under it."); see id. at 673-74, 65 S.Ct. at 881 (Philippines "are territories*
37 *belonging to, but not a part of, the Union of states under the Constitution," and therefore imports "brought*
38 *from the Philippines into the United States ... are brought from territory, which is not a part of the United States,*
39 *into the territory of the United States.")*.

40 *Accordingly, the Supreme Court has observed, without deciding, that persons born in the Philippines prior to*
41 *its independence in 1946 are not [CONSTITUTIONAL] citizens of the United States. See* *Barber v. Gonzales*,
42 *347 U.S. 637, 639 n. 1, 74 S.Ct. 822, 823 n. 1, 98 L.Ed. 1009 (1954) (stating that although the inhabitants of the*
43 *Philippines during the territorial period were "nationals" of the United States, they were not "United States*
44 *citizens"); Rabang v. Boyd*, 353 U.S. 427, 432 n. 12, 77 S.Ct. 985, 988 n. 12, 1 L.Ed.2d. 956 (1957) ("The
45 inhabitants of the Islands acquired by the United States during the late war with Spain, not being citizens of
46 the United States, do not possess right of free entry into the United States." (emphasis added) (citation and
47 *internal quotation marks omitted)).*

⁶ For the purpose of deciding this petition, we address only the territorial scope of the phrase "the United States" in the Citizenship Clause. We do not consider the distinct issue of whether citizenship is a "fundamental right" that extends by its own force to the inhabitants of the Philippines under the doctrine of territorial incorporation. *Dorr v. United States*, 195 U.S. 138, 146, 24 S.Ct. 808, 812, 49 L.Ed. 128 (1904) ("Doubtless Congress, in legislating for the Territories would be subject to those fundamental limitations in favor of personal rights which are formulated in the Constitution and its amendments." (citation and internal quotation marks omitted)); *Rabang*, 35 F.3d at 1453 n. 8 ("We note that the territorial scope of the phrase 'the United States' is a distinct inquiry from whether a constitutional provision should extend to a territory." (citing *Downes v. Bidwell*, 182 U.S. 244, 249, 21 S.Ct. 770, 772, 45 L.Ed. 1088 (1901))). The phrase "the United States" is an express territorial limitation on the scope of the Citizenship Clause. Because we determine that the phrase "the United States" did not include the Philippines during its status as a United States territory, we need not determine the application of the Citizenship Clause to the Philippines under the doctrine of territorial incorporation. Cf. *United States v. Verdugo-Urquidez*, 494 U.S. 259, 291 n. 11, 110 S.Ct. 1056, 1074 n. 11, 108 L.Ed.2d 222 (1990) (Brennan, J., dissenting) (arguing that the Fourth Amendment may be applied extraterritorially, in part, because it does not contain an "express territorial limitation[]").

⁷ *De Lima v. Bidwell*, 182 U.S. 1, 21 S.Ct. 743, 45 L.Ed. 1041 (1901); *Dooley v. United States*, 182 U.S. 222, 21 S.Ct. 762, 45 L.Ed. 1074 (1901); *Armstrong v. United States*, 182 U.S. 243, 21 S.Ct. 827, 45 L.Ed. 1086 (1901); and *Downes v. Bidwell*, 182 U.S. 244, 21 S.Ct. 770, 45 L.Ed. 1088 (1901).

⁸ Congress, under the Act of February 21, 1871, ch. 62, § 34, 16 Stat. 419, 426, expressly extended the Constitution and federal laws to the District of Columbia. See *Downes*, 182 U.S. at 261, 21 S.Ct. at 777 (stating that the "mere cession of the District of Columbia" from portions of Virginia and Maryland did not "take [the District of Columbia] out of the United States or from under the aegis of the Constitution.").

1 Petitioner, notwithstanding this line of Supreme Court authority since the *Insular Cases*, argues that the
2 Fourteenth Amendment codified English common law principles that birth within the territory or dominion of a
3 sovereign confers citizenship. Because the United States exercised complete sovereignty over the Philippines
4 during its territorial period, petitioner asserts that she is therefore a citizen by virtue of her birth within the
5 territory and dominion of the United States. **Petitioner argues that the term "the United States" in the**
6 **Fourteenth Amendment should be interpreted to mean "within the dominion or territory of the United States."**
7 *Rabang*, 35 F.3d at 1459 (Pregerson, J., dissenting); see *United States v. Wong Kim Ark*, 169 U.S. 649, 693, 18
8 S.Ct. 456, 473-74, 42 L.Ed. 890 (1898) (relying on the English common law and holding that the Fourteenth
9 Amendment "affirms the ancient and fundamental rule of citizenship by birth within the territory, in the allegiance
10 and under the protection of the country" (emphasis added)); *Inglis v. Sailors' Snug Harbour*, 28 U.S. (3 Pet.) 99,
11 155, 7 L.Ed. 617 (1830) (Story, J., concurring and dissenting) (citizenship is conferred by "birth locally within
12 the dominions of the sovereign; and ... birth within the protection and obedience ... of the sovereign").

13 We decline petitioner's invitation to construe *Wong Kim Ark* and *Inglis* so expansively. Neither case is reliable
14 authority for the citizenship principle petitioner would have us adopt. The issue in *Wong Kim Ark* was whether a
15 child born to alien parents in the United States was a citizen under the Fourteenth Amendment. That the child
16 was born in San Francisco was undisputed and "it [was therefore] unnecessary to define 'territory' rigorously or
17 decide whether 'territory' in its broader sense (i.e. outlying land subject to the jurisdiction of this country) meant
18 'in the United States' under the Citizenship Clause." *Rabang*, 35 F.3d at 1454.⁹ Similarly, in *Inglis*, a pre-
19 Fourteenth Amendment decision, the Court considered whether a person, born in the colonies prior to the
20 Declaration of Independence, whose parents remained loyal to England and left the colonies after independence,
21 was a United States citizen for the purpose of inheriting property in the United States. Because the person's birth
22 within the colonies was undisputed, it was unnecessary in that case to consider the territorial scope of common
23 law citizenship.

24 **The question of the Fourteenth Amendment's territorial scope was not before the Court in Wong Kim Ark or**
25 **Inglis and we will not construe the Court's statements in either case as establishing the citizenship principle**
26 **that a person born in the outlying territories of the United States is a United States citizen under the Fourteenth**
27 **Amendment.** See *Rabang*, 35 F.3d at 1454. "[G]eneral expressions, in every opinion, are to be taken in
28 connection with the case in which those expressions are used. If they go beyond the case, they may be respected,
29 but ought not to control the judgment in a subsequent suit when the very point is presented for decision." *Cohens*
30 *v. Virginia*, 19 U.S. (6 Wheat.) 264, 399, 5 L.Ed. 257 (1821) (Marshall, C.J.).

31 **In sum, persons born in the Philippines during its status as a United States territory were not "born ... in the**
32 **United States" under the Fourteenth Amendment.** *Rabang*, 35 F.3d at 1453 (Fourteenth Amendment has an
33 "express territorial limitation which prevents its extension to every place over which the government exercises its
34 sovereignty."). Petitioner is therefore not a United States citizen by virtue of her birth in the Philippines during
35 its territorial period.

36 Petitioner makes several additional arguments that we address and dispose of quickly. First, contrary to
37 petitioner's argument, **Congress' classification of the inhabitants of the Philippines as "nationals" during the**
38 **Philippines' territorial period did not violate the Thirteenth Amendment.** The Thirteenth Amendment
39 "proscribe[s] conditions of enforced compulsory service of one to another." *Jobson v. Henne*, 355 F.2d. 129,
40 131 (2d Cir.1966) (quoting *Hodges v. United States*, 203 U.S. 1, 16, 27 S.Ct. 6, 8, 51 L.Ed. 65 (1906)).

41 **Furthermore, contrary to petitioner's argument, Congress had the authority to classify her as a "national"**
42 **and then reclassify her as an alien to whom the United States immigration laws would apply. Congress'**
43 **authority to determine petitioner's political and immigration status was derived from three sources. Under the**
44 **Constitution, Congress has authority to "make all needful Rules and Regulations respecting the Territory ...**
45 **belonging to the United States," see U.S. Const. art. IV, § 3, cl. 2, and "[t]o establish an uniform Rule of**
46 **Naturalization," id. art. I, § 8, cl.4. The Treaty of Paris provided that "the civil rights and political status of**
47 **the native inhabitants ... shall be determined by Congress." Treaty of Paris, supra, art. IX, 30 Stat. at 1759.**
48 **This authority was confirmed in Downes where the Supreme Court stated that the "power to acquire territory**
49 **by treaty implies not only the power to govern such territory, but to prescribe upon what terms the United States**
50 **will receive its inhabitants, and what their status shall be."** *Downes*, 182 U.S. at 279, 21 S.Ct. at 784; see *Rabang*
51 *v. Boyd*, 353 U.S. 427, 432, 77 S.Ct. 985, 988, 1 L.Ed.2d. 956 (1957) (rejecting argument that Congress did not
52 have authority to alter the immigration status of persons born in the Philippines).

53 **Congress' reclassification of Philippine "nationals" to alien status under the Philippine Independence Act**
54 **was not tantamount to a "collective denaturalization" as petitioner contends.** See *Afroyim v. Rusk*, 387 U.S.
55 253, 257, 87 S.Ct. 1660, 1662, 18 L.Ed.2d. 757 (1967) (**holding that Congress has no authority to revoke United**
56 **States citizenship).** *Philippine "nationals" of the United States were not naturalized United States citizens.* See
57 *Manlangit v. INS*, 488 F.2d. 1073, 1074 (4th Cir.1973) (**holding that Afroyim addressed the rights of a**

⁹ This point is well illustrated by the Court's ambiguous pronouncements on the territorial scope of common law citizenship. See *Rabang*, 35 F.3d at 1454; compare *Wong Kim Ark*, 169 U.S. at 658, 18 S.Ct. at 460 (under the English common law, "every child born in England of alien parents was a natural-born subject" (emphasis added)), and *id.* at 661, 18 S.Ct. at 462 ("Persons who are born in a country are generally deemed citizens and subjects of that country." (citation and internal quotation marks omitted; emphasis added)), with *id.* at 667, 18 S.Ct. at 464 (citizenship is conferred by "birth within the dominion").

1 *naturalized American citizen and therefore does not stand as a bar to Congress' authority to revoke the non-*
2 *citizen, "national" status of the Philippine inhabitants).*
3 *[Valmonte v. I.N.S., 136 F.3d. 914 (C.A.2, 1998)]*

4 **8.6 Meaning of “United States” in various contexts within the U.S. Code**

5 **8.6.1 Tabular summary**

6 Next, we must conclusively determine which “United States” is implicated in various key sections of the U.S. Code and
7 supporting regulations. Below is a tabular list that describes its meaning in various contexts, the reason why we believe that
8 meaning applies, and the authorities that prove it.

