

TEST FOR STATE TAX PROFESSIONALS

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"The taxpayer-- that's someone who works for the federal government but doesn't have to take the civil service examination."
[President Ronald W. Reagan]

1 PURPOSE/SCOPE

The purpose of this document is to establish facts in support of the reasonable conclusion that:

1. Submitter is not engaged in a "trade or business" or any other excise taxable activity that might make him subject to the terms of the Internal Revenue Code, Subtitle A.
2. Submitter is a "nonresident alien".
3. Submitter is not a statutory "citizen" or "[resident](#)" under the Internal Revenue Code.
4. Submitter is not the statutory "individual" defined in [5 U.S.C. §552a\(a\)\(2\)](#) and [5 U.S.C. §552a\(a\)\(13\)](#) and that all "individuals" are "public officers" who work for the government.
5. Submitter is a "nontaxpayer" who is not "liable" to pay any monies to either the state or federal government under the authority of Subtitle A of the Internal Revenue Code.
6. Submitter is not subject to the provisions of the Internal Revenue Code and legislatively but not constitutionally "foreign" with respect to it.
7. The Internal Revenue Code qualifies as "legislation".
8. Federal government has no legislative jurisdiction within states of the Union.
9. States of the Union are legislatively but not constitutionally "foreign" with respect to the national government.

If you find yourself in receipt of this pamphlet, you are demanded to answer the questions within 10 days. Pursuant to [Federal Rule of Civil Procedure 8\(b\)\(6\)](#), failure to deny within 30 days constitutes an admission to each question. Pursuant to [26 U.S.C. §6065](#), all of your answers must be signed under penalty of perjury. We are not interested in agency policy, but only sources of reasonable belief identified in the pamphlet below:

Reasonable Belief About Income Tax Liability, Form #05.007
<http://sedm.org/Forms/FormIndex.htm>

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

This document consists of a series of factual statements supported by accompanying evidence. This form of inquiry is called an "admission" in the legal field. The person receiving this document must provide an "Admit" or "Deny" answer to each factual statement. The government, who is the moving party in this case, has the burden of proving the existence of jurisdiction and liability PRIOR to attempting any enforcement or collection actions against the submitter:

[TITLE 5 - GOVERNMENT ORGANIZATION AND EMPLOYEES](#)
[PART I - THE AGENCIES GENERALLY](#)
[CHAPTER 5 - ADMINISTRATIVE PROCEDURE](#)
[SUBCHAPTER II - ADMINISTRATIVE PROCEDURE](#)
[Sec. 556. Hearings; presiding employees; powers and duties; burden of proof; evidence; record as basis of decision](#)

(d) **Except as otherwise provided by statute, the proponent of a rule or order has the burden of proof.** Any oral or documentary evidence may be received, but the agency as a matter of policy shall provide for the exclusion of irrelevant, immaterial, or unduly repetitious evidence. **A sanction may not be imposed or rule or order issued except on consideration of the whole record or those parts thereof cited by a party and supported by and in accordance with the reliable, probative, and substantial evidence.** The agency may, to the extent consistent with the interests of justice and the policy of the underlying statutes administered by the agency, consider a violation of section 557(d) of this title sufficient grounds for a decision adverse to a party who has knowingly committed such violation or knowingly caused such violation to occur. A party is entitled to present his case or defense by oral or documentary evidence, to submit rebuttal evidence, and to conduct such cross-examination as may be required for a full and true disclosure of the facts. In rule making or determining claims for money or benefits or applications for initial licenses an agency may, when a party will not be prejudiced thereby, adopt procedures for the submission of all or part of the evidence in written form.

The questions are structured in such a way that the only answer that is consistent with the evidence and context of each question is “Admit”. To answer “Deny” is to argue against the supporting evidence provided for each question. The answer provided to each admission must be consistent with all the factual evidence provided and if it is not, the responding party must explain in the “Clarification” area of their answer why the evidence provided in support of the question is incorrect or not trustworthy.

At the end of the admissions, the recipient who completes these questions should sign under penalty of perjury, as required by [26 U.S.C. §6065](#). Failure of the person completing the questions to sign the legal birth name under penalty of perjury shall constitute an “Admit” to every question.

If the recipient of these admissions is not authorized to answer them, then the submitter insists that:

1. They be provided to someone within the receiving organization who can respond to each question.
2. That a letter be sent to the person who sent them the questions providing contact information of the person who will be responding to the admissions.

Note that this document does not constitute:

1. An attempt to impede the lawful administration of either state or federal revenue law. Instead, it is an attempt to ensure that the government respects and observes all of the Constitutional and lawful limits upon their authority to collect revenues and thereby fulfills its only function to protect and defend the Constitutional rights of all Americans.

"It is not the function of our Government to keep the citizen from falling into error; it is the function of the citizen to keep the government from falling into error."
[American Communications Association v. Douds, [339 U.S. 382](#), 442. (1950)]

2. An “argument” about anything, but simply a restatement of what the law and the courts say about a particular subject. Consequently, it is absolutely pointless to accuse the submitter of being “frivolous”. To accuse the submitter of being frivolous would indirectly be an admission that the government is lying to the public, because all questions are backed by evidence derived directly from the government.
3. A request for legal advice. More than adequate evidence is provided in support of each admission to establish the answer to each question in a way that is completely consistent with prevailing law and judicial precedent.

Finally, if additional authorities are cited for a particular conclusion in response to each question, the person answering the questions must observe the same constraints as the IRS itself in regards to the authority of cases cited. The constraints it must operate under are as follows, from the Internal Revenue Manual (I.R.M.) off the IRS website:

*"Decisions made at various levels of the court system... may be used by either examiners or taxpayers to support a position... **A case decided by the U.S. Supreme Court becomes the law of the land and takes precedence over decisions of lower courts... Decisions made by lower courts, such as Tax Court, District Courts, or Claims Court, are binding on the Service only for the particular taxpayer and the years litigated.** Adverse decisions of lower courts do not require the Service to alter its position for other taxpayers."*
[Internal Revenue Manual (I.R.M.), Section 4.10.7.2.9.8 (05/14/99)
<http://www.irs.gov/irm/part4/ch10s11.html>]

2 INSTRUCTIONS TO RECIPIENT

1. For each question, check either the “Admit” or “Deny” blocks.
2. Add additional explanation in the “Clarification” block at the end of the question. You are also encouraged to add additional amplifying exhibits and explanation to your answers, and reference the section number and question number in your answers.
3. Any question left unanswered shall be deemed as “Admit” and constitute a default pursuant to Federal Rule of Civil Procedure 8(b)(6). To wit:

[III. PLEADINGS AND MOTIONS](#) > Rule 8.
[Rule 8. General Rules of Pleading](#)

(b) Defenses; Admissions and Denials.

(6) Effect of Failing to Deny.

An allegation — other than one relating to the amount of damages — is admitted if a responsive pleading is required and the allegation is not denied. If a responsive pleading is not required, an allegation is considered denied or avoided.

4. If the whole questionnaire is left unanswered, then the answer to all questions by the recipient shall be deemed to be “Admit” and constitute a default under Federal Rule of Civil Procedure 8(b)(6).
5. Sign and date the end using blue original ink.
6. Photocopy.
7. Retain the copy for yourself and give the original to the requester.

3 ADMISSIONS

3.1 Status

1. Admit that the ONLY “individual” defined in the I.R.C. is a statutory “alien”:

[26 C.F.R. §1.1441-1 Requirement for the deduction and withholding of tax on payments to foreign persons.](#)

(c) Definitions

(3) Individual.

(i) Alien individual.

The term alien individual means an individual who is not a citizen or a national of the United States. See Sec. 1.1-1(c).

[26 C.F.R. §1.1441-1T Requirement for the deduction and withholding of tax on payments to foreign persons.](#)

(c) Definitions

(3) Individual.

(ii) Nonresident alien individual.

The term nonresident alien individual means [persons](#) described in section 7701(b)(1)(B), alien [individuals](#) who are treated as [nonresident aliens](#) pursuant to [§ 301.7701\(b\)-7 of this chapter](#) for [purposes](#) of computing their U.S. [tax liability](#), or an alien individual who is a resident of Puerto Rico, Guam, the Commonwealth of Northern Mariana Islands, the U.S. Virgin Islands, or American Samoa as determined under [§ 301.7701\(b\)-1\(d\) of this chapter](#). An alien individual who has made an [election](#) under section 6013(g) or [\(h\)](#) to be treated as a resident of the [United States](#) is nevertheless treated as a [nonresident alien](#) individual for [purposes](#) of [withholding](#) under chapter 3 of the Code and the regulations thereunder.

YOUR ANSWER: ____Admit ____Deny

CLARIFICATION:_____

2. Admit that the above “individual” is the SAME “individual” mentioned in the upper left corner of the IRS Form 1040 as “U.S. Individual”.

YOUR ANSWER: ____Admit ____Deny

CLARIFICATION:_____

3. Admit that no one can force you to become a “resident” against your will without violating the Thirteenth Amendment prohibition against involuntary servitude.

“That it does not conflict with the Thirteenth Amendment, which abolished slavery and involuntary servitude, except as a punishment for crime, is too clear for argument. Slavery implies involuntary servitude—a state of bondage; the ownership of mankind as a chattel, or at least the control of the labor and services of one man for the benefit of another, and the absence of a legal right to the disposal of his own person, property, and services in their entirety]. This amendment was said in the Slaughter House Cases, 16 Wall, 36, to have been intended primarily to abolish slavery, as it had been previously known in this country, and that it equally forbade Mexican peonage or the Chinese coolie trade, when they amounted to slavery or involuntary servitude and that the use of the word ‘servitude’ was intended to prohibit the use of all forms of involuntary slavery, of whatever class or name.”

[Plessy v. Ferguson, 163 U.S. 537, 542 (1896)]

YOUR ANSWER: ____Admit ____Deny

CLARIFICATION:_____

4. Admit that you cannot be a “resident” of a place you have never been to and that it is FRAUD to declare oneself a “resident” of the “United States” if one has never physically lived there.

YOUR ANSWER: ____Admit ____Deny

CLARIFICATION:_____

3.2 Which “United States”?

1. Admit that the term “[United States](#)” defined in [26 U.S.C. §7701](#)(a)(9) and (a)(10) is the geographic region over which Subtitle A of the Internal Revenue Code is defined to apply.

“The term ‘United States’ may be used in any one of several senses. [1] It may be merely the name of a sovereign occupying the position analogous to that of other sovereigns in the family of nations. [2] It may designate the territory over which the sovereignty of the United States extends, [3] or it may be the collective name of the states which are united by and under the Constitution.”

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

#	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).

#	U.S. Supreme Court Definition of "United States" in <i>Hooven</i>	Context in which usually used	Referred to in this article as	Interpretation
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 Congress does not have exclusive legislative authority over any of the <u>50 sovereign States within the Union of States</u> . Rights are retained by the States 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.

YOUR ANSWER: ____Admit ____Deny

CLARIFICATION:_____

2. Admit that the term "[United States](#)" defined in [26 U.S.C. §7701](#)(a)(9) and (a)(10) is the geographic region over which Subtitle A of the Internal Revenue Code is defined to apply.

[TITLE 26](#) > [Subtitle F](#) > [CHAPTER 79](#) > *Sec. 7701. [Internal Revenue Code]*
[Sec. 7701. - Definitions](#)

(a) When used in this title, where not otherwise distinctly expressed or manifestly incompatible with the intent thereof—

(9) United States

The term "United States" when used in a geographical sense includes only the [States](#) and the District of Columbia.

(10) State

The term "State" shall be construed to include the District of Columbia, where such construction is necessary to carry out provisions of this title.

[4 U.S. Code § 110](#). Same; definitions

(d) The term "State" includes any Territory or possession of the United States.

YOUR ANSWER: ____Admit ____Deny

CLARIFICATION:_____

3. Admit that the term "[United States](#)" defined in [26 U.S.C. §7701](#)(a)(9) and (a)(10) and (a)(10) and 4 U.S.C. §110(d) has the same meaning as United States** identified by the U.S. Supreme Court in *Hooven* and *Allison v. Evatt* above.

YOUR ANSWER: ____Admit ____Deny

CLARIFICATION:_____

4. Admit that there is no other definition of "[United States](#)" applying to subtitle A of the Internal Revenue Code which might modify or enlarge the definition of "[United States](#)" found above.

YOUR ANSWER: ____Admit ____Deny

CLARIFICATION: _____

5. Admit the term “[United States](#)” as defined in the Internal Revenue Code, Subtitle A to areas under exclusive federal jurisdiction and excludes areas under exclusive state legislative jurisdiction.

See: <http://famguardian.org/TaxFreedom/CitesByTopic/UnitedStates.htm>

YOUR ANSWER: ____Admit ____Deny

CLARIFICATION: _____

6. Admit that the rules of statutory construction state the following:

*“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]

YOUR ANSWER: ____Admit ____Deny

CLARIFICATION: _____

7. Admit that the rules of statutory construction above apply to the interpretation of all statutes, including the Internal Revenue Code and all 50 titles of the [U.S. Code](#).

YOUR ANSWER: ____Admit ____Deny

CLARIFICATION: _____

8. Admit that observing the rules of statutory construction above and the following Supreme Court rulings in the case of the definition of “[United States](#)” defined in [26 U.S.C. §7701](#)(a)(9) and (a)(10) results in excluding states of the Union from the definition of “[United States](#)”.

“It should never be held that Congress intends to supersede or by its legislation suspend the exercise of the police powers of the States, even when it may do so, unless its purpose to effect that result is clearly manifested.”
[Reid v. Colorado, [187 U.S. 137](#), 148 (1902)]

“The principle thus applicable has been frequently stated. It is that the Congress may circumscribe its regulation and occupy a limited field, and that the intention to supersede the exercise by the State of its authority as to matters not covered by the federal legislation is not to be implied unless the Act of Congress fairly interpreted is in conflict with the law of the State. See Savage v. Jones, [225 U.S. 501, 533](#).”
[Atchison, T. & S. F. R. Co. v. Railroad Commission, [283 U.S. 380, 392–393](#) (1931)]

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

YOUR ANSWER: ____Admit ____Deny

CLARIFICATION: _____

9. Admit that the term “[United States](#)” as used in the Constitution and “[United States](#)” and as used in [26 U.S.C. §7701](#)(a)(9) and (a)(10) refer to two mutually exclusive geographical areas.

1 **“Foreign Laws:** *“The laws of a foreign country or sister state. In conflicts of law, the legal principles of*
2 *jurisprudence which are part of the law of a sister state or nation. Foreign laws are additions to our own laws,*
3 *and in that respect are called ‘jus receptum’.”*
4 *[Black’s Law Dictionary, Sixth Edition, p. 647]*

5 **“Foreign States:** *“Nations outside of the United States...Term may also refer to another state; i.e. a sister state.*
6 *The term ‘foreign nations’, ...should be construed to mean all nations and states other than that in which the*
7 *action is brought; and hence, one state of the Union is foreign to another, in that sense.”*
8 *[Black’s Law Dictionary, Sixth Edition, p. 648]*

9 YOUR ANSWER: ___Admit ___Deny

10 CLARIFICATION:_____

- 11
12 10. Admit that all earnings originating within the “United States” defined in 26 U.S.C. §7701(a)(9) and (a)(10) fall within
13 the classification of a “trade or business” under 26 U.S.C. §864(c)(3).

14 [TITLE 26](#) > [Subtitle A](#) > [CHAPTER 1](#) > [Subchapter N](#) > [PART I](#) > § 864
15 [§864. Definitions and special rules](#)

16 (c) Effectively connected income, etc.

17 (3) Other income from sources within United States

18 *All income, gain, or loss from sources within the United States (other than income, gain, or loss to which*
19 *paragraph (2) applies) shall be treated as effectively connected with the conduct of a trade or business within*
20 *the United States.*

21
22 **Income Subject to Tax**

23 *Income from sources outside the United States that is not effectively connected with a trade or business in the*
24 *United States is not taxable if you receive it while you are a nonresident alien. The income is not taxable even*
25 *if you earned it while you were a resident alien or if you became a resident alien or a U.S. citizen after receiving*
26 *it and before the end of the year.*
27 [\[IRS Publication 519, Year 2000, p. 26\]](#)

28
29 YOUR ANSWER: ___Admit ___Deny

30 CLARIFICATION:_____

- 31
32 11. Admit that the ONLY place where EVERYTHING is connected with a public office/”trade or business” in the U.S.
33 government is the government itself, and hence, the term “United States” as used in the phrase “sources within the
34 United States” within the I.R.C. Subtitle A can ONLY mean the GOVERNMENT of the United States and NOT any
35 geographic place.
36

37 *“Loughborough v. Blake, 5 Wheat. 317, 5 L.Ed. 98, was an action of trespass or, as appears by the original*
38 *record, replevin, brought in the circuit court for the District of Columbia to try the right of Congress to impose a*
39 *direct tax for general purposes on that District. 3 Stat. at L. 216, chap. 60. It was insisted that Congress could*
40 *act in a double capacity: in one as legislating [182 U.S. 244, 260] for the states; in the other as a local legislature*
41 *for the District of Columbia. In the latter character, it was admitted that the power of levying direct taxes might*
42 *be exercised, but for District purposes only, as a state legislature might tax for state purposes; but that it could*
43 *not legislate for the District under art. 1, 8, giving to Congress the power ‘to lay and collect taxes, imposts, and*
44 *excises, which ‘shall be uniform throughout the United States,’ inasmuch as the District was no part of the*
45 *United States [described in the Constitution]. It was held that the grant of this power was a general one without*
46 *limitation as to place, and consequently extended to all places over which the government extends; and that it*
47 *extended to the District of Columbia as a constituent part of the United States. The fact that art. 1, 2, declares*
48 *that ‘representatives and direct taxes shall be apportioned among the several states . . . according to their*
49 *respective numbers’ furnished a standard by which taxes were apportioned, but not to exempt any part of the*
50 *country from their operation. The words used do not mean that direct taxes shall be imposed on states only which*
51 *are represented, or shall be apportioned to representatives; but that direct taxation, in its application to states,*
52 *shall be apportioned to numbers.’ That art. 1, 9, 4, declaring that direct taxes shall be laid in proportion to the*
53 *census, was applicable to the District of Columbia, and will enable Congress to apportion on it its just and equal*
54 *share of the burden, with the same accuracy as on the respective states. If the tax be laid in this proportion, it is*

1 within the very words of the restriction. It is a tax in proportion to the census or enumeration referred to.' It was
2 further held that the words of the 9th section did not 'in terms require that the system of direct taxation, when
3 resorted to, shall be extended to the territories, as the words of the 2d section require that it shall be extended to
4 all the states. They therefore may, without violence, be understood to give a rule when the territories shall be
5 taxed, without imposing the necessity of taxing them.'"
6 [Downes v. Bidwell, [182 U.S. 244](#) (1901)]

7
8 YOUR ANSWER: ____Admit ____Deny

9
10 CLARIFICATION:_____

11 **3.3 Citizenship**

12 For additional information on the subjects covered in this section, please refer to:

13 <i>Why You are a Political Citizen but Civil Non-Citizen, National, and Nonresident Alien</i> , Form #05.006 14 http://sedm.org/Forms/FormIndex.htm 15

- 16 1. Admit that if “United States” in the phrase “sources within the United States” means the GOVERNMENT, and no
17 geographic place, then the statutory terms “U.S. citizen” and “U.S. resident” can only be synonyms for the
18 government and have nothing to do with the nationality of the “person”:
19

20 "A corporation is a citizen, [resident](#), or inhabitant of the state or country by or under the laws of which it was
21 created, and of that state or country only."
22 [19 Corpus Juris Secundum (C.J.S.), Corporations, §886 (2003)]
23

24 [TITLE 26](#) > [Subtitle F](#) > [CHAPTER 79](#) > Sec. 7701.

25 [Sec. 7701. - Definitions](#)

26 (a)(30) [United States](#) person

27 The term "United States person" means -

28 (A) a [citizen](#) or [resident](#) of the United States,

29 (B) a domestic partnership,

30 (C) a domestic [corporation](#),

31 (D) any estate (other than a foreign estate, within the meaning of paragraph (31)), and

32 (E) any trust if -

33 (i) a court within the United States is able to exercise primary supervision over the administration of the trust,
34 and

35 (ii) one or more United States persons have the authority to control all substantial decisions of the trust.

36
37 YOUR ANSWER: ____Admit ____Deny

38 CLARIFICATION:_____

- 39 2. Admit that because there are THREE definitions for the the term "[United States](#)", according to the U.S. Supreme Court
40 in *Hooven and Allison v. Evatt* earlier, then there are potentially THREE distinctly different types of “citizens of the
41 United States”, depending on which definition is implied.

42 YOUR ANSWER: ____Admit ____Deny

43 CLARIFICATION:_____

- 44 3. Admit that it is up to NO ONE BUT ME to decide WHICH of the three types of “citizens” I want to be, because choice
45 of citizenship is an act of First Amendment political association that cannot be coerced.

46 [TITLE 22](#) > [CHAPTER 38](#) > § 2721

47 [§ 2721. Impermissible basis for denial of passports](#)
48

A passport may not be denied issuance, revoked, restricted, or otherwise limited because of any speech, activity, belief, affiliation, or membership, within or outside the United States, which, if held or conducted within the United States, would be protected by the first amendment to the Constitution of the United States.

“The citizen cannot complain, because he has voluntarily submitted himself to such a form of government. He owes allegiance to the two departments, so to speak, and within their respective spheres must pay the penalties which each exacts for disobedience to its laws. In return, he can demand protection from each within its own jurisdiction.”
[United States v. Cruikshank, 92 U.S. 542 (1875) [emphasis added]

YOUR ANSWER: ____Admit ____Deny

CLARIFICATION:_____

4. Admit that a human being who did not “voluntarily submit” himself as above by choosing a domicile in the “United States” would be called a “non-citizen national”, just like foreigners visiting here who retain their domicile in a foreign country are called “nationals”.

YOUR ANSWER: ____Admit ____Deny

CLARIFICATION:_____

5. Admit that DOMICILE rather than one’s NATIONALITY is the origin of the government’s authority to tax:

“domicile. A person's legal home. That place where a man has his true, fixed, and **permanent home** and principal establishment, and to which whenever he is absent he has **the intention of** returning. Smith v. Smith, 206 Pa.Super. 310, 213 A.2d. 94. Generally, physical presence within a state and **the intention** to make it one's home are the requisites of establishing a "domicile" therein. The permanent residence of a person or the place to which he **intends to** return even though he may actually reside elsewhere. A person may have more than one residence but only one domicile. **The legal domicile of a person is important since it, rather than the actual residence, often controls the jurisdiction of the taxing authorities and determines where a person may exercise the privilege of voting and other legal rights and privileges.**
[Black's Law Dictionary, Sixth Edition, p. 485]

YOUR ANSWER: ____Admit ____Deny

CLARIFICATION:_____

6. Admit that a passport is evidence of ALLEGIANCE rather than DOMICILE.

“No passport shall be granted or issued to or verified for any other persons than those owing allegiance, whether citizens or not, to the United States.”
[22 U.S.C. §212]

YOUR ANSWER: ____Admit ____Deny

CLARIFICATION:_____

7. Admit that the only status within Title 8 of the U.S. code connected EXCLUSIVELY and ONLY with “allegiance” is that of a “national”.

8 U.S.C. §1101: Definitions

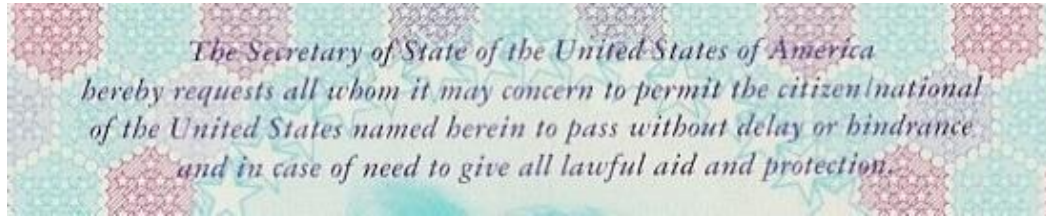
(a) As used in this chapter—

(21) The term "national" means a person owing permanent allegiance to a state.

YOUR ANSWER: ____Admit ____Deny

CLARIFICATION: _____

8. Admit that U.S.A. passport identifies TWO groups of people eligible to receive it: “citizen” OR “national”:



“citizen/national”= “citizen” OR “national”

“/”= “virgule”

YOUR ANSWER: ____Admit ____Deny

CLARIFICATION: _____

9. Admit that one can be a “national” WITHOUT being a statutory “citizen” under 8 U.S.C. §1401:

“7 Foreign Affairs Manual (F.A.M.), Section 012(a)

a. U.S. Nationals Eligible for Consular Protection and Other Services:

Nationality is the principal relationship that connects an individual to a State. International law recognizes the right of a State to afford diplomatic and consular protection to its **nationals** and to represent their interests. **Under U.S. law the term "national" is inclusive of citizens but "citizen" is not inclusive of nationals. All U.S. citizens are U.S. nationals.** Section 101(a)(22) INA (8 U.S.C. 1101(a)(22)) provides that the term "national of the United States" means (A) a citizen of the United States, or (B) a person who, though not a citizen of the United States, owes permanent allegiance to the United States. U.S. nationals are eligible for U.S. consular protection. [SOURCE: <http://www.state.gov/documents/organization/86556.pdf>]

YOUR ANSWER: ____Admit ____Deny

CLARIFICATION: _____

10. Admit that the only type of “residence” within the I.R.C. is one connected to aliens and that “citizens” cannot have a “residence” within the I.R.C. as statutorily defined:

Title 26: Internal Revenue
[PART 1—INCOME TAXES](#)
[nonresident alien individuals](#)
[§ 1.871-2 Determining residence of alien individuals.](#)

(b) **Residence defined.**

An alien actually present in the United States who is not a mere transient or sojourner is a resident of the United States for purposes of the income tax. **Whether he is a transient is determined by his intentions with regard to the length and nature of his stay.** A mere floating intention, indefinite as to time, to return to another country is not sufficient to constitute him a transient. If he lives in the United States and has no definite intention as to his stay, he is a resident. **One who comes to the United States for a definite purpose which in its nature may be promptly accomplished is a transient but, if his purpose is of such a nature that an extended stay may be necessary for its accomplishment, and to that end the alien makes his home temporarily in the United States, he becomes a resident,** though it may be his intention at all times to return to his domicile abroad when the purpose for which he came has been consummated or abandoned. An alien whose stay in the United States is limited to a definite period by the immigration laws is not a resident of the United States within the meaning of this section, in the absence of exceptional circumstances.

YOUR ANSWER: ____Admit ____Deny

CLARIFICATION:_____

11. Admit that the term “resident” as used in the I.R.C. Subtitle A means someone engaged in a “trade or business”, and has nothing to do with the nationality or physical location of the person.

26 C.F.R. §301.7701-5 Domestic, foreign, resident, and nonresident persons. (4-1-04)

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]

YOUR ANSWER: ____Admit ____Deny

CLARIFICATION:_____

12. Admit that a public officer lawfully exercising a public office within a federal corporation is treated as having an effective civil domicile in the place of incorporation of the corporation, which for the “United States” government corporation is the District of Columbia.

IV. PARTIES > Rule 17.

Rule 17. Parties Plaintiff and Defendant; Capacity

(b) Capacity to Sue or be Sued.

Capacity to sue or be sued is determined as follows:

(1) for an individual who is not acting in a representative capacity, by the law of the individual's domicile;
(2) for a corporation [the “United States”, in this case, or its officers on official duty representing the corporation], by the law under which it was organized [laws of the District of Columbia]; and
(3) for all other parties, by the law of the state where the court is located, except that:

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

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

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

YOUR ANSWER: ____Admit ____Deny

CLARIFICATION:_____

3.4 Taxpayer Identification Numbers (TINs)

For additional information on the subjects covered in this section, please refer to:

Why It is Illegal for Me to Request or Use a “Taxpayer Identification Number”, Form #04.205
<http://sedm.org/Forms/FormIndex.htm>

1. Admit that nonresident aliens may only be required to use Taxpayer Identification Numbers if they are engaged in a “trade or business”, which 26 U.S.C. §7701(a)(26) defines as a public office in the U.S. government.

[26 C.F.R. §301.6109-1\(b\)](#)

(b) Requirement to furnish one's own number—

(1) U.S. persons.

Every U.S. person who makes under this title a return, statement, or other document must furnish its own taxpayer identifying number as required by the forms and the accompanying instructions.

(2) Foreign persons.

The provisions of paragraph (b)(1) of this section regarding the furnishing of one's own number shall apply to the following foreign persons--

(i) A foreign person that has income effectively connected with the conduct of a U.S. trade or business at any time during the taxable year;

(ii) A foreign person that has a U.S. office or place of business or a U.S. fiscal or paying agent at any time during the taxable year;

(iii) A nonresident alien treated as a resident under section 6013(g) or (h);

(iv) A foreign person that makes a return of tax (including income, estate, and gift tax returns), an amended return, or a refund claim under this title but excluding information returns, statements, or documents;

(v) A foreign person that makes an election under Sec. 301.7701-3(c);

(vi) A foreign person that furnishes a withholding certificate described in Sec. 1.1441-1(e)(2) or (3) of this chapter or Sec. 1.1441-5(c)(2)(iv) or (3)(iii) of this chapter to the extent required under Sec. 1.1441-1(e)(4)(vii) of this chapter;

(vii) A foreign person whose taxpayer identifying number is required to be furnished on any return, statement, or other document as required by the income tax regulations under section 897 or 1445. This paragraph (b)(2)(vii) applies as of November 3, 2003; and

(viii) A foreign person that furnishes a withholding certificate described in Sec. 1.1446-1(c)(2) or (3) of this chapter or whose taxpayer identification number is required to be furnished on any return, statement, or other document as required by the income tax regulations under section 1446. This paragraph (b)(2)(viii) shall apply to partnership taxable years beginning after May 18, 2005, or such earlier time as the regulations under Sec. 1.1446-1 through 1.1446-5 of this chapter apply by reason of an election under Sec. 1.1446-7 of this chapter.

YOUR ANSWER: ____Admit ____Deny

CLARIFICATION:_____

2. Admit that those nonresident aliens who use a Taxpayer Identification Number but who do not lawfully occupy a public office in the U.S. Government are committing the crime of impersonating a public officer in violation of 18 U.S.C. §912.

[TITLE 18 > PART 1 > CHAPTER 43 > § 912](#)
[§ 912. Officer or employee of the United States](#)

Whoever falsely assumes or pretends to be an officer or employee acting under the authority of the United States or any department, agency or officer thereof, and acts as such, or in such pretended character demands or obtains any money, paper, document, or thing of value, shall be fined under this title or imprisoned not more than three years, or both.

YOUR ANSWER: ____Admit ____Deny

CLARIFICATION:_____

3. Admit that nonresident aliens not engaged in a “trade or business” are expressly exempted from the requirement to furnish a Taxpayer Identification Number.

[Title 31: Money and Finance: Treasury](#)
[PART 103—FINANCIAL RECORDKEEPING AND REPORTING OF CURRENCY AND FOREIGN TRANSACTIONS](#)
[Subpart C—Records Required To Be Maintained](#)

1 § 103.34 Additional records to be made and retained by banks.

2 (a)(3) A taxpayer identification number required under paragraph (a)(1) of this section need not be secured
3 for accounts or transactions with the following:

4 [. . .]

5 (x) non-resident aliens who are not engaged in a trade or business in the United States.

6 In instances described in paragraphs (a)(3), (viii) and (ix) of this section, the bank shall, within 15 days
7 following the end of any calendar year in which the interest accrued in that year is \$10 or more use its best
8 effort to secure and maintain the appropriate taxpayer identification number or application form therefor.

9
10 YOUR ANSWER: ____Admit ____Deny

11
12 CLARIFICATION:_____

13 **3.5 Liability**

14 For additional information on the subjects covered in this section, please refer to:

- 15 1. Tax Deposition Questions, Form #03.016, Section 1: Liability.
16 <http://sedm.org/Forms/FormIndex.htm>
17 2. Sovereignty Forms and Instructions Online, Cites By Topic: “liability”
18 <http://famguardian.org/TaxFreedom/CitesByTopic/Liability.htm>
19 3. Great IRS Hoax, Form #11.302, Section 5.5: Why We Aren’t Liable to File Tax Returns or Keep Records
20 <http://famguardian.org/Publications/GreatIRSHoax/GreatIRSHoax.htm>
21 4. Great IRS Hoax, Form #11.302, Section 5.6: Why We Aren’t Liable to Pay Income Tax
22 <http://famguardian.org/Publications/GreatIRSHoax/GreatIRSHoax.htm>

- 23 _____
24 1. Admit that the only statute within Internal Revenue Code which makes a person liable for the tax described in Subtitle
25 A is withholding agents on nonresident aliens found in [26 U.S.C. §1461](#).

26
27 YOUR ANSWER: ____Admit ____Deny

28
29 CLARIFICATION:_____

- 30 2. Admit that there is no other statute applicable within [I.R.C. Subtitle A](#) which creates a duty or liability for the average
31 American domiciled in a state of the Union.

32
33 YOUR ANSWER: ____Admit ____Deny

34
35 CLARIFICATION:_____

- 36 3. Admit that the only condition in which a “citizens or residents of the United States” can owe a tax under the I.R.C. is
37 when they are abroad pursuant to [26 U.S.C. §911](#).

38
39 YOUR ANSWER: ____Admit ____Deny

40
41 CLARIFICATION:_____

- 42 4. Admit that there is no statute within the Internal Revenue Code, Subtitle A which institutes a tax upon “citizens or
43 residents of the United States” when they are NOT “abroad” pursuant to [26 U.S.C. §911](#).

44
45 YOUR ANSWER: ____Admit ____Deny

CLARIFICATION: _____

5. Admit that the term “abroad” is nowhere defined in the Internal Revenue Code or the Treasury Regulations.

YOUR ANSWER: ____ Admit ____ Deny

CLARIFICATION: _____

6. Admit that the term “abroad” cannot lawfully include any part of a state of the Union.

YOUR ANSWER: ____ Admit ____ Deny

CLARIFICATION: _____

7. Admit that what “citizens and residents of the United States” mentioned in [26 U.S.C. §911](#) have in common is a legal domicile in the “United States”, which is described in 26 U.S.C. §911(d)(3) as an “abode”.

*Abode. One's home; habitation; place of dwelling; or residence. Ordinarily means "domicile." Living place impermanent in character. Fowler v. Fowler, 156 Fla. 316, 22 So.2d. 817, 818. The place where a person dwells. In re Erickson, 18 N.J.Misc. 5, 10 A.2d. 142, 146. Residence of a legal voter. Pope v. Board of Education Com'rs, 370 Ill. 196, 18 N.E.2d. 214, 216. Fixed place of residence for the time being. Augustus Co., for Use of Bourgeois v. Manzella, 19 N.J.Misc. 29, 17 A.2d. 68, 70. For service of process, one's fixed place of residence for the time being; his "usual place of abode." Fed.R. Civil P.4. Kurilla v Roth, 132 N.J.L. 213, 38 A.2d. 862, 864. See Domicile; Residence.
[Black's Law Dictionary, Sixth Edition, p. 7]*

YOUR ANSWER: ____ Admit ____ Deny

CLARIFICATION: _____

8. Admit that only “aliens” can have a “residence” under I.R.C. Subtitle A and that there is no provision within the I.R.C. which associates either a “national” or a “citizen” with a “residence”.

*Title 26: Internal Revenue
PART 1—INCOME TAXES
nonresident alien individuals
§ 1.871-2 Determining residence of alien individuals.*

(b) Residence defined.

*An alien actually present in the United States who is not a mere transient or sojourner is a resident of the United States for purposes of the income tax. **Whether he is a transient is determined by his intentions with regard to the length and nature of his stay.** A mere floating intention, indefinite as to time, to return to another country is not sufficient to constitute him a transient. If he lives in the United States and has no definite intention as to his stay, he is a resident. **One who comes to the United States for a definite purpose which in its nature may be promptly accomplished is a transient; but, if his purpose is of such a nature that an extended stay may be necessary for its accomplishment, and to that end the alien makes his home temporarily in the United States, he becomes a resident,** though it may be his intention at all times to return to his domicile abroad when the purpose for which he came has been consummated or abandoned. An alien whose stay in the United States is limited to a definite period by the immigration laws is not a resident of the United States within the meaning of this section, in the absence of exceptional circumstances.*

YOUR ANSWER: ____ Admit ____ Deny

CLARIFICATION: _____

9. Admit that the “abode” within the “United States” described in [26 U.S.C. §911](#)(d)(3) is the same “United States” defined in [26 U.S.C. §7701](#)(a)(9) and (a)(10).

*TITLE 26 > Subtitle F > CHAPTER 79 > Sec. 7701. [Internal Revenue Code]
[Sec. 7701. - Definitions](#)*

(a)(9) United States

The term "United States" when used in a geographical sense includes only the States and the District of Columbia.

(a)(10) State

The term "State" shall be construed to include the District of Columbia, where such construction is necessary to carry out provisions of this title.

YOUR ANSWER: ____Admit ____Deny

CLARIFICATION: _____

3.6 How One "volunteers" to participate in the "trade or business" franchise

For additional information on the subjects covered in this section, please refer to:

1. Tax Deposition Questions, Section 1
<http://famguardian.org/TaxFreedom/Forms/Discovery/Deposition/Deposition.htm>
2. Great IRS Hoax, Form #11.302, Sections 5.4 through 5.4.27.8 entitled "The 'Voluntary' Aspect of Income Taxes"
<http://famguardian.org/Publications/GreatIRSHoax/GreatIRSHoax.htm>
3. Requirement for Consent, Form #05.003
<http://sedm.org/Forms/FormIndex.htm>

1. Admit that if the I.R.C. Subtitle A describes a franchise agreement or contract, then it doesn't need a liability statute.

YOUR ANSWER: ____Admit ____Deny

CLARIFICATION: _____

2. Admit that the term "wages" includes only amounts earned in connection with employment under which a W-4 is in place.

26 C.F.R. §31.3401(a)-3 Amounts deemed wages under voluntary withholding agreements

(a) In general. Notwithstanding the exceptions to the definition of wages specified in section 3401(a) and the regulations thereunder, **the term "wages" includes the amounts described in paragraph (b)(1) of this section with respect to which there is a voluntary withholding agreement in effect under section 3402(p).** References in this chapter to the definition of wages contained in section 3401(a) shall be deemed to refer also to this section (§31.3401(a)-3).

(b) Remuneration for services.

(1) Except as provided in subparagraph (2) of this paragraph, the amounts referred to in paragraph (a) of this section include any remuneration for services performed by an employee for an employer which, without regard to this section, does not constitute wages under section 3401(a). For example, remuneration for services performed by an agricultural worker or a domestic worker in a private home (amounts which are specifically excluded from the definition of wages by section 3401(a) (2) and (3), respectively) are amounts with respect to which a voluntary withholding agreement may be entered into under section 3402(p). See §§31.3401(c)-1 and 31.3401(d)-1 for the definitions of "employee" and "employer".

YOUR ANSWER: ____Admit ____Deny

CLARIFICATION: _____

3. Admit that a person who never submitted a IRS Form W-4 in the context of their private employment cannot earn "wages" as defined above.

YOUR ANSWER: ____Admit ____Deny

CLARIFICATION:_____

4. Admit that a “voluntary withholding agreement” or “agreement” is a contract.

“Agreement. A meeting of two or more minds; a coming together in opinion or determination; the coming together in accord of two minds on a given proposition. In law, a concord of understanding and intention between two or more parties with respect to the effect upon their relative rights and duties, of certain past or future facts or performances. The consent of two or more persons concurring respecting the transmission of some property, right, or benefits, with the view of contracting an obligation, a mutual obligation.

“A manifestation of mutual assent on the part of two or more persons as to the substance of a contract. Restatement, Second, Contracts, §3.

*“The act of two or more persons, who unite in expressing a mutual and common purpose, with the view of altering their rights and obligations. The union of two or more minds in a thing done or to be done; a mutual assent to do a thing. A compact between parties are there are thereby subjected to the obligation or to whom the contemplated right is thereby secured. “
[Black’s Law Dictionary, Sixth Edition, p. 67]*

YOUR ANSWER: ____Admit ____Deny

CLARIFICATION:_____

5. Admit the IRS Form W-4 is entitled “Employee Withholding Allowance Certificate” says NOTHING about the formation of a “contract” or “agreement” anywhere on the form.

See the following for IRS Form W-4: http://famguardian.org/TaxFreedom/Forms/IRS/IRSFormw4_01.pdf

YOUR ANSWER: ____Admit ____Deny

CLARIFICATION:_____

6. Admit that no federal legislative jurisdiction within states of the Union is required in order to enforce a private contract called a W-4 between a sovereign American and the federal government in a federal court.

*“Independent of these views, there are many considerations which lead to the conclusion that the power to impair contracts, by direct action to that end, does not exist with the general [federal] government. In the first place, one of the objects of the Constitution, expressed in its preamble, was the establishment of justice, and what that meant in its relations to contracts is not left, as was justly said by the late Chief Justice, in *Hepburn v. Griswold*, to inference or conjecture. As he observes, at the time the Constitution was undergoing discussion in the convention, the Congress of the Confederation was engaged in framing the ordinance for the government of the Northwestern Territory, in which certain articles of compact were established between the people of the original States and the people of the Territory, for the purpose, as expressed in the instrument, of extending the fundamental principles of civil and religious liberty, upon which the States, their laws and constitutions, were erected. By that ordinance it was declared, that, in the just preservation of rights and property, ‘no law ought ever to be made, or have force in the said Territory, that shall, in any manner, interfere with or affect private contracts or engagements bona fide and without fraud previously formed.’ The same provision, adds the Chief Justice, found more condensed expression in the prohibition upon the States [in Article 1, Section 10 of the Constitution] against impairing the obligation of contracts, which has ever been recognized as an efficient safeguard against injustice; and though the prohibition is not applied in terms to the government of the United States, he expressed the opinion, speaking for himself and the majority of the court at the time, that it was clear ‘that those who framed and those who adopted the Constitution intended that the spirit of this prohibition should pervade the entire body of legislation, and that the justice which the Constitution was ordained to establish was not thought by them to be compatible with legislation [or judicial precedent] of an opposite tendency.’ 8 Wall. 623. [99 U.S. 700, 765] Similar views are found expressed in the opinions of other judges of this court.”
[*Sinking Fund Cases*, 99 U.S. 700 (1878)]*

YOUR ANSWER: ____Admit ____Deny

CLARIFICATION:_____

1 7. Admit that consent to the constructive contract formed by signing and submitting the IRS Form W-4 must be procured
2 voluntarily and absent duress in order to be legally enforceable against the parties to it.

3 ***“duress.** Any unlawful threat or coercion used by a person to induce another to act (or to refrain from acting) in*
4 *a manner he or she otherwise would not (or would). Subjecting person to improper pressure which overcomes*
5 *his will and coerces him to comply with demand to which he would not yield if acting as free agent. Head v.*
6 *Gadsden Civil Service Bd., Ala.Civ.App., 389 So.2d. 516, 519. Application of such pressure or constraint as*
7 *compels man to go against his will, and takes away his free agency, destroying power of refusing to comply with*
8 *unjust demands of another. Haumont v. Security State Bank, 220 Neb. 809, 374 N.W.2d. 2,6.*

9 ...

10 *A contract entered into under duress by physical compulsion is void. Also, if a party's manifestation of assent*
11 *to a contract is induced by an improper threat by the other party that leaves the victim no reasonable alternative,*
12 *the contract is voidable by the victim. Restatement, Second, Contracts §§174, 175.*

13 *As a defense to a civil action, it must be pleaded affirmatively. Fed.R.Civil P. 8(c).”*
14 *[Black's Law Dictionary, Sixth Edition, p. 504]*

15
16 YOUR ANSWER: ____Admit ____Deny

17
18 CLARIFICATION:_____

19 8. Admit that threats by a private employer against prospective or current private employees to the effect that refusal to
20 sign or submit an form W-4 will result in termination of employment or refusal to hire cannot be considered
21 “voluntary” and must instead be considered to be instituted under duress.

22 ***“voluntary.** Unconstrained by interference; unimpelled by another's influence; spontaneous; acting of oneself.*
23 *Coker v. State, 199 Ga. 20, 33 S.E.2d. 171, 174. Done by design or intention. Proceeding from the free and*
24 *unrestrained will of the person. Produced in or by an act of choice. Resulting from free choice, without*
25 *compulsion or solicitation. The word, especially in statutes, often implies knowledge of essential facts. Without*
26 *valuable consideration; gratuitous, as a voluntary conveyance. Also, having a merely nominal consideration;*
27 *as, a voluntary deed.”*
28 *[Black's Law Dictionary, Sixth Edition, p. 1575]*

29
30 YOUR ANSWER: ____Admit ____Deny

31
32 CLARIFICATION:_____

33 9. Admit that any contract obtained under duress is voidable and unenforceable against the party who was under the
34 duress.