1 **Table 2: Meaning of "United States" in various contexts**

#	Code section	Term	Meaning	Authorities	Reason
1	8 U.S.C. §1101(a)(38)	Geographical "United States" defined	United States**	8 U.S.C. §1101(a)(36) defines "State" to EXCLUDE constitutional states.	
2	8 U.S.C. §1101(a)(38)	"continental United States"	United States**		
3	8 U.S.C. §1101(a)(22)	"national of the United States" defined	United States**		Allegiance is not territorial, but political.
4	8 U.S.C. §1101(a)(22)(A)	"citizen of the United States" referenced	United States**		Uses the same phrase as 8 U.S.C. §1421 and therefore must be the same.
5	8 U.S.C. §1101(a)(22)(B)	"a person who, though not a citizen of the United States, owes permanent allegiance to the United States"	United States**	Marquez-Almanzar v. INS, 418 F.3d. 210 (2005) Oliver v. INS, 517 F.2d. 426, 427 (2d Cir.1975)	Allegiance is not territorial, but political.
6	8 U.S.C. §1401	"national and citizen of the United States at birth" defined	United States**	Rogers v. Bellei, 401 U.S. 815 (1971)	"citizen" in this section is a revocable privilege. Rights cannot be revoked but privileges can.
7	8 U.S.C. §1408	"non-citizen national of the United States at birth" defined	United States**	Tuaua v. U.S.A, 951 F.Supp.2d. 88 (2013)	
8	8 U.S.C. §1421	"citizens of the United States" referenced	United States***	Eche v. Holder, 694 F.3d. 1026 (2012)	Naturalization is available ONLY in states of the Union or the "United States". Not available in unincorporated territories. Territorial citizens have to travel to constitutional states to be naturalized and become state nationals.
9	8 U.S.C. §1452(a)	"United States citizenship"	United States**	Earley v. Hershey Transit Co., D.C. Pa., 55 F.Supp. 981, 982 Standard Stoker Co. v. Lower, D.C.Md., 46 F.2d. 678, 683	
10	8 U.S.C. §1452(b)	"non-citizen national" referenced	United States**	Black's Law Dictionary, Sixth Edition, p. 517 ("ejusdem generis") Campbell v. Board of Dental Examiners, 53 Cal.App.3d. 283, 125 Cal.Rptr. 694, 696	
11	8 C.F.R. §215.1(e)	"United States" defined for "aliens" ONLY	United States*		Section refers to departing aliens, which Congress has jurisdiction over throughout the country. U.S. Const. Art. 1, Section 8, Clause 4
12	Fourteenth Amendment	"citizen of the United States"	United States***	Downes v. Bidwell, 182 U.S. 244 (1901) O'Donoghue v. United States, 289 U.S. 516, 53 S.Ct. 740 (1933)	Geographical "United States" in the contexts means states of the Union and excludes federal territory. See <i>Why the Fourteenth Amendment is Not a Threat to Your Freedom</i> , Form #08.015
13	26 C.F.R. §1.1-1(c)	"citizen"	United States**	8 U.S.C. §1401	26 C.F.R. §1.1-1(c) says "subject to IT'S jurisdiction" rather than "subject to THE jurisdiction". It also references 8 U.S.C. §1401.
14	26 U.S.C. §7701(a)(30)	"citizen" in the context of Title 26	United States**	26 C.F.R. §1.1-1(c) 26 U.S.C. §7701(a)(9) and (a)(10)	"United States" for the purposes of 26 U.S.C. §7701(a)(9) and (a)(10) and 4 U.S.C. §110(d) do not include constitutional states. Therefore this citizen is domiciled on federal territory not within a constitutional state.

2

1 **8.6.2 Supporting evidence**

2 Below is a list of the content of some of the above authorities showing the meaning of each status:

- 3 1. Geographical “United States***”, 8 U.S.C. §1101(a)(38).

4 [TITLE 8 > CHAPTER 12 > SUBCHAPTER I > Sec. 1101. \[Aliens and Nationality\]](#)
5 [Sec. 1101. - Definitions](#)

6 (a)(36): State [Aliens and Nationality]

7 The term "State" includes the District of Columbia, Puerto Rico, Guam, and the Virgin Islands of the United
8 States.

- 9 2. “continental United States***”, 8 U.S.C. §1101(a)(38).

10 [TITLE 8 > CHAPTER 12 > SUBCHAPTER I > Sec. 1101. \[Aliens and Nationality\]](#)
11 [Sec. 1101. - Definitions](#)

12 (a)(38) The term "United States", except as otherwise specifically herein provided, when used in a geographical
13 sense, means the [continental United States](#), Alaska, Hawaii, Puerto Rico, Guam, and the Virgin Islands of the
14 United States.

- 15 3. “citizen of the United States***”, 8 U.S.C. §1101(a)(22)(A).

16 ***“Like the constitutional clauses at issue in Rabang and Downes, the Naturalization Clause is expressly limited***
17 ***to the “United States[***].” This limitation “prevents its extension to every place over which the government***
18 ***exercises its sovereignty.” Rabang, 35 F.3d. at 1453. Because the Naturalization Clause did not follow the flag***
19 ***to the CNMI when Congress approved the Covenant, the Clause does not require us to apply federal immigration***
20 ***law to the CNMI prior to the CNRA’s transition date.***

21 *The district court correctly granted summary judgment on the merits to the government Defendants. Eche and Lo*
22 *may, of course, submit new applications for naturalization once they have satisfied the statutory requirements.”*
23 *[Eche v. Holder, 694 F.3d. 1026]*

- 24 4. “a person who, though not a citizen of the United States, owes permanent allegiance to the United States”, 8
25 U.S.C. §1101(a)(22)(B).

26 *We have previously indicated that Marquez-Almanzar’s construction of § 1101(a)(22)(B) is erroneous, but have*
27 *not addressed the issue at length. In Oliver v. INS, 517 F.2d. 426, 427 (2d Cir.1975) (per curiam), the petitioner,*
28 *as a defense to deportation, argued that she qualified as a U.S. [*] national under § 1101(a)(22) (B) because she*
29 *had resided exclusively in the United States for twenty years, and thus “owe[d] allegiance” to the United*
30 *States[*]. Without extensively analyzing the statute, we found that the petitioner could not be “a `national’ as that*
31 *term is understood in our law.” Id. We pointed out that the petitioner still owed allegiance to Canada (her country*
32 *of birth and citizenship) because she had not taken the U.S. naturalization oath, to “renounce and abjure*
33 *absolutely and entirely all allegiance and fidelity to any [foreign state of] ... which the petitioner was before a*
34 *subject or citizen.” Id. at 428 (quoting INA §337(a)(2), 8 U.S.C. §1448(a)(2)). In making this observation, we*
35 *did not suggest that the petitioner in Oliver could have qualified as a U.S. [*] national by affirmatively renouncing*
36 *her allegiance to Canada or otherwise swearing “permanent allegiance” to the United States. In fact, in the*
37 *following sentence we said that Title III, Chapter 1 of the INA9 “indicates that, **with a few exceptions not***
38 ***here pertinent, one can satisfy [8 U.S.C. §1101(a)(22)(B)] only at birth; thereafter the***
39 ***road lies through naturalization, which leads to becoming a citizen and not merely a `national.’”10 Id.***
40 ***at 428.***

41 *Our conclusion in Oliver, which we now reaffirm, is consistent with the clear meaning of 8 U.S.C.*
42 *§1101(a)(22)(B), read in the context of the general statutory scheme. The provision is a subsection of 8 U.S.C.*
43 *§1101(a). **Section 1101(a) defines various terms as they are used in our immigration and***
44 ***nationality laws, U.S.Code tit. 8, ch. 12, codified at 8 U.S.C. §§1101-1537. The***
45 ***subsection’s placement indicates that it was designed to describe the attributes of a***
46 ***person who has already been deemed a non-citizen national elsewhere in Chapter 12 of***
47 ***the U.S.Code, rather than to establish a means by which one may obtain that status. For***
48 ***example, 8 U.S.C. §1408, the only statute in Chapter 12 expressly conferring “non-citizen national” status on***
49 ***anyone, describes four categories of persons who are “nationals, but not citizens, of the United States[***] at***
50 ***birth.” All of these categories concern persons who were either born in an “outlying possession” of the United***

States[**], see 8 U.S.C. §1408(1), or "found" in an "outlying possession" at a young age, see id. § 1408(3), or who are the children of non-citizen nationals, see id. §§ 1408(2) & (4).¹¹ Thus, § 1408 establishes a category of persons who qualify as non-citizen nationals; those who qualify, in turn, are described by § 1101(a)(22)(B) as owing "permanent allegiance" to the United States[*]. In this context the term "permanent allegiance" merely describes the nature of the relationship between non-citizen nationals and the United States, a relationship that has already been created by another statutory provision. See *Barber v. Gonzales*, 347 U.S. 637, 639, 74 S.Ct. 822, 98 L.Ed. 1009 (1954) ("It is conceded that respondent was born a national of the United States; that as such he owed permanent allegiance to the United States...."); cf. *Philippines Independence Act of 1934*, § 2(a)(1), Pub.L. No. 73-127, 48 Stat. 456 (requiring the Philippines to establish a constitution providing that "pending the final and complete withdrawal of the sovereignty of the United States[,] ... [a]ll citizens of the Philippine Islands shall owe allegiance to the United States").

Other parts of Chapter 12 indicate, as well, that §1101(a)(22) (B) describes, rather than confers, U.S. [*] nationality. The provision immediately following § 1101(a)(22) defines "naturalization" as "the conferring of nationality of a state upon a person after birth, by any means whatsoever." 8 U.S.C. §1101(a)(23) . If *Marquez-Almanzar* were correct, therefore, one would expect to find "naturalization by a demonstration of permanent allegiance" in that part of the U.S.Code entitled "Nationality Through Naturalization," see INA tit. 8, ch. 12, subch. III, pt. II, codified at 8 U.S.C. §§1421-58. Yet nowhere in this elaborate set of naturalization requirements (which contemplate the filing by the petitioner, and adjudication by the Attorney General, of an application for naturalization, see, e.g., 8 U.S.C. §§1427, 1429), did Congress even remotely indicate that a demonstration of "permanent allegiance" alone would allow, much less require, the Attorney General to confer U.S. national status on an individual.

Finally, the interpretation of the statute underlying our decision in *Oliver* comports with the historical meaning of the term "national" as it is used in Chapter 12. The term (which as §§ 1101(a)(22)(B) American War, namely the Philippines, Guam, and Puerto Rico in the early twentieth century, who were not granted U.S. [*] citizenship, yet were deemed to owe "permanent allegiance" to the United States[***] and recognized as members of the national community in a way that distinguished them from aliens. See 7 *Charles Gordon et al.*, *Immigration Law and Procedure*, §91.01[3] (2005); see also *Rabang v. Boyd*, 353 U.S. 427, 429-30, 77 S.Ct. 985, 1 L.Ed.2d. 956 (1957) ("The Filipinos, as nationals, owed an obligation of permanent allegiance to this country. . . . In the [Philippine Independence Act of 1934], the Congress granted full and complete independence to [the Philippines], and necessarily severed the obligation of permanent allegiance owed by Filipinos who were nationals of the United States.").** The term "non-citizen national" developed within a specific historical context and denotes a particular legal status. **The phrase "owes permanent allegiance" in § 1101(a)(22)(B) is thus a term of art that denotes a legal status for which individuals have never been able to qualify by demonstrating permanent allegiance, as that phrase is colloquially understood.**¹² [*Marquez-Almanzar v. INS*, 418 F.3d. 210 (2005)]

5. "national and citizen of the United States** at birth", 8 U.S.C. §1401. See Form #05.006, Section 5.1.

The Court today holds that the Citizenship Clause of the Fourteenth Amendment has no application to Bellei. The Court first notes that Afroyim was essentially a case construing the Citizenship Clause of the Fourteenth Amendment. Since the Citizenship Clause declares that: 'All persons born or naturalized in the United States[***] are citizens of the United States[***].' the Court reasons that the protections against involuntary expatriation declared in *Afroyim* do not protect all American citizens, but only those 'born or naturalized in the United States.' *Afroyim*, the argument runs, was naturalized in this country so he was protected by the Citizenship Clause, but *Bellei*, since he acquired his American citizenship at birth in Italy as a foreignborn child of an American citizen, was neither born nor naturalized in the United States[***] and, hence, falls outside the scope of the Fourteenth Amendment guarantees declared in *Afroyim*. One could hardly call this a generous reading of the great purposes the Fourteenth Amendment was adopted to bring about.

While conceding that Bellei is an American citizen, the majority states: 'He simply is not a Fourteenth-Amendment-first-sentence citizen.' Therefore, the majority reasons, the congressional revocation of his citizenship is not barred by the Constitution. **I cannot accept the Court's conclusion that the Fourteenth Amendment protects the citizenship of some Americans and not others.**

[. . .]