35 *“An agreement [consent] obtained by duress, coercion, or intimidation is invalid, since the party coerced is not*
36 *exercising his free will, and the test is not so much the means by which the party is compelled to execute the*
37 *agreement as the state of mind induced. ¹ Duress, like fraud, rarely becomes material, except where a contract*
38 *or conveyance has been made which the maker wishes to avoid. As a general rule, duress renders the contract*
39 *or conveyance voidable, not void, at the option of the person coerced, ² and it is susceptible of ratification. Like*
40 *other voidable contracts, it is valid until it is avoided by the person entitled to avoid it. ³ However, duress in the*
41 *form of physical compulsion, in which a party is caused to appear to assent when he has no intention of doing so,*
42 *is generally deemed to render the resulting purported contract void. ⁴”*
43 *[American Jurisprudence 2d, Duress, §21 (1999)]*

44

¹ Brown v Pierce, 74 US 205, 7 Wall. 205, 19 L.Ed. 134

² Barnette v Wells Fargo Nevada Nat'l Bank, 270 US 438, 70 L.Ed. 669, 46 S Ct 326 (holding that acts induced by duress which operate solely on the mind, and fall short of actual physical compulsion, are not void at law, but are voidable only, at the election of him whose acts were induced by it); Faske v Gershman, 30 Misc.2d. 442, 215 N.Y.S.2d. 144; Glenney v Crane (Tex Civ App Houston (1st Dist)) 352 S.W.2d. 773, writ ref n r e (May 16, 1962); Carroll v Fetty, 121 W Va 215, 2 SE2d 521, cert den 308 US 571, 84 L.Ed. 479, 60 S Ct 85.

³ Faske v Gershman, 30 Misc.2d. 442, 215 N.Y.S.2d. 144; Heider v Unicume, 142 Or 416, 20 P2d 384; Glenney v Crane (Tex Civ App Houston (1st Dist)) 352 S.W.2d. 773, writ ref n r e (May 16, 1962)

⁴ Restatement 2d, Contracts § 174, stating that if conduct that appears to be a manifestation of assent by a party who does not intend to engage in that conduct is physically compelled by duress, the conduct is not effective as a manifestation of assent.

YOUR ANSWER: ____Admit ____Deny

CLARIFICATION:_____

10. Admit that acts accomplished or liabilities contracted under duress are legally treated as having been performed by or executed by the source of the duress, and not the person acting under the duress.

YOUR ANSWER: ____Admit ____Deny

CLARIFICATION:_____

11. Admit that federal officials, including employees of the IRS, who condone or tolerate the imposition of duress are parties to it, and under federal law, become “accessories after the fact”, which is a criminal act.

[TITLE 18 > PART 1 > CHAPTER 1 > § 3](#)
[§ 3. Accessory after the fact](#)

Whoever, knowing that an offense against the United States has been committed, receives, relieves, comforts or assists the offender in order to hinder or prevent his apprehension, trial or punishment, is an accessory after the fact.

Except as otherwise expressly provided by any Act of Congress, an accessory after the fact shall be imprisoned not more than one-half the maximum term of imprisonment or (notwithstanding section 3571) fined not more than one-half the maximum fine prescribed for the punishment of the principal, or both; or if the principal is punishable by life imprisonment or death, the accessory shall be imprisoned not more than 15 years.

YOUR ANSWER: ____Admit ____Deny

CLARIFICATION:_____

12. Admit that an IRS form W-2 provided by a private employer on a W-2 creates at least a “presumption” of receipt of “wages” in block 1. This is because 26 C.F.R. §31.3401(a)-3 says that a person can only receive “wages” if they submit a W-4 agreement to their private employer.

[26 C.F.R. §31.3401\(a\)-3 Amounts deemed wages under voluntary withholding agreements](#)

(a) In general.

*Notwithstanding the exceptions to the definition of wages specified in section 3401(a) and the regulations thereunder, **the term “wages” includes the amounts described in paragraph (b)(1) of this section with respect to which there is a voluntary withholding agreement in effect under section 3402(p).** References in this chapter to the definition of wages contained in section 3401(a) shall be deemed to refer also to this section (§31.3401(a)-3).*

(b) Remuneration for services.

(1) Except as provided in subparagraph (2) of this paragraph, the amounts referred to in paragraph (a) of this section include any remuneration for services performed by an employee for an employer which, without regard to this section, does not constitute wages under section 3401(a). For example, remuneration for services performed by an agricultural worker or a domestic worker in a private home (amounts which are specifically excluded from the definition of wages by section 3401(a) (2) and (3), respectively) are amounts with respect to which a voluntary withholding agreement may be entered into under section 3402(p). See §§31.3401(c)-1 and 31.3401(d)-1 for the definitions of “employee” and “employer”.

YOUR ANSWER: ____Admit ____Deny

CLARIFICATION:_____

13. Admit that a nonzero amount for “wages” in block 1 of a W-2 form creates a rebuttable “presumption” in the mind of the IRS that the subject of the W-2 completed and submitted an IRS Form W-4 to their private employer.

See preceding question, [26 C.F.R. §31.3401\(a\)-3\(a\)](#) .

YOUR ANSWER: ____Admit ____Deny

CLARIFICATION:_____

14. Admit that a person who never submitted an IRS form W-4 to their employer and thereby consented or “agreed” to participate in federal income taxes, should have a zero amount listed in block 1 of the W-2 filed by their private employer.

See [26 C.F.R. §31.3401\(a\)-3\(a\)](#) above, in question 17.

YOUR ANSWER: ____Admit ____Deny

CLARIFICATION:_____

15. Admit that the same result as the preceding question also applies in the case of an employee who submitted a W-4 under duress but who in fact did not wish to participate. To do otherwise would be to condone theft and robbery.

YOUR ANSWER: ____Admit ____Deny

CLARIFICATION:_____

16. Admit that the only method available for rebutting false presumptions about the receipt of “wages” is to complete, sign, and submit an IRS Form 4852 or W-2c or 4598 to the IRS and/or one’s private employer.

See the following for a sample of the IRS Form 4852:

<http://famguardian.org/TaxFreedom/Forms/IRS/IRSForm4852.pdf>

YOUR ANSWER: ____Admit ____Deny

CLARIFICATION:_____

17. Admit that the IRS DOES NOT make the IRS Form 4598 entitled “Form W-2, 1099, 1098, or 1099 Not Received, Incorrect or Lost” available to the public on their website.

<http://www.irs.gov/formspubs/index.html>

YOUR ANSWER: ____Admit ____Deny

CLARIFICATION:_____

18. Admit that *not* making the IRS Form 4598 available on the IRS website has the effect of increasing IRS revenues derived from involuntarily withheld payroll taxes.

YOUR ANSWER: ____Admit ____Deny

CLARIFICATION:_____

19. Admit that when an IRS employee or IRS publication encourages private nonfederal employers to withhold earnings from their private employees against their will or without their informed voluntary consent constitutes involuntary servitude in violation of the Thirteenth Amendment to the U.S. Constitution, extortion under the color of office, and peonage.

[Thirteenth Amendment](#)

Section 1. Neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction.

Section 2. Congress shall have power to enforce this article by appropriate legislation.

TITLE 42 > CHAPTER 21 > SUBCHAPTER I > Sec. 1994.
Sec. 1994. - Peonage abolished

The holding of any person to service or labor under the system known as peonage is abolished and forever prohibited in any Territory or State of the United States; and all acts, laws, resolutions, orders, regulations, or usages of any Territory or State, which have heretofore established, maintained, or enforced, or by virtue of which any attempt shall hereafter be made to establish, maintain, or enforce, directly or indirectly, the voluntary or involuntary service or labor of any persons as peons, in liquidation of any debt or obligation, or otherwise, are declared null and void

"extortion under the color of office. ...Unlawful taking by any officer by color of his office, of any money or thing of value, that is not due to him, or more than is due or before it is due." 4 Bla.Comm. 141; Com. v. Saulsbury, 152 Pa. 554, 25 A. 610; U.S. v. Denver, D.C.N.C. 14 F. 595; Bush v. State, 19 Ariz. 195, 168 P. 508, 509..."Obtaining property from another, induced by wrongful use of force or fear, OR under color of official right." See State v. Logan, 104 La. 760, 29 So. 336; In re Rempfer, 51 S.D. 393, 216 N.W. 355, 359, 55 A.L.R. 1346; Lee v. State, 16 Ariz. 291, 145 P. 244, 246, Ann.Cas. 1917B, 131."
[Black's Law Dictionary, Fourth Edition]

*"That is does not conflict with the Thirteenth Amendment, which abolished slavery and involuntary servitude, except as a punishment for crime, is too clear for argument. **Slavery implies involuntary servitude—a state of bondage; the ownership of mankind as a chattel, or at least the control of the labor and services of one man for the benefit of another, and the absence of a legal right to the disposal of his own person, property, and services.** This amendment was said in the Slaughter House Cases, 16 Wall, 36, to have been intended primarily to abolish slavery, as it had been previously known in this country, and that it equally forbade Mexican peonage or the Chinese coolie trade, when they amounted to slavery or involuntary servitude and that the use of the word 'servitude' was intended to prohibit the use of all forms of involuntary slavery, of whatever class or name."*
[Plessy v. Ferguson, [163 U.S. 537](#), 542 (1896)]

YOUR ANSWER: ____Admit ____Deny

CLARIFICATION:_____

20. Admit that the decision to either hold public office or sign a W-4 agreement is a voluntary personal decision that cannot be coerced, and if it is, it becomes invalid and unenforceable at the option of the person so coerced.

"An agreement [consent] obtained by duress, coercion, or intimidation is invalid, since the party coerced is not exercising his free will, and the test is not so much the means by which the party is compelled to execute the agreement as the state of mind induced.⁵ Duress, like fraud, rarely becomes material, except where a contract or conveyance has been made which the maker wishes to avoid. As a general rule, duress renders the contract or conveyance voidable, not void, at the option of the person coerced,⁶ and it is susceptible of ratification. Like other voidable contracts, it is valid until it is avoided by the person entitled to avoid it.⁷ However, duress in the form of physical compulsion, in which a party is caused to appear to assent when he has no intention of doing so, is generally deemed to render the resulting purported contract void.⁸"
[American Jurisprudence 2d, Duress, §21 (1999)]

YOUR ANSWER: ____Admit ____Deny

CLARIFICATION:_____

⁵ Brown v Pierce, 74 U.S. 205, 7 Wall. 205, 19 L.Ed. 134

⁶ Barnette v Wells Fargo Nevada Nat'l Bank, 270 U.S. 438, 70 L.Ed. 669, 46 S.Ct. 326 (holding that acts induced by duress which operate solely on the mind, and fall short of actual physical compulsion, are not void at law, but are voidable only, at the election of him whose acts were induced by it); Faske v Gershman, 30 Misc.2d. 442, 215 N.Y.S.2d. 144; Glenney v Crane (Tex Civ App Houston (1st Dist)) 352 S.W.2d. 773, writ ref n r e (May 16, 1962); Carroll v Fetty, 121 W Va 215, 2 SE2d 521, cert den 308 U.S. 571, 84 L.Ed. 479, 60 S.Ct. 85.

⁷ Faske v Gershman, 30 Misc.2d. 442, 215 N.Y.S.2d. 144; Heider v Unicum, 142 Or 416, 20 P2d 384; Glenney v Crane (Tex Civ App Houston (1st Dist)) 352 S.W.2d. 773, writ ref n r e (May 16, 1962)

⁸ Restatement 2d, Contracts § 174, stating that if conduct that appears to be a manifestation of assent by a party who does not intend to engage in that conduct is physically compelled by duress, the conduct is not effective as a manifestation of assent.

21. Admit that because holding public office is “voluntary”, then all taxes based upon this activity must also be voluntary and avoidable for those who are not already “public officers”.

YOUR ANSWER: ____Admit ____Deny

CLARIFICATION:_____

22. Admit that because holding public office is “voluntary”, then all taxes based upon this activity must also be voluntary and avoidable.

YOUR ANSWER: ____Admit ____Deny

CLARIFICATION:_____

23. Admit that the way to legally avoid taxes based on the activity of holding of a public office is to choose not to involve oneself in the activity.

YOUR ANSWER: ____Admit ____Deny

CLARIFICATION:_____

3.7 Withholding and Reporting

For additional information on the subjects covered in this section, please refer to:

1. Income Tax Withholding and Reporting Course, Form #12.004: Short training course on income tax withholding and reporting.
<http://sedm.org/Forms/FormIndex.htm>
2. Federal and State Tax Withholding Options for Private Employers, Form #09.001
<http://sedm.org/Forms/FormIndex.htm>
3. Federal Tax Withholding, Form #04.102: Terse summary of the content of item 2 above.
<http://sedm.org/Forms/FormIndex.htm>
4. Correcting Erroneous Information Returns, Form #04.001: How to correct false IRS Forms W-2, 1042s, 1098, and 1099.
<http://sedm.org/Forms/FormIndex.htm>

1. Admit that IRS Form W-4 is identified as an “agreement” in the Treasury Regulations.

26 C.F.R. §31.3401(a)-3 Amounts deemed wages under voluntary withholding agreements

(a) In general.

Notwithstanding the exceptions to the definition of wages specified in section 3401(a) and the regulations thereunder, the term “wages” includes the amounts described in paragraph (b)(1) of this section with respect to which there is a voluntary withholding agreement in effect under section 3402(p). References in this chapter to the definition of wages contained in section 3401(a) shall be deemed to refer also to this section (§31.3401(a)-3.

Title 26: Internal Revenue

PART 31—EMPLOYMENT TAXES AND COLLECTION OF INCOME TAX AT SOURCE

Subpart E—Collection of Income Tax at Source

§ 31.3402(p)-1 Voluntary withholding agreements.

(a) In general.

An employee and his employer may enter into an agreement under section 3402(b) to provide for the withholding of income tax upon payments of amounts described in paragraph (b)(1) of §31.3401(a)-3, made after December

31, 1970. An agreement may be entered into under this section only with respect to amounts which are includible in the gross income of the employee under section 61, and must be applicable to all such amounts paid by the employer to the employee. The amount to be withheld pursuant to an agreement under section 3402(p) shall be determined under the rules contained in section 3402 and the regulations thereunder. See §31.3405(c)-1, Q&A-3 concerning agreements to have more than 20-percent Federal income tax withheld from eligible rollover distributions within the meaning of section 402.

YOUR ANSWER: ____Admit ____Deny

CLARIFICATION: _____

2. Admit that “private employers”, which are entities not engaged in a “public office”, are not required to enter into any kind of agreements:

*Internal Revenue Manual (I.R.M.), Section 5.14.10.2 (09-30-2004)
Payroll Deduction Agreements*

2. Private employers, states, and political subdivisions are not required to enter into payroll deduction agreements. Taxpayers should determine whether their employers will accept and process executed agreements before agreements are submitted for approval or finalized.
[<http://www.irs.gov/irm/part5/ch14s10.html>]

YOUR ANSWER: ____Admit ____Deny

CLARIFICATION: _____

3. Admit that the term “wages” is defined in [26 U.S.C. §3401\(a\)](#).

YOUR ANSWER: ____Admit ____Deny

CLARIFICATION: _____

4. Admit that the IRS Form W-2 may only lawfully be filed in connection with persons who have signed IRS Form W-4 agreements.

YOUR ANSWER: ____Admit ____Deny

CLARIFICATION: _____

5. Admit that the IRS Form W-2 is called an “information return” by the IRS.

See: <http://www.irs.gov/taxpros/content/0,,id=98185,00.html>

YOUR ANSWER: ____Admit ____Deny

CLARIFICATION: _____

6. Admit that all information returns may only be filed in connection with a “trade or business” pursuant to [26 U.S.C. §6041\(a\)](#).

[TITLE 26](#) > [Subtitle F](#) > [CHAPTER 61](#) > [Subchapter A](#) > [PART III](#) > [Subpart B](#) > § 6041
[§6041. Information at source](#)

(a) Payments of \$600 or more

All persons engaged in a trade or business and making payment in the course of such trade or business to another person, of rent, salaries, wages, premiums, annuities, compensations, remunerations, emoluments, or other fixed or determinable gains, profits, and income (other than payments to which section [6042 \(a\)\(1\)](#), [6044 \(a\)\(1\)](#), [6047 \(e\)](#), [6049 \(a\)](#), or [6050N \(a\)](#) applies, and other than payments with respect to which a statement is required under the authority of section [6042 \(a\)\(2\)](#), [6044 \(a\)\(2\)](#), or [6045](#)), of \$600 or more in any taxable year, or, in the case of such payments made by the United States, the officers or employees of the United States having information as to

1 such payments and required to make returns in regard thereto by the regulations hereinafter provided for, shall
2 render a true and accurate return to the Secretary, under such regulations and in such form and manner and to
3 such extent as may be prescribed by the Secretary, setting forth the amount of such gains, profits, and income,
4 and the name and address of the recipient of such payment.

5
6 YOUR ANSWER: ____Admit ____Deny

7
8 CLARIFICATION:_____

- 9 7. Admit that all earnings reported on an IRS Form W-2 are “trade or business” earnings connected with a “public office”
10 in the United States government.

11
12 YOUR ANSWER: ____Admit ____Deny

13
14 CLARIFICATION:_____

- 15 8. Admit that information returns filed against a person who is not engaged in a “trade or business” or a “public office”
16 are false and that those who submit them, if notified they are false, are engaged in criminal FRAUD if they submit said
17 information returns to the government.

18
19 YOUR ANSWER: ____Admit ____Deny

20
21 CLARIFICATION:_____

- 22 9. Admit that a biological person who does not work for the federal government as a “public officer” and who did not
23 voluntarily sign and submit an IRS Form W-4 is not engaged in a “trade or business” and may not lawfully have any
24 amount of earnings reported against him or her on an IRS Form W-2 without violating [26 U.S.C. §7206](#) and [7207](#).

25 [TITLE 26](#) > [Subtitle F](#) > [CHAPTER 75](#) > [Subchapter A](#) > [PART I](#) > § 7206
26 [§ 7206. Fraud and false statements](#)

27 Any person who—

28 (1) Declaration under penalties of perjury

29 Willfully makes and subscribes any return, statement, or other document, which contains or is verified by a written
30 declaration that it is made under the penalties of perjury, and which he does not believe to be true and correct as
31 to every material matter; or

32 (2) Aid or assistance

33 Willfully aids or assists in, or procures, counsels, or advises the preparation or presentation under, or in
34 connection with any matter arising under, the internal revenue laws, of a return, affidavit, claim, or other
35 document, which is fraudulent or is false as to any material matter, whether or not such falsity or fraud is with
36 the knowledge or consent of the person authorized or required to present such return, affidavit, claim, or
37 document; or

38
39 YOUR ANSWER: ____Admit ____Deny

40
41 CLARIFICATION:_____

- 42 10. Admit that withholding and levies in connection with earnings from employment apply ONLY to “wages” as legally
43 defined and NOT against all earnings, meaning that they apply only to the portion of one’s earnings that are connected
44 with a “public office” or “trade or business” and therefore connected to a “public use”.

45 **Public use.** Eminent domain. The constitutional and statutory basis for taking property by eminent domain. For
46 condemnation purposes, “public use” is one which confers some benefit or advantage to the public; it is not
47 confined to actual use by public. It is measured in terms of right of public to use proposed facilities for which
48 condemnation is sought and, as long as public has right of use, whether exercised by one or many members of
49 public, a “public advantage” or “public benefit” accrues sufficient to constitute a public use. *Montana Power*
50 *Co. v. Bokma, Mont., 457 P.2d. 769, 772, 773.*

Public use, in constitutional provisions restricting the exercise of the right to take property in virtue of eminent domain, means a use concerning the whole community distinguished from particular individuals. But each and every member of society need not be equally interested in such use, or be personally and directly affected by it; if the object is to satisfy a great public want or exigency, that is sufficient. *Ringe Co. v. Los Angeles County*, 262 U.S. 700, 43 S.Ct. 689, 692, 67 L.Ed. 1186. The term may be said to mean public usefulness, utility, or advantage, or what is productive of general benefit. It may be limited to the inhabitants of a small or restricted locality, but must be in common, and not for a particular individual. The use must be a needful one for the public, which cannot be surrendered without obvious general loss and inconvenience. A "public use" for which land may be taken defies absolute definition for it changes with varying conditions of society, new appliances in the sciences, changing conceptions of scope and functions of government, and other differing circumstances brought about by an increase in population and new modes of communication and transportation. *Katz v. Brandon*, 156 Conn. 521, 245 A.2d. 579, 586.

See also *Condemnation; Eminent domain*.
[*Black's Law Dictionary, Sixth Edition*, p. 1232]

YOUR ANSWER: ____Admit ____Deny

CLARIFICATION:_____

11. Admit that the IRS Individual Master File (IMF) applies the tax to one's "wages" as legally defined and NOT all of their earnings or to wages as commonly understood.

See: <http://famguardian.org/TaxFreedom/Instructions/0.8ObtAndAnalyzingIMF.htm>

YOUR ANSWER: ____Admit ____Deny

CLARIFICATION:_____

12. Admit that a subset of those holding "public office" are described as "employees" within 26 U.S.C. §3401(c) and [26 C.F.R. §31.3401\(c \)-1](#).

[26 U.S.C. §3401\(c \) Employee](#)

For purposes of this chapter, the term "employee" includes [is limited to] an officer, employee, or elected official of the United States, a State, or any political subdivision thereof, or the District of Columbia, or any agency or instrumentality of any one or more of the foregoing. The term "employee" also includes an officer of a corporation.

[26 C.F.R. §31.3401\(c \)-1 Employee:](#)

"...the term [employee] includes officers and employees, whether elected or appointed, of the United States, a [federal] State, Territory, Puerto Rico or any political subdivision, thereof, or the District of Columbia, or any agency or instrumentality of any one or more of the foregoing. The term 'employee' also includes an officer of a corporation."

YOUR ANSWER: ____Admit ____Deny

CLARIFICATION:_____

13. Admit that the "employee" defined above is the SAME "employee" described in IRS Form W-4.

YOUR ANSWER: ____Admit ____Deny

CLARIFICATION:_____

14. Admit that the IRS Form W-4 may not lawfully be used to initiate withholding against a person who was not ALREADY engaged in a "public office" BEFORE they signed the form. In other words, admit that the W-4 form does not CREATE a "public office" but simply authorizes taxation of an EXISTING public office within the U.S. government.

YOUR ANSWER: ____Admit ____Deny

CLARIFICATION:_____

15. Admit that the use or abuse of IRS Form W-4 to CREATE public offices in the U.S. government would constitute a criminal violation of 18 U.S.C. §912 and a civil violation of 4 U.S.C. §72.

[TITLE 18](#) > [PART I](#) > [CHAPTER 43](#) > § 912
[§ 912. Officer or employee of the United States](#)

*Whoever **falsely assumes or pretends to be an officer or employee acting under the authority of the United States** or any department, agency or officer thereof, and acts as such, or in such pretended character demands or obtains any money, paper, document, or thing of value, shall be fined under this title or imprisoned not more than three years, or both.*

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

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

YOUR ANSWER: ____Admit ____Deny

CLARIFICATION:_____

16. Admit that IRS Forms W-2, 1042s, 1098, and 1099 cannot lawfully be used to CREATE public offices, but merely document the exercise of those already lawfully occupying said office pursuant to Article VI of the United States Constitution.

YOUR ANSWER: ____Admit ____Deny

CLARIFICATION:_____

17. Admit that if IRS Forms W-2, 1042s, 1098, and 1099 are used to “elect” an otherwise private person involuntarily into public office that he or she does not consent to occupy, the filer of the information return is criminally liable for:
- 1.1. Filing false returns and statements pursuant to 26 U.S.C. §§7206, 7207.
 - 1.2. Impersonating a public officer pursuant to 18 U.S.C. §912.
 - 1.3. Involuntary servitude in violation of 18 U.S.C. §§1581, 1593 and the Thirteenth Amendment.

YOUR ANSWER: ____Admit ____Deny

CLARIFICATION:_____

18. Admit that one cannot be an “employee” as defined above or within the meaning of 5 U.S.C. §2105 without also being engaged in a “trade or business” activity.

[TITLE 5](#) > [PART III](#) > [Subpart A](#) > [CHAPTER 21](#) > § 2105
[§ 2105. Employee](#)

(a) For the purpose of this title, “employee”, except as otherwise provided by this section or when specifically modified, means an officer and an individual who is—

(1) appointed in the civil service by one of the following acting in an official capacity—

- (A) the President;*
- (B) a Member or Members of Congress, or the Congress;*
- (C) a member of a uniformed service;*
- (D) an individual who is an employee under this section;*

(E) the head of a Government controlled corporation; or
(F) an adjutant general designated by the Secretary concerned under section 709 (c) of title 32;

(2) engaged in the performance of a Federal function under authority of law or an Executive act; and
(3) subject to the supervision of an individual named by paragraph (1) of this subsection while engaged in the performance of the duties of his position.

YOUR ANSWER: ____Admit ____Deny

CLARIFICATION:_____

19. Admit that the practical affect of signing a W-4 agreement is to make one's earnings into "wages" as legally defined in [26 U.S.C. §3401](#) and to make them into "gross income".

Title 26: Internal Revenue
[PART 31—EMPLOYMENT TAXES AND COLLECTION OF INCOME TAX AT SOURCE](#)
[Subpart E—Collection of Income Tax at Source](#)
[§ 31.3402\(p\)-1 Voluntary withholding agreements.](#)

(a) In general. An employee and his employer may enter into an agreement under section 3402(b) to provide for the withholding of income tax upon payments of amounts described in paragraph (b)(1) of §31.3401(a)-3, made after December 31, 1970. **An agreement may be entered into under this section only with respect to amounts which are includible in the gross income of the employee under section 61, and must be applicable to all such amounts paid by the employer to the employee.** The amount to be withheld pursuant to an agreement under section 3402(p) shall be determined under the rules contained in section 3402 and the regulations thereunder. See §31.3405(c)-1, Q&A-3 concerning agreements to have more than 20-percent Federal income tax withheld from eligible rollover distributions within the meaning of section 402.

YOUR ANSWER: ____Admit ____Deny

CLARIFICATION:_____

20. Admit that the above provision within 26 C.F.R. §31.3402(p)-1(a) is NOT found anywhere within the I.R.C. and therefore is unenforceable.

"When enacting §7206(1) Congress undoubtedly knew that the Secretary of the Treasury is empowered to prescribe all needful rules and regulations for the enforcement of the internal revenue laws, so long as they carry into effect the will of Congress as expressed by the statutes. Such regulations have the force of law. **The Secretary, however, does not have the power to make law.**"⁹
[United States v. Levy, 533 F.2d. 969 (1976)]

Finally, the Government points to the fact that the Treasury Regulations relating to the statute purport to include the pick-up man among those subject to the s 3290 tax,^{FN11} and argues (a) that this constitutes an administrative interpretation to which we should give weight in construing the statute, particularly because (b) section 3290 was 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 argument persuasive. In light of the above discussion, *359 we cannot but regard this Treasury Regulation as no more than an attempted addition to the statute of something which is not there.**^{FN12} **As such the regulation can furnish no sustenance to the statute. Koshland v. Helvering, 298 U.S. 441, 446-447, 56 S.Ct. 767, 769-770, 80 L.Ed. 1268.**
[U.S. v. Calamaro, 354 U.S. 351, 77 S.Ct. 1138 (U.S. 1957)]

YOUR ANSWER: ____Admit ____Deny

CLARIFICATION:_____

3.8 Assessment authority

For additional information on the subjects covered in this section, please refer to:

⁹ Dixon v. United States, 1965, 381 U.S. 68, 85 S.Ct. 1301, 14 L.Ed.2d 223; Werner v. United States, 7 Cir., 1959, 264 F.2d. 489; Whirlwind Manufacturing Company v. United States, 5 Cir., 1965, 344 F.2d. 153.

1. Authorities on “assessment”: Family Guardian Cites by Topic
<http://famguardian.org/TaxFreedom/CitesByTopic/assessment.htm>
2. Why the Government Can’t Lawfully Assess Human Beings With an Income Tax Liability Without Their Consent, Form #05.011
<http://sedm.org/Forms/FormIndex.htm>
3. Tax Deposition Questions, Section 13 entitled “26 U.S.C. §6020(b) Substitute For Returns”
<http://famguardian.org/TaxFreedom/Forms/Discovery/Deposition/Deposition.htm>

1. Admit that an involuntary assessment is called a “Substitute For Return (SFR)” by the IRS.

YOUR ANSWER: ____Admit ____Deny

CLARIFICATION:_____

2. Admit that 26 U.S.C. §6020(b) is the authority for the IRS to do involuntary assessments.

TITLE 26 > Subtitle F > CHAPTER 61 > Subchapter A > PART II > Subpart D > § 6020
§ 6020. Returns prepared for or executed by Secretary

(a) Preparation of return by Secretary

If any person shall fail to make a return required by this title or by regulations prescribed thereunder, but shall consent to disclose all information necessary for the preparation thereof, then, and in that case, the Secretary may prepare such return, which, being signed by such person, may be received by the Secretary as the return of such person.

(b) Execution of return by Secretary

(1) Authority of Secretary to execute return

If any person fails to make any return required by any internal revenue law or regulation made thereunder at the time prescribed therefor, or makes, willfully or otherwise, a false or fraudulent return, the Secretary shall make such return from his own knowledge and from such information as he can obtain through testimony or otherwise.

(2) Status of returns

Any return so made and subscribed by the Secretary shall be prima facie good and sufficient for all legal purposes.
[SOURCE: <https://www.law.cornell.edu/uscode/text/26/6020>]

YOUR ANSWER: ____Admit ____Deny

CLARIFICATION:_____

3. Admit that Internal Revenue Manual (I.R.M.), Section 5.1.11.6.8 describes and limits 26 U.S.C. §6020(b) authority of the IRS.

Internal Revenue Manual (I.R.M.), Section 5.1.11.6.8 (03-01-2007)
IRC 6020(b) Authority

1. The following returns may be prepared, signed and executed by revenue officers under the authority of IRC 6020(b):

- A. Form 940, Employer’s Annual Federal Unemployment Tax Return;*
- B. Form 941, Employer’s Quarterly Federal Tax Return;*
- C. Form 943, Employer’s Annual Tax Return for Agricultural Employees;*
- D. Form 944, Employer’s Annual Federal Tax Return;*
- E. Form 720, Quarterly Federal Excise Tax Return;*
- F. Form 2290, Heavy Vehicle Use Tax Return;*
- G. Form CT–1, Employer’s Annual Railroad Retirement Tax Return;*
- H. Form 1065, U.S. Return of Partnership Income.*

2. Pursuant to IRM 1.2.44.5, Delegations of Authority, Order Number 182 (rev. 7), dated 5/5/1997, revenue officers GS-09 and above, and Collection Support Function managers GS-09 and above, have the authority to prepare and execute returns under IRC 6020(b).
[SOURCE: <http://www.irs.gov/irm/part5/ch01s12.html>]

YOUR ANSWER: ____Admit ____Deny

CLARIFICATION:_____

4. Admit that IRS Forms 1040, 1040NR, etc are not listed in Internal Revenue Manual (I.R.M.), Section 5.1.11.6.8 as forms which are authorized to have SFR's done against them.

YOUR ANSWER: ____Admit ____Deny

CLARIFICATION:_____

5. Admit that IRS Form 1040 or 1040NR are the type of form you expect me to file as part of this proceeding.

YOUR ANSWER: ____Admit ____Deny

CLARIFICATION:_____

6. Admit that the IRS admitted in Congressional Research Service Report GAO/GGD-00-60R that "Substitute For Returns" are not "returns", but simply PROPOSED assessments.

*"In its response to this letter, IRS officials indicated that **they do not generally prepare actual tax returns. Instead, they said IRS prepares substitute documents that propose assessments. Although IRS and legislation refer to this as the substitute for return program, these officials said that the document does not look like an actual tax return.**"*

[Congressional Research Service Report GAO/GGD-00-60R;

SOURCE: <http://famguardian.org/PublishedAuthors/Govt/GAO/GAO-GGD-00-60R-SFR.pdf>]

YOUR ANSWER: ____Admit ____Deny

CLARIFICATION:_____

7. Admit that the U.S. Supreme Court said that our system of income taxation is based upon voluntary assessment and not "distrain", meaning enforcement.

"Our system of taxation is based upon voluntary assessment and payment, not distrain."
[Flora v. U.S., 362 U.S. 145 (1960)]

YOUR ANSWER: ____Admit ____Deny

CLARIFICATION:_____

3.9 Relationship of State to Federal Income Taxation

For additional information on the subjects covered in this section, please refer to:

1. *State Income Taxes*, Form #05.031
<http://sedm.org/Forms/FormIndex.htm>
2. *Jurisdiction Over Federal Areas within the States*, Form #11.203: Definitive report by the U.S. Attorney General
<http://sedm.org/Forms/FormIndex.htm>
3. *4 U.S.C.A. §106: State Income Taxes*. Basis for state income taxation. Only permitted within federal areas.
<http://sedm.org/SampleLetters/States/4USCA106-20070514.pdf>

- 1 1. Admit that each state of the Union legislatures for TWO mutually exclusive jurisdictions:
2 1.1. Territory of the state subject to the exclusive jurisdiction of the state. These areas are referred to as the “Republic
3 State” within this document.
4 1.2. Federal areas and possessions within the exterior limits of the state. These areas are referred to as the “Corporate
5 State” within this document.
6

7 YOUR ANSWER: ____Admit ____Deny
8

9 CLARIFICATION: _____
10

- 11 2. Admit that neither the state nor the federal constitutions authorize the existence of the Corporate State, and that all powers
12 not expressly granted to the state and federal governments by their respective constitutions are reserved to the People of
13 the state.

14 YOUR ANSWER: ____Admit ____Deny
15

16 CLARIFICATION: _____
17

- 18 3. Admit that it is a conflict of interest for officers of the Republic State to also serve the Corporate State.

19 *CALIFORNIA CONSTITUTION*
ARTICLE 7 PUBLIC OFFICERS AND EMPLOYEES

20 *SEC. 7. A person holding a lucrative office under the United States or other power may not hold a civil office*
21 *of profit [in THIS state]. A local officer or postmaster whose compensation does not exceed 500 dollars per year*
22 *or an officer in the militia or a member of a reserve component of the armed forces of the United States except*
23 *where on active federal duty for more than 30 days in any year is not a holder of a lucrative office, nor is the*
24 *holding of a civil office of profit affected by this military service.*

25 YOUR ANSWER: ____Admit ____Deny
26

27 CLARIFICATION: _____
28

- 29 4. Admit that federal areas within the “Corporate State” are described in [Article 1](#), Section 8, Clause 17 of the United States
30 Constitution.

31 *United States Constitution*
Article 1, Section 8, Clause 17

32 *The Congress shall have Power [. . .]*

33 *To exercise exclusive Legislation in all Cases whatsoever, over such District (not exceeding ten Miles square) as*
34 *may, by Cession of Particular States, and the Acceptance of Congress, become the Seat of the Government of the*
35 *United States, and to exercise like Authority over all Places purchased by the Consent of the Legislature of the*
36 *State in which the Same shall be, for the Erection of Forts, Magazines, Arsenals, dock-Yards and other needful*
37 *Buildings;--And*
38 *[SOURCE: <http://caselaw.lp.findlaw.com/data/constitution/article01/>]*
39

40 YOUR ANSWER: ____Admit ____Deny
41

42 CLARIFICATION: _____
43

- 44 5. Admit that federal areas within the “Corporate State” are not protected by the Bill of Rights, which are the first Ten
45 Amendments to the United States Constitution.

46 *“Indeed, the practical interpretation put by Congress upon the Constitution has been long continued and uniform*
47 *to the effect *279 that the Constitution is applicable to territories acquired by purchase or conquest, only when*
48 *and so far as Congress shall so direct.”*
49 *[Downes v. Bidwell, 182 U.S. 244, at 278-279 (1901)]*
50

YOUR ANSWER: ____Admit ____Deny

CLARIFICATION: _____

6. Admit that a “resident” for the purposes of filing a “resident” state income tax return is an alien with a domicile on federal territory.

26 U.S.C. §7701(b)(1)(A) Resident alien
(b) Definition of resident alien and nonresident alien

(1) In general

For purposes of this title (other than subtitle B) -

(A) Resident alien

An alien individual shall be treated as a resident of the United States with respect to any calendar year if (and only if) such individual meets the requirements of clause (i), (ii), or (iii):

(i) Lawfully admitted for permanent residence

Such individual is a lawful permanent resident of the United States at any time during such calendar year.

(ii) Substantial presence test

Such individual meets the substantial presence test of paragraph (3).

(iii) First year election

Such individual makes the election provided in paragraph (4).

“Residents, as distinguished from citizens, are aliens who are permitted to take up a permanent abode in the country. Being bound to the society by reason of their dwelling in it, they are subject to its laws so long as they remain there, and, being protected by it, they must defend it, although they do not enjoy all the rights of citizens. They have only certain privileges which the law, or custom, gives them. Permanent residents are those who have been given the right of perpetual residence. They are a sort of citizen of a less privileged character, and are subject to the society without enjoying all its advantages. Their children succeed to their status; for the right of perpetual residence given them by the State passes to their children.”

[The Law of Nations, Vattel, Book 1, Chapter 19, Section 213, p. 87, SEDM Exhibit #01.003]

[SOURCE: <http://sedm.org/Exhibits/ExhibitIndex.htm>]

YOUR ANSWER: ____ Admit ____ Deny

CLARIFICATION: _____

7. Admit that the United States Constitution forbids the President of the United States to “join or divide” any state of the Union.

United States Constitution
Article 4, Section 3, Clause 1

New States may be admitted by the Congress into this Union; but no new State shall be formed or erected within the Jurisdiction of any other State; nor any State be formed by the Junction of two or more States, or Parts of States, without the Consent of the Legislatures of the States concerned as well as of the Congress.

YOUR ANSWER: ____ Admit ____ Deny

CLARIFICATION: _____

8. Admit that 26 U.S.C. §7621 authorizes the President of the United States to join or divide “States”:

TITLE 26 > Subtitle F > CHAPTER 78 > Subchapter B > § 7621
§ 7621. Internal revenue districts

(a) Establishment and alteration

The President shall establish convenient internal revenue districts for the purpose of administering the internal revenue laws. The President may from time to time alter such districts.

(b) Boundaries

For the purpose mentioned in subsection (a), the President may subdivide any State, or the District of Columbia, or may unite into one district two or more States.

YOUR ANSWER: ____Admit ____Deny

CLARIFICATION:_____

9. Admit that the “State” referred to in [26 U.S.C. §7621](#) above is a federal “State” defined in [4 U.S.C. §110\(d\)](#), which is a territory or possession of the United States and includes no part of any state of the Union:

[TITLE 4 > CHAPTER 4 > § 110](#)
[§ 110. Same; definitions](#)

As used in sections 105–109 of this title—

(d) The term “State” includes any Territory or possession of the United States.

YOUR ANSWER: ____Admit ____Deny

CLARIFICATION:_____

10. Admit that the states of the Union are not “territories” of the United States:

Corpus Juris Secundum Legal Encyclopedia
Territories
"§1. Definitions, Nature, and Distinctions

"The word 'territory,' when used to designate a political organization has a distinctive, fixed, and legal meaning under the political institutions of the United States, and does not necessarily include all the territorial possessions of the United States, but may include only the portions thereof which are organized and exercise governmental functions under act of congress."

"While the term 'territory' is often loosely used, and has even been construed to include municipal subdivisions of a territory, and 'territories of the' United States is sometimes used to refer to the entire domain over which the United States exercises dominion, the word 'territory,' when used to designate a political organization, has a distinctive, fixed, and legal meaning under the political institutions of the United States, and the term 'territory' or 'territories' does not necessarily include only a portion or the portions thereof which are organized and exercise government functions under acts of congress. The term 'territories' has been defined to be political subdivisions of the outlying dominion of the United States, and in this sense the term 'territory' is not a description of a definite area of land but of a political unit governing and being governed as such. The question whether a particular subdivision or entity is a territory is not determined by the particular form of government with which it is, more or less temporarily, invested.

"Territories' or 'territory' as including 'state' or 'states.'" While the term 'territories of the' United States may, under certain circumstances, include the states of the Union, as used in the federal Constitution and in ordinary acts of congress "territory" does not include a foreign state.

"As used in this title, the term 'territories' generally refers to the political subdivisions created by congress, and not within the boundaries of any of the several states."
[86 Corpus Juris Secundum (C.J.S.), Territories, §1 (2003), Emphasis added]

YOUR ANSWER: ____Admit ____Deny

CLARIFICATION:_____

11. Admit that in California, the Corporate State is defined in the [California Revenue and Taxation Code, Section 17018](#) as follows:

California Revenue and Taxation Code
Division 2: Other Taxes
Part 10: Personal Income Tax

17018. "State" includes the District of Columbia, and the possessions of the United States.
[SOURCE: <http://www.leginfo.ca.gov/cgi-bin/displaycode?section=rtc&group=17001-18000&file=17001-17039.1>]

YOUR ANSWER: ____Admit ____Deny

CLARIFICATION:_____

12. Admit that federal areas within the "Corporate State" are privileged areas where all "rights" are legislatively derived, and therefore become revocable "privileges" subject to the will of Congress.

YOUR ANSWER (circle one): Admit/Deny

13. Admit that the federal income tax liability under I.R.C. Subtitle A is a prerequisite to state income tax liability in every state of the Union that has personal income taxes.

YOUR ANSWER: ____Admit ____Deny

CLARIFICATION:_____

14. Admit that all income taxes require a domicile within the territory of the taxing authority.

See and rebut:

Why Domicile and Income Taxes are Voluntary, Form #05.002
<http://sedm.org/Forms/FormIndex.htm>

YOUR ANSWER (circle one): Admit/Deny

15. Admit that you can only have a legal domicile in one physical place at a time.

"Domicile. [. . .] A person may have more than one residence but only one domicile."
[Black's Law Dictionary, Sixth Edition, p. 485]

YOUR ANSWER: ____Admit ____Deny

CLARIFICATION:_____

16. Admit that federal income taxes have as a prerequisite legal domicile on federal territory and NOT on land under exclusive Republic State jurisdiction.

"Thus, the Court has frequently held that domicile or residence, more substantial than mere presence in transit or sojourn, is an adequate basis for taxation, including income, property, and death taxes. Since the Fourteenth Amendment makes one a citizen of the state wherein he resides, the fact of residence creates universally reciprocal duties of protection by the state and of allegiance and support by the citizen. The latter obviously includes a duty to pay taxes, and their nature and measure is largely a political matter. Of course, the situs of property may tax it regardless of the citizenship, domicile, or residence of the owner, the most obvious illustration being a tax on realty laid by the state in which the realty is located."
[Miller Brothers Co. v. Maryland, [347 U.S. 340](#) (1954)]

YOUR ANSWER: ____Admit ____Deny

CLARIFICATION:_____

17. Admit that human beings who are born in and domiciled within any state of the Union on land under exclusive Republic State jurisdiction and which is part of the Republic State but not Corporate State are "nationals" but not statutory "U.S. citizens" pursuant to [8 U.S.C. §1101](#)(a)(21).

See:

YOUR ANSWER: ____ Admit ____ Deny

CLARIFICATION: _____

18. Admit that what makes a human being a statutory “U.S. citizen” under [8 U.S.C. §1401](#) is a legal domicile on federal territory.

“The writers upon the law of nations distinguish between a temporary residence in a foreign country for a special purpose and a residence accompanied with an intention to make it a permanent place of abode. The latter is styled by Vattel [in his book The Law of Nations as] “domicile,” which he defines to be “a habitation fixed in any place, with an intention of always staying there.” Such a person, says this author, becomes a member of the new society at least as a permanent inhabitant, and is a kind of citizen of the inferior order from the native citizens, but is, nevertheless, united and subject to the society, without participating in all its advantages. This right of domicile, he continues, is not established unless the person makes sufficiently known his intention of fixing there, either tacitly or by an express declaration. Vatt. Law Nat. pp. 92, 93. Grotius nowhere uses the word “domicile,” but he also distinguishes between those who stay in a foreign country by the necessity of their affairs, or from any other temporary cause, and those who reside there from a permanent cause. The former he denominates “strangers,” and the latter, “subjects.” The rule is thus laid down by Sir Robert Phillimore:

There is a class of persons which cannot be, strictly speaking, included in either of these denominations of naturalized or native citizens, namely, the class of those who have ceased to reside [maintain a domicile] in their native country, and have taken up a permanent abode in another. These are domiciled inhabitants. They have not put on a new citizenship through some formal mode enjoined by the law or the new country. They are de facto, though not de jure, citizens of the country of their [new chosen] domicile. [Fong Yu Ting v. United States, 149 U.S. 698 (1893)]

YOUR ANSWER: ____ Admit ____ Deny

CLARIFICATION: _____

19. Admit that the only physical place where both federal and state legislative jurisdictions coincide in the same place is in federal areas within the exterior limits of each state, which we call the Corporate State.