The Court today puts aside the Fourteenth Amendment as a standard by which to measure congressional action with respect to citizenship, and substitutes in its place the majority's own vague notions of 'fairness.' The majority takes a new step with the recurring theme that the test of constitutionality is the Court's own view of what is 'fair, reasonable, and right.' Despite the concession that Bellei was admittedly an American citizen, and despite the holding in *Afroyim* that the Fourteenth Amendment has put citizenship, once conferred, beyond the power of Congress to revoke, the majority today upholds the revocation of Bellei's citizenship on the ground

1 that the congressional action was not 'irrational or arbitrary or unfair.' The majority applies the 'shock-the-
2 conscience' test to uphold, rather than strike, a federal statute. It is a dangerous concept of constitutional law
3 that allows the majority to conclude that, because it cannot say the statute is 'irrational or arbitrary or unfair,'
4 the statute must be constitutional.

5 [. . .]

6 Since the Court this Term has already downgraded citizens receiving public welfare, *Wyman v. James*, 400 U.S.
7 309, 91 S.Ct. 381, 27 L.Ed.2d. 408 (1971), and citizens having the misfortune to be illegitimate, *Labine v. Vincent*,
8 401 U.S. 532, 91 S.Ct. 1917, 28 L.Ed.2d. 288, I suppose today's decision downgrading citizens born outside the
9 United States should have been expected. Once again, as in *James* and *Labine*, the Court's opinion makes evident
10 that its holding is contrary to earlier decisions. Concededly, petitioner was a citizen at birth, not by constitutional
11 right, but only through operation of a federal statute.
12 [*Rogers v. Bellei*, 401 U.S. 815 (1971)]

13 6. "non-citizen national of the United States** at birth", 8 U.S.C. §1408.

14 Having jurisdiction, the Court turns to defendants' motion to dismiss under Rule 12(b)(6) for failure to state a
15 claim. Plaintiffs' claims all hinge upon one legal assertion:

16 the Citizenship Clause guarantees the citizenship of people born in American Samoa. Defendants argue that
17 this assertion must be rejected in light of the Constitution's plain language, rulings from the Supreme Court and
18 other federal courts, longstanding historical practice, and pragmatic considerations. See generally Defs.' Mem.;
19 Gov't's Reply in Supp. of Their Mot. to Dismiss ("Defs.' Reply") [Dkt. # 20]; Amicus Br. Unfortunately for the
20 plaintiffs, I agree. The Citizenship Clause does not guarantee birthright citizenship to American Samoans. As
21 such, for the following reasons, I must dismiss the remainder of plaintiffs' claims.

22 The Citizenship Clause of the Fourteenth Amendment provides that "[a]ll persons born or naturalized in the
23 United States and subject to the jurisdiction thereof, are citizens of the United States[***] and of the State
24 wherein they reside." U.S. Const. amend. XIV, section 1. Both parties seem to agree that American Samoa is
25 "subject to the jurisdiction" of the United States, and other courts have concluded as much. See Pls.' Opp'n at
26 2; Defs.' Mem. at 14 (citing *Rabang* as noting that the territories are "subject to the jurisdiction" of the United
27 States). But to be covered by the Citizenship Clause, a person must be born or naturalized "in the United States
28 and subject to the jurisdiction thereof." Thus, the key question becomes whether American Samoa qualifies
29 as a part of the "United States" as that is used within the Citizenship Clause.⁸

30 The Supreme Court famously addressed the extent to which the Constitution applies in territories in a series of
31 cases known as the Insular Cases.⁹ In these cases, the Supreme Court contrasted "incorporated" territories those
32 lands expressly made part of the United States by an act of Congress with "unincorporated territories" that had
33 not yet become part of the United States and were not on a path toward statehood. See, e.g., *Downes*, 182 U.S. at
34 312; *Dorr v. United States*, 195 U.S. 138, 143 (1904); see also *United States v. Verdugo-Urquidez*, 494 U.S. 259,
35 268 (1990); *Eche v. Holder*, 694 F.3d. 1026, 1031 (9th Cir. 2012) (citing *Boumediene v. Bush*, 553 U.S. 723, 757-
36 58 (2008)).¹⁰ In an unincorporated territory, the Insular Cases held that only certain "fundamental"
37 constitutional rights are extended to its inhabitants. *Dorr*, 195 U.S. 148-49; *Balzac v. Porto Rico*, 258 U.S. 298,
38 312 (1922); see also *Verdugo-Urquidez*, 494 U.S. at 268. While none of the Insular Cases directly addressed
39 the Citizenship Clause, they suggested that citizenship was not a "fundamental" right that applied to
40 unincorporated territories.¹¹

41 For example, in the Insular Case of *Downes v. Bidwell*, the Court addressed, via multiple opinions, whether the
42 Revenue Clause of the Constitution applied in the unincorporated territory of Puerto Rico. In an opinion for the
43 majority, Justice Brown intimated in dicta that citizenship was not guaranteed to unincorporated territories. See
44 *Downes*, 182 U.S. at 282 (suggesting that citizenship and suffrage are not "natural rights enforced in the
45 Constitution" but rather rights that are "unnecessary to the proper protection of individuals."). He added that
46 "it is doubtful if Congress would ever assent to the annexation of territory upon the condition that its
47 inhabitants, however foreign they may be to our habits, traditions, and modes of life, shall become at once
48 citizens of the United States." *Id.* at 279-80. He also contrasted the Citizenship Clause with the language of
49 the Thirteenth Amendment, which prohibits slavery "within the United States[***], or in any place subject to
50 their jurisdiction." *Id.* at 251 (emphasis added). He stated:

51 [T]he 14th Amendment, upon the subject of citizenship, declares only that "all persons born or naturalized in
52 the United States, and subject to the jurisdiction thereof, are citizens of the United States, and of the state
53 wherein they reside." Here there is a limitation to persons born or naturalized in the United States, which is
54 not extended to persons born in any place "subject to their jurisdiction."

55 *Id.* (emphasis added). In a concurrence, Justice White echoed this sentiment, arguing that the practice of
56 acquiring territories "could not be practically exercised if the result would be to endow the inhabitants with
57 citizenship of the United States." *Id.* at 306.

1 Plaintiffs rightly note that Downes did not possess a singular majority opinion and addressed the right to
2 citizenship only in dicta. Pls.' Opp'n at 25-27. But in the century since Downes and the Insular Cases were
3 decided, no federal court has recognized birthright citizenship as a guarantee in unincorporated territories. To
4 the contrary, the Supreme Court has continued to suggest that citizenship is not guaranteed to people born in
5 unincorporated territories. For example, in a case addressing the legal status of an individual born in the
6 Philippines while it was a territory, the Court noted without objection or concern that "persons born in the
7 Philippines during [its territorial period] were American nationals" and "until 1946, [could not] become
8 United States citizens. Barber v. Gonzales, 347 U.S. 637, 639 n.1 (1954). Again, in Miller v. Albright, 523 U.S.
9 420, 467 n.2 (1998), Justice Ginsberg noted in her dissent that "the only remaining noncitizen nationals are
10 residents of American Samoa and Swains Island" and failed to note anything objectionable about their
11 noncitizen national status. More recently, in Boumediene v. Bush, the Court reexamined the Insular Cases in
12 holding that the Constitution's Suspension Clause applies in Guantanamo Bay, Cuba. 553 U.S. 723, 757-59
13 (2008). The Court noted that the Insular Cases "devised . . . a doctrine that allowed [the Court] to use its power
14 sparingly and where it would most be needed. This century-old doctrine informs our analysis in the present
15 matter." Id. at 759.

16 [. . .]

17 Indeed, other federal courts have adhered to the precedents of the Insular Cases in similar cases involving
18 unincorporated territories. For example, the Second, Third, Fifth, and Ninth Circuits have held that the term
19 "United States" in the Citizenship Clause did not include the Philippines during its time as an unincorporated
20 territory. See generally Nolos v. Holder, 611 F.3d. 279 (5th Cir. 2010); Valmonte v. I.N.S., 136 F.3d. 914 (2d
21 Cir. 1998); Lacap v. I.N.S., 138 F.3d. 518 (3d Cir. 1998); Rabang, 35 F.3d. 1449. These courts relied
22 extensively upon Downes to assist with their interpretation of the Citizenship Clause. See Nolos, 611 F.3d. at
23 282-84; Valmonte, 136 F.3d. at 918-21; Rabang, 35 F.3d. at 1452-53. Indeed, one of my own distinguished
24 colleagues in an earlier decision cited these precedents to reaffirm that the Citizenship Clause did not include
25 the Philippines during its territorial period. See Licudine v. Winter, 603 F.Supp.2d. 129, 132-34 (D.D.C. 2009)
26 (Robinson, J.).12

27 [. . .]

28 Finally, this Court is mindful of the years of past practice in which territorial citizenship has been treated as a
29 statutory [PRIVILEGE!], and not a constitutional, right. In the unincorporated territories of Puerto Rico,
30 Guam, the U.S. Virgin Islands, and the Northern Mariana Islands, birthright citizenship was conferred upon
31 their inhabitants by various statutes many years after the United States acquired them. See Amicus Br. at 10-
32 11. If the Citizenship Clause guaranteed birthright citizenship in unincorporated territories, these statutes
33 would have been unnecessary. While longstanding practice is not sufficient to demonstrate constitutionality,
34 such a practice requires special scrutiny before being set aside. See, e.g., Jackman v. Rosenbaum Co., 260 U.S.
35 22, 31 (1922) (Holmes, J.) ("If a thing has been practiced for two hundred years by common consent, it will need
36 a strong case for the Fourteenth Amendment to affect it[.]."); Walz v. Tax Comm'n, 397 U.S. 664, 678 (1970) ("It
37 is obviously correct that no one acquires a vested or protected right in violation of the Constitution by long use .
38 . . . Yet an unbroken practice . . . is not something to be lightly cast aside."). And while Congress cannot take
39 away the citizenship of individuals covered by the Citizenship Clause, it can bestow citizenship upon those not
40 within the Constitution's breadth. See U.S. Const, art. IV, § 3, cl. 2 ("Congress shall have Power to dispose of
41 and make all needful Rules and Regulations respecting the Territory belonging to the United States[**]."); id. at
42 art. I, § 8, cl. 4 (Congress may "establish an uniform Rule of Naturalization . . ."). To date, Congress has not
43 seen fit to bestow birthright citizenship upon American Samoa, and in accordance with the law, this Court must
44 and will respect that choice.16
45 [Tuaua v. U.S.A, 951 F.Supp.2d. 88 (2013)]

46 7. "citizen of the United States***" for the purposes of naturalization, 8 U.S.C. §1421.

47 *Eche and Lo* rely on this observation, but our decision in *Rodiek* did not turn on any constitutional issue.
48 Moreover, because Hawaii was an incorporated territory, our observation about the Naturalization Clause must
49 be read in that context. The CNMI [Commonwealth of the Northern Mariana Islands] is not an incorporated
50 territory. While the Covenant is silent as to whether the CNMI is an unincorporated territory, and while we
51 have observed that it may be some third category, the difference is not material here because the Constitution
52 has "no greater" force in the CNMI "than in an unincorporated territory." *Comm. of Northern Mariana Islands*
53 *v. Atalig*, 723 F.2d. 682, 691 n. 28 (9th Cir.1984); see *Wabol v. Villacrusis*, 958 F.2d. 1450, 1459 n. 18 (9th
54 Cir.1990). The Covenant extends certain clauses of the United States Constitution to the CNMI, but the
55 Naturalization Clause is not among them. See Covenant §501, 90 Stat. at 267. The Covenant provides that the
56 other clauses of the Constitution "do not apply of their own force," even though they may apply with the mutual
57 consent of both governments. *Id*

58 The Naturalization Clause does not apply of its own force and the governments have not consented to its
59 applicability. The Naturalization Clause has a geographic limitation: it applies "throughout the United
60 States[***]." The federal courts have repeatedly construed similar and even identical language in other clauses
61 to include states and incorporated territories, but not unincorporated territories. In *Downes v. Bidwell*, 182
62 U.S. 244, 21 S.Ct. 770, 45 L.Ed. 1088 (1901), one of the *Insular Cases*, the Supreme Court held that the

1 *Revenue Clause's identical explicit geographic limitation, "throughout the United States[***]," did not include*
2 *the unincorporated territory of Puerto Rico, which for purposes of that Clause was "not part of the United*
3 *States[***]." Id. at 287, 21 S.Ct. 770. The Court reached this sensible result because unincorporated territories*
4 *are not on a path to statehood. See Boumediene v. Bush, 553 U.S. 723, 757–58, 128 S.Ct. 2229, 171 L.Ed.2d.*
5 *41 (2008) (citing Downes, 182 U.S. at 293, 21 S.Ct. 770). In Rabang v. I.N.S., 35 F.3d. 1449 (9th Cir.1994),*
6 *this court held that the Fourteenth Amendment's limitation of birthright citizenship to those "born ... in the*
7 *United States" did not extend citizenship to those born in the Philippines during the period when it was an*
8 *unincorporated territory. U.S. Const., 14th Amend., cl. 1; see Rabang, 35 F.3d. at 1451. Every court to have*
9 *construed that clause's geographic limitation has agreed. See Valmonte v. I.N.S., 136 F.3d. 914, 920–21 (2d*
10 *Cir.1998); Lacap v. I.N.S., 138 F.3d. 518, 519 (3d Cir.1998); Licudine v. Winter, 603 F.Supp.2d. 129, 134*
11 *(D.D.C.2009).*

12 *Like the constitutional clauses at issue in Rabang and Downes, the Naturalization Clause is expressly limited*
13 *to the "United States." This limitation "prevents its extension to every place over which the government*
14 *exercises its sovereignty." Rabang, 35 F.3d. at 1453. Because the Naturalization Clause did not follow the flag*
15 *to the CNMI when Congress approved the Covenant, the Clause does not require us to apply federal immigration*
16 *law to the CNMI prior to the CNRA's transition date.*

17 *The district court correctly granted summary judgment on the merits to the government Defendants. Eche and Lo*
18 *may, of course, submit new applications for naturalization once they have satisfied the statutory requirements.*
19 *[Eche v. Holder, 694 F.3d. 1026]*

- 20 8. "United States** citizenship", 8 U.S.C. §1452(a). The "domicile" used in connection with federal statutes can only
21 mean federal territory not within any state because of the separation of powers. Therefore "United States" can only
22 mean "United States***".

23 *"Domicile and citizen are synonymous in federal courts, Earley v. Hershey Transit Co., D.C. Pa., 55 F.Supp.*
24 *981, 982; inhabitant, resident and citizen are synonymous, Standard Stoker Co. v. Lower, D.C.Md., 46 F.2d. 678,*
25 *683."*
26 *[Black's Law Dictionary, Fourth Edition, p. 311]*

27 *The terms "citizen" and "citizenship" are distinguishable from "resident" or "inhabitant." Jeffcott v. Donovan,*
28 *C.C.A.Ariz., 135 F.2d. 213, 214; and from "domicile," Wheeler v. Burgess, 263 Ky. 693, 93 S.W.2d. 351, 354;*
29 *First Carolinas Joint Stock Land Bank of Columbia v. New York Title & Mortgage Co., D.C.S.C., 59 F.2d. 350,*
30 *351. The words "citizen" and citizenship," however, usually include the idea of domicile, Delaware, L. & W.R.*
31 *Co. v. Petrowsky, C.C.A.N.Y., 250 F. 554, 557; citizen inhabitant and resident often synonymous, Jonesboro*
32 *Trust Co. v. Nutt, 118 Ark. 368, 176 S.W. 322, 324; Edgewater Realty Co. v. Tennessee Coal, Iron & Railroad*
33 *Co., D.C.Md., 49 F.Supp. 807, 809; and citizenship and domicile are often synonymous. Messick v. Southern Pa.*
34 *Bus Co., D.C.Pa., 59 F.Supp. 799, 800.*
35 *[Black's Law Dictionary, Fourth Edition, p. 310]*

36 *"Citizenship and domicile are substantially synonymous. Residency and inhabitation are too often confused with*
37 *the terms and have not the same significance. Citizenship implies more than residence. It carries with it the idea*
38 *of identification with the state and a participation in its functions. As a citizen, one sustains social, political, and*
39 *moral obligation to the state and possesses social and political rights under the Constitution and laws thereof.*
40 *Harding v. Standard Oil Co. et al. (C.C.), 182 F. 421; Baldwin v. Franks, 120 U.S. 678, 7 S.Ct. 763, 32 L.Ed.*
41 *766; Scott v. Sandford, 19 How. 393, 476, 15 L.Ed. 691."*
42 *[Baker v. Keck, 13 F.Supp. 486 (1936)]*

43 *"The term 'citizen', as used in the Judiciary Act with reference to the jurisdiction of the federal courts, is*
44 *substantially synonymous with the term 'domicile'. Delaware, L. & W.R. Co. v. Petrowsky, 2 Cir., 250 F. 554,*
45 *557."*
46 *[Earley v. Hershey Transit Co., 55 F.Supp. 981, D.C.PA. (1944)]*

- 47 9. "non-citizen national" or "U.S.** non-citizen national", 8 U.S.C. §1452(b). Uses the same "United States***" as that
48 found in 8 U.S.C. §1452(a). Otherwise, the ejusdem generis rule is violated.

49 *"Ejusdem generis. Of the same kind, class, or nature. In the construction of laws, wills, and other instruments,*
50 *the "ejusdem generis rule" is, that where general words follow an enumeration of persons or things, by words of*
51 *a particular and specific meaning, such general words are not to be construed in their widest extent, but are to*
52 *be held as applying only to persons or things of the same general kind or class as those specifically mentioned.*
53 *U.S. v. LaBrecque, D.C. N.J., 419 F.Supp. 430, 432. The rule, however, does not necessarily require that the*
54 *general provision be limited in its scope to the identical things specifically named. Nor does it apply when the*
55 *context manifests a contrary intention.*

56 *Under "ejusdem generis" canon of statutory construction, where general words follow the enumeration of*
57 *particular classes of things, the general words will be construed as applying only to things of the same general*
58 *class as those enumerated. Campbell v. Board of Dental Examiners, 53 Cal.App.3d. 283, 125 Cal.Rptr. 694, 696."*

10. "United States**", 8 C.F.R. §215.1(e). Definition is not identified as geographical, and therefore is political. "subject to THE jurisdiction" is political per .

8 C.F.R. §215.1 Definitions.
Title 8 - Aliens and Nationality

(e) The term United States[*] means the several States, the District of Columbia, the Canal Zone, Puerto Rico, the Virgin Islands, Guam, American Samoa, Swains Island, the Trust Territory of the Pacific Islands, and all other territory and waters, continental and insular, subject to the jurisdiction of the United States[*].

"This section contemplates two sources of citizenship, and two sources only,—birth and naturalization. The persons declared to be citizens are 'all persons born or naturalized in the United States, and **subject to the jurisdiction thereof.**' The evident meaning of these last words is, not merely subject in some respect or degree to the jurisdiction of the United States, **but completely subject to their [plural, not singular, meaning states of the Union] political jurisdiction, and owing them [the state of the Union] direct and immediate allegiance.** And the words relate to the time of birth in the one case, as they do [169 U.S. 649, 725] to the time of naturalization in the other. Persons not thus subject to the jurisdiction of the United States at the time of birth cannot become so afterwards, except by being naturalized, either individually, as by proceedings under the naturalization acts, or collectively, as by the force of a treaty by which foreign territory is acquired."
[U.S. v. Wong Kim Ark, [169 U.S. 649](#), 18 S.Ct. 456; 42 L.Ed. 890 (1898)]

11. "citizen of the United States***", Fourteenth Amendment.

"**It is impossible** to construe the words 'subject to the jurisdiction thereof,' in the opening sentence, as less comprehensive than the words 'within its jurisdiction,' in the concluding sentence of the same section; or **to hold that persons 'within the jurisdiction' of one of the states of the Union are not 'subject to the jurisdiction of the United States[***]**.'"
[U.S. v. Wong Kim Ark, [169 U.S. 649](#), 18 S.Ct. 456; 42 L.Ed. 890 (1898), emphasis added]

"As the only judicial power vested in Congress is to create courts whose judges shall hold their offices during good behavior, it necessarily follows that, if Congress authorizes the creation of courts and the appointment of judges for limited time, it must act independently of the Constitution upon territory which is not part of the United States[***] within the meaning [meaning only ONE meaning] of the Constitution."
[O'Donoghue v. United States, 289 U.S. 516, 53 S.Ct. 740 (1933)]

"The 1st section of the 14th article [Fourteenth Amendment], to which our attention is more specifically invited, opens with a definition of citizenship—not only citizenship of the United States[***], but citizenship of the states. No such definition was previously found in the Constitution, nor had any attempt been made to define it by act of Congress. It had been the occasion of much discussion in the courts, by the executive departments and in the public journals. It had been said by eminent judges that no man was a citizen of the United States[***] except as he was a citizen of one of the states composing the Union. **Those therefore, who had been born and resided always in the District of Columbia or in the territories, though within the United States[*], were not citizens [within the Constitution]."**
[Slaughter-House Cases, 83 U.S. (16 Wall.) 36, 21 L.Ed. 394 (1873)]

12. Statutory "citizen" (of the United States**), 26 C.F.R. §1.1-1(c).

26 C.F.R. §1.1-1 Income tax on individuals

(c) Who is a citizen.

Every person born or naturalized in the [federal] United States[**] and subject to ITS jurisdiction is a citizen. For other rules governing the acquisition of citizenship, see chapters 1 and 2 of title III of the Immigration and Nationality Act (8 U.S.C. §14011459). "

13. Statutory "citizen" in the context of "U.S.** person", 26 U.S.C. §7701(a)(30).

[TITLE 26 > Subtitle F > CHAPTER 79 > Sec. 7701.](#)
[Sec. 7701. - Definitions](#)

1 (a) When used in this title, where not otherwise distinctly expressed or manifestly incompatible with the intent
2 thereof—

3 (30) United States person

4 The term "United States^[**] person" means -

5 (A) a citizen or resident of the United States^[**],

6 (B) a domestic partnership,

7 (C) a domestic corporation,

8 (D) any estate (other than a foreign estate, within the meaning of paragraph (31)), and

9 (E) any trust if -

10 (i) a court within the United States^[**] is able to exercise primary supervision over the administration of the
11 trust, and

12 (ii) one or more United States^[**] persons have the authority to control all substantial decisions of the trust.

13
14
15 TITLE 26 > Subtitle F > CHAPTER 79 > Sec. 7701. [Internal Revenue Code]

16 Sec. 7701. - Definitions

17 (a) When used in this title, where not otherwise distinctly expressed or manifestly incompatible with the intent
18 thereof—

19 (9) United States

20 The term "United States^[**]" when used in a geographical sense includes only the States and the District of
21 Columbia.

22
23 TITLE 26 > Subtitle F > CHAPTER 79 > Sec. 7701. [Internal Revenue Code]

24 Sec. 7701. - Definitions

25 (a) When used in this title, where not otherwise distinctly expressed or manifestly incompatible with the intent
26 thereof—

27 (10) State

28 The term "State" shall be construed to include the District of Columbia, where such construction is necessary to
29 carry out provisions of this title.

30 **8.6.3 Position on conflicting stare decisis from federal courts**

31 We agree with the court authorities above because:

- 32 1. The term "citizen" as used in federal court means DOMICILE, not nationality. Delaware, L. & W.R. Co. v.
33 Petrowsky, 2 Cir., 250 F. 554, 557." Earley v. Hershey Transit Co., 55 F.Supp. 981, D.C.PA. (1944).
- 34 2. Federal Rule of Civil Procedure 17(b) limits the applicability of federal civil law to those domiciled on federal territory
35 and no place else. You can only be domiciled in ONE place at a time, and therefore ONLY be a STATUTORY
36 "citizen" in EITHER the state or the national government but not both.
- 37 3. Those domiciled in a state of the Union:
 - 38 3.1. Are NOT domiciled within the exclusive jurisdiction of Congress and hence are not subject to federal civil law.
 - 39 3.2. Cannot have a civil statutory STATUS under the laws of Congress to which any obligations attach, especially
40 including "citizen" without such a federal domicile.
- 41 4. "citizen" as used in 8 U.S.C. §1101(a)(22)(A) cannot SIMULTANEOUSLY be a STATUTORY/CIVIL status AND a
42 CONSTITUTIONAL/POLITICAL status. It MUST be ONE or the other in the context of this statute. This is so
43 because:
 - 44 4.1. "United States^[**]" in the constitution is limited to states of the Union.
 - 45 4.2. "United States^[**]" in federal statutes is limited to federal territory and excludes states of the Union for every title
46 OTHER than Title 8. See 26 U.S.C. §7701(a)(9) and (a)(10).