YOUR ANSWER: ____ Admit ____ Deny

CLARIFICATION: _____

20. Admit that the only place where state income taxes can lawfully be levied is in the “Corporate State”, which consists of federal territory within the exterior limits of the state.

YOUR ANSWER: ____ Admit ____ Deny

CLARIFICATION: _____

21. Admit that state income taxes may not lawfully be assessed or collected in the “Republic State”, which is land under the exclusive legislative jurisdiction of the state that is not part of any federal area.

YOUR ANSWER: ____ Admit ____ Deny

CLARIFICATION: _____

22. Admit that all governments are corporations.

“Corporations are also of all grades, and made for varied objects; all governments are corporations, created by usage and common consent, or grants and charters which create a body politic for prescribed purposes; but whether they are private, local or general, in their objects, for the enjoyment of property, or the exercise of power, they are all governed by the same rules of law, as to the construction and the obligation of the instrument by which the incorporation is made. One universal rule of law protects persons and property. It is a fundamental principle of the common law of England, that the term freemen of the kingdom, includes ‘all

persons,' ecclesiastical and temporal, incorporate, politique or natural; it is a part of their magna charta (2 Inst. 4), and is incorporated into our institutions. The persons of the members of corporations are on the same footing of protection as other persons, and their corporate property secured by the same laws which protect that of individuals. 2 Inst. 46-7. 'No man shall be taken,' 'no man shall be disseised,' without due process of law, is a principle taken from magna charta, infused into all our state constitutions, and is made inviolable by the federal government, by the amendments to the constitution."

[Proprietors of Charles River Bridge v. Proprietors of Warren Bridge, 36 U.S. 420 (1837)]

United States Code
TITLE 28 - JUDICIARY AND JUDICIAL PROCEDURE
[PART VI - PARTICULAR PROCEEDINGS](#)
[CHAPTER 176 - FEDERAL DEBT COLLECTION PROCEDURE](#)
[SUBCHAPTER A - DEFINITIONS AND GENERAL PROVISIONS](#)
[Sec. 3002. Definitions](#)

(15) "**United States**" means -
(A) **a Federal corporation**;
(B) an agency, department, commission, board, or other entity of the United States; or
(C) an instrumentality of the United States.

YOUR ANSWER: ____ Admit ____ Deny

CLARIFICATION: _____

23. Admit that the "State of California" is a "government corporation" controlled but not owned by the federal government.

[TITLE 5 > PART I > CHAPTER 1 > § 103](#)
[§ 103. Government corporation](#)

For the purpose of this title—

(1) "Government corporation" means a corporation owned or controlled by the Government of the United States; and

YOUR ANSWER: ____ Admit ____ Deny

CLARIFICATION: _____

24. Admit that the "Republic of California" is not controlled or owned by the federal government, but is sovereign in respect to its own internal affairs.

"The States between each other are sovereign and independent. They are distinct separate sovereignties, except so far as they have parted with some of the attributes of sovereignty by the Constitution. They continue to be nations, with all their rights, and under all their national obligations, and with all the rights of nations in every particular; except in the surrender by each to the common purposes and objects of the Union, under the Constitution. The rights of each State, when not so yielded up, remain absolute."

"It is very true that a corporation can have no legal existence out of the boundaries of the sovereignty by which it is created. It exists only in contemplation of law, and by force of the law; and where the law ceases to operate, and is no longer obligatory, the corporation can have no existence. It must dwell in the place of its creation, and cannot migrate to another sovereignty."
[\[Bank of Augusta v. Earle, 38 U.S. \(13 Pet.\) 519, 10 L.Ed. 274 \(1839\)\]](#)

YOUR ANSWER: ____ Admit ____ Deny

CLARIFICATION: _____

25. Admit that the federal government has no legislative jurisdiction within the "Republic State".

"It is no longer open to question that the general government, unlike the states, Hammer v. Dagenhart, 247 U.S. 251, 275, 38 S.Ct. 529, 3 A.L.R. 649, Ann.Cas.1918E 724, possesses no inherent power in respect of the internal affairs of the states; and emphatically not with regard to legislation. The question in respect of the inherent power of that government as to the external affairs of the Nation and in the field of international law is a wholly different matter which it is not necessary now to consider. See, however, Jones v. United States, 137

1 [U.S. 202, 212](#), 11 S.Ct. 80; *Nishimur Ekiu v. United States*, [142 U.S. 651, 659](#), 12 S.Ct. 336; *Fong Yue Ting v.*
2 *United States*, [149 U.S. 698](#), 705 et seq., 13 S.Ct. 1016; *Burnet v. Brooks*, [288 U.S. 378, 396](#), 53 S.Ct. 457, 86
3 A.L.R. 747.”
4 [*Carter v. Carter Coal Co.*, [298 U.S. 238](#) (1936)]

5
6 YOUR ANSWER: ____Admit ____Deny

7
8 CLARIFICATION:_____

9 26. Admit that all exercises of legislative jurisdiction outside of federal territory require “comity” in some form.

10 *comity*. Courtesy; complaisance; respect; a willingness to grant a privilege, not as a matter of right, but out of
11 deference and good will. Recognition that one sovereignty allows within its territory to the legislative, executive,
12 or judicial act of another sovereignty, having due regard to rights of its own citizens. *Nowell v. Nowell*,
13 Tex.Civ.App., 408 S.W.2d. 550, 553. In general, principle of “comity” is that courts of one state or jurisdiction
14 will give effect to laws and judicial decisions of another state or jurisdiction, not as a matter of obligation, but
15 out of deference and mutual respect. *Brown v. Babbitt Ford, Inc.*, 117 Ariz. 192, 571 P.2d. 689, 695. See also
16 Full faith and credit clause.
17 [*Black’s Law Dictionary*, Sixth Edition, p. 267]

18
19 YOUR ANSWER: ____Admit ____Deny

20
21 CLARIFICATION:_____

22 27. Admit that states of the Union levy their personal income taxes based upon the Buck Act, 4 U.S.C. §§105-111.

23
24 YOUR ANSWER: ____Admit ____Deny

25
26 CLARIFICATION:_____

27 28. Admit that Subtitle A of the Internal Revenue Code is a tax primarily upon a “trade or business”, which is defined in [26](#)
28 [U.S.C. §7701](#)(a)(26) as “the functions of a public office”, and that the “public office” is within the federal government
29 and not the state government.

30 [26 U.S.C. §7701\(a\)\(26\)](#)

31 “The term ‘trade or business’ [includes](#) the performance of the functions of a [public office](#).”

32 See also and rebut:

33

<i>The “Trade or Business” Scam</i> , Form #05.001 http://sedm.org/Forms/FormIndex.htm

34
35 YOUR ANSWER: ____Admit ____Deny

36
37 CLARIFICATION:_____

38 29. Admit that state income taxes are also based upon a “trade or business”, because they are a tax upon “public officials”
39 serving within the Corporate State pursuant to the Public Salary Tax Act of 1939.

40
41 YOUR ANSWER: ____Admit ____Deny

42
43 CLARIFICATION:_____

44 30. Admit that the United States Congress cannot authorize a “trade or business” within a “Republic State” in order to tax it.

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

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

YOUR ANSWER: ____Admit ____Deny

CLARIFICATION:_____

31. Admit that [4 U.S.C. §72](#) requires all “public offices” which are the subject of the income tax upon a “trade or business” to be exercised ONLY in the District of Columbia and not elsewhere, except as expressly provided by an enactment of Congress.

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

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

YOUR ANSWER: ____Admit ____Deny

CLARIFICATION:_____

32. Admit that the federal government never enacted any law that authorizes “public offices” within the “Republic State” of any state of the Union and can lawfully legislatively create said offices ONLY within the “Corporate State”, a territory or possession of the United States, or the District of Columbia.

YOUR ANSWER: ____Admit ____Deny

CLARIFICATION:_____

33. Admit that the federal government, through “comity”, passed [4 U.S.C. §111](#), authorizing “Corporate States” but not “Republic States” to levy an income tax upon federal “public officials” within federal areas that form the “Corporate State”.

[TITLE 4 > CHAPTER 4 > § 111](#)
[§ 111. Same; taxation affecting Federal employees; income tax](#)

(a) General Rule.— The United States consents to the taxation of pay or compensation for personal service as an officer or employee of the United States, a territory or possession or political subdivision thereof, the government of the District of Columbia, or an agency or instrumentality of one or more of the foregoing, by a duly constituted taxing authority having jurisdiction, if the taxation does not discriminate against the officer or employee because of the source of the pay or compensation.

YOUR ANSWER: ____Admit ____Deny

CLARIFICATION:_____

34. Admit that [4 U.S.C. §111](#) is a portion of the statutory implementation of the Public Salary Tax Act of 1939, which is a tax upon “public salaries”.

YOUR ANSWER: ____Admit ____Deny

CLARIFICATION:_____

1 35. Admit that [4 U.S.C. §111](#) does *not* authorize either a state or federal income tax upon “private salaries” or anything
2 OTHER than salaries of “public officials” engaged in a “trade or business”.

3
4 YOUR ANSWER: ____Admit ____Deny

5
6 CLARIFICATION:_____

7 36. Admit that [4 U.S.C. §111](#) does *not* authorize either a state or federal income tax upon those domiciled within the Republic
8 State who do not hold “public office” in the federal government and who receive no payments from the United States
9 government pursuant to [26 U.S.C. §871](#).

10
11 YOUR ANSWER: ____Admit ____Deny

12
13 CLARIFICATION:_____

14 37. Admit that the “individual” mentioned at the top of IRS Form 1040 is an “alien” or “nonresident alien”:

15 [26 C.F.R. §1.1441-1 Requirement for the deduction and withholding of tax on payments to foreign persons.](#)

16 (c) Definitions

17 (3) Individual.

18 (i) Alien individual.

19 *The term alien individual means an individual who is not a citizen or a national of the United States. See Sec.*
20 *1.1-1(c).*

21 _____

22 [26 C.F.R. §1.1441-1T Requirement for the deduction and withholding of tax on payments to foreign persons.](#)

23 (c) Definitions

24 (3) Individual.

25 (ii) Nonresident alien individual.

26 *The term nonresident alien individual means [persons](#) described in section 7701(b)(1)(B), alien [individuals](#) who*
27 *are treated as [nonresident aliens](#) pursuant to [§ 301.7701\(b\)-7 of this chapter](#) for [purposes](#) of computing their U.S.*
28 *[tax liability](#), or an alien individual who is a resident of Puerto Rico, Guam, the Commonwealth of Northern*
29 *Mariana Islands, the U.S. Virgin Islands, or American Samoa as determined under [§ 301.7701\(b\)-1\(d\) of this](#)*
30 *[chapter](#). An alien individual who has made an [election](#) under section 6013(g) or [\(h\)](#) to be treated as a resident of*
31 *the [United States](#) is nevertheless treated as a [nonresident alien](#) individual for [purposes](#) of [withholding](#) under*
32 *chapter 3 of the Code and the regulations thereunder.*

33
34 YOUR ANSWER: ____Admit ____Deny

35
36 CLARIFICATION:_____

37 38. Admit that persons domiciled within the “Republic State” and without the “Corporate State” are “nonresident aliens” as
38 defined above.

39 Rebut questions at the end of the following if you disagree:

40 [Non-Resident Non-Person Position](#), Form #05.020

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

42
43 YOUR ANSWER: ____Admit ____Deny

44

CLARIFICATION: _____

39. Admit that persons domiciled within the “Republic State” and without the “Corporate State” are an instrumentality of a “foreign state”, which is the Republic State if they are registered electors or jurists, because they participate in the administration of the government in the exercise of their political rights to be a voter or jurist.

YOUR ANSWER: ____Admit ____Deny

CLARIFICATION: _____

40. Admit that persons domiciled within the “Republic State” and without the “Corporate State” are protected by the [Foreign Sovereign Immunities Act, 28 U.S.C. Chapter 97](#)

YOUR ANSWER: ____Admit ____Deny

CLARIFICATION: _____

41. Admit that persons domiciled within the “Republic State” may only lawfully surrender their sovereign immunity as “instrumentalities of a foreign state” by one of the following two means:

- Incorrectly declaring themselves to be statutory “U.S. citizens” pursuant to [8 U.S.C. §1401](#) and [28 U.S.C. §1603\(b\)\(3\)](#).
- Satisfying one or more of the exceptions found in [28 U.S.C. §1605](#)

YOUR ANSWER: ____Admit ____Deny

CLARIFICATION: _____

42. Admit that states who wish to increase their income tax revenues unlawfully have a strong financial incentive to want to encourage domiciliaries of the Republic State to incorrectly declare or describe themselves to be statutory “U.S. citizens” pursuant to [8 U.S.C. §1401](#) in order to cause them to waive sovereign immunity and thereby misrepresent themselves as domiciliaries of the Corporate State subject to exclusive federal jurisdiction and income taxation.

YOUR ANSWER: ____Admit ____Deny

CLARIFICATION: _____

43. Admit that the only lawful way for a nonresident person such as a person domiciled in the exclusive jurisdiction of a state of the Union, to become a “resident alien” as defined in [26 U.S.C. §7701\(b\)\(1\)\(A\)](#) is to make an “election” pursuant to [26 U.S.C. §6013\(g\)](#) to be treated as such by voluntarily using the WRONG from, the IRS 1040 form, to describe his, her, or its status as a “U.S. person” as defined in [26 U.S.C. §7701\(a\)\(30\)](#) or domiciliary of the federal zone.

*1040A 11327A Each
U.S. Individual Income Tax Return*

Annual income tax return filed by citizens and residents of the United States. There are separate instructions available for this item. The catalog number for the instructions is 12088U.

*W:CAR:MP:FP:F:I Tax Form or Instructions
[IRS Published Products Catalog, Document 7130, Year 2003, p. F-15;
SOURCE: <http://famguardian.org/TaxFreedom/Forms/IRS/IRSDoc7130.pdf>]*

YOUR ANSWER: ____Admit ____Deny

CLARIFICATION: _____

44. Admit that IRS form W-4 constitutes an agreement to call one’s earnings taxable “wages”, even if they in fact earn no taxable “wages” as legally defined in 26 U.S.C. §3401.

(a) In general. An employee and his employer may enter into an agreement under section 3402(b) to provide for the withholding of income tax upon payments of amounts described in paragraph (b)(1) of §31.3401(a)-3, made after December 31, 1970. **An agreement may be entered into under this section only with respect to amounts which are includible in the gross income of the employee under section 61, and must be applicable to all such amounts paid by the employer to the employee.** The amount to be withheld pursuant to an agreement under section 3402(p) shall be determined under the rules contained in section 3402 and the regulations thereunder. See §31.3405(c)-1, Q&A-3 concerning agreements to have more than 20-percent Federal income tax withheld from eligible rollover distributions within the meaning of section 402.

(b) Form and duration of agreement

(2) An agreement under section 3402 (p) shall be effective for such period as the employer and employee mutually agree upon. **However, either the employer or the employee may terminate the agreement prior to the end of such period by furnishing a signed written notice to the other.** Unless the employer and employee agree to an earlier termination date, the notice shall be effective with respect to the first payment of an amount in respect of which the agreement is in effect which is made on or after the first "status determination date" (January 1, May 1, July 1, and October 1 of each year) that occurs at least 30 days after the date on which the notice is furnished. If the employee executes a new Form W-4, the request upon which an agreement under section 3402 (p) is based shall be attached to, and constitute a part of, such new Form W-4.

26 C.F.R. §31.3401(a)-3 Amounts deemed wages under voluntary withholding agreements

(a) In general.

Notwithstanding the exceptions to the definition of wages specified in section 3401(a) and the regulations thereunder, the term "wages" includes the amounts described in paragraph (b)(1) of this section with respect to which there is a voluntary withholding agreement in effect under section 3402(p). References in this chapter to the definition of wages contained in section 3401(a) shall be deemed to refer also to this section (§31.3401(a)-3).

(b) Remuneration for services.

(1) Except as provided in subparagraph (2) of this paragraph, **the amounts referred to in paragraph (a) of this section include any remuneration for services performed by an employee for an employer which, without regard to this section, does not constitute wages under section 3401(a).** For example, remuneration for services performed by an agricultural worker or a domestic worker in a private home (amounts which are specifically excluded from the definition of wages by section 3401(a) (2) and (3), respectively) are amounts with respect to which a voluntary withholding agreement may be entered into under section 3402(p). See §§31.3401(c)-1 and 31.3401(d)-1 for the definitions of "employee" and "employer".

YOUR ANSWER: ____Admit ____Deny

CLARIFICATION:_____

45. Admit that IRS form W-4, when submitted by a "nonresident alien", also constitutes a voluntary "election" to be treated as a "resident alien" pursuant to [26 U.S.C. §6013\(g\)\(1\)\(B\)](#) .

[TITLE 26](#) > [Subtitle F](#) > [CHAPTER 61](#) > [Subchapter A](#) > [PART II](#) > [Subpart B](#) > § 6013
[§ 6013. Joint returns of income tax by husband and wife](#)

(g) Election to treat nonresident alien individual as resident of the United States

(1) In general

A nonresident alien individual with respect to whom this subsection is in effect for the taxable year shall be treated as a resident of the United States—

(A) for purposes of chapter 1 for all of such taxable year, and

(B) for purposes of chapter 24 (relating to wage withholding) for payments of wages made during such taxable year

YOUR ANSWER: ____Admit ____Deny

CLARIFICATION:_____

46. Admit that the election of “nonresident aliens” to be treated as “resident aliens” as described in [26 U.S.C. §6013\(g\)\(1\)\(B\)](#) may only lawfully be made if the nonresident alien is married to a statutory United States citizen as defined in [8 U.S.C. §1401](#).

YOUR ANSWER: ____Admit ____Deny

CLARIFICATION:_____

47. Admit that there is no statutory authority within the Internal Revenue Code or the implementing Treasury Regulations for a “nonresident alien” who is not married to a statutory “U.S. citizen” in [8 U.S.C. §1401](#) to voluntarily elect to be treated as a “resident alien”.

YOUR ANSWER: ____Admit ____Deny

CLARIFICATION:_____

48. Admit that the election of “nonresident aliens” to be treated as resident aliens as described in [26 U.S.C. §6013\(g\)](#) changes the effective domicile of the nonresident alien to the “State” described in 4 U.S.C. §110(d), which is a federal state or territory, regardless of where their original domicile started and makes them a “taxpayer” subject to the Internal Revenue Code.

“Thus, the Court has frequently held that domicile or residence, more substantial than mere presence in transit or sojourn, is an adequate basis for taxation, including income, property, and death taxes. Since the Fourteenth Amendment makes one a citizen of the state wherein he resides, the fact of residence creates universally reciprocal duties of protection by the state and of allegiance and support by the citizen. The latter obviously includes a duty to pay taxes, and their nature and measure is largely a political matter. Of course, the situs of property may tax it regardless of the citizenship, domicile, or residence of the owner, the most obvious illustration being a tax on realty laid by the state in which the realty is located.”
[Miller Brothers Co. v. Maryland, [347 U.S. 340](#) (1954)]

YOUR ANSWER: ____Admit ____Deny

CLARIFICATION:_____

49. Admit that the Anti-Injunction Act, [26 U.S.C. §7421](#):
- 49.1. Does not constrain “nontaxpayers” from bringing suit to restrain the collection or assessment of taxes upon themselves.
- 49.2. Does not apply to suits brought by foreign sovereigns, such as domiciliaries of the Republic State.
- 49.3. Does not apply to persons domiciled where Congress enjoys no legislative jurisdiction, such as within the exclusive jurisdiction of the Republic State.

YOUR ANSWER: ____Admit ____Deny

CLARIFICATION:_____

50. Admit that it is unlawful for any state of the Union to enforce their personal income tax laws outside of the Corporate State or inside of the Republic State.

“Every State or nation possesses an exclusive sovereignty and jurisdiction within her own territory, and her laws affect and bind all property and persons residing within it. It may regulate the manner and circumstances under which property is held, and the condition, capacity, and state of all persons therein, and also the remedy and modes of administering justice. And it is equally true that no State or nation can affect or bind property out of its territory, or persons not residing [domiciled] within it. No State therefore can enact laws to operate beyond

1 its own dominions, and if it attempts to do so, it may be lawfully refused obedience. Such laws can have no
2 inherent authority extraterritorially. This is the necessary result of the independence of distinct and separate
3 sovereignities."

4 "Now it follows from these principles that whatever force or effect the laws of one State or nation may have in
5 the territories of another must depend solely upon the laws and municipal regulations of the latter, upon its
6 own jurisprudence and polity, and upon its own express or tacit consent."
7 [Dred Scott v. John F.A. Sanford, [60 U.S. 393](#) (1856)]
8

9 "Judge Story, in his treatise on the Conflicts of Laws, lays down, as the basis upon which all reasonings on the
10 law of comity must necessarily rest, the following maxims: First 'that every nation possesses an exclusive
11 sovereignty and jurisdiction within its own territory'; secondly, 'that no state or nation can by its laws directly
12 affect or bind property out of its own territory, or bind persons not resident therein, whether they are natural
13 born subjects or others.' The learned judge then adds: 'From these two maxims or propositions there follows a
14 third, and that is that whatever force and obligation the laws of one country have in another depend solely upon
15 the laws and municipal regulation of the latter; that is to say, upon its own proper jurisdiction and polity, and
16 upon its own express or tacit consent.' Story on Conflict of Laws §23."
17 [Baltimore & Ohio Railroad Co. v. Chambers, 73 Ohio St. 16, 76 N.E. 91, 11 L.R.A., N.S., 1012 (1905)]
18

19 YOUR ANSWER: ____ Admit ____ Deny

20 CLARIFICATION: _____
21

- 22 51. Admit that the enforcement of the laws of the Corporate State within the Republic State is a matter of "comity" and
23 requires the express or tacit consent against those it is being enforced against, and that absent such voluntary consent,
24 any such enforcement is illegal and unconstitutional.
25

26 YOUR ANSWER: ____ Admit ____ Deny

27 CLARIFICATION: _____
28

29 **3.10 Federal jurisdiction**

30 For additional information on the subjects covered in this section, please refer to:

- 31 1. Federal Jurisdiction, Form #05.018
32 <http://sedm.org/Forms/FormIndex.htm>
33 2. Tax Deposition Questions, Form #03.016
34 <http://famguardian.org/TaxFreedom/Forms/Discovery/Deposition/Deposition.htm>
35

- 36 1. Admit that the federal government has no legislative jurisdiction within states of the Union according to the U.S.
37 Supreme Court.