47 The federal courts are OBLIGATED to recognize, allow, and provide a STATUS under Title 8 for those who STARTED
48 OUT as STATUTORY "citizens of the United States^[**]", including those under 8 U.S.C. §1401 ("nationals and citizens of

1 the United States**”), and who decided to abandon ALL privileges, benefits, and immunities to restore their sovereignty as
2 CONSTITUTIONAL but not STATUTORY “citizens”. This absolute right is supported by the following maxims of law:

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

5 *Potest quis renunciare pro se, et suis, juri quod pro se introductum est. A man may relinquish, for himself and*
6 *his heirs, a right which was introduced for his own benefit. See 1 Bouv. Inst. n. 83.*

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

9 *[Bouvier's Maxims of Law, 1856*

10 *SOURCE: <http://famguardian.o...viersMaxims.htm>]*

11 In addition to the above maxims of law on “benefits”, it is an unconstitutional deprivation to turn CONSTITUTIONAL rights
12 into STATUTORY privileges under what the U.S. Supreme Court calls the “Unconstitutional Conditions Doctrine”.

13 *"It has long been established that a State may not impose a penalty upon those who exercise a right guaranteed*
14 *by the Constitution." Frost & Frost Trucking Co. v. Railroad Comm'n of California, 271 U.S. 583. "Constitutional*
15 *rights would be of little value if they could be indirectly denied,' Smith v. Allwright, 321 U.S. 649, 644, or*
16 *manipulated out of existence,' Gomillion v. Lightfoot, 364 U.S. 339, 345."*

17 *[Harman v. Forssenius, 380 U.S. 528 at 540, 85 S.Ct. 1177, 1185 (1965)]*

18 An attempt to label someone with a civil status under federal statutory law against their will would certainly fall within in the
19 Unconstitutional Conditions Doctrine. See:

[Government Instituted Slavery Using Franchises](http://sedm.org/Forms/FormIndex.htm), Form #05.030, Section 28.2

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

20 Furthermore, if the Declaration of Independence says that Constitutional rights are Unalienable, then they are INCAPABLE
21 of being sold, given away, or transferred even WITH the consent of the PRIVATE owner.

22 *"We hold these truths to be self-evident, that **all men are created equal, that they are endowed by their Creator***
23 ***with certain unalienable Rights**, that among these are Life, Liberty and the pursuit of Happiness.--That to secure*
24 *these rights, Governments are instituted among Men, deriving their just powers from the consent of the governed,*
25 *-"*

26 *[Declaration of Independence]*

27 *"Unalienable. Inalienable; **incapable of being aliened, that is, sold and transferred.**"*

28 *[Black's Law Dictionary, Fourth Edition, p. 1693]*

29 Some people argue that the Declaration of Independence cited above is not “LAW” and they are wrong. The very first
30 enactment of Congress on p. 1 of volume 1 of the Statutes At Large incorporated the Declaration of Independence as the laws
31 of this country.

32 The only place that UNALIENABLE CONSTITUTIONAL rights can be given away, is where they don't exist, which is
33 among those domiciled AND present on federal territory, where everything is a STATUTORY PRIVILEGE and PUBLIC
34 right and there are no PRIVATE rights except by Congressional grant/privilege.

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

8.6.4 Challenge to those who disagree

Those who would argue with the conclusions of section 8.5 (such a federal judge) are challenged to answer the following questions WITHOUT contradicting either themselves OR the law. We guarantee they can't do it. However, our answers to the following questions are the only way to avoid conflict. Those answers appear in the next section, in fact. Anything that conflicts with itself or the law simply cannot be true.

1. If the Declaration of Independence says that ALL just powers of government derive ONLY from our consent and we don't consent to ANYTHING, then aren't the criminal laws the ONLY thing that can be enforced against nonconsenting parties, since they don't require our consent to enforce?
2. Certainly, if we DO NOT want "protection" or "benefits, privileges, and immunities" of being a STATUTORY/CIVIL citizen domiciled on federal territory, then there ought to be a way to abandon it and the obligation to pay for it, at least temporarily, right?
3. If the word "permanent" in the phrase "permanent allegiance" is in fact conditioned on our consent and is therefore technically NOT "permanent", as revealed in 8 U.S.C. §1101(a)(31), can't we revoke it either temporarily or conditionally as long as we specify the conditions in advance or the specific laws we have it for and those we don't?

8 U.S.C. §1101 Definitions [for the purposes of citizenship]

(a) As used in this chapter—

(31) The term "permanent" means a relationship of continuing or lasting nature, as distinguished from temporary, but a relationship may be permanent even though it is one that may be dissolved eventually at the instance either of the United States** or of the individual, in accordance with law.

4. If the separation of powers does not permit federal civil jurisdiction within states, how could the statutory status of "citizen" carry any federal obligations whatsoever for those domiciled within a constitutional state and outside of federal territory?
5. If domicile is what imparts the "force of law" to civil statutes per Federal Rule of Civil Procedure 17 and we don't have a domicile on federal territory, then how could we in turn have any CIVIL status under the laws of Congress, INCLUDING that of "citizen"?
6. Isn't a "non-resident non-person" just someone who refuses to be a customer of specific services offered by government using the civil statutory law? Why can't I choose to be a non-resident for specific franchises or interactions because I don't consent to procure the product or service.¹⁰
7. If the "citizen of the United States** at birth" under 8 U.S.C. §1401 involves TWO components, being "national" and "citizen", can't we just abandon the "citizen" part for specific transactions by withdrawing consent and allegiance for those transactions or relationships? Wouldn't we do that by simply changing our domicile to be outside of federal territory, since civil status is tied to domicile?

citizen. One who, under the Constitution and laws of the United States***, or of a particular state, is a **member of the political community, owing allegiance and being entitled to the enjoyment of full civil [STATUTORY] rights.** All persons born or naturalized in the United States***, and subject to the jurisdiction thereof, are citizens of the United States*** and of the state wherein they reside. U.S. Const., 14th Amend. See Citizenship.

¹⁰ Earlier versions of the following regulation prove this:

26 C.F.R. §301.7701-5 Domestic, foreign, resident, and nonresident persons.

A domestic corporation is one organized or created in the United States, including only the States (and during the periods when not States, the Territories of Alaska and Hawaii), and the District of Columbia, or under the law of the United States or of any State or Territory. A foreign corporation is one which is not domestic. A domestic corporation is a resident corporation even though it does no business and owns no property in the United States. A foreign corporation engaged in trade or business within the United States is referred to in the regulations in this chapter as a resident foreign corporation, and a foreign corporation not engaged in trade or business within the United States, as a nonresident foreign corporation. A partnership engaged in trade or business within the United States is referred to in the regulations in this chapter as a resident partnership, and a partnership not engaged in trade or business within the United States, as a nonresident partnership. Whether a partnership is to be regarded as resident or nonresident is not determined by the nationality or residence of its members or by the place in which it was created or organized.

[Amended by T.D. 8813, Federal Register: February 2, 1999 (Volume 64, Number 21), Page 4967-4975]

1 "Citizens" are members of a political community who, in their associated capacity, have established or
2 submitted themselves to the dominion of a government [by giving up their rights] for the promotion of their
3 general welfare and the protection of their individual as well as collective rights. *Herriott v. City of Seattle, 81*
4 *Wash.2d. 48, 500 P.2d. 101, 109.*
5 *[Black's Law Dictionary, Sixth Edition, p. 244]*

- 6 8. How can the government claim we have an obligation to pay for protection we don't want if it is a maxim of the
7 common law that we may REFUSE to accept a "benefit"?

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

11 *Potest quis renunciare pro se, et suis, juri quod pro se introductum est.*
12 *A man may relinquish, for himself and his heirs, a right which was introduced for his own benefit. See 1 Bouv.*
13 *Inst. n. 83.*

14 *Quilibet potest renunciare juri pro se inducto.*
15 *Any one may renounce a law introduced for his own benefit. To this rule there are some exceptions. See 1 Bouv.*
16 *Inst. n. 83.*
17 *[Bouvier's Maxims of Law, 1856;*
18 *SOURCE: <http://famguardian.org/Publications/BouvierMaximsOfLaw/BouviersMaxims.htm>]*

- 19 9. If I'm not allowed to abandon the civil protection of Caesar and the obligation to pay for it and I am FORCED to obey
20 Caesar's "social compact" and franchise called the CIVIL law and am FORCED to be privileged and a civil "subject",
21 isn't there:
22 9.1. An unconstitutional taking without compensation of all the PUBLIC rights attached to the statutory status of
23 "citizen" if we do not consent to the status?
24 9.2. Involuntary servitude?
25 10. What if I define what they call "protection" NOT as a "benefit" but an "injury"? Who is the customer here? The
26 CUSTOMER should be the only one who defines what a "benefit" is and only has to pay for it if HE defines it as a
27 "benefit".
28 11. The U.S. government claims to have sovereign immunity that allows it to pick and choose which statutes they consent
29 to be subject to. See *Alden v. Maine*, [527 U.S. 706](#) (1999).
30 11.1. Under the concept of equal protection and equal treatment, why doesn't EVERY "person" or at least HUMAN
31 BEING have the SAME sovereign immunity? If the government is one of delegated powers, how did they get it
32 without the INDIVIDUAL HUMANS who delegated it to them ALSO having it?
33 11.2. Why isn't that SAME government subject to the Foreign Sovereign Immunities Act, 28 U.S.C. Chapter 97 and
34 suffer a waiver of sovereign immunity in state court when it tries to commercially invade a constitutional state
35 against the consent of a specific inhabitant who is protected by the Constitution?
36 11.3. Isn't a STATUTORY "citizen" just a CUSTOMER of government services?
37 11.4. Shouldn't that CUSTOMER have the SAME right to NOT be a customer for specific services, franchises, or titles
38 of code? Isn't the essence of FREEDOM CHOICE and exclusive CONTROL over your own PRIVATE property
39 and what you consent to buy and pay for?
40 11.5. Isn't it a conspiracy against rights to PUNISH me by withdrawing ALL government services all at once if I don't
41 consent to EVERYTHING, every FRANCHISE, and every DUTY arbitrarily imposed against "citizens" by
42 government? That's how the current system works. Government REFUSES to recognize those such as state
43 nationals who are unprivileged and terrorizes them and STEALS from them because they refuse to waive
44 sovereign immunity and accept the disabilities of being a STATUTORY "citizen".
45 11.6. What business OTHER than government as a corporation can lawfully force you and punish you for refusing to
46 be a customer for EVERYTHING they make or starve to death and go to jail for not doing so? Isn't this an
47 unconstitutional Title of Nobility? Other businesses and even I aren't allowed to have the same right against the
48 government and are therefore deprived of equal protection and equal treatment under the CONSTITUTION
49 instead of statutory law.
50 12. If the First Amendment allows for freedom from compelled association, why do I have to be the SAME status for
51 EVERY individual interaction with the government? Why can't I, for instance be all the following at the same time?:
52 12.1. A POLITICAL but not STATUTORY/CIVIL "citizen of the United States" under Title 8?
53 12.2. A "nonresident" for every other Title of the U.S. Code because I don't want the "benefits" or protections of the
54 other titles?
55 12.3. A "nonresident non-person" for every act of Congress.

1 12.4. No domicile on federal territory or within the STATUTORY United States and therefore immune from federal
2 civil law under Federal Rule of Civil Procedure 17(b) .

3 12.5. A PRIVATE “person” only under the common law with a domicile on private land protected by the constitution
4 but OUTSIDE “the State”, which is a federal corporation? Only those who are public officers have a domicile
5 within the STATUTORY “State” and only while on official duty pursuant to 4 U.S.C. §72. When off duty, their
6 domicile shifts to OUTSIDE that STATUTORY “State”.

7 13. Is the “citizen” in Title 8 of the U.S. Code the same “citizen” that obligations attach to under Titles 26 and 31? Could
8 Congress have instead created an office and a franchise with the same name of “citizen of the United States” under
9 Title 26, imposed duties upon it, and fooled everyone into thinking it is the same “citizen” as the one in Title 8?

10 14. If the Bible says that Christians can’t consent to anything Caesar does or have contracts with him (Exodus 23:32-33,
11 Judges 2:1-4), then how could I lawfully have any discretionary status under Caesar’s laws such as STATUTORY
12 “citizen”? The Bible says I can’t have a king above me.

13 *“Owe no one anything [including ALLEGIANCE], except to love one another; for he who loves his neighbor has*
14 *fulfilled the law.”*

15 *[Romans 13:8, Bible, NKJV]*

16 15. If the Bible says that GOD bought us for a price and therefore OWNS us, then by what authority does Caesar claim
17 ownership or the right to extract “rent” called “income tax” upon what belongs to God? Isn’t Caesar therefore simply
18 renting out STOLEN property and laundering money if he charges “taxes” on the use of that which belongs to God?

19 *“For you were bought [by Christ] at a price [His blood]; therefore glorify God in your body and in your spirit,*
20 *which are God’s [property].”*

21 *[1 Cor. 6:20, Bible, NKJV]*

22 Readers wishing to read a detailed debate covering the meaning of the above terms in each context should refer to the
23 following. You will need a free forum account and must be logged into the forums before clicking on the below links, or you
24 will get an error.

25 1. SEDM Member Forums:

26 <http://sedm.org/forums/topic/clarification-of-correct-interpretation-of-united-states-per-8-usc-1101a38/>

27 2. Family Guardian Forums:

28 <http://famguardian.org/forums/topic/state-citizen-falsely-argues-that-he-is-not-a-fourteenth-amendment-citizen/>

29 Lastly, please do not try to challenge the content of this section WITHOUT first reading the above debates IN THEIR entirety.
30 We and the Sovereignty Education and Defense Ministry (SEDM) HATE having to waste our time repeating ourselves.

31 **8.6.5 Our answers to the Challenge**

32 It would be unreasonable for us to ask anything of our readers that we ourselves wouldn’t be equally obligated to do. Below
33 are our answers to the challenge in the previous section. They are entirely consistent with ALL the organic law, the rulings
34 of the U.S. Supreme Court, and the Bible. We allege that they are also the ONLY way to answer the challenge without
35 contradicting yourself and thereby proving you are a LIAR, a THIEF, a terrorist, and an identity thief engaged in human
36 trafficking of people’s legal identity to what Mark Twain called “the District of Criminals”.

37 1. **QUESTION:** If the Declaration of Independence says that ALL just powers of government derive ONLY from our
38 consent and we don’t consent to ANYTHING, then aren’t the criminal laws the ONLY thing that can be enforced
39 against nonconsenting parties, since they don’t require our consent to enforce?

40 **OUR ANSWER:** Yes.

41 2. **QUESTION:** Certainly, if we DO NOT want “protection” or “benefits, privileges, and immunities” of being a
42 STATUTORY/CIVIL citizen domiciled on federal territory, then there ought to be a way to abandon it and the
43 obligation to pay for it, at least temporarily, right?

44 **OUR ANSWER:** Yes. Absolutely. One can be protected by the COMMON law WITHOUT being a “person” under
45 the CIVIL law. If one has a right to NOT contract and NOT associate, then that right BEGINS with the right to not
46 procure ANY civil statutory status under what the U.S. Supreme Court calls “the social compact”. All compacts are
47 contracts. Yet that doesn’t make such a person “lawless” because they are still subject to the COMMON law, which
48 hasn’t been repealed.

- 1 3. QUESTION: If the word “permanent” in the phrase “permanent allegiance” is in fact conditioned on our consent and
 2 is therefore technically NOT “permanent”, as revealed in 8 U.S.C. §1101(a)(31), can’t we revoke it either temporarily
 3 or conditionally as long as we specify the conditions in advance or the specific laws we have it for and those we don’t?
 4 OUR ANSWER: Yes. All that is required is to notice the government that you don’t consent. Everything beyond that
 5 point becomes a tort under the common law.
- 6 4. QUESTION: If the separation of powers does not permit federal civil jurisdiction within states, how could the statutory
 7 status of “citizen” carry any federal obligations whatsoever for those domiciled within a constitutional state and outside
 8 of federal territory?
 9 OUR ANSWER: They don’t. Federal civil and criminal law has no bearing upon anyone OTHER than public officers
 10 within a constitutional state. Those officers, in turn, come under federal civil law by virtue of the domicile of the
 11 OFFICE they represent and their CONSENT to occupy said office under 4 U.S.C. §72 and Federal Rule of Civil
 12 Procedure 17. Otherwise, rule 17 forbids quoting federal civil law against a state citizen domiciled OUTSIDE of
 13 federal territory.
- 14 5. QUESTION: If domicile is what imparts the “force of law” to civil statutes per Federal Rule of Civil Procedure 17 and
 15 we don’t have a domicile on federal territory, then how could we in turn have any CIVIL status under the laws of
 16 Congress, INCLUDING that of “citizen” or “resident”?
 17 OUR ANSWER: You CAN’T. The only reason people believe otherwise is because of propaganda and untrustworthy
 18 publications of the government designed to destroy the separation of powers that is the foundation of the
 19 Constitution.¹¹
- 20 6. QUESTION: Isn’t a “nonresident non-person” just someone who refuses to be a customer of specific services offered
 21 by government using the civil statutory code/franchise? Why can’t I choose to be a nonresident for specific franchises
 22 or interactions because I don’t consent to procure the product or service.¹²
 23 OUR ANSWER: Yes. You can opt out of specific franchise by changing your status under each franchise. They all
 24 must act independently or the Unconstitutional Conditions Doctrine is violated.¹³
- 25 7. QUESTION: If the “national and citizen of the United States** at birth” under 8 U.S.C. §1401 involves TWO
 26 components, being “national” and “citizen”, why can’t we just abandon the “citizen” part for specific transactions by
 27 withdrawing consent and allegiance for those transactions or relationships? Wouldn’t we do that by simply changing
 28 our domicile to be outside of federal territory, since civil status is tied to domicile?
 29 OUR ANSWER: Yes. You own yourself and your property. That right of ownership includes the right to exclude all
 30 others, including governments, from using or benefitting from the use of your property. See:
 31

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

- 32 8. QUESTION: How can the government claim we have an obligation to pay for protection we don’t want if it is a maxim
 33 of the common law that we may REFUSE to accept a “benefit”?
 34 OUR ANSWER: They don’t have the authority to demand that we buy or pay for anything that we don’t want. It’s a
 35 crime to claim otherwise in violation of:
 36 8.1. The Fifth Amendment takings clause.
 8.2. Extortion, 18 U.S.C. §872.

¹¹ See *Government Conspiracy to Destroy the Separation of Powers*, Form #05.023; <http://sedm.org/Forms/FormIndex.htm>.

¹² Earlier versions of the following regulation prove this:

26 C.F.R. §301.7701-5 Domestic, foreign, resident, and nonresident persons.

A domestic corporation is one organized or created in the United States, including only the States (and during the periods when not States, the Territories of Alaska and Hawaii), and the District of Columbia, or under the law of the United States or of any State or Territory. A foreign corporation is one which is not domestic. A domestic corporation is a resident corporation even though it does no business and owns no property in the United States. A foreign corporation engaged in trade or business within the United States is referred to in the regulations in this chapter as a resident foreign corporation, and a foreign corporation not engaged in trade or business within the United States, as a nonresident foreign corporation. A partnership engaged in trade or business within the United States is referred to in the regulations in this chapter as a resident partnership, and a partnership not engaged in trade or business within the United States, as a nonresident partnership. Whether a partnership is to be regarded as resident or nonresident is not determined by the nationality or residence of its members or by the place in which it was created or organized.

[Amended by T.D. 8813, Federal Register: February 2, 1999 (Volume 64, Number 21), Page 4967-4975]

¹³ For details on the Unconstitutional Conditions Doctrine of the U.S. Supreme Court, see: *Government Instituted Slavery Using Franchises*, Form #05.030, Section 28.2; <http://sedm.org/Forms/FormIndex.htm>.

- 1 8.3. Mailing threatening communications, if they try to collect it, 18 U.S.C. §876.
2 8.4. Racketeering, 18 U.S.C. Chapter 95.
- 3 9. QUESTION: If I'm not allowed to abandon the civil protection of Caesar and the obligation to pay for it and I am
4 FORCED to obey Caesar's "social compact" and franchise called the CIVIL law and am FORCED to be privileged and
5 a civil "subject", isn't there:
6 OUR ANSWER:
- 7 9.1. An unconstitutional taking without compensation of all the PUBLIC rights attached to the statutory status of
8 "citizen" if we do not consent to the status?
9 OUR ANSWER: Yes.
- 10 9.2. Involuntary servitude?
11 OUR ANSWER: Yes.
- 12 10. QUESTION: What if I define what they call "protection" NOT as a "benefit" but an "injury"? Who is the customer
13 here? The CUSTOMER should be the only one who defines what a "benefit" is and only has to pay for it if HE defines
14 it as a "benefit".
15 OUR ANSWER: YOU the sovereign are the "customer". The customer is always right. A government of delegated
16 powers can have not more powers or sovereignty than the INDIVIDUAL PRIVATE HUMANS who make it up and
17 whom it "serves".
- 18 11. The U.S. government claims to have sovereign immunity that allows it to pick and choose which statutes they consent
19 to be subject to. See *Alden v. Maine*, [527 U.S. 706](#) (1999).
- 20 11.1. QUESTION: Under the concept of equal protection and equal treatment, why doesn't EVERY "person" or at
21 least HUMAN BEING have the SAME sovereign immunity? If the government is one of delegated powers, how
22 did they get it without the INDIVIDUAL HUMANS who delegated it to them ALSO having it?
23 OUR ANSWER: Yes. Humans also have sovereign immunity. Only their own consent and actions can
24 undermine or remove that sovereignty. It's insane and schizophrenic to conclude that a government of delegated
25 powers can have any more sovereignty than the humans who made it up or delegated that power. Likewise, it's a
26 violation of maxims of law to conclude that the COLLECTIVE can have any more rights than a SINGLE
27 HUMAN.¹⁴
- 28 11.2. QUESTION: Why isn't that SAME government subject to the Foreign Sovereign Immunities Act, 28 U.S.C.
29 Chapter 97 and suffer a waiver of sovereign immunity in state court when it tries to commercially invade a
30 constitutional state against the consent of a specific inhabitant who is protected by the Constitution?
31 OUR ANSWER: They are. To suggest that they can pass any law that they themselves are not ALSO subject to
32 in the context of those protected by the constitution amounts to an unconstitutional Title of Nobility to the
33 "United States" federal corporation as a legal person.
- 34 11.3. QUESTION: Isn't a STATUTORY "citizen" just a CUSTOMER of government services?
35 OUR ANSWER: Yes. The "services" derived by this customer are called "privileges and immunities". Those
36 who aren't "customers" are: 1. "non-resident non-persons"; 2. Not "subjects". 3. Immune from the civil statutory
37 law under Federal Rule of Civil Procedure 17; 4. Protected only by the common law under principles of equity
38 and the constitution alone.
- 39 11.4. QUESTION: Shouldn't that CUSTOMER have the SAME right to NOT be a customer for specific services,
40 franchises, or titles of code? Isn't the essence of FREEDOM CHOICE and exclusive CONTROL over your own
41 PRIVATE property and what you consent to buy and pay for?
42 OUR ANSWER: Yes. The main purpose of any government is to protect your EXCLUSIVE ownership over
43 your PRIVATE property and the right to deprive ANYONE and EVERYONE from using or benefitting from the
44 use of your PRIVATE property. If they won't do that, then there IS not government, but just a big corporation
45 employer in which the citizen/government relationship has been replaced by the EMPLOYER/EMPLOYEE
46 relationship. That's the essence of what "ownership" is legally defined as: The RIGHT to exclude others. If you
47 can exclude everyone BUT the government, and they can exclude you without your consent, then THEY are the
48 real owner and you are just a public officer employee acting as a custodian over what is REALLY government
49 property. Hence, the government is SOCIALIST, because socialism is based on GOVERNMENT ownership
50 and/or control of ALL property or NO private property at all.
- 51 11.5. QUESTION: Isn't it a conspiracy against rights to PUNISH me by withdrawing ALL government services all at
52 once if I don't consent to EVERYTHING, every FRANCHISE, and every DUTY arbitrarily imposed against
53 "citizens" by government? That's how the current system works. Government REFUSES to recognize those
54 such as state nationals who are unprivileged and terrorizes them and STEALS from them because they refuse to

¹⁴ "Derativa potestas non potest esse major primitiva. The power which is derived cannot be greater than that from which it is derived." [Bouvier's Maxims of Law, 1856; SOURCE: <http://fanguardian.org/Publications/BouvierMaximsOfLaw/BouviereMaxims.htm>]

waive sovereign immunity and accept the disabilities of being a STATUTORY “citizen”.