38 "It is no longer open to question that the general [federal] government, unlike the states, Hammer v. Dagenhart,
39 [247 U.S. 251, 275](#), 38 S.Ct. 529, 3 A.L.R. 649, Ann.Cas.1918E 724, possesses no inherent power in respect of
40 the internal affairs of the states; and emphatically not with regard to legislation."
41 [Carter v. Carter Coal Co., [298 U.S. 238](#), 56 S.Ct. 855 (1936)]
42

43 "But very different considerations apply to the internal commerce or domestic trade of the States. Over this
44 commerce and trade Congress has no power of regulation [or taxation] nor any direct control. This power
45 belongs exclusively to the States. No interference by Congress with the business of citizens transacted within a
46 State is warranted by the Constitution, except such as is strictly incidental to the exercise of powers clearly
47 granted to the legislature. The power to authorize a business within a State is plainly repugnant to the exclusive
48 power of the State over the same subject. It is true that the power of Congress to tax is a very extensive power. It
49 is given in the Constitution, with only one exception and only two qualifications. Congress cannot tax exports,
50 and it must impose direct taxes by the rule of apportionment, and indirect taxes by the rule of uniformity. Thus
51 limited, and thus only, it reaches every subject, and may be exercised at discretion. But, it reaches only existing
52 subjects. Congress cannot authorize a trade or business within a State in order to tax it."
53 [License Tax Cases, [72 U.S. 462](#), 18 L.Ed. 497, 5 Wall. 462, 2 A.F.T.R. 2224 (1866)]
54

YOUR ANSWER: ____Admit ____Deny

CLARIFICATION:_____

2. Admit that Subtitle A of the Internal Revenue Code qualifies as “legislation” with respect to the above court ruling(s).

YOUR ANSWER: ____Admit ____Deny

CLARIFICATION:_____

3. Admit that because the Subtitle A of the Internal Revenue Code qualifies as “legislation”, then its jurisdiction does not include areas internal to states of the Union, excepting possibly federal areas under the exclusive jurisdiction of the United States and coming under [Article 1](#), Section 8, Clause 17 of the Constitution.

YOUR ANSWER: ____Admit ____Deny

CLARIFICATION:_____

4. Admit that the District of Columbia and the territories and possessions of the United States are outside of areas within the exclusive jurisdiction of states of the Union and outside the “[United States](#)” as used in the Constitution.

*“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 of the Constitution.**”*
[O'Donohue v. United States, [289 U.S. 516](#), 53 S.Ct. 740 (1933)]

*“The earliest case is that of Hepburn v. Ellzey, 2 Cranch, 445, 2 L.Ed. 332, in which this court held that, under that clause of the Constitution limiting the jurisdiction of the courts of the United States to controversies between citizens of different states, a citizen of the District of Columbia could not maintain an action in the circuit court of the United States. It was argued that the word 'state,' in that connection, was used simply to denote a distinct political society. 'But,' said the Chief Justice, **'as the act of Congress obviously used the word 'state' in reference to that term as used in the Constitution, it becomes necessary to inquire whether Columbia is a state in the sense of that instrument. The result of that examination is a conviction that the members of the American confederacy only are the states contemplated in the Constitution . . . and excludes from the term the signification attached to it by writers on the law of nations.'** This case was followed in Barney v. Baltimore, 6 Wall. 280, 18 L.Ed. 825, and quite recently in Hooe v. Jamieson, [166 U.S. 395](#), 41 L.Ed. 1049, 17 Sup. Ct. Rep. 596. **The same rule was applied to citizens of territories in New Orleans v. Winter, 1 Wheat. 91, 4 L.Ed. 44, in which an attempt was made to distinguish a territory from the District of Columbia. But it was said that 'neither of them is a state in the sense in which that term is used in the Constitution.'** In Scott v. Jones, 5 How. 343, 12 L.Ed. 181, and in Miners' Bank v. Iowa ex rel. District Prosecuting Attorney, 12 How. 1, 13 L.Ed. 867, it was held that under the judiciary act, permitting writs of error to the supreme court of a state in cases where the validity of a state statute is drawn in question, an act of a territorial legislature was not within the contemplation of Congress.”*

[Downes v. Bidwell, 182 U.S. 244 (1901), emphasis added]

YOUR ANSWER: ____Admit ____Deny

CLARIFICATION:_____

5. Admit that the District of Columbia and territories and possessions of the United States are subject to the exclusive legislative jurisdiction of the federal government under Article 1, Section 8, Clause 17 of the Constitution.

[United States Constitution, Article 1, Section 8, Clause 17](#)

To exercise exclusive Legislation in all Cases whatsoever, over such District (not exceeding ten Miles square) as may, by Cession of Particular States, and the Acceptance of Congress, become the Seat of the Government of the United States, and to exercise like Authority over all Places purchased by the Consent of the Legislature of the State in which the Same shall be, for the Erection of Forts, Magazines, Arsenals, dock-Yards and other needful Buildings;--And

YOUR ANSWER: ____Admit ____Deny

CLARIFICATION: _____

6. Admit that IRS Form 1040 (not 1040NR, but 1040) is intended to be submitted only by those who are “citizens or residents” of the “[United States](#)”.

1040A 11327A Each
U.S. Individual Income Tax Return

Annual income tax return **filed by citizens and residents of the United States**. There are separate instructions available for this item. The catalog number for the instructions is 12088U.

W:CAR:MP:FP:F:I Tax Form or Instructions
[IRS Published Products Catalog, Document 7130, Year 2003, p. F-15]

7. Admit that those who do not maintain a “[domicile](#)” within the District of Columbia or the territories or possessions of the [United States](#) do not qualify as either “citizens” or “residents” of the “[United States](#)” as used above.

domicile. A person's legal home. That place where a man has his true, fixed, and permanent home and principal establishment, and to which whenever he is absent he has the intention of returning. *Smith v. Smith*, 206 Pa.Super. 310, 213 A.2d. 94. Generally, physical presence within a state and the intention to make it one's home are the requisites of establishing a "domicile" therein. The permanent residence of a person or the place to which he intends to return even though he may actually reside elsewhere. A person may have more than one residence but only one domicile. The legal domicile of a person is important since it, rather than the actual residence, often controls the jurisdiction of the taxing authorities and determines where a person may exercise the privilege of voting and other legal rights and privileges. The established, fixed, permanent, or ordinary dwellingplace or place of residence of a person, as distinguished from his temporary and transient, though actual, place of residence. It is his legal residence, as distinguished from his temporary place of abode; or his home, as distinguished from a place to which business or pleasure may temporarily call him. See also *Abode; Residence*.

"Citizenship," "habitaney," and "residence" are severally words which in particular cases may mean precisely the same as "domicile," while in other uses may have different meanings.

"Residence" signifies living in particular locality while "domicile" means living in that locality with intent to make it a fixed and permanent home. *Schreiner v. Schreiner*, Tex.Civ.App., 502 S.W.2d. 840, 843.

For purpose of federal diversity jurisdiction, "citizenship" and "domicile" are synonymous. *Hendry v. Masonite Corp.*, C.A.Miss., 455 F.2d. 955.
[Black's Law Dictionary, Sixth Edition, p. 485]

YOUR ANSWER: ____Admit ____Deny

CLARIFICATION: _____

3.11 Who are “taxpayers”

For more information about the subjects covered in this section, refer to the pamphlet below:

Who are “Taxpayers” and Who Needs a “Taxpayer Identification Number”, Form #05.013
<http://sedm.org/Forms/FormIndex.htm>

1. Admit that the only married and unmarried individuals mentioned within the Internal Revenue Code Section 1 are “aliens” and therefore “residents” who have income “effectively connected with a “trade or business”.

NORMAL TAXES AND SURTAXES
DETERMINATION OF TAX LIABILITY
Tax on Individuals
[Sec. 1.1-1 Income tax on individuals.](#)

(a)(2)(ii) For taxable years beginning after December 31, 1970, the tax imposed by section 1(d), as amended by the Tax Reform Act of 1969, shall apply to the income effectively connected with the conduct of a trade or business in the United States by a **married alien individual who is a nonresident of the United States for all or part of the taxable year or by a foreign estate or trust**. For such years the tax imposed by section 1(c), as amended by such Act, shall apply to the income effectively connected with the conduct of a trade or business in the United States by an **unmarried alien individual (other than a surviving spouse) who is a nonresident of the United States for all or part of the taxable year**. See paragraph (b)(2) of section 1.871-8.”
[26 C.F.R. § 1.1-1(a)(2)(ii)]

YOUR ANSWER: ____Admit ____Deny

CLARIFICATION:_____

2. Admit that there is such a thing as a “nontaxpayer”, and that such a person is characterized by not coming within the jurisdiction of the Internal Revenue Code.

“The revenue laws are a code or system in regulation of tax assessment and collection. They relate to taxpayers, and not to nontaxpayers. The latter are without their scope. No procedure is prescribed for nontaxpayers, and no attempt is made to annul any of their rights and remedies in due course of law. With them Congress does not assume to deal, and they are neither of the subject nor of the object of the revenue laws...”

“The distinction between persons and things within the scope of the revenue laws and those without is vital.”
[Long v. Rasmussen, 281 F. 236, 238 (1922)]
<http://famguardian.org/TaxFreedom/Forms/Discovery/Deposition/Evidence/Q03.038.pdf>

See also: 26 U.S.C. §7426, which mentions “persons other than taxpayers”, as well as South Carolina v. Regan, 465 U.S. 367 (1984), which mentions “nontaxpayers”.

YOUR ANSWER: ____Admit ____Deny

CLARIFICATION:_____

3. Admit that a “resident” is defined in 26 U.S.C. §7701(b)(1)(B).

[26 U.S.C. §7701\(b\)\(1\)\(A\) Resident alien](#)

(b) Definition of resident alien and nonresident alien

(1) In general

For purposes of this title (other than subtitle B) -

(A) Resident alien

An alien individual shall be treated as a resident of the United States with respect to any calendar year if (and only if) such individual meets the requirements of clause (i), (ii), or (iii):

(i) Lawfully admitted for permanent residence

Such individual is a lawful permanent resident of the United States at any time during such calendar year.

(ii) Substantial presence test

Such individual meets the substantial presence test of paragraph (3).

(iii) First year election

Such individual makes the election provided in paragraph (4).

YOUR ANSWER: ____Admit ____Deny

CLARIFICATION:_____

4. Admit that the only type of “[resident](#)” defined in the Internal Revenue Code are “aliens” as shown above.

Title 26: Internal Revenue
[PART 1—INCOME TAXES](#)
[nonresident alien individuals](#)
[§ 1.871-2 Determining residence of alien individuals.](#)

(b) Residence defined.

An alien actually present in the United States who is not a mere transient or sojourner is a resident of the United States for purposes of the income tax. **Whether he is a transient is determined by his intentions with regard to the length and nature of his stay.** A mere floating intention, indefinite as to time, to return to another country is not sufficient to constitute him a transient. If he lives in the United States and has no definite intention as to his stay, he is a resident. **One who comes to the United States for a definite purpose which in its nature may be promptly accomplished is a transient; but, if his purpose is of such a nature that an extended stay may be necessary for its accomplishment, and to that end the alien makes his home temporarily in the United States, he becomes a resident,** though it may be his intention at all times to return to his domicile abroad when the purpose for which he came has been consummated or abandoned. An alien whose stay in the United States is limited to a definite period by the immigration laws is not a resident of the United States within the meaning of this section, in the absence of exceptional circumstances.

YOUR ANSWER: ____Admit ____Deny

CLARIFICATION:_____

5. Admit that there is no definition of “[resident](#)” anywhere in the I.R.C. or Treasury Regulations which would enlarge or expand upon the definition of “[resident](#)” above.

YOUR ANSWER: ____Admit ____Deny

CLARIFICATION:_____

6. Admit that a person cannot simultaneously be a “[resident](#)” and a “citizen” at the same time and that these are two mutually exclusive classes of persons.

[26 C.F.R. §1.1-1\(c\): Income Tax on individuals](#)

(c) Who is a citizen.

Every person born or naturalized in the [federal] [United States](#) and subject to its [exclusive federal jurisdiction under [Article I, Section 8](#), Clause 17 of the [Constitution](#)] 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 \(8 U.S.C. 1401-1459\)](#). For rules governing loss of citizenship, see sections 349 to 357, inclusive, of such Act ([8 U.S.C. 1481-1489](#)), *Schneider v. Rusk*, (1964) [377 U.S. 163](#), and Rev. Rul. 70-506, C.B. 1970-2, 1. For rules pertaining to persons who are [nationals but not citizens at birth](#), e.g., a person born in American Samoa, see section 308 of such Act ([8 U.S.C. 1408](#)). For special rules applicable to certain expatriates who have lost citizenship with a principal purpose of avoiding certain taxes, see [section 877](#). A [foreigner](#) who has filed his declaration of intention of becoming a citizen but who has not yet been admitted to citizenship by a final order of a naturalization court is an alien.

[[26 C.F.R. §1.1-1\(c\)](#)]

YOUR ANSWER: ____Admit ____Deny

CLARIFICATION:_____

7. Admit that the document entitled “[Law of Nations](#)” defines “[resident](#)” as follows:

“Residents, as distinguished from citizens, are aliens who are permitted to take up a permanent abode in the country. Being bound to the society by reason of their dwelling in it, they are subject to its laws so long as they remain there, and, being protected by it, they must defend it, although they do not enjoy all the rights of citizens. They have only certain privileges which the law, or custom, gives them. Permanent residents are those who have been given the right of perpetual residence. They are a sort of citizen of a less privileged character, and are subject to the society without enjoying all its advantages. Their children succeed to their status; for the right of perpetual residence given them by the State passes to their children.”

YOUR ANSWER: ____Admit ____Deny

CLARIFICATION: _____

8. Admit that American Citizens domiciled within states of the Union do not qualify as “residents” within the meaning of [26 U.S.C. §7701](#)(b)(1)(B) unless they elect to do so under the provisions of [26 U.S.C. §6013](#)(g).

[TITLE 26](#) > [Subtitle F](#) > [CHAPTER 61](#) > [Subchapter A](#) > [PART II](#) > [Subpart B](#) > § 6013
[§ 6013. Joint returns of income tax by husband and wife](#)

(g) *Election to treat nonresident alien individual as resident of the United States*

(1) *In general*

A nonresident alien individual with respect to whom this subsection is in effect for the taxable year shall be treated as a resident of the United States—

(A) *for purposes of chapter 1 for all of such taxable year, and*

(B) *for purposes of chapter 24 (relating to wage withholding) for payments of wages made during such taxable year.*

(2) *Individuals with respect to whom this subsection is in effect*

This subsection shall be in effect with respect to any individual who, at the close of the taxable year for which an election under this subsection was made, was a nonresident alien individual married to a citizen or resident of the United States, if both of them made such election to have the benefits of this subsection apply to them.

(3) *Duration of election*

An election under this subsection shall apply to the taxable year for which made and to all subsequent taxable years until terminated under paragraph (4) or (5); except that any such election shall not apply for any taxable year if neither spouse is a citizen or resident of the United States at any time during such year.

(4) *Termination of election*

An election under this subsection shall terminate at the earliest of the following times:

(A) *Revocation by taxpayers*

If either taxpayer revokes the election, as of the first taxable year for which the last day prescribed by law for filing the return of tax under chapter 1 has not yet occurred.

(B) *Death*

In the case of the death of either spouse, as of the beginning of the first taxable year of the spouse who survives following the taxable year in which such death occurred; except that if the spouse who survives is a citizen or resident of the United States who is a surviving spouse entitled to the benefits of section 2, the time provided by this subparagraph shall be as of the close of the last taxable year for which such individual is entitled to the benefits of section 2.

(C) *Legal separation*

In the case of the legal separation of the couple under a decree of divorce or of separate maintenance, as of the beginning of the taxable year in which such legal separation occurs.

YOUR ANSWER: ____Admit ____Deny

CLARIFICATION:_____

9. Admit that the term “continental United States”, for the purposes of citizenship, is defined in [8 C.F.R. §215.1](#) as follows:

*[Code of Federal Regulations]
[Title 8, Volume 1]
[Revised as of January 1, 2002]
From the U.S. Government Printing Office via GPO Access
[CITE: 8CFR215]*

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

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

YOUR ANSWER: ____Admit ____Deny

CLARIFICATION:_____

10. Admit that the term “State” within the context of federal citizenship is defined in [8 U.S.C. §1101](#)(a)(36):

[8 U.S.C. §1101\(a\)\(36\)](#): *State [Aliens and Nationality]*

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

YOUR ANSWER: ____Admit ____Deny

CLARIFICATION:_____

11. Admit that a person born in a state of the Union was not born in a “State” or within the “continental United States” within the meanings defined above.

YOUR ANSWER: ____Admit ____Deny

CLARIFICATION:_____

12. Admit that there is no other definition of “State” or “continental United States” anywhere in Title 8 of the U.S. Code that might modify or enlarge the meanings of “State” or “continental United States” within the context of citizenship under federal law.

YOUR ANSWER: ____Admit ____Deny

CLARIFICATION:_____

13. Admit that the term “individual” appearing in the upper left corner of the IRS Form 1040 is defined as follows:

[26 C.F.R. §1.1441-1 Requirement for the deduction and withholding of tax on payments to foreign persons.](#)

(c) Definitions

(3) Individual.

(i) Alien individual.

The term alien individual means an individual who is not a citizen or a national of the United States. See Sec. 1.1-1(c).

26 C.F.R. §1.1441-1T Requirement for the deduction and withholding of tax on payments to foreign persons.

(c) Definitions

(3) Individual.

(ii) Nonresident alien individual.

The term nonresident alien individual means persons described in section 7701(b)(1)(B), alien individuals who are treated as nonresident aliens pursuant to § 301.7701(b)-7 of this chapter for purposes of computing their U.S. tax liability, or an alien individual who is a resident of Puerto Rico, Guam, the Commonwealth of Northern Mariana Islands, the U.S. Virgin Islands, or American Samoa as determined under § 301.7701(b)-1(d) of this chapter. An alien individual who has made an election under section 6013(g) or (h) to be treated as a resident of the United States is nevertheless treated as a nonresident alien individual for purposes of withholding under chapter 3 of the Code and the regulations thereunder.

YOUR ANSWER: ____Admit ____Deny

CLARIFICATION:_____

14. Admit that there are no other definitions or explanations of the term “individual” within the Internal Revenue Code that would modify or enlarge the definition of “individual” beyond what appears above.

YOUR ANSWER: ____Admit ____Deny

CLARIFICATION:_____

15. Admit that “Individual Taxpayer Identification Numbers” may ONLY be issued to “aliens” under 26 C.F.R. §301.6109-1(d)(3) and that there is no authority to issue them to “citizens”:

26 C.F.R. §301.6109-1(d)(3)

(3) IRS individual taxpayer identification number –

(i) Definition.

The term IRS individual taxpayer identification number means a taxpayer identifying number issued to an alien individual by the Internal Revenue Service, upon application, for use in connection with filing requirements under this title. The term IRS individual taxpayer identification number does not refer to a social security number or an account number for use in employment for wages. For purposes of this section, the term alien individual means an individual who is not a citizen or national of the United States.

YOUR ANSWER: ____Admit ____Deny

CLARIFICATION:_____

16. Admit that SSN’s may be used VOLUNTARILY under 26 U.S.C. §6109(d) as a substitute for a “Taxpayer Identification Number”, but only in the case of “aliens” and not “citizens”:

TITLE 26 > Subtitle F > CHAPTER 61 > Subchapter B > § 6109
§ 6109. Identifying numbers

(d) Use of social security account number

The social security account number issued to an individual for purposes of section 205(c)(2)(A) of the Social Security Act shall, except as shall otherwise be specified under regulations of the Secretary, be used as the identifying number for such individual for purposes of this title.

YOUR ANSWER: ____Admit ____Deny

CLARIFICATION:_____

17. Admit that Social Security participation is voluntary for those who are not engaged in a “trade or business”.

YOUR ANSWER: ____Admit ____Deny

CLARIFICATION:_____

18. Admit that because Social Security participation is voluntary as described above, then the only people who can lawfully be “Taxpayers” are “aliens”

YOUR ANSWER: ____Admit ____Deny

CLARIFICATION:_____

19. Admit that a statutory “U.S. citizen” defined in 8 U.S.C. §1401 and who is domiciled abroad in a foreign country is an “alien” with respect to a tax treaty with that foreign country.

YOUR ANSWER: ____Admit ____Deny

CLARIFICATION:_____

20. Admit that the estate of a “nonresident alien” who has no income “effectively connected with a trade or business” is called a “foreign estate”.

[TITLE 26 > Subtitle F > CHAPTER 79 > § 7701](#)
[§ 7701. Definitions](#)

(31) Foreign estate or trust

(A) Foreign estate

The term “foreign estate” means an estate the income of which, from sources without the United States which is not effectively connected with the conduct of a trade or business within the United States, is not includible in gross income under subtitle A.

YOUR ANSWER: ____Admit ____Deny

CLARIFICATION:_____

21. Admit that “foreign” in the above context means “not subject to the Internal Revenue Code”.

YOUR ANSWER: ____Admit ____Deny

CLARIFICATION:_____

22. Admit that persons who are not subject to the Internal Revenue Code are described as “nontaxpayers”.

[26 U.S.C. Sec. 7701\(a\)\(14\)](#)

Taxpayer

The term “taxpayer” means any person subject to any internal revenue tax.

“Revenue Laws relate to taxpayers [officers, employees, and elected officials of the Federal Government] and not to non-taxpayers [American Citizens/American Nationals not subject to the exclusive jurisdiction of the Federal Government]. The latter are without their scope. No procedures are prescribed for non-taxpayers and no attempt is made to annul any of their Rights or Remedies in due course of law.”