OUR ANSWER: Yes, absolutely. Under such a malicious enforcement mechanism, uncoerced consent is literally and rationally IMPOSSIBLE.

11.6. QUESTION: What business OTHER than government as a corporation can lawfully force you and punish you for refusing to be a customer for EVERYTHING they make or starve to death and go to jail for not doing so? Isn't this an unconstitutional Title of Nobility? Other businesses and even I aren't allowed to have the same right against the government and are therefore deprived of equal protection and equal treatment under the CONSTITUTION instead of statutory law.

OUR ANSWER: No other business can do that or should be able to do that, and hence, the government has “supernatural” and “superior powers” and has established not only a Title of Nobility, but a RELIGION in which “taxes” become unconstitutional tithes to a state-sponsored religion, civil rulers are “gods” with supernatural powers, you are the compelled “worshipper”, and “court” is the church building.¹⁵

12. QUESTION: If the First Amendment allows for freedom from compelled association, why do I have to be the SAME status for EVERY individual interaction with the government? Why can't I, for instance be all the following at the same time?:

OUR ANSWER:

12.1. QUESTION: A POLITICAL but not STATUTORY/CIVIL “citizen of the United States” under Title 8?

OUR ANSWER: You can.

12.2. QUESTION: A “nonresident” for every other Title of the U.S. Code because I don't want the “benefits” or protections of the other titles?

OUR ANSWER: You can. Under the Uniform Commercial Code, YOU can be a Merchant in relation to every government franchise selling YOUR private property to the government, and specifying terms that SUPERSEDED or replace the government's author. If they can offer franchises, you can defend yourself with ANTI-FRANCHISES under the concept of equal protection.

12.3. QUESTION: A “nonresident non-person” for every act of Congress.

OUR ANSWER: Yes. Domicile outside of federal territory makes one a nonresident and transient foreign under federal civil law, unless already a public officer lawfully serving in an elected or appointed position WITHIN a constitutional state.

12.4. QUESTION: No domicile on federal territory or within the STATUTORY United States and therefore immune from federal civil law under Federal Rule of Civil Procedure 17(b) .

OUR ANSWER: Yes. Absolutely. Choice of law rules and criminal “identity theft” occurs if rule 17 is transgressed and you are made involuntary surety for a public office called “citizen” domiciled in what Mark Twain calls “the District of Criminals”.

12.5. QUESTION: A PRIVATE “person” only under the common law with a domicile on private land protected by the constitution but OUTSIDE “the State”, which is a federal corporation? Only those who are public officers have a domicile within the STATUTORY “State” and only while on official duty pursuant to 4 U.S.C. §72. When off duty, their domicile shifts to OUTSIDE that STATUTORY “State”.

OUR ANSWER: Yes. By refusing to consent to the privileges or benefits of STATUTORY citizenship, you retain your sovereign immunity, retain ALL your constitutional rights, and are victim of a tort of the federal government refuses to leave you alone. The right to be left alone, in fact, is the very DEFINITION of justice itself and the purpose of courts it to promote and protect justice.¹⁶

13. QUESTION: Is the “citizen” in Title 8 of the U.S. Code the same “citizen” that obligations attach to under Titles 26 and 31? Could Congress have instead created an office and a franchise with the same name of “citizen of the United States” under Title 26, imposed duties upon it, and fooled everyone into thinking it is the same “citizen” as the one in Title 8?

OUR ANSWER: If it is, a usurpation is occurring according to the U.S. Supreme Court in Osborn v. Bank of the United States.

*“But if the plain dictates of our senses be relied on, what state of facts have we exhibited here? 898*898 Making a person, makes a case; and thus, a government which cannot exercise jurisdiction unless an alien or citizen of another State be a party, makes a party which is neither alien nor citizen, and then claims jurisdiction because it*

¹⁵ For exhaustive proof, see: *Socialism: The New American Civil Religion*, Form #05.016; <http://sedm.org/Forms/FormIndex.htm>.

¹⁶ “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)]

1 *has made a case. If this be true, why not make every citizen a corporation sole, and thus bring them all into the*
2 *Courts of the United States quo minus? Nay, it is still worse, for there is not only an evasion of the*
3 *constitution implied in this doctrine, but a positive power to violate it. Suppose every*
4 *individual of this corporation were citizens of Ohio, or, as applicable to the other case, were citizens of Georgia,*
5 *the United States could not give any one of them, individually, the right to sue a citizen of the same State in*
6 *the Courts of the United States; then, on what principle could that right be communicated to them in a body?*
7 *But the question is equally unanswerable, if any single member of the corporation is of the same State with*
8 *the defendant, as has been repeatedly adjudged.”*
9 *[Osborn v. Bank of U.S. , 22 U.S. 738 (1824); SOURCE: <http://scholar.google...760256043512250>]*

- 10 14. **QUESTION:** If the Bible says that Christians can't consent to anything Caesar does or have contracts with him
11 (Exodus 23:32-33, Judges 2:1-4), then how could I lawfully have any discretionary status under Caesar's laws such as
12 STATUTORY "citizen"? The Bible says I can't have a king above me.
13 **OUR ANSWER:** Those not domiciled on federal territory and who refuse to accept or consent to any civil status under
14 Caesar's laws retain their sovereign and sovereign immunity and therefore are on an EQUAL footing with any and
15 every government. They are neither a "subject" nor a "citizen", but also are not "lawless" because they are still subject
16 to the COMMON law and must be dealt with ONLY as an EQUAL in relation to everyone else, rather than a
17 government SLAVE or SUBJECT. See Exodus 23:32-33, Isaiah 52:1-3, and Judges 2:1-4 on why God forbids
18 Christians to consent to ANYTHING government/Caesarea does, and why this implies that they can't be anything
19 OTHER than equal and sovereign in relation to Caesar.
- 20 15. **QUESTION:** If the Bible says that GOD bought us for a price and therefore OWNS us, then by what authority does
21 Caesar claim ownership or the right to extract "rent" called "income tax" upon what belongs to God? Where is the
22 separation of church and state in THAT? Isn't Caesar therefore simply renting out STOLEN property and laundering
23 money if he charges "taxes" on the use of property which belongs to God?
24 **OUR ANSWER:** Yes he is according to God. The Holy Bible says the Heaven and the Earth belong NOT to Caesar,
25 but the God. Deut. 10:15. Caesar, on the other hand, falsely claims that HE owns everything by "divine right", which
26 means he STOLE the ownership from God. Like Satan, he is a THIEF. He is renting out STOLEN property and
27 therefore MONEY LAUNDERING in violation of God's laws.

28 **9 Applicability of IRS Presumption Rules in 26 C.F.R. §1.1441-1(b)(3)**

29 IRS Presumption Rules found in 26 C.F.R. §1.1441-1(b)(3) do NOT apply unless and until the government satisfies the
30 burden of proving the following:

- 31 1. The owner of the property is a statutory "alien", and therefore "individual" (26 C.F.R. §1.1441-1(c)(3)) and "person"
32 (26 U.S.C. §7701(a)(1)). You cannot be a "payee" who has ANY duty a "withholding agent" to prove ANYTHING
33 WITHOUT FIRST being a statutory "person" and therefore an "alien".

34 [Title 26](#) > [Chapter I](#) > [Subchapter A](#) > [Part 1](#) > [Section 1.1441-1](#)
35 [26 C.F.R. §1.1441-1 - Requirement for the deduction and withholding of tax on payments to foreign persons.](#)

36 [§ 1.1441-1 Requirement for the deduction and withholding of tax on payments to foreign persons.](#)

37 (b) General rules of withholding-

38 (2) Determination of payee and payee's status-

39 (i) In general.

40 [. . .] "[a payee is the person to whom a payment is made](#), regardless of whether such [person](#) is the [beneficial](#)
41 [owner of the amount](#) (as [defined in paragraph \(c\)\(6\)](#) of this section)."

42 _____
43 [26 C.F.R. §1.1441-1 Requirement for the deduction and withholding of tax on payments to foreign persons.](#)

44 (c) Definitions

45 (3) Individual.

1 (i) Alien individual.

2 **The term alien individual means an individual who is not a citizen or a national of the United States. See Sec.**
3 **1.1-1(c).**

4 _____
5 [26 C.F.R. §1.1441-1T Requirement for the deduction and withholding of tax on payments to foreign persons.](#)

6 (c) Definitions

7 (3) Individual.

8 (ii) Nonresident alien individual.

9 The term nonresident alien individual means [persons](#) described in section 7701(b)(1)(B), alien [individuals](#) who
10 are treated as [nonresident aliens](#) pursuant to [§ 301.7701\(b\)-7 of this chapter](#) for [purposes](#) of computing their U.S.
11 [tax liability](#), or an alien individual who is a resident of Puerto Rico, Guam, the Commonwealth of Northern
12 Mariana Islands, the U.S. Virgin Islands, or American Samoa as determined under [§ 301.7701\(b\)-1\(d\) of this](#)
13 [chapter](#). An alien individual who has made an [election](#) under section 6013(g) or [\(h\)](#) to be treated as a resident of
14 the [United States](#) is nevertheless treated as a [nonresident alien](#) individual for [purposes](#) of [withholding](#) under
15 chapter 3 of the Code and the regulations thereunder.

16 2. The property subject to tax was lawfully converted from PRIVATE to PUBLIC ownership or control by satisfying the
17 burden of proof identified below and in the [Separation Between Public and Private Course](#), Form #12.025.

18 **SEDM Disclaimer**

19 **4. Meaning of Words**

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

- 22 1. In possession of absolute, exclusive ownership and control over their own labor, body, and all their
23 property. In Roman Law this was called "[dominium](#)".
- 24 2. On an [EQUAL rather than inferior relationship to government in court](#). This means that they have no
25 obligations to any government OTHER than possibly the duty to serve on jury and vote upon voluntary
26 acceptance of the obligations of the civil status of "citizen" (and the [DOMICILE](#) that creates it). Otherwise,
27 they are entirely free and unregulated unless and until they [INJURE](#) the equal rights of another under the
28 common law.
- 29 3. A "[nonresident](#)" in relation to the state and federal government.
- 30 4. Not a PUBLIC entity defined within any state or federal statutory law. This includes but is not limited to
31 statutory "person", "individual", "taxpayer", "driver", "spouse" under any under any civil statute or
32 franchise.
- 33 5. Not engaged in [a public office or "trade or business" \(per 26 U.S.C. §7701\(a\)\(26\)\)](#). Such offices include but
34 are not limited to statutory "person", "individual", "taxpayer", "driver", "spouse" under any civil statute or
35 franchise.
- 36 6. [Not consenting](#) to contract with or acquire any public status, public privilege, or public right under any
37 state or federal franchise. For instance, the phrase "private employee" means a common law worker that is
38 NOT the statutory "employee" defined within 26 U.S.C. §3401(c) or 26 C.F.R. §301.3401(c)-1 or any other
39 federal or state law or statute.
- 40 7. Not sharing ownership or control of their body or property with anyone, and especially a government. In
41 other words, ownership is not "qualified" but "absolute".
- 42 8. Not subject to [civil enforcement or regulation](#) of any kind, except AFTER an injury to the equal rights of
43 others has occurred. Preventive rather than corrective regulation is an unlawful taking of property
44 according to the Fifth Amendment takings clause.