[*Economy Plumbing & Heating v. U.S.*, 470 F.2d. 585 (1972)]
SOURCE: [http://famguardian.org/TaxFreedom/Authorities/Circuit/EconomyPlumbHtgVUnitedStates-470F2d585\(1972\).pdf](http://famguardian.org/TaxFreedom/Authorities/Circuit/EconomyPlumbHtgVUnitedStates-470F2d585(1972).pdf)

YOUR ANSWER: ____Admit ____Deny

CLARIFICATION:_____

3.12 Taxable “activities” and “taxable income”

For more information about the subjects covered in this section, refer to the pamphlet below:

The “Trade or Business” Scam, Form #05.001
<http://sedm.org/Forms/FormIndex.htm>

1. Admit that the term “trade or business” is defined in [26 U.S.C. §7701\(a\)\(26\)](#).

[26 U.S.C. Sec. 7701\(a\)\(26\)](#)

“The term ‘trade or business’ includes the performance of the functions [activities] of a public office. ”

YOUR ANSWER: ____Admit ____Deny

CLARIFICATION:_____

2. Admit that there are no other definitions or references in I.R.C. Subtitle A relating to a “trade or business” which would change or expand the definition of “trade or business” above to include things other than a “public office”.

YOUR ANSWER: ____Admit ____Deny

CLARIFICATION:_____

3. Admit that a “trade or business” is an “activity”.

“Trade or Business in the United States

*Generally, you must be engaged in a trade or business during the tax year to be able to treat income received in that year as effectively connected with that trade or business. **Whether you are engaged in a trade or business in the United States depends on the nature of your activities.** The discussions that follow will help you determine whether you are engaged in a trade or business in the United States. ”*
[IRS Publication 519, Year 2000, p. 15, emphasis added]

YOUR ANSWER: ____Admit ____Deny

CLARIFICATION:_____

4. Admit that all excise taxes are taxes on privileged or licensed “activities”.

*“Excise tax. A tax imposed on the performance of an act, the engaging in an occupation, or the enjoyment of a privilege. *Rapa v. Haines*, Ohio Comm.Pl., 101 N.E.2d. 733, 735. A tax on the manufacture, sale, or use of goods or on the carrying on of an occupation or activity or tax on the transfer of property. ”*
[Black’s Law Dictionary, Sixth Edition, p. 563]

YOUR ANSWER: ____Admit ____Deny

CLARIFICATION:_____

1 5. Admit that holding “[public office](#)” in the United States government is an “activity”.

2 YOUR ANSWER: ____Admit ____Deny

3 CLARIFICATION:_____

5 6. Admit that those holding “[public office](#)” are described as “[employees](#)” within [26 C.F.R. §31.3401\(c\)-1](#).

6 [26 C.F.R. §31.3401\(c\)-1 Employee:](#)

7 “...the term [employee] includes officers and employees, whether elected or appointed, of the United States, a
8 [[federal] State, Territory, Puerto Rico or any political subdivision, thereof, or the District of Columbia, or any
9 agency or instrumentality of any one or more of the foregoing. The term ‘employee’ also includes an officer of a
10 corporation.”

11 YOUR ANSWER: ____Admit ____Deny

12 CLARIFICATION:_____

15 7. Admit that one cannot be engaged in a “trade or business” WITHOUT ALSO being an “employee” as defined above.

16 YOUR ANSWER: ____Admit ____Deny

17 CLARIFICATION:_____

19 8. Admit that all revenues collected under the authority of I.R.C. Subtitle A in connection with a “trade or business” are
20 upon the entity engaged in the “activity”, who are identified in [26 U.S.C. §7701\(a\)\(26\)](#) as those holding “public
21 office”.

22 YOUR ANSWER: ____Admit ____Deny

23 CLARIFICATION:_____

25 9. Admit that the decision to hold public office is a voluntary personal decision that cannot be coerced.

26 YOUR ANSWER: ____Admit ____Deny

27 CLARIFICATION:_____

29 10. Admit that because holding public office is “[voluntary](#)”, then all taxes based upon this activity must also be voluntary
30 and avoidable.

31 YOUR ANSWER: ____Admit ____Deny

32 CLARIFICATION:_____

34 11. Admit that the way to legally avoid taxes based on the activity of holding of a public office is to choose not to involve
35 oneself in the activity.

36 YOUR ANSWER: ____Admit ____Deny

37 CLARIFICATION:_____

39 12. Admit that there are no taxable “activities” mentioned anywhere within Subtitle A of the Internal Revenue Code except
40 that of a “trade or business” as defined within [26 U.S.C. §7701\(a\)\(26\)](#).

41 YOUR ANSWER: ____Admit ____Deny

42

CLARIFICATION: _____

13. Admit that all taxes falling upon “public officers” are upon the office, and not upon the private person performing the functions of the public office during his off-duty time.

YOUR ANSWER: ____ Admit ____ Deny

CLARIFICATION: _____

14. Admit that a tax upon a “[public office](#)” rather than directly upon a natural person is an “indirect” rather than a “direct” tax within the meaning of the Constitution Of the United States.

*“Direct taxes bear immediately upon persons, upon the possession and enjoyment of rights; indirect taxes are levied upon the happening of an event as an exchange.”
[Knowlton v. Moore, 178 U.S. 41 (1900)]*

YOUR ANSWER: ____ Admit ____ Deny

CLARIFICATION: _____

15. Admit that *all* earnings originating within the “[United States](#)” defined in [26 U.S.C. §7701](#)(a)(9) and (a)(10) fall within the classification of a “trade or business” under [26 U.S.C. §864](#)(c)(3).

[TITLE 26](#) > [Subtitle A](#) > [CHAPTER 1](#) > [Subchapter N](#) > [PART I](#) > § 864
[§864. Definitions and special rules](#)

(c) Effectively connected income, etc.

(3) Other income from sources within United States

All income, gain, or loss from sources within the United States (other than income, gain, or loss to which paragraph (2) applies) shall be treated as effectively connected with the conduct of a trade or business within the United States.

Income Subject to Tax

*Income from sources outside the United States that is not effectively connected with a trade or business in the United States is not taxable if you receive it while you are a nonresident alien. The income is not taxable even if you earned it while you were a resident alien or if you became a resident alien or a U.S. citizen after receiving it and before the end of the year.
[IRS Publication 519, Year 2000, p. 26]*

YOUR ANSWER: ____ Admit ____ Deny

CLARIFICATION: _____

16. Admit that the amount of “taxable income” defined in [26 U.S.C. §863](#) that a person must include in “gross income” within the meaning of [26 U.S.C. §61](#) is determined by their earnings from a “trade or business” plus any earnings of “nonresident aliens” coming under [26 U.S.C. §871](#)(a).

[TITLE 26](#) > [Subtitle A](#) > [CHAPTER 1](#) > [Subchapter N](#) > [PART I](#) > Sec. 863.
[Sec. 863.](#) - Special rules for determining source

(a) Allocation under regulations

Items of gross income, expenses, losses, and deductions, other than those specified in sections 861(a) and 862(a), shall be allocated or apportioned to sources within or without the United States, under regulations prescribed by the Secretary. Where items of gross income are separately allocated to sources within the United States, there shall be deducted (for the purpose of computing the taxable income therefrom) the expenses, losses, and other deductions properly apportioned or allocated thereto and a ratable part of other expenses, losses, or other

deductions which cannot definitely be allocated to some item or class of gross income. The remainder, if any, shall be included in full as taxable income from sources within the United States.

YOUR ANSWER: ____ Admit ____ Deny

CLARIFICATION: _____

17. Admit that the phrase “from whatever source derived” found in the Sixteenth Amendment DOES NOT mean any source, but a SPECIFIC taxable activity within the jurisdiction of the United States.

“The Court has hitherto consistently held that a literal reading of a provision of the Constitution which defeats a purpose evident when the instrument is read as a whole, is not to be favored... [and one of the examples they give is...] ‘From whatever source derived,’ as it is written in the Sixteenth Amendment, does not mean from whatever source derived. Evans v. Gore, 253 U.S. 245, 40 S.Ct. 550, 11 A.L.R. 519. See, also, Robertson v. Baldwin, 165 U.S. 275, 281, 282 S., 17 S.Ct. 326; Gompers v. United States, 233 U.S. 604, 610, 34 S.Ct. 693, Ann.Cas.1915D, 1044; Bain Peanut Co. v. Pinson, 282 U.S. 499, 501, 51 S.Ct. 228, 229; United States v. Lefkowitz, 285 U.S. 452, 467, 52 S.Ct. 420, 424, 82 A.L.R. 775.”
[Wright v. U.S., 302 U.S. 583 (1938)]

YOUR ANSWER: ____ Admit ____ Deny

CLARIFICATION: _____

18. Admit that only earnings derived from a “trade or business” are includible in “gross income” for the purposes of “self employment”:

[TITLE 26 > Subtitle A > CHAPTER 2 > §1402](#)
[§1402: Definitions](#)

(a) Net earnings from self-employment

The term “net earnings from self-employment” means the gross income derived by an individual from any trade or business carried on by such individual, less the deductions allowed by this subtitle which are attributable to such trade or business, plus his distributive share (whether or not distributed) of income or loss described in section 702(a)(8) from any trade or business carried on by a partnership of which he is a member;

YOUR ANSWER: ____ Admit ____ Deny

CLARIFICATION: _____

19. Admit that earnings from a “foreign employer” by a “nonresident alien” are not considered to be includible in “trade or business” income and therefore not “gross income:

[TITLE 26 > Subtitle A > CHAPTER 1 > Subchapter N > PART I > §864](#)
[§864. Definitions and special rules](#)

(b) Trade or business within the United States

*For purposes of this part, part II, and chapter 3, the term “trade or business within the United States” includes the performance of personal services within the United States at any time within the taxable year, but **does not include**—*

(1) Performance of personal services for foreign employer

The performance of personal services—

(A) for a nonresident alien individual, foreign partnership, or foreign corporation, not engaged in trade or business within the United States, or

(B) for an office or place of business maintained in a foreign country or in a possession of the United States by an individual who is a citizen or resident of the United States or by a domestic partnership or a domestic corporation,

YOUR ANSWER: ____Admit ____Deny

CLARIFICATION:_____

20. Admit that private businesses in states of the Union that do not have Employer Identification Numbers and who do not do voluntary withholding on their workers qualify as “foreign employers” as described above.

Internal Revenue Manual (I.R.M.), Section 5.14.10.2 (09-30-2004)
Payroll Deduction Agreements

2. Private employers, states, and political subdivisions are not required to enter into payroll deduction agreements. Taxpayers should determine whether their employers will accept and process executed agreements before agreements are submitted for approval or finalized.
[SOURCE: <http://www.irs.gov/irm/part5/ch13s10.html>]

YOUR ANSWER: ____Admit ____Deny

CLARIFICATION:_____

21. Admit that the term “personal services” is limited exclusively to services performed in connection with a “trade or business”.

26 C.F.R. Sec. 1.469-9 Rules for certain rental real estate activities.

(b)(4) **PERSONAL SERVICES.** **Personal services** means any work performed by an individual in connection with a **trade or business**. However, personal services do not include any work performed by an individual in the individual's capacity as an investor as described in section 1.469-5T(f)(2)(ii).

26 U.S.C. §861 Income from Sources Within the United States

(a)(3) "...Compensation for labor or **personal services** performed in the United States shall not be deemed to be income from sources within the United States if-

(C) the compensation for labor or services performed as an **employee** of or under contract with--

(i) a **nonresident alien**..not engaged in a **trade or business in the United States**..."

YOUR ANSWER: ____Admit ____Deny

CLARIFICATION:_____

22. Admit that there is no definition of “personal services” anywhere in the I.R.C. or the Treasury Regulations that would expand the definition of “personal services” beyond that appearing above.

YOUR ANSWER: ____Admit ____Deny

CLARIFICATION:_____

23. Admit that a nonresident alien with no earnings from a “trade or business” earns no “gross income” as defined in [26 U.S.C. §61](#).

§ 1.872-2 Exclusions from gross income of nonresident alien individuals.

(f) *Other exclusions.*

Income which is from sources without[outside] the United States [District of Columbia and territories and possessions per 26 U.S.C. §7701(a)(9) and (a)(10) and 4 U.S.C. §110(d)], as determined under the provisions of sections 861 through 863, and the regulations thereunder, is not included in the gross income of a nonresident alien individual unless such income is effectively connected for the taxable year with the conduct of a trade or business in the United States by that individual. To determine specific exclusions in the case of other items which are from sources within the United States, see the applicable sections of the Code. For special

rules under a tax convention for determining the sources of income and for excluding, from gross income, income from sources without the United States which is effectively connected with the conduct of a trade or business in the United States, see the applicable tax convention. For determining which income from sources without the United States is effectively connected with the conduct of a trade or business in the United States, see section 864(c)(4) and §1.864-5.

YOUR ANSWER: ____Admit ____Deny

CLARIFICATION:_____

3.13 What is “Included”?

For more information about the subjects covered in this section, refer to the pamphlet below:

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

1. Admit that the term “includes” is used in the definition of all of the following words in the Internal Revenue Code:

1. “person” in 26 U.S.C. §§6671 and 7343
2. “United States” in 26 U.S.C. §7701(a)(9)
3. “State” in 26 U.S.C. §7701(a)(10).
4. “trade or business” in 26 U.S.C. §7701(a)(26)
5. “employee” in 26 U.S.C. §7701(c).

YOUR ANSWER: ____Admit ____Deny

CLARIFICATION:_____

2. Admit that the word “includes” is defined as follows in Black’s Law Dictionary, Sixth Edition:

“Include. (Lat. Inclaudere, to shut in. keep within.) To confine within, hold as an inclosure. Take in, attain, shut up, contain, inclose, comprise, comprehend, embrace, involve. Term may, according to context, express an enlargement and have the meaning of and or in addition to, or merely specify a particular thing already included within general words theretofore used. “Including” within statute is interpreted as a word of enlargement or of illustrative application as well as a word of limitation. *Premier Products Co. v. Cameron*, 240 Or. 123, 400 P.2d. 227, 228.”
[Black’s Law Dictionary, Sixth Edition, p. 763 (1990)]

YOUR ANSWER: ____Admit ____Deny

CLARIFICATION:_____

3. Admit that the word “includes” is defined as follows in Treasury Decision 3980:

“(1) To comprise, comprehend, or embrace...(2) To enclose within; contain; confine...But granting that the word ‘including’ is a term of enlargement, it is clear that it only performs that office by introducing the specific elements constituting the enlargement. It thus, and thus only, enlarges the otherwise more limited, preceding general language...The word ‘including’ is obviously used in the sense of its synonyms, comprising; comprehending; embracing.”
[Treasury Decision 3980, Vol. 29, January-December, 1927, pgs. 64 and 65;
SOURCE: <http://famguardian.org/TaxFreedom/CitesByTopic/includes-TD3980.pdf>]

YOUR ANSWER: ____Admit ____Deny

CLARIFICATION:_____

4. Admit that the word “includes” is defined as follows in [26 U.S.C. §7701\(c\)](#):

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

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

YOUR ANSWER: ____ Admit ____ Deny

CLARIFICATION: _____

5. Admit that the U.S. Supreme Court has stated that statutory definitions of terms supersede and replace rather than enlarge the common definitions of terms.

"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)]

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

YOUR ANSWER: ____ Admit ____ Deny

CLARIFICATION: _____

6. Admit that the rules of statutory construction require that the definitions of words in statutes must prescribe EVERYTHING that is included:

"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]

YOUR ANSWER: ____ Admit ____ Deny

CLARIFICATION: _____

7. Admit that all doubts about the meaning of words MUST be resolved in favor of the person upon which a tax is sought to be laid and NOT in favor of the government:

"...if doubt exists as to the construction of a taxing statute, the doubt should be resolved in favor of the taxpayer..." [*Hassett v. Welch*, 303 U.S. 303, pp. 314 - 315, 82 L.Ed. 858 (1938)]

"Keeping in mind the well-settled rule that **the citizen is exempt from taxation unless the same is imposed by clear and unequivocal language, and that where the construction of a tax law is doubtful, the doubt is to be resolved in favor of those upon whom the tax is sought to be laid.**" [*Spreckels Sugar Refining Co. v. McClain*, 192 U.S. 297 (1904)]

Additional authorities: *Gould v. Gould*, 245 U.S. 151, 153 (1917); *Smietanka v. First Trust & Savings Bank*, 257 U.S. 602, 606 (1922); *Lucas v. Alexander*, 279 U.S. 573, 577 (1929); *Crooks v. Harrelson*, 282 U.S. 55 (1930); *Burnet v. Niagra Falls Brewing Co.*, 282 U.S. 648, 654 (1931); *Miller v. Standard Nut Margarine Co.*, 284 U.S. 498, 508 (1932); *Gregory v. Helvering*, 293 U.S. 465, 469 (1935); *Hassett v. Welch*, 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. 432, 436 (CA8 1993).

YOUR ANSWER: ____Admit ____Deny

CLARIFICATION: _____

8. Admit that statutes which fail to explicitly describe ALL things which are included in the definition of a word fail to give “reasonable notice” to the affected parties of the conduct expected of them and therefore are “void for vagueness” and violate due process of law:

That the terms of a penal statute creating a new offense must be sufficiently explicit to inform those who are subject to it what conduct on their part will render them liable to its penalties is a well- recognized requirement, consonant alike with ordinary notions of fair play and the settled rules of law; and a statute which either forbids or requires the doing of an act in terms so vague that men of common intelligence must necessarily guess at its meaning and differ as to its application violates the first essential of due process of law. International Harvester Co. v. Kentucky, [234 U.S. 216, 221](#), 34 S. Ct. 853; Collins v. Kentucky, [234 U.S. 634, 638](#), 34 S. Ct. 924

...

[269 U.S. 385, 393] ... The dividing line between what is lawful and unlawful cannot be left to conjecture. The citizen cannot be held to answer charges based upon penal statutes whose mandates are so uncertain that they will reasonably admit of different constructions. A criminal statute cannot rest upon an uncertain foundation. The crime, and the elements constituting it, must be so clearly expressed that the ordinary person can intelligently choose, in advance, what course it is lawful for him to pursue. Penal statutes prohibiting the doing of certain things, and providing a punishment for their violation, should not admit of such a double meaning that the citizen may act upon the one conception of its requirements and the courts upon another.'
[Connally vs. General Construction Co., 269 U.S. 385 (1926)]

"Law fails to meet requirements of due process clause if it is so vague and standardless that it leaves public uncertain as to conduct it prohibits or leaves judges and jurors free to decide, without any legally fixed standards, what is prohibited and what is not in each particular case."
[Giaccio v. State of Pennsylvania, [382 U.S. 399](#); 86 S.Ct. 518 (1966)]

YOUR ANSWER: ____Admit ____Deny

CLARIFICATION: _____

9. Admit that presumptions about what is included in a statutory term, like opinions, are not evidence and may not be used as a substitute for evidence

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]

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. Calif.Evid.Code, §600.
[Black's Law Dictionary, Sixth Edition, p. 1185]

YOUR ANSWER: ____Admit ____Deny

CLARIFICATION: _____

10. Admit that judges in the Judicial Branch and employees of the Executive Branch, such as the U.S. Attorney may not ADD to the statutory terms by presumption because doing so is a LEGISLATIVE function reserved ONLY to the Legislative Branch.

YOUR ANSWER: ____Admit ____Deny

CLARIFICATION: _____

11. Admit that according to the designer of our three branch system of government, when either a judge or a prosecutor becomes a legislator by adding to the meaning or definition of terms in a statute by presumption, then the following is the result:

“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, 1758, Book XI, Section 6;
SOURCE: http://fmguardian.org/Publications/SpiritOfLaws/sol_11.htm/]

YOUR ANSWER: ____Admit ____Deny

CLARIFICATION: _____

3.14 What Participation in the “Trade or Business” franchise does to your legal status

For additional information on the subjects covered in this section, please refer to:

1. Federal Jurisdiction, Form #05.018, Sections 3 through 3.6
<http://sedm.org/Forms/FormIndex.htm>
2. The “Trade or Business” Scam, Form #05.001
<http://sedm.org/Forms/FormIndex.htm>

1. Admit that the only type of earnings includible as “gross income” on a 1040 return are earnings in connection with a “trade or business”.

TITLE 26 > Subtitle A > CHAPTER 1 > Subchapter N > PART I > § 864
§864. Definitions and special rules

(c) Effectively connected income, etc.

(3) Other income from sources within United States

All income, gain, or loss from sources within the United States (other than income, gain, or loss to which paragraph (2) applies) shall be treated as effectively connected with the conduct of a trade or business within the United States.

“The Trade or Business Scam”

YOUR ANSWER: ____Admit ____Deny

CLARIFICATION:_____

2. Admit that there is no block on an IRS Form 1040 where a person can write earnings that are not derived from a “trade or business”

[Click here for IRS Form 1040](#)

YOUR ANSWER: ____Admit ____Deny

CLARIFICATION:_____

3. Admit that the only way for a natural person to indicate earnings that are not connected with a “trade or business” on a tax return is to submit an IRS Form 1040NR.

[Click here for IRS Form 1040NR](#)

YOUR ANSWER: ____Admit ____Deny

CLARIFICATION:_____

4. Admit that a person who has no earnings from a “trade or business” would have to file a “zero” for “[gross income](#)” on a 1040 return.

YOUR ANSWER: ____Admit ____Deny

CLARIFICATION:_____

5. Admit that a person who is a “[nonresident alien](#)” may NOT lawfully elect to declare themselves a “citizen” within the meaning of [8 U.S.C. §1401](#), because they were not born in the “continental United States”.

YOUR ANSWER: ____Admit ____Deny

CLARIFICATION:_____

6. Admit that a person born in a state of the Union on land not territory of or ceded to the federal government is not a “citizen”, but a “national” under federal law, as described by [8 U.S.C. §1101](#)(a)(21).

[Why You are a Political Citizen but Civil Non-Citizen, National, and Nonresident Alien](#), Form #05.006

<http://famguardian.org/Subjects/LawAndGovt/Citizenship/WhyANational.pdf>

YOUR ANSWER: ____Admit ____Deny

CLARIFICATION:_____

7. Admit that 26 U.S.C. §6041 is the authority for filing Information Returns under the Internal Revenue Code, such as the W-2 and 1099 forms:

[TITLE 26 > Subtitle F > CHAPTER 61 > Subchapter A > PART III > Subpart B > § 6041](#)
[§ 6041. Information at source](#)

(a) Payments of \$600 or more

All persons engaged in a trade or business and making payment in the course of such trade or business to another person, of rent, salaries, wages, premiums, annuities, compensations, remunerations, emoluments, or

other fixed or determinable gains, profits, and income (other than payments to which section 6042 (a)(1), 6044 (a)(1), 6047 (e), 6049 (a), or 6050N (a) applies, and other than payments with respect to which a statement is required under the authority of section 6042 (a)(2), 6044 (a)(2), or 6045), of \$600 or more in any taxable year, or, in the case of such payments made by the United States, the officers or employees of the United States having information as to such payments and required to make returns in regard thereto by the regulations hereinafter provided for, shall render a true and accurate return to the Secretary, under such regulations and in such form and manner and to such extent as may be prescribed by the Secretary, setting forth the amount of such gains, profits, and income, and the name and address of the recipient of such payment.

YOUR ANSWER: ____Admit ____Deny

CLARIFICATION:_____

8. Admit that those who have no “trade or business” earnings under [26 U.S.C. §6041](#) above cannot lawfully have an Information Return filed against them.

YOUR ANSWER: ____Admit ____Deny

CLARIFICATION:_____

9. Admit that the “[United States](#)” is defined as a federal corporation in [28 U.S.C. §3002](#)(15)(A).

United States Code
TITLE 28 - JUDICIARY AND JUDICIAL PROCEDURE
PART VI - PARTICULAR PROCEEDINGS
CHAPTER 176 - FEDERAL DEBT COLLECTION PROCEDURE
SUBCHAPTER A - DEFINITIONS AND GENERAL PROVISIONS
Sec. 3002. Definitions

(15) “**United States**” means -
(A) **a Federal corporation**;
(B) an agency, department, commission, board, or other entity of the United States; or
(C) an instrumentality of the United States.

YOUR ANSWER: ____Admit ____Deny

CLARIFICATION:_____

10. Admit that a person holding a “public office” in the United States Government is an “officer of a corporation”

YOUR ANSWER: ____Admit ____Deny

CLARIFICATION:_____

11. Admit that officers of federal corporations and partnerships are the only proper subject of penalties under [26 U.S.C. §6671](#)(b)

[TITLE 26 > Subtitle F > CHAPTER 68 > Subchapter B > PART I > § 6671](#)
[§6671. Rules for application of assessable penalties](#)

(b) Person defined

The term “person”, as used in this subchapter, includes an officer or employee of a corporation, or a member or employee of a partnership, who as such officer, employee, or member is under a duty to perform the act in respect of which the violation occurs.

YOUR ANSWER: ____Admit ____Deny

CLARIFICATION:_____

12. Admit that officers of federal corporations and partnerships are the only proper subject of the criminal provisions of the Internal Revenue Code under [26 U.S.C. §7343](#).

[TITLE 26 > Subtitle F > CHAPTER 75 > Subchapter D > Sec. 7343.](#)
[Sec. 7343.](#) - Definition of term "person"

The term "person" as used in this chapter [Chapter 75] includes an officer or employee of a corporation, or a member or employee of a partnership, who as such officer, employee, or member is under a duty to perform the act in respect of which the violation occurs

[NOTE: This is the "person" for the purposes of some of the **miscellaneous penalties** under the Internal Revenue Code]

YOUR ANSWER: ____Admit ____Deny

CLARIFICATION:_____

13. Admit that indicating "income" on an IRS Form 1040 that is "effectively connected with a trade or business in the United States" or signing and submitting an IRS Form W-4 creates a presumption with the IRS that the submitter is an officer or instrumentality of a federal corporation called the "United States Government".

[TITLE 26 > Subtitle F > CHAPTER 64 > Subchapter D > PART II > § 6331](#)
[§ 6331.](#) *Levy and distraint*

(a) *Authority of Secretary*

*If any person liable to pay any tax neglects or refuses to pay the same within 10 days after notice and demand, it shall be lawful for the Secretary to collect such tax (and such further sum as shall be sufficient to cover the expenses of the levy) by levy upon all property and rights to property (except such property as is exempt under section 6334) belonging to such person or on which there is a lien provided in this chapter for the payment of such tax. **Levy may be made upon the accrued salary or wages of any officer, employee, or elected official, of the United States, the District of Columbia, or any agency or instrumentality of the United States or the District of Columbia, by serving a notice of levy on the employer (as defined in section 3401(d)) of such officer, employee, or elected official.** If the Secretary makes a finding that the collection of such tax is in jeopardy, notice and demand for immediate payment of such tax may be made by the Secretary and, upon failure or refusal to pay such tax, collection thereof by levy shall be lawful without regard to the 10-day period provided in this section.*

YOUR ANSWER: ____Admit ____Deny

CLARIFICATION:_____

14. Admit that the presumption that one is an "officer of a federal corporation" is the basis for why the IRS believes that they can institute penalties against natural persons under the provisions of the Internal Revenue Code.

YOUR ANSWER: ____Admit ____Deny

CLARIFICATION:_____

15. Admit that only those with income "effectively connected with a trade or business" can claim deductions, apply a graduated rate of tax, or apply for earned income credit.

[TITLE 26 > Subtitle A > CHAPTER 1 > Subchapter B](#)
Part VI-Itemized deductions for Individuals and Corporations
[Sec. 162.](#) - Trade or business expenses

(a) *In general*

*There shall be allowed as a deduction all the ordinary and necessary expenses paid or incurred during the taxable year in carrying on any **trade or business**, including –*

(1) a reasonable allowance for salaries or other compensation for [personal services](#) actually rendered;

[TITLE 26 > Subtitle A > CHAPTER 1 > Subchapter N > PART II > Subpart A > § 871](#)
[§ 871.](#) *Tax on nonresident alien individuals*

(b) Income connected with United States business—graduated rate of tax

(1) Imposition of tax

A nonresident alien individual engaged in trade or business within the United States during the taxable year shall be taxable as provided in section 1 or 55 on his taxable income which is effectively connected with the conduct of a trade or business within the United States.

(2) Determination of taxable income

In determining taxable income for purposes of paragraph (1), gross income includes only gross income which is effectively connected with the conduct of a trade or business within the United States.

[TITLE 26](#) > [Subtitle A](#) > [CHAPTER 1](#) > [Subchapter A](#) > [PART IV](#) > [Subpart C](#) > § 32
[§32. Earned income](#)

(c) Definitions and special rules

For purposes of this section—

(1) Eligible individual

(E) Limitation on eligibility of nonresident aliens

The term "eligible individual" shall not include any individual who is a nonresident [of the United States/District of Columbia] alien individual for any portion of the taxable year unless such individual is treated for such taxable year as a resident of the United States for purposes of this chapter by reason of an election under subsection (g) or (h) of section 6013.

YOUR ANSWER: ____Admit ____Deny

CLARIFICATION: _____

16. Admit that at least a “perceived” financial benefit or “privilege” is accepted by availing oneself of any of the above three types of tax reductions.

YOUR ANSWER: ____Admit ____Deny

CLARIFICATION: _____

17. Admit that those who are “nontaxpayers” and who do not have any income derived from a “trade or business in the United States” do not need any deductions, earned income credits, or graduated rate of tax to reduce their liability under the I.R.C. to zero, because their taxable income is already “zero”.

"The revenue laws are a code or system in regulation of tax assessment and collection. They relate to taxpayers, and not to nontaxpayers. The latter are without their scope. No procedure is prescribed for nontaxpayers, and no attempt is made to annul any of their rights and remedies in due course of law. With them Congress does not assume to deal, and they are neither of the subject nor of the object of the revenue laws..."

"The distinction between persons and things within the scope of the revenue laws and those without is vital."
[\[Long v. Rasmussen, 281 F. 236, 238 \(1922\)\]](#)
<http://famguardian.org/TaxFreedom/Forms/Discovery/Deposition/Evidence/Q03.038.pdf>

YOUR ANSWER: ____Admit ____Deny

CLARIFICATION: _____

18. Admit that there is no legal requirement under federal law for financial institutions to prepare “Currency Transaction Reports” (CTRs) upon persons who are not in any way “effectively connected with a trade or business in the United States”.

2 (2) Receipt of currency not in the course of the recipient's trade or business. The receipt of currency in excess of
3 \$10,000 by a person other than in the course of the person's **trade or business** is not reportable under 31 U.S.C.
4 5331.
5

6 Title 31: Money and Finance: Treasury
7 [PART 103—FINANCIAL RECORDKEEPING AND REPORTING OF CURRENCY AND FOREIGN](#)
8 [TRANSACTIONS](#)
9 [Subpart B—Reports Required To Be Made](#)
10 [§ 103.30 Reports relating to currency in excess of \\$10,000 received in a trade or business.](#)

11 (11) **Trade or business.** The term trade or business has the same meaning as under [section 162 of title 26](#), United
12 States Code.

13 YOUR ANSWER: ____Admit ____Deny

14 CLARIFICATION: _____
15
16

17 **4 INTERROGATORIES**

18 If any of your answers were deny within this questionnaire, please produce legally admissible evidence signed under penalty
19 of perjury supporting your claim and explaining all of the contradictions your answer produces within all the remaining
20 questions. Nothing can be truthful which contradicts either itself or the rest of the law. Your evidence in support:

- 21 1. May not come from a federal court, because:
22 1.1. There is no federal common law within states of the Union. Erie Railroad v. Tompkins, 304 U.S. 64 (1938).
23 1.2. The IRS says it is not obligated to change its position based on any court ruling below the U.S. Supreme Court.
24 Therefore, I am not EITHER under the concept of equal protection and equal treatment. Internal Revenue
25 Manual (I.R.M.), Section 4.10.7.2.9.8.
26 1.3. The Declaratory Judgments Act, 28 U.S.C. §2201(a) forbids federal courts from creating new “taxpayers” or
27 declaring rights or status of parties in tax cases. You have to declare yourself a “taxpayer” before they can even
28 hear a controversy under the “taxpayer” franchise codified in Internal Revenue Code, Subtitle A.
29 2. May not come from that which is not positive law or “prima facie evidence”. Prima facie means presumption, and all
30 presumptions that violate due process of law or constitutionally protected rights are not allowed. 1 U.S.C. §204 says
31 that the entire Internal Revenue Code is not positive law, and that it is prima facie evidence, meaning that it is one big
32 statutory presumption:

33 “It is apparent,” this court said in the Bailey Case ([219 U.S. 239](#), 31 S. Ct. 145, 151) “that a constitutional
34 prohibition cannot be transgressed indirectly by the creation of a statutory presumption any more than it can be
35 violated by direct enactment. The power to create presumptions is not a means of escape from constitutional
36 restrictions.”
37 [\[Heiner v. Donnan, 285 U.S. 312 \(1932\)\]](#)

38 For much more on the above, please read and rebut the questions at the end of the following within 30 days or be found to
39 conclusively agree and be subject to equitable estoppel:

- 40 1. [Reasonable Belief About Income Tax Liability](#), Form #05.007
41 <http://sedm.org/Forms/FormIndex.htm>
42 2. [Presumption: Chief Weapon for Unlawfully Enlarging Federal Jurisdiction](#), Form #05.017
43 <http://sedm.org/Forms/FormIndex.htm>

5 CRIMINAL CONSEQUENCES OF FAILING TO DENY THE CONTENT OF THIS COMMUNICATION WITH SUPPORTING EVIDENCE

A failure to deny the content of this correspondence with evidence signed under penalty of perjury constitutes a constructive admission that it is true per Federal Rule of Civil Procedure 8(b)(6). This section documents all the criminal consequences ensuing to the recipient of proceeding against the submitter in violation of the facts established herein.

1. Admit that the recipient of this document has no evidence in their possession that the person who submitted this document to them is a public officer within the U.S. and not state government.

YOUR ANSWER: ____Admit ____Deny

CLARIFICATION:_____

2. Admit that the ability to regulate or tax EXCLUSIVELY PRIVATE rights is repugnant to the constitution.

"The power to "legislate generally upon" life, liberty, and property, as opposed to the "power to provide modes of redress" against offensive state action, was "repugnant" to the Constitution. Id., at 15. See also United States v. Reese, 92 U.S. 214, 218 (1876) ; United States v. Harris, 106 U.S. 629, 639 (1883) ; James v. Bowman, 190 U.S. 127, 139 (1903) . Although the specific holdings of these early cases might have been superseded or modified, see, 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)]

YOUR ANSWER: ____Admit ____Deny

CLARIFICATION:_____

3. Admit that the recipient of this correspondence has no evidence in their possession that the person who submitted this document to them is operating in anything OTHER than an EXCLUSIVELY PRIVATE capacity.

YOUR ANSWER: ____Admit ____Deny

CLARIFICATION:_____

4. Admit that the following crimes inevitably result from either TREATING a PRIVATE person as a PUBLIC OFFICER:

- 4.1. 18 U.S.C. §912: Impersonating a public officer. A statutory "Taxpayers" are public officers within the U.S. and not state government. See:

Why Your Government is Either a Thief or You Are a "Public Officer" for Income Tax Purposes, Form #05.008

DIRECT LINK: <http://sedm.org/Forms/05-MemLaw/WhyThiefOrPubOfficer.pdf>

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

- 4.2. 18 U.S.C. §201: Bribery of public officials and witnesses. All tax forms signed under penalty of perjury constitute testimony of a witness. If the witness is NOT a lawfully appointed or elected public officer and those tax forms result in compensation or "benefits" being paid to the witness, including tax refunds, then there is a bribery occurring. That bribery in essence is bribery to become or pretend to be a public officer outside of the only place such office can lawfully be occupied, which is 4 U.S.C. §72.

- 4.3. 18 U.S.C. §208: Acts affecting a personal financial interest. "Benefits" paid to "taxpayers" constitute "kickbacks" of monies paid to the government. Taxes used to pay them are upon the PUBLIC OFFICE occupied by the "taxpayer". Hence, there is no way that one can be a statutory "Taxpayer" and receive ANY PORTION of them monies paid in without being a criminal.

4.4. 18 U.S.C. §210: Offer to procure appointive public office. The withholding of any service to anyone who REFUSES to fill out a tax form identifying themselves as a “person”, “individual”, and “taxpayer” constitutes a penalty for NOT committing the crime of impersonating a public officer called a “taxpayer”. Likewise, the giving of such service as a REWARD for impersonating a public officer called a “taxpayer” constitutes in essence an offer to procure an appointive public office, and the false tax form is the method of appointment.

4.5. 18 U.S.C. §1503: Influencing or injuring officer or juror generally. Those who punish people for refusing to perjur their testimony on a tax form, who threaten them with the denial of any service for a failure to fill out a tax form in a specific way, or who deny to them business opportunities, PRIVATE employment, or any other thing of value because constitute and yet who believe that the person upon whom they are acting is a statutory “taxpayer” and therefore public officer is tampering with a public officer to influence their decision.

4.6. 18 U.S.C. §1512: Tampering with a witness, victim, or informant. All tax forms signed under penalty of perjury constitute testimony of a witness. Those who punish people for refusing to perjur their testimony on a tax form, who threaten them with the denial of any service for a failure to fill out a tax form in a specific way, or who deny to them business opportunities, PRIVATE employment, or any other thing of value because constitute and yet who believe that the person upon whom they are acting is a statutory “taxpayer” and therefore public officer is tampering with a witness and informant.

YOUR ANSWER: ____Admit ____Deny

CLARIFICATION:_____

5. Admit that filing information returns, such as IRS Forms W-2, 1042-S, 1098, 1099, K-1, etc. against those not lawfully engaging in a public office called a “trade or business” as per 26 U.S.C. §6041(a) constitutes the criminal offense of filing of a knowingly false “return” per 26 U.S.C. §§7206, 7207.

YOUR ANSWER: ____Admit ____Deny

CLARIFICATION:_____

6. Admit that is it unlawful to exercise public offices outside the GEOGRAPHIC District of Columbia per 4 U.S.C. §72.

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

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

[\[https://www.law.cornell.edu/uscode/text/4/72\]](https://www.law.cornell.edu/uscode/text/4/72)

YOUR ANSWER: ____Admit ____Deny

CLARIFICATION:_____

7. Admit that there is no provision of law anywhere in the internal revenue code which authorizes internal revenue districts OUTSIDE the District of Columbia or U.S. Territories, or INSIDE any constitutional state of the Union.

YOUR ANSWER: ____Admit ____Deny

CLARIFICATION:_____

8. Admit that the only remaining internal revenue district is the District of Columbia and that the 26 U.S.C. §7601 limits the I.R.S. to enforcement ONLY within “internal revenue districts”.

[26 U.S.C. § 7601 - Canvass of districts for taxable persons and objects](#)

(a) General rule

The Secretary shall, to the extent he deems it practicable, cause officers or employees of the Treasury Department to proceed, from time to time, through each internal revenue district and inquire after and concerning all persons therein who may be liable to pay any internal revenue tax, and all persons owning or having the care and management of any objects with respect to which any tax is imposed.

YOUR ANSWER: ____Admit ____Deny

CLARIFICATION:_____

9. Admit that [26 U.S.C. §7621](#) authorizes the President of the United States to define the boundaries of all internal revenue districts and that the President delegated that authority to the Secretary of the Treasury pursuant to Executive Order #10289.

YOUR ANSWER: ____Admit ____Deny

CLARIFICATION:_____

10. Admit that neither the President nor his delegate, the Secretary of the Treasury, may establish internal revenue districts outside of the statutory but not constitutional “United States”, which is then defined in [26 U.S.C. §7701](#)(a)(9) and (a)(10), [26 U.S.C. §7701](#)(a)(39), and [26 U.S.C. §7408](#)(d) to mean ONLY the District of Columbia. This restriction is a result of the fact that the Constitution in Article 4, Section 3, Clause 2 only authorizes Congress to write rules and regulations for the territory and other property of the United States, and states of the Union are not “territory” of the United States:

*"Territories' or 'territory' as including 'state' or 'states.'" While the term 'territories of the' United States may, under certain circumstances, include the states of the Union, as used in the federal Constitution and in ordinary acts of congress "territory" does not include a [foreign state](#).
[86 Corpus Juris Secundum (C.J.S.), Territories, §1 (2003)]*

YOUR ANSWER: ____Admit ____Deny

CLARIFICATION:_____

11. Admit that Congress cannot delegate to the President or the Secretary an authority within states of the Union that it does not have. Congress has NO LEGISLATIVE JURISDICTION within a state of the Union.

*"It is no longer open to question that **the general government, unlike the states**, Hammer v. Dagenhart, [247 U.S. 251, 275](#), 38 S.Ct. 529, 3 A.L.R. 649, Ann.Cas.1918E 724, **possesses no inherent power in respect of the internal affairs of the states; and emphatically not with regard to legislation.**"
[Carter v. Carter Coal Co., [298 U.S. 238](#), 56 S.Ct. 855 (1936)]*

YOUR ANSWER: ____Admit ____Deny

CLARIFICATION:_____

12. Admit that the only remaining internal revenue district is the District of Columbia and that the 26 U.S.C. §7602 limits the I.R.S. to enforcement ONLY within “internal revenue districts”.

[26 U.S.C. § 7601 - Canvass of districts for taxable persons and objects](#)

(a) General rule

The Secretary shall, to the extent he deems it practicable, cause officers or employees of the Treasury Department to proceed, from time to time, through each internal revenue district and inquire after and concerning all persons therein who may be liable to pay any internal revenue tax, and all persons owning or having the care and management of any objects with respect to which any tax is imposed.

YOUR ANSWER: ____Admit ____Deny

CLARIFICATION:_____

13. Admit that kidnapping of a “person” is a crime in violation of 18 U.S.C. §1201.

18 U.S.C. §1201 - Kidnapping

(a)Whoever unlawfully seizes, confines, inveigles, decoys, kidnaps, abducts, or carries away and holds for ransom or reward or otherwise any person, except in the case of a minor by the parent thereof, when—

(1)the person is willfully transported in interstate or foreign commerce, regardless of whether the person was alive when transported across a State boundary, or the offender travels in interstate or foreign commerce or uses the mail or any means, facility, or instrumentality of interstate or foreign commerce in committing or in furtherance of the commission of the offense;

(2)any such act against the person is done within the special maritime and territorial jurisdiction of the United States;

(3)any such act against the person is done within the special aircraft jurisdiction of the United States as defined in section 46501 of title 49;

(4)the person is a foreign official, an internationally protected person, or an official guest as those terms are defined in section 1116(b) of this title; or

(5)the person is among those officers and employees described in section 1114 of this title and any such act against the person is done while the person is engaged in, or on account of, the performance of official duties,

shall be punished by imprisonment for any term of years or for life and, if the death of any person results, shall be punished by death or life imprisonment.

14. Admit that all law is prima facie territorial.

“The canon of construction which teaches that legislation of Congress, unless a contrary intent appears, is meant to apply only within the territorial jurisdiction of the United States, Blackmer v. United States, *supra*, at 437, is a valid approach whereby unexpressed congressional intent may be ascertained. It is based on the assumption that Congress is primarily concerned with domestic conditions.”
[Foley Brothers, Inc. v. Filardo, 336 U.S. 281 (1949)]

“The laws of Congress in respect to those matters [outside of Constitutionally delegated powers] do not extend into the territorial limits of the states, but have force only in the District of Columbia, and other places that are within the exclusive jurisdiction of the national government.”
[Caha v. U.S., 152 U.S. 211 (1894)]

“There is a canon of legislative construction which teaches Congress that, unless a contrary intent appears [legislation] is meant to apply only within the territorial jurisdiction of the United States.”
[U.S. v. Spelar, 338 U.S. 217 at 222.]

YOUR ANSWER: ____Admit ____Deny

CLARIFICATION:_____

15. Admit that treating someone AS IF they were physically located in a place that they are not, or treating them as a civil “person” in that place, has the practical effect of kidnapping either them or their legal civil identity.

YOUR ANSWER: ____Admit ____Deny

CLARIFICATION:_____

6 AFFIRMATION

I declare under penalty of perjury as required under 26 U.S.C. §6065 that the answers provided by me to the foregoing questions are true, correct, and complete to the best of my knowledge and ability, so help me God. I also declare that these answers are completely consistent with each other and with my understanding of both the Constitution of the United States, Internal Revenue Code, Treasury Regulations, the Internal Revenue Manual (I.R.M.), and the rulings of the Supreme Court but not necessarily lower federal courts.

Name (print):_____

1 Signature:_____

2 Date:_____

3 Witness name (print):_____

4 Witness Signature:_____

5 Witness Date:_____