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

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

3. The owner of the property was acting as a public officer on official business and therefore was subject to regulations and supervision. The reason for this is explained in:

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

The above is consistent with the following holding by the U.S. Supreme Court, in referencing "congressionally created rights", meaning statutory privileges:

"The distinction between public rights and private rights has not been definitively explained in our precedents.¹⁷ Nor is it necessary to do so in the present cases, for it suffices to observe that a matter of public rights must at a minimum arise "between the government and others." Ex parte Bakelite Corp., supra, at 451, 49 S.Ct., at 413.¹⁸ In contrast, "the liability of one individual to another under the law as defined," Crowell v. Benson, supra, at 51, 52 S.Ct., at 292, is a matter of private rights. Our precedents clearly establish that only controversies in the former category may be removed from Art. III courts and delegated to legislative courts or administrative agencies for their determination. See Atlas Roofing Co. v. Occupational Safety and Health Review Comm'n, 430 U.S. 442, 450, n. 7, 97 S.Ct. 1261, 1266, n. 7, 51 L.Ed.2d. 464 (1977); Crowell v. Benson, supra, 285 U.S., at 50-51, 52 S.Ct., at 292. See also Katz, Federal Legislative Courts, 43 Harv.L.Rev. 894, 917-918 (1930).FN24 Private-rights disputes, on the other hand, lie at the core of the historically recognized judicial power."

[. . .]

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

For more on the IRS Presumption Rules, see:

[Presumption: Chief Weapon for Unlawfully Enlarging Federal Jurisdiction](https://sedm.org/Forms/FormIndex.htm), Form #05.017, Section 7.1
<https://sedm.org/Forms/FormIndex.htm>

¹⁷ [Crowell v. Benson, 285 U.S. 22, 52 S.Ct. 285, 76 L.Ed. 598 \(1932\)](#), attempted to catalog some of the matters that fall within the public-rights doctrine:

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

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

10 Rebuttal to attempts to add things to definitions that do not expressly appear in the statutes

The main purpose of law is to limit government power. The foundation of what it means to have a "society of law and not men" is law that limits government powers. We cover this in [Legal Deception, Propaganda, and Fraud, Form #05.014](#), Section 5. Government cannot have limited powers without DEFINITIONS in the written law that are limiting and which define and declare ALL THINGS that are included and implicitly exclude all things not expressly identified. The rules of statutory construction and interpretation recognize this critical function of law with the following maxims:

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

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

"The United States Supreme Court cannot supply what Congress has studiously omitted in a statute."
[*Federal Trade Com. v. Simplicity Pattern Co.*, 360 U.S. 55, p. 55, 475042/56451 (1959)]

The ability to define terms or ADD to the EXISTING statutory definition of terms is a LEGISLATIVE function that can lawfully and constitutionally be exercised ONLY by the Legislative Branch of the government. The power to define or expand the definition of statutory terms:

1. CANNOT lawfully be exercised by either a judge or a government prosecutor or the Internal Revenue Service.
2. CANNOT be exercised by making [PRESUMPTIONS](#) about what a term means or by enforcing the COMMON meaning of the term that is already defined in a statute. See:

[Presumption: Chief Weapon for Unlawfully Enlarging Federal Jurisdiction](https://sedm.org/Forms/05-MemLaw/Presumption.pdf), Form #05.017
<https://sedm.org/Forms/05-MemLaw/Presumption.pdf>

"It is apparent,' this court said in the *Bailey Case* ([219 U.S. 239](#) , 31 S.Ct. 145, 151) 'that **a constitutional prohibition cannot be transgressed indirectly by the creation of a statutory presumption any more than it can be violated by direct enactment. The power to create presumptions is not a means of escape from constitutional restrictions.**'"
[*Heiner v. Donnan*, [285 U.S. 312](#) (1932)]

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.** A presumption is either conclusive or rebuttable. Every rebuttable presumption is either (a) a presumption affecting the burden of producing evidence or (b) a presumption affecting the burden of proof. *California Evidence Code, §600.*

In all civil actions and proceedings not otherwise provided for by Act of Congress or by the Federal Rules of Evidence, a presumption imposes on the party against whom it is directed the burden of going forward with evidence to rebut or meet the presumption, but does not shift to such party the burden of proof in the sense of the risk of nonpersuasion, which remains throughout the trial upon the party on whom it was originally cast. *Federal Evidence Rule 301.*

See also *Disputable presumption; inference; Juris et de jure; Presumptive evidence; Prima facie; Raise a presumption.*
[*Black's Law Dictionary, Sixth Edition, p. 1185*]

3. Unlawfully and unconstitutionally violates the [separation of powers](#) when it IS exercised by a judge or government prosecutor. See:

[Government Conspiracy to Destroy the Separation of Powers, Form #05.023.](#)
<https://sedm.org/Forms/05-MemLaw/SeparationOfPowers.pdf>

4. Produces the following consequences when it IS exercised by a judge or government prosecutor or administrative agency. The statement below was written by the man who DESIGNED our three branch system of government. He also described in his design how it can be subverted, and corrupt government actors have implemented his techniques for subversion to unlawfully and unconstitutionally expand their power:

"When the legislative and executive powers are united in the same person, or in the same body of magistrates, there can be no liberty; because apprehensions may arise, lest the same monarch or senate should enact tyrannical laws, to execute them in a tyrannical manner.

Again, there is no liberty, if the judiciary power be not separated from the legislative and executive. Were it joined with the legislative, the life and liberty of the subject would be exposed to arbitrary control; for the judge would be then the legislator. Were it joined to the executive power, the judge might behave with violence and oppression [sound familiar?].

There would be an end of everything, were the same man or the same body, whether of the nobles or of the people, to exercise those three powers, that of enacting laws, that of executing the public resolutions, and of trying the causes of individuals."

[. . .]

In what a situation must the poor subject be in those republics! The same body of magistrates are possessed, as executors of the laws, of the whole power they have given themselves in quality of legislators. They may plunder the state by their general determinations; and as they have likewise the judiciary power in their hands, every private citizen may be ruined by their particular decisions."

[The Spirit of Laws, Charles de Montesquieu, Book XI, Section 6, 1758;
SOURCE: http://famguardian.org/Publications/SpiritOfLaws/sol_11.htm/

Any judge, prosecutor, or clerk in an administrative agency who tries to EXPAND or ADD to statutory definitions is violating all the above. Likewise, anyone who tries to QUOTE a judicial opinion that adds to a statutory definition is violating the separation of powers, usurping authority, and STEALING your property and rights. It is absolutely POINTLESS and an act of ANARCHY, lawlessness, and a usurpation to try to add to statutory definitions.

The most prevalent means to UNLAWFULLY and UNCONSTITUTIONALLY add to statutory definitions is through the abuse of the words "[includes](#)" or "including". That tactic is thoroughly described and rebutted in:

[Legal Deception, Propaganda, and Fraud](#), Form #05.014, Section 15.2
DIRECT LINK: <https://sedm.org/Forms/05-MemLaw/LegalDecPropFraud.pdf>
FORMS PAGE: <https://sedm.org/Forms/FormIndex.htm>

Government falsely accuses sovereignty advocates of practicing anarchy, but THEY, by trying to unlawfully expand statutory definitions through either the abuse of the word "[includes](#)" or through [PRESUMPTION](#), are the REAL anarchists.

11 Resources for Further Study and Rebuttal

If you would like to study the subjects covered in this short memorandum in further detail, may we recommend the following authoritative sources, and also welcome you to rebut any part of this pamphlet after you have read it and studied the subject carefully yourself just as we have:

1. *Reading Law: The Interpretation of Legal Texts*, Supreme Court Justice Antonin Scalia and Bryan A Garner -book about statutory interpretation
<https://www.amazon.com/Reading-Law-Interpretation-Legal-Texts/dp/031427555X>
2. *Statutory Interpretation*-U.S. Supreme Court Justice Antonin Scalia. This excellent video summarizes and explains some of the more popular canons of statutory interpretation and how they are abused to allow judges to unconstitutionally

- 1 “make law”. The speakers are U.S. Supreme Court Justice Antonin Scalia (now deceased) and Bryan Garner, who is the
 2 author of Black’s Law Dictionary.
 3 <https://sedm.org/statutory-interpretation-justice-scalia/>
- 4 3. *Constitutional Interpretation*-U.S. Supreme Court Justice Antonin Scalia
 5 <https://youtu.be/FemnnILNs4U>
 - 6 4. *How Judges Unconstitutionally “Make Law”*, Litigation Tool #01.009-This form documents common tactics by which
 7 judges unconstitutionally, injuriously, and even criminally "make law". It is useful as a preemptive tool to prevent judicial
 8 abuse and also as a way to prosecute and punish it.
 9 <https://sedm.org/Litigation/LitIndex.htm>
 - 10 5. *Government Conspiracy to Destroy the Separation of Powers*, Form #05.023-detailed exposition on the methods
 11 documented here of destroying the separation of powers between the state and national governments
 12 <http://sedm.org/Forms/FormIndex.htm>
 - 13 6. *Presumption: Chief Weapon for Unlawfully Enlarging Federal Jurisdiction*, Form #05.017
 14 <http://sedm.org/Forms/FormIndex.htm>
 - 15 7. *Citizenship, Domicile, and Tax Status Options*, Form #10.003-summary of my citizenship, domicile, and tax status.
 16 <http://sedm.org/Forms/FormIndex.htm>
 - 17 8. *Legal Deception, Propaganda, and Fraud*, Form #05.014-detailed treatment of how the rules of statutory construction
 18 and interpretation are abused by judges and government prosecutors to deceive and to commit criminal identity theft.
 19 <http://sedm.org/Forms/FormIndex.htm>
 - 20 9. *Government Identity Theft*, Form #05.046-detailed treatment of the many ways that language abuse as documented in
 21 the previous item are used to commit criminal identity theft, and how to prosecute and expose it
 22 <http://sedm.org/Forms/FormIndex.htm>
 - 23 10. *Statutes and Statutory Construction*, Second Edition. Jabez Sutherland, 1904.
 24 10.1. Volume 1: <http://books.google.com/books?id=Jw49AAAAIAAJ&printsec=titlepage>
 25 10.2. Volume 2: <http://books.google.com/books?id=4xA9AAAAIAAJ&printsec=titlepage>
 - 26 11. *Sovereignty Forms and Instructions Online*, Form #10.004, Cites By Topic-Meaning several common “words of art”
 27 that are abused by judges to either “make law” or impute the “force of law” to those that it does not apply to.
 28 <http://famguardian.org/TaxFreedom/FormsInstr-Cites.htm>
 - 29 12. *Collection of U.S. Supreme Court Legal Maxims*, Litigation Tool #10.216, U.S. Department of Justice
 30 https://sedm.org/Litigation/10-PracticeGuides/USSupremeCourtMaxims_1993-1998-Governmentattic.org.pdf
 - 31 13. *Reinquist Court Canons of Statutory Construction*, Litigation Tool #10.217
 32 https://sedm.org/Litigation/10-PracticeGuides/Rehnquist_Court_Canons_citations.pdf
 - 33 14. *Statutory Interpretation: General Principles and Recent Trends*, Congressional Research Service Report 97-589,
 34 Litigation Tool #10.215
 35 [https://sedm.org/Litigation/10-](https://sedm.org/Litigation/10-PracticeGuides/Statutory%20Interpretation.General.Principles.MARCH.30.2006.CRS97-589.pdf)
 36 [PracticeGuides/Statutory%20Interpretation.General.Principles.MARCH.30.2006.CRS97-589.pdf](https://sedm.org/Litigation/10-PracticeGuides/Statutory%20Interpretation.General.Principles.MARCH.30.2006.CRS97-589.pdf)